

(14) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030 as now or hereafter amended;

(15) To publish and make available at the office of the commission or elsewhere to anyone requesting it a list of the commission licensees, including the name, address, type of license, and license number of each licensee; and

(16) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Passed the Senate June 9, 1975.

Passed the House June 9, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

## CHAPTER 260

[Engrossed Substitute Senate Bill No. 2092]

### WASHINGTON CRIMINAL CODE

AN ACT Relating to crimes and criminal procedure; adding a new title to the Revised Code of Washington to be designated as Title 9A; repealing section 51, chapter 249, Laws of 1909 and RCW 9.01.010; repealing section 11, page 78, Laws of 1854, section 11, page 106, Laws of 1859, section 11, page 200, Laws of 1869, section 11, page 200, Laws of 1873, section 781, Code of 1881, section 1, chapter 249, Laws of 1909 and RCW 9.01.020; repealing section 125, page 98, Laws of 1854, section 124, page 129, Laws of 1859, section 134, page 229, Laws of 1869, section 140, page 213, Laws of 1873, section 957, Code of 1881, section 8, chapter 249, Laws of 1909 and RCW 9.01.030; repealing section 2, chapter 249, Laws of 1909 and RCW 9.01.040; repealing section 2, chapter 249, Laws of 1909 and RCW 9.01.050; repealing section 127, page 98, Laws of 1854, section 136, page 229, Laws of 1869, section 142, page 213, Laws of 1873, section 956, Code of 1881, section 10, chapter 249, Laws of 1909 and RCW 9.01.060; repealing section 30, page 185, Laws of 1873, section 1161, Code of 1881, section 12, chapter 249, Laws of 1909 and RCW 9.01.070; repealing section 1, chapter 233, Laws of 1927 and RCW 9.01.080; repealing section 784, Code of 1881, section 17, chapter 249, Laws of 1909 and RCW 9.01.090; repealing section 18, chapter 249, Laws of 1909 and RCW 9.01.100; repealing section 5, chapter 249, Laws of 1909 and RCW 9.01.111; repealing section 4, chapter 249, Laws of 1909 and RCW 9.01.112; repealing section 3, chapter 249, Laws of 1909 and RCW 9.01.113; repealing section 6, chapter 249, Laws of 1909 and RCW 9.01.114; repealing section 2, chapter 76, Laws of 1967 and RCW 9.01.116; repealing section 1, Code of 1881, section 47, chapter 249, Laws of 1909 and RCW 9.01.150; repealing section 46, chapter 249, Laws of 1909 and RCW 9.01.170; repealing section 48, chapter 249, Laws of 1909 and RCW 9.01.180; repealing section 49, chapter 249, Laws of 1909 and RCW 9.01.190; repealing section 376, chapter 249, Laws of 1909 and RCW 9.08.040; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020; repealing section 322, chapter 249, Laws of 1909 and RCW 9.09.030; repealing section 323, chapter 249, Laws of 1909 and RCW 9.09.040; repealing section 324, chapter 249, Laws of 1909 and RCW 9.09.050; repealing section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 161, chapter 249, Laws of 1909 and RCW 9.11.010; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 162, chapter 249, Laws of 1909 and RCW 9.11.020; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of

1873, sections 801 through 809, Code of 1881, section 163, chapter 249, Laws of 1909 and RCW 9.11.030; repealing section 164, chapter 249, Laws of 1909 and RCW 9.11.040; repealing section 165, chapter 249, Laws of 1909 and RCW 9.11.050; repealing section 122, page 226, Laws of 1869, section 128, page 210, Laws of 1873, section 945, Code of 1881, sections 6 and 7, chapter 149, Laws of 1895, section 201, chapter 249, Laws of 1909 and RCW 9.15.010; repealing section 202, chapter 249, Laws of 1909 and RCW 9.15.020; repealing sections 74 and 75, page 89, Laws of 1854, section 75, page 119, Laws of 1859, section 80, page 216, Laws of 1869, section 84, page 200, Laws of 1873, section 880, Code of 1881, section 68, chapter 249, Laws of 1909 and RCW 9.18.010; repealing section 74, page 89, Laws of 1854, section 74, page 119, Laws of 1859, section 79, page 216, Laws of 1869, section 83, page 200, Laws of 1873, section 879, Code of 1881, section 69, chapter 249, Laws of 1909 and RCW 9.18.020; repealing section 73, page 89, Laws of 1854-55, section 73, page 118, Laws of 1859-60, section 78, page 216, Laws of 1869, section 82, page 199, Laws of 1873, section 878, Code of 1881, section 70, chapter 249, Laws of 1909 and RCW 9.18.030; repealing section 71, page 89, Laws of 1854, section 71, page 118, Laws of 1859, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 71, chapter 249, Laws of 1909 and RCW 9.18.040; repealing section 72, chapter 249, Laws of 1909 and RCW 9.18.050; repealing section 84, page 200, Laws of 1873, section 880, Code of 1881, section 73, chapter 249, Laws of 1909 and RCW 9.18.060; repealing section 74, chapter 249, Laws of 1909 and RCW 9.18.070; repealing section 79, page 90, Laws of 1854, section 885, Code of 1881, section 79, chapter 249, Laws of 1909 and RCW 9.18.090; repealing section 75, page 89, Laws of 1854, section 880, Code of 1881, section 80, chapter 249, Laws of 1909 and RCW 9.18.100; repealing section 81, chapter 249, Laws of 1909 and RCW 9.18.110; repealing section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010; repealing section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030; repealing section 329, chapter 249, Laws of 1909 and RCW 9.19.040; repealing section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050; repealing section 130, chapter 249, Laws of 1909 and RCW 9.22.010; repealing section 131, chapter 249, Laws of 1909 and RCW 9.22.020; repealing section 132, chapter 249, Laws of 1909 and RCW 9.22.030; repealing section 1, chapter 211, Laws of 1961 and RCW 9.22.040; repealing section 1, page 15, Laws of 1862, section 70, page 196, Laws of 1873, sections 856 and 857, Code of 1881, section 339, chapter 249, Laws of 1909 and RCW 9.26.010; repealing section 340, chapter 249, Laws of 1909 and RCW 9.26.020; repealing section 7, page 15, Laws of 1862, section 70, page 196, Laws of 1873, section 857, Code of 1881 and RCW 9.26.030; repealing section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010; repealing section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020; repealing section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030; repealing section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040; repealing section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050; repealing section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060; repealing section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070; repealing section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080; repealing section 295, chapter 249, Laws of 1909 and RCW 9.27.010; repealing section 282, chapter 249, Laws of 1909 and RCW 9.27.020; repealing section 309, chapter 249, Laws of 1909 and RCW 9.27.030; repealing section 64, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 296, chapter 249, Laws of 1909 and RCW 9.27.040; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 297, chapter 249, Laws of 1909 and RCW 9.27.050; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 298, chapter 249, Laws of 1909 and RCW 9.27.060; repealing sections 65 and 66, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 299, chapter 249, Laws of 1909 and RCW 9.27.070; repealing section 863, Code of 1881, section 300, chapter 249, Laws of 1909 and RCW 9.27.080; repealing section 301, chapter 249, Laws of 1909 and RCW 9.27.090; repealing section 302, chapter 249, Laws of 1909 and RCW 9.27.100; repealing section 22, page 79, Laws of 1854, section 22, page 202, Laws of 1869, section 799, Code of 1881, section 167, chapter 249, Laws of 1909 and RCW 9.30.010; repealing section 23, page 79, Laws of 1854, section 23, page 202, Laws of 1869, section 25, page 185, Laws of 1873, section 800, Code of 1881, section 168, chapter 249, Laws of 1909 and RCW 9.30.020; repealing section 169, chapter 249, Laws of 1909 and RCW 9.30.030; repealing section 170, chapter 249, Laws of 1909 and RCW 9.30.040; repealing section 171, chapter 249, Laws of 1909 and RCW 9.30.050; repealing section 1, chapter 320, Laws of 1955 and RCW 9.31.005; repealing section 90, chapter 249, Laws of 1909, section 2, chapter 320, Laws of 1955 and RCW 9.31.010; repealing section 76, page 89, Laws of 1854, section 85, page 200, Laws of 1873, section 881, Code of 1881, sections 1 and 2, chapter 46, Laws of 1905, section 91, chapter 249, Laws of 1909 and RCW 9.31.020; repealing section 77, page 90, Laws of 1854, section 86, page 201, Laws of 1873, section 882, Code of 1881, section 92, chapter 249, Laws of 1909 and RCW 9.31.030; repealing section 77, page 90, Laws of 1854, sections 86 and 87, page 201,

Laws of 1873, section 882, Code of 1881, section 93, chapter 249, Laws of 1909 and RCW 9.31.040; repealing section 94, chapter 249, Laws of 1909 and RCW 9.31.050; repealing section 87, chapter 249, Laws of 1909 and RCW 9.31.060; repealing section 88, chapter 249, Laws of 1909 and RCW 9.31.070; repealing section 125, chapter 249, Laws of 1909 and RCW 9.31.080; repealing section 1, chapter 182, Laws of 1951 and RCW 9.31.100; repealing section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040; repealing section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050; repealing section 362, chapter 249, Laws of 1909 and RCW 9.33.060; repealing section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070; repealing section 363, chapter 249, Laws of 1909 and RCW 9.34.010; repealing section 364, chapter 249, Laws of 1909 and RCW 9.34.020; repealing section 365, chapter 249, Laws of 1909 and RCW 9.37.010; repealing section 367, chapter 249, Laws of 1909 and RCW 9.37.020; repealing section 421, chapter 249, Laws of 1909 and RCW 9.37.030; repealing section 422, chapter 249, Laws of 1909 and RCW 9.37.040; repealing section 1, chapter 46, Laws of 1911 and RCW 9.37.050; repealing section 1, chapter 78, Laws of 1937 and RCW 9.37.060; repealing section 370, chapter 249, Laws of 1909 and RCW 9.38.030; repealing section 409, chapter 249, Laws of 1909 and RCW 9.38.050; repealing section 267, chapter 249, Laws of 1909 and RCW 9.40.010; repealing section 268, chapter 249, Laws of 1909 and RCW 9.40.020; repealing section 269, chapter 249, Laws of 1909 and RCW 9.40.030; repealing section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050; repealing section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060; repealing section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070; repealing section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080; repealing section 338, chapter 249, Laws of 1909 and RCW 9.44.010; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020; repealing section 332, chapter 249, Laws of 1909 and RCW 9.44.030; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040; repealing section 334, chapter 249, Laws of 1909 and RCW 9.44.050; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060; repealing section 336, chapter 249, Laws of 1909 and RCW 9.44.070; repealing section 122, chapter 249, Laws of 1909 and RCW 9.45.010; repealing section 219, chapter 249, Laws of 1909 and RCW 9.45.030; repealing section 375, chapter 249, Laws of 1909 and RCW 9.45.050; repealing section 1, page 99, Laws of 1890 and RCW 9.45.200; repealing section 138, chapter 249, Laws of 1909, section 1, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.010; repealing section 139, chapter 249, Laws of 1909 and RCW 9.48.020; repealing section 12, page 78, Laws of 1854, section 12, page 200, Laws of 1869, section 12, page 182, Laws of 1873, section 786, Code of 1881, section 1, chapter 69, Laws of 1891, section 140, chapter 249, Laws of 1909 and RCW 9.48.030; repealing section 13, page 78, Laws of 1854, sections 13 and 14, page 200, Laws of 1869, section 13, page 182, Laws of 1873, section 790, Code of 1881, section 141, chapter 249, Laws of 1909 and RCW 9.48.040; repealing section 14, page 78, Laws of 1854, section 14, page 201, Laws of 1869, section 16, page 183, Laws of 1873, section 791, Code of 1881, section 142, chapter 249, Laws of 1909 and RCW 9.48.050; repealing section 16, page 78, Laws of 1854, section 16, page 201, Laws of 1869, section 18, page 183, Laws of 1873, section 793, Code of 1881, section 2, chapter 69, Laws of 1891, section 143, chapter 249, Laws of 1909, section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 820, Code of 1881, section 144, chapter 249, Laws of 1909 and RCW 9.48.070; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 821, Code of 1881, section 145, chapter 249, Laws of 1909 and RCW 9.48.080; repealing section 146, chapter 249, Laws of 1909 and RCW 9.48.090; repealing section 147, chapter 249, Laws of 1909 and RCW 9.48.100; repealing section 18, page 78, Laws of 1854, section 18, page 201, Laws of 1869, section 20, page 184, Laws of 1873, section 795, Code of 1881, section 148, chapter 249, Laws of 1909 and RCW 9.48.110; repealing section 19, page 78, Laws of 1854, section 19, page 201, Laws of 1869, section 21, page 184, Laws of 1873, section 796, Code of 1881, section 149, chapter 249, Laws of 1909 and RCW 9.48.120; repealing section 124, page 97, Laws of 1854, section 130, page 227, Laws of 1869, section 136, page 211, Laws of 1873, section 995, Code of 1881, section 150, chapter 249, Laws of 1909 and RCW 9.48.130; repealing section 151, chapter 249, Laws of 1909 and RCW 9.48.140; repealing section 152, chapter 249, Laws of 1909 and RCW 9.48.150; repealing section 153, chapter 249, Laws of 1909 and RCW 9.48.160; repealing section 154, chapter 249, Laws of 1909 and RCW 9.48.170; repealing section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010;

