H-3394.1

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**HOUSE BILL 2363**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Pellicciotti and McDonald

AN ACT Relating to addressing the use of unmanned aircraft to deliver contraband to certain facilities; amending RCW 9A.76.010, 9A.76.140, 9A.76.150, and 9A.76.160; and prescribing penalties.

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

**Sec.**  RCW 9A.76.010 and 2013 c 43 s 1 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Contraband" means any article or thing which a person confined in a detention facility or a secure facility under chapter 71.09 RCW is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court;

(2) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(3) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense, or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(4) "Uncontrollable circumstances" means an act of nature such as a flood, earthquake, or fire, or a medical condition that requires immediate hospitalization or treatment, or an act of a human being such as an automobile accident or threats of death, forcible sexual attack, or substantial bodily injury in the immediate future for which there is no time for a complaint to the authorities and no time or opportunity to resort to the courts;

(5) "Unmanned aircraft" means an aircraft that is operated without the possibility of direct human intervention from within or on such an aircraft.

**Sec.**  RCW 9A.76.140 and 2013 c 43 s 3 are each amended to read as follows:

(1) A person is guilty of introducing contraband in the first degree if he or she knowingly:

(a) Provides any deadly weapon to any person confined in a detention facility or secure facility under chapter 71.09 RCW; or

(b) Uses an unmanned aircraft to deliver, or attempt to deliver, any deadly weapon to any person confined in a detention facility or secure facility under chapter 71.09 RCW.

(2) Introducing contraband in the first degree is a class B felony.

**Sec.**  RCW 9A.76.150 and 2013 c 43 s 4 are each amended to read as follows:

(1) A person is guilty of introducing contraband in the second degree if he or she knowingly and unlawfully:

(a) Provides contraband to any person confined in a detention facility or secure facility under chapter 71.09 RCW with the intent that such contraband be of assistance in an escape or in the commission of a crime; or

(b) Uses an unmanned aircraft to deliver, or attempt to deliver, contraband to any person confined in a detention facility or secure facility under chapter 71.09 RCW with the intent that such contraband be of assistance in an escape or in the commission of a crime.

(2) Introducing contraband in the second degree is a class C felony.

**Sec.**  RCW 9A.76.160 and 2013 c 43 s 5 are each amended to read as follows:

(1) A person is guilty of introducing contraband in the third degree if he or she knowingly and unlawfully:

(a) Provides contraband to any person confined in a detention facility or secure facility under chapter 71.09 RCW; or

(b) Uses an unmanned aircraft to deliver, or attempt to deliver, contraband to any person confined in a detention facility or secure facility under chapter 71.09 RCW.

(2)((~~(a)~~)) Subsection (1)(a) of this section does not apply to an attorney representing a client confined in a secure facility under chapter 71.09 RCW for the purposes of bringing discovery or other legal materials to assist the client in the civil commitment process under chapter 71.09 RCW; PROVIDED, That:

((~~(i)~~)) (a) The attorney must be present when the materials are being reviewed or handled by the client; and

((~~(ii)~~)) (b) The attorney must take the materials and any and all copies of the materials when leaving the secure facility.

(3) Introducing contraband in the third degree is a misdemeanor.

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