

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 581

AN ORDINANCE, relating to crimes and offenses; adopting certain state statutes by reference; and repealing Sections 9.04.040-060, inclusive; 9.04.080-100, inclusive; 9.20.010-020, inclusive; and 9.32.010-050, inclusive of the Redmond Municipal Code.

THE CITY COUNCIL OF THE CITY OF REDMOND DO ORDAIN AS FOLLOWS:

Section 1. General provisions. The following statutes of the State of Washington are hereby adopted by reference:

- 9.01.010 Definition of terms
- 9.01.030 Principal defined
- 9.01.055 Citizen immunity if aiding officer
- 9.01.070 Attempts, how punished
- 9.01.110 Omission, when not punishable
- 9.01.112 Duress as a defense
- 9.01.113 Duress of married woman no defense
- 9.01.114 Intoxication no defense
- 9.01.116 Action for being detained on mercantile establishment premises for investigation -- "Reasonable grounds" as defense
- 9.01.130 Sending letter, when complete
- 9.01.150 Common law to supplement statute
- 9.01.170 Rule of construction

Section 2. Abandoned refrigeration equipment. The following statutes of the State of Washington are hereby adopted by reference:

- 9.03.010 Abandoning, discarding, refrigeration equipment
- 9.03.020 Permitting unused equipment to remain on premises
- 9.03.030 Violation of RCW 9.03.010 or 9.03.020
- 9.03.040 Keeping or storing equipment for sale

Section 3. Advertising, crimes relating to. The following statutes of the State of Washington are hereby adopted by reference:

- 9.04.010 False advertising
- 9.04.020 Advertising divorce business
- 9.04.030 Advertising cures of venereal diseases, lost vitality -- monthly regulators
- 9.04.040 ----- Evidence

Section 4. Alcoholic beverage control -- enforcement. The following statutes of the State of Washington are hereby adopted by reference and wherever the word "title" or words "this title" are used therein the same shall be construed to mean and refer to RCW Title 66 and "this act" shall mean and refer to the Washington State Liquor Act.

- 66.04.010 Definitions
- 66.28.080 Permit for music and dancing upon licensed premises
- 66.28.090 Licensed premises open for inspection -- Failure to allow
- 66.44.010 Local officers to enforce law -- Authority of board -- Liquor enforcement officers
- 66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc.

- 66.44.050 Description of offense in words of statutes -- Proof required
- 66.44.060 Proof of unlawful sale establishes prima facie intent
- 66.44.070 Certified analysis is prima facie evidence of alcoholic content
- 66.44.080 Service of process on corporation
- 66.44.090 Acting without license
- 66.44.100 Opening or consuming liquor in public place
- 66.44.120 Unlawful use of seal
- 66.44.130 Sales of liquor by drink or bottle
- 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal -- Unlawful operation, possession of still or mash
- 66.44.150 Buying liquor illegally
- 66.44.160 Illegal possession, transportation of alcoholic beverages
- 66.44.170 Illegal possession of liquor with intent to sell -- Prima facie evidence, what is
- 66.44.175 Violations of law
- 66.44.200 Sales to persons apparently under the influence of liquor
- 66.44.210 Obtaining liquor for ineligible person
- 66.44.230 Admitting, employing, or furnishing liquor to, previously convicted or intoxicated person or common drunkard.
- 66.44.240 Drinking in public conveyance -- Penalty against carrier
- 66.44.250 ----- Penalty against individual
- 66.44.270 Furnishing liquor to minors -- Possession, use
- 66.44.280 Minor applying for permit
- 66.44.290 Minor purchasing liquor
- 66.44.300 Treating minor, etc., in public place where liquor sold
- 66.44.310 Minors frequenting taverns -- Misrepresentation of age -- Classification of licensees
- 66.44.315 Musicians eighteen years and older permitted to enter and remain upon licensed premises during employment
- 66.44.325 Unlawful transfer to a minor of an identification of age
- 66.44.340 Employees eighteen years and over allowed to sell and carry beer and wine for class E and/or F licensed employees

Section 5. Unlawful for minor to be in public after consumption. It shall be unlawful for any person under the age of twenty-one to be or remain in any public place after having consumed a noticeable quantity of an alcoholic beverage.

Section 6. Animals, crimes relating to. The following statutes of the State of Washington are hereby adopted by reference:

- 9.08.010 Allowing vicious animal at large
- 9.08.020 Diseased animals
- 9.08.030 False certificate of registration of animals -- False representation as to breed
- 9.08.040 Obtaining animal or vehicle by fraud, etc. -- Fraud by bailee
- 9.08.050 Shooting or poisoning livestock

Section 7. Assault. Every person who shall commit an assault or an assault and battery upon another shall be guilty of a misdemeanor. The following statutes of the State of Washington are hereby adopted by reference:

- 9.11.040 Force, when lawful
- 9.11.050 Provoking assault

Section 8. Burglary. The following statutes of the State of Washington

is hereby adopted by reference:

9.19.050 Making or having burglar tools

Section 9. Conspiracy. The following statutes of the State of Washington are hereby adopted by reference:

9.22.010 Conspiracy
9.22.020 Overt act not necessary
9.22.040 Conspiracy against governmental entities

Section 10. Contempt. The following statute of the State of Washington is hereby adopted by reference:

9.23.010 Criminal contempt

Section 11. Credit cards, crimes relating to. The following statutes of the State of Washington are hereby adopted by reference:

9.26A.010 Definitions
9.26A.020 Falsely procuring a credit or identification card -- Penalty
9.26A.050 Use of stolen, forged, altered, expired, etc., cards -- False representation
9.26A.070 Merchant furnishing goods, services, etc., knowing card false, altered, forged, etc. -- Falsely representing goods, services, etc., furnished
9.26A.080 Obtaining discounted airline, railroad, etc., tickets

Section 12. Disturbances, riot and unlawful assembly. The following statutes of the State of Washington are hereby adopted by reference:

9.27.010 Disturbing meeting
9.27.015 Interference, obstruction of any court, building or residence -- Violations
9.27.020 Disturbance on highway
9.27.030 Offenses in public conveyances
9.27.040 Riot defined
9.27.060 Unlawful assembly
9.27.070 Remaining after warning

Section 13. Escape and Rescue. The following statutes of the State of Washington are hereby adopted by reference:

9.31.005 Definitions
9.31.010 Crime of escape, what constitutes
9.31.020 Aiding prisoner to escape
9.31.030 Custodian allowing or conniving at escape
9.31.040 Officer asking reward to permit escape
9.31.050 Concealing escaped prisoner
9.31.060 Rescuing prisoner
9.31.070 Taking property from an officer
9.31.080 Unauthorized communication with prisoner
9.31.090 Escaped prisoner recaptured
9.31.100 Assisting escape of inmate of mental institution or custodial school

Section 14. False pretenses. The following statutes of the State of Washington are hereby adopted by reference:

9.37.010 Use of false permit, license or diploma
9.37.020 Obtaining signature by false pretenses
9.37.030 Acting without lawful authority
9.37.040 Collecting for benefit without authority
9.37.050 Fraudulent use of name of secret societies
9.37.060 Unlawful use of name "Parent Teacher," etc.

Section 15. False representations. The following statutes of the State of Washington are hereby adopted by reference:

9.38.010 False representation concerning credit

- 9.38.020 False representation concerning title
- 9.38.030 Publishing false statement to affect market price
- 9.38.050 Falsifying accounts

Section 16. Fire, crimes relating to. The following statutes of the State of Washington are hereby adopted by reference:

- 9.40.010 Obstruction of extinguishment of fire
- 9.40.020 Obstructing firemen
- 9.40.030 Smoking -- Where prohibited
- 9.40.040 Operating engine or boiler without spark arrester
- 9.40.050 Maliciously setting fire or permitting spread thereof
- 9.40.060 Kindling fire with intent to injure another's property
- 9.40.070 Kindling fire on another's land without malice
- 9.40.080 Kindling fire on another's land while hunting or fishing
- 9.40.100 Injuring or tampering with fire alarm apparatus or equipment -- Sounding false alarm of fire

Section 17. Firearms and dangerous weapons. The following statutes of the State of Washington are hereby adopted by reference:

- 9.41.010 Terms defined
- 9.41.050 Carrying pistol
- 9.41.060 Exception
- 9.41.070 Issuance of licenses to carry
- 9.41.080 Delivery to minors and others forbidden
- 9.41.090 Sales regulated -- Application to purchase -- Grounds for denial
- 9.41.093 Exemptions
- 9.41.095 Denial of application -- Appeal
- 9.41.100 Dealers to be licensed
- 9.41.110 Dealer's licenses, by whom granted and conditions thereof -- Wholesale sales excepted -- Permits prohibited
- 9.41.120 Certain transfers forbidden
- 9.41.130 False information forbidden
- 9.41.140 Alteration of identifying marks prohibited
- 9.41.150 Exceptions
- 9.41.160 Penalties
- 9.41.170 Alien's license to carry firearms -- Exception
- 9.41.230 Aiming or discharging firearms
- 9.41.240 Use of firearms by minor
- 9.41.250 Dangerous weapons -- Evidence
- 9.41.260 Dangerous exhibitions
- 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful -- Penalty -- Exceptions

Section 18. Frauds and swindles. The following statutes of the State of Washington are hereby adopted by reference:

- 9.45.040 Frauds on innkeeper
- 9.45.050 Fraudulently presenting claim to public officer
- 9.45.060 Encumbered, leased or rented personal property
- 9.45.062 Failure to deliver leased personal property -- Requisites for presecution -- Construction
- 9.45.070 Mock auctions
- 9.45.080 Fraudulent removal of property
- 9.45.090 Knowingly receiving fraudulent conveyance
- 9.45.100 Fraud in assignment for benefit of creditors
- 9.45.120 Using false weights and measures
- 9.45.150 Concealing foreign matter in merchandise
- 9.45.180 Fraud in operating coin-box telephone or other receptacle

- 9.45.190 Penalty for manufacture or sale of slugs to be used for coin
- 9.45.240 Fraud in obtaining telephone or telegraph service

Section 19. Larceny. The following statutes of the State of Washington are hereby adopted by reference:

- 9.54.010 Larceny
- 9.54.030 Motor serial number, defacement of
- 9.54.040 Possession prima facie evidence of guilt
- 9.54.050 Unlawful issuance of bank checks or drafts
- 9.54.060 Commission or part ownership no defense
- 9.54.070 Sale of mortgaged property -- when larceny
- 9.54.080 Contractor failing to pay for labor or material
- 9.54.090 Petit larceny defined
- 9.54.100 Value -- How ascertained
- 9.54.120 Claim of title -- When ground of defense
- 9.54.130 Restoration of stolen property -- Duty of officers

Section 20. Libel and slander. The following statutes of the State of Washington are hereby adopted by reference:

- 9.58.010 Libel, what constitutes
- 9.58.020 How justified or excused -- Malice, when presumed
- 9.58.030 Publication defined
- 9.58.040 Liability of editors and others
- 9.58.050 Report of proceedings privileged
- 9.58.070 Privileged communications
- 9.58.080 Furnishing libelous information
- 9.58.090 Threatening to publish libel
- 9.58.100 Slander of financial institution
- 9.58.110 Slander of woman
- 9.58.120 Testimony necessary to convict

Section 21. Malicious mischief -- Injury to property. The following statutes of the State of Washington are hereby adopted by reference:

- 9.61.010 Injuring public utilities
- 9.61.020 Unlawful interference with gas, electric, steam or water appliance
- 9.61.030 Interfering with dam, reservoir, etc.
- 9.61.040 Injury to property
- 9.61.050 Tampering with papers
- 9.61.060 Injury to baggage
- 9.61.070 Injury to other property
- 9.61.090 Injury to building or contents
- 9.61.100 Destruction of monument records, etc.
- 9.61.120 Throwing glass, tacks, rubbish, etc., in highway -- Penalty
- 9.61.160 Threats to bomb or injure property
- 9.61.170 ----- Hoax no defense
- 9.61.190 Carrier or racing pigeons -- Injury to
- 9.61.200 ----- Removal or alteration of identification
- 9.61.220 Interfering with coin or currency receptacle
- 9.61.230 Telephone calls to harass, intimidate, torment or embarrass
- 9.61.240 ----- Permitting telephone to be used
- 9.61.250 ----- Offense, where deemed committed

Section 22. Malicious prosecution -- Abuse of process. The following statutes of the State of Washington are hereby adopted by reference:

- 9.62.010 Malicious prosecution
- 9.62.020 Instituting suit in name of another

Section 23. Nuisance. The following statutes of the State of Washington

are hereby adopted by reference:

- 9.66.010 Public nuisance
- 9.66.020 Unequal damage
- 9.66.030 Maintaining or permitting nuisance
- 9.66.040 Abatement of nuisance
- 9.66.050 Deposit of unwholesome substance
- 9.66.060 Throwing or depositing debris or waste upon public or private property or waters
- 9.66.070 ----- Penalty -- Removal by violator

Section 24. Obscenity. The following statutes of the State of Washington are hereby adopted by reference:

- 9.68.010 Obscene literature, shows, etc. -- Exception
- 9.68.015 ----- Exemptions
- 9.68.020 Prohibited publications
- 9.68.030 Indecent articles, etc.
- 9.68.040 Using indecent or vulgar language, etc.
- 9.68.050 "Erotic material" -- Definitions
- 9.68.060 ----- Determination by court -- Labeling -- Penalties
- 9.68.070 Prosecution for violation of RCW 9.68.060 -- Defense
- 9.68.080 Unlawful acts
- 9.68.090 Civil liability of wholesaler or wholesaler-distributor
- 9.68.100 Exceptions to provisions of RCW 9.68.050 through 9.68.120
- 9.68.110 Motion picture operator or projectionist exempt, when
- 9.68.120 Provisions of RCW 9.68.050 through 9.68.120 exclusive

Section 25. Obstructing justice. The following statutes of the State of Washington are hereby adopted by reference:

- 9.69.010 Combination to resist process
- 9.69.020 Neglect or refusal to receive a person into custody
- 9.69.030 Refusal to make arrest or to aid officer
- 9.69.040 Resisting public officer
- 9.69.050 Intimidating public officer
- 9.69.060 Obstructing public officer
- 9.69.070 Destroying evidence
- 9.69.080 Tampering with witness
- 9.69.090 Compounding crimes
- 9.69.100 Withholding knowledge of felony involving violence -- Penalty

Section 26. Privacy, violating right of. The following statutes of the State of Washington are hereby adopted by reference:

- 9.73.010 Divulging telegram
- 9.73.020 Opening sealed letter
- 9.73.030 Intercepting, recording or divulging private communication -- Consent required -- Exceptions
- 9.73.070 ----- Persons and activities excepted
- 9.73.090 Police and fire personnel exempted from RCW 9.73.030-9.73.080 -- Standards
- 9.73.100 Recordings available to defense counsel

Section 27. Shoplifting. The following statutes of the State of Washington are hereby adopted by reference:

- 9.78.010 Shoplifting
- 9.78.020 Arrest without warrant authorized, when
- 9.78.040 "Peace officer" defined

Section 28. Sex crimes. The following statutes of the State of Washington are hereby adopted by reference:

- 9.79.120 Lewdness
- 9.72.130 Solicitation of minor for immoral purposes

Section 29. Trespass. The following statutes of the State of Washington are hereby adopted by reference:

- 9.83.010 Trespass on railway track
- 9.83.020 Trespass on double track
- 9.83.030 Exceptions
- 9.83.040 Signs or warnings
- 9.83.060 Trespass upon another's land
- 9.83.070 Malicious trespass -- Penalty
- 9.83.080 Criminal trespass -- Penalty -- Defense

Section 30. United States and State flags, crimes relating to. The following statutes of the State of Washington are hereby adopted by reference:

- 9.86.010 "Flag," etc., defined
- 9.86.020 Improper use of flag prohibited
- 9.86.030 Desecration of flag
- 9.86.040 Application of provisions

Section 31. Vagrancy. The following statutes of the State of Washington are hereby adopted by reference:

- 9.87.010 Vagrancy
- 9.87.020 False representation of physical defects

Section 32. Miscellaneous crimes. The following statutes of the State of Washington are hereby adopted by reference:

- 9.91.010 Denial of civil rights -- Terms defined
- 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated
- 9.91.060 Leaving children unattended in parked automobile
- 9.91.110 Metal buyers -- Records of purchases -- Penalty

Section 33. Construction. In adopting the foregoing state statutes by reference, only those crimes and offenses within the jurisdiction of a non-charter city are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

Section 34. Severability. If any provision of this ordinance, the state statutes adopted by reference, the jurisdiction and applicability of the subject matter to enforcement by non-charter code cities, or its application to any person or circumstance is held invalid, the remainder of the ordinance and state statutes adopted by reference, or the application of the provision to other persons or circumstances is not affected.

Section 35. Copies of state statutes adopted to be kept on file. Pursuant to RCW 35A.12.140, the City Clerk shall authenticate and record a copy of the state statutes herein adopted by reference along with this adopting ordinance, and shall maintain on file not less than three copies of such state statutes in the form the same were adopted by this ordinance.


Section 36. Penalties for violations. Any person violating any of the provisions of this ordinance and the State statutes hereby adopted by reference shall, upon conviction thereof, be punished as provided in Section 1.01.110 of the Redmond Municipal Code.

Section 37. Repeal. The following sections of the Redmond Municipal Code are hereby repealed: Sections 9.04.040-060, inclusive; 9.04.080-100, inclusive; 9.20.010-020, inclusive; and 9.32.010-050, inclusive.

