

HOUSE BILL REPORT

EHB 1333

As Passed House:

February 13, 2004

Title: An act relating to the membership of the commission on judicial conduct.

Brief Description: Changing the membership of the commission on judicial conduct.

Sponsors: By Representatives Lantz, Carrell, Campbell, Darneille, O'Brien and Chase.

Brief History:

Committee Activity:

Judiciary: 1/15/04 [DPA].

Floor Activity:

Passed House: 2/13/04, 96-0.

Brief Summary of Engrossed Bill

- Changes a reference to "district" court judges to "limited jurisdiction" court judges in the statute describing the membership of the Commission on Judicial Conduct.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 8 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Flannigan, Kirby, Lovick and Newhouse.

Staff: Bill Perry (786-7123).

Background:

In 1980 the voters approved a constitutional amendment that created the "Judicial Qualifications Commission" (Commission). In 1981 statutory provisions were enacted to implement the constitutional provision. A subsequent amendment changed the name of the Commission to the "Commission on Judicial Conduct."

The Commission handles complaints about judges who may have violated the rules of judicial conduct. The Commission is authorized to receive complaints, conduct

investigations, hold hearings, impose certain types of discipline and make other disciplinary recommendations to the Supreme Court. The Commission is authorized by statute to investigate judicial officers at all levels of the state's court system, including justices, judges, judges pro tempore, court commissioners and magistrates.

Both the constitutional provision and the implementing statute provide that the Commission consists of 11 persons: one judge selected by and from the court of appeals judges; one judge selected by and from the superior court judges; one judge selected by and from the district court judges; two attorneys selected by the bar association; and six lay persons selected by the Governor with Senate confirmation.

The reference to "district court" judges in the constitutional provision on Commission membership has caused some concern. County district courts are just one of the state's courts of limited jurisdiction. Municipal courts may be departments of district courts, but they may also be independent city courts. Some judges of some municipal courts are elected and some are appointed.

Summary of Engrossed Bill:

The reference to "district" court is changed to "limited jurisdiction" court in the statute describing the membership of the Commission.

This change is dependent upon the voters' approval of a parallel constitutional amendment.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect January 1, 2005, if the necessary constitutional amendment is approved at the next general election.

Testimony For: This measure is just a matter of simple equity. Judges who are subject to the authority of the commission should be represented on the commission.

Testimony Against: None.

Persons Testifying: (In support) Patrick Burns, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.