repealing section 3, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.020; repealing section 159, chapter 249, Laws of 1909 and RCW 9.52.030; repealing section 36, page 84, Laws of 1854, section 38, page 205, Laws of 1869, section 40, page 187, Laws of 1873, section 819, Code of 1881, section 160, chapter 249, Laws of 1909 and RCW 9.52.040; repealing section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010; repealing section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020; repealing section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030; repealing section 2, chapter 60, Laws of 1917 and RCW 9.54.040; repealing section 1, chapter 156, Laws of 1915 and RCW 9.54.050; repealing section 350, chapter 249, Laws of 1909 and RCW 9.54.060; repealing section 351, chapter 249, Laws of 1909 and RCW 9.54.070; repealing section 352, chapter 249, Laws of 1909 and RCW 9.54.080; repealing section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090; repealing section 354, chapter 249, Laws of 1909 and RCW 9.54.100; repealing section 355, chapter 249, Laws of 1909 and RCW 9.54.110; repealing section 1, chapter 63, Laws of 1961 and RCW 9.54.115; repealing section 356, chapter 249, Laws of 1909 and RCW 9.54.120; repealing section 1, chapter 32, Laws of 1965 and RCW 9.54.140; repealing section 85, chapter 249, Laws of 1909 and RCW 9.55.010; repealing section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010; repealing section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020; repealing section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030; repealing section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess., section 1, chapter 28, Laws of 1975 and RCW 9.61.040; repealing section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050; repealing section 414, chapter 249, Laws of 1909 and RCW 9.61.060; repealing section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070; repealing section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080; repealing section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090; repealing section 2, chapter 114, Laws of 1899 and RCW 9.61.100; repealing section 3, chapter 114, Laws of 1899 and RCW 9.61.110; repealing section 1, chapter 133, Laws of 1963 and RCW 9.61.220; repealing section 26, page 79, Laws of 1854, section 26, page 202, Laws of 1869, section 28, page 185, Laws of 1873, section 103, Code of 1881, section 155, chapter 249, Laws of 1909 and RCW 9.65.010; repealing section 156, chapter 249, Laws of 1909 and RCW 9.65.020; repealing section 157, chapter 249, Laws of 1909 and RCW 9.65.030; repealing section 303, chapter 249, Laws of 1909 and RCW 9.69.010; repealing section 78, page 90, Laws of 1854, section 87, page 201, Laws of 1873, section 883, Code of 1881, section 112, chapter 249, Laws of 1909 and RCW 9.69.020; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 886, Code of 1881, section 113, chapter 249, Laws of 1909 and RCW 9.69.030; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 885, Code of 1881, section 114, chapter 249, Laws of 1909 and RCW 9.69.040; repealing section 116, chapter 249, Laws of 1909 and RCW 9.69.050; repealing section 420, chapter 249, Laws of 1909 and RCW 9.69.060; repealing section 110, chapter 249, Laws of 1909 and RCW 9.69.070; repealing section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080; repealing section 115, chapter 249, Laws of 1909 and RCW 9.69.090; repealing section 69, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010; repealing section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020; repealing section 101, chapter 249, Laws of 1909 and RCW 9.72.030; repealing section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040; repealing section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050; repealing section 872, Code of 1881, section 104, chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060; repealing section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070; repealing section 106, chapter 249, Laws of 1909 and RCW 9.72.080; repealing section 81, page 199, Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100; repealing section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110; repealing sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010; repealing section 399, chapter 249, Laws of 1909 and RCW 9.75.020; repealing section 6, page 126, Laws of 1890 and RCW 9.75.030;

repealing section 244, chapter 249, Laws of 1909 and RCW 9.76.020; repealing section 245, chapter 249, Laws of 1909 and RCW 9.76.030; repealing section 246, chapter 249, Laws of 1909 and RCW 9.76.040; repealing section 865, Code of 1881, section 247, chapter 249, Laws of 1909 and RCW 9.76.050; repealing section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010; repealing section 2, chapter 229, Laws of 1959 and RCW 9.78.020; repealing section 4, chapter 229, Laws of 1959 and RCW 9.78.040; repealing section 813, Code of 1881, section 186, chapter 249, Laws of 1909, section 125, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.040; repealing section 815, Code of 1881, section 187, chapter 249, Laws of 1909, section 126, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.050; repealing section 188, chapter 249, Laws of 1909, section 1, chapter 186, Laws of 1927, section 127, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.060; repealing section 816, Code of 1881, section 1, chapter 33, Laws of 1905, section 189, chapter 249, Laws of 1909, section 128, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.070; repealing section 190, chapter 249, Laws of 1909, section 2, chapter 74, Laws of 1937, section 1, chapter 127, Laws of 1955, section 129, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.080; repealing section 121, page 225, Laws of 1869, section 127, page 209, Laws of 1873, sections 1 and 2, chapter 149, Laws of 1895, section 203, chapter 249, Laws of 1909, section 1, chapter 111, Laws of 1943 and RCW 9.79.090; repealing section 2, chapter 139, Laws of 1893, section 204, chapter 249, Laws of 1909, section 3, chapter 74, Laws of 1937 and RCW 9.79.100; repealing section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, sections 943, 944, Code of 1881, sections 3, 4, chapter 149, Laws of 1895, section 205, chapter 249, Laws of 1909, section 1, chapter 98, Laws of 1917 and RCW 9.79.110; repealing section 117, page 95, Laws of 1854, section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, section 948, Code of 1881, section 206, chapter 249, Laws of 1909 and RCW 9.79.120; repealing section 2, chapter 65, Laws of 1961 and RCW 9.79.130; repealing section 133, chapter 249, Laws of 1909 and RCW 9.80.010; repealing section 134, chapter 249, Laws of 1909 and RCW 9.80.020; repealing section 17, page 78, Laws of 1854, section 17, page 201, Laws of 1869, section 19, page 184, Laws of 1873, section 794, Code of 1881, section 135, chapter 249, Laws of 1909 and RCW 9.80.030; repealing section 136, chapter 249, Laws of 1909 and RCW 9.80.040; repealing section 137, chapter 249, Laws of 1909 and RCW 9.80.050; repealing section 412, chapter 249, Laws of 1909 and RCW 9.83.010; repealing section 1, chapter 128, Laws of 1913 and RCW 9.83.020; repealing section 2, chapter 128, Laws of 1913 and RCW 9.83.030; repealing section 3, chapter 128, Laws of 1913 and RCW 9.83.040; repealing section 4, chapter 128, Laws of 1913 and RCW 9.83.050; repealing section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060; repealing section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070; repealing section 1, chapter 7, Laws of 1969 and RCW 9.83.080; repealing section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010; repealing section 1, chapter 62, Laws of 1915 and RCW 9.87.020; repealing section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030; repealing section 932, Code of 1881 and RCW 9.91.040; repealing section 382, chapter 249, Laws of 1909 and RCW 9.91.070; repealing section 383, chapter 249, Laws of 1909 and RCW 9.91.080; repealing section 4, chapter 241, Laws of 1955 and RCW 9.94.060; repealing section 3, chapter 28, Laws of 1891 and RCW 10.01.010; and repealing section 10, page 77, Laws of 1854, section 779, Code 1881, section 2, chapter 28, Laws of 1891, section 1, chapter 12, Laws of 1937 and RCW 10.01.020; defining crimes; prescribing penalties; and prescribing an effective date.

Be it enacted by the Legislature of the State of Washington:

#### CHAPTER 9A.04 PRELIMINARY ARTICLE

**NEW SECTION.** Sec. 9A.04.010. TITLE, EFFECTIVE DATE, APPLICATION, SEVERABILITY, CAPTIONS. (1) This title shall be known and may be cited as the Washington Criminal Code and shall become effective on July 1, 1976.

(2) The provisions of this title shall apply to any offense committed on or after July 1, 1976, which is defined in this title or the general statutes, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.

(3) The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an

offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(4) If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

(5) Chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this title.

**NEW SECTION. Sec. 9A.04.020. PURPOSES—PRINCIPLES OF CONSTRUCTION.** (1) The general purposes of the provisions governing the definition of offenses are:

(a) To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;

(b) To safeguard conduct that is without culpability from condemnation as criminal;

(c) To give fair warning of the nature of the conduct declared to constitute an offense;

(d) To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

(2) The provisions of this title shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this title.

**NEW SECTION. Sec. 9A.04.030. STATE CRIMINAL JURISDICTION.** The following persons are liable to punishment:

(1) A person who commits in the state any crime, in whole or in part.

(2) A person who commits out of the state any act which, if committed within it, would be theft and is afterward found in the state with any of the stolen property.

(3) A person who being out of the state, counsels, causes, procures, aids, or abets another to commit a crime in this state.

(4) A person who, being out of the state, abducts or kidnaps by force or fraud, any person, contrary to the laws of the place where the act is committed, and brings, sends, or conveys such person into this state.

(5) A person who commits an act without the state which affects persons or property within the state, which, if committed within the state, would be a crime.

**NEW SECTION. Sec. 9A.04.040. CLASSES OF CRIMES.** (1) An offense defined by this title or by any other statute of this state, for which a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as felonies, gross misdemeanors, or misdemeanors.

(2) A crime is a felony if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for a term in excess of one year. A crime is a misdemeanor if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for no more than ninety days. Every other crime is a gross misdemeanor.

**NEW SECTION. Sec. 9A.04.050. PEOPLE CAPABLE OF COMMITTING CRIMES.** Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age.

**NEW SECTION. Sec. 9A.04.060. COMMON LAW TO SUPPLEMENT STATUTE.** The provisions of the common law relating to the commission of crime and the punishment thereof, insofar as not inconsistent with the constitution and statutes of this state, shall supplement all penal statutes of this state and all persons offending against the same shall be tried in the courts of this state having jurisdiction of the offense.

**NEW SECTION. Sec. 9A.04.070. WHO AMENABLE TO CRIMINAL STATUTES.** Every person, regardless of whether or not he is an inhabitant of this state, may be tried and punished under the laws of this state for an offense committed by him therein, except when such offense is cognizable exclusively in the courts of the United States.

**NEW SECTION. Sec. 9A.04.080. LIMITATION OF ACTIONS.** Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, within ten years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: **PROVIDED**, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, and ten years respectively: **AND FURTHER PROVIDED**, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

**NEW SECTION. Sec. 9A.04.090. APPLICATION OF GENERAL PROVISIONS OF THE CODE.** The provisions of chapters 9A.04 through 9A.28 of this title are applicable to offenses defined by this title or another statute, unless this title or such other statute specifically provides otherwise.

**NEW SECTION. Sec. 9A.04.100. PROOF BEYOND A REASONABLE DOUBT.** (1) Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person may be convicted of a crime unless each

element of such crime is proved by competent evidence beyond a reasonable doubt.

(2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he shall be convicted only of the lowest degree.

**NEW SECTION. Sec. 9A.04.110. DEFINITIONS.** In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4) "Bodily injury" or "physical injury" means physical pain, illness, or an impairment of physical condition;
- (5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;
- (6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury;
- (7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;
- (8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;
- (9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;
- (10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";
- (11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;
- (12) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;
- (13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;
- (14) "Omission" means a failure to act;



(15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;

(16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;

(21) "Property" means anything of value, whether tangible or intangible, real or personal;

(22) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) "Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

(26) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

#### CHAPTER 9A.08

#### PRINCIPLES OF LIABILITY

NEW SECTION. Sec. 9A.08.010. GENERAL REQUIREMENTS OF CULPABILITY. (1) Kinds of Culpability Defined.

(a) Intent. A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a crime.

(b) Knowledge. A person knows or acts knowingly or with knowledge when:

(i) he is aware of a fact, facts, or circumstances or result described by a statute defining an offense; or

(ii) he has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by a statute defining an offense.

(c) Recklessness. A person is reckless or acts recklessly when he knows of and disregards a substantial risk that a wrongful act may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation.

(d) Criminal Negligence. A person is criminally negligent or acts with criminal negligence when he fails to be aware of a substantial risk that a wrongful act may occur and his failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable man would exercise in the same situation.

(2) Substitutes for Criminal Negligence, Recklessness, and Knowledge. When a statute provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly, or recklessly. When recklessness suffices to establish an element, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.

