
SUBSTITUTE HOUSE BILL 1836

State of Washington

63rd Legislature

2013 Regular Session

By House Public Safety (originally sponsored by Representatives Holy, Goodman, Roberts, Hope, Hayes, and Appleton; by request of Department of Social and Health Services)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to introduction of contraband into or possession of
2 contraband in a secure facility; amending RCW 71.09.800, 9A.76.140,
3 9A.76.150, and 9A.76.160; reenacting and amending RCW 9A.76.010; and
4 prescribing penalties.

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

6 **Sec. 1.** RCW 9A.76.010 and 2009 c 549 s 1003 are each reenacted and
7 amended to read as follows:

8 The following definitions are applicable in this chapter unless the
9 context otherwise requires:

10 (1) "Contraband" means any article or thing which a person confined
11 in a detention facility or a secure facility under chapter 71.09 RCW is
12 prohibited from obtaining or possessing by statute, rule, regulation,
13 or order of a court;

14 (2) "Custody" means restraint pursuant to a lawful arrest or an
15 order of a court, or any period of service on a work crew: PROVIDED,
16 That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and
17 74.13.031 and chapter 13.32A RCW shall not be deemed custody for
18 purposes of this chapter;

1 (3) "Detention facility" means any place used for the confinement
2 of a person (a) arrested for, charged with or convicted of an offense,
3 or (b) charged with being or adjudicated to be a juvenile offender as
4 defined in RCW 13.40.020 as now existing or hereafter amended, or (c)
5 held for extradition or as a material witness, or (d) otherwise
6 confined pursuant to an order of a court, except an order under chapter
7 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough,
8 or other such facility or program;

9 (4) "Uncontrollable circumstances" means an act of nature such as
10 a flood, earthquake, or fire, or a medical condition that requires
11 immediate hospitalization or treatment, or an act of a human being such
12 as an automobile accident or threats of death, forcible sexual attack,
13 or substantial bodily injury in the immediate future for which there is
14 no time for a complaint to the authorities and no time or opportunity
15 to resort to the courts.

16 **Sec. 2.** RCW 71.09.800 and 2000 c 44 s 1 are each amended to read
17 as follows:

18 The secretary shall adopt rules under the administrative procedure
19 act, chapter 34.05 RCW, for the oversight and operation of the program
20 established pursuant to this chapter. Such rules shall include
21 provisions for an annual inspection of the special commitment center;
22 ~~((and))~~ requirements for treatment plans and the retention of records;
23 and guidelines for attorneys to follow when bringing legal materials
24 into secure facilities. Guidelines for attorneys shall not interfere
25 with attorney-client privilege.

26 **Sec. 3.** RCW 9A.76.140 and 2011 c 336 s 404 are each amended to
27 read as follows:

28 (1) A person is guilty of introducing contraband in the first
29 degree if he or she knowingly provides any deadly weapon to any person
30 confined in a detention facility or secure facility under chapter 71.09
31 RCW.

32 (2) Introducing contraband in the first degree is a class B felony.

33 **Sec. 4.** RCW 9A.76.150 and 2011 c 336 s 405 are each amended to
34 read as follows:

35 (1) A person is guilty of introducing contraband in the second

1 degree if he or she knowingly and unlawfully provides contraband to any
2 person confined in a detention facility or secure facility under
3 chapter 71.09 RCW with the intent that such contraband be of assistance
4 in an escape or in the commission of a crime.

5 (2) Introducing contraband in the second degree is a class C
6 felony.

7 **Sec. 5.** RCW 9A.76.160 and 2011 c 336 s 406 are each amended to
8 read as follows:

9 (1) A person is guilty of introducing contraband in the third
10 degree if he or she knowingly and unlawfully provides contraband to any
11 person confined in a detention facility or secure facility under
12 chapter 71.09 RCW.

13 (2)(a) This section does not apply to an attorney representing a
14 client confined in a secure facility under chapter 71.09 RCW for the
15 purposes of bringing discovery or other legal materials to assist the
16 client in the civil commitment process under chapter 71.09 RCW;
17 PROVIDED, That:

18 (i) The attorney must be present when the materials are being
19 reviewed or handled by the client; and

20 (ii) The attorney must take the materials and any and all copies of
21 the materials when leaving the secure facility.

22 (3) Introducing contraband in the third degree is a misdemeanor.

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