

---

HOUSE BILL 2263

---

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Hargrove, Winsley, Prentice, H. Myers, Ludwig, Tate, Morris, Riley, Leonard and Orr; by request of Department of Corrections

Prefiled 12/30/91. Read first time 01/13/92. Referred to Committee on Human Services.

1 AN ACT Relating to references to state correctional facilities;  
2 amending RCW 9.05.020, 9.05.030, 9.16.010, 9.16.020, 9.24.020,  
3 9.24.030, 9.24.050, 9.41.180, 9.45.020, 9.45.070, 9.45.124, 9.45.126,  
4 9.47.090, 9.47.120, 9.62.010, 9.82.030, 9.91.090, 9.92.090, 9.94.020,  
5 9.94.030, 9.94.049, 9.94.050, 9.95.031, 9.95.040, 9.95.055, 9.95.080,  
6 9.95.140, 9.95.190, 10.70.140, 26.04.230, 29.01.080, 29.04.120,  
7 36.18.170, 40.16.010, 40.16.020, 40.16.030, 42.20.070, 42.20.090,  
8 43.06.230, 43.08.140, 46.16.230, 66.44.120, 67.24.010, 68.50.140,  
9 68.50.145, 68.50.150, 69.25.150, 69.40.030, 70.74.270, 70.74.280,  
10 72.01.050, 72.01.200, 72.01.370, 72.64.030, 72.64.050, 72.65.010,  
11 72.68.020, 72.68.100, 74.08.331, 81.60.070, 81.60.080, 88.08.020, and  
12 88.08.050; and repealing RCW 9.92.050.

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

1       **Sec. 1.** RCW 9.05.020 and 1941 c 215 s 2 are each amended to read  
2 as follows:

3       Every person who

4       (1) By word of mouth, by writing, by radio, or by printing shall  
5 advocate, advise or teach the duty, necessity or propriety of  
6 overthrowing or overturning organized government by force or violence,  
7 or by assassination of the executive head or of any of the executive  
8 officials of government, or by any unlawful means; or,

9       (2) Shall print, publish, edit, issue or knowingly circulate, sell,  
10 distribute or publicly display any book, paper, document, or written or  
11 printed matter in any form, containing or advocating, advising or  
12 teaching the doctrine that organized government should be overthrown by  
13 force, violence or any unlawful means; or,

14       (3) Shall openly, willfully and deliberately justify by word of  
15 mouth, by writing, by radio or by printing the assassination or  
16 unlawful killing or assaulting of any executive or other officer of the  
17 United States or of any state or of any civilized nation having an  
18 organized government because of his or her official character, or any  
19 other crime, with intent to teach, spread or advocate the propriety of  
20 the doctrines of criminal anarchy; or,

21       (4) Shall organize or help to organize or become a member of or  
22 voluntarily assemble with any society, group or assembly of persons  
23 formed to teach or advocate such doctrine,

24       Shall be punished by imprisonment in (~~the state penitentiary~~) a  
25 state correctional facility for not more than ten years, or by a fine  
26 of not more than five thousand dollars, or by both.

27       No person convicted of violating any of the provisions of RCW  
28 9.05.010 or 9.05.020 shall be an employee of the state, or any  
29 department, agency, or subdivision thereof during the five years next  
30 following his or her conviction.

1       **Sec. 2.** RCW 9.05.030 and 1909 c 249 s 314 are each amended to read  
2 as follows:

3       Whenever two or more persons assemble for the purpose of advocating  
4 or teaching the doctrines of criminal anarchy, as defined in RCW  
5 9.05.010, such an assembly is unlawful, and every person voluntarily  
6 participating therein by his or her presence, aid or instigation, shall  
7 be punished by imprisonment in (~~(the state penitentiary)~~) a state  
8 correctional facility for not more than ten years, or by a fine of not  
9 more than five thousand dollars, or both.

10       **Sec. 3.** RCW 9.16.010 and 1909 c 249 s 342 are each amended to read  
11 as follows:

12       Every person who shall willfully deface, obliterate, remove, or  
13 alter any mark or brand placed by or with the authority of the owner  
14 thereof on any shingle bolt, log or stick of timber, or on any horse,  
15 mare, gelding, mule, cow, steer, bull, sheep, goat or hog, shall be  
16 punished by imprisonment in (~~(the state penitentiary)~~) a state  
17 correctional facility for not more than five years, or by imprisonment  
18 in the county jail for not more than one year, or by a fine of not more  
19 than one thousand dollars, or by both fine and imprisonment.

20       **Sec. 4.** RCW 9.16.020 and 1909 c 249 s 343 are each amended to read  
21 as follows:

22       Every person who, in any county, (~~(shall)~~) places upon any  
23 property, any brand or mark in the likeness or similitude of another  
24 brand or mark filed with the county auditor of such county by the owner  
25 thereof as a brand or mark for the designation or identification of a  
26 like kind of property, (~~(shall—)~~) is:

27       (1) If done with intent to confuse or commingle such property with,  
28 or to appropriate to his or her own use, the property of such other

1 owner, ~~((be))~~ guilty of a felony, and be punished by imprisonment in  
2 ~~((the state penitentiary))~~ a state correctional facility for not more  
3 than five years, or by imprisonment in the county jail for not more  
4 than one year, or by a fine of not more than one thousand dollars, or  
5 by both fine and imprisonment; or

6 (2) If done without such intent, ~~((shall be))~~ guilty of a  
7 misdemeanor.

8 **Sec. 5.** RCW 9.24.020 and 1909 c 249 s 387 are each amended to read  
9 as follows:

10 Every officer, agent or other person in the service of a joint  
11 stock company or corporation, domestic or foreign, who, willfully and  
12 knowingly with intent to defraud(~~(, shall)~~):

13 (1) Sells, pledges, or issues, or causes to be sold, pledged, or  
14 issued, or signs or executes, or causes to be signed or executed, with  
15 intent to sell, pledge, or issue, or cause to be sold, pledged, or  
16 issued, any certificate or instrument purporting to be a certificate or  
17 evidence of ownership of any share or shares of such company or  
18 corporation, or any conveyance or encumbrance of real or personal  
19 property, contract, bond, or evidence of debt, or writing purporting to  
20 be a conveyance or encumbrance of real or personal property, contract,  
21 bond or evidence of debt of such company or corporation, without being  
22 first duly authorized by such company or corporation, or contrary to  
23 the charter or laws under which such company or corporation exists, or  
24 in excess of the power of such company or corporation, or of the limit  
25 imposed by law or otherwise upon its power to create or issue stock or  
26 evidence of debt; or,

27 (2) Reissues, sells, pledges, ~~((or))~~ disposes of, or causes to be  
28 reissued, sold, pledged, or disposed of, any surrendered or canceled

1 certificate or other evidence of the transfer of ownership of any such  
2 share or shares((÷))  
3 shall be punished by imprisonment in ((~~the state penitentiary~~)) a state  
4 correctional facility for not more than ten years, or by a fine of not  
5 more than five thousand dollars, or by both.

6       **Sec. 6.** RCW 9.24.030 and 1909 c 249 s 388 are each amended to read  
7 as follows:

8       Every owner, officer, stockholder, agent or employee of any person,  
9 firm, corporation or association engaged, wholly or in part, in the  
10 business of banking or receiving money or negotiable paper or  
11 securities on deposit or in trust, who shall accept or receive, with or  
12 without interest, any deposit, or who shall consent thereto or connive  
13 thereat, when he or she knows or has good reason to believe that such  
14 person, firm, corporation or association is unsafe or insolvent, shall  
15 be punished by imprisonment in ((~~the state penitentiary~~)) a state  
16 correctional facility for not more than ten years, or by a fine of not  
17 more than ten thousand dollars.

