

***Children & Family Services  
Committee***

***HB 2082***

***Brief Description:*** Presuming that it is negligent treatment to expose a child to a methamphetamine manufacturing site.

***Sponsors:*** Representatives Darneille, Campbell, Dickerson, Ballasiotes, O'Brien, Boldt, Tokuda, Bush, Simpson, Morell, Kirby, Conway, Kenney, Woods, Ahern, Hurst and Schual-Berke.

***Brief Summary of Bill***

- *Creates the rebuttable presumption that a child has suffered negligent treatment or maltreatment if the child is found in a place where methamphetamine is being manufactured or methamphetamine paraphernalia is openly accessible to the child.*

***Hearing Date:*** 2/21/01

***Staff:*** Tracey Taylor (786-7196).

***Background:***

*The manufacture of methamphetamine is a class B felony. A person convicted of manufacturing 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 or on the premises.*

*Under current law, the negligent treatment or maltreatment of a child requires an act or omission so serious as to constitute a clear and present danger to child's health, welfare and safety.*

*In the law of evidence, a rebuttable presumption occurs when a particular effect is given to a certain group of facts in absence of further evidence, and the presumption provides prima facie case which shift to the defendant the burden to introduce evidence to contradict or rebut the fact presumed.*

***Summary of Bill:***

***For the purposes of determining if a child is receiving negligent treatment or maltreatment, there is a rebuttable presumption of negligent treatment or maltreatment if the child is found in a place where methamphetamine is being manufactured or where methamphetamine paraphernalia is openly accessible to the child.***

***Appropriation: None.***

***Fiscal Note: Requested on February 15, 2001.***

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