
HOUSE BILL 1825

State of Washington

67th Legislature

2022 Regular Session

By Representatives Dye, Orwall, and Graham; by request of
Administrative Office of the Courts

Prefiled 01/06/22. Read first time 01/10/22. Referred to Committee
on Civil Rights & Judiciary.

1 AN ACT Relating to continuity of judicial operations in single
2 judge courts; amending RCW 2.56.040, 2.08.120, 2.24.010, 3.34.150,
3 3.34.100, 3.34.130, 3.42.010, 3.50.075, and 3.50.090; adding a new
4 section to chapter 2.56 RCW; and adding a new section to chapter 3.50
5 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.56 RCW
8 to read as follows:

9 For purposes of this title and Title 3 RCW, unless the context
10 clearly requires otherwise, "single judge court" means a court or
11 judicial district that has only one judge.

12 **Sec. 2.** RCW 2.56.040 and 2005 c 182 s 1 are each amended to read
13 as follows:

14 (1) The chief justice shall consider all recommendations of the
15 administrator for the assignment of judges, and, in the discretion of
16 the chief justice, direct any judge whose calendar, in the judgment
17 of the chief justice, will permit, to hold court (~~in any county or~~
18 ~~district~~) where need therefor exists, to the end that the courts
19 (~~of~~) in this state shall function with maximum efficiency, and that
20 the work of other courts shall be equitably distributed. It shall be

1 the duty of every judge to obey such direction of the chief justice
2 unless excused by the chief justice for sufficient cause.

3 (2)(a) If due to illness, incapacity, resignation, death, or
4 other unavailability the presiding judge in a single judge court is
5 unable to fulfill the duties of the office, and no person has been
6 previously designated by the presiding judge to serve as presiding
7 judge pro tempore, the chief justice may upon recommendation of the
8 administrator for the courts appoint another judicial officer or
9 other person who meets the qualifications of a judge pro tempore.

10 (b) After an appointment made under (a) of this subsection has
11 been in effect for 30 days, the chief justice shall consult with the
12 local legislative authority about the continued appointment during
13 the remaining period of such illness, incapacity, or unavailability,
14 or until a vacancy in the position is filled as provided by law.

15 (c) The chief justice may appoint someone other than the
16 previously designated or appointed individual to serve as presiding
17 judge pro tempore in the event of illness, incapacity, resignation,
18 death, or unavailability of the presiding judge in a single judge
19 court whenever the chief justice determines that the administration
20 of justice would be better served by appointment of someone else to
21 fulfill the presiding judge duties.

22 (d) After an appointment made under (c) of this subsection has
23 been in effect for 30 days, the chief justice shall consult with the
24 local legislative authority about the continued appointment during
25 the remaining period of such illness, incapacity, or unavailability,
26 or until a vacancy in the position is filled as provided by law.

27 (e) Nothing in this section is intended to modify the role of the
28 commission on judicial conduct as provided in Article IV, section 31
29 of the Washington state Constitution and chapter 2.64 RCW.

30 **Sec. 3.** RCW 2.08.120 and 1955 c 38 s 5 are each amended to read
31 as follows:

32 (1) If a vacancy occurs in the office of judge of the superior
33 court, the governor shall appoint a person to hold the office until
34 the election and qualification of a judge to fill the vacancy, which
35 election shall be at the next succeeding general election, and the
36 judge so elected shall hold office for the remainder of the unexpired
37 term.

38 (2) During any vacancy that occurs pursuant to subsection (1) of
39 this section in a single judge court, a presiding judge pro tempore

1 who has been predesignated pursuant to court rule or appointed
2 pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and
3 the authority of the predesignated or appointed presiding judge pro
4 tempore endures until the chief justice appoints someone else to
5 fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(c), or
6 until a vacancy in the position is filled as provided by law,
7 whichever occurs first.

8 **Sec. 4.** RCW 2.24.010 and 2021 c 311 s 17 are each amended to
9 read as follows:

10 (1) There may be appointed in each county or judicial district,
11 by the judges of the superior court having jurisdiction therein or a
12 presiding judge pro tempore who is fulfilling presiding judge duties
13 for a single judge court pursuant to RCW 2.08.120(2), one or more
14 court commissioners for said county or judicial district. Each such
15 commissioner shall be a citizen of the United States and shall hold
16 the office during the pleasure of the judges making the appointment.

17 (2)(a) There may be appointed in counties with a population of
18 more than four hundred thousand, by the presiding judge of the
19 superior court having jurisdiction therein, one or more attorneys to
20 act as criminal commissioners to assist the superior court in
21 disposing of adult criminal cases. Such criminal commissioners shall
22 have power, authority, and jurisdiction, concurrent with the superior
23 court and the judges thereof, in adult criminal cases, to preside
24 over arraignments, preliminary appearances, initial extradition
25 hearings, and noncompliance proceedings pursuant to RCW 9.94A.6333 or
26 9.94B.040; accept pleas if authorized by local court rules; appoint
27 counsel; make determinations of probable cause; set, amend, and
28 review conditions of pretrial release; set bail; set trial and
29 hearing dates; authorize continuances; accept waivers of the right to
30 speedy trial; and authorize and issue search warrants and orders to
31 intercept, monitor, or record wired or wireless telecommunications or
32 for the installation of electronic taps or other devices to include,
33 but not be limited to, vehicle global positioning system or other
34 mobile tracking devices with all the powers conferred upon the judge
35 of the superior court in such matters.

