

SENATE BILL REPORT

ESB 6232

As Passed Senate, February 16, 2002

Title: An act relating to possession of ammonia.

Brief Description: Revising crimes relating to possession of ammonia.

Sponsors: Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala, McAuliffe and T. Sheldon.

Brief History:

Committee Activity: Judiciary: 1/21/02 [DP].

Passed Senate: 2/16/02, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: During the 2000 legislative session, the crimes of theft of anhydrous ammonia and unlawful storage of anhydrous ammonia were created. Any damages arising out of the unlawful possession, storage, or tampering with anhydrous ammonia equipment were designated as the sole responsibility of the unlawful actor.

"Anhydrous ammonia" is ammonia that does not contain any water. If it is exposed to the air, as it often is when it is stored improperly, its chemical composition changes and it is no longer anhydrous. Anhydrous ammonia also undergoes chemical modification during the manufacture of methamphetamine. Chemists at the state crime laboratory have expressed concern that the present law is unnecessarily specific.

Summary of Bill: All references to anhydrous ammonia in the chapter relating to the theft and unlawful storage of anhydrous ammonia are changed to "pressurized ammonia gas". References to the crimes in the sentencing grid reflect the language that changed. Solid waste haulers who unknowingly possess or transport pressurized ammonia gas in the normal course of business are not guilty of the offense.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The manufacture of methamphetamine is a very serious problem in Washington. This bill corrects a possible technical loophole in the underlying law.

Testimony Against: None.

Testified: PRO: Senator Rasmussen, prime sponsor; Tom McBride, WA Assn. of Prosecuting Attorneys.

House Amendment(s): Unlawful storage of pressurized ammonia gas solution is also a class C felony. Damages may also be awarded for the possession of pressurized ammonia gas solution or equipment.