

SENATE BILL REPORT

SJR 8217

As of February 27, 2003

Brief Description: Providing guidelines for investigations by the commission on judicial conduct.

Sponsors: Senators Honeyford and Schmidt.

Brief History:

Committee Activity: Judiciary: 2/26/03, 2/27/03.

SENATE COMMITTEE ON JUDICIARY

Staff: Jinnah Rose-McFadden (786-7421)

Background: The Washington State Constitution creates the Commission on Judicial Conduct, an independent agency of the judicial branch. The commission investigates complaints filed against state judges and justices to determine whether probable cause exists to hold a public hearing on the alleged misconduct. If the commission determines that probable cause exists, a formal charge is filed against the judge or justice and a hearing is held. At the end of a hearing, the commission may either dismiss the complaint or admonish, reprimand, or censure the judge or justice. If the commission censures the judge or justice, the commission can also recommend that the Supreme Court suspend, remove, or retire the judge or justice.

Concerns have been raised that the commission's authority to investigate complaints is overly broad. Additionally, there is no limit placed on the amount of time that may elapse between the filing of a charge and the date of a public hearing.

Summary of Bill: A constitutional amendment is put to the voters. The amendment explicitly narrows the scope of any commission investigation to the facts of the original complaint. The commission may only act upon facts discovered outside the scope of the investigation by filing a new or additional complaint.

If the commission determines that probable cause exists to file a charge and hold a public hearing, the hearing must be held within 90 days of the filing date of the statement of charges.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Upon approval of voters at next general election.