

HOUSE BILL ANALYSIS

SB 6157

Title: An act relating to contempt of court.

Brief Description: Limiting to one hundred eighty days the length of imprisonment for contempt of court.

Sponsors: Senator Swecker.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Elizabeth Chambers (786-7291); Trudes Hutcheson (786-7384).

Background: Contempt of court is any intentional:

- (a) disorderly conduct toward a judge that impairs the court's authority or interrupts judicial proceedings;
- (b) disobedience of any lawful judgment, decree, order, or process of the court;
- (c) refusal by a witness to appear, be sworn, or answer a question without lawful authority;
- (d) refusal, without lawful authority, to produce a court record, object, or other document.

A judge or commissioner may impose either punitive or remedial sanctions for contempt of court. Punitive sanctions punish a past contempt of court, while remedial sanctions are intended to coerce performance when the person has failed or refused to perform an act that is yet within the person's power to complete. Remedial sanctions that may be imposed include imprisonment if the person commits contempt of court of the type defined in (b)-(d), above. The imprisonment may extend so long as it serves a coercive purpose. Alternative remedial sanctions are also available, including a forfeiture of up to \$2,000 for each day the contempt of court continues, an order designed to ensure compliance with the prior court order, or any other sanction if the court expressly finds that imprisonment, or other sanctions, would be ineffectual.

Summary of Bill: The remedial sanction of imprisonment for contempt of court is limited to no more than a total of 180 days. A person may not be imprisoned more than once for the same or a continuing violation of a court decree or order.

Fiscal Note: Not requested.

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

Office of Program Research