

HOUSE BILL REPORT

HB 1087

As Reported By House Committee On:

Law & Justice

Title: An act relating to correcting an unconstitutional provision about jurisdiction for violations dealing with motor vehicles.

Brief Description: Correcting an unconstitutional provision concerning jurisdiction for violations dealing with motor vehicles.

Sponsors: Representatives Hickel and Appelwick; by request of Law Revision Commission.

Brief History:

Committee Activity:

Law & Justice: 1/24/95, 1/31/95 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 15 members: Representatives Padden, Chair; Delvin, Vice Chair; Hickel, Vice Chair; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith and Veloria.

Staff: Edie Adams (786-7180).

Background: The Washington Constitution sets forth the jurisdiction of the superior courts and district courts of the state. Article 4, Section 6 provides that superior courts shall have original jurisdiction in all criminal cases amounting to felony. Article 4, Section 10 provides that the Legislature shall prescribe the jurisdiction of justices of the peace (district courts), subject to the limitation that the jurisdiction conferred by the Legislature may not entrench on the jurisdiction of the Superior Court or other courts of record.

The Legislature has granted the District Court criminal jurisdiction concurrent with the Superior Court of all misdemeanors and gross misdemeanors.

A section of the motor vehicle title (Title 46) provides that district and municipal courts have concurrent jurisdiction with the Superior Court for all violations of the provisions of the motor vehicle title. The motor vehicle title contains several felony

crimes, including vehicular homicide and vehicular assault. This is the only provision of the code which grants felony jurisdiction to district and municipal courts.

A 1969 Washington Supreme Court decision ruled that this provision's grant of felony jurisdiction to district and municipal courts unconstitutionally infringes on the jurisdiction of the Superior Court.

The Law Revision Commission is directed to recommend the repeal of all statutes held unconstitutional by the Supreme Court of the state. The commission recommends that the provision granting district and municipal courts jurisdiction over felony offenses contained in the motor vehicle title be amended to limit the jurisdiction to misdemeanor and gross misdemeanor offenses.

Summary of Bill: The bill excepts from the jurisdiction of district and municipal courts all felony offenses contained in the motor vehicle title of the RCW.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill corrects an unconstitutional provision contained in the motor vehicle title which grants district courts jurisdiction over felony crimes contained in the motor vehicle title.

Testimony Against: None.

Testified: Marjorie Rombauer, Washington Law Revision Commission (pro).