

CHAPTER 200.

[Engrossed House Bill No. 74.]

CRIMES AND CRIMINAL PROCEDURE.

AN ACT relating to crimes and punishment; defining crimes related to measurement of goods, raw materials, and agricultural products; authorizing justice of the peace courts to defer imposition of sentence; granting counties power to employ probation officers; establishing credit for time served in jails; adding new sections to chapter 249, Laws of 1909 and to Title 9 RCW; amending section 176, page 261, Laws of 1854 as last amended by section 6, chapter 11, Laws of 1891, and RCW 10.04.110; amending section 147, page 124, Laws of 1854 as last amended by section 84, chapter 28, Laws of 1891, and RCW 10.82.030; and amending section 151, page 124, Laws of 1854 as last amended by the second paragraph of section 1, page 38, Laws of 1883, and RCW 10.82.040; amending section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 227, Laws of 1957 and RCW 9.92.060; amending section 4, chapter 227, Laws of 1957 and RCW 9.95.210; amending section 7, chapter 133, Laws of 1955, and RCW 9.95.060; and repealing section 3, chapter 42, Laws of 1955, and RCW 9.95.061; declaring an emergency; and providing penalties.

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

New section.

Section 1. There is added to chapter 249, Laws of 1909 and to Title 9 RCW a new section to read as follows:

Crimes and criminal procedure. Measurement and weight of goods, etc.

Because of the widespread importance to the marketing of goods, raw materials and agricultural products such as, but not limited to, grains, timber, logs, wood chips, scrap metal, oil, gas, petroleum products, coal, fish and other commodities, that qualitative and quantitative measurements of such goods, materials and products be accurately and honestly made, it is declared to be the public policy of this state that certain conduct with respect to said measurement be declared unlawful.

New section.

Sec. 2. There is added to chapter 249, Laws of 1909 and to Title 9 RCW a new section to read as follows:

Every person, corporation, or association whether profit or nonprofit, who shall ask or receive, or conspire to ask or receive, directly or indirectly, any compensation, gratuity, or reward or any promise thereof, on any agreement or understanding that he shall (1) intentionally make an inaccurate visual or mechanical measurement or an intentionally inaccurate recording of any visual or mechanical measurement of goods, raw materials, and agricultural products (whether severed or unsevered from the land) which he has or will have the duty to measure, or shall (2) intentionally change, alter or affect, for the purpose of making an inaccurate measurement, any equipment or other device which is designed to measure, either qualitatively or quantitatively, such goods, raw materials, and agricultural products, or shall intentionally alter the recordation of such measurements, shall be guilty of a felony, punishable by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or both.

Accepting  
bribe to meas-  
ure inac-  
curately.  
Penalty.

Sec. 3. There is added to chapter 249, Laws of 1909 and to Title 9 RCW a new section to read as follows:

New section.

Every person who shall give, offer or promise, or conspire to give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any person, corporation, independent contractor, or agent, employee or servant thereof with intent to violate section 2 of this act, shall be guilty of a felony, punishable by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or both.

Offer to bribe  
to measure  
inaccurately.  
Penalty.

Sec. 4. Section 147, page 124, Laws of 1854 as last amended by section 84, chapter 28, Laws of 1891, and RCW 10.82.030 are each amended to read as follows:

RCW 10.82.030  
amended.

Crime and criminal procedure—Fines and costs—Commitment for failure to pay fines and costs—Execution against defendant's property—Working out.

If any person ordered into custody until the fine and costs adjudged against him be paid shall not, within five days, pay, or cause the payment of the same to be made, the clerk of the court shall issue a warrant to the sheriff commanding him to imprison such defendant in the county jail until the amount of such fine and costs owing are paid. Execution may at any time issue against the property of the defendant for that portion of such fine and costs not reduced by the application of this section. The amount of such fine and costs owing shall be the whole of such fine and costs reduced by the amount of any portion thereof paid, and ten dollars for every day the defendant performs labor as provided in section 5 of this 1967 amendatory act, and eight dollars for every day the defendant does not perform such labor while imprisoned.

RCW 10.82.040 amended.

Sec. 5. Section 151, page 124, Laws of 1854 as last amended by the second paragraph of section 1, page 38, Laws of 1883, and RCW 10.82.040 are each amended to read as follows:

Working out fines.

When a defendant is committed to jail, on failure to pay any fines and costs, he shall, under the supervision of the county sheriff and subject to the terms of any ordinances adopted by the county commissioners, be permitted to perform labor to reduce the amount owing of the fine and costs.

RCW 10.04.110 amended.

Sec. 6. Section 176, page 261, Laws of 1854 as last amended by section 6, chapter 11, Laws of 1891, and RCW 10.04.110 are each amended to read as follows:

Justice court—Commitment for failure to pay fine and costs—Execution against property—Working out.

