

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Captions not law—2001 c 217:** See note following RCW 9.35.005.

### Chapter 9.40 RCW

#### FIRE, CRIMES RELATING TO

##### Sections

- 9.40.100 Tampering with fire alarm or fire fighting equipment—False alarm—Penalties. (*Effective July 1, 2004.*)  
 9.40.105 Tampering with fire alarm or fire fighting equipment—Intent to commit arson—Penalty. (*Effective July 1, 2004.*)  
 9.40.120 Incendiary devices—Penalty. (*Effective July 1, 2004.*)

**9.40.100 Tampering with fire alarm or fire fighting equipment—False alarm—Penalties.** (*Effective July 1, 2004.*) Any person who willfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who willfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or the chief of the Washington state patrol, through the director of fire protection. [2003 c 53 § 23; 1995 c 369 § 3; 1990 c 177 § 1; 1986 c 266 § 80; 1967 c 204 § 1.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Effective date—1995 c 369:** See note following RCW 43.43.930.

**Severability—1990 c 177:** See RCW 18.160.902.

**Severability—1986 c 266:** See note following RCW 38.52.005.

**9.40.105 Tampering with fire alarm or fire fighting equipment—Intent to commit arson—Penalty.** (*Effective July 1, 2004.*) Any person who willfully and without cause tampers with, molests, injures, or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment with the intent to commit arson, is guilty of a class B felony punishable according to chapter 9A.20 RCW. [2003 c 53 § 24.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.40.120 Incendiary devices—Penalty.** (*Effective July 1, 2004.*) Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a class B felony punishable according to chapter 9A.20 RCW, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than ten years. [2003 c 53 § 25; 1999 c 352 § 5; 1971 ex.s. c 302 § 4; 1969 ex.s. c 79 § 3.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Application—1999 c 352 §§ 3-5:** See note following RCW 9.94A.515.

**Severability—1971 ex.s. c 302:** See note following RCW 9.41.010.

### Chapter 9.41 RCW

#### FIREARMS AND DANGEROUS WEAPONS

##### Sections

[2003 RCW Supp—page 34]

- 9.41.040 Unlawful possession of firearms—Ownership, possession by certain persons—Penalties. (*Effective July 1, 2004.*)  
 9.41.042 Children—Permissible firearm possession. (*Effective July 1, 2004.*)  
 9.41.050 Carrying firearms. (*Effective July 1, 2004.*)  
 9.41.098 Forfeiture of firearms—Disposition—Confiscation.

**9.41.040 Unlawful possession of firearms—Ownership, possession by certain persons—Penalties.** (*Effective July 1, 2004.*) (1)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the first degree, if the person owns, has in his or her possession, or has in his or her control any firearm after having previously been convicted in this state or elsewhere of any serious offense as defined in this chapter.

(b) Unlawful possession of a firearm in the first degree is a class B felony punishable according to chapter 9A.20 RCW.

(2)(a) A person, whether an adult or juvenile, is guilty of the crime of unlawful possession of a firearm in the second degree, if the person does not qualify under subsection (1) of this section for the crime of unlawful possession of a firearm in the first degree and the person owns, has in his or her possession, or has in his or her control any firearm:

(i) After having previously been convicted in this state or elsewhere of any felony not specifically listed as prohibiting firearm possession under subsection (1) of this section, or any of the following crimes when committed by one family or household member against another, committed on or after July 1, 1993: Assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, 26.50.130, or 10.99.040);

(ii) After having previously been involuntarily committed for mental health treatment under RCW 71.05.320, 71.34.090, chapter 10.77 RCW, or equivalent statutes of another jurisdiction, unless his or her right to possess a firearm has been restored as provided in RCW 9.41.047;

(iii) If the person is under eighteen years of age, except as provided in RCW 9.41.042; and/or

(iv) If the person is free on bond or personal recognizance pending trial, appeal, or sentencing for a serious offense as defined in RCW 9.41.010.

(b) Unlawful possession of a firearm in the second degree is a class C felony punishable according to chapter 9A.20 RCW.

(3) Notwithstanding RCW 9.41.047 or any other provisions of law, as used in this chapter, a person has been "convicted", whether in an adult court or adjudicated in a juvenile court, at such time as a plea of guilty has been accepted, or a verdict of guilty has been filed, notwithstanding the pendency of any future proceedings including but not limited to sentencing or disposition, post-trial or post-factfinding motions, and appeals. Conviction includes a dismissal entered after a period of probation, suspension or deferral of sentence, and also includes equivalent dispositions by courts in jurisdictions other than Washington state. A person shall not be precluded from possession of a firearm if the conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of

the rehabilitation of the person convicted or the conviction or disposition has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. Where no record of the court's disposition of the charges can be found, there shall be a rebuttable presumption that the person was not convicted of the charge.

(4) Notwithstanding subsection (1) or (2) of this section, a person convicted of an offense prohibiting the possession of a firearm under this section other than murder, manslaughter, robbery, rape, indecent liberties, arson, assault, kidnapping, extortion, burglary, or violations with respect to controlled substances under RCW 69.50.401 and 69.50.410, who received a probationary sentence under RCW 9.95.200, and who received a dismissal of the charge under RCW 9.95.240, shall not be precluded from possession of a firearm as a result of the conviction. Notwithstanding any other provisions of this section, if a person is prohibited from possession of a firearm under subsection (1) or (2) of this section and has not previously been convicted of a sex offense prohibiting firearm ownership under subsection (1) or (2) of this section and/or any felony defined under any law as a class A felony or with a maximum sentence of at least twenty years, or both, the individual may petition a court of record to have his or her right to possess a firearm restored:

(a) Under RCW 9.41.047; and/or

(b)(i) If the conviction was for a felony offense, after five or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525; or

(ii) If the conviction was for a nonfelony offense, after three or more consecutive years in the community without being convicted or currently charged with any felony, gross misdemeanor, or misdemeanor crimes, if the individual has no prior felony convictions that prohibit the possession of a firearm counted as part of the offender score under RCW 9.94A.525 and the individual has completed all conditions of the sentence.

