

SENATE BILL REPORT

SB 5523

AS PASSED SENATE, MARCH 10, 1993

Brief Description: Expanding authority for appointment of district court judges pro tem.

SPONSORS: Senators Barr, Snyder and Prince

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Hargrove, McCaslin, Nelson, Roach, and Spanel.

Staff: Dick Armstrong (786-7460)

Hearing Dates: February 19, 1993; February 23, 1993

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

A person is eligible to serve as a district court judge if the person is (1) an attorney; or (2) previously served as a judge of a lower court; or (3) in a court district with a population of less than 5,000, by passing a qualifying examination (i.e., lay judge).

Prior to 1991, lay district court judges could serve in districts with populations of less than 10,000 persons. In 1991, the population number was reduced by the Legislature to 5,000 persons.

Ferry County has a population which exceeds 5,000 persons, but presently does not have any attorneys who are "available" to serve as pro tem district court judges. This situation occurs when the attorneys in a court district are serving in other legal jobs (i.e., judge, prosecutor, public defender) or are unwilling to serve because of outside business interests or retirement.

SUMMARY:

A nonattorney who has passed the qualifying exam for a district court judge may serve as a pro tem judge in a court district with a population greater than 5,000 persons if the presiding judge makes a determination that the district does not have any attorneys who are available to serve.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Ferry County is prohibited by statute from using a nonattorney pro tempore district court judge because its population is over 5,000. However, the county has no attorneys who are "available" to serve. This bill will help a large, rural county meet its judicial needs.

TESTIMONY AGAINST: None

TESTIFIED: Senator Barr, prime sponsor (pro); K.O. Rosenberg, Tri-Counties Association

HOUSE AMENDMENT(S):

Lay judges pro tem may be appointed in a district court with a population of 10,000 or less if there are no qualified persons available to serve as a judge pro tem.