

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 21, 1955.

Passed the House February 1, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 39.

[S. B. 9.]

INTOXICATING LIQUOR—EXEMPTIONS— SEARCH AND SEIZURE.

AN ACT relating to intoxicating liquors; amending section 32, chapter 62, Laws of 1933, Extraordinary Session and RCW 66.12.010; revising and amending section 33, chapter 62, Laws of 1933, Extraordinary Session, section 3, chapter 216, Laws of 1943, and RCW 66.32.010, 66.32.020, 66.32.030, 66.32-.040, 66.32.050, 66.32.060, 66.32.070, and 66.32.080; and declaring an emergency.

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

SECTION 1. Section 32, chapter 62, Laws of 1933, Extraordinary Session and RCW 66.12.010 are each amended to read as follows: Amendment.

(RCW 66.12.010) Nothing in this title shall apply to wine or beer manufactured in any home for consumption therein, and not for sale. Exempt from title.

SEC. 2. Section 33, chapter 62, Laws of 1933, Extraordinary Session, and section 3, chapter 216, Laws of 1943, amendatory thereof, (heretofore divided and codified as RCW 66.32.010, 66.32.020, 66.32.030, 66.32-.040, 66.32.050, 66.32.060, 66.32.070 and 66.32.080) are divided and amended as set forth in sections 3 through 10 of this act. Division and amendment.

SEC. 3. (RCW 66.32.010) Except as permitted by the board, no liquor shall be kept or had by any person within this state unless the package in which the liquor was contained had, while containing that Package to be sealed.

liquor, been sealed with the official seal adopted by the board, except in the case of:

Exceptions.

- (1) Liquor imported by the board; or
- (2) Liquor manufactured in the state for sale to the board or for export; or
- (3) Beer, purchased in accordance with the provisions of law; or
- (4) Wine or beer exempted in RCW 66.12.010.

Enacted without amendment.

SEC. 4. (RCW 66.32.020) If, upon the sworn complaint of any person, it is made to appear to any judge of the superior court, justice of the peace, or magistrate, that there is probable cause to believe that intoxicating liquor is being manufactured, sold, bartered, exchanged, given away, furnished, or otherwise disposed of or kept in violation of the provisions of this title, such judge, justice of the peace, or magistrate shall, with or without the approval of the prosecuting attorney, issue a warrant directed to a civil officer of the state duly authorized to enforce or assist in enforcing any law thereof, or to an inspector of the board, commanding him to search the premises designated and described in the complaint and warrant, and to seize all intoxicating liquor there found, together with the vessels in which it is contained, and all implements, furniture, and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing, or otherwise disposing of the liquor, and to safely keep the same, and to make a return of the warrant within ten days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession they were found, if any, and if no person is found in the possession of the articles, the return shall so state.

This Section amended by Sec. 1, Chap. 288, Laws of 1955.

Enacted without amendment.

SEC. 5. (RCW 66.32.030) A copy of the warrant, together with a detailed receipt for the property taken shall be served upon the person found in pos-

session of any intoxicating liquor, furniture, or fixtures so seized, and if no person is found in possession thereof, a copy of the warrant and receipt shall be left in a conspicuous place upon the premises wherein they are found.

SEC. 6. (RCW 66.32.040) All liquor seized pursuant to the authority of the warrant shall, upon adjudication that it was kept in violation of this title, be forfeited and upon forfeiture be delivered to the board. Enacted
without
amendment.

SEC. 7. (RCW 66.32.050) Upon the return of the warrant as provided herein, the judge, justice of the peace, or magistrate shall fix a time, not less than ten days, and not more than thirty days thereafter, for the hearing of the return, when he shall proceed to hear and determine whether or not the articles seized, or any part thereof, were used or in any manner kept or possessed by any person with the intention of violating any of the provisions of this title. Enacted
without
amendment.

SEC. 8 (RCW 66.32.060) At the hearing, any person claiming any interest in any of the articles seized may appear and be heard upon filing a written claim setting forth particularly the character and extent of his interest, and the burden shall rest upon the claimant to show, by competent evidence, his property right or interest in the articles claimed, and that they were not used in violation of any of the provisions of this title, and were not in any manner kept or possessed with the intention of violating any of its provisions. Enacted
without
amendment.

SEC. 9. (RCW 66.32.070) If, upon the hearing, the evidence warrants, or, if no person appears as claimant, the judge, justice of the peace, or magistrate shall thereupon enter a judgment of forfeiture, and order such articles destroyed forthwith: *Provided*, That if, in the opinion of the judge, justice of the peace, or magistrate, any of the forfeited articles Enacted
without
amendment.

other than intoxicating liquors are of value and adapted to any lawful use, the judge, justice of the peace, or magistrate shall, as a part of the order and judgment, direct that the articles other than intoxicating liquor be sold as upon execution by the officer having them in custody, and the proceeds of the sale after payment of all costs of the proceedings shall be paid into the liquor revolving fund.

Abatement not bar to further prosecution.

SEC. 10. (RCW 66.32.080) Action under RCW 66.32.010 through 66.32.080 and the forfeiture, destruction, or sale of any articles thereunder shall not bar prosecution under any other provision.

Emergency.

SEC. 11. 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 take effect immediately.

Passed the Senate January 21, 1955.

Passed the House February 1, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 40.

[S. B. 12.]

JUDICIAL COUNCIL—MEMBERSHIP.

AN ACT relating to the judicial council; amending section 1, chapter 45, Laws of 1925, Extraordinary Session, and RCW 2.52.010; and declaring an emergency.

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

Amendment.

SECTION 1. Section 1, chapter 45, Laws of 1925, Extraordinary Session, and RCW 2.52.010 are each amended to read as follows:

Establishment and membership.

There is hereby established a judicial council, which shall consist of the chief justice and one other judge of the supreme court, two judges of the superior court, two members of the legislature, and three members of the bar who are practicing law and