

whenever the estimated cost of such work or improvement, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars.

NEW SECTION. Sec. 21. The cost of the improvement for the purposes of this act shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence. Breaking an improvement into small units for the purposes of avoiding the minimum dollar amount prescribed in section 20 of this act is contrary to public policy and is prohibited.

NEW SECTION. Sec. 22. This act providing for parking and business improvement areas shall not be deemed or construed to affect any existing act, or any part thereof, relating to special assessments or other powers of counties, cities and towns, but shall be supplemental thereto and concurrent therewith.

The purposes and functions of parking and business improvement areas as set forth by the provisions of this act may be accomplished in part by the establishment of an area pursuant to this act and in part by any other method otherwise provided by law, including provisions for local improvements.

NEW SECTION. Sec. 23. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

Passed the Senate April 23, 1971.

Passed the House April 23, 1971.

Approved by the Governor May 3, 1971.

Filed in Office of Secretary of State May 3, 1971.

CHAPTER 46

[Engrossed Senate Bill No. 514]

UNIFORM CRIMINAL EXTRADITION ACT

AN ACT Relating to the extradition of persons charged with a crime, and to make uniform the law with reference thereto; adding new sections to chapter 10.88 RCW; repealing section 6, page 102, Laws of 1854, section 158, page 217, Laws of 1873, section 972, Code of 1881, and RCW 10.88.010; repealing section 6, part, page 102, Laws of 1854, section 972, part, Code of 1881, and RCW 10.88.020; repealing section 7, page 102, Laws of 1854, section 159, page 218, Laws of 1873, section 973, Code of 1881, and RCW 10.88.030; repealing section 8, page 103, Laws of 1854, section 160, page 218, Laws of 1873, section

974, Code of 1881, and RCW 10.88.040; repealing section 9, page 103, Laws of 1854, section 161, page 219, Laws of 1873, section 975, Code of 1881, and RCW 10.88.050; repealing section 10, page 103, Laws of 1854, section 162, page 219, Laws of 1873, section 976, Code of 1881, and RCW 10.88.060; amending section 6, chapter 196, Laws of 1951, as amended by section 4, chapter 45, Laws of 1963, and RCW 26.21.050; prescribing penalties; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 10.88 RCW a new section to read as follows:

Where appearing in this act, the term "governor" includes any person performing the functions of governor by authority of the law of this state. The term "executive authority" includes the governor, and any person performing the functions of governor in a state other than this state, and the term "state" referring to a state other than this state refers to any other state, or the District of Columbia, or territory organized or unorganized of the United States of America.

NEW SECTION. Sec. 2. There is added to chapter 10.88 RCW a new section to read as follows:

Subject to the provisions of this act, the provisions of the Constitution of the United States controlling, and any and all acts of congress enacted in pursuance thereof, the governor of this state may in his discretion have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony, or other crime, who has fled from justice and is found in this state.

NEW SECTION. Sec. 3. There is added to chapter 10.88 RCW a new section to read as follows:

No demand for the extradition of a person charged with crime in another state shall be recognized by the governor unless in writing alleging, except in cases arising under section 6 of this act, that the accused was present in the demanding state at the time of the commission of the alleged crime, and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon; or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information, or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state;

and the copy of indictment, information, affidavit, judgment of conviction or sentence must be certified or authenticated by the executive authority making the demand.

NEW SECTION. Sec. 4. There is added to chapter 10.88 RCW a new section to read as follows:

When a demand shall be made upon the governor of this state by the executive authority of another state for the surrender of a person so charged with crime, the governor may call upon the attorney general or any prosecuting officer in this state to investigate or assist in investigating the demand, and to report to him the situation and circumstances of the person so demanded, and whether he ought to be surrendered.

NEW SECTION. Sec. 5. There is added to chapter 10.88 RCW a new section to read as follows:

When it is desired to have returned to this state a person charged in this state with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the governor of this state may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this state as soon as the prosecution in this state is terminated.

The governor of this state may also surrender on demand of the executive authority of any other state any person in this state who is charged in the manner provided in section 22 of this act with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

NEW SECTION. Sec. 6. There is added to chapter 10.88 RCW a new section to read as follows:

The governor of this state may also surrender, on demand of the executive authority of any other state, any person in this state charged in such other state in the manner provided in section 3 of this act with committing an act in this state, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this act not otherwise inconsistent, shall apply to such cases, even though the accused was not in that state at the time of the commission of the crime, and has not fled therefrom.

NEW SECTION. Sec. 7. There is added to chapter 10.88 RCW a new section to read as follows:

If the governor decides that the demand should be complied with, he shall sign a warrant of arrest, which shall be sealed with the state seal, and be directed to any peace officer or other person

whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

NEW SECTION. Sec. 8. There is added to chapter 10.88 RCW a new section to read as follows:

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within the state and to command the aid of all peace officers or other persons in the execution of the warrant, and to deliver the accused, subject to the provisions of this act to the duly authorized agent of the demanding state.

