
HOUSE BILL 2363

State of Washington

65th Legislature

2018 Regular Session

By Representatives Pellicciotti and McDonald

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1 AN ACT Relating to addressing the use of unmanned aircraft to
2 deliver contraband to certain facilities; amending RCW 9A.76.010,
3 9A.76.140, 9A.76.150, and 9A.76.160; and prescribing penalties.

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

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

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

9 (1) "Contraband" means any article or thing which a person
10 confined in a detention facility or a secure facility under chapter
11 71.09 RCW is prohibited from obtaining or possessing by statute,
12 rule, regulation, or order of a court;

13 (2) "Custody" means restraint pursuant to a lawful arrest or an
14 order of a court, or any period of service on a work crew: PROVIDED,
15 That custody pursuant to chapter 13.34 RCW and RCW 74.13.020 and
16 74.13.031 and chapter 13.32A RCW shall not be deemed custody for
17 purposes of this chapter;

18 (3) "Detention facility" means any place used for the confinement
19 of a person (a) arrested for, charged with or convicted of an
20 offense, or (b) charged with being or adjudicated to be a juvenile
21 offender as defined in RCW 13.40.020 as now existing or hereafter

1 amended, or (c) held for extradition or as a material witness, or (d)
2 otherwise confined pursuant to an order of a court, except an order
3 under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work
4 release, furlough, or other such facility or program;

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

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

15 **Sec. 2.** RCW 9A.76.140 and 2013 c 43 s 3 are each amended to read
16 as follows:

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

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

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

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

26 **Sec. 3.** RCW 9A.76.150 and 2013 c 43 s 4 are each amended to read
27 as follows:

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

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

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

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

3 **Sec. 4.** RCW 9A.76.160 and 2013 c 43 s 5 are each amended to read
4 as follows:

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

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

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

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

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

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

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

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