

SENATE BILL REPORT

SB 5336

As Reported By Senate Committee On:
Judiciary, February 12, 2003

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: Senators Esser, Kline, Johnson, Thibaudeau, Eide, Brandland and Schmidt.

Brief History:

Committee Activity: Judiciary: 2/5/03, 2/12/03 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Jinnah Rose-McFadden (786-7421)

Background: The Commission on Judicial Conduct is a body authorized to investigate complaints filed against state judges and justices, as well as hold hearings and impose disciplinary action where warranted.

The commission is composed of 11 members, three of whom are state judges. Currently, one judge is selected by and from each of the following courts: the Court of Appeals, the superior court, and the district court. Municipal court judges are not authorized to sit on the commission.

Summary of Substitute Bill: The composition of the Commission on Judicial Conduct is amended to allow one member to be selected by and from elected judges serving courts of limited jurisdiction, rather than the district court judges. This allows elected municipal court judges to sit on the commission.

If a proposed amendment to Article IV, section 31 of the state Constitution, creating the Commission on Judicial Conduct, is validly submitted, approved, and ratified by the Washington voters at the next general election, this act takes effect on January 1, 2004. If the proposed amendment is not approved and ratified, this act is void.

Substitute Bill Compared to Original Bill: The substitute bill places a restriction on the Commission seat to be occupied by a limited jurisdiction court judge; the judge occupying the seat must be an elected judge.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: January 1, 2004, if the proposed amendment to Article IV, section 31 of the state Constitution is approved and ratified by the voters at the next general election.

Testimony For (original bill): The main issue this bill addresses is parity among judges. Municipal court judges currently do not have the opportunity to seek a seat on the Judicial Conduct Commission and are, therefore, treated differently than other judges in the state. While this bill does not guarantee that a seat on the Judicial Conduct Commission will be filled by a municipal court judge, it provides an opportunity to municipal court judges that is currently unavailable.

If this bill passes, the newly created seat on the Commission would be filled in a two step process: 1) the nominating committee of the District and Municipal Court Judges Association would select and nominate candidates for the Commission seat, ensuring that all nominated candidates are highly qualified municipal and district court judges; and 2) from among those candidates nominated, a vote would be taken to choose the representative to the Commission.

Testimony Against: None.

Testified: Glenn Phillips, Kent Municipal Court Judge, District and Municipal Court Judges Association (pro).