

HOUSE BILL REPORT

HB 1263

As Reported By House Committee On:
Judiciary

Title: An act relating to district and municipal courts.

Brief Description: Regulating process and fees of district and municipal courts.

Sponsors: Representatives Sheahan, Constantine, McDonald and Kastama.

Brief History:

Committee Activity:

Judiciary: 2/4/99, 2/22/99 [DPA].

Brief Summary of Amended Bill

- Removes the requirement that all district and municipal court legal process must be issued under seal, and allows supreme court rules to determine when a seal is required.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Bill Perry (786-7123).

Background:

All district and municipal courts are required to have a "seal." The design of the seal is prescribed by statute, and the seal must be stamped on "all process" issued by the court. "Process" is undefined in the statute, but has been interpreted in practice to cover virtually any document issued by a court. Such "process" may include not only subpoenas, summons, orders and judgments, but also receipts, traffic infraction notices sent to the Department of Licensing, and other relatively routine paperwork. Court rules (for instance, regarding the subpoena of witnesses) and federal law (for

instance, regarding legal change of a person's name) require that some documents be issued "under seal." However, it has been questioned whether stamping seals on virtually every document issued by a court is necessary or efficient.

The statutes covering district courts, including municipal departments of district courts, and the statutes covering separate municipal courts in cities of more than 400,000 population, both contain express statements that the process issued by these courts is good statewide. However, the statute covering separate municipal courts in cities of 400,000 or less does not explicitly say that process from those courts "runs throughout the state."

District and municipal courts are required to collect certain fees for their official services. These fees are subject to a 32 percent split with the state Public Safety and Education Account. Some courts have seen a recent increase in requests for conducting various kinds of records searches and compilations. Superior court clerks are authorized to charge a fee of up to \$20 per hour for such "special services." There is currently no express provision in the district and municipal court fee statute for charging for these kinds of services.

Summary of Amended Bill:

The requirement that all process issued by district and municipal courts be under seal is removed. The supreme court may determine by rule when documents of the courts must be stamped with a seal.

A statement is added to the statute covering legal process issued by municipal courts in cities of 400,000 or less population indicating that such process runs throughout the state.

Amended Bill Compared to Original Bill: The original bill contains authorization for clerks to charge a fee of up to \$10 per hour for performing special services such as historical searches.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (Original bill) It is wasteful and unnecessary to "seal" all documents. A fee of \$10 per hour will help cover a portion of the cost of searching records.

Testimony Against: None.

Testified: Judge Robert McBeth, District and Municipal Court Judges Association.