
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0097.2/03 2nd draft
ATTY/TYPIST: KT:rmh
BRIEF DESCRIPTION: Reorganizing criminal statutes within Titles 31
through 36 RCW.

1 AN ACT Relating to reorganizing criminal statutes; amending RCW
2 31.12.724, 31.12.850, 32.04.100, 32.04.110, 32.24.080, 33.24.360,
3 35.32A.090, 35.36.040, 35A.36.040, 36.18.170, 36.28.060, 36.29.060,
4 36.32.210, 36.68.080, 36.69.180, 36.71.060, and 36.75.130; repealing
5 RCW 33.24.380, 36.28.070, 36.28.080, 36.28.140, 36.29.070, 36.32.215,
6 36.32.220, 36.32.225, 36.32.230, 36.75.140, and 36.75.150; and
7 prescribing penalties.

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

9 **Sec. 1.** RCW 31.12.724 and 1997 c 397 s 86 are each amended to read
10 as follows:

11 (1) Every transfer of a credit union's property or assets, and
12 every assignment by a credit union for the benefit of creditors, made
13 in contemplation of insolvency, or after it has become insolvent, to
14 intentionally prefer one creditor over another, or to intentionally
15 prevent the equal distribution of its property and assets among its
16 creditors, is void.

17 (2) Every credit union director, officer, or employee making any

1 (~~such~~) transfer described in subsection (1) of this section is guilty
2 of a class B felony punishable according to chapter 9A.20 RCW.

3 (3) An officer, director, or employee of a credit union who
4 fraudulently receives any share or deposit on behalf of the credit
5 union, knowing that the credit union is insolvent, is guilty of a class
6 B felony punishable according to chapter 9A.20 RCW.

7 **Sec. 2.** RCW 31.12.850 and 1997 c 397 s 87 are each amended to read
8 as follows:

9 (1)(a) It is unlawful for a director, supervisory committee member,
10 officer, employee, or agent of a credit union to knowingly violate or
11 consent to a violation of this chapter.

12 (b) Unless otherwise provided by law, a violation of this
13 subsection is a misdemeanor under chapter 9A.20 RCW.

14 (2)(a) It is unlawful for a person to perform any of the following
15 acts:

16 (~~(a)~~) (i) To knowingly subscribe to, make, or cause to be made a
17 false statement or entry in the books of a credit union;

18 (~~(b)~~) (ii) To knowingly make a false statement or entry in a
19 report required to be made to the director; or

20 (~~(c)~~) (iii) To knowingly exhibit a false or fictitious paper,
21 instrument, or security to a person authorized to examine a credit
22 union.

23 (b) A violation of this subsection is a class C felony under
24 chapter 9A.20 RCW.

25 **Sec. 3.** RCW 32.04.100 and 1955 c 13 s 32.04.100 are each amended
26 to read as follows:

27 Every person who knowingly subscribes to or makes or causes to be
28 made any false statement or false entry in the books of any savings
29 bank, or knowingly subscribes to or exhibits any false or fictitious
30 security, document or paper, with the intent to deceive any person
31 authorized to examine into the affairs of any savings bank, or makes or
32 publishes any false statement of the amount of the assets or
33 liabilities of any such savings bank (~~shall be~~) is guilty of a class
34 B felony punishable according to chapter 9A.20 RCW.

1 **Sec. 4.** RCW 32.04.110 and 1994 c 92 s 299 are each amended to read
2 as follows:

3 Every trustee, officer, employee, or agent of any savings bank who
4 for the purpose of concealing any fact suppresses any evidence against
5 himself or herself, or against any other person, or who abstracts,
6 removes, mutilates, destroys, or secretes any paper, book, or record of
7 any savings bank, or of the director, or anyone connected with his or
8 her office (~~(shall be)~~) is guilty of a class B felony punishable
9 according to chapter 9A.20 RCW.

