

HOUSE BILL REPORT

SB 5433

As Reported by House Committee On: Judiciary

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: Senators Kline, Hargrove and Carrell.

Brief History:

Committee Activity:

Judiciary: 3/22/05, 3/23/05 [DP].

Brief Summary of Bill

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

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Campbell, Kirby, Serben, Springer and Wood.

Staff: Bill Perry (786-7123).

Background:

In 1980, the voters approved a constitutional amendment that created the "Judicial Qualifications Commission." In 1981 statutory provisions were enacted to implement the constitutional provision. A subsequent amendment changed the name of the commission to the "Commission on Judicial Conduct" (Commission).

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 Commission membership provisions has caused some concern. 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. District and municipal courts together are sometimes referred to as "courts of limited jurisdiction."

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 on January 1, 2006, if SJR 8207 is approved by the voters at the next general election.

Testimony For: This change is just a matter of simple fairness. Judges who are subject to the jurisdiction of the Commission should have a chance for representation on the Commission.

Testimony Against: None.

Persons Testifying: Melanie Stewart, District and Municipal Court Judges' Association.

Persons Signed In To Testify But Not Testifying: None.