

# FINAL BILL REPORT

## SSB 5277

---

---

C 42 L 17  
Synopsis as Enacted

**Brief Description:** Concerning disqualification of judges.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Padden, Pedersen, Darneille and Kuderer).

**Senate Committee on Law & Justice**  
**House Committee on Judiciary**

**Background:** State law permits a party to change judges once as a matter of right, upon timely motion and affidavit of prejudice, without substantiating the claim of prejudice upon the belief that they cannot have a fair and impartial trial before the judge. A timely motion must be made before the judge makes a discretionary ruling in the matter. Non-discretionary rulings include the following:

- arrangement of the court calendar;
- setting of an action, motion or proceeding for hearing or trial;
- the arraignment of the accused in a criminal action; and
- fixing bail.

After exercising the peremptory right to remove a judge, a party may not disqualify a second judge for prejudice by filing a second motion and affidavit under the same statutory provision of law. After prejudice has been timely established in accordance with state law, the judge may not hear or rule on the matter unless the parties, by written stipulation, agree for the judge to rule on a part of the matter.

**Summary:** The motion and affidavit of prejudice against a judge is replaced by a notice of disqualification. The statutory list of non-discretionary rulings is expanded to include the following:

- arrangement of the court calendar;
- setting of an action, motion or proceeding for hearing or trial;
- arraignment of the accused in a criminal action;
- fixing bail;
- rulings on an agreed continuance;
- issuing an arrest warrant;
- presiding over criminal preliminary proceedings for warrantless arrests; and
- presiding over juvenile detention and release hearings.

---

*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.*

A judge who has been disqualified may decide such issues as the parties agree in writing or on the record in open court.

**Votes on Final Passage:**

Senate	49	0
House	96	0

**Effective:** July 23, 2017