
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2451

State of Washington

56th Legislature

2000 Regular Session

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

Read first time 02/07/2000. Referred to Committee on .

1 AN ACT Relating to anhydrous ammonia; amending RCW 69.50.440;
2 reenacting and amending RCW 9.94A.320; adding a new chapter to Title 69
3 RCW; creating a new section; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

15 NEW SECTION. **Sec. 3.** Any damages arising out of the unlawful
16 possession of, storage of, or tampering with anhydrous ammonia or
17 anhydrous ammonia equipment shall be the sole responsibility of the

1 unlawful possessor, storer, or tamperer. In no case shall liability
2 for damages arising out of the unlawful possession of, storage of, or
3 tampering with anhydrous ammonia or anhydrous ammonia equipment extend
4 to the lawful owner, installer, maintainer, designer, manufacturer, or
5 seller of the anhydrous ammonia or anhydrous ammonia equipment, unless
6 such damages arise out of the owner, installer, maintainer, designer,
7 manufacturer, or seller's acts or omissions that constitute negligent
8 misconduct to abide by the laws regarding anhydrous ammonia possession
9 and storage.

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

12 It is unlawful for any person to possess ephedrine ~~((or))~~,
13 pseudoephedrine, or anhydrous ammonia with intent to manufacture
14 methamphetamine. Any person who violates this section is guilty of a
15 crime and may be imprisoned for not more than ten years, fined not more
16 than twenty-five thousand dollars, or both. Three thousand dollars of
17 the fine may not be suspended. As collected, the first three thousand
18 dollars of the fine must be deposited with the law enforcement agency
19 having responsibility for cleanup of laboratories, sites, or substances
20 used in the manufacture of the methamphetamine. The fine moneys
21 deposited with that law enforcement agency must be used for such clean-
22 up cost.

23 **Sec. 5.** RCW 9.94A.320 and 1999 c 352 s 3, 1999 c 322 s 5, and 1999
24 c 45 s 4 are each reenacted and amended to read as follows:

25 TABLE 2

26 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

27 XVI	Aggravated Murder 1 (RCW 10.95.020)
28 XV	Homicide by abuse (RCW 9A.32.055)
29	Malicious explosion 1 (RCW 70.74.280(1))
30	Murder 1 (RCW 9A.32.030)
31 XIV	Murder 2 (RCW 9A.32.050)
32 XIII	Malicious explosion 2 (RCW 70.74.280(2))
33	Malicious placement of an explosive 1 (RCW
34	70.74.270(1))

1 XII Assault 1 (RCW 9A.36.011)
2 Assault of a Child 1 (RCW 9A.36.120)
3 Malicious placement of an imitation device
4 1 (RCW 70.74.272(1)(a))
5 Rape 1 (RCW 9A.44.040)
6 Rape of a Child 1 (RCW 9A.44.073)

7 XI Manslaughter 1 (RCW 9A.32.060)
8 Rape 2 (RCW 9A.44.050)
9 Rape of a Child 2 (RCW 9A.44.076)

10 X Child Molestation 1 (RCW 9A.44.083)
11 Indecent Liberties (with forcible
12 compulsion) (RCW 9A.44.100(1)(a))
13 Kidnapping 1 (RCW 9A.40.020)
14 Leading Organized Crime (RCW
15 9A.82.060(1)(a))
16 Malicious explosion 3 (RCW 70.74.280(3))
17 Manufacture of methamphetamine (RCW
18 69.50.401(a)(1)(ii))
19 Over 18 and deliver heroin,
20 methamphetamine, a narcotic from
21 Schedule I or II, or flunitrazepam
22 from Schedule IV to someone under 18
23 (RCW 69.50.406)

