

SENATE BILL REPORT

HB 1218

As Reported by Senate Committee On:
Judiciary, March 24, 2009

Title: An act relating to imprisonment for contempt of court cases.

Brief Description: Changing the requirement that contempt of court sanctions be served in the county jail.

Sponsors: Representatives Goodman, Klippert, O'Brien, Ross, Simpson and Williams.

Brief History: Passed House: 2/23/09, 95-0.

Committee Activity: Judiciary: 3/20/09, 3/24/09 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles and Tom.

Staff: Lidia Mori (786-7755)

Background: A judge or court commissioner may impose sanctions for contempt of court. The sanctions may be either punitive or remedial.

Punitive sanctions are imposed to punish a past contempt of court. A prosecuting or city attorney, on the attorney's 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 either a fine of up to \$5,000 or 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. Remedial sanctions include imprisonment, a forfeiture not to exceed \$2,000 for each day the contempt continues, or other orders to ensure compliance.

A judge presiding in an action may immediately and summarily impose either a remedial or punitive sanction for a contempt of court committed in the judge's presence in order to preserve the dignity and order of the court. Punitive sanctions that may be imposed under

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these circumstances include a fine of up to \$500 or imprisonment in the county jail for up to 30 days, or both.

Summary of Bill: The contempt of court statute is revised to allow detention imposed for contempt of court to be served in any jail, not just in the county jail.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill will save the cities some money. There have been occasions when a municipal court judge has imposed jail and it does not make any sense to have to transport the defendant to the county jail.

Persons Testifying: PRO: Representative Goodman, prime sponsor; Judge Brett Buckley, District & Municipal Court Judges Association.