

SENATE BILL REPORT

SB 5442

As Reported By Senate Committee On:
Judiciary, February 14, 2003

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

Brief Description: Increasing penalties for manufacturing methamphetamine.

Sponsors: Senators Roach, Oke and Rasmussen.

Brief History:

Committee Activity: Judiciary: 2/5/03, 2/14/03 [DPS, DNP].
Ways & Means: 2/26/03.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Johnson and Roach.

Minority Report: Do not pass.

Signed by Senators Hargrove and Kline.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Chelsea Buchanan (786-7446)

Background: The 2002 Legislature established a new drug sentencing grid that becomes effective on July 1, 2004. Generally, under the provisions of the new grid, crimes involving the possession of controlled substances may receive shorter terms of incarceration, while sentences for drug offenses involving manufacture or distribution for profit were not significantly changed. The monetary savings from the reduced incarceration time will be used to fund local drug courts and treatment opportunities, as well as increased treatment in prison. Triple scoring will also be eliminated for all drug offenses, except for one.

The Legislature identified the manufacture of methamphetamine as a crime of significant effect and scope. Accordingly, Manufacture of Methamphetamine will be ranked at the highest level on the new drug sentencing grid (51 to 68 months for a first offense) and triple scoring of past Manufacture of Methamphetamine convictions will be retained. Manufacture of Methamphetamine is a class B felony. Upon a finding of an applicable aggravating circumstance, a court may order a term of up to ten years imprisonment for a class B felony. A sentence outside the standard range is subject to appeal, however.

Summary of Substitute Bill: The maximum period of incarceration for Manufacture of Methamphetamine is increased from ten years to 20 years. Because Manufacture of Methamphetamine is made a class A felony, it is a "most serious offense" counting as a "strike" for purposes of the persistent offender provisions. The minimum fine is increased from \$3,000 to \$5,000. The first \$5,000 of any fine for this offense goes to the law enforcement agency having responsibility for cleanup of methamphetamine laboratories and must be used for that purpose.

Substitute Bill Compared to Original Bill: It is clarified that Manufacture of Methamphetamine is a class A felony.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The manufacture of methamphetamine has dramatic effects on our communities and needs to be more severely punished regardless of the costs. Society needs to get these criminals out of our neighborhoods.

Testimony Against: There are no statistics showing that increased penalties are cost effective in addressing recidivism. Some of these people are addicts that can be treated effectively. Strike offenses should be violent crimes.

Testified: Senator Roach, prime sponsor (pro); Sherry Appleton, WDA,WACDL (con); Tom McBride, WAPA (concerns).