

June of 1956, and thereafter every license shall be issued on an annual basis and shall expire on the thirtieth day of June succeeding such issuance.

Passed the Senate March 9, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 290.

[Sub. S. B. 308.]

MUNICIPAL COURTS.

AN ACT creating and establishing municipal courts in cities of the first class having more than five hundred thousand inhabitants, defining and prescribing their jurisdiction, regulating their practice and procedure; providing judges and personnel thereof; and fixing salaries.

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

SECTION 1. There is hereby created and established in each incorporated city of this state having a population of more than five hundred thousand inhabitants, as shown by the federal or state census, which ever is the later, a municipal court, which shall be styled "The Municipal Court of (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this act declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

Municipal court established in incorporated city of population of over five hundred thousand inhabitants.

SEC. 2. The municipal court shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. The judges shall have the power to act as magistrates in accordance with the provisions of chapter 10.16 RCW. The legislative

Court sessions; power to act as magistrate.

body of the city may by ordinance authorize a department of the municipal court to act as a night court, and shall appropriate the necessary funds therefor.

Exclusive jurisdiction.

SEC. 3. The municipal court shall have exclusive original jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: *Provided*, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five hundred dollars or imprisonment in the city jail not to exceed six months, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided in justice of the peace courts.

Limitation on penalty—violation of criminal ordinance.

Costs.

Procedure to take appeals to superior court.

SEC. 4. Appeals in actions brought under section 3 hereof shall be taken to the superior court in and for the county wherein the municipal court is situated by oral notice in open court at the time judgment is rendered, or by serving a copy of a written notice of appeal upon the attorney for the opposing party and filing the original thereof, together with acknowledgement or affidavit of such service, with the clerk of the municipal court within ten days after the judgment shall have been pronounced. After notice appellant shall diligently prosecute the appeal, and within ten days of the notice of appeal shall file with the clerk of the municipal court an appeal bond or cash in such amount as may be fixed by the court conditioned as provided in section 6

File appeal bond or cash.

hereof. Within a period of thirty days from the date of entry of the judgment by the judge, the clerk of the municipal court shall file with the clerk of the superior court a transcript duly certified by the judge hearing the case, which shall contain a copy of all written pleadings and docket entries of the municipal court, and shall also deliver to said court any exhibits introduced in evidence in the trial in the municipal court, which exhibits may be offered in evidence if a trial is had in the superior court; otherwise to be returned to the custody of the municipal court. No charge shall be made for the transcript. The appellant shall note the case for trial in the superior court not later than ten days from the expiration date for the clerk to file the transcript with the clerk of the superior court.

Municipal court clerk's duties upon appeal.

No charge for transcript.

Time limitation.

SEC. 5. In criminal actions wherein the appellant has been committed to the city jail, he shall remain committed until he shall recognize or give bond to the city in such reasonable sum and with such sureties as provided in section 4 of this act.

Necessity of bond for appellant.

SEC. 6. Failure to proceed with the appeal within the time and in the manner herein provided shall render the appeal ineffectual for any purpose. Upon dismissal of the appeal for failure of appellant to proceed diligently in the manner herein prescribed, or for any other cause, the judgment of the municipal court shall be enforced by the municipal court. If, at the time of such dismissal, a cash deposit or appeal bond has been furnished and shall be in the custody of the clerk of the superior court, the cash deposit or bond shall be returned to the municipal court, together with the order of dismissal and such original files and exhibits as may have been forwarded by the municipal court. The municipal court is empowered to forfeit the cash bail or bond and to issue execution thereon for the breach of any condition thereof.

Appeal rendered ineffectual.

Procedure upon dismissal.

Trial de novo in superior court.

Limitation on penalty in superior court.

Costs.

Right of appeal from superior court.

Proceedings and matters pending before justices of the peace transferred to municipal court.

Not affected.