10 **Sec. 5.** RCW 32.24.080 and 1994 c 92 s 346 are each amended to read
11 as follows:

12 (1) Every transfer of its property or assets by any mutual savings
13 bank in this state, made (~~((1))~~) (a) after it has become insolvent,
14 (~~((2))~~) (b) within ninety days before the date the director takes
15 possession of such savings bank under RCW 32.24.050 or the federal
16 deposit insurance corporation is appointed as receiver or liquidator of
17 such savings bank under RCW 32.24.090, and (~~((3))~~) (c) with the view to
18 the preference of one creditor over another or to prevent equal
19 distribution of its property and assets among its creditors, shall be
20 void.

21 (2) Every trustee, officer, or employee making any (~~(such)~~)
22 transfer (~~(shall be)~~) described in subsection (1) of this section is
23 guilty of a class B felony punishable according to chapter 9A.20 RCW.

24 **Sec. 6.** RCW 33.24.360 and 1994 c 92 s 447 are each amended to read
25 as follows:

26 (1) It is unlawful for any acquiring party to acquire control of an
27 association until thirty days after the date of filing with the
28 director an application containing substantially all of the following
29 information and any additional information that the director may
30 prescribe as necessary or appropriate in the public interest or for the
31 protection of deposit account holders, borrowers or stockholders:

32 (a) The identity, character, and experience of each acquiring party
33 by whom or on whose behalf acquisition is to be made;

34 (b) The financial and managerial resources and future prospects of
35 each acquiring party involved in the acquisition;

1 (c) The terms and conditions of any proposed acquisition and the
2 manner in which such acquisition is to be made;

3 (d) The source and amount of the funds or other consideration used
4 or to be used in making the acquisition and, if any part of these funds
5 or other consideration has been or is to be borrowed or otherwise
6 obtained for the purpose of making the acquisition, a description of
7 the transaction and the names of the parties. However, where a source
8 of funds is a loan made in the lender's ordinary course of business, if
9 the person filing the statement so requests, the director shall not
10 disclose the name of the lender to the public;

11 (e) Any plans or proposals which any acquiring party making the
12 acquisition may have to liquidate the association to sell its assets,
13 to merge it with any company, or to make any other major changes in its
14 business or corporate structure or management;

15 (f) The identification of any persons employed, retained or to be
16 compensated by the acquiring party, or by any person on his or her
17 behalf, who makes solicitations or recommendations to stockholders for
18 the purpose of assisting in the acquisition, and brief description of
19 the terms of such employment, retainer, or arrangements for
20 compensation;

21 (g) Copies of all invitations for tenders or advertisements making
22 a tender offer to stockholders for purchase of their stock to be used
23 in connection with the proposed acquisition.

24 (2) When an unincorporated company is required to file the
25 statements under subsection (1) (a), (b), and (f) of this section, the
26 director may require that the information be given with respect to each
27 partner of a partnership or limited partnership, by each member of a
28 syndicate or group, and by each person who controls a partner or
29 member. When an incorporated company is required to file the
30 statements under subsection (1) (a), (b), and (f) of this section, the
31 director may require that the information be given for the corporation
32 and for each officer and director of the corporation and for each
33 person who is directly or indirectly the beneficial owner of twenty-
34 five percent or more of the outstanding voting securities of the
35 corporation. If any tender offer, request or invitation for tenders or
36 other agreement to acquire control is proposed to be made by means of
37 a registration statement under the federal securities act of 1933 (48
38 Stat. 74, 15 U.S.C. Sec. 77a), as amended, or in circumstances

1 requiring the disclosure of similar information under the federal
2 securities exchange act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 77b), as
3 amended, or in an application filed with the federal home loan bank
4 board requiring similar disclosure, such registration statement or
5 application may be filed with the director in lieu of the requirements
6 of this section.

7 ~~((2))~~ (3) The director shall give notice by mail to all
8 associations doing business within the state of the filing of an
9 application to acquire control of an association. The association
10 shall transmit a check to the director for two hundred dollars when
11 filing the application to cover the expense of notification. Persons
12 interested in protesting the application may contact the director in
13 person or by writing prior to a date which shall be given in the
14 notice.

