

SENATE BILL REPORT

HB 2908

As Reported By Senate Committee On:
Law & Justice, February 26, 1998

Title: An act relating to court commissioners.

Brief Description: Clarifying provisions affecting court commissioners.

Sponsors: Representatives Sheahan, Mason, Dunshee, Robertson and Lantz.

Brief History:

Committee Activity: Law & Justice: 2/24/98, 2/26/98 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Long, Stevens and Thibaudeau.

Staff: Dick Armstrong (786-7460)

Background: Under Washington law, court commissioners may be provided for in one of three ways. First, any city may establish a municipal department of the district court, and in that department municipal court commissioners may be appointed. Second, there is an alternate provision for cities with populations of less than 400,000 to establish municipal courts and municipal court commissioners. Third, there is a provision for cities with populations greater than 400,000 to establish municipal court commissioners.

When a judge is unqualified to hear a matter, transfer of the case is controlled by the Washington Court Rules, specifically CrRLJ 8.9 and CRLJ 40(f).

Summary of Amended Bill: Municipal court judges may appoint municipal court commissioners when authorized to do so by the city council. These municipal court commissioners have the same authority as the appointing judges, unless a lesser power is so prescribed. However, court commissioners cannot perform marriages. A person appointed as a commissioner must either be a lawyer who is admitted to the practice of law in the state of Washington or have passed the qualifying examination for lay judges.

A section relating to transfer of cases from a district court commissioner to a district court judge on demand of a party is repealed.

Amended Bill Compared to Original Bill: Commissioners of the municipal and district courts cannot perform marriages.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill clarifies the statutes on court commissioners. The bill eliminates the ability of litigants to delay the case by using both statutes and court rules to disqualify judges and court commissioners.

Testimony Against: None.

Testified: Judge Linda Thompson, District Court Judges Association.