

SENATE BILL REPORT

HB 1051

As Reported By Senate Committee On:
Law & Justice, February 15, 1996

Title: An act relating to contempt of court.

Brief Description: Authorizing certain court commissioners to impose sanctions for contempt of court.

Sponsors: Representatives Padden and Costa.

Brief History:

Committee Activity: Law & Justice: 3/16/95 [DP]; 2/15/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Haugen, Johnson, Long, McCaslin, Roach and Schow.

Staff: Lidia Mori (786-7755)

Background: Contempt of court is any intentional disorderly conduct towards a judge while holding court which tends to impair the authority of the court or interrupt the due course of a judicial proceeding. It also includes disobedience of any lawful judgment, decree, order, or process of the court or refusal without lawful authority, as a witness, to appear, be sworn, or answer a question. Refusal, without lawful authority, to produce a record, document, or other object also constitutes contempt of court.

Sanctions imposed for contempt of court are remedial if imposed to coerce performance with a court order and punitive if imposed to punish a past contempt of court. After notice and hearing, the court may impose the following remedial sanctions: (1) imprisonment; (2) forfeiture not to exceed \$2,000 for each day the contempt continues; (3) issuance of an order designed to ensure compliance; or (4) issuance of any other remedial order if the above sanctions are ineffective.

An action to impose a punitive sanction for a contempt of court shall be filed by a prosecuting attorney or city attorney on his or her own initiative or at the request of an aggrieved person or a judge. After a hearing, the court may impose a punitive sanction of either a fine of not more than \$5,000 or imprisonment in the county jail for not more than one year, or both.

The Washington Constitution authorizes superior court judges to appoint not more than three court commissioners in each county. Superior court commissioners must be citizens of the United States and may have the same powers of the superior court judge in specified matters, including probate, temporary restraining orders and injunctions, adoption, corporate

dissolution, commitment of persons to mental institutions, and ex parte or uncontested civil proceedings.

District and municipal court commissioners must either be admitted to the practice of law in Washington or have passed the qualifying examination for lay judges. District court commissioners have the same powers as the appointing judges possess.

A judge or commissioner of the Supreme Court, Court of Appeals, and superior court, and a judge of a court of limited jurisdiction may impose sanctions for a contempt of court. Commissioners of district and municipal courts may not impose sanctions for a contempt of court.

Summary of Bill: A commissioner of a court of limited jurisdiction who is a lawyer admitted to the practice of law in Washington may impose sanctions for a contempt of court.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: If a commissioner is going to have the powers and duties of a judge, he or she should have the ability to impose contempt of court sanctions.

Testimony Against: None.

Testified: Melanie Stewart, WA Municipal and District Court Judges Assn.