

FINAL BILL REPORT

SHB 1339

C 10 L 94
Synopsis as Enacted

Brief Description: Appointing court commissioners in municipal court.

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

House Committee on Judiciary
Senate Committee on Law & Justice

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 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. 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: 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.

Votes on Final Passage:

House	97	0
Senate	44	0

Effective: June 9, 1994