

SENATE BILL REPORT

SHB 1339

AS PASSED SENATE, FEBRUARY 28, 1994

Brief Description: Appointing court commissioners in municipal court.

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

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Nelson, Quigley, Roach and Schow.

Staff: Susan Carlson (786-7418)

Hearing Dates: February 16, 1994

BACKGROUND:

Two optional methods are available in statute for the creation of municipal courts in cities or towns of under 400,000 population. Under one option (3.46 RCW), municipal courts are a part of the district court in which the city wishing to create a municipal court is located. Under the other statute (3.50 RCW), the municipal court is a separate entity created by a city and is independent of the district court.

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 examination for lay judges prepared by the Supreme Court. A commissioner serves at the pleasure of the appointing 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 Chapter 3.50 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 examination for lay judges.

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

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The bill gives municipal courts created under Chapter 3.50 the authority to appoint court commissioners.

TESTIMONY AGAINST: None

TESTIFIED: Judge Kip Stilz, District and Municipal Court Judges Assn.