Section 38. Effective date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 6 day of June, 1972.

CITY OF REDMOND


SELWYN L. YOUNG
MAYOR

ATTEST:


ELEANOR J. HAYDEN
CITY CLERK

APPROVED AS TO FORM:


JOHN D. LAWSON
CITY ATTORNEY

Published in the Sammamish Valley News on 6-14-72

9.31.010 *Definition of terms.* In construing the provisions of this act, save when otherwise plainly declared or clearly apparent from the context, the following rules shall be observed:

(1) Each of the words "neglect," "negligence," "negligent," and "negligently" shall import a want of such attention to the nature or probable consequences of an act or omission as an ordinarily prudent man usually exercises in his own business.

(2) Each of the words "corrupt" and "corruptly" shall import a wrongful desire to acquire or cause some pecuniary or other advantage to himself or another, by the person to whom applicable.

(3) "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.

(4) The word "knowingly" imports a knowledge that the facts exist which constitute the act or omission of a crime, and does not require knowledge of its unlawfulness; knowledge of any particular fact may be inferred from the knowledge of such other facts as should put an ordinarily prudent man upon inquiry.

(5) Whenever an intent to defraud constitutes a part of a crime, it is not necessary to aver or prove an intent to defraud any particular person.

(6) The word "boat" shall include ships, steamers and other structures adapted to navigation or movement from place to place by water.

(7) The word "signature" shall include any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto.

(8) The word "writing" shall include printing.

(9) The word "property" shall include both real and personal property.

(10) The term "real property" shall include every estate, interest and right in lands, tenements and hereditaments, corporeal or incorporeal.

(11) The term "personal property" shall include dogs and all domestic animals and birds, water, gas and electricity, all kinds or descriptions of money, chattels and effects, all instruments or writings completed and ready to be delivered or issued by the maker, whether actually delivered or issued or not, by which any claim, privilege, right, obligation or authority, or any right or title to property real or personal, is, or purports to be, or upon the happening of some future event may be evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, and every right and interest therein.

(12) The word "bond" shall include an undertaking.

(13) 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.

(14) The word "person" shall include a corporation or joint stock association; and whenever it is used to designate a party whose property may be the subject of an offense it shall also include the state, or any other state, government or country which may lawfully own property within this state.

(15) The term "judge" shall include every judicial officer authorized, alone or with others, to hold or preside over a court of record.

(16) Any person shall be deemed an "owner" of any property who has a general or special property in the whole or any part thereof, or lawful possession thereof, either actual or constructive.

(17) The words "dwelling house" shall include every building or structure which shall have been usually occupied by a person lodging therein at night, and whenever it shall be so constructed as to consist of two or more parts or rooms occupied or intended to be occupied, whether permanently or temporarily, by different tenants separately by usually lodging therein at night, or for any other separate purpose, each part shall be deemed a separate dwelling house of the tenant occupying the same.

(18) The word "building" shall include every house, shed, boat, watercraft, railway car, tent or booth, whether completed or not, suitable for affording shelter for any human being, or as a place where any property is or shall be kept for use, sale or deposit.

(19) The word "nighttime" shall include the period between sunset and sunrise; the word "daytime" the period between sunrise and sunset.

(20) The word "break," when used in connection with the crime of burglary, shall include:

(a) Breaking or violently detaching any part, internal or external, of a building;

(b) Opening, for the purpose of entering therein, any outer door of a building or of any room, apartment or set of apartments therein separately used and occupied, or any window, shutter, scuttle or other thing used for covering or closing any opening thereto or therein, or which gives passage from one part thereof to another;

(c) Obtaining entrance into such building or apartment by any threat or artifice; used for that purpose, or by collusion with any person therein;

(d) Entering such building, room or apartment by or through any pipe, chimney or other opening, or by excavating or digging through or under a building or the walls or foundation thereof.

(21) The word "enter," when constituting an element or part of a crime, shall include the entrance of the offender, or the insertion of any part of his body, or of 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.

(22) The term "railway" or "railroad" shall include all railways, railroads and street railways, whether operated by steam, electricity or any other motive power.

(23) The words "indicted" and "indictment" shall include "informed against" and "information"; and the words "informed against" and "information" shall include the words "indicted" and "indictment."

(24) The words "officer" and "public officer" shall include all assistants, deputies, clerks and employes of any public officer and all persons exercising or assuming to exercise any of the powers or functions of a public officer.

(25) The word "juror" shall include a talesman, and extend to jurors in all courts, whether of record or not.

(26) The word "prisoner" shall include any person held in custody under process of law, or under lawful arrest.

(27) The word "prison" shall mean any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest. [1909 c 249 § 51; RRS § 2303.]

9.01.030 Principal defined. Every person concerned in the commission of a felony, gross misdemeanor or misdemeanor, whether he directly commits the act constituting the offense, or aids or abets in its commission, and whether present or absent; and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit a felony, gross misdemeanor or misdemeanor, is a principal, and shall be proceeded against and punished as such. The fact that the person aided, abetted, counseled, encouraged, hired, commanded, induced or procured, could not or did not entertain a criminal intent, shall not be a defense to any person aiding, abetting, counseling, encouraging, hiring, commanding, inducing or procuring him. [1909 c 249 § 8; Code 1881 § 957; 1873 p 213 § 140; 1869 p 229 § 134; 1859 p 129 § 124; 1854 p 98 § 125; RRS § 2260.]

9.01.055 Citizen immunity if aiding officer, scope—When. Private citizens aiding a police officer, or other officers of the law in the performance of their duties as police officers or officers of the law, shall have the same civil and criminal immunity as such officer, as a result of any act or commission for aiding or attempting to aid a police officer or other officer of the law, when such officer is in imminent danger of loss of life or grave bodily injury or when such officer requests such assistance and when such action was taken under emergency conditions and in good faith. [1969 c 37 § 1.]

Refusal to make arrest or aid officer: RCW 9.69.030.

9.01.070 Attempts, how punished. An act done with intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by statute, shall be punished as follows:

(1) If the crime attempted is punishable by death or life imprisonment, the person convicted of the attempt shall be punished by imprisonment in the state penitentiary for not more than twenty years.

(2) In every other case he shall be punished by imprisonment in such manner as may be prescribed for the commission of the completed offense, for not more than half the longest term, or by a fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and imprisonment; but nothing herein shall protect a person who, in an unsuccessful attempt to commit one crime, does commit another and different one, from the punishment prescribed for the crime actually committed; and a person may be convicted of an attempt to commit a crime, although it appears on the trial that the crime was consummated, unless the court in its discretion shall discharge the jury and direct the defendant to be tried for the crime itself. [1909 c 249 § 12; Code 1881 § 1161; 1873 p 185 § 30; RRS § 2264.]

Verdicts, included or lesser offenses: Chapter 10.61.

9.01.110 Omission, when not punishable. No person shall be punished for an omission to perform an act when such act has been performed by another acting in his behalf, and competent to perform it. [1909 c 249 § 23; RRS § 2275.]

9.01.112 Duress as a defense. Whenever any crime, except murder, is committed or participated in by two or more persons, any one of whom participates only under compulsion by another engaged therein, who by threats creates a reasonable apprehension in the mind of such participator that in case of refusal he is liable to instant death or grievous bodily harm, such threats and apprehension constitute duress, which will excuse such participator from criminal prosecution. [1909 c 249 § 4; RRS § 2256. Formerly RCW 10.46.150, part.]

9.01.113 Duress of married woman no defense. It is no defense for a married woman charged with the commission of a crime, that the alleged act committed by her was committed in the presence of her husband. [1909 c 249 § 3; RRS § 2255. Formerly RCW 10.46.150, part.]

9.01.114 Intoxication no defense. 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 purpose, motive or intent 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 purpose, motive or intent. [1909 c 249 § 6; RRS § 2258.]

9.01.116 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 or by the owner of the mercantile establishment, his 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 larceny 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. [1967 c 76 § 2.]

9.01.130 Sending letter, when complete. Whenever any statute makes the sending of a letter criminal, the offense shall be deemed complete from the time it is deposited in any post office or other place, or delivered to any person, with intent that it shall be forwarded; and the sender may be proceeded against in the county wherein it was so deposited or delivered, or in which it was received by the person to whom it was addressed. [1909 c 249 § 22; RRS § 2274.]

9.01.150 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 institutions 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 superior courts of this state. [1909 c 249 § 47; Code 1881 § 1; RRS § 2299.]

9.01.170 Rule of construction. Every provision of this act shall be construed according to the fair import of its terms. [1909 c 249 § 46; RRS § 2298.]

Abandoned Refrigeration Equipment

9.03.010 Abandoning, discarding, refrigeration equipment. Any person who discards or abandons or leaves in any place accessible to children any refrigerator, icebox, or deep freeze locker having a capacity of one and one-half cubic feet or more, which is no longer in use, and which has not had the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor. [1955 c 298 § 1.]

9.03.020 Permitting unused equipment to remain on premises. Any owner, lessee, or manager who knowingly permits such an unused refrigerator, icebox, or deep freeze locker to remain on the premises under his control without having the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door is guilty of a misdemeanor. [1955 c 298 § 2.]

9.03.030 Violation of RCW 9.03.010 or 9.03.020. Guilt of a violation of RCW 9.03.010 or 9.03.020 shall not, in itself, render one guilty of manslaughter, battery, or other crime against a person who may suffer death or injury from entrapment in such refrigerator, icebox, or deep freeze locker. [1955 c 298 § 3.]

9.03.040 Keeping or storing equipment for sale. Any person who keeps or stores refrigerators, iceboxes, or deep freeze lockers for the purpose of selling or offering them for sale shall not be guilty of a violation of this chapter if he takes reasonable precautions to effectively secure the door of any refrigerator, icebox, or deep freeze locker held for purpose of sale so as to prevent entrance of children small enough to fit into such articles. [1955 c 298 § 4.]

Crimes Relating to Advertising

9.04.010 False advertising. Any person, firm, corporation or association who, with intent to sell or in any wise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this state, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor: *Provided*, That the provisions of this section shall not apply to any owner, publisher, agent, or employee of a newspaper for the publication of such advertisement published in good faith and without knowledge of the falsity thereof. [1913 c 34 § 1; RRS § 2622-1.]

9.04.020 Advertising divorce business. Every person who shall cause to be published in any newspaper, magazine or other publication, or who shall cause or allow to be posted or distributed, in any place frequented by the public, any card or notice offering to procure or obtain, or to directly or indirectly aid in procuring or obtaining any divorce or the dissolution or nullification of any marriage, or offering to appear or act as attorney or counsel in any suit for divorce, alimony, or the dissolution or nullification of any marriage, either in this state or elsewhere, shall be guilty of a misdemeanor. Any advertisement stating or intimating that any person is a specialist in "the laws of husband and wife" or "domestic relations," or is engaged in the business of procuring divorces, shall be considered a violation of this section. [1917 c 100 § 1; 1909 c 249 § 211; RRS § 2463.]

9.04.030 Advertising cures of venereal diseases, lost sexual potency. Every person who shall advertise, either in his own name, or in the name of another person, copartnership or pretended copartnership, association, corporation or pretended corporation, in any newspaper, pamphlet, circular, periodical or in any other written or printed paper, and every owner, publisher, editor or manager of any newspaper, pamphlet, circular, periodical or other written or printed paper, who shall publish, or permit to be published or inserted, an advertisement in any newspaper, pamphlet, circular, periodical, or other written or printed paper, owned or controlled by him, or of which he is the editor or manager, and every person who shall distribute, circulate, display or cause to be distributed, circulated or displayed, any newspaper, pamphlet, circular, periodical, or other written or printed paper containing any advertisement for the restoration of lost sexual potency, or for the sale of any medicine, drug, compound, mixture, appliance, or any means whatever, whereby venereal diseases of men or women may be cured or relieved, shall be guilty of a gross misdemeanor. [1971 1st ex.s. c 185 § 1; 1921 c 168 § 1; RRS § 2462. Prior: 1909 c 249 § 210; 1905 c 78 § 1.]

9.04.040 ———Evidence. Any advertisement in any newspaper, periodical, pamphlet, circular or other written or printed paper, containing the words, "lost manhood", "lost vitality", "lost vigor", "monthly regulators for women", or words synonymous therewith, shall be prima facie evidence of intent to violate RCW 9.04.030 and 9.04.040 by the person or persons so advertising, or causing to be advertised, or publishing or permitting to be published, or distributing, circulating and displaying or causing to be distributed, circulated or displayed, any such advertisement. [1921 c 168 § 2; RRS § 2462-1.]

Alcoholic Beverage Control Enforcement—

66.04.010 Definitions. In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

(2) "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title any such beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall be referred to as "strong beer."

(3) "Brewer" means any person engaged in the business of manufacturing beer and malt liquor.

(4) "Board" means the liquor control board, constituted under this title.

(5) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(6) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(7) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to sections 10030-10038, Remington's Revised Statutes.

(8) "Distiller" means a person engaged in the business of distilling spirits.

(9) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to sections 10126-10146, Remington's Revised Statutes.

(10) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(11) "Employee" means any person employed by the board, including a vendor, as hereinafter in this section defined.

(12) "Fund" means 'liquor revolving fund.'

(13) "Hotel" means every building or other structure kept, used, maintained, advertised or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests and having one or more dining rooms where meals are served to such transient guests, such sleeping accommodations and dining rooms being conducted in the same building and buildings, in connection therewith, and such structure or structures being provided, in the judgment of the board, with adequate and sanitary kitchen and dining room equipment and capacity, for preparing, cooking and serving suitable food for its guests: *Provided further*, That in cities and towns of less than five thousand population, the board shall have authority to waive the provisions requiring twenty or more rooms.

(14) "Imprisonment" means confinement in the county jail.

(15) "Interdicted person" means a person declared an habitual drunkard pursuant to sections 1708-1715, Remington's Revised Statutes, or a person to whom the sale of liquor is prohibited by an order of interdiction filed with the board pursuant to this title.

(16) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(17) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(18) "Malt liquor" means beer, strong beer, ale, stout and porter.

(19) "Package" means any container or receptacle used for holding liquor.

(20) "Permit" means a permit for the purchase of liquor under this title.

(21) "Person" means an individual, copartnership, association, or corporation.

(22) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to sections 10008-10025, Remington's Revised Statutes.

(23) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(24) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(25) "Regulations" means regulations made by the board under the powers conferred by this title.

(26) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(27) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state.

(28) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(29) "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(30) "Store" means a state liquor store established under this title.

(31) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(32) "Vendor" means a person employed by the board as a store manager under this title.

(33) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(34) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(35) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

(36) "Beer wholesaler" means a person who buys beer from a brewer or brewery located either within or beyond the boundaries of the state for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(37) "Wine wholesaler" means a person who buys wine from a vintner or winery located either within or beyond the boundaries of the state for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent. [1969 1st ex.s. c 21 § 13; 1935 c 158 § 1; 1933 ex.s. c 62 § 3; RRS § 7306-3. Formerly RCW 66.04.010 through 66.04.380.]

66.28.080 Permit for music and dancing upon licensed premises. It shall be unlawful for any person, firm or corporation holding any retailer's license to permit or allow upon the premises licensed any music, dancing, or entertainment whatsoever, unless and until permission thereto is specifically granted by appropriate license or permit of the proper authorities of the city or town in which such licensed premises are situated, or the board of county commissioners, if the same be situated outside an incorporated city or town: *Provided*, That the words "music and entertainment," as herein used, shall not apply to radios or mechanical musical devices. [1969 1st ex.s. c 178 § 8; 1949 c 5 § 7; 1937 c 217 § 3 (adding new section 27-A to 1933 ex.s. c 62); Rem. Supp. 1949 § 7306-27A.]

66.28.090 Licensed premises open to inspection—Failure to allow. (1) All licensed premises used in the manufacture, storage, or sale of liquor, or any premises or parts of premises used or in any way connected, physically or otherwise, with the licensed business, shall at all times be open to inspection by any inspector or peace officer.

(2) Every person, being on any such premises and having charge thereof, who refuses or fails to admit an inspector or peace officer demanding to enter therein in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such inspector or officer of the peace, or who refuses to allow an inspector to examine the books of the licensee, or who refuses or neglects to make any return required by this title or the regulations, shall be guilty of a violation of this title. [1935 c 174 § 7; 1933 ex.s. c 62 § 52; RRS § 7306-52.]

66.44.010 Local officers to enforce law—Authority of board—Liquor enforcement officers. (1) All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this title, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for violations of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor shall belong to the county, city or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

(2) In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this title and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this title or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. [1969 1st ex.s. c 199 § 28; 1939 c 172 § 5; 1935 c 174 § 11; 1933 ex.s. c 62 § 70; RRS § 7306-70. Formerly RCW 66.44.010 through 66.44.030.]

66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc. In describing the offense respecting the sale, or keeping for sale or other disposal, of liquor, or the having, keeping, giving, purchasing or consumption of liquor in any information, summons, conviction, warrant, or proceeding under this title, it shall be sufficient to simply state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing, or consumption of liquor, without stating the name or kind of such liquor or the price thereof, or to whom it was sold or disposed of, or by whom consumed, or from whom it was purchased or received; and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given, purchased, or consumed, except in the case of offenses where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity. [1933 ex.s. c 62 § 57; RRS § 7306-57.]

66.44.050 Description of offense in words of statutes—Proof required. The description of any offense under this title, in the words of this title, or in any words of like effect, shall be sufficient in law; and any exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offense in this title, may be proved by the defendant, but need not be specified or negatived in the information; but if it is so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant. [1933 ex.s. c 62 § 58; RRS § 7306-58.]

