

- 69.33.920 Source [1951 2nd ex.s. c 22 sec. 27; uniform act sec. 25.] "Sections 1 to 21, inclusive, 25, 26, and 29" changed to "this chapter" as the entire uniform act is codified within this chapter. Explanatory note.
- 69.33.930 through 69.33.970 Construction sections added relating to effect of repeal and reenactment.

CHAPTER 28.

[H. B. 2.]

PUBLIC INSTITUTIONS—TITLE 72 RCW REENACTMENT.

AN ACT relating to state government; enacting a public institutions code to be known as Title 72 of the Revised Code of Washington; providing penalties; repealing sections 1 through 10, pages 4 through 6, Laws of 1861; sections 1 through 5, pages 356 and 357, Laws of 1869; sections 1 through 9, pages 358 through 360, Laws of 1869; sections 1 through 26, pages 83 through 89, Laws of 1875; sections 2247 through 2275, Code 1881; sections 1 through 6, pages 37 through 38, Laws of 1883; sections 1 through 23, pages 82 through 85, Laws of 1883; sections 1 through 15, pages 141 through 144, Laws of 1885-6; sections 1 through 7, pages 144 through 145, Laws of 1885-6; sections 1 through 18, pages 152 through 155, Laws of 1885-6; chapter 60, Laws of 1888; chapter 62, Laws of 1888; sections 1 through 7, pages 269 through 271, Laws of 1889-90; sections 1 through 25, pages 271 through 277, Laws of 1889-90; sections 1 through 49, pages 482 through 495, Laws of 1889-90; chapter 147, Laws of 1891; chapter 131, Laws of 1895; chapter 67, Laws of 1897; chapter 119, Laws of 1901; chapter 167, Laws of 1901; chapter 171, Laws of 1901; chapter 110, Laws of 1903; chapter 90, Laws of 1907; chapter 156, Laws of 1907; chapter 166, Laws of 1907; sections 1, 2 and 4 through 7, chapter 97, pages 256 through 258, Laws of 1909; sections 1 through 10, chapter 97, pages 258 through 260, Laws of 1909; chapter 222, Laws of 1909; section 32, chapter 249, Laws of 1909; chapter 10, Laws of 1913; sections 1 through 5 and 8 through 14, chapter 157, Laws of 1913; chapter 81, Laws of 1915; chapter 106, Laws of 1915; sections 32, 41 and 43, chapter 7, Laws of 1921; chapter 48, Laws of 1921; chapter 74, Laws of 1925, extraordinary session; chapter 212, Laws of 1927; chapter 276, Laws of 1927; chapter 305, Laws of 1927; chapter 59, Laws of 1929; chapter 77, Laws of 1931; chapter 84, Laws of 1935; section 5, chapter 114, Laws of 1935; chapter 161, Laws of 1939; chapter 175, Laws of 1943; chapter 79, Laws of 1945; chapter 188, Laws of 1947; chapter 190, Laws of 1947; chapter 211, Laws of 1947; chapter 114, Laws of 1949; sections 20 and 52, chapter 198, Laws of 1949; chapter 135, Laws of 1951; sections 6 through 16, 40 through 50 and

65 through 69, chapter 139, Laws of 1951; chapter 234, Laws of 1951; chapter 217, Laws of 1953; chapter 232, Laws of 1953; chapter 77, Laws of 1955; chapter 94, Laws of 1955; chapter 104, Laws of 1955; chapter 128, Laws of 1955; chapter 136, Laws of 1955; chapter 195, Laws of 1955; chapter 230, Laws of 1955; chapter 240, Laws of 1955; chapter 242, Laws of 1955; chapter 245, Laws of 1955; chapter 247, Laws of 1955; chapter 248, Laws of 1955; chapter 260, Laws of 1955; chapter 314, Laws of 1955; chapter 318, Laws of 1955; chapter 19, Laws of 1957; chapter 21, Laws of 1957; chapter 25, Laws of 1957; chapter 27, Laws of 1957; chapter 29, Laws of 1957; chapter 30, Laws of 1957; chapter 54, Laws of 1957; chapter 61, Laws of 1957; chapter 102, Laws of 1957; section 5, chapter 115, Laws of 1957; chapter 136, Laws of 1957; chapter 188, Laws of 1957; chapter 217, Laws of 1957; chapter 225, Laws of 1957; chapter 272, Laws of 1957; sections 2 and 3, chapter 297, Laws of 1957; and declaring an emergency.

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

TITLE 72

STATE INSTITUTIONS

Chapter 72.01

DEPARTMENT OF INSTITUTIONS

SECTION 72.01.010 *Definitions.* As used in this title:

The word "department" means the department of institutions;

The word "director" means the director of institutions.

SEC. 72.01.020 *Department Established—Director, Qualifications, Appointment, Term.* (1) The department of institutions as an agency of the government of the state of Washington is hereby established.

(2) The office of director of institutions is hereby established.

(3) The director of institutions shall have had at least five years' institutional experience of a demon-

strably successful type in an executive or supervisory capacity in at least one type of large institution set forth in section 72.01.050.

(4) The governor, with the advice and consent of the senate, shall appoint the director of institutions who shall be the chief executive and administrative officer of the department of institutions. The director shall hold office at the pleasure of the governor who shall fix his salary. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate when he shall present to that body his nomination for the office.

SEC. 72.01.030 *Divisions of Department.* There is established within the department of institutions four divisions to be known as, (1) the division of adult corrections, (2) the division of alcoholism, (3) the division of children and youth services, and (4) the division of mental health.

SEC. 72.01.040 *Assistants and Subordinate Employees.* The director shall have authority to appoint assistants and subordinate employees, and fix their compensation, to aid him in performing the functions and duties of his office and from time to time to designate and deputize one of such employees as chief assistant director. The chief assistant director shall have charge and general supervision of the department of institutions in the absence or disability of the director and in case of a vacancy in the office of director shall continue in charge of the department of institutions until a director is appointed and qualified or until the governor appoints an acting director.

SEC. 72.01.050 *Director's Powers and Duties—Management of Public Institutions.* The director shall have full power to manage and govern the following public institutions:

The western state hospital, the eastern state hos-

pital, the northern state hospital, the state penitentiary, the state reformatory, the state training school, the state school for girls, the state soldiers' home and colony, the Washington veterans' home, Lakeland Village, the Rainier school, the state school for the deaf, the state school for the blind, the state narcotic farm colony, the Fort Worden school for the care and custody of children and youth and such other institutions as authorized by law, subject only to the limitations contained in laws relating to the management of such institutions.

SEC. 72.01.060 *Superintendents—Appointment—Terms—Salaries—Assistants.* It shall be the duty of the director to appoint a chief executive officer for each public institution under his control, who shall devote his entire time to the duties of his office and whose title shall be "superintendent". Said appointment shall be for a term of four years, but the appointee may be removed by the director in his discretion.

No person shall be eligible for appointment as superintendent of a hospital for the mentally ill unless he has had three or more years experience as a practicing physician after receiving his diploma or license.

Except as otherwise provided in this title, the superintendent of each institution may appoint all assistants and employees required for the management of the institution placed in his charge, the number of such assistants and employees to be determined and fixed by the director. The superintendent of any institution may, at his pleasure, discharge any person therein employed. The director shall investigate all complaints made against the superintendent of any institution and also any complaint against any other officer or employee thereof, if it has not been investigated and reported upon by the superintendent.

The director may, after investigation, for good and sufficient reasons, order the discharge of any subordinate officer or employee of an institution.

Each superintendent shall receive such salary as is fixed by the director, who shall also fix the compensation of other officers and the employees of each institution. Such latter compensation shall be fixed on or before the first day of April of each year and no change shall be made in the compensation, so fixed, during the twelve months period commencing April 1st.

SEC. 72.01.070 *Oath of Office.* The director and assistant director of the department, and the superintendent and assistant superintendent of each institution shall upon assuming office take an oath or affirmation to support the Constitution and laws of the United States and of the state of Washington and to faithfully perform the duties of his office.

SEC. 72.01.080 *Bonds.* Each officer and employee of the department having moneys or property under his direct control shall be bonded in such form of coverage and in such amount as shall be determined by the administrative board.

Such bonds shall be approved by the governor and filed with the secretary of state.

SEC. 72.01.090 *Rules and Regulations.* The department is authorized to make its own rules for the proper execution of its powers. It shall also have the power to adopt rules and regulations for the government of the public institutions placed under its control, and shall therein prescribe, in a manner consistent with the provisions of this title, the duties of the persons connected with the management of such public institutions.

SEC. 72.01.100 *Building Plans and Program.* The director shall:

(1) Prepare topographic and architectural plans for the state institutions under his control;

(2) Establish a systematic building program providing for the grouping of buildings at the institutions;

(3) Prepare plans, specifications, and estimates of cost for all necessary repairs or betterments to buildings at the institutions, to accompany the estimates for the biennial budget;

(4) Supervise the erection, repair, and betterment of all such buildings.

SEC. 72.01.110 *Construction or Repair of Buildings.* The department may employ the services of competent architects for the preparation of plans and specifications for new buildings, or for repairs, changes, or additions to buildings already constructed, employ competent persons to superintend the construction of new buildings or repairs, changes, or additions to buildings already constructed and call for bids and award contracts for the erection of new buildings, or for repairs, changes, or additions to buildings already constructed: *Provided*, That the department may proceed with the erecting of any new building, or repairs, changes, or additions to any buildings already constructed, employing thereon the labor of the inmates of the institution, when in its judgment the improvements can be made in as satisfactory a manner and at a less cost to the state by so doing.

SEC. 72.01.120 ————*Award of Contracts.* When improvements are to be made under contract, notice of the call for the same shall be published in at least two newspapers of general circulation in the state for two weeks prior to the award being made. The contract shall be awarded to the lowest responsible bidder. The director is authorized to require such security as he may deem proper to accompany the bids submitted, and shall also fix the amount of the bond or other security that shall be furnished by the person or firm to whom the contract is awarded.

The director shall have the power to reject any or all bids submitted, if for any reason it is deemed for the best interest of the state to do so, and to re-advertise in accordance with the provisions hereof. The director shall also have the power to reject the bid of any person or firm who has had a prior contract, and who did not, in the opinion of the director, faithfully comply with the same.

SEC. 72.01.130 *Destruction of Buildings—Reconstruction.* If any of the shops or buildings in which convicts are employed are destroyed in any way, or injured by fire or otherwise, they may be rebuilt or repaired immediately under the direction of the department, by and with the advice and consent of the governor, and the expenses thereof shall be paid out of any unexpended funds appropriated to the department for any purpose, not to exceed one hundred thousand dollars: *Provided*, That if a specific appropriation for a particular project has been made by the legislature, only such funds exceeding the cost of such project may be expended for the purposes of this section.

SEC. 72.01.140 *Agricultural and Farm Economy.*
The director shall:

(1) Make a survey, investigation, and classification of the lands connected with the state institutions under his control, and determine which thereof are of such character as to be most profitably used for agricultural, horticultural, dairying, and stock raising purposes, taking into consideration the costs of making them ready for cultivation, the character of the soil, its depth and fertility, the number of kinds of crops to which it is adapted, the local climatic conditions, the local annual rainfall, the water supply upon the land or available, the needs of all state institutions for the food products that can be grown or produced, and the amount and character of the available labor of inmates at the several institutions;

(2) Establish and carry on suitable farming operations at the several institutions under his control;

(3) Supply the several institutions with the necessary food products produced thereat;

(4) Exchange with, or furnish to, other institutions, food products at the cost of production;

(5) Sell and dispose of surplus food products produced.

SEC. 72.01.150 *Industrial Economy.* The director shall:

(1) Establish, install and operate, at the several state institutions under his control, such industries and industrial plants as may be most suitable and beneficial to the inmates thereof, and as can be operated at the least relative cost and the greatest relative benefit to the state, taking into consideration the needs of the state institutions for industrial products, and the amount and character of labor of inmates available at the several institutions;

(2) Supply the several institutions with the necessary industrial products produced thereat;

(3) Exchange with, or furnish to, other state institutions industrial products at prices to be fixed by the department, not to exceed in any case the price of such products in the open market;

(4) Sell and dispose of surplus industrial products produced, to such persons and under such rules, regulations, terms, and prices as may be in his judgment for the best interest of the state;

(5) Sell products of the plate mill to any department, to any state, county, or other public institution and to any governmental agency, of this or any other state under such rules, regulations, terms, and prices as may be in his judgment for the best interests of the state.

SEC. 72.01.160 *Deposit of Money—Institutional Revolving Account.* The director shall have the

power, and it shall be his duty, to cause all moneys or credits received from the sale or exchange of farm or industrial products produced or manufactured at the several institutions under the control of the department to be paid into the state treasury to the credit of a revolving account, to be known as the state institutional revolving account, from which account there shall be biennially appropriated for the benefit of the several institutions under the control of the department sufficient moneys to cover the estimated biennial contribution to such account of each of the said institutions.

SEC. 72.01.170 *Health and Sanitation.* The director shall comply with all requirements of the director of health in relation to health and sanitation at the institutions under his control.

SEC. 72.01.180 *Dietitian—Duties—Expenses.* The director shall have the power to select a member of the faculty of the University of Washington, or the State College of Washington, skilled in scientific food analysis and dietetics, to be known as the state dietitian, who shall make and furnish to the department food analyses showing the relative food value, in respect to cost, of food products, and advise the department as to the quantity, comparative cost, and food values, of proper diets for the inmates of the state institutions under the control of the department. The state dietitian shall receive his actual and necessary traveling expenses while engaged in the performance of his duties.

SEC. 72.01.190 *Fire Protection.* The director may enter into an agreement with a city or town adjacent to any state institution for fire protection for such institution.

SEC. 72.01.200 *Employment of Teachers.* The several penal and reformatory institutions of the state may employ certificated teachers to carry on

their educational work and all such teachers so employed shall be eligible to membership in the state teachers' retirement fund.

SEC. 72.01.210 *Institutional Chaplains—Appointment.* The director is hereby directed and empowered to appoint not more than three, nor less than one chaplain for the state penitentiary; not more than two, nor less than one chaplain for the state reformatory; and one chaplain each for Green Hill school and Maple Lane school, and the chaplains so appointed shall have the qualifications, and shall be compensated in an amount, as shall hereafter be recommended by the department and approved by the state personnel board.

Note: See also section 1, chapter 33, Laws of 1959.

SEC. 72.01.220 ————*Duties.* It shall be the duty of the chaplains at the respective institutions mentioned in section 72.01.210, under the direction of the department, to conduct religious services and to give religious and moral instruction to the inmates of the institutions, and to attend to their spiritual wants. They shall counsel with and interview the inmates concerning their social and family problems, and shall give assistance to the inmates and their families in regard to such problems.

SEC. 72.01.230 ————*Offices, Chapels, Supplies.* The chaplains at the respective institutions mentioned in section 72.01.210 shall be provided with the offices and chapels at their institutions, and such supplies as may be necessary for the carrying out of their duties.

SEC. 72.01.240 *Supervisor of Chaplains.* The director is hereby empowered to appoint one of the chaplains, authorized by section 72.01.210, to act as supervisor of chaplains for the department, in addition to his duties at one of the institutions designated in section 72.01.210.

SEC. 72.01.250 *Interfaith Advisory Committee.*

An interfaith advisory committee of not less than nine and not more than twelve members shall be appointed by the governor to advise and assist the director regarding the qualifications, selection and duties of the institutional chaplains and the development of the religious programs in the state institutions.

Note: See also section 1, chapter 190, Laws of 1959.

SEC. 72.01.260 *Outside Ministers Not Excluded.*

Nothing contained in sections 72.01.210 through 72.01.250 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the director may prescribe.

SEC. 72.01.270 *Gifts, Acceptance of.* The director shall have the power to receive, hold and manage all real and personal property made over to the department by gift, devise or bequest, and the proceeds and increase thereof shall be used for the benefit of the institution for which it is received.

SEC. 72.01.280 *Quarters for Personnel—Charges.*

The superintendent of each public institution and the assistant physicians, steward, accountant and chief engineer of each hospital for the mentally ill may be furnished with quarters, household furniture, board, fuel, and lights for themselves and their families, and the director may, when in his opinion any public institution would be benefited by so doing, extend this privilege to any officer at any of the public institutions under his control. The words "family" or "families" used in this section shall be construed to mean only the wife and minor children of an officer. Employees may be furnished with quarters and board for themselves. The director shall charge and collect from such officers and employees the full cost of the items so furnished, in-

cluding an appropriate charge for depreciation of capital items.

Note: See also section 3, chapter 39, Laws of 1959.

SEC. 72.01.290 *Record of Patients and Inmates.*

The department shall keep at its office, accessible only to the director and to proper officers and employees, and to other persons authorized by the director, a record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance, or commitment of every person, patient, inmate or convict, in the several public institutions governed by the department, the date of discharge of every person from the institution, and whether such discharge is final: *Provided*, That in addition to this information the superintendents for the hospitals for the mentally ill shall also state the condition of the person at the time of leaving the institution. The record shall also state if the person is transferred from one institution to another and to what institution; and if dead the date and cause of death. This information shall be furnished to the department by the several institutions, and also such other obtainable facts as the department may from time to time require, not later than the fifth day of each month for the month preceding, by the chief executive officer of each public institution, upon blank forms which the department may prescribe.

SEC. 72.01.300 *Accounting Systems.* The director shall have the power, and it shall be his duty, to install and maintain in the department a proper cost accounting system of accounts for each of the institutions under the control of the department, for the purpose of detecting and avoiding unprofitable expenditures and operations.

SEC. 72.01.310 *Political Influence Forbidden.* Any officer, including the director, or employee of the department or of the institutions under the control of the department, who, by solicitation or otherwise, exercises his influence, directly or indirectly, to in-

fluence other officers or employees of the state to adopt his political views or to favor any particular person or candidate for office, shall be removed from his office or position by the proper authority.

SEC. 72.01.320 *Biennial Reports to Legislature and Governor—Contents.* The director shall examine into the conditions and needs of the several state institutions under his control and on or before the first day of December of the year preceding the session of the legislature report in writing to the governor the condition of each institution and what amount of money he deems advisable to appropriate for its maintenance and betterment, having reference to the probable growth of the institution, its general welfare and the purpose of its creation.

On or before the first Tuesday after the convening of each regular session of the legislature the director shall make to the governor and legislature a full report of the activities of his department, incorporating therein suggestions respecting legislation for the benefit of the several institutions under his control and in the interests of improved administration generally. Such report shall contain the reports made to the director by the executive officer of each institution or so much thereof as in his opinion may be proper. There shall be published in the report a complete list of the officers and employees of the department and the several institutions and the annual salary paid to each.

SEC. 72.01.330 *Advisory Commission Established.* There is established a commission of seven members to be appointed by the governor, with the consent of the senate. The governor may appoint one of the members as chairman of the commission.

- (1) Each member shall be an elector of the state.
- (2) One member shall have had five years' successful experience as a business executive.
- (3) One member shall have had five years' suc-

cessful experience as a practicing psychiatrist and shall be licensed as such in this state.

(4) One member shall have had five years' successful experience as an attorney at law and be an active member of the Washington state bar association.

(5) One member shall have had five years' practical experience in the field of labor relations.

(6) One member shall have had five years' successful practical experience in the industrial personnel field.

(7) One member shall have had four years' successful practical experience in the state governmental department or a department of a political subdivision of the state government.

(8) One member shall be a woman who shall have had five years' successful experience as a member of an organization active in one or more of the fields constituting one of the subdivisions of the department of institutions.

SEC. 72.01.340 *Appointment, Term, of Commission Members.* The members of the commission shall be appointed for terms beginning April 1, 1957, and expiring as follows: Three members for a term of two years from April 1, 1957; and two members for a term of four years from April 1, 1957; and two members for a term of six years from April 1, 1957. Each member appointed hereunder shall hold office until his successor is appointed and qualified. Upon the expiration of the term of each of the seven members appointed as aforesaid each succeeding member shall be appointed and hold office for the term of six years. In case of a vacancy it shall be filled by appointment of the governor for the unexpired portion of the term during which the vacancy occurs.

SEC. 72.01.350 *Meetings, Per Diem, Expenses of Commission.* The commission shall meet regularly

not more than once each month and may hold additional meetings upon the call of the chairman or at the request of the director. The director shall attend all meetings of the commission.

Each member shall receive a per diem allowance and traveling expenses in accordance with the rates established for other state officers and employees under RCW 43.03.050 as now or hereafter amended.

SEC. 72.01.360 *Commission Is Advisory Body.* The commission shall act as an advisory and consulting body for the department.

Chapter 72.02

DIVISION OF ADULT CORRECTIONS

SECTION 72.02.010 *Division of Adult Corrections—Established.* There is established within the department of institutions a division to be known as the division of adult corrections.

SEC. 72.02.020 *Supervisor of Adult Corrections.* The director of institutions shall appoint and deputize an assistant director to be designated the supervisor of adult corrections.

SEC. 72.02.030 ————*Qualifications.* The supervisor of the division of adult corrections shall have had five years' successful administrative experience in the adult correctional field, at the budget, policy, and administrative level: *Provided,* That a master's degree in the field of adult correction shall count for one year of experience and a doctorate degree in the field of adult correction shall count for two years' experience.

SEC. 72.02.040 ————*Powers and Duties.* The supervisor of adult corrections, through the division of adult corrections, and with the approval of the director of institutions, shall exercise all powers and perform all duties prescribed by law with respect to

the administration of the adult correctional program by the department.

Chapter 72.03

DIVISION OF ALCOHOLISM

Note: See also chapter 85, Laws of 1959.

SECTION 72.03.010 *Declaration of Purpose.* The purpose of this chapter is to establish a state-wide program for the study, treatment and rehabilitation of persons suffering from alcoholism and those addicted to the use of alcoholic beverages, research into the causes and prevention of alcoholism and associated health problems and public education relating thereto, by creating a division on alcoholism within the state department of institutions. The division shall coordinate the efforts of all affected state, county and local agencies; develop educational and preventive programs, and promote the establishment of constructive agencies for treatment and reclamation, rehabilitation and reestablishment in society of persons suffering from alcoholism or addicted to the use of alcoholic beverages.

SEC. 72.03.020 *Definitions.* As used in this chapter:

(1) "Division" means the division on alcoholism of the state department of institutions.

(2) "Alcoholism" includes the symptoms and problems of problem drinkers and alcoholics as herein defined.

(3) "Problem drinkers" are any drinkers of intoxicating liquors who indulge in drinking which in its extent habitually goes beyond the traditional and customary dietary use, or the ordinary compliance with social drinking customs.

(4) "Alcoholics" are those persons addicted to the excessive use of alcohol, and those problem drinkers whose dependence upon or addiction to alcohol has attained such a degree that it causes a noticeable

mental disturbance or an interference with their bodily and mental health, their interpersonal relations, and their social and economic functioning.

(5) "Patients" is a general term meaning persons who are accepted for treatment under the provisions of this chapter.

SEC. 72.03.030 *Research, Educational, Treatment Program to Be Established.* The state department of institutions through the division on alcoholism, shall establish a research, educational and treatment program for the rehabilitation of alcoholics and, for the purposes of this chapter, a treatment program includes both residential and outpatient facilities and services.

SEC. 72.03.040 *Powers and Duties of Division on Alcoholism—General—"Resident" Defined.* The division is hereby authorized and empowered:

(1) To study alcoholism and its problems, including private and public methods and facilities available for care, custody, detention, treatment, employment and rehabilitation of persons who are alcoholics.

(2) To promote meetings and programs for the discussion of alcoholism or any of its aspects, disseminate information on the subject of alcoholism for the guidance and assistance of individuals, courts, and public and private agencies in the state, and for the prevention of alcoholism.

(3) To conduct, promote and finance, in full or in part, studies, investigations and research on the use and effect of alcohol, independently or in cooperation with universities and colleges, scientific organizations, and other public or private agencies.

(4) To accept for examination, evaluation, diagnosis, guidance, referral and rehabilitation, insofar as funds permit, any resident of the state, coming to the division of his own volition or applying through his legal guardian if the applicant has been adjudi-

cated incompetent. Resident, as used in this subdivision, means a person who has resided within the state for at least five years during the nine years immediately preceding the application and has resided herein continuously for one year immediately preceding the application.

(5) To contract for services not under its control for the emergency care, custody, treatment and rehabilitation of alcoholic patients.

(6) To study the advisability of using or establishing a farm or farms for alcoholics.

SEC. 72.03.050 ————*Personnel, Services, Facilities.* The division shall utilize all available and suitable personnel and facilities under the jurisdiction of the department of institutions and endeavor to obtain the services and facilities of personnel skilled in the treatment of alcoholism throughout the state.

