

FINAL BILL REPORT

SB 5941

C 44 L 11 E 1

Synopsis as Enacted

Brief Description: Concerning judicial branch funding.

Sponsors: Senators Eide, Regala, Rockefeller and Kline.

Senate Committee on Ways & Means

House Committee on Ways & Means

Background: Superior and district courts are authorized by statute to collect filing fees and other fees for court services. County clerks are authorized to collect and distribute these fees.

Superior Court Filing Fees. The following fees are collected for cases filed in superior court. These fees are subject to division between the county, the state General Fund, and the county or regional law library fund. The only exception to that division is the fee for filing a notice of appeal or discretionary review. Those fees are transmitted to the appropriate state appellate court.

Superior Court Filing	Fee
First or initial paper in any civil action	\$200
Unlawful detainer action	\$45
First or initial paper on appeal from a court of limited jurisdiction or any civil appeal	\$200
Petition for judicial review under the Administrative Procedure Act	\$200
Notice of debt due for the compensation of a crime victim	\$200
First paper in a probate proceeding	\$200
Petition to contest a will admitted to probate or petition to admit a will which has been rejected	\$200
Notice of appeal or notice of discretionary review	\$250

District Court Filing Fees. District courts are courts of limited jurisdiction. They have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases in which the amount claimed or in dispute is \$75,000 or less. District courts also have jurisdiction over small claims and traffic infractions.

District court clerks are required to collect the following fees for various services as prescribed by statute. Except for certain costs, all fees, fines, forfeitures, and penalties

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collected in whole or in part by the district court are remitted by the district court clerk to the county treasurer. The county treasurer must remit 32 percent of the non-interest money received by district courts to the State Treasurer for deposit into the state General Fund. The remaining balance of the non-interest money received by the county treasurer is deposited in the county current expense fund and the county or regional law library fund. Expenditures of the district court are paid from the county's current expense fund.

District Court Filing	Fee
Any civil action at time of commencement or transfer	\$43 + potential \$10 surcharge for dispute resolution centers
Counterclaim, cross-claim, or third-party claim	\$43 + potential \$10 surcharge for dispute resolution centers
Small claims	\$14 + potential \$15 surcharge for dispute resolution centers

In 2009 the Legislature created surcharges on filing fees in superior and district courts. These surcharges are set to expire July 1, 2011. The surcharges are currently set at:

- \$30 for the filings listed in the superior court chart above, except for the filing of a first or initial paper in an appeal from a court of limited jurisdiction, which is subject to a \$20 surcharge;
- \$20 for the filings listed in the district court chart above, excluding small claims; and
- \$10 for small claims filings.

All surcharges collected by the courts must be remitted to the State Treasurer for deposit in the Judicial Stabilization Trust Account. Expenditures from this account may only be used for the support of the judicial branch agencies.

Summary: The expiration date for the surcharges is extended to July 1, 2013. The revenue from the surcharges is split between the state and the county collecting the fee, with the state receiving 75 percent and the county retaining 25 percent.

Votes on Final Passage:

First Special Session

Senate 26 17
 House 58 29 (House amended)
 Senate 29 18 (Senate concurred)

Effective: July 1, 2011.