NEW SECTION. Sec. 9. There is added to chapter 10.88 RCW a new section to read as follows:

Every such peace officer or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein, as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

NEW SECTION. Sec. 10. There is added to chapter 10.88 RCW a new section to read as follows:

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a court of record in this state, who shall inform him of the demand made for his surrender and of the crime with which he is charged, and that he has the right to demand and procure legal counsel; and if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody, and to the said agent of the demanding state: PROVIDED, That the hearing provided for in this section shall not be available except as may be constitutionally required if a hearing on the legality of arrest has been held pursuant to sections 13 or 14 of this 1971 act.

NEW SECTION. Sec. 11. There is added to chapter 10.88 RCW a new section to read as follows:

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the governor's warrant, in wilful disobedience to section 10 of this act, shall be guilty of a gross misdemeanor and, on conviction, shall be imprisoned in the county jail for not more than one year, or be fined not more than one thousand dollars, or both.

NEW SECTION. Sec. 12. There is added to chapter 10.88 RCW a new section to read as follows:

The officer or persons executing the governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this state with such a prisoner for the purpose of immediately returning such prisoner to the demanding state may, when necessary, confine the prisoner in the jail of any county or city through which he may pass; and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping: PROVIDED, HOWEVER, That such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this state.

NEW SECTION. Sec. 13. There is added to chapter 10.88 RCW a new section to read as follows:

Whenever any person within this state shall be charged on the oath of any credible person before any judge or magistrate of this state with the commission of any crime in any other state and, except in cases arising under section 6 of this act, with having fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or magistrate in this state setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 6 of this act, has fled from justice, or with having been convicted of a crime in that state and having escaped from confinement, or having broken the terms of his bail, probation or parole and is believed to be in this state, the judge or magistrate shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein, wherever he may

be found in this state, and to bring him before the same or any other judge, magistrate or court who or which may be available in or convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

NEW SECTION. Sec. 14. There is added to chapter 10.88 RCW a new section to read as follows:

The arrest of a person may be lawfully made also by any peace officer or a private person, without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or magistrate with all practicable speed and complaint must be made against him under oath setting forth the ground for the arrest as in section 13 of this act; and thereafter his answer shall be heard as if he had been arrested on a warrant.

NEW SECTION. Sec. 15. There is added to chapter 10.88 RCW a new section to read as follows:

If from the examination before the judge or magistrate it appears that the person held is the person charged with having committed the crime alleged and, except in cases arising under section 6 of this act, that he has fled from justice, the judge or magistrate must, by a warrant reciting the accusation, commit him to the county jail for such a time not exceeding thirty days and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the governor on a requisition of the executive authority of the state having jurisdiction of the offense, unless the accused give bail as provided in section 16 of this act, or until he shall be legally discharged.

NEW SECTION. Sec. 16. There is added to chapter 10.88 RCW a new section to read as follows:

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or magistrate in this state may admit the person arrested to bail by bond, with sufficient sureties, and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond, and for his surrender, to be arrested upon the warrant of the governor of this state.

NEW SECTION. Sec. 17. There is added to chapter 10.88 RCW a new section to read as follows:

If the accused is not arrested under warrant of the governor by the expiration of the time specified in the warrant or bond, a judge or magistrate may discharge him or may recommit him for a

further period not to exceed sixty days, or a judge or magistrate judge may again take bail for his appearance and surrender, as provided in section 16 of this act, but within a period not to exceed sixty days after the date of such new bond: PROVIDED, That the governor may, except in cases in which the offense is punishable under laws of the demanding state by death or life imprisonment, deny a demand for extradition when such demand is not received by the governor before the expiration of one hundred twenty days from the date of arrest in this state of the alleged fugitive, in the absence of a showing of good cause for such delay.

NEW SECTION. Sec. 18. There is added to chapter 10.88 RCW a new section to read as follows:

If the prisoner is admitted to bail, and fails to appear and surrender himself according to the conditions of his bond, the judge, or magistrate by proper order, shall declare the bond forfeited and order his immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state.

NEW SECTION. Sec. 19. There is added to chapter 10.88 RCW a new section to read as follows:

If a criminal prosecution has been instituted against such person under the laws of this state and is still pending the governor, in his discretion, either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this state.

NEW SECTION. Sec. 20. There is added to chapter 10.88 RCW a new section to read as follows:

The governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

NEW SECTION. Sec. 21. There is added to chapter 10.88 RCW a new section to read as follows:

Whenever the governor of this state shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this state, from the executive authority of any other state, or from the appropriate authority of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this state, to some agent, commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this state in which the offense was committed.

NEW SECTION. Sec. 22. There is added to chapter 10.88 RCW a new section to read as follows:

(1) When the return to this state of a person charged with

crime in this state is required, the prosecuting attorney shall present to the governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made and certifying that, in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this state for trial and that the proceeding is not instituted to enforce a private claim.

(2) When the return to this state is required of a person who has been convicted of a crime in this state and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board, or the warden of the institution or sheriff of the county, from which escape was made, shall present to the governor a written application for a requisition for the return of such person, in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

(3) The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or magistrate, stating the offense with which the accused is charged, or of the judgment of conviction or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application, with the action of the governor indicated by endorsement thereon, and one of the certified copies of the indictment, complaint, information, and affidavits, or of the judgment of conviction or of the sentence shall be filed in the office of the secretary of state to remain of record in that office. The other copies of all papers shall be forwarded with the governor's requisition.