SEC. 72.03.060 ————*Acquisition of Additional Facilities.* The division may acquire additional facilities for the purposes of this chapter by gift, loan, lease, or purchase: *Provided*, That prior to the acquisition of new or additional facilities the division shall conduct a survey of and search for potentially suitable facilities within the state and such survey and search shall include the investigation of federal, state, county, municipal and private facilities that are now or may in the future become available for state acquisition or use in connection with the division's alcoholism program.

SEC. 72.03.070 ————*Acceptance, Refusal of Gifts, Grants—Disposition of Money.* The division may accept or refuse gifts or grants of property of every nature which are given by any federal, state, local or private agency or other source to promote the division's program on alcoholism, and any moneys donated or granted for this purpose shall be deposited into the alcoholism account in the general fund of the state treasury.

SEC. 72.03.080 ————*Cooperation with Public and Private Agencies.* The division shall cooperate with public and private agencies in its establishment of an alcoholism program and such cooperation may include the acceptance or grant of funds, acceptance or supplying of facilities and personnel and participation in every reasonable manner in promoting public and private programs for the treatment of alcoholism.

SEC. 72.03.090 ————*Regulations.* For the purpose of carrying into effect the provisions of this chapter, the division shall make such regulations not inconsistent with the spirit of this chapter as it deems necessary or advisable. All regulations so made shall be public records and filed in the office of the secretary of state.

SEC. 72.03.100 *Applications for Voluntary Admittance—Contents.* Applications for voluntary admittance to the program on alcoholism shall be made to the division on forms to be provided by the division under such rules and regulations as the division shall prescribe. Such application shall provide for consent to be given by the applicant, or by his guardian if the applicant has been adjudicated incompetent, to detention for the purposes of evaluation, diagnosis or treatment of alcoholism for a period of not less than one hundred and twenty days, if required by the division.

SEC. 72.03.110 *Admission to Treatment Program—Demand for Discharge.* If the division is satisfied, after examination of the applicant, that he is in need of treatment for alcoholism and will be benefited thereby, the division may admit the applicant to the treatment program for such period of time as the division shall deem necessary for the treatment and rehabilitation of such applicant: *Provided,* That any voluntary patient who personally, or through his legal guardian if the patient has been adjudicated

incompetent, makes written demand for release from the program shall be discharged no later than one hundred and twenty days after the date of making such demand.

SEC. 72.03.120 *Liability of Officer or Employee for Detention of Person Voluntarily Admitted.* No officer or employee of the department of institutions shall be liable for the detention of any person voluntarily admitted to the program on alcoholism until the lapse of one hundred and twenty days following written demand for release made by the patient or by his legal guardian if the patient has been adjudicated incompetent, and then liability shall be incurred only if it be established that such detention was unreasonable and arbitrary.

SEC. 72.03.130 *Support of Patient—Expense, Charges, Reimbursement—Contracts for Services.* In respect to any or all items of expense incurred by the division in connection with the referral, examination, evaluation, guidance, or custody of any of its patients, the division, insofar as possible, shall seek to be reimbursed by the patient or persons liable for the support of the patient. The amount charged is to be in accordance with the schedule of charges made by other private or public institutions. The division may accept part payment in cases where there is satisfactory evidence that full payment cannot be paid; the division may accept any portion that can be paid and the balance arranged in payments when the patient is rehabilitated. The division is to pay such charges incurred and authorized by the division for the care of the patient: *Provided*, That this chapter shall not interfere with the right of licensed private physicians, hospitals and sanatoria to enter into contracts with patients for the treatment of alcoholism respecting conditions, terms and compensations for such services.

SEC. 72.03.140 *Collection of Unpaid Charges—Disposition of Collections.* Collection of unpaid charges shall be enforceable by the state, through the department of institutions, by an action at law to be tried in the superior court of the county wherein the patient maintains his residence. All such charges and all collections by the division under this chapter shall be deposited into the alcoholism account in the general fund of the state treasury.

SEC. 72.03.150 *Inability to Contribute to Cost No Bar to Admission.* The division shall not refuse admission for diagnosis, evaluation, guidance or treatment to any applicant because it is determined that the applicant is financially unable to contribute fully or in part to the cost of any services or facilities available under the program on alcoholism.

SEC. 72.03.160 *Alcoholism Account Established.* There is established in the general fund of the state treasury an alcoholism account.

SEC. 72.03.170 *Disbursements from Alcoholism Account Limited.* No disbursements shall be made from the alcoholism account in the general fund of the state treasury in excess of the balance of such account.

Chapter 72.05

DIVISION OF CHILDREN AND YOUTH SERVICES—COUNCIL FOR CHILDREN AND YOUTH

SEC. 72.05.010 *Declaration of Purpose.* The purposes of sections 72.05.010 through 72.05.210 are: To provide for every child with behavior problems, defective and feeble-minded person, and deaf and blind children, within the purview of sections 72.05-.010 through 72.05.210, such care, guidance and instruction, control and treatment as will best serve the welfare of the child or person and society; to

insure nonpolitical and qualified operation, supervision, management, and control of the Green Hill school, the Maple Lane school, Lakeland Village, Rainier school, the state school for the blind, and the state school for the deaf, and to place them under the division of children and youth services in the department of institutions; and to provide for the persons committed or admitted to those schools that type of care, instruction, and treatment most likely to accomplish their rehabilitation and restoration to normal citizenship.

SEC. 72.05.020 *Definitions.* As used in this chapter, unless the context requires otherwise:

(1) "Council" means the state council for children and youth.

(2) "Division" means the division of children and youth services.

(3) "Supervisor" means the supervisor of children and youth services.

SEC. 72.05.030 *Division of Children and Youth Services Established.* There is hereby established within the department of institutions a division to be known as the division of children and youth services.

SEC. 72.05.040 *Supervisor of Children and Youth Services—Appointment—Qualifications.* The director of institutions shall appoint and deputize an assistant director to be known as the supervisor of children and youth services. The appointment of the supervisor shall be based upon character, education, experience, ability, and aptitudes for the duties of such position, and the supervisor of the division of children and youth shall have had five years' successful administrative experience in the field of children and youth, at the budget, policy, and administrative level: *Provided*, That a master's degree in the field of children and youth shall count for one

year of experience and a doctorate degree in the field of children and youth shall count for two years' experience.

SEC. 72.05.050 *Employees — Appointment.* All employees of the division except the supervisor and certificated teachers or employees shall be appointed through competitive examination conducted by the state personnel board.

Note: See also chapter 293, Laws of 1959.

SEC. 72.05.060 ————*Qualifications—Standards.* All appointments to employment in the division shall be based upon character, education, experience, ability, personality, temperament, and aptitude for the respective positions and without regard to political affiliation. The state personnel board, with the advice of the supervisor, shall establish the requirement standards for each classification.

SEC. 72.05.070 ————*Classification—Examinations.* The state personnel board, with the advice of the supervisor, shall designate the title of the classifications of the various employees in the division and the number of positions there are in each classification. Separate examinations shall be conducted by the state personnel board for each classification, or they may be combined as the state personnel board may elect.

SEC. 72.05.080 ————*Selection—Eligibles.* The supervisor, or the subordinate designated by him, shall select the employees of the division from the list of eligibles furnished by the state personnel board. If there is no list of eligibles when a vacancy occurs, he may hire any available person, if, in his opinion, that person is able to perform the work in a satisfactory manner and has the minimum qualifications of the position to which he is appointed.

SEC. 72.05.090 ————*Probationary Period.* Any employee selected from an eligibility list furnished by the state personnel board shall be subject to a

probationary period of six months before becoming an employee on permanent status. An employee so certified shall, within six months, pass a qualifying examination conducted by the state personnel board.

SEC. 72.05.100 ————*Temporary Status.* Any employee other than one selected from an eligibility list furnished by the state personnel board, shall be on a temporary status unless after a six months probationary period, the supervisor, with the approval of the director, shall certify him for a permanent status.

SEC. 72.05.110 ————*Discharge.* No employee on permanent status shall be discharged, except for cause, and then only after hearing by the state personnel board, or the person or persons designated by it, if demanded.

SEC. 72.05.120 ————*Applicability of Merit or Civil Service System.* In the event that the legislature enacts a merit or civil service system which includes the employees of the division, the provisions of this chapter in conflict with such merit or civil service system shall be deemed to be thereby superseded.

SEC. 72.05.130 *Powers and Duties of Division— in General— “Close Security” Institutions Designated.* The division of children and youth services shall establish, maintain, operate and administer a comprehensive program for the custody, care, education, treatment, instruction, guidance, control and rehabilitation of all persons who may be committed or admitted to institutions, schools, or other facilities controlled and operated by the division and in order to accomplish these purposes, the powers and duties of the supervisor of the division of children and youth services shall include the following:

(1) The assembling, analyzing, tabulating, and reproduction in report form, of statistics and other

data with respect to children with behavior problems in the state of Washington, including, but not limited to, the extent, kind, and causes of such behavior problems in the different areas and population centers of the state. Such reports shall not be open to public inspection, but shall be open to the inspection of the director, supervisor, governor, council, and to the superior court judges of the state of Washington.

(2) The establishment and supervision of diagnostic facilities and services in connection with the custody, care, and treatment of defective, feeble-minded, and behavior problem children who may be committed or admitted to any of the institutions, schools, or facilities controlled and operated by the division, or who may be referred for such diagnosis and treatment by any superior court of this state. Such diagnostic services may be established in connection with, or apart from, any other state institution under the supervision and direction of the director. Such diagnostic services shall be available to the superior courts of the state for persons referred for such services by them prior to commitment, or admission to, any school, institution, or other facility. Such diagnostic services shall also be available to other departments of the state.

(3) The supervision of all persons committed or admitted to any institution, school, or other facility operated by the division, and the transfer of such persons from any such institution, school, or facility to any other such school, institution, or facility: *Provided*, That where a person has been committed to a minimum security institution, school, or facility by any of the superior courts of this state, a transfer to a close security institution shall be made only with the consent and approval of such court. This shall not apply to the state school for the deaf or the state school for the blind.

(4) The supervision of parole, discharge, or other release, and the post-institutional placement of all persons committed to Green Hill school and Maple Lane school, or such as may be assigned, paroled, or transferred therefrom to other facilities operated by the division. Green Hill school and Maple Lane school are hereby designated as "close security" institutions to which shall be given the custody of children with the most serious behavior problems.

SEC. 72.05.140 *Educational Facilities in Youth Institutions.* The division of children and youth services, in order to provide educational facilities for persons admitted or committed to any of the institutions, schools or facilities herein provided, is authorized either to:

(1) Enter into an agreement with the local school district within which the institution is situated or with any other local school district conveniently located in the region, or

(2) provide a comprehensive school program in connection with any institution as if that institution were itself a local school system.

In the event that either option is exercised, all teachers shall meet all certification requirements and the program shall conform to the usual standards defined by law or by regulations of the state board of education or the office of the state superintendent of public instruction and/or other recognized national certifying agencies.

SEC. 72.05.150 *"Minimum Security" Institutions—Establishment—"Forest Camp Revolving Fund" Created.* The department, through the division, shall have power to acquire, establish, maintain, and operate "minimum security" facilities for the care, custody, education, and treatment of children with less serious behavior problems. Such facilities may include parental schools or homes, farm units, and

forest camps. Admission to such minimum security facilities shall be by juvenile court commitment or by transfer as herein otherwise provided. In carrying out the purposes of this section, the department may establish or acquire the use of such facilities by gift, purchase, lease, contract, or other arrangement with existing public entities, and to that end the director may execute necessary leases, contracts, or other agreements. In establishing forest camps, the department may contract with other divisions of the state and the federal government; including, but not limited to, the state division of forestry, the state parks and recreation commission, the U. S. forest service, and the national park service, on a basis whereby such camps may be made as nearly as possible self-sustaining. Under any such arrangement the contracting agency shall reimburse the department for the value of services which may be rendered by the inmates of a camp and all such reimbursements shall be credited to a "forest camp revolving fund", which fund is hereby created, and out of which funds may be disbursed towards the cost of operation and maintenance of the camp.

SEC. 72.05.160 *Contracts with Other Divisions, Agencies Authorized.* In carrying out the provisions of sections 72.05.010 through 72.05.210, the department, through the division, shall have power to contract with other divisions or departments of the state or its political subdivisions, with any agency of the federal government, or with any private social agency.

SEC. 72.05.170 *Counseling and Consultative Services.* The division may provide professional counseling services to delinquent and maladjusted children and their parents, consultative services to communities dealing with problems of children and youth, and may give assistance to law enforcement

agencies by means of juvenile control officers who may be selected from the field of police work.

SEC. 72.05.180 *State Council for Children and Youth Created — Members — Terms — Expenses — Meetings.* There is hereby created a state council for children and youth which shall consist of twenty-one members to be appointed by the governor. Of the members initially appointed, the governor shall designate seven to serve for terms of six years, seven to serve for terms of four years, and seven to serve for terms of two years. Thereafter, the terms of all members shall be for six years. Membership of the council shall be representative of and chosen from all congressional districts of the state insofar as practicable. Vacancies shall be filled by the governor for the remainder of unexpired terms. Upon their appointment and qualification, the members of the council for children and youth shall meet at Olympia and organize by the election of a chairman and secretary. Members of the council shall be entitled to their necessary traveling expenses and expenses of subsistence while engaged upon the performance of their official duties. The council shall fix the times it will regularly meet but it shall meet in regular session at least twice a year. Special meetings may be held at the call of the chairman.

SEC. 72.05.190 —————*Functions of Council.* The state council for children and youth shall:

(1) Advise with, and formulate and recommend policies to, the director of institutions and supervisor of children and youth services in relation to the custody, care, education, treatment, and rehabilitation of youth.

(2) Develop and recommend programs designed to provide, strengthen, and coordinate such services as are deemed essential to the children and youth of the state, and to that end, cooperate with existing agencies, and to encourage and assist the organiza-

tion of committee units in the several counties of the state for local study and examination of youth problems.

(3) Collect and collaborate with other agencies and with special local committee units in collecting statistics and information regarding the behavior problems of children and the underlying causes thereof.

(4) Make continuous studies of the educational, health, recreational, economic, and working conditions of children and youth with the object in view of recommending the adoption of measures designed to correct the behavior problems of children.

(5) Make such surveys as may be deemed necessary to enable it to properly carry out its policy-making and recommendatory powers.

(6) Advise and consult with the director in the appointment of the supervisor.

SEC. 72.05.200 *Parental Right to Provide Treatment Preserved.* Nothing in sections 72.05.010 through 72.05.210 shall be construed as limiting the right of a parent, guardian or person standing in loco parentis in providing any medical or other remedial treatment recognized or permitted under the laws of this state.

SEC. 72.05.210 *Juvenile Court Law—Applicability—Synonymous Terms.* Sections 72.05.010 through 72.05.210 shall be construed in connection with and supplemental to the juvenile court law as embraced in chapter 13.04 RCW. Process, procedure, probation by the court prior to commitment, and commitment shall be as provided therein. The terms “delinquency”, “delinquent” and “delinquent children” as used and applied in the juvenile court law and the terms “behavior problems” and “children with behavior problems” as used in sections 72.05.010 through 72.05.210 are synonymous and interchangeable.

SEC. 72.05.300 *Parental Schools—Leases, Purchases—Powers of School District.* The department, through the division, may execute leases, with options to purchase, of parental school facilities now or hereafter owned and operated by school districts, and such leases with options to purchase shall include such terms and conditions as the director of institutions deems reasonable and necessary to acquire such facilities. Notwithstanding any provisions of the law to the contrary, the board of directors of each school district now or hereafter owning and operating parental school facilities may, without submission for approval to the voters of the school district, execute leases, with options to purchase, of such parental school facilities, and such leases with options to purchase shall include such terms and conditions as the board of directors deems reasonable and necessary to dispose of such facilities in a manner beneficial to the school district. The department, through the division, if it enters into a lease, with an option to purchase, of parental school facilities, may exercise its option and purchase such parental school facilities; and a school district may, if it enters into a lease, with an option to purchase, of parental school facilities, upon exercise of the option to purchase by the department, sell such parental school facilities and such sale may be accomplished without first obtaining a vote of approval from the electorate of the school district.

SEC. 72.05.310 ————*Personnel.* The department, through the division, may employ personnel, including but not limited to, superintendents and all other officers, agents, and teachers necessary to the operation of parental schools.

Chapter 72.06

DIVISION OF MENTAL HEALTH

SECTION 72.06.010 *Division of Mental Health—Established.* There is established within the department of institutions a division to be known as the division of mental health.

SEC. 72.06.020 *Supervisor of Mental Health.* The director of institutions shall appoint and depute an assistant director to be designated the supervisor of mental health.

SEC. 72.06.030 ————*Qualifications.* The supervisor of the division of mental health shall be a doctor of medicine and shall have had five years' of successful administrative experience in the field of mental health at the budget, policymaking, and administrative level, and, in addition, shall have successful experience in the clinical and clinical administrative mental illness field.

SEC. 72.06.040 ————*Powers and Duties.* The supervisor of mental health, through the division of mental health, and with the approval of the director of institutions, shall exercise all powers and perform all duties prescribed by law with respect to the administration of the mental health program by the department.

SEC. 72.06.050 *Mental Health—Dissemination of Information and Advice by Department.* The department shall cooperate with other departments of state government and its political subdivisions in the following manner:

(1) By disseminating educational information relating to the prevention, diagnosis and treatment of mental illness, mental disorders or mental deficiency.

(2) Upon request therefor, by advising public officers, organizations and agencies interested in the mental health of the people of the state.

SEC. 72.06.060 ————*Psychiatric Outpatient Clinics.* The department is hereby authorized to establish and maintain psychiatric outpatient clinics at such of the several state mental institutions as the director shall designate for the prevention, diagnosis and treatment of mental illnesses, deficiencies or disorders, and the services of such clinics shall be available to any citizen of the state in need thereof, when determined by a physician that such services are not otherwise available, subject to the rules of the department.

SEC. 72.06.070 ————*Cooperation of Department and State Hospitals With Local Programs.* The department and the several state hospitals for the mentally ill shall cooperate with local mental health programs by providing necessary information, recommendations relating to proper after care for patients paroled or discharged from such institutions and shall also supply the services of psychiatrists, psychologists and other persons specialized in mental illness as they are available.

SEC. 72.06.080 ————*Duties of Local Agencies—Local Committees Authorized.* The board of health in any health district created under the provisions of chapter 70.46 RCW; and in all counties not having a health district, the county board of health; and in cities of the first class, the city health department, or a combined city-county health department as provided in chapter 70.08 RCW (hereinafter called "the local health department") shall:

(1) Cooperate with the patient's physician and the several state hospitals for the mentally ill, in providing necessary after care services for patients who leave the state hospitals for the mentally ill on a parole or discharge basis. The local health department in cooperation with the local county or district medical society shall coordinate, plan and de-

velop consultative and other necessary supporting services for such patients.

(2) Cooperate with the county or district medical society, in coordinating, planning, and developing consultative and other services with respect to persons who have emotional or mental problems or persons who appear to be in need of specialized help because of such problems: *Provided*, That the community mental health program shall cooperate with any juvenile delinquency prevention program of the division of children and youth services.

(3) Establish, in cooperation with the county or district medical society, a community mental health committee for the geographical area within the local health department jurisdiction. The committee shall be composed of available representatives from the county or district medical society, the courts, law enforcement agencies, public and private school authorities, public assistance department, the clergy, and other organized groups interested in the field of mental health. Such committee shall meet and organize within three months after June 8, 1955, and shall hold at least two meetings each year. Such committee with the assistance of the county or district medical society and the local health department shall study the causes and incidence of emotional and mental illness and disorders in the community and may develop a local mental health program and formulate plans for prevention, discovery and treatment of such disorders consistent with the findings of the study and in conjunction with the services of the outpatient clinics of the several state hospitals whenever such services are available in the local community.

(4) In cooperation with the county or district medical society and the local mental health committee, conduct such educational and related work as will tend to encourage the development of a sound

mental health program, and in so doing may have consultation and assistance from the state department of health.

SEC. 72.06.090 ————*Local Health Department's Staff—State Financial Assistance.* The local health department may employ a specialized staff to assist in carrying out the local mental health program and may apply to the state department of health for financial assistance from appropriations to the department for this purpose.

Chapter 72.08

STATE PENITENTIARY

SECTION 72.08.010 *What Constitutes Penitentiary.* The entire area of lands situated near the city of Walla Walla, donated to the territory of Washington for penitentiary purposes by the people of Walla Walla, and all lands acquired thereafter, together with all structures, buildings and inclosures thereon, are hereby declared to be, and they shall hereafter be known as, the state penitentiary.

SEC. 72.08.020 *Visitation.* It shall be the duty of the director to have an officer of the department visit the penitentiary once in each month and oftener if necessary.

SEC. 72.08.040 *Duties of Superintendent.* The superintendent shall reside at the penitentiary, and it shall be his duty:

(1) Under the order and direction of the department to prosecute all suits at law or in equity that may be necessary to protect the rights of the state in matters or property connected with the penitentiary and its management, such suits to be prosecuted by the attorney general, in the name of the department.

(2) To supervise the government, discipline and police of the penitentiary, and to enforce all orders

and regulations of the department in respect to the penitentiary. He shall keep a registry of the convicts, in which shall be entered the names of each convict, the crime for which he is convicted, the period of his sentence, from what county sentenced, by what court sentenced, his nativity, to what degree educated, an accurate description of his person, and whether he has previously been confined in a prison in this or any other state, and if so where, and how he was discharged.

(3) To perform such other duties as may be prescribed by the department.

SEC. 72.08.045 *Temporary Rules.* When in his opinion an emergency exists, the superintendent may promulgate temporary rules for the governance of the penitentiary, which shall remain in effect until terminated by the director.

SEC. 72.08.050 *Employment of Intemperate Person Prohibited.* No person shall be appointed to any office or be employed in the penitentiary on behalf of the state who is in the habit of intemperate use of liquors, and a single act of intemperance shall justify his discharge or removal.

SEC. 72.08.070 *Disposition of Moneys.* All moneys received or collected by the superintendent, unless otherwise provided, from sales of industrial or agricultural products of the state penitentiary or for services in relation to the industrial and agricultural operations of the penitentiary shall be paid by him into the state treasury to the credit of the state institutional revolving account.

SEC. 72.08.080 *Control of Revenues.* All revenues of the penitentiary, unless herein otherwise provided, shall be paid to the superintendent who alone is authorized to receipt for the same and discharge from liability. When any sum of money is

paid to the superintendent he shall cause the same to be properly entered on the books.

SEC. 72.08.090 *Fiscal Reports to Auditor.* On payment of any moneys into the state treasury, the superintendent and state treasurer shall report to the auditor of state the amount so paid, and the state treasurer shall give the superintendent a receipt therefor, which receipt shall be filed with the auditor.

SEC. 72.08.100 *Treatment of Prisoners.* In the treatment of the prisoners the following general rules shall be observed:

(1) Each convict shall be provided with a bed of straw or other suitable material, and sufficient covering of blankets, and shall be supplied with garments of coarse, substantial material, of distinctive manufacture, and with sufficient plain and wholesome food of such variety as may be most conducive of good health.

(2) No punishment shall be inflicted except by the order and under the direction of the superintendent.

(3) The superintendent shall keep a correct account of all money and valuables upon the prisoner when delivered at the prison, and shall return the same or the proceeds thereof, to the convict when discharged, or to his legal representative in case of his death. In the case of the death of a convict without being released, if no legal representative shall demand such property within five years, it shall be paid into the state treasury.

(4) The rules and regulations prescribing the duties and obligations of the prisoners shall be printed and hung up in each cell and shop.

(5) Each convict when he leaves the penitentiary shall be supplied with any sum which may have been presented to him from any source. The prisoner shall be entitled, if he so elects, to immunity from having his hair cut or being shaved for three

calendar months immediately prior to his discharge. It shall not be lawful for the officers of the penitentiary to furnish or permit to be furnished to anyone for publication the name of any prisoner about to be discharged.

SEC. 72.08.110 *Procedure As to Insane Convicts.* When the superintendent, and such other officers as may be designated by the director to act with him in such cases, are of opinion that any convict is insane, they shall make proper examination, and if they remain of the opinion that such person is insane, the superintendent shall certify the fact to the superintendent of one of the state hospitals for the mentally ill, and shall forthwith send such convict to such hospital for care and treatment. If at the expiration of the term of sentence the insane convict is still in the hospital for the mentally ill, he shall be allowed to remain there until discharged cured. The superintendent shall also send to the department a copy of the certificate, and thereafter a statement as to his subsequent acts, regarding the insane convict. The superintendent of the hospital for the mentally ill shall receive such convict, and keep him until cured. He shall, upon receipt of the insane convict, notify the department of the fact, giving name, date and where from, and from whose hands received. When in the opinion of the superintendent the insane convict is cured of insanity, he shall immediately notify the department thereof; and he shall also notify the superintendent of the penitentiary, who shall immediately send for, take, and receive the convict back into the penitentiary. The time passed at the hospital shall count as a part of the convict's sentence.

