

any, of any part or feature thereof shall not affect or render the remainder of the act invalid or inoperative.

Harmonize
with federal
statutes.

SEC. 15. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments and decrees.

Uniform
Declaratory
Judgments
Act.

SEC. 16. This act may be cited as the Uniform Declaratory Judgments Act.

Passed the House February 5, 1935.

Passed the Senate March 7, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 114.

[H. B. 285.]

BOARD OF PRISON, TERMS AND PAROLES.

AN ACT relating to the provision for the adequate punishment of persons convicted of certain felonies, their rehabilitation while in confinement and the necessary supervision after their release to prevent recidivism, and defining the duties of the Board of Prison, Terms and Paroles with relation thereto; and repealing sections 2278, 2281, 2282, 2195, 10247, 10248, 10249, 10238, 10239, 10803, 10280-6, 10280-10, 10280-11, 10280-12, 10280-15, 10280-16, 10237-1 and 10237-2 of Remington's Revised Statutes of Washington.

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

Creation of
board.

SECTION 1. There is hereby created a board of prison, terms and paroles to administer the provisions of this act. The functions, powers, duties and limitations of this body and the qualifications and the tenure of office of its members will be as hereinafter set forth.

SEC. 2. When a person is convicted of any felony, except treason, murder in the first degree, carnal knowledge of a child under ten years, or of being an habitual criminal within the meaning of the statute which provides for life imprisonment for such habitual criminals, and a new trial is not granted, the court shall sentence such person to the penitentiary, or, if the law allows and the court sees fit to exercise such discretion, to the reformatory, and shall fix the maximum term of such person's sentence only. The maximum term to be fixed by the court shall be the maximum provided by law for the crime of which such person was convicted, if the law provides for a maximum term; if the law does not provide a maximum term for the crime for which such person was convicted, the court shall fix such maximum term, which may be for any number of years up to and including life imprisonment: *Provided, however,* That in any case where such maximum term is fixed by the court the maximum term shall be fixed at not less than twenty (20) years.

Court shall fix maximum term.

Not less than 20 years.

If the sentence of a person so convicted is not suspended by the court, it is hereby made the duty of the superintendent of the penitentiary and the superintendent of the reformatory to receive such a person, if committed to his respective institution, and to imprison him or her until released under the provisions of this act or through the action of the governor.

Superintendent shall imprison.

After the admission of such convicted person to the penitentiary or reformatory, as the case may be, it shall be the duty of the board of prison, terms and paroles to obtain from the sentencing judge and the prosecuting attorney, a statement of all the facts concerning such convicted person's crime and any other information of which they may be possessed relative to such convicted person, and it shall be the

Duties of board upon admission of prisoner.

duty of the sentencing judge and the prosecuting attorney to furnish the board of prison, terms and paroles with such information. It will also be the duty of the sentencing judge and the prosecuting attorney to indicate to the board of prison, terms and paroles, for its guidance, what, in their judgment, should be the duration of such convicted person's imprisonment.

Board shall fix duration of confinement.

Within six (6) months after the admission of such convicted person to the penitentiary or the reformatory, as the case may be, the board of prison, terms and paroles shall fix the duration of his or her confinement. The term of imprisonment so fixed shall not exceed the maximum provided by law for the offense for which he or she was convicted or the maximum fixed by the court, where the law does not provide for a maximum term.

Upon appeal from conviction.

When a convicted person appeals from his or her conviction and is at liberty on bond pending the determination of his or her appeal by the supreme court, credit on his or her sentence will begin from the date of the remittitur. In all other cases, credit on a sentence will begin from the date the judgment and sentence is signed by the court.

Violation of rules by inmate.

In case any convicted person undergoing sentence in the penitentiary or the reformatory commits any infractions of the rules and regulations of the penitentiary or the reformatory, as the case may be, the board of prison, terms and paroles may revoke any order theretofore made determining the length of time such convicted person shall be imprisoned and make a new order determining the length of time he or she shall serve, not exceeding the maximum penalty provided by law for the crime for which he or she was convicted, or the maximum fixed by the court. Such revocation and redetermination shall not be had except upon a hearing upon the question of the infraction of the rules

charged to such convicted person before the board of prison, terms and paroles. At such hearing the convicted person, unless outside the walls of the penitentiary or the reformatory, as an escapee and fugitive from justice, shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

Any convicted person undergoing sentence in the penitentiary or the reformatory, not sooner released under the provisions of this section, shall, in accordance with the provisions of existing law, be discharged from custody on serving the maximum punishment provided by law for the offense of which such person was convicted, or the maximum term fixed by the court where the law does not provide for a maximum term.

