CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2263

Chapter 7, Laws of 1992

52nd Legislature
1992 Regular Session

CORRECTIONAL FACILITIES--REVISION OF REFERENCES TO

EFFECTIVE DATE: 6/11/92

Passed by the House February 12, 1992
Yeas 94 Nays 0

JOE KING
Speaker of the
House of Representatives

Passed by the Senate March 5, 1992
Yeas 43 Nays 0

JOEL PRITCHARD
President of the Senate

I, Alan Thompson, Chief Clerk of the
House of Representatives of the State
of Washington, do hereby certify that
the attached is SUBSTITUTE HOUSE BILL
2263 as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

ALAN THOMPSON
Chief Clerk

Approved March 20, 1992

Filed
March 20, 1992 - 9:07 a.m.

BOOTH GARDNER
Governor of the State of Washington

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
Sec. 1.  RCW 9.05.020 and 1941 c 21 s 2 are each amended to read as follows:

Every person who

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

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

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

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

Shall be punished by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

No person convicted of violating any of the provisions of RCW 9.05.010 or 9.05.020 shall be an employee of the state, or any department, agency, or subdivision thereof during the five years next following his or her conviction.
Sec. 2. RCW 9.05.030 and 1909 c 249 s 314 are each amended to read as follows:

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

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

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

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

Every person who, in any county, places upon any property, any brand or mark in the likeness or similitude of another brand or mark filed with the county auditor of such county by the owner thereof as a brand or mark for the designation or identification of a like kind of property, is:

(1) If done with intent to confuse or commingle such property with, or to appropriate to his or her own use, the property of such other
owner, ((be)) guilty of a felony, and be punished by imprisonment in
((the state penitentiary)) a state correctional facility for not more
than five years, or by imprisonment in the county jail for not more
than one year, or by a fine of not more than one thousand dollars, or
by both fine and imprisonment; or
(2) If done without such intent, ((shall be)) guilty of a
misdemeanor.

Sec. 5. RCW 9.24.020 and 1909 c 249 s 387 are each amended to read
as follows:
Every officer, agent or other person in the service of a joint
stock company or corporation, domestic or foreign, who, willfully and
knowingly with intent to defraud((, shall--)):  
(1) Sells, pledges, or issues, or causes to be sold, pledged, or
issued, or signs or executes, or causes to be signed or executed, with
intent to sell, pledge, or issue, or cause to be sold, pledged, or
issued, any certificate or instrument purporting to be a certificate or
evidence of ownership of any share or shares of such company or
corporation, or any conveyance or encumbrance of real or personal
property, contract, bond, or evidence of debt, or writing purporting to
be a conveyance or encumbrance of real or personal property, contract,
bond or evidence of debt of such company or corporation, without being
first duly authorized by such company or corporation, or contrary to
the charter or laws under which such company or corporation exists, or
in excess of the power of such company or corporation, or of the limit
imposed by law or otherwise upon its power to create or issue stock or
evidence of debt; or,
(2) Reissues, sells, pledges, ((or)) disposes of, or causes to be
reissued, sold, pledged, or disposed of, any surrendered or canceled
certificate or other evidence of the transfer of ownership of any such
share or shares(\footnote{4})
shall be punished by imprisonment in \footnote{4} \textit{(the state penitentiary)} a state
correctional facility for not more than ten years, or by a fine of not
more than five thousand dollars, or by both.

\textbf{Sec. 6.} RCW 9.24.030 and 1909 c 249 s 388 are each amended to read
as follows:
Every owner, officer, stockholder, agent or employee of any person,
firm, corporation or association engaged, wholly or in part, in the
business of banking or receiving money or negotiable paper or
securities on deposit or in trust, who shall accept or receive, with or
without interest, any deposit, or who shall consent thereto or connive
thereat, when he or she knows or has good reason to believe that such
person, firm, corporation or association is unsafe or insolvent, shall
be punished by imprisonment in \footnote{4} \textit{(the state penitentiary)} a state
correctional facility for not more than ten years, or by a fine of not
more than ten thousand dollars.