(3) Culpability as Determinant of Grade of Offense. When the grade or degree of an offense depends on whether the offense is committed intentionally, knowingly, recklessly, or with criminal negligence, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.

(4) Requirement of Wilfulness Satisfied by Acting Knowingly. A requirement that an offense be committed wilfully is satisfied if a person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements plainly appears.

**NEW SECTION. Sec. 9A.08.020. LIABILITY FOR CONDUCT OF ANOTHER—COMPLICITY.** (1) A person is guilty of a crime if it is committed by the conduct of another person for which he is legally accountable.

(2) A person is legally accountable for the conduct of another person when:

(a) Acting with the kind of culpability that is sufficient for the commission of the crime, he causes an innocent or irresponsible person to engage in such conduct; or

(b) He is made accountable for the conduct of such other person by this title or by the law defining the crime; or

(c) He is an accomplice of such other person in the commission of the crime.

(3) A person is an accomplice of another person in the commission of a crime if:

(a) With knowledge that it will promote or facilitate the commission of the crime, he

(i) solicits, commands, encourages, or requests such other person to commit it; or

(ii) aids or agrees to aid such other person in planning or committing it; or

(b) His conduct is expressly declared by law to establish his complicity.

(4) A person who is legally incapable of committing a particular crime himself may be guilty thereof if it is committed by the conduct of another person for which he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

(5) Unless otherwise provided by this title or by the law defining the crime, a person is not an accomplice in a crime committed by another person if:

(a) He is a victim of that crime; or

(b) He terminates his complicity prior to the commission of the crime and gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the crime.

(6) A person legally accountable for the conduct of another person may be convicted on proof of the commission of the crime and of his complicity therein, though the person claimed to have committed the crime has not been prosecuted or convicted or has been convicted of a different crime or degree of crime or has an immunity to prosecution or conviction or has been acquitted.

**NEW SECTION. Sec. 9A.08.030. CRIMINAL LIABILITY OF CORPORATIONS AND PERSONS ACTING OR UNDER A DUTY TO ACT IN THEIR BEHALF.** (1) As used in this section:

(a) "Agent" means any director, officer, or employee of a corporation, or any other person who is authorized to act on behalf of the corporation;

(b) "Corporation" includes a joint stock association;

(c) "High managerial agent" means an officer or director of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

(2) A corporation is guilty of an offense when:

(a) The conduct constituting the offense consists of an omission to discharge a specific duty of performance imposed on corporations by law; or

(b) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and on behalf of the corporation; or

(c) The conduct constituting the offense is engaged in by an agent of the corporation, other than a high managerial agent, while acting within the scope of his employment and in behalf of the corporation and (i) the offense is a gross misdemeanor or misdemeanor, or (ii) the offense is one defined by a statute which clearly indicates a legislative intent to impose such criminal liability on a corporation.

(3) A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

(4) Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows he has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if a high managerial agent, criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.

(5) Every corporation, whether foreign or domestic, which shall violate any provision of section 9A.28.040, shall forfeit every right and franchise to do business in this state. The attorney general shall begin and conduct all actions and proceedings necessary to enforce the provisions of this subsection.

CHAPTER 9A.12  
INSANITY

NEW SECTION. Sec. 9A.12.010. INSANITY. To establish the defense of insanity, it must be shown that:

(1) At the time of the commission of the offense, as a result of mental disease or defect, the mind of the actor was affected to such an extent that:

(a) He was unable to perceive the nature and quality of the act with which he is charged; or

(b) He was unable to tell right from wrong with reference to the particular act charged.

(2) The defense of insanity must be established by a preponderance of the evidence.

CHAPTER 9A.16  
DEFENSES

NEW SECTION. Sec. 9A.16.010. DEFINITIONS. In this chapter, unless a different meaning is plainly required:

"Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

NEW SECTION. Sec. 9A.16.020. USE OF FORCE – WHEN LAWFUL. The use, attempt, or offer to use force upon or toward the person of another shall not be unlawful in the following cases:

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than shall be necessary;

(4) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;

(5) Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than shall be necessary to expel the offender with reasonable regard to his personal safety;

(6) Whenever used by any person to prevent a mentally retarded person or a mentally ill person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his person, or his restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of his person.

NEW SECTION. Sec. 9A.16.030. HOMICIDE – WHEN EXCUSABLE. Homicide is excusable when committed by accident or misfortune in doing any lawful act by lawful means, with ordinary caution and without any unlawful intent.

NEW SECTION. Sec. 9A.16.040. JUSTIFIABLE HOMICIDE BY PUBLIC OFFICER. Homicide is justifiable when committed by a public officer, or person acting under his command and in his aid, in the following cases:

- (1) In obedience to the judgment of a competent court.
- (2) When necessary to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.
- (3) When necessary in retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; or in arresting a person who has committed a felony and is fleeing from justice; or in attempting, by lawful ways or means, to apprehend a person for a felony actually committed; or in lawfully suppressing a riot or preserving the peace.

NEW SECTION. Sec. 9A.16.050. HOMICIDE—BY OTHER PERSON – WHEN JUSTIFIABLE. Homicide is also justifiable when committed either:

- (1) In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother, or sister, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished; or
- (2) In the actual resistance of an attempt to commit a felony upon the slayer, in his presence, or upon or in a dwelling, or other place of abode, in which he is.

NEW SECTION. Sec. 9A.16.060. DURESS. (1) In any prosecution for a crime, it is a defense that:

(a) The actor participated in the crime under compulsion by another who by threat or use of force created an apprehension in the mind of the actor that in case of refusal he or another would be liable to immediate death or immediate grievous bodily injury; and

(b) That such apprehension was reasonable upon the part of the actor; and

(c) That the actor would not have participated in the crime except for the duress involved.

(2) The defense of duress is not available if the crime charged is murder or manslaughter.

(3) The defense of duress is not available if the actor intentionally or recklessly places himself in a situation in which it is probable that he will be subject to duress.

(4) The defense of duress is not established solely by a showing that a married person acted on the command of his or her spouse.

NEW SECTION. Sec. 9A.16.070. ENTRAPMENT. (1) In any prosecution for a crime, it is a defense that:

(a) The criminal design originated in the mind of law enforcement officials, or any person acting under their direction, and

(b) The actor was lured or induced to commit a crime which the actor had not otherwise intended to commit.

(2) The defense of entrapment is not established by a showing only that law enforcement officials merely afforded the actor an opportunity to commit a crime.

NEW SECTION. Sec. 9A.16.080. ACTION FOR BEING DETAINED ON MERCANTILE ESTABLISHMENT PREMISES FOR INVESTIGATION— "REASONABLE GROUNDS" AS DEFENSE. In any criminal action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer, by the owner of the mercantile establishment, or by the owner's authorized employee or agent, and that such peace officer, owner, employee, or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit theft or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise.

NEW SECTION. Sec. 9A.16.090. INTOXICATION. No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his condition, but whenever the actual existence of any particular mental state is a necessary element to constitute a particular species or degree of crime, the fact of his intoxication may be taken into consideration in determining such mental state.

CHAPTER 9A.20  
CLASSIFICATION OF CRIMES

NEW SECTION. Sec. 9A.20.010. CLASSIFICATION AND DESIGNATION OF CRIMES. (1) Classified Felonies. (a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.

(b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:

- (i) Class A felony; or
- (ii) Class B felony; or
- (iii) Class C felony.

(2) Misdemeanors and Gross Misdemeanors. (a) Any crime punishable by a fine of not more than five hundred dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

(b) All crimes other than felonies and misdemeanors are gross misdemeanors.

NEW SECTION. Sec. 9A.20.020. AUTHORIZED SENTENCES OF OFFENDERS. (1) Felony. Every person convicted of a classified felony shall be punished as follows:

(a) For a Class A felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not less than twenty years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(b) For a Class B felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than ten years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(c) For a Class C felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars or by both such imprisonment and fine.

(2) Gross Misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than one year or by a fine of not more than one thousand dollars or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days or by a fine of not more than five hundred dollars or by both such imprisonment and fine.

NEW SECTION. Sec. 9A.20.030. ALTERNATIVE TO A FINE. (1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, in lieu of imposing the fine authorized for the offense under section 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. In such case the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain

sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

**NEW SECTION. Sec. 9A.20.040. PROSECUTIONS RELATED TO FELONIES DEFINED OUTSIDE TITLE 9A RCW.** In any prosecution under this title where the grade or degree of a crime is determined by reference to the degree of a felony for which the defendant or another previously had been sought, arrested, charged, convicted, or sentenced, if such felony is defined by a statute of this state which is not in Title 9A RCW, unless otherwise provided:

(1) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is twenty years or more, such felony shall be treated as a Class A felony for purposes of this title;

(2) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is eight years or more, but less than twenty years, such felony shall be treated as a Class B felony for purposes of this title;

(3) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is less than eight years, such felony shall be treated as a Class C felony for purposes of this title.

#### CHAPTER 9A.28 ANTICIPATORY OFFENSES

**NEW SECTION. Sec. 9A.28.010. PROSECUTIONS BASED ON FELONIES DEFINED OUTSIDE TITLE 9A RCW.** In any prosecution under this title for attempt, solicitation, or conspiracy to commit a felony defined by a statute of this state which is not in this title, unless otherwise provided:

(1) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is twenty years or more, such felony shall be treated as a Class A felony for purposes of this title;

(2) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is eight years or more but less than twenty years, such felony shall be treated as a Class B felony for purposes of this title;

(3) If the maximum sentence of imprisonment authorized by law upon conviction of such felony is less than eight years, such felony shall be treated as a Class C felony for purposes of this title.

**NEW SECTION. Sec. 9A.28.020. CRIMINAL ATTEMPT.** (1) A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree;

(b) Class B felony when the crime attempted is a Class A felony other than murder in the first degree;



- (c) Class C felony when the crime attempted is a Class B felony;
- (d) Gross misdemeanor when the crime attempted is a Class C felony;
- (e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

**NEW SECTION. Sec. 9A.28.030. CRIMINAL SOLICITATION.** (1) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.

(2) Criminal solicitation shall be punished in the same manner as criminal attempt under section 9A.28.020.

**NEW SECTION. Sec. 9A.28.040. CRIMINAL CONSPIRACY.** (1) A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.

(2) It shall not be a defense to criminal conspiracy that the person or persons with whom the accused is alleged to have conspired:

- (a) Has not been prosecuted or convicted; or
- (b) Has been convicted of a different offense; or
- (c) Is not amenable to justice; or
- (d) Has been acquitted; or
- (e) Lacked the capacity to commit an offense.

(3) Criminal conspiracy is a:

- (a) Class A felony when an object of the conspiratorial agreement is murder in the first degree;
- (b) Class B felony when an object of the conspiratorial agreement is a Class A felony other than murder in the first degree;
- (c) Class C felony when an object of the conspiratorial agreement is a Class B felony;
- (d) Gross misdemeanor when an object of the conspiratorial agreement is a Class C felony;
- (e) Misdemeanor when an object of the conspiratorial agreement is a gross misdemeanor or misdemeanor.

## CHAPTER 9A.32 HOMICIDE

**NEW SECTION. Sec. 9A.32.010. HOMICIDE DEFINED.** Homicide is the killing of a human being by the act, procurement or omission of another and is either (1) murder, (2) manslaughter, (3) excusable homicide, or (4) justifiable homicide.

**NEW SECTION. Sec. 9A.32.020. PREMEDITATION; LIMITATIONS.** (1) As used in this chapter, the premeditation required in order to support a conviction of the crime of murder in the first degree must involve more than a moment in point of time.

(2) Nothing contained in this chapter shall affect RCW 46.61.520.

**NEW SECTION. Sec. 9A.32.030. MURDER IN THE FIRST DEGREE. (1)**

A person is guilty of murder in the first degree when:

(a) With a premeditated intent to cause the death of another person, he causes the death of such person or of a third person; or

(b) Under circumstances manifesting an extreme indifference to human life, he engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or

(c) He commits or attempts to commit the crime of either (1) robbery, in the first or second degree, (2) rape in the first or second degree, (3) burglary in the first degree, (4) arson in the first degree, or (5) kidnaping, in the first or second degree, and, in the course of and in furtherance of such crime or in immediate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(c) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

(ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and

(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and

(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the first degree is a Class A felony.

**NEW SECTION. Sec. 9A.32.040. MURDER IN THE FIRST DEGREE – SENTENCE.** Notwithstanding section 9A.32.030(2), any person convicted of the crime of murder in the first degree shall be sentenced to life imprisonment.

**NEW SECTION. Sec. 9A.32.050. MURDER IN THE SECOND DEGREE.**

(1) A person is guilty of murder in the second degree when:

(a) With intent to cause the death of another person but without premeditation, he causes the death of such person or of a third person; or

(b) He commits or attempts to commit any felony other than those enumerated in section 9A.32.030(c), and, in the course of and in furtherance of such crime or in immediate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(b) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

(ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and

(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and

(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the second degree is a Class A felony.