18       **Sec. 7.** RCW 9.24.050 and 1909 c 249 s 390 are each amended to read  
19 as follows:

20       Every director, officer or agent of any corporation or joint stock  
21 association, and every person engaged in organizing or promoting any  
22 enterprise, who shall knowingly make or publish or concur in making or  
23 publishing any written prospectus, report, exhibit or statement of its  
24 affairs or pecuniary condition, containing any material statement that  
25 is false or exaggerated, shall be punished by imprisonment in ((~~the~~  
26 ~~state penitentiary~~)) a state correctional facility for not more than  
27 ten years, or by a fine of not more than five thousand dollars.

1       **Sec. 8.** RCW 9.41.180 and 1909 c 249 s 266 are each amended to read  
2 as follows:

3       Every person who shall set a so-called trap, spring pistol, rifle,  
4 or other deadly weapon, shall be punished as follows:

5       (1) If no injury result therefrom to any human being, by  
6 imprisonment in the county jail for not more than one year or by a fine  
7 of not more than one thousand dollars, or by both.

8       (2) If injuries not fatal result therefrom to any human being, by  
9 imprisonment in ((~~the state penitentiary~~)) a state correctional  
10 facility for not more than twenty years.

11       (3) If the death of a human being results therefrom, by  
12 imprisonment in ((~~the state penitentiary~~)) a state correctional  
13 facility for not more than twenty years.

14       **Sec. 9.** RCW 9.45.020 and 1909 c 249 s 123 are each amended to read  
15 as follows:

16       Every person to whom a child has been confided for nursing,  
17 education or any other purpose, who, with intent to deceive a person,  
18 guardian or relative of such child, shall substitute or produce to such  
19 parent, guardian or relative, another child or person in the place of  
20 the child so confided, shall be punished by imprisonment in ((~~the state~~  
21 ~~penitentiary~~)) a state correctional facility for not more than ten  
22 years.

23       **Sec. 10.** RCW 9.45.070 and 1909 c 249 s 378 are each amended to  
24 read as follows:

25       Every person who shall obtain any money or property from another or  
26 shall obtain the signature of another to any writing the false making  
27 of which would be forgery, by color or aid of any false or fraudulent  
28 sale of property or pretended sale of property by auction, or by any of

1 the practices known as mock auction, shall be punished by imprisonment  
2 in (~~the state penitentiary~~) a state correctional facility for not  
3 more than five years or in the county jail for not more than one year,  
4 or by a fine of not more than one thousand dollars, or by both fine and  
5 imprisonment.

6 Every person who shall buy or sell or pretend to buy or sell any  
7 goods, wares or merchandise, exposed to sale by auction, if an actual  
8 sale, purchase and change of ownership therein does not thereupon take  
9 place, shall be guilty of a misdemeanor.

10 **Sec. 11.** RCW 9.45.124 and 1967 c 200 s 2 are each amended to read  
11 as follows:

12 Every person, corporation, or association whether profit or  
13 nonprofit, who shall ask or receive, or conspire to ask or receive,  
14 directly or indirectly, any compensation, gratuity, or reward or any  
15 promise thereof, on any agreement or understanding that he or she shall  
16 (1) intentionally make an inaccurate visual or mechanical measurement  
17 or an intentionally inaccurate recording of any visual or mechanical  
18 measurement of goods, raw materials, and agricultural products (whether  
19 severed or unsevered from the land) which he or she has or will have  
20 the duty to measure, or shall (2) intentionally change, alter or  
21 affect, for the purpose of making an inaccurate measurement, any  
22 equipment or other device which is designed to measure, either  
23 qualitatively or quantitatively, such goods, raw materials, and  
24 agricultural products, or shall intentionally alter the recordation of  
25 such measurements, shall be guilty of a felony, punishable by  
26 imprisonment in (~~the state penitentiary~~) a state correctional  
27 facility for not more than ten years, or by a fine of not more than  
28 five thousand dollars, or both.

1       **Sec. 12.** RCW 9.45.126 and 1967 c 200 s 3 are each amended to read  
2 as follows:

3       Every person who shall give, offer or promise, or conspire to give,  
4 offer or promise, directly or indirectly, any compensation, gratuity or  
5 reward to any person, corporation, independent contractor, or agent,  
6 employee or servant thereof with intent to violate RCW 9.45.124, shall  
7 be guilty of a felony, punishable by imprisonment in ((~~the state~~  
8 ~~penitentiary~~)) a state correctional facility for not more than ten  
9 years, or by a fine of not more than five thousand dollars, or both.

10       **Sec. 13.** RCW 9.47.090 and 1909 c 249 s 224 are each amended to  
11 read as follows:

12       Every person, whether in his or her own behalf, or as agent,  
13 servant or employee of another person, within or outside of this state,  
14 who shall open, conduct or carry on any bucket shop, or make or offer  
15 to make any contract described in RCW 9.47.080, or with intent to make  
16 such a contract, or assist therein, shall receive, exhibit, or display  
17 any statement of market prices of any commodities, securities, or  
18 property, shall be punished by imprisonment in ((~~the state~~  
19 ~~penitentiary~~)) a state correctional facility for not more than five  
20 years.

21       **Sec. 14.** RCW 9.47.120 and 1909 c 249 s 227 are each amended to  
22 read as follows:

23       Every person who shall entice, or induce another, upon any  
24 pretense, to go to any place where any gambling game, scheme or device,  
25 or any trick, sleight of hand performance, fraud or fraudulent scheme,  
26 cards, dice or device, is being conducted or operated; or while in such  
27 place shall entice or induce another to bet, wager or hazard any money  
28 or property, or representative of either, upon any such game, scheme,



1 device, trick, sleight of hand performance, fraud or fraudulent scheme,  
2 cards, dice, or device, or to execute any obligation for the payment of  
3 money, or delivery of property, or to lose, advance, or loan any money  
4 or property, or representative of either, shall be punished by  
5 imprisonment in ~~((the state penitentiary))~~ a state correctional  
6 facility for not more than ten years.

7 **Sec. 15.** RCW 9.62.010 and 1909 c 249 s 117 are each amended to  
8 read as follows:

9 Every person who shall, maliciously and without probable cause  
10 therefor, cause or attempt to cause another to be arrested or proceeded  
11 against for any crime of which he or she is innocent~~((—))~~:

12 (1) If such crime be a felony, shall be punished by imprisonment in  
13 ~~((the state penitentiary))~~ a state correctional facility for not more  
14 than five years; and~~((—))~~

15 (2) If such crime be a gross misdemeanor or misdemeanor, shall be  
16 guilty of a misdemeanor.

17 **Sec. 16.** RCW 9.82.030 and 1971 c 81 s 45 are each amended to read  
18 as follows:

19 Every person having knowledge of the commission of treason, who  
20 conceals the same, and does not, as soon as may be, disclose such  
21 treason to the governor or a justice of the supreme court or a judge of  
22 either the court of appeals or the superior court, shall be guilty of  
23 misprision of treason and punished by a fine of not more than one  
24 thousand dollars, or by imprisonment in ~~((the state penitentiary))~~ a  
25 state correctional facility for not more than five years or in a county  
26 jail for not more than one year.