\textbf{Sec. 7.} RCW 9.24.050 and 1909 c 249 s 390 are each amended to read
as follows:
Every director, officer or agent of any corporation or joint stock
association, and every person engaged in organizing or promoting any
enterprise, who shall knowingly make or publish or concur in making or
publishing any written prospectus, report, exhibit or statement of its
affairs or pecuniary condition, containing any material statement that
is false or exaggerated, shall be punished by imprisonment in \footnote{4}\textit{(the state penitentiary)} a state correctional facility for not more than
ten years, or by a fine of not more than five thousand dollars.
Sec. 8. RCW 9.41.180 and 1909 c 249 s 266 are each amended to read as follows:

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

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

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

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

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

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

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

Every person who shall obtain any money or property from another or shall obtain the signature of another to any writing the false making of which would be forgery, by color or aid of any false or fraudulent sale of property or pretended sale of property by auction, or by any of
the practices known as mock auction, shall be punished by imprisonment in ((the state penitentiary)) a state correctional facility for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

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

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

Every person, corporation, or association whether profit or nonprofit, who shall ask or receive, or conspire to ask or receive, directly or indirectly, any compensation, gratuity, or reward or any promise thereof, on any agreement or understanding that he or she shall (1) intentionally make an inaccurate visual or mechanical measurement or an intentionally inaccurate recording of any visual or mechanical measurement of goods, raw materials, and agricultural products (whether severed or unsevered from the land) which he or she has or will have the duty to measure, or shall (2) intentionally change, alter or affect, for the purpose of making an inaccurate measurement, any equipment or other device which is designed to measure, either qualitatively or quantitatively, such goods, raw materials, and agricultural products, or shall intentionally alter the recordation of such measurements, shall be guilty of a felony, punishable by imprisonment in ((the state penitentiary)) a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both.
Sec. 12. RCW 9.45.126 and 1967 c 200 s 3 are each amended to read as follows:

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

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

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

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

Every person who shall entice, or induce another, upon any pretense, to go to any place where any gambling game, scheme or device, or any trick, sleight of hand performance, fraud or fraudulent scheme, cards, dice or device, is being conducted or operated; or while in such place shall entice or induce another to bet, wager or hazard any money or property, or representative of either, upon any such game, scheme,
device, trick, sleight of hand performance, fraud or fraudulent scheme, cards, dice, or device, or to execute any obligation for the payment of money, or delivery of property, or to lose, advance, or loan any money or property, or representative of either, shall be punished by imprisonment in ((the state penitentiary)) a state correctional facility for not more than ten years.

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

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

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

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

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

Every person having knowledge of the commission of treason, who conceals the same, and does not, as soon as may be, disclose such treason to the governor or a justice of the supreme court or a judge of either the court of appeals or the superior court, shall be guilty of misprision of treason and punished by a fine of not more than one thousand dollars, or by imprisonment in ((the state penitentiary)) a state correctional facility for not more than five years or in a county jail for not more than one year.
Sec. 17. RCW 9.91.090 and 1981 c 203 s 4 are each amended to read as follows:

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

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

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

Every person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who shall previously have been twice convicted, whether in this state or elsewhere, of any crime which under the laws of this state would amount to a felony, or who shall previously have been four times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to
defraud is an element, shall be punished by imprisonment in ((the state penitentiary)) a state correctional facility for life.

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

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

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

Whenever any inmate of a state ((penal institution)) correctional facility 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 felony and upon conviction shall be punished by imprisonment in ((the state penitentiary)) a state correctional facility for not less than one year nor more than ten years.

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

For the purposes of RCW 9.94.043 and 9.94.045, "state correctional institution" means ((the: Washington corrections center, Washington state penitentiary, Washington state reformatory, McNeil Island corrections center, Purdy corrections center for women, Larch))
corrections center, the Olympic corrections center, Firland corrections
center, Clearwater corrections center, Pine Lodge corrections center,
the Twin Rivers corrections center, the special offender center, the
proposed five hundred bed facility at Clallam Bay, and other)) 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.

