

CHAPTER 83.

[H. B. 148.]

WITNESSES IN CRIMINAL PROSECUTIONS.

AN ACT relating to witnesses in criminal prosecutions, and amending section 2148 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

Amends
Rem.-Bal.
§ 2148, by
authorizing
detention and
per diem.

Compelling
attendance.

Recogni-
zances.

Detention in
custody.

Per diem
allowance.

Accused as
witness.

SECTION 1. That section 2148, Remington & Ballinger's Annotated Codes and Statutes of Washington be and the same hereby is amended to read as follows:

Section 2148. 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, 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 default of such recognizance 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 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 herself, 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 ac-

cused 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 House March 2, 1915.

Passed the Senate March 10, 1915.

Approved by the Governor March 16, 1915.

CHAPTER 84.

[S. B. 63.]

DIKING DISTRICT ELECTIONS.

AN ACT relating to elections in diking districts and amending section 4095 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 4095 of Remington & Ballinger's Annotated Codes and Statutes of Washington be amended to read as follows:

Section 4095. Said election shall be held on the day designated in such notice, and shall be conducted in accordance with the general election laws of the state, and no person shall be entitled to vote at such election or at the elections of commissioners hereinafter provided for unless he shall be a qualified elector of the county in which such district is located, and shall own land in the district. It shall be the duty of the county auditor, upon the request of the board of county commissioners, to certify to the election officers of any such election the names of all persons owning land in the district as shown by the records of his office, and at any such election the election officers may require any such land owner, offering to vote, to take an oath that he is a qualified elector of the county before he shall be allowed to vote: *Provided*, That at any elec-

Amends
Rem.-Bal.
§ 4095, by
requiring
voters to
be land-
owners.

Elections.

Voters
must be
landowners.