

# FINAL BILL REPORT

## HB 2774

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Synopsis as Enacted

**Brief Description:** Revising provisions for appointment of judges pro tempore.

**Sponsors:** Representatives Carrell, Constantine, Esser, Fortunato, Dickerson, Mulliken and Edwards.

**House Committee on Judiciary**

**Senate Committee on Judiciary**

### **Background:**

Municipal courts are courts of limited jurisdiction that hear cases involving violations of city ordinances. Municipal courts in cities with a population of more than 400,000 are organized under a different chapter than municipal courts in cities with a population of 400,000 or less.

The mayor of a city is authorized to appoint judges pro tempore to the municipal courts when necessary. Judges pro tempore are usually attorneys and must be qualified to hold the position of judge of the municipal court. Compensation for municipal court judges pro tempore is determined by the local legislative authority. Aside from these similarities, there are differences between the statutory provisions regarding appointment of judges pro tempore in the two municipal court chapters.

In municipal courts in cities of 400,000 or less, judges pro tempore may be appointed in the absence or disability of a regular judge or subsequent to the filing of an affidavit of prejudice. Judges pro tempore are appointed for a specified term and in no case longer than the term of the appointing mayor.

In municipal courts in cities of more than 400,000, judges pro tempore may be appointed in the absence of a regular judge or in addition to the regular judges when necessary for the administration of justice or the accomplishment of the work of the court. A judge pro tempore must take the oath of office of a regular judge and has all the powers of a regular judge. The judges of the municipal court must adopt standards for the use of judges pro tempore, and the appointment of attorneys must be made from a list of attorneys provided by the judges.

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### **Summary of Bill:**

Statutes governing the appointment of judges pro tempore of the municipal courts in cities greater than 400,000 and in cities of 400,000 or less are amended to provide consistent standards.

The statute governing appointment of judges pro tempore in municipal courts in cities of 400,000 or less is amended to specify that the presiding judge, rather than the mayor, makes the appointment and that a judge pro tempore may be appointed when necessary for the administration of justice and accomplishment of the work of the court. Judges pro tempore need not be residents of the city or county where the municipal court is located, and must take the same oath of office and have all the powers of an elected or duly appointed judge. The requirement is removed that the term of appointment of a judge pro tempore be specified in writing but in no case exceed the term of the appointing mayor.

The statute governing appointment of judges pro tempore in municipal courts in cities over 400,000 is amended to specify that the presiding judge, rather than the mayor, makes the appointment, and that the term of appointment must be specified in writing. The requirement is removed that the municipal court judges adopt standards for the use of judges pro tempore and that the appointment of attorneys be made from a list provided by the judges.

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**Votes on Final Passage:**

House 97 0  
Senate 44 2

**Effective:** June 8, 2000