

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1825**

67th Legislature  
2022 Regular Session

Passed by the House March 7, 2022  
Yeas 97 Nays 1

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**Speaker of the House of  
Representatives**

Passed by the Senate March 2, 2022  
Yeas 48 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1825** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1825

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

**State of Washington**                      **67th Legislature**                      **2022 Regular Session**

**By** Representatives Dye, Orwall, and Graham; by request of  
Administrative Office of the Courts

Prefiled 01/06/22. Read first time 01/10/22. Referred to Committee  
on Civil Rights & Judiciary.

1            AN ACT Relating to continuity of judicial operations in single  
2 judge courts; amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150,  
3 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new  
4 section to chapter 2.56 RCW; and adding a new section to chapter 3.50  
5 RCW.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 2.56 RCW  
8 to read as follows:

9            For purposes of this title and Title 3 RCW, unless the context  
10 clearly requires otherwise, "single judge court" means a court or  
11 judicial district that has only one judge.

12            **Sec. 2.** RCW 2.56.040 and 2005 c 182 s 1 are each amended to read  
13 as follows:

14            (1) The chief justice shall consider all recommendations of the  
15 administrator for the assignment of judges, and, in the discretion of  
16 the chief justice, direct any judge whose calendar, in the judgment  
17 of the chief justice, will permit, to hold court (~~in any county or~~  
18 ~~district~~) where need therefor exists, to the end that the courts  
19 ((of)) in this state shall function with maximum efficiency, and that  
20 the work of other courts shall be equitably distributed. It shall be

1 the duty of every judge to obey such direction of the chief justice  
2 unless excused by the chief justice for sufficient cause.

3 (2) (a) If due to illness, incapacity, resignation, death, or  
4 other unavailability the presiding judge in a single judge court is  
5 unable to fulfill the duties of the office, and either (i) no person  
6 has been designated by the presiding judge to serve as presiding  
7 judge pro tempore or (ii) the previously designated presiding judge  
8 pro tempore resigns, is removed from office, or is no longer able to  
9 serve, the chief justice may appoint another judicial officer or  
10 other person as the presiding judge pro tempore who meets the  
11 qualifications of a judge pro tempore, subject to (c) of this  
12 subsection, during the remaining period of unavailability or until a  
13 vacancy is filled as provided by law.

14 (b) The chief justice may appoint someone other than the  
15 previously designated or appointed individual to serve as presiding  
16 judge pro tempore whenever the chief justice determines that the  
17 administration of justice would be better served by appointment of  
18 someone else to fulfill the presiding judge duties, subject to (c) of  
19 this subsection, during the remaining period of unavailability or  
20 until the vacancy is filled as provided by law.

21 (c) The chief justice, or designee, shall consult with the local  
22 legislative and executive authorities before removing or appointing a  
23 presiding judge pro tempore under (a) or (b) of this subsection.

24 (d) Nothing in this section is intended to modify the role of the  
25 commission on judicial conduct as provided in Article IV, section 31  
26 of the Washington state Constitution and chapter 2.64 RCW.

27 **Sec. 3.** RCW 2.08.120 and 1955 c 38 s 5 are each amended to read  
28 as follows:

29 (1) If a vacancy occurs in the office of judge of the superior  
30 court, the governor shall appoint a person to hold the office until  
31 the election and qualification of a judge to fill the vacancy, which  
32 election shall be at the next succeeding general election, and the  
33 judge so elected shall hold office for the remainder of the unexpired  
34 term.

35 (2) During any vacancy that occurs pursuant to subsection (1) of  
36 this section in a single judge court, a presiding judge pro tempore  
37 who has been predesignated pursuant to court rule or appointed  
38 pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and  
39 the authority of the predesignated or appointed presiding judge pro

1 tempore endures until the chief justice appoints someone else to  
2 fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or  
3 until a vacancy in the position is filled as provided by law,  
4 whichever occurs first.