24 IX Assault of a Child 2 (RCW 9A.36.130)
25 Controlled Substance Homicide (RCW
26 69.50.415)
27 Explosive devices prohibited (RCW
28 70.74.180)
29 Homicide by Watercraft, by being under the
30 influence of intoxicating liquor or
31 any drug (RCW ((88.12.029))
32 79A.60.050)
33 Inciting Criminal Profiteering (RCW
34 9A.82.060(1)(b))
35 Malicious placement of an explosive 2 (RCW
36 70.74.270(2))

1 Over 18 and deliver narcotic from Schedule
2 III, IV, or V or a nonnarcotic, except
3 flunitrazepam or methamphetamine, from
4 Schedule I-V to someone under 18 and 3
5 years junior (RCW 69.50.406)
6 Robbery 1 (RCW 9A.56.200)
7 Sexual Exploitation (RCW 9.68A.040)
8 Vehicular Homicide, by being under the
9 influence of intoxicating liquor or
10 any drug (RCW 46.61.520)

11 VIII Arson 1 (RCW 9A.48.020)
12 Deliver or possess with intent to deliver
13 m e t h a m p h e t a m i n e (R C W
14 69.50.401(a)(1)(ii))
15 Homicide by Watercraft, by the operation of
16 any vessel in a reckless manner (RCW
17 ((88.12.029)) 79A.60.050)
18 Manslaughter 2 (RCW 9A.32.070)
19 Manufacture, deliver, or possess with
20 intent to deliver amphetamine (RCW
21 69.50.401(a)(1)(ii))
22 Manufacture, deliver, or possess with
23 intent to deliver heroin or cocaine
24 (RCW 69.50.401(a)(1)(i))
25 Possession of Ephedrine ((or))
26 Pseudoephedrine, or Anhydrous Ammonia
27 with intent to manufacture
28 methamphetamine (RCW 69.50.440)
29 Promoting Prostitution 1 (RCW 9A.88.070)
30 Selling for profit (controlled or
31 counterfeit) any controlled substance
32 (RCW 69.50.410)
33 Theft of Anhydrous Ammonia (section 1 of
34 this act)
35 Vehicular Homicide, by the operation of any
36 vehicle in a reckless manner (RCW
37 46.61.520)

1 VII Burglary 1 (RCW 9A.52.020)
2 Child Molestation 2 (RCW 9A.44.086)
3 Dealing in depictions of minor engaged in
4 sexually explicit conduct (RCW
5 9.68A.050)
6 Drive-by Shooting (RCW 9A.36.045)
7 Homicide by Watercraft, by disregard for
8 the safety of others (RCW
9 ((88.12.029)) 79A.60.050)
10 Indecent Liberties (without forcible
11 compulsion) (RCW 9A.44.100(1) (b) and
12 (c))
13 Introducing Contraband 1 (RCW 9A.76.140)
14 Involving a minor in drug dealing (RCW
15 69.50.401(f))
16 Malicious placement of an explosive 3 (RCW
17 70.74.270(3))
18 Sending, bringing into state depictions of
19 minor engaged in sexually explicit
20 conduct (RCW 9.68A.060)
21 Unlawful Possession of a Firearm in the
22 first degree (RCW 9.41.040(1)(a))
23 Use of a Machine Gun in Commission of a
24 Felony (RCW 9.41.225)
25 Vehicular Homicide, by disregard for the
26 safety of others (RCW 46.61.520)
27 VI Bail Jumping with Murder 1 (RCW
28 9A.76.170(2)(a))
29 Bribery (RCW 9A.68.010)
30 Incest 1 (RCW 9A.64.020(1))
31 Intimidating a Judge (RCW 9A.72.160)
32 Intimidating a Juror/Witness (RCW
33 9A.72.110, 9A.72.130)
34 Malicious placement of an imitation device
35 2 (RCW 70.74.272(1)(b))
36 Manufacture, deliver, or possess with
37 intent to deliver narcotics from
38 Schedule I or II (except heroin or

