

2 **2SSB 6255** - H COMM AMD **ADOPTED 3-1-00**

3 By Committee on Criminal Justice & Corrections

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** (1) A person who, with intent to deprive
8 the owner or owner's agent, wrongfully obtains anhydrous ammonia, is
9 guilty of theft of anhydrous ammonia.

10 (2) Theft of anhydrous ammonia is a class C felony.

11 NEW SECTION. **Sec. 2.** A person is guilty of the crime of unlawful
12 storage of anhydrous ammonia if the person possesses anhydrous ammonia
13 in a container that (1) is not approved by the United States department
14 of transportation to hold anhydrous ammonia, or (2) does not meet state
15 and federal industrial health and safety standards for holding
16 anhydrous ammonia. Violation of this section is a class C felony.

17 NEW SECTION. **Sec. 3.** Any damages arising out of the unlawful
18 possession of, storage of, or tampering with anhydrous ammonia or
19 anhydrous ammonia equipment shall be the sole responsibility of the
20 unlawful possessor, storer, or tamperer. In no case shall liability
21 for damages arising out of the unlawful possession of, storage of, or
22 tampering with anhydrous ammonia or anhydrous ammonia equipment extend
23 to the lawful owner, installer, maintainer, designer, manufacturer, or
24 seller of the anhydrous ammonia or anhydrous ammonia equipment, unless
25 such damages arise out of the owner, installer, maintainer, designer,
26 manufacturer, or seller's acts or omissions that constitute negligent
27 misconduct to abide by the laws regarding anhydrous ammonia possession
28 and storage.

29 **Sec. 4.** RCW 69.50.440 and 1997 c 71 s 3 are each amended to read
30 as follows:

31 It is unlawful for any person to possess ephedrine ((~~or~~)),
32 pseudoephedrine, or anhydrous ammonia with intent to manufacture
33 methamphetamine. Any person who violates this section is guilty of a

1 X Child Molestation 1 (RCW 9A.44.083)
2 Indecent Liberties (with forcible
3 compulsion) (RCW 9A.44.100(1)(a))
4 Kidnapping 1 (RCW 9A.40.020)
5 Leading Organized Crime (RCW
6 9A.82.060(1)(a))
7 Malicious explosion 3 (RCW 70.74.280(3))
8 Manufacture of methamphetamine (RCW
9 69.50.401(a)(1)(ii))
10 Over 18 and deliver heroin,
11 methamphetamine, a narcotic from
12 Schedule I or II, or flunitrazepam
13 from Schedule IV to someone under 18
14 (RCW 69.50.406)

15 IX Assault of a Child 2 (RCW 9A.36.130)
16 Controlled Substance Homicide (RCW
17 69.50.415)
18 Explosive devices prohibited (RCW
19 70.74.180)
20 Homicide by Watercraft, by being under the
21 influence of intoxicating liquor or
22 any drug (RCW ((~~88.12.029~~))
23 79A.60.050)
24 Inciting Criminal Profiteering (RCW
25 9A.82.060(1)(b))
26 Malicious placement of an explosive 2 (RCW
27 70.74.270(2))
28 Over 18 and deliver narcotic from Schedule
29 III, IV, or V or a nonnarcotic, except
30 flunitrazepam or methamphetamine, from
31 Schedule I-V to someone under 18 and 3
32 years junior (RCW 69.50.406)
33 Robbery 1 (RCW 9A.56.200)
34 Sexual Exploitation (RCW 9.68A.040)
35 Vehicular Homicide, by being under the
36 influence of intoxicating liquor or
37 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Deliver or possess with intent to deliver
3 methamphetamine (RCW
4 69.50.401(a)(1)(ii))
5 Homicide by Watercraft, by the operation of
6 any vessel in a reckless manner (RCW
7 ((88.12.029)) 79A.60.050)
8 Manslaughter 2 (RCW 9A.32.070)
9 Manufacture, deliver, or possess with
10 intent to deliver amphetamine (RCW
11 69.50.401(a)(1)(ii))
12 Manufacture, deliver, or possess with
13 intent to deliver heroin or cocaine
14 (RCW 69.50.401(a)(1)(i))
15 Possession of Ephedrine ((or)),
16 Pseudoephedrine, or Anhydrous Ammonia
17 with intent to manufacture
18 methamphetamine (RCW 69.50.440)
19 Promoting Prostitution 1 (RCW 9A.88.070)
20 Selling for profit (controlled or
21 counterfeit) any controlled substance
22 (RCW 69.50.410)
23 Theft of Anhydrous Ammonia (section 1 of
24 this act)
25 Vehicular Homicide, by the operation of any
26 vehicle in a reckless manner (RCW
27 46.61.520)
28 VII Burglary 1 (RCW 9A.52.020)
29 Child Molestation 2 (RCW 9A.44.086)
30 Dealing in depictions of minor engaged in
31 sexually explicit conduct (RCW
32 9.68A.050)
33 Drive-by Shooting (RCW 9A.36.045)
34 Homicide by Watercraft, by disregard for
35 the safety of others (RCW
36 ((88.12.029)) 79A.60.050)
37 Indecent Liberties (without forcible
38 compulsion) (RCW 9A.44.100(1) (b) and
39 (c))