1       **Sec. 17.** RCW 9.91.090 and 1981 c 203 s 4 are each amended to read  
2 as follows:

3       Every person who, with intent to defraud or prejudice the insurer  
4 thereof, shall willfully injure or destroy any property (~~((not specified~~  
5 ~~or included hereinbefore in this subdivision, which))~~) that is insured  
6 at the time against loss or damage by casualty other than fire, shall  
7 be punished by imprisonment in (~~(the state penitentiary))~~) a state  
8 correctional facility for not more than ten years, or by a fine of not  
9 more than five thousand dollars, or by both.

10       **Sec. 18.** RCW 9.92.090 and 1909 c 249 s 34 are each amended to read  
11 as follows:

12       Every person convicted in this state of any crime of which fraud or  
13 intent to defraud is an element, or of petit larceny, or of any felony,  
14 who shall previously have been convicted, whether in this state or  
15 elsewhere, of any crime which under the laws of this state would amount  
16 to a felony, or who shall previously have been twice convicted, whether  
17 in this state or elsewhere, of petit larceny, or of any misdemeanor or  
18 gross misdemeanor of which fraud or intent to defraud is an element,  
19 shall be adjudged to be an habitual criminal and shall be punished by  
20 imprisonment in (~~(the state penitentiary))~~) a state correctional  
21 facility for not less than ten years.

22       Every person convicted in this state of any crime of which fraud or  
23 intent to defraud is an element, or of petit larceny, or of any felony,  
24 who shall previously have been twice convicted, whether in this state  
25 or elsewhere, of any crime which under the laws of this state would  
26 amount to a felony, or who shall previously have been four times  
27 convicted, whether in this state or elsewhere, of petit larceny, or of  
28 any misdemeanor or gross misdemeanor of which fraud or intent to

1 defraud is an element, shall be punished by imprisonment in (~~the state~~  
2 ~~penitentiary~~) a state correctional facility for life.

3       **Sec. 19.** RCW 9.94.020 and 1955 c 241 s 2 are each amended to read  
4 as follows:

5       Every inmate of a state (~~penal institution~~) correctional facility  
6 who is guilty of prison riot or of voluntarily participating therein by  
7 being present at, or by instigating, aiding or abetting the same, shall  
8 be punished by imprisonment in (~~the state penitentiary~~) a state  
9 correctional facility for not less than one year nor more than ten  
10 years, which shall be in addition to the sentence being served.

11       **Sec. 20.** RCW 9.94.030 and 1957 c 112 s 1 are each amended to read  
12 as follows:

13       Whenever any inmate of a state (~~penal institution~~) correctional  
14 facility shall hold, or participate in holding, any person as a  
15 hostage, by force or violence, or the threat thereof, or shall prevent,  
16 or participate in preventing an officer of such institution from  
17 carrying out his or her duties, by force or violence, or the threat  
18 thereof, he or she shall be guilty of a felony and upon conviction  
19 shall be punished by imprisonment in (~~the state penitentiary~~) a state  
20 correctional facility for not less than one year nor more than ten  
21 years.

22       **Sec. 21.** RCW 9.94.049 and 1985 c 350 s 3 are each amended to read  
23 as follows:

24       For the purposes of RCW 9.94.043 and 9.94.045, "state correctional  
25 institution" means (~~the: Washington corrections center, Washington~~  
26 ~~state penitentiary, Washington state reformatory, McNeil Island~~  
27 ~~corrections center, Purdy corrections center for women, Larch~~

1 ~~corrections center, Indian Ridge corrections center, Cedar Creek~~  
2 ~~corrections center, the Olympic corrections center, Firland corrections~~  
3 ~~center, Clearwater corrections center, Pine Lodge corrections center,~~  
4 ~~the Twin Rivers corrections center, the special offender center, the~~  
5 ~~proposed five hundred bed facility at Clallam Bay, and other)) all~~  
6 ~~state correctional facilities under the supervision of the secretary of~~  
7 ~~the department of corrections used solely for the purpose of~~  
8 ~~confinement of convicted felons.~~

9       **Sec. 22.** RCW 9.94.050 and 1955 c 241 s 5 are each amended to read  
10 as follows:

11       (~~All officers and guards of state penal institutions~~) Any  
12 correctional employee, while acting in the supervision and  
13 transportation of prisoners, and in the apprehension of prisoners who  
14 have escaped, shall have the powers and duties of a peace officer.

15       **Sec. 23.** RCW 9.95.031 and 1929 c 158 s 1 are each amended to read  
16 as follows:

17       Whenever any person shall be convicted of a crime and who shall be  
18 sentenced to imprisonment or confinement in (~~the Washington state~~  
19 ~~penitentiary or the Washington state reformatory~~) a state correctional  
20 facility, it shall be the duty of the prosecuting attorney who  
21 prosecuted such convicted person to make a statement of the facts  
22 respecting the crime for which the prisoner was tried and convicted,  
23 and include in such statement all information that ((he)) the  
24 prosecuting attorney can give in regard to the career of the prisoner  
25 before the commission of the crime for which ((he)) the prisoner was  
26 convicted and sentenced, stating to the best of ((his)) the prosecuting  
27 attorney's knowledge whether the prisoner was industrious and of good  
28 character, and all other facts and circumstances that may tend to throw

1 any light upon the question as to whether such prisoner is capable of  
2 again becoming a good citizen.

3 **Sec. 24.** RCW 9.95.040 and 1986 c 224 s 9 are each amended to read  
4 as follows:

5 The board shall fix the duration of confinement for persons  
6 committed by the court before July 1, 1986, for crimes committed before  
7 July 1, 1984. Within six months after the admission of the convicted  
8 person to (~~the penitentiary, reformatory, or such other state penal~~  
9 ~~institution as may hereafter be established~~) a state correctional  
10 facility, the board shall fix the duration of ((his)) confinement. The  
11 term of imprisonment so fixed shall not exceed the maximum provided by  
12 law for the offense of which ((he)) the person was convicted or the  
13 maximum fixed by the court where the law does not provide for a maximum  
14 term.

15 The following limitations are placed on the board or the court for  
16 persons committed to ((prison)) a state correctional facility on or  
17 after July 1, 1986, for crimes committed before July 1, 1984, with  
18 regard to fixing the duration of confinement in certain cases,  
19 notwithstanding any provisions of law specifying a lesser sentence:

20 (1) For a person not previously convicted of a felony but armed  
21 with a deadly weapon at the time of the commission of ((his)) the  
22 offense, the duration of confinement shall not be fixed at less than  
23 five years.

24 (2) For a person previously convicted of a felony either in this  
25 state or elsewhere and who was armed with a deadly weapon at the time  
26 of the commission of ((his)) the offense, the duration of confinement  
27 shall not be fixed at less than seven and one-half years.

28 The words "deadly weapon," as used in this section include, but are  
29 not limited to, any instrument known as a blackjack, sling shot, billy,

1 sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver,  
2 or any other firearm, any knife having a blade longer than three  
3 inches, any razor with an unguarded blade, any metal pipe or bar used  
4 or intended to be used as a club, any explosive, and any weapon  
5 containing poisonous or injurious gas.

6 (3) For a person convicted of being an habitual criminal within the  
7 meaning of the statute which provides for mandatory life imprisonment  
8 for such habitual criminals, the duration of confinement shall not be  
9 fixed at less than fifteen years. The board shall retain jurisdiction  
10 over such convicted person throughout ~~((his))~~ the person's natural life  
11 unless the governor by appropriate executive action orders otherwise.

12 (4) Any person convicted of embezzling funds from any institution  
13 of public deposit of which ~~((he))~~ the person was an officer or  
14 stockholder, the duration of confinement shall be fixed at not less  
15 than five years.

