

the balance of the act shall remain in full force and effect.

Emergency.

SEC. 14. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall be effective on and after April 1, 1947.

Passed the Senate February 28, 1947.

Passed the House March 6, 1947.

Approved by the Governor March 11, 1947.

---

CHAPTER 92.

[ H. B. 12. ]

RELATING TO BOARD OF PRISON TERMS AND PAROLES.

AN ACT relating to the powers of the Board of Prison Terms and Paroles, and amending section 2, chapter 114, Laws of 1935 (sec. 10249-2, Rem. Rev. Stat.; sec. 782-5, PPC); also amending chapter 114, Laws of 1935 by adding thereto a new section, to be known as Section 2-A.

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

SECTION 1. Section 2, chapter 114, Laws of 1935 (sec. 10249-2, Rem. Rev. Stat.; sec. 782-5, PPC) is amended to read as follows:

Sentence for certain felonies.

Section 2. When a person is convicted of any felony, except treason, murder in the first degree, or of carnal knowledge of a child under ten years, and a new trial is not granted, the court shall sentence such person to the penitentiary, or, if the law allows and the court sees fit to exercise such discretion, to the reformatory, and shall fix the maximum term of such person's sentence only. The maximum term to be fixed by the court shall be the maximum provided by law for the crime of which such person was convicted, if the law provides for a maximum term; if the law does not provide a maximum term for the crime for which such person was

When maximum term fixed by law.

convicted, the court shall fix such maximum term, which may be for any number of years up to and including life imprisonment: *Provided, however,* That in any case where such maximum term is fixed by the court the maximum term shall be fixed at not less than twenty (20) years.

When  
maximum  
term fixed  
by court.

If the sentence of a person so convicted is not suspended by the court, it is hereby made the duty of the superintendent of the penitentiary and the superintendent of the reformatory to receive such a person, if committed to his respective institution, and to imprison him or her until released under the provisions of this act or through the action of the Governor.

Must be  
imprisoned.

After the admission of such convicted person to the penitentiary or reformatory, as the case may be, it shall be the duty of the Board of Prison Terms and Paroles to obtain from the sentencing judge and the prosecuting attorney, a statement of all the facts concerning such convicted person's crime and any other information of which they may be possessed relative to such convicted person, and it shall be the duty of the sentencing judge and the prosecuting attorney to furnish the Board of Prison Terms and Paroles with such information. It shall also be the duty of the sentencing judge and the prosecuting attorney to indicate to the Board of Prison Terms and Paroles, for its guidance, what, in their judgment, should be the duration of such convicted person's imprisonment.

Information  
and recom-  
mendation  
to Board.

Within six (6) months after the admission of such convicted person to the penitentiary or the reformatory, as the case may be, the Board of Prison Terms and Paroles shall fix the duration of his or her confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense for which he or she was convicted or the maximum fixed by the court, where the law does not provide for a maximum term.

Fixing  
minimum  
sentence.

When credit on sentence starts.

When a convicted person appeals from his or her conviction and is at liberty on bond pending the determination of his or her appeal by the Supreme Court, credit on his or her sentence will begin from the date of the remittitur. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Revocation and redetermination of minimum sentence.

In case any convicted person undergoing sentence in the penitentiary or the reformatory commits any infractions of the rules and regulations of the penitentiary or the reformatory, as the case may be, the Board of Prison Terms and Paroles may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned and make a new order determining the length of time he or she shall serve, not exceeding the maximum penalty provided by law for the crime for which he or she was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing upon the question of the infraction of the rules charged to such convicted person before the Board of Prison Terms and Paroles. At such hearing the convicted person, unless outside the walls of the penitentiary or the reformatory, as an escapee and fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Hearing.

Superintendent of penal institution to make report on possibility of rehabilitation.

After a person has been confined in the state penitentiary for seven (7) years or in the State Reformatory for three (3) years, the superintendent of the penitentiary or of the reformatory, as the case may be, upon his own initiative or at the request of the Board of Prison Terms and Paroles shall cause a thorough analysis and report of the convicted person's prospects for rehabilitation to be made. If, based thereon, the superintendent so recommends, the Board of Prison Terms and Paroles, after such further investigation as it deems necessary, may reconsider its previous determination as to the dura-

tion of confinement of the convicted person, and subject to the limitations contained in paragraphs (a), (b), and (c) of this section, may adjust the duration downward.

