

HOUSE BILL ANALYSIS

HB 1082

Title: An act relating to contempt of court.

Brief Description: Extending authority to cite for contempt of court.

Sponsors: Representatives McDonald and Sheahan.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: Contempt of court is any intentional (a) disorderly conduct toward a judge while holding court that tends to impair the court's authority or to interrupt the due course of a trial or other judicial proceedings; (b) disobedience of any lawful judgment, decree, order, or process of the court; (c) refusal as a witness to appear, be sworn, or answer a question without lawful authority; or (d) refusal, without lawful authority, to produce a record, document, or other object.

Sanctions imposed for contempt of court may be either punitive or remedial. Punitive sanctions are imposed to punish a past contempt of court. An action to impose a punitive sanction shall be filed by a prosecuting attorney or city attorney on his or her own initiative or at the request of an aggrieved person or a judge. After a hearing, the court may impose a punitive sanction of either a fine of not more than \$5,000 or imprisonment in the county jail for not more than one year, or both.

Remedial sanctions are imposed to coerce performance with a court order. A court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of an aggrieved person. After a hearing, the court may impose the following remedial sanctions: (a) imprisonment; (b) a forfeiture not to exceed \$2,000 for each day the contempt continues; (c) a court order designed to ensure compliance with a prior order; or (d) any other remedial order if the above sanctions are not effective.

District and municipal courts are considered courts of limited jurisdiction. District courts have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor crimes and civil cases where the value of the claim or amount at issue does not exceed \$25,000. District courts do not have jurisdiction over civil actions involving title to real property or foreclosure. Municipal courts have jurisdiction over civil and criminal matters involving violations of city ordinances.

A district court commissioner is appointed by district court judges and must be a lawyer admitted to practice law in Washington or have passed the qualifying examination for lay judges. A municipal court commissioner is appointed by judges of the city and must be a lawyer admitted to practice law in Washington. District and municipal court commissioners have the same powers that the appointing judges possess and prescribe.

A judge or commissioner of the supreme court, the court of appeals, or the superior court, and a judge of a court of limited jurisdiction may impose a sanction for contempt of court.

Summary of Bill: Commissioners of courts of limited jurisdiction may impose sanctions for contempt of court.

Fiscal Note: Not requested.

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

Office of Program Research