Before discharging any convict who may be insane at the time of the expiration of his sentence, the superintendent shall first give notice in writing to the superior court of the county in which the peni-

tentiary is located, of the fact of such insanity, whereupon such court shall forthwith make an order, and deliver it to the sheriff of the county, commanding him to bring the insane convict before the court. Upon receipt of the order the sheriff shall execute and return it forthwith to the court, and thereupon the court shall cause proper examination to be made by medical experts, and if it satisfactorily appears that the convict is insane, the court shall order him to be confined in one of the hospitals for the mentally ill. The sheriff shall receive the same compensation as for transferring a prisoner to the penitentiary, to be paid in the same manner. If any judge, after having been notified by the superintendent, neglects to cause such order to be made as herein provided, or if the sheriff neglects to remove any such insane convict as required by the provisions of this section, the superintendent shall cause the insane convict to be removed before the superior court of the county in which the penitentiary is located, in charge of an officer of the penitentiary, or other suitable person, for the purpose of examination; and the cost of such removal shall be paid out of the state treasury, in the same manner as when removed by the sheriff.

SEC. 72.08.120 *Rules and Regulations.* The director shall have power to make rules and regulations for the discipline, employment, instruction, education and compensation of prisoners in the Washington state penitentiary.

SEC. 72.08.130 *Water Supply—Buildings.* The director shall have power to contract for the supply of water for said penitentiary, upon such terms as he shall deem to be for the best interests of the state, or furnish water themselves, at their option. The department shall have full power to erect any building or structure deemed necessary, or to alter or improve the same, and to pay for the same from the fund appropriated for the use or support of the

penitentiary, or from the earnings thereof, without advertising or contracting therefore: *Provided*, That no buildings or structure, the cost of which will exceed three thousand dollars, shall be erected or constructed without first obtaining the consent of the governor: *Provided further*, That such expenditure shall in no instance exceed ten thousand dollars without a special appropriation therefor by the state legislature.

SEC. 72.08.140 *Extra Emoluments Prohibited*. No officer or employee shall receive, directly or indirectly, any compensation for his services other than that prescribed by the director; nor shall he receive any compensation whatever, directly or indirectly, for any act or service which he may do or perform for or on behalf of any contractor or agent or employee of a contractor. For any violations of the provisions of this section the officer, agent or employee of the state shall be discharged from his office or service; and every contractor or employee or agent of a contractor engaged therein, shall be expelled from the penitentiary grounds, and not again permitted within the same as a contractor, agent or employee.

SEC. 72.08.150 *Trafficking With Prisoners—Penalties*. No officer or employee of the state, or contractor or employee of a contractor, shall, without permission of the department make any gift or present to a convict, or receive any from a convict, or have any barter or dealing with a convict. For every violation of this section the offending party shall be guilty of a gross misdemeanor and shall incur in addition thereto the penalty as prescribed in section 72.08.140.

SEC. 72.08.160 *Interest in Contract or Purchase Forbidden*. No officer or employee of the penitentiary shall be interested, directly or indirectly, in any contract or purchase made or authorized to be made by anyone for or on behalf of the penitentiary.

SEC. 72.08.170 *Rewards.* The director shall have power to offer rewards not exceeding two hundred dollars, in the one case for the return of escaped convicts, and to pay the expenses of the apprehension, safekeeping and return of all escaped convicts by the officers of the penitentiary. He shall certify the amount of reward allowed and expenses incurred to the state auditor, who shall draw his warrant for the amount found due on the state treasurer, who shall pay the same out of any funds available therefor.

SEC. 72.08.343 *Clothing, Transportation, Funds On Release of Prisoners.* Every person confined in the state penitentiary pursuant to court order, or transferred therefrom to another facility for the custody of the inmates of such penal institution, upon his parole or release, shall be supplied by the superintendent, except as otherwise provided, with:

- (1) Suitable and presentable clothing,
- (2) transportation to his place of residence or place where approved employment has been gained within the state: *Provided*, That if an out-of-state parole plan has been approved by the board of prison terms and paroles, then an amount not to exceed twenty-five dollars may be expended by the superintendent for transportation, and
- (3) the sum of forty dollars.

If any inmate to be released from such penal institution, or other facilities of the department of institutions to which an inmate has been transferred, has, in the opinion of the superintendent, ample funds with which to defray the expenses as required by subdivisions (1), (2), and (3), or any one or more of them, he shall be required to do so, or, if in the opinion of the superintendent suitable arrangements have otherwise been made for the expenses of providing the requirements of subdivisions (1), (2),

or (3), or any one or more of them, the superintendent may consent to any or all of such arrangements.

SEC. 72.08.380 *Letters of Inmates May Be Withheld.* Whenever the superintendent of the state penitentiary withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the director of institutions for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the director for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the director, retained in a separate file for two years and then destroyed.

Chapter 72.12

STATE REFORMATORY

SECTION 72.12.010 *Management.* The Washington state reformatory heretofore established and located at Monroe in Snohomish county shall be equipped and managed in the manner and for the purpose in this chapter hereinafter provided.

SEC. 72.12.020 *Control Vested in Department.* The government and control of the Washington state reformatory and of the prisoners sentenced thereto shall be vested in the director of institutions.

SEC. 72.12.040 *Subordinate Officers—Personnel.* The superintendent, by and with the advice and consent of the director, shall appoint the physicians, and such subordinate officers, guards and employees as the number of prisoners or the needs of the institution may from time to time require.

SEC. 72.12.050 *Prisoners to Be Received at Reformatory.* The director, through the superintendent of the reformatory, shall receive all males between the ages of sixteen and thirty years who are sentenced to the reformatory on conviction of any criminal offense in any court having jurisdiction

thereof; and all male prisoners who may be removed from any other penal institution of the state as provided by law.

Note: See also section 1, chapter 251, Laws of 1959.

SEC. 72.12.070 *Rules and Regulations.* The director shall have power to make rules and regulations for the discipline, employment, instruction, education and removal of prisoners in the reformatory. The discipline imposed shall be reformatory in character.

SEC. 72.12.090 *Business Management.* The business management, sale of products and manufactures, and the auditing and keeping of accounts pertaining thereto shall be vested in the director under such regulations as may be prescribed by the director of budget.

SEC. 72.12.100 *Director's Duty — Register of Prisoners.* It shall be the duty of the director to maintain such control over prisoners committed to the reformatory as shall prevent them from committing crime, best secure their self-support, and accomplish their reformation. When any prisoner shall be received into the reformatory under sentence thereto, the director shall cause to be entered in a register the date of such admission, the name, age, nativity and nationality, with such facts as can be ascertained of parentage, or early education and social influences as seem to indicate the constitutional defects and social tendencies of the prisoner and the best probable plan of treatment. In such register shall be entered quarterly, or oftener, minutes of observed improvement or deterioration of character affecting the standing or situation of such prisoner, the circumstances of the final release, and any subsequent facts of the personal history which may be brought to the knowledge of the director or superintendent.

SEC. 72.12.122 *Clothing, Transportation, Funds On Release of Prisoners.* Every person confined in

the state reformatory pursuant to court order, or transferred therefrom to another facility for the custody of the inmates of such penal institution, upon his parole or release, shall be supplied by the superintendent, except as otherwise provided, with:

- (1) Suitable and presentable clothing,
- (2) transportation to his place of residence or place where approved employment has been gained within the state: *Provided*, That if an out-of-state parole plan has been approved by the board of prison terms and paroles, then an amount not to exceed twenty-five dollars may be expended by the superintendent for transportation, and
- (3) the sum of forty dollars.

If any inmate to be released from such penal institution, or other facilities of the department of institutions to which an inmate has been transferred, has, in the opinion of the superintendent, ample funds with which to defray the expenses as required by subdivisions (1), (2), and (3), or any one or more of them, he shall be required to do so, or, if in the opinion of the superintendent suitable arrangements have otherwise been made for the expenses of providing the requirements of subdivisions (1), (2), or (3), or any one or more of them, the superintendent may consent to any or all of such arrangements.

SEC. 72.12.140 *Letters of Inmates May be Withheld.* Whenever the superintendent of the state reformatory withholds from mailing letters written by inmates of such institution, the superintendent shall forward such letters to the director of institutions for study and the inmate shall be forthwith notified that such letter has been withheld from mailing and the reason for so doing. Letters forwarded to the director for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the director, retained in a separate file for two years and then destroyed.

Chapter 72.16

GREEN HILL SCHOOL

SECTION 72.16.010 *School Established.* There is established at Chehalis, Lewis county, an institution which shall be known as the Green Hill school.

SEC. 72.16.020 *Purpose of School.* The said school shall be for the keeping and training of all boys between the ages of eight and eighteen years who are residents of the state of Washington and who are lawfully committed to said institution.

SEC. 72.16.070 *Curriculum.* All branches taught in at least the first eight grades of the public schools shall be taught in the Green Hill school. The inmates shall be taught and trained in morality, temperance, frugality, and they shall also be instructed in the different trades and callings insofar as possible, within the scope of the institution.

SEC. 72.16.080 *Investigations—Return of Incurrigibles.* The department shall investigate all charges made by the superintendent against any inmate or inmates of the school, and if, after the investigation of such charges, any inmate or inmates of the school shall be found incurrigible, unmanageable or detrimental to the best interest of the school, such inmate shall be returned to the court which made the commitment.

SEC. 72.16.090 *Reports.* The superintendent shall, at the close of each year, make a full and complete report to the department, of the condition, number and standing of the inmates of the school, as well as the number received and the number dismissed during the year, and he shall give such further information as the department may require.

Chapter 72.20

MAPLE LANE SCHOOL

SECTION 72.20.010 *School Established.* There is established at Grand Mound, Thurston county, an institution which shall be known as the Maple Lane school.

SEC. 72.20.020 *Management — Superintendent.* The government, control and business management of such school shall be vested in the department. The director shall, with the approval of the governor, appoint a suitable superintendent of said school, and shall designate the number of subordinate officers and employees to be employed, and fix their respective salaries, and have power, with the like approval, to make and enforce all such rules and regulations for the administration, government and discipline of the school as they may deem just and proper, not inconsistent with this chapter. The superintendent and all subordinate officers of the school shall be women: *Provided, however,* If a married woman be appointed superintendent or to any subordinate position, the husband of such appointee may, with the consent of the director, reside at the institution, and may be assigned such duties or employment as the director may prescribe.

Note: See also section 1, chapter 39, Laws of 1959.

SEC. 72.20.040 *Duties of Superintendent.* The superintendent, subject to the direction and approval of the director shall:

(1) Have general supervision and control of the grounds and buildings of the institution, the subordinate officers and employees, and the inmates thereof, and all matters relating to their government and discipline.

(2) Make such rules, regulations and orders, not inconsistent with law or with the rules, regulations or directions of the director, as may seem to her

proper or necessary for the government of such institution and for the employment, discipline and education of the inmates.

(3) Exercise such other powers, and perform such other duties as the director may prescribe.

Note: See also section 2, chapter 39, Laws of 1959.

SEC. 72.20.050 *Parole or Discharge—Behavior Credits.* The department, acting with the superintendent, shall, under a system of marks, or otherwise, fix upon a uniform plan by which girls may be paroled or discharged from the school, which system shall be subject to revision from time to time. Each girl shall be credited for personal demeanor, diligence in labor or study and for the results accomplished, and charged for derelictions, negligence or offense. The standing of each girl shall be made known to her as often as once a month.

SEC. 72.20.060 *Conditional Parole—Apprehension on Escape or Violation of Parole.* Every girl shall be entitled to a trial on parole before reaching the age of twenty years, such parole to continue for at least one year unless violated. The superintendent and resident physician, with the approval of the director, shall determine whether such parole has been violated. Any girl committed to the school who shall escape therefrom, or who shall violate a parole, may be apprehended and returned to the school by any officer or citizen on written order or request of the superintendent.

SEC. 72.20.065 *Intrusion—Enticement Away of Girls—Interference—Penalty.* Any person who shall go upon the school grounds except on lawful business, or by consent of the superintendent, or who shall entice any girl away from the school, or who shall in any way interfere with its management or discipline, shall be guilty of a misdemeanor.

SEC. 72.20.070 *Eligibility Restricted.* No girl shall be received in the Maple Lane school who is

not of sound mind, or who is subject to epileptic or other fits, or is not possessed of that degree of bodily health which should render her a fit subject for the discipline of the school. It shall be the duty of the court committing her to cause such girl to be examined by a reputable physician to be appointed by the court, who will certify to the above facts, which certificate shall be forwarded to the school with the commitment. Any girl who may have been committed to the school, not complying with the above requirements, may be returned by the superintendent to the court making the commitment, or to the officer or institution last having her in charge. The department shall arrange for the transportation of all girls to and from the school.

SEC. 72.20.080 *Education—State Board of Education to Supervise.* It shall be the duty of the superintendent, subject to the approval of the director, to employ teachers, and as far as practicable, to instruct the girls in all of the branches usually taught in the grades of the common schools of the state, also in such trades and vocational occupations as may be found desirable. The educational work of the school shall be a part of the educational system of the state, and as such shall be under the supervision of the state board of education. Only those certified by the state superintendent of public instruction shall be employed as teachers.

SEC. 72.20.090 *Hiring Out — Apprenticeships — Compensation.* The superintendent shall have power to place any girl under the age of eighteen years at any employment for account of the institution or the girl employed, and receive and hold the whole or any part of her wages for the benefit of the girl less the amount necessary for her board and keep, and may also, with the consent of any girl over fourteen years of age, and the approval of the director endorsed thereon, execute indentures of apprentice-

ship, which shall be binding on all parties thereto. In case any girl so apprenticed shall prove untrustworthy or unsatisfactory, the superintendent may permit her to be returned to the school, and the indenture may thereupon be canceled. If such girl shall have an unsuitable employer, the superintendent may, with the approval of the director, take her back to the school, and cancel the indenture of apprenticeship. All indentures so made shall be filed and kept in the school. A system may also be established, providing for compensation to girls for services rendered, and payments may be made from time to time, not to exceed in the aggregate to any one girl the sum of twenty-five dollars for each year of service.

Chapter 72.23

STATE HOSPITALS FOR THE MENTALLY ILL

SECTION 72.23.010 *Definitions.* As used in this chapter, the following terms shall have the following meanings:

“Mentally ill person” shall mean any person found to be suffering from psychosis or other disease impairing his mental health, and the symptoms of such disease are of a suicidal, homicidal, or incendiary nature, or of such nature which would render such person dangerous to his own life or to the lives or property of others.

“Patient” shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized.

“Licensed physician” shall mean an individual licensed as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

“State hospital” shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

“Superintendent” shall mean the superintendent of a state hospital.

“Court” shall mean the superior court of the state of Washington.

“Resident” shall mean a resident of the state of Washington who has maintained his domiciliary residence within this state for a period of two years immediately preceding commitment.

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

SEC. 72.23.020 *State Hospitals Designated.* There are hereby permanently located and established the following state hospitals: Western state hospital at Fort Steilacoom, Pierce county; eastern state hospital at Medical Lake, Spokane county; and northern state hospital near Sedro Woolley, Skagit county.

SEC. 72.23.030 *Superintendent — Residence — Qualifications—Powers.* The superintendent of a state hospital shall be a skillful practicing physician, and shall reside in the hospital; he shall have control of the medical, therapeutic, and dietetic treatment of the patients, which shall include authority to cause the performance of all necessary surgery. The superintendent, subject to rules and regulations of the department, shall have control of the internal government and economy of a state hospital, shall appoint and direct all subordinate officers and employees, and shall designate those employees whose residence at the hospital is deemed essential for its proper operation.

SEC. 72.23.040 *Seal of Hospital.* The superintendent shall provide an official seal upon which shall be inscribed the statutory name of the hospital under his charge and the name of the state. He shall affix

the seal of the hospital to any notice, order of discharge, or other paper required to be given by him or issued.

SEC. 72.23.050 *Superintendent as Witness—Exemptions from Military, Jury Duty.* The superintendent shall not be required to attend any court as a witness in a civil or juvenile court proceedings, but parties desiring his testimony can take and use his disposition; nor shall he be required to attend as a witness in any criminal case, unless the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony require his attendance; and he and all other persons employed at the hospital shall be exempt from serving on juries; and, in time of peace, from performing military duty; and the certificate of the superintendent shall be evidence of such employment.

SEC. 72.23.060 *Gifts—Record—Use.* The superintendent is authorized to accept and receive from any person or organization gifts of money or personal property on behalf of the state hospital under his charge, or on behalf of the patients therein. The superintendent is authorized to use such money or personal property for the purposes specified by the donor where such purpose is consistent with law. In the absence of a specified use the superintendent may use such money or personal property for the benefit of the state hospital under his charge or for the general benefit of the patients therein. The superintendent shall keep an accurate record of the amount or kind of gift, the date received, and the name and address of the donor. The superintendent may deposit any money received as he sees fit upon the giving of adequate security. Any increase resulting from such gift may be used for the same purpose as the original gift. Gratuities received for services rendered by a state hospital staff in their official ca-

capacity shall be used for the purposes specified in this section.

SEC. 72.23.070 *Voluntary Patients—Right to Receive—Application.* Pursuant to rules and regulations established by the department, the superintendent of a state hospital may receive and detain any person who is, in his opinion, a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of an adult person, the application shall be voluntarily made by the person, at a time when he is in such condition of mind as to render him aware of the significance of his act;

(2) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody;

(3) In the case of an adult person for whom a guardian of the person has been appointed, such application shall be made by said guardian, when so authorized by proper court order in the guardianship proceedings.

SEC. 72.23.080 ————*Legal Competency—Record.* Any person received and detained in a state hospital pursuant to section 72.23.070 shall be deemed a voluntary patient and shall not suffer a loss of legal competency by reason of his application and admission. Upon the admission of a voluntary patient to a state hospital the superintendent shall immediately forward to the department the record of such patient showing the name, address, sex, age, place of birth, occupation, date of admission, name of nearest relative, and such other information as the department may from time to time require.

SEC. 72.23.090 ————*Detention.* No adult person received into a state hospital under such volun-

tary application shall be detained therein for more than twelve days after his having given notice in writing to the superintendent of his desire to leave such hospital. No minor person or adult for whom a guardian of the person has been appointed received into a state hospital as a voluntary patient, shall be detained therein for more than twelve days after notice is given in writing to the superintendent by the parents, or the parent or guardian or other person entitled to custody of the minor or adult under guardianship, of their desire to remove him from the hospital. If the superintendent believes that further care, treatment or restraint is required, he shall, within the twelve day period, start proceedings for the involuntary hospitalization of such patient. A minor received into a state hospital as a voluntary patient shall not be detained after he reaches the age of majority, but such minor upon reaching majority may apply for admission into a state hospital as a voluntary patient: *Provided, however,* If said notice is given within less than eighteen days from date of admission the superintendent shall have the right to detain such voluntary patient for a period not to exceed thirty days from time of admission.

SEC. 72.23.100 ————*Policy—Duration—Residence Qualification.* It shall be the policy of the department to permit liberal use of the foregoing sections for the admission of those cases that can be benefited by treatment and returned to normal life and mental condition, in the opinion of the superintendent, within a period of six months. No person shall be carried as a voluntary patient for a period of more than one year. No person shall be admitted as a voluntary patient who has not been a resident of the state of Washington for a period of two years immediately preceding application for admission.

SEC. 72.23.110 ————*Limitation As to Number.* If it becomes necessary because of inadequate

facilities or staff, the department may limit applicants for voluntary admission in accordance with such rules and regulations as it may establish. The department may refuse all applicants for voluntary admission where lack of adequate facilities or staff make such action necessary.

SEC. 72.23.120 ————*Charges For Hospitalization.* Payment of hospitalization charges shall not be a necessary requirement for voluntary admission: *Provided, however,* The department may request payment of hospitalization charges, or any portion thereof, from the patient or relatives of the patient within the following classifications: Spouse, parents, or children. Where the patient or relatives within the above classifications refuse to make the payments requested, the department shall have the right to discharge such patient or initiate proceedings for involuntary hospitalization. The maximum charge shall be the same for voluntary and involuntary hospitalization.

SEC. 72.23.130 *History of Patient.* It shall be the duty of the superintendent to ascertain by diligent inquiry and correspondence, the history of each and every patient admitted to his hospital.

SEC. 72.23.140 *Parole or Discharge—Revocation of Parole.* Whenever in the judgment of the superintendent of any state hospital, any patient shall have so far recovered as to make it safe for such patient and for the public to allow him to be at large, the superintendent may parole such patient and allow him to leave such hospital, and whenever in the judgment of the superintendent any patient has been restored his mental health and is probably free from danger of relapse or recurrence of mental illness, the superintendent shall discharge such patient from the hospital. The superintendent may parole patients on such terms and conditions as he may deem advisable. Whenever a patient shall have been in a

parole status for a period of one year, the superintendent shall review such patient's case relative to the advisability of discharge.

No indigent patient shall be paroled or discharged without suitable clothing, and the superintendent shall furnish the same, together with such sum of money as he shall deem necessary for the immediate welfare of the patient, not to exceed fifty dollars. When the superintendent revokes the parole of any patient, he may request the superior court of the county wherein the patient is found to order the apprehension and detention of such patient. The court shall thereupon order the apprehension of such patient and shall detain him until returned to the state hospital by the superintendent. Such detention shall be in facilities set forth in RCW 71.02.130 and subject to time limitations therein stated. The various county welfare departments shall assist the superintendents of the state hospitals in the placement of paroled or discharged patients in suitable surroundings when so requested by said superintendents.

SEC. 72.23.150 *Parole—Revocation by Court—Emergency Detention.* Whenever it shall be made to appear to the superior court of any county that any paroled patient found in such county has become unsafe to be at large, said court shall order such patient apprehended and returned to the hospital from which he was paroled and shall direct the sheriff to notify the superintendent of such order, which order of return shall be executed by the department. In emergencies requiring immediate apprehension and detention, or at times when superior courts are not open for business, the sheriff may apprehend said parolee and detain him without warrant pending the issuance of a superior court order.

SEC. 72.23.160 *Escape—Apprehension and Return.* If a patient shall escape from a state hospital

the superintendent shall cause immediate search to be made for him and return him to said hospital wherever found. Notice of such escape shall be given to the committing court who may issue an order of apprehension and return directed to any peace officer within the state. Notice may be given to any sheriff or peace officer, who, when requested by the superintendent, may apprehend and detain such escapee or return him to the state hospital without warrant.

SEC. 72.23.170 *Escape of Patient—Penalty for Assisting.* Any person who procures the escape of any patient of any state hospital for the mentally ill, or institutions for psychopaths to which such patient has been lawfully committed, or who advises, connives at, aids, or assists in such escape or conceals any such escape, is guilty of a felony and shall be punished by imprisonment in a state penal institution for a term of not more than five years or by a fine of not more than five hundred dollars or by both imprisonment and fine.

SEC. 72.23.180 *Discharge, Parole, Death, Escape—Notice—Certificate of Discharge.* Whenever a patient dies, escapes, or is paroled or discharged from a state hospital, the superintendent shall immediately notify the clerk of the court which ordered such patient's hospitalization. A copy of such notice shall be given to the next of kin or next friend of such patient if their names or addresses are known or can, with reasonable diligence, be ascertained. Whenever a patient is discharged the superintendent shall issue such patient a certificate of discharge. Such notice or certificate shall give the date of parole, discharge, or death of said patient, and shall state the reasons for parole or discharge, or the cause of death, and shall be signed by the superintendent.

SEC. 72.23.190 *Death—Report to Coroner.* In the event of the sudden or mysterious death of any

patient at a state hospital, not on parole or escape therefrom, such fact shall be reported by the superintendent thereof to the coroner of the county in which the death occurs.

SEC. 72.23.200 *Minors—Confinement in Adult Wards.* No mentally ill person under the age of sixteen years shall be regularly confined in any ward in any state hospital which ward is designed and operated for the care of the adult mentally ill. No person between the ages of sixteen and eighteen shall be placed in any such ward, when in the opinion of the superintendent such placement would be detrimental to the mental condition of such a minor person or would impede his recovery or treatment.

SEC. 72.23.210 *Minors—Special Wards and Attendants.* The department may designate one or more wards at one or more state hospitals as may be deemed necessary for the sole care and treatment of minors admitted thereto. Nurses and attendants for such ward or wards shall be selected for their special aptitude and sympathy with such young people, and occupational therapy and recreation shall be provided as may be deemed necessary for their particular age requirements and mental improvement.

SEC. 72.23.220 *Letters To or From Patients.* The superintendent shall furnish each patient the material for writing at least one letter per week, if he shall request the same, unless otherwise provided. Patients' letters shall be subject to the inspection of the superintendent, who shall mail to the proper address thereof such of them as in his judgment should be sent, and he shall retain such letters as he considers objectionable which he shall forward to the director for study. Letters forwarded to the director for study shall either be mailed within seven days to the addressee or, if deemed objectionable by the director, retained in a separate file for two years and

then destroyed. All letters directed to the patients shall be delivered to them if, in the judgment of the superintendent, their contents are not prejudicial to the mental condition of the patient.

