

CHAPTER 130.

[ S. B. 184. ]

MILITARY CODE.

AN ACT relating to the Militia, providing for the organization, maintenance and training thereof, prescribing penalties for violation of the provisions thereof, repealing laws in conflict, and fixing the effective date thereof.

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

SECTION 1. *Designation.*

Designation.

This act shall be known as the Military Code of the State of Washington.

SEC. 2. *Composition of the Militia.*

Composition of militia.

The Militia of the State of Washington shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age and said Militia shall be divided into two classes, the Organized Militia and the Unorganized Militia.

SEC. 3. *Governor as Commander-in-Chief.*

Governor Commander-in-Chief.

The Militia of the State not in the service of the United States shall be governed and its affairs administered pursuant to law, by the Governor, as Commander-in-Chief, through the Adjutant General's Department, which shall consist of The Adjutant General as its executive head.

Adjutant General executive head.

SEC. 4. *Composition of Organized Militia.*

Composition of organized militia.

The Organized Militia of Washington shall consist of the commissioned officers, warrant officers, enlisted men, organizations, staffs, corps, and departments of the regularly commissioned, warranted and enlisted Militia of the State, organized and maintained pursuant to law. Its numerical strength, composition, distribution, organization, arms, uniforms,

Governor to prescribe.

equipment, training and discipline shall be prescribed by the Governor in conformity with, and subject to the limitations imposed by the laws and regulations of the United States and the laws of this state: *Provided, however,* That the minimum enlisted strength of the Organized Militia of this State shall never be less than two thousand.

Minimum strength.

Conform to Federal laws.

SEC. 5. *Declaration of Policy.*

The Governor shall cause the Organized Militia of this State at all times to conform to all Federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this state to the contrary. Except as and when otherwise specifically provided by Federal laws, the Organized Militia of Washington, or any part thereof, shall be subject to call for United States service at such times, in such manner, and in such numbers as may from time to time be prescribed by the United States.

Subject to call by U. S.

Revert to former status upon release.

In conformity with the provisions of Federal statutes, officers and enlisted men of the Organized Militia called or drafted into Federal service by order or proclamation of the President of the United States, shall upon release from Federal service revert to their former status, grade and rank, as members of the Organized Militia of Washington, and shall continue to serve in the Organized Militia of Washington until separated therefrom in the manner provided by law.

Governor may order active duty under certain conditions.

SEC. 6. *Governor may order out Organized Militia.*

In event of war, insurrection, rebellion, invasion, tumult, riot, mob or body of men acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger

of the occurrence of any of said events, or whenever responsible civil authorities shall, for any reason, fail to preserve law and order, or protect life or property, or the Governor believes that such failure is imminent, or in event of public disaster, the Governor shall have power to order the Organized Militia of Washington, or any part thereof, into active service of the state to execute the laws, and to perform such duty as he shall deem proper.

When militia may be called to active duty.

SEC. 7. *Governor's Decision Final.*

Governor's decision final.

Whenever any portion of the Militia is ordered to duty by the Governor, the decision of the Governor shall be final, incontrovertible, and unimpeachable.

Whenever any portion of the Militia has been ordered out by the Governor, it shall be deemed that local law and order and the enforcement thereof has failed, and that the Militia shall become an additional police power, retaining its separate entity and operating at all times as a military organization under military command, to cooperate with existing peace forces wherever possible, for the reestablishment of law and order and for the protection of life and property.

To cooperate with other law forces.

SEC. 8. *Proclamation of Complete or Limited Martial Law.*

Governor may proclaim martial law.

The Governor may by proclamation declare the county or city in which troops are serving, or any specific portion thereof, to be under either complete or limited martial law to the extent, in his opinion, that the reestablishment or maintenance of law and order may be promoted.

"Complete Martial Law" is the subordination of all civil authority to the military;

Definitions.  
Complete martial law.

"Limited Military Law" is a partial subordination of civil authority by the setting up of an additional police power vested in the military force which shall have the right to try all persons apprehended by it in such area by a military tribunal or

Limited martial law.

turn such offender over to civil authorities within five days for further action, during which time the writ of habeas corpus shall be suspended in behalf of such person.

Habeas  
corpus  
suspended.

Unorganized  
militia may  
be called  
under certain  
conditions.

SEC. 9. *Governor may order out Unorganized Militia.*

In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, if the Governor shall have ordered into active service all of the available forces of the Organized Militia of Washington and shall consider them insufficient in number to properly accomplish the purpose, he may then in addition order out the Unorganized Militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.

When  
organized  
militia is  
insufficient.

Perform  
military  
duty.

Penalty for  
failure to  
report.

SEC. 10. *Penalty for failure to obey call.*

Any member of the Militia who shall have been ordered out for either State or Federal service and who shall refuse or wilfully or negligently fail to report at the time and place and to the officer designated in the order or to the representative or successor of such officer, shall be deemed guilty of desertion, and shall suffer such penalty as a general court-martial may direct, unless he shall produce a sworn certificate from a licensed physician of good standing that he was physically unable to appear at the time and place designated: *Provided*, That any person chargeable with desertion under this section may be taken by force and compelled to serve.

Desertion.

Court-  
martial.

Proviso.

Penalty  
for false  
certificate.

SEC. 11. *Penalty for Physician making false certificate.*

Any physician who shall knowingly make and deliver a false certificate of physical disability concerning any member of the Militia who shall have been ordered out or summoned for active service shall be guilty of perjury and, upon conviction, as

Perjury.

an additional penalty, shall forfeit forever his license and right to practice his profession in this state. Forfeit license.

**SEC. 12. General definitions.** Definitions.

When used in this act, the following words, terms, phrases shall have the following meaning:

The word "Militia" shall mean the military forces provided for in the Constitution and Laws of the State of Washington. Militia.

The term "Organized Militia" shall be the general term to include both State and National Guard and whenever used applies equally to all such organizations. Organized militia.

The term "National Guard" shall mean that part of the military force of the State that is organized, equipped and Federally recognized under the provisions of the National Defense Act of the United States, and shall also include the "Washington State Guard" or any temporary organization set up in times of emergency to replace either the "National Guard" or "State Guard" while in actual service. National Guard.

The term "Active Service" shall be construed to be any service on behalf of the State, or at encampments whether ordered by State or Federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the Federal service by the President of the United States. Active service.

The term "On Active Duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under State or Federal laws, regulations, or orders. On active duty.

The terms "In Service of United States" and "Not In Service of United States" as used herein shall be understood to mean the same as such terms when used in the National Defense Act of Congress and amendments thereto. In service of U. S.

Members  
not liable  
for acts in  
line of duty.

SEC. 13. *Suits against Officers or Enlisted Men.*

Members of the Militia ordered into active service of the State by any proper authority shall not be liable civilly or criminally for any act or acts done by them while on such duty nor shall any action lie against any officer or enlisted man for any acts done by him in line of duty by virtue of any order which may thereafter be held invalid by any civil court. When a suit or proceeding shall be commenced in any court by any person against any officer or enlisted man of the Militia for any act done by such officer or enlisted man in his official capacity or in the discharge of any duty, or against any person acting under the authority or order of such officer or by virtue of any warrant issued pursuant to law, the defendant may require the person prosecuting or instituting the proceeding to give security for the payment of all costs that may be awarded to the defendant, and the defendant in all cases may make a general denial and, under such general denial, give all other or any special defense matter in evidence. In case the plaintiff shall be non-suited or the verdict or judgment be in favor of the defendant, treble costs shall be assessed against the plaintiff. The defendant in such action shall be defended by the Attorney General at the expense of the state, but private counsel may also be employed by the defendant. The venue of all such actions shall be Thurston County and the State of Washington shall be in all cases a necessary party defendant.

May require  
security  
for costs.

Treble costs  
against  
plaintiff.

Attorney  
General  
to defend.

Venue in  
Thurston  
county.

