

HOUSE BILL REPORT

HB 1221

As Passed House:
January 18, 2018

Title: An act relating to the solemnization of marriages by commissioners of courts of limited jurisdiction.

Brief Description: Concerning the solemnization of marriages by commissioners of courts of limited jurisdiction.

Sponsors: Representatives Rodne, Goodman, Klippert, Kilduff, Jinkins, Barkis, Muri and Hudgins.

Brief History:

Committee Activity:

Judiciary: 1/17/17, 1/26/17 [DP].

Floor Activity:

Passed House: 2/9/17, 93-5.

Floor Activity:

Passed House: 1/18/18, 87-9.

Brief Summary of Bill

- Authorizes commissioners of limited jurisdiction courts to solemnize marriages.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Frame, Goodman, Haler, Hansen, Kirby, Klippert, Muri and Orwall.

Minority Report: Do not pass. Signed by 1 member: Representative Shea.

Staff: Audrey Frey (786-7289).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Marriage is a civil contract between two persons who are each age 18 or older and who are otherwise capable. There is no particular form required for the solemnization of a marriage, except that the parties must assent to the marriage in the presence of an authorized person and two witnesses.

Persons authorized to solemnize marriages include active or retired judicial officers and officials of religious organizations. Authorized judicial officers are judges of the Washington Supreme Court, Court of Appeals, superior courts, and limited jurisdiction courts, as well as commissioners of the Washington Supreme Court, Court of Appeals, or superior courts. Authorized religious officials include any licensed or ordained minister, priest, imam, rabbi, or similar official of a religious organization.

A person who solemnizes a marriage must deliver, within 30 days after the marriage, a certificate of the marriage to the county auditor and to the state registrar of vital statistics.

Courts of limited jurisdiction include district and municipal courts. District courts are county courts and serve defined territories within counties. Municipal courts are courts created by cities and towns.

District and municipal court judges may appoint commissioners. Commissioners are usually attorneys licensed to practice in Washington. Working under the direction of a judge, commissioners assume many of the same powers and duties of a judge. Most courts employ commissioners to ease the judges' caseloads.

Summary of Bill:

Commissioners of limited jurisdiction courts are authorized to solemnize marriages.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) In today's Internet age when someone can get ordained in a few clicks online, allowing district and municipal court judges to solemnize marriages is the right thing to do.

Commissioners of district and municipal courts can do 99 percent of the work of a judge, but the 1 percent they can not do is marry people and perform weddings. It is an oversight in the statute right now. Commissioners have the authority to preside over all sorts of disputes: small claims cases; civil judgments; proceeding to change someone's last name; anti-harassment orders; and criminal cases that could result in placing someone in jail. District court is the court the general public relates to the most. It is their court; they go there all the time. There is a sense of community around district court. The commissioners are asking to be allowed to completely serve their communities, just like the judges.

(Opposed) None.

Persons Testifying: Representative Rodne, prime sponsor; Melanie Stewart and Rick Leo, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.