SEC. 72.23.230. *Patient's Property—Superintendent As Custodian—Management and Accounting.* The superintendent of a state hospital shall be the custodian without compensation of such personal property of a patient involuntarily hospitalized therein as may come into the superintendent's possession while the patient is under the jurisdiction of the hospital. As such custodian, the superintendent shall have authority to disburse moneys from the patients' funds for the following purposes only and subject to the following limitations:

(1) The superintendent may disburse any of the funds in his possession belonging to a patient for such personal needs of that patient as may be deemed necessary by the superintendent; and

(2) Whenever the funds belonging to any one patient exceed the sum of three hundred dollars, the superintendent may apply the excess to the payment of the state hospitalization charges of such patient; and

(3) When a patient is paroled, the superintendent shall deliver unto the said patient all or such portion of the funds or other property belonging to the patient as the superintendent may deem necessary and proper in the interests of the patient's welfare, and the superintendent may during the parole period deliver to the patient such additional property or funds belonging to the patient as the superintendent may from time to time determine necessary and proper. When a patient is discharged from the jurisdiction of the hospital, the superintendent shall deliver to such patient all funds or other property belonging to the patient.

All funds held by the superintendent as custodian

may be deposited in a single fund. Annual reports of receipts and expenditures shall be forwarded to the department, and shall be open to inspection by interested parties.

The appointment of a guardian for the estate of such patient shall terminate the superintendent's authority to pay state hospitalization charges upon the superintendent's receipt of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall forward to such guardian any funds or other property of the patient remaining in the superintendent's possession, together with a final accounting of receipts and expenditures.

Note: See also section 1, chapter 60, Laws of 1959.

SEC. 72.23.240 ————*Delivery to Superintendent As Acquittance—Defense, Indemnity.* Upon receipt of a written request signed by the superintendent stating that a designated patient of such hospital is involuntarily hospitalized therein, and that no guardian of his estate has been appointed, any person, bank, firm or corporation having possession of any money, bank accounts, or choses in action owned by such patient, may, if the balance due does not exceed one thousand dollars, deliver the same to the superintendent and mail written notice thereof to such patient at such hospital. The receipt of the superintendent shall be full and complete acquittance for such payment and the person, bank, firm or corporation making such payment shall not be liable to the patient or his legal representatives. All funds so received by the superintendent shall be deposited in such patient's personal account at such hospital and be administered in accordance with this chapter.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, firm or corporation effecting such delivery, and the state shall indemnify such person, bank, firm or

corporation against any judgment rendered as a result of such proceeding.

SEC. 72.23.250 *Funds Donated to Patients.* The superintendent shall also have authority to receive funds for the benefit of individual patients and may disburse such funds according to the instructions of the donor of such funds.

SEC. 72.23.260 *Federal Patients — Agreements Authorized.* The department shall have the power, in the name of the state, to enter into contracts with any duly authorized representative of the United States government, providing for the admission to, and the separate or joint observation, maintenance, care, treatment and custody in, state hospitals of persons entitled to or requiring the same, at the expense of the United States, and contracts providing for the separate or joint maintenance, care, treatment or custody of such persons hospitalized in the manner provided by law, and to perform such contracts, which contracts shall provide that all payments due the state of Washington from the United States for services rendered under said contracts shall be paid to the department.

SEC. 72.23.270 *Exclusions From State Hospitals — Idiots, Imbeciles, Etc.* No case of idiocy, imbecility, harmless chronic mental unsoundness, or acute mania a potu shall be hospitalized in a state hospital; and whenever, in the opinion of the superintendent after careful examination of the case of any person hospitalized, it shall be ascertained that such person comes within the rule of exemptions provided for by this section the superintendent shall have the authority to discharge such person and return him to the county from which he was ordered hospitalized, at the expense of said county.

SEC. 72.23.280 *Nonresidents — Hospitalization.* Nonresidents of this state conveyed or coming herein

while mentally ill shall not be hospitalized in a state hospital, but this prohibition shall not prevent the hospitalization and temporary care in said hospitals of such persons stricken with mental illness while traveling or temporarily sojourning in this state, or sailors attacked with mental illness upon the high seas and first arriving thereafter in some port within this state.

SEC. 72.23.290 *Transfer of Patients—Authority of Transferee.* Whenever it appears to be to the best interests of the patients concerned, the department shall have the authority to transfer such patients among the various state hospitals pursuant to rules and regulations established by said department. The superintendent of a state hospital shall also have authority to transfer patients eligible for treatment to the veterans' administration or other United States government agency where such transfer is satisfactory to such agency. Such agency shall possess the same authority over such patients as the superintendent would have possessed had the patient remained in a state hospital.

SEC. 72.23.300 *Bringing Narcotics, Intoxicating Liquors, Weapons, Etc., Into Institution or its Grounds Prohibited—Penalty.* Any person not authorized by law so to do, who brings into any state institution for the care and treatment of mental illness or within the grounds thereof, any opium, morphine, cocaine or other narcotic, or any intoxicating liquor of any kind whatever, except for medicinal or mechanical purposes, or any firearms, weapons, or explosives of any kind is guilty of a felony.

SEC. 72.23.900 *Construction—Purpose.* The provisions of this chapter shall be liberally construed so that persons who are in need of care and treatment for mental illness shall receive humane care and treatment and be restored to normal mental

condition as rapidly as possible with an avoidance of loss of civil rights where not necessary, and with as little formality as possible, still preserving all rights and all privileges of the person as guaranteed by the Constitution.

SEC. 72.23.910 ————*Effect on Laws Relating to the Criminally Insane—“Insane” as Used in Other Statutes.* Nothing in this chapter shall be construed as affecting the laws of this state relating to the criminally insane or insane inmates of penal institutions. Where the term “insane” is used in other statutes of this state its meaning shall be synonymous with mental illness as defined in this chapter.

Chapter 72.25

NONRESIDENT INSANE, FEEBLE-MINDED, EPILEPTICS, SEXUAL PSYCHOPATHS, AND PSYCHOPATHIC DELIN- QUENTS

SECTION 72.25.010 *Deportation of Aliens—Return of Residents.* It shall be the duty of the director of institutions, in cooperation with the United States bureau of immigration and/or the United States department of the interior, to arrange for the deportation of all alien sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons who are now confined in, or who may hereafter be committed to, any state hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in this state; to transport such alien sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons to such point or points as may be designated by the United States bureau of immigration or by the United States department of the interior; and to give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual

psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in a territory of the United States or in a foreign country.

SEC. 72.25.020 *Return of Nonresidents—Reciprocity—Expense—Resident of this State Defined.* The director shall also return all nonresident sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons who are now confined in or who may hereafter be committed to a state hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in this state to the state or states in which they may have a legal residence. For the purpose of facilitating the return of such persons the director may enter into a reciprocal agreement with any other state for the mutual exchange of sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons now confined in or hereafter committed to any hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in one state whose legal residence is in the other, and he may give written permission for the return of any resident of Washington now or hereafter confined in a hospital for the sexual psychopath, psychopathic delinquent, insane, feeble-minded, or epileptic in another state. Such residents may be returned directly to the proper Washington state institution without further court proceedings: *Provided*, That if the superintendent of such institution is of the opinion that the returned person is not a sexual psychopath, a psychopathic delinquent, insane, feeble-minded, or epileptic he may discharge said patient: *Provided further*, That if such superintendent deems such person a sexual psychopath, a psychopathic delinquent, insane, feeble-minded, or epileptic, he shall file an application for commitment within ninety days of arrival at the Washington institution.

A person shall be deemed to be a resident of this state within the meaning of this chapter who has maintained his domiciliary residence in this state for a period of one year preceding commitment to a state institution without receiving assistance from any tax supported organization and who has not subsequently acquired a domicile in another state: *Provided*, That any period of time spent by such person while an inmate of a state hospital or state institution or while on parole, escape, or leave of absence therefrom shall not be counted in determining the time of residence in this or another state.

All expenses incurred in returning sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons from this to another state may be paid by this state, but the expense of returning residents of this state shall be borne by the state making the return.

SEC. 72.25.030 *Assistance—Payment of Expenses*. For the purpose of carrying out the provisions of this chapter the director may employ all help necessary in arranging for and transporting such alien and nonresident sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons, and the cost and expense of providing such assistance, and all expenses incurred in effecting the transportation of such alien and nonresident sexual psychopaths, psychopathic delinquents, insane, feeble-minded, or epileptic persons, shall be paid from the funds appropriated for that purpose upon vouchers approved by the department.

SEC. 72.25.040 *Bringing Committed Person Into State Without Permission—Penalty*. Any person who shall bring, or in any way aid in bringing into the state of Washington, without having first obtained permission in writing from the director, any person who has previously been committed to a state institution as a sexual psychopath, a psychopathic

delinquent, an insane, feeble-minded, or epileptic person, and who has not been fully discharged therefrom shall be guilty of a gross misdemeanor: *Provided*, That this section shall not apply to an officer, agent, or employee of a common carrier for anything done in the line of duty.

Chapter 72.33

STATE RESIDENTIAL SCHOOLS

SEC. 72.33.010 *Declaration of Purpose.* The purposes of this chapter are: To provide for those children and adults who are exceptional in their needs for care, treatment and education by reason of mental and/or physical deficiency, residential care designed to develop their individual capacities to their optimum; to provide for admittance, withdrawal and discharge from state residential schools upon parental application; and to insure a comprehensive program for the education, guidance, care, treatment and rehabilitation of all persons admitted to Lakeland Village and Rainier school and such other like schools as may be hereafter established.

SEC. 72.33.020 *Definitions.* As used in this chapter, unless the context requires otherwise:

(1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the

legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for a period of not less than one year before application for admission is made: *Provided*, That the residence of an unemancipated minor shall be imputed from the residence of the father, if such minor is a legitimate child, otherwise from the residence of the mother, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean the right of im-

mediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

(12) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.

SEC. 72.33.030 *Lakeland Village, Rainier School Established.* There are hereby permanently established the following state schools for the care of the persons herein provided to be served: Lakeland Village, located at Medical Lake, Spokane county, Washington, and Rainier school, located at Buckley, Pierce county, Washington.

Note: See also section 1, chapter 31, Laws of 1959.

SEC. 72.33.040 *Superintendents—Qualifications—Powers and Duties.* The superintendent of a state school appointed after June 12, 1957 shall be a person of good character, over the age of thirty years, in good physical health, and either a physician licensed to practice in the state of Washington or has attained a minimum of a master's degree from an accredited college or university in psychology, social science, or education, and in addition shall have had suitable experience in an administrative or professional capacity in the residential care, treatment and training of mentally deficient persons.

The superintendent shall have custody of all residents and control of the medical, educational, therapeutic and dietetic treatment of all persons resident in such state school: *Provided*, That the superintendent shall cause surgery to be performed on any resident only upon gaining the consent of a parent or guardian, except, if after reasonable effort to locate the parents or guardian and the health of such

resident is certified by the attending physician to be jeopardized unless such surgery is performed, the required consent shall not be necessary.

The superintendent shall have control of the internal government and economy of the state school, shall appoint and direct all subordinate officers and employees and shall designate those officers and employees whose residence at the state school is deemed essential for its efficient operation: *Provided*, That the powers and duties conferred upon the superintendent shall be subject to the rules and regulations of the department and the state personnel board.

The superintendent shall have authority to engage the residents of the state school in beneficial work programs but shall not abuse such therapy by excessive hours or for purposes of discipline or punishment.

SEC. 72.33.050 *School Educational Departments to Be Created—Comprehensive Program.* There shall be an educational department created and maintained within each state school which shall provide a comprehensive program of academic, vocational, recreational and other educational services best adapted to meet the needs and capabilities of each resident therein whether such resident must always live within the protected community of the school or can be prepared and assisted to live without.

The department of public instruction shall assist the state schools in all feasible ways including financial aid so that the educational programs maintained therein shall be comparable to such programs advocated by the department of instruction for children with similar aptitudes in local school districts.

Within its available resources, each state school shall, upon request from a local school district, provide such clinical, counseling and evaluating services as may assist the local district lacking such profes-

sional resources in determining the needs of its exceptional children.

SEC. 72.33.060 *Division of Vocational Rehabilitation to Make Services Available.* The division of vocational rehabilitation shall make available its services to the state school in order to assist such schools in the vocational rehabilitation of its residents who are eligible and feasible for that division's services to the end that such persons may become engaged in remunerative occupations.

SEC. 72.33.070 *Department of Health to Determine Capacity of Residential Quarters.* The department of health shall determine by the application of proper criteria the maximum number of children to reside in the residential quarters of the state schools and the superintendent shall adhere to such standards unless written permission is granted by the department to exceed such rated capacities.

SEC. 72.33.080 *Department of Public Assistance to Aid Placement in Foster Homes.* The department of public assistance shall aid the superintendents of the state schools in the placement of residents in suitable foster homes, those to be assisted and the method thereof to be defined in a mutually approved interdepartmental agreement.

SEC. 72.33.090 *Seal of State School—Use.* The department shall provide the superintendent with an official and appropriate seal upon which shall be inscribed the statutory name of the state school and the words "state of Washington" shall appear thereon. The superintendent shall affix the seal of the state school to any notice, order, or other instrument required to be issued by him.

SEC. 72.33.100 *Superintendent As Witness in Judicial Proceedings—Depositions—Exempt from Jury Service.* The superintendent shall not be required to attend any court as a witness in a civil or

juvenile court proceeding but parties desiring his testimony may take and use his deposition; nor shall he be required to attend as a witness in any criminal case unless the court before which his testimony shall be desired shall, upon being satisfied of the materiality of his testimony, require his attendance; and he shall be exempted from jury service.

SEC. 72.33.110 *Gifts to State School—Acceptance, Use, Record.* The superintendent is authorized to receive and accept from any person, organization or estate, gifts of money or personal property on behalf of the state school under his charge, or the residents therein, and to use such gifts for the purposes specified by the donor where such use is consistent with law. In the absence of a specified purpose the superintendent shall use such money or personal property for the benefit of the state school or for the general benefit of the residents therein. The superintendent shall keep an accurate record of the amount or kind of gift, the date received, manner expended, and the name and address of the donor. Any increase resulting from such gift may be used for the same purpose as the original gift.

SEC. 72.33.120 *Admission to School—Voluntary Application.* Pursuant to reasonable rules and regulations of the department, acting through the division, the superintendent of a state school, subject to the provisions of section 72.33.070, shall receive a person as a resident who is suitable for care, training, treatment, or education appropriate to mental deficiency and/or physical deficiency, or for observation as to the existence of mental deficiency as defined in section 72.33.020, upon the receipt of a written application submitted in accordance with the following requirements:

(1) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian or agency entitled to custody, which application

shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such minor is a mentally and/or physically deficient person, as herein defined and in need of residential care, treatment, training, or education. In the event the minor is entitled to school services, the application shall be accompanied by a report from the county school superintendent and/or the superintendent of the school district in which such minor resides setting forth the educational services rendered or in need of being rendered to the minor.

(2) In the case of an adult person, the application shall be made by the duly appointed, qualified and acting guardian of such person, which application shall be in the form and manner required by the department and which shall be supported by the affidavit of at least two physicians or clinical psychologists, or one of each profession, certifying that such adult is a mentally and/or physically deficient person as herein defined and in need of residential care, treatment, training, or education.

(3) Persons admitted by voluntary application to state schools as in this section provided shall have equal status and the same priority in admission as minors committed under the following section.

Note: See also section 1, chapter 154, Laws of 1959.

SEC. 72.33.130 ————*Commitment By Court.*

In the event a minor person under the age of eighteen years shall be found under the juvenile court law to be "dependent" or "delinquent" and mentally and/or physically deficient as herein defined, and that placement for care, custody, treatment, or education in a state school is to the minor's welfare, the superintendent shall receive such minor upon commitment from the superior court pursuant to such terms and conditions as may therein be set forth subject to the provisions of section 72.33.070.

SEC. 72.33.140 *Withdrawal of Resident from School—Placement, Discharge Basis.* Subject to the provisions of section 72.33.150 no person accepted at a state school upon voluntary application as herein provided, and no person over eighteen years regardless of the manner of his admittance to the school, shall be retained therein for more than thirty days after the parent entitled to custody or the guardian has given notice of their desire to remove such person from said state school.

Such notice shall indicate to the superintendent the proposed plan of future residence of such person and whether placement or discharge from the state school is desired. In the event withdrawal is upon a placement basis, it shall be understood that readmission will be available to the former resident if it is found necessary to return such person to the school. In the event withdrawal is upon a discharge basis it shall be understood that if the parent or guardian desires to apply for readmission for such former resident, such person shall wait his turn for admission as if it were a first application.

SEC. 72.33.150 *Preventing Withdrawal of Resident from School—Procedure.* Whenever it is deemed not to the best interests of a resident that he should be removed from a state school, the superintendent shall promptly file a petition in the probate department of the superior court of the county of residence of such person setting forth his reasons why continued residence is indicated.

Upon due notice and hearing, the court shall resolve the matter and in the event the person is found in need of further residential care in a state school the court shall so order and in such proceeding shall name a fit and proper person to serve as guardian if none has been previously named.

SEC. 72.33.160 *Return of Resident to Community—Placement—Expenses of Care, Support, Medical*

Attention. Whenever in the judgment of the superintendent of any state school, the treatment and training of any resident has progressed to the point that it is deemed advisable to return such resident to the community, the superintendent may grant placement on such terms and conditions as he may deem advisable after reasonable notice to and consultation with the parent entitled to custody or the acting guardian of such person.

Whenever any person who has been a resident of a state school leaves said school on placement, responsibility of the school to provide care, support or medical attention shall cease unless such person shall be returned to such state school or unless arrangements have been made to assume special expenses of such person while on placement.

SEC. 72.33.170 *Discharge Procedure.* Whenever in the judgment of a superintendent of a state school a person no longer needs the services of such school, he may be discharged after reasonable notice and consultation with the parent or guardian and if neither exists then approval for such discharge shall first be obtained from the supervisor of the division.

SEC. 72.33.180 *Personal Property of Resident—Superintendent as Custodian—Limitations—Judicial Proceedings to Recover.* The superintendent of a state school shall serve as custodian without compensation of such personal property of a resident as may be located at the school, including moneys deposited with the superintendent for the benefit of such resident. As such custodian, the superintendent shall have authority to disburse moneys from the resident's fund for the following purposes and subject to the following limitations:

(1) Subject to specific instructions by a donor or payor of money to the superintendent for the benefit of a resident, the superintendent may disburse any of the funds belonging to a resident for such

personal needs of such resident as the superintendent may deem proper and necessary.

(2) When a resident is granted placement, the superintendent shall deliver to said resident, or the parent, guardian or agency legally responsible for the resident, all or such portion of the funds of which the superintendent is custodian as above defined, or other property belonging to the resident, as the superintendent may deem necessary to the resident's welfare, and the superintendent may during such placement deliver to the former resident such additional property or funds belonging to the resident as the superintendent may from time to time deem proper. When the conditions of placement have been fully satisfied and the resident is discharged, the superintendent shall deliver to such resident, or the parent, person, or agency legally responsible for the resident, all funds or other property belonging to the resident remaining in his possession as custodian.

(3) All funds held by the superintendent as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him.

(4) The appointment of a guardian for the estate of such resident shall terminate the superintendent's authority as custodian of a resident's funds upon receipt by the superintendent of a certified copy of letters of guardianship. Upon the guardian's request, the superintendent shall immediately forward to such guardian any funds or other property of the resident remaining in the superintendent's possession together with a full and final accounting of all receipts and expenditures made therefrom.

(5) Upon receipt of a written request from the superintendent stating that a designated individual is a resident of the state school for which he has administrative responsibility and that such resident

has no legally appointed guardian of his estate, any person, bank, corporation or agency having possession of any money, bank accounts, or choses in action owned by such resident, shall, if the amount does not exceed one thousand dollars, deliver the same to the superintendent as custodian and mail written notice thereof to such resident at the state school. The receipt of the superintendent shall constitute full and complete acquittance for such payment and the person, bank, corporation, or agency making such payment shall not be liable to the resident or his legal representatives. All funds so received by the superintendent shall be duly deposited by him as custodian in the resident's fund to the personal account of such resident.

If any proceeding is brought in any court to recover property so delivered, the attorney general shall defend the same without cost to the person, bank, corporation, or agency effecting such delivery to the superintendent, and the state shall indemnify such person, bank, corporation, or agency against any judgment rendered as a result of such proceeding.

Note: See also section 1, chapter 61, Laws of 1959.

SEC. 72.33.190 *Contracts With United States for Admission to State Schools.* The department shall have the power in the name of the state, to enter into contracts with any duly authorized representative of the United States of America, or its territories, for the admission to state schools for the care, treatment, training or education of persons requiring the same, at the expense of the United States of America, and contracts may provide for the separate or joint maintenance, care, treatment, training or education of such persons so admitted, which contracts shall provide that all payments due the state of Washington from the United States of America for services rendered thereunder shall be paid to

the department and transmitted to the state treasurer for deposit in the general fund.

SEC. 72.33.200 *Department Not Responsible Until Person Is Resident of School.* The department shall not be responsible for the support, welfare or actions of any person until such person attains the status of a resident at a state school.

SEC. 72.33.210 *Resident To Be Provided With Clothing—Cost.* When not otherwise provided, the state school shall provide each resident with suitable clothing, the actual cost of which shall be a charge against the parents, guardian or estate of such resident; and in the event that such parent, guardian or estate is unable or is insufficient to provide or pay for such clothing, the same shall be provided by the state.

SEC. 72.33.220 *Transfer of Resident Between Schools.* Whenever it appears to serve the best interests of the resident concerned, the department, acting through the division, shall have authority to transfer such resident between state schools conducting the type of program contemplated by this chapter.

SEC. 72.33.230 *Chapter Does Not Affect Parental or Other Rights.* This chapter shall not be construed to deprive the parent or parents of any parental rights with relation to a child residing in a state school, except as provided herein for the orderly operation of such schools, nor any rights granted a co-custodian pursuant to the provisions of chapter 26.40 RCW.

SEC. 72.33.240 *Review of Superintendent's Decision—Court Review.* Any parent or guardian feeling aggrieved by an adverse decision of a superintendent of a state school pertaining to admission, placement or discharge of his ward may apply to the supervisor of the division for a review and re-

consideration of the decision. The supervisor shall rule within ten days from the date of receipt of the request for review. In the event of an unfavorable ruling by the supervisor, such parent or guardian may institute proceedings in the superior court of the state of Washington in the county of residence of such parent or guardian, otherwise in Thurston county, and have such decision reviewed and its correctness, reasonableness, and lawfulness decided in an appeal heard as in initial proceeding on an original application. Said parent or guardian shall have the right to appeal from the decision of the superior court to the supreme court of the state of Washington, as in civil cases.

SEC. 72.33.260 *Escape of Resident—Penalty for Assisting.* Any person who procures the escape of any resident of any school for mental defectives to which such resident has been lawfully committed, or who advises, connives at, aids, or assists in such escape or conceals any such escape, is guilty of a felony and shall be punished by imprisonment in a state penal institution for a term of not more than five years or by a fine of not more than five hundred dollars or by both imprisonment and fine.

SEC. 72.33.900 *Chapter To Be Liberally Construed.* The provisions of this chapter shall be liberally construed so that persons who are in need of care, treatment, training or education in a state school by reason of their exceptional mental and/or physical qualities shall receive the benefit of such residential facilities while still preserving all rights and privileges guaranteed the person by the Constitution of the United States of America and the state of Washington.

Chapter 72.36

SOLDIERS' AND VETERANS' HOMES

SECTION 72.36.010 *Establishment of Soldiers' Home.* There is established at Orting, Pierce county, an institution which shall be known as the Washington soldiers' home.

SEC. 72.36.020 *Superintendent — Appointment.* The director shall appoint a superintendent, who, with the consent of the director, may be styled "commandant of the home". The superintendent shall have entire management and control of the institution under the rules and regulations adopted by the department.

SEC. 72.36.030 *Who May Be Admitted.* All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting under such rules and regulations as may be adopted by the department: *Provided,* That such applicants have been actual bona fide citizens of this state for a period of three years at the time of their application, and are indigent and unable to support themselves.

SEC. 72.36.040 *Colony Established—Who May Be Admitted.* There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and who have personal property of less than one thousand dollars and/or a monthly income insufficient to meet their needs as determined by the standards of the county welfare department, may be admitted to

membership in said colony under such rules and regulations as may be adopted by the department.

