

FINAL BILL REPORT

SHB 2610

C 229 L 02

Synopsis as Enacted

Brief Description: Providing criminal penalties for endangerment of children and dependent persons with a controlled substance.

Sponsors: By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Darneille, Morell, Tokuda, O'Brien, Upthegrove, Kirby and Campbell).

House Committee on Criminal Justice & Corrections
House Committee on Appropriations
Senate Committee on Judiciary

Background:

Controlled Substances around Children. A controlled substance is generally defined as a drug, substance, or immediate precursor that is included in the Uniform Controlled Substance Act and listed in various schedules with regard to their potential for abuse.

Generally, under the Uniform Controlled Substance Act, it is illegal for any person to possess, sell, manufacture, or deliver controlled substance. A person convicted of a controlled substance offense receives a sentence within the standard range for the offense which, under the Sentencing Reform Act, is calculated using the seriousness level of the current offense and the extent of the offender's criminal history.

Two-year sentence enhancements are often added to an offender's sentence for certain crimes involving controlled substances that are manufactured, sold, delivered, or possessed in public areas such as at or near schools, parks, public transit, drug free zones, or civic centers.

Furthermore, in methamphetamine cases, if a court makes a finding of fact or in a jury trial if the jury finds a special verdict that: (1) an offender manufactured methamphetamine or possessed ephedrine or pseudoephedrine with intent to manufacture methamphetamine and (2) the underlying crime was committed when a person under the age of 18 was present in or on the premises of the place where the methamphetamine was being manufactured, then an additional two-year enhancement is added to the offender's presumptive sentence.

Background Checks. Employers may require background checks on any prospective employee or volunteer who may have unsupervised access to children or vulnerable adults. If requested by a business or organization, the Washington State Patrol must

disclose certain conviction records relating to the prospective employee. One of those records that must be disclosed is any conviction for "crimes committed against children or other persons" which include such offenses as murder, assault, robbery, rape, kidnapping, arson, burglary, and child abuse or neglect.

Summary:

A new crime is created within the Criminal Mistreatment Act called "endangerment with a controlled substance."

Controlled Substances around Children. A person commits endangerment with a controlled substance if the person knowingly or intentionally permits a dependent child or dependent adult to be exposed to, ingest, inhale, or have contact with:

- methamphetamine; or
- ephedrine, pseudoephedrine, or anhydrous ammonia that are being used in the manufacture of methamphetamine.

Endangerment with a controlled substance is a seriousness level IV, class B felony. (A person with no prior criminal history would receive a presumptive sentence range of three to nine months in jail.)

Background Checks. For the purpose of disclosing conviction records during background checks, the list of "crimes committed against children or other persons" is expanded to include endangerment with a controlled substance.

Votes on Final Passage:

House 98 0
Senate 49 0 (Senate amended)
House 95 0 (House concurred)

Effective: March 28, 2002