

FINAL BILL REPORT

SSB 5165

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Synopsis as Enacted

Brief Description: Increasing the authority of superior court commissioners to hear and determine certain matters.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Hargrove and Carrell).

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Article IV section 23 of the Washington State Constitution authorizes the appointment of up to three court commissioners per county. The court commissioners are appointed by the superior court and are authorized to perform the same duties as a judge of the superior court at chambers, or as otherwise provided by law to aid the administration of justice. These duties include hearing matters related to probate, hearing and making determinations for small claims appeals, issuing temporary restraining orders, presiding over arraignments, and other pre-trial matters in adult criminal cases, and performing other judicial duties as required by the judge. Court commissioner salaries are paid by the county.

In addition to the constitutionally authorized commissioners, the Legislature has authorized supplementary court commissioners to assist superior court judges in specific areas of law. These include mental health commissioners and family court commissioners. The duties of these court commissioners are limited by statute to specific powers pertinent to assisting the court in mental health or family court matters respectively. Both mental health commissioners and family court commissioners are appointed by the superior court with prior authorization of the county legislative authority.

Counties with a population of more than 400,000 are authorized to approve the creation of criminal commissioner positions in superior court. The presiding judge of the superior court in such a county may appoint one or more attorneys to serve as criminal commissioners to assist the court with handling adult criminal cases.

Antipsychotic medication may be administered without consent to a person who has been committed for less than 180 days under the Involuntary Treatment Act pursuant to court order if the petitioner proves by clear, cogent, and convincing evidence that a compelling state interest justifies overriding the patient's lack of consent, the proposed treatment is necessary and effective, and medically acceptable alternative forms of treatment are not available, have

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not been successful, or are not likely to be effective. Such a person is entitled to counsel and the protections of the rules of evidence. Antipsychotic medication may be administered without consent in an emergency, provided that a court petition is filed on the next judicial day. The court order for involuntary medication is effective until the expiration of the person's current 180-day order of commitment.

Summary: Court commissioners may hear applications and petitions filed in superior court for the purpose of administering antipsychotic medication without consent to a person who has been committed pursuant to the Involuntary Treatment Act.

Criminal court commissioners may authorize and issue search warrants and orders to intercept, monitor, or record wired or wireless telecommunications, or for the installation of electronic taps or other devices to include, but not limited to, vehicle global positioning system or other mobile tracking devices, with all the powers conferred upon the judge of the superior court in such matters.

Votes on Final Passage:

Senate	46	2
House	72	25

Effective: July 28, 2013.