

1 **CLANDESTINE DRUG LAB AMENDMENTS**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Pete Suazo**

5 AN ACT RELATING TO CRIMINAL LAW; INCREASING THE PENALTY FOR  
6 OPERATING A CLANDESTINE DRUG LABORATORY IF CHILDREN ARE PRESENT.

7 This act affects sections of Utah Code Annotated 1953 as follows:

8 AMENDS:

9 **58-37d-5**, as last amended by Chapter 64, Laws of Utah 1997

10 *Be it enacted by the Legislature of the state of Utah:*

11 Section 1. Section **58-37d-5** is amended to read:

12 **58-37d-5. Prohibited acts -- First degree felony.**

13 (1) A person who violates Subsection 58-37d-4(1)(a), (b), (e), or (f) is guilty of a first  
14 degree felony if the trier of fact also finds any one of the following conditions occurred in  
15 conjunction with that violation:

16 (a) possession of a firearm;

17 (b) use of a booby trap;

18 (c) illegal possession, transportation, or disposal of hazardous or dangerous material or  
19 while transporting or causing to be transported materials in furtherance of a clandestine laboratory  
20 operation, there was created a substantial risk to human health or safety or a danger to the  
21 environment;

22 (d) intended laboratory operation was to take place or did take place within 500 feet of a  
23 residence, place of business, church, or school;

24 (e) any phase of the clandestine laboratory operation or production or manufacture of a  
25 controlled or counterfeit substance involved or was conducted in the presence of a person less than  
26 18 years of age;

27 (f) clandestine laboratory operation actually produced any amount of a specified controlled

**\*SB0192\***

1 substance; or

2 (g) intended clandestine laboratory operation was for the production of cocaine base or  
3 methamphetamine base.

4 (2) If the trier of fact finds that two or more of the conditions listed in Subsections (1)(a)  
5 through (g) of this section occurred in conjunction with the violation, at sentencing for the first  
6 degree felony:

7 (a) probation shall not be granted;

8 (b) the execution or imposition of sentence shall not be suspended; and

9 (c) the court shall not enter a judgment for a lower category of offense.

---

---

**Legislative Review Note**  
**as of 2-3-98 10:25 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**