

HOUSE BILL ANALYSIS

HB 1375

Title: An act relating to manufacturing methamphetamine.

Brief Description: Adding methamphetamine manufacture to the "strike" list.

Sponsors: Representatives Schoesler, Doumit, Mielke, Sump, Cairnes, Boldt, McDonald, Lisk, Delvin, O'Brien, Radcliff, DeBolt, Carrell, Sheahan, Dunn, Esser, Bush and Mulliken.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

Staff: Yvonne Walker (786-7841).

Background:

The manufacturing of methamphetamine is a seriousness level X, class B felony. 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 either law may be imprisoned for not more than 10 years, fined not more than \$20,000, or both.

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;
- kidnaping 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 or pregnant woman resides is included in the list of "most serious offenses." This offense will count as a strike under the three strikes law.

Fiscal Note: Available.

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