If not
paroled.

The following limitations will be placed on the board of prison, terms and paroles with regard to fixing the duration of confinement in certain cases, notwithstanding any provisions of the law specifying a lesser sentence, to wit:

Restrictions
on board.

(a) For a person not previously convicted of a felony but armed with a deadly weapon either at the time of the commission of his or her offense, or concealed deadly weapon at the time of his or her arrest, the duration of such person's confinement shall not be fixed at less than five years;

Armed with
deadly
weapon.

(b) For a person previously convicted of a felony either in this state or elsewhere and who was armed with a deadly weapon at the time of the commission of his or her offense, or a concealed deadly weapon at the time of his or her arrest, the duration of such person's confinement shall not be fixed at less than seven and one-half (7½) years.

The words "deadly weapon" as used in this section are hereby defined to include any instrument known as a black-jack, sling shot, billy, sand club, sand bag, metal knuckles, any dirk, dagger, pistol,

Defining
"deadly
weapon."

revolver or any other firearm, any knife having a blade longer than three (3) inches, any razor with an unguarded blade and any metal pipe or bar used or intended to be used as a club, any explosive, and any weapon containing poisonous or injurious gas: *Provided further*, That any inmate of the reformatory who is under the age of twenty-one (21) years at the time of commitment may be paroled by the board without regard to the limitations set forth in this section.

Shall not apply to.

Labor by inmates.

The board of prison, terms and paroles shall require of every able-bodied convicted person imprisoned in the penitentiary or the reformatory as many hours of faithful labor in each and every day during his or her term of imprisonment as shall be prescribed by the rules and regulations of the institution in which he or she is confined.

Favorable record.

Every prisoner who has a favorable record of conduct at the penitentiary or the reformatory, as the case may be, or the laws of the state, and who performs in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him to the satisfaction of the superintendent of the penitentiary or the reformatory, as the case may be, and in whose behalf the superintendent of the penitentiary or reformatory shall file a report certifying that his or her conduct and work have been meritorious and recommending allowance of time credits to him or her, shall upon, but not until, the adoption of such recommendation by the board of prison, terms and paroles, be allowed time credit reductions from the term of imprisonment fixed by the board of prison, terms and paroles.

Credits allowed.

Sentence for embezzlement.

(c) Any person who shall have been convicted of embezzling funds from any institution of public deposit of which he was an officer or stockholder such person's confinement shall be fixed at not less than five (5) years.

SEC. 3. To assist it in fixing the duration of a convicted person's term of confinement, prescribing treatment for such person while in confinement and supervising and regulating his or her activities while on parole, it shall not only be the duty of the board of prison, terms and paroles to thoroughly inform itself as to the facts of such convicted person's crime but also to inform itself as thoroughly as possible as to such convict as a personality. The board of prison, terms and paroles must, therefore, adopt and apply an effective technique of investigation to develop information for that purpose.

Full information required.

SEC. 4. The board of prison, terms and paroles may permit a convicted person to leave the buildings and enclosures of the penitentiary or the reformatory, as the case may be, on parole, after such convicted person has served the period of confinement fixed for him or her by the board of prison, terms and paroles, less time credits for good behavior and diligence in work as provided for by this board: *Provided*, That in no case shall the inmate be credited with more than one-third of his sentence as fixed by the board.

May parole

The board of prison, terms and paroles shall have the power to establish rules and regulations under which a convicted person may be allowed to leave the confines of the penitentiary or the reformatory on parole, and shall also have the power to return such person to the confines of the institution from which he or she was paroled, at its discretion.

Shall establish rules.

The board of prison, terms and paroles may impose as a condition of a parole granted a convicted person that all or a portion of his or her credits earned, or to be earned, shall be forfeited in the event that such convicted person shall break his or her parole or violate any law of the state, or rule or regulation of the penitentiary or the reformatory,

Violation of parole.

as the case may be, or the board of prison, terms and paroles.