(5) In addition to any other penalty provided for by law, if a person under the age of eighteen years is found by a court to have possessed a firearm in a vehicle in violation of subsection (1) or (2) of this section or to have committed an offense while armed with a firearm during which offense a motor vehicle served an integral function, the court shall notify the department of licensing within twenty-four hours and the person's privilege to drive shall be revoked under RCW 46.20.265.

(6) Nothing in chapter 129, Laws of 1995 shall ever be construed or interpreted as preventing an offender from being charged and subsequently convicted for the separate felony crimes of theft of a firearm or possession of a stolen firearm, or both, in addition to being charged and subsequently convicted under this section for unlawful possession of a firearm in the first or second degree. Notwithstanding any other law, if the offender is convicted under this section for unlawful possession of a firearm in the first or second degree and for the felony crimes of theft of a firearm or possession of a stolen firearm, or both, then the offender shall serve consecutive

sentences for each of the felony crimes of conviction listed in this subsection.

(7) Each firearm unlawfully possessed under this section shall be a separate offense. [2003 c 53 § 26; 1997 c 338 § 47; 1996 c 295 § 2. Prior: 1995 c 129 § 16 (Initiative Measure No. 159); 1994 sp.s. c 7 § 402; prior: 1992 c 205 § 118; 1992 c 168 § 2; 1983 c 232 § 2; 1961 c 124 § 3; 1935 c 172 § 4; RRS § 2516-4.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Finding—Evaluation—Report—1997 c 338:** See note following RCW 13.40.0357.

**Severability—Effective dates—1997 c 338:** See notes following RCW 5.60.060.

**Findings and intent—Short title—Severability—Captions not law—1995 c 129:** See notes following RCW 9.94A.510.

**Finding—Intent—Severability—1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**Part headings not law—Severability—1992 c 205:** See notes following RCW 13.40.010.

**Severability—1992 c 168:** See note following RCW 9.41.070.

**Severability—1983 c 232:** See note following RCW 9.41.010.

**9.41.042 Children—Permissible firearm possession.** (*Effective July 1, 2004.*) RCW 9.41.040(2)(a)(iii) shall not apply to any person under the age of eighteen years who is:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited;

(3) Engaging in an organized competition involving the use of a firearm, or participating in or practicing for a performance by an organized group that uses firearms as a part of the performance;

(4) Hunting or trapping under a valid license issued to the person under Title 77 RCW;

(5) In an area where the discharge of a firearm is permitted, is not trespassing, and the person either: (a) Is at least fourteen years of age, has been issued a hunter safety certificate, and is using a lawful firearm other than a pistol; or (b) is under the supervision of a parent, guardian, or other adult approved for the purpose by the parent or guardian;

(6) Traveling with any unloaded firearm in the person's possession to or from any activity described in subsection (1), (2), (3), (4), or (5) of this section;

(7) On real property under the control of his or her parent, other relative, or legal guardian and who has the permission of the parent or legal guardian to possess a firearm;

(8) At his or her residence and who, with the permission of his or her parent or legal guardian, possesses a firearm for the purpose of exercising the rights specified in RCW 9A.16.020(3); or

(9) Is a member of the armed forces of the United States, national guard, or organized reserves, when on duty. [2003 c 53 § 27; 1999 c 143 § 2; 1994 sp.s. c 7 § 403.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Finding—Intent—Severability—1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**9.41.050 Carrying firearms. (Effective July 1, 2004.)**

(1)(a) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

(b) Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (1)(b) shall be a class 1 civil infraction under chapter 7.80 RCW and shall be punished accordingly pursuant to chapter 7.80 RCW and the infraction rules for courts of limited jurisdiction.

(2)(a) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (i) The pistol is on the licensee's person, (ii) the licensee is within the vehicle at all times that the pistol is there, or (iii) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

(b) A violation of this subsection is a misdemeanor.

(3)(a) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(b) A violation of this subsection is a misdemeanor.

(4) Nothing in this section permits the possession of firearms illegal to possess under state or federal law. [2003 c 53 § 28; 1997 c 200 § 1; 1996 c 295 § 4; 1994 sp.s. c 7 § 405; 1982 1st ex.s. c 47 § 3; 1961 c 124 § 4; 1935 c 172 § 5; RRS § 2516-5.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Finding—Intent—Severability—1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**Severability—1982 1st ex.s. c 47:** See note following RCW 9.41.190.

**9.41.098 Forfeiture of firearms—Disposition—Confiscation.** (1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by RCW 9.41.060 or 9.41.070 to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by RCW 9.41.090;

(c) In the possession of a person prohibited from possessing the firearm under RCW 9.41.040 or 9.41.045;

(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;

(e) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010.

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in RCW 79A.25.210. All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in RCW 79A.25.210.

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department bureau of alcohol, tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.35.020, must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section. [2003 c 39 § 5; 1996 c 295 § 10; 1994 sp.s. c 7 § 414; 1993 c 243 § 1; 1989 c 222 § 8; 1988 c 223 § 2. Prior: 1987 c 506 § 91; 1987 c 373 § 7; 1986 c 153 § 1; 1983 c 232 § 6.]

**Finding—Intent—Severability—1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**Effective date—1993 c 243:** "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 7, 1993]." [1993 c 243 § 2.]

**Severability—1989 c 222:** See RCW 63.35.900.

**Legislative findings and intent—1987 c 506:** See note following RCW 77.04.020.

**Legislative finding, purpose—Severability—1987 c 373:** See notes following RCW 46.61.502.

**Severability—1983 c 232:** See note following RCW 9.41.010.

## Chapter 9.45 RCW FRAUDS AND SWINDLES

Sections

9.45.020	Substitution of child. ( <i>Effective July 1, 2004.</i> )
9.45.124	Measurement of commodities—Measuring inaccurately—Altering measuring devices—Penalty. ( <i>Effective July 1, 2004.</i> )
9.45.126	Measurement of commodities—Inducing violations—Penalty. ( <i>Effective July 1, 2004.</i> )
9.45.210	Altering sample or certificate of assay. ( <i>Effective July 1, 2004.</i> )
9.45.220	Making false sample or assay of ore. ( <i>Effective July 1, 2004.</i> )
9.45.230	Repealed. ( <i>Effective July 1, 2004.</i> )

**9.45.020 Substitution of child.** (*Effective July 1, 2004.*) Every person to whom a child has been confided for nursing, education or any other purpose, who, with intent to deceive a person, guardian or relative of such child, shall substitute or produce to such parent, guardian or relative, another child or person in the place of the child so confided, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years. [2003 c 53 § 29; 1992 c 7 § 9; 1909 c 249 § 123; RRS § 2375.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.45.124 Measurement of commodities—Measuring inaccurately—Altering measuring devices—Penalty.** (*Effective July 1, 2004.*) Every person, corporation, or association whether profit or nonprofit, who shall ask or receive, or conspire to ask or receive, directly or indirectly, any compensation, gratuity, or reward or any promise thereof, on any agreement or understanding that he or she shall (1) intentionally make an inaccurate visual or mechanical measurement or an intentionally inaccurate recording of any visual or mechanical measurement of goods, raw materials, and agricultural products (whether severed or unsevered from the land) which he or she has or will have the duty to measure, or shall (2) intentionally change, alter or affect, for the purpose of making an inaccurate measurement, any equipment or other device which is designed to measure, either qualitatively or quantitatively, such goods, raw materials, and agricultural products, or shall intentionally alter the recordation of such measurements, is guilty of a class B felony, punishable by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both. [2003 c 53 § 30; 1992 c 7 § 11; 1967 c 200 § 2.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.45.126 Measurement of commodities—Inducing violations—Penalty.** (*Effective July 1, 2004.*) Every person who shall give, offer or promise, or conspire to give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any person, corporation, independent contractor, or agent, employee or servant thereof with intent to violate RCW 9.45.124, is guilty of a class B felony, punishable by imprisonment in a state correctional facility for not more than ten years, or by a fine of not more than five thousand dollars, or both. [2003 c 53 § 31; 1992 c 7 § 12; 1967 c 200 § 3.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.45.210 Altering sample or certificate of assay.** (*Effective July 1, 2004.*) Any person who shall interfere with or in any manner change samples of ores or bullion produced for sampling, or change or alter samples or packages of ores or bullion which have been purchased for assaying, or who shall change or alter any certificate of sampling or assaying, with intent to cheat, wrong or defraud, is guilty of a class C felony, punishable by imprisonment in a state correctional facility for not less than one year nor more than five years, or by a fine of not less than fifty nor more than one thousand dollars, or by both such fine and imprisonment. [2003 c 53 § 32; 1890 p 99 § 2; RRS § 2712.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.45.220 Making false sample or assay of ore.** (*Effective July 1, 2004.*) Any person who shall, with intent to cheat, wrong or defraud, make or publish a false sample of ore or bullion, or who shall make or publish or cause to be published a false assay of ore or bullion, is guilty of a class C felony, punishable by imprisonment in a state correctional facility for not less than one year nor more than five years, or by a fine of not less than fifty nor more than one thousand dollars, or by both such fine and imprisonment. [2003 c 53 § 33; 1890 p 99 § 3; RRS § 2713.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.45.230 Repealed.** (*Effective July 1, 2004.*) See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 9.46 RCW GAMBLING—1973 ACT

#### Sections

9.46.071	Information for compulsive gamblers.
9.46.155	Applicants and licensees—Bribes to public officials, employees, agents—Penalty. ( <i>Effective July 1, 2004.</i> )
9.46.215	Ownership or interest in gambling device—Penalty—Exceptions. ( <i>Effective July 1, 2004.</i> )

**9.46.071 Information for compulsive gamblers.** The legislature recognizes that some individuals in this state are problem or compulsive gamblers. Because the state promotes and regulates gambling through the activities of the state lottery commission, the Washington horse racing commission, and the Washington state gambling commission, the state has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers. Therefore, at a minimum, the Washington state gambling commission, the Washington horse racing commission, and the state lottery commission shall jointly develop informational signs concerning problem and compulsive gambling which include a toll-free hot line number for problem and compulsive gamblers. The signs shall be placed in the establishments of gambling licensees, horse racing licensees, and lottery retailers. In addition, the Washington state gambling commission, the Washington horse racing commission, and the state lottery commission may also contract with other qualified entities to provide public awareness, training, and other services to ensure the intent of this section is fulfilled. [2003 c 75 § 1; 1994 c 218 § 6.]