SEC. 14. *Not Liable for Exercise of Judgment.*

The commanding officer of any of the military forces of the State of Washington engaged under the order of proper authority in the suppression of insurrection, the dispersion of a mob, the protection of life or property, or the enforcement of the laws, shall exercise his discretion as to the propriety of the means to be used in controlling or dispersing of any

Discretion of  
commanding  
officer.

mob or other unlawful assembly and, if he exercises his honest judgment thereon, he shall not be liable in either a civil or criminal action for any act done in line of duty.

Not liable for acts in line of duty.

SEC. 15. *Personal staff for Governor.*

Personal staff of Governor.

Whenever the Governor shall desire the attendance of a personal staff upon any occasion, he shall detail therefor officers from the active list of the Organized Militia of Washington; the officers detailed shall attend in uniform and shall constitute the personal staff of the Governor for that occasion, reverting upon completion of such duty to their regular assignments.

SEC. 16. *Duties of the Adjutant General.*

Adjutant General chief-of-staff.

The Adjutant General shall be chief of staff to the Governor. He shall not be removed from office except for cause as provided by the military laws of this state. He shall appoint the civilian employees and other personnel of his department and may remove any of them in his discretion.

Removal only for cause.

The expenses of the Adjutant General's Department, necessary to the military service, shall be audited, allowed and paid as other military expenditures. The Adjutant General must execute an official bond running to the State of Washington in the penal sum of twenty thousand (\$20,000) dollars conditioned upon the faithful performance of his duties, said bond to be submitted to the Attorney General for approval, and when approved to be filed in the office of the Secretary of State, the cost of said bond to be paid by the state. The Adjutant General may obtain and pay for, from funds appropriated for military purposes, a surety bond or bonds running to the State of Washington covering such officers of the Organized Militia of Washington responsible to the state for money or military property, as he may deem advisable to insure proper accountability, such bond or bonds to be approved and filed in the same manner as the Adjutant General's bond.

Payment of expenses.

Bond.

Approval and filing.

Bonds of officers.

Records to  
be kept.

a. The Adjutant General shall keep rosters of all active, reserve and retired officers of the Militia of the State, and all other records, and papers required to be kept and filed therein, and shall submit to the Governor during October of each even numbered year a biennial report of the operations and conditions of the Organized Militia of Washington.

Biennial  
report to  
Governor.

Publications.

b. He shall cause the military law, and such other military publications as he may deem necessary for the military service, to be prepared and distributed at the expense of the state, to the commissioned officers of the Organized Militia of Washington.

Accounts.

c. He shall keep just and true accounts of all monies received and disbursed by him.

Commissions.

d. He shall attest all commissions issued to military officers of this state.

Reports.

e. He shall make out and transmit all Militia reports, returns and communications prescribed by Acts of Congress or by direction of the War Department.

Official  
seal.

f. He shall have a seal, and all copies, orders, records and papers in his office, duly certified and authenticated under said seal, shall be evidence in all cases in like manner as if the originals were produced. The seal now used in the office of the Adjutant General shall be the seal of his office and shall be delivered by him to his successor. All orders issued from his office shall be authenticated with said seal.

Make rules.

g. He shall make such regulations pertaining to the preparation of reports and returns and to the use, maintenance, care and preservation of property in possession of the state for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand.

Safeguard  
military  
property.

h. He shall attend to the care, preservation, safekeeping and repairing of the arms, ordnance, accoutrements, equipment and all other military prop-



erty belonging to the state, or issued to the state by the Government of the United States for military purposes, and keep accurate accounts thereof. Any property of the state military department which after proper inspection, shall be found unsuitable or no longer needed for use of the state military forces, shall be disposed of in such manner as the Governor shall direct and the proceeds thereof used for replacements in kind or other needed authorized military supplies, and the Adjutant General is hereby authorized to execute the necessary instruments of conveyance to effect such sale or disposal.

Duties of  
Adjutant  
General.

Execute  
conveyances.

i. He shall issue such military property as the necessity of the service requires and make purchases for that purpose. No military property shall be issued or loaned to persons or organizations other than those belonging to the Militia of Washington, except in an emergency and then only with the approval of the Adjutant General.

Control of  
military  
property.

j. He shall keep on file in his office the reports and returns of military units, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the State Militia.

Keep reports  
of units.

k. He shall keep all records of Washington volunteers commissioned or enlisted for all wars or insurrections, and of individual claims of citizens of Washington for service rendered in these wars or insurrections, and he shall also be the custodian of all records, relics, trophies, colors and histories relating to such wars now in possession of, or which may be acquired by the State of Washington.

Custodian  
of records.

l. He shall establish and maintain as part of his office a bureau of records of the services of the Organized Militia of the State of Washington and upon request furnish a copy thereof or extract therefrom, attested under seal of his office, and such attested copy shall be *prima facie* proof of service, birthplace and citizenship.

Service  
records of  
organized  
militia.

Control of  
real property.

m. He shall keep a record of all real property owned or used by the state for military purposes, and in connection therewith he shall have sole power to execute all leases to acquire the use of real property by the State of Washington for military purposes or lease the same to other agencies for use for authorized activities. He shall also have full power to execute and grant easements for rights of way for construction, operation and maintenance of utility service, water, sewage and drainage for said realty.

Advisory  
Council  
created.

SEC. 17. *Advisory Council.*

There is hereby created an advisory council to consist of the Adjutant General, one (1) member of his staff, to be designated by him and the five (5) senior officers from the rest of the Active Officer personnel of the Organized Militia. This council shall meet annually during the first week in February of each year on a date to be fixed by the Adjutant General, and may be called for special meeting by the Adjutant General, the Governor, or upon notice signed by at least four (4) members thereof. All special meetings must state nature of business requiring such call. The attendance of five (5) members shall be necessary for a quorum to transact business at any meeting.

Meet  
annually.

Special  
meetings.

Quorum.

Duties of  
Advisory  
Council.

SEC. 18. *Duties of Advisory Council.*

It shall be the duty of the Advisory Council to advise with the Adjutant General on a program for training of the Organized Militia; the allocation of units; discipline of the commissioned and enlisted personnel; coordination with Federal requirements; determination of questions affecting seniority and promotion; use or rental of state owned armories for non-military purposes; do and perform such other duties as may be required by the Governor or Adjutant General, and, in case of vacancy in office of the Adjutant General, to certify a list of those eligible.

SEC. 19. *Officers to be Commissioned by the Governor.*

Governor to commission or warrant officers.

All commissioned and warrant officers of the Organized Militia of Washington shall be appointed and commissioned or warranted by the Governor only as hereinafter provided. No person shall be so appointed and commissioned or warranted unless he shall be a citizen of the United States and of this state and more than twenty-one (21) years of age. Every commissioned and warranted officer shall hold office under his commission or warrant until he shall have been regularly appointed and commissioned or warranted to another rank or office, or until he shall have been regularly retired, discharged, dismissed or placed in the reserve.

Limitations.

Terms.

SEC. 20. *Commissioned and Warrant Officers.*

Examinations for officers.

No person shall be appointed and commissioned or warranted to any office in the Organized Militia of Washington unless he shall have been examined and adjudged qualified therefor by an examining board, appointed by the Adjutant General, and whose report shall have been approved by the authority appointing the board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be as prescribed by the laws or regulations of the United States or those of this state. Whenever a commissioned officer shall have been examined for promotion pursuant to this section and shall have been adjudged not qualified therefor, upon approval by the authority appointing the board of its report to that effect such officer shall be honorably discharged, retired or placed in the reserve as the Governor shall direct.

Board appointed.

Procedure.

SEC. 21. *Adjutant General; How chosen.*

Adjutant General: How chosen.