Hearing
must be
held.

Such forfeiture of credits shall not be had except upon a hearing upon the question of such violation and upon the findings of the board of prison, terms and paroles that such convicted person was guilty thereof, which adjudication shall be final. At such hearing such convicted person, unless outside the walls of the penitentiary or the reformatory, as the case may be, as an escapee and a fugitive from justice, shall be present and entitled to be heard and present evidence and witnesses in his or her behalf.

Written
order of
board
sufficient.

The written order of the board of prison, terms and paroles, bearing the seal of that body, shall be sufficient warrant for all officers named in this section to take into custody any convicted person who may be on parole and retain such person in his custody until arrangements can be made by the board of prison, terms and paroles for his or her return to the institution from which he or she was paroled.

Execution
of order
mandatory.

It is hereby made the duty of all chiefs of police, marshals of cities and villages, sheriffs of counties and all police, prison and peace officers and constables to execute any such order in the same manner as any ordinary criminal process.

Record kept.

The board of prison, terms and paroles shall cause a complete record to be kept of every prisoner released on parole. Such records shall be organized in accordance with the most modern methods of filing and indexing so that there will be always immediately available complete information about each such prisoner. The board of prison, terms and paroles may make rules as to the privacy of such records and their use by others than the board of prison, terms and paroles and its staff.

Cooperation
of officials.

The superintendent of the penitentiary and the reformatory and all officers and employees thereof

and all other public officials shall at all times cooperate with the board of prison, terms and paroles, and shall furnish to such board, its officers and employees such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of such board, its officers and employees free access to all prisoners confined in the penal institutions of the state.

It is understood that no provision in this act will limit or circumscribe the powers of the governor of the state to commute the sentence of, or grant a pardon to, any convicted person, and the governor is hereby authorized to cancel and revoke the parole granted to any convicted person by the board of prison, terms and paroles. The written order of the governor of the state cancelling or revoking such parole shall have the same force and effect and be executed in like manner as an order of the board of prison, terms and paroles.

Governor's powers not limited by act.

From and after the suspension, cancellation or revocation of the parole of any convicted person and until his return to custody he shall be deemed an escapee and a fugitive from justice and no part of the time during which he is an escapee and fugitive from justice shall be a part of his term.

Fugitive from justice.

The board of prison, terms and paroles shall make all necessary rules and regulations to carry out the provisions of this act not inconsistent therewith, and may provide the forms of all documents necessary therefor.

Shall make necessary rules.

The provisions of this act so far as applicable thereto are to apply to all convicted persons now serving time in the penitentiary or the reformatory, to the end that at all times the same provisions relating to sentences, imprisonments and paroles of prisoners shall apply to all the inmates thereof.

Applicable to all convicts.

Transfer of
prisoner.

SEC. 5. Whenever in its judgment the best interests of the state or the welfare of any prisoner confined in any penal institution will be better served by his or her transfer to another institution the board of prison, terms and paroles is authorized to order and effect such transfer.

Transportation of
convicts.

The board of prison, terms and paroles shall direct the transportation of convicted persons to the penitentiary and the reformatory and is hereby vested with authority to employ necessary persons for such purpose and to utilize the services of such persons for the supervision of convicted persons on parole wherever possible.

Supervision
over those
paroled.

SEC. 6. Whenever the sentence of a convicted person to the penitentiary or the reformatory is suspended by the court under authority of section 2280 of Remington's Compiled Statutes, the board of prison, terms and paroles will assume and undertake the supervision of such persons during the period of such suspension or until such sentence is terminated by the governor. The board of prison, terms and paroles will promulgate rules and regulations for the conduct of such person during the time the suspension of his or her sentence is in effect.

Revocation
of
suspension.

Whenever, in the opinion of the board of prison, terms and paroles, the suspension granted by the court under the provisions of section 2281 of Remington's Compiled Statutes should be revoked, the said board of prison, terms and paroles shall notify both the prosecuting attorney and the presiding judge of the superior court for the county wherein the sentence was suspended, to the end that appropriate action may be taken in the premises. If an order of the court is made revoking the suspension of a sentence, the convicted person shall be forthwith admitted to the penitentiary or the reformatory, as the case may be, and the board of prison, terms and paroles will thereafter fix the duration

of such person's confinement in the manner provided for by section 2 of this act.