NEW SECTION. Sec. 23. There is added to chapter 10.88 RCW a new section to read as follows:

A person brought into this state by, or after waiver of, extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceeding to answer which he is being or has

been returned, until he has been finally convicted in the criminal proceeding, or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

NEW SECTION. Sec. 24. There is added to chapter 10.88 RCW a new section to read as follows:

Any person arrested in this state charged with having committed any crime in another state or alleged to have escaped from confinement, or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in sections 7 and 8 of this act and all other procedure incidental to extradition proceedings, by executing or subscribing in the presence of a judge of any court of record within this state a writing which states that he consents to return to the demanding state: PROVIDED, HOWEVER, That before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus as provided for in section 10 of this act.

If and when such consent has been duly executed it shall forthwith be forwarded to the office of the governor of this state and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent: PROVIDED, HOWEVER, That nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this state.

NEW SECTION. Sec. 25. There is added to chapter 10.88 RCW a new section to read as follows:

Nothing in this act contained shall be deemed to constitute a waiver by this state of its right, power or privilege to try such demanded person for crime committed within this state, or of its right, power or privilege to regain custody of such person by extradition proceedings or otherwise for the purpose of trial, sentence or punishment for any crime committed within this state, nor shall any proceedings had under this act which result in, or fail to result in, extradition be deemed a waiver by this state of any of its rights, privileges or jurisdiction in any way whatsoever.

NEW SECTION. Sec. 26. There is added to chapter 10.88 RCW a new section to read as follows:

After a person has been brought back to this state by, or after waiver of extradition proceedings, he may be tried in this

state for other crimes which he may be charged with having committed here as well as that specified in the requisition for his extradition.

NEW SECTION. Sec. 27. There is added to chapter 10.88 RCW a new section to read as follows:

The provisions of this act shall be so interpreted and construed as to effectuate its general purposes to make uniform the law of those states which enact it, to the extent which it has been enacted by this state.

NEW SECTION. Sec. 28. There is added to chapter 10.88 RCW a new section to read as follows:

Sections 1 through 26 of this act shall be known and may be cited as the Uniform Criminal Extradition Act.

NEW SECTION. Sec. 29. This act shall become effective on July 1, 1971.

Sec. 30. Section 6, chapter 196, Laws of 1951 as amended by section 4, chapter 45, Laws of 1963, and RCW 26.21.050 are each amended to read as follows:

(1) Before making the demand of the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least sixty days prior thereto the obligee brought an action for ((the)) support under this chapter, or that the bringing of an action would be of no avail.

(2) When under this or a substantially similar act, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this chapter or would be effective; PROVIDED, That before honoring such demand the governor shall require proof of a duty of support arising from a support order based upon competent jurisdiction over the obligor.

(3) Except as is provided for in the proviso to subsection (2) of this section if an action for ((the)) support would be effective and no action has been brought, the governor may delay honoring the demand for a reasonable time to permit prosecution of an action for support.

(4) If an action for support has been brought and the person demanded has prevailed in that action, the governor ((may)) shall decline to honor the demand.

(5) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the

governor (~~may~~) shall decline to honor the demand so long as the person demanded is complying with the support order.

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) Section 6, page 102, Laws of 1854, section 158, page 217, Laws of 1873, section 972, Code of 1881 and RCW 10.88.010;

(2) Section 6, part, page 102, Laws of 1854, section 972, part, Code of 1881 and RCW 10.88.020;

(3) Section 7, page 102, Laws of 1854, section 159, page 218, Laws of 1873, section 973, Code of 1881 and RCW 10.88.030;

(4) Section 8, page 103, Laws of 1854, section 160, page 218, Laws of 1873, section 974, Code of 1881 and RCW 10.88.040;

(5) Section 9, page 103, Laws of 1854, section 161, page 219, Laws of 1873, section 975, Code of 1881 and RCW 10.88.050; and

(6) Section 10, page 103, Laws of 1854, section 162, page 219, Laws of 1873, section 976, Code of 1881 and RCW 10.88.060.

NEW SECTION. Sec. 32. There is added to chapter 10.88 RCW a new section to read as follows:

If any provisions of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the 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 Senate April 24, 1971.

Passed the House April 21, 1971.

Approved by the Governor May 4, 1971.

Filed in Office of Secretary of State May 5, 1971.

CHAPTER 47

[Engrossed Substitute Senate Bill No. 372]

STATE RECREATION TRAILS--

REGULATION OF ALL-TERRAIN VEHICLES (ATV)

AN ACT Relating to outdoor recreation; amending section 5, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.050; amending section 8, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.080; amending section 10, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.100; adding new sections to chapter 67.32 RCW; creating new sections; prescribing penalties; and making appropriations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 5, chapter 76, Laws of 1970 ex. sess. and RCW 67.32.050 are each amended to read as follows: