
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0096.1/03
ATTY/TYPIST: KT:seg
BRIEF DESCRIPTION: Reorganizing criminal provisions in Titles 29 and
30 RCW.

1 AN ACT Relating to reorganizing criminal provisions; amending RCW
2 29.04.120, 29.15.100, 29.15.110, 29.36.370, 29.51.200, 29.51.230,
3 29.79.440, 29.82.170, 30.04.240, 30.04.260, 30.12.090, 30.12.100,
4 30.12.120, 30.42.290, 30.44.110, and 30.44.120; repealing RCW
5 29.51.215; and prescribing penalties.

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

7 **Sec. 1.** RCW 29.04.120 and 1999 c 298 s 2 are each amended to read
8 as follows:

9 (1) Any person who uses registered voter data furnished under RCW
10 29.04.100 or 29.04.110 for the purpose of mailing or delivering any
11 advertisement or offer for any property, establishment, organization,
12 product, or service or for the purpose of mailing or delivering any
13 solicitation for money, services, or anything of value (~~shall be~~) is
14 guilty of a class C felony punishable by imprisonment in a state
15 correctional facility for a period of not more than five years or a
16 fine of not more than ten thousand dollars or both such fine and
17 imprisonment, and shall be liable to each person provided such
18 advertisement or solicitation, without the person's consent, for the

1 nuisance value of such person having to dispose of it, which value is
2 herein established at five dollars for each item mailed or delivered to
3 the person's residence: PROVIDED, That any person who mails or
4 delivers any advertisement, offer or solicitation for a political
5 purpose shall not be liable under this section, unless the person is
6 liable under subsection (2) of this section. For purposes of this
7 subsection, two or more attached papers or sheets or two or more papers
8 which are enclosed in the same envelope or container or are folded
9 together shall be deemed to constitute one item. Merely having a
10 mailbox or other receptacle for mail on or near the person's residence
11 shall not be any indication that such person consented to receive the
12 advertisement or solicitation. A class action may be brought to
13 recover damages under this section and the court may award a reasonable
14 attorney's fee to any party recovering damages under this section.

15 (2) It shall be the responsibility of each person furnished data
16 under RCW 29.04.100 or 29.04.110 to take reasonable precautions
17 designed to assure that the data is not used for the purpose of mailing
18 or delivering any advertisement or offer for any property,
19 establishment, organization, product or service or for the purpose of
20 mailing or delivering any solicitation for money, services, or anything
21 of value: PROVIDED, That such data may be used for any political
22 purpose. Where failure to exercise due care in carrying out this
23 responsibility results in the data being used for such purposes, then
24 such person shall be jointly and severally liable for damages under the
25 provisions of subsection (1) of this section along with any other
26 person liable under subsection (1) of this section for the misuse of
27 such data.

28 **Sec. 2.** RCW 29.15.100 and 1965 c 9 s 29.18.070 are each amended to
29 read as follows:

30 A person is guilty of a class B felony punishable according to
31 chapter 9A.20 RCW who files a declaration of candidacy for any public
32 office of:

- 33 (1) A nonexistent or fictitious person; or
34 (2) The name of any person not his or her true name; or
35 (3) A name similar to that of an incumbent seeking reelection to
36 the same office with intent to confuse and mislead the electors by
37 taking advantage of the public reputation of the incumbent; or

1 (4) A surname similar to one who has already filed for the same
2 office, and whose political reputation is widely known, with intent to
3 confuse and mislead the electors by capitalizing on the public
4 reputation of the candidate who had previously filed.

5 **Sec. 3.** RCW 29.15.110 and 1965 c 9 s 29.18.080 are each amended to
6 read as follows:

7 Any person who with intent to mislead or confuse the electors
8 conspires with another person who has a surname similar to an incumbent
9 seeking reelection to the same office, or to an opponent for the same
10 office whose political reputation has been well established, by
11 persuading such other person to file for such office with no intention
12 of being elected, but to defeat the incumbent or the well known
13 opponent, (~~shall be~~) is guilty of a class B felony punishable
14 according to chapter 9A.20 RCW. In addition thereto such person or
15 persons shall be subject to a suit for civil damages the amount of
16 which shall not exceed the salary which the injured person would have
17 received had he or she been elected or reelected.