1 cocaine) or flunitrazepam from
2 Schedule IV (RCW 69.50.401(a)(1)(i))
3 Rape of a Child 3 (RCW 9A.44.079)
4 Theft of a Firearm (RCW 9A.56.300)
5 Unlawful Storage of Anhydrous Ammonia
6 (section 2 of this act)

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

1 On and after July 1, 2000: Stalking (RCW
2 9A.46.110)
3 Perjury 1 (RCW 9A.72.020)
4 Persistent prison misbehavior (RCW
5 9.94.070)
6 Possession of a Stolen Firearm (RCW
7 9A.56.310)
8 Rape 3 (RCW 9A.44.060)
9 Rendering Criminal Assistance 1 (RCW
10 9A.76.070)
11 Sexual Misconduct with a Minor 1 (RCW
12 9A.44.093)
13 Sexually Violating Human Remains (RCW
14 9A.44.105)

15 IV Arson 2 (RCW 9A.48.030)
16 Assault 2 (RCW 9A.36.021)
17 Assault by Watercraft (RCW ((~~88.12.032~~))
18 79A.60.050)
19 Bribing a Witness/Bribe Received by Witness
20 (RCW 9A.72.090, 9A.72.100)
21 Commercial Bribery (RCW 9A.68.060)
22 Counterfeiting (RCW 9.16.035(4))
23 Escape 1 (RCW 9A.76.110)
24 Hit and Run--Injury Accident (RCW
25 46.52.020(4))
26 Hit and Run with Vessel--Injury Accident
27 (RCW ((~~88.12.155(3)~~)) 79A.60.200(3))
28 Indecent Exposure to Person Under Age
29 Fourteen (subsequent sex offense) (RCW
30 9A.88.010)
31 Influencing Outcome of Sporting Event (RCW
32 9A.82.070)
33 Knowingly Trafficking in Stolen Property
34 (RCW 9A.82.050(2))

1 Malicious Harassment (RCW 9A.36.080)
2 Manufacture, deliver, or possess with
3 intent to deliver narcotics from
4 Schedule III, IV, or V or nonnarcotics
5 from Schedule I-V (except marijuana,
6 amphetamine, methamphetamines, or
7 flunitrazepam) (RCW 69.50.401(a)(1)
8 (iii) through (v))
9 Residential Burglary (RCW 9A.52.025)
10 Robbery 2 (RCW 9A.56.210)
11 Theft of Livestock 1 (RCW 9A.56.080)
12 Threats to Bomb (RCW 9.61.160)
13 Use of Proceeds of Criminal Profiteering
14 (RCW 9A.82.080 (1) and (2))
15 Vehicular Assault (RCW 46.61.522)
16 Willful Failure to Return from Furlough
17 (RCW 72.66.060)

18 III Abandonment of dependent person 2 (RCW
19 9A.42.070)
20 Assault 3 (RCW 9A.36.031)
21 Assault of a Child 3 (RCW 9A.36.140)
22 Bail Jumping with class B or C Felony (RCW
23 9A.76.170(2)(c))
24 Burglary 2 (RCW 9A.52.030)
25 Communication with a Minor for Immoral
26 Purposes (RCW 9.68A.090)
27 Criminal Gang Intimidation (RCW 9A.46.120)
28 Criminal Mistreatment 2 (RCW 9A.42.030)
29 Custodial Assault (RCW 9A.36.100)
30 Delivery of a material in lieu of a
31 controlled substance (RCW
32 69.50.401(c))
33 Escape 2 (RCW 9A.76.120)
34 Extortion 2 (RCW 9A.56.130)
35 Harassment (RCW 9A.46.020)
36 Intimidating a Public Servant (RCW
37 9A.76.180)
38 Introducing Contraband 2 (RCW 9A.76.150)

