

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6232

Chapter 133, Laws of 2002

57th Legislature
2002 Regular Session

POSSESSION OF AMMONIA

EFFECTIVE DATE: 3/26/02

Passed by the Senate March 11, 2002
YEAS 45 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2002
YEAS 95 NAYS 0

FRANK CHOPP

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6232** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

Approved March 26, 2002

FILED

March 26, 2002 - 9:08 a.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6232

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

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

Read first time 01/14/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to possession of ammonia; amending RCW 69.55.010,
2 69.55.020, and 69.55.030; reenacting and amending RCW 9.94A.515;
3 prescribing penalties; and declaring an emergency.

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

5 **Sec. 1.** RCW 69.55.010 and 2000 c 225 s 1 are each amended to read
6 as follows:

7 (1) A person who, with intent to deprive the owner or owner's
8 agent, wrongfully obtains ((anhydrous)) pressurized ammonia gas or
9 pressurized ammonia gas solution, is guilty of theft of ((anhydrous))
10 ammonia.

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

12 **Sec. 2.** RCW 69.55.020 and 2000 c 225 s 2 are each amended to read
13 as follows:

14 A person is guilty of the crime of unlawful storage of
15 ((anhydrous)) ammonia if the person possesses ((anhydrous)),
16 transports, or delivers pressurized ammonia gas or pressurized ammonia
17 gas solution in a container that (1) is not approved by the United
18 States department of transportation to hold ((anhydrous)) ammonia, or

1 (2) was not constructed to meet state and federal industrial health and
2 safety standards for holding ((anhydrous)) ammonia. Violation of this
3 section is a class C felony.

4 This section does not apply to public employees or private
5 contractors authorized to clean up and dispose of hazardous waste or
6 toxic substances under chapter 70.105 or 70.105D RCW or to solid waste
7 haulers and their employees who unknowingly possess, transport, or
8 deliver pressurized ammonia gas or pressurized ammonia gas solution
9 during the course of the performance of their duties.

10 **Sec. 3.** RCW 69.55.030 and 2000 c 225 s 3 are each amended to read
11 as follows:

12 Any damages arising out of the unlawful possession of, storage of,
13 or tampering with ((anhydrous)) pressurized ammonia gas or pressurized
14 ammonia gas solution, or ((anhydrous)) pressurized ammonia gas
15 equipment or pressurized ammonia gas solution equipment, shall be the
16 sole responsibility of the unlawful possessor, storer, or tamperer. In
17 no case shall liability for damages arising out of the unlawful
18 possession of, storage of, or tampering with ((anhydrous)) pressurized
19 ammonia gas or pressurized ammonia gas solution, or ((anhydrous))
20 pressurized ammonia gas equipment or pressurized ammonia gas solution
21 equipment, extend to the lawful owner, installer, maintainer, designer,
22 manufacturer, possessor, or seller of the ((anhydrous)) pressurized
23 ammonia gas or pressurized ammonia gas solution, or ((anhydrous))
24 pressurized ammonia gas equipment or pressurized ammonia gas solution
25 equipment, unless such damages arise out of the owner, installer,
26 maintainer, designer, manufacturer, possessor, or seller's acts or
27 omissions that constitute negligent misconduct to abide by the laws
28 regarding ((anhydrous)) pressurized ammonia gas or pressurized ammonia
29 gas solution possession and storage.

30 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
31 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
32 read as follows:

