

SENATE BILL REPORT

SB 5622

As Passed Senate, February 26, 2019

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

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

Sponsors: Senators Randall, Pedersen, Walsh and Liias.

Brief History:

Committee Activity: Law & Justice: 2/05/19, 2/07/19 [DP].

Floor Activity:

Passed Senate: 2/26/19, 49-0.

Brief Summary of Bill

- Gives municipal court commissioners the same power, authority, and jurisdiction as an appointing municipal court judge, except that all parties must consent on the record before the commissioner presides over a criminal trial or a civil jury trial.
- Authorizes a commissioner of a court of limited jurisdiction to officiate at a marriage in Washington.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Padden, Ranking Member; Holy, Kuderer, Salomon and Wilson, L..

Staff: Melissa Burke-Cain (786-7755)

Background: Washington's district and municipal courts are courts of limited jurisdiction organized under law. District and municipal court judges serve four year terms. The courts of limited jurisdiction hear:

- misdemeanor criminal cases;
- traffic, non-traffic, and parking infractions;
- domestic violence protection orders;
- civil actions of \$100,000 or less; and

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- small claims up to \$5,000.

A city or town with a population of 400,000 or less may designate a municipal court by ordinance. These municipal courts have exclusive original jurisdiction over traffic infractions arising under the city's ordinances, exclusive original criminal jurisdiction of all violations of the city's ordinances, and original jurisdiction of all other actions brought to enforce or recover license penalties or forfeiture provided by ordinance as well as other statutory jurisdiction.

Under current law, a municipal court judge may appoint one or more court commissioners. A commissioner authorized to hear or dispose of cases must be either:

- a lawyer admitted to practice in Washington State; or
- a non-lawyer who has passed the qualifying examination for lay judges for courts of limited jurisdiction.

A municipal court commissioner does not have authority to preside over criminal trials or jury trials unless all parties agree on the record.

The persons authorized to solemnize marriages are outlined in law. Authorized officiants include the following members of the judiciary, whether active or retired: supreme court justices; judges of the court of appeals; superior court, and judges of courts of limited jurisdiction; and tribal court judges of a federally recognized tribe. Under current law, commissioners of the supreme court, court of appeals, and superior courts may also solemnize marriages.

Summary of Bill: A municipal court commissioner has such power, authority, and jurisdiction in criminal and civil matters as appointing judges possess. A municipal court commissioner must be either a lawyer admitted to practice in Washington, or a non-lawyer who has passed the qualifying examination for lay judges in courts of limited jurisdiction. All parties to an action must agree on the record to allow a municipal court commissioner to preside over a criminal trial or a civil jury trial.

A commissioner of a court of limited jurisdiction may officiate at a marriage in Washington.

Appropriation: None

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill makes government more accessible to persons who are less likely to have contact with superior court or appellate court judges and commissioners. Municipal and district court commissioners have the most contact with people in the community but can not solemnize marriages. Traditionally marginalized groups may have a better chance to approach someone who is perhaps a bit more like them if they can request a district or municipal court commissioner to officiate at a marriage. The

bill also makes it clear that all the commissioners in all the courts of limited jurisdiction clearly have the same authority. Officiating at marriages are one of the happier events that occur at the courthouse. As a commissioner, I would like to be able to participate in a happy event.

Persons Testifying: PRO: Senator Emily Randall, Prime Sponsor; Paul Wohl, District and Municipal Judges Association.

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