(1) All honorably discharged soldiers, sailors and marines, who have served in the United States government in any of its wars, and members of the state militia disabled while in the line of duty, who were married and living with their wives for five years prior to application to membership in said colony or who, since said date, have married widows of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: *Provided*, That such soldiers, sailors, and marines and members of the state militia shall, while they are members of said colony, be living with their said wives.

(2) The widows of all soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the widows of all soldiers who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which widows have since the death of their said husbands become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and have not been married since the decease of their said husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment.

Note: See also section 1, chapter 235, Laws of 1959.

SEC. 72.36.050 *Regulations of Home Applicable—Rations, Medical Attendance, Clothing.* The members of the colony established in section 72.36.040 shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and

regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding fifteen dollars per month in value, and clothing not exceeding twenty-five dollars per year in value.

SEC. 72.36.060 *Federal Funds.* The state treasurer is authorized to receive any and all moneys appropriated or paid by the United States under the act of congress entitled "An Act to provide aid to state or territorial homes for disabled soldiers and sailors of the United States," approved August 27, 1888, or under any other act or acts of congress for the benefit of such homes. Such moneys shall be deposited in the general fund and shall be expended for the maintenance of the soldiers' home.

SEC. 72.36.070 *Washington Veterans' Home.* There shall be established and maintained in this state a branch of the state soldiers' home, under the name of the "Washington Veterans' Home," which branch shall be a home for honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, members of the state militia disabled while in the line of duty, and who are bona fide citizens of the state, and also the wives of such soldiers, sailors and marines.

SEC. 72.36.080 *Who May Be Admitted to Veterans' Home.* All of the following persons who have been actual bona fide residents of this state for a period of three years at the time of their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members

of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: *Provided*, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony in this state or entitled to admission thereto.

(2) The widows of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and widows of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which widows have since the death of their husbands, become indigent and unable to earn a support for themselves: *Provided*, That such widows are not less than fifty years of age and were married and living with their husbands on or before three years prior to the date of their application, and have not been married since the decease of their husbands to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

SEC. 72.36.090 *Occupational Therapy and Hobby Promotion.* The superintendent of the state soldiers' home and colony is hereby authorized to:

(1) Institute programs of occupational therapy and hobby promotion designed to improve the general welfare and mental condition of the persons under his supervision;

(2) Provide for the financing of these programs by loans from funds in the superintendent's custody

through operation of canteens and exchanges at such institutions;

(3) Limit the hobbies and occupational therapy sponsored to projects which will, in his judgment, be self-liquidating or self-sustaining.

SEC. 72.36.100 *Purchase of Equipment, Materials for Therapy, Hobbies.* The superintendent of each institution referred to in section 72.36.090 may purchase, from the appropriation to the institution, for operations, equipment or materials designed to initiate the programs authorized by section 72.36.090.

SEC. 72.36.110 *Burial of Deceased Members.* The superintendent of the Washington veterans' home and the superintendent of the Washington soldiers' home and colony are hereby authorized to provide for the burial of deceased members in the cemeteries provided at the Washington veterans' home and Washington soldiers' home: *Provided,* That this section shall not be construed to prevent any relative from assuming jurisdiction of such deceased persons.

Note: See also section 1, chapter 120, Laws of 1959.

Chapter 72.40

STATE SCHOOLS FOR BLIND AND DEAF

SECTION 72.40.010 *Schools Established.* There are established at Vancouver, Clark county, an institution which shall be known as the state school for the blind, and a separate institution which shall be known as the state school for the deaf.

SEC. 72.40.020 *Superintendents—Appointment—Qualifications—Discharge of Employees.* The director shall appoint a superintendent for each institution. The superintendents must be not less than thirty nor more than seventy years of age and must be practically acquainted with school management and class instruction of the blind and deaf, respectively, having had at least ten years' actual experience in teaching in schools for such persons.

The director may discharge any employee in his discretion.

SEC. 72.40.030 *Annual Terms.* The regular term of the schools shall begin on the second Wednesday of September, and close on the second Wednesday of the following June.

SEC. 72.40.040 *Who May Be Admitted.* The institutions shall be free to residents of the state between the ages of six and twenty-one years, and who are blind or deaf, and who are free from loathsome or contagious diseases: *Provided,* That children under the age of six, who are otherwise qualified may be admitted to the institution, if in the discretion of the superintendent they are proper subjects to receive the training given in the institution and the facilities are adequate for proper care and training.

SEC. 72.40.050 *Admission of Nonresidents.* The director may admit to the schools blind or deaf children from other states, but the parents or guardians of such children will be required to pay annually or quarterly in advance a sufficient amount to cover the cost of maintaining and educating such children.

SEC. 72.40.060 *Duty of School District Clerks.* It shall be the duty of the clerks of all school districts in the state, at the time for making the annual reports, to report to the superintendent of schools of their respective counties the names of all deaf, mute, or blind youth residing within their respective districts who are between the ages of six and twenty-one years.

SEC. 72.40.070 *Duty of County Superintendents.* It shall be the duty of each county school superintendent to make a full and specific report of such deaf, mute, or blind youth to the board of county commissioners of his county at its regular meeting in July of each year. He shall also, at the same time,

transmit a duplicate copy of such report to the director and the superintendent of the school for the blind or the school for the deaf, as the case may be.

SEC. 72.40.080 *Duty of Parents.* It shall be the duty of the parents or the guardians of all such blind or deaf youth to send them each year to the proper institution. The county superintendent shall take all action necessary to enforce this section. If satisfactory evidence is laid before the county superintendent that any blind or deaf youth is being properly educated at home or in some suitable institution other than the state schools, he shall take no action in such case other than to make a record of such fact, and take such steps as may be necessary to satisfy himself that such defective youth will continue to receive a proper education.

SEC. 72.40.090 *Expense of Transportation.* If it appears to the satisfaction of the board of county commissioners that the parents of any such blind or deaf youth within their county are unable to bear the expense of transportation to and from the state schools, it shall send them to and return them from the schools or maintain them there during vacation at the expense of the county.

SEC. 72.40.100 *Penalty.* Any parent, guardian, county superintendent or county commissioner who, without proper cause, fails to carry into effect the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, upon the complaint of any officer or citizen of the county or state, before any justice of the peace or superior court, shall be fined in any sum not less than fifty nor more than two hundred dollars.

Chapter 72.48

STATE NARCOTIC FARM COLONY

SECTION 72.48.010 *Establishment Authorized.* The director is hereby authorized and directed to provide a state institution either on property now owned by the state or on property to be acquired for such purpose, said institution to be used for the isolation and rehabilitation of narcotic addicts, which said institution shall be known as the "State Narcotic Farm Colony," and shall be administered as provided by law for the administration of state hospitals for the mentally ill.

SEC. 72.48.020 *Definitions.* Any person shall be held to be a "drug addict" within the meaning of this chapter who unlawfully administers to himself or unlawfully has administered to himself by others, any habit forming narcotic drug. For the purpose of this chapter the term "habit forming narcotic drug" means opium and coca leaves and the innumerable alkaloids derived therefrom, the best known of these alkaloids being morphia, heroin, and codeine obtained from opium, and cocaine derived from the coca plant; all compounds, salts, preparations, or other derivatives obtained either from the raw material or from the various alkaloids; Indian hemp, marihuana and their various derivatives, compounds and preparations and peyote in its various forms.

SEC. 72.48.030 *Complaint—Arrest—Trial—Order.* Whenever it appears by affidavit to the satisfaction of the prosecuting attorney of a county that any person within such county is a drug addict within the meaning of this chapter, the said prosecuting attorney shall forthwith file in superior court a complaint in writing, duly verified, alleging such fact and the clerk of said court shall issue and deliver

to the sheriff or other peace officer for service a warrant directing that such person be arrested and taken before a judge of the superior court for hearing and examination. Such officer shall thereupon arrest and detain such person until a hearing and examination can be had. At the time of the arrest of such person a copy of said complaint and a copy of the warrant of arrest must be made by the arresting officer personally delivered to said person. The court shall hear and determine said matter on said complaint and the proceedings before the court shall be substantially similar to the complaint, arrest and proceedings had wherein charges of insanity are filed against a person and heard in the superior court under existing law. At such hearing the person so accused shall have the right to be represented by counsel and to produce witnesses in his own behalf at public expense. Said hearing shall be in open court and a record thereof shall be kept by the clerk of said court. The person so accused shall have the right to trial by jury in the event that he shall demand the same. After a hearing and examination if the court shall determine that such person is a drug addict, or, if a jury has been demanded, the jury shall so determine, the court shall make an order that such person be confined in said state narcotic farm colony for an indeterminate period, said period to be until such time as in the opinion of the superintendent of said institution the said drug addict shall have recovered from his addiction or in the opinion of the superintendent of said institution there is no probability of such person ever recovering therefrom. Pending such trial or hearing and before the entry of judgment thereon, the court shall make such disposition of such alleged drug addict as may to the court seem fit and proper in the premises.

SEC. 72.48.040 *Cost of Maintenance, Transportation, Etc.* At such hearing such person charged with drug addiction and such other witnesses as the court may deem necessary and material, shall be examined under oath for the purpose of determining the financial ability of such person charged with drug addiction, his estate or relatives, to pay the cost and expense of the care, maintenance, board, lodging and clothing of such person charged with drug addiction in the state narcotic farm colony in the event he shall be committed thereto. Findings of fact shall be made by the court relative to the financial ability to pay such costs as above set forth in all cases of commitment and a judgment entered therein against the proper party or estate so found responsible. Every drug addict, his estate or relatives, as above set forth, found to have the financial ability to pay the expenses above enumerated shall pay therefor the sum of four dollars and fifty cents per week during the time such drug addict is committed to such state narcotic farm colony, and in addition thereto shall pay the cost of transportation of such drug addict and all court costs. Said charge of four dollars and fifty cents per week shall be made to apply in all cases for the entire time such drug addict is confined at such institution. Remittances therefor shall be made to the director in advance on or before the first day of each calendar month during the time such drug addict remains committed. If the court finds that such drug addict, or his estate or relatives have not the financial ability to pay such sum for such purposes, the charges and costs above referred to shall be borne by the state of Washington. Relatives shall be liable for the cost and expense of the care and maintenance of such addicts in the following order: First, husband or wife; second, parents; third, children.

SEC. 72.48.050 *Parole or Discharge.* Any person committed to such institution under the provisions of this chapter may be paroled or discharged at any time after admission thereto by the superintendent of such institution when in the opinion of the superintendent of said institution such person is cured of such drug addiction, which parole or discharge shall be certified by the superintendent of such institution to the clerk of the court from which said person so discharged or paroled has been committed to said institution. In the event that a drug addict shall be paroled from said institution and not finally discharged the superintendent shall have the right to require as a condition of said parole reports from time to time from such drug addict and may require reports of physical examination thereof to be made at the expense of such drug addict by a reputable physician and surgeon licensed to practice his profession at the place where such examination is made, and such other, further and different reasonable requirements of such paroled patient as may in the opinion of the superintendent be necessary and proper, and in the event of a breach of said parole and the requirements thereof said patient may, at the option of the superintendent thereof, be returned to said institution for further treatment.

SEC. 72.48.060 *Voluntary Patients.* The superintendent of such state narcotic farm colony may accept as patients any persons voluntarily applying for treatment for drug addiction thereto: *Provided, however,* That before such voluntary patient shall be admitted or retained in said institution he shall pay in advance such sum or sums for his care, maintenance, board and lodging as shall be determined by the superintendent of the said institution not exceeding however, the actual average cost thereof, and shall sign a statement to the effect that he or she is suffering from drug addiction and desires

treatment in the same manner and subject to the same rules and restrictions as if committed by a court and that they submit voluntarily to such treatment and to the discipline of such institution and shall remain therein for such time as the superintendent may deem necessary to either effect a cure or determine there is no reasonable probability of a cure being effected: *Provided, however,* That no person shall be admitted to such institution as a voluntary patient who has not been a resident of this state for a period of two years next preceding application for admission.

SEC. 72.48.070 *Witness Fees—Drug Addict's Transportation Expense, Payment.* Witnesses at hearings for the commitment of drug addicts shall be entitled to receive the usual fees allowed by law in the trial of criminal cases and in the event of a drug addict being committed to said institution as provided herein, they shall be transported to said institution and the expenses thereof shall be paid in the same manner as existing law provides for the care and transportation of insane persons to state hospitals for the mentally ill.

SEC. 72.48.080 *Bringing in Prohibited Articles—Penalty.* Any person not authorized by law who brings into the said institution, or within the grounds thereof, any narcotic drug, or any intoxicating liquor, or any firearms, weapons, or explosives of any kind, shall be guilty of a felony.

SEC. 72.48.090 *Assisting Escape—Penalty.* Every person who shall knowingly procure the escape of any inmate of the said institution or advise, connive at, aid or assist in such escape, or knowingly conceal and/or connive at, advise, aid or assist in the concealment of any such inmate after such escape, shall be guilty of a gross misdemeanor.

SEC. 72.48.100 *Conniving At Improper Commitment—Penalty.* Every person who shall knowingly advise, connive at, conspire, aid or assists in having or attempting to have, any person adjudged a drug addict under this chapter unlawfully or improperly, shall be guilty of a gross misdemeanor.

SEC. 72.48.110 *Care of Persons Pending Construction of Institution.* Pending the building of such institution and the furnishing and equipment of the same for the reception, care and treatment of persons committed under this chapter, the director shall care for persons committed under this chapter in existing state institutions in such manner as may to the director seem expedient.

Chapter 72.50

STATE BUREAU OF CRIMINAL IDENTIFICATION

SECTION 72.50.010 *Bureau Established—Purpose.* There is hereby established in the department of institutions at Olympia, a central office which is hereby designated as the "state bureau of criminal identification," which shall be maintained for the purpose of providing:

- (1) An authentic record of each person who is arrested for any crime against the state as described in section 72.50.060;
- (2) Information relative to the identity of each person so arrested; and
- (3) A record of the final disposition of each such arrest.

SEC. 72.50.020 *Superintendent—Employees.* The director is authorized to employ a competent person as superintendent of the bureau. The superintendent may engage subject to the rules and regulations of the department such other employees as may be necessary to maintain the bureau.

SEC. 72.50.030 *Powers and Duties.* The bureau shall: (1) Receive, classify, search and file in an orderly manner all fingerprints, photographs, and descriptions, including personal history data and previous criminal records so far as known, of all persons arrested for the crimes described in section 72.50.060;

(2) Classify and file in like orderly manner all identification material and records received from the government of the United States and from other state governments and subdivisions thereof and cooperate with such governmental units in the exchange of pertinent information; and

(3) Promptly return to any law enforcement agency submitting a set of fingerprints to the bureau, a true transcript of the criminal record of previous crimes committed by the person identified by such fingerprints.

SEC. 72.50.040 *Submission to Taking of Identifying Data.* All persons arrested for any of the crimes described in section 72.50.060, except juveniles under the age of eighteen years, shall submit to the taking of their fingerprints, photographs, physical description and other identifying data.

SEC. 72.50.050 *Criminal Activity Information to Be Furnished Bureau.* All sheriffs, constables, chiefs of police of organized police departments, town marshalls, wardens, superintendents, jailers, keepers of jails, reformatories, penitentiaries, state hospitals for the mentally ill, state narcotic farm colony, shall furnish to the bureau, as soon as practicable after the arrest or confinement, a fingerprint card provided by the bureau upon which shall be imprinted the fingerprints of each person arrested or committed for crimes described in section 72.50.060, together with the physical description and such other information as pertains to the criminal activity of the arrested or convicted person.

SEC. 72.50.060 *Mandatory Fingerprint Cards for Certain Crimes.* All officials and persons described in section 72.50.050 and other law enforcement officers shall submit completed fingerprint cards on all persons who are arrested for:

- (1) Any felony or gross misdemeanor;
- (2) Being a fugitive from justice;
- (3) Being a vagrant;
- (4) Being an habitual user of narcotics;
- (5) Being in possession of stolen goods;
- (6) Being in possession of illegal or illegally carried weapons, burglar tools, counterfeiting equipment, or alcoholic liquids or substances; or
- (7) Any offense involving lewd or lascivious conduct.

SEC. 72.50.070 *Information As To Proceedings and Modus Operandi To Be Furnished Bureau.* The officials and other persons described in sections 72.50.050 and 72.50.060 shall further transmit to the bureau on forms supplied by the bureau: (1) Information relative to the disposition made of every action or proceeding resulting from arrests described in section 72.50.060, and (2) further information relative to the mode of operation of offenders.

SEC. 72.50.080 *Availability of Records—Fugitive Circulars.* The records of the bureau shall be available for official use of all law enforcement agencies, prosecuting attorneys, parole officers, penal institutions, state hospitals for the mentally ill, and the state narcotic farm colony. The bureau shall assist prosecuting attorneys, county sheriffs and chiefs of police in the preparation and distribution of circulars relative to fugitives when so requested.

SEC. 72.50.090 *Duties of Officials In Charge of Institutions—Duties of Bureau.* The superintendent or other person in charge of each penal institution, reformatory, state hospital for the mentally ill, or state narcotic hospital or farm colony, shall transmit

to the bureau fingerprints, photographs and descriptions of each such committed person taken at the time of his commitment.

Such superintendent or other person in charge shall at the time of release of such committed person transmit to the bureau fingerprints, photographs and descriptions of the committed person at the time of release.

The bureau shall add such fingerprints, photographs, and descriptions to the person's criminal record with information concerning the date and conditions of release and shall furnish it without request to the county sheriff of the county in which the conviction resulting in the person's commitment was had and to the county sheriff of the county and the chief of police of the city to which such person is being released or paroled.

SEC. 72.50.100 *Bureau's Files Privileged—Who May Obtain Transcripts.* Information in the files of the bureau relative to the commission of a crime by any person shall be considered privileged and shall not be disclosed for any purpose except as authorized by this chapter: *Provided*, That any person for himself or through his attorney, or any practicing attorney, may obtain without cost a transcript of the criminal record of such person upon furnishing the bureau with a notarized request of such person whose record is catalogued in the files of the bureau when such request is accompanied by a set of fingerprints of such person taken by officials of a regular law enforcement agency and submitted to the bureau directly from that agency.

SEC. 72.50.110 *Transfer of Records, Etc.* Any agency of the state government which has in its possession any of the information, records, material, files or equipment set forth in this chapter shall turn such information, records, material, files and equip-

ment over to the state bureau of criminal identification.

Chapter 72.56

STATE INSTITUTIONS FOR CHILDREN AND YOUTH

(Fort Worden)

SECTION 72.56.010 *Institution at Fort Worden established.* There is hereby established under the supervision and control of the department of institutions, an institution for the care and custody of children and youth, to be located at Fort Worden, near Port Townsend, in Jefferson county.

SEC. 72.56.020 *Authority To Purchase Lands, Buildings, Equipment at Fort Worden.* The director is hereby authorized to enter into a contract with the commissioners of the port of Port Townsend for the purchase of, and to accept a deed in the name of the state of Washington, subject to the approval as to form by the attorney general, of certain lands, buildings and equipment situate at Port Townsend in Jefferson county, and known as Fort Worden, a former United States military installation.

SEC. 72.56.030 *Remodeling and Alteration at Fort Worden.* The director, upon the acquisition of the land, buildings and equipment at Fort Worden, may cause plans, specifications and estimates of cost to be prepared for the remodeling and alteration of said buildings for the institutionalization of children and youth, and for this purpose the director is authorized to employ the service of architects.

SEC. 72.56.040 *Transfer of Children and Youth From Other Facilities To Fort Worden.* The director shall have authority to transfer children and youth to Fort Worden who are now confined at, or who may hereafter be committed to, any other facility under

the supervision of the department for the custody of children and youth.

SEC. 72.56.050 *Superintendent, Officers, Employees—Appointment.* The director is hereby authorized to appoint a superintendent and such other officers and employees as are deemed necessary for the proper operation of the institutions and facilities authorized by this chapter.

Chapter 72.60

INSTITUTIONAL INDUSTRIES COMMISSION

SECTION 72.60.010 *Definitions.* As used in this chapter, unless the context requires otherwise:

(1) "Institution" means any place under the jurisdiction of the department of institutions at which individuals are confined pursuant to court order.

(2) "Commission" means the institutional industries commission as herein created.

(3) "Enterprise" means an agricultural or manufacturing operation or group of closely related operations within a single institution which in accepted trade practices would ordinarily be carried on as a single unit for the purpose of producing saleable items above and beyond the needs of the producing institution, not to include or apply to self-sustaining activities, maintenance and construction work and handiwork of prisoners.

SEC. 72.60.020 *Declaration of Purpose.* The purpose of this chapter is to aid and assist the department of institutions in minimizing or eliminating idleness among the inmates of the state penal, correctional, or reformatory institutions and promoting rehabilitation by affording such inmates an opportunity to participate in industrial and agricultural activities and to provide for the disposition and sale of the articles produced.

SEC. 72.60.030 *Commission Created.* There is hereby created the institutional industries commission which shall consist of the director of the department and six members appointed by the governor of whom two shall be representatives of organized labor, two shall be representatives of industry, one shall be a representative of agriculture and one shall be a representative of the general public.

SEC. 72.60.040 *Terms, Vacancies, Chairman.* The first term of the members representing industry and labor shall be two years. The first term of the members representing agriculture and the general public shall be four years. After the first term all appointments shall have a term of four years. The first term of each member shall commence on the first day of June, 1955. No members shall be removed except by the appointing authority and for cause. In the event of a vacancy in the office of any member the balance of the term shall be filled by the appointing authority as in the case of original appointments. The director shall act as chairman of the commission.

SEC. 72.60.050 *Meetings—Quorum.* The commission shall meet regularly at least four times during each fiscal year and may hold extra meetings on call of the chairman. Four members of the commission shall constitute a quorum and a vote of the majority of the members in office is necessary for the transaction of the business of the commission.

SEC. 72.60.060 *Compensation—Expenses.* The members of the commission, other than the chairman, shall receive a per diem of twenty-five dollars for each day they are engaged in the official business of the commission, including time spent in traveling, for not more than twenty days in each fiscal year. All members, including the chairman, shall receive their actual and necessary expenses of travel in-

curred in attending meetings of the commission and in making investigations either as a commission or individually as members of the commission at the request of the chairman. The compensation and expenses of the members shall be paid from appropriations made for industrial operations at the institutions and shall be prorated among such appropriations on the basis of time spent where the efforts of the members are of application to more than one institution.

SEC. 72.60.070 *Powers and Duties.* The commission shall:

(1) Recommend productive, industrial and agricultural enterprises in the institutions under the jurisdiction of the department in such volume and of such kinds as to eliminate unnecessary idleness among the inmates and to provide diversified work activities which will serve as means of vocational education as well as of occupation and financial support.

(2) Determine the advisability and suitability of establishing, expanding, diminishing, or discontinuing each separate industrial or agricultural enterprise at each institution involving a gross annual production of more than twenty-five thousand dollars value but less than two hundred seventy-five thousand dollars value and authorize or prohibit such action. The commission shall determine the gross annual production, within the limit set above, of each new enterprise at the time of its establishment. The annual production so set shall not be increased until a public hearing concerning the proposed increase has been held before the commission. It shall be the duty of the commission, annually, to adjust the maximum gross annual production value of two hundred seventy-five thousand dollars permitted for each separate enterprise at each institution, the purpose of such adjustment being to keep

said limit in balance with changes in population of state institutions and changes in cost of production. Such adjustment shall be made in the following manner:

(a) The maximum limitation of two hundred seventy-five thousand dollars shall serve as a base figure as of December 31, 1954, for such computation.

(b) The maximum limitation for each enterprise at each institution shall be increased or decreased in the same proportion as the population of state institutions shall have increased or decreased in comparison with their population on December 31, 1954.

(c) The maximum limitation for each enterprise at each institution shall be further increased or decreased in the same proportion as the wholesale price index of the United States bureau of labor statistics shall have increased or decreased in comparison with such wholesale price index as of December 31, 1954.

The maximum gross annual limitation on production as adjusted in accordance with the above formula shall replace and serve in lieu of the two hundred seventy-five thousand dollars limitation until the next annual adjustment is made by the commission. It shall apply to enterprises previously authorized as well as to those authorized during the current period, and such adjustment may be made without public hearing.

(3) Hold hearings and make rules for the conducting of such hearings. The commission may in its discretion hold public hearings on any subject within its jurisdiction.

SEC. 72.60.080 *Hearing to Establish Certain Industrial Enterprises—Prior Industrial Enterprises.* No industrial enterprise which involves a gross annual production of more than twenty-five thousand

dollars shall be established unless and until a hearing concerning the enterprise has been had before the commission. Public notice of the hearing shall be given prior to the hearing. At the time this commission becomes established by law, it shall at the earliest possible time convene and make necessary arrangements to place industrial enterprises that were in operation prior to this law under compliance with this law.

