

SENATE BILL REPORT

SHB 2405

As of February 19, 2016

Title: An act relating to the role of parties in cases related to certain notices and records.

Brief Description: Concerning the role of parties in cases related to certain notices and records.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Muri, Kilduff and Jinkins).

Brief History: Passed House: 2/11/16, 94-2.

Committee Activity: Law & Justice: 2/18/16.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Tim Ford (786-7423)

Background: County Clerks. The county clerk is an independently elected official who is the administrative and financial officer for the courts of a county. The clerk's office provides multiple functions including receiving and processing all documents in court actions. The processing of court documents involves record classification, assignment of case number, computerized docketing, and manual filing of hard copy records. Records must be processed, maintained, retained, and purged in accordance with law. In court actions, different laws may apply which may require the clerk of the court to process documents differently. A law may require the clerk to provide notice of a court-related document to another party or non-party to the court action.

The following court proceedings require document processing by the clerk:

- For certain conviction or commitment proceedings where a person must immediately surrender a concealed pistol license and firearm, within three days after an order of conviction or commitment, the clerk must provide a copy of the committed person's driver's license to the Department of Licensing (DOL) and to the National Instant Criminal Background Check System index.
- For an official juvenile court file which contains the petition or information, motions, memorandums, briefs, findings of the court, and court orders. Records in the "official juvenile court file" are open to public inspection unless they have been sealed.
- For employment-related appeals filed by certified employees of common schools, the clerk must provide notice of the appeal to the school board.

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.

- For judgments related to damages caused by motor vehicles, the clerk must provide notice to DOL for nonpayment of the judgment after 30 days.
- For a Port District dissolution proceeding, the clerk must provide notice of the dissolution hearing to the general public by newspaper publication and by posting in public places.
- For petition filings related to dependency or termination of child-parent relationships, the clerk must issue a summons to the child or custodian, and other persons as appropriate.

Summary of Bill: The requirement to process certain court documents is changed for the county clerk.

Identifying information required to be provided to the Clerk. The petitioning party, e.g. prosecutor or mental health professional, in a case that results in entry of an order of conviction or order of commitment for mental health treatment where the defendant or respondent is prohibited from possessing a firearm, must provide the court with the defendant or respondent's driver's license, Identicard, or comparable information. Only one notification to DOL and the National Instant Criminal Background Check System is required for multiple commitments under one case number.

Juvenile court records. The definition of "official juvenile court file" is broadened to include: notices of hearing or appearance, service documents, witness and exhibit lists, agreements, judgments, decrees, notices of appeal, as well as a variety of documents prepared by the clerk.

Certified school employees. The certified employee filing an appeal of an adverse change in contract status, not the clerk, is responsible for notifying the chair of a school board within 10 days of filing of a notice of appeal.

Non-payment of vehicle-related judgments. When a judgment for personal injury or property damage caused by the ownership or use of a motor vehicle remains unpaid after 30 days, the judgment creditor, not the clerk, must provide notice of nonpayment of judgments to DOL.

Dissolution of certain districts. The petitioner, not the clerk, is responsible for publishing the notice of a hearing on a petition for dissolution of certain districts.

Dependency petitions. In dependency and termination petition filings, the petitioning party, not the clerk, issues the required summons.

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: PRO: This is a good bill to make help court clerks and make the courts more efficient and effective. It removes some document processing tasks that the clerk currently performs and shifts those requirements to certain other parties. The clerk's office will continue to ensure quality management of case files and other document processing.

Persons Testifying: PRO: Rep. Muri, prime sponsor; Josie Delvin, WSACC; Tim Fitzgerald, Spokane County Clerk.

Persons Signed In To Testify But Not Testifying: No one.