

HOUSE BILL REPORT

HB 1047

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to commissioners of courts of limited jurisdiction.

Brief Description: Revising the authority of commissioners of courts of limited jurisdiction.

Sponsors: Representatives Jinkins, Stokesbary and Macri.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/15/19, 1/18/19 [DP].

Brief Summary of Bill

- Expands the authority of a municipal court commissioner, subject to certain limitations.
- Authorizes a commissioner of a court of limited jurisdiction to solemnize marriages.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Jinkins, Chair; Thai, Vice Chair; Goodman, Hansen, Kilduff, Kirby, Orwall, Valdez and Walen.

Minority Report: Do not pass. Signed by 4 members: Representatives Graham, Klippert, Shea and Ybarra.

Minority Report: Without recommendation. Signed by 2 members: Representatives Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member.

Staff: Ingrid Lewis (786-7289).

Background:

Municipal Court Commissioners.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Municipal courts are courts of limited jurisdiction created by a city or a town by ordinance. A municipal court has jurisdiction to hear cases involving infractions or crimes that are violations of city ordinances, domestic violence and antiharassment petitions, and other jurisdiction as provided by statute. A municipal court judge may appoint one or more court commissioners.

The authority of a municipal court commissioner is limited. A commissioner who is authorized to hear or dispose of cases must be either a lawyer who is admitted to practice law in Washington, or a person who has passed the qualifying examination for lay judges in Washington. A court commissioner does not have the authority to preside over trials in criminal matters, or over jury trials in civil matters unless agreed to by all parties.

Solemnization of Marriage.

Persons who are authorized to solemnize marriages are active or retired judicial officers and officials of religious organizations. Authorized judicial officers are judges of the Washington Supreme Court, Court of Appeals, superior courts, limited jurisdiction courts, and tribal courts of a federally recognized tribe, as well as commissioners of the Supreme Court, Court of Appeals, or superior courts. Authorized religious officials are any licensed or ordained minister, priest, imam, rabbi, or similar official of a religious organization.

Summary of Bill:

A municipal court commissioner has the same power, authority, and jurisdiction as an appointing municipal court judge, subject to the requirement that all parties must agree before a commissioner may preside over a criminal trial or a civil jury trial.

A commissioner of a court of limited jurisdiction is authorized to solemnize marriages.

Appropriation: None.

Fiscal Note: Not requested.

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) This bill does not expand the authority of municipal court commissioners; it clarifies what municipal commissioners can do and creates consistency between the statutes for district and municipal court commissioners. There has been some confusion on what that really means. The statute states that municipal court commissioners are authorized to dispose of and hear cases. If you look at the fill-in judge provisions for municipal court judges, it says exactly what their authority is. If you read the two statutes next to each other, it would look like a fill-in judge had more authority than the municipal court commissioner. The

language that is being proposed mimics the language for the district court commissioners; they have the same authority.

The only commissioners that cannot marry people in our state are the district and municipal commissioners. Commissioners actually have the most contact with the members of the community. They do 99 percent of what judges in the county do. The 1 percent that they do not do is marry people, and that is what the bill allows.

Here is a hypothetical: Bob and Mary are members of the community. If Bob forgets to send in his insurance and he gets caught driving without insurance, a commissioner can impose a fine. If Bob and Mary have a dispute with a neighbor, the commissioner can issue an antiharassment order. If Bob and Mary decide that they are going to adopt a daughter, the commissioner has the authority to change the daughter's last name. If Bob and Mary ask the commissioner to marry them, the commissioner has to tell them no.

Commissioners are appointed to make very difficult decisions. When judges and commissioners are asked where the joy is for them, they all say the same thing: marrying people. Commissioners of courts of limited jurisdictions should have the opportunity to share in that.

(Opposed) None.

Persons Testifying: Representative Jinkins, prime sponsor; and Enrico Leo, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.