

---

## Judiciary Committee

---

### HB 2374

**Title:** An act relating to nonjudicial days.

**Brief Description:** Authorizing a local holiday to be observed as a nonjudicial day by the superior, district, and municipal courts.

**Sponsors:** Representatives Delvin, Lovick, Conway, Cooper, Nixon, Dickerson, Edwards and Esser.

#### Brief Summary of Bill

- Requires all municipal, district and superior courts to acknowledge any municipal or county holidays, in addition to state holidays, if a majority of the county or city employees acknowledge that holiday.

**Hearing Date:** 1/29/02

**Staff:** Siovhan Sheridan-Ayala (786-7119); Bill Perry (786-7123).

#### Background:

Under the Washington Constitution, Article 4, Section 6, superior courts are always open, except on nonjudicial days. On days that courts are open, they can accept filings for various civil actions and criminal cases. Nonjudicial days are days when the courts are closed.

Even though a court is not open, a court may still:

- (1) Give instructions to a jury when deliberating on their verdict;
- (2) receive the verdict of a jury;
- (3) exercise the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature;
- (4) hear applications for and to issue writs of habeas corpus, injunction, prohibition and attachment; and
- (5) issue any process or subpoena not requiring immediate judicial or court action (RCW 2.28.100).

When the Governor declares any legal holiday, the Governor may also declare that the holiday will not apply to the various Washington courts. In Washington, there are 10 legal state holidays, which in practice are all nonjudicial holidays (RCW 1.16.050).

The courts do not acknowledge any county or municipal holidays. County or city holidays are approved by the legislative authorities of the jurisdiction.

Both the Washington courts and Legislature have created rules regarding the computation of time. The way that time is computed effects the statute of limitations in a suit. The statute regarding the computation of time is a rule of general application, and in 1994 the Washington Supreme Court ruled that court Rule 6 (4) regarding the computation of time is a procedural matter and controls when computing time for cases.

The court rule states that the last day to be counted for a suit will be included, unless that day is a Saturday, a Sunday, or a legal holiday. In defining legal holiday, the rule references the state statute which lists 10 legal state holidays. The court rule does not mention nonjudicial days.

It is hard to say how a court would deal with a nonjudicial day which is not a legal holiday, however a Washington Appellate court has ruled that when a nonjudicial day interferes with a court filing, a trial court may consider this reason, along with others, for granting a continuance for criminal prosecution.

**Summary of Bill:**

Municipal, district and superior courts are to acknowledge county or municipal paid holidays as nonjudicial days in the counties or municipalities wherein they sit, if a holiday applies to a majority of the county or municipal employees.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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