

~~((retirement board))~~ director, shall be considered a retirement under subsection (1) of this section.

Passed the Senate March 8, 1986.

Passed the House March 5, 1986.

Approved by the Governor April 2, 1986.

Filed in Office of Secretary of State April 2, 1986.

CHAPTER 208

[Senate Bill No. 3336]

CLASS H LICENSE—HOTELS—LIQUOR BY THE BOTTLE

AN ACT Relating to hotel class H licensees' authority to sell liquor by the bottle to registered guests for consumption in guest rooms or at banquets in the hotel; and amending RCW 66.24.400; declaring an emergency; and providing an effective date.

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

Sec. 1. Section 23-S-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 as last amended by section 2, chapter 94, Laws of 1981 and RCW 66.24.400 are each amended to read as follows:

There shall be a retailer's license, to be known and designated as class H license, to sell spirituous liquor by the individual glass, beer, and wine, at retail, for consumption on the premises, including mixed drinks and cocktails compounded or mixed on the premises only: PROVIDED, That a hotel licensed under this section may sell liquor by the bottle to registered guests of the hotel for consumption in guest rooms, hospitality rooms, or at banquets in the hotel: PROVIDED FURTHER, That a patron of a bona fide hotel, restaurant, or club licensed under this section may remove from the premises recorked or recapped in its original container any portion of wine which was purchased for consumption with a meal, and registered guests who have purchased liquor from the hotel by the bottle may remove from the premises any unused portion of such liquor in its original container. Such class H license may be issued only to bona fide restaurants, hotels and clubs, and to dining, club and buffet cars on passenger trains, and to dining places on passenger boats and airplanes, and to dining places at publicly owned civic centers with facilities for sports, entertainment, and conventions, and to such other establishments operated and maintained primarily for the benefit of tourists, vacationers and travelers as the board shall determine are qualified to have, and in the discretion of the board should have, a class H license under the provisions and limitations of this title.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of state

government and its existing public institutions, and shall take effect on May 1, 1986.

Passed the Senate March 4, 1986.

Passed the House March 1, 1986.

Approved by the Governor April 2, 1986.

Filed in Office of Secretary of State April 2, 1986.

CHAPTER 209

[Engrossed Substitute Senate Bill No. 4465]

DEADLY FORCE

AN ACT Relating to deadly force; amending RCW 9A.16.010 and 9A.16.040; and creating a new section.

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

Sec. 1. Section 9A.16.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.010 are each amended to read as follows:

In this chapter, unless a different meaning is plainly required:

(1) "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.

(2) "Deadly force" means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

Sec. 2. Section 9A.16.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.040 are each amended to read as follows:

~~(1) Homicide or the use of deadly force is justifiable ((when committed by a public officer, or person acting under his command and in his aid,))~~ in the following cases:

~~((+))~~ (a) When a public officer is acting in obedience to the judgment of a competent court((-)); or

~~((2))~~ (b) When ((necessary)) necessarily used by a peace officer 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.))~~

(c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;