SEC. 72.60.090 *Compensation for Inmates.* Each inmate, who is engaged in productive work in any state prison or institution under the jurisdiction of the department as a part of the work program, may receive for his work such compensation as the director shall determine. Such compensation shall be in accordance with a graduated schedule based on quantity and quality of work performed and skill required for its performance, and be limited to such amounts as are set up by the director and approved by the commission. Said compensation shall be credited to the account of the inmate.

When any inmate violates the rules of the institution or escapes, the director shall determine what portion of his earnings shall be forfeited and such forfeiture shall be deposited in the industrial operations revolving fund of such institution.

Said compensation shall be paid from the industrial operations revolving fund of the institution. Whenever by any statute a price is required to be fixed for any article, material, supply, or services to be produced, manufactured, supplied, or performed in connection with the work program of the department, the compensation paid to inmates shall be included as an item of cost in fixing the final statutory price.

Inmates not engaged on work programs under the jurisdiction of the commission and financed out of the industrial operations revolving fund, but who

are engaged in productive labor outside of such programs may be compensated in like manner. The compensation of such inmates shall be paid either out of funds appropriated by the legislature for that purpose or out of the industrial operations revolving fund of the institution, as the director of the department may direct.

SEC. 72.60.100 *Civil Rights of Inmates Not Restored—Other Laws Inapplicable.* Nothing in this chapter is intended to restore, in whole or in part, the civil rights of any inmate. No inmate compensated under this chapter shall be considered as an employee or to be employed by the state or the department, nor shall any such inmate come within any of the provisions of the workmen's compensation act, or be entitled to any benefits thereunder whether on behalf of himself or of any other person. All moneys paid to inmates shall be considered a gratuity.

SEC. 72.60.110 *Employment of Inmates According to Needs of State.* The department is hereby authorized and empowered to cause the inmates in the state institutions of this state to be employed in the rendering of such services and in the production and manufacture of such articles, materials, and supplies as are now, or may hereafter be, needed by the state, or any political subdivision thereof, or that may be needed by any public institution of the state or of any political subdivision thereof.

SEC. 72.60.120 *Kind, Quality, Quantity of Goods and Services.* The commission shall, from time to time, determine the kind, quality, and quantity, of the several articles, materials, and supplies to be thus produced and manufactured or the services to be rendered.

SEC. 72.60.130 *Goods for Public Use—Exception.* All articles, materials, and supplies, produced or

manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever, except that, to avoid waste or spoilage and consequent loss to the state, byproducts and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the director.

· SEC. 72.60.140 · *Markings on Containers.* Each and every article manufactured under the provisions of this chapter shall have plainly marked or stamped on the outside of the shipping container thereof, the words "Washington Institutional Industries."

SEC. 72.60.150 *Prices of Goods.* The commission shall from time to time examine and approve the price at which such articles, materials, and supplies are sold, which price shall be as near the prevailing market price as possible.

SEC. 72.60.160 *State Agencies and Subdivisions May Purchase Goods—Purchasing Preference Required of Certain Institutions.* All articles, materials, and supplies herein authorized to be produced or manufactured may be purchased from the institution producing or manufacturing the same by any state agency or political subdivision of the state and at the prices fixed in the manner herein provided, and the director shall require those institutions under his direction to give preference to the purchasing of their needs of such articles as are produced under this chapter.

SEC. 72.60.170 *Unlawful Sales—Penalty.* It shall be unlawful for any person to sell, expose for sale, or offer for sale within this state, any article or articles manufactured wholly or in part by inmate

labor, except articles the sale of which is specifically sanctioned by law.

Every person selling, exposing for sale, or offering for sale any article manufactured in this state wholly or in part by inmate labor, the sale of which is not specifically sanctioned by law, is guilty of a misdemeanor.

SEC. 72.60.180 *Use of Profits.* If and when the industries or enterprises covered by this chapter develop to a point where they accrue profits, profits shall be utilized as follows:

(1) Maintenance of facilities or equipment used in existing industries.

(2) Establishment and maintenance of new industries.

(3) To provide vocational training for employees of the industries and other inmates.

(4) To hold in a reserve all additional profits for the purpose of creating a fund to establish forest camps and treatment facilities.

SEC. 72.60.190 *Supervisor of Purchasing to Give Preference to Goods Produced by Authorized Industries.* The supervisor of purchasing for the state of Washington shall give preference in the purchase of materials and supplies for the institutions, departments and agencies of the state, to those produced by industries authorized and approved by the institutional industries commission.

SEC. 72.60.200 *Exceptions from Operation of Chapter—Board—Variance from Adopted Standards.* Exceptions from the operation of the provisions of this chapter may be made in any case where in the opinion of the supervisor of purchasing, the attorney general and the commissioner of the employment security department, or a majority of them who are hereby constituted a board for such purpose, the articles so produced or manufactured do not meet the

reasonable requirements of such departments, institutions, or agencies of the state of Washington. In any case where the requisition made cannot be complied with on account of an insufficient supply of articles or supplies required, the director may grant an exemption to such requisitioning department or agency of the state of Washington. No department, institution, or agency of the state of Washington shall be allowed to evade the intent and meaning of this section by slight variations from adopted standards when the articles produced or manufactured by such institutional industries are reasonably adapted to the actual needs of such departments, institutions, or agencies of the state of Washington.

SEC. 72.60.210 *Vouchers Not to Be Questioned for Violation of Chapter—Violation is Malfeasance in Office.* No voucher, certificate, or warrant issued on the state treasurer by any such department, institution, or agency of the state of Washington shall be questioned by him or by the state auditor on the grounds that this chapter has not been complied with by such department, institution, or agency, but if intentional violation of this chapter continues after notice from the governor to desist, such violation shall constitute a malfeasance in office and shall subject the officers responsible for this violation to suspension or removal from office, as may be provided by law in other cases of malfeasance.

SEC. 72.60.220 *List of Goods to Be Supplied to All Departments, Institutions, Agencies.* The department may cause to be prepared annually, at such times as it may determine, lists containing the descriptions of all articles and supplies manufactured and produced pursuant to the provisions of this chapter; copies of such list shall be sent to the supervisor of purchasing and to all departments, institutions and agencies of the state of Washington.

SEC. 72.60.230 *Declaration of Police Power—Construction of Chapter.* This chapter shall be deemed an exercise of the police power of the state for the protection of the health, welfare, peace and safety of the people and shall be liberally construed for the accomplishment of that purpose.

Chapter 72.64

LABOR AND EMPLOYMENT OF PRISONERS

SECTION 72.64.010 *Useful Employment of Prisoners—Contract System Barred.* The director shall have the power and it shall be his duty to provide for the useful employment of prisoners in the adult correctional institutions: *Provided,* That no prisoners shall be employed in what is known as the contract system of labor.

SEC. 72.64.020 *Rules and Regulations.* The director shall make the necessary rules and regulations governing the employment of prisoners, the conduct of all such operations, and the disposal of the products thereof, under such restrictions as provided by law.

SEC. 72.64.030 *Prisoners Required to Work.* Every prisoner in the Washington state penitentiary or reformatory shall be required to work in such manner as may be prescribed by the director.

SEC. 72.64.040 *Crediting of Earnings—Payment.* Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the department shall credit the prisoner with the total amount of his earnings.

The amount of earnings credited but unpaid to a prisoner may be paid to the prisoner's wife, children, mother, father, brother, or sister as the inmate may direct upon approval of the superintendent. Upon

release, parole, or discharge, all unpaid earnings of the prisoner shall be paid to him.

SEC. 72.64.050 *Branch Institutions—Honor Camps for Certain Purposes.* The director shall also have power to establish temporary branch institutions for the state penitentiary and state reformatory in the form of honor camps for the employment of prisoners therein in farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries and construction of water supply facilities to state institutions.

SEC. 72.64.060 *Labor Camps Authorized—Type of Work Permitted.* Any department, division, bureau, commission, or other agency of the state of Washington or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by sections 72.64.060 through 72.64.090: *Provided,* That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The department may enter into contracts for the purposes of sections 72.64.060 through 72.64.090.

SEC. 72.64.070 ————*Eligibility for Employment—Procedure—Return.* The department shall determine which prisoners shall be eligible for employment under section 72.64.060, and shall establish and modify lists of prisoners eligible for such employment, upon the requisition of an agency mentioned in section 72.64.060. The director may send to the place, and at the time designated, the number of prisoners requisitioned, or such number thereof as have been determined to be eligible for such employment and are available. No prisoner shall be eligible or shall be released for such employment

until his eligibility therefor has been determined by the department.

The director may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

SEC. 72.64.080 ————*Duties of Employing Agency—Costs—Supervision.* The agency providing for prisoners under sections 72.64.060 through 72.64.090 shall designate and supervise all work done under the provisions thereof. The agency shall provide, erect and maintain any necessary camps, except that where no funds are available to the agency, the department may provide, erect and maintain the necessary camps. The director shall supervise and manage the necessary camps and commissaries.

SEC. 72.64.090 ————*Department's Jurisdiction.* The department shall have full jurisdiction at all times over the discipline and control of the prisoners performing work under sections 72.64.060 through 72.64.090.

Chapter 72.68

TRANSFERS, TRANSPORTATION, AND DETENTION CONTRACTS

SECTION 72.68.010 *Transfer of Prisoners.* Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his transfer to another institution the director may effect such transfer.

SEC. 72.68.020 *Transportation of Prisoners.* (1) The director shall transport prisoners under guard:

(a) to and between the state penitentiary, the state reformatory and all other institutions under his supervision;

(b) from a county, city, or municipal jail to an institution mentioned in subdivision (a) of this subsection and to a county, city or municipal jail from an institution mentioned in subdivision (a) or this subsection.

(2) The director may employ necessary persons for such purpose.

SEC. 72.68.030 *Removal or Transfer of Insane Convict or Hospital Patient.* Whenever in the judgment of the director the welfare of any person confined in any penal institution, or in any institution for the care of the insane, shall require that he be removed for treatment or confinement to another institution for the care of the insane, or to the insane ward of the state penitentiary, he shall be authorized to order such removal, but whenever a change is made in the location of any such inmate, a record open to the public shall be made and the relatives of such inmate shall be notified of the change.

SEC. 72.68.040 *Contracts With Other Governmental Units for Detention of Felons Convicted In This State.* The director may contract with the authorities of the federal government, or the authorities of any state of the United States or of any county in this state providing for the detention in an institution or jail operated by such governmental unit, of prisoners convicted of a felony in the courts of this state and sentenced to a term of imprisonment therefor in the Washington state penitentiary. After the making of a contract under this section, prisoners sentenced to a term of imprisonment in the Washington state penitentiary may be conveyed by the superintendent or his assistants to the institution or jail named in the contract. The prisoners shall be delivered to the authorities of the institution or jail, there to be confined until their sentences have expired or they are otherwise discharged by law, or

until they are returned to the Washington state penitentiary for further confinement.

Note: See also section 1, chapter 47, Laws of 1959.

SEC. 72.68.050 ————*Notice of Transfer of Prisoner.* Whenever a prisoner who is serving a sentence imposed by a court of this state is transferred from the penitentiary under sections 72.68.040 through 72.68.070, the superintendent shall send to the clerk of the court pursuant to whose order or judgment the prisoner was committed to the penitentiary a notice of transfer, disclosing the name of the prisoner transferred and giving the name and location of the institution to which the prisoner was transferred. The superintendent shall keep a copy of all notices of transfer on file as a public record open to inspection; and the clerk of the court shall file with the judgment roll in the appropriate case a copy of each notice of transfer which he receives from the superintendent.

Note: See also section 2, chapter 47, Laws of 1959.

SEC. 72.68.060 ————*Procedure When Transferred Prisoner's Presence Required In Judicial Proceeding.* Should the presence of any prisoner confined, under authority of sections 72.68.040 through 72.68.070, in an institution of another state or the federal government or in a county jail, be required in any judicial proceeding of this state, the superintendent of the penitentiary or his assistants shall, upon being so directed by the director, or upon the written order of any court of competent jurisdiction, or of a judge thereof, procure such prisoner, bring him to the place directed in such order and hold him in custody subject to the further order and direction of the director, or of the court or of a judge thereof, until he is lawfully discharged from such custody. The superintendent or his assistants may, by direction of the director or of the court, or a judge thereof, deliver such prisoner into the custody of the sheriff of the county in which he was convicted, or may, by

like order, return such prisoner to the state penitentiary or the institution from which he was taken.

Note: See also section 3, chapter 47, Laws of 1959.

SEC. 72.68.070 ————*Procedure Regarding Prisoner When Contract Expires.* Upon the expiration of any contract entered into under sections 72.68.040 through 72.68.070, all prisoners of this state confined in such institution or jail shall be returned by the superintendent or his assistants to the penitentiary of this state, or delivered to such other institution as the board has contracted with under sections 72.68.040 through 72.68.070.

Note: See also section 4, chapter 47, Laws of 1959.

SEC. 72.68.080 *Federal Prisoners, or from Other State—Authority to Receive.* All persons sentenced to prison by the authority of the United States or of any state or territory of the United States may be received by the department and imprisoned in the Washington state penitentiary or Washington state reformatory in accordance with the sentence of the court by which they were tried. The prisoners so confined shall be subject in all respects to discipline and treatment as though committed under the laws of this state.

SEC. 72.68.090 ————*Per Diem Rate for Keep.* The director is authorized to enter into contracts with the proper officers or agencies of the United States and of other states and territories of the United States relative to the per diem rate to be paid the state of Washington for the conditions of the keep of each prisoner.

SEC. 72.68.100 ————*Space Must be Available.* The director shall not enter into any contract for the care or commitment of any prisoner of the federal government or any other state unless there is vacant space and unused facilities in the Washington state penitentiary or reformatory.

Chapter 72.98

CONSTRUCTION

SEC. 72.98.010 *Continuation of Existing Law.* The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

SEC. 72.98.020 *Title, Chapter, Section Headings Not Part of Law.* Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

SEC. 72.98.030 *Invalidity of Part of Title Not to Affect Remainder.* If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

SEC. 72.98.040 *Repeals and Saving.* The following acts or parts of acts are repealed:

(1) Sections 1 through 10, pages 4 through 6, Laws of 1861;

(2) Sections 1 through 5, pages 356 and 357, Laws of 1869;

(3) Sections 1 through 9, pages 358 through 360, Laws of 1869;

(4) Sections 1 through 26, pages 83 through 89, Laws of 1875;

(5) Sections 2247 through 2275, Code 1881;

(6) Sections 1 through 6, pages 37 through 38, Laws of 1883;

(7) Sections 1 through 23, pages 82 through 85, Laws of 1883;

(8) Sections 1 through 15, pages 141 through 144, Laws of 1885-6;

(9) Sections 1 through 7, pages 144 through 145, Laws of 1885-6;

- (10) Sections 1 through 18, pages 152 through 155, Laws of 1885-6;
- (11) Chapter 60, Laws of 1888;
- (12) Chapter 62, Laws of 1888;
- (13) Sections 1 through 7, pages 269 through 271, Laws of 1889-90;
- (14) Sections 1 through 25, pages 271 through 277, Laws of 1889-90;
- (15) Sections 1 through 49, pages 482 through 495, Laws of 1889-90;
- (16) Chapter 147, Laws of 1891;
- (17) Chapter 131, Laws of 1895;
- (18) Chapter 67, Laws of 1897;
- (19) Chapter 119, Laws of 1901;
- (20) Chapter 167, Laws of 1901;
- (21) Chapter 171, Laws of 1901;
- (22) Chapter 110, Laws of 1903;
- (23) Chapter 90, Laws of 1907;
- (24) Chapter 156, Laws of 1907;
- (25) Chapter 166, Laws of 1907;
- (26) Sections 1, 2 and 4 through 7, chapter 97, pages 256 through 258, Laws of 1909;
- (27) Sections 1 through 10, chapter 97, pages 258 through 260, Laws of 1909;
- (28) Chapter 222, Laws of 1909;
- (29) Section 32, chapter 249, Laws of 1909;
- (30) Chapter 10, Laws of 1913;
- (31) Sections 1 through 5 and 8 through 14, chapter 157, Laws of 1913;
- (32) Chapter 81, Laws of 1915;
- (33) Chapter 106, Laws of 1915;
- (34) Sections 32, 41 and 43, chapter 7, Laws of 1921;
- (35) Chapter 48, Laws of 1921;
- (36) Chapter 74, Laws of 1925, extraordinary session;
- (37) Chapter 212, Laws of 1927;
- (38) Chapter 276, Laws of 1927;

- (39) Chapter 305, Laws of 1927;
- (40) Chapter 59, Laws of 1929;
- (41) Chapter 77, Laws of 1931;
- (42) Chapter 84, Laws of 1935;
- (43) Section 5, chapter 114, Laws of 1935;
- (44) Chapter 161, Laws of 1939;
- (45) Chapter 175, Laws of 1943;
- (46) Chapter 79, Laws of 1945;
- (47) Chapter 188, Laws of 1947;
- (48) Chapter 190, Laws of 1947;
- (49) Chapter 211, Laws of 1947;
- (50) Chapter 114, Laws of 1949;
- (51) Sections 20 and 52, chapter 198, Laws of 1949;
- (52) Chapter 135, Laws of 1951;
- (53) Sections 6 through 16, 40 through 50 and 65 through 69, chapter 139, Laws of 1951;
- (54) Chapter 234, Laws of 1951;
- (55) Chapter 217, Laws of 1953;
- (56) Chapter 232, Laws of 1953;
- (57) Chapter 77, Laws of 1955;
- (58) Chapter 94, Laws of 1955;
- (59) Chapter 104, Laws of 1955;
- (60) Chapter 128, Laws of 1955;
- (61) Chapter 136, Laws of 1955;
- (62) Chapter 195, Laws of 1955;
- (63) Chapter 230, Laws of 1955;
- (64) Chapter 240, Laws of 1955;
- (65) Chapter 242, Laws of 1955;
- (66) Chapter 245, Laws of 1955;
- (67) Chapter 247, Laws of 1955;
- (68) Chapter 248, Laws of 1955;
- (69) Chapter 260, Laws of 1955;
- (70) Chapter 314, Laws of 1955;
- (71) Chapter 318, Laws of 1955;
- (72) Chapter 19, Laws of 1957;
- (73) Chapter 21, Laws of 1957;
- (74) Chapter 25, Laws of 1957;

- (75) Chapter 27, Laws of 1957;
- (76) Chapter 29, Laws of 1957;
- (77) Chapter 30, Laws of 1957;
- (78) Chapter 54, Laws of 1957;
- (79) Chapter 61, Laws of 1957;
- (80) Chapter 102, Laws of 1957;
- (81) Section 5, chapter 115, Laws of 1957;
- (82) Chapter 136, Laws of 1957;
- (83) Chapter 188, Laws of 1957;
- (84) Chapter 217, Laws of 1957;
- (85) Chapter 225, Laws of 1957;
- (86) Chapter 272, Laws of 1957;
- (87) Sections 2 and 3, chapter 297, Laws of 1957.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

SEC. 72.98.050 *Bonding Acts Exempted.* This act shall not repeal nor otherwise affect the provisions of the institutional bonding acts (chapter 230, Laws of 1949 and chapters 298 and 299, Laws of 1957).

SEC. 72.98.060 *Emergency.* 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, with the exception of section 72.01.280 the effective date of which section is July 1st, 1959.

Passed the House January 20, 1959.

Passed the Senate January 27, 1959.

Approved by the Governor February 4, 1959.

(The above measure, being remedial legislation introduced at the request of the Statute Law Committee, was accompanied by the following explanatory note.)

Explanatory
note.

I. Introductory.

In the course of its current program to restore session law language to the Revised Code of Washington, the reviser's office and the codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 71 RCW relating to insane, feeble-minded, mentally ill persons, and inebriates, and of Title 72 relating to state institutions. Pursuant to such study, and after thorough discussion between the reviser and the codifications subcommittee, the committee determined that because of the complicated statutory problems relating to these subjects, the titles in question are nonrestorable. This is a field wherein much legislation has been enacted, often in disregard of prior laws. Since the creation of the various state institutions, numerous governmental authorities have been created and abolished, and the powers and duties relating to the institutions have been transferred from agency to agency merely by reference statutes. The net result is that any attempt to restore the session law language without at the same time proposing legislation for the resolving of such conflicts, would be fruitless.

The codifications subcommittee of the Statute Law Committee, upon conferring with representatives of the department of institutions, has undertaken to prepare a recompilation of Titles 71 and 72 of the Revised Code of Washington, removing as many conflicting provisions as may be ascertained and as may be removed without affecting the substance of the law.

This bill proposes the recompilation and reenactment of Title 72. A companion measure proposes the recompilation and reenactment of Title 71. These bills should be examined together.

In preparing the reenactment of this title, material which was closely related to the subject of state institutions, but contained in Title 71 and other titles, has been transferred to Title 72. The section commentary below indicates the source of each section.

Note that the names of various governing agencies of the institutions appear in the session laws used as source material for this bill. The powers and duties of these agencies have devolved upon the department of institutions through a chain of statutes as follows: 1901 c 119 sec. 3; 1921 c 7 sec. 36(1); 1935 c 176 secs. 20, 23; 1947 c 114 sec. 5; and 1955 c 195 secs. 1, 4. Therefore, "department" or "director" has been substituted for such agencies.

II. Section Comment.

Chapter 72.01 Department of Institutions

This is a new chapter composed of session laws providing for the creation, structure, powers and duties of the department of institutions.

72.01.010 Source—new.

This section contains definitions added to facilitate reference to the department and director of institutions.

This section as it appears in RCW 72.04.010, part, contains a definition of "institutions" and "public institutions", taken from 1907 c 166 sec. 10, and reads as follows:

"Institutions" or "public institutions" include all institutions under control of the department, except capitol buildings.

It appears that this definition is unnecessary as the department no longer has control of the capitol buildings or the authority to examine the system of accounts at the educational institutions as did the state board of control. Also the institutions controlled by the department are enumerated in section 72.01.050.

72.01.020 Source—1957 c 272 sec. 1; 1955 c 195 sec. 1; RCW 43.28.010.

Explanatory
note.

- 72.01.030 Source—new.
This section sets forth the divisions of the department.
- 72.01.040 Source—1955 c 195 sec. 4(2); RCW 43.28.020. 1955 c 195 sec. 4 has been divided into several sections according to the subject matter of its subdivisions, for organizational purposes, and to facilitate future amendment. The words “the director shall”, taken from the first sentence of 1955 c 195 sec. 4, preface each new section.
- 72.01.050 Source—1955 c 195 sec. 4(1). Prior: 1915 c 107 sec. 1, part; 1907 c 166 sec. 2, part; 1901 c 119 sec. 3, part; RRS sec. 10899, part; RCW 43.28.020(1). See notes to RCW 72.01.040. “the Fort Worden school for the care and custody of children and youth, and such other institutions as authorized by law,” added after “colony” to account for the establishment of Fort Worden by 1957 c 217 and to anticipate any other institutions which may be placed under the control of the department.
- 72.01.060 Source—1907 c 166 sec. 5; 1901 c 119 sec. 2; RRS sec. 10902; RCW 72.04.020.
This section was originally part of the Board of Control Act of 1901.
For the most part this section is in the language of the 1951 edition of the Revised Code of Washington wherein the obsolete maximum salary for superintendents has been deleted and the provisos made straight matter. However, the session law language “It shall be the duty of”, “and whose title shall be ‘superintendent’ ” and “may be removed by the director in his discretion” (referring to superintendents) has been incorporated for reenactment. Also, the length of tenure provision for superintendents has been replaced in its session law order.
Note the language “Except as otherwise provided in this title,” applicable to the appointment of all assistants and employees, has been added in recognition of later special session laws on particular institutions which are inconsistent with this section of the Board of Control Act.
- 72.01.070 Source—new.
This section on oaths added to eliminate a deficiency in the law, and to prescribe by statute what currently is done under administrative practice.
- 72.01.080 Source—new.
This section on official bonds added to make uniform the provisions of earlier laws and to account for later general laws on the subject.
- 72.01.090 Source—1907 c 166 sec. 7; 1901 c 119 sec. 9; RRS sec. 10905; RCW 72.04.060.
“act” to “title”
- 72.01.100 Source—1955 c 195 sec. 4 (3) (4) (5) (6). Prior: 1921 c 7 sec. 44; RRS sec. 10802; RCW 43.28.020 (3) (4) (5) (6).
See notes to 72.01.040.
- 72.01.110 Source—1954 SLC-RO-28 [1901 c 119 sec. 12; RRS sec. 10909.]; RCW 72.04.100.
The last sentence of this section as it appears in RCW reads as follows:
In calling for bids for improvements to be made the department shall follow the provisions of RCW 72.04.070, which provisions are hereby made to and shall cover all calls made and contracts awarded under this section.
This sentence has been deleted since RCW 72.04.070 (1901 c 119 sec. 10) was repealed by 1955 c 285 sec. 19. The substantive provisions of 1901 c 119 sec. 10 have been incorporated for reenactment herein as section 72.01.120.

