

SENATE BILL REPORT

SB 5150

As Passed Senate, March 17, 1997

Title: An act relating to contempt of court.

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

Sponsors: Senators Roach, Johnson, Heavey, McCaslin, Loveland, Snyder and Winsley.

Brief History:

Committee Activity: Law & Justice: 1/23/97, 1/27/96 [DP].
Passed Senate, 3/17/97, 47-1.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Haugen, Kline, Long, McCaslin, Stevens and Zarelli.

Staff: Lidia Mori (786-7755)

Background: Contempt of court is any intentional disorderly conduct towards a judge while holding court which tends to impair the authority of the court or interrupt the due course of a judicial proceeding. It also includes disobedience of any lawful judgment, decree, order, or process of the court or refusal without lawful authority, as a witness, to appear, be sworn, or answer a question. Refusal, without lawful authority, to produce a record, document, or other object also constitutes contempt of court.

Sanctions imposed for contempt of court are remedial if imposed to coerce performance with a court order and punitive if imposed to punish a past contempt of court. After notice and hearing, the court may impose the following remedial sanctions: (1) imprisonment; (2) forfeiture not to exceed \$2,000 for each day the contempt continues; (3) issuance of an order designed to ensure compliance; or (4) issuance of any other remedial order if the above sanctions are ineffective.

An action to impose a punitive sanction for a contempt of court is filed by a prosecuting attorney or city attorney 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.

District and municipal court commissioners must either be admitted to the practice of law in Washington or have passed the qualifying examination for lay judges.

A judge or commissioner of the Supreme Court, Court of Appeals, and superior court, and a judge of a court of limited jurisdiction may impose sanctions for contempt of court.

Commissioners of district and municipal courts may not impose sanctions for contempt of court.

Summary of Bill: A commissioner of a court of limited jurisdiction may impose sanctions for contempt of court.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Contempt of court is not often used but it is a very helpful tool to have when it does become necessary. All people who serve as commissioners must either be attorneys or have passed a qualifying examination. People who serve with judicial responsibility should also have judicial authority.

Testimony Against: None.

Testified: Pro: Judge Mike Padden, Spokane District Court; Judge Steve Dwyer, Snohomish County District Court.