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HOUSE BILL 2063

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Orcutt, McCune, Herrera, Smith, Hope, Kelley, and Morrell

Read first time 02/09/09. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to notice of the incarcerated status of a convicted  
2 felon in any solicitation posted on the internet by or on behalf of the  
3 incarcerated felon; adding a new chapter to Title 9 RCW; and  
4 prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that solicitation on  
7 the internet by or on behalf of a convicted felon who is incarcerated  
8 regarding donations of money, the sale of any good, or the seeking of  
9 inmate pen pals may expose unsuspecting persons to the risk of  
10 potential harm and may induce them to take actions resulting in actual  
11 harm or loss to their person or property. The legislature intends to  
12 protect the health, safety, and welfare of the public by requiring  
13 notice of the incarcerated status of a convicted felon in any  
14 solicitation posted on the internet by or on behalf of the incarcerated  
15 felon.

16 NEW SECTION. **Sec. 2.** (1) Any solicitation posted, with or without  
17 the knowledge or direction of the incarcerated person, on the internet  
18 by or on behalf of a convicted felon who is incarcerated regarding any

1 donation of money or other thing of value to or for the benefit of him  
2 or her, the sale of any good or service provided by or for the benefit  
3 of him or her, or the seeking of any pen pal or other correspondence  
4 partner for him or her must include notice of the incarcerated status  
5 of the felon.

6 (2) The notice must contain, at a minimum, the incarcerated  
7 person's name under which he or she was convicted and the name being  
8 used by or on behalf of him or her for purposes of the solicitation,  
9 the crimes for which he or she was convicted and incarcerated, the full  
10 term for which he or she was sentenced, and the earliest date at which  
11 he or she may be released.

12 (3) The notice must be in a font that is in boldface and is larger  
13 than the text of the solicitation, include the phrase "WARNING:  
14 INCARCERATED FELON OFFENDER," be set off by means of a box, blank  
15 space, or comparable visual device, and be located directly above the  
16 solicitation.

17 NEW SECTION. **Sec. 3.** Before any law enforcement officer may cite  
18 or arrest a person for a violation of section 2 of this act, the  
19 officer must warn the person that his or her conduct is in violation of  
20 this chapter, provide the person a copy of this chapter, and warn the  
21 person that a second violation will result in the imposition of civil  
22 or criminal sanctions.

23 NEW SECTION. **Sec. 4.** (1) A violation of section 2 of this act is  
24 a class 2 civil infraction under RCW 7.80.120 (a maximum monetary  
25 penalty of one hundred twenty-five dollars, not including statutory  
26 assessments).

27 (2) A second violation of section 2 of this act is a class 1 civil  
28 infraction under RCW 7.80.120 (a maximum monetary penalty of two  
29 hundred twenty-five dollars, not including statutory assessments).

30 (3) A person who commits a third violation of section 2 of this act  
31 is guilty of a misdemeanor (a fine of not more than one thousand  
32 dollars, or by imprisonment in a county jail for not more than ninety  
33 days, or by both such fine and imprisonment).

34 (4) A person who commits a fourth or subsequent violation of  
35 section 2 of this act is guilty of a gross misdemeanor (a fine of not

1 more than five thousand dollars, or by imprisonment in a county jail  
2 for not more than one year, or by both such fine and imprisonment).

3 NEW SECTION. **Sec. 5.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute  
8 a new chapter in Title 9 RCW.

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