

subdivision thereof, or a municipal corporation of this state.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 14, 1955.



CHAPTER 133.

[S. B. 201.]

PRISON TERMS AND PAROLES.

AN ACT relating to prison terms and paroles; repealing section 2, chapter 114, Laws of 1935; section 1, chapter 92, Laws of 1947; section 4, chapter 114, Laws of 1935; section 1, chapter 142, Laws of 1939; section 2, chapter 92, Laws of 1947; section 2, chapter 239, Laws of 1951; and RCW 9.95.056; enacting RCW 9.95.010 through RCW 9.95.050, RCW 9.95-.060 through RCW 9.95.110, RCW 9.95.120 through RCW 9.95.160, and RCW 9.95.190; and amending RCW 9.95.040 and RCW 9.95.050.

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

Repeal.

SECTION 1. Section 2, chapter 114, Laws of 1935; section 1, chapter 92, Laws of 1947; section 4, chapter 114, Laws of 1935; section 1, chapter 142, Laws of 1939; section 2, chapter 92, Laws of 1947; section 2, chapter 239, Laws of 1951; and RCW 9.95.056 are each repealed.

Enactment.

SEC. 2. RCW 9.95.010 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Court to fix maximum sentence.

RCW 9.95.010 Court to fix maximum sentence. When a person is convicted of any felony, except treason, murder in the first degree, or 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 re-

formatory, 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 of which such person was convicted the court shall fix such maximum term, which may be for any number of years up to and including life imprisonment but in any case where the maximum term is fixed by the court it shall be fixed at not less than twenty years.

SEC. 3. RCW 9.95.020 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows: Enacted.

RCW 9.95.020 Duties of superintendents of penal institutions. If the sentence of a person so convicted is not suspended by the court, the superintendent of the penitentiary or the superintendent of the reformatory shall receive such person, if committed to his institution, and imprison him until released under the provisions of this chapter or through the action of the governor. Duties of superintendents of penal institutions.

SEC. 4. RCW 9.95.030 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows: Enacted.

RCW 9.95.030 Facts to be furnished board of prison terms and paroles. After the admission of such convicted person to the penitentiary or reformatory, the board of prison terms and paroles shall obtain from the sentencing judge and the prosecuting attorney, a statement of all the facts concerning the convicted person's crime and any other information of which they may be possessed relative to him, and the sentencing judge and the prosecuting attorney shall furnish the board of prison terms and paroles with such information. The sentencing judge and prosecuting attorney shall Facts to be furnished board of prison terms and paroles.

indicate to the board of prison terms and paroles, for its guidance, what, in their judgment, should be the duration of the convicted person's imprisonment.

Enacted.

SEC. 5. RCW 9.95.040 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Board to fix duration of confinement.

RCW 9.95.040 Board to fix duration of confinement—Minimum terms prescribed for certain cases. Within six months after the admission of a convicted person to the penitentiary or the reformatory, the board of prison terms and paroles shall fix the duration of his confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense of which he was convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Limitations.

The following limitations are placed on the board of prison terms and paroles with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of law specifying a lesser sentence, to wit:

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

(2) 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 offense, or a concealed deadly weapon at the time of his arrest, the duration of confinement shall not be fixed at less than seven and one-half years.

The words "deadly weapon," as used in this section include, but are not limited to, any instrument known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, pistol, revolver, or any other firearm, any knife having a

blade longer than three 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 any weapon containing poisonous or injurious gas.

(3) 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 confinement shall not be fixed at less than fifteen years. The board shall retain jurisdiction over such convicted person throughout his natural life unless the governor by appropriate executive action orders otherwise.

(4) Any person convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder, the duration of confinement shall be fixed at not less than five years.

Any inmate of the reformatory or penitentiary who was under the age of twenty-one years at the time of the commission of the crime may be paroled by the board without regard to the limitations set forth in RCW 9.95.010 to 9.95.100, inclusive.

Exceptions to limitations.

SEC. 6. RCW 9.95.050 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Enacted.

RCW 9.95.050 Reconsideration of duration of confinement. After a person has been confined in the state penitentiary for one year or in the state reformatory for one year, 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 duration of confinement of the convicted per-

Reconsideration of duration of confinement.

son, and subject to the limitations contained in RCW 9.95.040, may adjust the same downward.

Enacted.

SEC. 7. RCW 9.95.060 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

When sentence begins to run.

RCW 9.95.060 When sentence begins to run. When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the supreme court, credit on his 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.

Enacted.

SEC. 8. RCW 9.95.070 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Time credit reductions for good behavior.

RCW 9.95.070 Time credit reductions for good behavior. Every prisoner who has a favorable record of conduct at the penitentiary or the reformatory, 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 reformatory, and in whose behalf the superintendent of the penitentiary or reformatory files a report certifying that his conduct and work have been meritorious and recommending allowance of time credits to him, 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.

Enacted.

SEC. 9. RCW 9.95.080 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

RCW 9.95.080 Revocation and redetermination of minimum for infractions. In case any convicted

person undergoing sentence in the penitentiary or the reformatory commits any infractions of the rules and regulations of the institution, 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 shall serve, not exceeding the maximum penalty provided by law for the crime for which he was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing on 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.

Revocation and redetermination of minimum for infractions.

SEC. 10. RCW 9.95.090 (formerly section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Enacted.