66.44.060 Proof of unlawful sale establishes prima facie intent. In any proceeding under this title, proof of one unlawful sale of liquor shall suffice to establish prima facie the intent or purpose of unlawfully keeping liquor for sale in violation of this title. [1933 ex.s. c 62 § 59; RRS § 7306-59.]

66.44.070 Certified analysis is prima facie evidence of alcoholic content. A certificate, signed by any person appointed or designated by the board in writing as an analyst, as to the percentage of alcohol contained in any liquid, drink, liquor, or combination of liquors, when produced in any court or before any court shall be prima facie evidence of the percentage of alcohol contained therein. [1933 ex.s. c 62 § 60; RRS § 7306-60.]

66.44.080 Service of process on corporation. In all prosecutions, actions, or proceedings under the provisions of this title against a corporation, every summons, warrant, order, writ or other proceeding may be served on the corporation in the same manner as is now provided by law for service of civil process. [1933 ex.s. c 62 § 61; RRS § 7306-61.]

66.44.090 Acting without license. Any person doing any act required to be licensed under this title without having in force a license issued to him shall be guilty of a gross misdemeanor. [1955 c 289 § 2. Prior: (i) 1933 ex.s. c 62 § 28; RRS § 7306-28. (ii) 1939 c 172 § 6(1); 1935 c 174 § 6(1); 1933 ex.s. c 62 § 92(1); RRS § 7306-92(1).]

66.44.100 Opening or consuming liquor in public place. Except as permitted by this title, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a misdemeanor, and on conviction therefor shall be fined not more than ten dollars. [1933 ex.s. c 62 § 34; RRS § 7306-34.]

66.44.120 Unlawful use of seal. No person other than an employee of the board shall keep or have in his possession any official seal prescribed under this title, unless the same is attached to a package which has been purchased from a vendor or store employee; nor shall any person keep or have in his possession any design in imitation of any official seal prescribed under this title, or calculated to deceive by its resemblance thereto, or any paper upon which any design in imitation thereof, or calculated to deceive as aforesaid, is stamped, engraved, lithographed, printed or otherwise marked.

Every person who wilfully violates any provision of this section shall be guilty of a gross misdemeanor and shall be liable on conviction thereof for a first offense to imprisonment in the county jail for a period of not less than three months nor more than six months, without the option of the payment of a fine; for a second offense, to imprisonment in the county jail for not less than six months nor more than one year, without the option of the payment of a fine; for a third offense or subsequent offenses to imprisonment in the state penitentiary for not less than one year nor more than two years. [1933 ex.s. c 62 § 47; RRS § 7306-47.]

66.44.130 Sales of liquor by drink or bottle. Except as otherwise provided in this title, every person who sells by the drink or bottle, any liquor shall be guilty of a violation of this title. [1955 c 289 § 3. Prior: 1939 c 172 § 6(2); 1935 c 174 § 15(2); 1933 ex.s. c 62 § 92(2); RRS § 7306-92(2).]

66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal—Unlawful operation, possession of still or mash. Every person who shall sell or offer for sale, or transport in any manner, any spirituous liquor, without government stamp or seal attached thereto, or who shall operate or shall have in his possession without a license, any still or other device for the production of spirituous liquor, or shall have in his possession or under his control any mash capable of being distilled into spirituous liquor, shall be guilty of a gross misdemeanor and upon conviction thereof shall upon his first conviction be fined not less than five hundred dollars and confined in the county jail not less than six months, and upon second and subsequent conviction shall be fined not less than one thousand dollars and confined in the county jail not less than one year. [1955 c 289 § 4. Prior: 1939 c 172 § 6(3); 1935 c 174 § 15(3); 1933 ex.s. c 62 § 92(3); RRS § 7306-92(3).]

66.44.150 **Buying liquor illegally.** If any person in this state buys alcoholic beverages from any person other than the board, a state liquor store, or some person authorized by the board to sell them, he shall be guilty of a misdemeanor. [1955 c 289 § 5. Prior: 1939 c 172 § 6(4); 1935 c 174 § 15(4); 1933 ex.s. c 62 § 92(4); RRS § 7306-92(4).]

66.44.160 **Illegal possession, transportation of alcoholic beverages.** Except as otherwise provided in this title, any person who has or keeps or transports alcoholic beverages other than those purchased from the board, a state liquor store, or some person authorized by the board to sell them, shall be guilty of a violation of this title. [1955 c 289 § 6. Prior: 1939 c 172 § 6(5); 1935 c 174 § 15(5); 1933 ex.s. c 62 § 92(5); RRS § 7306-92(5).]

66.44.170 **Illegal possession of liquor with intent to sell—Prima facie evidence, what is.** Any person who keeps or possesses liquor upon his person or in any place, or on premises conducted or maintained by him as principal or agent with the intent to sell it contrary to provisions of this title, shall be guilty of a violation of this title. The possession of liquor by the principal or agent on premises conducted or maintained, under federal authority, as a retail dealer in liquors, shall be prima facie evidence of the intent to sell liquor. [1955 c 289 § 7. Prior: 1937 c 144 § 1 (adding new section 92A to 1933 ex.s. c 62); RRS § 7306-92A.]

66.44.175 **Violations of law.** Every person who violates any provision of this title or the regulations shall be guilty of a violation of this title, whether otherwise declared or not. [1933 ex.s. c 62 § 91; RRS § 7306-91.]

66.44.200 **Sales to persons apparently under the influence of liquor.** No person shall sell any liquor to any person apparently under the influence of liquor. [1933 ex.s. c 62 § 36; RRS § 7306-36.]

66.44.210 **Obtaining liquor for ineligible person.** Except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with the provisions of this title, no person shall procure or supply, or assist directly or indirectly in procuring or supplying, liquor for or to anyone whose permit is suspended or has been canceled. [1933 ex.s. c 62 § 38; RRS § 7306-38.]

66.44.230 **Admitting, employing, or furnishing liquor to, previously convicted or intoxicated person or common drunkard.** Every person, being the owner or manager of, or an employee in any drinking saloon, drinking cellar or public dance hall or music hall where intoxicating liquors are sold or kept for sale, who shall knowingly permit to enter such saloon, cellar or hall, or give employment to, or sell or give any intoxicating liquor to, any person previously convicted, whether in this state or elsewhere, of a crime of which fraud or the intent to defraud is an element, or of petit larceny, or of any crime which under the laws of this state would amount to a felony, or who shall sell or give any intoxicating liquor to any person known or adjudged to be a common drunkard, or to any person in an intoxicated condition, shall be guilty of a misdemeanor. [1909 ex.s. c 27 § 2; 1909 c 249 § 437; RRS § 2689.]

66.44.240 **Drinking in public conveyance—Penalty against carrier.** Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who shall knowingly permit any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, shall be guilty of a misdemeanor. [1909 c 249 § 442; RRS § 2694.]

66.44.250 —————Penalty against individual. Every person who shall drink any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, shall be guilty of a misdemeanor. [1909 c 249 § 441; RRS § 2693.]

66.44.270 Furnishing liquor to minors—Possession, use. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.

Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of twenty-one years. [1955 c 70 § 2. Prior: 1935 c 174 § 6(1); 1933 ex.s. c 62 § 37(1); RRS § 7306-37(1). Prior: Code 1881 § 939; 1877 p 205 § 5.]

66.44.280 Minor applying for permit. Every person under the age of twenty-one years who makes application for a permit shall be guilty of an offense against this title. [1955 c 70 § 3. Prior: 1935 c 174 § 6(2); 1933 ex.s. c 62 § 37(2); RRS § 7306-37(2).]

66.44.290 Minor purchasing or attempting to purchase liquor. Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title. [1965 c 49 § 1; 1955 c 70 § 4; Prior: 1935 c 174 § 6(1); 1933 ex.s. c 62 § 37(1); RRS § 7306-37(1).]

66.44.300 Treating minor, etc., in public place where liquor sold. Any person who invites a minor into a public place where liquor is sold and treats, gives or purchases liquor for such minor, or permits a minor to treat, give or purchase liquor for him; or holds out such minor to be over the age of twenty-one years to the owner of the liquor establishment shall be guilty of a misdemeanor. [1941 c 78 § 1; Rem. Supp. 1941 § 7306-37A.]

66.44.310 Minors frequenting taverns—Misrepresentation of age—Classification of licensees. (1) It shall be a misdemeanor,

(a) To serve or allow to remain on the premises of any tavern any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain on the premises of any tavern;

(c) For any person under the age of twenty-one years to represent his age as being twenty-one or more years for the purpose of securing admission to or remaining on the premises of any tavern.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public. [1943 c 245 § 1 (adding new section 36-A to 1933 ex.s. c 62); Rem. Supp. 1943 § 7306-36A. Formerly RCW 66.24.130 and 66.44.310.]

66.44.315 Musicians eighteen years and older permitted to enter and remain upon licensed premises during employment. Notwithstanding the provisions of RCW 26.28.080 as now or hereafter amended, it is lawful for professional musicians, eighteen years of age and older, to enter and to remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment as musicians.

This section shall not be construed as permitting the sale or distribution of any alcoholic beverages to any person under the age of twenty-one years. [1969 1st ex.s. c 250 § 1.]

66.44.325 Unlawful transfer to a minor of an identification of age. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor: *Provided*, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction. [1961 c 147 § 1.]

66.44.340 Employees eighteen years and over allowed to sell and carry beer and wine for class E and/or F licensed employers. Employers holding class E and/or F licenses exclusively are permitted to allow their employees, between the ages of eighteen and twenty-one years, to sell beer or wine in, on or about any establishment holding a class E and/or class F license exclusively: *Provided*, That there is direct supervision by an adult twenty-one years of age or older in an adjacent check stand: *Provided*, That minor employees may make deliveries of beer and/or wine purchased from licensees holding class E and/or class F licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser. [1969 1st ex.s. c 38 § 1.]

Crimes Relating to Animals

9.08.010 **Allowing vicious animal at large.** Every person having the care or custody of any animal known to possess any vicious or dangerous tendencies, who shall allow the same to escape or run at large in any place or manner liable to endanger the safety of any person, shall be guilty of a misdemeanor; and any person may lawfully kill such animal when reasonably necessary to protect his own or the public safety. [1909 c 249 § 286; RRS § 2538.]

9.08.020 **Diseased animals.** Every owner or person having charge thereof, who shall import or drive into this state, or who shall turn out or suffer to run at large upon any highway or unenclosed lands, or upon any lands adjoining the enclosed lands kept by any person for pasture; or who shall keep or allow to be kept in any barn with other animals, or water or allow to be watered at any public drinking fountain or watering place, any animal having any contagious or infectious disease; or who shall sell, let or dispose of any such animal knowing it to be so diseased, without first apprising the purchaser or person taking it of the existence of such disease, shall be guilty of a misdemeanor. [1909 c 249 § 288; Code 1881 § 923; RRS § 2540.]

9.08.030 **False certificate of registration of animals—False representation as to breed.** Every person who, by color or aid of any false pretense, representation, token or writing shall obtain from any club, association, society or company for the improvement of the breed of cattle, horses, sheep, swine, fowls or other domestic animals or birds, a certificate of registration of any animal or bird in a herd-book, or other register of any such association, society or company, or a transfer of any such registration, and every person who shall knowingly represent an animal or bird for breeding purposes to be of a greater degree of any particular strain of blood than such animal actually possesses, shall be guilty of a gross misdemeanor. [1909 c.249 § 341; RRS § 2593.]

9.08.040 **Obtaining animal or vehicle by fraud, etc.—Fraud by bailee.** Every person who shall obtain from another the possession or use of any horse or other draft animal or any vehicle or automobile, without paying therefor, with intent to defraud the owner thereof, or who shall obtain the possession or use thereof by color or aid of any false or fraudulent representation, pretense, token or writing, or shall obtain credit for such use by color or aid of any false or fraudulent representation, pretense, token or writing; or who hav-

ing hired property, shall recklessly, wilfully, wantonly or by gross negligence injure or destroy or cause, suffer, allow or permit the same, or any part thereof, to be injured or destroyed; or who, having hired any horse or other draft animal upon an understanding or agreement that the same shall be ridden or driven a specified distance or to a specified place, shall wilfully and fraudulently ride or drive or cause, permit or allow the same to be ridden or driven a longer distance, or to a different place, shall be guilty of a misdemeanor. [1909 c 249 § 376; RRS § 2628.]

9.08.050 Shooting or poisoning livestock. Any person who injures or kills by shooting or poisoning any horse, mule, cattle, sheep, swine, or goat without the permission of the owner thereof and who does not commit grand larceny as defined by RCW 9.54.090 shall be guilty of a gross misdemeanor. [1970 1st ex.s. c 90 § 1.]

Assault

9.11.040 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 an idiot, lunatic or insane 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. [1909 c 249 § 164; RRS § 2416.]

9.11.050 Provoking assault. Every person who shall by word, sign or gesture, wilfully provoke, or attempt to provoke, another person to commit an assault or breach of the peace, shall be guilty of misdemeanor. [1909 c 249 § 165; RRS § 2417. Prior: 1886 p 79 § 1; Code 1881 § 1887.]

Burglary

9.19.050 Making or having burglar tools. Every person who shall make or mend or cause to be made or mended, or have in his possession in the day or nighttime, any engine, machine, tool, false key, pick lock, bit, nippers or implement adapted, designed or commonly used for the commission of burglary, larceny, or other crime. under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same is intended to be so used, shall be guilty of a gross misdemeanor. The possession thereof except by a mechanic, artificer or tradesman at and in his established shop or place of business, open to public view, shall be prima facie evidence that such possession was had with intent to use or employ or allow the same to be used or employed in the commission of a crime. [1909 c 249 § 330; 1893 c 90 § 1; RRS § 2582.]

Conspiracy

9.22.010 Conspiracy. Whenever two or more persons shall conspire—

- (1) To commit a crime; or
- (2) Falsely and maliciously to procure another to be arrested or proceeded against for a crime; or
- (3) Falsely to institute or maintain any action or proceeding; or
- (4) To cheat or defraud another out of any property by unlawful or fraudulent means; or
- (5) To prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with any tools, implements or property belonging to or used by another, or with the use or employment thereof; or
- (6) To commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or
- (7) To accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means;

Every such person shall be guilty of a gross misdemeanor. [1909 c 249 § 130; RRS § 2382.]

9.22.020 Overt act not necessary. In any proceeding for a violation of RCW 9.22.010, it shall [not] be necessary to prove that any overt act was done in pursuance of such unlawful conspiracy or combination. [1909 c 249 § 131; RRS § 2383.]

9.22.040 Conspiracy against governmental entities. If two or more persons conspire either to commit any offense against, or to defraud the state, or any county, city, town, district, or other municipal corporation therein, or a department or agency of any thereof, in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined not more than ten thousand dollars or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor. [1961 c 211 § 1.]

Contempt

9.23.010 Criminal contempt. Every person who shall commit a contempt of court of any one of the following kinds shall be guilty of a misdemeanor:

(1) Disorderly, contemptuous or insolent behavior committed during the sitting of the court, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to its authority; or,

(2) Behavior of like character in the presence of a referee, while actually engaged in a trial or hearing pursuant to an order of court, or in the presence of a jury while actually sitting in the trial of a cause or upon an inquest or other proceeding authorized by law; or,

(3) Breach of the peace, noise or other disturbance directly tending to interrupt the proceedings of a court, jury or referee; or,

(4) Wilful disobedience to the lawful process or mandate of a court; or,

(5) Resistance, wilfully offered, to its lawful process or mandate; or,

(6) Contumacious and unlawful refusal to be sworn as a witness or, after being sworn, to answer any legal and proper interrogatory; or,

(7) Publication of a false or grossly inaccurate report of its proceedings; or,

(8) Assuming to be an attorney or officer of a court or acting as such without authority. [1909 c 249 § 120; Code 1881 § 725; 1869 p 167 § 667; RRS § 2372.]

Crimes Relating to Credit Cards

9.26A.010 Definitions. In this chapter, unless the context or subject matter otherwise requires:

(1) "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 by any issuer 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 guaranty by the issuer.

(2) "Identification card" means any instrument or device issued, with or without a fee by any person or governmental agency for the use of the cardholder and which contains a signature, photograph, or descriptive information about the cardholder and is intended to be used for the purpose of establishing the identity, age, credit worthiness or other characteristic of the cardholder.

(3) "Cardholder" means the person or organization identified on the face of a credit card or identification card and to whom or for whose benefit the card is issued by an issuer.

(4) "Issuer" means the person or organization or its duly authorized agent which issues a credit card or identification card.

(5) "Participating party" means a person or organization which is obligated by contract to acquire from a merchant a sales slip or sales draft or instrument for the payment of money evidencing a credit card transaction and from whom the issuer is obligated by contract to acquire such sales slip, sales draft, or instrument for the payment of money.

(6) "Merchant" means a person or organization or its duly authorized agent, which is authorized by an issuer or a participating party to furnish money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by the cardholder upon presentation of a credit card or identification card by a cardholder.

(7) "Incomplete credit card or identification card" means a credit card or identification card on which any part of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card or identification card before it can be used by a cardholder has not been stamped, embossed, imprinted, or written on it.

(8) "Expired credit card" means a credit card which shows on its face or by its terms that it has elapsed.

(9) "Revoked credit card" means a credit card for which permission to use it has been suspended or terminated by the issuer and notice thereof has been given to the cardholder in person or by mailing notice to the cardholder's last address known to the issuer.