**Effective date—1994 c 218:** See note following RCW 9.46.010.

**9.46.155 Applicants and licensees—Bribes to public officials, employees, agents—Penalty.** (*Effective July 1, 2004.*) (1) No applicant or licensee shall give or provide, or offer to give or provide, directly or indirectly, to any public official or employee or agent of this state, or any of its agencies or political subdivisions, any compensation or reward, or share of the money or property paid or received through gambling activities, in consideration for obtaining any license, authorization, permission or privilege to participate in any

[2003 RCW Supp—page 38]

gaming operations except as authorized by this chapter or rules adopted pursuant thereto.

(2) Violation of this section is a class C felony for which a person, upon conviction, shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both. [2003 c 53 § 34; 1981 c 139 § 15.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Severability—1981 c 139:** See note following RCW 9.46.070.

**9.46.215 Ownership or interest in gambling device—Penalty—Exceptions.** (*Effective July 1, 2004.*) (1) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs, or transports any gambling device or offers or solicits any interest therein, whether through an agent or employee or otherwise, is guilty of a class C felony and shall be fined not more than one hundred thousand dollars or imprisoned not more than five years or both.

(2) This section does not apply to persons licensed by the commission, or who are otherwise authorized by this chapter, or by commission rule, to conduct gambling activities without a license, respecting devices that are to be used, or are being used, solely in that activity for which the license was issued, or for which the person has been otherwise authorized if:

(a) The person is acting in conformance with this chapter and the rules adopted under this chapter; and

(b) The devices are a type and kind traditionally and usually employed in connection with the particular activity.

(3) This section also does not apply to any act or acts by the persons in furtherance of the activity for which the license was issued, or for which the person is authorized, when the activity is conducted in compliance with this chapter and in accordance with the rules adopted under this chapter.

(4) In the enforcement of this section direct possession of any such a gambling device is presumed to be knowing possession thereof. [2003 c 53 § 35; 1994 c 218 § 9.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Effective date—1994 c 218:** See note following RCW 9.46.010.

### Chapter 9.47 RCW GAMBLING

#### Sections

9.47.090	Maintaining bucket shop—Penalty. ( <i>Effective July 1, 2004.</i> )
9.47.120	Bunco steering. ( <i>Effective July 1, 2004.</i> )

**9.47.090 Maintaining bucket shop—Penalty.** (*Effective July 1, 2004.*) Every person, whether in his or her own behalf, or as agent, servant or employee of another person, within or outside of this state, who shall open, conduct or carry on any bucket shop, or make or offer to make any contract described in RCW 9.47.080, or with intent to make such a contract, or assist therein, shall receive, exhibit, or display any statement of market prices of any commodities, securities, or property, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years. [2003 c 53 § 36; 1992 c 7 § 13; 1909 c 249 § 224; RRS § 2476.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.47.120 Bunco steering. (Effective July 1, 2004.)**

Every person who shall entice, or induce another, upon any pretense, to go to any place where any gambling game, scheme or device, or any trick, sleight of hand performance, fraud or fraudulent scheme, cards, dice or device, is being conducted or operated; or while in such place shall entice or induce another to bet, wager or hazard any money or property, or representative of either, upon any such game, scheme, device, trick, sleight of hand performance, fraud or fraudulent scheme, cards, dice, or device, or to execute any obligation for the payment of money, or delivery of property, or to lose, advance, or loan any money or property, or representative of either, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than ten years. [2003 c 53 § 37; 1992 c 7 § 14; 1909 c 249 § 227; RRS § 2479.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

*Swindling: Chapter 9A.60 RCW.*

**Chapter 9.61 RCW**

**MALICIOUS MISCHIEF—INJURY TO PROPERTY**

Sections

- 9.61.160 Threats to bomb or injure property—Penalty. (*Effective July 1, 2004.*)  
 9.61.170 Repealed. (*Effective July 1, 2004.*)  
 9.61.180 Repealed. (*Effective July 1, 2004.*)  
 9.61.230 Telephone harassment. (*Effective July 1, 2004.*)

**9.61.160 Threats to bomb or injure property—Penalty. (Effective July 1, 2004.)** (1) It shall be unlawful for any person to threaten to bomb or otherwise injure any public or private school building, any place of worship or public assembly, any governmental property, or any other building, common carrier, or structure, or any place used for human occupancy; or to communicate or repeat any information concerning such a threatened bombing or injury, knowing such information to be false and with intent to alarm the person or persons to whom the information is communicated or repeated.

(2) It shall not be a defense to any prosecution under this section that the threatened bombing or injury was a hoax.

(3) A violation of this section is a class B felony punishable according to chapter 9A.20 RCW. [2003 c 53 § 38; 1977 ex.s. c 231 § 1; 1959 c 141 § 1.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.61.170 Repealed. (Effective July 1, 2004.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**9.61.180 Repealed. (Effective July 1, 2004.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**9.61.230 Telephone harassment. (Effective July 1, 2004.)** (1) Every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

(a) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or

(b) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household;

is guilty of a gross misdemeanor, except as provided in subsection (2) of this section.

(2) The person is guilty of a class C felony punishable according to chapter 9A.20 RCW if either of the following applies:

(a) That person has previously been convicted of any crime of harassment, as defined in RCW 9A.46.060, with the same victim or member of the victim's family or household or any person specifically named in a no-contact or no-harassment order in this or any other state; or

(b) That person harasses another person under subsection (1)(c) of this section by threatening to kill the person threatened or any other person. [2003 c 53 § 39; 1992 c 186 § 6; 1985 c 288 § 11; 1967 c 16 § 1.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Severability—1992 c 186:** See note following RCW 9A.46.110.

**Effective date—Severability—1985 c 288:** See RCW 9A.46.905 and 9A.46.910.

**Severability—1967 c 16:** "If any portion of this act is held to be unconstitutional or void, such decision shall not affect the validity of the remaining parts of this act." [1967 c 16 § 4.]

