

HOUSE BILL REPORT

HB 1167

As Passed House:

March 3, 2021

Title: An act relating to Thurston county superior court judges.

Brief Description: Concerning Thurston county superior court judges.

Sponsors: Representatives Bateman, Dolan and Hackney; by request of Administrative Office of the Courts.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/26/21, 1/29/21 [DP];

Appropriations: 2/16/21, 2/17/21 [DP].

Floor Activity:

Passed House: 3/3/21, 97-0.

Brief Summary of Bill

- Increases the number of statutorily authorized superior court judge positions in Thurston County.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 16 members: Representatives Hansen, Chair; Simmons, Vice Chair; Walsh, Ranking Minority Member; Gilday, Assistant Ranking Minority Member; Graham, Assistant Ranking Minority Member; Abbarno, Davis, Entenman, Goodman, Kirby, Klippert, Orwall, Peterson, Thai, Valdez and Ybarra.

Staff: Ingrid Lewis (786-7289).

HOUSE COMMITTEE ON APPROPRIATIONS

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

Majority Report: Do pass. Signed by 29 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Stonier, Sullivan and Tharinger.

Minority Report: Without recommendation. Signed by 4 members: Representatives Stokesbary, Ranking Minority Member; Boehnke, Harris and Steele.

Staff: Yvonne Walker (786-7841).

Background:

The number of superior court judges in each county is set by statute. Any change in the number of full- and part-time judges in a county's superior court is determined by the Legislature after receiving a recommendation from the Board of Judicial Administration (BJA). The BJA's recommendation is based on an objective workload analysis developed annually by the Administrative Office of the Courts (AOC). The objective workload analysis considers available judicial resources and the caseload activity of the court.

The Washington Constitution provides that the state and the county share the cost for superior court judges. A superior court judge's benefits and one-half of the salary are paid by the state; the remaining half is paid by the county. For an additional judicial position to become effective, the legislative authority of the affected county must approve the position and agree to pay out of county funds and without reimbursement from the state, expenses associated with the new position.

Thurston County has eight elected superior court judges.

Summary of Bill:

The number of statutorily authorized superior court judge positions for Thurston County is increased from eight to nine.

The additional position is effective November 1, 2021, and only if the legislative authority of Thurston County approves of the position and agrees that the county will pay its share of the cost of the position without reimbursement from the state.

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 (Civil Rights & Judiciary):

(In support) The Thurston County Superior Court (Court) has statewide jurisdiction and hears criminal and civil matters, as well as appeals from lower courts and state administrative agencies. The Court hears more cases of statewide significance per judge than any other county in the state, for example, significant Public Records Act cases, tort and contract cases against state agencies, and administrative appeals from many different administrative bodies. The severe shortage of judicial officers makes the job more difficult.

The last time the statute was amended to increase the number of judges in the county was in 1996. Since then, the population of the county has increased by 40 percent, caseloads have increased by 25 percent, and proceedings have increased by 20 percent. Based on the AOC's annual Judicial Needs Assessment, the Thurston County Superior Court is one of the most under-resourced courts in the state as it relates to judicial positions. The court needs 13.9 judicial officers and has only 11. This gap in judicial resources combined with increased caseloads and the backlog due to the COVID-19 public health emergency has created detrimental delays in the court system. These delays impact racial and economic justice, as they affect safety, the length of incarceration, child placement, employment, access to housing, and other critical services for individuals who enter the criminal legal system. The bill will provide critical resources to successfully manage the growth.

The court has obtained the approval of the county commissioners for the county share for a judicial position.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill is of statewide significance as the decisions that come out of superior courts have ramifications across the state. Thurston County is one of the most under judged counties in the state. The lack of additional resources combined with the growth of caseloads and backlog due to COVID-19 has created difficulties for Thurston County Superior Court to keep up with the demand. The Thurston County commissioners have already approved and committed to their portion of the funding for an additional judge. This bill will not solve the entire court's problem because even if this bill passes, Thurston County will still be short by two judges, but it will help.

(Opposed) None.

Persons Testifying (Civil Rights & Judiciary): Representative Bateman, prime sponsor; and Erik Price and Pamela Hartman Beyer, Thurston County Superior Court.

Persons Testifying (Appropriations): Erik Price, Thurston County Superior Court; and Devon Connor-Green, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying (Civil Rights & Judiciary): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.