1 Introducing Contraband 1 (RCW 9A.76.140)
2 Involving a minor in drug dealing (RCW
3 69.50.401(f))
4 Malicious placement of an explosive 3 (RCW
5 70.74.270(3))
6 Sending, bringing into state depictions of
7 minor engaged in sexually explicit
8 conduct (RCW 9.68A.060)
9 Unlawful Possession of a Firearm in the
10 first degree (RCW 9.41.040(1)(a))
11 Use of a Machine Gun in Commission of a
12 Felony (RCW 9.41.225)
13 Vehicular Homicide, by disregard for the
14 safety of others (RCW 46.61.520)

15 VI Bail Jumping with Murder 1 (RCW
16 9A.76.170(2)(a))
17 Bribery (RCW 9A.68.010)
18 Incest 1 (RCW 9A.64.020(1))
19 Intimidating a Judge (RCW 9A.72.160)
20 Intimidating a Juror/Witness (RCW
21 9A.72.110, 9A.72.130)
22 Malicious placement of an imitation device
23 2 (RCW 70.74.272(1)(b))
24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule I or II (except heroin or
27 cocaine) or flunitrazepam from
28 Schedule IV (RCW 69.50.401(a)(1)(i))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Unlawful Storage of Anhydrous Ammonia
32 (section 2 of this act)

1 V Abandonment of dependent person 1 (RCW
2 9A.42.060)
3 Advancing money or property for
4 extortionate extension of credit (RCW
5 9A.82.030)
6 Bail Jumping with class A Felony (RCW
7 9A.76.170(2)(b))
8 Child Molestation 3 (RCW 9A.44.089)
9 Criminal Mistreatment 1 (RCW 9A.42.020)
10 Custodial Sexual Misconduct 1 (RCW
11 9A.44.160)
12 Delivery of imitation controlled substance
13 by person eighteen or over to person
14 under eighteen (RCW 69.52.030(2))
15 Extortion 1 (RCW 9A.56.120)
16 Extortionate Extension of Credit (RCW
17 9A.82.020)
18 Extortionate Means to Collect Extensions of
19 Credit (RCW 9A.82.040)
20 Incest 2 (RCW 9A.64.020(2))
21 Kidnapping 2 (RCW 9A.40.030)
22 On and after July 1, 2000: No-Contact
23 Order Violation: Domestic Violence
24 Pretrial Condition (RCW 10.99.040(4)
25 (b) and (c))
26 On and after July 1, 2000: No-Contact
27 Order Violation: Domestic Violence
28 Sentence Condition (RCW 10.99.050(2))
29 On and after July 1, 2000: Protection
30 Order Violation: Domestic Violence
31 Civil Action (RCW 26.50.110 (4) and
32 (5))
33 On and after July 1, 2000: Stalking (RCW
34 9A.46.110)
35 Perjury 1 (RCW 9A.72.020)
36 Persistent prison misbehavior (RCW
37 9.94.070)
38 Possession of a Stolen Firearm (RCW
39 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sexual Misconduct with a Minor 1 (RCW
5 9A.44.093)
6 Sexually Violating Human Remains (RCW
7 9A.44.105)