33 TABLE 2

34 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

35 XVI Aggravated Murder 1 (RCW 10.95.020)

1 XV Homicide by abuse (RCW 9A.32.055)
2 Malicious explosion 1 (RCW 70.74.280(1))
3 Murder 1 (RCW 9A.32.030)
4 XIV Murder 2 (RCW 9A.32.050)
5 XIII Malicious explosion 2 (RCW 70.74.280(2))
6 Malicious placement of an explosive 1 (RCW
7 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Malicious placement of an imitation device
11 1 (RCW 70.74.272(1)(a))
12 Rape 1 (RCW 9A.44.040)
13 Rape of a Child 1 (RCW 9A.44.073)
14 XI Manslaughter 1 (RCW 9A.32.060)
15 Rape 2 (RCW 9A.44.050)
16 Rape of a Child 2 (RCW 9A.44.076)
17 X Child Molestation 1 (RCW 9A.44.083)
18 Indecent Liberties (with forcible
19 compulsion) (RCW 9A.44.100(1)(a))
20 Kidnapping 1 (RCW 9A.40.020)
21 Leading Organized Crime (RCW
22 9A.82.060(1)(a))
23 Malicious explosion 3 (RCW 70.74.280(3))
24 Manufacture of methamphetamine (RCW
25 69.50.401(a)(1)(ii))
26 Over 18 and deliver heroin,
27 methamphetamine, a narcotic from
28 Schedule I or II, or flunitrazepam
29 from Schedule IV to someone under 18
30 (RCW 69.50.406)
31 Sexually Violent Predator Escape (RCW
32 9A.76.115)
33 IX Assault of a Child 2 (RCW 9A.36.130)
34 Controlled Substance Homicide (RCW
35 69.50.415)

1 Explosive devices prohibited (RCW
2 70.74.180)
3 Hit and Run--Death (RCW 46.52.020(4)(a))
4 Homicide by Watercraft, by being under the
5 influence of intoxicating liquor or
6 any drug (RCW 79A.60.050)
7 Inciting Criminal Profiteering (RCW
8 9A.82.060(1)(b))
9 Malicious placement of an explosive 2 (RCW
10 70.74.270(2))
11 Over 18 and deliver narcotic from Schedule
12 III, IV, or V or a nonnarcotic, except
13 flunitrazepam or methamphetamine, from
14 Schedule I-V to someone under 18 and 3
15 years junior (RCW 69.50.406)
16 Robbery 1 (RCW 9A.56.200)
17 Sexual Exploitation (RCW 9.68A.040)
18 Vehicular Homicide, by being under the
19 influence of intoxicating liquor or
20 any drug (RCW 46.61.520)

21 VIII Arson 1 (RCW 9A.48.020)
22 Deliver or possess with intent to deliver
23 m e t h a m p h e t a m i n e (R C W
24 69.50.401(a)(1)(ii))
25 Homicide by Watercraft, by the operation of
26 any vessel in a reckless manner (RCW
27 79A.60.050)
28 Manslaughter 2 (RCW 9A.32.070)
29 Manufacture, deliver, or possess with
30 intent to deliver amphetamine (RCW
31 69.50.401(a)(1)(ii))
32 Manufacture, deliver, or possess with
33 intent to deliver heroin or cocaine
34 (RCW 69.50.401(a)(1)(i))
35 Possession of Ephedrine, Pseudoephedrine,
36 or Anhydrous Ammonia with intent to
37 manufacture methamphetamine (RCW
38 69.50.440)
39 Promoting Prostitution 1 (RCW 9A.88.070)

1 Selling for profit (controlled or
2 counterfeit) any controlled substance
3 (RCW 69.50.410)
4 Theft of ((Anhydrous)) Ammonia (RCW
5 69.55.010)
6 Vehicular Homicide, by the operation of any
7 vehicle in a reckless manner (RCW
8 46.61.520)

9 VII Burglary 1 (RCW 9A.52.020)
10 Child Molestation 2 (RCW 9A.44.086)
11 Dealing in depictions of minor engaged in
12 sexually explicit conduct (RCW
13 9.68A.050)
14 Drive-by Shooting (RCW 9A.36.045)
15 Homicide by Watercraft, by disregard for
16 the safety of others (RCW 79A.60.050)
17 Indecent Liberties (without forcible
18 compulsion) (RCW 9A.44.100(1) (b) and
19 (c))
20 Introducing Contraband 1 (RCW 9A.76.140)
21 Involving a minor in drug dealing (RCW
22 69.50.401(f))
23 Malicious placement of an explosive 3 (RCW
24 70.74.270(3))
25 Sending, bringing into state depictions of
26 minor engaged in sexually explicit
27 conduct (RCW 9.68A.060)
28 Unlawful Possession of a Firearm in the
29 first degree (RCW 9.41.040(1)(a))
30 Use of a Machine Gun in Commission of a
31 Felony (RCW 9.41.225)
32 Vehicular Homicide, by disregard for the
33 safety of others (RCW 46.61.520)

