
**Criminal Justice & Corrections
Committee**

HB 1423

Brief Description: Increasing penalties for manufacturing methamphetamine.

Sponsors: Representatives Ahern, Pearson, Kristiansen, Sump, Cairnes, McCoy, Mielke, McMahan, Sehlin, Benson, Crouse, Roach, Cox, Schoesler, Anderson, Lovick, Priest, Berkey, Kirby, Hunt, Shabro, Schindler, Boldt, Bush, Alexander, Newhouse, Chandler, Woods, Sullivan, Rockefeller, Conway, Condotta, Hudgins and Campbell.

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.

Hearing Date: 2/5/03

Staff: Yvonne Walker (786-7841).

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 as a seriousness level X on the SRA sentencing grid for crimes committed prior to July 1, 2004. The standard sentence range for a level X offense for an adult offender with no prior criminal history is 51 to 68 months. It is ranked as a seriousness level III on the drug grid for crimes committed on or after July 1, 2004. The standard sentence range for a level III drug offense for an adult offender with no prior criminal history is also 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 for crimes committed prior to July 1, 2004. For crimes committed on or after July 1, 2004, then it is ranked as a seriousness level II on the drug grid which carries a standard sentence range of 12 + to 20 months. 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 is 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 is 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: The bill takes effect ninety days after adjournment of session in which bill is passed, except sections 5 and 7, which takes effect July 1, 2004.