RCW 9.95.090 Labor may be required under rules and regulations. 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 term of imprisonment as shall be prescribed by the rules and regulations of the institution in which he is confined.

Labor may be required under rules and regulations.

SEC. 11. RCW 9.95.100 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part; section 2, chapter 114, Laws of 1935, part; and section 1, chapter 92, Laws of 1947, part) is enacted to read as follows:

Enacted.

RCW 9.95.100 Prisoner released on serving maximum term. Any convicted person undergoing sentence in the penitentiary or the reformatory, not

Prisoner released on serving maximum term.

sooner released under the provisions of this chapter, shall, in accordance with the provisions of 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. The board shall not, however, until his maximum term expires, release a prisoner, unless in its opinion his rehabilitation has been complete and he is a fit subject for release.

Enacted.

SEC. 12. RCW 9.95.110 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Parole of prisoners.

RCW 9.95.110 Parole of prisoners. The board of prison terms and paroles may permit a convicted person to leave the buildings and enclosures of the penitentiary or the reformatory on parole, after such convicted person has served the period of confinement fixed for him by the board, less time credits for good behavior and diligence in work: *Provided*, That in no case shall an inmate be credited with more than one-third of his sentence as fixed by the board.

The board of prison terms and paroles may establish rules and regulations under which a convicted person may be allowed to leave the confines of the penitentiary or the reformatory on parole, and may return such person to the confines of the institution from which he was paroled, at its discretion.

Enacted.

SEC. 13. RCW 9.95.120 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Conditions of parole.

RCW 9.95.120 Conditions of parole—Forfeiture of credits—Retaking of parole violator. The board of prison terms and paroles may impose as a condition of a parole granted a convicted person that all or a portion of his credits earned, or to be earned, shall be forfeited in the event that such convicted

person breaks his parole or violates any law of the state, or rule or regulation of the penitentiary or the reformatory, as the case may be, or of the board of prison terms and paroles.

Such forfeiture of credit shall not be had except upon a hearing on the question of such violation and upon findings of the board that the convicted person was guilty thereof, which adjudication shall be final. At such hearing the convicted person, unless outside the walls of the penitentiary or the reformatory as an escapee and a fugitive from justice, shall be present and entitled to be heard and present evidence and witnesses in his behalf.

Hearing on forfeitures.

The written order of the board bearing the seal of that body, shall be sufficient warrant for all peace officers to take into custody any convicted person who may be on parole and retain such person in their custody until arrangements can be made by the board of prison terms and paroles for his return to the institution from which he was paroled.

Retaking of violators.

All chiefs of police, marshals of cities and towns, sheriffs of counties and all police, prison, and peace officers and constables shall execute any such order in the same manner as any ordinary criminal process.

SEC. 14. RCW 9.95.130 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Enacted.

RCW 9.95.130 When parole revoked prisoner deemed escapee until return to custody. From and after the suspension, cancellation, or revocation of the parole of any convicted person and until his return to custody he shall be deemed an escapee and a fugitive from justice and no part of the time during which he is an escapee and fugitive from justice shall be a part of his term.

When parole revoked prisoner deemed escapee until return to custody.

SEC. 15. RCW 9.95.140 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Enacted.

Record of parolees.

RCW 9.95.140 Record of parolees—Cooperation by officials and employees. The board of prison terms and paroles shall cause a complete record to be kept of every prisoner released on parole. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. The board may make rules as to the privacy of such records and their use by others than the board and its staff.

Cooperation by officials and employees.

The superintendent of the penitentiary and the reformatory and all officers and employees thereof and all other public officials shall at all times cooperate with the board and furnish to the board, its officers, and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of the board, its officers, and employees free access to all prisoners confined in the penal institutions of the state.

Enacted.

SEC. 16. RCW 9.95.150 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Rules and regulations.

RCW 9.95.150 Rules and regulations. The board of prison terms and paroles shall make all necessary rules and regulations to carry out the provisions of this chapter not inconsistent therewith, and may provide the forms of all documents necessary therefor.

Enacted.

SEC. 17. RCW 9.95.160 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part) is enacted to read as follows:

Governor's powers not affected.

RCW 9.95.160 Governor's powers not affected—He may revoke paroles granted by board. This chapter shall not limit or circumscribe the powers of the governor to commute the sentence of, or grant a pardon to, any convicted person, and the governor may cancel or revoke the parole granted to any convicted person by the board of prison terms and paroles. The

written order of the governor canceling or revoking such parole shall have the same force and effect and be executed in like manner as an order of the board of prison terms and paroles.

SEC. 18. RCW 9.95.190 (formerly section 4, chapter 114, Laws of 1935, part; section 1, chapter 142, Laws of 1939, part; section 2, chapter 92, Laws of 1947, part) is enacted to read as follows: Enacted.

RCW 9.95.190 Application to inmates previously committed. The provisions of RCW 9.95.010 to 9.95.180, inclusive, as enacted by chapter 114, Laws of 1935, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 12, 1935, to the end that at all times the same provisions relating to sentences, imprisonments and paroles of prisoners shall apply to all inmates thereof. Application to inmates previously committed.

Similarly the provisions of said sections, as amended by chapter 92, Laws of 1947, insofar as applicable, shall apply to all convicted persons serving time in the state penitentiary or reformatory on June 11, 1947, to the end that at all times the same provisions relating to sentences, imprisonments and paroles of prisoners shall apply to all inmates thereof.

Passed the Senate February 17, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 14, 1955.