16 Except when an inmate of ~~((the reformatory, penitentiary, or such  
17 other penal institution as may hereafter be established))~~ a state  
18 correctional facility has been convicted of murder in the first or  
19 second degree, the board may parole an inmate prior to the expiration  
20 of a mandatory minimum term, provided such inmate has demonstrated a  
21 meritorious effort in rehabilitation and at least two-thirds of the  
22 board members concur in such action: PROVIDED, That any inmate who has  
23 a mandatory minimum term and is paroled prior to the expiration of such  
24 term according to the provisions of this chapter shall not receive a  
25 conditional release from supervision while on parole until after the  
26 mandatory minimum term has expired.

27 **Sec. 25.** RCW 9.95.055 and 1951 c 239 s 1 are each amended to read  
28 as follows:

1       The (~~board of prison terms and paroles~~) indeterminate sentence  
2 review board is hereby granted authority, in the event of a declaration  
3 by the governor that a war emergency exists, including a general  
4 mobilization, and for the duration thereof only, to reduce downward the  
5 minimum term, as set by the board, of any inmate under the jurisdiction  
6 of the board confined in (~~the Washington state penitentiary or~~  
7 ~~reformatory~~) a state correctional facility, who will be accepted by  
8 and inducted into the armed services: PROVIDED, That a reduction  
9 downward shall not be made under this section for those inmates who are  
10 confined for treason, murder in the first degree or carnal knowledge of  
11 a female child under ten years: AND PROVIDED FURTHER, That no such  
12 inmate shall be released under this section who is found to be a sexual  
13 psychopath under the provisions of and as defined by chapter 71.12 RCW.

14       **Sec. 26.** RCW 9.95.080 and 1972 ex.s. c 68 s 1 are each amended to  
15 read as follows:

16       In case any convicted person under the jurisdiction of the  
17 indeterminate sentence review board undergoing sentence in (~~the~~  
18 ~~penitentiary, reformatory, or other~~) a state correctional  
19 (~~institution,~~) facility commits any infractions of the rules and  
20 regulations of the institution, the board (~~of prison terms and~~  
21 ~~paroles~~) may revoke any order theretofore made determining the length  
22 of time such convicted person shall be imprisoned, including the  
23 forfeiture of all or a portion of credits earned or to be earned,  
24 pursuant to the provisions of RCW 9.95.110, and make a new order  
25 determining the length of time ((he)) the person shall serve, not  
26 exceeding the maximum penalty provided by law for the crime for which  
27 ((he)) the person was convicted, or the maximum fixed by the court.  
28 Such revocation and redetermination shall not be had except upon a  
29 hearing before the (~~board of prison terms and paroles~~) indeterminate

1 sentence review board. At such hearing the convicted person shall be  
2 present and entitled to be heard and may present evidence and witnesses  
3 in his or her behalf.

4 **Sec. 27.** RCW 9.95.140 and 1990 c 3 s 126 are each amended to read  
5 as follows:

6 The (~~board of prison terms and paroles~~) indeterminate sentence  
7 review board shall cause a complete record to be kept of every prisoner  
8 under the jurisdiction of the board released on parole. Such records  
9 shall be organized in accordance with the most modern methods of filing  
10 and indexing so that there will be always immediately available  
11 complete information about each such prisoner. The board may make  
12 rules as to the privacy of such records and their use by others than  
13 the board and its staff. In determining the rules regarding  
14 dissemination of information regarding convicted sex offenders under  
15 the board's jurisdiction, the board shall consider the provisions of  
16 section 116, chapter 3, Laws of 1990 and RCW 4.24.550 and shall be  
17 immune from liability for the release of information concerning sex  
18 offenders as provided in RCW 4.24.550.

19 The superintendents of (~~the penitentiary and the reformatory~~)  
20 state correctional facilities and all officers and employees thereof  
21 and all other public officials shall at all times cooperate with the  
22 board and furnish to the board, its officers, and employees such  
23 information as may be necessary to enable it to perform its functions,  
24 and such superintendents and other employees shall at all times give  
25 the members of the board, its officers, and employees free access to  
26 all prisoners confined in the (~~penal institutions of the~~) state  
27 correctional facilities.



1       **Sec. 28.** RCW 9.95.190 and 1983 c 3 s 10 are each amended to read  
2 as follows:

3       The provisions of RCW 9.95.010 through 9.95.170, inclusive, (~~as~~  
4 ~~enacted by chapter 114, Laws of 1935, insofar as applicable,~~) shall  
5 apply to all convicted persons serving time in (~~the state penitentiary~~  
6 ~~or reformatory on June 12, 1935~~) a state correctional facility, to the  
7 end that at all times the same provisions relating to sentences,  
8 imprisonments, and paroles of prisoners shall apply to all inmates  
9 thereof.

10       (~~Similarly the provisions of said sections, as amended by chapter~~  
11 ~~92, Laws of 1947, insofar as applicable, shall apply to all convicted~~  
12 ~~persons serving time in the state penitentiary or reformatory on June~~  
13 ~~11, 1947, to the end that at all times the same provisions relating to~~  
14 ~~sentences, imprisonments, and paroles of prisoners shall apply to all~~  
15 ~~inmates thereof.))~~

16       **Sec. 29.** RCW 10.70.140 and 1925 ex.s. c 169 s 1 are each amended  
17 to read as follows:

18       Whenever any person shall be committed to (~~the state penitentiary,~~  
19 ~~the state reformatory,~~) a state correctional facility, the county  
20 jail, or any other state or county institution which is supported  
21 wholly or in part by public funds, it shall be the duty of the warden,  
22 superintendent, sheriff or other officer in charge of such state or  
23 county institution to at once inquire into the nationality of such  
24 person, and if it shall appear that such person is an alien, to  
25 immediately notify the United States immigration officer in charge of  
26 the district in which such penitentiary, reformatory, jail or other  
27 institution is located, of the date of and the reasons for such alien  
28 commitment, the length of time for which committed, the country of

1 which ((he)) the person is a citizen, and the date on which and the  
2 port at which ((he)) the person last entered the United States.

3 **Sec. 30.** RCW 26.04.230 and 1909 ex.s. c 16 s 4 are each amended to  
4 read as follows:

5 Any person knowingly violating any of the provisions of ((this  
6 act)) RCW 26.04.210 or 26.04.230 shall, upon conviction thereof, be  
7 punished by a fine of not more than one thousand dollars, or by  
8 imprisonment in ((~~the state penitentiary~~)) a state correctional  
9 facility for a period of not more than three years, or by both such  
10 fine and imprisonment.

11 **Sec. 31.** RCW 29.01.080 and 1965 c 9 s 29.01.080 are each amended  
12 to read as follows:

13 An "infamous crime" is a crime punishable by death in the state  
14 penitentiary or imprisonment in ((~~the state penitentiary~~)) a state  
15 correctional facility.

