

SENATE BILL REPORT

EHB 1263

As Reported By Senate Committee On:
Judiciary, April 1, 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: Passed House 3/9/99, 97-0.

Committee Activity: Judiciary: 3/31/99, 4/1/99 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long, McCaslin and Thibaudeau.

Staff: Penny Nerup (786-7484)

Background: All district and municipal courts are required to have a "seal." The design of the seal is prescribed by statute and, currently, the seal must be stamped on "all process" issued by the court. The term "process" is undefined but has been interpreted in practice to cover virtually any document issued by a court, including subpoenas, summons, orders and judgments, traffic infraction notices, and other relatively routine paperwork.

Court rules and federal law require that some documents be issued "under seal." However, it is suggested that stamping a seal on virtually every document issued by a court is both unnecessary and inefficient.

Current law covering district courts and municipal courts in cities of over 400,000 population contains express statements that the process issued by these courts is good statewide. Current law covering municipal courts in cities under 400,000 population does not explicitly say that the process issued from these 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 which process of the courts must be stamped under seal.

Legal process issued by municipal courts in cities of less than 400,000 population 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: Too many documents issued by our courts are being stamped with a seal. This has created a procedural nightmare. Seals can still be put on documents to authenticate them but seals do not need to go on traffic citations.

Testimony Against: None.

Testified: PRO: Robert McBeth, Chair, District and Municipal Judges Association.