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HOUSE BILL 2451

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State of Washington

56th Legislature

2000 Regular Session

By Representatives McDonald, Hurst, Ruderman, Dunn, Mielke, Sullivan, Kastama, Bush, O'Brien, Schoesler, Wolfe, Stensen and Keiser

Read first time 01/13/2000. Referred to Committee on Criminal Justice & Corrections.

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; 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 is not designed and manufactured to hold anhydrous  
12 ammonia. Violation of this section is a class C felony.

13 NEW SECTION. **Sec. 3.** Any damages arising out of the unlawful  
14 possession of, storage of, or tampering with anhydrous ammonia or  
15 anhydrous ammonia equipment shall be the sole responsibility of the  
16 unlawful possessor, storer, or tamperer. In no case shall liability  
17 for damages arising out of the unlawful possession of, storage of, or

1 tampering with anhydrous ammonia or anhydrous ammonia equipment extend  
2 to the owner, installer, maintainer, designer, manufacturer, or seller  
3 of the anhydrous ammonia or anhydrous ammonia equipment, unless such  
4 damages arise out of the owner, installer, maintainer, designer,  
5 manufacturer, or seller's acts or omissions that constitute negligent  
6 misconduct to abide by the laws regarding anhydrous ammonia possession  
7 and storage.

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

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

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

23 TABLE 2

24 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

25 XVI	Aggravated Murder 1 (RCW 10.95.020)
26 XV	Homicide by abuse (RCW 9A.32.055)
27	Malicious explosion 1 (RCW 70.74.280(1))
28	Murder 1 (RCW 9A.32.030)
29 XIV	Murder 2 (RCW 9A.32.050)
30 XIII	Malicious explosion 2 (RCW 70.74.280(2))
31	Malicious placement of an explosive 1 (RCW
32	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 any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

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