

# FINAL BILL REPORT

## SSB 5151

---

---

### C 140 L 09

Synopsis as Enacted

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

**Sponsors:** Senate Committee on Judiciary (originally sponsored by Senators Kline, Rockefeller and Kohl-Welles).

**Senate Committee on Judiciary**  
**House Committee on Judiciary**

**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 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:** 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

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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.

**Votes on Final Passage:**

|        |    |    |
|--------|----|----|
| Senate | 43 | 3  |
| House  | 81 | 17 |

**Effective:** July 26, 2009