

HOUSE BILL REPORT

SSB 6138

*As Passed House
March 3, 1992*

Title: An act relating to deleting obsolete references regarding district courts.

Brief Description: Deleting obsolete references regarding district courts.

Sponsor(s): By Senate Committee on Law & Justice (originally sponsored by Senators Nelson, A. Smith, Erwin and Madsen).

Brief History:

Reported by House Committee on:
Judiciary, February 19, 1992, DP;
Passed House, March 3, 1992, 96-0.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 16 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Staff: Bill Perry (786-7123).

Background: Since before statehood, Washington has had a statute authorizing a so-called "peace bond." Judges of the district courts are authorized to put a person in jail based on a belief that the person has made threats against the property or person of another and that the person might in fact commit a crime. The statute purports to allow the arrest of a person based on nothing more than an ex parte hearing of the allegation of the complainant. The person can avoid going to jail by posting a peace bond as security. If the person fails to post the peace bond, he or she can be held in jail for a period of up to one year. This law (Chapter 10.13 RCW) is almost certainly unconstitutional for failure to provide due process of law.

The Legislature has statutorily set the number of judges in each county's district court. The Legislature determines the number of judges in each district based on a weighted

caseload analysis done by the Office of the Administrator for the Courts. Any increase in the number of judges in a county over the base number existing as of January 1, 1992 must be approved by the county legislative authority. However, a county legislative authority may reduce the number of district court judges in the county if a city within the county chooses to use a municipal judge instead of a county district judge.

Summary of Bill: Chapter 10.13 RCW, the so-called "peace bond" statute is repealed.

The statute that authorizes county legislative authorities to reduce the number of district court judges is repealed. The weighted caseload system is the sole method by which the number of district court judges is determined for each county.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.