

HOUSE BILL REPORT

HB 2628

As Passed Legislature

Title: An act relating to manufacture of methamphetamine.

Brief Description: Increasing the penalty for manufacture of methamphetamine.

Sponsors: Representatives Schoesler, Quall, Costa, O'Brien, Dunshee, Ballasiotes, Dyer, Thompson, Wolfe and Lambert; by request of Governor Locke.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/30/98, 2/5/98 [DP];

Appropriations: 2/7/98 [DP].

Floor Activity:

Passed House: 2/13/98, 98-0.

Passed Legislature.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 10 members: Representatives Ballasiotes, Chair; Benson, Vice Chairman; Koster, Vice Chairman; Quall, Ranking Minority Member; O'Brien, Assistant Ranking Minority Member; Cairnes; Dickerson; McCune; Mitchell and Sullivan.

Staff: Mark Hamilton (786-7310).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 30 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Benson; Carlson; Chopp; Cody; Cooke; Crouse; Grant; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Parlette; Poulsen; Regala; D. Schmidt; Sehlin; Sheahan; Talcott and Tokuda.

Staff: Dave Johnson (786-7154).

Background: Currently, the manufacture of, delivery of, or possession with intent to deliver methamphetamine is classified at seriousness Level VIII under the sentencing guidelines. These offenses are therefore punishable by between 21 and 144 months imprisonment.

Summary of Bill: Amends Table 2 of the Sentencing Guidelines, specifying the crimes within each seriousness level by elevating the manufacture of methamphetamine to seriousness Level X, which is punishable by between 51 and 198 months imprisonment. The delivery of or possession with intent to deliver methamphetamine remains a Level VIII offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Bill: The amendments made by this bill apply to offenses committed on or after July 1, 1998.

Testimony For: (Criminal Justice & Corrections) Methamphetamine laboratories are "very toxic, very dangerous, and way too common." These labs are extremely dangerous to everyone involved, including the operator of the lab, other people who may reside in or visit the lab site (including children), neighbors, police, and response teams. Signs of children are found in approximately 40 percent of methamphetamine labs, and children are actually present in five to seven percent of the labs when raided. Because of the danger, the current punishment for manufacture of methamphetamine is an inadequate deterrent.

Methamphetamine is extremely addictive, and those who use it are constant, repeat offenders. Moreover, lab operators often are addicted users. The drug is cheap to produce, thus giving a potential for great profit. In addition, when used in combination with other drugs, it extends the "high" experienced by the user, which makes it popular among drug users.

Many of the chemicals used in these labs are cancer-causing and explosive. Because the labs are relatively easy to set up, and the chemicals used are readily available, labs may be set up in homes, on rental property, in motels, or even in vehicles.

The substances used to make methamphetamine are so toxic that response teams must wear protective "moon suits" to prevent exposure to the toxins. Moreover, those toxins may contaminate the property, penetrate the wood of the building, and even seep into the groundwater, causing lasting danger and expense to property owners, neighbors, and those in the proximity of the lab, even after the lab has been dismantled by authorities.

(Appropriations) Methamphetamine crime is a growing concern and the manufacture of methamphetamine represents a real danger. Other states have increased penalties and some manufacturers may be moving to Washington.

Testimony Against: (Criminal Justice & Corrections) None.

(Appropriations) None.

Testified: (Criminal Justice & Corrections) Representative Mark Schoesler, prime sponsor; and Annette Sandberg, Chief, Washington State Patrol.

(Appropriations) Larry Erickson, Washington Association of Sheriffs and Police Chiefs.