(10) "Cardholder agreement" means the contract or agreement or conditions set forth by the issuer for use of the credit card or identification card which are contained in any credit or identification card application signed by the cardholder, any statement accompanying any credit card or identification card sent to a cardholder and any statements appearing on the credit card or identification card when received by the cardholder and any amendments to the agreement given pursuant to the terms of the agreement and prior to the cardholder's subsequent use of the credit card or identification card. [1970 1st ex.s. c 36 § 1.]

9.26A.020 Falsely procuring a credit or identification card—Penalty. A person is guilty of falsely procuring a credit card or identification card when he makes or causes to be made, either directly or indirectly, any false statement in writing, knowing it to be false and with the intent that it be relied upon, respecting his identity or that of any other person or organization, or his status or financial condition or the status or financial condition of any other person or organization, for the purpose of procuring the issuance of a credit card or identification card. A person falsely procuring a credit card or identification card shall be guilty of a misdemeanor. [1970 1st ex.s. c 36 § 2.]

9.26A.050 Use of stolen, forged, altered, expired, etc., cards—False representation. Every person, who with intent to defraud:

(1) Uses, for the purpose of obtaining money, goods, services or anything else of value, a credit card or identification card obtained or retained in violation of RCW 9.26A.030, or a credit card or identification card which he knows or has reason to believe is forged, expired, incomplete, revoked, or altered by anyone other than the issuer is guilty of a gross misdemeanor, and it shall be presumed that such use was with the intent to defraud and with knowledge that said credit card has been revoked, upon proof that: (a) notice that a credit card has been revoked has been mailed by registered or certified mail, return receipt requested, to the cardholder's last known address or delivered to cardholder or some other person residing with him; (b) the notice was received by the cardholder or someone else residing with him, proof of which may be accomplished by proof that a signed receipt was returned; and (c) said card was used by the cardholder or by any other person acting with his knowledge or authority, after the date the notice was received or the receipt signed; or

(2) Obtains money, goods, services or anything else of value, by representing, without the consent of the cardholder or issuer, that he is the holder of a credit card or identification card or by representing that he is the holder of a credit card or identification card and such credit card or identification card has not in fact been issued is guilty of a gross misdemeanor.

If the value of all the items so obtained under subsections (1) or (2) of this section exceeds seventy-five dollars, then the person is guilty of a felony. [1970 1st ex.s. c 36 § 5.]

9.26A.070 Merchant furnishing goods, services, etc., knowing card false, altered, forged, etc.—Falsely representing goods, services, etc., furnished. Every merchant who, with intent to defraud:

(1) Furnishes money, goods, services or anything else of value including the cancellation of a debt or the payment of a check, upon presentation of a credit card or identification card obtained or retained in violation of RCW 9.26A.030 or a credit card or identification card which he knows or has reasonable grounds to believe is forged, altered, expired or revoked and who receives any payment therefor is guilty of a gross misdemeanor. If the payment so obtained exceeds seventy-five dollars, then the merchant is guilty of a felony.

(2) Has failed to furnish money, goods, services, or anything else of value which he represents to an issuer or a participating party that he has furnished, and who receives any payment therefor is guilty of a gross misdemeanor. If the payment so obtained exceeds seventy-five dollars, then the merchant is guilty of a felony. [1970 1st ex.s. c 36 § 7.]

9.26A.080 Obtaining discounted airline, railroad, etc., tickets. A person who obtains at a discount price a ticket issued by an airline, railroad, steamship or other transportation company which was acquired in violation of RCW 9.26A.050, without reasonable inquiry to ascertain that the person from whom it was obtained had a legal right to possess it shall be presumed to know that such ticket was acquired under circumstances constituting a violation of RCW 9.26A.050. [1970 1st ex.s. c 36 § 8.]

Disturbances, Riot, Unlawful Assembly

9.27.010 **Disturbing meeting.** Every person who, without [authority] of law, shall wilfully disturb any assembly or meeting not unlawful in its character, shall be guilty of a misdemeanor. [1909 c 249 § 295; RRS § 2547.]

9.27.015 **Interference, obstruction of any court, building or residence—Violations.** Whoever, interfering with, obstructing, or impeding the administration of justice, pickets or parades in or near a building housing a court of the state of Washington or any political subdivision thereof, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be guilty of a gross misdemeanor.

Nothing in this section shall interfere with or prevent the exercise by any court of the state of Washington or any political subdivision thereof of its power to punish for contempt. [1971 1st ex.s. c 302 § 16.]

9.27.020 **Disturbance on highway.** Every person who shall ride or drive any horse upon a public highway, in a manner likely to endanger the safety or life of another, or on such highway shall create or participate in any noise, disturbance or other demonstration calculated or intended to frighten, intimidate or disturb any person, shall be guilty of a misdemeanor. [1909 c 249 § 282; RRS § 2534.]

9.27.030 **Offenses in public conveyances.** Every person who shall wilfully use profane, offensive, or indecent language or engage in any quarrel in any public conveyance, or interfere with or annoy any passenger therein, or, having refused to pay the proper fare, shall fail to leave any such conveyance upon demand, or, with intent to avoid the payment of fare shall ride upon any car or engine not commonly used for the carriage of passengers, shall be guilty of a misdemeanor. [1909 c 249 § 309; RRS § 2561.]

9.27.040 **Riot defined.** Whenever three or more persons, having assembled for any purpose, shall disturb the public peace by using force or violence to any other person, or to property, or shall threaten or attempt to commit such disturbance, or to do any unlawful act by the use of force or violence, accompanied with the power of immediate execution of such threat or attempt, they shall be guilty of a riot. [1909 c 249 § 296; Code 1881 §§ 859-861; 1873 p 197 §§ 73, 74; 1854 p 87 § 64; RRS § 2548.]

9.27.060 **Unlawful assembly.** Whenever three or more persons shall assemble with intent—

- (1) To commit any unlawful act by force; or,
- (2) To carry out any purpose in such manner as to disturb the public peace; or,
- (3) Being assembled, shall attempt or threaten any act tending toward a breach of the peace, or an injury to persons or property, or any unlawful act—such an assembly is unlawful, and every person participating therein by his presence, aid or instigation, shall be guilty of a gross misdemeanor. [1909 c 249 § 298; Code 1881 §§ 859-861; 1873 p 197 §§ 73, 74; 1854 p 87 § 65; RRS § 2550.]

9.27.070 Remaining after warning. Every person who shall remain present at the place of an unlawful meeting after having been warned to disperse by a magistrate or public officer, unless as a public officer or at the request of such officer he is assisting in dispersing the same, or in protecting persons or property or in arresting offenders, shall be guilty of a misdemeanor. [1909 c 249 § 299; Code 1881 §§ 859-861; 1873 p 197 §§ 73, 74; 1854 p 87 §§ 65, 66; RRS § 2551.]

Escape, Rescue

9.31.005 Definitions. The term "escape", for the purposes of this chapter, shall mean the unlawful departure of a prisoner from the custody of a penal or correctional institution of the state of Washington, with or without the exertion of force or fraud in the execution thereof. [1955 c 320 § 1.]

9.31.010 Crime of escape, what constitutes. Every prisoner confined in a prison, or being in the lawful custody of an officer or other person, who escapes or attempts to escape from such prison or custody if he is held on a charge, conviction, or sentence of a felony, shall be guilty of a felony; if held on a charge, conviction, or sentence of a gross misdemeanor or misdemeanor, he shall be guilty of a misdemeanor. [1955 c 320 § 2; 1909 c 249 § 90; RRS § 2342.]

9.31.020 Aiding prisoner to escape. Every person who, with intent to effect or facilitate the escape of a prisoner, whether such escape shall be effected or attempted or not, shall convey or send to a prisoner any information or aid, or convey or send into a prison any disguise, instrument, weapon or other thing, or aid or assist a prisoner in escaping or attempting to escape from the lawful custody of a sheriff or other officer or person, shall be guilty of a felony if such prisoner is held upon a charge, arrest, commitment, conviction or a sentence for a felony, and shall be guilty of a misdemeanor if such prisoner is held upon a charge, arrest, commitment, conviction or sentence for a gross misdemeanor or misdemeanor. [1909 c 249 § 91; 1905 c 46 §§ 1, 2; Code 1881 § 881; 1873 p 200 § 85; 1854 p 89 § 76; RRS § 2343.]

9.31.030 Custodian allowing or conniving at escape. Every person who shall allow a prisoner lawfully in his custody to escape, or shall connive at or assist such escape, or shall omit any act or duty by reason of which omission such escape is occasioned, contributed to or assisted, shall, if he connive at or assist such escape, be guilty of a felony; and in any other case, of a gross misdemeanor. [1909 c 249 § 92; Code 1881 § 882; 1873 p 201 § 86; 1854 p 90 § 77; RRS § 2344.]

9.31.040 Officer asking reward to permit escape. Every officer who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or promise thereof, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape shall be attempted or not, or shall commit any unlawful act tending to hinder justice, shall be guilty of a gross misdemeanor. [1909 c 249 § 93; Code 1881 § 882; 1873 p 201 §§ 86, 87; 1854 p 90 § 77; RRS § 2345.]

9.31.050 **Concealing escaped prisoner.** Every person who shall conceal, or harbor for the purpose of concealment, a prisoner who has escaped or is escaping from custody, shall be guilty of a felony if the prisoner is held upon a charge or conviction or sentence of felony, and of a misdemeanor if the prisoner is held upon a charge or conviction of a gross misdemeanor or misdemeanor. [1909 c 249 § 94; RRS § 2346.]

9.31.060 **Rescuing prisoner.** Every person who shall, by force or fraud, rescue from lawful custody, or from an officer or person having him in lawful custody, a prisoner held upon a charge, arrest, commitment, conviction or sentence for felony, shall be guilty of a felony; and every person who shall rescue a prisoner held upon a charge, arrest, commitment, conviction or sentence for a gross misdemeanor or misdemeanor shall be guilty of a misdemeanor. [1909 c 249 § 87; RRS § 2339.]

9.31.070 **Taking property from an officer.** Every person who shall take from the custody of any officer or other person any personal property in his charge under any process of law, or who shall wilfully injure or destroy such property, shall be guilty of a misdemeanor. [1909 c 249 § 88; RRS § 2340.]

9.31.080 **Unauthorized communication with prisoner.** Every person who, not being authorized by law or by any officer authorized thereto, shall have any verbal communication with any prisoner in any jail, reformatory, penitentiary or other penal institution, or shall bring into or convey out of the same any writing, clothing, food, tobacco or any article whatsoever, shall be guilty of a misdemeanor. [1909 c 249 § 125; RRS § 2377.]

9.31.090 **Escaped prisoner recaptured.** Every person in custody, under sentence of imprisonment for any crime, who shall escape from custody, may be recaptured and imprisoned for a term equal to the unexpired portion of the original term. [1909 c 249 § 89; RRS § 2341.]

9.31.100 **Assisting escape of inmate of mental institution or custodial school.** Any person who procures the escape of an inmate of a school for mental deficient, juvenile correctional institution, mental hospital or institution for psychopaths, or who advises, connives at, aids, or assists in such escape, or knowingly harbors any escapee, shall be guilty of a gross misdemeanor. [1951 c 182 § 1.]

False Pretenses

9.37.010 **Use of false permit, license or diploma.** Every person who shall conduct any business or perform any act under color of, or file for record with any public officer, any false or fraudulent permit, license, diploma or writing, or any permit, license, diploma or writing not lawfully belonging to such person, or who shall obtain any permit, license, diploma or writing by color or aid of any false representation, pretense, personation, token or writing, shall be guilty of a gross misdemeanor. [1909 c 249 § 365; RRS § 2617.]

9.37.02 Obtaining signature by false pretense. Every person who, with intent to cheat or defraud another, shall designedly by color or aid of any false token or writing or other false pretense, representation or presentation, obtain the signature of any person to a written instrument, shall be punished by imprisonment in the state penitentiary for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment. [1909 c 249 § 367; RRS § 2619.]

9.37.030 Acting without lawful authority. Every person who shall in any case not otherwise specially provided for, do any act, for the doing of which a license or other authority is required by law, without having such license or other authority as required by law, shall be guilty of a misdemeanor. [1909 c 249 § 421; RRS § 2673.]

See notes following RCW 9.37.010.

9.37.040 Collecting for benefit without authority. Every person who shall sell a ticket to any ball, benefit or entertainment, or ask or receive any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being duly authorized thereto by the person, association or order for whose benefit or pretended benefit the same is done, shall be guilty of a misdemeanor. [1909 c 249 § 422; RRS § 2674.]

9.37.050 Fraudulent use of name of secret societies. Any person, firm, association, society, order or organization or any officer, agent, representative or employee thereof, or person acting or pretending to act on behalf thereof who in a newspaper or other publication published in this state, or in any letter, writing, circular, paper, pamphlet or other writing or printed notice, matter or device without authority of the grand lodge hereinafter mentioned, fraudulently uses, or in any manner directly or indirectly aids in the use of the name or title of any secret fraternal association, society, order or organization which has had a grand lodge in this state for five years, or any secret fraternal association, society, order or organization having as a necessary qualification to membership, membership in a secret fraternal society, order or organization under the jurisdiction of said grand lodge, or any imitation of such name or title or any name or title so nearly resembling it as to be calculated to deceive, or without such authority publishes, sells, lends, gives away, circulates or distributes any letter, writing, circular, paper, pamphlet or other written or printed notice, matter or device, or by word of mouth, directly or indirectly advertising for or soliciting members or applications for membership in such secret fraternal association, society, order or organization using or designated or claimed to be known by such title or imitation or resemblance thereof or who offers to sell or to confer or to communicate or to give information directly or indirectly where, how, of whom, or by what means any alleged or pretended secret work or any alleged or pretended secrets of such secret fraternal association, society, order or organization or of any alleged or pretended association, society, order or organization designated or claimed to be known by such title or imitation or resemblance thereof can or may be obtained, conferred or communicated, or any person who falsely represents himself to be a member of any such secret fraternal association, society, order or organization or any person who upon false representations as to membership therein seeks or obtains admission into any such secret fraternal association, society, order or organization shall be guilty of a gross misdemeanor. [1911 c 46 § 1; RRS § 2696-2.]

9.37.060 Unlawful use of name "Parent Teacher," etc. It shall be unlawful for any organization, group or association, not duly chartered as a member of the Washington Congress of Parents and Teachers, a Washington corporation, to apply to itself the name "Parent Teacher," "Parent Teacher Association," "Council of Parent Teacher Associations," or any name deceptively similar thereto. Any violation of this section shall constitute a misdemeanor. [1937 c 78 § 1; RRS § 2696-4.]

False Representations

9.38.010 **False representation concerning credit.** Every person who, with intent thereby to obtain credit or financial rating, shall wilfully make any false statement in writing of his assets or liabilities to any person with whom he may be either actually or prospectively engaged in any business transaction or to any commercial agency or other person engaged in the business of collecting or disseminating information concerning financial or commercial ratings, shall be guilty of a misdemeanor. [1909 c 249 § 368; RRS § 2620.]

9.38.020 **False representation concerning title.** Every person who shall maliciously or fraudulently execute or file for record any instrument, or put forward any claim, by which the right or title of another to any real property is, or purports to be transferred, encumbered or clouded, shall be guilty of a gross misdemeanor. [1909 c 249 § 369; RRS § 2621.]

9.38.030 **Publishing false statement to affect market price.** Every person who, with intent to affect the market price of any security or property shall put off, circulate or publish any false or misleading writing, statement or intelligence, shall be guilty of a gross misdemeanor. [1909 c 249 § 370; RRS § 2622.]

9.38.050 **Falsifying accounts.** Every person who shall wilfully or maliciously make any false entry, or fail to make an entry of any material matter, in any book or record of account, shall be guilty of a gross misdemeanor. [1909 c 249 § 409; RRS § 2661.]

Crimes Relating to Fire

9.40.010 **Obstruction of extinguishment of fire.** Every person who, with intent to prevent or obstruct the extinguishment of any fire, shall cut or remove any bell rope; wire or other apparatus for communicating an alarm of fire, or cut, injure or destroy any engine, hose, or other fire apparatus, or otherwise prevent or obstruct the extinguishment of any fire, shall be punished by imprisonment in the state penitentiary for not more than five years, or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars. [1909 c 249 § 267; RRS § 2519.]

9.40.020 **Obstructing firemen.** Every person who at the burning of any building shall be guilty of any disobedience to the lawful orders of a public officer or fireman or of resistance to or interference with the lawful efforts of any fireman, or company of firemen to extinguish the same, or of disorderly conduct likely to interfere with the extinguishment thereof, or who shall forbid, prevent or dissuade others from assisting to extinguish such fire, shall be guilty of a misdemeanor. [1909 c 249 § 268; RRS § 2520.]

9.40.030 Smoking—Where prohibited. Every person who shall light a pipe, cigar or cigarette in, or who shall enter with a lighted pipe, cigar or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building, shall be guilty of a misdemeanor. [1909 c 249 § 269; RRS § 2521.]

9.40.040 Operating engine or boiler without spark arrester. Every person who shall operate or permit to be operated in dangerous proximity to any brush, grass or other inflammable material, any spark-emitting engine or boiler which is not equipped with a modern spark-arrester, in good condition, shall be guilty of a misdemeanor. [1929 c 172 § 1; 1909 c 249 § 272; RRS § 2524.]