NEW SECTION. Sec. 9A.32.060. MANSLAUGHTER IN THE FIRST DEGREE. (1) A person is guilty of manslaughter in the first degree when:

- (a) He recklessly causes the death of another person; or
- (b) He intentionally and unlawfully kills an unborn quick child by inflicting any injury upon the mother of such child.

(2) Manslaughter in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.32.070. MANSLAUGHTER IN THE SECOND DEGREE. (1) A person is guilty of manslaughter in the second degree when, with criminal negligence, he causes the death of another person.

(2) Manslaughter in the second degree is a Class C felony.

## CHAPTER 9A.36

### ASSAULT

NEW SECTION. Sec. 9A.36.010. ASSAULT IN THE FIRST DEGREE. (1) Every person, who with intent to kill a human being, or to commit a felony upon the person or property of the one assaulted, or of another, shall be guilty of assault in the first degree when he:

(a) Shall assault another with a firearm or any deadly weapon or by any force or means likely to produce death; or

(b) Shall administer to or cause to be taken by another, poison or any other destructive or noxious thing so as to endanger the life of another person.

(2) Assault in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.36.020. ASSAULT IN THE SECOND DEGREE. (1) Every person who, under circumstances not amounting to assault in the first degree shall be guilty of assault in the second degree when he:

(a) With intent to injure, shall unlawfully administer to or cause to be taken by another, poison or any other destructive or noxious thing, or any drug or medicine the use of which is dangerous to life or health; or

(b) Shall knowingly inflict grievous bodily harm upon another with or without a weapon; or

(c) Shall knowingly assault another with a weapon or other instrument or thing likely to produce bodily harm; or

(d) Shall knowingly assault another with intent to commit a felony; or

(e) With criminal negligence, shall cause physical injury to another person by means of a weapon or other instrument or thing likely to produce bodily harm shall be guilty of assault in the second degree.

(2) Assault in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.36.030. ASSAULT IN THE THIRD DEGREE. (1) Every person who, under circumstances not amounting to assault in either the first or second degree, shall assault another with intent to prevent or resist the execution of any lawful process or mandate of any court officer, or the lawful apprehension or detention of himself or another person shall be guilty of assault in the third degree.

(2) Assault in the third degree is a Class C felony.

NEW SECTION. Sec. 9A.36.040. SIMPLE ASSAULT. (1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of simple assault.

(2) Simple assault is a gross misdemeanor.

NEW SECTION. Sec. 9A.36.050. RECKLESS ENDANGERMENT. (1) A person is guilty of reckless endangerment when he recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment is a gross misdemeanor.

NEW SECTION. Sec. 9A.36.060. PROMOTING A SUICIDE ATTEMPT. (1) A person is guilty of promoting a suicide attempt when he knowingly causes or aids another person to attempt suicide.

(2) Promoting a suicide attempt is a Class C felony.

NEW SECTION. Sec. 9A.36.070. COERCION. (1) A person is guilty of coercion if by use of a threat he compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.

(2) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in section 9A.04.110(25)(a), (b), or (c).

(3) Coercion is a gross misdemeanor.

#### CHAPTER 9A.40

#### KIDNAPING

NEW SECTION. Sec. 9A.40.010. DEFINITIONS. The following definitions apply in this chapter:

(1) "Restrain" means to restrict a person's movements without consent and without legal authority in a manner which interferes substantially with his liberty. Restraint is "without consent" if it is accomplished by (a) physical force, intimidation, or deception, or (b) any means including acquiescence of the victim, if he is a child less than sixteen years old or an incompetent person and if the parent, guardian, or other person or institution having lawful control or custody of him has not acquiesced.

(2) "Abduct" means to restrain a person by either (a) secreting or holding him in a place where he is not likely to be found, or (b) using or threatening to use deadly force;

(3) "Relative" means an ancestor, descendant, or sibling, including a relative of the same degree through marriage or adoption, or a spouse.

NEW SECTION. Sec. 9A.40.020. KIDNAPING IN THE FIRST DEGREE. (1) A person is guilty of kidnaping in the first degree if he intentionally abducts another person with intent:

(a) To hold him for ransom or reward, or as a shield or hostage; or

(b) To facilitate commission of any felony or flight thereafter; or

(c) To inflict bodily injury on him; or

(d) To inflict extreme mental distress on him or a third person; or

(e) To interfere with the performance of any governmental function.

(2) Kidnaping in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.40.030. KIDNAPING IN THE SECOND DEGREE. (1) A person is guilty of kidnaping in the second degree if he intentionally abducts another person under circumstances not amounting to kidnaping in the first degree.

(2) In any prosecution for kidnaping in the second degree, it is a defense if established by the defendant by a preponderance of the evidence that (a) The abduction does not include the use of or intent to use or threat to use deadly force, and (b) the actor is a relative of the person abducted, and (c) the actor's sole intent is to assume custody of that person. Nothing contained in this paragraph shall constitute a defense to a prosecution for, or preclude a conviction of, any other crime.

(3) Kidnaping in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.40.040. UNLAWFUL IMPRISONMENT. (1) A person is guilty of unlawful imprisonment if he knowingly restrains another person.

(2) Unlawful imprisonment is a Class C felony.

NEW SECTION. Sec. 9A.40.050. CUSTODIAL INTERFERENCE. (1) A person is guilty of custodial interference if, knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution.

(2) Custodial interference is a gross misdemeanor.

#### CHAPTER 9A.48

#### ARSON AND MALICIOUS MISCHIEF

NEW SECTION. Sec. 9A.48.010. DEFINITIONS. (1) For the purpose of this title, as now or hereinafter amended, unless the context indicates otherwise:

(a) "Building" has the definition in 9A.04.110(5), and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building;

(b) "Damages", in addition to its ordinary meaning, includes any charring, scorching, burning, or breaking, or agricultural or industrial sabotage, and shall include any diminution in the value of any property as a consequence of an act.

(2) To constitute arson it shall not be necessary that a person other than the actor should have had ownership in the building or structure damaged or set on fire.

NEW SECTION. Sec. 9A.48.020. ARSON IN THE FIRST DEGREE. (1) A person is guilty of arson in the first degree if he knowingly and maliciously:

(a) Causes a fire or explosion which is manifestly dangerous to any human life including firemen; or

(b) Causes a fire or explosion which damages a dwelling; or

(c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime.

(2) Arson in the first degree is a Class A felony.

**NEW SECTION. Sec. 9A.48.030. ARSON IN THE SECOND DEGREE.** (1) A person is guilty of arson in the second degree if he knowingly and maliciously causes a fire or explosion which damages a building, or any structure or erection appurtenant to or joining any building, or any wharf, dock, machine, engine, automobile, or other motor vehicle, watercraft, aircraft, bridge, or trestle, or hay, grain, crop, or timber, whether cut or standing or any range land, or pasture land, or any fence, or any lumber, shingle, or other timber products, or any property.

(2) Arson in the second degree is a Class B felony.

**NEW SECTION. Sec. 9A.48.040. RECKLESS BURNING IN THE FIRST DEGREE.** (1) A person is guilty of reckless burning in the first degree if he recklessly damages a building or other structure or any vehicle, railway car, aircraft or watercraft or any hay, grain, crop, or timber whether cut or standing, by knowingly causing a fire or explosion.

(2) Reckless burning in the first degree is a Class C felony.

**NEW SECTION. Sec. 9A.48.050. RECKLESS BURNING IN THE SECOND DEGREE.** (1) A person is guilty of reckless burning in the second degree if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(2) Reckless burning in the second degree is a gross misdemeanor.

**NEW SECTION. Sec. 9A.48.060. DEFENSE.** In any prosecution for the crime of reckless burning in the first or second degrees, it shall be a defense if the defendant establishes by a preponderance of the evidence that:

(a) No person other than the defendant had a possessory, or pecuniary interest in the damaged or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and

(b) The defendant's sole intent was to destroy or damage the property for a lawful purpose.

**NEW SECTION. Sec. 9A.48.070. MALICIOUS MISCHIEF IN THE FIRST DEGREE.** (1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars; or

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the first degree is a Class B felony.

**NEW SECTION. Sec. 9A.48.080. MALICIOUS MISCHIEF IN THE SECOND DEGREE.** (1) A person is guilty of malicious mischief in the second degree, if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred and fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or

property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a Class C felony.

**NEW SECTION. Sec. 9A.48.090. MALICIOUS MISCHIEF IN THE THIRD DEGREE.** (1) A person is guilty of malicious mischief in the third degree if he knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree.

(2) Malicious mischief in the third degree is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars; otherwise, it is a misdemeanor.

**NEW SECTION. Sec. 9A.48.100. DEFINITION.** For the purposes of sections 9A.48.070 through 9A.48.090 inclusive, "physical damage", in addition to its ordinary meaning, shall include the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers.

#### CHAPTER 9A.52 BURGLARY AND TRESPASS

**NEW SECTION. Sec. 9A.52.010. DEFINITIONS.** The following definitions apply in this chapter:

(1) "Premises" includes any building, dwelling, or any real property;

(2) "Enter". The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand and used or intended to be used to threaten or intimidate a person or to detach or remove property;

(3) "Enters or remains unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

**NEW SECTION. Sec. 9A.52.020. BURGLARY IN THE FIRST DEGREE.** (1) A person is guilty of burglary in the first degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a dwelling and if, in entering or while in the dwelling or in immediate flight therefrom, the actor or another participant in the crime (a) is armed with a deadly weapon, or (b) assaults any person therein.

(2) Burglary in the first degree is a Class A felony.

**NEW SECTION. Sec. 9A.52.030. BURGLARY IN THE SECOND DEGREE.** (1) A person is guilty of burglary in the second degree if, with intent to

commit a crime against a person or property therein, he enters or remains unlawfully in a building.

(2) Burglary in the second degree is a Class B felony.

**NEW SECTION. Sec. 9A.52.040. INFERENCE OF INTENT.** In any prosecution for burglary, any person who enters or remains unlawfully in a building may be inferred to have acted with intent to commit a crime against a person or property therein, unless such entering or remaining shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

**NEW SECTION. Sec. 9A.52.050. OTHER CRIME IN COMMITTING BURGLARY PUNISHABLE.** Every person who, in the commission of a burglary shall commit any other crime, may be punished therefor as well as for the burglary, and may be prosecuted for each crime separately.

**NEW SECTION. Sec. 9A.52.060. MAKING OR HAVING BURGLAR TOOLS.** (1) Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.

(2) Making or having burglar tools is a gross misdemeanor.

**NEW SECTION. Sec. 9A.52.070. CRIMINAL TRESPASS IN THE FIRST DEGREE.** (1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a building or on real property adjacent thereto or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.

(2) Criminal trespass in the first degree is a gross misdemeanor.

**NEW SECTION. Sec. 9A.52.080. CRIMINAL TRESPASS IN THE SECOND DEGREE.** (1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises of another.

(2) Criminal trespass in the second degree is a misdemeanor.

**NEW SECTION. Sec. 9A.52.090. CRIMINAL TRESPASS—DEFENSES.** In any prosecution under sections 9A.52.070 and 9A.52.080, it is a defense that:

(1) A building involved in an offense under section 9A.52.070 was abandoned; or

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

**NEW SECTION. Sec. 9A.52.100. VEHICLE PROWLING.** (1) A person is guilty of vehicle prowling if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle.

(2) Vehicle prowling is a gross misdemeanor.



CHAPTER 9A.56  
THEFT AND ROBBERY

**NEW SECTION.** Sec. 9A.56.010. **DEFINITIONS.** The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs, provided that the aforementioned are of a private proprietary nature;

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the use of equipment for use, and the use supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars.

NEW SECTION. Sec. 9A.56.020. THEFT—DEFINITION, DEFENSE. (1)  
"Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

(2) In any prosecution for theft, it shall be a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable.

NEW SECTION. Sec. 9A.56.030. THEFT IN THE FIRST DEGREE. (1) A person is guilty of theft in the first degree if he commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value; or

(b) Property of any value taken from the person of another.

(2) Theft in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.040. THEFT IN THE SECOND DEGREE. (1) A person is guilty of theft in the second degree if he commits theft of:

(a) Property or services which exceed(s) two hundred and fifty dollars in value, but does not exceed one thousand five hundred dollars in value; or

(b) A public record, writing, or instrument kept, filed, or deposited according to law with or in the keeping of any public office or public servant; or

(c) A credit card; or

(d) A motor vehicle, of a value less than one thousand five hundred dollars.

(2) Theft in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.050. THEFT IN THE THIRD DEGREE. (1) A person is guilty of theft in the third degree if he commits theft of property or services which does not exceed two hundred and fifty dollars in value.

