
SUBSTITUTE SENATE BILL 5522

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Smith, Roach, C. Anderson and Johnson)

Read first time 02/22/95.

1 AN ACT Relating to the use of pro tempore judges and court
2 commissioners; amending RCW 3.34.130 and 35.20.200; and adding a new
3 section to chapter 35.20 RCW.

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

5 **Sec. 1.** RCW 3.34.130 and 1994 c 18 s 1 are each amended to read as
6 follows:

7 (1) Each district court shall designate one or more persons as
8 judge pro tempore who shall serve during the temporary absence,
9 disqualification, or incapacity of a district judge or to serve as an
10 additional judge for excess caseload or special set cases. The
11 qualifications of a judge pro tempore shall be the same as for a
12 district judge, except that with respect to RCW 3.34.060(1), the person
13 appointed need only be a registered voter of the state. A district
14 that has a population of not more than ten thousand and that has no
15 person available who meets the qualifications under RCW 3.34.060(2) (a)
16 or (b), may appoint as a pro tempore judge a person who has taken and
17 passed the qualifying examination for the office of district judge as
18 is provided by rule of the supreme court. A judge pro tempore may sit
19 in any district of the county for which he or she is appointed. A

1 judge pro tempore shall be paid the salary authorized by the county
2 legislative authority.

3 (2) For each day that a judge pro tempore serves in excess of
4 thirty days during any calendar year, the annual salary of the district
5 judge in whose place ~~((he or she))~~ the judge pro tempore serves shall
6 be reduced by an amount equal to one-two hundred fiftieth of such
7 salary: PROVIDED, That each full time district judge shall have up to
8 fifteen days annual leave without reduction for service on judicial
9 commissions established by the legislature or the chief justice of the
10 supreme court. No reduction in salary shall occur when a judge pro
11 tempore serves:

12 (a) While a district judge is using sick leave granted in
13 accordance with RCW 3.34.100 ~~((or))~~;

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

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

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

24 ~~((+2))~~ (3) The legislature may appropriate money for the purpose
25 of reimbursing counties for the salaries of judges pro tempore for
26 certain days in excess of thirty worked per year that the judge pro
27 tempore was required to work as the result of service by a judge on a
28 commission as authorized under subsection ~~((+1))~~ (2) of this section.
29 No later than September 1 of each year, each county treasurer shall
30 certify to the administrator for the courts for the year ending the
31 preceding June 30, the number of days in excess of thirty that any
32 judge pro tempore was required to work as the result of service by a
33 judge on a commission as authorized under subsection ~~((+1))~~ (2) of
34 this section. Upon receipt of the certification, the administrator for
35 the courts shall reimburse the county from money appropriated for that
36 purpose.

37 **Sec. 2.** RCW 35.20.200 and 1990 c 182 s 1 are each amended to read
38 as follows:

1 The mayor shall, from attorneys residing in the city and qualified
2 to hold the position of judge of the municipal court as provided in RCW
3 35.20.170, appoint judges pro tempore who shall act in the absence of
4 the regular judges of the court or in addition to the regular judges
5 when the administration of justice and the accomplishment of the work
6 of the court make it necessary. The mayor may appoint, as judges pro
7 tempore, any full-time district court judges serving in the county in
8 which the city is situated. The judges of the municipal court shall
9 promulgate rules establishing general standards for the use of judges
10 pro tempore. A copy of said rules shall be filed with the legislative
11 authority of the city at the time of budget consideration. Such
12 appointments of attorneys shall be made from a list of attorneys in
13 accordance herewith furnished by the judges of the municipal court(~~(~~
14 ~~which list shall contain not less than five names in addition to the~~
15 ~~number of judges pro tempore requested. Appointment of judges pro~~
16 ~~tempore shall be for the term of office of the regular judges unless~~
17 ~~sooner removed in the same manner as they were appointed)~~). While
18 acting as judge of the court judges pro tempore shall have all of the
19 powers of the regular judges. Before entering upon his or her duties,
20 each judge pro tempore shall take, subscribe and file an oath as is
21 taken by a municipal judge. Judges pro tempore shall not practice
22 before the municipal court during their term of office as judge pro
23 tempore. Such municipal judges pro tempore shall receive such
24 compensation as shall be fixed by ordinance by the legislative body of
25 the city and such compensation shall be paid by the city except that
26 district court judges shall not be compensated by the city other than
27 pursuant to an interlocal agreement.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.20 RCW
29 to read as follows:

30 When so authorized by the city legislative authority, the judges of
31 the city may appoint one or more municipal court commissioners. A
32 commissioner must be a registered voter of the city, and shall hold
33 office at the pleasure of the appointing judges. A person appointed as
34 a commissioner authorized to hear or dispose of cases must be a lawyer
35 who is admitted to the practice of law in the state of Washington. A

1 commissioner has such power, authority, and jurisdiction in criminal
2 and civil matters as the appointing judges possess and may prescribe.

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