

SENATE BILL REPORT

E2SHB 2451

As of February 24, 2000

Title: An act relating to anhydrous ammonia.

Brief Description: Creating penalties for crimes involving anhydrous ammonia.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives McDonald, Hurst, Ruderman, Dunn, Mielke, Sullivan, Kastama, Bush, O'Brien, Schoesler, Wolfe, Stensen and Keiser).

Brief History:

Committee Activity: Judiciary: 2/24/2000.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

Background: It is a felony crime to manufacture, deliver, or possess with intent to manufacture or deliver methamphetamine. Precursor 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.

Summary of Bill: Theft of anhydrous ammonia is a class C felony ranked at level VIII, class C. A person who intentionally deprives an owner or an owner's agent by wrongfully obtaining anhydrous ammonia is guilty of theft of anhydrous ammonia.

Unlawful storage of anhydrous ammonia is a class C felony ranked at level VI. 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.

Possession of anhydrous ammonia with intent to manufacture methamphetamine is a class B felony ranked at level VIII.

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 lawful 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.

The bill is null and void unless funded.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.