In all cases of conviction, unless otherwise provided in this chapter, the justice shall enter judgment for the fine and costs against the defendant, and may commit him to jail until the amount of such fine and costs owing are paid, or the payment thereof be secured as provided by RCW 10.14.120. The amount of such fine and costs owing shall be

computed as provided for superior court cases in sections 4 and 5 of this 1967 amendatory act. Further proceedings therein shall be had as in like cases in the superior court.

Sec. 7. Section 1, chapter 24, Laws of 1905 as last amended by section 1, chapter 227, Laws of 1957 and RCW 9.92.060 are each amended to read as follows:

RCW 9.92.060  
amended.

Whenever any person shall be convicted of any crime except murder, burglary in the first degree, arson in the first degree, robbery, carnal knowledge of a female child under the age of ten years, or rape, the court may in its discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and that the sentenced person be placed under the charge of a parole or peace officer during the term of such suspension, upon such terms as the court may determine: *Provided*, That as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case, including reimbursement of the state for costs of extradition if return to this state by extradition was required. In no case shall a sentence be suspended under the provisions of this section unless the person if sentenced to confinement in a penal institution be placed under the charge of a parole officer, who is a duly appointed and acting officer of the institution to which the person is sentenced: *Provided*, That persons convicted in justice court may be

Punishment—  
Suspending  
sentence.

Crimes and criminal procedure.

placed under supervision of a probation officer employed for that purpose by the board of county commissioners of the county wherein the court is located.

**NOTE:** See also section 53, chapter 145, Laws of 1967 ex. sess.

RCW 9.95.210 amended.

Sec. 8. Section 4, chapter 227, Laws of 1957 and RCW 9.95.210 are each amended to read as follows:

Conditions may be imposed upon probation.

The court in granting probation, may suspend the imposing or the execution of the sentence and may direct that such suspension may continue for such period of time, not exceeding the maximum term of sentence, except as hereinafter set forth and upon such terms and conditions as it shall determine.

The court in the order granting probation and as a condition thereof, may in its discretion imprison the defendant in the county jail for a period not exceeding one year or may fine defendant any sum not exceeding one thousand dollars plus the costs of the action, and may in connection with such probation impose both imprisonment in the county jail and fine and court costs. The court may also require the defendant to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (1) to comply with any order of the court for the payment of family support, (2) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question, and (3) to pay such fine as may be imposed and court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, and may require bonds for the faithful observance of any and all conditions imposed in the probation. The court shall order the probationer to report to the board of prison terms and paroles or such officer as the board may designate and as a condition of said probation to follow

implicitly the instructions of the board of prison terms and paroles. The board of prison terms and paroles will promulgate rules and regulations for the conduct of such person during the term of his probation: *Provided*, That for defendants found guilty in justice court, like functions as the board of prison terms and paroles performs in regard to probation may be performed by probation officers employed for that purpose by the board of county commissioners of the county wherein the court is located.

**NOTE:** See also section 16, chapter 134, Laws of 1967, and section 54, chapter 145, Laws of 1967 ex. sess.

Sec. 9. Notwithstanding the provisions of chapter 72.01 RCW or any other provision of law, counties may engage in probation and parole services and employ personnel therefor under such terms and conditions as any such county shall so determine.

County  
probation and  
parole—  
Authority.

Sec. 10. Section 7, chapter 133, Laws of 1955 and RCW 9.95.060 are each amended to read as follows:

RCW 9.95.060  
amended.

When a convicted person appeals from his conviction and is at liberty on bond pending the determination of the appeal by the supreme court, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified to the department of institutions, the Washington state board of prison terms and paroles, and the prosecuting attorney of the county in which such convicted person was convicted and sentenced, by the sheriff of such county. If such convicted person does not appeal from his conviction, but is at liberty for a period of time subsequent to the signing of the judgment and sentence, or becomes a fugitive, credit on his sentence will begin from the date such convicted person is returned to custody. The date of return to custody shall be certified as provided in this section. In all other cases, credit on a sentence will begin

When sen-  
tence begins  
to run.

from the date the judgment and sentence is signed by the court.

Repeal.

Sec. 11. Section 3, chapter 42, Laws of 1955 and RCW 9.95.061 are each repealed.

Emergency.

Sec. 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Severability.

Sec. 13. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Passed the House March 8, 1967.

Passed the Senate March 7, 1967.

Approved by the Governor March 21, 1967.

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CHAPTER 201.

[Substitute House Bill No. 16.]

DEBT ADJUSTING.

AN ACT relating to debt adjusting; providing for the supervision, regulation, licensing and bonding of debt adjusters and debt adjusting agencies; and prescribing penalties.

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

Debt adjusters.  
Definitions.

Section 1. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this act shall have the following meanings:

(1) "Debt adjusting" means the managing, counseling, settling, adjusting, prorating, or liquidating