9.40.050 Maliciously setting fire or permitting spread thereof. If any person shall maliciously or wantonly set on fire any prairie or other grounds, other than his own or those of which he is in lawful possession, or shall wilfully or negligently permit or suffer the fire to pass from his own grounds or premises to the injury of another, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than fifty nor more than five hundred dollars. [1890 p 127 § 9; Code 1881 § 847; RRS § 5650.]

9.40.060 Kindling fire with intent to injure another's property. If any person shall maliciously, with intent to injure any other person, by himself or any other person, kindle a fire on his own land, or the land of another person, and by means of such fire the buildings, fences, crops or other personal property or wooded timber lands of any other person shall be destroyed or injured, he shall, on conviction, be punished by a fine not less than twenty dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than three months nor more than twelve months, according to the aggravation of the offense. [1891 c 69 § 13; Code 1881 § 1225; 1877 p 300 § 2; RRS § 5651.]

9.40.070 Kindling fire on another's land without malice. If any person shall, without malice, kindle a fire in any field, pasture, inclosure, forest, prairie or timber land, not his own, without the consent of the owner, and the same shall spread and do damage to any buildings, fences, crops, cordwood, bark or other personal property, not his own, or to any wood or timber land, not his own, he shall, on conviction, be punished by a fine of not less than ten nor more than five hundred dollars, and costs, according to the aggravation of the offense, and shall stand committed till the fine and costs are paid. [1891 c 69 § 14; Code 1881 § 1224; 1877 p 300 § 1; RRS § 5652.]

9.40.080 Kindling fire on another's land while hunting or fishing. Any person who shall enter upon the lands of another person for the purposes of hunting or fishing, and shall, by the use of firearms or other means, kindle any fire thereon, shall be punished by a fine not less than ten nor more than five hundred dollars, if such fire be kindled without malice, and if such fire be kindled maliciously and with intent to injure any other person, such offender shall be punished by a fine not less than twenty nor more than one thousand dollars, or by imprisonment in the county jail not less than three months nor more than twelve months. [1891 c 69 § 15; Code 1881 § 1227; 1877 p 300 § 4; RRS § 5654.]

9.40.100 Injuring or tampering with fire alarm apparatus or equipment—Sounding false alarm of fire. Any person who wilfully 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 wilfully 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 state fire marshal official. [1967 c 204 § 1.]

Firearms, Dangerous Weapons

9.41.010 Terms defined. "Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnaping. [1971 1st ex.s. c 302 § 1; 1961 c 124 § 1; 1935 c 172 § 1; RRS § 2516-1.]

9.41.050 Carrying pistol. No person shall carry a pistol in any vehicle unless it is unloaded or carry a pistol concealed on his person, except in his place of abode or fixed place of business, without a license therefor as hereinafter provided. [1961 c 124 § 4; 1935 c 172 § 5; RRS § 2516-5.]

9.41.060 Exception to carrying pistol restriction. The provisions of RCW 9.41.050 shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers, or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting or modern and antique firearm collecting or to individual hunters: *Provided*, Such members are at, or are going to or from their places of target practice, or their collector's gun shows and exhibits, or are on a hunting, camping or fishing trip, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another. [1961 c 124 § 5; 1935 c 172 § 6; RRS § 2516-6.]

9.41.070 Issue of licenses to carry. The judge of a court of record, the chief of police of a municipality, or the sheriff of a county, shall within thirty days after the filing of an application of any person issue a license to such person to carry a pistol concealed on his person within this state for two years from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless he is ineligible to own a pistol under the provisions of RCW 9.41.040 as now or hereafter amended or there exists a record of his prior court conviction of a crime of violence or of drug addiction or of habitual drunkenness or of confinement to a mental institution: *Provided*, That such permit shall be revoked immediately upon conviction of a crime which makes such a person ineligible to own a pistol. The license shall be in triplicate, in form to be prescribed by the state director of motor vehicles, and shall bear the name, address, and description, fingerprints and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the director of motor vehicles and the triplicate shall be preserved for six years, by the authority issuing said license.

(1) The fee for the original issuance of a two-year license shall be five dollars: *Provided*, That the fee shall be distributed as follows:

(a) Two dollars shall be paid to the state general fund;

(b) One dollar fifty cents shall be paid to the agency taking the fingerprints of the person licensed; and

(c) One dollar fifty cents shall be paid to the issuing authority for the purpose of enforcing this chapter.

(2) The fee for the renewal of such license shall be three dollars: *Provided*, That the fee shall be distributed as follows:

(a) One dollar shall be paid to the state general fund; and

(b) Two dollars shall be paid to the issuing authority for the purpose of enforcing this chapter. [1971 1st ex.s. c 302 § 2; 1961 c 124 § 6; 1935 c 172 § 7; RRS § 2516-7.]

9.41.080 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind. [1935 c 172 § 8; RRS § 2516-8.]

9.41.090 Sales regulated—Application to purchase—Grounds for denial. In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a

resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol. [1969 1st ex.s. c 227 § 1; 1961 c 124 § 7; 1935 c 172 § 9; RRS § 2516-9.]

9.41.093 Exemptions. The following shall be exempt from the provisions of RCW 9.41.090 as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended. [1969 1st ex.s. c 227 § 2.]

9.41.095 Denial of application—Appeal. Any person whose application to purchase a pistol as provided in RCW 9.41.090 as now or hereinafter amended is denied shall have a right to appeal to the legislative body of the municipality or of the county, whichever is applicable, for a review of the denial at a public hearing to be conducted within fifteen days after denial. It shall be the duty of the law enforcement officer recommending the denial to appear at such hearing and to present proof relating to the grounds for denial. In the event that the evidence so presented does not sustain one of the grounds for denial enumerated in RCW 9.41.090, the legislative authority shall authorize the sale.

Any person aggrieved by a determination of the appropriate legislative body not to permit the sale of such weapon is entitled to judicial review by the superior court in the appropriate county. [1969 1st ex.s. c 227 § 3.]

9.41.100 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided. [1935 c 172 § 10; RRS § 2516-10.]

9.41.110 Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited. The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of motor vehicles effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of motor vehicles and shall be personally signed by

the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, color and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the director of motor vehicles; the triplicate the dealer shall retain for six years.

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury. [1969 1st ex.s. c 227 § 4; 1963 c 163 § 1; 1961 c 124 § 8; 1935 c 172 § 11; RRS § 2516-11.]

9.41.120 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. [1961 c 124 § 9; 1935 c 172 § 12; RRS § 2516-12.]

9.41.130 False information forbidden. No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity. [1935 c 172 § 13; RRS § 2516-13.]

9.41.140 Alteration of identifying marks—Exceptions. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefor do not have the markings on the barrels of the original manufacturers who are no longer in business. [1961 c 124 § 10; 1935 c 172 § 14; RRS § 2516-14.]

9.41.150 Exemptions. RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items. [1961 c 124 § 11; 1935 c 172 § 15; RRS § 2516-15.]

9.41.160 General penalties. Any violation of any provision of RCW 9.41.010 through 9.41.150, as amended, other than those violations specified in RCW 9.41.020 and 9.41.040, shall be a misdemeanor and punishable accordingly. [1961 c 124 § 12; 1935 c 172 § 16; RRS § 2516-16.]

9.41.170 Alien's license to carry firearms—Exception. It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: *Provided*, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor. [1969 1st ex.s. c 90 § 1; 1953 c 109 § 1. Prior: 1911 c 52 § 1; RRS § 2517-1.]

9.41.230 Aiming or discharging firearms. Every person who shall aim any gun, pistol, revolver or other firearm, whether loaded or not, at or towards any human being, or who shall wilfully discharge any firearm, air gun or other weapon, or throw any deadly missile in a public place, or in any place where any person might be endangered thereby, although no injury result, shall be guilty of a misdemeanor. [1909 c 249 § 307; 1888 p 100 §§ 2, 3; RRS § 2559.]

9.41.240 Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor. [1971 c 34 § 1; 1909 c 249 § 308; 1883 p 67 § 1; RRS § 2560.]

9.41.250 Dangerous weapons—Evidence. Every person who shall manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; who shall furtively carry with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a gross misdemeanor. [1959 c 143 § 1; 1957 c 93 § 1; 1909 c 249 § 265; 1886 p 81 § 1; Code 1881 § 929; RRS § 2517.]

9.41.260 Dangerous exhibitions. Every proprietor, lessee or occupant of any place of amusement, or any plat of ground or building, who shall allow it to be used for the exhibition of skill in throwing any sharp instrument or in shooting any bow gun, pistol or firearm of any description, at or toward any human being, shall be guilty of a misdemeanor. [1909 c 249 § 283; RRS § 2535.]

9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful—Penalty—Exceptions. (1) It shall be unlawful for anyone to carry, exhibit, display or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor.

(3) Subsection (1) of this section shall not apply to or affect the following:

(a) Any act committed by a person while in his place of abode or fixed place of business;

(b) Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments. [1969 c 8 § 1.]

Frauds, Swindles

9.45.040 Frauds on innkeeper. Every person who shall obtain any food, lodging or accommodation at any hotel, restaurant, boarding house or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who shall obtain credit at a hotel, restaurant, boarding house or lodging house by color or aid of any false pretense, representation, token or writing, or who after obtaining board, lodging or accommodation at a hotel, restaurant, boarding house or lodging house, shall abscond or surreptitiously remove his baggage therefrom without paying for such food, lodging or accommodation, shall be guilty of a misdemeanor. [1909 c 249 § 373; 1899 c 27 § 1; RRS § 2625.]

9.45.050 Fraudulently presenting claim to public officer. Every person who, with the intent to defraud, shall knowingly present for audit, allowance or payment to any officer or board of the state or of any county, city, town or school district, authorized to audit, allow or pay bills, claims or charges, any false or fraudulent claim, account, writing or voucher or any bill, account or demand containing false or fraudulent charges, items or claims, shall be guilty of a gross misdemeanor. [1909 c 249 § 375; RRS § 2627.]

9.45.060 Encumbered, leased or rented personal property—Construction. Every person being in possession thereof, who shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the sale, removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract or the lessor under such lease or rentor of [under] such rental agreement, or any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease shall be guilty of a gross misdemeanor.

In any prosecution under this section any allegation containing a description of the security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision. [1971 c 61 § 1; 1965 ex.s. c 109 § 1; 1909 c 249 § 377; RRS § 2629.]

9.45.062 Failure to deliver leased personal property—Requisites for prosecution—Construction. Every person being in possession thereof who shall wilfully and without reasonable cause fail to deliver leased personal property to the lessor within ten days after written notice of the expiration of the lease has been mailed to the lessee by registered or certified mail with return receipt requested, mailed to the last known address of the lessee, shall be guilty of a gross misdemeanor: *Provided*, That there shall be no prosecution under this section unless such lease is in writing, and contains a warning that failure to promptly return the leased property may result in a criminal prosecution, and the notice mailed pursuant to the provisions of this section shall clearly state that the lessee may be guilty of a crime upon his failure to return the property to the lessor within ten days.

In any prosecution under this section, any allegation containing a description of the lease by reference to the date thereof and names of the parties shall be sufficiently definite and certain.

As used in this section, the term "lease" shall also include rental agreements.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision. [1971 c 61 § 2.]

9.45.070 Mock auctions. Every person who shall obtain any money or property from another or shall obtain the signature of another to any writing the false making of which would be forgery, by color or aid of any false or fraudulent sale of property or pretended sale of property by auction, or by any of the practices known as mock auction, shall be punished by imprisonment in the state penitentiary for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

Every person who shall buy or sell or pretend to buy or sell any goods, wares or merchandise, exposed to sale by auction, if an actual sale, purchase and change of ownership therein does not thereupon take place, shall be guilty of a misdemeanor. [1909 c 249 § 378; RRS § 2630.]

9.45.08 **Fraudulent removal of property.** Every person who, with intent to defraud a prior or subsequent purchaser thereof, or prevent any of his property being made liable for the payment of any of his debts, or levied upon by an execution or warrant of attachment, shall remove any of his property, or secrete, assign, convey or otherwise dispose of the same, or with intent to defraud a creditor shall remove, secrete, assign, convey or otherwise dispose of any of his books or accounts, vouchers or writings in any way relating to his business affairs, or destroy, obliterate, alter or erase any of such books of account, accounts, vouchers or writing or any entry, memorandum or minute therein contained, shall be guilty of a gross misdemeanor. [1909 c 249 § 379; RRS § 2631.]

9.45.090 **Knowingly receiving fraudulent conveyance.** Every person who shall receive any property or conveyance thereof from another, knowing that the same is transferred or delivered to him in violation of, or with the intent to violate RCW 9.45.080, shall be guilty of a misdemeanor. [1909 c 249 § 380; RRS § 2632.]

9.45.100 **Fraud in assignment for benefit of creditors.** Every person who, having made, or being about to make, a general assignment of his property to pay his debts, shall by color or aid of any false or fraudulent representation, pretense, token or writing induce any creditor to participate in the benefits of such assignments, or to give any release or discharge of his claim or any part thereof, or shall connive at the payment in whole or in part of any false, fraudulent or fictitious claim, shall be guilty of a gross misdemeanor. [1909 c 249 § 381; RRS § 2633.]

9.45.120 **Using false weights and measures.** Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly misrepresenting the quantity thereof bought or sold; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it or permit it to be used in violation of the foregoing provisions of this section, shall be guilty of a gross misdemeanor. [1909 c 249 § 385; 1891 c 69 § 33; 1886 p 122 §§ 1-3; RRS § 2637.]

9.45.150 **Concealing foreign matter in merchandise.** Every person who, with intent to defraud, shall place or conceal any foreign substance in any barrel, bag, bale, box or other package containing any article of merchandise, shall be guilty of a gross misdemeanor. [1909 c 249 § 366; RRS § 2618.]

9.45.180 **Fraud in operating coin-box telephone or other receptacle.** Any person who shall knowingly and wilfully operate, or cause to be operated, or who shall attempt to operate, or attempt to cause to be operated, [any] coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of such machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service without depositing in and surrendering to such machine, coin-box telephone or receptacle lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of such machine, coin-box telephone or receptacle, shall be guilty of a misdemeanor. [1929 c 184 § 1; RRS § 5842-1.]

9.45.190 **Penalty for manufacture or sale of slugs to be used for coin.** Any person who, with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any coin-box telephone or other receptacle, depository or contrivance, designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, or who, knowing or having cause to believe, that the same is intended for unlawful use, shall manufacture for sale, or sell or give away any slug, device, or substance whatsoever intended or calculated to be placed or deposited in any coin-box telephone or other such receptacle, depository or contrivance, shall be guilty of a misdemeanor. [1929 c 184 § 2; RRS § 5842-2.]

9.45.240 **Fraud in obtaining telephone or telegraph service.** Every person who, with intent to evade the provisions of any order of the Washington public service commission or of any tariff, rule or regulation lawfully filed with said commission by any telephone or telegraph company, or with intent to defraud, obtains telephone or telegraph service from any telephone or telegraph company through the use of a false or fictitious name or telephone number or the unauthorized use of the name or telephone number of another, or through any other trick, deceit or fraudulent device, shall be guilty of a misdemeanor. [1955 c 114 § 1.]

Larceny

9.54.010 **Larceny.** Every person who, with intent to deprive or defraud the owner thereof—

(1) Shall take, lead or drive away the property of another; or

(2) Shall obtain from the owner or another the possession of or title to any property, real or personal, by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check or draft was not authorized or entitled to make or draw the same, or by color or aid of any fraudulent or false representation, personation or pretense or by any false token or writing or by any trick, device, bunco game or fortune-telling; or

(3) Having any property in his 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 a person authorized by agreement or by competent authority to take or hold such possession, custody or control, or as a finder thereof, shall 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; or

(4) Having received any property by reason of a mistake, shall with knowledge of such mistake 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; and

(5) Every person who, knowing the same to have been so appropriated, shall bring into this state, or buy, sell, receive or aid in concealing or withholding any property wrongfully appropriated, whether within or outside of this state, in such manner as to constitute larceny under the provisions of this chapter—

Steals such property and shall be guilty of larceny. [1915 c 165 § 3; 1909 c 249 § 349; Code 1881 § 830; 1873 p 190 § 50; 1854 p 83 § 45; RRS § 2601.]

9.54.030 Motor serial number, defacement of. Whoever knowingly buys, sells, receives, disposes of, conceals, or has in his possession any motor vehicle or motorboat from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of the said motor vehicle or motorboat shall be guilty of a gross misdemeanor. [1917 c 60 § 1; RRS § 2601-3.]

9.54.040 Possession prima facie evidence of guilt. In any prosecution under the provisions of RCW 9.54.030 evidence that any person has, or at the time of his arrest charged with the violation of RCW 9.54.030 had in his possession any motor vehicle or motorboat from which the manufacturer's serial number or numbers or other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed shall constitute prima facie proof of the guilt of such person. [1917 c 60 § 2; RRS § 2601-4.]

9.54.050 Unlawful issuance of bank checks or drafts. 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 depository, to meet said check, in full upon its presentation, shall be guilty of larceny. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank 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. [1915 c 156 § 1; RRS § 2601-2.]

9.54.060 Commission or part ownership no defense. It shall be no defense to a prosecution for larceny that the accused was entitled to a commission out of the money or property appropriated; as compensation for collecting or receiving the same for or on behalf of the owner thereof, or that the money or property appropriated was partly the property of another and partly the property of the accused; but it shall not be larceny for any bailee, factor, pledgee, servant, attorney, agent, employee, or trustee, executor, administrator, guardian, officer or other person to retain his reasonable collection fee or charges. [1909 c 249 § 350; RRS § 2602.]