(2) Theft in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.060. UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS. (1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Unlawful issuance of a bank check in an amount greater than two hundred and fifty dollars is a class C felony.

(3) Unlawful issuance of a bank check in an amount of two hundred and fifty dollars or less is a gross misdemeanor.

**NEW SECTION. Sec. 9A.56.070. TAKING MOTOR VEHICLE WITHOUT PERMISSION.** (1) Every person who shall without the permission of the owner or person entitled to the possession thereof intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity, or internal combustion engine, the property of another, shall be deemed guilty of a felony, and every person voluntarily riding in or upon said automobile or motor vehicle with knowledge of the fact that the same was unlawfully taken shall be equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of taking a motor vehicle without permission.

(2) Taking a motor vehicle without permission is a Class C felony.

**NEW SECTION. Sec. 9A.56.080. THEFT OF LIVESTOCK.** (1) Every person who, with intent to deprive or defraud the owner thereof, wilfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates to his own use any horse, mule, cow, heifer, bull, steer, swine, or sheep shall be guilty of theft of livestock.

(2) Theft of livestock is a Class B felony.

**NEW SECTION. Sec. 9A.56.090. PRESUMPTION ON FAILURE TO RETURN VEHICLE, MACHINERY, OR EQUIPMENT PURSUANT TO RENTAL OR LEASE AGREEMENT.** Any person to whom a motor vehicle, or piece of machinery or equipment having a fair market value in excess of one thousand five hundred dollars is delivered on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time, who refuses or wilfully neglects to return such vehicle or piece of machinery or equipment after the expiration of a reasonable time after a notice in writing proved to have been duly mailed by registered or certified mail with return receipt requested addressed to the last known address of the person who rented or leased the motor vehicle, or piece of machinery or equipment, shall be presumed to have intended to deprive or defraud the owner thereof within the meaning of section 9A.56.020 defining the crime of theft. This presumption may be rebutted by evidence raising a reasonable inference that the failure to return the vehicle or piece of machinery or equipment was not with the intent to defraud or otherwise deprive the owner of his property.

**NEW SECTION. Sec. 9A.56.100. THEFT AND LARCENY EQUATED.** All offenses defined as larcenies outside of this title shall be treated as thefts as provided in this title.

**NEW SECTION. Sec. 9A.56.110. EXTORTION—DEFINITION.** "Extortion" means knowingly to obtain or attempt to obtain by threat property or services of the owner, as defined in section 9A.56.010(7).

**NEW SECTION. Sec. 9A.56.120. EXTORTION IN THE FIRST DEGREE.** (1) A person is guilty of extortion in the first degree if he commits extortion by means of a threat as defined in section 9A.04.110(25)(a), (b), or (c).

(2) Extortion in the first degree is a Class B felony.

**NEW SECTION. Sec. 9A.56.130. EXTORTION IN THE SECOND DEGREE.** (1) A person is guilty of extortion in the second degree if he commits extortion by means of a threat as defined in section 9A.04.110(25) (d) through (j).

(2) In any prosecution under this section based on a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, it is a defense that the actor reasonably believed the threatened criminal charge to be true and that his sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

(3) Extortion in the second degree is a Class C felony.

**NEW SECTION. Sec. 9A.56.140. POSSESSING STOLEN PROPERTY—**  
**DEFINITION.** (1) "Possessing stolen property" means knowingly to receive, retain, possess, conceal, or dispose of stolen property knowing that it has been stolen and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto.

(2) The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of possessing stolen property.

(3) When a person not an issuer or agent thereof has in his possession or under his control stolen credit cards issued in the names of two or more persons, he shall be presumed to know that they are stolen. This presumption may be rebutted by evidence raising a reasonable inference that the possession of such stolen credit cards was without knowledge that they were stolen.

**NEW SECTION. Sec. 9A.56.150. POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE.** (1) A person is guilty of possessing stolen property in the first degree if he possesses stolen property which exceeds one thousand five hundred dollars in value.

(2) Possessing stolen property in the first degree is a Class B felony.

**NEW SECTION. Sec. 9A.56.160. POSSESSING STOLEN PROPERTY IN THE SECOND DEGREE.** (1) A person is guilty of possessing stolen property in the second degree if:

(a) He possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He possesses a stolen credit card; or

(d) He possesses a stolen motor vehicle of a value less than one thousand five hundred dollars; or

(e) He possesses a stolen firearm.

(2) Possessing stolen property in the second degree is a Class C felony.

**NEW SECTION. Sec. 9A.56.170. POSSESSING STOLEN PROPERTY IN THE THIRD DEGREE.** (1) A person is guilty of possessing stolen property in the third degree if he possesses stolen property which does not exceed two hundred fifty dollars in value.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

**NEW SECTION. Sec. 9A.56.180. OBSCURING IDENTITY OF A MACHINE.** (1) A person is guilty of obscuring identity of a machine if he knowingly:

(a) Obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance, or other device with intent to render it unidentifiable; or

(b) Possesses a vehicle, machine, engine, apparatus, appliance, or other device held for sale knowing that the serial number or other identification number or mark has been obscured.

(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

(3) Obscuring identity of a machine is a gross misdemeanor.

**NEW SECTION. Sec. 9A.56.190. ROBBERY—DEFINITION.** A person commits robbery when he unlawfully takes personal property from the person of another or in his presence against his will by the use or threatened use of immediate force, violence, or fear of injury to that person or his property or the person or property of anyone. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking; in either of which cases the degree of force is immaterial. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

**NEW SECTION. Sec. 9A.56.200. ROBBERY IN THE FIRST DEGREE.** (1) A person is guilty of robbery in the first degree if in the commission of a robbery or of immediate flight therefrom, he:

(a) Is armed with a deadly weapon; or

(b) Displays what appears to be a firearm or other deadly weapon; or

(c) Inflicts bodily injury.

(2) Robbery in the first degree is a Class A felony.

**NEW SECTION. Sec. 9A.56.210. ROBBERY IN THE SECOND DEGREE.** (1) A person is guilty of robbery in the second degree if he commits robbery.

(2) Robbery in the second degree is a Class B felony.

## CHAPTER 9A.60

### FRAUD

**NEW SECTION. Sec. 9A.60.010. DEFINITIONS.** The following definitions and the definitions of section 9A.56.010 are applicable in this chapter unless the context otherwise requires:

(1) "Written instrument" means: (a) any paper, document, or other instrument containing written or printed matter or its equivalent; or (b) any credit card, as defined in section 9A.56.010(3), token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege, or identification;

(2) "Complete written instrument" means one which is fully drawn with respect to every essential feature thereof;

(3) "Incomplete written statement" means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument;

(4) To "falsely make" a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not

authentic either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing thereof;

(5) To "falsely complete" a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it;

(6) To "falsely alter" a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner;

(7) "Forged instrument" means a written instrument which has been falsely made, completed or altered.

NEW SECTION. Sec. 9A.60.020. FORGERY. (1) A person is guilty of forgery if, with intent to injure or defraud:

(a) He falsely makes, completes, or alters a written instrument or;

(b) Possesses, utters, offers, disposes of, or puts off as true a written instrument which he knows to be forged.

(2) Forgery is a Class C felony.

NEW SECTION. Sec. 9A.60.030. OBTAINING A SIGNATURE BY DECEPTION OR DURESS. (1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he causes another person to sign or execute a written instrument.

(2) Obtaining a signature by deception is a Class C felony.

NEW SECTION. Sec. 9A.60.040. CRIMINAL IMPERSONATION. (1) A person is guilty of criminal impersonation if he:

(a) Assumes a false identity and does an act in his assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation is a gross misdemeanor.

NEW SECTION. Sec. 9A.60.050. FALSE CERTIFICATION. (1) Any person is guilty of false certification, if, being an officer authorized to take a proof or acknowledgment of an instrument which by law may be recorded, he knowingly certifies falsely that the execution of such instrument was acknowledged by any party thereto or that the execution thereof was proved.

(2) False certification is a gross misdemeanor.

## CHAPTER 9A.64 FAMILY OFFENSES

NEW SECTION. Sec. 9A.64.010. BIGAMY. (1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) Bigamy is a Class C felony.

NEW SECTION. Sec. 9A.64.020. INCEST. (1) A person is guilty of incest if he engages in sexual intercourse with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(2) As used in this section, "descendant" includes stepchildren and adopted children under eighteen years of age.

(3) Incest is a Class C felony.

#### CHAPTER 9A.68

#### BRIBERY AND CORRUPT INFLUENCE

NEW SECTION. Sec. 9A.68.010. BRIBERY. (1) A person is guilty of bribery if:

(a) With the intent to secure a particular result in a particular matter involving the exercise of the public servant's vote, opinion, judgment, exercise of discretion, or other action in his official capacity, he offers, confers, or agrees to confer any pecuniary benefit upon such public servant; or

(b) Being a public servant, he requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that his vote, opinion, judgment, exercise of discretion, or other action as a public servant will be used to secure or attempt to secure a particular result in a particular matter.

(2) It is no defense to a prosecution under this section that the public servant sought to be influenced was not qualified to act in the desired way, whether because he had not yet assumed office, lacked jurisdiction, or for any other reason.

(3) Bribery is a Class B felony.

NEW SECTION. Sec. 9A.68.020. REQUESTING UNLAWFUL COMPENSATION. (1) A public servant is guilty of requesting unlawful compensation if he requests a pecuniary benefit for the performance of an official action knowing that he is required to perform that action without compensation or at a level of compensation lower than that requested.

(2) Requesting unlawful compensation is a Class C felony.

NEW SECTION. Sec. 9A.68.030. RECEIVING OR GRANTING UNLAWFUL COMPENSATION. (1) A person is guilty of receiving or granting unlawful compensation if:

(a) Being a public servant, he requests, accepts, or agrees to accept compensation for advice or other assistance in preparing a bill, contract, claim, or transaction regarding which he knows he is likely to have an official discretion to exercise; or

(b) He knowingly offers, pays, or agrees to pay compensation to a public servant for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction regarding which the public servant is likely to have an official discretion to exercise.

(2) Receiving or granting unlawful compensation is a Class C felony.



NEW SECTION. Sec. 9A.68.040. TRADING IN PUBLIC OFFICE. (1) A person is guilty of trading in public office if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon a public servant pursuant to an agreement or understanding that such actor will or may be appointed to a public office; or

(b) Being a public servant, he requests, accepts, or agrees to accept any pecuniary benefit from another person pursuant to an agreement or understanding that such person will or may be appointed to a public office.

(2) Trading in public office is a Class C felony.

NEW SECTION. Sec. 9A.68.050. TRADING IN SPECIAL INFLUENCE. (1) A person is guilty of trading in special influence if:

(a) He offers, confers, or agrees to confer any pecuniary benefit upon another person pursuant to an agreement or understanding that such other person will offer or confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter; or

(b) He requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he will offer or confer a benefit upon a public servant or procure another to do so with intent thereby to secure or attempt to secure a particular result in a particular matter.

(2) Trading in special influence is a Class C felony.

## CHAPTER 9A.72

### PERJURY

NEW SECTION. Sec. 9A.72.010. DEFINITIONS. The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;

(2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable; or

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto;

(3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision;

(4) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or depositions;

(5) "Juror" means any person who is a member of any jury, including a grand jury, impaneled by any court of this state or by any public servant authorized by law to impanel a jury; the term juror also includes any person who has been drawn or summoned to attend as a prospective juror;

(6) "Testimony" includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

NEW SECTION. Sec. 9A.72.020. PERJURY IN THE FIRST DEGREE. (1) A person is guilty of perjury in the first degree if in any official proceeding he makes a materially false statement which he knows to be false under an oath required or authorized by law.

(2) Knowledge of the materiality of the statement is not an element of this crime, and the actor's mistaken belief that his statement was not material is not a defense to a prosecution under this section.

(3) Perjury in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.72.030. PERJURY IN THE SECOND DEGREE. (1) A person is guilty of perjury in the second degree if, with intent to mislead a public servant in the performance of his duty, he makes a materially false statement, which he knows to be false under an oath required or authorized by law.

(2) Perjury in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.72.040. FALSE SWEARING. (1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law.

(2) False swearing is a gross misdemeanor.

NEW SECTION. Sec. 9A.72.050. PERJURY AND FALSE SWEARING: INCONSISTENT STATEMENTS. (1) Where, in the course of one or more official proceedings, a person makes inconsistent material statements under oath, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and known by the defendant to be false. In such case it shall not be necessary for the prosecution to prove which material statement was false but only that one or the other was false and known by the defendant to be false.

