

# HOUSE BILL REPORT

## SB 5046

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### As Reported by House Committee On: Judiciary

**Title:** An act relating to modifying the mandatory retirement provision for district judges.

**Brief Description:** Modifying the mandatory retirement provision for district judges.

**Sponsors:** Senators Padden, Kline, Keiser, Harper, Shin and Kohl-Welles.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 3/13/13, 3/19/13 [DP].

#### **Brief Summary of Bill**

- Provides that district court judges must retire at the end of the term of office in which the judge reaches the age of 75 years.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 12 members: Representatives Pedersen, Chair; Hansen, Vice Chair; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

**Staff:** Edie Adams (786-7180).

#### **Background:**

Judges of the Supreme Court, Court of Appeals, superior courts, and district courts are required to retire at the end of the calendar year in which the judge attains the age of 75 years. The mandatory retirement age for judges of the Supreme Court and superior courts is established in the Washington Constitution. By statute, judges of the Court of Appeals must retire at the same age and under the same conditions as judges of the Supreme Court.

The mandatory retirement age of 75 was established for district court judges in 1969. District court judges serve four-year terms in the county district courts. If there is a vacancy

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in a district court judge position, the county legislative authority fills the vacancy by appointment, and the judge holds office until the next general election.

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**Summary of Bill:**

A district court judge must retire from office at the end of his or her term of office in which the judge reaches the age of 75 years, rather than at the end of the calendar year.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) The legislation will allow judges to finish out their terms and then retire, rather than having to retire mid-term. The legislation addresses only district court judges because the other levels of court are covered by the Washington Constitution. The change can be made for district court judges without a constitutional amendment.

(Opposed) Judges of other courts have to retire when they reach the age of 75. We should not create a separate rule for district court judges. There is a burgeoning caseload in the district courts, and judges over the age of 75 are not able to handle this large case load. It is inappropriate for a judge to be here lobbying for this bill during court hours.

**Persons Testifying:** (In support) Senator Padden, prime sponsor; and Brett Buckley, Thurston County District Court.

(Opposed) Arthur West.

**Persons Signed In To Testify But Not Testifying:** None.