Whenever a vacancy has occurred, or shall be about to occur in the office of the Adjutant General of this state, the Governor shall order to active serv-

Selected  
from active  
list.

ice for that position from the Active List of the Organized Militia of Washington an officer not below the rank of a Field Officer who shall have had at least ten (10) years service as an officer of the Active List of the Organized Militia during the fifteen (15) years next prior to such detail. The officer so detailed shall during the continuance of his service as the Adjutant General hold the rank of a General Officer.

Holds rank  
of general  
officer.

Acting  
adjutant  
general.

If, by reason of the call or draft of officers of the Organized Militia of Washington into Federal service, there shall be no officer of the Organized Militia possessing the requisite qualifications available for detail as the Adjutant General, then the Governor may appoint any officer or former officer of the Organized Militia of Washington as acting Adjutant General: *Provided*, That in the event the officer on detail as the Adjutant General is appointed, called or drafted into the military service of the United States by order or proclamation of the President, he shall be granted leave of absence by the Governor, and such officer shall be entitled, upon release from Federal service, to return to his former status as the Adjutant General of Washington, and during the period such Adjutant General is in Federal service, the duties of the office of the Adjutant General shall be performed by an acting Adjutant General, appointed by the Governor, as hereinbefore provided, and who shall receive the pay provided for the Adjutant General during the period of such assignment.

Proviso.

Rules govern  
selection  
of staff  
officers.

SEC. 22. *Staff Officers; How chosen.*

Vacancies in commissioned ranks in administrative staff, corps and departments shall be filled by detail as the Governor shall have prescribed in regulations conforming as nearly as practicable with Federal laws and regulations governing the filling of similar vacancies in the Federal service: *Provided*, That no officer shall be detailed to any such staff, corps or department without his written consent. The detail of an officer to a staff, corps or de-

Written  
consent of  
officer.

partment shall not affect his rank, relative seniority, or right to promotion in the branch or arm of the service from which he shall have been so detailed, and whenever during the continuance of such detail a vacancy shall occur in the branch or arm of the service from which such officer shall have been detailed for which vacancy he would have been eligible in the absence of such detail, he shall upon the termination of such detail and passing the required examination be appointed and commissioned to fill such vacancy with rank from the date of the occurrence thereof: *Provided*, That no staff officer may be relieved, except at his own request unless there is a vacancy in his branch or arm of the service in the rank which he holds, to which he shall be assigned.

Rank not affected.

Proviso.

SEC. 23. *Eligibility for Staff Assignment.*

Eligibility for staff.

Staff officers of the Organized Militia of Washington hereafter detailed shall have had previous military experience and shall hold their positions until they shall have reached the age of sixty-four (64) years, unless retired prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for that purpose, and vacancies among said officers shall be filled by detail from the qualified officers of the Organized Militia of this State.

SEC. 24. *Commissioned Officers; Selection.*

Junior officers chosen by examination.

Whenever a vacancy shall have occurred in the junior commissioned office of any company or similar unit of the Organized Militia of Washington, the person to be appointed and commissioned to fill such vacancy shall be selected by competitive examination in which all enlisted men of the branch or arm of the service wherein such vacancy shall have occurred, on duty at the station where it shall have occurred, shall be eligible to participate.

SEC. 25. *Commissioned Officers; Promotion.*

Vacancies filled by promotion.

Whenever a vacancy shall have occurred in any commissioned office of a company or similar unit of

the Organized Militia of Washington other than the junior commissioned office thereof, the same shall be filled by the assignment thereto of an officer of the same rank and branch or arm of the service resident at the station of said company or similar unit, or by the promotion of the senior officer of the next lower rank of the same branch or arm of the service resident at that station.

Staff  
vacancies:  
How filled.

SEC. 26. *Commissioned Officers; Detail to Staff.*

Whenever a vacancy shall have occurred in the commissioned staff of any regiment, battalion or other unit of the Organized Militia of Washington, the same shall be filled by the assignment thereto of an officer of the same rank and branch or arm of the service, or by the promotion of the senior officer of the next lower rank of the same unit.

Field officers:  
How chosen.

SEC. 27. *Field Officer; How Chosen.*

Whenever a vacancy shall have occurred in the rank of major in the line of the Organized Militia of Washington, the same shall be filled as follows:

Major.

a. If the command is at the same station, by the assignment of the senior major of the line of the same branch or arm of the service resident at that station who shall have no command wholly located within said station, or, if there be no such major, by the promotion of the senior captain of the same branch or arm of the service resident at said station.

b. If the command is not all at one station, by the promotion of the senior among the captains of the same branch or arm of the service resident at the various stations of such command.

Colonel or  
Lieut.  
Colonel.

Whenever a vacancy shall have occurred in the rank of colonel or lieutenant colonel, it shall be filled by promotion of the next senior officer of such command, except in those cases where the law provides for the assignment thereto of officers relieved from detail with staff corps and departments.

Brigadier  
General.

Whenever a vacancy shall have occurred in the rank of brigadier general of the line, it shall be filled

by the promotion of the senior officer of the line of the Organized Militia of Washington of the next lower rank.

SEC. 28. *Officer may waive right to promotion.*

May waive  
right in  
writing.

Any officer of the Organized Militia of Washington may, in writing, waive his right to any promotion to which his seniority shall entitle him, in which event the next senior officer who shall not in writing have waived such promotion, shall be entitled thereto.

SEC. 29. *Officer to take oath.*

Oath and  
bond.

Every officer, duly commissioned or warranted shall within such time as may be provided by law or by regulations, take the oath of office prescribed by law, and give bond, if required. In case of neglect or refusal so to do, he shall be considered to have resigned such office and a new appointment may be made as provided by law.

SEC. 30. *Oath, form of.*

Form of  
oath.

The oath of office for commissioned and warrant officers in the Organized Militia of Washington shall be substantially as follows: "I,....., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Washington, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of Washington, that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of..... in the Organized Militia of the State of Washington upon which I am about to enter, so help me God."

SEC. 31. *Dismissal of officers.*

Dismissal  
of officers.

The Governor may dismiss any commissioned or warrant officer of the Organized Militia of Washington for any of the following reasons:

Causes for  
dismissal  
of officers.

- a. Conviction of an infamous crime.
- b. Absence from his command for more than thirty (30) days without proper leave.
- c. Sentence of dismissal by court-martial, duly approved.
- d. Upon muster out of the organization to which such officer is then assigned.
- e. Acceptance of resignation of such officer: *Provided*, That no officer shall be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he shall have turned over to his successor or satisfactorily accounted for all state and Federal monies, and military property for which he shall be accountable or responsible.
- f. Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office.
- g. Incompetence or unfitness for military service as determined by the duly approved findings of a Board of Inquiry appointed for that purpose by the Adjutant General.

Promotion  
list to be  
kept.

#### SEC. 32. *Seniority of Officers.*

It shall be the duty of the Adjutant General to establish and maintain in his office a promotion list, upon which list shall be entered the name of each officer of the active list of the Organized Militia of Washington, assigning the senior officer in each rank number one (1) and continuing lineally thereafter in each, in order of seniority.

In determining seniority, each officer shall take rank from the date stated in his present commission.

Retirement  
of officers.

#### SEC. 33. *Retirement of Officers.*

Commissioned officers of the Organized Militia of Washington shall be retired by order of the Commander-in-Chief with the rank respectively held by them at the time of such retirement for the following reasons:



a. Unfitness for military service by reason of permanent physical disability. Causes for retirement.

b. Upon request after at least five (5) years continuous service as an officer in the Organized Militia of Washington.

Commissioned officers of the Organized Militia of Washington shall upon reaching the age of sixty-four (64) years be retired by order of the Commander-in-Chief in the next higher rank to that held at the time of such retirement.

Retired officers shall draw no pay or allowance except when on active duty.

They shall be subject with their consent to temporary detail on active duty by the Commander-in-Chief and while on such duty shall receive the same pay and allowances as officers of like rank on the active list.

SEC. 34. *Reserves.*

National Guard Reserve.