(2) The highest offense of which a person may be convicted in such an instance as set forth in subsection (1) of this section shall be determined by hypothetically assuming each statement to be false. If perjury of different degrees would be established by the making of the two statements, the person may only be convicted of the lesser degree. If perjury or false swearing would be established by the making of the two statements, the person may only be convicted of false swearing. For purposes of this section, no corroboration shall be required of either inconsistent statement.

NEW SECTION. Sec. 9A.72.060. PERJURY AND FALSE SWEARING: RETRACTION. No person shall be convicted of perjury or false swearing if he retracts his false statement in the course of the same proceeding in which it was made, if in fact he does so before it becomes manifest that the falsification is or will be exposed and before the falsification substantially affects the proceeding.

Statements made in separate hearings at separate stages of the same trial, administrative, or other official proceeding shall be treated as if made in the course of the same proceeding.

**NEW SECTION. Sec. 9A.72.070. PERJURY AND FALSE SWEARING: IRREGULARITIES NO DEFENSE.** It is no defense to a prosecution for perjury or false swearing:

- (1) That the oath was administered or taken in an irregular manner; or
- (2) That the person administering the oath lacked authority to do so, if the taking of the oath was required or authorized by law.

**NEW SECTION. Sec. 9A.72.080. STATEMENT OF WHAT ONE DOES NOT KNOW TO BE TRUE.** Every unqualified statement of that which one does not know to be true is equivalent to a statement of that which he knows to be false.

**NEW SECTION. Sec. 9A.72.090. BRIBING A WITNESS.** (1) A person is guilty of bribing a witness if he offers, confers, or agrees to confer any benefit upon a witness or a person he has reason to believe is about to be called as a witness in any official proceeding with intent to:

- (a) Influence the testimony of that person; or
- (b) Induce that person to avoid legal process summoning him to testify; or
- (c) Induce that person to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribing a witness is a Class B felony.

**NEW SECTION. Sec. 9A.72.100. BRIBE RECEIVING BY A WITNESS.** (1) A witness or a person who has reason to believe he is about to be called as a witness in any official proceeding is guilty of bribe receiving by a witness if he requests, accepts, or agrees to accept any benefit pursuant to an agreement or understanding that:

- (a) His testimony will thereby be influenced; or
- (b) He will attempt to avoid legal process summoning him to testify; or
- (c) He will attempt to absent himself from an official proceeding to which he has been legally summoned.

(2) Bribe receiving by a witness is a Class B felony.

**NEW SECTION. Sec. 9A.72.110. INTIMIDATING A WITNESS.** (1) A person is guilty of intimidating a witness if, by use of a threat directed to a witness or a person he has reason to believe is about to be called as a witness in any official proceeding, he attempts to:

- (a) Influence the testimony of that person; or
- (b) Induce that person to elude legal process summoning him to testify; or
- (c) Induce that person to absent himself from such proceedings.

(2) "Threat" as used in this section means

- (a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
- (b) threats as defined in section 9A.04.110(25).

(3) Intimidating a witness is a Class B felony.

**NEW SECTION. Sec. 9A.72.120. TAMPERING WITH A WITNESS.** (1) A person is guilty of tampering with a witness if he attempts to induce a witness or

person he has reason to believe is about to be called as a witness in any official proceeding to:

- (a) Testify falsely or, without right or privilege to do so, to withhold any testimony; or
  - (b) Absent himself from such proceedings.
- (2) Tampering with a witness is a Class C felony.

NEW SECTION. Sec. 9A.72.130. **INTIMIDATING A JUROR.** (1) A person is guilty of intimidating a juror if, by use of a threat, he attempts to influence a juror's vote, opinion, decision, or other official action as a juror.

- (2) "Threat" as used in this section means
- (a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
  - (b) threats as defined in section 9A.04.110(25).
- (3) Intimidating a juror is a Class B felony.

NEW SECTION. Sec. 9A.72.140. **JURY TAMPERING.** (1) A person is guilty of jury tampering if with intent to influence a juror's vote, opinion, decision, or other official action in a case, he attempts to communicate directly or indirectly with a juror other than as part of the proceedings in the trial of the case.

- (2) Jury tampering is a gross misdemeanor.

NEW SECTION. Sec. 9A.72.150. **TAMPERING WITH PHYSICAL EVIDENCE.** (1) A person is guilty of tampering with physical evidence if, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, he:

- (a) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; or
  - (b) Knowingly presents or offers any false physical evidence.
- (2) "Physical evidence" as used in this section includes any article, object, document, record, or other thing of physical substance.
- (3) Tampering with physical evidence is a gross misdemeanor.

## CHAPTER 9A.76

### OBSTRUCTING GOVERNMENTAL OPERATION

NEW SECTION. Sec. 9A.76.010. **DEFINITIONS.** The following definitions are applicable in this chapter unless the context otherwise requires:

- (1) "Custody" means restraint pursuant to a lawful arrest or an order of a court;
- (2) "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 dependent or delinquent child as defined in RCW 13.04.010 as now or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, or (e) in any work release, furlough, or other such facility or program;
- (3) "Contraband" means any article or thing which a person confined in a detention facility is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court.

**NEW SECTION. Sec. 9A.76.020. OBSTRUCTING A PUBLIC SERVANT.** Every person who, (1) without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public servant, or (2) in any such statement or report shall make any knowingly untrue statement to a public servant, or (3) shall knowingly hinder, delay, or obstruct any public servant in the discharge of his official powers or duties; shall be guilty of a misdemeanor.

**NEW SECTION. Sec. 9A.76.030. REFUSING TO SUMMON AID FOR A PEACE OFFICER.** (1) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he knows to be a peace officer, he unreasonably refuses or fails to summon aid for such peace officer.

(2) Refusing to summon aid for a peace officer is a misdemeanor.

**NEW SECTION. Sec. 9A.76.040. RESISTING ARREST.** (1) A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him.

(2) Resisting arrest is a misdemeanor.

**NEW SECTION. Sec. 9A.76.050. RENDERING CRIMINAL ASSISTANCE: DEFINITION OF TERM.** As used in sections 9A.76.070, 9A.76.080, and 9A.76.090, a person "renders criminal assistance" if, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he knows has committed a crime or is being sought by law enforcement officials for the commission of a crime or has escaped from a detention facility, he:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension; or
- (3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or
- (5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or
- (6) Provides such person with a weapon.

**NEW SECTION. Sec. 9A.76.060. RELATIVE DEFINED.** As used in sections 9A.76.070 and 9A.76.080, "relative" means a person:

- (1) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, step-child or step-parent to the person to whom criminal assistance is rendered; and
- (2) Who does not render criminal assistance to another person in one or more of the means defined in subsections (4), (5), or (6) of section 9A.76.050.

**NEW SECTION. Sec. 9A.76.070. RENDERING CRIMINAL ASSISTANCE IN THE FIRST DEGREE.** (1) A person is guilty of rendering criminal assistance in the first degree if he renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any Class A felony.

(2) Rendering criminal assistance in the first degree is:

- (a) A gross misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in section 9A.76.060;

(b) A Class C felony in all other cases.

**NEW SECTION. Sec. 9A.76.080. RENDERING CRIMINAL ASSISTANCE IN THE SECOND DEGREE.** (1) A person is guilty of rendering criminal assistance in the second degree if he renders criminal assistance to a person who has committed or is being sought for a Class B or Class C felony.

(2) Rendering criminal assistance in the second degree is:

(a) A misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in section 9A.76.060;

(b) A gross misdemeanor in all other cases.

**NEW SECTION. Sec. 9A.76.090. RENDERING CRIMINAL ASSISTANCE IN THE THIRD DEGREE.** (1) A person is guilty of rendering criminal assistance in the third degree if he renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor.

(2) Rendering criminal assistance in the third degree is a misdemeanor.

**NEW SECTION. Sec. 9A.76.100. COMPOUNDING.** (1) A person is guilty of compounding if:

(a) He requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he will refrain from initiating a prosecution for a crime; or

(b) He confers, or offers or agrees to confer, any pecuniary benefit upon another pursuant to an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.

(2) In any prosecution under this section, it is a defense if established by a preponderance of the evidence that the pecuniary benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.

(3) Compounding is a gross misdemeanor.

**NEW SECTION. Sec. 9A.76.110. ESCAPE IN THE FIRST DEGREE.** (1) A person is guilty of escape in the first degree if, being detained pursuant to a conviction of a felony, he escapes from custody or a detention facility.

(2) Escape in the first degree is a Class B felony.

**NEW SECTION. Sec. 9A.76.120. ESCAPE IN THE SECOND DEGREE.** (1) A person is guilty of escape in the second degree if:

(a) He escapes from a detention facility; or

(b) Having been charged with a felony, he escapes from custody.

(2) Escape in the second degree is a Class C felony.

**NEW SECTION. Sec. 9A.76.130. ESCAPE IN THE THIRD DEGREE.** (1) A person is guilty of escape in the third degree if he escapes from custody.

(2) Escape in the third degree is a gross misdemeanor.

**NEW SECTION. Sec. 9A.76.140. INTRODUCING CONTRABAND IN THE FIRST DEGREE.** (1) A person is guilty of introducing contraband in the first degree if he knowingly provides any deadly weapon to any person confined in a detention facility.

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

**NEW SECTION. Sec. 9A.76.150. INTRODUCING CONTRABAND IN THE SECOND DEGREE.** (1) A person is guilty of introducing contraband in the second degree if he knowingly and unlawfully provides contraband to any person confined in a detention facility 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.

**NEW SECTION. Sec. 9A.76.160. INTRODUCING CONTRABAND IN THE THIRD DEGREE.** (1) A person is guilty of introducing contraband in the third degree if he knowingly and unlawfully provides contraband to any person confined in a detention facility.

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

**NEW SECTION. Sec. 9A.76.170. BAIL JUMPING.** (1) Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before any court of this state, and who knowingly fails without lawful excuse to appear as required is guilty of bail jumping. Unless otherwise established, the failure to appear when required shall be inferred to have been without lawful excuse.

(2) Bail jumping is:

(a) A Class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A Class B felony if the person was held for, charged with, or convicted of a Class A felony;

(c) A Class C felony if the person was held for, charged with, or convicted of a Class B felony;

(d) A gross misdemeanor if the person was held for, charged with, or convicted of a Class C felony;

(e) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

**NEW SECTION. Sec. 9A.76.180. INTIMIDATING A PUBLIC SERVANT.** (1) A person is guilty of intimidating a public servant if, by use of a threat, he attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.

(2) For purposes of this section "public servant" shall not include jurors.

(3) "Threat" as used in this section means

(a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) threats as defined in section 9A.04.110(25).

(4) Intimidating a public servant is a Class B felony.

#### CHAPTER 9A.80 ABUSE OF OFFICE

**NEW SECTION. Sec. 9A.80.010. OFFICIAL MISCONDUCT.** (1) A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:

(a) He intentionally commits an authorized act under color of law; or

(b) He intentionally refrains from performing a duty imposed upon him by law.

(2) Official misconduct is a gross misdemeanor.

CHAPTER 9A.84  
PUBLIC DISTURBANCE

NEW SECTION. Sec. 9A.84.010. RIOT. (1) A person is guilty of the crime of riot if, acting with three or more other persons, he knowingly and unlawfully uses or threatens to use force, or in any way participates in the use of such force, against any other person or against property.

(2) The crime of riot is:

(a) A Class C felony, if the actor is armed with a deadly weapon;

(b) A gross misdemeanor in all other cases.

NEW SECTION. Sec. 9A.84.020. FAILURE TO DISPERSE. (1) A person is guilty of failure to disperse if:

(a) He congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and

(b) He refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.

(2) Failure to disperse is a misdemeanor.

NEW SECTION. Sec. 9A.84.030. DISORDERLY CONDUCT. (1) A person is guilty of disorderly conduct if he:

(a) Uses abusive language and thereby intentionally creates a risk of assault; or

(b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

(c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

(2) Disorderly conduct is a misdemeanor.

NEW SECTION. Sec. 9A.84.040. FALSE REPORTING. (1) A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.

(2) False reporting is a gross misdemeanor.

CHAPTER 9A.88  
PUBLIC INDECENCY

NEW SECTION. Sec. 9A.88.010. PUBLIC INDECENCY. (1) A person is guilty of public indecency if he makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm.

(2) Public indecency is a misdemeanor unless such person exposes himself to a person under the age of fourteen years in which case indecency is a gross misdemeanor.



**NEW SECTION. Sec. 9A.88.020. COMMUNICATION WITH A MINOR FOR IMMORAL PURPOSES.** Any person who communicates with a child under the age of seventeen years of age for immoral purposes shall be guilty of a gross misdemeanor, unless such person has previously been convicted of a felony sexual offense or has previously been convicted under this section or RCW 9.79-.130, in which case such person shall be guilty of a Class C felony.

**NEW SECTION. Sec. 9A.88.030. PROSTITUTION.** (1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) Prostitution is a misdemeanor.

