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SENATE BILL 6538

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State of Washington

64th Legislature

2016 Regular Session

By Senators Padden and Pedersen

Read first time 01/25/16. Referred to Committee on Law & Justice.

1 AN ACT Relating to the superior court judges' association;  
2 amending RCW 2.16.010 and 9.94A.860; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds and declares as  
5 follows:

6 (1) The legislature established the superior court judges'  
7 association statutorily in 1933, enacting what is now chapter 2.16  
8 RCW. The purpose of this act is to render consistent the usage of the  
9 association's name, amending two sections to remove inconsistent uses  
10 of the association's name.

11 (2) For decades, the association has operated as the superior  
12 court judges' association. The association has been referred to by  
13 that name in numerous statutes, including: RCW 2.32.180 (which has  
14 used that name since 1957); RCW 2.56.150 (which has used that name  
15 since 1996); RCW 7.68.801 (which has used that name since 2013); RCW  
16 9.94A.8673 (which has used that name since 2008); RCW 26.19.025  
17 (which has used that name since 2007); RCW 70.96A.350 (which has used  
18 that name since 2002); and RCW 74.13.368 (which has used that name  
19 since 2009). In at least one instance in 2011, the association sued  
20 under the name superior court judges' association. Although the  
21 legislature initially used a variant of the name in its 1933 act and

1 such a variation appears in one other statute, through long and  
2 regular usage, the association has come to be known as the superior  
3 court judges' association.

4 **Sec. 2.** RCW 2.16.010 and 1933 ex.s. c 58 s 1 are each amended to  
5 read as follows:

6 All the judges of the superior courts of the state of Washington  
7 are hereby associated under the name of the (~~association of the~~)  
8 superior court judges' association of the state of Washington.

9 **Sec. 3.** RCW 9.94A.860 and 2011 1st sp.s. c 40 s 36 are each  
10 amended to read as follows:

11 (1) The sentencing guidelines commission is hereby created,  
12 located within the office of financial management. Except as provided  
13 in RCW 9.94A.875, the commission shall serve to advise the governor  
14 and the legislature as necessary on issues relating to adult and  
15 juvenile sentencing. The commission may meet, as necessary, to  
16 accomplish these purposes within funds appropriated.

17 (2) The commission consists of twenty voting members, one of whom  
18 the governor shall designate as chairperson. With the exception of ex  
19 officio voting members, the voting members of the commission shall be  
20 appointed by the governor, or his or her designee, subject to  
21 confirmation by the senate.

22 (3) The voting membership consists of the following:

23 (a) The head of the state agency having general responsibility  
24 for adult correction programs, as an ex officio member;

25 (b) The director of financial management or designee, as an ex  
26 officio member;

27 (c) The chair of the indeterminate sentence review board, as an  
28 ex officio member;

29 (d) The head of the state agency, or the agency head's designee,  
30 having responsibility for juvenile corrections programs, as an ex  
31 officio member;

32 (e) Two prosecuting attorneys;

33 (f) Two attorneys with particular expertise in defense work;

34 (g) Four persons who are superior court judges;

35 (h) One person who is the chief law enforcement officer of a  
36 county or city;

1 (i) Four members of the public who are not prosecutors, defense  
2 attorneys, judges, or law enforcement officers, one of whom is a  
3 victim of crime or a crime victims' advocate;

4 (j) One person who is an elected official of a county government,  
5 other than a prosecuting attorney or sheriff;

6 (k) One person who is an elected official of a city government;

7 (l) One person who is an administrator of juvenile court  
8 services.

9 In making the appointments, the governor shall endeavor to assure  
10 that the commission membership includes adequate representation and  
11 expertise relating to both the adult criminal justice system and the  
12 juvenile justice system. In making the appointments, the governor  
13 shall seek the recommendations of Washington prosecutors in respect  
14 to the prosecuting attorney members, of the Washington state bar  
15 association in respect to the defense attorney members, of the  
16 (~~association of~~) superior court judges' association in respect to  
17 the members who are judges, of the Washington association of sheriffs  
18 and police chiefs in respect to the member who is a law enforcement  
19 officer, of the Washington state association of counties in respect  
20 to the member who is a county official, of the association of  
21 Washington cities in respect to the member who is a city official, of  
22 the office of crime victims advocacy and other organizations of crime  
23 victims in respect to the member who is a victim of crime or a crime  
24 victims' advocate, and of the Washington association of juvenile  
25 court administrators in respect to the member who is an administrator  
26 of juvenile court services.

27 (4)(a) All voting members of the commission, except ex officio  
28 voting members, shall serve terms of three years and until their  
29 successors are appointed and confirmed.

30 (b) The governor shall stagger the terms of the members appointed  
31 under subsection (3)(j), (k), and (l) of this section by appointing  
32 one of them for a term of one year, one for a term of two years, and  
33 one for a term of three years.

34 (5) The speaker of the house of representatives and the president  
35 of the senate may each appoint two nonvoting members to the  
36 commission, one from each of the two largest caucuses in each house.  
37 The members so appointed shall serve two-year terms, or until they  
38 cease to be members of the house from which they were appointed,  
39 whichever occurs first.

1           (6) The members of the commission may be reimbursed for travel  
2 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative  
3 members may be reimbursed by their respective houses as provided  
4 under RCW 44.04.120. Except for the reimbursement of travel expenses,  
5 members shall not be compensated.

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