
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0094.2/03 2nd draft
ATTY/TYPIST: KT:rmh
BRIEF DESCRIPTION: Reorganizing criminal provisions within Titles 20
through 27 RCW.

1 AN ACT Relating to reorganizing criminal provisions; amending RCW
2 20.01.482, 20.01.490, 21.20.400, 21.30.140, 24.06.465, and 26.04.210;
3 repealing RCW 26.04.230; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 20.01.482 and 1986 c 178 s 1 are each amended to read
6 as follows:

7 (1) The director shall have the authority to issue a notice of
8 civil infraction if an infraction is committed in his or her presence
9 or, if after investigation, the director has reasonable cause to
10 believe an infraction has been committed.

11 (2) It (~~shall be~~) is a misdemeanor for any person to refuse to
12 properly identify himself or herself for the purpose of issuance of a
13 notice of infraction or to refuse to sign the written promise to appear
14 or respond to a notice of infraction.

15 (3) Any person willfully violating a written and signed promise to
16 respond to a notice of infraction (~~shall be~~) is guilty of a
17 misdemeanor regardless of the disposition of the notice of infraction.

1 **Sec. 2.** RCW 20.01.490 and 1986 c 178 s 5 are each amended to read
2 as follows:

3 (1) Any person found to have committed a civil infraction under
4 this chapter shall be assessed a monetary penalty. No monetary penalty
5 so assessed may exceed one thousand dollars. The director shall adopt
6 a schedule of monetary penalties for each violation of this chapter
7 classified as a civil infraction and shall submit the schedule to the
8 proper courts. Whenever a monetary penalty is imposed by the court,
9 the penalty is immediately due and payable. The court may, at its
10 discretion, grant an extension of time, not to exceed thirty days, in
11 which the penalty must be paid.

12 (2) Failure to pay any monetary penalties imposed under this
13 chapter (~~(shall be punishable as)~~) is a misdemeanor.

14 **Sec. 3.** RCW 21.20.400 and 1979 ex.s. c 68 s 28 are each amended to
15 read as follows:

16 Any person who willfully violates any provision of this chapter
17 except RCW 21.20.350, or who willfully violates any rule or order under
18 this chapter, or who willfully violates RCW 21.20.350 knowing the
19 statement made to be false or misleading in any material respect, is
20 guilty of a class B felony and shall upon conviction be fined not more
21 than five thousand dollars or imprisoned not more than ten years, or
22 both; but no person may be imprisoned for the violation of any rule or
23 order if that person proves that he or she had no knowledge of the rule
24 or order. No indictment or information may be returned under this
25 chapter more than five years after the alleged violation.

26 **Sec. 4.** RCW 21.30.140 and 1986 c 14 s 14 are each amended to read
27 as follows:

28 A person who willfully violates this chapter, or who willfully
29 violates a rule or order under this chapter, is guilty of a class B
30 felony and shall upon conviction be fined not more than twenty thousand
31 dollars or imprisoned not more than ten years, or both. However, no
32 person may be imprisoned for the violation of a rule or order if the
33 person proves that he or she had no knowledge of the rule or order. No
34 indictment or information may be returned under this chapter more than
35 five years after the alleged violation.

1 **Sec. 5.** RCW 24.06.465 and 1994 c 287 s 11 are each amended to read
2 as follows:

3 (1) Each corporation, domestic or foreign, which fails or refuses
4 to file its annual report for any year within the time prescribed by
5 this chapter shall be subject to a penalty as established and assessed
6 by the secretary of state.

7 (2) Each corporation, domestic or foreign, which fails or refuses
8 to answer truthfully and fully within the time prescribed by this
9 chapter any interrogatories propounded by the secretary of state in
10 accordance with the provisions of this chapter, (~~shall be deemed to~~
11 ~~be~~) is guilty of a misdemeanor and upon conviction thereof shall be
12 fined in an amount not to exceed five hundred dollars on each count.

13 **Sec. 6.** RCW 26.04.210 and 1995 c 301 s 78 are each amended to read
14 as follows:

15 (1) The county auditor, before a marriage license is issued, upon
16 the payment of a license fee as fixed in RCW 36.18.010 shall require
17 each applicant therefor to make and file in the auditor's office upon
18 blanks to be provided by the county for that purpose, an affidavit
19 showing that if an applicant is afflicted with any contagious sexually
20 transmitted disease, the condition is known to both applicants, and
21 that the applicants are the age of eighteen years or over. If the
22 consent in writing is obtained of the father, mother, or legal guardian
23 of the person for whom the license is required, the license may be
24 granted in cases where the female has attained the age of seventeen
25 years or the male has attained the age of seventeen years. Such
26 affidavit may be subscribed and sworn to before any person authorized
27 to administer oaths.

28 (2) Anyone knowingly swearing falsely to any of the statements
29 contained in the affidavits mentioned in this section shall be deemed
30 guilty of perjury and punished as provided by the laws of the state of
31 Washington.

32 (~~(2)~~) (3) The affidavit form shall be designed to require a
33 statement that no contagious sexually transmitted disease is present or
34 that the condition is known to both applicants, without requiring the
35 applicants to state whether or not either or both of them are afflicted
36 by such disease.

1 (4) Any person knowingly violating this section is guilty of a
2 class C felony and shall be punished by a fine of not more than one
3 thousand dollars, or by imprisonment in a state correctional facility
4 for a period of not more than three years, or by both such fine and
5 imprisonment.

6 NEW SECTION. **Sec. 7.** RCW 26.04.230 (Penalty for violation of
7 marriage requirements) and 1992 c 7 s 30, 1909 ex.s. c 16 s 4, 1909 c
8 174 s 4, Code 1881 s 2394, & 1866 p 84 s 16 are each repealed.

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