

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1117**

Chapter 314, Laws of 1995

54th Legislature  
1995 Regular Session

LOCAL PENAL INSTITUTIONS--CRIMES AGAINST PENAL  
ORDER AND DISCIPLINE

EFFECTIVE DATE: 7/23/95

Passed by the House April 21, 1995  
Yeas 94 Nays 3

\_\_\_\_\_  
CLYDE BALLARD

**Speaker of the  
House of Representatives**

Passed by the Senate April 20, 1995  
Yeas 46 Nays 0

\_\_\_\_\_  
JOEL PRITCHARD

**President of the Senate**

Approved May 11, 1995

\_\_\_\_\_  
MIKE LOWRY

**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1117** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
TIMOTHY A. MARTIN

**Chief Clerk**

FILED

May 11, 1995 - 1:06 p.m.

**Secretary of State  
State of Washington**

---

HOUSE BILL 1117

---

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

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, 9.94.041, and 9.94.049; and prescribing  
3 penalties.

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

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

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

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

15            Every inmate of a ((state)) correctional ((facility)) institution  
16 who is guilty of prison riot or of voluntarily participating therein by  
17 being present at, or by instigating, aiding or abetting the same, shall  
18 be punished by imprisonment in a state correctional ((facility))

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

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

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

27 (2) Every person confined in a county or local correctional  
28 institution who, without legal authorization, while in the institution  
29 or while being conveyed to or from the institution, or while under the  
30 custody or supervision of institution officials, officers, or  
31 employees, or while on any premises subject to the control of the  
32 institution, knowingly possesses or has under his or her control a  
33 deadly weapon, as defined in RCW 9A.04.110, is guilty of a class B  
34 felony.

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

1       **Sec. 5.** RCW 9.94.041 and 1979 c 121 s 2 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, while in ~~((such penal))~~ the institution or while being  
6 conveyed to or from ~~((such penal))~~ the institution, ~~((or while at any~~  
7 ~~penal institution farm or forestry camp of such institution, or while~~  
8 ~~being conveyed to or from any such place,))~~ or while under the custody  
9 or supervision of institution officials, officers, or employees, or  
10 while on any premises subject to the control of the institution,  
11 knowingly possesses or carries upon his or her person or has under his  
12 or her control any narcotic drug or controlled substance as defined in  
13 chapter 69.50 RCW is guilty of a class C felony.

14       (2) Every person confined in a county or local correctional  
15 institution who, without legal authorization, while in the institution  
16 or while being conveyed to or from the institution, or while under the  
17 custody or supervision of institution officials, officers, or  
18 employees, or while on any premises subject to the control of the  
19 institution, knowingly possesses or has under his or her control any  
20 narcotic drug or controlled substance, as defined in chapter 69.50 RCW,  
21 is guilty of a class C felony.

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

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

26       (1) For the purposes of this chapter, the term "correctional  
27 institution" means any place designated by law for the keeping of  
28 persons held in custody under process of law, or under lawful arrest,  
29 including state prisons, county and local jails, and other facilities  
30 operated by the department of corrections or local governmental units  
31 primarily for the purposes of punishment, correction, or rehabilitation  
32 following conviction of a criminal offense.

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

Passed the House April 21, 1995.  
Passed the Senate April 20, 1995.  
Approved by the Governor May 11, 1995.  
Filed in Office of Secretary of State May 11, 1995.