

HOUSE BILL REPORT

SB 5622

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: Senators Randall, Pedersen, Walsh and Liias.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 3/15/19, 3/22/19 [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 1 member: Representative 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 makes government more accessible to the people who have often been marginalized. Municipal court and district court commissioners cannot perform weddings, even though they have the most contact with the community. Commissioners of courts of limited jurisdiction are often members of historically underrepresented groups who often begin careers in the judicial system at the commissioner level. Enacting this bill would mean that immigrant couples, non-English speaking couples, and members of other marginalized communities would be able to access a more diverse pool of officiants.

(Opposed) None.

Persons Testifying: Senator Randall, prime sponsor; and Paul Wohl, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.