



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara plans to reintroduce legislation targeting meth crimes in 2019: Repeat offenders, those cooking meth in presence of a child, or who cause explosions or fires, would face harsher penalties (UPDATED)

THOMAS F. O'MARA December 4, 2018

| ISSUE: **METHAMPHETAMINE**



A recent USA Today Network report out of Binghamton noted that “the use of meth is still a scourge (throughout the Southern Tier) – and a growing one.” According to the article, arrests for the sale, possession, or manufacture of meth have accounted for 58 local stories published so far in 2018.

Elmira, N.Y., December 4—Senator Tom O’Mara (R,C,I-Big Flats) today said that in addition to his ongoing work as a member of the Senate Task Force on Heroin and Opioid Addiction, he will also reintroduce legislation targeting the resurgence of methamphetamine-related crimes locally and statewide for consideration during the 2019 legislative session, which begins in early January.

O’Mara pointed to a string of meth lab discoveries and other meth-related arrests and incidents across the region over the past few months, including in **Corning, Hornell, Horseheads**, and, earlier this week, in Elmira Heights where **a suspected meth lab fire is still under investigation by the Elmira Heights Police Department. A recent USA Today Network** report out of Binghamton noted that “the use of meth is still a scourge (throughout the Southern Tier) – and a growing one.” According to the article, arrests for the sale, possession, or manufacture of meth have accounted for 58 local stories published so far in 2018.

O’Mara will reintroduce legislation in 2019 that will seek to increase the criminal penalties for manufacturing, selling, and possessing the illegal and highly addictive drug. One piece of legislation (**S2123**) 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. It includes 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.

“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, firefighters, and all first responders, and the public at large,” said O’Mara.

O’Mara will also continue to sponsor legislation to:

- > increase the criminal penalties for the possession and/or sale of meth 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;
- > 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**); and
- > target 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 (**S7673**).

There have been increasing incidents of meth lab explosions and fires in recent years in Corning, Elmira, Elmira Heights, Hornell, and other areas. 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. Senator O’Mara believes they should be.

O'Mara said, "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 endanger our neighborhoods, first responders, and the public at large. 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."

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

[UPDATE, read more:

WETM-TV, "**O'Mara cracks down on meth-related crimes**"

WENY-TV, "**O'Mara Pushing for Harsher Penalties for Meth-Related Crimes**"

FingerLakes1.com, "**O'Mara will move to reintroduce legislation targeting meth distribution**"

WLEA, "**O'Mara Wants To Pass A Law To Give 20 Years To Meth Manufacturers – On Their Second Offense**"

WHCU, "**O'Mara meth legislation**"

WVIN, "**O'Mara Plans to Reintroduce Meth Crime Legislation**"