

SB283 CC 3-9

90 Days

Lovell 7908

Delegate Weld, from the committee of conference on matters of disagreement between the two houses, as to

Eng. Com. Sub. for Senate Bill 283, Creating crime when fire is caused by operation of a clandestine drug laboratory.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute for Senate Bill 283 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That both houses recede from their respective positions as to the amendment of the House of Delegates, striking out everything after the enacting clause, and agree to the same as follows:

That §60A-4-411 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-411. Operating or attempting to operate clandestine drug laboratories; offenses; penalties.

1 (a) Any person who operates or attempts to operate a clandestine drug laboratory is guilty
2 of a felony and, upon conviction, shall be confined in a state correctional facility for not less than
3 two years nor more than ten years or fined not less than \$5,000 nor more than \$25,000, or both.

4 (b) Any person who operates or attempts to operate a clandestine drug laboratory and
5 who as a result of, or in the course of doing so, causes to be burned any dwelling, outbuilding,
6 building or structure of any class or character is guilty of a felony and, upon conviction thereof,

7 shall be fined not less than \$1,000 nor more than \$5,000, or imprisoned in a state correctional
8 facility for not less than one nor more than five years, or both fined and imprisoned.

9 ~~(b)~~ (c) For purposes of this section, a "clandestine drug laboratory" means any property,
10 real or personal, on or in which a person assembles any chemicals or equipment or combination
11 thereof for the purpose of manufacturing methamphetamine, methylenedioxymethamphetamine
12 or lysergic acid diethylamide in violation of the provisions of section four hundred one of this
13 article.

14 (d) The offenses in subsections (a) and (b) of this section are separate and distinct
15 offenses, and subsection (a) shall not be construed to be a lesser included offense of subsection
16 (b).

17 (e) For purposes of W.Va. Code §60A-2-1, both subsection (a) and (b) of this section shall
18 be deemed qualifying felony offenses of manufacturing and delivery of a controlled substance.

19 ~~(e)~~ (f) Any person convicted of a violation of subsection (a) or (b) of this section shall be
20 responsible for all reasonable costs, if any, associated with remediation of the site of the
21 clandestine drug laboratory.

And,

That both houses recede from their respective positions as to the title of the bill and agree
to the same as follows:

Eng. Com. Sub. for S. B. 283- - A Bill to amend and reenact §60A-4-411 of the Code of
West Virginia, 1931, as amended, relating to creating a crime of causing the burning of a dwelling,
outbuilding, building or other structure while operating or attempting to operate a clandestine drug
laboratory; establishing criminal penalties; clarifying the offense as a separate and distinct offense
from operation or attempted operation of a clandestine drug laboratory; making clear that the
operation or attempted operation of a clandestine drug lab is not a lesser included offense;
providing that the offenses are qualifying felony offenses of manufacturing and delivery of a
controlled substance for purposes of first degree murder; and providing for payment of all

reasonable costs, if any, associated with remediation of the site of the clandestine drug laboratory upon conviction.

Respectfully submitted,

Ryan Weld,
Chair.

Ryan J. Ferns,
Chair.

Kelli Sobonya,

Greg Boso,

Steven Shaffer,
*Conferees on the part of the House
of Delegates.*

Mike Woelfel,
Conferees on the part of the Senate.