The National Guard Reserve of this state shall respectively be organized by the Governor in regulations conforming with the laws, rules and regulations of the United States. It shall consist of such organizations, officers and enlisted men as the Governor shall prescribe. No commissioned officer shall be transferred or furloughed to the National Guard Reserve without his written consent, except as otherwise expressly provided by law. Any officer of the National Guard Reserve may be restored to the active list by order of the Governor, subject to the same examination as in the case of an original appointment to his rank, and in such event his service in reserve shall not be counted in computing total length of service for relative seniority.

Consent required.

Restore by examination.

SEC. 35. *Period of enlistment.*

Enlistment period three years.

The period of enlistment in the Organized Militia of Washington shall be for three (3) years: *Provided*, That no original enlistment may be consum-

Proviso.

mated unless the term thereof can be completed before the applicant attains the age of sixty-four (64).

Provisions  
of discharge.

SEC. 36. *Discharge of enlisted men.*

An enlisted man discharged from service in the Organized Militia of Washington shall receive a notice of discharge in writing in such form and classification as is or shall be prescribed by law or regulations, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by competent authority.

SEC. 37. *Uniform allowance to officers.*

Provide at  
own expense.

Every commissioned officer of the Organized Militia of Washington shall within sixty (60) days from the date of the order whereby he shall have been appointed, provide himself at his own expense, with the uniform and equipment prescribed by the Governor for his rank and assignment.

Uniform  
allowance.

There shall be audited and paid to each properly uniformed and equipped officer of the Active list of the Organized Militia of Washington, not in Federal service an initial uniform allowance of one hundred dollars (\$100.00) and annually thereafter for each twelve months state service an additional uniform allowance of fifty dollars (\$50.00), subject to such regulations as the Commander-in-Chief may prescribe to be audited and paid upon presentation of proper voucher therefor: *Provided*, That all officers on the Active list on March 31, 1943, and not in Federal service, shall be paid the initial uniform allowance, and thereafter the annual allowance as herein provided.

Proviso.

State retains  
title to  
property.

SEC. 38. *Property to remain public property.*

All property issued to organizations and members of the Organized Militia of Washington shall be and remain public property.

SEC. 39. *Uniforms, etc. exempt.*

Tax exempt.

The military uniforms, arms and equipment of members of the Organized Militia of Washington shall be exempt from execution and taxation.

SEC. 40. *Compensation for injuries.*

Compensation for injuries.

If any officer or enlisted man of the Organized Militia is wounded or otherwise disabled while in active state service as a member of the military force, he shall receive from the State of Washington just and reasonable relief in the amount to be determined as hereinafter provided, including necessary medical aid. In case such officer or enlisted man dies from disease contracted or injury received or is killed while in active state service under order of the Governor, then the dependents of such deceased shall receive such compensation as may be allowed as hereinafter provided. All claims arising under this section shall be inquired into by a board of three (3) officers, at least one (1) being a medical officer, to be appointed by the Adjutant General. Such board to have the same power to take evidence, administer oaths, issue subpoenas and compel witnesses to attend and testify and produce books and papers and punish their failure to do so as is possessed by a general court martial. The amount of compensation or benefits payable shall conform as nearly as possible to the general schedule of payments and awards provided under the Workmen's Compensation Law in effect in the State of Washington at the time the disability or death occurred. The findings of the board shall be reviewed by the Adjutant General and submitted to the Governor for final approval. The reviewing officer or the Governor may return the proceedings for revision or for the taking of further testimony. The action of the board when finally approved by the Governor shall be final and conclusive and shall constitute the

Payment for death.

Inquiry board.

Subpoena witnesses and compel attendance.

Benefits conform to Workmen's Compensation Law.

Review of findings.

Final approval

fixed award for such injury or loss and shall be a debt of the State of Washington.

Compensation monthly.

SEC. 41. *Audit and payment of awards.*

All compensation shall be payable in monthly installments and shall be audited and paid as any other claim against the military department and shall be payable from the general fund out of any monies not otherwise appropriated.

Payment of claims.

SEC. 42. *Payment of military claims.*

All bills, claims and demands for military purposes shall be certified or verified and audited in the manner prescribed by regulations promulgated by the Governor and shall be paid by the State Treasurer upon the warrant of the State Auditor from funds available for that purpose: *Provided, however,* That in all cases where the Organized Militia, or any part thereof, is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, or to execute or enforce the laws, warrants for allowed pay and expenses for such services or compensation for injuries or death shall be drawn upon the general fund of the State Treasury and paid out of any monies in said fund not otherwise appropriated. All such warrants shall be the obligation of the state and shall bear interest at the legal rate from the date of their presentation for payment.

Proviso.

SEC. 43. *Pay of officers and enlisted men.*

Commissioned officers, warrant officers, and enlisted men of the Organized Militia of Washington, while in active service, during encampment or other periods of field training, or on any ordered state duty, or on any active duty, shall be entitled to and shall receive the pay and allowances provided by Federal laws and regulations for commissioned officers, warrant officers and enlisted men of the United States Army: *Provided,* That for travel, officers shall receive only their actual necessary expenses.

Pay of military personnel.

Proviso.

Extra duty pay or allowances to enlisted men rated as cooks, may be authorized by the Commander-in-Chief during periods of field service or any other duty for which pay is authorized, but in no case shall such additional extra duty pay or allowances exceed two (\$2) dollars per day.

Extra duty pay.

The value of articles issued to any enlisted man and not returned in good order on demand, and legal fines or forfeitures, may be deducted from such enlisted man's pay.

Damage to property deductible.

All officers not regular state employees detailed to serve on any board or commission ordered by the Governor, or on any court of inquiry or court-martial ordered by proper authority, shall be paid a sum equal to one (1) days active duty for each day actually employed on such board or court or engaged in the business thereof, or in traveling to and from the same; and in addition thereto all necessary traveling expenses and subsistence when such duty shall be at a place other than the city or town of his residence.

Pay for detailed service.

Travel expense and subsistence.

#### SEC. 44. *Camp duty.*

Annual encampment.

The Governor shall cause the Organized Militia to perform each year, such camp duty, field maneuvers or other duty as in his judgment will best promote the discipline and efficiency of the force.

#### SEC. 45. *Exemptions while on duty.*

Exempt from arrest with certain exceptions.

No person belonging to the military forces of this State shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from any place at which he may be required to attend military duty. Any members of the Organized Militia parading, or performing any duty according to the law shall have the right of way in any street or highway through which they may pass and while on field duty shall have the right to enter upon, cross or occupy any uninclosed lands, or any inclosed lands where no damage will

Right of way.

Proviso.

be caused thereby: *Provided*, That the carriage of the United States mail and legitimate functions of the police and fire departments shall not be interfered with thereby.

Penalty for interference with employment.

SEC. 46. *Interference with employment.*

A person, who either by himself, or with another, wilfully deprives a member of the Organized Militia of Washington of his employment or prevents, by himself or another, such member being employed, or obstructs or annoys said member or his employer in his trade, business or employment, because he is such member, or dissuades any person from enlisting in said Organized Militia by threat or injury to him in his employment, trade or business, in case he shall so enlist, shall be guilty of a gross misdemeanor and on conviction thereof shall be fined in a sum not exceeding five hundred (\$500) dollars, or imprisonment in the county jail not more than six (6) months, or by both such fine and imprisonment.

Gross misdemeanor.

Discrimination punishable.

SEC. 47. *Rights of members of the Organized Militia.*

No club, society, association, corporation, or organization shall by any constitution, rule, by-laws, resolution, vote or regulation, or otherwise, discriminate against any member of the Organized Militia of Washington because of his membership in said Organized Militia, in respect to his eligibility to membership in such club, society, association, corporation or organization, or in respect to his rights to retain and exercise the rights of membership therein. Any person or persons, club, society, association, corporation or organization, violating or aiding, abetting, or assisting in the violation of any provision of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred (\$100) dollars and in addition thereto shall forfeit right to do business for a period of thirty (30) days.

