

SENATE BILL REPORT

SB 5049

As Reported By Senate Committee On:
Judiciary, February 22, 1999
Ways & Means, March 2, 1999

Title: An act relating to methamphetamine manufacture.

Brief Description: Enhancing penalties for manufacturing methamphetamines inside a conveyance.

Sponsors: Senators Rasmussen, Goings, Franklin, T. Sheldon, Swecker and Patterson.

Brief History:

Committee Activity: Judiciary: 2/15/99, 2/22/99 [DPS-WM, DNPS]
Ways & Means: 3/1/99, 3/2/99 [DPS (JUD)].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5049 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Heavey, Chair; Costa, Goings, Hargrove, Haugen, Long, McCaslin, Roach and Thibaudeau.

Minority Report: Do not pass substitute.

Signed by Senator Kline, Vice Chair.

Staff: Harry S. Steinmetz (786-7421)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5049 as recommended by Committee on Judiciary be substituted therefor, and the substitute bill do pass.

Signed by Senators Loveland, Chair; Bauer, Vice Chair; Brown, Vice Chair; Honeyford, Kline, Kohl-Welles, Long, McDonald, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, West, Winsley, Wojahn and Zarelli.

Staff: Bryon Moore (786-7726)

Background: Current law provides for an additional 24-month sentence when certain 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. Methamphetamine laboratories are getting more sophisticated and portable. A growing number of these laboratories are being operated in travel trailers, rental trucks, and vans. It has been suggested that mobile laboratories pose an additional risk to the general public because of the potential spread of toxic materials.

Summary of Substitute Bill: A two-year enhancement is created for a person convicted of manufacturing methamphetamine, or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine or an attempt to commit or conspiracy to commit the above crimes if the underlying crime was committed (a) inside a motor vehicle, trailer, or vessel; (b) inside a house, apartment, mobile home, hotel, motel, or any other dwelling or residence; (c) within 1000 feet of a child; or (d) within one mile of a school.

The prosecutor must plead the special allegation and prove it beyond a reasonable doubt. If the judge or jury convicts the defendant of the underlying crimes, only then do they consider the special allegation. Finding the special allegation true automatically triggers a 24-month enhancement on top of the defendant's sentence for the underlying crime.

Substitute Bill Compared to Original Bill: The special allegation for committing the crime inside a house, apartment, mobile home, hotel, motel, or any other dwelling or residence; or within 1000 feet of a child; or within one mile of a school was added.

Appropriation: None.

Fiscal Note: Requested on February 25, 1999.

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

Testimony For: The method of manufacturing methamphetamine has changed in the last year. There is a shortened method that allows a batch to be produced in 30 minutes. Since the batch size is smaller, it can be produced in a car or in trailers or on boats. This creates a huge potential for toxic spills if there is an accident. The Department of Ecology is swamped with calls to respond to methamphetamine labs. There has been a 900 percent increase since 1994. In 1998 there were 349 methamphetamine labs responded to and in 1997 there were 200. The numbers are staggering. In 1998 approximately, 36 percent of the discovered methamphetamine labs were in vehicles. Thus far in 1999, approximately 50 percent have been discovered in vehicles. One accident shut down SR 82 for five to six hours. In one situation in Mason County the offenders threw the material out of the car window during a high speed chase. The health risks are serious and the costs of responding to these methamphetamine labs are increasing.

Testimony Against: The number of prosecutions for manufacturing methamphetamine is up only 8 percent. Last year, the Legislature passed a law providing for a two-year enhancement for manufacturing methamphetamine. Let's at least wait to see if the law has the desired effect.

Testified: PRO: Doug Hill, Pierce County Prosecuting Attorney's Office; Brian Peyton, Department of Health; Roger Lake, WA State Narcotics Investigators Assoc.; Mike Patrick, WACOPS; Jim Chromey, WSP; Steve Hunter, Dept. of Ecology. CON: Sherry Appleton, WDA/WACDL, Bill Jaquette, WACDL.