

HOUSE BILL REPORT

HB 1197

As Reported by House Committee On:

Criminal Justice & Corrections

Title: An act relating to increasing penalties for manufacturing methamphetamine.

Brief Description: Increasing penalties for manufacturing methamphetamine.

Sponsors: Representatives Morell, O'Brien, Ballasiotes, Schoesler, Benson, Fromhold, D. Schmidt, Kirby, Delvin, Carrell, Bush, Ahern, Roach, Marine, Boldt, Pearson, Conway, Woods, Van Luven, Campbell and Hurst.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/31/01, 2/14/01 [DP].

Brief Summary of Bill

- Increases the maximum term of imprisonment for the crime of manufacturing methamphetamine to 20 years.
- Increases the portion of criminal fines that are to be earmarked for cleanup of methamphetamine sites.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kirby and Morell.

Minority Report: Do not pass. Signed by 1 member: Representative Kagi.

Staff: Jean Ann Quinn (786-7310).

Background:

For the purposes of the Sentencing Reform Act (SRA), an offense that carries a maximum term of imprisonment of 20 years or more is treated as a class A felony; an offense that carries a maximum term of imprisonment of at least eight years but less than

20 years is a class B felony; and an offense that carries a maximum term of imprisonment of less than eight years is treated as a class C felony.

An offender who commits three most serious offenses– or strikes– is considered a persistent offender and is subject to a sentence of life imprisonment. The term most serious offense– is defined to include all class A felonies and several other enumerated offenses.

The crime of manufacturing, delivering, or possessing with the intent to deliver, methamphetamine is punishable by a prison term of not more than 10 years, thus it is a class B felony for the purposes of the SRA. The manufacture of methamphetamine is currently ranked seriousness level X on the sentencing grid. The standard sentence range for a level X offense for an adult offender with no prior criminal history is 51 to 68 months. Depending on the circumstances of the crime, there are also enhancements that may apply, such as an additional 24 months if the crime is committed when a child is present. Delivering, or possessing with the intent to deliver, methamphetamine is a level VIII offense, which carries a standard sentence range of 21 to 27 months for a first time offender. With respect to juveniles, these crimes are all B+ offenses, meaning that the standard sentence for a first time offender is 15-36 weeks confinement.

An offender who commits one of these methamphetamine-related crimes is also subject to fines as follows: (1) up to \$25,000 if the crime involved less than two kilograms of the drug; or (2) up to \$100,000 for the first two kilograms and \$50 for each gram in excess of two kilograms, if the crime involved more than two kilograms. The first \$3,000 of the fine may not be suspended, and must be given to law enforcement for cleanup of the lab or site.

Summary of Bill:

The maximum prison term for the crime of manufacturing methamphetamine is increased to 20 years, thus making it a class A felony and a strike– under the persistent offender statute. No change is made to the seriousness level ranking of the crime for adults or juveniles. The amount of the potential fine that may be assessed against an offender convicted of manufacturing methamphetamine is unchanged, but the portion that cannot be suspended and must be earmarked for cleanup is increased to \$5,000.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This is not a new bill. The idea of making manufacturing methamphetamine a strike has been around since 1998 in one form or another. In 1998 the House unanimously passed a strike bill for methamphetamine and the Senate passed it with strong bipartisan support. Governor Locke vetoed the bill arguing that it was not a violent crime. The Governor supported a measure adding a couple of years to the sentences of those convicted in the hopes that the threat of more time behind bars would be enough to deter these crimes. Three years have passed since we took this less aggressive approach and we are losing the fight. The number of meth labs in Pierce County and around the state has increased dramatically in the last three years. It is clear that we need a serious deterrent to battle this serious crime. The crime may not sound violent by name, but it is violent because of the nature of the damage it inflicts.

Testimony Against: None.

Testified: Representative Morell, prime sponsor.