Misdemeanor.

Penalty.

SEC. 48. *Discharge from employment.*

No member of the Organized Militia of Washington shall be discharged by his employer by reason of the performance of any military duties upon which he may be ordered. When any member of the Organized Militia of Washington is ordered upon active duty which takes him from his employment he may apply upon the termination of such duty to be restored to his position and employment, and if the tour of duty shall have continued for a period not longer than three (3) months, any employer or the officer or manager of any firm or corporation having authority to re-employ such member and failing to do so shall be guilty of a gross misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred (\$500) dollars, or imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

Members protected in employment.

Penalty for violation.

SEC. 49. *Corporations may be formed.*

The officers, or the officers and enlisted men of any regiment, battalion, company or similar unit of the Organized Militia of Washington, or the officers and enlisted men of any two (2) or more companies or similar units of the Organized Militia of the State of Washington, located at the same station, are hereby authorized to organize themselves into a corporation for social purposes and for the purpose of holding, acquiring and disposing of such property, real and personal, as such military organizations may possess or acquire. Such corporations shall not be required to pay any filing or license fee to the state.

May form corporations.

Purposes.

No filing fee.

The dissolution or disbandment of any such unit as a military organization shall not in itself terminate the existence of the corporation, but the existence of the same may continue for the period limited in its articles of incorporation for the benefit of such corporation.

Life of corporation.

Dissolution  
when not  
incorporated.

Upon the dissolution or disbandment of any such unit which shall not have incorporated, and which shall at the time of such dissolution or disbandment possess any funds or property, the title to such funds or property shall immediately vest in the State of Washington, and the Adjutant General shall take possession thereof and dispose of the same to the best interest of the Organized Militia of Washington.

Allowances  
for incidental  
expenses.

SEC. 50. *Allowances for incidental expenses.*

Each commanding officer of the Organized Militia, not in Federal service, shall be entitled to receive an allowance for the incidental expenses of his command payable quarterly in advance according to the following schedule: Companies, batteries and like units, not to exceed twenty-five (\$25) dollars per month; bands not to exceed fifteen (\$15) dollars per month; regiments and like units not to exceed twenty-five (\$25) dollars per month.

Schedule  
of amounts.

Payable  
quarterly in  
advance.

Each officer entitled to a quarterly allowance under this section shall receive in advance the maximum quarterly allowance, but with his claim for subsequent allowance, he shall report any balance remaining unexpended from the last previous quarter, and for each succeeding quarter such officer shall be reimbursed for the expenditures thus made but not to exceed the maximum allowance above prescribed. Each claim for quarterly allowance shall include an account current showing the items of expenditure and shall be accompanied by subvouchers for all items, each voucher stating definitely the nature and amount of the expenditure evidenced thereby. Said accounts shall be audited at least annually by an officer senior in rank to the accountable officer.

Report  
unexpended  
balances.

Items  
vouchered.

State to provide  
transportation.

SEC. 51. *Transportation and subsistence.*

There shall be provided by the state, transportation for all officers, and transportation and subsistence for all enlisted men who shall be ordered out



for encampment, field duty, or assembled for duty in case of riot, tumult, breach of the peace, war, insurrection, invasion or imminent danger thereof. Necessary transportation, quartermasters' stores and subsistence for troops when ordered on duty shall be contracted for by the proper officers and paid for as other military bills.

Subsistence when on duty.

SEC. 52. *Authority of commanding officer.*

Authority of commanding officer.

The commanding officer at any drill, parade, encampment or other duty may cause those under his command to perform any military duty he shall require, and may place in arrest for the time of such drill, parade, encampment or other duty any officer or enlisted man who shall disobey the lawful orders of his superior officer, or in any way interrupt the exercises, and any other person or persons who shall trespass on the camp grounds, parade grounds, rifle range or armory, or in any way or manner interrupt or molest the orderly discharge of duty of those on duty, or who shall disturb or prevent the passage of troops going to or returning from any regularly ordered tour of duty; and he may prohibit and prevent the sale or use of all spirituous liquors, wines, ale or beer, or holding of huckster or auction sales, and all gambling therein, and remove disorderly persons beyond the limits of such parade or encampment, or within a distance of two miles therefrom, and he shall have full authority to abate as common nuisances all disorderly places, and bar all unauthorized sales within such limits. Any person violating any of the provisions of this section, or any order issued in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred (\$100) dollars, or imprisoned not more than thirty (30) days, or by both such fine and imprisonment.

Penalty for violation.

No license or renewal thereof shall be issued or granted to any person, firm or corporation for the sale of intoxicating or spirituous liquors within a dis-

Limitation on liquor licenses.

tance of three hundred (300) feet from any armory used by the State of Washington for military purposes, without the approval of the Adjutant General.

Transmission  
of notice  
for duty.

SEC. 53. *Notice for duty.*

Orders for duty may be oral or written. Officers and enlisted men may be warned for duty as follows: Either by stating the substance of the order, or by reading the order to the person warned, or by delivering a copy of such order to such person, or by leaving a copy of such order at his last known place of abode or business, with some person of suitable age and discretion, or by sending a copy of such order or notice containing the substance thereof, to such man by mail, directed to him at his last known place of abode or business. Orders may be transmitted by telegraph or telephone. Such warning may be given by any officer or authorized enlisted man. The officer or enlisted man giving such warning shall, when required, make a return thereof, containing the names of persons warned and the time, place and manner of warning. Such returns shall be verified on oath and shall be *prima facie* evidence, on the trial of any person returned as a delinquent, of the facts therein stated.

Return may  
be required.

Authorized  
military  
organiza-  
tions.

SEC. 54. *Authorized military organizations.*

No body of men other than the recognized Militia organizations of this State, armed forces of the United States, students of educational institutions where military science is a prescribed part of the course of instruction or *bona fide* veterans organizations shall associate themselves together as a military company or organize or parade in public with fire arms: *Provided*, That nothing herein shall be construed to prevent authorized parades by the Organized Militia of another state or armed forces of foreign countries. Any person participating in any such unauthorized organization shall be guilty of a misdemeanor.

Proviso.

Penalty for  
violation.

SEC. 55. *Unlawful wearing of military insignia.*

Misuse of  
insignia.

It shall be a misdemeanor for any person to wear any uniform or any device, strap, knot or insignia of any design or character used as a designation of grade, rank of office, or branch of service, such as are by law or by regulation duly promulgated, prescribed for the use of the Militia, except members of the military or naval forces of the United States, the Organized Militia of this or any other state, honorably discharged members of the armed forces of the United States of America, members of veteran associations and cadet students in educational institutions where military science is a prescribed course of instruction: *Provided*, That this section shall not apply to regalia used by secret or fraternal organizations worn while exemplifying their ritual or strictly incidental to organizations' activities, or to actors in their regular roles, or to duly qualified peace officers of this state or any subdivision thereof.

Exceptions

SEC. 56. *Military tribunals.*

Military  
tribunals.

The military tribunals of the State of Washington shall be of two (2) kinds, viz:

1. Courts-martial for the trial of offenders against the military law, and

Courts-  
martial.

2. Courts of inquiry for examining transactions of, or accusations or imputations against, officers or enlisted men of the Organized Militia of Washington.

Courts of  
inquiry.

All such courts shall be composed of commissioned officers only. All commissioned officers of the Organized Militia of Washington shall be eligible for detail to such courts, but no officer other than the officer detailed as Recorder or Judge Advocate will be detailed for the trial of an officer superior to himself in rank when it can be avoided.

Composition  
of courts.

SEC. 57. *Military courts.*

Military  
courts.

The military courts of the Organized Militia of the State of Washington shall be of the following classes:

1. General courts-martial.

2. Special courts-martial.
3. Summary courts-martial.

Procedure  
of military  
courts.