**NEW SECTION. Sec. 9A.88.050. PROSTITUTION: NO DEFENSE.** In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial, and it is no defense that:

(1) Such persons were of the same sex; or

(2) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.

**NEW SECTION. Sec. 9A.88.060. PROMOTING PROSTITUTION—DEFINITIONS.** The following definitions are applicable in sections 9A.88.070 through 9A.88.090:

(1) "Advances prostitution." A person "advances prostitution" if, acting other than as a prostitute or as a customer thereof, he causes or aids a person to commit or engage in prostitution, procures or solicits customers for prostitution, provides persons or premises for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an act or enterprise of prostitution.

(2) "Profits from prostitution." A person "profits from prostitution" if, acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of prostitution activity.

**NEW SECTION. Sec. 9A.88.070. PROMOTING PROSTITUTION IN THE FIRST DEGREE.** (1) A person is guilty of promoting prostitution in the first degree if he knowingly:

(a) Advances prostitution by compelling a person by threat or force to engage in prostitution or profits from prostitution which results from such threat or force; or

(b) Advances or profits from prostitution of a person less than eighteen years old.

(2) Promoting prostitution in the first degree is a Class B felony.

**NEW SECTION. Sec. 9A.88.080. PROMOTING PROSTITUTION IN THE SECOND DEGREE.** (1) A person is guilty of promoting prostitution in the second degree if he knowingly:

(a) Profits from prostitution; or

(b) Advances prostitution.

(2) Promoting prostitution in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.88.090. PERMITTING PROSTITUTION. (1) A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails without lawful excuse to make reasonable effort to halt or abate such use.

(2) Permitting prostitution is a misdemeanor.

NEW SECTION. Sec. 9A.88.100. INDECENT LIBERTIES. (1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is less than fourteen years of age; or

(c) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.

(2) For purposes of this section, "sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(3) Indecent liberties is a Class B felony.

#### CHAPTER 9A.92 LAWS REPEALED

NEW SECTION. Sec. 9A.92.010. ACTS OR PARTS OF ACTS REPEALED.

The following acts or parts of acts are each hereby repealed:

(1) Section 51, chapter 249, Laws of 1909 and RCW 9.01.010;

(2) Section 11, page 78, Laws of 1854, section 11, page 106, Laws of 1859, section 11, page 200, Laws of 1869, section 11, page 200, Laws of 1873, section 781, Code of 1881, section 1, chapter 249, Laws of 1909 and RCW 9.01.020;

(3) Section 125, page 98, Laws of 1854, section 124, page 129, Laws of 1859, section 134, page 229, Laws of 1869, section 140, page 213, Laws of 1873, section 957, Code of 1881, section 8, chapter 249, Laws of 1909 and RCW 9.01.030;

(4) Section 2, chapter 249, Laws of 1909 and RCW 9.01.040;

(5) Section 2, chapter 249, Laws of 1909 and RCW 9.01.050;

(6) Section 127, page 98, Laws of 1854, section 136, page 229, Laws of 1869, section 142, page 213, Laws of 1873, section 956, Code of 1881, section 10, chapter 249, Laws of 1909 and RCW 9.01.060;

(7) Section 30, page 185, Laws of 1873, section 1161, Code of 1881, section 12, chapter 249, Laws of 1909 and RCW 9.01.070;

(8) Section 1, chapter 233, Laws of 1927 and RCW 9.01.080;

(9) Section 784, Code of 1881, section 17, chapter 249, Laws of 1909 and RCW 9.01.090;

(10) Section 18, chapter 249, Laws of 1909 and RCW 9.01.100;

(11) Section 5, chapter 249, Laws of 1909 and RCW 9.01.111;

(12) Section 4, chapter 249, Laws of 1909 and RCW 9.01.112;

(13) Section 3, chapter 249, Laws of 1909 and RCW 9.01.113;

(14) Section 6, chapter 249, Laws of 1909 and RCW 9.01.114;

(15) Section 2, chapter 76, Laws of 1967 and RCW 9.01.116;

(16) Section 1, Code of 1881, section 47, chapter 249, Laws of 1909 and RCW 9.01.150;

(17) Section 46, chapter 249, Laws of 1909 and RCW 9.01.170;

- (18) Section 48, chapter 249, Laws of 1909 and RCW 9.01.180;
- (19) Section 49, chapter 249, Laws of 1909 and RCW 9.01.190;
- (20) Section 376, chapter 249, Laws of 1909 and RCW 9.08.040;
- (21) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010;
- (22) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020;
- (23) Section 322, chapter 249, Laws of 1909 and RCW 9.09.030;
- (24) Section 323, chapter 249, Laws of 1909 and RCW 9.09.040;
- (25) Section 324, chapter 249, Laws of 1909 and RCW 9.09.050;
- (26) Section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060;
- (27) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 161, chapter 249, Laws of 1909 and RCW 9.11.010;
- (28) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 162, chapter 249, Laws of 1909 and RCW 9.11.020;
- (29) Section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 163, chapter 249, Laws of 1909 and RCW 9.11.030;
- (30) Section 164, chapter 249, Laws of 1909 and RCW 9.11.040;
- (31) Section 165, chapter 249, Laws of 1909 and RCW 9.11.050;
- (32) Section 122, page 226, Laws of 1869, section 128, page 210, Laws of 1873, section 945, Code of 1881, sections 6 and 7, chapter 149, Laws of 1895, section 201, chapter 249, Laws of 1909 and RCW 9.15.010;
- (33) Section 202, chapter 249, Laws of 1909 and RCW 9.15.020;
- (34) Sections 74 and 75, page 89, Laws of 1854, section 75, page 119, Laws of 1859, section 80, page 216, Laws of 1869, section 84, page 200, Laws of 1873, section 880, Code of 1881, section 68, chapter 249, Laws of 1909 and RCW 9.18.010;
- (35) Section 74, page 89, Laws of 1854, section 74, page 119, Laws of 1859, section 79, page 216, Laws of 1869, section 83, page 200, Laws of 1873, section 879, Code of 1881, section 69, chapter 249, Laws of 1909 and RCW 9.18.020;
- (36) Section 73, page 89, Laws of 1854-55, section 73, page 118, Laws of 1859-60, section 78, page 216, Laws of 1869, section 82, page 199, Laws of 1873, section 878, Code of 1881, section 70, chapter 249, Laws of 1909 and RCW 9.18.030;
- (37) Section 71, page 89, Laws of 1854, section 71, page 118, Laws of 1859, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 71, chapter 249, Laws of 1909 and RCW 9.18.040;

- (38) Section 72, chapter 249, Laws of 1909 and RCW 9.18.050;
- (39) Section 84, page 200, Laws of 1873, section 880, Code of 1881, section 73, chapter 249, Laws of 1909 and RCW 9.18.060;
- (40) Section 74, chapter 249, Laws of 1909 and RCW 9.18.070;
- (41) Section 79, page 90, Laws of 1854, section 885, Code of 1881, section 79, chapter 249, Laws of 1909 and RCW 9.18.090;
- (42) Section 75, page 89, Laws of 1854, section 880, Code of 1881, section 80, chapter 249, Laws of 1909 and RCW 9.18.100;
- (43) Section 81, chapter 249, Laws of 1909 and RCW 9.18.110;
- (44) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010;
- (45) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 327, chapter 249, Laws of 1909 and RCW 9.19.020;
- (46) Section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030;
- (47) Section 329, chapter 249, Laws of 1909 and RCW 9.19.040;
- (48) Section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050;
- (49) Section 130, chapter 249, Laws of 1909 and RCW 9.22.010;
- (50) Section 131, chapter 249, Laws of 1909 and RCW 9.22.020;
- (51) Section 132, chapter 249, Laws of 1909 and RCW 9.22.030;
- (52) Section 1, chapter 211, Laws of 1961 and RCW 9.22.040;
- (53) Section 1, page 15, Laws of 1862, section 70, page 196, Laws of 1873, sections 856 and 857, Code of 1881, section 339, chapter 249, Laws of 1909 and RCW 9.26.010;
- (54) Section 340, chapter 249, Laws of 1909 and RCW 9.26.020;
- (55) Section 7, page 15, Laws of 1862, section 70, page 196, Laws of 1873, section 857, Code of 1881 and RCW 9.26.030;
- (56) Section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010;
- (57) Section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020;
- (58) Section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030;
- (59) Section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040;
- (60) Section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050;
- (61) Section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060;
- (62) Section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070;
- (63) Section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080;
- (64) Section 295, chapter 249, Laws of 1909 and RCW 9.27.010;
- (65) Section 282, chapter 249, Laws of 1909 and RCW 9.27.020;
- (66) Section 309, chapter 249, Laws of 1909 and RCW 9.27.030;
- (67) Section 64, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 296, chapter 249, Laws of 1909 and RCW 9.27.040;
- (68) Section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 297, chapter 249, Laws of 1909 and RCW 9.27.050;

(69) Section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 298, chapter 249, Laws of 1909 and RCW 9.27.060;

(70) Sections 65 and 66, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 299, chapter 249, Laws of 1909 and RCW 9.27.070;

(71) Section 863, Code of 1881, section 300, chapter 249, Laws of 1909 and RCW 9.27.080;

(72) Section 301, chapter 249, Laws of 1909 and RCW 9.27.090;

(73) Section 302, chapter 249, Laws of 1909 and RCW 9.27.100;

(74) Section 22, page 79, Laws of 1854, section 22, page 202, Laws of 1869, section 799, Code of 1881, section 167, chapter 249, Laws of 1909 and RCW 9.30.010;

(75) Section 23, page 79, Laws of 1854, section 23, page 202, Laws of 1869, section 25, page 185, Laws of 1873, section 800, Code of 1881, section 168, chapter 249, Laws of 1909 and RCW 9.30.020;

(76) Section 169, chapter 249, Laws of 1909 and RCW 9.30.030;

(77) Section 170, chapter 249, Laws of 1909 and RCW 9.30.040;

(78) Section 171, chapter 249, Laws of 1909 and RCW 9.30.050;

(79) Section 1, chapter 320, Laws of 1955 and RCW 9.31.005;

(80) Section 90, chapter 249, Laws of 1909, section 2, chapter 320, Laws of 1955 and RCW 9.31.010;

(81) Section 76, page 89, Laws of 1854, section 85, page 200, Laws of 1873, section 881, Code of 1881, sections 1 and 2, chapter 46, Laws of 1905, section 91, chapter 249, Laws of 1909 and RCW 9.31.020;

(82) Section 77, page 90, Laws of 1854, section 86, page 201, Laws of 1873, section 882, Code of 1881, section 92, chapter 249, Laws of 1909 and RCW 9.31.030;

(83) Section 77, page 90, Laws of 1854, sections 86 and 87, page 201, Laws of 1873, section 882, Code of 1881, section 93, chapter 249, Laws of 1909 and RCW 9.31.040;

(84) Section 94, chapter 249, Laws of 1909 and RCW 9.31.050;

(85) Section 87, chapter 249, Laws of 1909 and RCW 9.31.060;

(86) Section 88, chapter 249, Laws of 1909 and RCW 9.31.070;

(87) Section 125, chapter 249, Laws of 1909 and RCW 9.31.080;

(88) Section 1, chapter 182, Laws of 1951 and RCW 9.31.100;

(89) Section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010;

(90) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020;

(91) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040;

(92) Section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050;

(93) Section 362, chapter 249, Laws of 1909 and RCW 9.33.060;

- (94) Section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070;
- (95) Section 363, chapter 249, Laws of 1909 and RCW 9.34.010;
- (96) Section 364, chapter 249, Laws of 1909 and RCW 9.34.020;
- (97) Section 365, chapter 249, Laws of 1909 and RCW 9.37.010;
- (98) Section 367, chapter 249, Laws of 1909 and RCW 9.37.020;
- (99) Section 421, chapter 249, Laws of 1909 and RCW 9.37.030;
- (100) Section 422, chapter 249, Laws of 1909 and RCW 9.37.040;
- (101) Section 1, chapter 46, Laws of 1911 and RCW 9.37.050;
- (102) Section 1, chapter 78, Laws of 1937 and RCW 9.37.060;
- (103) Section 370, chapter 249, Laws of 1909 and RCW 9.38.030;
- (104) Section 409, chapter 249, Laws of 1909 and RCW 9.38.050;
- (105) Section 267, chapter 249, Laws of 1909 and RCW 9.40.010;
- (106) Section 268, chapter 249, Laws of 1909 and RCW 9.40.020;
- (107) Section 269, chapter 249, Laws of 1909 and RCW 9.40.030;
- (108) Section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050;
- (109) Section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060;
- (110) Section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070;
- (111) Section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080;
- (112) Section 338, chapter 249, Laws of 1909 and RCW 9.44.010;
- (113) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020;
- (114) Section 332, chapter 249, Laws of 1909 and RCW 9.44.030;
- (115) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040;
- (116) Section 334, chapter 249, Laws of 1909 and RCW 9.44.050;
- (117) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060;
- (118) Section 336, chapter 249, Laws of 1909 and RCW 9.44.070;
- (119) Section 122, chapter 249, Laws of 1909 and RCW 9.45.010;
- (120) Section 219, chapter 249, Laws of 1909 and RCW 9.45.030;
- (121) Section 375, chapter 249, Laws of 1909 and RCW 9.45.050;
- (122) Section 1, page 99, Laws of 1890 and RCW 9.45.200;
- (123) Section 138, chapter 249, Laws of 1909, section 1, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.010;
- (124) Section 139, chapter 249, Laws of 1909 and RCW 9.48.020;
- (125) Section 12, page 78, Laws of 1854, section 12, page 200, Laws of 1869, section 12, page 182, Laws of 1873, section 786, Code of 1881, section 1, chapter 69, Laws of 1891, section 140, chapter 249, Laws of 1909 and RCW 9.48.030;

