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HOUSE BILL 1117

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Lambert, Costa, Blanton, Silver, Ballasiotes, Backlund, Robertson, Boldt, Buck, Thompson, Hargrove and Huff

Read first time 01/13/95. Referred to Committee on Law and Justice.

1 AN ACT Relating to penal institutions; and amending RCW 9.94.010,  
2 9.94.020, 9.94.030, 9.94.040, and 9.94.041.

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

4 **Sec. 1.** RCW 9.94.010 and 1955 c 241 s 1 are each amended to read  
5 as follows:

6 Whenever two or more inmates of a state penal institution or a  
7 county or local penal facility assemble for any purpose, and act in  
8 such a manner as to disturb the good order of such institution and  
9 contrary to the commands of the officers of such institution, by the  
10 use of force or violence, or the threat thereof, and whether acting in  
11 concert or not, they shall be guilty of prison riot.

12 **Sec. 2.** RCW 9.94.020 and 1992 c 7 s 19 are each amended to read as  
13 follows:

14 Every inmate of a state correctional facility or a county or local  
15 penal facility who is guilty of prison riot or of voluntarily  
16 participating therein by being present at, or by instigating, aiding or  
17 abetting the same, shall be punished by imprisonment in a state  
18 correctional facility or a county or local penal facility for not less

1 than one year nor more than ten years, which shall be in addition to  
2 the sentence being served.

3 **Sec. 3.** RCW 9.94.030 and 1992 c 7 s 20 are each amended to read as  
4 follows:

5 Whenever any inmate of a state correctional facility or a county or  
6 local penal facility shall hold, or participate in holding, any person  
7 as a hostage, by force or violence, or the threat thereof, or shall  
8 prevent, or participate in preventing an officer of such institution  
9 from carrying out his or her duties, by force or violence, or the  
10 threat thereof, he or she shall be guilty of a felony and upon  
11 conviction shall be punished by imprisonment in a state correctional  
12 facility or a county or local penal facility for not less than one year  
13 nor more than ten years.

14 **Sec. 4.** RCW 9.94.040 and 1979 c 121 s 1 are each amended to read  
15 as follows:

16 Every person serving a sentence in any state, county, or local  
17 penal institution of this state who, without authorization (~~(pursuant~~  
18 ~~to))~~ under law, while in (~~(such))~~ the penal institution or while being  
19 conveyed to or from (~~(such))~~ the penal institution, or while at any  
20 state, county, or local penal institution farm or forestry camp of  
21 (~~(such))~~ the institution, or while being conveyed to or from any such  
22 place, or while under the custody or supervision of institution  
23 officials, officers, or employees, or while on any premises subject to  
24 the control of the institution, knowingly possesses or carries upon his  
25 or her person or has under his or her control any weapon, firearm, or  
26 any instrument which, if used, could produce serious bodily injury to  
27 the person of another, is guilty of a class B felony. The sentence  
28 imposed under this section shall be in addition to any sentence being  
29 served.

30 **Sec. 5.** RCW 9.94.041 and 1979 c 121 s 2 are each amended to read  
31 as follows:

32 Every person serving a sentence in any state, county, or local  
33 penal institution of this state who, without authorization, while in  
34 (~~(such))~~ the penal institution or while being conveyed to or from  
35 (~~(such))~~ the penal institution, or while at any penal institution farm  
36 or forestry camp of (~~(such))~~ the institution, or while being conveyed

1 to or from any such place, or while under the custody or supervision of  
2 institution officials, officers, or employees, or while on any premises  
3 subject to the control of the institution, knowingly possesses or  
4 carries upon his or her person or has under his or her control any  
5 narcotic drug or controlled substance as defined in chapter 69.50 RCW  
6 is guilty of a class C felony. The sentence imposed under this section  
7 shall be in addition to any sentence being served.

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