

HOUSE BILL REPORT

SSB 6260

As Passed House:

March 3, 2000

Title: An act relating to manufacture of a controlled substance with children present.

Brief Description: Increasing penalties for manufacturing a controlled substance when children are present.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/22/00, 2/23/00 [DP];

Appropriations: 2/26/00 [DP].

Floor Activity:

Passed House: 3/3/00, 98-0.

Brief Summary of Substitute Bill

- Adds an additional two-year sentencing enhancement on to an offender's presumptive sentence if an offender is convicted of operating a methamphetamine lab in the presence of a child.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 29 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Alexander; Benson; Boldt; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Lambert; Linville; Lisk; Mastin; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sump and Tokuda.

Staff: Dave Johnson (786-7154).

Background:

The manufacturing of methamphetamine is a seriousness level X, class B felony. An offender who does not have any criminal history receives a presumptive sentencing range of 51-68 months in prison.

Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is a seriousness level VIII, class B felony. An offender who does not have any criminal history receives a presumptive sentence range of 21-27 months in prison.

Two-year sentence enhancements are often added to an offender's sentence when certain crimes involving controlled substances are manufactured, sold, delivered, or possessed in public areas such as at or near schools, parks, public transit, drug free zones, or civic centers.

Summary of Bill:

If a court makes a finding of fact or in a jury trial if the jury finds a special verdict that (1) an offender manufactured methamphetamine or possessed ephedrine or pseudoephedrine with intent to manufacture methamphetamine and (2) the underlying crime was committed when a person under the age of 18 was present in or on the premises of the place where the methamphetamine was being manufactured, then an additional two year enhancement will be added to the offender's presumptive sentence.

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Criminal Justice & Corrections: No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Criminal Justice & Corrections) In areas where methamphetamine is being manufactured the children are the victims. Some statistics from last year, showed that out of 47 methamphetamine lab busts, there were 102 children present and 72 out of those 102 children tested positive for chemicals in their blood.

Offenders have been known to hide methamphetamine in babies' bottles and under cribs. They have also manufactured methamphetamine in the same bathtubs that their children bathe in and on the same kitchen counters that is used to prepare food for their children. These children do not have a choice as to where they can go or live, they are at the complete mercy of their parents.

This bill is an important step in protecting children.

(Appropriations) None.

Testimony Against: (Criminal Justice & Corrections)None.

(Appropriations) None.

Testified: (Criminal Justice & Corrections)Senator Rasmussen, prime sponsor; Helen Myrick, Greater Pierce County Community Network; Garrett Cooper, Greater Pierce County Community Network; Betty Beer, Greater Pierce County Community Network; and Dale Brandland, Washington Association of Sheriffs and Police Chiefs.

(Appropriations) None.