
SUBSTITUTE SENATE BILL 6100

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Talmadge, Nelson and Rasmussen)

Read first time 02/07/92.

1 AN ACT Relating to judges; and amending RCW 4.12.050.

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

3 **Sec. 1.** RCW 4.12.050 and 1941 c 148 s 1 are each amended to read
4 as follows:

5 ~~((Any))~~ A party ~~((to))~~ or ~~((any))~~ attorney appearing in ~~((any))~~ an
6 action or proceeding in a superior court, may establish ~~((such))~~ the
7 prejudice by motion, supported by affidavit that the judge before whom
8 the action is pending is prejudiced against ~~((such))~~ the party or the
9 party's attorney, so that ~~((such))~~ the party ~~((or attorney))~~ cannot, or
10 believes that he or she cannot, have a fair and impartial trial before
11 ~~((such))~~ the judge ~~((:—PROVIDED, That such))~~. The motion and affidavit
12 ~~((is))~~ must be filed and called to the attention of the judge before
13 ~~((he shall have))~~ the judge has made any ruling whatsoever in the case,
14 either on the motion of the party making the affidavit, or on the

1 motion of any other party to the action, of the hearing of which the
2 party making the affidavit has been given notice, and before the judge
3 presiding has made any order or ruling involving discretion, ((but))
4 except the arrangement of the calendar, the setting of an action,
5 motion or proceeding down for hearing or trial, the arraignment of the
6 accused in a criminal action or the fixing of bail, shall not be
7 construed as a ruling or order involving discretion within the meaning
8 of this ((~~proviso; and in any event,~~)) section. In counties where
9 there is but one resident judge, such motion and affidavit shall be
10 filed not later than the day on which the case is called to be set for
11 trial((~~: AND PROVIDED FURTHER, That notwithstanding the filing of such~~
12 ~~motion and affidavit, if the parties shall, by stipulation in writing~~
13 ~~agree, such judge may hear argument and rule upon any preliminary~~
14 ~~motions, demurrers, or other matter thereafter presented: AND PROVIDED~~
15 ~~FURTHER, That~~)). In judicial districts where cases are assigned from
16 a master calendar on the date of trial, the motion must be filed with
17 the assigned trial judge no later than immediately after arrival at the
18 court of that judge. No party or attorney shall be permitted to make
19 more than one such application in any action or proceeding under this
20 section and RCW 4.12.040, and such application may be filed at any time
21 before the deadlines set out in this section.