

HOUSE BILL REPORT

EHB 1263

As Passed House:

March 9, 1999

Title: An act relating to district and municipal courts.

Brief Description: Regulating process and fees of district and municipal courts.

Sponsors: Representatives Sheahan, Constantine, McDonald and Kastama.

Brief History:

Committee Activity:

Judiciary: 2/4/99, 2/22/99 [DPA].

Floor Activity:

Passed House: 3/9/99, 97-0.

Brief Summary of Amended Bill

- Removes the requirement that all district and municipal court legal process must be issued under seal, and allows supreme court rules to determine when a seal is required.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Bill Perry (786-7123).

Background:

All district and municipal courts are required to have a "seal." The design of the seal is prescribed by statute, and the seal must be stamped on "all process" issued by the court. "Process" is undefined in the statute, but has been interpreted in practice to cover virtually any document issued by a court. Such "process" may include not only subpoenas, summons, orders and judgments, but also receipts, traffic infraction

notices sent to the Department of Licensing, and other relatively routine paperwork. Court rules (for instance, regarding the subpoena of witnesses) and federal law (for instance, regarding legal change of a person's name) require that some documents be issued "under seal." However, it has been questioned whether stamping seals on virtually every document issued by a court is necessary or efficient.

The statutes covering district courts, including municipal departments of district courts, and the statutes covering separate municipal courts in cities of more than 400,000 population, both contain express statements that the process issued by these courts is good statewide. However, the statute covering separate municipal courts in cities of 400,000 or less does not explicitly say that process from those courts "runs throughout the state."

Summary of Bill:

The requirement that all process issued by district and municipal courts be under seal is removed. The supreme court may determine by rule when documents of the courts must be stamped with a seal.

A statement is added to the statute covering legal process issued by municipal courts in cities of 400,000 or less population indicating that such process runs throughout the state.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) It is wasteful and unnecessary to "seal" all documents. A fee of \$10 per hour will help cover a portion of the cost of searching records.

Testimony Against: None.

Testified: Judge Robert McBeth, District and Municipal Court Judges Association.