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

((All officers and guards of state penal institutions)) 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.

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

Whenever any person shall be convicted of a crime and who shall be
sentenced to imprisonment or confinement in ((the Washington state
penitentiary or the Washington state reformatory)) a state correctional
facility, it shall be the duty of the prosecuting attorney who
prosecuted such convicted person to make a statement of the facts
respecting the crime for which the prisoner was tried and convicted,
and include in such statement all information that ((he)) the
prosecuting attorney can give in regard to the career of the prisoner
before the commission of the crime for which ((he)) the prisoner was
convicted and sentenced, stating to the best of ((his)) the prosecuting
attorney’s knowledge whether the prisoner was industrious and of good
character, and all other facts and circumstances that may tend to throw
any light upon the question as to whether such prisoner is capable of
again becoming a good citizen.

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

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

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

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

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

The words "deadly weapon," as used in this section include, but are
not limited to, any instrument known as a blackjack, sling shot, billy,
sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, 
or any other firearm, any knife having a blade longer than three 
inches, any razor with an unguarded blade, any metal pipe or bar used 
or intended to be used as a club, any explosive, and any weapon 
containing poisonous or injurious gas.

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

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

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

Sec. 25. RCW 9.95.055 and 1951 c 239 s 1 are each amended to read 
as follows:
The indeterminate sentence review board is hereby granted authority, in the event of a declaration by the governor that a war emergency exists, including a general mobilization, and for the duration thereof only, to reduce downward the minimum term, as set by the board, of any inmate under the jurisdiction of the board confined in a state correctional facility, who will be accepted by and inducted into the armed services: PROVIDED, That a reduction downward shall not be made under this section for those inmates who are confined for treason, murder in the first degree or carnal knowledge of a female child under ten years: AND PROVIDED FURTHER, That no such inmate shall be released under this section who is found to be a sexual psychopath under the provisions of and as defined by chapter 71.12 RCW.

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

In case any convicted person under the jurisdiction of the indeterminate sentence review board undergoing sentence in a state correctional facility commits any infraction of the rules and regulations of the institution, the board may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned, including the forfeiture of all or a portion of credits earned or to be earned, pursuant to the provisions of RCW 9.95.110, and make a new order determining the length of time the person shall serve, not exceeding the maximum penalty provided by law for the crime for which the person was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing before the indeterminate
sentence review board. At such hearing the convicted person shall be present and entitled to be heard and may present evidence and witnesses in his or her behalf.

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

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

The superintendents of state correctional facilities and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the state correctional facilities.
Sec. 28. RCW 9.95.190 and 1983 c 3 s 10 are each amended to read as follows:

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

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

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

Whenever any person shall be committed to ((the state penitentiary, the state reformatory,)) a state correctional facility, the county jail or any other state or county institution which is supported wholly or in part by public funds, it shall be the duty of the warden, superintendent, sheriff or other officer in charge of such state or county institution to at once inquire into the nationality of such person, and if it shall appear that such person is an alien, to immediately notify the United States immigration officer in charge of the district in which such penitentiary, reformatory, jail or other institution is located, of the date of and the reasons for such alien commitment, the length of time for which committed, the country of
which ((he)) the person is a citizen, and the date on which and the
port at which ((he)) the person last entered the United States.