1 Maintaining a Dwelling or Place for
2 Controlled Substances (RCW
3 69.50.402(a)(6))
4 Malicious Injury to Railroad Property (RCW
5 81.60.070)
6 Manufacture, deliver, or possess with
7 intent to deliver marijuana (RCW
8 69.50.401(a)(1)(iii))
9 Manufacture, distribute, or possess with
10 intent to distribute an imitation
11 controlled substance (RCW
12 69.52.030(1))
13 Patronizing a Juvenile Prostitute (RCW
14 9.68A.100)
15 Perjury 2 (RCW 9A.72.030)
16 Possession of Incendiary Device (RCW
17 9.40.120)
18 Possession of Machine Gun or Short-Barreled
19 Shotgun or Rifle (RCW 9.41.190)
20 Promoting Prostitution 2 (RCW 9A.88.080)
21 Recklessly Trafficking in Stolen Property
22 (RCW 9A.82.050(1))
23 Securities Act violation (RCW 21.20.400)
24 Tampering with a Witness (RCW 9A.72.120)
25 Telephone Harassment (subsequent conviction
26 or threat of death) (RCW 9.61.230)
27 Theft of Livestock 2 (RCW 9A.56.080)
28 Unlawful Imprisonment (RCW 9A.40.040)
29 Unlawful possession of firearm in the
30 second degree (RCW 9.41.040(1)(b))
31 Unlawful Use of Building for Drug Purposes
32 (RCW 69.53.010)
33 Willful Failure to Return from Work Release
34 (RCW 72.65.070)

1 II Computer Trespass 1 (RCW 9A.52.110)
2 Counterfeiting (RCW 9.16.035(3))
3 Create, deliver, or possess a counterfeit
4 controlled substance (RCW
5 69.50.401(b))
6 Escape from Community Custody (RCW
7 72.09.310)
8 Health Care False Claims (RCW 48.80.030)
9 Malicious Mischief 1 (RCW 9A.48.070)
10 Possession of controlled substance that is
11 either heroin or narcotics from
12 Schedule I or II or flunitrazepam from
13 Schedule IV (RCW 69.50.401(d))
14 Possession of phencyclidine (PCP) (RCW
15 69.50.401(d))
16 Possession of Stolen Property 1 (RCW
17 9A.56.150)
18 Theft 1 (RCW 9A.56.030)
19 Theft of Rental, Leased, or Lease-purchased
20 Property (valued at one thousand five
21 hundred dollars or more) (RCW
22 9A.56.096(4))
23 Trafficking in Insurance Claims (RCW
24 48.30A.015)
25 Unlawful Practice of Law (RCW 2.48.180)
26 Unlicensed Practice of a Profession or
27 Business (RCW 18.130.190(7))
28 I Attempting to Elude a Pursuing Police
29 Vehicle (RCW 46.61.024)
30 False Verification for Welfare (RCW
31 74.08.055)
32 Forged Prescription (RCW 69.41.020)
33 Forged Prescription for a Controlled
34 Substance (RCW 69.50.403)
35 Forgery (RCW 9A.60.020)
36 Malicious Mischief 2 (RCW 9A.48.080)
37 Possess Controlled Substance that is a
38 Narcotic from Schedule III, IV, or V
39 or Non-narcotic from Schedule I-V

1 (except phencyclidine or
2 flunitrazepam) (RCW 69.50.401(d))
3 Possession of Stolen Property 2 (RCW
4 9A.56.160)
5 Reckless Burning 1 (RCW 9A.48.040)
6 Taking Motor Vehicle Without Permission
7 (RCW 9A.56.070)
8 Theft 2 (RCW 9A.56.040)
9 Theft of Rental, Leased, or Lease-purchased
10 Property (valued at two hundred fifty
11 dollars or more but less than one
12 thousand five hundred dollars) (RCW
13 9A.56.096(4))
14 Unlawful Issuance of Checks or Drafts (RCW
15 9A.56.060)
16 Unlawful Use of Food Stamps (RCW 9.91.140
17 (2) and (3))
18 Vehicle Prowl 1 (RCW 9A.52.095)

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

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

25 NEW SECTION. **Sec. 8.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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