9.54.070 Sale of mortgaged property—When larceny. Every person who shall sell or mortgage any personal property which is at the time mortgaged or upon which any lien has been or may lawfully be filed, without informing the purchaser or mortgagee thereof, before the payment of the purchase price or money loaned, of the several amounts of all such mortgages and liens, shall be deemed to have made a false representation within the meaning of RCW 9.54.010(2). [1909 c 249 § 351; RRS § 2603.]

9.54.080 Contractor failing to pay for labor or material. Every person having entered into a contract to supply any labor or materials for the value or price of which any lien might lawfully be filed upon the property of another, who shall receive the full price or consideration thereof, or the amount of any account stated thereon, shall be deemed within the meaning of RCW 9.54.010(3), to receive the same as the agent of the party with whom such contract was made, his successor or assign, for the purpose of paying all claims for labor and materials supplied. [1909 c 249 § 352; RRS § 2604.]

9.54.090 Grand larceny—Petit larceny. Every person who steals or unlawfully obtains, appropriates, brings into this state, buys, sells, receives, conceals; or withholds in any manner specified in RCW 9.54.010—

(1) Property of any value by taking the same from the person of another or from the body of a corpse; or

(2) Property of any value by taking the same from any building that is on fire or by taking the same after it has been removed from a building in consequence of an alarm of fire; or

(3) A record of a court or officer, or a writing, instrument, or record kept, filed, or deposited according to law with or in the keeping of any public officer or officers; or

(4) From any range or pasture, any horse, mare, gelding, foal or filly, ass or mule, one or more head of neat cattle, or any sheep; or

(5) Property of the value of more than twenty-five dollars if obtained by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check, or draft was not authorized or entitled to make or draw the same; or

(6) Property of the value of more than seventy-five dollars, in any manner whatever; shall be guilty of grand larceny and be punished by imprisonment in the state penitentiary for not more than fifteen years.

Every other larceny shall be petit larceny and shall be a gross misdemeanor. [1955 c 97 § 1; 1909 c 249 § 353; RRS § 2605.]

9.54.100 Value—How ascertained. The value of all instruments not having a market value, whether issued or delivered or not, by which any claim, privilege, right, obligation or authority or any right or title to property, real or personal, is, or purports to be, or upon the happening of some future event may be, evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, shall be deemed to be the amount of money due thereon or secured to be paid thereby and unpaid, or which in any contingency might be collected thereon or thereby, or the value of the property transferred or affected or the title to which is shown thereby, or the sum which might be recovered for the want thereof, as the case may be. In every other case not otherwise regulated by statute, "value" shall be deemed to mean market value. [1909 c 249 § 354; RRS § 2606.]

9.54.120 Claim of title—When ground of defense. In any prosecution for larceny it shall be a sufficient defense that the property was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable. [1909 c 249 § 356; RRS § 2608.]

9.54.130 Restoration of stolen property—Duty of officers. The officer arresting any person charged as principal or accessory in any robbery or larceny shall use reasonable diligence to secure the property alleged to have been stolen, and after seizure shall be answerable therefor while it remains in his hands, and shall annex a schedule thereof to his return of the warrant.

Whenever the prosecuting attorney shall require such property for use as evidence upon the examination or trial, such officer, upon his demand, shall deliver it to him and take his receipt therefor, after which such prosecuting attorney shall be answerable for the same. [1909 c 249 § 357; RRS § 2609.]

Libel, Slander

9.58.010 Libel, what constitutes. Every malicious publication by writing, printing, picture, effigy, sign [,] radio broadcasting or which shall in any other manner transmit the human voice or reproduce the same from records or other appliances or means, which shall tend:—

(1) To expose any living person to hatred, contempt, ridicule or obloquy, or to deprive him of the benefit of public confidence or social intercourse; or

(2) To expose the memory of one deceased to hatred, contempt, ridicule or obloquy; or

(3) To injure any person, corporation or association of persons in his or their business or occupation, shall be libel. Every person who publishes a libel shall be guilty of a gross misdemeanor. [1935 c 117 § 1; 1909 c 249 § 172; 1891 c 69 § 3; Code 1881 §§ 1230, 1231; 1879 p 144 § 1; 1869 p 383 §§ 1, 2; RRS § 2424.]

9.58.020 How justified or excused — Malice, when presumed. Every publication having the tendency or effect mentioned in RCW 9.58.010 shall be deemed malicious unless justified or excused. Such publication is justified whenever the matter charged as libelous charges the commission of a crime, is a true and fair statement, and was published with good motives and for justifiable ends. It is excused when honestly made in belief of its truth and fairness and upon reasonable grounds for such belief, and consists of fair comments upon the conduct of any person in respect of public affairs, made after a fair and impartial investigation. [1909 c 249 § 173; Code 1881 § 1233; 1879 p 144 § 4; 1869 p 384 § 3; RRS § 2425.]

9.58.030 Publication defined. Any method by which matter charged as libelous may be communicated to another shall be deemed a publication thereof. [1909 c 249 § 174; Code 1881 § 1234; 1869 p 384 § 5; RRS § 2426.]

9.58.040 Liability of editors and others. Every editor or proprietor of a book, newspaper or serial, and every manager of a copartnership or corporation by which any book, newspaper or serial is issued, is chargeable with the publication of any matter contained in any such book, newspaper or serial, and every owner, operator, proprietor or person exercising control over any broadcasting station or reproducing [reproducing] record of human voice or who broadcasts over the radio or reproduces the human voice or aids or abets either directly or indirectly in such broadcast or reproduction shall be chargeable with the publication of any matter so disseminated: *Provided*, That in any prosecution or action for libel it shall be an absolute defense if the defendant shows that the matter complained of was published without his knowledge or fault and against his wishes by another who had no authority from him to make such publication and was promptly retracted by the defendant with an equal degree of publicity upon written request of the complainant. [1935 c 117 § 2; 1909 c 249 § 175; Code 1881 §§ 1230, 1231; 1879 p 144 § 1; 1869 p 383 §§ 1, 2; RRS § 2427.]

9.58.050 **Report of proceedings privileged.** No prosecution for libel shall be maintained against a reporter, editor, proprietor, or publisher of a newspaper for the publication therein of a fair and true report of any judicial, legislative or other public and official proceeding, or of any statement, speech, argument or debate in the course of the same, without proving actual malice in making the report. The editor or proprietor of a book, newspaper or serial shall be proceeded against in the county where such book, newspaper or serial is published. [1909 c 249 § 176; RRS § 2428.]

9.58.070 **Privileged communications.** Every communication made to a person entitled to or concerned in such communication, by one also concerned in or entitled to make it, or who stood in such relation to the former as to offer a reasonable ground for supposing his motive to be innocent, shall be presumed not to be malicious, and shall be termed a privileged communication. [1909 c 249 § 178; RRS § 2430.]

9.58.080 **Furnishing libelous information.** Every person who shall wilfully state, deliver or transmit by any means whatever, to any manager, editor, publisher, reporter or other employee of a publisher of any newspaper, magazine, publication, periodical or serial, any statement concerning any person or corporation, which, if published therein, would be a libel, shall be guilty of a misdemeanor. [1909 c 249 § 179; RRS § 2431.]

9.58.090 **Threatening to publish libel.** Every person who shall threaten another with the publication of a libel concerning the latter, or his spouse, parent, child, or other member of his family, and every person who offers to prevent the publication of a libel upon another person upon condition of the payment of, or with intent to extort money or other valuable consideration from any person, shall be guilty of a gross misdemeanor. [1909 c 249 § 180; RRS § 2432.]

9.58.100 **Slander of financial institution.** Any person who shall instigate, make, circulate or transmit to another any false statement concerning the moral or financial condition of, or affecting the solvency of, any bank, mutual savings bank, national banking association, building and loan association, savings and loan association, savings and loan society, industrial loan company or trust company doing business in this state, or who shall instigate, make, transmit or circulate any false report, rumor or prediction of the impending or future default, insolvency or closing of any such bank, association, society or trust company, or who shall counsel, advise, aid or induce another to start, transmit or circulate any such statement, report, rumor or prediction shall be guilty of a gross misdemeanor. [1933 c 61 § 1; 1913 c 97 § 1; 1925 ex.s. c 141 § 1; RRS § 2432-1.]

9.58.110 **Slander of woman.** Every person who, in the presence or hearing of any person other than the female slandered, whether she be present or not, shall maliciously speak of or concerning any female of the age of twelve years or upwards, not a common prostitute, any false or defamatory words or language which shall injure or impair the reputation of any such female for virtue or chastity or which shall expose her to hatred, contempt or ridicule, shall be guilty of a misdemeanor. Every slander herein mentioned shall be deemed to be malicious unless justified, and shall be justified when the language charged as slanderous, false or defamatory is true and fair, and was spoken with good motives and for justifiable ends. [1909 c 249 § 181; RRS § 2433.]

9.58.120 Testimony necessary to convict. No conviction shall be had under RCW 9.58.110, upon the testimony of the woman slandered as to the speaking of the slander, unsupported by other evidence. [1927 c 90 § 1; 1909 c 249 § 182; RRS § 2434.]

Mischief—Injury to Property

9.61.010 Injuring public utilities—Penalty. Every person who shall wilfully or maliciously remove, damage or destroy:

(1) A highway or a private way laid out by authority of law, or a bridge upon such public or private road, or wilfully or maliciously cause to be placed thereon any substance or thing dangerous to any person or animal traveling thereon or which might injure or puncture the tire of any vehicle; or,

(2) A pile or other material fixed in the ground and used for securing any bank or dam of any river or other water, or any dike, dock, quay, jetty or lock; or,

(3) A buoy or beacon lawfully placed in any waters within this state; or,

(4) A tree, rock, post or other monument erected or marked for the purpose of designating a point on the boundary of the state, of a county, city, town or of a farm, tract or lot of land, or any mark or inscription thereon; or,

(5) A mile board, milestone or guidepost erected upon a highway, or any inscription thereon; or,

(6) A telegraph, telephone or electric transmission line or any part thereof, or any appurtenance thereto, or apparatus connected with the operation thereof; or,

(7) A fence, gate, cattle guard, bridge, water tank, milepost, car, engine, motor or other useful structure on the line of any railway; or,

(8) A pipe or main for conducting gas, water or oil, or any works erected for the purpose of supplying buildings therewith, or any appurtenance or appendage thereto; or,

(9) A sewer or drain, or a pipe or main connected therewith or forming a part thereof; or,

(10) A ditch or flume lawfully erected for carrying water or draining land; or,

(11) Any engine, hose, hose-cart, truck, ladder, extinguisher or other apparatus used by any fire company or fire department, or any rope, wire, bell, signal, instrument or apparatus for the communication of alarms of fire or police calls; or,

(12) Any public building, or building used for educational, scientific, charitable or religious purpose, or any useful or ornamental thing therein; or,

(13) Any work of literature or art or copy thereof, object of curiosity or scientific interest, statue, picture or engraving, displayed, kept or erected in any public building, street, park or other public place or in any collection, exhibition, museum, fair, gallery or library, or in any building devoted to educational, scientific, charitable or religious purposes; or,

(14) A monument erected in any cemetery, street, park or other public place; or,

(15) A sign or notice erected or posted by any officer under lawful authority, or by the owner or occupant of the premises where posted; or,

(16) A legal notice or other legal paper posted in compliance with the requirement of any statute of this state, or under the direction or order of a court; and,

Every person—

(17) Who shall moor any vessel, scow, barge, raft or boom to any bridge or to any buoy or beacon lawfully in any waters within this state; or,

(18) Who shall intercept, read or in any manner interrupt or delay the sending of a message over any telegraph or telephone line; or,

(19) Who shall erect or maintain any unlawful structure in any stream or river;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in RCW 9.61.070. [1971 1st ex.s. c 152 § 2; 1909 c 249 § 404; 1903 c 112 § 1; 1899 c 111 § 1; RRS § 2656.]

9.61.020 Unlawful interference with gas, electric, steam or water appliance—Penalty. Every person who, with intent to injure or defraud, shall—

(1) Break or deface the seal of any gas, electric, steam or water meter; or,

(2) Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity, steam or water supplied to a consumer thereof; or,

(3) Make any connections by means of a wire, pipe, conduit or otherwise with any wire, main or pipe used for the delivery of gas, electricity, steam or water to a consumer thereof, in such manner as to take gas, electricity, steam or water from said wire, main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed; or use any gas, electricity, steam or water so obtained; or,

(4) Make any connection or reconnection with such wire, main or pipe, or turn on or off, or in any manner interfere with any valve, stop-cock or other appliances connected therewith; or,

(5) Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of gas, electricity, steam or water consumed, or interfere with, obstruct or prevent, by any means, the reading or inspection of such meter or instrument, by the person, company or corporation owning the same; or,

(6) Take or use any water from any irrigation flume, ditch or lateral, without the consent of the owner thereof, or open, close or interfere with any gate connected therewith;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in RCW 9.61.070. [1971 1st ex.s. c 152 § 3; 1909 c 249 § 405; 1897 c 41 § 1; 1893 c 64 § 1; RRS § 2657.]

9.61.030 Interfering with dam, reservoir, etc.—Penalty. Every person who shall wilfully or maliciously displace, remove, injure or destroy any pier, boom, or dam lawfully erected or maintained upon, in or across any water in this state, or any dam or reservoir lawfully maintained for impounding water; or hoist any gate in or about such dam or reservoir, shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in RCW 9.61.070. [1971 1st ex.s. c 152 § 4; 1909 c 249 § 406; 1891 c 69 § 16; RRS § 2658.]

9.61.040 Injury to property—Penalty. Every person who shall wilfully—

(1) Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another, or of the state; or,

(2) Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another or of the state, or in any road or street; or,

(3) Dig, take or carry away without lawful authority or consent, from any lot or land in any city, or town, or from any lands included within the limits of a street or avenue in such city or town, any earth, soil or stone; or,

(4) Enter without the consent of the owner or occupant, any orchard, garden or vineyard, with intent to take, injure or destroy anything there grown or growing; or,

(5) Cut down, destroy or in any way injure any shrub, tree, vine or garden produce grown or growing within any such orchard, garden or vineyard, or any framework or erection therein; or,

(6) Damage or deface any building or part thereof, or throw any stone or other missile at any building or part thereof; or,

(7) Destroy or damage, with intent to prevent or delay the use thereof, any engine, machine, tool or implement intended for use in trade or husbandry; or,

(8) Untie, unfasten or liberate, without authority, the horse or team of another; or lead, ride or drive away, without authority, the horse, team, automobile or other vehicle of another from the place where left by the owner or person in charge thereof; or,

(9) Kill, maim or disfigure any animal belonging to another, or expose any poisons or noxious substance with intent that it should be taken by such animal; or,

(10) Take, carry away, interfere with or disturb any oysters or other shellfish of another in any river, bay, or other water of this state, or remove, pull up or destroy any stake or buoy used for designating any oyster bed; or,

(11) Intrude or place any hovel, shanty or building upon or within the limits of any lot or piece of land within any city or town, without the consent of the owner, or within the boundaries of any street in such city or town; or,

(12) Kill, wound or trap any animal or bird within the limits of any cemetery, park or pleasure ground, or remove therefrom or destroy the young of any such animal or the egg of any such bird; or,

(13) Injure, destroy or tamper with any rope, line, cable or chain with which any vessel, scow, boom, beacon or buoy shall be anchored or moored, or the steering gear, bell gear, engine, machinery, lights or other equipment of any vessel; or,

(14) Place upon or affix to any real property or any rock, tree, wall, fence or other structure thereupon, without the consent of the owner thereof, any word, character or device designed to advertise any article, business, profession, exhibition, matter or event; or,

(15) Suffer any animal to go upon the enclosed right-of-way of any railway company, or leave open any gate or bars so that an animal might stray upon such right-of-way;

Shall be guilty of a misdemeanor or, if there is actual physical injury to or destruction of any real or personal property, of property destruction and shall incur the penalties set forth in RCW 9.61.070. [1971 1st ex.s. c 152 § 5; 1909 c 249 § 407; 1897 c 83 § 1; 1891 c 69 §§ 4, 8, 11, 12, 13, 14, 16, 17; 1890 p 127 § 10; 1890 p 122 § 11; 1890 p 126 § 5; Code 1881 §§ 842, 843, 847, 848, 1224; 1877 p 300 § 1; 1862 p 30 § 1; RRS § 2659.]

9.61.050 Tampering with papers. Every person who shall wilfully or maliciously destroy, alter, erase, obliterate or conceal any letter, telegraph message, book or record of account, or any writing or instrument by which any claim, privilege, right, obligation or authority, or any right or title to property, real or personal, is, or purports to be, or upon the happening of some future event may be, evidenced, created, acknowledged, transferred, increased, diminished, encumbered, defeated, discharged or affected, shall be guilty of a gross misdemeanor. [1971 1st ex.s. c 152 § 6; 1909 c 249 § 408; RRS § 2660.]

9.61.060 Injury to baggage. Every person employed by any person or corporation engaged wholly or in part in the business of carrying passengers or baggage for hire, and every express agent, stage driver, drayman, expressman or hackman who shall wilfully or carelessly break, injure or destroy any trunk, valise, box, package or other baggage, shall be guilty of a misdemeanor. [1909 c 249 § 414; RRS § 2666.]

