

# HOUSE BILL REPORT

## SHB 1339

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As Passed Legislature

**Title:** An act relating to court commissioners in municipal court.

**Brief Description:** Appointing court commissioners in municipal court.

**Sponsors:** By House Committee on Judiciary (originally sponsored by Representatives Pruitt, R. Meyers, Brumsickle, Zellinsky and Schmidt).

**Brief History:**

Reported by House Committee on:  
Judiciary, February 2, 1994, DPS;  
Passed House, February 10, 1994, 97-0;  
Passed Legislature.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

**Staff:** Bill Perry (786-7123).

**Background:** Two separate chapters of law provide optional methods for the creation of Municipal Courts in cities or towns of under 400,000 population. Under one of these chapters (3.46 RCW), Municipal Courts are a part of the District Court in which the city wishing to create a Municipal Court is located. Judges of these Municipal Courts are judges of the District Court. Under the other chapter (3.50 RCW), the Municipal Court is a separate entity created by a city and is independent of the District Court.

Under either chapter, a city may decide whether to elect or appoint judges, and Municipal Courts have exclusive jurisdiction over matters arising under city ordinances.

Cities of under 400,000 population that choose to have a Municipal Court may operate under either of these two

chapters. The city of Seattle, as the only city in the state over 400,000 population, must operate a Municipal Court under yet another chapter (35.20 RCW).

District Courts (as well as Superior Courts) may employ "court commissioners" to perform the duties of judges. Municipal Courts operating under chapter 3.46 RCW are expressly authorized to appoint court commissioners subject to the same rules that apply in District Courts generally. One or more of these commissioners may be appointed in each court. A commissioner must be a resident of the county in which the court is located and must be either an attorney or a person who has passed a qualifying exam for lay judges prepared by the Supreme Court. A commissioner serves at the pleasure of the appointing District Court judge and has such jurisdiction over criminal and civil matters as the judge may confer.

There is no express authority for Municipal Courts organized under chapters 3.50 RCW or 35.20 RCW to appoint court commissioners.

**Summary of Bill:** A judge of a Municipal Court organized under chapter 3.50 RCW may appoint one or more court commissioners. A commissioner holds office at the pleasure of the appointing judge. If the commissioner is given authority to hear or dispose of cases, the commissioner must be either a lawyer or a person who has passed the qualifying exam for lay judges.

Neither a commissioner, nor a part-time appointed judge in a court without a commissioner, needs to be a resident of the city or county in which the court is located.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Use of commissioners will allow increased efficiency in Municipal Courts.

**Testimony Against:** None.

**Witnesses:** Bruce Martin, Bremerton Municipal Court (pro); and Gordon Walgren, city of Bremerton.