- 72.01.120 Source—1901 c 119 sec. 10, part.
See notes to 72.01.110. Explanatory note.
- 72.01.130 Source—1957 c 25 sec. 1; 1891 c 147 sec. 29; RRS sec. 10908; RCW 72.04.090.
- 72.01.140 Source—1955 c 195 sec. 4 (7) (8) (9) (10) (11). Prior: 1921 c 7 sec. 39; RRS sec. 10707; RCW 43.28.020 (7) (8) (9) (10) (11). See notes to 72.01.040.
- 72.01.150 Source—1955 c 195 sec. 4 (12) (13) (14) (15) (16). Prior: 1923 c 101 sec. 1; 1921 c 7 sec. 40; RRS sec. 10798; RCW 43.28.020 (12) (13) (14) (15) (16).
- 72.01.160 Source—1921 c 7 sec. 41; RRS sec. 10799; RCW 43.19.170.
“fund” to “account” since the state institutional revolving fund moneys have been transferred to the state institutional account in the state treasury (RCW 43.79.330).
The clause “which fund is hereby created and established in the state treasury” deleted as the section if reenacted will read as follows:
The director shall have the power, and it shall be his duty, to cause all moneys or credits . . . to be paid into the state treasury to the credit of a revolving account, to be known as the state institutional revolving account. . . .
- 72.01.170 Source—1955 c 195 sec. 4 (17). Prior: 1921 c 7 sec. 36, part; RRS sec. 10794, part; RCW 43.28.020 (17).
See notes to RCW 72.01.040.
- 72.01.180 Source—1921 c 7 sec. 32; RRS sec. 10790; RCW 43.19.150.
- 72.01.190 Source—1947 c 188 sec. 1; RRS sec. 10898; RCW 72.04.140.
- 72.01.200 Source—1947 c 211 sec. 1; RRS sec. 10319-1; RCW 72.04.130.
- 72.01.210 Source—1955 c 248 sec. 1; RCW 72.04.160.
- 72.01.220 Source—1955 c 248 sec. 2; RCW 72.04.170.
- 72.01.230 Source—1955 c 248 sec. 3; RCW 72.04.180.
- 72.01.240 Source—1955 c 248 sec. 4; RCW 72.04.190.
- 72.01.250 Source—1955 c 248 sec. 5; RCW 72.04.200.
- 72.01.260 Source—1929 c 59 sec. 2; RRS sec. 10236-1; RCW 72.08.210.
1929 c 59 sec. 2 reads as follows:
Nothing contained in chapter 38 of the Laws of 1905 shall be so construed as to exclude ministers of any denomination from giving gratuitous religious or moral instruction to prisoners under such reasonable rules and regulations as the director of business control may prescribe.
Since 1905 c 38, providing for the appointment of a penitentiary chaplain, was repealed by 1955 c 248 which act provides for the appointment of chaplains for the various institutions, “sections 72.01.210 through 72.01.250,” the counterpart of 1955 c 248 in this reenactment, has been substituted for “chapter 38 of the laws of 1905” and this section has been placed for reenactment following section 72.01.250.
- 72.01.270 Source—1901 c 119 sec. 8; RRS sec. 10904; RCW 72.04.050.
Note that 1901 c 119 sec. 8 was ostensibly repealed by the Mental Illness and Hospitalization Act (1951 c 139 sec. 69). However, the title of that act was limited to mental illness, and the provision therein on gifts (1951 c 139 sec. 10) applies only to money and personal property donated to state hospitals. Thus, this section on the acceptance of gifts made over to the department is included for reenactment.
- 72.01.280 Source—1957 c 188 sec. 1; 1907 c 166 sec. 6; 1901 c 119 sec. 6; RRS sec. 10903; RCW 72.04.040.
The effective date of this section is July 1, 1959, see 72.98.060.
- 72.01.290 Source—1907 c 166 sec. 9; 1901 c 119 sec. 13; RRS sec. 10910; RCW 72.04.110.

Explanatory
note.

Note the first part of the session law reads as follows:

The Board shall keep at its office, accessible only to members of the Board, the secretary and proper clerks, except by consent of the Board . . .

The following, based on the RCW version of this part of the section, is included herein for reenactment:

The department shall keep at its office, accessible only to the director and proper officers and employees, and to other persons authorized by the director, . . .

- 72.01.300 Source—1921 c 7 sec. 43; RRS sec. 10801; RCW 43.19.160.
- 72.01.310 Source—1901 c 119 sec. 15; RRS sec. 10917; RCW 72.04.150.
- 72.01.320 Source—1955 c 195 sec. 5. Prior: (i) 1901 c 119 sec. 14; RRS sec. 10915. (ii) 1915 c 107 sec. 1, part; 1907 c 166 sec. 2, part; 1901 c 119 sec. 3, part; RRS sec. 10899, part; 1921 c 7 sec. 36, part; RRS sec. 10794, part; RCW 43.28.030.
- 72.01.330 Source—1957 c 272 sec. 3; RCW 43.28.120.
- 72.01.340 Source—1957 c 272 sec. 4; RCW 43.28.130.
"to be appointed after the taking effect of this act" deleted after "commission".
- 72.01.350 Source—1957 c 272 sec. 5; RCW 43.28.140.
- 72.01.360 Source—1957 c 272 sec. 6; RCW 43.28.150.

Chapter 72.02 Division of Adult Corrections

- 72.02.010 Source—1957 c 272 sec. 13; RCW 43.28.080.
"new" deleted after "institutions".
- 72.02.020 Source—1957 c 272 sec. 14; RCW 43.28.090.
- 72.02.030 Source—1957 c 272 sec. 15; RCW 43.28.100.
- 72.02.040 Source—1957 c 272 sec. 16; RCW 43.28.110.

Chapter 72.03 Division on Alcoholism

- 72.03.010 Source—1957 c 136 sec. 1; RCW 71.16.010.
- 72.03.020 Source—1957 c 136 sec. 2; RCW 71.16.020.
- 72.03.030 Source—1957 c 136 sec. 3; RCW 71.16.030.
- 72.03.040 Source—1957 c 136 sec. 4; RCW 71.16.040.
- 72.03.050 Source—1957 c 136 sec. 5; RCW 71.16.050.
- 72.03.060 Source—1957 c 136 sec. 6; RCW 71.16.060.
- 72.03.070 Source—1957 c 136 sec. 7; RCW 71.16.070.
- 72.03.080 Source—1957 c 136 sec. 8; RCW 71.16.080.
- 72.03.090 Source—1957 c 136 sec. 9; RCW 71.16.090.
- 72.03.100 Source—1957 c 136 sec. 10; RCW 71.16.100.
- 72.03.110 Source—1957 c 136 sec. 11; RCW 71.16.110.
- 72.03.120 Source—1957 c 136 sec. 12; RCW 71.16.120.
- 72.03.130 Source—1957 c 136 sec. 13; RCW 71.16.130.
- 72.03.140 Source—1957 c 136 sec. 14; RCW 71.16.140.
- 72.03.150 Source—1957 c 136 sec. 15; RCW 71.16.150.
- 72.03.160 Source—1957 c 136 sec. 16; RCW 71.16.160.
- 72.03.170 Source—1957 c 136 sec. 18; RCW 71.16.170.

Chapter 72.05 Division of Children and Youth
Services—Council for Children and Youth

- 72.05.010 Source—1951 c 234 sec. 1. Presently a footnote to RCW 43-19.260.
"act" to "sections 72.05.010 through 72.05.210"
- 72.05.020 Source—1951 c 234 sec. 2; RCW 43.19.260.
"As used in this chapter," added before "Unless".
- 72.05.030 Source—1951 c 234 sec. 3; RCW 43.19.270.
"new" deleted before "division".
- 72.05.040 Source—1957 c 272 sec. 7; RCW 43.19.280.
"Upon the taking effect of RCW 43.19.260 to 43.19.440" deleted to conform with other sections providing for the appointment of assistant directors.

- 75.05.050 Source—1951 c 234 sec. 5; RCW 43.19.290. Explanatory note.
The following 1951 proviso omitted as obsolete: *Provided, That upon the taking effect of this act, all the personnel of the Washington State Training School, State School for Girls, Lakeland Village, Rainier State School, the State School for the Blind, and the State School for the Deaf, shall be retained as employees of the division pending determination by the supervisor as to their permanent status, which is dependent also upon their ability within one year to meet the requirements for their respective positions according to the standards established by the state personnel board with the advice of the supervisor.*
- 72.05.060 Source—1951 c 234 sec. 6; RCW 43.19.300.
72.05.070 Source—1951 c 234 sec. 7; RCW 43.19.310.
72.05.080 Source—1951 c 234 sec. 8; RCW 43.19.320.
72.05.090 Source—1951 c 234 sec. 9; RCW 43.19.330.
72.05.100 Source—1951 c 234 sec. 10; RCW 43.19.340.
72.05.110 Source—1951 c 234 sec. 11; RCW 43.19.350.
72.05.120 Source—1951 c 234 sec. 12; RCW 43.19.360.
72.05.130 Source—1951 c 234 sec. 13; RCW 43.19.370.
72.05.140 Source—1951 c 234 sec. 14; RCW 43.19.380.
72.05.150 Source—1951 c 234 sec. 15; RCW 43.19.390.
72.05.160 Source—1951 c 234 sec. 16; RCW 43.19.400.
“act” to “sections 72.05.010 through 72.05.210”.
- 72.05.170 Source—1955 c 240 sec. 1; RCW 43.19.405.
“of children and youth services of the department of public institutions” deleted, see notes to sec. 72.05.300.
- 72.05.180 Source—1951 c 234 sec. 17; RCW 43.19.430.
72.05.190 Source—1951 c 234 sec. 18; RCW 43.19.440.
72.05.200 Source—1951 c 234 sec. 19; RCW 43.19.410.
“act” to “sections 72.05.010 through 72.05.210”.
- 72.05.210 Source—1951 c 234 sec. 20; RCW 43.19.420.
“act” to “section 72.05.010 through 72.05.210”.
- 72.05.300 Source—1957 c 297 sec. 2; RCW 43.28.160.
“of children and youth services” omitted from phrase “division of children and youth services” as division is defined as the division of children and youth services by section 72.05.010.
- 72.05.310 Source—1957 c 297 sec. 3; RCW 43.28.180.
“of institutions” and “of children and youth” deleted, see notes to 72.05.300.
- Chapter 72.06 Division of Mental Health**
- 72.06.010 Source—1957 c 272 sec. 9; RCW 43.28.040.
“new” deleted before “division”.
- 72.06.020 Source—1957 c 272 sec. 10; RCW 43.28.050.
72.06.030 Source—1957 c 272 sec. 11; RCW 43.28.060.
72.06.040 Source—1957 c 272 sec. 12; RCW 43.28.070.
72.06.050 Source—1955 c 136 sec. 2; RCW 43.28.600.
72.06.060 Source—1955 c 136 sec. 3; RCW 43.28.610.
72.06.070 Source—1955 c 136 sec. 4; RCW 43.28.620.
72.06.080 Source—1955 c 136 sec. 5; RCW 43.28.630.
“the effective date of this act” to “June 8, 1955”.
- 72.06.090 Source—1955 c 136 sec. 6; RCW 43.28.640.
- Chapter 72.08 State Penitentiary**
- 72.08.010 Source—1891 c 147 sec. 1; RRS sec. 10210; RCW 72.08.010.
“and all lands acquired thereafter” added after “Walla Walla” to account for lands acquired or to be acquired for penitentiary purposes.
- 72.08.020 Source—1891 c 147 sec. 5; RRS sec. 10211; RCW 72.08.020.
Except for a provision requiring at least a monthly visit to

Explanatory
note.

- the penitentiary and a provision giving the superintendent emergency rulemaking powers, 1891 c 147 sec. 5 is obsolete. The visitation provision appears herein as section 72.08.020 and the emergency rule provision as section 72.08.045.
- 72.08.040 Source—1891 c 147 sec. 7; RRS sec. 10213; RCW 72.08.040. “warden” to “superintendent”, see section 72.01.060. Note the first clause of the session law reads as follows:
The warden shall reside at the penitentiary in a house provided and furnished at the expense of the state, as may be ordered by the board of directors
The italicized matter has been deleted as superseded, see section 72.01.280.
“attorney general” substituted for “prosecuting attorney of Walla Walla county” on the basis of subsequent legislation broadening the attorney general’s powers and duties. The third paragraph of the session laws on monthly reports to the governor concerning prisoners whose terms are about to expire omitted as obsolete.
- 72.08.045 Source—1891 c 147 sec. 5, part. See notes to RCW 72.08.020.
- 72.08.050 Source—1891 c 147 sec. 10; RRS sec. 10216; RCW 72.08.050.
- 72.08.070 Source—1957 c 115 sec. 5; 1891 c 147 sec. 15; RRS sec. 10218; RCW 72.08.070.
- 72.08.080 Source—1891 c 147 sec. 16; RRS sec. 10219; RCW 72.08.080. “warden” to “superintendent”, see section 72.01.060. Note the last sentence reads as follows:
When any sum of money is paid to the warden he shall cause the same to be properly entered on the books by the clerk.
“by the clerk” has been deleted since the sections establishing the office of the clerk, 1891 c 147 secs. 8, 9, were repealed by 1931 c 58 sec. 1.
- 72.08.090 Source—1891 c 147 sec. 17; RRS sec. 10220; RCW 72.08.090. “as provided in this act” omitted from the phrase “on payment of any moneys into the state treasury, as provided in this act”. The last sentence of the session law on monthly and quarterly financial reports omitted as obsolete.
- 72.08.100 Source—1955 c 94 sec. 2. Prior: 1891 c 147 sec. 19, part; RRS sec. 10222, part; RCW 72.08.100.
- 72.08.110 Source—1955 c 94 sec. 3. Prior: 1891 c 147 sec. 19, part; RRS sec. 10222, part; RCW 72.08.110. “state hospitals for the insane” to “state hospitals for the mentally ill” as the state hospitals are so designated by the Mental Illness and Hospitalization Act.
- 72.08.120 Source—1927 c 305 sec. 2; RRS sec. 10223-2; RCW 72.08.120.
- 72.08.130 Source—1891 c 147 sec. 21; RRS sec. 10225; RCW 72.08.130. Note the first proviso reads as follows:
Provided, That no building or structure, the cost of which will exceed three thousand dollars, shall be erected or constructed without first obtaining the consent of the governor, secretary and treasurer of the state, or a majority thereof:
The 1951 RCW version is adopted, requiring the consent of the governor only and conforming the section with the departmental structure of state government.
- 72.08.140 Source—1891 c 147 sec. 22; RRS sec. 10226; RCW 72.08.140.
- 72.08.150 Source—1955 c 77 sec. 1; 1891 c 147 sec. 23; RRS sec. 10227; RCW 72.08.150.
- 72.08.160 Source—1891 c 147 sec. 24; RRS sec. 10228; RCW 72.08.160.
- 72.08.170 Source—1891 c 147 sec. 27; RRS sec. 10231; RCW 72.08.170. “penitentiary fund” to “any funds available therefor” to broaden the source from which rewards may be paid.

- 72.08.343 Source—1957 c 21 sec. 1; RCW 72.08.343. Explanatory note.
 “or the state reformatory” deleted since this section, applicable also to the reformatory, is repeated as section 72.12.122.
- 72.08.380 Source—1957 c 61 sec. 1; RCW 72.08.380.
 “or the superintendent of the state reformatory” deleted since this section, applicable also to the reformatory, is repeated as section 72.12.140.

Chapter 72.12 State Reformatory

- 72.12.010 Source—1927 c 212 sec. 1; RRS sec. 10280-1; RCW 72.12.010.
 “act” to “chapter” since 1927 c 212 is codified in chapter 72.12 alone.
- 72.12.020 Source—1927 c 212 sec. 2; RRS sec. 10280-2; RCW 72.12.020.
- 72.12.040 Source—1927 c 212 sec. 4; RRS sec. 10280-4; RCW 72.12.040.
 Provision on salaries to be paid all appointees or employees deleted as consistent with, and covered by, section 72.01.060. Provision as to appointment of chaplain deleted as superseded by sections 72.01.210 through 72.01.240.
- 72.12.050 Source—1955 c 242 sec. 1; 1927 c 212 sec. 5; RRS sec. 10280-5; RCW 72.12.050.
- 72.12.070 Source—1927 c 212 sec. 8; RRS sec. 10280-8; RCW 72.12.070.
- 72.12.090 Source—1927 c 212 sec. 13; RRS sec. 10280-13; RCW 72.12.090.
 “department of efficiency” to “director of budget” since the powers and duties of the “department of efficiency” referred to in this section have devolved upon the director of budget through a chain of statutes as follows: 1935 c 176 sec. 19; 1941 c 196 sec. 7; 1947 c 114 secs. 3, 4.
 “purchase of supplies and” deleted since this function is now performed by the Department of General Administration.
- 72.12.100 Source—1927 c 212 sec. 14; RRS sec. 10280-14; RCW 72.12.100.
- 72.12.122 Source—1957 c 21 sec. 1; RCW 72.08.343.
 “the state penitentiary or” deleted after “confined” since this section, applicable also to the penitentiary, is inserted as section 72.08.343.
- 72.12.140 Source—1957 c 61 sec. 1; RCW 72.08.380.
 “the superintendent of the state penitentiary or” deleted after “wherever” since this section, applicable also to the penitentiary, is also inserted as section 72.08.380.

Chapter 72.16 Green Hill School

The substance of this chapter is for the most part in the language of the 1951 edition of the Revised Code of Washington and supplements thereto. In instances where the Revised Code language was deemed a material departure from the session laws upon which it was based, resulting in a possible change of meaning, the session law language has been used herein.

- 72.16.010 Source—1955 c 230 sec. 1. Prior: (i) 1909 p. 256 sec. 1; RRS sec. 4624. (ii) 1907 c 90 sec. 1; 1890 p 271 sec. 1; RRS sec. 10299; RCW 72.16.010.
- 72.16.020 Source—(i) 1909 p 256 sec. 2; RRS sec. 4625. (ii) 1890 p 272 sec. 2; RRS sec. 10300; RCW 72.16.020.
 “reformatory” deleted before “training” since the word “reform” has long been removed from the name of the school. Session law language “eighteen” substituted for “sixteen” used in the language of the Revised Code.
 “lawfully committed” substituted for “committed by a court of competent jurisdiction” in view of 1957 c 297 secs. 4-6 whereby commitment may be to the division of children and youth services for placement.
- 72.16.070 Source—(i) 1909 p 257 sec. 7; RRS sec. 4630. (ii) 1890 p 256 sec. 19; RRS sec. 10307; RCW 72.16.070.

Explanatory
note.

"of the two sexes" deleted from the phrase "instructed in the different trades and callings of the two sexes" since the girls' department of the state training school has been abolished. "at least" added after "in" and before "the" to allow for any instruction beyond the eighth grade while assuring the mandatory instruction in the first eight grades provided in the session law.

The first sentence of this section relating to the investigation of complaints against the superintendent or any employee of the school deleted as repetitious of section 72.01.060.

72.16.090 Source—1890 c 276 sec. 21; RRS sec. 10308; RCW 72.16.090.

Chapter 72.20 Maple Lane School

72.20.010 Source—1955 c 230 sec. 2; 1913 c 157 sec. 1; RRS sec. 4631; RCW 72.20.010.

72.20.020 Source—1913 c 157 sec. 3; RRS sec. 4633; RCW 72.20.020.

72.20.040 Source—1913 c 157 sec. 5; RRS sec. 4635; RCW 72.20.040. subdivision (4) of this section relating to engaging and removing employees, deleted since the employees involved are subject to the 1951 children and youth services act which places them under the state personnel board.

72.20.050 Source—1913 c 157 sec. 8; RRS sec. 4638; RCW 72.20.050.

72.20.060 Source—1913 c 157 sec. 9, part; RRS sec. 4639, part; RCW 72.20.060, part.

72.20.065 Source—1913 c 157 sec. 9, part; RRS sec. 4639, part; RCW 72.20.060, part.

RCW 72.20.060 has been divided into two sections to separate unrelated subjects.

72.20.070 Source—1913 c 157 sec. 10; RRS sec. 4640; RCW 72.20.070.

"state school for girls" to "Maple Lane School".

72.20.080 Source—1913 c 157 sec. 11; RRS sec. 4641; RCW 72.20.080.

72.20.090 Source—1913 c 157 sec. 12; RRS sec. 4642; RCW 72.20.090.

Chapter 72.23 State Hospitals for the Mentally Ill

The mental illness hospitalization act (1951 c 139, presently codified as chapter 71.02 RCW) contains the general procedure for mental illness commitment to any institution, as well as provisions for the establishment and administration of the state mental hospitals. In the instant bill, and the companion bill relating to Title 71, the 1951 act is divided and the commitment provisions are retained in Title 71 while the administrative provisions relating to the state institutions are brought over into Title 72 as a part of the public institutions code. The definitions section of the 1951 act is carried in both bills, as sections 71.02.010 and 72.23.010. Sections 1 and 4 of the 1951 act, relating to statutory construction are likewise carried in both bills, as sections 71.02.900, 72.23.900 and 71.02.020, 72.23.910, respectively.

72.23.010 Source—1951 c 139 sec. 2; RCW 71.02.010.

"act" to "chapter"

The definition of department has been deleted from this section since it is provided for in section 72.01.010 of this reenactment.

72.23.020 Source—1951 c 139 sec. 6; RCW 71.02.440.

72.23.030 Source—1951 c 139 sec. 7; RCW 71.02.510.

72.23.040 Source—1951 c 139 sec. 8; RCW 71.02.540.

72.23.050 Source—1951 c 139 sec. 9; RCW 71.02.520.

72.23.060 Source—1951 c 139 sec. 10; RCW 71.02.600.

72.23.070 Source—1951 c 139 sec. 11. Prior: 1949 c 198 sec. 19, part; RCW 71.02.030.

72.23.080 Source—1951 c 139 sec. 12. Prior: 1949 c 198 sec. 19, part; RCW 71.02.040.

72.23.090 Source—1951 c 139 sec. 13. Prior: 1949 c 198 sec. 19, part; RCW 71.02.050.

- 72.23.100 Source—1951 c 139 sec. 14. Prior: 1949 c 198 sec. 19, part; RCW 71.02.060. Explanatory note.
- 72.23.110 Source—1951 c 139 sec. 15. Prior: 1949 c 198 sec. 19, part; RCW 71.02.070.
- 72.23.120 Source—1951 c 139 sec. 16. Prior: 1949 c 198 sec. 19, part; RCW 71.02.080.
- 72.23.130 Source—1951 c 139 sec. 40; RCW 71.02.530.
- 72.23.140 Source—1951 c 139 sec. 41; RCW 71.02.610.
- 72.23.150 Source—1951 c 139 sec. 42; RCW 71.02.620.
- 72.23.160 Source—1951 c 139 sec. 43; RCW 71.02.630.
- 72.23.170 Source—1957 c 225 sec. 1; 1949 c 198 sec. 20; Rem. Supp. 1949 sec. 6953-20; RCW 71.12.620.
The session law reference to "school for mental defectives" is deleted since this section is repeated in chapter 72.33 and there made to apply to state residential schools.
"state hospital for the mentally ill" substituted for "mental hospital" since the context of the session law (e.g. see 1949 c 198 sec. 53) indicates its application is to state hospitals only.
"such inmate has been lawfully committed" substituted for "a person is committed under any provisions of this act" since the commitment provisions of 1949 c 198 have been repealed by later acts on commitment which, however, do not provide penalties for escape of inmates.
- 72.23.180 Source—1951 c 139 sec. 44; RCW 71.02.640.
- 72.23.190 Source—1951 c 139 sec. 45; RCW 71.02.660.
- 72.23.200 Source—1951 c 139 sec. 46. Prior: 1949 c 198 sec. 17; RCW 71.02.550.
- 72.23.210 Source—1951 c 139 sec. 47. Prior: 1949 c 198 sec. 18; RCW 71.02.560.
"act" to "chapter"
- 72.23.220 Source—1957 c 54 sec. 1; 1951 c 139 sec. 48; RCW 71.02.590
- 72.23.230 Source—1953 c 217 sec. 2; 1951 c 139 sec. 49; RCW 71.02.570.
- 72.23.240 Source—1953 c 217 sec. 1; RCW 71.02.575.
- 72.23.250 Source—1951 c 139 sec. 50; RCW 71.02.580.
- 72.23.260 Source—1951 c 139 sec. 65; RCW 71.02.460.
- 72.23.270 Source—1951 c 139 sec. 66; RCW 71.02.500.
- 72.23.280 Source—1951 c 139 sec. 67; RCW 71.02.470.
- 72.23.290 Source—1951 c 139 sec. 68; RCW 71.02.480.
- 72.23.300 Source—1949 c 198 sec. 52; Rem. Supp. 1949 sec. 6953-52; RCW 71.12.630.
"any state institution for the care and treatment of mental illness" substituted for "any institution" since the title of the act and the context of the session law (e.g. see 1949 c 198 sec. 53) indicate that the term "any institution" is too broad.
- 72.23.900 Source—1951 c 139 sec. 1; RCW 71.02.900.
"act" to "chapter"
- 72.23.910 Source—1951 c 139 sec. 4; RCW 71.12.020.
See note to 72.23.020.
- Chapter 72.25 Nonresident Insane, Feeble-minded,
Epileptics, Sexual Psychopaths and
Psychopathic Delinquents**
- 72.25.010 Source—1957 c 29 sec. 1; 1953 c 232 sec. 1; RCW 71.04.270
- 72.25.020 Source—1957 c 29 sec. 2; 1953 c 232 sec. 2; RCW 71.04.280.
- 72.25.030 Source—1957 c 29 sec. 3; 1953 c 232 sec. 3; RCW 71.04.290.
- 72.25.040 Source—1957 c 29 sec. 4; 1953 c 232 sec. 4; RCW 71.04.300.
- Chapter 72.33 State Residential Schools**
- 72.33.010 Source—1957 c 102 sec. 1. Prior: 1937 c 10 sec. 3; RRS sec. 4679-3; RCW 72.33.010.

