

Emergency.

SEC. 8. 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 House February 21, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 105.

[H. B. 92.]

OBSCENE MATERIALS—SALE AND DISTRIBUTION.

AN ACT relating to enjoining the sale or distribution of obscene materials.

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

Jurisdiction to enjoin.

SECTION 1. The superior courts shall have jurisdiction to enjoin the sale or distribution of obscene prints and articles as hereinafter specified.

Injunction authorized.

SEC. 2. The prosecuting attorney of every county of the state, in which a person, firm, or corporation sells or distributes or offers to sell or distribute or has in his possession with intent to sell or distribute any book, magazine, pamphlet, comic book, story paper, writing, paper, newspaper, phonograph record, magnetic tape, electric or mechanical transcription, picture, drawing, photograph, figure, image or any written or printed matter of an indecent character, which is obscene, lewd, lascivious, filthy or indecent, or which contains an article or instrument of indecent use or purports to be for indecent use or purpose, may maintain an action in the name of the state for an injunction against such person, firm, or corporation in the superior court to prevent the sale or further sale or the distribution or further dis-

tribution or the acquisition or possession of any book, magazine, pamphlet, comic book, story paper, writing, paper, newspaper, phonograph record, magnetic tape, electric or mechanical transcription, picture, drawing, photograph, figure or image or any written or printed matter of indecent character, herein described.

SEC. 3. The person, firm, or corporation sought to be enjoined shall be entitled to a trial by jury of the issues within a reasonable time after joinder of issue and a judgment shall be entered by the court within two days of the conclusion of the trial. No injunction or restraining order shall be issued prior to the conclusion of the trial.

Trial by jury
—Judgment.

SEC. 4. In the event that a final order or judgment of injunction be entered in favor of the state and against the person, firm, or corporation sought to be enjoined, such final order or judgment shall contain a provision directing the person, firm, or corporation to surrender to the sheriff of the county in which the action was brought any of the matter described in section two hereof, and each sheriff shall be directed to seize and destroy the same.

Matter
surrendered—
Destroyed.

SEC. 5. In any action brought as herein provided, the prosecuting attorney shall not be required to file any undertaking before the issuance of an injunction order provided for in section four hereof, shall not be liable for costs and shall not be liable for damages sustained by reason of the injunction order in cases where judgment is rendered in favor of the person, firm, or corporation sought to be enjoined.

Action, summary—Non-
liability of
prosecuting
attorney.

SEC. 6. Every person, firm, or corporation who sells, distributes, or acquires possession with intent to sell or distribute any of the matter described in section two hereof, after the service upon him of a summons and complaint in an action brought by the

Knowledge
chargeable
after service.

prosecuting attorney pursuant to this act is chargeable with knowledge of the contents thereof.

Exemptions.

SEC. 7. Nothing in this act shall apply to any recognized historical society or museum, the state law library, any county law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality, or other political subdivision.

Severability.

SEC. 8. 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 provision to other persons or circumstances is not affected.

Passed the House March 5, 1959.

Passed the Senate March 4, 1959.

Approved by the Governor March 11, 1959.

CHAPTER 106.

[H. B. 167.]

BANKS AND TRUST COMPANIES.

AN ACT relating to banks and trust companies; amending section 30.04.010, chapter 33, Laws of 1955 and RCW 30.04.010; amending section 30.04.090, chapter 33, Laws of 1955, as last amended by section 1, chapter 356, Laws of 1955, and RCW 30.04.090; amending section 30.12.080, chapter 33, Laws of 1955 and RCW 30.12.080; amending section 30.16.030, chapter 33, Laws of 1955 and RCW 30.16.030; and amending section 30.20.060, chapter 33, Laws of 1955 and RCW 30.20.060.

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

RCW 30.04.010 amended.

SECTION 1. Section 30.04.010, chapter 33, Laws of 1955 and RCW 30.04.010 are each amended to read as follows: