

SENATE BILL REPORT

SSB 6719

As Passed Senate, February 19, 2002

Title: An act relating to municipal courts.

Brief Description: Modifying municipal court provisions.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Winsley, Prentice and Eide).

Brief History:

Committee Activity: Judiciary: 2/4/02, 2/7/02 [DPS].

Passed Senate: 2/19/02, 48-1.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6719 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Long, McCaslin, Poulsen, Thibaudeau and Zarelli.

Staff: Dick Armstrong (786-7460)

Background: Currently judges of a municipal court or department in cities less than 400,000 population may be selected either by appointment or election, as determined by the city legislative body. However, if a city utilizes the equivalent of a full-time judicial position (35 or more hours per week of compensated time), then the judicial position must be filled by election. There is no specific requirement that a municipal court have a full-time judge, given that a city can utilize one or more persons to fill the full-time equivalent judicial position.

Some cities have declined to elect a full-time judge and instead have relied on appointing part-time judges to handle the caseload of the city. It has been suggested that this practice has a negative impact on the administration of justice and that, at least for some of the larger cities, the election of a full-time municipal court judge would provide for a more equitable treatment of the judicial officer and a more efficient handling of judicial duties.

Summary of Bill: In cities with a population in excess of 50,000 that have established a municipal court or department, there must be at least one full-time elected municipal judge. The election of a full-time judge is to occur at the general election following the expiration of contracts for the appointed judges of a city.

Appropriation: None.

Fiscal Note: Requested on January 30, 2002.

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

Testimony For: Cities over 50,000 with a municipal court should have a full-time elected judge. With appointed judges, the mayor has too much influence and control, and it creates a bad perception. There are three branches of government and we should have elected judges as part of that process to maintain independence of the judiciary.

Testimony Against: The city of Federal Way does not like the bill because it has an immediate impact on the city, particularly on the budget process. There should be a phase-in process to allow for some planning time.

Testified: Senator Winsley, prime sponsor (pro); Kathy Gerke, Association of Washington Cities (concerns); Doug Levy, City of Federal Way (con).