5 **Sec. 4.** RCW 2.24.010 and 2021 c 311 s 17 are each amended to  
6 read as follows:

7 (1) There may be appointed in each county or judicial district,  
8 by the judges of the superior court having jurisdiction therein or a  
9 presiding judge pro tempore who is fulfilling presiding judge duties  
10 for a single judge court pursuant to RCW 2.08.120(2), one or more  
11 court commissioners for said county or judicial district. Each such  
12 commissioner shall be a citizen of the United States and shall hold  
13 the office during the pleasure of the judges making the appointment.

14 (2)(a) There may be appointed in counties with a population of  
15 more than four hundred thousand, by the presiding judge of the  
16 superior court having jurisdiction therein, one or more attorneys to  
17 act as criminal commissioners to assist the superior court in  
18 disposing of adult criminal cases. Such criminal commissioners shall  
19 have power, authority, and jurisdiction, concurrent with the superior  
20 court and the judges thereof, in adult criminal cases, to preside  
21 over arraignments, preliminary appearances, initial extradition  
22 hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or  
23 9.94B.040; accept pleas if authorized by local court rules; appoint  
24 counsel; make determinations of probable cause; set, amend, and  
25 review conditions of pretrial release; set bail; set trial and  
26 hearing dates; authorize continuances; accept waivers of the right to  
27 speedy trial; and authorize and issue search warrants and orders to  
28 intercept, monitor, or record wired or wireless telecommunications or  
29 for the installation of electronic taps or other devices to include,  
30 but not be limited to, vehicle global positioning system or other  
31 mobile tracking devices with all the powers conferred upon the judge  
32 of the superior court in such matters.

33 (b) Criminal commissioners shall also have the authority to  
34 conduct resentencing hearings and to vacate convictions related to  
35 *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners  
36 may be appointed for this purpose regardless of the population of the  
37 county served by the appointing court.

38 (c) The county legislative authority must approve the creation of  
39 criminal commissioner positions.

1       **Sec. 5.** RCW 3.34.150 and 1989 c 227 s 7 are each amended to read  
2 as follows:

3       (1) If a district has more than one judge, the supreme court may  
4 by rule provide for the manner of selection of one of the judges to  
5 serve as presiding judge and prescribe the presiding judge's duties.  
6 If a county has multiple districts or has one district with multiple  
7 electoral districts, the supreme court may by rule provide for the  
8 manner of selection of one of the judges to serve as presiding judge  
9 and prescribe the presiding judge's duties.

10       (2) Pursuant to court rule or RCW 2.56.040(2), a presiding judge  
11 pro tempore may be predesignated or appointed to fulfill presiding  
12 judge duties in case of the illness, incapacity, resignation, death,  
13 or unavailability of the presiding judge of a single judge court. In  
14 such circumstances, the authority of the predesignated or appointed  
15 presiding judge pro tempore endures until the chief justice appoints  
16 someone else to fulfill the presiding judge duties pursuant to RCW  
17 2.56.040(2)(b), or the period of such illness, incapacity, or  
18 unavailability ends, or until a vacancy in the position is filled as  
19 provided by law, whichever occurs first.

20       **Sec. 6.** RCW 3.34.100 and 2003 c 97 s 3 are each amended to read  
21 as follows:

22       (1) If a district judge dies, resigns, is convicted of a felony,  
23 ceases to reside in the district, fails to serve for any reason  
24 except temporary disability, or if his or her term of office is  
25 terminated in any other manner, the office shall be deemed vacant.  
26 The county legislative authority shall fill all vacancies by  
27 appointment and the judge thus appointed shall hold office until the  
28 next general election and until a successor is elected and qualified.  
29 However, if a vacancy in the office of district court judge occurs  
30 and the total number of district court judges remaining in the county  
31 is equal to or greater than the number of district court judges  
32 authorized in RCW 3.34.010 then the position shall remain vacant.  
33 District judges shall be granted sick leave in the same manner as  
34 other county employees. A district judge may receive when vacating  
35 office remuneration for unused accumulated leave and sick leave at a  
36 rate equal to one day's monetary compensation for each full day of  
37 accrued leave and one day's monetary compensation for each four full  
38 days of accrued sick leave, the total remuneration for leave and sick

1 leave not to exceed the equivalent of thirty days' monetary  
2 compensation.