18 **Sec. 4.** RCW 29.36.370 and 2001 c 241 s 14 are each amended to read
19 as follows:

20 (1) A person who willfully violates any provision of this chapter
21 regarding the assertion or declaration of qualifications to receive or
22 cast an absentee ballot or unlawfully casts a vote by absentee ballot
23 is guilty of a class C felony punishable under RCW 9A.20.021.

24 (2) Except as provided in chapter 29.85 RCW a person who willfully
25 violates any other provision of this chapter is guilty of a
26 misdemeanor.

27 **Sec. 5.** RCW 29.51.200 and 1981 c 34 s 1 are each amended to read
28 as follows:

29 (1) Voting shall be secret except to the extent necessary to assist
30 sensory or physically handicapped voters.

31 (2) If any voter declares in the presence of the election officers
32 that because of sensory or physical handicap he or she is unable to
33 register or record his or her vote, he or she may designate a person of
34 his or her choice or two election officers from opposite political

1 parties to enter the voting machine booth with him or her and record
2 his or her vote as he or she directs.

3 (3) A person violating this section is guilty of a misdemeanor.

4 **Sec. 6.** RCW 29.51.230 and 1965 c 9 s 29.51.230 are each amended to
5 read as follows:

6 (1) It shall be unlawful for a voter to:

7 ~~((1))~~ (a) Show his or her ballot after it is marked to any person
8 in such a way as to reveal the contents thereof or the name of any
9 candidate for whom he or she has marked his or her vote;

10 ~~((2))~~ (b) Receive a ballot from any person other than the
11 election officer having charge of the ballots;

12 ~~((3))~~ (c) Vote or offer to vote any ballot except one that he or
13 she has received from the election officer having charge of the
14 ballots;

15 ~~((4))~~ (d) Place any mark upon his or her ballot by which it may
16 afterward be identified as the one voted by him or her;

17 ~~((5))~~ (e) Fail to return to the election officers any ballot he
18 or she received from an election officer.

19 (2) A violation of any provision of this section (~~shall be~~) is a
20 misdemeanor, punishable by a fine not exceeding one hundred dollars,
21 plus costs of prosecution.

22 **Sec. 7.** RCW 29.79.440 and 1993 c 256 s 2 are each amended to read
23 as follows:

24 (1) Every person who signs an initiative or referendum petition
25 with any other than his or her true name (~~shall be~~) is guilty of a
26 class C felony punishable under RCW 9A.20.021.

27 (2) Every person who knowingly signs more than one petition for the
28 same initiative or referendum measure or who signs an initiative or
29 referendum petition knowing that he or she is not a legal voter or who
30 makes a false statement as to his or her residence on any initiative or
31 referendum petition, (~~shall be~~) is guilty of a gross misdemeanor
32 (~~(punishable to the same extent as a gross misdemeanor that is~~
33 ~~punishable under RCW 9A.20.021)~~).

34 **Sec. 8.** RCW 29.82.170 and 1984 c 170 s 11 are each amended to read
35 as follows:

1 (1) Every person who signs a recall petition with any other than
2 his or her true name is guilty of a class B felony punishable according
3 to chapter 9A.20 RCW.

4 (2) Every person who knowingly (~~((1))~~) (a) signs more than one
5 petition for the same recall, (~~((2))~~) (b) signs a recall petition when
6 he or she is not a legal voter, or (~~((3))~~) (c) makes a false statement
7 as to his or her residence on any recall petition is guilty of a gross
8 misdemeanor.

9 (3) Every registration officer who makes any false report or
10 certificate on any recall petition is guilty of a gross misdemeanor.

11 **Sec. 9.** RCW 30.04.240 and 1994 c 92 s 25 are each amended to read
12 as follows:

13 (1) Every corporation doing a trust business shall maintain in its
14 office a trust department in which it shall keep books and accounts of
15 its trust business, separate and apart from its other business. Such
16 books and accounts shall specify the cash, securities and other
17 properties, real and personal, held in each trust, and such securities
18 and properties shall be at all times segregated from all other
19 securities and properties except as otherwise provided in this section.