34 VI Bail Jumping with Murder 1 (RCW
35 9A.76.170(3)(a))
36 Bribery (RCW 9A.68.010)
37 Incest 1 (RCW 9A.64.020(1))
38 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation device
4 2 (RCW 70.74.272(1)(b))
5 Manufacture, deliver, or possess with
6 intent to deliver narcotics from
7 Schedule I or II (except heroin or
8 cocaine) or flunitrazepam from
9 Schedule IV (RCW 69.50.401(a)(1)(i))
10 Rape of a Child 3 (RCW 9A.44.079)
11 Theft of a Firearm (RCW 9A.56.300)
12 Unlawful Storage of ((Anhydrous)) Ammonia
13 (RCW 69.55.020)
14 V Abandonment of dependent person 1 (RCW
15 9A.42.060)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Bail Jumping with class A Felony (RCW
20 9A.76.170(3)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 Criminal Mistreatment 1 (RCW 9A.42.020)
23 Custodial Sexual Misconduct 1 (RCW
24 9A.44.160)
25 Delivery of imitation controlled substance
26 by person eighteen or over to person
27 under eighteen (RCW 69.52.030(2))
28 Domestic Violence Court Order Violation
29 (RCW 10.99.040, 10.99.050, 26.09.300,
30 26.10.220, 26.26.138, 26.50.110,
31 26.52.070, or 74.34.145)
32 Extortion 1 (RCW 9A.56.120)
33 Extortionate Extension of Credit (RCW
34 9A.82.020)
35 Extortionate Means to Collect Extensions of
36 Credit (RCW 9A.82.040)
37 Incest 2 (RCW 9A.64.020(2))
38 Kidnapping 2 (RCW 9A.40.030)
39 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Sexual Misconduct with a Minor 1 (RCW
9 9A.44.093)
10 Sexually Violating Human Remains (RCW
11 9A.44.105)
12 Stalking (RCW 9A.46.110)
13 IV Arson 2 (RCW 9A.48.030)
14 Assault 2 (RCW 9A.36.021)
15 Assault by Watercraft (RCW 79A.60.060)
16 Bribing a Witness/Bribe Received by Witness
17 (RCW 9A.72.090, 9A.72.100)
18 Commercial Bribery (RCW 9A.68.060)
19 Counterfeiting (RCW 9.16.035(4))
20 Escape 1 (RCW 9A.76.110)
21 Hit and Run--Injury (RCW 46.52.020(4)(b))
22 Hit and Run with Vessel--Injury Accident
23 (RCW 79A.60.200(3))
24 Identity Theft 1 (RCW 9.35.020(2)(a))
25 Indecent Exposure to Person Under Age
26 Fourteen (subsequent sex offense) (RCW
27 9A.88.010)
28 Influencing Outcome of Sporting Event (RCW
29 9A.82.070)
30 Knowingly Trafficking in Stolen Property
31 (RCW 9A.82.050(2))
32 Malicious Harassment (RCW 9A.36.080)
33 Manufacture, deliver, or possess with
34 intent to deliver narcotics from
35 Schedule III, IV, or V or nonnarcotics
36 from Schedule I-V (except marijuana,
37 amphetamine, methamphetamines, or
38 flunitrazepam) (RCW 69.50.401(a)(1)
39 (iii) through (v))

1 Residential Burglary (RCW 9A.52.025)
2 Robbery 2 (RCW 9A.56.210)
3 Theft of Livestock 1 (RCW 9A.56.080)
4 Threats to Bomb (RCW 9.61.160)
5 Use of Proceeds of Criminal Profiteering
6 (RCW 9A.82.080 (1) and (2))
7 Vehicular Assault, by being under the
8 influence of intoxicating liquor or
9 any drug, or by the operation or
10 driving of a vehicle in a reckless
11 manner (RCW 46.61.522)
12 Willful Failure to Return from Furlough
13 (RCW 72.66.060)