16 **Sec. 32.** RCW 29.04.120 and 1974 ex.s. c 127 s 3 are each amended  
17 to read as follows:

18 (1) Any person who uses registered voter data furnished under RCW  
19 29.04.100 or 29.04.110 for the purpose of mailing or delivering any  
20 advertisement or offer for any property, establishment, organization,  
21 product, or service or for the purpose of mailing or delivering any  
22 solicitation for money, services, or anything of value shall be guilty  
23 of a felony punishable by imprisonment in ((~~the state penitentiary~~)) a  
24 state correctional facility for a period of not more than five years or  
25 a fine of not more than five thousand dollars or both such fine and  
26 imprisonment, and shall be liable to each person provided such  
27 advertisement or solicitation, without ((his)) the person's consent,

1 for the nuisance value of such person having to dispose of it, which  
2 value is herein established at five dollars for each item mailed or  
3 delivered to ((his)) the person's residence: PROVIDED, That any person  
4 who mails or delivers any advertisement, offer or solicitation for a  
5 political purpose shall not be liable under this section, unless ((he))  
6 the person is liable under subsection (2) of this section. For  
7 purposes of this subsection, two or more attached papers or sheets or  
8 two or more papers which are enclosed in the same envelope or container  
9 or are folded together shall be deemed to constitute one item. Merely  
10 having a mailbox or other receptacle for mail on or near ((his)) the  
11 person's residence shall not be any indication that such person  
12 consented to receive the advertisement or solicitation. A class action  
13 may be brought to recover damages under this section and the court may  
14 award a reasonable attorney's fee to any party recovering damages under  
15 this section.

16 (2) It shall be the responsibility of each person furnished data  
17 under RCW 29.04.100 or 29.04.110 to take reasonable precautions  
18 designed to assure that the data is not used for the purpose of mailing  
19 or delivering any advertisement or offer for any property,  
20 establishment, organization, product or service or for the purpose of  
21 mailing or delivering any solicitation for money, services, or anything  
22 of value: PROVIDED, That such data may be used for any political  
23 purpose. Where failure to exercise due care in carrying out this  
24 responsibility results in the data being used for such purposes, then  
25 such person shall be jointly and severally liable for damages under the  
26 provisions of subsection (1) of this section along with any other  
27 person liable under subsection (1) of this section for the misuse of  
28 such data.

1       **Sec. 33.** RCW 36.18.170 and 1963 c 4 s 36.18.170 are each amended  
2 to read as follows:

3       Any salaried county or precinct officer, who fails to pay to the  
4 county treasury all sums that have come into ~~((his))~~ the officer's  
5 hands for fees and charges for the county, or by virtue of ~~((his))~~ the  
6 officer's office, whether under the laws of this state or of the United  
7 States, shall be guilty of embezzlement, and upon conviction thereof  
8 shall be punished by imprisonment in ~~((the penitentiary))~~ a state  
9 correctional facility not less than one year nor more than three years:  
10 PROVIDED, That upon conviction, his or her office shall be declared to  
11 be vacant by the court pronouncing sentence.

12       **Sec. 34.** RCW 40.16.010 and 1909 c 249 s 95 are each amended to  
13 read as follows:

14       Every person who shall willfully and unlawfully remove, alter,  
15 mutilate, destroy, conceal, or obliterate a record, map, book, paper,  
16 document, or other thing filed or deposited in a public office, or  
17 with any public officer, by authority of law, shall be punished by  
18 imprisonment in ~~((the state penitentiary))~~ a state correctional  
19 facility for not more than five years, or by a fine of not more than  
20 one thousand dollars, or by both.

21       **Sec. 35.** RCW 40.16.020 and 1909 c 249 s 96 are each amended to  
22 read as follows:

23       Every officer who shall mutilate, destroy, conceal, erase,  
24 obliterate, or falsify any record or paper appertaining to ~~((his))~~ the  
25 officer's office, or who shall fraudulently appropriate to ~~((his))~~ the  
26 officer's own use or to the use of another person, or secrete with  
27 intent to appropriate to such use, any money, evidence of debt or other  
28 property intrusted to ~~((him))~~ the officer by virtue of ~~((his))~~ the

1 officer's office, shall be punished by imprisonment in (~~the state~~  
2 ~~penitentiary~~) a state correctional facility for not more than ten  
3 years, or by a fine of not more than five thousand dollars, or by both.

4 **Sec. 36.** RCW 40.16.030 and 1909 c 249 s 97 are each amended to  
5 read as follows:

6 Every person who shall knowingly procure or offer any false or  
7 forged instrument to be filed, registered, or recorded in any public  
8 office, which instrument, if genuine, might be filed, registered or  
9 recorded in such office under any law of this state or of the United  
10 States, shall be punished by imprisonment in (~~the state penitentiary~~)  
11 a state correctional facility for not more than five years, or by a  
12 fine of not more than five thousand dollars, or by both.

13 **Sec. 37.** RCW 42.20.070 and 1909 c 249 s 317 are each amended to  
14 read as follows:

15 Every public officer, and every other person receiving money on  
16 behalf or for or on account of the people of the state or of any  
17 department of the state government or of any bureau or fund created by  
18 law in which the people are directly or indirectly interested, or for  
19 or on account of any county, city, town, or any school, diking,  
20 drainage, or irrigation district, who(~~—~~):

21 (1) Shall appropriate to his or her own use or the use of any  
22 person not entitled thereto, without authority of law, any money so  
23 received by him or her as such officer or otherwise; or

24 (2) Shall knowingly keep any false account, or make any false entry  
25 or erasure in any account, of or relating to any money so received by  
26 him or her; or

27 (3) Shall fraudulently alter, falsify, conceal, destroy or  
28 obliterate any such account; or

1 (4) Shall willfully omit or refuse to pay over to the state, its  
2 officer or agent authorized by law to receive the same, or to such  
3 county, city, town, or such school, diking, drainage, or irrigation  
4 district or to the proper officer or authority empowered to demand and  
5 receive the same, any money received by him or her as such officer when  
6 it is a duty imposed upon him or her by law to pay over and account for  
7 the same,  
8 shall be punished by imprisonment in (~~the state penitentiary~~) a state  
9 correctional facility for not more than fifteen years.

10 **Sec. 38.** RCW 42.20.090 and 1909 c 249 s 319 are each amended to  
11 read as follows:

12 Every state, county, city, or town treasurer who (~~shall~~)  
13 willfully misappropriates any moneys, funds, or securities received by  
14 or deposited with him or her as such treasurer, or who shall be guilty  
15 of any other malfeasance or willful neglect of duty in his or her  
16 office, shall be punished by imprisonment in (~~the state penitentiary~~)  
17 a state correctional facility for not more than five years or by a fine  
18 of not more than five thousand dollars.

19 **Sec. 39.** RCW 43.06.230 and 1969 ex.s. c 186 s 4 are each amended  
20 to read as follows:

21 After the proclamation of a state of emergency as provided in RCW  
22 43.06.010, any person who maliciously destroys or damages any real or  
23 personal property or maliciously injures another shall be guilty of a  
24 felony and upon conviction thereof shall be imprisoned in (~~the state~~  
25 ~~penitentiary~~) a state correctional facility for not less than two  
26 years nor more than ten years.

1       **Sec. 40.** RCW 43.08.140 and 1965 c 8 s 43.08.140 are each amended  
2 to read as follows:

3       If any person holding the office of state treasurer fails to  
4 account for and pay over all moneys in his or her hands in accordance  
5 with law, or unlawfully converts to his or her own use in any way  
6 whatever, or uses by way of investment in any kind of property, or  
7 loans without authority of law, any portion of the public money  
8 intrusted to him or her for safekeeping, transfer, or disbursement, or  
9 unlawfully converts to his or her own use any money that comes into his  
10 or her hands by virtue of his or her office, ((he)) the person shall be  
11 guilty of embezzlement, and upon conviction thereof, shall be  
12 imprisoned in ((the penitentiary)) a state correctional facility not  
13 exceeding fourteen years, and fined a sum equal to the amount  
14 embezzled.

15       **Sec. 41.** RCW 46.16.230 and 1975 c 25 s 19 are each amended to read  
16 as follows:

17       The director shall furnish to all persons making satisfactory  
18 application for vehicle license as provided by law, two identical  
19 vehicle license number plates each containing the vehicle license  
20 number to be displayed on such vehicle as by law required: PROVIDED,  
21 That if the vehicle to be licensed is a trailer, semitrailer or  
22 motorcycle only one vehicle license number plate shall be issued for  
23 each thereof. The number and plate shall be of such size and color and  
24 shall contain such symbols indicative of the registration period for  
25 which the same is issued and of the state of Washington, as shall be  
26 determined and prescribed by the director. Any vehicle license number  
27 plate or plates issued to a dealer shall contain thereon a sufficient  
28 and satisfactory indication that such plates have been issued to a  
29 dealer in vehicles. All vehicle license number plates may be obtained

1 by the director from the metal working plant of ((the)) a state  
2 ((penitentiary at Walla Walla)) correctional facility or from any  
3 source in accordance with existing state of Washington purchasing  
4 procedures.

5 Notwithstanding the foregoing provisions of this section, the  
6 director may, in his discretion and under such rules and regulations as  
7 he may prescribe, adopt a type of vehicle license number plates whereby  
8 the same shall be used as long as legible on the vehicle for which  
9 issued, with provision for tabs or emblems to be attached thereto or  
10 elsewhere on the vehicle to signify renewals, in which event the term  
11 "vehicle license number plate" as used in any enactment shall be deemed  
12 to include in addition to such plate the tab or emblem signifying  
13 renewal except when such plate contains the designation of the current  
14 year without reference to any tab or emblem. Renewals shall be  
15 effected by the issuance and display of such tab or emblem.

16 **Sec. 42.** RCW 66.44.120 and 1933 ex.s. c 62 s 47 are each amended  
17 to read as follows:

18 No person other than an employee of the board shall keep or have in  
19 his or her possession any official seal prescribed under this title,  
20 unless the same is attached to a package which has been purchased from  
21 a vendor or store employee; nor shall any person keep or have in his or  
22 her possession any design in imitation of any official seal prescribed  
23 under this title, or calculated to deceive by its resemblance thereto,  
24 or any paper upon which any design in imitation thereof, or calculated  
25 to deceive as aforesaid, is stamped, engraved, lithographed, printed,  
26 or otherwise marked.

27 Every person who willfully violates any provision of this section  
28 shall be guilty of a gross misdemeanor and shall be liable on  
29 conviction thereof for a first offense to imprisonment in the county



1 jail for a period of not less than three months nor more than six  
2 months, without the option of the payment of a fine; for a second  
3 offense, to imprisonment in the county jail for not less than six  
4 months nor more than one year, without the option of the payment of a  
5 fine; for a third offense or subsequent offenses to imprisonment in  
6 (~~the state penitentiary~~) a state correctional facility for not less  
7 than one year nor more than two years.

8 **Sec. 43.** RCW 67.24.010 and 1945 c 107 s 1 are each amended to read  
9 as follows:

10 Every person who shall give, offer, receive, or promise, directly  
11 or indirectly, any compensation, gratuity, or reward, or make any  
12 promise thereof, or who shall fraudulently commit any act by trick,  
13 device, or bunco, or any means whatsoever with intent to influence or  
14 change the outcome of any sporting contest between (~~men~~) people or  
15 between animals, shall be guilty of a felony and shall be punished by  
16 imprisonment in (~~the state penitentiary~~) a state correctional  
17 facility for not less than five years.

18 **Sec. 44.** RCW 68.50.140 and 1909 c 249 s 239 are each amended to  
19 read as follows:

20 Every person who shall remove the dead body of a human being, or  
21 any part thereof, from a grave, vault, or other place where the same  
22 has been buried or deposited awaiting burial or cremation, without  
23 authority of law, with intent to sell the same, or for the purpose of  
24 securing a reward for its return, or for dissection, or from malice or  
25 wantonness, shall be punished by imprisonment in (~~the state~~  
26 ~~penitentiary~~) a state correctional facility for not more than five  
27 years, or by a fine of not more than one thousand dollars, or by both.

1 Every person who shall purchase or receive, except for burial or  
2 cremation, any such dead body, or any part thereof, knowing that the  
3 same has been removed contrary to the foregoing provisions, shall be  
4 punished by imprisonment in (~~the state penitentiary~~) a state  
5 correctional facility for not more than three years, or by a fine of  
6 not more than one thousand dollars, or by both.

7 Every person who shall open a grave or other place of interment,  
8 temporary or otherwise, or a building where such dead body is deposited  
9 while awaiting burial or cremation, with intent to remove said body or  
10 any part thereof, for the purpose of selling or demanding money for the  
11 same, for dissection, from malice or wantonness, or with intent to sell  
12 or remove the coffin or of any part thereof, or anything attached  
13 thereto, or any vestment, or other article interred, or intended to be  
14 interred with the body, shall be punished by imprisonment in (~~the~~  
15 ~~state penitentiary~~) a state correctional facility for not more than  
16 three years, or by a fine of not more than one thousand dollars, or by  
17 both.

18 **Sec. 45.** RCW 68.50.145 and 1943 c 247 s 25 are each amended to  
19 read as follows:

20 Every person who removes any part of any human remains from any  
21 place where it has been interred, or from any place where it is  
22 deposited while awaiting interment, with intent to sell it, or to  
23 dissect it, without authority of law, or from malice or wantonness,  
24 shall be punished by imprisonment in (~~the state penitentiary~~) a state  
25 correctional facility for not more than five years, or by a fine of not  
26 more than one thousand dollars, or by both.

27 **Sec. 46.** RCW 68.50.150 and 1943 c 247 s 26 are each amended to  
28 read as follows:

1 Every person who mutilates, disinters, or removes from the place of  
2 interment any human remains without authority of law, shall be punished  
3 by imprisonment in (~~the state penitentiary~~) a state correctional  
4 facility for not more than three years, or by a fine of not more than  
5 one thousand dollars, or by both.

6 **Sec. 47.** RCW 69.25.150 and 1975 1st ex.s. c 201 s 16 are each  
7 amended to read as follows:

8 (1) Any person who commits any offense prohibited by RCW 69.25.110  
9 shall upon conviction be guilty of a gross misdemeanor. When  
10 construing or enforcing the provisions of RCW 69.25.110, the act,  
11 omission, or failure of any person acting for or employed by any  
12 individual, partnership, corporation, or association within the scope  
13 of (~~his~~) the person's employment or office shall in every case be  
14 deemed the act, omission, or failure of such individual, partnership,  
15 corporation, or association, as well as of such person.

16 (2) No carrier or warehouseman shall be subject to the penalties of  
17 this chapter, other than the penalties for violation of RCW 69.25.140,  
18 or subsection (3) of this section, by reason of his or her receipt,  
19 carriage, holding, or delivery, in the usual course of business, as a  
20 carrier or warehouseman of eggs or egg products owned by another person  
21 unless the carrier or warehouseman has knowledge, or is in possession  
22 of facts which would cause a reasonable person to believe that such  
23 eggs or egg products were not eligible for transportation under, or  
24 were otherwise in violation of, this chapter, or unless the carrier or  
25 warehouseman refuses to furnish on request of a representative of the  
26 director the name and address of the person from whom he or she  
27 received such eggs or egg products and copies of all documents, if  
28 there be any, pertaining to the delivery of the eggs or egg products  
29 to, or by, such carrier or warehouseman.