They shall be respectively constituted like and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the laws and regulations of the United States, and the proceedings of such courts shall follow the forms and modes of procedure prescribed for similar courts by the law and regulations of the United States Army. They may be convened by order specifying that they shall sit either for the trial of specified offenses or offenders or for the trial of all offenses or offenders that may be lawfully brought before them either during a specified period of time or until further order of the convening or superior authority.

Convened  
by order.

Power of  
general  
courts-  
martial.

SEC. 58. *General courts-martial.*

General courts-martial shall have the power and jurisdiction to impose fines not exceeding two hundred (\$200) dollars; to sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of non-commissioned officers to the ranks; to reduction in rank or rating; or any two (2) or more of such punishments may be combined in the sentence imposed by such courts.

Power of  
special  
courts-  
martial.

SEC. 59. *Special courts-martial.*

Special courts-martial shall have the power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States or of the State of Washington, and such special courts-martial shall have the same powers of punishment as do general courts-martial, except that fines imposed by such special courts-martial shall not exceed one hundred (\$100) dollars.

Power of  
summary  
court officer.

SEC. 60. *Summary Court Officer.*

The commanding officer of each resident, detached battalion, company or other detachment of

the Organized Militia of Washington, may appoint for such place of command a summary court to consist of one (1) officer, who shall have power to administer oaths and to try enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court may impose fines not exceeding twenty-five (\$25) dollars for any single offense, may sentence non-commissioned officers to reduction to the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal.

Power of  
summary  
court  
officer.

**SEC. 61. *Sentence to confinement.***

Sentence to  
confinement.

All military courts of the Organized Militia of Washington shall have power to sentence to confinement in lieu of fines authorized to be imposed: *Provided*, That such sentence of confinement shall not exceed one (1) day for each dollar of fine authorized.

**SEC. 62. *Sentence, when to be approved by the Governor.***

Approval of  
sentence by  
Governor.

No sentence or dismissal or dishonorable discharge from the service imposed by any military court shall be executed until approved by the Governor.

**SEC. 63. *Jurisdiction of military courts.***

Jurisdiction  
of military  
courts.

Military courts shall have jurisdiction, subject to the limitations imposed by law, at all times and in all places, over officers and enlisted men of the Organized Militia of Washington, and over members of the Unorganized Militia of Washington who shall be under orders for military duty, for all military offenses.

**SEC. 64. *Non-liability of military courts.***

Members of  
courts not  
liable.

No action or proceeding for damages shall be prosecuted or maintained against a member of a military court or persons acting under its authority or reviewing its proceedings on account of the imposition, or approval or collection of any fine or enforcement of any other penalty, or the execution of any warrant, writ or other process of a military court.

Technical  
rules of  
evidence  
waived.

SEC. 65. *Courts not bound by technical rules.*

Military courts are not to be bound by technical rule of evidence prevailing in civil tribunals and may depart therefrom when in their opinion the exigencies of the case, and the best interests of the service or the ends of justice may better be served. Copies of all general and special orders may be received in evidence when attested by the signature of any officer having custody of an official copy of such order; and in case a written copy of such order cannot be procured without delay or inconvenience, oral testimony as to its contents may be received and all military courts may take judicial notice of the signature and handwriting of any commissioned officer of the Organized Militia.

Jurisdiction  
and legality  
presumed.

SEC. 66. *Regularity of proceedings presumed.*

The proceedings of military courts shall not be vitiated by reason of mere irregularity, want of form or other technical defect, unless it is affirmatively made to appear, upon review or appeal, that the accused has been denied a fair hearing and has been materially injured thereby. In all cases where the sentence of a military court has been approved by the reviewing authority, the jurisdiction of said court and the legality of all its proceedings shall be presumed and on approval of such sentence, or in any civil proceedings, the burden of rebutting such presumption by competent evidence shall rest with the appellant or contestant in any such appeal or civil proceedings.

Arrests when  
on active  
duty.

SEC. 67. *Officers and men may be arrested.*

When on active duty, officers and men who have committed offenses in violation of the articles of war may be immediately placed in arrest, and, if enlisted men, in confinement, at the discretion of their commanding officer: *Provided, however,* That at the time of such arrest a general statement of the

charges to be preferred shall be made, and that charges and specifications as provided by law shall be filed within thirty-six (36) hours of the arrest or confinement, otherwise the arrest or confinement shall cease.

Time limit for filing charges.

For offenses committed by officers and enlisted men while on duty, or when ordered to duty, they may not be placed in arrest or confinement prior to trial, unless the offense is one involving a serious lapse of military discipline, or a violation of the criminal laws of the state, or in the judgment of the officer preferring the charges, the arrest before trial is necessary to preserve discipline or to secure the attendance of the prisoner for trial.

Limitation of confinement.

*SEC. 68. Offenders to be turned over by superior officer.*

Every officer or enlisted member of the military forces while on active duty, who shall wilfully commit a felony, shall, except where either complete or limited martial law has been declared, be turned over by his superior officers to the proper civil authorities of the county in which the offense occurred, for prosecution, but such trial and punishment by the civil authorities shall not preclude trial and additional punishment or dismissal from the service by court-martial for any military offense resulting from the commission of said crime: *And, provided further,* That trial, acquittal or conviction by military court, shall not constitute a defense or former jeopardy on a trial by a civil court or vice versa.

Felons subject to civil and military law.

Former jeopardy not defense.

*SEC. 69. Charges; How preferred.*

Charges shall be preferred in writing by a commissioned officer, and shall contain a general statement of the offense charges, and a reference to the particular section of the military code and corresponding articles of war claimed to have been violated.

Charges preferred in writing

Service of charges upon accused.

SEC. 70. *Accused shall be summoned.*

Upon approval of the charges and specifications, a copy thereof, together with a notice signed by the presiding officer of the court or the commanding officer of the accused, requiring said accused to appear before said court at the time and place therein designated, and answer the charges thereto annexed, shall be served upon him, by delivering to him or leaving at his last known place of abode, a true copy thereof, or by mailing the same to him at least five (5) days before the date set for his appearance. The appearance of the accused shall waive any irregularity in the service of such papers.

Warrant follows default.

SEC. 71. *Default in appearance.*

Upon proof of service of such a notice to appear or of mailing the same, and default of the appearance of such accused at the time and place designated for trial, the president or officer of the court shall issue his warrant for the arrest of the delinquent, directed to the sheriff of the county or other peace officer who shall forthwith execute said warrant and make proper return thereof, and produce the accused, if within said county, and retain such one in custody until the conclusion of the trial, unless sooner discharged by the order of the court. The court, in its discretion may also direct any suitable person on active military duty to execute said warrant.

Sheriff or other peace officer to execute.

Accused entitled to bail.

SEC. 72. *Restraint pending trial.*

Every accused person who shall have been arrested for failure to appear for trial as herein provided shall be entitled to be admitted to bail and the amount of the bail shall be endorsed on the warrant at the time the same is issued. In default of bail such person shall be confined, pending trial: *Provided*, That no person shall be kept in prison or jail pending trial for more than five (5) days.

Default of bail.

Proviso.

SEC. 73. *Process.*

Courts may issue processes.

Military courts are empowered to issue all processes and mandates including writs and warrants



necessary and proper to carry into full effect the powers vested in said courts. Such writs and mandates may be directed to the Sheriff of any county or other peace officer and shall conform substantially with those used by the civil courts. It shall be the duty of all such officers to whom any such process or mandate may be so directed to forthwith execute the same and make return of their acts thereunder, according to the requirements of such process or mandate. The keepers and jailers of all county and city jails shall receive any person committed by the process or mandate of any military court, and shall confine such one in the manner prescribed thereby and according to law. Any person may be committed to any county or city jail for failure to pay any fine under this act and when so committed shall be credited upon such fine and assessed costs with the sum of one (\$1) dollar for each day so confined.

