

Chapter 9A.76 RCW
OBSTRUCTING GOVERNMENTAL OPERATION

Sections

- 9A.76.010 Definitions.
- 9A.76.020 Obstructing a law enforcement officer.
- 9A.76.023 Disarming a law enforcement or corrections officer.
- 9A.76.025 Disarming a law enforcement or corrections officer—
Commission of another crime.
- 9A.76.027 Law enforcement or corrections officer engaged in criminal
conduct.
- 9A.76.030 Refusing to summon aid for a peace officer.
- 9A.76.040 Resisting arrest.
- 9A.76.050 Rendering criminal assistance—Definition of term.
- 9A.76.060 Relative defined.
- 9A.76.070 Rendering criminal assistance in the first degree.
- 9A.76.080 Rendering criminal assistance in the second degree.
- 9A.76.090 Rendering criminal assistance in the third degree.
- 9A.76.100 Compounding.
- 9A.76.110 Escape in the first degree.
- 9A.76.115 Sexually violent predator escape.
- 9A.76.120 Escape in the second degree.
- 9A.76.130 Escape in the third degree.
- 9A.76.140 Introducing contraband in the first degree.
- 9A.76.150 Introducing contraband in the second degree.
- 9A.76.160 Introducing contraband in the third degree.
- 9A.76.170 Bail jumping.
- 9A.76.175 Making a false or misleading statement to a public
servant.
- 9A.76.177 Amber alert—Making a false or misleading statement to a
public servant.
- 9A.76.180 Intimidating a public servant.
- 9A.76.190 Failure to appear or surrender—Affirmative defense—
Penalty.
- 9A.76.200 Harming a police dog, accelerant detection dog, or police
horse—Penalty.
- 9A.76.900 Construction—Chapter applicable to state registered
domestic partnerships—2009 c 521.

Withholding knowledge of felony: RCW 9.69.100.

RCW 9A.76.010 Definitions. The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Contraband" means any article or thing which a person confined in a detention facility or a secure facility under chapter 71.09 RCW is prohibited from obtaining or possessing by statute, rule, regulation, or order of a court;

(2) "Custody" means restraint pursuant to a lawful arrest or an order of a court, or any period of service on a work crew: PROVIDED, That custody pursuant to chapter 13.34 RCW and RCW *74.13.020 and 74.13.031 and chapter 13.32A RCW shall not be deemed custody for purposes of this chapter;

(3) "Detention facility" means any place used for the confinement of a person (a) arrested for, charged with or convicted of an offense,

or (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020 as now existing or hereafter amended, or (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of a court, except an order under chapter 13.34 RCW or chapter 13.32A RCW, or (e) in any work release, furlough, or other such facility or program;

(4) "Uncontrollable circumstances" means an act of nature such as a flood, earthquake, or fire, or a medical condition that requires immediate hospitalization or treatment, or an act of a human being such as an automobile accident or threats of death, forcible sexual attack, or substantial bodily injury in the immediate future for which there is no time for a complaint to the authorities and no time or opportunity to resort to the courts. [2013 c 43 s 1. Prior: 2009 c 549 s 1003; 2001 c 264 s 4; 1991 c 181 s 6; 1979 c 155 s 35; 1977 ex.s. c 291 s 53; 1975 1st ex.s. c 260 s 9A.76.010.]

***Reviser's note:** RCW 74.13.020 no longer refers to "custody."

Effective date—2001 c 264: See note following RCW 9A.76.110.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.

RCW 9A.76.020 Obstructing a law enforcement officer. (1) A person is guilty of obstructing a law enforcement officer if the person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

(2) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW 10.93.020, and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

(3) Obstructing a law enforcement officer is a gross misdemeanor. [2001 c 308 s 3. Prior: 1995 c 285 s 33; 1994 c 196 s 1; 1975 1st ex.s. c 260 s 9A.76.020.]

Purpose—Effective date—2001 c 308: See notes following RCW 9A.76.175.

Effective date—1995 c 285: See RCW 48.30A.900.