14 III Abandonment of dependent person 2 (RCW
15 9A.42.070)
16 Assault 3 (RCW 9A.36.031)
17 Assault of a Child 3 (RCW 9A.36.140)
18 Bail Jumping with class B or C Felony (RCW
19 9A.76.170(3)(c))
20 Burglary 2 (RCW 9A.52.030)
21 Communication with a Minor for Immoral
22 Purposes (RCW 9.68A.090)
23 Criminal Gang Intimidation (RCW 9A.46.120)
24 Criminal Mistreatment 2 (RCW 9A.42.030)
25 Custodial Assault (RCW 9A.36.100)
26 Delivery of a material in lieu of a
27 controlled substance (RCW
28 69.50.401(c))
29 Escape 2 (RCW 9A.76.120)
30 Extortion 2 (RCW 9A.56.130)
31 Harassment (RCW 9A.46.020)
32 Intimidating a Public Servant (RCW
33 9A.76.180)
34 Introducing Contraband 2 (RCW 9A.76.150)
35 Maintaining a Dwelling or Place for
36 Controlled Substances (RCW
37 69.50.402(a)(6))
38 Malicious Injury to Railroad Property (RCW
39 81.60.070)

1 Manufacture, deliver, or possess with
2 intent to deliver marijuana (RCW
3 69.50.401(a)(1)(iii))
4 Manufacture, distribute, or possess with
5 intent to distribute an imitation
6 controlled substance (RCW
7 69.52.030(1))
8 Patronizing a Juvenile Prostitute (RCW
9 9.68A.100)
10 Perjury 2 (RCW 9A.72.030)
11 Possession of Incendiary Device (RCW
12 9.40.120)
13 Possession of Machine Gun or Short-Barreled
14 Shotgun or Rifle (RCW 9.41.190)
15 Promoting Prostitution 2 (RCW 9A.88.080)
16 Recklessly Trafficking in Stolen Property
17 (RCW 9A.82.050(1))
18 Securities Act violation (RCW 21.20.400)
19 Tampering with a Witness (RCW 9A.72.120)
20 Telephone Harassment (subsequent conviction
21 or threat of death) (RCW 9.61.230)
22 Theft of Livestock 2 (RCW 9A.56.080)
23 Unlawful Imprisonment (RCW 9A.40.040)
24 Unlawful possession of firearm in the
25 second degree (RCW 9.41.040(1)(b))
26 Unlawful Use of Building for Drug Purposes
27 (RCW 69.53.010)
28 Vehicular Assault, by the operation or
29 driving of a vehicle with disregard
30 for the safety of others (RCW
31 46.61.522)
32 Willful Failure to Return from Work Release
33 (RCW 72.65.070)
34 II Computer Trespass 1 (RCW 9A.52.110)
35 Counterfeiting (RCW 9.16.035(3))
36 Create, deliver, or possess a counterfeit
37 controlled substance (RCW
38 69.50.401(b))

1 Escape from Community Custody (RCW
2 72.09.310)
3 Health Care False Claims (RCW 48.80.030)
4 Identity Theft 2 (RCW 9.35.020(2)(b))
5 Improperly Obtaining Financial Information
6 (RCW 9.35.010)
7 Malicious Mischief 1 (RCW 9A.48.070)
8 Possession of controlled substance that is
9 either heroin or narcotics from
10 Schedule I or II or flunitrazepam from
11 Schedule IV (RCW 69.50.401(d))
12 Possession of phencyclidine (PCP) (RCW
13 69.50.401(d))
14 Possession of Stolen Property 1 (RCW
15 9A.56.150)
16 Theft 1 (RCW 9A.56.030)
17 Theft of Rental, Leased, or Lease-purchased
18 Property (valued at one thousand five
19 hundred dollars or more) (RCW
20 9A.56.096(4))
21 Trafficking in Insurance Claims (RCW
22 48.30A.015)
23 Unlawful Practice of Law (RCW 2.48.180)
24 Unlicensed Practice of a Profession or
25 Business (RCW 18.130.190(7))
26 I Attempting to Elude a Pursuing Police
27 Vehicle (RCW 46.61.024)
28 False Verification for Welfare (RCW
29 74.08.055)
30 Forged Prescription (RCW 69.41.020)
31 Forged Prescription for a Controlled
32 Substance (RCW 69.50.403)
33 Forgery (RCW 9A.60.020)
34 Malicious Mischief 2 (RCW 9A.48.080)
35 Possess Controlled Substance that is a
36 Narcotic from Schedule III, IV, or V
37 or Non-narcotic from Schedule I-V
38 (except phencyclidine or
39 flunitrazepam) (RCW 69.50.401(d))

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

17 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

Passed the Senate March 11, 2002.

Passed the House March 5, 2002.

Approved by the Governor March 26, 2002.

Filed in Office of Secretary of State March 26, 2002.