

(2) of this section the provisions of (~~RCW 9.26A.050~~) subsection (2) of this section shall be exclusive.

(2) Every person who:

(a) Makes, possesses, sells, gives, or otherwise transfers to another an instrument, apparatus, or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message; or

(b) Sells, gives, or otherwise transfers to another plans or instructions for making or assembling an instrument, apparatus, or device described in subparagraph (a) of this subsection with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus, or device shall be guilty of a (~~gross misdemeanor~~) felony.

Passed the House March 31, 1977.

Passed the Senate May 11, 1977.

Approved by the Governor May 20, 1977.

Filed in Office of Secretary of State May 20, 1977.

CHAPTER 43

[Senate Bill No. 2002]

PENAL INSTITUTIONS—CONTROLLED SUBSTANCES, POSSESSION, ETC.— PENALTY

AN ACT Relating to penal institutions; amending section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9.94.040; and prescribing a penalty.

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

Section 1. Section 18, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9.94.040 are each amended to read as follows:

Every person serving a sentence in any penal institution of this state who, while in such penal institution or while being conveyed to or from such penal institution, or while at any penal institution farm or forestry camp of such institution, or while being conveyed to or from any such place, or while under the custody of institution officials, officers, or employees, possesses or carries upon his person or has under his control any narcotic drug or controlled substance as defined in chapter 69.50 RCW, any alcoholic beverage, or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another, is guilty of a felony punishable by imprisonment for not more than five years, which shall be in addition to the sentence being served.

Passed the Senate May 3, 1977.

Passed the House May 16, 1977.

Approved by the Governor May 24, 1977.

Filed in Office of Secretary of State May 24, 1977.