15 (4) Any person who willfully violates this section, or any
16 regulation or order thereunder, is guilty of a misdemeanor and shall be
17 fined not more than one thousand dollars for each day during which the
18 violation continues.

19 **Sec. 7.** RCW 35.32A.090 and 1967 c 7 s 11 are each amended to read
20 as follows:

21 (1) There shall be no orders, authorizations, allowances, contracts
22 or payments made or attempted to be made in excess of the expenditure
23 allowances authorized in the final budget as adopted or modified as
24 provided in this chapter, and any such attempted excess expenditure
25 shall be void and shall never be the foundation of a claim against the
26 city.

27 (2) Any public official authorizing, auditing, allowing, or paying
28 any claims or demands against the city in violation of the provisions
29 of this chapter shall be jointly and severally liable to the city in
30 person and upon their official bonds to the extent of any payments upon
31 such claims or demands.

32 (3) Any person violating any of the provisions of this chapter, in
33 addition to any other liability or penalty provided therefor, ~~((shall~~
34 ~~be))~~ is guilty of a misdemeanor.

35 **Sec. 8.** RCW 35.36.040 and 1965 c 7 s 35.36.040 are each amended to
36 read as follows:

1 (1) The officer whose duty it is to cause any bonds to be printed,
2 engraved, or lithographed, shall specify in a written order or
3 requisition to the printer, engraver, or lithographer the number of
4 bonds to be printed, engraved, or lithographed and the manner of
5 numbering them.

6 (2) Every printer, engraver, or lithographer who prints, engraves,
7 or lithographs a greater number of bonds than that specified or who
8 prints, engraves, or lithographs more than one bond bearing the same
9 number (~~shall be~~) is guilty of a class B felony punishable according
10 to chapter 9A.20 RCW.

11 **Sec. 9.** RCW 35A.36.040 and 1967 ex.s. c 119 s 35A.36.040 are each
12 amended to read as follows:

13 (1) The officer of a code city whose duty it is to cause any bonds
14 to be printed, engraved, or lithographed, shall specify in a written
15 order or requisition to the printer, engraver, or lithographer the
16 number of bonds to be printed, engraved or lithographed and the manner
17 of numbering them.

18 (2) Every printer, engraver, or lithographer who knowingly prints,
19 engraves, or lithographs a greater number of bonds than that specified
20 or who knowingly prints, engraves, or lithographs more than one bond
21 bearing the same number (~~shall be~~) is guilty of a class B felony
22 punishable according to chapter 9A.20 RCW.

23 **Sec. 10.** RCW 36.18.170 and 1992 c 7 s 33 are each amended to read
24 as follows:

25 Any salaried county or precinct officer, who fails to pay to the
26 county treasury all sums that have come into the officer's hands for
27 fees and charges for the county, or by virtue of the officer's office,
28 whether under the laws of this state or of the United States, (~~shall~~
29 ~~be~~) is guilty of embezzlement, a class C felony, and (~~upon conviction~~
30 ~~thereof~~) shall be punished by imprisonment in a state correctional
31 facility not less than one year nor more than three years: PROVIDED,
32 That upon conviction, his or her office shall be declared to be vacant
33 by the court pronouncing sentence.

34 **Sec. 11.** RCW 36.28.060 and 1963 c 4 s 36.28.060 are each amended
35 to read as follows:

1 (1) The sheriff shall make duplicate receipts for all payments for
2 his or her services specifying the particular items thereof, at the
3 time of payment, whether paid by virtue of the laws of this state or of
4 the United States. Such duplicate receipts shall be numbered
5 consecutively for each month commencing with number one. One of such
6 receipts shall have written or printed upon it the word "original"; and
7 the other shall have written or printed upon it the word "duplicate."

8 (2) At the time of payment of any fees, the sheriff shall deliver
9 to the person making payment, either personally or by mail, the copy of
10 the receipt designated "duplicate."

