



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'Mara legislation targets meth labs: Harsher penalties would face cooks, including arson charges

THOMAS F. O'MARA February 14, 2018

| ISSUE: **METHAMPHETAMINE**



Explosions and fires caused by meth labs have caused death, injuries, and extensive property damage across the Southern Tier and Finger Lakes regions. The hazardous and toxic chemicals associated with these labs pose unacceptable risks to our neighborhoods and the public at large, as well as to the safety of police officers, firefighters, and other first responders.

**Elmira, N.Y., February 14**—In addition to his work as a member of the Senate Task Force on Heroin and Opioid Addiction, State Senator Tom O'Mara (R,C,I-Big Flats) has introduced legislation targeting the resurgence of methamphetamine-related crimes locally and across

New York State by significantly increasing the criminal penalties for manufacturing, selling, and possessing the illegal and highly toxic and addictive drug.

One of O'Mara's recently introduced pieces of legislation (**S7673**) targets one of the worst dangers associated with clandestine meth labs: explosions and fires. The legislation calls for adding the crime of first degree arson, a Class A-1 felony punishable by up to 20 years in prison, to the list of charges that could be levelled against a meth cooker who causes a fire or an explosion that damages property or injures another person.

There have been increasing incidents of meth lab explosions and fires in recent years in Corning, Elmira, Elmira Heights, Hornell, and other areas, O'Mara said. He also pointed to the 2011 death of a 20-year-old Elmira woman, Kanisha Wood, in a meth lab fire in a rural cabin in Baldwin.

The crime of arson currently only covers intentional acts. Since explosions and fires involving meth labs are considered unintentional "accidents," cookers cannot be charged under New York's arson statutes.

O'Mara believes they should be.

"Explosions and fires caused by meth labs have caused death, injuries, and extensive property damage across the Southern Tier and Finger Lakes regions. The hazardous and toxic chemicals associated with these labs pose unacceptable risks to our neighborhoods and the public at large, as well as to the safety of police officers, firefighters, and other first responders. Our laws need to be as tough and as thorough as they can possibly be to try to deter and punish the irresponsible meth cookers who have no regard for the health and safety of the rest of us," said O'Mara.

Another piece of legislation (**S2123**) O'Mara sponsors would increase the criminal penalties for the possession of meth manufacturing material and the unlawful manufacture of meth, implementing a series of increasingly severe felony offenses.

O'Mara is also sponsoring the following meth-related legislation to:

- > increase the criminal penalties for the possession and/or sale of the drug by implementing an increasingly severe set of felony offenses (**S2824**). If enacted into law, state penalties in response to meth would be brought more in line with the penalties for possessing and selling cocaine and heroin; and

- > enhance the ability of local police and district attorneys to track and prosecute violations of restrictions on over-the-counter sales of cold medications that are key ingredients used in the manufacturing of methamphetamine (**S1236**). O'Mara co-sponsors this measure in the Senate.

The Senate has consistently given strong, bipartisan support to O'Mara's meth proposals over the past several years, but the measures have stalled in the Democrat-controlled Assembly.

Over the past few years, Southern Tier law enforcement officials have issued warnings about the disposal of "one-pot" meth labs along regional highways and roadsides, and in wooded areas, where they pose a danger to local residents, children, hikers and highway crews, as well as police officers and first responders.

O'Mara has highlighted the increasing frequency of meth lab-related arrests and other incidents across the Southern Tier and Finger Lakes regions as the impetus for imposing stricter criminal penalties for possessing the material to make or for manufacturing the dangerous and highly addictive drug. The legislation (S2123) he sponsors includes a provision

making it a Class A-1 felony, punishable by up to 20 years in prison, for criminals convicted of operating a meth lab for the second time in five years. Currently that Class B felony carries a maximum prison sentence of nine years. The legislation also establishes the crime of manufacturing meth in the presence of a child under the age of 16 as a Class B felony. The possession of methamphetamine manufacturing material in the first degree would increase from a Class E to a Class D felony, punishable by up to two-and-a-half years in prison.

“From bath salts, heroin and opioids to meth and synthetics, the resurgence of these drugs has become alarming across the Southern Tier and Finger Lakes regions,” said O’Mara. “The only byproducts are addiction, overdoses, broken families, tragic deaths, and violence. They increasingly burden local systems of health care, criminal justice, and social services. Awareness and education, prevention and treatment are fundamental responses. But so are tougher laws and criminal penalties, and it’s time for the Assembly Democratic leadership to join us in acting this session.”