8 IV Arson 2 (RCW 9A.48.030)
9 Assault 2 (RCW 9A.36.021)
10 Assault by Watercraft (RCW ((~~88.12.032~~))
11 79A.60.050)
12 Bribing a Witness/Bribe Received by Witness
13 (RCW 9A.72.090, 9A.72.100)
14 Commercial Bribery (RCW 9A.68.060)
15 Counterfeiting (RCW 9.16.035(4))
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run--Injury Accident (RCW
18 46.52.020(4))
19 Hit and Run with Vessel--Injury Accident
20 (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
21 Indecent Exposure to Person Under Age
22 Fourteen (subsequent sex offense) (RCW
23 9A.88.010)
24 Influencing Outcome of Sporting Event (RCW
25 9A.82.070)
26 Knowingly Trafficking in Stolen Property
27 (RCW 9A.82.050(2))
28 Malicious Harassment (RCW 9A.36.080)
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule III, IV, or V or nonnarcotics
32 from Schedule I-V (except marijuana,
33 amphetamine, methamphetamines, or
34 flunitrazepam) (RCW 69.50.401(a)(1)
35 (iii) through (v))
36 Residential Burglary (RCW 9A.52.025)
37 Robbery 2 (RCW 9A.56.210)
38 Theft of Livestock 1 (RCW 9A.56.080)
39 Threats to Bomb (RCW 9.61.160)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Vehicular Assault (RCW 46.61.522)
4 Willful Failure to Return from Furlough
5 (RCW 72.66.060)

6 III Abandonment of dependent person 2 (RCW
7 9A.42.070)
8 Assault 3 (RCW 9A.36.031)
9 Assault of a Child 3 (RCW 9A.36.140)
10 Bail Jumping with class B or C Felony (RCW
11 9A.76.170(2)(c))
12 Burglary 2 (RCW 9A.52.030)
13 Communication with a Minor for Immoral
14 Purposes (RCW 9.68A.090)
15 Criminal Gang Intimidation (RCW 9A.46.120)
16 Criminal Mistreatment 2 (RCW 9A.42.030)
17 Custodial Assault (RCW 9A.36.100)
18 Delivery of a material in lieu of a
19 controlled substance (RCW
20 69.50.401(c))
21 Escape 2 (RCW 9A.76.120)
22 Extortion 2 (RCW 9A.56.130)
23 Harassment (RCW 9A.46.020)
24 Intimidating a Public Servant (RCW
25 9A.76.180)
26 Introducing Contraband 2 (RCW 9A.76.150)
27 Maintaining a Dwelling or Place for
28 Controlled Substances (RCW
29 69.50.402(a)(6))
30 Malicious Injury to Railroad Property (RCW
31 81.60.070)
32 Manufacture, deliver, or possess with
33 intent to deliver marijuana (RCW
34 69.50.401(a)(1)(iii))
35 Manufacture, distribute, or possess with
36 intent to distribute an imitation
37 controlled substance (RCW
38 69.52.030(1))

1 Patronizing a Juvenile Prostitute (RCW
2 9.68A.100)
3 Perjury 2 (RCW 9A.72.030)
4 Possession of Incendiary Device (RCW
5 9.40.120)
6 Possession of Machine Gun or Short-Barreled
7 Shotgun or Rifle (RCW 9.41.190)
8 Promoting Prostitution 2 (RCW 9A.88.080)
9 Recklessly Trafficking in Stolen Property
10 (RCW 9A.82.050(1))
11 Securities Act violation (RCW 21.20.400)
12 Tampering with a Witness (RCW 9A.72.120)
13 Telephone Harassment (subsequent conviction
14 or threat of death) (RCW 9.61.230)
15 Theft of Livestock 2 (RCW 9A.56.080)
16 Unlawful Imprisonment (RCW 9A.40.040)
17 Unlawful possession of firearm in the
18 second degree (RCW 9.41.040(1)(b))
19 Unlawful Use of Building for Drug Purposes
20 (RCW 69.53.010)
21 Willful Failure to Return from Work Release
22 (RCW 72.65.070)

