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SENATE BILL 6342

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State of Washington

59th Legislature

2006 Regular Session

By Senators Kline, Esser and Pflug; by request of Board For Judicial Administration

Read first time 01/11/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to municipal court judges and commissioners;  
2 amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; and repealing  
3 RCW 3.50.055 and 3.50.070.

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

5 **Sec. 1.** RCW 3.50.040 and 2002 c 136 s 2 are each amended to read  
6 as follows:

7 Within thirty days after the effective date of the ordinance  
8 creating the municipal court, the mayor of each city or town shall  
9 appoint a municipal judge or judges of the municipal court ((for a term  
10 of four years. The terms of judges serving on July 1, 1984, and  
11 municipal judges who are appointed to terms commencing before January  
12 1, 1986, shall expire January 1, 1986. The terms of their successors  
13 shall commence on January 1, 1986, and on January 1 of each fourth year  
14 thereafter, pursuant to appointment or election as provided in this  
15 chapter. Appointments shall be made on or before December 1 of the  
16 year next preceding the year in which the terms commence)) to serve  
17 until January 1st of the year following the next election when other  
18 city elected positions are normally elected.

1 The legislative authority of a city or town that has the general  
2 power of confirmation over mayoral appointments shall have the power to  
3 confirm the appointment of a municipal judge initially appointed under  
4 this section.

5 A person appointed under this section as a full-time or part-time  
6 municipal judge shall be a citizen of the United States of America and  
7 of the state of Washington; and an attorney admitted to practice law  
8 before the courts of record of the state of Washington(~~(;—PROVIDED,~~  
9 ~~That in a municipality having a population less than five thousand~~  
10 ~~persons, a person who has taken and passed by January 1, 2003, the~~  
11 ~~qualifying examination for a lay candidate for judicial officer as~~  
12 ~~provided by rule of the supreme court may be the judge. Any city or~~  
13 ~~town shall have authority to appoint a district judge as its municipal~~  
14 ~~judge when the municipal judge is not required to serve full time. In~~  
15 ~~the event of the appointment of a district judge, the city or town~~  
16 ~~shall pay a pro rata share of the salary)).~~

17 **Sec. 2.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to read  
18 as follows:

19 (1) The legislative authority of the city or town ((may)) shall, by  
20 ordinance, provide ((that the position of municipal judge within the  
21 city or town shall be an elective position. The ordinance shall  
22 provide for the qualifications of the municipal judge which shall be  
23 the same as the qualifications necessary for the appointment thereof;  
24 and further, shall provide that the municipal judge shall be elected in  
25 the same manner as other elective city officials are elected to office,  
26 and that the term of the municipal judge shall be for a term of four  
27 years commencing on January 1, 1986, and every four years thereafter))  
28 for the number of full and part-time judges to be elected.

29 (2) Municipal court judge elections shall be held at the same time  
30 as elections for other elected city offices.

31 (3) In cities or towns with more than one full or part-time judge  
32 position, the county auditor or election official of the county, in  
33 which the majority of city or town residents reside, shall, at least  
34 ten days before the time of filing declarations of candidacy for the  
35 election of municipal court judges, designate each such office of a  
36 municipal court judge to be filled by a number, commencing with the  
37 number one and numbering the remaining offices consecutively. At the

1 time of filing of the declaration of candidacy, each candidate shall  
2 designate by number which one, and only one, of the numbered offices  
3 for which he or she is a candidate. The name of the candidate shall  
4 appear on the ballot for only the numbered office for which the  
5 candidate filed a declaration of candidacy.

6 (4) Where a void in election or lapse of election occurs in a city  
7 or town with a population of less than ten thousand, the filings for  
8 office shall not be reopened and the mayor shall appoint a qualified  
9 person to serve the entire term of office for the position for which  
10 the void in election or lapse of election occurred. The legislative  
11 authority of a city or town that has the general power of confirmation  
12 over mayoral appointments shall have the power to confirm the  
13 appointment of a municipal judge appointed under this section.

14 (5) To be eligible to file a declaration of candidacy for and to  
15 serve as a municipal court judge, a person must be either:

16 (a) A lawyer admitted to practice law in the state of Washington;  
17 or

18 (b) In those cities or towns having a population of less than five  
19 thousand persons, a person who has taken and passed, by January 1,  
20 2003, the qualifying examination for a lay candidate for judicial  
21 officer as provided by rule of the supreme court.

22 (6) The terms of municipal court judges serving on July 1, 2006,  
23 and municipal judges who are appointed to terms commencing before  
24 January 1, 2010, shall expire January 1, 2010. The terms of their  
25 successors shall commence on January 1, 2010, and on January 1st of  
26 each fourth year thereafter, pursuant to appointment or election under  
27 this chapter.

28 **Sec. 3.** RCW 3.50.057 and 1993 c 317 s 6 are each amended to read  
29 as follows:

30 A judge of a municipal court need not be a resident of the city in  
31 which the court is created, but must be a resident of the county in  
32 which the city is located. In cities or towns where a court  
33 commissioner has not been appointed and the municipal court is presided  
34 over by a part-time judge, the judge need not be a resident of the city  
35 or county in which the municipal court is created.

1       **Sec. 4.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as  
2 follows:

3       One or more court commissioners may be appointed by a judge of the  
4 municipal court. Each commissioner holds office at the pleasure of the  
5 appointing judge. A commissioner authorized to hear or dispose of  
6 cases must be a lawyer who is admitted to practice law in the state of  
7 Washington or a nonlawyer who has passed, by January 1, 2003, the  
8 qualifying examination for lay judges for courts of limited  
9 jurisdiction under RCW 3.34.060.

10       A commissioner need not be a resident of the city or of the county  
11 in which the municipal court is created. (~~When a court commissioner  
12 has not been appointed and the municipal court is presided over by a  
13 part-time appointed judge, the judge need not be a resident of the city  
14 or of the county in which the municipal court is created.~~)

15       NEW SECTION. **Sec. 5.** The following acts or parts of acts are each  
16 repealed:

- 17       (1) RCW 3.50.055 (Judicial positions--Filling--Circumstances  
18 permitted) and 1993 c 317 s 4; and  
19       (2) RCW 3.50.070 (Additional judges--Appointment, election) and  
20 1984 c 258 s 109 & 1961 c 299 s 56.

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