

**REMINGTON'S**  
**1927 SUPPLEMENT**  
**TO**  
**COMPILED STATUTES**  
**OF WASHINGTON**

**ANNOTATED**

(Cite REM. 1927 SUP.)

SHOWING ALL

STATUTES OF A GENERAL NATURE ENACTED AT THE SESSIONS OF 1923,  
1925 and 1927, FULLY ANNOTATED TO THE DECISIONS IN VOLUMES  
ONE HUNDRED AND FOUR TO ONE HUNDRED AND FORTY,  
INCLUSIVE, WASHINGTON REPORTS, TOGETHER  
WITH CROSS-REFERENCE TABLES,  
INDEX, ETC.

62569

BY

**ARTHUR REMINGTON**

Reporter of the Supreme Court, Author of "Notes on Washington Reports,"  
"Remington's Washington Digest," "Remington & Ballinger's  
Annotated Codes and Statutes," "Remington's  
1915 Washington Code," "Remington's  
Compiled Statutes," etc.

SAN FRANCISCO  
BANCROFT-WHITNEY COMPANY  
1927

3-27-28. Dear Mr. W. 0212772

## AUTHENTICATION

I, J. GRANT HINKLE, Secretary of State of the State of Washington, do hereby certify that I have carefully compared the following laws passed by the Eighteenth, Nineteenth and Twentieth Legislatures of the State of Washington, in the sessions for the years 1923 to 1927, inclusive, the same being the laws of a general nature in force and effect at the close of the session of 1927, as arranged and compiled by Arthur Remington pursuant to Chapter 236 of the Laws of 1927, and published herein as the 1927 Supplement of the compilation known as Remington's Compiled Statutes of Washington, with the original enrolled laws, now on file in this office, and find the same to be full, true and correct copies of said originals with the exception of such corrections in spelling and use of words bracketed, thus [ ] in each case as provided by law, and with the exception of proper and necessary changes in annotations and numbers added by the publisher of said laws and contained in this publication.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, this 9th day of August, 1927.

[SEAL]

*Secretary of State,*

(iii)

## TITLE XLIII.

## INSANE.

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## CHAPTER IV.

## COMMITMENT OF PATIENTS.

- § 6930.\* **Person Charged With Insanity—Examination of—Jury Trial—Commitment—Hospital Expenses—Liability of County and Relatives.**

The superior court of any county in this state, or the judge thereof, upon the application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, shall cause such person to be brought before him, and he shall summon to appear at the same time and place two or more witnesses, who shall testify, under oath, as to conversations, manners and general conduct upon which said charge of insanity is based; and shall also cause to appear before him, at the time and place, two reputable physicians, before whom the judge shall examine the charge, unless the accused, or anyone in his or her behalf, shall demand a jury to decide upon the question of insanity. If such demand be made, the trial shall be by jury. If no jury is demanded, and the physicians, after a careful hearing of the case, and a personal examination of the alleged insane person, shall certify under oath that the person examined is insane, and the case is of recent or curable character, or that the said insane person is of a homicidal, suicidal or incendiary disposition, or that from any other violent symptoms, the said insane person would be dangerous to his or her own life, or the lives and property of the community in which he or she may live; and if said physicians shall also certify to the name, age, nativity, residence, occupation, length of time in this state, state last from, previous habits, premonitory symptoms, apparent cause, and class of insanity, duration of the disease and present condition, as nearly as can be ascertained by inquiry and examination; and if the judge shall be satisfied that the facts revealed in the examination establish the existence of the insanity of the person accused, and that it is of a recent or curable nature, or of a homicidal, suicidal or incendiary character, or that from the violence of the symptoms the said insane person would be dangerous to his or her own life, or to the lives and property of others if at large,

