

SENATE BILL REPORT

SB 6260

As Reported By Senate Committee On:
Judiciary, February 4, 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: Senators Rasmussen, Heavey, Haugen, Goings, Oke and Gardner.

Brief History:

Committee Activity: Judiciary: 1/17/2000, 2/4/2000 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6260 be substituted therefor, and the substitute bill do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Roach and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is a class B felony ranked at level VIII on the sentencing grid. Manufacture of methamphetamine is a class B felony ranked at level X on the sentencing grid. 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.

Summary of Substitute Bill: A person convicted of manufacturing methamphetamine, or possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine receives a 24-month sentence enhancement in addition to the standard sentence if the underlying crime was committed when a person under the age of 18 was present in or upon the premises.

The prosecutor must plead the special allegation and prove it beyond a reasonable doubt. The judge or jury only consider the special allegation after the offender is convicted of the underlying crime.

Substitute Bill Compared to Original Bill: It is clarified that the enhancement only applies to convictions relating to manufacture of methamphetamine. Attempt and conspiracy to manufacture are removed to eliminate an internal inconsistency. It is clarified that a person under 18 years of age must have been in or upon the premises rather than at the location.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The nature of methamphetamine addiction is associated with poor parenting. Parents are sometimes experimenting on their own children. Methamphetamine manufacture poses severe risks of explosion and chemical toxicity.

Testimony Against: None.

Testified: PRO: Senator Rasmussen, prime sponsor; Mike Patrick, Washington Council of Police and Sheriffs, Maryanne Guichard, Washington Department of Health; Roger Lake, Washington State Narcotics Association.