RCW 9A.76.023 Disarming a law enforcement or corrections officer. (1) A person is guilty of disarming a law enforcement officer if with intent to interfere with the performance of the officer's duties the person knowingly removes a firearm or weapon from the person of a law enforcement officer or corrections officer or deprives a law enforcement officer or corrections officer of the use of a firearm or weapon, when the officer is acting within the scope of the officer's duties, does not consent to the removal, and the person has reasonable cause to know or knows that the individual is a law enforcement or corrections officer.

(2) (a) Except as provided in (b) of this subsection, disarming a law enforcement or corrections officer is a class C felony.

(b) Disarming a law enforcement or corrections officer is a class B felony if the firearm involved is discharged when the person removes the firearm. [2003 c 53 s 82; 1998 c 252 s 1.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 9A.76.025 Disarming a law enforcement or corrections officer—Commission of another crime. A person who commits another crime during the commission of the crime of disarming a law enforcement or corrections officer may be punished for the other crime as well as for disarming a law enforcement officer and may be prosecuted separately for each crime. [1998 c 252 s 2.]

RCW 9A.76.027 Law enforcement or corrections officer engaged in criminal conduct. RCW 9A.76.023 and 9A.76.025 do not apply when the law enforcement officer or corrections officer is engaged in criminal conduct. [1998 c 252 s 3.]

RCW 9A.76.030 Refusing to summon aid for a peace officer. (1) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he or she knows to be a peace officer, he or she unreasonably refuses or fails to summon aid for such peace officer.

(2) Refusing to summon aid for a peace officer is a misdemeanor. [2011 c 336 s 398; 1975 1st ex.s. c 260 s 9A.76.030.]

RCW 9A.76.040 Resisting arrest. (1) A person is guilty of resisting arrest if he or she intentionally prevents or attempts to prevent a peace officer from lawfully arresting him or her.

(2) Resisting arrest is a misdemeanor. [2011 c 336 s 399; 1975 1st ex.s. c 260 s 9A.76.040.]

RCW 9A.76.050 Rendering criminal assistance—Definition of term. As used in RCW 9A.76.070, 9A.76.080, and 9A.76.090, a person "renders criminal assistance" if, with intent to prevent, hinder, or delay the apprehension or prosecution of another person who he or she knows has committed a crime or juvenile offense or is being sought by law enforcement officials for the commission of a crime or juvenile offense or has escaped from a detention facility, he or she:

- (1) Harbors or conceals such person; or
- (2) Warns such person of impending discovery or apprehension; or
- (3) Provides such person with money, transportation, disguise, or other means of avoiding discovery or apprehension; or
- (4) Prevents or obstructs, by use of force, deception, or threat, anyone from performing an act that might aid in the discovery or apprehension of such person; or
- (5) Conceals, alters, or destroys any physical evidence that might aid in the discovery or apprehension of such person; or

(6) Provides such person with a weapon. [2011 c 336 s 400; 1982 1st ex.s. c 47 s 20; 1975 1st ex.s. c 260 s 9A.76.050.]

Severability—1982 1st ex.s. c 47: See note following RCW 9.41.190.

RCW 9A.76.060 Relative defined. As used in RCW 9A.76.070 and 9A.76.080, "relative" means a person:

(1) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, stepchild or stepparent to the person to whom criminal assistance is rendered; and

(2) Who does not render criminal assistance to another person in one or more of the means defined in subsections (4), (5), or (6) of RCW 9A.76.050. [1975 1st ex.s. c 260 s 9A.76.060.]

RCW 9A.76.070 Rendering criminal assistance in the first degree.

(1) A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any class A felony or equivalent juvenile offense.

(2) (a) Except as provided in (b) of this subsection, rendering criminal assistance in the first degree is a class B felony.

(b) Rendering criminal assistance in the first degree is a gross misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in RCW 9A.76.060 and under the age of eighteen at the time of the offense. [2010 c 255 s 1; 2003 c 53 s 83; 1982 1st ex.s. c 47 s 21; 1975 1st ex.s. c 260 s 9A.76.070.]

