

## CHAPTER 79.

[H. B. 292.]

## APPEALS FROM POLICE COURTS.

AN ACT relating to police judges in cities of the first-class; providing for appeals from judgments in criminal proceedings before such judges and amending title 60, chapter 7, Remington's Revised Statutes, by adding four new sections to be designated as sections 8993-1, 8993-2, 8993-3 and 8993-4.

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

SECTION 1. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-1, to read as follows:

Adds § 8993-1  
Rem. Rev.  
Stat. (§ 9475-  
21 P. C.)

Section 8993-1. The appeal shall be to the superior court of the county in which the police court is located and shall be taken by orally giving notice thereof in open court at the time the judgment is rendered or by serving a copy of a written notice thereof upon the corporation counsel or city attorney and filing the original thereof with acknowledgment or affidavit of service with the police judge within ten (10) days after the judgment shall have been pronounced. After notice of appeal is given as herein required, appellant shall diligently prosecute his appeal, and within thirty (30) days from the date of entry of judgment shall file with the clerk of the superior court a transcript duly certified by the police judge, furnished by such police judge without charge, and containing a copy of all written pleadings and docket entries of the police court. Within ten (10) days after the transcript is filed, appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the court shall, in writing, notify the corporation counsel or city attorney of the date thereof.

Appeal.

Adds  
 § 8993-2 Rem.  
 Rev. Stat.  
 (§ 9475-22  
 P. C.)

SEC. 2. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-2, to read as follows:

Dismissal.

Section 8993-2. If appellant shall fail to proceed with the appeal within the time and manner herein provided, the superior court shall upon the motion of the city dismiss the appeal if the transcript has been there filed, otherwise the police judge shall do so. Upon dismissal of the appeal for failure of appellant to proceed diligently with the appeal and as herein required, or for any other cause, the judgment of the police court shall be enforced by the police judge. If, at the time of such dismissal, cash deposit or appeal bond as hereinafter required has been furnished and is in custody of the superior court, the same shall be returned to the police judge. The police judge shall have power to forfeit the cash bail or bail bond and issue execution thereon for breach of any condition under which it is furnished.

Adds  
 § 8993-3 Rem.  
 Rev. Stat.  
 (§ 9475-23  
 P. C.)

SEC. 3. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-3, to read as follows:

Bond.

Section 8993-3. Appellant shall be committed to the city jail until he shall recognize or give bond to the state, in such reasonable sum with such sureties as said police judge may require, that he shall diligently prosecute the appeal and within thirty (30) days after the entry of the judgment in the police court file with the clerk of the superior court a transcript duly certified by the police judge containing a copy of all the records and proceedings in the police court; that he shall within ten (10) days after the same is filed in the superior court note the case for trial, will appear at the court appealed to and comply with any sentence of the superior court, and will, if the appeal is dismissed for any reason,

comply with the sentence of the police judge. Whenever the transcript of the appeal is filed in the superior court, and any cash bail or bail bond has been filed with the police judge, he shall transfer the same to the superior court in which the appeal is pending, there to be held pending disposition of the appeal; and shall also deliver to said court any exhibits introduced in evidence in the trial before the police judge, which exhibits may be offered in evidence if a trial is had in the superior court, otherwise to be returned to custody of the police judge.

SEC. 4. That title 60, chapter 7, Remington's Revised Statutes, be amended by adding thereto a new section to be designated as section 8993-4, to read as follows:

Adds  
§ 8993-4 Rem.  
Rev. Stat.  
(§ 9475-24  
P. C.)

Section 8993-4. In the superior court the trial shall be *de novo*, subject, however, to the right of the city to file an amended complaint therein. If the defendant be convicted in the superior court he shall be sentenced anew by the superior court judge with a fine of not to exceed three hundred dollars (\$300.00) or imprisonment in the city jail not to exceed ninety (90) days, or both by such fine and imprisonment. Neither the city nor the appellant shall be required to pay in advance any fee for filing or prosecuting the appeal, but if the appellant is convicted he may be required, as a part of the sentence to pay the costs of prosecution, to be taxed in the amount and manner of costs in criminal prosecutions in the superior court. If the appellant be acquitted he shall have judgment against the city for his costs to be fixed and taxed in the same manner. Appeal shall lie to the supreme court as in other criminal cases in the superior court.

Trial de novo.

SEC. 5. This act shall not affect any police court appeal commenced and pending at the time this act takes effect, but such an appeal shall be conducted

Appeals  
pending.

and concluded as if this statute had not been enacted.

Passed the House March 1, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 13, 1937.

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## CHAPTER 80.

[H. B. 389.]

### SALE OF PUBLIC LANDS: LOCAL IMPROVEMENT ASSESSMENTS.

AN ACT relating to local improvement assessments against lands owned by the State of Washington and permitting the sale of such lands without collection of such assessments.

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

SECTION 1. Whenever any state school, granted, tide or other public lands of the state shall have been charged with local improvement assessments under any local improvement assessment district in any incorporated city, town, irrigation, diking, drainage, port, weed or pest district, or any other district now authorized by law to levy assessments against state lands, where such assessments are required under existing statutes to be returned to the fund of the state treasury from which said assessments were originally paid, the commissioner of public lands may, and he is hereby authorized, to sell such lands for their appraised valuation without regard to such assessments, anything to the contrary in the existing statutes notwithstanding: *Provided*, That nothing herein contained shall be construed to alter in any way any existing statute providing for the method of procedure in levying assessments