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

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

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

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

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

(1) Any person who uses registered voter data furnished under RCW
29.04.100 or 29.04.110 for the purpose of mailing or delivering any
advertisement or offer for any property, establishment, organization,
product, or service or for the purpose of mailing or delivering any
solicitation for money, services, or anything of value shall be guilty
of a felony punishable by imprisonment in ((the state penitentiary)) a
state correctional facility for a period of not more than five years or
a fine of not more than five thousand dollars or both such fine and
imprisonment, and shall be liable to each person provided such
advertisement or solicitation, without ((his)) the person’s consent,
for the nuisance value of such person having to dispose of it, which
value is herein established at five dollars for each item mailed or
delivered to ((his)) \textit{the person’s} residence: PROVIDED, That any person
who mails or delivers any advertisement, offer or solicitation for a
political purpose shall not be liable under this section, unless ((he))
\textit{the person} is liable under subsection (2) of this section. For
purposes of this subsection, two or more attached papers or sheets or
two or more papers which are enclosed in the same envelope or container
or are folded together shall be deemed to constitute one item. Merely
having a mailbox or other receptacle for mail on or near ((his)) \textit{the}
\textit{person’s} residence shall not be any indication that such person
consented to receive the advertisement or solicitation. A class action
may be brought to recover damages under this section and the court may
award a reasonable attorney’s fee to any party recovering damages under
this section.

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

\textbf{Sec. 33.} RCW 36.18.170 and 1963 c 4 s 36.18.170 are each amended
to read as follows:
Any salaried county or precinct officer, who fails to pay to the county treasury all sums that have come into the officer’s hands for fees and charges for the county, or by virtue of the officer’s office, whether under the laws of this state or of the United States, shall be guilty of embezzlement, and upon conviction thereof shall be punished by imprisonment in a state correctional facility not less than one year nor more than three years: PROVIDED, That upon conviction, his or her office shall be declared to be vacant by the court pronouncing sentence.

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

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

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

Every officer who shall mutilate, destroy, conceal, erase, obliterate or falsify any record or paper appertaining to the officer’s office, or who shall fraudulently appropriate to the officer’s own use or to the use of another person, or secrete with intent to appropriate to such use, any money, evidence of debt or other property intrusted to the officer by virtue of the officer’s office, shall be punished by imprisonment in a state correctional facility.
Sec. 36. RCW 40.16.030 and 1909 c 249 s 97 are each amended to read as follows:

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

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

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

1. Shall appropriate to his or her own use or the use of any person not entitled thereto, without authority of law, any money so received by him or her as such officer or otherwise; or
2. Shall knowingly keep any false account, or make any false entry or erasure in any account, of or relating to any money so received by him or her; or
3. Shall fraudulently alter, falsify, conceal, destroy or obliterate any such account; or
(4) Shall willfully omit or refuse to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, town, or such school, diking, drainage, or irrigation district or to the proper officer or authority empowered to demand and receive the same, any money received by him or her as such officer when it is a duty imposed upon him or her by law to pay over and account for the same, shall be punished by imprisonment in ((the state penitentiary)) a state correctional facility for not more than fifteen years.

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

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

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

After the proclamation of a state of emergency as provided in RCW 43.06.010, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a felony and upon conviction thereof shall be imprisoned in ((the state penitentiary)) a state correctional facility for not less than two years nor more than ten years.
Sec. 40.  RCW 43.08.140 and 1965 c 8 s 43.08.140 are each amended to read as follows:

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

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

The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates may be obtained
by the director from the metal working plant of (the) a state
((penitentiary at Walla Walla)) correctional facility or from any
source in accordance with existing state of Washington purchasing
procedures.

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

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

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

Every person who willfully violates any provision of this section
shall be guilty of a gross misdemeanor and shall be liable on
conviction thereof for a first offense to imprisonment in the county
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jail for a period of not less than three months nor more than six
months, without the option of the payment of a fine; for a second
offense, to imprisonment in the county jail for not less than six
months nor more than one year, without the option of the payment of a
fine; for a third offense or subsequent offenses to imprisonment in
((the state penitentiary)) a state correctional facility for not less
than one year nor more than two years.

Sec. 43. RCW 67.24.010 and 1945 c 107 s 1 are each amended to read
as follows:
Every person who shall give, offer, receive, or promise, directly
or indirectly, any compensation, gratuity, or reward, or make any
promise thereof, or who shall fraudulently commit any act by trick,
device, or bunco, or any means whatsoever with intent to influence or
change the outcome of any sporting contest between ((men)) people or
between animals, shall be guilty of a felony and shall be punished by
imprisonment in ((the state penitentiary)) a state correctional
facility for not less than five years.