(126) Section 13, page 78, Laws of 1854, sections 13 and 14, page 200, Laws of 1869, section 13, page 182, Laws of 1873, section 790, Code of 1881, section 141, chapter 249, Laws of 1909 and RCW 9.48.040;

(127) Section 14, page 78, Laws of 1854, section 14, page 201, Laws of 1869, section 16, page 183, Laws of 1873, section 791, Code of 1881, section 142, chapter 249, Laws of 1909 and RCW 9.48.050;

(128) Section 16, page 78, Laws of 1854, section 16, page 201, Laws of 1869, section 18, page 183, Laws of 1873, section 793, Code of 1881, section 2, chapter 69, Laws of 1891, section 143, chapter 249, Laws of 1909, section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060;

(129) Sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 820, Code of 1881, section 144, chapter 249, Laws of 1909 and RCW 9.48.070;

(130) Sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 821, Code of 1881, section 145, chapter 249, Laws of 1909 and RCW 9.48.080;

(131) Section 146, chapter 249, Laws of 1909 and RCW 9.48.090;

(132) Section 147, chapter 249, Laws of 1909 and RCW 9.48.100;

(133) Section 18, page 78, Laws of 1854, section 18, page 201, Laws of 1869, section 20, page 184, Laws of 1873, section 795, Code of 1881, section 148, chapter 249, Laws of 1909 and RCW 9.48.110;

(134) Section 19, page 78, Laws of 1854, section 19, page 201, Laws of 1869, section 21, page 184, Laws of 1873, section 796, Code of 1881, section 149, chapter 249, Laws of 1909 and RCW 9.48.120;

(135) Section 124, page 97, Laws of 1854, section 130, page 227, Laws of 1869, section 136, page 211, Laws of 1873, section 995, Code of 1881, section 150, chapter 249, Laws of 1909 and RCW 9.48.130;

(136) Section 151, chapter 249, Laws of 1909 and RCW 9.48.140;

(137) Section 152, chapter 249, Laws of 1909 and RCW 9.48.150;

(138) Section 153, chapter 249, Laws of 1909 and RCW 9.48.160;

(139) Section 154, chapter 249, Laws of 1909 and RCW 9.48.170;

(140) Section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010;

(141) Section 3, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.020;

(142) Section 159, chapter 249, Laws of 1909 and RCW 9.52.030;

(143) Section 36, page 84, Laws of 1854, section 38, page 205, Laws of 1869, section 40, page 187, Laws of 1873, section 819, Code of 1881, section 160, chapter 249, Laws of 1909 and RCW 9.52.040;

(144) Section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010;

(145) Section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020;

(146) Section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030;

(147) Section 2, chapter 60, Laws of 1917 and RCW 9.54.040;

(148) Section 1, chapter 156, Laws of 1915 and RCW 9.54.050;

(149) Section 350, chapter 249, Laws of 1909 and RCW 9.54.060;

- (150) Section 351, chapter 249, Laws of 1909 and RCW 9.54.070;
- (151) Section 352, chapter 249, Laws of 1909 and RCW 9.54.080;
- (152) Section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090;
- (153) Section 354, chapter 249, Laws of 1909 and RCW 9.54.100;
- (154) Section 355, chapter 249, Laws of 1909 and RCW 9.54.110;
- (155) Section 1, chapter 63, Laws of 1961 and RCW 9.54.115;
- (156) Section 356, chapter 249, Laws of 1909 and RCW 9.54.120;
- (157) Section 1, chapter 32, Laws of 1965 and RCW 9.54.140;
- (158) Section 85, chapter 249, Laws of 1909 and RCW 9.55.010;
- (159) Section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010;
- (160) Section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020;
- (161) Section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030;
- (162) Section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess., section 1, chapter 28, Laws of 1975 and RCW 9.61.040;
- (163) Section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050;
- (164) Section 414, chapter 249, Laws of 1909 and RCW 9.61.060;
- (165) Section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070;
- (166) Section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080;
- (167) Section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090;
- (168) Section 2, chapter 114, Laws of 1899 and RCW 9.61.100;
- (169) Section 3, chapter 114, Laws of 1899 and RCW 9.61.110;
- (170) Section 1, chapter 133, Laws of 1963 and RCW 9.61.220;
- (171) Section 26, page 79, Laws of 1854, section 26, page 202, Laws of 1869, section 28, page 185, Laws of 1873, section 103, Code of 1881, section 155, chapter 249, Laws of 1909 and RCW 9.65.010;
- (172) Section 156, chapter 249, Laws of 1909 and RCW 9.65.020;
- (173) Section 157, chapter 249, Laws of 1909 and RCW 9.65.030;
- (174) Section 303, chapter 249, Laws of 1909 and RCW 9.69.010;
- (175) Section 78, page 90, Laws of 1854, section 87, page 201, Laws of 1873, section 883, Code of 1881, section 112, chapter 249, Laws of 1909 and RCW 9.69.020;



(176) Section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 886, Code of 1881, section 113, chapter 249, Laws of 1909 and RCW 9.69.030;

(177) Section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 885, Code of 1881, section 114, chapter 249, Laws of 1909 and RCW 9.69.040;

(178) Section 116, chapter 249, Laws of 1909 and RCW 9.69.050;

(179) Section 420, chapter 249, Laws of 1909 and RCW 9.69.060;

(180) Section 110, chapter 249, Laws of 1909 and RCW 9.69.070;

(181) Section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080;

(182) Section 115, chapter 249, Laws of 1909 and RCW 9.69.090;

(183) Section 69, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010;

(184) Section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020;

(185) Section 101, chapter 249, Laws of 1909 and RCW 9.72.030;

(186) Section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040;

(187) Section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050;

(188) Section 872, Code of 1881, section 104, chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060;

(189) Section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070;

(190) Section 106, chapter 249, Laws of 1909 and RCW 9.72.080;

(191) Section 81, page 199, Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100;

(192) Section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110;

(193) Sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010;

(194) Section 399, chapter 249, Laws of 1909 and RCW 9.75.020;

(195) Section 6, page 126, Laws of 1890 and RCW 9.75.030;

(196) Section 244, chapter 249, Laws of 1909 and RCW 9.76.020;

(197) Section 245, chapter 249, Laws of 1909 and RCW 9.76.030;

(198) Section 246, chapter 249, Laws of 1909 and RCW 9.76.040;

(199) Section 865, Code of 1881, section 247, chapter 249, Laws of 1909 and RCW 9.76.050;

(200) Section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010;

(201) Section 2, chapter 229, Laws of 1959 and RCW 9.78.020;

(202) Section 4, chapter 229, Laws of 1959 and RCW 9.78.040;

(203) Section 813, Code of 1881, section 186, chapter 249, Laws of 1909, section 125, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.040;

(204) Section 815, Code of 1881, section 187, chapter 249, Laws of 1909, section 126, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.050;

(205) Section 188, chapter 249, Laws of 1909, section 1, chapter 186, Laws of 1927, section 127, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.060;

(206) Section 816, Code of 1881, section 1, chapter 33, Laws of 1905, section 189, chapter 249, Laws of 1909, section 128, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.070;

(207) Section 190, chapter 249, Laws of 1909, section 2, chapter 74, Laws of 1937, section 1, chapter 127, Laws of 1955, section 129, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.080;

(208) Section 121, page 225, Laws of 1869, section 127, page 209, Laws of 1873, sections 1 and 2, chapter 149, Laws of 1895, section 203, chapter 249, Laws of 1909, section 1, chapter 111, Laws of 1943 and RCW 9.79.090;

(209) Section 2, chapter 139, Laws of 1893, section 204, chapter 249, Laws of 1909, section 3, chapter 74, Laws of 1937 and RCW 9.79.100;

(210) Section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, sections 943, 944, Code of 1881, sections 3, 4, chapter 149, Laws of 1895, section 205, chapter 249, Laws of 1909, section 1, chapter 98, Laws of 1917 and RCW 9.79.110;

(211) Section 117, page 95, Laws of 1854, section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, section 948, Code of 1881, section 206, chapter 249, Laws of 1909 and RCW 9.79.120;

(212) Section 2, chapter 65, Laws of 1961 and RCW 9.79.130;

(213) Section 133, chapter 249, Laws of 1909 and RCW 9.80.010;

(214) Section 134, chapter 249, Laws of 1909 and RCW 9.80.020;

(215) Section 17, page 78, Laws of 1854, section 17, page 201, Laws of 1869, section 19, page 184, Laws of 1873, section 794, Code of 1881, section 135, chapter 249, Laws of 1909 and RCW 9.80.030;

(216) Section 136, chapter 249, Laws of 1909 and RCW 9.80.040;

(217) Section 137, chapter 249, Laws of 1909 and RCW 9.80.050;

(218) Section 412, chapter 249, Laws of 1909 and RCW 9.83.010;

(219) Section 1, chapter 128, Laws of 1913 and RCW 9.83.020;

(220) Section 2, chapter 128, Laws of 1913 and RCW 9.83.030;

(221) Section 3, chapter 128, Laws of 1913 and RCW 9.83.040;

(222) Section 4, chapter 128, Laws of 1913 and RCW 9.83.050;

(223) Section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060;

(224) Section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070;

(225) Section 1, chapter 7, Laws of 1969 and RCW 9.83.080;

(226) Section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010;

(227) Section 1, chapter 62, Laws of 1915 and RCW 9.87.020;

(228) Section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030;

(229) Section 932, Code of 1881 and RCW 9.91.040;

(230) Section 382, chapter 249, Laws of 1909 and RCW 9.91.070;

(231) Section 383, chapter 249, Laws of 1909 and RCW 9.91.080;

(232) Section 4, chapter 241, Laws of 1955 and RCW 9.94.060;

(233) Section 3, chapter 28, Laws of 1891 and RCW 10.01.010; and

(234) Section 10, page 77, Laws of 1854, section 779, Code 1881, section 2, chapter 28, Laws of 1891, section 1, chapter 12, Laws of 1937 and RCW 10.01.020.

NEW SECTION. Sec. 9A.92.020. SAVINGS CLAUSE. The laws repealed by section 9A.92.010 are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before July 1, 1976.

NEW SECTION. Sec. 9A.92.900. LEGISLATIVE DIRECTION FOR CODIFICATION. The provisions of this act shall constitute a new Title in the Revised Code of Washington to be designated as Title 9A RCW.

Passed the Senate June 4, 1975.

Passed the House May 24, 1975.

Approved by the Governor June 27, 1975.

Filed in Office of Secretary of State June 27, 1975.

---

## CHAPTER 261

[Engrossed Senate Bill No. 2226]

### INDIGENT APPEALS—FEES, COSTS

AN ACT Relating to appeals and costs; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 111, Laws of 1972 ex. sess. and RCW 2.32.240; and amending and directing the recodification of section 2, chapter 133, Laws of 1965 as last amended by section 2, chapter 111, Laws of 1972 ex. sess. and RCW 10.01.112.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 111, Laws of 1972 ex. sess. and RCW 2.32.240 are each amended to read as follows:

(1) When a record has been taken in any cause as provided in RCW 2.32.180 through 2.32.320, if the court, or either party to the suit or action, or his attorney, request a transcript, the official reporter and clerk of the court shall make, or cause to be made, with reasonable diligence, full and accurate transcript of the testimony and other proceedings, which shall, when certified to as hereinafter provided, be filed with the clerk of the court where such trial is had for the use of the court or parties to the action. The fees of the reporter and clerk of the court for making such transcript shall be fixed in accordance with costs as allowed in cost bills in civil cases by the supreme court of the state of Washington, and when such transcript is ordered by any party to any suit or action, said fee shall be paid forthwith by the party ordering the same, and in all cases where a transcript is made as provided for under the provisions of RCW 2.32.180 through 2.32.320 the