

# HOUSE BILL REPORT

## SSB 6142

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to commissioners of courts of limited jurisdiction.

**Brief Description:** Revising the authority of commissioners of courts of limited jurisdiction.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Liias and Walsh).

**Brief History:**

**Committee Activity:**

Judiciary: 2/21/18, 2/22/18 [DP].

**Brief Summary of Substitute Bill**

- Expands the authority of a municipal court commissioner, subject to certain limitations.
- Authorizes a commissioner of a court of limited jurisdiction to solemnize marriages.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 7 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Hansen, Kirby, Muri, Orwall and Valdez.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Haler, Klippert and Shea.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Goodman.

**Staff:** Ingrid Lewis (786-7289).

**Background:**

Municipal Court Commissioners.

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*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.*

Municipal courts are courts of limited jurisdiction created by a city or a town by ordinance. A municipal court has jurisdiction to hear cases involving infractions or crimes that are violations of city ordinances, domestic violence and anti-harassment petitions, and other jurisdiction as provided by statute. A municipal court judge may appoint one or more court commissioners.

The authority of a municipal court commissioner is limited. A commissioner who is authorized to hear or dispose of cases must be either a lawyer who is admitted to practice law in Washington, or a person who has passed the qualifying examination for lay judges in Washington. A court commissioner does not have the authority to preside over trials in criminal matters, or over jury trials in civil matters, unless agreed to by all parties.

Solemnization of Marriage.

Persons who are authorized to solemnize marriages are active or retired judicial officers and officials of religious organizations. Authorized judicial officers are judges of the Washington Supreme Court, Court of Appeals, superior courts, limited jurisdiction courts, and tribal courts of a federally recognized tribe, as well as commissioners of the Supreme Court, Court of Appeals, or superior courts. Authorized religious officials are any licensed or ordained minister, priest, imam, rabbi, or similar official of a religious organization.

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**Summary of Bill:**

A municipal court commissioner has the same power, authority, and jurisdiction as an appointing municipal court judge, subject to the requirement that all parties must agree before a commissioner may preside over a criminal trial or a civil jury trial.

A commissioner of a court of limited jurisdiction is authorized to solemnize marriages.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill expands the power of a municipal court judge to solemnize marriages; it is the only level of commissioner that cannot do that to date. The bill also clarifies that a municipal court judge can authorize search warrants. This was contested in the Kitsap County Superior Court, when a search warrant on a Driving Under the Influence drug charge was authorized by a commissioner in Bremerton. The case settled, and the case was never ruled on. There are many impaired driving cases in the courts, and municipal court commissioners should be able to dispose of them.

(Opposed) None.

**Persons Testifying:** Melanie Stewart, District and Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** None.