

2 **HB 2908** - S COMM AMD

3 By Committee on Law & Justice

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 3.42.010 and 1984 c 258 s 30 are each amended to read  
8 as follows:

9 (1) When so authorized by the districting plan, one or more  
10 district court commissioners may be appointed in any district by the  
11 judges of the district. Each commissioner shall be a registered voter  
12 of the county in which the district or a portion thereof is located,  
13 and shall hold office at the pleasure of the appointing judges.

14 (2) When authorized by the legislative authority of a city, one or  
15 more municipal court commissioners may be appointed in any municipality  
16 by the municipal court judges. Each commissioner shall hold office at  
17 the pleasure of the appointing judges.

18 (3) Any person appointed as a commissioner authorized to hear or  
19 dispose of cases shall be a lawyer who is admitted to the practice of  
20 law in the state of Washington or ((who)) has passed the qualifying  
21 examination for lay judges ((as provided under RCW 3.34.060)).

22 **Sec. 2.** RCW 3.42.020 and 1984 c 258 s 31 are each amended to read  
23 as follows:

24 Except as provided in RCW 26.04.050, each ((district)) court  
25 commissioner shall have such power, authority, and jurisdiction in  
26 criminal and civil matters as the appointing judges possess ((and shall  
27 prescribe)) unless a written appointment shall prescribe a lesser  
28 power, authority, and jurisdiction.

29 **Sec. 3.** RCW 3.42.040 and 1984 c 258 s 33 are each amended to read  
30 as follows:

31 ((District)) Court commissioners shall receive such compensation as  
32 the county legislative authority or city council shall provide.

1       **Sec. 4.** RCW 3.46.020 and 1987 c 3 s 1 are each amended to read as  
2 follows:

3       Each judge of a municipal department shall be a judge or  
4 commissioner of the district court in which the municipal department is  
5 situated. Such judge shall be designated as a municipal judge.

6       **Sec. 5.** RCW 7.80.010 and 1987 c 456 s 9 are each amended to read  
7 as follows:

8       (1) All violations of state law, local law, ordinance, regulation,  
9 or resolution designated as civil infractions may be heard and  
10 determined by a district court, except as otherwise provided in this  
11 section.

12       (2) Any municipal court has the authority to hear and determine  
13 pursuant to this chapter civil infractions that are established by  
14 municipal ordinance and that are committed within the jurisdiction of  
15 the municipality.

16       (3) Any city or town with a municipal court under chapter 3.50 RCW  
17 may contract with the county to have civil infractions that are  
18 established by city or town ordinance and that are committed within the  
19 city or town adjudicated by a district court.

20       (4) District and municipal court commissioners have the authority  
21 to hear and determine civil infractions pursuant to this chapter.

22       (5) Nothing in this chapter prevents any city, town, or county from  
23 hearing and determining civil infractions pursuant to its own system  
24 established by ordinance.

25       **Sec. 6.** RCW 26.04.050 and 1987 c 291 s 1 are each amended to read  
26 as follows:

27       The following named officers and persons, active or retired, are  
28 hereby authorized to solemnize marriages, to wit: Justices of the  
29 supreme court, judges of the court of appeals, judges and commissioners  
30 of the superior courts, (~~(superior court commissioners)~~) judges of  
31 courts of limited jurisdiction as defined in RCW 3.02.010 or 35.20.010,  
32 and any regularly licensed or ordained minister or any priest of any  
33 church or religious denomination(~~(, and judges of courts of limited~~  
34 ~~jurisdiction as defined in RCW 3.02.010)~~)).

35       **Sec. 7.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to  
36 read as follows:

1 (1) All violations of state law, local law, ordinance, regulation,  
2 or resolution designated as traffic infractions in RCW 46.63.020 may be  
3 heard and determined by a district court, except as otherwise provided  
4 in this section.

5 (2) Any municipal court has the authority to hear and determine  
6 traffic infractions pursuant to this chapter.

7 (3) Any city or town with a municipal court may contract with the  
8 county to have traffic infractions committed within the city or town  
9 adjudicated by a district court.

10 (4) District and municipal court commissioners have the authority  
11 to hear and determine traffic infractions pursuant to this chapter.

12 (5) The boards of regents of the state universities, and the boards  
13 of trustees of the regional universities and of The Evergreen State  
14 College have the authority to hear and determine traffic infractions  
15 under RCW 28B.10.560.

16 **Sec. 8.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as  
17 follows:

18 When authorized by the legislative authority of a city, one or more  
19 court commissioners may be appointed by a judge of the municipal court.  
20 Each commissioner holds office at the pleasure of the appointing judge.  
21 A commissioner authorized to hear or dispose of cases must be a lawyer  
22 who is admitted to practice law in the state of Washington or a  
23 nonlawyer who has passed the qualifying examination for lay judges for  
24 courts of limited jurisdiction under RCW 3.34.060.

25 A commissioner need not be a resident of the city or of the county  
26 in which the municipal court is created. When a court commissioner has  
27 not been appointed and the municipal court is presided over by a part-  
28 time appointed judge, the judge need not be a resident of the city or  
29 of the county in which the municipal court is created.

30 Except as provided in RCW 26.04.050, each commissioner shall have  
31 such power, authority, and jurisdiction in criminal and civil matters  
32 as the appointing judges possess unless a written appointment shall  
33 prescribe a lesser power, authority, and jurisdiction.

34 **Sec. 9.** RCW 35.20.155 and 1996 c 16 s 3 are each amended to read  
35 as follows:

36 When so authorized by the city legislative authority, the judges of  
37 the city may appoint one or more municipal court commissioners. A

1 commissioner must be a registered voter of the city, and shall hold  
2 office at the pleasure of the appointing judges. A person appointed as  
3 a commissioner authorized to hear or dispose of cases must be a lawyer  
4 who is admitted to the practice of law in the state of Washington. A  
5 commissioner has such power, authority, and jurisdiction in criminal  
6 and civil matters as the appointing judges possess (~~and may~~  
7 ~~prescribe~~)) unless a written appointment shall prescribe a lesser  
8 power, authority, and jurisdiction.

9 NEW SECTION. Sec. 10. RCW 3.42.030 and 1984 c 258 s 32 & 1961 c  
10 299 s 33 are each repealed."

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14 On page 1, line 1 of the title, after "commissioners;" strike the  
15 remainder of the title and insert "amending RCW 3.42.010, 3.42.020,  
16 3.42.040, 3.46.020, 7.80.010, 26.04.050, 46.63.040, 3.50.075, and  
17 35.20.155; and repealing RCW 3.42.030."

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