3 (2) During any vacancy that occurs pursuant to subsection (1) of  
4 this section in a single judge court, a presiding judge pro tempore  
5 who has been predesignated pursuant to court rule or appointed  
6 pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and  
7 the authority of the predesignated or appointed presiding judge pro  
8 tempore endures until the chief justice appoints someone else to  
9 fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(b), or  
10 until a vacancy in the position is filled as provided by law,  
11 whichever occurs first.

12 **Sec. 7.** RCW 3.34.130 and 1996 c 16 s 1 are each amended to read  
13 as follows:

14 (1) (~~Each~~) In addition to the designation of a presiding judge  
15 pro tempore for a single judge court as provided in RCW 3.34.150(2),  
16 each district court shall designate one or more persons as judge pro  
17 tempore who shall serve during the temporary absence,  
18 disqualification, or incapacity of a district judge or to serve as an  
19 additional judge for excess caseload or special set cases. The  
20 qualifications of a judge pro tempore shall be the same as for a  
21 district judge, except that with respect to RCW 3.34.060(1), the  
22 person appointed need only be a registered voter of the state. A  
23 district that has a population of not more than ten thousand and that  
24 has no person available who meets the qualifications under RCW  
25 3.34.060(2) (a) or (b), may appoint as a pro tempore judge a person  
26 who has taken and passed the qualifying examination for the office of  
27 district judge as is provided by rule of the supreme court. A judge  
28 pro tempore may sit in any district of the county for which he or she  
29 is appointed. A judge pro tempore shall be paid the salary authorized  
30 by the county legislative authority.

31 (2) For each day that a judge pro tempore serves in excess of  
32 thirty days during any calendar year, the annual salary of the  
33 district judge in whose place the judge pro tempore serves shall be  
34 reduced by an amount equal to one-two hundred fiftieth of such  
35 salary: PROVIDED, That each full time district judge shall have up to  
36 fifteen days annual leave without reduction for service on judicial  
37 commissions established by the legislature or the chief justice of  
38 the supreme court. No reduction in salary shall occur when a judge  
39 pro tempore serves:

1 (a) While a district judge is using sick leave granted in  
2 accordance with RCW 3.34.100;

3 (b) While a district court judge is disqualified from serving  
4 following the filing of an affidavit of prejudice;

5 (c) As an additional judge for excess case load or special set  
6 cases; or

7 (d) While a district judge is otherwise involved in  
8 administrative, educational, or judicial functions related to the  
9 performance of the judge's duties: PROVIDED, That the appointment of  
10 judge pro tempore authorized under subsection (2)(c) and (d) of this  
11 section is subject to an appropriation for this purpose by the county  
12 legislative authority.

13 (3) The legislature may appropriate money for the purpose of  
14 reimbursing counties for the salaries of judges pro tempore for  
15 certain days in excess of thirty worked per year that the judge pro  
16 tempore was required to work as the result of service by a judge on a  
17 commission as authorized under subsection (2) of this section. No  
18 later than September 1 of each year, each county treasurer shall  
19 certify to the administrator for the courts for the year ending the  
20 preceding June 30, the number of days in excess of thirty that any  
21 judge pro tempore was required to work as the result of service by a  
22 judge on a commission as authorized under subsection (2) of this  
23 section. Upon receipt of the certification, the administrator for the  
24 courts shall reimburse the county from money appropriated for that  
25 purpose.

26 **Sec. 8.** RCW 3.42.010 and 1984 c 258 s 30 are each amended to  
27 read as follows:

28 When so authorized by the districting plan, one or more district  
29 court commissioners may be appointed in any district by the judges of  
30 the district. Each commissioner shall be a registered voter of the  
31 county in which the district or a portion thereof is located, and  
32 shall hold office at the pleasure of the appointing judges. For  
33 purposes of this section, "appointing judge" includes a presiding  
34 judge pro tempore fulfilling presiding judge duties for a single  
35 judge court pursuant to RCW 3.34.100(2) or 3.34.150(2). Any person  
36 appointed as a commissioner authorized to hear or dispose of cases  
37 shall be a lawyer who is admitted to the practice of law in the state  
38 of Washington or who has passed the qualifying examination for lay  
39 judges as provided under RCW 3.34.060.

