

SENATE BILL REPORT

SHJR 4221

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, APRIL 4, 1991

Brief Description: Amending the Constitution to revise the jurisdiction of the superior court.

SPONSORS: House Committee on Judiciary (originally sponsored by Representative Appelwick).

HOUSE JUDICIARY COMMITTEE

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Dick Armstrong (786-7460)

Hearing Dates: April 2, 1991; April 4, 1991

BACKGROUND:

A complex set of constitutional provisions and court decisions govern the question of jurisdiction in trial courts. The superior courts in this state are courts of general jurisdiction, which means that superior courts may hear any case the jurisdiction of which has not been conferred on some other court. District courts, on the other hand, are courts of limited jurisdiction, which means that they have jurisdiction only over matters specifically assigned to them by statute.

There are some matters over which the Legislature clearly may assign concurrent jurisdiction to both the superior and district courts. Based on somewhat ambiguous case law, however, it appears that other matters are in the exclusive jurisdiction of the superior courts. These matters over which the superior courts have exclusive jurisdiction are identified in the state Constitution. They include all cases involving felonies, the title or possession of real property, taxes, bankruptcy, nuisances, probate or divorce, and all cases in "equity."

Cases in equity cover a range of matters that courts of law historically could not handle. Equity cases include, among other things, actions for injunctions or restraining orders. The issuance of protective orders, such as those authorized in domestic violence and anti-harassment cases, is an exercise of equity jurisdiction. Some superior courts have been faced with increasingly large numbers of these protective order actions. Proposals have been considered that would allow

these cases to be heard in district court. However, because of the constitution, these cases may be heard only in superior court.

SUMMARY:

The Constitution is amended to remove cases in equity from the designated original jurisdiction of the superior courts.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Expansion of the jurisdiction of district courts is an important part of better management of workloads in the state's trial courts. This constitutional amendment will allow some of that expansion.

TESTIMONY AGAINST: None

TESTIFIED: Rep. Appelwick (pro); James McCutcheon, Superior Court Judges (pro); Ron Gould, WSBA (pro); Bill Gates, Gates Commission (pro); Chief Justice Fred Dore, Washington State Supreme Court (pro)