9.61.070 Injury to other property—Penalty. Every person who shall wilfully or maliciously destroy or injure any real or personal property of another, for the destruction or injury of which no special punishment is otherwise specially prescribed, shall—

(1) If the value of the property destroyed, or the diminution in value by the injury, shall be less than twenty dollars, be guilty of a misdemeanor.

(2) If the value of the property destroyed, or the diminution in value by the injury, shall be twenty dollars or more but less than two hundred fifty dollars, be guilty of a gross misdemeanor.

(3) If the value of the property destroyed, or the diminution in value by the injury, shall be two hundred fifty dollars or more, be guilty of a felony. [1971 1st ex.s. c 152 § 1; 1909 c 249 § 415; RRS § 2667.]

8.61.090 Injury to buildings or contents—Penalty. If any person shall maliciously or wantonly destroy or deface any cabin or other building or place of shelter or any of the contents of such cabin, building or shelter constructed by any person or persons or society of persons upon any public land of the state of Washington, or of the United States within the state of Washington, or upon any land not owned by such person so destroying or defacing the same, he shall be deemed guilty of property destruction and shall incur the penalties set forth in RCW 9.61.070. [1971 1st ex.s. c 152 § 7; 1899 c 114 § 1; RRS § 2705.]

9.61.100 Destruction of monument records, etc. If any person shall maliciously or wantonly remove, destroy or carry away any record or record book or document of any kind or any box or other receptacle for containing the same or any instrument or device for scientific purposes established or placed upon any mountain peak or summit or at any other place of resort, or upon any land belonging to this state or to the United States, or in or upon any body or stream of water within this state, such person shall be deemed guilty of a misdemeanor. [1899 c 114 § 2; RRS § 2706.]

9.61.120 Throwing glass, tacks, rubbish, etc., in highway—Penalty. [Conditionally Repealed, see RCW 70.93.910.] Any person or persons, corporation or corporations who shall throw, place, or deposit, in any road, street, alley, or highway, in the state of Washington, any bottle, bottles, glass, glassware, tacks, nails, garbage, rubbish, or discarded matter, shall be guilty of a misdemeanor: *Provided*, That the fine or bail forfeiture for violation of this section shall not be less than one hundred dollars. [1969 1st ex.s. c 281 § 49; 1931 c 73 § 1; 1909 c 36 § 1; RRS § 2720.]

9.61.160 Threats to bomb or injure property. It shall be unlawful for any person to threaten to bomb or otherwise injure any public or private school building, place of worship or public assembly, or any other building, common carrier, structure or 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. [1959 c 141 § 1.]

9.61.170 ————Hoax no defense. It shall not be a defense to any prosecution under RCW 9.61.160 through 9.61.180 that the threatened bombing or injury was a hoax. [1959 c 141 § 2.]

9.61.190 Carrier or racing pigeons—Injury to. It shall be unlawful for any person, other than the owner thereof or his authorized agent, to knowingly shoot, kill, maim, injure, molest, entrap, or detain any Antwerp Messenger or Racing Pigeon, commonly called "carrier or racing pigeons", having the name of its owner stamped upon its wing or tail or bearing upon its leg a band or ring with the name or initials of the owner or an identification or registration number stamped thereon. [1963 c 69 § 1.]

9.61.200 ————Removal or alteration of identification. It shall be unlawful for any person other than the owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp Messenger or Racing Pigeon. [1963 c 69 § 2.]

9.61.220 Interfering with coin or currency receptacle. Any person who shall open, remove from its normal place of repose or in any other manner interfere with the operation of any coin or currency receptacle, with intent to unlawfully remove money therefrom, shall be guilty of a gross misdemeanor. [1963 c 133 § 1.]

9.61.230 Telephone calls to harass, intimidate, torment or embarrass. Every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

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

(2) anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

(3) threatening to inflict injury on the person or property of the person called or any member of his family; or

(4) without purpose of legitimate communication; shall be guilty of a misdemeanor. [1967 c 16 § 1.]

9.61.240 ———Permitting telephone to be used. Any person who knowingly permits any telephone under his control to be used for any purpose prohibited by RCW 9.61.230 shall be guilty of a misdemeanor. [1967 c 16 § 2.]

9.61.250 ———Offense, where deemed committed. Any offense committed by use of a telephone as set forth in RCW 9.61.230 may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received. [1967 c 16 § 3.]

Malicious Prosecution—Abuse of Process

9.62.010 Malicious prosecution. 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 is innocent—

(1) If such crime be a felony, shall be punished by imprisonment in the state penitentiary for not more than five years; and,

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

9.62.020 Instituting suit in name of another. Every person who shall institute or prosecute any action or other proceeding in the name of another, without his consent and contrary to law, shall be guilty of a gross misdemeanor. [1909 c 249 § 124; RRS § 2376.]

Nuisance

9.66.010 Public nuisance. A public nuisance is a crime against the order and economy of the state. Every place

(1) Wherein any fighting between men or animals or birds shall be conducted; or,

(2) Wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or,

(3) Where vagrants resort; and

Every act unlawfully done and every omission to perform a duty, which act or omission

(1) Shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or,

(2) Shall offend public decency; or,

(3) Shall unlawfully interfere with, befool, obstruct, or tend to obstruct, or render dangerous for passage, a lake, navigable river, bay, stream, canal or basin, or a public park, square, street, alley or highway; or,

(4) Shall in any way render a considerable number of persons insecure in life or the use of property;

Shall be a public nuisance. [1971 1st ex.s. c 280 § 22; 1909 c 249 § 248; 1895 c 14 § 1; Code 1881 § 1246; RRS § 2500.]

9.66.020 Unequal damage. An act which affects a considerable number of persons in any of the ways specified in RCW 9.66.010 is not less a public nuisance because the extent of the damage is unequal. [1909 c 249 § 249; Code 1881 § 1236; 1875 p 79 § 2; RRS § 2501.]

9.66.030 Maintaining or permitting nuisance. Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall wilfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor. [1909 c 249 § 250; Code 1881 § 1248; 1875 p 81 § 14; RRS § 2502.]

9.66.040 Abatement of nuisance. Any court or magistrate before whom there may be pending any proceeding for a violation of RCW 9.66.030, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the sheriff at the cost of the defendant: *Provided*, That if the conviction was had in a justice court, the justice of the peace shall not issue the order and warrant of abatement, but on application therefor, shall transfer the cause to the superior court which shall proceed to try the issue of abatement in the same manner as if the action had been originally commenced therein. [1957 c 45 § 4; 1909 c 249 § 251; Code 1881 §§ 1244, 1245; 1875 p 80 §§ 10, 11; RRS § 2503.]

9.66.050 Deposit of unwholesome substance. Every person who shall deposit, leave or keep, on or near a highway or route of public travel, on land or water, any unwholesome substance; or who shall establish, maintain or carry on, upon or near a highway or route of public travel, on land or water, any business, trade or manufacture which is noisome or detrimental to the public health; or who shall deposit or cast into any lake, creek or river, wholly or partly in this state, the offal from or the dead body of any animal, shall be guilty of a gross misdemeanor. [1909 c 249 § 285; RRS § 2537.]

9.66.060 Throwing or depositing debris or waste upon public or private property or waters. [Conditionally Repealed, see RCW 70.93.910.] It is unlawful for any person to throw, to drop, or to leave any discarded object, debris, or any waste, upon any public or private property in this state, or in any waters in this state unless—

(1) such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) into a litter receptacle or container installed on such property;

(3) he is the owner or a tenant in lawful possession of such property. [1967 c 85 § 2.]

9.66.070 ———Penalty—Removal by violator. [Conditionally Repealed, see RCW 70.93.910.] Any person violating the provisions of RCW 9.66.060 is guilty of a misdemeanor, subject to fine or imprisonment, or both, as in the case of misdemeanors: *Provided*, That the fine or bail forfeiture for violation of this section shall be not less than one hundred dollars, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, may be directed by the judge to pick up and remove from any public street or highway or public and private right of way, or public beach or public park, or any private property with prior permission of the legal owner upon which it is established by competent evidence that he has deposited litter or debris or waste, any or all debris and waste deposited thereon by anyone prior to the date of execution of sentence. [1969 1st ex.s. c 281 § 50; 1967 c 85 § 3.]

Obscenity

9.68.010 Obscene literature, shows, etc.—Exception. Every person who—

(1) Having knowledge of the contents thereof shall exhibit, sell, distribute, display for sale or distribution, or having knowledge of the contents thereof shall have in his possession with the intent to sell or distribute any book, magazine, pamphlet, comic book, newspaper, writing, photograph, motion picture film, phonograph record, tape or wire recording, picture, drawing, figure, image, or any object or thing which is obscene; or

(2) Having knowledge of the contents thereof shall cause to be performed or exhibited, or shall engage in the performance or exhibition of any show, act, play, dance or motion picture which is obscene;

Shall be guilty of a gross misdemeanor.

The provisions of this section shall not apply to acts done in the scope of his employment by a motion picture operator or projectionist employed by the owner or manager of a theatre or other place for the showing of motion pictures, unless the motion picture operator or projectionist has a financial interest in such theatre or place wherein he is so employed or unless he caused to be performed or exhibited such performance or motion picture without the knowledge and consent of the manager or owner of the theatre or other place of showing. [1969 c 92 § 1; 1961 c 146 § 1; 1959 c 260 § 1; 1909 c 249 § 207; 1891 c 69 § 24; 1886 p 122 § 1; Code 1881 § 850; 1873 p 210 § 130; 1869 p 226 § 124; 1854 p 96 § 118; RRS § 2459.]

9.68.015 ———Exemptions. Nothing in this act shall apply to the circulation of any such material by any recognized historical society or museum, the state law library, any county law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision. [1959 c 260 § 2.]

9.68.020 Prohibited publications. Every person who shall publish, and every proprietor, manager or editor who shall permit to be published, in any book, newspaper, magazine or other printed publication circulated wholly or in part in this state—

(1) Any detailed account of the commission or attempted commission of the crime of rape, carnal knowledge, seduction, adultery, sodomy or any other sexual crime, or of the trial of any person charged therewith; or,

(2) Any detailed account of the execution of any person convicted of crime; or,

(3) Any detailed statement of any evidence of indecent, obscene or immoral acts offered in any trial or proceeding; or,

(4) Any interview with, advertisement for, communication from or account of the actions of any public prostitute, except upon a matter concerning public welfare;

Shall be guilty of a misdemeanor. [1909 c 249 § 209; RRS § 2461.]

9.68.030 Indecent articles, etc. Every person who shall expose for sale, loan or distribution, any instrument or article, or any drug or medicine, for causing unlawful abortion; or shall write, print, distribute or exhibit any card, circular, pamphlet, advertisement or notice of any kind, stating when, where, how or of whom such article or medicine can be obtained, shall be guilty of a misdemeanor. [1971 1st ex.s. c 185 § 2; 1909 c 249 § 208; RRS § 2460.]

9.68.040 Using indecent or vulgar language, etc. Any person who shall use in the presence of any person any indecent or vulgar language, or who shall appear upon any public road or street or in any or upon any public place or conveyance in any indecent, drunken or maudlin condition or boisterous manner shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished accordingly. [1909 ex.s. c 23 § 1; RRS § 2721½.]

9.68.050 "Erotic material"—Definitions. For the purposes of RCW 9.68.050 through 9.68.120:

(1) "Minor" means any person under the age of eighteen years;

(2) "Erotic material" means printed material, photographs, pictures, motion pictures, and other material the dominant theme of which taken as a whole appeals to the prurient interest of minors in sex; which is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters or sado-masochistic abuse; and is utterly without redeeming social value;

(3) "Person" means any individual, corporation, or other organization;

(4) "Dealers", "distributors", and "exhibitors" mean persons engaged in the distribution, sale, or exhibition of printed material, photographs, pictures, or motion pictures. [1969 1st ex.s. c 256 § 13.]

9.68.060 ————Determination by court—Labeling—Penalties.

(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, the court shall issue an order requiring that an "adults only" label be placed on the publication, if such publication is going to continue to be distributed. Whenever the superior court orders a publication to have an "adults only" label placed thereon, such label shall be impressed on the front cover of all copies of such erotic publication 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. All dealers and distributors are hereby prohibited from displaying erotic publications in their store windows, on outside newsstands on public thoroughfares, or in any other manner so as to make them 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 said 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.

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

(d) 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:

(i) 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;

(ii) 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;

(iii) For all subsequent offenses a felony and upon conviction shall be fined not more than five thousand dollars, or imprisoned not less than one year. [1969 1st ex.s. c 256 § 14.]

9.68.070 Prosecution for violation of RCW 9.68.060—Defense. In any prosecution for violation of RCW 9.68.060, it shall be a defense that:

(1) If the violation pertains to a motion picture, the minor was accompanied by a parent, parent's spouse, or guardian; or

(2) Such minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or an apparently official document purporting to establish such minor was over the age of eighteen years; or

(3) Such minor was accompanied by a person who represented himself to be a parent, or the spouse of a parent, or a guardian of such minor, and the defendant in good faith relied upon such representation. [1969 1st ex.s. c 256 § 15.]

9.68.080 Unlawful acts. (1) It shall be unlawful for any minor to misrepresent his true age or his true status as the child, step-child or ward of a person accompanying him, for the purpose of purchasing or obtaining access to any material described in RCW 9.68.050.

(2) It shall be unlawful for any person accompanying such minor to misrepresent his true status as parent, spouse of a parent or guardian of any minor for the purpose of enabling such minor to purchase or obtain access to material described in RCW 9.68.050. [1969 1st ex.s. c 256 § 16.]

9.68.090 Civil liability of wholesaler or wholesaler-distributor. No retailer, wholesaler, or exhibitor is to be deprived of service from a wholesaler or wholesaler-distributor of books, magazines, motion pictures or other materials or subjected to loss of his franchise or right to deal or exhibit as a result of his attempts to comply with this statute. Any publisher, distributor, or other person, or combination of such persons, which withdraws or attempts to withdraw a franchise or other right to sell at retail, wholesale or exhibit materials on account of the retailer's, wholesaler's or exhibitor's attempts to comply with RCW 9.68.050 through 9.68.120 shall incur civil liability to such retailer, wholesaler or exhibitor for threefold the actual damages resulting from such withdrawal or attempted withdrawal. [1969 1st ex.s. c 256 § 17.]

9.68.100 Exceptions to provisions of RCW 9.68.050 through 9.68.120. Nothing in RCW 9.68.050 through 9.68.120 shall apply to the circulation of any such material by any recognized historical society or museum, the state law library, any county law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision. [1969 1st ex.s. c 256 § 18.]

9.68.110 Motion picture operator or projectionist exempt, when. The provisions of RCW 9.68.050 through 9.68.120 shall not apply to acts done in the scope of his employment by a motion picture operator or projectionist employed by the owner or manager of a theatre or other place for the showing of motion pictures, unless the motion picture operator or projectionist has a financial interest in such theatre or place wherein he is so employed or unless he caused to be performed or exhibited such performance or motion picture without the knowledge and consent of the manager or owner of the theatre or other place of showing. [1969 1st ex.s. c 256 § 19.]

9.68.120 Provisions of RCW 9.68.050 through 9.68.120 exclusive. The provisions of RCW 9.68.050 through 9.68.120 shall be exclusive. [1969 1st ex.s. c 256 § 20.]

Obstructing Justice

9.69.010 Combination to resist process. Every person who shall enter into a combination with another to resist the execution of any legal process or other mandate of a court of competent jurisdiction, under circumstances not amounting to a riot, shall be guilty of a gross misdemeanor. [1909 c 249 § 303; RRS § 2555.]

9.69.020 Neglect or refusal to receive a person into custody. Every officer who, in violation of any legal duty, shall wilfully neglect or refuse to receive a person into his official custody or into a prison under his charge, shall, in a case where no other punishment is specially provided by law, be guilty of a gross misdemeanor. [1909 c 249 § 112; Code 1881 § 883; 1873 p 201 § 87; 1854 p 90 § 78; RRS § 2364.]

9.69.030 Refusal to make arrest or to aid officer. Every person who, after having been lawfully commanded by any magistrate to arrest another person, shall wilfully neglect or refuse so to do; and every person who, after having been lawfully commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any lawful process, shall wilfully neglect or refuse to aid such officer, shall be guilty of a misdemeanor. [1909 c 249 § 113; Code 1881 § 886; 1873 p 201 § 88; 1854 p 90 § 79; RRS § 2365.]

9.69.040 Resisting public officer. Every person who, in any case or under any circumstances not otherwise specially provided for, shall wilfully resist, delay or obstruct a public officer in discharging or attempting to discharge any legal duty of his office, shall be guilty of a misdemeanor. [1909 c 249 § 114; Code 1881 § 885; 1873 p 201 § 88; 1854 p 90 § 79; RRS § 2366.]

9.69.050 Intimidating public officer. Every person who shall, directly or indirectly, address any threat or intimidation to a public officer or to a juror, referee, arbitrator, appraiser or assessor, or to any other person authorized by law to hear or determine any controversy or matter, with intent to induce him, contrary to his duty to do or make or to omit or delay any act, decision or determination, shall be guilty of a misdemeanor. [1909 c 249 § 116; RRS § 2368.]

9.69.060 Obstructing public officer. Every person who, after due notice, shall refuse or neglect to make or furnish any statement, report or information lawfully required of him by any public officer, or who, in such statement, report or information shall make any wilfully untrue, misleading or exaggerated statement, or who shall wilfully hinder, delay or obstruct any public officer in the discharge of his official powers or duties, shall be guilty of a misdemeanor. [1909 c 249 § 420; RRS § 2672.]