1 (3) Notwithstanding any other provision of law any person who  
2 forcibly assaults, resists, impedes, intimidates, or interferes with  
3 any person while engaged in or on account of the performance of his or  
4 her official duties under this chapter shall be punished by a fine of  
5 not more than five thousand dollars or imprisonment in (~~the state~~  
6 ~~penitentiary~~) a state correctional facility for not more than three  
7 years, or both. Whoever, in the commission of any such act, uses a  
8 deadly or dangerous weapon, shall be punished by a fine of not more  
9 than ten thousand dollars or by imprisonment in (~~the state~~  
10 ~~penitentiary~~) a state correctional facility for not more than ten  
11 years, or both.

12 **Sec. 48.** RCW 69.40.030 and 1973 c 119 s 1 are each amended to read  
13 as follows:

14 Every person who (~~shall~~) willfully mingles poison or place any  
15 harmful object or substance, including but not limited to pins, tacks,  
16 needles, nails, razor blades, wire, or glass in any food, drink,  
17 medicine, or other edible substance intended or prepared for the use of  
18 a human being or who shall knowingly furnish, with intent to harm  
19 another person, any food, drink, medicine, or other edible substance  
20 containing such poison or harmful object or substance to another human  
21 being, and every person who (~~shall~~) willfully poisons any spring,  
22 well, or reservoir of water, shall be punished by imprisonment in (~~the~~  
23 ~~state penitentiary~~) a state correctional facility for not less than  
24 five years or by a fine of not less than one thousand dollars:  
25 PROVIDED, HOWEVER, That this act shall not apply to the employer or  
26 employers of a person who violates the provisions contained herein  
27 without such employer's knowledge.

1       **Sec. 49.** RCW 70.74.270 and 1984 c 55 s 2 are each amended to read  
2 as follows:

3       Every person who maliciously places any explosive substance or  
4 material in, upon, under, against, or near any building, car, vessel,  
5 railroad track, airplane, public utility transmission system, or  
6 structure, in such manner or under such circumstances as to destroy or  
7 injure it if exploded, shall be punished as follows:

8       (1) If the circumstances and surroundings are such that the safety  
9 of any person might be endangered by the explosion, by imprisonment in  
10 (~~the state penitentiary~~) a state correctional facility for not more  
11 than twenty years;

12       (2) In every other case by imprisonment in (~~the state~~  
13 ~~penitentiary~~) a state correctional facility for not more than five  
14 years.

15       **Sec. 50.** RCW 70.74.280 and 1971 ex.s. c 302 s 9 are each amended  
16 to read as follows:

17       Every person who shall maliciously, by the explosion of gunpowder  
18 or any other explosive substance or material, destroy or damage any  
19 building, car, airplane, vessel, common carrier, railroad track, or  
20 public utility transmission system or structure, shall be punished as  
21 follows:

22       (1) If thereby the life or safety of a human being is endangered,  
23 by imprisonment in (~~the state penitentiary~~) a state correctional  
24 facility for not more than twenty-five years;

25       (2) In every other case by imprisonment in (~~the state~~  
26 ~~penitentiary~~) a state correctional facility for not more than five  
27 years.

1       **Sec. 51.** RCW 72.01.050 and 1988 c 143 s 1 are each amended to read  
2 as follows:

3       (1) The secretary of social and health services shall have full  
4 power to manage and govern the following public institutions: The  
5 western state hospital, the eastern state hospital, the northern state  
6 hospital, the state training school, the state school for girls,  
7 Lakeland Village, the Rainier school, and such other institutions as  
8 authorized by law, subject only to the limitations contained in laws  
9 relating to the management of such institutions.

10       (2) The secretary of corrections shall have full power to manage  
11 ~~((and))~~, govern ~~((the following public institutions: The Washington  
12 state penitentiary, the Washington state reformatory, the Washington  
13 corrections center, the McNeil Island corrections center, the  
14 Washington corrections center for women, the Cedar Creek corrections  
15 center, the Clearwater corrections center, the Indian Ridge corrections  
16 center, the Larch corrections center, the Olympic corrections center,  
17 Pine Lodge corrections center, the special offender center, the Twin  
18 Rivers corrections center, and the Clallam Bay corrections center))~~,  
19 and name all state correctional facilities, subject only to the  
20 limitations contained in laws relating to the management of such  
21 institutions.

22       (3) If any ~~((of the facilities specified in subsection (2) of this  
23 section))~~ state correctional facility is fully or partially destroyed  
24 by natural causes or otherwise, the secretary of corrections may, with  
25 the approval of the governor, provide for the establishment and  
26 operation of additional residential correctional facilities to place  
27 those inmates displaced by such destruction. However, such additional  
28 facilities may not be established if there are existing residential  
29 correctional facilities to which all of the displaced inmates can be  
30 appropriately placed. The establishment and operation of any

1 additional facility shall be on a temporary basis, and the facility may  
2 not be operated beyond July 1 of the year following the year in which  
3 it was partially or fully destroyed.

4 **Sec. 52.** RCW 72.01.200 and 1990 c 33 s 591 are each amended to  
5 read as follows:

6 ((The several penal and reformatory institutions of the)) State  
7 correctional facilities may employ certificated teachers to carry on  
8 their educational work, except for the educational programs provided  
9 pursuant to RCW 28A.190.030 through 28A.190.050 and all such teachers  
10 so employed shall be eligible to membership in the state teachers'  
11 retirement fund.

12 **Sec. 53.** RCW 72.01.370 and 1983 c 255 s 3 are each amended to read  
13 as follows:

14 The superintendent((s)) of ((the state penitentiary, the state  
15 reformatory, the state honor camps and such other penal institutions as  
16 may hereafter be established,)) any state correctional facility may,  
17 subject to the approval of the secretary and under RCW 72.01.375, grant  
18 escorted leaves of absence to inmates confined in such institutions to:

19 (1) Go to the bedside of the inmate's wife, husband, child, mother  
20 or father, or other member of the inmate's immediate family who is  
21 seriously ill;

22 (2) Attend the funeral of a member of the inmate's immediate family  
23 listed in subsection (1) of this section;

24 (3) Participate in athletic contests;

25 (4) Perform work in connection with the industrial, educational, or  
26 agricultural programs of the department;

27 (5) Receive necessary medical or dental care which is not available  
28 in the institution; and

1 (6) Participate as a volunteer in community service work projects  
2 which are approved by the superintendent, but only inmates who are  
3 nonviolent offenders may participate in these projects. Such community  
4 service work projects shall only be instigated at the request of a  
5 local community.

6 **Sec. 54.** RCW 72.64.030 and 1979 c 141 s 267 are each amended to  
7 read as follows:

8 Every prisoner in (~~the Washington state penitentiary or~~  
9 ~~reformatory or other state penal or correctional institution~~) a state  
10 correctional facility shall be required to work in such manner as may  
11 be prescribed by the secretary, other than for the private financial  
12 benefit of any enforcement officer.

13 **Sec. 55.** RCW 72.64.050 and 1979 c 141 s 268 are each amended to  
14 read as follows:

15 The secretary shall also have the power to establish temporary  
16 branch institutions for (~~the state penitentiary, state reformatory and~~  
17 ~~other penal and correctional institutions of the~~) state correctional  
18 facilities in the form of (~~honor~~) camps for the employment of  
19 prisoners therein in farming, reforestation, wood-cutting, land  
20 clearing, processing of foods in state canneries, forest fire fighting,  
21 forest fire suppression and prevention, stream clearance, watershed  
22 improvement, development of parks and recreational areas, and other  
23 work to conserve the natural resources and protect and improve the  
24 public domain and construction of water supply facilities to state  
25 institutions.