20 (2) Any person connected with a bank or trust company who shall,
21 contrary to this section or any other provision of law, commingle any
22 funds or securities of any kind held by such corporation in trust, for
23 safekeeping or as agent for another, with the funds or assets of the
24 corporation (~~((shall be))~~) is guilty of a class B felony punishable
25 according to chapter 9A.20 RCW.

26 (~~((2))~~) (3) Notwithstanding any other provisions of law, any
27 fiduciary holding securities in its fiduciary capacity or any state
28 bank, national bank, or trust company holding securities as fiduciary
29 or as custodian for a fiduciary is authorized to deposit or arrange for
30 the deposit of such securities: (a) In a clearing corporation (as
31 defined in Article 8 of the Uniform Commercial Code, chapter 62A.8
32 RCW); (b) within another state bank, national bank, or trust company
33 having trust power whether located inside or outside of this state; or
34 (c) within itself. When such securities are so deposited, certificates
35 representing securities of the same class of the same issuer may be
36 merged and held in bulk in the name of the nominee of such clearing
37 corporation or state bank, national bank, or trust company holding the

1 securities as the depository, with any other such securities deposited
2 in such clearing corporation or depository by any person, regardless of
3 the ownership of such securities, and certificates of small
4 denomination may be merged into one or more certificates of larger
5 denomination. The records of such fiduciary and the records of such
6 state bank, national bank, or trust company as a fiduciary or as
7 custodian for a fiduciary shall at all times show the name of the party
8 for whose account the securities are so deposited. Ownership of, and
9 other interests in, such securities may be transferred by bookkeeping
10 entries on the books of such clearing corporation, state bank, national
11 bank, or trust company without physical delivery or alteration of
12 certificates representing such securities. A state bank, national
13 bank, or trust company so depositing securities pursuant to this
14 section shall be subject to such rules and regulations as, in the case
15 of state chartered banks and trust companies, the director and, in the
16 case of national banking associations, the comptroller of the currency
17 may from time to time issue. A state bank, national bank, or trust
18 company acting as custodian for a fiduciary shall, on demand by the
19 fiduciary, certify in writing to the fiduciary the securities so
20 deposited by such state bank, national bank, or trust company in such
21 clearing corporation or state bank, national bank, or trust company
22 acting as such depository for the account of such fiduciary. A
23 fiduciary shall, on demand by any party to a judicial proceeding for
24 the settlement of such fiduciary's account or on demand by the attorney
25 for such party, certify in writing to such party the securities
26 deposited by such fiduciary in such clearing corporation or state bank,
27 national bank, or trust company acting as such depository for its
28 account as such fiduciary.

29 This subsection shall apply to any fiduciary holding securities in
30 its fiduciary capacity, and to any state bank, national bank, or trust
31 company holding securities as a custodian, managing agent, or custodian
32 for a fiduciary, acting on March 14, 1973 or who thereafter may act
33 regardless of the date of the agreement, instrument, or court order by
34 which it is appointed and regardless of whether or not such fiduciary,
35 custodian, managing agent, or custodian for a fiduciary owns capital
36 stock of such clearing corporation.

1 **Sec. 10.** RCW 30.04.260 and 1974 ex.s. c 117 s 43 are each amended
2 to read as follows:

3 (1) No trust company or other corporation which advertises that it
4 will furnish legal advice, construct or prepare wills, or do other
5 legal work for its customers, shall be permitted to act as executor,
6 administrator, or guardian; and any trust company or other corporation
7 whose officers or agents shall solicit legal business shall be
8 ineligible for a period of one year thereafter to be appointed
9 executor, administrator or guardian in any of the courts of this state.

10 (2) Any trust company or other corporation which advertises that it
11 will furnish legal advice, construct or prepare wills, or do other
12 legal work for its customers, and any officer, agent, or employee of
13 any trust company or corporation who shall solicit legal business
14 (~~shall be~~) is guilty of a gross misdemeanor.

15 **Sec. 11.** RCW 30.12.090 and 1955 c 33 s 30.12.090 are each amended
16 to read as follows:

17 Every person who shall knowingly subscribe to or make or cause to
18 be made any false statement or false entry in the books of any bank or
19 trust company or shall knowingly subscribe to or exhibit any false or
20 fictitious paper or security, instrument or paper, with the intent to
21 deceive any person authorized to examine into the affairs of any bank
22 or trust company or shall make, state or publish any false statement of
23 the amount of the assets or liabilities of any bank or trust company
24 (~~shall be~~) is guilty of a class B felony punishable according to
25 chapter 9A.20 RCW.

26 **Sec. 12.** RCW 30.12.100 and 1994 c 92 s 71 are each amended to read
27 as follows:

28 Every officer, director or employee or agent of any bank or trust
29 company who, for the purpose of concealing any fact or suppressing any
30 evidence against himself or herself, or against any other person,
31 abstracts, removes, mutilates, destroys or secretes any paper, book or
32 record of any bank or trust company, or of the director, or of anyone
33 connected with his or her office, (~~shall be~~) is guilty of a class B
34 felony punishable according to chapter 9A.20 RCW.

1 **Sec. 13.** RCW 30.12.120 and 1955 c 33 s 30.12.120 are each amended
2 to read as follows:

3 No corporation doing a trust business shall make any loan to any
4 officer, or employee from its trust funds, nor shall it permit any
5 officer, or employee to become indebted to it in any way out of its
6 trust funds. Every officer, director, or employee of any such
7 corporation, who knowingly violates any provision of this section, or
8 who aids or abets any other person in any such violation, (~~shall be~~)
9 is guilty of a class B felony punishable according to chapter 9A.20
10 RCW.

11 **Sec. 14.** RCW 30.42.290 and 1994 c 92 s 99 are each amended to read
12 as follows:

13 (1) The director shall have the responsibility for assuring
14 compliance with the provisions of this chapter. An alien bank that
15 conducts business in this state in violation of any provisions of this
16 chapter (~~shall be~~) is guilty of a misdemeanor and in addition thereto
17 shall be liable in the sum of one hundred dollars per day that each
18 such offense continues, such sum to be recovered by the attorney
19 general in a civil action in the name of the state.

20 (2) Every person who shall knowingly subscribe to or make or cause
21 to be made any false entry in the books of any alien bank office or
22 bureau doing business in this state pursuant to this chapter or shall
23 knowingly subscribe to or exhibit any false or fictitious paper or
24 security, instrument or paper, with the intent to deceive any person
25 authorized to examine into the affairs of any such office or bureau or
26 shall make, state or publish any false statement of the amount of the
27 assets or liabilities of any such office or bureau (~~shall be~~) is
28 guilty of a class B felony punishable according to chapter 9A.20 RCW.

29 (3) Every director or member of the governing body, officer,
30 employee or agent of such alien bank operating an office or bureau in
31 this state who conceals or destroys any fact or otherwise suppresses
32 any evidence relating to a violation of this chapter is guilty of a
33 class B felony punishable according to chapter 9A.20 RCW.

34 (4) Any person who transacts business in this state on behalf of an
35 alien bank which is subject to the provisions of this chapter, but
36 which is not authorized to transact such business pursuant to this
37 chapter is guilty of a misdemeanor and in addition thereto shall be

1 liable in the sum of one hundred dollars per day for each day that such
2 offense continues, such sum to be recovered by the attorney general in
3 a civil action in the name of the state.

4 **Sec. 15.** RCW 30.44.110 and 1955 c 33 s 30.44.110 are each amended
5 to read as follows:

6 Every transfer of its property or assets by any bank or trust
7 company in this state, made in contemplation of insolvency, or after it
8 shall have become insolvent, with a view to the preference of one
9 creditor over another, or to prevent the equal distribution of its
10 property and assets among its creditors, shall be void. Every
11 director, officer, or employee making any such transfer (~~shall be~~) is
12 guilty of a class B felony punishable according to chapter 9A.20 RCW.

13 **Sec. 16.** RCW 30.44.120 and 1955 c 33 s 30.44.120 are each amended
14 to read as follows:

15 An officer, director or employee of any bank or trust company who
16 shall fraudulently receive for it any deposit, knowing that such bank
17 or trust company is insolvent, (~~shall be~~) is guilty of a class B
18 felony punishable according to chapter 9A.20 RCW.

19 NEW SECTION. **Sec. 17.** RCW 29.51.215 (Handicapped voters--Penalty)
20 and 1981 c 34 s 2 & 1965 c 9 s 29.51.215 are each repealed.

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