

SENATE BILL REPORT

SB 5303

As of February 5, 1999

Title: An act relating to judicial officers in district and municipal courts.

Brief Description: Appointing judicial officers of the district and municipal courts.

Sponsors: Senators Heavey, Roach, McCaslin and West.

Brief History:

Committee Activity: Judiciary: 2/8/99.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: Under Washington law, court commissioners may be provided for in one of three ways. First, any city may establish a municipal department of the district court, and municipal court commissioners may be appointed. Second, there is an alternate provision for cities with populations of less than 400,000 to establish municipal courts and municipal court commissioners. Third, there is a provision for cities with populations greater than 400,000 to establish municipal court commissioners.

When a judge is unqualified to hear a matter, transfer of the case is controlled by the Washington Court Rules, specifically CrRLJ 8.9 and CRLJ 40(f).

Washington law provides that the oath of office administered to judicial officers (judges, commissioners, and judges pro tempore) of the Supreme Court, Court of Appeals, and superior court be filed with the Secretary of State, and for judicial officers of the municipal court to be filed with the office of the county auditor. The statutes are silent as to where the oath of office administered to district court judicial officers should be filed. As a result, the district court oaths of office have been filed in a variety of places based, essentially, on local custom.

Summary of Bill: Municipal court judges may appoint municipal court commissioners when authorized to do so by the city council. These municipal court commissioners have the same authority as the appointing judges, unless a lesser power is so prescribed. A section relating to transfer of cases from a district court commissioner to a district court judge on demand of a party is repealed. Full time commissioners of the municipal and district courts are granted authority to perform marriages. The oath of office administered to district court judges, judges pro tempore and court commissioners must be filed in the office of the county auditor.

Appropriation: None.

Fiscal Note: Not requested.

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