

FINAL BILL REPORT

EHB 2791

PARTIAL VETO

C 81 L 98

Synopsis as Enacted

Brief Description: Fighting methamphetamine.

Sponsors: Representatives Schoesler, Doumit, Sheahan, Ballasiotes, Radcliff, Sump, Sullivan, Mielke, Buck, Alexander, Boldt, Sterk, Crouse, Smith, Van Luven, Hickel, Koster, Mulliken, Johnson, Wensman, D. Sommers, Backlund and DeBolt.

House Committee on Criminal Justice & Corrections
Senate Committee on Law & Justice

Background: Ephedrine and pseudoephedrine are two substances used to manufacture methamphetamine. The possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is classified as a seriousness level VIII, class B felony under the sentencing guidelines. A person who violates this law may be imprisoned for not more than 10 years, fined not more than \$25,000, or both.

The process of methamphetamine production is highly dangerous and toxic, and the costs of cleaning up a methamphetamine lab can be expensive. Local governments are not authorized to use state funding for the clean-up of methamphetamine sites.

Under what is commonly referred as the "Three Strikes and You're Out" law, a persistent offender is subject to a sentence of life imprisonment. A person is considered a "persistent offender" if he or she commits three most serious offenses. A "most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

- any felony defined under any law as a class A felony;
- assault in the second degree;
- assault of a child in the second degree;
- child molestation in the second degree;
- controlled substance homicide;
- extortion in the first degree;
- incest when committed against a child under age 14;
- indecent liberties;
- kidnapping in the second degree;
- leading organized crime;
- manslaughter in the first degree;
- manslaughter in the second degree;

- promoting prostitution in the first degree;
- rape in the third degree;
- robbery in the second degree;
- sexual exploitation;
- vehicular assault;
- any other class B felony offense with a finding of sexual motivation; and
- any other felony with a deadly weapon verdict.

Summary: The offense of manufacturing or possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor resides is included in the list of "most serious offenses." This offense will count as a strike under the three strikes law.

Local governments are authorized to use funding in the local toxics control account for the assessment and cleanup of sites of methamphetamine productions, however, funds from this account may not be used for the initial containment of such a site. In addition, if this act requires an increased level of service by local governments, the local governments may submit claims to the state for state reimbursement.

Votes on Final Passage:

House 96 0
Senate 38 10 (Senate amended)
House 95 1 (House concurred)

Effective: June 11, 1998

Partial Veto Summary: Vetoes the provision that included the offense of manufacturing or possessing ephedrine or pseudoephedrine with intent to manufacture methamphetamine in or near a residence in which a minor or pregnant woman resides in the list of "most serious offenses." This provision would have made the offense count as a strike under the three strikes law.