SEC. 7. In the superior court the trial shall be de novo, subject, however, to the right of the city to file an amended complaint therein in criminal cases. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge to pay a fine of not to exceed five hundred dollars or to imprisonment in the city jail for not to exceed six months, or both such fine and imprisonment. Neither the appellant nor the respondent shall be required to pay in advance any fee for filing or prosecuting the appeal in a criminal case, but if the appellant is convicted he may be required, as a part of the sentence, to pay the costs of prosecution which shall be taxed in the amount and manner of costs in criminal prosecutions in the superior court, in addition to the costs taxed in the municipal court. If the appellant be acquitted, he shall have judgment against the city for his costs to be fixed and taxed in the same manner. From judgment of the superior court appeal shall lie to the supreme court as in other superior court actions.

SEC. 8. All cases, proceedings and matters now pending before justices of the peace who immediately prior to the effective date of this act were acting as municipal judges in first class cities of over five hundred thousand population, shall upon the effective date hereof be transferred to the municipal court, together with all files, records and proceedings relating to such cases, and shall be disposed of therein in due course of law. This act shall not affect any appeal from any police justice or municipal judge, commenced and pending prior to its effective date, but such appeal shall be conducted and concluded as if this act had not been enacted, except that if remanded from the superior court the municipal court shall have authority and power to forfeit bail or bond or impose sentence thereon.

SEC. 9. In all civil cases and criminal cases where jurisdiction is concurrent with justices of the peace as provided in section 25 of this act, within the jurisdiction of the municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before justices of the peace, or the trial may be by a judge of the municipal court. Each juror shall receive five dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage as provided by law. No trial by jury shall be allowed in criminal cases involving violations of city ordinances.

Right to jury.

Jury of six.

Compensation to juror.

No trial by jury.

SEC. 10. There shall be two departments of the municipal court, provided that the legislative body of the city shall create one additional department for each additional one hundred fifty thousand inhabitants over five hundred thousand, as determined by the most recent federal or state census. The latter shall be as provided by Chapter 96, section 2, Laws of 1951 (RCW 43.62.030). Each department shall be presided over by a municipal judge who shall be elected as hereinafter provided. The departments shall be established in such places as may be provided by the legislative body of the city. A change of venue from the municipal court to a justice of the peace where the court has concurrent jurisdiction with justices of the peace as provided in section 25 of this act shall be allowed in accordance with the provisions of RCW 3.20.100 and RCW 3.20.110 in all civil and criminal proceedings, but shall not be allowed between departments of the court.

Departments of the municipal court.

Department presided over by municipal judge.

Change of venue allowed.

Change of venue not allowed.

SEC. 11. The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of (name of city), State of Washington," surrounding the vignette. All process from

Municipal court seal.

such court shall issue under the seal thereof and shall run throughout the state.

Expenses borne by city and county.

SEC. 12. All blanks, books, papers, stationery and furniture necessary for the transaction of business and the keeping of records of the court shall be furnished at the expense of the city, except those expenses incidental to the operation of the court in matters brought before the court because of concurrent jurisdiction with justices of the peace, which expense shall be borne by the county and paid out of the county treasury. All other expenses on account of such court which may be authorized by the city council or the county commissioners and which are not specifically mentioned in this act, shall be paid respectively out of the city treasury and county treasury.

Department No. 2.

SEC. 13. The department of the municipal court which shall be designated as Department No. 2 shall be primarily responsible for the disposition of traffic cases and the supervision of the traffic violations bureau or similar agency of the city.

Meetings of judges.

SEC. 14. It shall be the duty of the judges to meet together at least once each month, except during the months of July and August, at such hour and place as they may designate, and at such other times as they may desire, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At these meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the court and the employees thereof, and shall take such action as they may deem necessary or proper with respect thereto. They shall have power and it shall be their duty to adopt, or cause to be adopted, rules and regulations for the proper administration of justice in said court.

Power and duty to adopt rules for proper administration of justice in court.