11 (3) The receipts designated "original" for each month shall be
12 attached to the verified statement of fees for the corresponding month
13 and the sheriff shall file with the county treasurer of his or her
14 county all original receipts for each month with such verified
15 statement.

16 (4) A sheriff shall not receive his or her salary for the preceding
17 month until the provisions of this section have been complied with.

18 (5) Any sheriff violating this section, or failing to perform any
19 of the duties required thereby, is guilty of a misdemeanor and shall be
20 fined in any sum not less than ten dollars nor more than fifty dollars
21 for each offense.

22 **Sec. 12.** RCW 36.29.060 and 1991 c 245 s 6 are each amended to read
23 as follows:

24 (1) Whenever the county treasurer has funds belonging to any fund
25 upon which "interest-bearing" warrants are outstanding, the treasurer
26 shall have the discretion to call warrants. The county treasurer shall
27 give notice as provided for in RCW 36.29.010(4). The treasurer shall
28 pay on demand, in the order of their issue, any warrants when there
29 shall be in the treasury sufficient funds applicable to such payment.

30 (2) Any treasurer who knowingly fails to call for or pay any
31 warrant in accordance with this section is guilty of a misdemeanor and
32 shall be fined not less than twenty-five dollars nor more than five
33 hundred dollars, and such conviction shall be sufficient cause for
34 removal from office.

35 **Sec. 13.** RCW 36.32.210 and 1997 c 245 s 3 are each amended to read
36 as follows:

1 (1) Each board of county commissioners of the several counties of
2 the state of Washington shall, on the first Monday of March of each
3 year, file with the auditor of the county a statement verified by oath
4 showing for the twelve months period ending December 31st of the
5 preceding year, the following:

6 ~~((1))~~ (a) A full and complete inventory of all capitalized assets
7 shall be kept in accordance with standards established by the state
8 auditor. This inventory shall be segregated to show the following
9 subheads:

10 ~~((a))~~ (i) The assets, including equipment, on hand, together with
11 a statement of the date when acquired, the amount paid therefor, the
12 estimated life thereof and a sufficient description to fully identify
13 such property;

14 ~~((b))~~ (ii) All equipment of every kind or nature sold or disposed
15 of in any manner during such preceding twelve months period, together
16 with the name of the purchaser, the amount paid therefor, whether or
17 not the same was sold at public or private sale, the reason for such
18 disposal and a sufficient description to fully identify the same; and

19 ~~((c))~~ (iii) All the equipment purchased during said period,
20 together with the date of purchase, the amount paid therefor, whether
21 or not the same was bought under competitive bidding, the price paid
22 therefor and the probable life thereof, the reason for making the
23 purchase and a sufficient description to fully identify such property;
24 and

25 ~~((2))~~ (b) The person to whom such money or any part thereof was
26 paid and why so paid and the date of such payment.

27 (2) Inventories shall be filed with the county auditor as a public
28 record and shall be open to the inspection of the public.

29 (3) Any county commissioner failing to file such statement or
30 willfully making any false or incorrect statement therein or aiding or
31 abetting in the making of any false or incorrect statement is guilty of
32 a gross misdemeanor.

33 (4) It is the duty of the prosecuting attorney of each county to
34 within three days from the calling to his or her attention of any
35 violation to institute proceedings against such offending official and
36 in addition thereto to prosecute appropriate action to remove such
37 commissioner from office.

1 (5) Any taxpayer of such county is hereby authorized to institute
2 said action in conjunction with or independent of the action of the
3 prosecuting attorney.

4 **Sec. 14.** RCW 36.68.080 and 1979 ex.s. c 136 s 36 are each amended
5 to read as follows:

6 (1) Except as otherwise provided in this section, any person
7 violating any rules or regulations adopted by the board of county
8 commissioners relating to parks, playgrounds, or other recreational
9 facilities (~~(shall be)~~) is guilty of a misdemeanor(~~(: PROVIDED,~~
10 That)).

11 (2) (a) Except as provided in (b) of this subsection, violation of
12 a rule or regulation relating to traffic including parking, standing,
13 stopping, and pedestrian offenses is a traffic infraction(~~(, except~~
14 that)).