Sec. 44. RCW 68.50.140 and 1909 c 249 s 239 are each amended to
read as follows:
Every person who shall remove the dead body of a human being, or
any part thereof, from a grave, vault, or other place where the same
has been buried or deposited awaiting burial or cremation, without
authority of law, with intent to sell the same, or for the purpose of
securing a reward for its return, or for dissection, or from malice or
wantonness, shall be punished by imprisonment in ((the state
penitentiary)) a state correctional facility for not more than five
years, or by a fine of not more than one thousand dollars, or by both.
Every person who shall purchase or receive, except for burial or cremation, any such dead body, or any part thereof, knowing that the same has been removed contrary to the foregoing provisions, shall be punished by imprisonment in a state correctional facility for not more than three years, or by a fine of not more than one thousand dollars, or by both.

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

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

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

Sec. 46. RCW 68.50.150 and 1943 c 247 s 26 are each amended to read as follows:
Every person who mutilates, disinters, or removes from the place of interment any human remains without authority of law, shall be punished by imprisonment in a state correctional facility for not more than three years, or by a fine of not more than one thousand dollars, or by both.

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

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

(2) No carrier or warehouseman shall be subject to the penalties of this chapter, other than the penalties for violation of RCW 69.25.140, or subsection (3) of this section, by reason of his or her receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this chapter, or unless the carrier or warehouseman refuses to furnish on request of a representative of the director the name and address of the person from whom he or she received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.
(3) Notwithstanding any other provision of law any person who forcibly assaults, resists, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his or her official duties under this chapter shall be punished by a fine of not more than five thousand dollars or imprisonment in a state correctional facility for not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be punished by a fine of not more than ten thousand dollars or by imprisonment in a state correctional facility for not more than ten years, or both.

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

Every person who willfully mingles poison or place any harmful object or substance, including but not limited to pins, tacks, needles, nails, razor blades, wire, or glass in any food, drink, medicine, or other edible substance intended or prepared for the use of a human being or who shall knowingly furnish, with intent to harm another person, any food, drink, medicine, or other edible substance containing such poison or harmful object or substance to another human being, and every person who willfully poisons any spring, well, or reservoir of water, shall be punished by imprisonment in a state correctional facility for not less than five years or by a fine of not less than one thousand dollars: PROVIDED, HOWEVER, That this act shall not apply to the employer or employers of a person who violates the provisions contained herein without such employer’s knowledge.
Sec. 49. RCW 70.74.270 and 1984 c 55 s 2 are each amended to read as follows:

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

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

(2) In every other case by imprisonment in a state correctional facility for not more than five years.

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

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

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

(2) In every other case by imprisonment in a state correctional facility for not more than five years.
Sec. 51. RCW 72.01.050 and 1988 c 143 s 1 are each amended to read as follows:

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

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

(3) If any state correctional facility is fully or partially destroyed by natural causes or otherwise, the secretary of corrections may, with the approval of the governor, provide for the establishment and operation of additional residential correctional facilities to place those inmates displaced by such destruction. However, such additional facilities may not be established if there are existing residential correctional facilities to which all of the displaced inmates can be appropriately placed. The establishment and operation of any
additional facility shall be on a temporary basis, and the facility may
not be operated beyond July 1 of the year following the year in which
it was partially or fully destroyed.

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

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

Sec. 53. RCW 72.01.370 and 1983 c 255 s 3 are each amended to read as follows:
The superintendent((s)) of ((the state penitentiary, the state
reformatory, the state honor camps and such other penal institutions as
may hereafter be established,)) any state correctional facility may,
subject to the approval of the secretary and under RCW 72.01.375, grant
escorted leaves of absence to inmates confined in such institutions to:

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

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

(3) Participate in athletic contests;

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

(5) Receive necessary medical or dental care which is not available
in the institution; and
(6) Participate as a volunteer in community service work projects which are approved by the superintendent, but only inmates who are nonviolent offenders may participate in these projects. Such community service work projects shall only be instigated at the request of a local community.

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

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

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

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

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

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

1. "Department" shall mean the department of corrections.
2. "Secretary" shall mean the secretary of corrections.
3. "State correctional institutions" shall mean and include (the Washington state penitentiary; the Washington corrections center; the Washington state reformatory; the McNeil Island corrections center; the Purdy corrections center for women; the Cedar Creek corrections center; the Clearwater corrections center; the Firland corrections center; the Indian Ridge corrections center; the Larch corrections center; the Olympic corrections center; Pine Lodge corrections center; the special offender center; the Twin Rivers corrections center; the proposed five hundred bed facility at Clallam Bay; and such other state correctional institutions, camps or facilities as may hereafter be) all state adult correctional facilities established pursuant to law under the jurisdiction of the department for the treatment of convicted felons sentenced to a term of confinement.

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

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

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

1. The secretary shall transport prisoners under ((guard)) supervision:
(a) To and between (the state penitentiary, the state reformatory
and all other institutions) state correctional facilities under ((his
supervision)) the jurisdiction of the secretary;

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

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

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

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

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

Any person who by means of a willfully false statement, or
representation, or impersonation, or a willful failure to reveal any
material fact, condition or circumstance affecting eligibility of need
for assistance, including medical care, surplus commodities and food
stamps, as required by law, or a willful failure to promptly notify the
county office in writing as required by law or any change in status in
respect to resources, or income, or need, or family composition, money
contribution and other support, from whatever source derived, or any
other change in circumstances affecting ((his)) the person’s
eligibility or need for assistance, or other fraudulent device,
obtains, or attempts to obtain, or aids or abets any person to obtain
any public assistance to which ((he)) the person is not entitled or
greater public assistance than that to which he or she is justly
entitled shall be guilty of grand larceny and upon conviction thereof
shall be punished by imprisonment in ((the state penitentiary)) a state
correctional facility for not more than fifteen years.

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

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

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

Sec. 61. RCW 81.60.080 and 1961 c 14 s 81.60.080 are each amended
to read as follows:
Any person or persons who shall willfully or maliciously, with
intent to injure or deprive the owner thereof, take, steal, remove,
change, add to, alter, or in any manner interfere with any journal
bearing, brass, waste, packing, triple valve, pressure cock, brake, air
hose, or any other part of the operating mechanism of any locomotive,
engine, tender, coach, car, caboose, or motor car used or capable of
being used by any railroad or railway company in this state, shall be
guilty of a felony, and upon conviction thereof shall be punished by
imprisonment in ((the penitentiary)) a state correctional facility for
not more than five years, or by a fine not exceeding one thousand
dollars, or by both such fine and imprisonment.

Sec. 62.  RCW 88.08.020 and 1909 c 249 s 402 are each amended to
read as follows:
Every person who, in such manner as might, if not discovered,
endanger a vessel, railway engine, motor, train, or car, shall show,
mask, extinguish, alter or remove any light or signal, or exhibit any
false light or signal, shall be punished by imprisonment in ((the state
penitentiary)) a state correctional facility for not more than ten
years.

Sec. 63.  RCW 88.08.050 and 1909 c 249 s 403 are each amended to
read as follows:
Every person who shall willfully break, injure, deface or destroy
any lighthouse station, post, platform, step, lamp, or other structure
pertaining to such lighthouse station, or shall extinguish or tamper
with any light erected by the United States upon or along the navigable
waters of this state to aid in the navigation thereof, in case no
punishment is provided therefor by the laws of the United States, shall
be punished as follows:
Whenever such act may endanger the safety of any vessel navigating such waters, or jeopardize the safety of any person or property in or upon such vessel, by imprisonment in (the state penitentiary) a state correctional facility for not more than ten years.

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

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

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