SEC. 7. It shall be the duty of the board of prison, terms and paroles, when requested by the governor, to pass on the representations made in support of applications for pardons or the restoration of civil rights for convicted persons and to make recommendations thereon to the governor.

Pass on applications.

It will also be the duty of the board of prison, terms and paroles to exercise supervision over such convicted persons as have been conditionally pardoned by the governor, to the end that such persons shall faithfully comply with the conditions of such pardons.

Supervise over those pardoned.

SEC. 8. The board of prison, terms and paroles will consist of a chairman and two other members, each of whom shall be appointed by the governor by and with the advice and consent of the senate. The terms of the first members shall expire as follows: one member, April 15, 1937; one member, April 15, 1939; and one member April 15, 1941. Thereafter, any person appointed a member of the board shall hold office for a term of six years. Vacancies in the membership of the board shall be filled in the same manner in which the original appointments are made. In the event of the inability of any member to act, the governor shall appoint some competent person to act in his stead during the continuance of such disability. The governor in first appointing such members shall designate one of them to serve as chairman during his term of office. The board shall elect his successor from among its members. Any member of the board may be removed by the governor for cause after an opportunity to be heard.

Terms of.

Vacancies.

Chairman.

The members of the board of prison, terms and paroles and its officers and employees shall not engage in any other business or profession nor hold any other public office; nor shall they, at the time of

Shall not engage in other business.

appointment nor during their incumbency of office, serve as the representative of any political party on an executive committee or other governing body thereof, nor as an executive officer or employee of any political committee or association.

Compensation.

The chairman of the board shall receive an annual salary not to exceed four thousand dollars (\$4000) and the other two members of the board shall receive an annual salary not to exceed thirty-five hundred dollars (\$3500), and in addition thereto, their necessary expenses actually incurred in the discharge of their official duties.

Power to employ.

The board shall have the power to employ, and to fix, with the approval of the governor, the compensation of and to prescribe the duties of a secretary and such officers, employees and assistants as may be necessary, and to provide necessary quarters, supplies and equipment.

Meeting of board.

The board of prison, terms and paroles shall meet at the penitentiary and the reformatory at such times as it may be necessary for a full and complete study of the cases of all convicted persons whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business and no order of the board shall be valid unless concurred in by at least two (2) of its members.

Quorum.

Report of work.

The board of prison, terms and paroles shall transmit to the governor, for submission to the legislature, biennially, or as often as the governor may require it, a report of its work, in which shall be given the number of prisoners whose terms of imprisonment have been fixed by it and the number who have been released on parole, and such other information as may be relevant. It shall be the duty of the superintendent of the different institu-

Suitable quarters.

tions to provide suitable quarters for the board and assistants while in the charge of their duties.

SEC. 9. That sections 2278, 2281, 2282, 2195, 10247, 10248, 10249, 10238, 10239, 10803, 10280-6, 10280-10, 10280-11, 10280-12, 10280-15, 10280-16, 10237-1 and 10237-2 of Remington's Revised Statutes of Washington be and the same are hereby repealed. Repeals.

Passed the House March 8, 1935.

Passed the Senate March 6, 1935.

Approved by the Governor March 20, 1935.

CHAPTER 115.

[H. B. 324.]

PUBLIC LANDS ACT.

AN ACT relating to the selection, control, management, sale, lease and disposition of lands, waterways, reserves, mineral rights and areas belonging to or held in trust by the state and repealing certain acts relating thereto which are superseded by the Public Lands Act of 1927, being chapter 255 of the Session Laws of 1927.

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

SECTION 1. That an act entitled "An act defining trespass on the public lands of the state, and providing punishment therefor", approved March 7, 1890, Laws of 1889-90, page 124; Repeals.

Section 4 of an act entitled "An act to define and punish trespass", approved March 15, 1890, Laws of 1889-90, page 125;

An act entitled "An act to create a board of harbor line commissioners, prescribing their duties and compensation", approved March 28, 1890, Laws of 1889-90, pages 239 to 240;

An act entitled "An act to provide for the selection of indemnity lands for support of the common