15 (b) Violation of a rule or regulation equivalent to those
16 provisions of Title 46 RCW set forth in RCW 46.63.020 remains a
17 misdemeanor.

18 **Sec. 15.** RCW 36.69.180 and 1979 ex.s. c 136 s 37 are each amended
19 to read as follows:

20 (1) Except as otherwise provided in this section, the violation of
21 any of the rules or regulations of a park and recreation district
22 adopted by its board for the preservation of order, control of traffic,
23 protection of life or property, or for the regulation of the use of
24 park property (~~(shall constitute)~~) is a misdemeanor(~~(: PROVIDED,~~
25 That)).

26 (2) (a) Except as provided in (b) of this subsection, violation of
27 a rule or regulation relating to traffic including parking, standing,
28 stopping, and pedestrian offenses is a traffic infraction(~~(, except~~
29 that)).

30 (b) Violation of a rule or regulation equivalent to those
31 provisions of Title 46 RCW set forth in RCW 46.63.020 remains a
32 misdemeanor.

33 **Sec. 16.** RCW 36.71.060 and 1963 c 4 s 36.71.060 are each amended
34 to read as follows:

35 Every peddler who sells or offers for sale or exposes for sale, at

1 public or private sale any goods, wares, or merchandise without a
2 county license, is guilty of a misdemeanor and shall be punished by
3 imprisonment for not less than thirty days nor more than ninety days or
4 by fine of not less than fifty dollars nor more than two hundred
5 dollars or by both.

6 **Sec. 17.** RCW 36.75.130 and 1963 c 4 s 36.75.130 are each amended
7 to read as follows:

8 (1) No person shall be permitted to build or construct any approach
9 to any county road without first obtaining permission therefor from the
10 board.

11 (2) The boards of the several counties of the state may adopt
12 reasonable rules for the construction of approaches which, when
13 complied with, shall entitle a person to build or construct an approach
14 from any abutting property to any county road. The rules may include
15 provisions for the construction of culverts under the approaches, the
16 depth of fills over the culverts, and for such other drainage
17 facilities as the board deems necessary. The construction of
18 approaches, culverts, fills, or such other drainage facilities as may
19 be required, shall be under the supervision of the county road
20 engineer, and all such construction shall be at the expense of the
21 person benefited by the construction.

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

23 NEW SECTION. **Sec. 18.** The following acts or parts of acts are
24 each repealed:

25 (1) RCW 33.24.380 (Acquisition of control of association--Penalty)
26 and 1973 c 130 s 4;

27 (2) RCW 36.28.070 (Duplicate to payer) and 1963 c 4 s 36.28.070;

28 (3) RCW 36.28.080 (Original to be filed) and 1963 c 4 s 36.28.080;

29 (4) RCW 36.28.140 (Penalty for violation of RCW 36.28.060 through
30 36.28.080) and 1963 c 4 s 36.28.140;

31 (5) RCW 36.29.070 (Penalty for failure to call) and 1963 c 4 s
32 36.29.070;

33 (6) RCW 36.32.215 (Inventory of county capitalized assets--Filing
34 and public inspection) and 1995 c 194 s 6 & 1963 c 4 s 36.32.215;

35 (7) RCW 36.32.220 (Inventory of county capitalized assets--Penalty)
36 and 1963 c 4 s 36.32.220;

1 (8) RCW 36.32.225 (Inventory of county capitalized assets--
2 Prosecutions) and 1963 c 4 s 36.32.225;

3 (9) RCW 36.32.230 (Inventory of county personal property--
4 Taxpayer's action) and 1963 c 4 s 36.32.230;

5 (10) RCW 36.75.140 (Approaches to county roads--Rules regarding
6 construction) and 1969 ex.s. c 182 s 4 & 1963 c 4 s 36.75.140; and

7 (11) RCW 36.75.150 (Approaches to county roads--Penalty) and 1963
8 c 4 s 36.75.150.

--- **END** ---