

SENATE BILL REPORT

SB 6783

As of January 25, 2008

Title: An act relating to nonpartisan prosecuting attorneys.

Brief Description: Making the office of prosecuting attorney a nonpartisan office.

Sponsors: Senators Kline, McCaslin, Fairley, Kastama, Regala, McAuliffe, Sheldon, Shin, Marr and Rasmussen.

Brief History:

Committee Activity: Judiciary: 1/22/08.

SENATE COMMITTEE ON JUDICIARY

Staff: Lidia Mori (786-7755)

Background: A prosecutor's role is to investigate and prosecute those who have violated state and local laws. According to the American Bar Association Standards of Criminal Justice, "the prosecutor is an administrator of justice, an advocate, and an officer of the court." A prosecutor seeks justice by seeing to it that those who have violated the law are dealt with according to the law, and those who are innocent remain free and unpunished. Standards meant to guide prosecutors are currently in Washington law. The standards address the appropriate reasons a prosecutor may decline to prosecute, decide to prosecute, the necessity of thorough factual investigation by law enforcement prior to making the decision to prosecute, and other issues and determinations which must be made by prosecutors in the fulfillment of their position.

Article 11, Section 5 of the Washington State Constitution directs the Legislature, by general and uniform laws, to "provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and prescribe their duties, and fix their terms of office..."

Summary of Bill: The office of prosecuting attorney is included in the list of county offices that are not nominated at partisan primaries. The office of prosecuting attorney is nonpartisan and the candidates for it are nominated and elected as such. The positions or offices on a primary nonpartisan ballot must be arranged in substantially the following order: Superintendent of Public Instruction, prosecuting attorney, justices of the supreme court, judges of the court of appeals, judges of the superior court, and judges of the district court. If a candidate in a contested primary receives a majority of all the votes cast for the office of

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prosecuting attorney, only the name of that candidate may be printed under the title of the office for that position on the ballot at the general election.

Appropriation: None.

Fiscal Note: Requested on January 21, 2008.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The purpose of the bill is to take the office of the prosecutor out of party politics. Prosecutors are part of the justice process and they have a role that is a-political. Over half of this nation's prosecuting attorney offices are nonpartisan. Partisan labeling is misleading to the public. Prosecutors work in environments with judges and sheriffs that are nonpartisan, at least in Snohomish County. In the court of public opinion, because we are partisan at this point, people wonder if our politics go into our decisions.

Persons Testifying: PRO: Senator Kline, prime sponsor; Dan Satterberg, King County Prosecuting Attorney; Janice Ellis, Snohomish County Prosecuting Attorney.