9.69.070 Destroying evidence. Every person who, with intent to conceal the commission of any felony, or to protect or conceal the identity of any person committing the same, or with intent to delay or hinder the administration of the law or to prevent the production thereof at any time, in any court or before any officer, tribunal, judge or magistrate, shall wilfully destroy, alter, erase, obliterate or conceal any book, paper, record, writing, instrument or thing, shall be guilty of a gross misdemeanor. [1909 c 249 § 110; RRS § 2362.]

9.69.080 Tampering with witness. Every person who shall wilfully prevent or attempt to prevent, or who shall wilfully conspire to prevent, by persuasion, threats, or otherwise, any person from appearing before any court, or officer authorized to subpoena witnesses, as a witness in any action, proceeding, trial, investigation, hearing, inquiry, or other proceedings authorized by law, with intent thereby to obstruct the course of justice, shall be guilty of a felony and shall be punished by imprisonment in the state penitentiary for a term of five years. [1969 1st ex.s. c 56 § 1; 1909 c 249 § 111; RRS § 2363.]

9.69.090 Compounding crimes. Every person who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that he will compound or conceal a crime or violation of a statute, or abstain from testifying thereto, delay a prosecution therefor or withhold any evidence thereof, except in a case where a compromise is allowed by law, shall be guilty—

(1) Of a felony and punished by imprisonment in the state penitentiary for not more than five years, where the agreement or understanding relates to a felony;

(2) Of a misdemeanor, where the agreement or understanding relates to a gross misdemeanor or misdemeanor, or to a violation of statute for which a pecuniary penalty or forfeiture is prescribed.

In any proceeding against a person for compounding a crime, it shall not be necessary to prove that any person has been convicted of the crime or violation of statute in relation to which an agreement or understanding herein prohibited was made. [1909 c 249 § 115; RRS § 2367.]

9.69.100 Withholding knowledge of felony involving violence—
Penalty. Whoever, having witnessed the actual commission of a felony involving violence or threat of violence or having witnessed preparations for the commission of a felony involving violence or threat of violence, does not as soon as reasonably possible make known his knowledge of such to the prosecuting attorney, police, or other public officials of the state of Washington having jurisdiction over the matter, shall be guilty of a gross misdemeanor: *Provided*, That nothing in this act shall be so construed to affect existing privileged relationships as provided by law. [1970 1st ex.s. c 49 § 8.]

Privacy, Violating Right of

9.73.010 Divulging telegram. Every person who shall wrongfully obtain or attempt to obtain, any knowledge of a telegraphic message, by connivance with the clerk, operator, messenger or other employèe of a telegraph company, and every clerk, operator, messenger or other employèe of such company who shall wilfully divulge to any but the person for whom it was intended, any telegraphic message or dispatch intrusted to him for transmission or delivery, or the nature or contents thereof, or shall wilfully refuse, neglect or delay duly to transmit or deliver the same, shall be guilty of a misdemeanor. [1909 c 249 § 410; Code 1881 § 2342; RRS § 2662.]

9.73.020 Opening sealed letter. Every person who shall wilfully open or read, or cause to be opened or read, any sealed message, letter or telegram intended for another person, or publish the whole or any portion of such a message, letter or telegram, knowing it to have been opened or read without authority, shall be guilty of a misdemeanor. [1909 c 249 § 411; RRS § 2663.]

9.73.030 Intercepting, recording or divulging private communication—Consent required—Exceptions. Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, record or divulge any:

(1) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(2) Private conversation, by any device electronic or otherwise, designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

An employee of any regularly published newspaper, magazine, wire service, radio station or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, radio or television station from divulging the communication. [1967 1st ex.s. c 93 § 1.]

9.73.070 ———Persons and activities excepted. The provisions of this chapter shall not apply to any activity in connection with services provided by a common carrier pursuant to its tariffs on file with the Washington utilities and transportation commission or the Federal Communication Commission and any activity of any officer, agent or employee of a common carrier who performs any act otherwise prohibited by this law in the construction, maintenance, repair and operations of the common carrier's communications services, facilities, or equipment or incident to the use of such services, facilities or equipment. Common carrier as used in this section means any person engaged as a common carrier or public service company for hire in intrastate, interstate or foreign communication by wire or radio or in intrastate, interstate or foreign radio transmission of energy. [1967 1st ex.s. c 93 § 5.]

9.73.090 Police and fire personnel exempted from RCW 9.73.030-9.73.080—Standards. The provisions of RCW 9.73.030 through 9.73.080 shall not apply to police and fire personnel in the following instances:

(1) Recording incoming telephone calls to police and fire stations for the purpose and only for the purpose of verifying the accuracy of reception of emergency calls.

(2) Video and/or sound recordings may be made of arrested persons by police officers responsible for making arrests or holding persons in custody before their first appearance in court. Such video and/or sound recordings shall conform strictly to the following:

(a) the arrested person shall be informed that such recording is being made and the statement so informing him shall be included in the recording,

(b) the recording shall commence with an indication of the time of the beginning thereof and terminate with an indication of the time thereof,

(c) at the commencement of the recording the arrested person shall be fully informed of his constitutional rights, and such statements informing him shall be included in the recording,

(d) the recordings shall only be used for valid police or court activities. [1970 1st ex.s. c 48 § 1.]

9.73.100 Recordings available to defense counsel. Video and/or sound recordings obtained by police personnel under the authority of RCW 9.73.090 and 9.73.100 shall be made available for hearing and/or viewing by defense counsel at the request of defense counsel whenever a criminal charge has been filed against the subject of the video and/or sound recordings. [1970 1st ex.s. c 48 § 2.]

Shoplifting

9.78.010 Shoplifting. A person who wilfully takes possession of any goods, wares or merchandise of the value of less than seventy-five dollars offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, is guilty of a gross misdemeanor of shoplifting. Upon a first conviction therefor, he shall be punished by a fine of not less than fifty dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than five days and not more than six months, or both such fine and imprisonment. Upon each subsequent conviction he shall be punished by a fine of not less than five hundred dollars and not more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days and not more than one year, or both such fine and imprisonment. [1967 c 76 § 1; 1959 c 229 § 1.]

9.78.020 Arrest without warrant authorized, when. A peace officer may, upon a charge being made and without a warrant, arrest any person whom he has reasonable cause to believe has committed or attempted to commit the crime of shoplifting. [1959 c 229 § 2.]

9.78.040 "Peace officer" defined. For the purposes of this chapter "peace officer" means a duly appointed city, county or state law enforcement officer. [1959 c 229 § 4.]

Sex Crimes

9.79.120 Lewdness. Every person who shall lewdly and viciously cohabit with another not the husband or wife of such person, and every person who shall be guilty of open or gross lewdness, or make any open and indecent or obscene exposure of his person, or of the person of another, shall be guilty of a gross misdemeanor. [1909 c 249 § 206; Code 1881 § 948; 1873 p 209 § 126; 1869 p 225 § 120; 1854 p 95 § 117; RRS § 2458.]

9.79.130 Solicitation of minor for immoral purposes. Every person who solicits, entices or otherwise communicates with a child under the age of eighteen years for immoral purposes shall be guilty of a gross misdemeanor. [1961 c 65 § 2.]

Trespass

9.83.010 **Trespass on railway track.** Every person who, without permission from the person or corporation owning or operating the same, shall enter, or take any animal or vehicle upon any railway, bridge or trestle, or ride, operate or propel a handcar, velocipede, track bicycle or tricycle on or along the track of any railway, shall be guilty of a misdemeanor. [1909 c 249 § 412; RRS § 2664.]

9.83.020 **Trespass on double track.** It shall be unlawful for any person to go upon or be upon that portion of any railroad right-of-way upon which is constructed and operated more than one main line track or upon which is constructed and operated an electric inter-urban line of one or more tracks where the electricity is transmitted by a third rail. [1913 c 128 § 1; RRS § 2664-1.]

9.83.030 **Exceptions.** RCW 9.83.020 shall not be construed to include that part of any right-of-way embraced in any highway crossing or any lawful private crossing; and shall not be construed to prohibit officers or employees of any such railroad or public officers from going or being upon any portion of the right-of-way in the performance of their duties. [1913 c 128 § 2; RRS § 2664-2.]

9.83.040 **Signs or warnings.** The public service commission of Washington shall require any company operating such a railroad, as is described in RCW 9.83.020 to erect and maintain upon such part of its line, at every point where a highway crosses such line, a sign or a warning, in form to be prescribed by such commission. [1913 c 128 § 3; RRS § 2664-3.]

9.83.060 **Trespass upon another's land.** Every person who shall go upon the land of another with the intent to vex or annoy the owner, or occupant thereof, or to commit any unlawful act, or shall enter upon the enclosed land of another for the purpose of hunting or fishing without having first obtained the permission of the owner or occupant of said land, or shall enter upon any land of another bounded on one or more sides by water when notices not to trespass thereon have been posted as often as every seven hundred feet on or near the other boundaries thereof for either of said purposes, or shall wilfully go or remain upon any land after having been warned by the owner or occupant thereof not to trespass thereon, shall be guilty of a misdemeanor.

An entryman on land under the laws of the United States shall be deemed an owner within the meaning of this section.

Enclosed land shall for the purpose of this section mean any land fenced either with a lawful fence or with such a fence as is usually used in the neighborhood of such land. [1913 c 139 § 1; 1909 c 249 § 413; 1890 p 124 § 1; RRS § 2665.]

9.83.070 **Malicious trespass—Penalty.** Every person who shall maliciously or mischievously injure or destroy, or cause to be injured or destroyed, any property of another, or any public property, shall be deemed guilty of a malicious trespass, and on conviction thereof, be fined not exceeding threefold the value of the damage done, to which may be added imprisonment in the county jail not exceeding one year. [1873 p 195 § 67; 1869 p 212 § 64. No RRS.]

9.83.080 Criminal trespass—Penalty—Defense. (1) Every person, knowing that he is not licensed or privileged to do so, who enters or remains in any building or occupied structure or separately secured or occupied portion thereof including but not limited to publicly owned or occupied buildings, structures or portions thereof shall be guilty of criminal trespass, a misdemeanor.

(2) Every person, knowing that he is not licensed or privileged to do so, who enters or remains in any public or private place or on any public or private premises as to which notice against trespass thereon is given by the owner or some other authorized person, through (a) actual communication to the actor, or (b) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders or (c) fencing or other enclosure manifestly designed to exclude intruders, shall be guilty of criminal trespass, a misdemeanor.

(3) Every person, knowing that he is not licensed or privileged to remain, who defies an order to leave public or private places or public or private premises communicated to him by the owner of said place or premises or by some other authorized person, shall be guilty of criminal trespass, a misdemeanor.

It is a defense to prosecution for criminal trespass under this section that (a) the building or occupied structure referred to in subsection (1) above was abandoned, or (b) any place or premises referred to in this section 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 (c) the actor reasonably believed that the owner of any of the places or premises referred to in this section or other person empowered to license access thereto would have licensed him to enter or remain or (d) the actor had possession of the premises originally under a landlord-tenant relationship or as mortgagor or vendee on a real estate contract. [1969 c 7 § 1.]

Crimes as to Flags

9.86.010 "Flag," etc., defined. The words flag, standard, color, ensign or shield, as used in this chapter, shall include any flag, standard, color, ensign or shield, or copy, picture or representation thereof, made of any substance or represented or produced thereon, and of any size, evidently purporting to be such flag, standard, color, ensign or shield of the United States or of this state, or a copy, picture or representation thereof. [1919 c 107 § 1; RRS § 2675-1.]

9.86.020 Improper use of flag prohibited. No person shall, in any manner, for exhibition or display:

(1) 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

(2) 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

(3) 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. [1919 c 107 § 2; 1909 c 249 § 423; 1901 c 154 § 1; RRS § 2675-2.]

9.86.030 Desecration of flag. 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 said flag, standard, color, ensign or shield. [1969 1st ex.s. c 110 § 1; 1919 c 107 § 3; 1909 c 249 § 423; RRS § 2675-3.]

9.86.040 Application of provisions. This chapter shall not apply to any act permitted by the statutes of the United States or of this state, or by the United States army and navy regulations, nor shall it apply to any printed or written document or production, stationery, ornament, picture or jewelry whereon shall be depicted said flag, standard, color, ensign or shield with no design or words thereon and disconnected with any advertisement. [1919 c 107 § 4; RRS § 2675-4.]

Vagrancy

9.87.010 Vagrancy. Every—

(1) Person who asks or receives any compensation, gratuity or reward for practicing fortune telling, palmistry or clairvoyance; or,

(2) Person who keeps a place where lost or stolen property is concealed; or,

(3) Person practicing or soliciting prostitution or keeping a house of prostitution; or,

(4) Common drunkards found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicated condition; or,

(5) Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or,

(6) Healthy person who solicits alms; or,

(7) Lewd, disorderly or dissolute person; or,

(8) Person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or,

(9) Person who lives or works in a house of prostitution or solicits for any prostitute or house of prostitution; or,

(10) Person who solicits business for an attorney around any court, jail, morgue or hospital, or elsewhere; or,

(11) Habitual user of opium, morphine, alkaloid-cocaine or alpha or beta eucaine, or any derivation, mixture or preparation of any of them; or,

(12) Person who by his own confession thereto or prior conviction thereof is known to have been guilty of larceny, burglary, robbery or any crime of which fraud or an intent to defraud is an element, who shall be found in any drinking saloon or cellar, or any public dance hall or music hall where intoxicating liquors are sold, or be found intoxicated, or who, except upon lawful business, shall go about any dark street or alley or any residence section of any city or town in the nighttime, or loiter about any steamboat landing, passenger depot, banking institution or crowded street, shop or thoroughfare, or any public meeting or gathering, or place where people gather in crowds; or,

(13) Person, except a person enrolled as a student in or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor wilfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto—

Is a vagrant, and shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not more than five hundred dollars. [1965 1st ex.s. c 112 § 1; 1909 c 249 § 436; Code 1881 § 1271; 1875 p 85 § 1; RRS § 2688.]

9.87.020 False representation of physical defects. That it shall be unlawful for any person to falsely represent himself or herself as blind, deaf, dumb, crippled or otherwise physically defective for the purpose of obtaining money or other thing of value or making sales of any character of personal property and any person so falsely representing himself or herself as blind, deaf, dumb, crippled or otherwise physically defective and securing aid or assistance on account of such representations shall be deemed guilty of a misdemeanor. [1915 c 62 § 1; RRS § 2688-1.]

Miscellaneous Crimes

9.91.010 Denial of civil rights—Terms defined. Terms used in this section shall have the following definitions:

(1) (a) "Every person" shall be construed to include any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, receivers, of this state and its political subdivisions, boards and commissions, engaged in or exercising control over the operation of any place of public resort, accommodation, assemblage or amusement.

(b) "Deny" is hereby defined to include any act which directly or indirectly, or by subterfuge, by a person or his agent or employee, results or is intended or calculated to result in whole or in part in any discrimination, distinction, restriction, or unequal treatment, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement except for conditions and limitations established by law and applicable alike to all persons, regardless of race, creed or color.

(c) "Full enjoyment of" shall be construed to include the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited.

(d) "Any place of public resort, accommodation, assemblage or amusement" is hereby defined to include, but not to be limited to, any public place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the sale of goods and merchandise, or for the rendering of personal services, or for public conveyance or transportation on land, water or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or any educational institution

wholly or partially supported by public funds, or schools of special instruction, or nursery schools, or day care centers or children's camps; nothing herein contained shall be construed to include, or apply to, any institute, bona fide club, or place of accommodation, which is by its nature distinctly private provided that where public use is permitted that use shall be covered by this section; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent in *loco parentis* to direct the education and upbringing of a child under his control is hereby affirmed.

(2) Every person who denies to any other person because of race, creed, or color, the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage, or amusement, shall be guilty of a misdemeanor. [1953 c 87 § 1; 1909 c 249 § 434; RRS § 2686.]

9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated. Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, flagman or signalman, or having charge of stations, starting, regulating or running trains upon a railway, or being employed as captain, engineer or other officer of a vessel propelled by steam, or being the driver of any animal or vehicle upon any public highway, street, or other public place, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a gross misdemeanor. [1915 c 165 § 2; 1909 c 249 § 275; RRS § 2527.]

9.91.060 Leaving children unattended in parked automobile. Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who shall leave such children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous [,] spirituous [,] or malt liquors are dispensed for consumption on the premises shall be guilty of a gross misdemeanor. [1951 c 270 § 17.]

9.91.110 Metal buyers—Records of purchases—Penalty. (1) It shall be unlawful for any person, firm or corporation engaged in the business of buying or otherwise obtaining new, used or second-hand metals to purchase or otherwise obtain such metals unless a permanent record of the purchase of such metals is maintained: *Provided*, That no such record need be kept of purchases made by or from a manufacturer, remanufacturer or distributor appointed by a manufacturer of such metals.

For the purpose of this section the term "metals" shall mean copper, copper wire, copper cable, copper pipe, copper sheets and tubing, copper bus, aluminum wire, brass pipe, lead, electrolytic nickel and zinc.

(2) The permanent record required by subsection (1) of this section shall contain the following:

- (a) a general description of all property purchased;
- (b) the type and quantity or weight;
- (c) the name, address, driver's license number, and signature of the seller or the person making delivery; and,
- (d) a description of any motor vehicle and the license number thereof used in the delivery of such metals.

The information so recorded shall be retained by the purchaser for a period of not less than one year.

(3) Any violation of this section is punishable, upon conviction, by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. [1971 1st ex.s. c 302 § 18.]