

---

## Judiciary Committee

---

### ESB 6342

**Title:** An act relating to municipal court judges and commissioners.

**Brief Description:** Changing the election and appointment provisions for municipal court judges.

**Sponsors:** Senators Kline, Esser and Pflug; by request of Board For Judicial Administration.

<p style="text-align: center;"><b>Brief Summary of Engrossed Bill</b></p> <ul style="list-style-type: none"><li>• Requires election of all municipal court judges.</li></ul>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



**Hearing Date:** 2/20/06

**Staff:** Edie Adams (786-7180).

**Background:**

Municipal courts are courts of limited jurisdiction that hear cases involving infractions or crimes that are violations of city ordinances. Cities have several options in how to provide municipal court services. The city can contract with the district court to provide court services; establish a municipal department of the district court; or establish an independent municipal court. In addition, some cities contract with other cities for court services.

A judge of the municipal court serves a four-year term and must be an attorney admitted to practice law in Washington, except that in a municipality with less than 5,000 population, the judge may be a non-attorney who has passed the qualifying examination for a lay judicial officer by January 1, 2003. A municipal court judge must be a resident of the county in which the court resides, but does not need to be a resident of the city in which the court is created. However, in a municipal court with a part-time judge where a commissioner has not been appointed, the part-time judge does not have to be a resident of the county where the court is located.

A full-time municipal court judge position (35 hours per week) must be filled by election. Additional positions that are by themselves or in combination equal to more than one-half of a full-time judge position also must be filled by election. Part-time judge positions may be filled by appointment or election at the option of the city. The city may appoint a district judge as its municipal judge if the municipal judge position is part-time.

A judge of the municipal court may appoint a commissioner, who holds office at the pleasure of the appointing judge and has the same power, authority, and jurisdiction as the appointing judge.

The commissioner must be a lawyer admitted to practice in Washington or a non-lawyer who has passed the qualifying examination for lay judges.

**Summary of Bill:**

The statute governing independent municipal courts is amended to require election of all municipal court judges.

The mayor of a municipality must initially appoint a judge or judges for a newly created municipal court. The appointed judge serves until January 1 of the year following the next election when other city elected positions are normally elected.

The legislative authority of the municipality must provide by ordinance for the number of full and part-time judges to be elected. Municipal court judge elections must be held at the same time as elections for other elected city offices.

Procedures are established for conducting municipal court judge elections. Where there is more than one judge position for a municipal court, the election official for the county in which the majority of city or town residents reside must designate each judge position by number. A candidate may run for only one of the numbered positions and must designate that numbered position when filing a declaration of candidacy.

Where a void in election or lapse of election occurs in a city or town with a population of less than 10,000, the filings for office may not be reopened and the mayor must appoint a qualified person to serve the entire term for the position. The legislative authority of the city or town may confirm this appointment if it has the general power of confirmation over mayoral appointments.

A municipal court judge may appoint a non-lawyer as a commissioner only if the person passed the qualifying examination for lay judges by January 1, 2003.

The terms of municipal court judges serving on July 1, 2006, and municipal judges appointed to terms commencing before January 1, 2010, expire on January 1, 2010. The terms of their successors commence on that date.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.