

**HOUSE BILL ANALYSIS**  
**HB 2791**

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**Title:** An act relating to methamphetamine.

**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.

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**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS**

**Hearing Date:** February 4, 1998.

**Prepared By:** Yvonne Walker, Research Analyst (786-7841).

**Background:** Ephedrine and pseudoephedrine are two substances used to manufacture methamphetamine. Currently, 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 ten years, fined not more than twenty-five thousand dollars, or both.

Under what is commonly referred as the “Three Strikes and You’re Out” law, 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:

- (a) Any felony defined under any law as a class A felony;
- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;

- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;
- (q) Vehicular assault;
- (r) Any other class B felony offense with a finding of sexual motivation; and
- (s) 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 will count as a strike under the three strikes law.

In addition, funds may also be appropriated to local departments of health for a program to assist in the cleanup of sites of methamphetamine production. Funds from this program cannot be used for the initial containment of such a site.

**Rules Authority:** No.

**Fiscal Note:** Requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.