

SENATE BILL REPORT

SSB 5135

As Amended by House, April 9, 2013

Title: An act relating to judicial proceedings and forms.

Brief Description: Concerning judicial proceedings and forms.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Pearson, Kline and Padden).

Brief History:

Committee Activity: Law & Justice: 1/28/13, 2/04/13, 2/18/13 [DPS].

Passed Senate: 3/08/13, 49-0.

Passed House: 4/09/13, 94-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5135 be substituted therefor, and the substitute bill do pass.

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

Staff: Aldo Melchiori (786-7439)

Background: A jury source list is a list of all registered voters of a county, merged with a list of licensed drivers and identicard holders who reside in that county. The list specifies each person's first and last name, middle initial, date of birth, gender, and residence address. Information provided to the court for preliminary determination of qualification for jury duty may only be used for the term the person is summoned and may not be used for any other purpose. Jury source lists are used to create a master list from which jurors are randomly selected. The jurors drawn for service are summoned by mail or personal service. The court clerk must report nondelivery of summons of persons summoned for jury duty to the county auditor.

Disputes in trust and estate matters may be resolved using nonjudicial methods. If mediation, arbitration, or agreement are unsuccessful, judicial resolution of a trust and estate dispute may be resolved by the court. These judicial proceedings may be commenced as new actions or as actions incidental to other proceedings relating to the same trust, estate, or nonprobate asset. These actions may also be converted into separate actions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In proceedings to adjudicate parentage, the court may close the proceeding for good cause. Final orders in parentage proceedings are available for public inspection.

Summary of Substitute Bill: The court clerk is no longer required to report a summons as undeliverable for persons summoned for jury duty to the county auditor.

Judicial proceedings in trust and estate matters must be commenced as new actions. They may be consolidated with existing proceedings, but they may no longer be converted into separate actions.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: These are intended to be technical updates. County auditors have better methods that they use to update jury lists. Requiring trust and estate cases to be filed as new actions enables county clerks to ensure proper record-keeping. It is not uncommon to have subsequent documents filed in paternity proceedings and it is not clear whether those documents are open for public inspection.

Persons Testifying: PRO: Senator Pearson, prime sponsor; James McMahan, Assn. of County Officials.

House Amendment(s): Final orders in parentage proceedings are available for public inspection. Records entered prior to the final order determining parentage are accessible only to the parties or on order of the court for good cause. Except as provided by court rules, records entered after entry of a final order determining parentage are publicly accessible.