

HOUSE BILL REPORT

HB 2504

As Reported By House Committee On:
Judiciary

Title: An act relating to superior court commissioners.

Brief Description: Providing additional authority for superior court commissioners.

Sponsors: Representatives Constantine, Lambert, Kagi and Esser.

Brief History:

Committee Activity:

Judiciary: 1/28/00, 2/3/00 [DPS].

Brief Summary of Substitute Bill

- Expands the power of the superior court commissioner to hear preliminary criminal matters.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Lovick; McDonald and Schindler.

Minority Report: Do not pass. Signed by 2 members: Representatives Kastama and Lantz.

Staff: Mark Friendshuh (786-7291); Bill Perry (786-7123).

Background:

The state constitution provides for the appointment of court commissioners who may perform some duties of the superior court. (Article 4, section 23.) The constitution allows commissioners to take depositions and perform other duties "as may be prescribed by law." The duties which may be prescribed are restricted, however, to those that could be performed "at chambers"-- actions not before a jury.

The specific powers of the commissioner are enumerated in RCW 2.24.040 and include the power to hear probate matters, petitions for adoptions, small claims appeals, and uncontested civil matters; grant adjournments and defaults; and administer oaths.

Summary of Substitute Bill:

The commissioner is given the power to conduct a variety of preliminary duties for adult criminal cases. These duties include presiding over arraignments and preliminary appearances, appointing counsel, setting bail, setting trial and hearing dates, and, in some cases, accepting pleas.

Substitute Bill Compared to Original Bill: The substitute bill adds noncompliance proceedings to the type of preliminary criminal matters which can be heard by the superior court commissioner.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: These matters leading up to a criminal trial are presently done by a judge. This bill would free up judges' time and help the court manage the criminal docket more expeditiously. The court commissioners currently hear proceedings including juvenile criminal matters and family law matters. They are attorneys and are hired by the judges.

Testimony Against: None.

Testified: Martha Harden, Superior Court Judges Association.