

HOUSE BILL ANALYSIS

HB 2451

Brief Description: Increasing penalties for crimes involving anhydrous ammonia.

Sponsors: Representatives McDonald and Hurst.

Hearing: January 25, 2000

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

Methamphetamine is a controlled substance. It is unlawful to manufacture, deliver, or possess with intent to manufacture or deliver methamphetamine.

In addition, the possession of some methamphetamine precursors such as ephedrine or pseudoephedrine is a felony crime. Possession of ephedrine or pseudoephedrine with intent to manufacture methamphetamine is classified as a seriousness level VIII, class B felony under the sentencing guidelines. A first-time offender's presumptive range is 21 to 27 months in prison.

Other precursors substances used to make methamphetamine include: lithium found in lithium batteries, pseudoephedrine found in cold medicines such as Sudafed, and anhydrous ammonia which is most commonly used as a commercial fertilizer. Theft or possession of anhydrous ammonia is not a felony offense in Washington.

The maximum penalty for a class B felony is ten years in prison, a \$20,000 fine, or both. The maximum penalty for a class C felony is five years in prison, a \$10,000 fine, or both.

SUMMARY OF BILL:

Several new sections are added to the Uniform Controlled Substance Act, creating three

new crimes: theft of anhydrous ammonia, unlawful storage of anhydrous ammonia, and possession of anhydrous ammonia with intent to manufacture methamphetamine.

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.

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 designed and manufactured to hold 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.

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.

Any damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment is the sole responsibility of the unlawful possessor, storer, or tamperer. In no case shall liability for damages arising out of the unlawful possession of, storage of, or tampering with anhydrous ammonia or anhydrous ammonia equipment extend to the owner, installer, maintainer, designer, manufacturer, or seller of the anhydrous ammonia or anhydrous ammonia equipment, unless the particular damages are due to such person's acts or omissions that constitute negligent misconduct regarding anhydrous ammonia possession and storage.

FISCAL NOTE: Requested on January 19, 2000.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.

Prepared for the House Criminal Justice & Corrections Committee
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