1        NEW SECTION.    **Sec. 9.**    A new section is added to chapter 3.50 RCW  
2 to read as follows:

3        During any vacancy that occurs in a single judge court pursuant  
4 to RCW 3.50.093 or 3.50.095, a presiding judge pro tempore who has  
5 been predesignated pursuant to court rule or appointed pursuant to  
6 RCW 2.56.040(2) may fulfill presiding judge duties, and the authority  
7 of the predesignated or appointed presiding judge pro tempore endures  
8 until the chief justice appoints someone else to fulfill the  
9 presiding judge duties pursuant to RCW 2.56.040(2)(b), or until a  
10 vacancy in the position is filled as provided by law, whichever  
11 occurs first.

12        **Sec. 10.**    RCW 3.50.075 and 2019 c 52 s 1 are each amended to read  
13 as follows:

14        (1) One or more court commissioners may be appointed by a judge  
15 of the municipal court.

16        (2) Each commissioner holds office at the pleasure of the  
17 appointing judge.

18        (3) Except as provided in subsection (4) of this section, a  
19 commissioner has such power, authority, and jurisdiction in criminal  
20 and civil matters as the appointing judges possess, and must be a  
21 lawyer who is admitted to practice law in the state of Washington or  
22 a nonlawyer who has passed, by January 1, 2003, the qualifying  
23 examination for lay judges for courts of limited jurisdiction under  
24 RCW 3.34.060.

25        (4) On or after July 1, 2010, when serving as a commissioner, the  
26 commissioner does not have authority to preside over trials in  
27 criminal matters, or jury trials in civil matters unless agreed to on  
28 the record by all parties.

29        (5) A commissioner need not be a resident of the city or of the  
30 county in which the municipal court is created. When a court  
31 commissioner has not been appointed and the municipal court is  
32 presided over by a part-time appointed judge, the judge need not be a  
33 resident of the city or of the county in which the municipal court is  
34 created.

35        (6) For purposes of this section, "appointing judge" includes a  
36 presiding judge pro tempore fulfilling presiding judge duties for a  
37 single judge court pursuant to RCW 3.50.090(2).



1       **Sec. 11.** RCW 3.50.090 and 2000 c 55 s 1 are each amended to read  
2 as follows:

3       ((The)) (1) In addition to the designation of a presiding judge  
4 pro tempore for a single judge court as provided in RCW 3.50.090(2),  
5 the presiding municipal court judge may designate one or more persons  
6 as judges pro tem to serve in the absence or disability of the  
7 elected or duly appointed judges of the court, subsequent to the  
8 filing of an affidavit of prejudice, or in addition to the elected or  
9 duly appointed judges when the administration of justice and the  
10 accomplishment of the work of the court make it necessary. The  
11 qualifications of a judge pro tempore shall be the same as for judges  
12 as provided under RCW 3.50.040 except that a judge pro tempore need  
13 not be a resident of the city or county in which the municipal court  
14 is located. Judges pro tempore shall have all of the powers of the  
15 duly appointed or elected judges when serving as judges pro tempore  
16 of the court. Before entering on his or her duties, each judge pro  
17 tempore shall take, subscribe, and file an oath as is taken by a duly  
18 appointed or elected judge. Such pro tempore judges shall receive  
19 such compensation as shall be fixed by ordinance by the municipality  
20 in which the court is located and such compensation shall be paid by  
21 the municipality.

22       (2) If a presiding municipal court judge is the single judge of  
23 the court, then pursuant to court rule or RCW 2.56.040(2), a  
24 presiding judge pro tempore may be predesignated or appointed to  
25 fulfill presiding judge duties in case of the illness, incapacity,  
26 resignation, death, or unavailability of the presiding judge. In such  
27 circumstances, the authority of the predesignated or appointed  
28 presiding judge pro tempore endures until the chief justice appoints  
29 someone else to fulfill the presiding judge duties pursuant to RCW  
30 2.56.040(2)(b), or the period of such illness, incapacity, or  
31 unavailability ends, or until a vacancy in the position is filled as  
32 provided by law, whichever occurs first.

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