

CHAPTER 303.

[H. B. 55.]

SUPERIOR COURTS—CHANGE OF VENUE—
CHANGE OF JUDGES.

AN ACT relating to the disqualification of judges of the superior courts, and providing for change of venue or change of judges on account thereof; and amending section 1, chapter 121, Laws of 1911 as amended by section 1, chapter 145, Laws of 1927 and RCW 4.12.040; and adding a new section to RCW 10.25.

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

RCW 4.12.040
amended.

SECTION 1. Section 1, chapter 121, Laws of 1911 as amended by section 1, chapter 145, Laws of 1927 and RCW 4.12.040 are each amended to read as follows:

Superior
courts—
Prejudice of
judge—Change
of venue.

No judge of a superior court of the state of Washington shall sit to hear or try any action or proceeding when it shall be established as hereinafter provided that said judge is prejudiced against any party or attorney, or the interest of any party or attorney appearing in such cause. In such case the presiding judge in judicial districts where there is more than one judge shall forthwith transfer the action to another department of the same court, or call in a judge from some other court. In all judicial districts where there is only one judge, a certified copy of the motion and affidavit filed in the cause shall be transmitted by the clerk of the superior court to the clerk of the supreme court or the administrator for the court, and the chief justice of the supreme court shall direct a visiting judge to hear and try such action as soon as convenient and practical.

The presiding judge in judicial districts where there is more than one judge, or the chief justice of the supreme court for judicial districts where there is only one judge, may send a case for trial to another court if the convenience of witnesses or the

ends of justice will not be interfered with by such a course and the action is of such a character that a change of venue may be ordered: *Provided*, That in criminal prosecutions the case shall not be sent for trial to any court outside the county unless the accused shall waive his right to a trial by a jury of the county in which the offense is alleged to have been committed.

SEC. 2. When a criminal case is transferred to another county pursuant to RCW 10.25 the county from which such case is transferred shall pay to the county in which the case is tried all costs accrued for per diem and mileage for jurors and witnesses and all other costs properly charged to a convicted defendant.

Transfer of
criminal case
—Payment of
costs.

Passed the House March 8, 1961.

Passed the Senate March 7, 1961.

Approved by the Governor March 21, 1961.

CHAPTER 304.

[H. B. 138.]

FEES OF PUBLIC OFFICERS.

AN ACT relating to fees of public officers; amending and enacting section 5, chapter 51, Laws of 1951, and RCW 36.18.020; amending section 1, chapter 43, Laws of 1903, as last amended by section 1, chapter 205, Laws of 1909, and RCW 4.44.100; amending section 2, chapter 43, Laws of 1903 and RCW 4.44.110; amending section 3, chapter 56, Laws of 1893, as last amended by section 1, chapter 26, Laws of 1955, and RCW 7.32.030; amending section 82.32-.220, chapter 15, Laws of 1961 (House Bill No. 6) and RCW 82.32.220; amending section 9, chapter 188, Laws of 1941 and RCW 59.08.090; amending section 3, page 418, Laws of 1869, as amended by section 2105, Code 1881, and RCW 10.46.190; amending section 1, chapter 249, Laws of 1953, as last amended by section 1, chapter 31, Laws of 1957, and RCW 27.24.070; adding a new section to chapter 126, Laws of 1913 and to chapter 2.32 RCW; and repealing section 2, chapter 249, Laws of 1953 and RCW 27.24.080.