
SUBSTITUTE SENATE BILL 5165

State of Washington

63rd Legislature

2013 Regular Session

By Senate Law & Justice (originally sponsored by Senators Hargrove and Carrell)

READ FIRST TIME 02/14/13.

1 AN ACT Relating to increasing the authority of superior court
2 commissioners to hear and determine certain matters; and amending RCW
3 71.05.137, 71.34.315, and 2.24.010.

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

5 **Sec. 1.** RCW 71.05.137 and 1989 c 174 s 2 are each amended to read
6 as follows:

7 The judges of the superior court of the county by majority vote may
8 authorize mental health commissioners, appointed pursuant to RCW
9 71.05.135, to perform any or all of the following duties:

10 (1) Receive all applications, petitions, and proceedings filed in
11 the superior court for the purpose of disposing of them pursuant to
12 this chapter or RCW 10.77.094;

13 (2) Investigate the facts upon which to base warrants, subpoenas,
14 orders to directions in actions, or proceedings filed pursuant to this
15 chapter or RCW 10.77.094;

16 (3) For the purpose of this chapter, exercise all powers and
17 perform all the duties of a court commissioner appointed pursuant to
18 RCW 2.24.010;

1 (4) Hold hearings in proceedings under this chapter or RCW
2 10.77.094 and make written reports of all proceedings under this
3 chapter or RCW 10.77.094 which shall become a part of the record of
4 superior court;

5 (5) Provide such supervision in connection with the exercise of its
6 jurisdiction as may be ordered by the presiding judge; and

7 (6) Cause the orders and findings to be entered in the same manner
8 as orders and findings are entered in cases in the superior court.

9 **Sec. 2.** RCW 71.34.315 and 1989 c 174 s 3 are each amended to read
10 as follows:

11 The judges of the superior court of the county by majority vote may
12 authorize mental health commissioners, appointed pursuant to RCW
13 71.05.135, to perform any or all of the following duties:

14 (1) Receive all applications, petitions, and proceedings filed in
15 the superior court for the purpose of disposing of them pursuant to
16 this chapter or RCW 10.77.094;

17 (2) Investigate the facts upon which to base warrants, subpoenas,
18 orders to directions in actions, or proceedings filed pursuant to this
19 chapter or RCW 10.77.094;

20 (3) For the purpose of this chapter, exercise all powers and
21 perform all the duties of a court commissioner appointed pursuant to
22 RCW 2.24.010;

23 (4) Hold hearings in proceedings under this chapter or RCW
24 10.77.094 and make written reports of all proceedings under this
25 chapter or RCW 10.77.094 which shall become a part of the record of
26 superior court;

27 (5) Provide such supervision in connection with the exercise of its
28 jurisdiction as may be ordered by the presiding judge; and

29 (6) Cause the orders and findings to be entered in the same manner
30 as orders and findings are entered in cases in the superior court.

31 **Sec. 3.** RCW 2.24.010 and 2009 c 140 s 1 are each amended to read
32 as follows:

33 (1) There may be appointed in each county or judicial district, by
34 the judges of the superior court having jurisdiction therein, one or
35 more court commissioners for said county or judicial district. Each

1 such commissioner shall be a citizen of the United States and shall
2 hold the office during the pleasure of the judges making the
3 appointment.

4 (2)(a) There may be appointed in counties with a population of more
5 than four hundred thousand, by the presiding judge of the superior
6 court having jurisdiction therein, one or more attorneys to act as
7 criminal commissioners to assist the superior court in disposing of
8 adult criminal cases. Such criminal commissioners shall have power,
9 authority, and jurisdiction, concurrent with the superior court and the
10 judges thereof, in adult criminal cases, to preside over arraignments,
11 preliminary appearances, initial extradition hearings, and
12 noncompliance proceedings pursuant to RCW 9.94A.6333 or 9.94B.040;
13 accept pleas if authorized by local court rules; appoint counsel; make
14 determinations of probable cause; set, amend, and review conditions of
15 pretrial release; set bail; set trial and hearing dates; authorize
16 continuances; ~~((and))~~ accept waivers of the right to speedy trial; and
17 authorize and issue search warrants and orders to intercept, monitor,
18 or record wired or wireless telecommunications or for the installation
19 of electronic taps or other devices to include, but not be limited to,
20 vehicle global positioning system or other mobile tracking devices with
21 all the powers conferred upon the judge of the superior court in such
22 matters.

23 (b) The county legislative authority must approve the creation of
24 criminal commissioner positions.

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