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SENATE BILL 6351

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State of Washington

56th Legislature

2000 Regular Session

By Senators Kline, McCaslin, Heavey, Long, Shin, Thibaudeau, Sheahan and Costa

Read first time 01/14/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to superior court commissioners; and amending RCW  
2 2.24.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 2.24.040 and 1997 c 352 s 14 are each amended to read  
5 as follows:

6 Such court commissioner shall have power, authority, and  
7 jurisdiction, concurrent with the superior court and the judge thereof,  
8 in the following particulars:

9 (1) To hear and determine all matters in probate, to make and issue  
10 all proper orders therein, and to issue citations in all cases where  
11 same are authorized by the probate statutes of this state.

12 (2) To grant and enter defaults and enter judgment thereon.

13 (3) To issue temporary restraining orders and temporary  
14 injunctions, and to fix and approve bonds thereon.

15 (4) To act as referee in all matters and actions referred to him or  
16 her by the superior court as such, with all the powers now conferred  
17 upon referees by law.

1 (5) To hear and determine all proceedings supplemental to  
2 execution, with all the powers conferred upon the judge of the superior  
3 court in such matters.

4 (6) To hear and determine all petitions for the adoption of  
5 children and for the dissolution of incorporations.

6 (7) To hear and determine all applications for the commitment of  
7 any person to the hospital for the insane, with all the powers of the  
8 superior court in such matters: PROVIDED, That in cases where a jury  
9 is demanded, same shall be referred to the superior court for trial.

10 (8) To hear and determine all complaints for the commitments of  
11 minors with all powers conferred upon the superior court in such  
12 matters.

13 (9) To hear and determine ex parte and uncontested civil matters of  
14 any nature.

15 (10) To grant adjournments, administer oaths, preserve order,  
16 compel attendance of witnesses, and to punish for contempts in the  
17 refusal to obey or the neglect of the court commissioner's lawful  
18 orders made in any matter before the court commissioner as fully as the  
19 judge of the superior court.

20 (11) To take acknowledgments and proofs of deeds, mortgages and all  
21 other instruments requiring acknowledgment under the laws of this  
22 state, and to take affidavits and depositions in all cases.

23 (12) To provide an official seal, upon which shall be engraved the  
24 words "Court Commissioner," and the name of the county for which he or  
25 she may be appointed, and to authenticate his official acts therewith  
26 in all cases where same is necessary.

27 (13) To charge and collect, for his or her own use, the same fees  
28 for the official performance of official acts mentioned in subsections  
29 (4) and (11) of this section as are provided by law for referees and  
30 notaries public.

31 (14) To hear and determine small claims appeals as provided in  
32 chapter 12.36 RCW.

33 (15) In adult criminal cases, to preside over arraignments,  
34 preliminary appearances, and initial extradition hearings; accept pleas  
35 if authorized by local court rules; appoint counsel; make  
36 determinations of probable cause; set, amend, and review conditions of

1 pretrial release; set bail; set trial and hearing dates; authorize  
2 continuances; and accept waivers of the right to speedy trial.

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