

SENATE BILL REPORT

SB 5046

As Passed Senate, January 30, 2013

Title: An act relating to modifying the mandatory retirement provision for district judges.

Brief Description: Modifying the mandatory retirement provision for district judges.

Sponsors: Senators Padden, Kline, Keiser, Harper, Shin and Kohl-Welles.

Brief History:

Committee Activity: Law & Justice: 1/16/13, 1/21/13 [DP].

Passed Senate: 1/30/13, 48-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; Carrell, Vice Chair; Darneille, Kline, Ranking Member; Kohl-Welles, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

Background: District courts have jurisdiction over both criminal and civil cases. Criminal jurisdiction includes misdemeanor and gross misdemeanor cases that involve traffic or non-traffic offenses. Examples include driving while under the influence of intoxicating liquor or drugs (DUI), reckless driving, driving with a suspended driver's license, and assault in the fourth degree. Preliminary hearings for felony cases are also within the jurisdiction of the district courts.

Jurisdiction in civil cases includes damages for injury to individuals or personal property and contract disputes in amounts of up to \$75,000. District courts also have jurisdiction over traffic and non-traffic infractions, defined as civil proceedings for which a monetary penalty, but no jail sentence, may be imposed. District courts have jurisdiction to issue domestic violence and antiharassment protection orders and no-contact orders. They also have jurisdiction to hear change-of-name petitions and certain lien foreclosures. Small claims are limited to money claims of up to \$5,000. These are filed and heard in the Small Claims Department of the district court.

District court judges are elected to four year terms. If a district court judge vacancy occurs during a term of office for any reason, the county legislative authority fills the vacancy by

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appointment, and the judge holds office until the next general election. District court judges must retire from office at the end of the calendar year in which the judge reaches the age of 75.

Summary of Bill: Instead of requiring that a district court judge must retire from office at the end of the calendar year in which the judge reaches the age of 75, the judge is allowed to serve until the expiration of the judge's term of office.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This is similar to the legislation from last year that passed the Senate and did not make it through the House. In the next election cycle, three judges would be affected by the mandatory retirement provision. It is a shame to lose the experience that these judges accumulated. To adjust the retirement age of Superior Court judges, Court of Appeals judges, and Supreme Court justices would require a Constitutional amendment.

CON: When you are 75 years old, it is time to retire. At that age, you are not at the top of your game. Older judges may not be able to handle the high district court case loads.

Persons Testifying: PRO: Judge Sam Meyer, Thurston County District Court.

CON: Arthur West, citizen.