

SENATE BILL REPORT

SJR 8212

As of February 17, 2009

Brief Description: Adding members to and revising procedures for investigation of complaints by the judicial conduct commission.

Sponsors: Senators Honeyford and Kline.

Brief History:

Committee Activity: Judiciary: 2/17/09.

SENATE COMMITTEE ON JUDICIARY

Staff: Brandon Roché (786-7405)

Background: Washington's Commission on Judicial Conduct (Commission) was constitutionally created when voters passed the amendment to Article IV, Section 31 of the Washington State Constitution in November 1980. In 1986 two additional citizen members increased the Commission from seven to nine. This amendment also provided for public fact-finding hearings after the Commission filed charges against a judge. In 1989 the Commission's authority was expanded, allowing it to impose all discipline except suspension or removal (for misconduct) and retirement (for disability). The Commission can recommend suspension, removal, or retirement of a judge to the Supreme Court.

The Commission is comprised of 11 members and 11 alternate members. The 11 members consist of six nonattorney citizens, two lawyers, and three judges. One judge is selected by and from the court of appeals, one selected by and from the superior court judges, one selected by and from the limited jurisdiction court judges, two attorneys selected by the State Bar Association, and six nonattorney citizens appointed by the Governor. The members serve four-year terms.

The Commission currently investigates allegation of misconduct, determines whether there is probable cause for a hearing, and then conducts a hearing where any disciplinary steps are decided.

Summary of Bill: This is a joint resolution calling for an amendment to Article IV, section 31 of the Constitution of the state of Washington to be submitted to voters at the next general election.

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.

Three additional members are added to the Commission. One each from the court of appeals judges, superior court judges, and limited jurisdiction court judges.

No Commission member, or their alternate, who participates in the stage of the process where probable cause for a hearing is determined may participate in any further hearings on that cause.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on December 3, 2009.