Sheriff to execute processes.

Jailers to receive persons committed.

Rate of service of fines.

SEC. 74. *Contempt of court.*

Contempt of court.

Any person who shall be guilty of disorderly, contemptuous or insolent behavior in, or who shall use any insulting, or contemptuous, or indecorous language or expression to or before any military court, or any member of such court, in open court, tending to interrupt its proceedings, or to impair the respect due to its authority, or who shall commit any breach of the peace, may be committed by warrant issued by the president of the court, to the jail of the city or county in which said court shall sit, there to remain without bail in close confinement for a definite time not exceeding three (3) days.

Penalty.

SEC. 75. *Evidence in military court.*

Courts have power of subpoena.

Every military court shall have the same power to compel by subpoena, by subpoenas *duces tecum*, and by attachment, the attendance of witnesses, both civilian and military, the production of books, papers and documents, and to punish for contempt, a witness duly subpoenaed for non-attendance or refusal

Power same as Superior Courts.

to be sworn or to testify, or to produce books, papers and documents as is possessed by the Superior Courts of this state. Military courts shall also have the same power to take or cause to be taken the depositions of witnesses who cannot reasonably be produced at the trial, as Superior Courts.

Failure of witness to appear or testify is misdemeanor.

SEC. 76. *Witnesses.*

Every person, not belonging to the Organized Militia of Washington, having been duly subpoenaed to appear as a witness before a military court, who shall wilfully neglect or refuse to appear or qualify as a witness or testify or produce documentary evidence which such person shall have been legally subpoenaed to produce, and every sheriff, constable or jailer who shall have received a lawful writ, mandate, subpoena or other process of any military court, and who shall refuse or wilfully or negligently fail to execute or serve the same shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than one hundred (\$100) dollars or imprisonment not to exceed thirty (30) days, or both: *Provided*, That no witness shall be compelled to answer any questions which may tend to incriminate or degrade himself. It shall be the duty of the Prosecuting Attorney of any county, on the certification of the facts to him by the president or senior member of the court, to file an information in the Superior Court and prosecute the person so offending.

Penalty.

Proviso.

Duty of Prosecuting Attorney.

Copy of order to accused.

SEC. 77. *Accused to receive copy of order; Form of order.*

A copy of the order approving the sentence shall be handed to the accused or mailed to his last known address, and if the fine and costs imposed by the court are not paid to the presiding officer, judge advocate or other officer authorized to receive the same, within five (5) days after the time specified in the order, the president or other officer of the court shall issue, a warrant for commitment of such delinquent

Penalty for failure to comply with sentence.

offender, commanding the sheriff or other peace officer to whom such warrant is delivered to forthwith take said offender and convey him to the place of confinement designated in said warrant, there to remain confined during the term of said sentence or until sooner discharged by competent authority and to make due return of his doing thereon. Such warrant of commitment shall substantially conform to that used by the civil courts.

Sheriff or peace officer to arrest.

SEC. 78. *Fees and mileage.*

Fees and mileage allowed for the service of process and for civilian witnesses shall be the same as in civil actions. All expenditures necessary to carry the provisions of this act into effect are hereby authorized to be incurred, and paid out of the appropriations for the maintenance of the Organized Militia of Washington.

Fees and mileages in civil actions.

SEC. 79. *Right of pursuit.*

Troops on Active state duty may, if necessary, pursue and arrest or subpoena persons anywhere within the state.

Right of pursuit.

SEC. 80. *"Officer" and "Enlisted Man" defined.*

Wherever used in this act, the word "officer" shall be understood to designate commissioned and warrant officers, and the words "enlisted men" shall be understood to designate members of the Organized Militia of Washington other than commissioned or warrant officers. The convictions and punishments mentioned unless otherwise specifically designated, shall be understood to be respectively convictions and punishments by military courts.

Definitions: "Officer" and "enlisted man".

SEC. 81. *Articles of War to govern when.*

Whenever any portion of the Organized Militia shall be on "active service," the Articles of War governing the Army of the United States, as now or hereafter in effect, shall be in force and regarded as a part of the military code, so far as said force is concerned, until said forces shall be relieved from

Articles of War govern on active service.

Offenses on active duty may be tried later.

May be tried in civil court.

Military offenses punishable by law for National Guard.

Form of charges.

Subject to immediate arrest.

said duty; except that confinement in the penitentiary shall be in the penitentiary of this state: *And provided*, That offenses committed while on active duty may be tried and punished by a court-martial lawfully appointed, after this active duty has terminated, and if found guilty the accused shall be punished according to Articles of War and the rules and regulations governing the United States Army, but within the limits prescribed by Federal law for courts-martial in the National Guard: *And provided, also*, That in any case when the offense charged is also made an offense by the civil law of this state, the officer whose duty it is to approve the charge may, in his discretion, order the accused turned over to the proper civil authorities for trial: *Provided further*, That if such offense is committed upon a military reservation of the United States within this state, the accused may be turned over to the civil authorities for trial as provided by Federal law.

#### SEC. 82. *Military offenses, how punished.*

All organizations, officers and men of the Organized Militia "On Duty" shall be subject to the provisions of the Military Code and all such offenses thereunder shall be tried and punished by court-martial as provided by court-martial as provided by law for "National Guard not in the service of the United States": *Provided*, That charges and specifications shall be laid in the form prescribed for the United States Army, except that the charges shall be brought under the appropriate section and clause of the Military Code of the State of Washington with reference as well to the corresponding Article of War: *And provided further*, That men committing offenses against the laws of the state, while "On Duty" or within state armories shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

SEC. 83. *Military offenses defined.*

Definitions:  
Military  
offenses.

The following delinquencies, as defined by the Articles of War, are hereby declared to be military offenses, and the delinquents will be punished as provided by law, as court-martial shall direct:

- a. Fraudulent enlistment. (A. W. 54.)
- b. Making fraudulent enlistment by officer. (A. W. 55.)
- c. Making false muster. (A. W. 56.)
- d. Making a false return or omission to render return. (A. W. 57.)
- e. Absence without leave. (A. W. 61.)
- f. Insult or disrespect towards national or state officials. (A. W. 62.)
- g. Disrespect towards superior officer in the execution of his office. (A. W. 63.)
- h. Assaulting or disobeying superior officer in the execution of his office. (A. W. 64.)
- i. Insubordinate conduct towards a non-commissioned officer in the execution of his office. (A. W. 65.)
- j. Mutiny or sedition. (A. W. 66.)
- k. Releasing prisoner without proper authority. (A. W. 73.)
- l. Drunkenness on duty. (A. W. 85.)
- m. Conduct unbecoming an officer and a gentleman. (A. W. 95.)
- n. Conduct to the prejudice of good order and military discipline. (A. W. 96.)
- o. Any other violation of the laws, regulations or orders governing the military forces consistent with this act. (A. W. 96.)

SEC. 34. *Desertion.*

Desertion  
defined.

Desertion in the military forces shall be as defined in the regulations made by the Federal government for the government of the National Guard. But if any soldier is known to have removed from the state, and, through ignorance or neglect, has failed

Removal  
not desertion.

to apply for discharge, his discharge may be requested by his immediate commanding officer.

Courts of inquiry instituted by Governor.

SEC. 85. *Courts of Inquiry.*

Courts of inquiry, to consist of one (1) or more officers, may, and on the request of the officer involved shall, be instituted by the Governor for the purpose of investigating the conduct of any officer, or any accusation or imputation against him, or any acts made the subject of military complaint. Such court of inquiry shall, without delay, report a statement of facts and, when required, the evidence adduced and an opinion thereon to the Governor, who may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquired into.

Report to Governor who may order court-martial.

Governor may provide for reserve.

SEC. 86. *State Guard Reserve.*

In order to afford the utmost protection to the State of Washington and to the lives and property of citizens thereof, in times of emergency or anticipation thereof, the Governor, through the State Military Department may provide for the organization and training of State Guard Reserve Companies in communities not allocated a Federally recognized or authorized State Guard unit.