*Communicating with child for immoral purposes: RCW 9.68A.090.*

*Interference with telephone message: RCW 9A.48.070, 9A.48.080.*

**Chapter 9.62 RCW**

**MALICIOUS PROSECUTION—ABUSE OF PROCESS**

Sections

- 9.62.010 Malicious prosecution. (*Effective July 1, 2004.*)

**9.62.010 Malicious prosecution. (Effective July 1, 2004.)** Every person who shall, maliciously and without probable cause therefor, cause or attempt to cause another to be arrested or proceeded against for any crime of which he or she is innocent:

(1) If such crime be a felony, is guilty of a class C felony and shall be punished by imprisonment in a state correctional facility for not more than five years; and

(2) If such crime be a gross misdemeanor or misdemeanor, shall be guilty of a misdemeanor. [2003 c 53 § 40; 1992 c 7 § 15; 1909 c 249 § 117; Code 1881 § 899; 1873 p 203 § 98; 1854 p 92 § 89; RRS § 2369.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Chapter 9.68 RCW**

**OBSCENITY AND PORNOGRAPHY**

Sections

- 9.68.060 "Erotic material"—Determination by court—Labeling—Penalties. (*Effective July 1, 2004.*)

**9.68.060 "Erotic material"—Determination by court—Labeling—Penalties. (Effective July 1, 2004.)** (1)

When it appears that material which may be deemed erotic is being sold, distributed, or exhibited in this state, the prosecuting attorney of the county in which the sale, distribution, or exhibition is taking place may apply to the superior court for a hearing to determine the character of the material with respect to whether it is erotic material.

(2) Notice of the hearing shall immediately be served upon the dealer, distributor, or exhibitor selling or otherwise distributing or exhibiting the alleged erotic material. The superior court shall hold a hearing not later than five days from the service of notice to determine whether the subject matter is erotic material within the meaning of RCW 9.68.050.

(3) If the superior court rules that the subject material is erotic material, then, following such adjudication:

(a) If the subject material is written or printed, or is a sound recording, the court shall issue an order requiring that an "adults only" label be placed on the publication or sound recording, if such publication or sound recording is going to continue to be distributed. Whenever the superior court orders a publication or sound recording to have an "adults only" label placed thereon, such label shall be impressed on the front cover of all copies of such erotic publication or sound recording sold or otherwise distributed in the state of Washington. Such labels shall be in forty-eight point bold face type located in a conspicuous place on the front cover of the publication or sound recording. All dealers and distributors are hereby prohibited from displaying erotic publications or sound recordings in their store windows, on outside newsstands on public thoroughfares, or in any other manner so as to make an erotic publication or the contents of an erotic sound recording readily accessible to minors.

(b) If the subject material is a motion picture, the court shall issue an order requiring that such motion picture shall be labeled "adults only". The exhibitor shall prominently display a sign saying "adults only" at the place of exhibition, and any advertising of the motion picture shall contain a statement that it is for adults only. Such exhibitor shall also display a sign at the place where admission tickets are sold stating that it is unlawful for minors to misrepresent their age.

(4) Failure to comply with a court order issued under the provisions of this section shall subject the dealer, distributor, or exhibitor to contempt proceedings.

(5) Any person who, after the court determines material to be erotic, sells, distributes, or exhibits the erotic material to a minor shall be guilty of violating RCW 9.68.050 through 9.68.120, such violation to carry the following penalties:

(a) For the first offense a misdemeanor and upon conviction shall be fined not more than five hundred dollars, or imprisoned in the county jail not more than six months;

(b) For the second offense a gross misdemeanor and upon conviction shall be fined not more than one thousand dollars, or imprisoned not more than one year;

(c) For all subsequent offenses a class B felony and upon conviction shall be fined not more than five thousand dollars, or imprisoned not less than one year. [2003 c 53 § 41; 1992 c 5 § 2; 1969 ex.s. c 256 § 14.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Severability—1969 ex.s. c 256:** See note following RCW 9.68.050.

## Chapter 9.68A RCW

### SEXUAL EXPLOITATION OF CHILDREN

(Formerly: Child pornography)

#### Sections

- 9.68A.090 Communication with minor for immoral purposes. (*Effective until July 1, 2004.*)
- 9.68A.090 Communication with minor for immoral purposes—Penalties. (*Effective July 1, 2004.*)
- 9.68A.140 Repealed. (*Effective July 1, 2004.*)
- 9.68A.150 Allowing minor on premises of live erotic performance—Definitions—Penalty. (*Effective July 1, 2004.*)
- 9.68A.160 Repealed. (*Effective July 1, 2004.*)

**9.68A.090 Communication with minor for immoral purposes.** (*Effective until July 1, 2004.*) A person who communicates with a minor for immoral purposes, or a person who communicates with someone the person believes to be a minor for immoral purposes, is guilty of a gross misdemeanor, unless that person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW. [2003 c 26 § 1; 1989 c 32 § 7; 1986 c 319 § 2; 1984 c 262 § 8.]

**9.68A.090 Communication with minor for immoral purposes—Penalties.** (*Effective July 1, 2004.*) (1) Except as provided in subsection (2) of this section, a person who communicates with a minor for immoral purposes, or a person who communicates with someone the person believes to be a minor for immoral purposes, is guilty of a gross misdemeanor.

(2) A person who communicates with a minor for immoral purposes is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state. [2003 c 53 § 42; 2003 c 26 § 1; 1989 c 32 § 7; 1986 c 319 § 2; 1984 c 262 § 8.]