Short title—2010 c 255: "This act may be known and cited as Randy's law." [2010 c 255 s 2.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Severability—1982 1st ex.s. c 47: See note following RCW 9.41.190.

RCW 9A.76.080 Rendering criminal assistance in the second degree. (1) A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a class B or class C felony or an equivalent juvenile offense or to someone being sought for violation of parole, probation, or community supervision.

(2) (a) Except as provided in (b) of this subsection, rendering criminal assistance in the second degree is a gross misdemeanor.

(b) Rendering criminal assistance in the second degree is a misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in RCW 9A.76.060. [2003 c 53 s 84; 1982 1st ex.s. c 47 s 22; 1975 1st ex.s. c 260 s 9A.76.080.]

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Severability—1982 1st ex.s. c 47: See note following RCW 9.41.190.

RCW 9A.76.090 Rendering criminal assistance in the third degree.

(1) A person is guilty of rendering criminal assistance in the third degree if he or she renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor.

(2) Rendering criminal assistance in the third degree is a misdemeanor. [2011 c 336 s 401; 1975 1st ex.s. c 260 s 9A.76.090.]

RCW 9A.76.100 Compounding. (1) A person is guilty of compounding if:

(a) He or she requests, accepts, or agrees to accept any pecuniary benefit pursuant to an agreement or understanding that he or she will refrain from initiating a prosecution for a crime; or

(b) He or she confers, or offers or agrees to confer, any pecuniary benefit upon another pursuant to an agreement or understanding that such other person will refrain from initiating a prosecution for a crime.

(2) In any prosecution under this section, it is a defense if established by a preponderance of the evidence that the pecuniary benefit did not exceed an amount which the defendant reasonably believed to be due as restitution or indemnification for harm caused by the crime.

(3) Compounding is a gross misdemeanor. [2011 c 336 s 402; 1975 1st ex.s. c 260 s 9A.76.100.]

RCW 9A.76.110 Escape in the first degree. (1) A person is guilty of escape in the first degree if he or she knowingly escapes from custody or a detention facility while being detained pursuant to a conviction of a felony or an equivalent juvenile offense.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the first degree is a class B felony. [2001 c 264 s 1; 1982 1st ex.s. c 47 s 23; 1975 1st ex.s. c 260 s 9A.76.110.]

Effective date—2001 c 264: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 264 s 9.]

Severability—1982 1st ex.s. c 47: See note following RCW 9.41.190.

Term of escaped prisoner recaptured: RCW 9.31.090.

RCW 9A.76.115 Sexually violent predator escape. (1) A person is guilty of sexually violent predator escape if:

(a) Having been found to be a sexually violent predator and confined to the special commitment center or another secure facility under court order, the person escapes from the secure facility;

(b) Having been found to be a sexually violent predator and being under an order of conditional release, the person leaves or remains absent from the state of Washington without prior court authorization; or

(c) Having been found to be a sexually violent predator and being under an order of conditional release, the person: (i) Without authorization, leaves or remains absent from his or her residence, place of employment, educational institution, or authorized outing; (ii) tampers with his or her electronic monitoring device or removes it without authorization; or (iii) escapes from his or her escort.

(2) Sexually violent predator escape is a class A felony with a minimum sentence of sixty months, and shall be sentenced under RCW 9.94A.507. [2009 c 28 s 32; 2001 2nd sp.s. c 12 s 360; 2001 c 287 s 1.]

Effective date—2009 c 28: See note following RCW 2.24.040.

Intent—Severability—Effective dates—2001 2nd sp.s. c 12: See notes following RCW 71.09.250.

Application—2001 2nd sp.s. c 12 ss 301-363: See note following RCW 9.94A.030.

Effective date—2001 c 287: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 14, 2001] except for section 4 of this act, which takes effect July 1, 2001." [2001 c 287 s 5.]

RCW 9A.76.120 Escape in the second degree. (1) A person is guilty of escape in the second degree if:

(a) He or she knowingly escapes from a detention facility; or

(b) Having been charged with a felony or an equivalent juvenile offense, he or she knowingly escapes from custody; or

(c) Having been committed under chapter 10.77 RCW for a sex, violent, or felony harassment offense and being under an order of conditional release, he or she knowingly leaves or remains absent from the state of Washington without prior court authorization.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from remaining in custody or in the detention facility or from returning to custody or to the detention facility, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to remain or return, and that the person returned to custody or the detention facility as soon as such circumstances ceased to exist.

(3) Escape in the second degree is a class C felony. [2001 c 287 s 2; 2001 c 264 s 2; 1995 c 216 s 15; 1982 1st ex.s. c 47 s 24; 1975 1st ex.s. c 260 s 9A.76.120.]

Reviser's note: This section was amended by 2001 c 264 s 2 and by 2001 c 287 s 2, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective dates—2001 c 287: See note following RCW 9A.76.115.

Effective date—2001 c 264: See note following RCW 9A.76.110.

Severability—1982 1st ex.s. c 47: See note following RCW 9.41.190.

Term of escaped prisoner recaptured: RCW 9.31.090.

RCW 9A.76.130 Escape in the third degree. (1) A person is guilty of escape in the third degree if he or she:

(a) Escapes from custody; or
(b) Knowingly violates the terms of an electronic monitoring program.

(2) Escape in the third degree is a misdemeanor, except as provided in subsection (3) of this section.

(3) (a) If the person has one prior conviction for escape in the third degree, escape in the third degree is a gross misdemeanor.

(b) If the person has two or more prior convictions for escape in the third degree, escape in the third degree is a class C felony. [2015 c 287 s 11; 2011 c 336 s 403; 1975 1st ex.s. c 260 s 9A.76.130.]

Term of escaped prisoner recaptured: RCW 9.31.090.

RCW 9A.76.140 Introducing contraband in the first degree. (1) A person is guilty of introducing contraband in the first degree if he or she knowingly provides any deadly weapon to any person confined in a detention facility or secure facility under chapter 71.09 RCW.

(2) Introducing contraband in the first degree is a class B felony. [2013 c 43 s 3; 2011 c 336 s 404; 1975 1st ex.s. c 260 s 9A.76.140.]

RCW 9A.76.150 Introducing contraband in the second degree. (1) A person is guilty of introducing contraband in the second degree if he or she knowingly and unlawfully provides contraband to any person confined in a detention facility or secure facility under chapter 71.09 RCW with the intent that such contraband be of assistance in an escape or in the commission of a crime.

(2) Introducing contraband in the second degree is a class C felony. [2013 c 43 s 4; 2011 c 336 s 405; 1975 1st ex.s. c 260 s 9A.76.150.]

RCW 9A.76.160 Introducing contraband in the third degree. (1) A person is guilty of introducing contraband in the third degree if he or she knowingly and unlawfully provides contraband to any person confined in a detention facility or secure facility under chapter 71.09 RCW.

(2) (a) This section does not apply to an attorney representing a client confined in a secure facility under chapter 71.09 RCW for the purposes of bringing discovery or other legal materials to assist the client in the civil commitment process under chapter 71.09 RCW; PROVIDED, That:

(i) The attorney must be present when the materials are being reviewed or handled by the client; and

(ii) The attorney must take the materials and any and all copies of the materials when leaving the secure facility.

(3) Introducing contraband in the third degree is a misdemeanor. [2013 c 43 s 5; 2011 c 336 s 406; 1975 1st ex.s. c 260 s 9A.76.160.]

RCW 9A.76.170 Bail jumping. (1) A person is guilty of bail jumping if he or she:

(a) Is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance for trial before any court of this state, and fails to appear for trial as required; or

(b) (i) Is held for, charged with, or convicted of a violent offense or sex offense, as those terms are defined in RCW 9.94A.030, is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of sentence, and fails to appear or fails to surrender for service of sentence as required; and

(ii) (A) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(B) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony; or

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor. [2020 c 19 s 1; 2001 c 264 s 3; 1983 1st ex.s. c 4 s 3; 1975 1st ex.s. c 260 s 9A.76.170.]

Effective date—2001 c 264: See note following RCW 9A.76.110.

Severability—1983 1st ex.s. c 4: See note following RCW 9A.48.070.

RCW 9A.76.175 Making a false or misleading statement to a public servant. A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties. [2001 c 308 s 2. Prior: 1995 c 285 s 32.]

Purpose—2001 c 308: "The purpose of this act is to respond to *State v. Thomas*, 103 Wn. App. 800, by reenacting, without changes, the law prohibiting materially false or misleading statements to public servants, enacted as sections 32 and 33, chapter 285, Laws of 1995." [2001 c 308 s 1.]

Effective date—2001 c 308: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 14, 2001]." [2001 c 308 s 4.]

Effective date—1995 c 285: See RCW 48.30A.900.

RCW 9A.76.177 Amber alert—Making a false or misleading statement to a public servant. (1) A person who, with the intent of causing an activation of the voluntary broadcast notification system commonly known as the "Amber alert," or as the same system may otherwise be known, which is used to notify the public of abducted children, knowingly makes a false or misleading material statement to a public servant that a child has been abducted and which statement causes an activation, is guilty of a class C felony.

(2) "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties. [2008 c 91 s 1.]

RCW 9A.76.180 Intimidating a public servant. (1) A person is guilty of intimidating a public servant if, by use of a threat, he or she attempts to influence a public servant's vote, opinion, decision, or other official action as a public servant.

(2) For purposes of this section "public servant" shall not include jurors.

(3) "Threat" as used in this section means:

(a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

(b) Threats as defined in RCW 9A.04.110.

(4) Intimidating a public servant is a class B felony. [2011 c 336 s 407; 1975 1st ex.s. c 260 s 9A.76.180.]

RCW 9A.76.190 Failure to appear or surrender—Affirmative defense—Penalty. (1)(a) A person is guilty of failure to appear or surrender if he or she is released by court order or admitted to bail, has received written notice of the requirement of a subsequent personal appearance before any court of this state or of the requirement to report to a correctional facility for service of

sentence, and fails to appear or fails to surrender for service of sentence as required; and

(b) (i) Within thirty days of the issuance of a warrant for failure to appear or surrender, does not make a motion with the court to quash the warrant, and if a motion is made under this subsection, he or she does not appear before the court with respect to the motion; or

(ii) Has had a prior warrant issued based on a prior incident of failure to appear or surrender for the present cause for which he or she is being held or charged or has been convicted.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, that the person did not contribute to the creation of such circumstances by negligently disregarding the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Failure to appear or surrender is:

(a) A gross misdemeanor if the person was held for, charged with, or convicted of a felony; or

(b) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor. [2020 c 19 s 2.]

RCW 9A.76.200 Harming a police dog, accelerant detection dog, or police horse—Penalty.

(1) A person is guilty of harming a police dog, accelerant detection dog, or police horse, if he or she maliciously injures, disables, shoots, or kills by any means any dog or horse that the person knows or has reason to know to be a police dog or accelerant detection dog, as defined in RCW 4.24.410, or police horse, as defined in subsection (2) of this section, whether or not the dog or horse is actually engaged in police or accelerant detection work at the time of the injury.

(2) "Police horse" means any horse used or kept for use by a law enforcement officer in discharging any legal duty or power of his or her office.

(3) Harming a police dog, accelerant detection dog, or police horse is a class C felony.

(4) (a) In addition to the criminal penalty provided in this section for harming a police dog:

(i) The court may impose a civil penalty of up to five thousand dollars for harming a police dog.

(ii) The court shall impose a civil penalty of at least five thousand dollars and may increase the penalty up to a maximum of ten thousand dollars for killing a police dog.

(b) Moneys collected must be distributed to the jurisdiction that owns the police dog. [2012 c 94 s 2; 2003 c 269 s 1; 1993 c 180 s 2; 1989 c 26 s 2; 1982 c 22 s 2.]

RCW 9A.76.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521. For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to

dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 25.]