

HOUSE BILL ANALYSIS

HB 1746

Title: An act relating to the election of municipal judges.

Brief Description: Electing municipal judges.

Sponsors: Representatives Lambert and Romero.

Brief Summary of Bill

- Requires an appointed municipal court judge to stand for election for a four-year term at the next general election following his or her appointment.
- Provides that an appointed municipal court judge may be removed from office only upon conviction for malfeasance or misconduct, or for physical or mental disability.

HOUSE COMMITTEE ON JUDICIARY

Staff: Bill Perry (786-7123).

Background:

A variety of statutes affect the election or appointment of judges in the municipal courts.

In municipal courts in cities under 400,000 population, all "full-time equivalent (FTE)" judicial positions must be filled by election. An FTE position is one that receives compensation for at least 35 hours of work per week. In a district with more than one FTE position, any additional position or combination of positions totaling more than one-half of an FTE must also be filled by election.

Although full-time judges must be elected, in some instances the initial filling of a position may be by appointment. Municipal court judges serve four-year terms. Under the statute establishing the cycle of their elections, their terms of office begin on January 1 of each fourth year beginning with January 1, 1986. If a position is filled by appointment, it must be filled no later than December 1 of the last year of the four-year cycle. Potentially, then, a position could be filled by appointment for nearly a full four years before an election would be held.

There are several ways that a judge of a municipal court may be removed from office before the end of his or her term. An elected judge of a municipal court is subject to

recall under the state constitution for malfeasance, misfeasance, or breach of oath of office. Under a statute applicable to elected officials, the office of a municipal court judge may also be forfeited and declared vacant upon the judge's conviction for any felony, for malfeasance, or for any offense involving a violation of the oath of office. Municipal court judges are also subject to discipline, including possible removal from office, upon recommendation of the Commission on Judicial Conduct for a violation of the Code of Judicial Ethics.

Notwithstanding these provisions, a statute that applies specifically to municipal court judges declares that a municipal court judge may be removed "only upon conviction for misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office." One of two statutes dealing with the appointment of municipal court judges in cities with a council/manager form of government contains this same statement on removal.

Summary of Bill:

Any municipal court judge who is appointed to office must stand for election at the next general election for a four-year term.

The statement regarding removal of appointed judges for malfeasance or misconduct in office, or for physical or mental disability, is added to the general statute on municipal court judges, as well as to the second statute regarding appointment of judges in cities with a council/manager form of government.

Fiscal Note: Not requested.

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

Office of Program Research