



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara legislation targets meth crimes: Harsher penalties for repeat offenders, cooking meth in presence of a child, meth lab explosions and fires

THOMAS F. O'MARA January 23, 2020

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Our laws need to be as tough and as thorough as they can possibly be to try to deter and punish the irresponsible meth cooks who have no regard for the health and safety of the rest of us.

Elmira, N.Y., January 23—State Senator Tom O'Mara (R,C,I-Big Flats) has introduced legislation targeting methamphetamine-related crimes locally and across New York State by significantly increasing the criminal penalties for manufacturing, selling, and possessing the

illegal and highly addictive drug.

One piece of legislation (**S946**) targets meth labs. It 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.

“Meth labs pose unacceptable risks to our neighborhoods, as well as roadsides and wooded areas where children and others can be exposed to the hazardous and toxic residues of these labs. They threaten the safety of police officers and first responders, and the public at large,” said O’Mara. “We need tougher laws against these dangerous and irresponsible meth cooks who have no regard for the health and safety of the rest of us.”

A related measure (**S1595**) O’Mara sponsors 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,” cooks 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 cooks who have no regard for the health and safety of the rest of us,” said O’Mara.

O’Mara is also sponsoring legislation (**S1878**) to increase the criminal penalties for the possession and/or sale of the drug by implementing an increasingly severe set of felony offenses. 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.

The Senate has given strong, bipartisan support to some of O’Mara’s meth proposals in the past, however the measures have always stalled in the Democrat-controlled Assembly.

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.

Hornell Police Chief Ted Murray recently said, “Methamphetamine has just taken off. It has just exploded as far as the drug of choice out there.” Murray detailed the city’s drug statistics at a recent Board of Safety meeting and noted that the Hornell Police Department’s arrests for meth-related crimes jumped from just 17 in 2018 to 78 in 2019, or 44 percent of the city’s drug arrests.

The legislation O'Mara sponsors include a provision making it a Class A-1 felony, punishable by a maximum sentence of 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.

O'Mara said, "The byproducts of meth-related activity are addiction, broken families, crime, 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."