

## CHAPTER 42.

[ S. B. 16. ]

## CRIMINAL PROCEDURE—TERM OF SENTENCE.

AN ACT relating to criminal procedure; repealing sections 30, 33 and 34, chapter 61, Laws of 1893, and section 1, chapter 35, Laws of 1903, and RCW 10.70.030, 10.73.030, 10.73.070 and 10.73.080; and declaring an emergency.

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

Repeal.

SECTION 1. Sections 30, 33 and 34, chapter 61, Laws of 1893, and section 1, chapter 35, Laws of 1903, and RCW 10.70.030, 10.73.030, 10.73.070 and 10.73.080 are each repealed.

New section.

SEC. 2. A new section is added to chapter 9.95, RCW, to read as follows:

Appeal stays execution.

An appeal by a defendant in a criminal action shall stay the execution of the judgment of conviction.

Time served in county jail during appeal deductible from sentence.

In case the defendant has been convicted of a felony, and has been unable to furnish the bail bond required by RCW 10.73.040 pending the appeal, the time during which he remains in the jail of the county from which the appeal is taken shall be deducted from the term for which he was theretofore sentenced to the penitentiary, if the judgment against him be affirmed.

New section.

SEC. 3. A new section is added to chapter 9.95, RCW, to read as follows:

Commencement of term of sentence.

In the event no appeal is taken from the judgment of conviction of a felony, the term of sentence imposed upon such judgment shall commence to run from the date of the imposition thereof. In the event an appeal is taken from such judgment of conviction, and upon such appeal the judgment is affirmed, the term of sentence shall commence to run from the date upon which the remittitur is filed in the superior court.

SEC. 4. A new section is added to chapter 9.95, RCW, to read as follows: New section.

If a defendant who has been in prison during the pendency of an appeal, upon a new trial ordered by the supreme court shall be again convicted, the period of his former imprisonment shall be deducted by the superior court from the period of imprisonment to be fixed on the last verdict of conviction. Conviction on new trial; former imprisonment deductible.

SEC. 5. The provisions of sections 2, 3, and 4 of this act shall be construed as continuations of the statutory provisions repealed by this act, and not as new enactments. Construction.

SEC. 6. 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. Emergency.

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

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## CHAPTER 43.

[ S. B. 14. ]

### LIMITATIONS OF ACTIONS BY AND AGAINST STATE, COUNTIES, ETC.

AN ACT relating to civil procedure; providing for limitations of actions by and against state, counties, municipalities and other political subdivisions; providing for the time when actions are deemed commenced for the purpose of tolling any statute of limitations; and amending and dividing section 1, chapter 24, Laws of 1903, and RCW 4.16.160 and 4.16.170; and declaring an emergency.

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

SECTION 1. Section 1, chapter 24, Laws of 1903 (heretofore divided and codified as RCW 4.16.160 and 4.16.170) is divided and amended as set forth in sections 2 and 3 of this act. Division and amendment.