**Reviser's note:** This section was amended by 2003 c 26 § 1 and by 2003 c 53 § 42, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.68A.140 Repealed.** (*Effective July 1, 2004.*) See Supplementary Table of Disposition of Former RCW Sections, this volume.

**9.68A.150 Allowing minor on premises of live erotic performance—Definitions—Penalty.** (*Effective July 1, 2004.*) (1) No person may knowingly allow a minor to be on the premises of a commercial establishment open to the public if there is a live performance containing matter which is erotic material.

(2) Any person who is convicted of violating this section is guilty of a gross misdemeanor.

(3) For the purposes of this section:

(a) "Minor" means any person under the age of eighteen years.

(b) "Erotic materials" means live performance:

(i) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(ii) Which explicitly depicts or describes patently offensive representations or descriptions of sexually explicit conduct as defined in RCW 9.68A.011; and

(iii) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.

(c) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to, or before an audience of one or more, with or without consideration.

(d) "Person" means any individual, partnership, firm, association, corporation, or other legal entity. [2003 c 53 § 43; 1987 c 396 § 2.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Severability—1987 c 396:** See note following RCW 9.68A.140.

**9.68A.160 Repealed. (Effective July 1, 2004.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 9.81 RCW

#### SUBVERSIVE ACTIVITIES

##### Sections

9.81.020	Subversive activities made felony—Penalty. ( <i>Effective July 1, 2004.</i> )
9.81.030	Membership in subversive organization is felony—Penalty. ( <i>Effective July 1, 2004.</i> )
9.81.100	Repealed. ( <i>Effective July 1, 2004.</i> )

**9.81.020 Subversive activities made felony—Penalty. (Effective July 1, 2004.)** (1) It is a class B felony for any person knowingly and willfully to:

(a) Commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy or alter, or to assist in the overthrow, destruction or alteration of, the constitutional form of the government of the United States, or of the state of Washington or any political subdivision of either of them, by revolution, force or violence; or

(b) Advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or assist in the commission of any such act under such circumstances as to constitute a clear and present danger to the security of the United States, or of the state of Washington or of any political subdivision of either of them; or

(c) Conspire with one or more persons to commit any such act; or

(d) Assist in the formation or participate in the management or to contribute to the support of any subversive organization or foreign subversive organization knowing the organization to be a subversive organization or a foreign subversive organization; or

(e) Destroy any books, records or files, or secrete any funds in this state of a subversive organization or a foreign subversive organization, knowing the organization to be such.

(2) Any person upon a plea of guilty or upon conviction of violating any of the provisions of this section shall be fined

not more than ten thousand dollars, or imprisoned for not more than ten years, or both, at the discretion of the court. [2003 c 53 § 44; 1951 c 254 § 2.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.81.030 Membership in subversive organization is felony—Penalty. (Effective July 1, 2004.)** It is a class C felony for any person after June 1, 1951, to become, or after September 1, 1951, to remain a member of a subversive organization or a foreign subversive organization knowing the organization to be a subversive organization or foreign subversive organization. Any person upon a plea of guilty or upon conviction of violating this section shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both, at the discretion of the court. [2003 c 53 § 45; 1951 c 254 § 3.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.81.100 Repealed. (Effective July 1, 2004.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### Chapter 9.82 RCW

#### TREASON

##### Sections

9.82.010	Defined—Penalty. ( <i>Effective July 1, 2004.</i> )
----------	---

**9.82.010 Defined—Penalty. (Effective July 1, 2004.)**

- (1) Treason against the people of the state consists in—
- Levying war against the people of the state, or
  - Adhering to its enemies, or
  - Giving them aid and comfort.
- (2) Treason is a class A felony and punishable by death.
- (3) No person shall be convicted for treason unless upon the testimony of two witnesses to the same overt act or by confession in open court. [2003 c 53 § 46; 1909 c 249 § 65; RRS § 2317.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

*Treason defined and evidence required: State Constitution Art. 1 § 27.*

### Chapter 9.86 RCW

#### FLAGS, CRIMES RELATING TO

##### Sections

9.86.020	Improper use of flag prohibited. ( <i>Effective July 1, 2004.</i> )
9.86.030	Desecration of flag. ( <i>Effective July 1, 2004.</i> )
9.86.050	Repealed. ( <i>Effective July 1, 2004.</i> )

**9.86.020 Improper use of flag prohibited. (Effective July 1, 2004.)** (1) No person shall, in any manner, for exhibition or display:

(a) Place or cause to be placed any word, figure, mark, picture, design, drawing or advertisement of any nature upon any flag, standard, color, ensign or shield of the United States or of this state, or authorized by any law of the United States or of this state; or

(b) Expose to public view any such flag, standard, color, ensign or shield upon which shall have been printed, painted or otherwise produced, or to which shall have been attached,



appended, affixed or annexed any such word, figure, mark, picture, design, drawing or advertisement; or

(c) Expose to public view for sale, manufacture, or otherwise, or to sell, give, or have in possession for sale, for gift or for use for any purpose, any substance, being an article of merchandise, or receptacle, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any such flag, standard, color, ensign or shield, in order to advertise, call attention to, decorate, mark or distinguish such article or substance.

(2) A violation of this section is a gross misdemeanor. [2003 c 53 § 47; 1919 c 107 § 2; 1909 c 249 § 423; 1901 c 154 § 1; RRS § 2675-2.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

#### **9.86.030 Desecration of flag. (Effective July 1, 2004.)**

(1) No person shall knowingly cast contempt upon any flag, standard, color, ensign or shield, as defined in RCW 9.86.010, by publicly mutilating, defacing, defiling, burning, or trampling upon the flag, standard, color, ensign or shield.

