

FINAL BILL REPORT

HB 1087

C 136 L 95

Synopsis as Enacted

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.

House Committee on Law & Justice
Senate Committee on Law & Justice

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 granted the District Court criminal jurisdiction, concurrent with the Superior Court, over all misdemeanors and gross misdemeanors.

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

Votes on Final Passage:

House	93	0
Senate	47	0

Effective: July 23, 1995