SEC. 15. The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his declaration of candidacy shall designate by number so assigned the position for which he is a candidate, and the name of such candidate shall appear on the ballot only for such position. Elections for municipal judge shall be non-partisan. They shall hold office for a term of four years and until their successors are elected and qualified. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city.

Election of municipal judges, procedure and election dates.

Non-partisan.

Terms.

Vacancy to be filled by mayor subject to confirmation.

SEC. 16. The total of the salaries of each municipal judge under this act shall be fixed by the legislative body of the city at not less than nine thousand dollars per annum, to be paid in monthly or semi-monthly installments as for other officials of the city or county, and such total salaries shall not be more than the salaries paid the superior court judges in the county in which the court is located. Three thousand dollars of the total salaries shall be paid by the county treasurer and the remainder shall be paid by the city treasurer.

Salaries; minimum; limitation on; payment by city and county.

SEC. 17. No person shall be eligible to the office of judge of the municipal court unless he shall have been admitted to practice law before the courts of record of this state and is an elector of the city in which he files for office. No judge of said court during his term of office shall engage either directly or indirectly in the practice of law.

Eligibility for office of judge.

Practice of law prohibited.

Oath of judge before entering duties of office.

SEC. 18. Every judge of such municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of (naming such city) according to the best of my ability; and I do further certify that I do not advocate, nor am I a member of an organization that advocates, the overthrow of the government of the United States by force or violence." The oath shall be filed in the office of the county auditor. He shall also give such bonds to the state and city for the faithful performance of his duties as may be by law or ordinance directed.

Oath filed. Bonds given to state and city.

Whenever departments increased mayor shall appoint judge to act until next general election.

SEC. 19. Whenever the number of departments of the municipal court is increased as authorized under the provisions of section 10 of this act, the mayor of such city shall appoint a qualified person as provided in section 17 hereof to act as municipal judge until the next general election. He shall be paid salaries in accordance with the provisions of this act and provided with the necessary court, office space and personnel as authorized herein.

Appointment of judges pro tempore.

SEC. 20. The mayor shall, from attorneys residing in the city and qualified to hold the position of judge of the municipal court as provided in section 17 of this act, appoint judges pro tempore who shall act in the absence of the regular judges of the court. Such appointments shall be made from a list of attorneys in accordance herewith furnished by the judges of the municipal court, which list shall contain not less than five names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the

Term of judge pro tempore.

same manner as they were appointed. While acting as judge of the court judges pro tempore shall have all of the powers of the regular judges. Before entering upon his duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the municipal court during their term of office as judge pro tempore. Such municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city.

Judge pro tempore; powers and duties; oath; compensation.

SEC. 21. There shall be a chief clerk of the municipal court appointed by the city comptroller from the civil service clerical employees performing duties and clerical work relating to the functions of the court. Upon this act becoming effective those employees connected with the court under civil service status shall be continued in such employment and such classification under the department of the city comptroller of such city. Before he enters upon the duties of his office the chief clerk shall take and subscribe an oath the same as other city officers, and shall execute to his city a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that he will faithfully account to and pay over to the treasurer of said city all moneys coming into his hands as such clerk, and that he will faithfully perform the duties of his office to the best of his knowledge and ability. Upon the recommendation of the judge or judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court when they deem the same necessary, with such compensation as they may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: *Provided*, That the judges of the municipal court shall ap-

Chief clerk of the municipal court; appointment of; oath and bond.

Appointment of assistant clerks.

point such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with justices of the peace and the superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.

Powers of clerk.

Bond.

Chief clerk: duties and powers.

SEC. 22. The chief clerk, under the supervision and direction of the city comptroller, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all moneys received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

Probation officers and bailiffs; appointment of; compensation.

SEC. 23. The judges of the municipal court shall appoint a probation officer and bailiff for the court, together with such additional probation officers or bailiffs as may be authorized by the legislative body of the city. Said probation officer and bailiff shall be paid by the city treasurer in such amount as is deemed reasonable by the legislative body of the

city. Such additional probation officers and bailiffs of the court as may be authorized by the legislative body of the city or the county commissioners shall be paid respectively from the city and/or county treasuries.