or if the trial has been by jury, and the accused declared insane by said jury, and the insanity be of the character above described, the said insane person shall be ordered by the judge to be sent to a hospital for the insane, upon the following conditions; namely, that at the time of and as a part of such proceedings, the court shall summon the guardian, if any, of such alleged insane person, also the relatives of such alleged insane person, to wit: husband or wife, parents, children or other interested persons to appear in court. If there is no guardian for such alleged insane person, the court shall appoint such guardian. Such persons shall be examined as witnesses under oath for the purpose of determining the financial ability of said insane person, his estate or relatives, to pay the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the hospital for the insane to which he may be committed. Findings of fact shall be made relative to the financial ability to pay such costs as above set out and a judgment entered therein against the proper party or estate so found responsible. Every insane person, his estate or relatives, as above set forth, found to have the financial ability to pay the expenses above enumerated, shall pay therefor the sum of four dollars and fifty cents per week during the time such insane person is committed to a state hospital for the insane and as directed by order of the court, and in addition thereto shall pay the cost of transportation of such insane person and all court costs. The charge of four dollars and fifty cents shall be made to apply in all cases from the day the insane person is received at the institution. Remittance therefor shall be made to the director of business control in advance on the first day of each calendar month during the time the insane person remains committed. Pending such trial and before judgment, the court may make such disposition of such alleged insane person as may seem proper. When such patient is received at the hospital for the insane to which he is committed, he shall be forthwith examined by the superintendent thereof, who shall determine whether or not such insane person is violently insane and dangerous to life and property, and shall thereupon notify the county commissioners of the county from which such person was committed, and the director of business control, of the results of such examination. If the court finds that such insane person or his estate or relatives have not the financial ability to pay said sum, and the superintendent of such hospital shall determine that such insane person is violently insane and dangerous to life and property, the charges and costs referred to in this section shall be borne by the state of Washington. If, however, the court finds that the insane person or his estate or relatives have not the financial ability to pay said charges and costs, and the superintendent of such insane hospital shall determine that such insane person is not violently insane and dangerous to life and property, such charges and costs above referred to shall be paid by the county from which the commitment is made. The relatives of such insane person shall be liable for the cost and expense of the care, maintenance, board, lodging and clothing of such insane person in the following order: first, husband or wife; second, parents; third, children. [L. '25, Ex. Ses., p. 334, § 1. Cf., L. '23, p. 466, § 1.]

Cited in 120 Wash. 640, 208 Pac. 39.

This section, dealing with the liberty of an individual through insanity charges has no application to a plea of insanity as a defense to a charge of murder, under which the accused was already in custody: *State v. Mahoney*, 120 Wash. 633, 208 Pac. 37.

This section, requiring counties from which harmless indigent insane are committed to the state insane asylum to pay the cost of their care, is not violative of the fourteenth amendment of the federal Constitution regarding the equal protection of and due process of law; since the county's revenue is subject to legislative control, and due process is accorded by the proceedings before the judge conducting the hearing: *State v. Pierce County*, 132 Wash. 155, 231 Pac. 801.

This section is not violative of Constitution, article 11, section 12, providing that the legislature shall have no power to impose taxes on counties or other municipalities or the inhabitants thereof: *State v. Pierce County*, 132 Wash. 155, 231 Pac. 801.

This section, providing that the state shall pay for the expense of the care of the violent and dangerous indigent insane committed to the state hospital, and that the counties from which they were committed shall maintain the harmless inmates, is not violative of Constitution, article 13, section 1, providing that institutions for the benefit of the insane shall be "fostered and supported" by the state "subject to such regulations as may be provided by law": *State v. Pierce County*, 132 Wash. 155, 231 Pac. 801.

**Duties and Liabilities of Relatives:**  
See *V Remington's Sup. Digest, Ins. Per.*, § 14; *Smith v. Pontius*, 119 Wash. 211, 205 Pac. 381.

**§ 15. Liabilities of Public Authorities:**  
*State v. Pierce County*, 132 Wash. 155, 231 Pac. 801.

Arrest and detention, without judicial proceeding, of one who is, or is suspected of being, mentally deranged. 45 A. L. R. 1464.

### § 6930-1. Surety Bond to Insure Payment.

The court may as a conditional precedent to commitment also by such judgment require such guardian or relatives to give a surety company bond, conditioned for the payment to the director of business control of the amount per week designated in the judgment and in accordance with the rules and regulations governing payment as promulgated by the director of business control. [L. '23, p. 469, § 2.]

### § 6930-2. Payment for Present Inmates.

All persons who are at the time this act takes effect inmates of a state hospital for the insane or their estates or relatives as their respective responsibility may appear shall upon the taking effect of this act be liable for the payment of four dollars and fifty cents per week herein provided and under the same terms and conditions applying to those to be hereafter committed. [L. '23, p. 469, § 3.]

### § 6930-3. Notice Requiring Payment.

The director of business control shall in the manner provided by law for the service of summons in civil actions give notice to all guardians, husbands, wives, parents, brothers or sisters or children of all inmates of the state hospitals for the insane, that on and after the taking effect of this act every inmate in a state hospital for the insane shall be kept and maintained therein only upon payment to the director of business control of the sum of four dollars and fifty cents per week payable monthly in advance. [L. '23, p. 469, § 4.]

**§ 6930-4. Rules as to Payment.**

The guardians or relatives of all insane persons referred to in the last preceding section shall make the payments herein required under such reasonable rules and regulations as the director of business control shall promulgate. All such payments shall be made to the director of business control and by him thereafter transmitted monthly to the state treasurer. [L. '23, p. 470, § 5.]

**§ 6930-5. Lists of Inmates—Certified—Penalty—Action to Recover.**

It shall be the duty of the director of business control to certify to the prosecuting attorney of each county a list of names of all inmates of state hospitals for the insane committed from their respective counties, together with names and addresses of guardians or relatives of such inmates. Any guardian or relative responsible for the payments referred to in section 6930-3 who shall fail, neglect or refuse to make such payment or shall fail or neglect to apply for relief from the provisions of this act in the manner herein provided and within thirty days from the date of service of the notice referred to in section 6930-3 shall be subject to a penalty of two hundred and fifty dollars to be collected by appropriate proceedings instituted by the prosecuting attorney of the county from which the designated inmate was committed. The prosecuting attorneys of all counties are hereby expressly authorized and directed to institute and carry to judgment and execution penalty actions to carry out the provisions of this act. [L. '23, p. 470, § 6.]

**§ 6930-6. Relatives Unable to Pay—Hearing—Findings.**

Such guardians and relatives responsible for the care and maintenance of insane persons committed to such institutions prior to the taking effect of this act, who have not the financial ability to pay such charges may make application to the superior court of the county wherein the order of commitment was entered, praying that he, she or they be relieved from such payment either in whole or in part. Upon receipt of such application the court shall proceed to summarily determine the financial ability of the applicant or applicants or such guardian or relative as may be found responsible for the care and maintenance of the insane person designated in the application or petition.

The superior court shall have power to subpoena and examine such persons as he may believe to have knowledge of the facts to be ascertained and may for the purpose of this act conduct such proceedings in the nature of a hearing, upon proceedings supplemental to execution in civil actions. The superior court may endorse upon the application the names of persons other than the applicant and thereby make such persons proper or necessary parties to the proceeding. At the conclusion of the hearing the court shall enter its findings of fact which shall be either:

(1) That no person has been found who has the financial ability to pay the charges herein provided or

(2) that some designated guardian or relative has the financial ability to pay the charges herein provided.

If the findings be the second alternative last above referred to, then the court shall enter its order and judgment as provided in this act by original proceedings for commitment and to the same effect. [L. '23, p. 471, § 7.]

**§ 6930-7. Judgment—Copy Certified.**

A certified copy of the findings and judgment in each case entered under the provisions of this act shall, within five days from their respective dates be transmitted by the respective clerks of the superior court to the director of business control. [L. '23, p. 472, § 8.]

**§ 6930-8. Collection of Judgment.**

In all cases where judgment is entered against the estate or guardian of an insane person or the relative or relatives of an insane person under the provisions of this act the prosecuting attorney of the county wherein the judgment is entered shall proceed to collect the same by appropriate proceedings. The funds so collected shall be paid to the county treasurer who shall forward the same to the director of business control on the first day of each calendar month. Such sums shall be paid by the director of business control to the state treasurer. [L. '23, p. 472, § 9.]

**§ 6931. Preliminary Commitment and Observation.**

Cited in 117 Wash. 472, 201 Pac. 743.

**§ 6936.\* Bringing Insane Persons into State.**

Any person who shall bring or in any way aid in bringing any insane person into the state of Washington without having first obtained permission in writing from the director of business control, shall be guilty of a gross misdemeanor: Provided, however, that this section shall not apply to an officer, agent or employe of a common carrier for anything done in the line of duty. [L. '23, p. 289, § 1.]

**§ 6950. Discharge of Patients—Provision for Indigent.**

§ 5. **Restoration to Sanity:** See V Remington's Sup. Digest, Ins. Per., § 5; State ex rel. Thomson v. Clifford, 106 Wash. 16, 179 Pac. 90.

Showing as to mental condition which will entitle one restrained on ground of insanity to release. 19 A. L. R. 715.

CHAPTER VI.

CUSTODY AND RELEASE OF THE CRIMINAL INSANE COMMITTED TO PRISON.

**§ 6960. Certification of Statement of Facts, etc.—Return of Record.**

Cited in 135 Wash. 653, 238 Pac. 619.

**§ 6970. Procedure to Secure Discharge.**

Cited in 137 Wash. 580, 243 Pac. 374.

Upon petition for a trial as to the present sanity of a convict found not guilty of murder by reason of insanity at the time of the offense, and confined in the state penitentiary as unsafe to be at large, the physician's certificate that the prisoner "is at the present time sane,

and in all respects a normal person" is not a compliance with Rem. Comp. Stat., § 6970, requiring a physician's certificate that the prisoner "has become sane since his commitment and is a safe person to be at large," and does not entitle the prisoner to a trial: State v. Garrison, 137 Wash. 577, 243 Pac. 373.