

**RCW 9A.76.120 Escape in the second degree.** (1) A person is guilty of escape in the second degree if:

- (a) He or she knowingly escapes from a detention facility; or
- (b) Having been charged with a felony or an equivalent juvenile offense, he or she knowingly escapes from custody; or
- (c) Having been committed under chapter 10.77 RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the second degree is a class C felony. [2001 c 287 § 2; 2001 c 264 § 2; 1995 c 216 § 15; 1982 1st ex.s. c 47 § 24; 1975 1st ex.s. c 260 § 9A.76.120.]

**Reviser's note:** This section was amended by 2001 c 264 § 2 and by 2001 c 287 § 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective dates—2001 c 287:** See note following RCW 9A.76.115.

**Effective date—2001 c 264:** See note following RCW 9A.76.110.

**Severability—1982 1st ex.s. c 47:** See note following RCW 9.41.190.

*Term of escaped prisoner recaptured: RCW 9.31.090.*