

HOUSE BILL REPORT

HB 1333

As Passed House:

March 5, 2003

Title: An act relating to the membership of the commission on judicial conduct.

Brief Description: Changing the membership of the commission on judicial conduct.

Sponsors: By Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase.

Brief History:

Committee Activity:

Judiciary: 2/4/03, 2/13/03 [DP].

Floor Activity:

Passed House: 3/5/03, 97-0.

Brief Summary of Bill

- Changes a reference to "district" court judges to "limited jurisdiction" court judges in the statute describing the membership of the Commission on Judicial Conduct.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Bill Perry (786-7123).

Background:

In 1980 the voters approved a constitutional amendment that created the "Judicial Qualifications Commission" (Commission). In 1981 chapter 2.64 RCW was enacted to implement the constitutional provision. In 1986 and 1987, the constitutional provision and the implementing statute were amended. Among other things the amendments changed the name of the Commission to the "Commission on Judicial Conduct."

The Commission handles complaints about judges who may have violated the rules of

judicial conduct. The Commission is authorized to receive complaints, conduct investigations, hold hearings, impose certain types of discipline and make other disciplinary recommendations to the Supreme Court. The Commission is authorized by statute to investigate judicial officers at all levels of the state's court system, including justices, judges, judges pro tempore, court commissioners and magistrates.

Both the constitutional provision and the implementing statute provide that the Commission consists of 11 persons: one judge selected by and from the court of appeals judges; one judge selected by and from the superior court judges; one judge selected by and from the district court judges; two attorneys selected by the bar association; and six lay persons selected by the Governor with Senate confirmation.

The reference to "district court" judges in the constitutional provision on Commission membership has caused some concern. Although the term "district courts" is sometimes taken to include all courts below the superior court level, county district courts are just one of the state's courts of limited jurisdiction. Municipal courts may be departments of district courts, but they may also be independent city courts. Judges of some municipal courts are elected and some are appointed.

Summary of Bill:

The reference to "district" court is changed to "limited jurisdiction" court in the statute describing the membership of the Commission.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect January 1, 2004, but only upon ratification of HJR 4205.

Testimony For: The bill addresses a matter of simple equity and fairness. Municipal judges are under the purview of the Commission and should have representation on it. More than one-fifth of the judges in the state are municipal judges.

Testimony Against: None.

Testified: Representative Lantz, prime sponsor; Melanie Stewart, Municipal and District Court Judges Association; Doug Haake, Office of the Administrator for the Courts; and Peter Lukevich.