

Chapter 9.94 RCW
PRISONERS—CORRECTIONAL INSTITUTIONS

Sections

- 9.94.010 Prison riot—Penalty.
- 9.94.030 Holding person hostage—Interference with officer's duties.
- 9.94.040 Weapons—Possession, etc., by prisoner prohibited—Penalty.
- 9.94.041 Narcotic drugs, controlled substances, alcohol, cannabis, other intoxicant, cell phone, or other form of electronic telecommunications device—Possession, etc., by prisoners—Penalty.
- 9.94.043 Deadly weapons—Possession on premises by person not a prisoner—Penalty.
- 9.94.045 Narcotic drugs or controlled substances—Possession by person not a prisoner—Penalty.
- 9.94.047 Posting of perimeter of premises of institutions covered by RCW 9.94.040 through 9.94.049.
- 9.94.049 "Correctional institution" and "state correctional institution" defined.
- 9.94.050 Correctional employees.
- 9.94.070 Persistent prison misbehavior.

Convict-made goods, restriction on sale of: Chapter 72.60 RCW.

Obstructing governmental operation: Chapter 9A.76 RCW.

State institutions: Title 72 RCW.

RCW 9.94.010 Prison riot—Penalty. (1) Whenever two or more inmates of a correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of the institution and contrary to the commands of the officers of the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

(2) Every inmate of a correctional institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding, or abetting the same, is guilty of a class B felony and shall be punished by imprisonment in a state correctional institution for not less than one year nor more than ten years, which shall be in addition to the sentence being served. [2003 c 53 s 53; 1995 c 314 s 1; 1955 c 241 s 1.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 9.94.030 Holding person hostage—Interference with officer's duties. Whenever any inmate of a correctional institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, he or she shall be guilty of a class B felony and upon conviction shall be punished by imprisonment in a state correctional institution for not less than one

year nor more than ten years. [2003 c 53 s 54; 1995 c 314 s 3; 1992 c 7 s 20; 1957 c 112 s 1; 1955 c 241 s 3.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Interfering with public officer: Chapter 9A.76 RCW.

Kidnapping: Chapter 9A.40 RCW.

RCW 9.94.040 Weapons—Possession, etc., by prisoner prohibited—Penalty. (1) Every person serving a sentence in any state correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a class B felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control any weapon, firearm, or any instrument that, if used, could produce serious bodily injury to the person of another, is guilty of a class C felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served. [2005 c 361 s 1; 1995 c 314 s 4; 1979 c 121 s 1; 1977 ex.s. c 43 s 1; 1975-'76 2nd ex.s. c 38 s 18. Prior: 1955 c 241 s 4.]

Severability—1979 c 121: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1979 c 121 s 8.]

Effective date—Severability—1975-'76 2nd ex.s. c 38: See notes following RCW 9A.08.020.

RCW 9.94.041 Narcotic drugs, controlled substances, alcohol, cannabis, other intoxicant, cell phone, or other form of electronic telecommunications device—Possession, etc., by prisoners—Penalty.

(1) Every person serving a sentence in any state correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or carries upon his or her person or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, alcohol, cannabis, or

other intoxicant, or a cell phone or other form of an electronic telecommunications device, is guilty of a class C felony.

(2) Every person confined in a county or local correctional institution who, without legal authorization, while in the institution or while being conveyed to or from the institution, or while under the custody or supervision of institution officials, officers, or employees, or while on any premises subject to the control of the institution, knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, alcohol, cannabis, or other intoxicant, or a cell phone or other form of an electronic telecommunications device, is guilty of a class C felony.

(3) The sentence imposed under this section shall be in addition to any sentence being served.

(4) For the purposes of this section, "cannabis" has the meaning provided in RCW 69.50.101. [2022 c 16 s 3; 2016 c 199 s 1; 1995 c 314 s 5; 1979 c 121 s 2.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

RCW 9.94.043 Deadly weapons—Possession on premises by person not a prisoner—Penalty. A person, other than a person serving a sentence in a penal institution of this state, is guilty of possession of contraband on the premises of a state correctional institution in the first degree if, without authorization to do so, the person knowingly possesses or has under his or her control a deadly weapon on or in the buildings or adjacent grounds subject to the care, control, or supervision of a state correctional institution. Deadly weapon is used as defined in RCW 9A.04.110: PROVIDED, That such correctional buildings, grounds, or property are properly posted pursuant to RCW 9.94.047, and such person has knowingly entered thereon: PROVIDED FURTHER, That the provisions of this section do not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the correctional institution premises, proceeds directly along an access road to the administration building and promptly checks his or her firearm(s) with the appropriate authorities. The person may reclaim his or her firearm(s) upon leaving, but he or she must immediately and directly depart from the premises.

Possession of contraband on the premises of a state correctional institution in the first degree is a class B felony. [1979 c 121 s 3.]

RCW 9.94.045 Narcotic drugs or controlled substances—Possession by person not a prisoner—Penalty. A person, other than a person serving a sentence in a penal institution of this state, is guilty of possession of contraband on the premises of a state correctional institution in the second degree if, without authorization to do so, the person knowingly possesses or has under his or her control any narcotic drug or controlled substance, as defined in chapter 69.50 RCW, on or in the buildings, grounds, or any other real property subject to the care, control, or supervision of a state correctional institution.

Possession of contraband on the premises of a state correctional institution in the second degree is a class C felony. [1979 c 121 s 4.]

RCW 9.94.047 Posting of perimeter of premises of institutions covered by RCW 9.94.040 through 9.94.049. The perimeter of the premises of correctional institutions covered by RCW 9.94.040 through 9.94.049 shall be posted at reasonable intervals to alert the public as to the existence of RCW 9.94.040 through 9.94.049. [1979 c 121 s 5.]

RCW 9.94.049 "Correctional institution" and "state correctional institution" defined. (1) For the purposes of this chapter, the term "correctional institution" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the department of corrections, department of children, youth, and families, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense.

(2) For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means all state correctional facilities under the supervision of the secretary of the department of corrections used solely for the purpose of confinement of convicted felons. [2021 c 243 s 5; 1995 c 314 s 6; 1992 c 7 s 21; 1985 c 350 s 3; 1979 c 121 s 6.]

Findings—2021 c 243: See note following RCW 74.09.670.

RCW 9.94.050 Correctional employees. Any correctional employee, while acting in the supervision and transportation of prisoners, and in the apprehension of prisoners who have escaped, shall have the powers and duties of a peace officer. [1992 c 7 s 22; 1955 c 241 s 5.]

RCW 9.94.070 Persistent prison misbehavior. (1) An inmate of a state correctional institution who is serving a sentence for an offense committed on or after August 1, 1995, commits the crime of persistent prison misbehavior if the inmate knowingly commits a serious infraction, that does not constitute a class A or class B felony, after losing all potential earned early release time credit.

(2) "Serious infraction" means misconduct that has been designated as a serious infraction by department of corrections rules adopted under RCW 72.09.130.

(3) "State correctional institution" has the same meaning as in RCW 9.94.049.

(4) The crime of persistent prison misbehavior is a class C felony punishable as provided in RCW 9A.20.021. The sentence imposed for this crime must be served consecutive to any sentence being served at the time the crime is committed. [1995 c 385 s 1.]