

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 24, 1971.

Passed the House March 23, 1971.

Approved by the Governor April 2, 1971.

Filed in Office of Secretary of State April 3, 1971.

CHAPTER 17

[Senate Bill No. 249]

UNIFORM RENDITION OF ACCUSED PERSONS ACT

AN ACT Relating to uniform rendition of accused persons; and adding a new chapter to Title 10 RCW.

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

NEW SECTION. Section 1. This act shall constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 2. (1) If a person who has been charged with crime in another state and released from custody prior to final judgment, including the final disposition of any appeal, is alleged to have violated the terms and conditions of his release, and is present in this state, a designated agent of the court, judge, or magistrate which authorized the release may request the issuance of a warrant for the arrest of the person and an order authorizing his return to the demanding court, judge, or magistrate. Before the warrant is issued, the designated agent must file with a judicial officer of this state the following documents:

(a) an affidavit stating the name and whereabouts of the person whose removal is sought, the crime with which the person was charged, the time and place of the crime charged, and the status of the proceedings against him;

(b) a certified copy of the order or other document specifying the terms and conditions under which the person was released from custody; and

(c) a certified copy of an order of the demanding court, judge, or magistrate stating the manner in which the terms and the conditions of the release have been violated and designating the affiant its agent for seeking removal of the person.

(2) Upon initially determining that the affiant is a designated agent of the demanding court, judge, or magistrate, and that there is a probable cause for believing that the person whose removal is sought has violated the terms or conditions of his

release, the judicial officer shall issue a warrant to a law enforcement officer of this state for the person's arrest.

(3) The judicial officer shall notify the prosecuting attorney of his action and shall direct him to investigate the case to ascertain the validity of the affidavits and documents required by subsection (1) and the identity and authority of the affiant.

NEW SECTION. Sec. 3. (1) The person whose removal is sought shall be brought before the judicial officer without unnecessary delay upon arrest pursuant to the warrant; whereupon the judicial officer shall set a time and place for hearing, and shall advise the person of his right to have the assistance of counsel, to confront the witnesses against him, and to produce evidence in his own behalf at the hearing.

(2) The person whose removal is sought may at this time in writing waive the hearing and agree to be returned to the demanding court, judge, or magistrate. If a waiver is executed, the judicial officer shall issue an order pursuant to section 4 of this act.

(3) The judicial officer may impose conditions of release authorized by the laws of this state which will reasonably assure the appearance at the hearing of the person whose removal is sought.

NEW SECTION. Sec. 4. The prosecuting attorney shall appear at the hearing and report to the judicial officer the results of his investigation. If the judicial officer finds that the affiant is a designated agent of the demanding court, judge, or magistrate and that the person whose removal is sought was released from custody by the demanding court, judge, or magistrate, and that the person has violated the terms or conditions of his release, the judicial officer shall issue an order authorizing the return of the person to the custody of the demanding court, judge, or magistrate forthwith.

NEW SECTION. Sec. 5. For the purpose of this act "judicial officer of this state" and "judicial officer" mean a "judge of the superior court", or a "justice of the peace of this state".

NEW SECTION. Sec. 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

NEW SECTION. Sec. 7. This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

NEW SECTION. Sec. 8. This act may be cited as the "Uniform Rendition of Accused Persons Act".

NEW SECTION. Sec. 9. The costs of the procedures required by this act shall be borne by the demanding state, except when the

designated agent is not a public official. In any case when the designated agent is not a public official, he shall bear the cost of such procedures.

Passed the Senate March 24, 1971.
Passed the House March 20, 1971.
Approved by the Governor April 2, 1971.
Filed in Office of Secretary of State April 3, 1971.

CHAPTER 18
[Engrossed Senate Bill No. 515]
REVENUE AND TAXATION--
NURSERY STOCK

AN ACT Relating to revenue and taxation; and amending section 84.40.220, chapter 15, Laws of 1961 and RCW 84.40.220.

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

Section 1. Section 84.40.220, chapter 15, Laws of 1961 and RCW 84.40.220 are each amended to read as follows:

Whoever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this state for the purpose of being sold at any place within the state, shall be held to be a merchant, and when he is by this title required to make out and to deliver to the assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The growing stock of nurserymen, which is owned by the original producer thereof or which has been held or possessed by the nurserymen for 180 days or more, shall, whether personal or real property, be considered the same as ((~~other~~)) growing crops on cultivated lands: PROVIDED, That the nurserymen be licensed by the department of agriculture.

Passed the Senate March 22, 1971.
Passed the House March 24, 1971.
Approved by the Governor April 2, 1971.
Filed in Office of Secretary of State April 3, 1971.