

FINAL BILL REPORT

SB 5622

C 52 L 19

Synopsis as Enacted

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

Sponsors: Senators Randall, Pedersen, Walsh and Liias.

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

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
- 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,

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.

commissioners of the supreme court, court of appeals, and superior courts may also solemnize marriages.

Summary: 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.

Votes on Final Passage:

Senate	49	0
House	64	29

Effective: July 28, 2019