

2 **HB 1117** - S COMM AMD

3 By Committee on Human Services & Corrections

4 ADOPTED 4/5/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9.94.010 and 1955 c 241 s 1 are each amended to read
8 as follows:

9 Whenever two or more inmates of a (~~state penal~~) correctional
10 institution assemble for any purpose, and act in such a manner as to
11 disturb the good order of (~~such~~) the institution and contrary to the
12 commands of the officers of (~~such~~) the institution, by the use of
13 force or violence, or the threat thereof, and whether acting in concert
14 or not, they shall be guilty of prison riot.

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

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

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

25 Whenever any inmate of a (~~state~~) correctional (~~facility~~)
26 institution shall hold, or participate in holding, any person as a
27 hostage, by force or violence, or the threat thereof, or shall prevent,
28 or participate in preventing an officer of such institution from
29 carrying out his or her duties, by force or violence, or the threat
30 thereof, he or she shall be guilty of a felony and upon conviction
31 shall be punished by imprisonment in a state correctional (~~facility~~)
32 institution for not less than one year nor more than ten years.

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

3 (1) Every person serving a sentence in any (~~penal~~) state
4 correctional institution (~~of this state~~) who, without legal
5 authorization (~~pursuant to law~~), while in (~~such penal~~) the
6 institution (~~or while being conveyed to or from such penal~~
7 ~~institution, or while at any penal institution farm or forestry camp of~~
8 ~~such institution, or while being conveyed to or from any such place~~),
9 or while under the custody or supervision of institution officials,
10 officers, or employees, or while on any premises subject to the control
11 of the institution, knowingly possesses or carries upon his or her
12 person or has under his or her control any weapon, firearm, or any
13 instrument which, if used, could produce serious bodily injury to the
14 person of another, is guilty of a class B felony.

15 (2) Every person confined in a county or local correctional
16 institution who, without legal authorization, while in the institution
17 or while being conveyed to or from the institution, or while under the
18 custody or supervision of institution officials, officers, or
19 employees, or while on any premises subject to the control of the
20 institution, knowingly possesses or has under his or her control a
21 deadly weapon, as defined in RCW 9A.04.110, is guilty of a class B
22 felony.

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

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

27 (1) Every person serving a sentence in any (~~penal~~) state
28 correctional institution (~~of this state~~) who, without legal
29 authorization, while in (~~such penal~~) the institution or while being
30 conveyed to or from (~~such penal~~) the institution, (~~or while at any~~
31 ~~penal institution farm or forestry camp of such institution, or while~~
32 ~~being conveyed to or from any such place,~~) or while under the custody
33 or supervision of institution officials, officers, or employees, or
34 while on any premises subject to the control of the institution,
35 knowingly possesses or carries upon his or her person or has under his
36 or her control any narcotic drug or controlled substance as defined in
37 chapter 69.50 RCW is guilty of a class C felony.

1 (2) Every person confined in a county or local correctional
2 institution who, without legal authorization, while in the institution
3 or while being conveyed to or from the institution, or while under the
4 custody or supervision of institution officials, officers, or
5 employees, or while on any premises subject to the control of the
6 institution, knowingly possesses or has under his or her control any
7 narcotic drug or controlled substance, as defined in chapter 69.50 RCW,
8 is guilty of a class C felony.

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

11 **Sec. 6.** RCW 9.94.049 and 1992 c 7 s 21 are each amended to read as
12 follows:

13 (1) For the purposes of this chapter, the term "correctional
14 institution" means any place designated by law for the keeping of
15 persons held in custody under process of law, or under lawful arrest,
16 including state prisons, county and local jails, and other facilities
17 operated by the department of corrections or local governmental units
18 primarily for the purposes of punishment, correction, or rehabilitation
19 following conviction of a criminal offense.

20 (2) For the purposes of RCW 9.94.043 and 9.94.045, "state
21 correctional institution" means all state correctional facilities under
22 the supervision of the secretary of the department of corrections used
23 solely for the purpose of confinement of convicted felons."

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27 On page 1, line 1 of the title, after "institutions;" strike the
28 remainder of the title and insert "and amending RCW 9.94.010, 9.94.020,
29 9.94.030, 9.94.040, 9.94.041, and 9.94.049."

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