

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1218**

Chapter 37, Laws of 2009

61st Legislature  
2009 Regular Session

CONTEMPT OF COURT--LOCATION OF DETENTION

EFFECTIVE DATE: 07/26/09

Passed by the House February 23, 2009  
Yeas 95 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 31, 2009  
Yeas 48 Nays 0

BRAD OWEN

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**President of the Senate**

Approved April 9, 2009, 2:15 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1218** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

April 10, 2009

**Secretary of State  
State of Washington**

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HOUSE BILL 1218

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Passed Legislature - 2009 Regular Session

**State of Washington**                      **61st Legislature**                      **2009 Regular Session**

**By** Representatives Goodman, Klippert, O'Brien, Ross, Simpson, and Williams

Read first time 01/15/09. Referred to Committee on Judiciary.

1            AN ACT Relating to imprisonment for contempt of court cases; and  
2 amending RCW 7.21.040 and 7.21.050.

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

4            **Sec. 1.** RCW 7.21.040 and 1989 c 373 s 4 are each amended to read  
5 as follows:

6            (1) Except as otherwise provided in RCW 7.21.050, a punitive  
7 sanction for contempt of court may be imposed only pursuant to this  
8 section.

9            (2)(a) An action to impose a punitive sanction for contempt of  
10 court shall be commenced by a complaint or information filed by the  
11 prosecuting attorney or city attorney charging a person with contempt  
12 of court and reciting the punitive sanction sought to be imposed.

13            (b) If there is probable cause to believe that a contempt has been  
14 committed, the prosecuting attorney or city attorney may file the  
15 information or complaint on his or her own initiative or at the request  
16 of a person aggrieved by the contempt.

17            (c) A request that the prosecuting attorney or the city attorney  
18 commence an action under this section may be made by a judge presiding  
19 in an action or proceeding to which a contempt relates. If required

1 for the administration of justice, the judge making the request may  
2 appoint a special counsel to prosecute an action to impose a punitive  
3 sanction for contempt of court.

4 A judge making a request pursuant to this subsection shall be  
5 disqualified from presiding at the trial.

6 (d) If the alleged contempt involves disrespect to or criticism of  
7 a judge, that judge is disqualified from presiding at the trial of the  
8 contempt unless the person charged consents to the judge presiding at  
9 the trial.

10 (3) The court may hold a hearing on a motion for a remedial  
11 sanction jointly with a trial on an information or complaint seeking a  
12 punitive sanction.

13 (4) A punitive sanction may be imposed for past conduct that was a  
14 contempt of court even though similar present conduct is a continuing  
15 contempt of court.

16 (5) If the defendant is found guilty of contempt of court under  
17 this section, the court may impose for each separate contempt of court  
18 a fine of not more than five thousand dollars or imprisonment (~~in the~~  
19 ~~county jail~~) for not more than one year, or both.

20 **Sec. 2.** RCW 7.21.050 and 1989 c 373 s 5 are each amended to read  
21 as follows:

22 (1) The judge presiding in an action or proceeding may summarily  
23 impose either a remedial or punitive sanction authorized by this  
24 chapter upon a person who commits a contempt of court within the  
25 courtroom if the judge certifies that he or she saw or heard the  
26 contempt. The judge shall impose the sanctions immediately after the  
27 contempt of court or at the end of the proceeding and only for the  
28 purpose of preserving order in the court and protecting the authority  
29 and dignity of the court. The person committing the contempt of court  
30 shall be given an opportunity to speak in mitigation of the contempt  
31 unless compelling circumstances demand otherwise. The order of  
32 contempt shall recite the facts, state the sanctions imposed, and be  
33 signed by the judge and entered on the record.

34 (2) A court, after a finding of contempt of court in a proceeding  
35 under subsection (1) of this section may impose for each separate  
36 contempt of court a punitive sanction of a fine of not more than five  
37 hundred dollars or imprisonment (~~in the county jail~~) for not more

1 than thirty days, or both, or a remedial sanction set forth in RCW  
2 7.21.030(2). A forfeiture imposed as a remedial sanction under this  
3 subsection may not exceed more than five hundred dollars for each day  
4 the contempt continues.

Passed by the House February 23, 2009.

Passed by the Senate March 31, 2009.

Approved by the Governor April 9, 2009.

Filed in Office of Secretary of State April 10, 2009.