23 II Computer Trespass 1 (RCW 9A.52.110)
24 Counterfeiting (RCW 9.16.035(3))
25 Create, deliver, or possess a counterfeit
26 controlled substance (RCW
27 69.50.401(b))
28 Escape from Community Custody (RCW
29 72.09.310)
30 Health Care False Claims (RCW 48.80.030)
31 Malicious Mischief 1 (RCW 9A.48.070)
32 Possession of controlled substance that is
33 either heroin or narcotics from
34 Schedule I or II or flunitrazepam from
35 Schedule IV (RCW 69.50.401(d))
36 Possession of phencyclidine (PCP) (RCW
37 69.50.401(d))
38 Possession of Stolen Property 1 (RCW
39 9A.56.150)

1 Theft 1 (RCW 9A.56.030)
2 Theft of Rental, Leased, or Lease-purchased
3 Property (valued at one thousand five
4 hundred dollars or more) (RCW
5 9A.56.096(4))
6 Trafficking in Insurance Claims (RCW
7 48.30A.015)
8 Unlawful Practice of Law (RCW 2.48.180)
9 Unlicensed Practice of a Profession or
10 Business (RCW 18.130.190(7))
11 I Attempting to Elude a Pursuing Police
12 Vehicle (RCW 46.61.024)
13 False Verification for Welfare (RCW
14 74.08.055)
15 Forged Prescription (RCW 69.41.020)
16 Forged Prescription for a Controlled
17 Substance (RCW 69.50.403)
18 Forgery (RCW 9A.60.020)
19 Malicious Mischief 2 (RCW 9A.48.080)
20 Possess Controlled Substance that is a
21 Narcotic from Schedule III, IV, or V
22 or Non-narcotic from Schedule I-V
23 (except phencyclidine or
24 flunitrazepam) (RCW 69.50.401(d))
25 Possession of Stolen Property 2 (RCW
26 9A.56.160)
27 Reckless Burning 1 (RCW 9A.48.040)
28 Taking Motor Vehicle Without Permission
29 (RCW 9A.56.070)
30 Theft 2 (RCW 9A.56.040)
31 Theft of Rental, Leased, or Lease-purchased
32 Property (valued at two hundred fifty
33 dollars or more but less than one
34 thousand five hundred dollars) (RCW
35 9A.56.096(4))
36 Unlawful Issuance of Checks or Drafts (RCW
37 9A.56.060)
38 Unlawful Use of Food Stamps (RCW 9.91.140
39 (2) and (3))

2 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act constitute
3 a new chapter in Title 69 RCW.

4 NEW SECTION. **Sec. 7.** If specific funding for the purposes of this
5 act, referencing this act by bill or chapter number, is not provided by
6 June 30, 2000, in the omnibus appropriations act, this act is null and
7 void.

8 NEW SECTION. **Sec. 8.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected."

12 Correct the title.

EFFECT: (1) Creates three new crimes in the Uniform Controlled
Substance Act:

(a) Theft of anhydrous ammonia is a seriousness level VIII, class
C felony. A person who intentionally deprives an owner or an owner's
agent by wrongfully obtaining anhydrous ammonia is guilty of theft of
anhydrous ammonia. A first-time offender's presumptive range is 21 to
27 months in prison.

(b) Unlawful storage of anhydrous ammonia is a seriousness level
VI, class C felony. A person who possess anhydrous ammonia in a
container that is not approved by the United States Department of
Transportation to hold anhydrous ammonia or that does not meet state
and federal industrial health and safety standards for holding
anhydrous ammonia is guilty of unlawful storage of anhydrous ammonia.
A first-time offender's presumptive range is 12 (plus one day) to 14
months in prison.

(c) Possession of anhydrous ammonia with intent to manufacture
methamphetamine is a seriousness level VIII, class B felony. A first-
time offender's presumptive range is 21 to 27 months in prison.

(2) A null and void clause is added.

--- END ---