SEC. 24. Upon the effective date of this act, any justice of the peace who was the duly appointed and acting police justice of the city shall become a judge of the municipal court upon his filing his oath of office and bond as required by this act, and shall serve as a judge of said municipal court until the regularly elected judges of the court shall qualify following their election in 1958, or thereafter as provided in section 15 of this act. Such judge shall be paid salaries in accordance with this act while so serving. Such salaries from the city and county shall be in lieu of those now being paid to the justice of the peace acting as police justice of the city court: *Provided*, That upon the justices of the peace qualifying as municipal judges under this act, the number of justices of the peace for such city shall be reduced accordingly as provided in section 19 of this act. Should any justice of the peace acting as police judge fail to qualify as a judge of the municipal court, the mayor of such city shall designate one of the other justices of the peace of that city to act as municipal judge until the next general election in November, 1958, and the qualifying of the regularly elected judge. All furniture and equipment belonging to the city and county in which the court is situated, now under the care and custody of the justice of the peace and municipal judge, shall be transferred to the municipal court for use in the operation and maintenance of such court.

Justice of the peace acting as police judge to become judge of municipal court.

Salaries.

Failure to qualify.

Transfer of furniture and equipment.

SEC. 25. The municipal court shall have concurrent jurisdiction with the superior court and justices of the peace in all civil and criminal matters as now provided by law for justices of the peace,

Concurrent jurisdiction.

Judge's powers as to sentencing, probation, parole, fines and forfeitures.

and a judge thereof may sit in preliminary hearings as magistrate. Judges of the municipal court, in their discretion, shall have the power to suspend all or part of any sentence, and fix the terms thereof, and provide for such probation and parole as in their opinion is reasonable and necessary under the circumstances of the case. Fines and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for justices of the peace and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of justices of the peace.

Appeals.

Authority to subpoena witnesses.

SEC. 26. The court shall have authority to subpoena witnesses as now authorized in superior courts throughout the state. Such witnesses shall be paid according to law with mileage as authorized for witnesses to such cases.

Provisions inconsistent with act.

SEC. 27. The provisions of sections 35.22.420, 35.22.430, 35.22.440, 35.22.450, 35.22.460, 35.22.480, 35.22.490, 35.22.510, 35.22.520, 35.22.530, 35.22.540, 35.22.550 and 35.22.560, RCW, insofar as inconsistent with the provisions of this act shall apply only to cities of the first class having a population of less than five hundred thousand inhabitants.

Repeal or modification.

SEC. 28. All acts or parts of acts not specifically repealed or modified by section 27 of this act, which are inconsistent or conflicting with the provisions of this act, are hereby repealed or modified accordingly. No provision of this act shall be construed as repealing or anywise limiting or affecting the jurisdiction of justices of the peace under the general laws of this state.

Invalidity.

SEC. 29. If any section, subsections, sentence or clause of this act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the

act as a whole or of any section, subsection, sentence or clause hereof not adjudged unconstitutional.

Passed the Senate March 4, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 291.

[S. B. 340.]

ADOPTIONS.

AN ACT relating to adoption; and repealing sections 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, chapter 268, Laws of 1943, and sections 1, 2, 3, 4 and 5, chapter 251, Laws of 1947, and RCW 26.32.010 through 26.32.160.

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

SECTION 1. As used in this chapter, an "approved agency" means any public or private association, corporation or individual who has custody of a minor child with lawful authority to place such child for adoption.

"Approved agency" defined.

SEC. 2. Any person not married, or any husband and wife jointly, or either spouse, when the object of adoption is the child of the other spouse, may petition the superior court of the county in which the petitioner is a resident, or of the county in which the person to be adopted is domiciled, for leave to adopt, and to change the name, if desired, of any person.

Petition for adoption; who may file.

SEC. 3. Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

Written consent to adoption; filing of.

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is of legitimate birth or legitimized thereafter, and a minor, then