

SENATE BILL REPORT

SB 6157

As Passed Senate, February 11, 1998

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.

Brief History:

Committee Activity: Law & Justice: 1/27/98, 2/2/98 [DP].
Passed Senate, 2/11/98, 42-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

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

Staff: David Johnson (786-7754)

Background: Courts have the power to hold parties in contempt. Contemptuous action includes, among other things, disobedience to lawful orders.

When a party is held in contempt for such disobedience, the judge may impose jail and fines to encourage compliance with the court's orders and remedy the situation. If imprisonment is ordered until compliance is achieved, then it may last for as long as the disobedience continues or until it is judged to be futile.

In one case a citizen has been held in jail for approximately one year. He would be released if he informed the court of the whereabouts of his child. He has maintained that he does not possess this information and, therefore, cannot tell it to the court.

Summary of Bill: A limit of 180 days jail is placed on a contempt of court order imposed for the purpose of bringing a party into compliance with court orders. A punishment of jail time may only be imposed once on a person for a violation of a court's order.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It is not appropriate in our justice system to have a situation where one could be jailed indefinitely. A limit needs to be set.

Testimony Against: Remedies already exist for those jailed to ensure they are there appropriately. Jailing for long periods is rare. It is used most often in child support, child abuse and kidnapping cases. The bill limits judges' ability to do their jobs.

Testified: Senator Swecker, prime sponsor (pro); Philip Lydic, Civil Justice League (pro); Don McConnell, attorney (pro); Martha Harden, Superior Court Judges Association (con).