Adjust  
minimum  
sentence.

Any convicted person undergoing sentence in the penitentiary or the reformatory, not sooner released under the provisions of this act, shall, in accordance with the provisions of existing law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted, or the maximum term fixed by the court where the law does not provide for a maximum term.

Release after  
serving  
maximum  
sentence.

The following limitations will be placed on the Board of Prison Terms and Paroles with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of the law specifying a lesser sentence, to wit:

Certain  
minimum  
sentences.

(a) For a person not previously convicted of a felony but armed with a deadly weapon either at the time of the commission of his or her offense, or concealed deadly weapon at the time of his or her arrest, the duration of such person's confinement shall not be fixed at less than five years;

Armed with  
deadly  
weapon,  
not previ-  
ously con-  
victed of  
a felony.

(b) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his or her offense, or a concealed deadly weapon at the time of his or her arrest, the duration of such person's confinement shall not be fixed at less than seven and one half (7½) years.

Armed with  
deadly  
weapon,  
previously  
convicted of  
a felony.

The words "deadly weapon" as used in this section are hereby defined to include any instrument known as a black-jack, sling shot, billy, sand club, sand bag, metal knuckles, any dirk, dagger, pistol, revolver or any other firearm, any knife having a blade longer than three (3) inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club, any explosive, and

"Deadly  
weapon."

Inmates  
under 21  
years of age.

any weapon containing poisonous or injurious gas: *Provided further*, That any inmate of the reformatory who is under the age of twenty-one (21) years at the time of the commission of the crime may be paroled by the board without regard to the limitations set forth in this section.

Habitual  
criminals.

(c) For a person convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, the duration of such person's confinement shall not be fixed at less than fifteen (15) years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the Governor by appropriate executive action shall order otherwise.

Prison  
labor.

The Board of Prison Terms and Paroles shall require of every able-bodied convicted person imprisoned in the penitentiary or the reformatory as many hours of faithful labor in each and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the institution in which he or she is confined.

Time credit  
reductions  
after recom-  
mendation  
by super-  
intendent.

Every prisoner who has a favorable record of conduct at the penitentiary or the reformatory, as the case may be, or the laws of the state, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him to the satisfaction of the superintendent of the penitentiary or the reformatory, as the case may be, and in whose behalf the superintendent of the penitentiary or reformatory shall file a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the Board of Prison Terms and Paroles, be allowed time credit reductions from the term of imprisonment fixed by the Board of Prison Terms and Paroles.

(d) Any person who shall have been convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder such person's confinement shall be fixed at not less than five (5) years.

Embezzlement.

SEC. 2. Chapter 114, Laws of 1935 is amended by adding thereto a new section to be known as section 2-A, reading as follows:

Section 2-A. The provisions of this act as amended, so far as applicable, shall apply to all convicted persons now serving time in the penitentiary or reformatory, to the end that at all times the same provisions relating to sentences, imprisonments, and paroles of prisoners shall apply to all inmates thereof; and the Board of Prison Terms and Paroles shall proceed within a reasonable time to determine minimum sentences for persons convicted of being an habitual criminal within the meaning of the statute which provides for mandatory life imprisonment for such habitual criminals, taking into consideration time already served by such habitual criminals.

Act applies to all convicts.

Determining minimum sentences for habitual criminals.

Passed the House February 7, 1947.

Passed the Senate March 5, 1947.

Approved by the Governor March 11, 1947.

---

## CHAPTER 93.

[ H. B. 65. ]

### PUBLIC HOSPITAL DISTRICTS.

AN ACT relating to public hospital districts and amending section 2, chapter 264, Laws of 1945 (sec. 6090-31, Rem. Rev. Stat.; sec. 636-72 (53), PPC).

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

SECTION 1. Section 2, chapter 264, Laws of 1945 (sec. 6090-31, Rem. Rev. Stat.; sec. 636-72 (53), PPC) is hereby amended to read as follows: