

SENATE BILL REPORT

SB 5151

As Reported by Senate Committee On:
Judiciary, January 21, 2009

Title: An act relating to the appointment of court commissioners to assist with criminal cases.

Brief Description: Authorizing the appointment of court commissioners to assist with criminal cases.

Sponsors: Senators Kline, Rockefeller and Kohl-Welles.

Brief History:

Committee Activity: Judiciary: 1/16/09, 1/21/09 [DPS, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5151 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; Carrell, Hargrove and Tom.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach.

Staff: Kim Johnson (786-7472)

Background: Article IV section 23 of the Washington State Constitution authorizes the appointment of up to three court commissioners per county. The court commissioners are appointed by the superior court and are authorized to perform the same duties as a judge of the superior court at chambers, or as otherwise provided by law to aid the administration of justice. These duties include hearing matters related to probate, hearing and making determinations for small claims appeals, issuing temporary restraining orders, presiding over arraignments and other pre-trial matters in adult criminal cases, and performing other judicial duties as required by the judge. Court commissioner salaries are paid by the county.

In addition to the constitutionally authorized commissioners, the Legislature has authorized supplementary court commissioners to assist superior court judges in specific areas of law. These include mental health commissioners and family court commissioners. The duties of these court commissioners are limited by statute to specific powers pertinent to assisting the court in mental health or family court matters respectively. Both mental health

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commissioners and family court commissioners are appointed by the superior court with prior authorization of the county legislative authority. The appointment is made by majority vote of the superior court judges in the county.

Summary of Bill (Recommended Substitute): The presiding superior court judge in counties with a population greater than 400,000 may appoint one or more attorneys to act as criminal court commissioners to assist the superior court in disposing of adult criminal cases. The county legislative authority must approve the creation of criminal commissioner positions.

A criminal court commissioner is provided the same power, authority, and jurisdiction as a superior court judge presiding over adult criminal cases. Criminal court commissioners are limited to the following duties: preside over arraignments, preliminary appearances, initial extradition hearings, and noncompliance proceedings; accept pleas if authorized by local court rules; appoint counsel; make determinations of probable cause; set, amend, and review conditions of pretrial release; set bail; set trial and hearing dates; authorize continuances; and accept waivers of the right to a speedy trial.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): The county legislative authority must approve the creation of criminal commissioner positions.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: The King County Superior Court plea calendar handled 8,644 cases last year. We view the request for criminal court commissioners as an uncontroversial request. There are already other types of supplementary court commissioners to help the court deal with the volume of cases in areas of family matters and mental health.

Persons Testifying: PRO: Judge Helen Halpert, Superior Court Judges Association.