Penalty for buying or receiving military property.

SEC. 87. *Buying and receiving military property.*

Any person who shall purchase or receive in pawn or pledge any military property of the State or of the United States shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (\$500) dollars or imprisoned for not more than six (6) months or both such fine and imprisonment.

Gross misdemeanor.

Penalty for taking military property.

SEC. 88. *Wrongful taking of military property from armory.*

Any enlisted man taking any State or Federal military property from any armory without the written consent of his commanding officer shall be guilty of a misdemeanor and, upon conviction thereof, shall

Misdemeanor.

be fined not more than one hundred (\$100) dollars or imprisoned for not more than thirty (30) days or both such fine and imprisonment, and, in addition thereto, shall be civilly liable for the value of the property so taken.

Also subject to civil liability.

SEC. 89. *Personal effects of deceased soldiers.*

In case of death of any enlisted man while on active duty, his commanding officer shall immediately secure all his effects then in camp or quarters and shall in the presence of two (2) witnesses make an inventory thereof in duplicate; the original copy to be transmitted to the Adjutant General and the copy to be turned over to the personal representative of such deceased at the time said effects are claimed.

Procedure on death of enlisted man.

SEC. 90. *Exemption from jury duty.*

Every officer and enlisted man of the Organized Militia of Washington shall be exempt from all jury duty during the term of his service therein.

Exempt from jury duty.

SEC. 91. *Rifle ranges.*

Under the direction of the Governor, the Adjutant General shall, at the expense and in the name of the State, buy or lease, establish, equip, maintain and control such rifle ranges and issue such ammunition, transportation and supplies as may be necessary to provide each unit of the Organized Militia of Washington with adequate means and opportunity for thorough instruction in rifle practice.

State to provide ranges.

SEC. 92. *Governor to promulgate rules and regulations.*

The Governor, through the Adjutant General, shall promulgate in orders such rules and regulations and amendments thereto not inconsistent with law as he may deem necessary for the organization, maintenance and training of the Militia, and the acquisition, use, issue or disposal of military property. Such rules and regulations when so promulgated shall have the same force and effect as though herein enacted.

Governor to make rules.

Regulations  
for  
armories.

SEC. 93. *Regulations governing armories.*

State owned armories shall be used for strictly military purposes only: *Provided*, That one room shall be set aside for the exclusive use of *bona fide* veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room and the use thereof at all times: *Provided, also*, The Adjutant General may, during an emergency, permit transient lodging of service men in armories: *Provided, further*, That any civilian rifle club affiliated with the National Rifle Association of America shall be permitted to use the rifle range in such armories at least one night each week under regulations prescribed by the Adjutant General: *Provided, also*, That state owned armories shall be available for use for casual civic purposes only upon payment of fixed rental charges and compliance with regulations of the State Military Department. The Adjutant General shall cause to be prepared a schedule of rental charges for each state owned armory based on predetermined operating costs which may not be waived except for activities of units of the Organized Militia, and no state owned armory shall be rented for a term longer than that which intervenes between regularly authorized formations of units of the Organized Militia using such armory. The revenue derived from armory rentals shall constitute a special fund from which the State Military Department shall pay, or cause to be paid, expenses incident to such use, or maintenance and operation of armories.

Schedule  
of rentals.

Disposition  
of revenue.

Penalty  
section.

SEC. 94. *Punishment for offenses.*

On conviction of any offense hereunder for which no specific penalty has been prescribed, the punishment shall not exceed thirty (30) days imprisonment or one hundred dollars (\$100.00) fine, or both such fine and imprisonment.



SEC. 95. *Saving Clause.*

Saving  
clause.

If any provisions of this act or the application thereof to any person or circumstances is held invalid for any reason, such determination shall not affect other provisions or applications of the act which can be given effect without the invalid provisions, and to this end, the provisions of this act are declared to be severable.

SEC. 96. *Repeal of existing laws.*

Acts  
repealed.

The following acts, sections and parts of laws are hereby expressly repealed, to-wit: Section 177, chapter 108, Laws of 1895 (section 8603, Remington's Revised Statutes); sections 1, 21, 22, 41, 52, 65, 86, 89, and 100 of chapter 139 [134], Laws of 1909 (sections 8455, 8472, 8473, 8493, 8499, 8510, 8528, 8531, and 8601, Remington's Revised Statutes); sections 294 and 374 of chapter 249, Laws of 1909 (sections 2546 and 2626, Remington's Revised Statutes); chapter 238, Laws of 1909 (sections 10749 to 10752, inclusive, Remington's Revised Statutes); sections 8 and 11, chapter 66, Laws of 1913 (sections 8501, 8505, Remington's Revised Statutes); sections 1 to 3, inclusive, 5 to 13, inclusive, 15 to 31, inclusive, 33 to 36 inclusive, 39 to 43, inclusive, 45 to 124, inclusive, of chapter 107, Laws of 1917 (sections 8462 to 8464, inclusive, 8466 to 8471, inclusive, 8474 to 8476, inclusive, 8478 to 8490, inclusive, 8492, 8494 to 8496, inclusive, 8498, 8500, 8502, 8503, 8509, 8511 to 8514, inclusive, 8516 to 8527, inclusive, 8529, 8530, 8532 to 8597, inclusive, Remington's Revised Statutes); chapter 75, Laws of 1921 (sections 8465 and 8477, Remington's Revised Statutes); sections 1, 3, 4, and 5 of chapter 49, Laws of 1923 (sections 8497, 8507, 8515 and 8598, Remington's Revised Statutes); chapter 28, Laws of 1925 (sections 8491 and 8504, Remington's Revised Statutes); chapter 51, Laws of 1937 (section 8508, Remington's Revised Statutes); and all other acts in conflict with provisions herein: *Provided, however,* Proviso. That the repeal of the acts herein enumerated shall

nowise extinguish any liability heretofore incurred or relieve any individual subject thereto from liability thereunder.

Effective  
April 1, 1943.

**SEC. 97. *Effective date.***

A national emergency now exists and by reason thereof, this act is necessary for the immediate preservation of the public peace and safety of State Government and its existing public institutions, and shall be effective April 1, 1943.

Passed the Senate March 10, 1943.

Passed the House March 9, 1943.

Approved by the Governor March 18, 1943.

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CHAPTER 131.

[ S. B. 156. ]

CREDIT UNIONS.

AN ACT relating to credit unions; amending sections 9, 15 and 23, chapter 173, Laws of 1933, as amended by sections 1, 3 and 5, chapter 65, Laws of 1939 (sections 3923-9, 3923-15 and 3923-23, Remington's Revised Statutes, Supplement) and amending sections 1, 2, 3, 4, 5, 7, 8, 10, 12, 13, 16, 17, 18, 19, 21, 25, 26, 28, 30, 31 and 32, chapter 173, Laws of 1933, (sections 3923-1, 3923-2, 3923-3, 3923-4, 3923-5, 3923-7, 3923-8, 3923-10, 3923-12, 3923-13, 3923-16, 3923-17, 3923-18, 3923-19, 3923-21, 3923-25, 3923-26, 3923-28, 3923-30, 3923-31, and 3923-32, Remington's Revised Statutes, Supplement); repealing section 33, chapter 173, Laws of 1933, (section 3923-33, Remington's Revised Statutes, Supplement) and renumbering section 34 of said act as section 33, and further amending said chapter 173, Laws of 1933, by adding thereto three (3) new sections to be numbered sections 34, 35 and 36.

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

Amendments. SECTION 1. Section 1, chapter 173, Laws of 1933 (section 3923-1, Remington's Revised Statutes, Supplement) is amended to read as follows:

"Credit  
Unio.."  
in name.

Section 1. A corporation organized under this act shall include in its corporate name the words