

CHAPTER 227.

[S. B. 76.]

CRIMES AND PUNISHMENT—SENTENCES—PROBATION.

AN ACT relating to crimes and punishment; amending section 1, chapter 76, Laws of 1949 and RCW 9.92.060, and section 1, chapter 125, Laws of 1939 and section 1, chapter 59, Laws of 1949 and section 1, chapter 77, Laws of 1949 and RCW 9.95.200; enacting RCW 9.95.210 through 9.95.250; and providing penalties.

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

SECTION 1. Section 1, chapter 76, Laws of 1949 and RCW 9.92.060 are each amended to read as follows:

Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: *Provided*, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required. In no case

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shall a sentence be suspended under the provisions of this section unless the prisoner if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced.

SEC. 2. Section 1, chapter 125, Laws of 1939 as last amended by section 1, chapter 59, Laws of 1949 and section 1, chapter 77, Laws of 1949 (heretofore divided and codified as RCW 9.95.200 through 9.95-.250) are amended and enacted as set forth in sections 3 through 8 of this amendatory act.

SEC. 3. (RCW 9.95.200) After conviction by plea or verdict of guilty of any crime, the court upon application or its own motion, may summarily grant or deny probation, or at a subsequent time fixed may hear and determine, in the presence of the defendant, the matter of probation of the defendant, and the conditions of such probation, if granted. The court may, in its discretion, prior to the hearing on the granting of probation refer the matter to the board of prison terms and paroles or such officers as the board may designate for investigation and report to the court at a specified time, upon the circumstances surrounding the crime and concerning the defendant, his prior record, and his family surroundings and environment. In case there are no regularly employed parole officers working under the supervision of the board of prison terms and paroles in the county or counties wherein the defendant is convicted by plea or verdict of guilty, the court may, in its discretion, refer the matter to the prosecuting attorney or sheriff of the county for investigation and report.

SEC. 4. (RCW 9.95.210) The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not

RCW 9.95.210
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without
amendment.

exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the board of prison terms and paroles or such officer as the board may designate and as a condition of said probation to follow implicitly the instructions of the board of prison terms and paroles. The board of prison terms and paroles will promulgate rules and regulations for the conduct of such person during the term of his probation.

SEC. 5. (RCW 9.95.220) Whenever the state parole officer or other officer under whose supervision the probationer has been placed shall have reason to believe such probationer is violating the terms of his probation, or engaging in criminal practices, or is abandoned to improper associates, or living a

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vicious life, he shall cause the probationer to be brought before the court wherein the probation was granted. For this purpose any peace officer or state parole officer may rearrest any such person without warrant or other process. The court may thereupon in its discretion without notice revoke and terminate such probation. In the event the judgment has been pronounced by the court and the execution thereof suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory as the case may be. If the judgment has not been pronounced, the court shall pronounce judgment after such revocation of probation and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory, in accordance with the sentence imposed.

RCW 9.95.230
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SEC. 6. (RCW 9.95.230) The court shall have authority at any time during the course of probation to (1) revoke, modify, or change its order of suspension of imposition or execution of sentence; (2) it may at any time, when the ends of justice will be subserved thereby, and when the reformation of the probationer shall warrant it, terminate the period of probation, and discharge the person so held.

RCW 9.95.240
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amendment.

SEC. 7. (RCW 9.95.240) Every defendant who has fulfilled the conditions of his probation for the entire period thereof, or who shall have been discharged from probation prior to the termination of the period thereof, may at any time prior to the expiration of the maximum period of punishment for the offense for which he has been convicted be permitted in the discretion of the court to withdraw his plea of guilty, and enter a plea of not guilty, or if he has been convicted after a plea of not guilty, the court may in its discretion set aside the verdict of guilty; and in either case, the court may thereupon

dismiss the information or indictment against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he has been convicted. The probationer shall be informed of this right in his probation papers: *Provided*, That in any subsequent prosecution, for any other offense, such prior conviction may be pleaded and proved, and shall have the same effect as if probation had not been granted, or the information or indictment dismissed.

Proviso.

SEC. 8. (RCW 9.95.250) In order to carry out the provisions of this chapter the state parole officers working under the supervision of the board of prison terms and paroles shall be known as state parole and probation officers.

RCW 9.95.250
enacted
without
amendment.

Passed the Senate March 3, 1957.

Passed the House March 12, 1957.

Approved by the Governor March 23, 1957.

CHAPTER 228.

[S. B. 196.]

STATE PARKS.

AN ACT relating to state parks and recreation, and making appropriations.

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

SECTION 1. There is hereby appropriated from the parks and parkways account of the general fund, to the state parks and recreation commission, for the biennium beginning July 1, 1957, the sum of one million three hundred seventy-three thousand dollars, or so much thereof as shall be found necessary for the purchase, condemnation and improvement of land and construction of buildings and other improvements, including necessary salaries and wages incident thereto allocated as follows:

Appropriation
to state parks
and recrea-
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