(2) A violation of this section is a gross misdemeanor. [2003 c 53 § 48; 1969 ex.s. c 110 § 1; 1919 c 107 § 3; 1909 c 249 § 423; RRS § 2675-3.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.86.050 Repealed. (Effective July 1, 2004.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

### **Chapter 9.91 RCW**

#### **MISCELLANEOUS CRIMES**

##### Sections

9.91.140	Food stamps—Unlawful sale. ( <i>Effective July 1, 2004.</i> )
9.91.142	Food stamps—Trafficking. ( <i>Effective July 1, 2004.</i> )
9.91.144	Food stamps—Unlawful redemption. ( <i>Effective July 1, 2004.</i> )
9.91.170	Interfering with dog guide or service animal. ( <i>Effective July 1, 2004.</i> )
9.91.180	Violent video or computer games.

**9.91.140 Food stamps—Unlawful sale. (Effective July 1, 2004.)** A person who sells food stamps obtained through the program established under RCW 74.04.500 or food stamp benefits transferred electronically, or food purchased therewith, is guilty of the following:

(1) A gross misdemeanor if the value of the stamps, benefits, or food transferred exceeds one hundred dollars; or

(2) A misdemeanor if the value of the stamps, benefits, or food transferred is one hundred dollars or less. [2003 c 53 § 49; 1998 c 79 § 1; 1996 c 78 § 1; 1988 c 62 § 1.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.91.142 Food stamps—Trafficking. (Effective July 1, 2004.)** A person who purchases, or who otherwise acquires and sells, or who traffics in, food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, is guilty of the following:

[2003 RCW Supp—page 42]

(1) A class C felony punishable according to chapter 9A.20 RCW if the face value of the stamps or benefits exceeds one hundred dollars; or

(2) A gross misdemeanor if the face value of the stamps or benefits is one hundred dollars or less. [2003 c 53 § 50.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

#### **9.91.144 Food stamps—Unlawful redemption.**

(*Effective July 1, 2004.*) A person who, in violation of 7 U.S.C. Sec. 2024(c), obtains and presents food stamps as defined by the federal food stamp act, as amended, 7 U.S.C. Sec. 2011 et seq., or food stamp benefits transferred electronically, for redemption or causes such stamps or benefits to be presented for redemption through the program established under RCW 74.04.500 is guilty of a class C felony punishable according to chapter 9A.20 RCW. [2003 c 53 § 51.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

#### **9.91.170 Interfering with dog guide or service animal. (Effective July 1, 2004.)**

(1)(a) Any person who has received notice that his or her behavior is interfering with the use of a dog guide or service animal who continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except as provided in (b) of this subsection.

(b) A second or subsequent violation of this subsection is a gross misdemeanor.

(2)(a) Any person who, with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except as provided in (b) of this subsection.

(b) A second or subsequent violation of this subsection is a gross misdemeanor.

(3) Any person who, with reckless disregard, injures, disables, or causes the death of a dog guide or service animal is guilty of a gross misdemeanor.

(4) Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal is guilty of a gross misdemeanor.

(5) Any person who intentionally injures, disables, or causes the death of a dog guide or service animal is guilty of a class C felony punishable according to chapter 9A.20 RCW.

(6) Any person who wrongfully obtains or exerts unauthorized control over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal is guilty of theft in the first degree, RCW 9A.56.030.

(7)(a) In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of or are related to the criminal offense.

(b) Restitution for a conviction under this section shall include, but is not limited to:

(i) The value of the replacement of an incapacitated or deceased dog guide or service animal, the training of a replacement dog guide or service animal, or retraining of the affected dog guide or service animal and all related veterinary and care expenses; and

(ii) Medical expenses of the dog guide or service animal user, training of the dog guide or service animal user, and compensation for wages or earned income lost by the dog guide or service animal user.

(8) Nothing in this section shall affect any civil remedies available for violation of this section.

(9) For purposes of this section, the following definitions apply:

(a) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.

(b) "Service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

(c) "Notice" means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.

(d) "Value" means the value to the dog guide or service animal user and does not refer to cost or fair market value. [2003 c 53 § 52; 2001 c 112 § 2.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**Short title—2001 c 112:** "This act may be known and cited as Layla's Law." [2001 c 112 § 1.]

**9.91.180 Violent video or computer games.** (1) A person who sells, rents, or permits to be sold or rented, any video or computer game they know to be a violent video or computer game to any minor has committed a class 1 civil infraction as provided in RCW 7.80.120.

(2) "Minor" means a person under seventeen years of age.

(3) "Person" means a retailer engaged in the business of selling or renting video or computer games including any individual, partnership, corporation, or association who is subject to the tax on retailers under RCW 82.04.250.

(4) "Violent video or computer game" means a video or computer game that contains realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes physical harm to a human form in the game who is depicted, by dress or other recognizable symbols, as a public law enforcement officer. [2003 c 365 § 2.]

**Findings—2003 c 365:** "The legislature finds that there has been an increase in studies showing a correlation between exposure to violent video and computer games and various forms of hostile and antisocial behavior. The entertainment software industry's ratings and content descriptors of video and computer games reflect that some video and computer games are suitable only for adults due to graphic depictions of sex and/or violence. Furthermore, some video and computer games focus on violence specifically against public law enforcement officers such as police and fire fighters. The legislature encourages retailers and parents to utilize the rating system.

In addition, the legislature finds there is a compelling interest to curb hostile and antisocial behavior in Washington's youth and to foster respect for public law enforcement officers." [2003 c 365 § 1.]

## Chapter 9.92 RCW

### PUNISHMENT

#### Sections

9.92.066 Termination of suspended sentence—Restoration of civil rights—Vacation of conviction.

**9.92.066 Termination of suspended sentence—Restoration of civil rights—Vacation of conviction.** (1) Upon termination of any suspended sentence under RCW 9.92.060 or 9.95.210, such person may apply to the court for restoration of his or her civil rights. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he or she has been convicted.

(2)(a) Upon termination of a suspended sentence under RCW 9.92.060 or 9.95.210, the person may apply to the sentencing court for a vacation of the person's record of conviction under RCW 9.94A.640. The court may, in its discretion, clear the record of conviction if it finds the person has met the equivalent of the tests in RCW 9.94A.640(2) as those tests would be applied to a person convicted of a crime committed before July 1, 1984.

(b) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies. [2003 c 66 § 2; 1971 ex.s. c 188 § 3.]

**Applicability—1984 c 209:** See RCW 9.92.900.

## Chapter 9.94 RCW

### PRISONERS—CORRECTIONAL INSTITUTIONS

#### Sections

9.94.010 Prison riot—Penalty. (*Effective July 1, 2004.*)

9.94.020 Repealed. (*Effective July 1, 2004.*)

9.94.030 Holding person hostage—Interference with officer's duties. (*Effective July 1, 2004.*)

**9.94.010 Prison riot—Penalty. (*Effective July 1, 2004.*)** (1) Whenever two or more inmates of a correctional institution assemble for any purpose, and act in such a manner as to disturb the good order of the institution and contrary to the commands of the officers of the institution, by the use of force or violence, or the threat thereof, and whether acting in concert or not, they shall be guilty of prison riot.

(2) Every inmate of a correctional institution who is guilty of prison riot or of voluntarily participating therein by being present at, or by instigating, aiding, or abetting the same, is guilty of a class B felony and shall be punished by imprisonment in a state correctional institution for not less than one year nor more than ten years, which shall be in addi-

tion to the sentence being served. [2003 c 53 § 53; 1995 c 314 § 1; 1955 c 241 § 1.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

**9.94.020 Repealed. (Effective July 1, 2004.)** See Supplementary Table of Disposition of Former RCW Sections, this volume.

**9.94.030 Holding person hostage—Interference with officer's duties. (Effective July 1, 2004.)** Whenever any inmate of a correctional institution shall hold, or participate in holding, any person as a hostage, by force or violence, or the threat thereof, or shall prevent, or participate in preventing an officer of such institution from carrying out his or her duties, by force or violence, or the threat thereof, he or she shall be guilty of a class B felony and upon conviction shall be punished by imprisonment in a state correctional institution for not less than one year nor more than ten years. [2003 c 53 § 54; 1995 c 314 § 3; 1992 c 7 § 20; 1957 c 112 § 1; 1955 c 241 § 3.]

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

*Interfering with public officer: Chapter 9A.76 RCW.*

*Kidnapping: Chapter 9A.40 RCW.*

### Chapter 9.94A RCW

#### SENTENCING REFORM ACT OF 1981

**Reviser's note: Drug offense sentencing effective dates.** Pursuant to sections 9 and 10 of chapter 379, Laws of 2003, the effective date contained in chapter 290, Laws of 2002, for RCW 9.94A.517, the drug offense sentencing grid, and RCW 9.94A.518, the drug offenses seriousness level table, and related changes to RCW 9.94A.470, 9.94A.475, 9.94A.480, 9.94A.505, 9.94A.510, 9.94A.515, 9.94A.530, 9.94A.533, 9.94A.585, 9.94A.660, 9.94A.728, 9.94A.850, and 10.01.210 was advanced from July 1, 2004, to July 1, 2003.

#### Sections

9.94A.030	Definitions. (Effective July 1, 2004.)
9.94A.501	Risk assessment—Risk categories—Department must supervise specified offenders. (Expires July 1, 2010.)
9.94A.515	Table 2—Crimes included within each seriousness level. (Expires July 1, 2004.)
9.94A.515	Table 2—Crimes included within each seriousness level. (Effective July 1, 2004.)
9.94A.518	Table 4—Drug offenses seriousness level. (Effective July 1, 2004.)
9.94A.533	Adjustments to standard sentences. (Effective July 1, 2004.)
9.94A.535	Departures from the guidelines.
9.94A.545	Community custody.
9.94A.550	Fines. (Effective July 1, 2004.)
9.94A.605	Methamphetamine—Manufacturing with child on premises—Special allegation. (Effective July 1, 2004.)
9.94A.610	Drug offenders—Notice of release or escape. (Effective July 1, 2004.)
9.94A.637	Discharge upon completion of sentence—Certificate of discharge—Obligations, counseling after discharge.
9.94A.700	Community placement.
9.94A.705	Community placement for specified offenders.
9.94A.715	Community custody for specified offenders.
9.94A.720	Supervision of offenders.
9.94A.728	Earned release time.
9.94A.7281	Legislative declaration—Earned release time not an entitlement.
9.94A.7282	Earned release study.
9.94A.731	Term of partial confinement, work release, home detention.
9.94A.734	Home detention—Conditions. (Effective July 1, 2004.)
9.94A.750	Restitution.

9.94A.753	Restitution—Application dates.
9.94A.760	Legal financial obligations.
9.94A.772	Legal financial obligations—Monthly payment, starting dates—Construction.
9.94A.775	Legal financial obligations—Termination of supervision—Monitoring of payments.
9.94A.780	Offender supervision assessments.
9.94A.925	Application—2003 c 379 §§ 13-27.

#### 9.94A.030 Definitions. (Effective July 1, 2004.)

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545, served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(9) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a