26 **Sec. 56.** RCW 72.65.010 and 1985 c 350 s 4 are each amended to read  
27 as follows:



1 As used in this chapter, the following terms shall have the  
2 following meanings:

3 (1) "Department" shall mean the department of corrections.

4 (2) "Secretary" shall mean the secretary of corrections.

5 (3) "State correctional institutions" shall mean and include ((the  
6 ~~Washington state penitentiary; the Washington corrections center; the~~  
7 ~~Washington state reformatory; the McNeil Island corrections center; the~~  
8 ~~Purdy corrections center for women; the Cedar Creek corrections center;~~  
9 ~~the Clearwater corrections center; the Firland corrections center; the~~  
10 ~~Indian Ridge corrections center; the Larch corrections center; the~~  
11 ~~Olympic corrections center; Pine Lodge corrections center; the special~~  
12 ~~offender center; the Twin Rivers corrections center; the proposed five~~  
13 ~~hundred bed facility at Clallam Bay; and such other state correctional~~  
14 ~~institutions, camps or facilities as may hereafter be)) all state adult  
15 correctional facilities established pursuant to law under the  
16 jurisdiction of the department for the treatment of convicted felons  
17 sentenced to a term of confinement.~~

18 (4) "Prisoner" shall mean a person either male or female, convicted  
19 of a felony and sentenced by the superior court to a term of  
20 confinement and treatment in a state correctional institution under the  
21 jurisdiction of the department.

22 (5) "Superintendent" shall mean the superintendent of a state  
23 correctional institution, camp or other facility now or hereafter  
24 established under the jurisdiction of the department pursuant to law.

25 **Sec. 57.** RCW 72.68.020 and 1979 c 141 s 283 are each amended to  
26 read as follows:

27 (1) The secretary shall transport prisoners under ((guard))  
28 supervision:

1 (a) ~~To and between ((the state penitentiary, the state reformatory~~  
2 ~~and all other institutions))~~ state correctional facilities under ~~((his~~  
3 ~~supervision))~~ the jurisdiction of the secretary;

4 (b) From a county, city, or municipal jail to an institution  
5 mentioned in ((subparagraph)) (a) of this subsection and to a county,  
6 city, or municipal jail from an institution mentioned in  
7 ((subparagraph)) (a) of this subsection.

8 (2) The secretary may employ necessary persons for such purpose.

9 **Sec. 58.** RCW 72.68.100 and 1979 c 141 s 289 are each amended to  
10 read as follows:

11 The secretary shall not enter into any contract for the care or  
12 commitment of any prisoner of the federal government or any other state  
13 unless there is vacant space and unused facilities in ~~((the Washington~~  
14 ~~state penitentiary or reformatory or the Washington correctional~~  
15 ~~institution for women))~~ state correctional facilities.

16 **Sec. 59.** RCW 74.08.331 and 1979 c 141 s 329 are each amended to  
17 read as follows:

18 Any person who by means of a willfully false statement, or  
19 representation, or impersonation, or a willful failure to reveal any  
20 material fact, condition or circumstance affecting eligibility of need  
21 for assistance, including medical care, surplus commodities and food  
22 stamps, as required by law, or a willful failure to promptly notify the  
23 county office in writing as required by law or any change in status in  
24 respect to resources, or income, or need, or family composition, money  
25 contribution and other support, from whatever source derived, or any  
26 other change in circumstances affecting ~~((his))~~ the person's  
27 eligibility or need for assistance, or other fraudulent device,  
28 obtains, or attempts to obtain, or aids or abets any person to obtain

1 any public assistance to which ((he)) the person is not entitled or  
2 greater public assistance than that to which he or she is justly  
3 entitled shall be guilty of grand larceny and upon conviction thereof  
4 shall be punished by imprisonment in ((~~the state penitentiary~~)) a state  
5 correctional facility for not more than fifteen years.

6 Any person who by means of a willfully false statement or  
7 representation or by impersonation or other fraudulent device aids or  
8 abets in buying, selling, or in any other way disposing of the real  
9 property of a recipient of public assistance without the consent of the  
10 secretary shall be guilty of a gross misdemeanor and upon conviction  
11 thereof shall be punished by imprisonment for not more than one year in  
12 the county jail or a fine of not to exceed one thousand dollars or by  
13 both.

14 **Sec. 60.** RCW 81.60.070 and 1961 c 14 s 81.60.070 are each amended  
15 to read as follows:

16 Every person who, in such manner as might, if not discovered,  
17 endanger the safety of any engine, motor, car or train, or any person  
18 thereon, shall in any manner interfere or tamper with or obstruct any  
19 switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle,  
20 culvert, embankment, structure, or appliance pertaining to or connected  
21 with any railway, or any train, engine, motor, or car on such  
22 railway((~~+~~)), and every person who shall discharge any firearm or throw  
23 any dangerous missile at any train, engine, motor, or car on any  
24 railway, shall be punished by imprisonment in ((~~the state~~  
25 ~~penitentiary~~)) a state correctional facility for not more than twenty-  
26 five years.

27 **Sec. 61.** RCW 81.60.080 and 1961 c 14 s 81.60.080 are each amended  
28 to read as follows:

1 Any person or persons who shall willfully or maliciously, with  
2 intent to injure or deprive the owner thereof, take, steal, remove,  
3 change, add to, alter, or in any manner interfere with any journal  
4 bearing, brass, waste, packing, triple valve, pressure cock, brake, air  
5 hose, or any other part of the operating mechanism of any locomotive,  
6 engine, tender, coach, car, caboose, or motor car used or capable of  
7 being used by any railroad or railway company in this state, shall be  
8 guilty of a felony, and upon conviction thereof shall be punished by  
9 imprisonment in (~~the penitentiary~~) a state correctional facility for  
10 not more than five years, or by a fine not exceeding one thousand  
11 dollars, or by both such fine and imprisonment.

12 **Sec. 62.** RCW 88.08.020 and 1909 c 249 s 402 are each amended to  
13 read as follows:

14 Every person who, in such manner as might, if not discovered,  
15 endanger a vessel, railway engine, motor, train, or car, shall show,  
16 mask, extinguish, alter, or remove any light or signal, or exhibit any  
17 false light or signal, shall be punished by imprisonment in (~~the state~~  
18 ~~penitentiary~~) a state correctional facility for not more than ten  
19 years.

20 **Sec. 63.** RCW 88.08.050 and 1909 c 249 s 403 are each amended to  
21 read as follows:

22 Every person who shall willfully break, injure, deface, or destroy  
23 any lighthouse station, post, platform, step, lamp, or other structure  
24 pertaining to such lighthouse station, or shall extinguish or tamper  
25 with any light erected by the United States upon or along the navigable  
26 waters of this state to aid in the navigation thereof, in case no  
27 punishment is provided therefor by the laws of the United States, shall  
28 be punished as follows:

1 (1) Whenever such act may endanger the safety of any vessel  
2 navigating such waters, or jeopardize the safety of any person or  
3 property in or upon such vessel, by imprisonment in ((~~the state~~  
4 ~~penitentiary~~)) a state correctional facility for not more than ten  
5 years.

6 (2) In all other cases by imprisonment in the county jail for not  
7 more than one year, or by a fine of not more than one thousand dollars,  
8 or by both.

9 NEW SECTION. Sec. 64. RCW 9.92.050 and 1955 c 246 s 1 & 1909  
10 c 249 s 25 are each repealed.