

HOUSE BILL REPORT

SSB 6351

As Reported By House Committee On:

Judiciary

Title: An act relating to superior court commissioners.

Brief Description: Providing additional authority for superior court commissioners.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Heavey, Long, Shin, Thibaudeau, Sheahan and Costa).

Brief History:

Committee Activity:

Judiciary: 2/22/00, 2/25/00 [DP].

Brief Summary of Substitute Bill

- Expands the power of the superior court commissioner to hear preliminary criminal matters.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 8 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Lambert, Republican Vice Chair; Cox; Esser; Lovick; McDonald and Schindler.

Minority Report: Do not pass. Signed by 4 members: Representatives Hurst, Democratic Vice Chair; Dickerson; Kastama and Lantz.

Staff: Mark Friendshuh (786-7291); Bill Perry (786-7123).

Background:

The state constitution provides for the appointment of court commissioners who may perform some duties of the superior court. (Article 4, section 23.) The constitution allows commissioners to take depositions and perform other duties "as may be prescribed by law." The duties which may be prescribed are restricted, however, to those that could be performed "at chambers"-- actions not before a jury.

The specific powers of the commissioner are enumerated in RCW 2.24.040 and include the power to hear probate matters, petitions for adoptions, small claims appeals, and uncontested civil matters; grant adjournments and defaults; and administer oaths.

Summary of Bill:

The commissioner is given the power to conduct a variety of preliminary duties for adult criminal cases. These duties include presiding over arraignments and preliminary appearances, appointing counsel, setting bail, setting trial and hearing dates, and, in some cases, accepting pleas.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill increases flexibility for courts. Judges like it. City councils like it. By giving more "housekeeping" duties to commissioners, it allows judges to share more of the workload and speeds the wheels of justice.

Court commissioners could be used profitably for these relatively routine preliminary criminal matters. Commissioners already have the power to hear preliminary criminal matters in juvenile courts. In addition, in some districts, in felony cases these criminal matters currently may be heard by district court commissioners when the preliminary actions are heard in district court before transfer to superior court.

The types of actions commissioners may take are administrative and simple--the decisions are made by defined standards. Giving the court the flexibility to let the commissioners hear preliminary criminal matters would be very helpful.

Testimony Against: Court commissioners are not elected, so they should not be able to take the place of judges. Any form of "streamlining" in the criminal justice system is suspicious.

Testified: (In support) Senator Kline, prime sponsor; and Judge Sam Cozza, Superior Court Judges Association.

(Opposed) Mr. Bugoni.