

future demand.

NEW SECTION. Sec. 2. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

Passed the Senate April 15, 1969
Passed the House April 9, 1969
Approved by the Governor April 23, 1969
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CHAPTER 142
[Engrossed Senate Bill No. 116]
FINANCIAL INSTITUTIONS--REAL
ESTATE DEVELOPERS--USURY

AN ACT Relating to usury; adding a new section to chapter 23, Laws of 1967 ex. sess. and to chapter 19.52 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 23, Laws of 1967 ex. sess. and to chapter 19.52 RCW a new section to read as follows:

Corporations, Massachusetts trusts, associations, and limited partnerships engaged in the business of lending money or the development or improvement of real estate in the state of Washington may not plead the defense of usury nor maintain any action thereon: PROVIDED, HOWEVER, That this section shall apply only to a transaction which involves an amount in excess of \$100,000.

Passed the Senate April 16, 1969
Passed the House April 9, 1969
Approved by the Governor April 24, 1969
Filed in office of Secretary of State April 24, 1969

CHAPTER 143
[Engrossed Senate Bill No. 122]
CRIMINAL PROCEDURE--WITNESSES

AN ACT Relating to criminal procedure; amending section 93, page 116, Laws of 1854, as last amended by section 1, chapter 83, Laws of 1915, and RCW 10.52.040.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 93, page 116, Laws of 1854, as last amended by section 1, chapter 83, Laws of 1915, and RCW 10.52.040 are each amended to read as follows:

Witnesses may be compelled to attend and testify before the grand jury; and witnesses on behalf of the state, or of the defendant, in a criminal prosecution, may be compelled to attend and testify in open court, if they have been subpoenaed, without their fees being first paid or tendered, unless otherwise provided by law; the court may, upon the motion of the prosecuting attorney or defense counsel, recognize witnesses, with or without sureties, to attend and testify at any hearing or trial in any criminal prosecution in any court of this state, or before the grand jury (~~and in~~). In default of such recognizance, or in the event that surety is required and has not been obtained, the court shall require the appearance of the witness before the court and shall appoint counsel for the witness if he is indigent and then shall determine that the testimony of the witness would be material to either the prosecution or the defendant and that the witness would not attend the trial of the matter unless detained and, therefore, the court may direct that such witness shall be detained in the custody of the sheriff until the hearing or trial (~~(of the prosecution in which such testimony may be required;--PROVIDED;--HOWEVER;--That each witness so detained by order of court pursuant to the provisions of this section; shall be paid; in addition to witness fees for actual attendance in court; the sum of one dollar per day for time actually detained in custody; and shall be furnished food and lodging while so detained; and))~~ in which the witness is to testify: PROVIDED, That each witness detained for failure to obtain surety shall be paid, in addition to witness fees for actual appearance in court, for each day of his detention a sum equal to the daily jury fee paid to a juror serving in a superior court; and each witness in breach of recognizance and who is detained therefor shall be paid, in addition to witness fees for actual appearance in court, the sum of one dollar for each day of his detention. Any such witness shall be provided food and lodging while so detained. Any person accused of any crime in this state, by indictment, information, or otherwise, may, in the examination or trial of the cause, offer himself, or her-

self, as a witness in his or her own behalf, and shall be allowed to testify as other witnesses in such case, and when accused shall so testify, he or she shall be subject to all the rules of law relating to cross-examination of other witnesses: PROVIDED, That nothing in this code shall be construed to compel such accused person to offer himself or herself as a witness in such case: AND PROVIDED FURTHER, That it shall be the duty of the court to instruct the jury that no inference of guilt shall arise against the accused if the accused shall fail or refuse to testify as a witness in his or her own behalf.

Passed the Senate April 16, 1969

Passed the House April 9, 1969

Approved by the Governor April 24, 1969

Filed in office of Secretary of State April 24, 1969

CHAPTER 144
[Engrossed Senate Bill No. 123]
CIVIL PROCEDURE--CHANGE
OF VENUE--FEES AND COSTS

AN ACT Relating to civil procedure; and amending sections 55 and 56, page 14, Laws of 1869 as last amended by section 54, Code of 1881, and RCW 4.12.090.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Sections 55 and 56, page 14, Laws of 1869 as last amended by Section 54, Code of 1881, and RCW 4.12.090 are each amended to read as follows:

(1) When an order is made transferring an action or proceeding for trial, the clerk of the court must transmit the pleadings and papers therein to the court to which it is transferred. The costs and fees thereof and of filing the papers anew ((;)) must be paid by the party at whose instance the order was made, except in the cases mentioned in RCW 4.12.030 (1), in which case the plaintiff shall pay costs of transfer and, in addition thereto, if the court finds that the plaintiff could have determined the county of proper venue with reasonable diligence, it shall order the plaintiff to pay the reasonable attorney's fee of the defendant for the changing of venue to the proper county. The court to which an action or proceeding is transferred has and exercises over the same the like jurisdiction as if it