
HOUSE BILL 2090

State of Washington 64th Legislature 2015 Regular Session

By Representatives Shea, Taylor, Young, Scott, and Buys

Read first time 02/11/15. Referred to Committee on Judiciary.

1 AN ACT Relating to a deputy prosecuting attorney oath of office;
2 and amending RCW 36.27.040.

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

4 **Sec. 1.** RCW 36.27.040 and 2009 c 549 s 4047 are each amended to
5 read as follows:

6 The prosecuting attorney may appoint one or more deputies, who
7 (~~shall~~) have the same power in all respects as their principal.
8 Each appointment shall be in writing, signed by the prosecuting
9 attorney, and filed in the county auditor's office. Each deputy thus
10 appointed (~~shall have~~) has the same qualifications required of the
11 prosecuting attorney, except that such deputy need not be a resident
12 of the county in which he or she serves. Each deputy thus appointed
13 shall also, before entering upon his or her duties, take the oath of
14 office. The prosecuting attorney may appoint one or more special
15 deputy prosecuting attorneys upon a contract or fee basis whose
16 authority (~~shall be~~) is limited to the purposes stated in the
17 writing signed by the prosecuting attorney and filed in the county
18 auditor's office. Such special deputy prosecuting attorney (~~shall~~)
19 must be admitted to practice as an attorney before the courts of this
20 state but need not be a resident of the county in which he or she
21 serves and shall not be under the legal disabilities attendant upon

1 prosecuting attorneys or their deputies except to avoid any conflict
2 of interest with the purpose for which he or she has been engaged by
3 the prosecuting attorney. The prosecuting attorney (~~shall be~~) is
4 responsible for the acts of his or her deputies and may revoke
5 appointments at will.

6 Two or more prosecuting attorneys may agree that one or more
7 deputies for any one of them may serve temporarily as deputy for any
8 other of them on terms respecting compensation which are acceptable
9 to (~~said~~) the prosecuting attorneys. Any such deputy thus serving
10 (~~shall have~~) has the same power in all respects as if he or she
11 were serving permanently.

12 The provisions of chapter 39.34 RCW shall not apply to such
13 agreements.

14 The provisions of RCW 41.56.030(~~(+2)~~) (11) shall not be
15 interpreted to permit a prosecuting attorney to alter the at-will
16 relationship established between the prosecuting attorney and his or
17 her appointed deputies by this section for a period of time exceeding
18 his or her term of office. Neither shall the provisions of RCW
19 41.56.030(~~(+2)~~) (11) require a prosecuting attorney to alter the at-
20 will relationship established by this section.

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