

HOUSE BILL REPORT

HB 1082

As Reported By House Committee On:

Law & Justice

Title: An act relating to contempt of court.

Brief Description: Extending authority to cite for contempt of court.

Sponsors: Representatives McDonald and Sheahan.

Brief History:

Committee Activity:

Law & Justice: 1/24/97, 1/28/97 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Trudes Hutcheson (786-7384).

Background: Contempt of court is any intentional (a) disorderly conduct toward a judge while holding court that tends to impair the court's authority, or to interrupt the due course of a trial or other judicial proceedings; (b) disobedience of any lawful judgment, decree, order, or process of the court; (c) refusal as a witness to appear, be sworn, or answer a question without lawful authority; or (d) refusal, without lawful authority, to produce a record, document, or other object.

Sanctions imposed for contempt of court may be either punitive or remedial. Punitive sanctions are imposed to punish a past contempt of court. A prosecuting or city attorney, on his or her own initiative, or at the request of an aggrieved person or judge, must file an action to impose a punitive sanction. After a hearing, the court may impose a punitive sanction of a fine of up to \$5,000, imprisonment in the county jail for not more than one year, or both.

Remedial sanctions are imposed to coerce performance with a court order. A court may initiate a proceeding to impose a remedial sanction on its own motion or on the motion of an aggrieved person. After a hearing, the court may impose the following

remedial sanctions: (a) imprisonment; (b) a forfeiture not to exceed \$2,000 for each day the contempt continues; (c) a court order designed to ensure compliance with a prior order; or (d) any other remedial order if the above sanctions are not effective.

District and municipal courts are considered courts of limited jurisdiction. District courts have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor crimes and civil cases, where the value of the claim or amount at issue does not exceed \$25,000. District courts do not have jurisdiction over civil actions involving title to real property or foreclosure. Municipal courts have jurisdiction over civil and criminal matters involving violations of city ordinances.

A district court commissioner is appointed by district court judges and must be a lawyer admitted to practice law in Washington or have passed the qualifying examination for lay judges. A municipal court commissioner is appointed by judges of the city and must be a lawyer admitted to practice law in Washington. District and municipal court commissioners have the same powers that the appointing judges possess and prescribe.

A judge or commissioner of the supreme court, the court of appeals, or the superior court, and a judge of a court of limited jurisdiction may impose a sanction for contempt of court.

Summary of Bill: Commissioners of courts of limited jurisdiction may impose sanctions for contempt of court.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The ability to threaten a person with contempt of court will help a commissioner in the practical matter of running and controlling the courtroom. Commissioners need the authority to cite for contempt because most commissioners do a high volume of preliminary work with defendants who do not yet have attorneys.

Testimony Against: None.

Testified: Representative McDonald, prime sponsor; and Judges Mike Padden and Stephen Dwyer, Washington Municipal and District Court Judges Association (pro).