

CHAPTER 186

[Senate Bill No. 3072]

PRO TEMPORE AND VISITING JUDGES—COMPENSATION AND EXPENSES

AN ACT Relating to pro tempore judges; amending section 2, chapter 40, Laws of 1963 and RCW 2.04.250; amending section 2, chapter 114, Laws of 1973 and RCW 2.06.160; amending section 4, chapter 43, Laws of 1893 and RCW 2.08.170; amending section 7, chapter 259, Laws of 1957 and RCW 2.56.070; and amending section 23, chapter 299, Laws of 1961 and RCW 3.34.140.

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

Section 1. Section 2, chapter 40, Laws of 1963 and RCW 2.04.250 are each amended to read as follows:

(1) A superior court judge serving as a judge pro tempore of the supreme court as provided in RCW 2.04.240 shall receive, in addition to his regular salary, ~~((his actual traveling expenses not to exceed one round trip at ten cents per mile from his residence during his term of service as judge pro tempore and twenty dollars per day in lieu of subsistence and lodging))~~ reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03-.060 as now or hereafter amended.

(2) A retired judge of a court of record in this state serving as a judge pro tempore of the supreme court as provided in RCW 2.04.240 shall receive, in addition to any retirement pay he may be receiving, the following compensation and expenses:

(a) ~~((His actual traveling expenses not to exceed one round trip at ten cents per mile from his residence during his term of service as judge pro tempore and twenty dollars per day in lieu of subsistence and lodging))~~ Reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03-.060 as now or hereafter amended.

(b) During the period of his service as a judge pro tempore, an amount equal to the salary of a regularly elected judge of the court in which he last served for such period diminished by the amount of retirement pay accrued to him for such period.

(3) Whenever a superior court judge is appointed to serve as judge pro tempore of the supreme court and a visiting judge is assigned to replace him, ~~((the full amount of the actual traveling and living))~~ subsistence, lodging, and travel expenses incurred by such visiting judge as a result of such assignment shall be paid in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended, upon application of such judge from the appropriation of the supreme court.

(4) The provisions of RCW 2.04.240 and 2.04.250 shall not be construed as impairing or enlarging any right or privilege acquired in any retirement or pension system by any judge or his dependents.

Sec. 2. Section 2, chapter 114, Laws of 1973 and RCW 2.06.160 are each amended to read as follows:

(1) A judge of a court of record serving as a judge pro tempore of the court of appeals, as provided in RCW 2.06.150, shall receive, in addition to ~~((his actual travel expense or ten cents per mile, whichever is less, from his residence and in addition))~~ his regular salary, ~~((his actual living expenses not to exceed forty dollars per day during his term of service as judge pro tempore))~~ reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(2) A retired judge of a court of record in this state serving as a judge pro tempore of the court of appeals, as provided in RCW 2.06.150, shall receive, in addition to any retirement pay he may be receiving, the following compensation and expenses:

(a) ~~((His actual travel expenses or ten cents per mile, whichever is less, from his residence and in addition his living expenses not to exceed forty dollars per day during his term of service as judge pro tempore))~~ Reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended; and

(b) During the period of his service as judge pro tempore, he shall receive as compensation sixty percent of one-two hundred and fiftieth of the annual salary of a court of appeals judge for each day of service: PROVIDED, HOWEVER, That the total amount of combined compensation received as salary and retirement by any judge in any calendar year shall not exceed the yearly salary of a full time judge.

(3) Whenever a judge of a court of record is appointed to serve as judge pro tempore of the court of appeals and a visiting judge is assigned to replace him, ~~((the actual travel expenses or ten cents per mile, whichever is less, from place of residence and in addition the living expenses not to exceed forty dollars per day))~~ subsistence, lodging, and travel expenses incurred by such visiting judge as a result of such assignment shall be paid in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended, upon application of such judge from the appropriation of the court of appeals.

(4) The provisions of RCW 2.06.150 and 2.06.160 shall not be construed as impairing or enlarging any right or privilege acquired in any retirement or pension system by any judge or his dependents.

Sec. 3. Section 4, chapter 43, Laws of 1893 and RCW 2.08.170 are each amended to read as follows:

Any judge of the superior court of any county in this state who shall hold a session of the superior court of any other county, in pursuance of the provisions of RCW 2.08.140 through 2.08.170 shall be entitled to receive from the county in which he shall hold such sessions (~~(the amount of his actual traveling expenses from his residence to the place where he shall hold such sessions, and on his return to his residence, and of the actual traveling expenses of his sojourn at the place where he shall hold such sessions during the continuance thereof)~~) reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended. The county clerk of such county shall, upon the presentation to him by such judge of a statement of such expenses, verified by his affidavit, issue to such judge a certificate that he is entitled to the amount thereof; and upon presentation of such certificate to the auditor of such county he shall draw a warrant on the (~~(general fund [current expense fund])~~) current expense fund of such county for the amount in favor of such judge.

Sec. 4. Section 7, chapter 259, Laws of 1957 and RCW 2.56.070 are each amended to read as follows:

For attendance while holding court in another county or district pursuant to the direction of the chief justice, a judge shall be entitled to receive from the county to which he is sent (~~(the amount of his actual traveling and living expenses)~~) reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended.

Sec. 5. Section 23, chapter 299, Laws of 1961 and RCW 3.34.140 are each amended to read as follows:

Any justice of the peace may hold a session in any justice court district in the state, at the request of the justice or majority of justices in such district if the visiting justice of the peace determines that the state of justice court business in his district will permit him to be absent: PROVIDED, That the board of county commissioners of the county in which such justice court is located shall first approve such temporary absence and no justice of the peace pro tempore shall be required to serve during his absence. A visiting justice shall be entitled to (~~(his actual traveling and living expenses)~~) reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended while so acting, to be paid by the visited district: PROVIDED, That no such (~~(traveling or living)~~) expenses shall be paid to the visiting justice unless the county commissioners of the county in

which the visited district is located shall have consented and approved thereto prior to such visit.

Passed the Senate February 11, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 187

[Senate Bill No. 3079]

OFFICIAL PROCEEDINGS VERIFICATION—UNSWORN CERTIFIED WRITTEN STATEMENTS

AN ACT Relating to crimes and criminal procedure; amending section 9A.72.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.010; amending section 9A.04.030, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.030; adding a new section to chapter 9A.72 RCW; adding a new section to chapter 10.25 RCW; and prescribing penalties.

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

Section 1. Section 9A.72.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.72.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Materially false statement" means any false statement oral or written, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a false statement is material shall be determined by the court as a matter of law;

(2) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated; in this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to instructions on an official form bearing notice, authorized by law, to the effect that false statements made therein are punishable; ((or))

(b) The statement recites that it was made under oath, the declarant was aware of such recitation at the time he made the statement, intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto;

or

(c) It is a statement, declaration, verification, or certificate, made within or outside the state of Washington, which is certified or declared to be true under penalty of perjury as provided in section 3 of this 1981 act.

(3) An oath is "required or authorized by law" when the use of the oath is specifically provided for by statute or regulatory provision;