

CHAPTER 205.

[H. B. 347.]

WASHINGTON STATE PATROL.

AN ACT relating to the Washington State Patrol; providing methods of procedure to be followed in discharging, demoting or suspending Washington State Patrol officers.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Washington State Patrol officers shall be entitled to retain their ranks and positions until death or resignation, or until suspended, demoted, or discharged in the manner hereinafter provided.

Retention of rank.

SEC. 2. The Chief of the Washington State Patrol shall have the power and authority to discipline any Washington State Patrol officer by suspending such officer, without pay, for a period of not more than thirty (30) days, and shall have the power to demote any officer holding probationary rank, without preferring charges against such officer, and without the necessity of a hearing.

Disciplinary power in chief.

SEC. 3. Discharge, or demotion of any officer holding non-probationary rank, or suspension for more than thirty (30) days, shall be only for cause, which cause shall be clearly stated in a written complaint, sworn to by the person preferring the charges, and served upon the officer complained of. Upon being so served, any such officer shall be entitled to a public hearing before a trial board consisting of two Washington State Patrol officers of the rank of Captain, and one officer of equal rank with the officer complained of, which trial board shall be selected by the Chief of the Washington State Patrol by lot from the roster of the Washington State Patrol. In the case of complaint by an officer, such officer shall not be a member of the trial board.

Discharge or demotion for cause.

Sworn complaint to be served

Hearing by trial board.

SEC. 4. Pending such hearing, the Chief of the Washington State Patrol may, in his discretion, sus-

Chief may suspend.

Officer charged may resign.

pend the officer complained of, and the officer complained of may, within ten (10) days after being served with the complaint, either submit a written resignation or file written notice of his desire to waive a hearing. In the event that a letter of resignation is submitted, it shall be accepted without prejudice.

Procedure of hearing.

SEC. 5. At any such hearing, the Chief of the Washington State Patrol shall be the presiding officer, and shall make all necessary rulings in the course of the hearing, but shall not be entitled to vote. The complainant and the officer complained of shall have the right to submit evidence and to be represented by counsel, and a full and complete record of the proceedings, and all testimony, shall be taken down by a stenographer. After hearing, the findings of the trial board shall be submitted to the Chief of the Washington State Patrol. Such findings shall be final in the case of acquittal. In the event of conviction the Chief of the Washington State Patrol is empowered to determine the proper disciplinary action and declare the same by written order served upon the officer complained of.

Submit evidence.

Record of proceedings.

Submit findings.

Determination.

Reviewable by court.

SEC. 6. Any officer subjected to disciplinary action may, within ten (10) days after the service of the order of disciplinary action upon him, apply to the Superior Court of Thurston County for a writ of review for the purpose of having the reasonableness and lawfulness of the order inquired into and determined. The Superior Court shall review the determination of the Chief of the Washington State Patrol in a summary manner, based upon the record of the hearing before the trial board, and shall render its decision within ninety (90) days, either affirming or reversing the order of the Chief of the Washington State Patrol, or remanding the matter to the Chief of the Washington State Patrol for further action.

Review on record.

SEC. 7. If as a result of any trial board hearing, or review proceeding, any officer complained of is found not guilty of the charge or charges against him, he shall be immediately reinstated to his former position and be reimbursed for any loss of salary suffered by reason of the previous disciplinary action.

Reinstatement mandatory if not guilty.

Passed the House March 3, 1943.

Passed the Senate March 8, 1943.

Approved by the Governor March 20, 1943.

CHAPTER 206.

[H. B. 32.]

PROCEDURE IN STATE COURTS OF RECORD.

AN ACT relating to pleadings, practice and procedure in the state courts of record and repealing the following statutes and parts of statutes, to wit: Sections 13, 110, 221, 409, 1107, 1109 and 1110, Code of Washington Territory, 1881; also section 3, chapter 62 and section 82, chapter 28, Laws of 1891; also sections 3, 4 and 13, chapter LX, and sections 3, 14, 15 and 17, chapter LXI, Laws of 1893; also section 1, chapter XLIX, Laws of 1895; also sections 2 and 3, chapter 31, Laws of 1901; also section 1, chapter 81, Laws of 1903; also section 1, chapter 86, Laws of 1909; also sections 1 and 3, chapter 116, Laws of 1913; also sections 1 and 3, chapter 104, Laws of 1915; also sections 4 and 6, chapter 150, Laws of 1925, Extraordinary Session (sections 189, 304, 339, 351, 383, 384, 393, 1231, 1729, 1730, 1730-1, 1732, 2183, 2185 and 2186, Remington's Revised Statutes; sections 7305, 7307, 7315, 7317, 7726, 7811, 7812, 7821, 8270, 8337, 8504, 8515, 9343, 9345 and 9346, Pierce's Code).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The following statutes and parts of statutes are hereby repealed: Sections 13, 110, 221, 409, 1107, 1109 and 1110, Code of Washington Territory, 1881; also section 3, chapter 62 and section 82, chapter 28, Laws of 1891; also sections 3, 4 and 13, chapter LX, and sections 3, 14, 15 and 17, chapter

Repeals