Explanatory
note.

- 72.33.020 Source—1957 c 102 sec. 2; RCW 72.33.020.
“as used in this chapter” added before “unless” since 1957 c 102 appears in chapter 72.33, only.
- 72.33.030 Source—1957 c 102 sec. 3. Prior: (i) 1905 c 70 sec. 1. (ii) 1947 c 157 sec. 1. (iii) 1905 c 70 sec. 2. (iv) 1947 c 157 sec. 2. (v) 1937 c 10 sec. 2. (vi) RCW 72.28.010 and 72.32.010; RCW 72.33.030.
- 72.33.040 Source—1957 c 102 sec. 4. Prior: (i) 1937 c 10 sec. 19. (ii) 1937 c 10 sec. 7; RCW 72.33.040.
- 72.33.050 Source—1957 c 102 sec. 5. Prior: (i) 1913 c 173 sec. 14. (ii) 1937 c 10 sec. 18; RCW 72.33.050.
- 72.33.060 Source—1957 c 102 sec. 6; RCW 72.33.060.
- 72.33.070 Source—1957 c 102 sec. 7; RCW 72.33.070.
- 72.33.080 Source—1957 c 102 sec. 8; RCW 72.33.080.
- 72.33.090 Source—1957 c 102 sec. 9; RCW 72.33.090.
- 72.33.100 Source—1957 c 102 sec. 10; RCW 72.33.100.
- 72.33.110 Source—1957 c 102 sec. 11; RCW 72.33.110.
- 72.33.120 Source—1957 c 102 sec. 12. Prior: (i) 1913 c 173 sec. 2. (ii) 1913 c 173 sec. 3. (iii) 1913 c 173 sec. 4. (iv) 1913 c 173 sec. 9. (v) 1909 p 260 sec. 3. (vi) 1937 c 10 sec. 8. (vii) 1937 c 10 sec. 9. (viii) 1937 c 10 sec. 10. (ix) 1937 c 10 sec. 11. (x) 1937 c 10 sec. 15. (xi) 1937 c 10 sec. 16; RCW 72.33.120.
- 72.33.130 Source—1957 c 102 sec. 13. Prior: (i) 1913 c 173 sec. 2. (ii) 1913 c 173 sec. 8. (iii) 1937 c 10 sec. 9. (iv) 1937 c 10 sec. 14; RCW 72.33.130.
- 72.33.140 Source—1957 c 102 sec. 14. Prior: (i) 1913 c 173 sec. 10. (ii) 1937 c 10 sec. 20; RCW 72.33.140.
- 72.33.150 Source—1957 c 102 sec. 15. Prior: (i) 1913 c 173 sec. 8. (ii) 1913 c 173 sec. 10. (iii) 1913 c 110 sec. 14; RCW 72.33.150.
- 72.33.160 Source—1957 c 102 sec. 16. Prior: 1913 c 173 sec. 10; RCW 72.33.160.
- 72.33.170 Source—1957 c 102 sec. 17. Prior: 1913 c 173 sec. 10; RCW 72.33.170.
- 72.33.180 Source—1957 c 102 sec. 18; RCW 72.33.180.
- 72.33.190 Source—1957 c 102 sec. 19; RCW 72.33.190.
- 72.33.200 Source—1957 c 102 sec. 20; RCW 72.33.200.
- 72.33.210 Source—1957 c 102 sec. 21. Prior: (i) 1913 c 173 sec. 12. (ii) 1937 c 10 sec. 17; RCW 72.33.210.
- 72.33.220 Source—1957 c 102 sec. 22. Prior: 1913 c 173 sec. 10; RCW 72.33.220.
- 72.33.230 Source—1957 c 102 sec. 23; RCW 72.33.230.
- 72.33.240 Source—1957 c 102 sec. 24; RCW 72.33.240.
- 72.33.260 Source—1957 c 225 sec. 1; 1949 c 198 sec. 20; Rem. Supp. 1949 sec. 6953-20; RCW 71.12.620.
“any mental hospital”, “or institutions for psychopaths” deleted since this section is also inserted in chapter 72.23 (section 72.23.170) and there made to apply to state hospitals for the mentally ill.
“resident” substituted for “inmate” since 1957 c 102, the residential school act, refers to persons residing at the institution as “residents”.
- 72.33.900 Source—1957 c 102 sec. 25; RCW 72.33.250.

Chapter 72.36 Soldiers' and Veterans' Homes

- 72.36.010 Source—1901 c 167 sec. 1; 1890 p 269 sec. 1; RCW 72.36.010.
This section is taken from RCW and reads as follows:
There is established at Orting, Pierce County, an institution which shall be known as the Washington soldiers' home. 1901 c 167 sec. 1 reads as follows:
That section 2631, Ballinger's Annotated Codes and Statutes, be and the same is hereby amended to read as fol-

lows: "There shall be established in this state an institution under the name of the Washington Soldiers' Home which institution shall be a home for honorably discharged Union soldiers, sailors, marines, soldiers of the Spanish-American war, and also members of the state militia disabled in the line of duty, and who are *bona fide* citizens of this state."

Explanatory
note.

Since a later act, 1915 c 106 sec. 1, section 72.36.030 herein, provides that "All honorably discharged soldiers, sailors and marines who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, may be admitted to the state soldiers' home at Orting", the language in 1901 c 167 sec. 1 to the effect that the institution "shall be a home for the honorably discharged Union soldiers, sailors, marines, soldiers of the Spanish-American war, and also members of the state militia disabled in the line of duty," has been deleted and the RCW version of the section adopted.

- 72.36.020 Source—1890 p 271 sec. 7; RCW 72.36.020.
The language "and who shall hold office for five years unless sooner removed by the trustees, for cause of which they shall be the judges" deleted since it is apparently superseded by 1907 c 166 sec. 5 (section 72.01.060) the general statute relative to superintendents. The language "and he shall, with the approval of the majority of the board, appoint or employ all subordinate officers and employees of said institution, and may remove or discharge him for cause" deleted for the same reason. "with the consent of the director, may" substituted for "shall" to leave to the determination of the director whether or not the superintendent of the soldiers' home is to be styled "commandant of the home".
- 72.36.030 Source—1915 c 106 sec. 1. Prior: 1911 c 124 sec. 1; 1905 c 152 sec. 1; 1901 c 157 sec. 2; 1890 p 270 sec. 2; RCW 72.36.030.
- 72.36.040 Source—1947 c 190 sec. 1; 1925 ex.s. c 74 sec. 1; 1915 c 106 sec. 2; RCW 72.36.040.
- 72.36.050 Source—1947 c 190 sec. 2; 1939 c 161 sec. 1; 1927 c 276 sec. 1; 1925 ex.s. c 74 sec. 1; 1915 c 106 sec. 3; RCW 72.36.050.
- 72.36.060 Source—1897 c 67 sec. 1; RCW 72.36.060.
This section is in the language of RCW since the "United States fund for the maintenance of the soldiers' home" referred to in the session law was abolished by 1929 c 168 and all the moneys therein were transferred to the general fund in the state treasury.
- 72.36.070 Source—1907 c 156 sec. 1; RCW 72.36.070.
- 72.36.080 Source—1951 c 104 sec. 1; 1927 c 276 sec. 2; 1915 c 106 sec. 4; RCW 72.36.080.
- 72.36.090 Source—1949 c 114 sec. 1; RCW 72.36.090.
- 72.36.100 Source—1949 c 114 sec. 2; RCW 72.36.100.
- 72.36.110 Source—1955 c 247 sec. 7; RCW 72.36.110.

Chapter 72.40 State Schools for Blind and Deaf

Introductory note: The 1909 act created a "state school for the deaf and the blind". This was divided into two schools on authority of 1913 c 10. The RCW version which adjusted for the division is largely adopted herein.

- 72.40.010 Source—1913 c 10 sec. 1; RCW 72.40.010.
- 72.40.020 Source—1909 p 258 sec. 5; RCW 72.40.020.
The language "each superintendent shall be appointed for a term of four years, and be subject to removal at the pleasure of the director" deleted as repetitious of section 72.01.060. The language "each superintendent shall have power to appoint all subordinates. The director may fix the number of employees

Explanatory note.

- and the salaries paid to each" deleted as repetitious of section 72.01.060.
- 72.40.030 Source—1909 p 258 sec. 2. Prior: 1903 c 146 sec. 2; 1897 c 118 sec. 246; 1886 p 139 sec. 23; RCW 72.40.030.
 - 72.40.040 Source—1955 c 260 sec. 1; 1909 c 97 p 258 sec. 3. Prior: 1903 c 140 sec. 1; 1897 c 118 sec. 229; 1886 p 136 sec. 2; RCW 72.40.040.
 - 72.40.050 Source—1909 p 258 sec. 4. Prior: 1897 c 118 sec. 251; RCW 72.40.050.
 - 72.40.060 Source—1909 p 258 sec. 6. Prior: 1897 c 118 sec. 252; 1890 p 497 sec. 1; RCW 72.40.060.
The session law language "it shall be the duty of" substituted for the word "shall".
 - 72.40.070 Source—1909 p 259 sec. 7. Prior: 1897 c 118 sec. 253; 1890 p 497 sec. 2; RCW 72.40.070.
The session law language "it shall be the duty of" substituted for "shall".
 - 72.40.080 Source—1909 p 259 sec. 8. Prior: 1897 c 118 sec. 254; 1890 p 498 sec. 3; RCW 72.40.080.
 - 72.40.090 Source—1909 p 259 sec. 9. Prior: 1899 c 142 sec. 28; 1899 c 81 sec. 2; 1897 c 118 sec. 255; RCW 72.40.090.
 - 72.40.100 Source—1909 c 97 p 259 sec. 10. Prior: 1897 c 118 sec. 256; 1890 p 498 sec. 5; RCW 72.40.100.

Chapter 72.48 State Narcotic Farm Colony

- 72.48.010 Source—1935 c 84 sec. 1; RCW 72.48.010.
- 72.48.020 Source—1935 c 84 sec. 2; RCW 72.48.020.
"act" to "chapter" since 1935 c 84, alone, is codified as chapter 72.48.
- 72.48.030 Source—1935 c 84 sec. 3; RCW 72.48.030.
"act" to "chapter"
- 72.48.040 Source—1935 c 84 sec. 4; RCW 72.48.040.
- 72.48.050 Source—1935 c 84 sec. 5; RCW 72.48.050.
"act" to "chapter"
- 72.48.060 Source—1935 c 84 sec. 6; RCW 72.48.060.
- 72.48.070 Source—1935 c 84 sec. 7; RCW 72.48.070.
- 72.48.080 Source—1935 c 84 sec. 9; RCW 72.48.080.
- 72.48.090 Source—1935 c 84 sec. 10; RCW 72.48.090.
- 72.48.100 Source—1935 c 84 sec. 11; RCW 72.48.100.
"act" to "chapter"
- 72.48.110 Source—1935 c 84 sec. 8.
"act" to "chapter"

This section was not codified by the 1941 Code Committee

Chapter 72.50 State Bureau of Criminal Identification

- 72.50.010 Source—1955 c 318 sec. 1; RCW 43.29.010.
- 72.50.020 Source—1955 c 318 sec. 2; RCW 43.29.020.
- 72.50.030 Source—1955 c 318 sec. 3; RCW 43.29.030.
- 72.50.040 Source—1955 c 318 sec. 4; RCW 43.29.040.
- 72.50.050 Source—1955 c 318 sec. 5; RCW 43.29.050.
- 72.50.060 Source—1955 c 318 sec. 6; RCW 43.29.060.
- 72.50.070 Source—1955 c 318 sec. 7; RCW 43.29.070.
- 72.50.080 Source—1955 c 318 sec. 8; RCW 43.29.080.
- 72.50.090 Source—1955 c 318 sec. 9; RCW 43.29.090.
- 72.50.100 Source—1955 c 318 sec. 10; RCW 43.29.100.
- 72.50.110 Source—1955 c 318 sec. 11; RCW 43.29.110.

Chapter 72.56 State Institutions for Children and Youth (Fort Worden)

- 72.56.010 Source—1957 c 217 sec. 1; RCW 72.56.010.
- 72.56.020 Source—1957 c 217 sec. 2; RCW 72.56.020.
- 72.56.030 Source—1957 c 217 sec. 3; RCW 72.56.030.
- 72.56.040 Source—1957 c 217 sec. 4; RCW 72.56.040.
- 72.56.050 Source—1957 c 217 sec. 5; RCW 72.56.050.

Chapter 72.60 Institutional Industries Commission

Explanatory
note.

- 72.60.010 Source—1955 c 314 sec. 2; RCW 43.95.010.
The definition of "department" is deleted from this section, since it is contained in section 72.01.010.
The definition of "chapter" is deleted.
"as used in this chapter, unless the context requires otherwise" added since 1955 c 314 appears in chapter 72.60, alone.
- 72.60.020 Source—1957 c 30 sec. 1; RCW 43.95.015.
- 72.60.030 Source—1955 c 314 sec. 3; RCW 43.95.020.
- 72.60.040 Source—1955 c 314 sec. 4; RCW 43.95.030.
- 72.60.050 Source—1955 c 314 sec. 5; RCW 43.95.040.
- 72.60.060 Source—1955 c 314 sec. 6; RCW 43.95.050.
- 72.60.070 Source—1955 c 314 sec. 7; RCW 43.95.060.
- 72.60.080 Source—1955 c 314 sec. 8; RCW 43.95.070.
- 72.60.090 Source—1955 c 314 sec. 9; RCW 43.95.080.
- 72.60.100 Source—1955 c 314 sec. 10; RCW 43.95.090.
- 72.60.110 Source—1955 c 314 sec. 11; RCW 43.95.100.
- 72.60.120 Source—1955 c 314 sec. 12; RCW 43.95.110.
- 72.60.130 Source—1955 c 314 sec. 13; RCW 43.95.120.
- 72.60.140 Source—1955 c 314 sec. 14; RCW 43.95.130.
- 72.60.150 Source—1955 c 314 sec. 15; RCW 43.95.140.
- 72.60.160 Source—1955 c 314 sec. 16; RCW 43.95.150.
- 72.60.170 Source—1955 c 314 sec. 17; RCW 43.95.160.
- 72.60.180 Source—1955 c 314 sec. 18; RCW 43.95.170.
- 72.60.190 Source—1957 c 30 sec. 2; RCW 43.95.180.
- 72.60.200 Source—1957 c 30 sec. 4; RCW 43.95.190.
- 72.60.210 Source—1957 c 30 sec. 5; RCW 43.95.200.
- 72.60.220 Source—1957 c 30 sec. 6; RCW 43.95.210.
- 72.60.230 Source—1957 c 30 sec. 3; RCW 43.95.220.

Chapter 72.64 Labor and Employment of Prisoners

This is a new chapter created by bringing together the provisions relating to the labor and employment of prisoners.

- 72.64.010 Source—1943 c 175 sec. 1; RCW 72.08.220.
"director of finance, budget and business through and by the means of the division of public institutions" to "director" since the powers and duties referred to herein have devolved upon the director of institutions through a chain of statutes as follows: 1947 c 114 sec. 5; 1955 c 195 secs. 1, 4.
"adult correctional institutions" substituted for "state penitentiary or reformatory" in view of the creation of the division of adult corrections.
- 72.64.020 Source—1943 c 175 sec. 2; RCW 72.08.230.
"the employment of prisoners" moved so as to precede "the conduct".
"now" deleted before "provided".
- 72.64.030 Source—1927 c 305 sec. 1 and 1927 c 212 sec. 7. Presently uncodified.
The session laws upon which this section is based are identical except that one applies to the state penitentiary and the other to the state reformatory. In this bill for re-enactment they have been combined by adding "or reformatory" after the words "state penitentiary" in 1927 c 305 sec. 1.
"provided that prisoners shall not be employed in what is known as the contract system of labor" deleted as repetitious of section 72.64.010.
- 72.64.040 Source—1957 c 19 secs. 1 and 2; RCW 72.08.250 and 72.12.080 respectively.
The sessions laws upon which this section is based are identical except that one applies to the state penitentiary and the other applies to the state reformatory. In this bill for reenactment

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they have been combined by adding "or reformatory" after the word "penitentiary" in 1957 c 19 sec. 1.

"Upon release, parole, or discharge" substituted for "Upon release, or discharge, from the penitentiary or reformatory" to broaden the application to all adult correctional institutions and camps.

72.64.050 Source—1943 c 175 sec. 3; RCW 72.08.240.

72.64.060 Source—1955 c 128 sec. 1; RCW 43.28.500.

72.64.070 Source—1955 c 128 sec. 2; RCW 43.28.510.

"superintendent of public institutions" to "director". Although there is no statute creating an office of "superintendent of public institutions", the supervisor of public institutions, who had charge of the division of public institutions prior to the 1955 departmental reorganization, is probably the officer referred to in this section. There is no direct transfer by statute of the powers and duties of the supervisor of the division of public institutions, but it is fairly apparent that the director of the department of institutions has succeeded to these powers and duties.

72.64.080 Source—1955 c 128 sec. 3; RCW 43.28.520.

"superintendent of public institutions" to "director", see notes to 72.64.070.

72.64.090 Source—1955 c 128 sec. 4; RCW 43.28.530.

Chapter 72.68 Transfers, Transportation, and
Detention Contracts

72.68.010 Source—1955 c 245 sec. 2; 1935 c 114 sec. 5; RRS sec. 10249-5; RCW 9.95.180.

"superintendent of public institutions" to "director" see notes to 72.64.070.

72.68.020 Source—1955 c 245 sec. 1; RCW 9.95.181.

"superintendent of public institutions" to "director".

Subsection (3) which reads as follows, deleted as transitional:

"All equipment acquired and used by, and all funds appropriated, to the board of prison terms and paroles for such purpose shall be transferred to the superintendent of public institutions upon the taking effect of this section."

72.68.030 Source—1909 c 249 sec. 32; RRS sec. 2284; RCW 72.04.120.

72.68.040 Source—1957 c 27 sec. 1; RCW 9.95.184.

72.68.050 Source—1957 c 27 sec. 2; RCW 9.95.185.

72.68.060 Source—1957 c 27 sec. 3; RCW 9.95.186.

72.68.070 Source—1957 c 27 sec. 4; RCW 9.95.187.

72.68.080 Source—1951 c 135 sec. 1; RCW 72.08.350.

72.68.090 Source—1951 c 135 sec. 2; RCW 72.08.360.

72.68.100 Source—1951 c 135 sec. 3; RCW 72.08.370.

Chapter 72.98 Construction

72.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.

72.98.020 Provides that chapter, etc., headings are not part of the law.

72.08.030 Severability.

72.98.040 Repeals and saving.

Except as noted below, the laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted in this bill. The numbers in parentheses correspond with the like numbered subdivisions of the repealer schedule.

- (1) Relates to a board of commissioners appointed to locate the penitentiary. Repealed as obsolete.
- (2) Relates to purchase of buildings at Fort Steilacoom for insane asylum. Repealed without reenactment as obsolete.
- (3) Relates to a board of commissioners appointed to locate the penitentiary. Repealed without reenactment as obsolete.

- (4) Relates to the establishment and management of a hospital for the insane in Washington Territory. Repealed without reenactment as obsolete. Explanatory note.
- (5) Relates to the management of the hospital for insane at Stellacoom. Repealed without reenactment as obsolete.
- (6) Section 5 relates to the duties of the superintendent of the hospital for insane at Stellacoom. Repealed without reenactment as obsolete.
- (7) Relates to territorial convicts and construction of a penitentiary. Repealed without reenactment as obsolete.
- (8) Relates to the permanent location and construction of a hospital for the insane at Stellacoom. Repealed without reenactment as obsolete.
- (9) Relates to a board of commissioners appointed to locate a hospital for the insane in Eastern Washington. Repealed without reenactment as obsolete.
- (10) Relates to the permanent location of the penitentiary at Walla Walla. Repealed without reenactment as obsolete.
- (11) Relates to construction at Medical Lake. Repealed without reenactment as obsolete.
- (12) Relates to salaries of employees of the hospital for insane. Repealed without reenactment as obsolete.
- (13) Sections 4 through 6 relate to the government of the Soldiers' Home. Repealed without reenactment as superseded by 1901 c 119, the Board of Control Act.
- (14) Sections 3 through 16, 18, 20, 22 and 23 relate to the construction and government of the State Reform School. Repealed without reenactment either as temporary, or superseded.
- (15) Sections 1 through 7, 10 through 12, 14, 20, 21, and 41 through 45 relate to the management of the state hospitals for the insane. Repealed without reenactment as superseded by 1901 c 119 or 1951 c 139.
- (16) Sections 2 through 4, 12 through 14, and 18 relate to the management of the penitentiary. Repealed without reenactment as superseded by 1901 c 119, 1943 c 175, and 1955 c 195.
 Section 6 relates to the oath and bond of the superintendent of the penitentiary. Repealed without reenactment as sections 72.01.070 and 72.01.080 are new general sections on the subject.
 Section 11 relates to the removal of employees of the penitentiary. Repealed without reenactment as superseded by 1901 c 119.
- (17) Section 1 relates to the oath and bond of the superintendent of the penitentiary. Repealed without reenactment as sections 72.01.070 and 72.01.080 are new general sections on the subject.
- (18) Section 2 relates to any balance of the "United States fund for the maintenance of the soldiers' home." Repealed without reenactment since said fund was abolished by 1929 c 168.
- (19) Sections 1, 2, 4 and 5 relate to the State Board of Control and the administration of several institutions by the Board. Repealed without reenactment since the Board was abolished by 1921 c 7 sec. 135 and the administrative provisions are covered by subsequent laws.
- (21) Relates to men serving in the Indian Wars and their admission to the Soldiers' Home. Repealed without reenactment as obsolete.
- (25) Sections 1, 3 and 4 relate to the State Board of Control and the administration of several institutions by the Board. Repealed without reenactment since the Board was abolished by 1921 c 7 sec. 135 and the administrative provisions are covered by subsequent laws.

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- (26) Sections 4 through 6 relate to the management of the Green Hill School. Repealed without reenactment as consistent with and repetitious of section 72.01.060.
- (27) Section 1 relates to the control of the school for the deaf and blind. Repealed without reenactment since the Board of Control was abolished by 1921 c 7 sec. 135.
- (28) Sections 1 and 2 relate to a commission appointed to locate the Western Washington Hospital Farm. Repealed without reenactment as obsolete.
- (31) Section 4 relates to the bond of the superintendent of Maple Lane School. Repealed without reenactment as section 72.01-.080 is a new general section on the subject.
Section 5 relates to the management of the school. Repealed without reenactment as consistent with and repetitious of section 72.01.060.
- (37) Section 3 relates to the appointment, bond and salary of the superintendent of the state reformatory. Repealed without reenactment as section 72.01.080 is a new general section on the subject of bonds, and the appointment and salary provisions are consistent with and repetitious of section 72.01.060.
- (45) Sections 4 through 6 and 8 relate to the work of prisoners outside the institutions. Repealed without reenactment as section 8 limited the operation of sections 4 through 6 to the duration of the war.
- (46) Relates to an agreement for the occupation of a portion of the tidelands in front of the Veterans' Home by the United States Navy. Repealed without reenactment as the operation of the agreement was limited to the duration of the war and six months thereafter.
- 72.98.050 This section exempts the institutional bonding acts from the operation of the repeal and reenactment of the title.
- 72.98.060 Effective date. The standard emergency clause is used for the title with the exception of section 72.01.280, the effective date of which, as derived from 1957 c 188, is July 1, 1959.