36 (b) Criminal commissioners shall also have the authority to
37 conduct resentencing hearings and to vacate convictions related to
38 *State v. Blake*, No. 96873-0 (Feb. 25, 2021). Criminal commissioners

1 may be appointed for this purpose regardless of the population of the
2 county served by the appointing court.

3 (c) The county legislative authority must approve the creation of
4 criminal commissioner positions.

5 **Sec. 5.** RCW 3.34.150 and 1989 c 227 s 7 are each amended to read
6 as follows:

7 (1) If a district has more than one judge, the supreme court may
8 by rule provide for the manner of selection of one of the judges to
9 serve as presiding judge and prescribe the presiding judge's duties.
10 If a county has multiple districts or has one district with multiple
11 electoral districts, the supreme court may by rule provide for the
12 manner of selection of one of the judges to serve as presiding judge
13 and prescribe the presiding judge's duties.

14 (2) Pursuant to court rule or RCW 2.56.040(2), a presiding judge
15 pro tempore may be predesignated or appointed to fulfill presiding
16 judge duties in case of the illness, incapacity, resignation, death,
17 or unavailability of the presiding judge of a single judge court. In
18 such circumstances, the authority of the predesignated or appointed
19 presiding judge pro tempore endures until the chief justice appoints
20 someone else to fulfill the presiding judge duties pursuant to RCW
21 2.56.040(2)(c), or the period of such illness, incapacity, or
22 unavailability ends, or until a vacancy in the position is filled as
23 provided by law, whichever occurs first.

24 **Sec. 6.** RCW 3.34.100 and 2003 c 97 s 3 are each amended to read
25 as follows:

26 (1) If a district judge dies, resigns, is convicted of a felony,
27 ceases to reside in the district, fails to serve for any reason
28 except temporary disability, or if his or her term of office is
29 terminated in any other manner, the office shall be deemed vacant.
30 The county legislative authority shall fill all vacancies by
31 appointment and the judge thus appointed shall hold office until the
32 next general election and until a successor is elected and qualified.
33 However, if a vacancy in the office of district court judge occurs
34 and the total number of district court judges remaining in the county
35 is equal to or greater than the number of district court judges
36 authorized in RCW 3.34.010 then the position shall remain vacant.
37 District judges shall be granted sick leave in the same manner as
38 other county employees. A district judge may receive when vacating

1 office remuneration for unused accumulated leave and sick leave at a
2 rate equal to one day's monetary compensation for each full day of
3 accrued leave and one day's monetary compensation for each four full
4 days of accrued sick leave, the total remuneration for leave and sick
5 leave not to exceed the equivalent of thirty days' monetary
6 compensation.

7 (2) During any vacancy that occurs pursuant to subsection (1) of
8 this section in a single judge court, a presiding judge pro tempore
9 who has been predesignated pursuant to court rule or appointed
10 pursuant to RCW 2.56.040(2) may fulfill presiding judge duties, and
11 the authority of the predesignated or appointed presiding judge pro
12 tempore endures until the chief justice appoints someone else to
13 fulfill the presiding judge duties pursuant to RCW 2.56.040(2)(c), or
14 until a vacancy in the position is filled as provided by law,
15 whichever occurs first.

16 **Sec. 7.** RCW 3.34.130 and 1996 c 16 s 1 are each amended to read
17 as follows:

18 (1) (~~Each~~) In addition to the designation of a presiding judge
19 pro tempore for a single judge court as provided in RCW 3.34.150(2),
20 each district court shall designate one or more persons as judge pro
21 tempore who shall serve during the temporary absence,
22 disqualification, or incapacity of a district judge or to serve as an
23 additional judge for excess caseload or special set cases. The
24 qualifications of a judge pro tempore shall be the same as for a
25 district judge, except that with respect to RCW 3.34.060(1), the
26 person appointed need only be a registered voter of the state. A
27 district that has a population of not more than ten thousand and that
28 has no person available who meets the qualifications under RCW
29 3.34.060(2) (a) or (b), may appoint as a pro tempore judge a person
30 who has taken and passed the qualifying examination for the office of
31 district judge as is provided by rule of the supreme court. A judge
32 pro tempore may sit in any district of the county for which he or she
33 is appointed. A judge pro tempore shall be paid the salary authorized
34 by the county legislative authority.

35 (2) For each day that a judge pro tempore serves in excess of
36 thirty days during any calendar year, the annual salary of the
37 district judge in whose place the judge pro tempore serves shall be
38 reduced by an amount equal to one-two hundred fiftieth of such
39 salary: PROVIDED, That each full time district judge shall have up to

1 fifteen days annual leave without reduction for service on judicial
2 commissions established by the legislature or the chief justice of
3 the supreme court. No reduction in salary shall occur when a judge
4 pro tempore serves:

5 (a) While a district judge is using sick leave granted in
6 accordance with RCW 3.34.100;

7 (b) While a district court judge is disqualified from serving
8 following the filing of an affidavit of prejudice;

9 (c) As an additional judge for excess case load or special set
10 cases; or

11 (d) While a district judge is otherwise involved in
12 administrative, educational, or judicial functions related to the
13 performance of the judge's duties: PROVIDED, That the appointment of
14 judge pro tempore authorized under subsection (2)(c) and (d) of this
15 section is subject to an appropriation for this purpose by the county
16 legislative authority.

17 (3) The legislature may appropriate money for the purpose of
18 reimbursing counties for the salaries of judges pro tempore for
19 certain days in excess of thirty worked per year that the judge pro
20 tempore was required to work as the result of service by a judge on a
21 commission as authorized under subsection (2) of this section. No
22 later than September 1 of each year, each county treasurer shall
23 certify to the administrator for the courts for the year ending the
24 preceding June 30, the number of days in excess of thirty that any
25 judge pro tempore was required to work as the result of service by a
26 judge on a commission as authorized under subsection (2) of this
27 section. Upon receipt of the certification, the administrator for the
28 courts shall reimburse the county from money appropriated for that
29 purpose.

30 **Sec. 8.** RCW 3.42.010 and 1984 c 258 s 30 are each amended to
31 read as follows:

32 When so authorized by the districting plan, one or more district
33 court commissioners may be appointed in any district by the judges of
34 the district. Each commissioner shall be a registered voter of the
35 county in which the district or a portion thereof is located, and
36 shall hold office at the pleasure of the appointing judges. For
37 purposes of this section, "appointing judge" includes a presiding
38 judge pro tempore fulfilling presiding judge duties for a single
39 judge court pursuant to RCW 3.34.100(2) or 3.34.150(2). Any person

1 appointed as a commissioner authorized to hear or dispose of cases
2 shall be a lawyer who is admitted to the practice of law in the state
3 of Washington or who has passed the qualifying examination for lay
4 judges as provided under RCW 3.34.060.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.50 RCW
6 to read as follows:

7 During any vacancy that occurs in a single judge court pursuant
8 to RCW 3.50.093 or 3.50.095, a presiding judge pro tempore who has
9 been predesignated pursuant to court rule or appointed pursuant to
10 RCW 2.56.040(2) may fulfill presiding judge duties, and the authority
11 of the predesignated or appointed presiding judge pro tempore endures
12 until the chief justice appoints someone else to fulfill the
13 presiding judge duties pursuant to RCW 2.56.040(2)(c), or until a
14 vacancy in the position is filled as provided by law, whichever
15 occurs first.

16 **Sec. 10.** RCW 3.50.075 and 2019 c 52 s 1 are each amended to read
17 as follows:

18 (1) One or more court commissioners may be appointed by a judge
19 of the municipal court.

20 (2) Each commissioner holds office at the pleasure of the
21 appointing judge.

22 (3) Except as provided in subsection (4) of this section, a
23 commissioner has such power, authority, and jurisdiction in criminal
24 and civil matters as the appointing judges possess, and must be a
25 lawyer who is admitted to practice law in the state of Washington or
26 a nonlawyer who has passed, by January 1, 2003, the qualifying
27 examination for lay judges for courts of limited jurisdiction under
28 RCW 3.34.060.

29 (4) On or after July 1, 2010, when serving as a commissioner, the
30 commissioner does not have authority to preside over trials in
31 criminal matters, or jury trials in civil matters unless agreed to on
32 the record by all parties.

33 (5) A commissioner need not be a resident of the city or of the
34 county in which the municipal court is created. When a court
35 commissioner has not been appointed and the municipal court is
36 presided over by a part-time appointed judge, the judge need not be a
37 resident of the city or of the county in which the municipal court is
38 created.

1 (6) For purposes of this section, "appointing judge" includes a
2 presiding judge pro tempore fulfilling presiding judge duties for a
3 single judge court pursuant to RCW 3.50.090(2).

4 **Sec. 11.** RCW 3.50.090 and 2000 c 55 s 1 are each amended to read
5 as follows:

6 ~~((The))~~ (1) In addition to the designation of a presiding judge
7 pro tempore for a single judge court as provided in RCW 3.50.090(2),
8 the presiding municipal court judge may designate one or more persons
9 as judges pro tem to serve in the absence or disability of the
10 elected or duly appointed judges of the court, subsequent to the
11 filing of an affidavit of prejudice, or in addition to the elected or
12 duly appointed judges when the administration of justice and the
13 accomplishment of the work of the court make it necessary. The
14 qualifications of a judge pro tempore shall be the same as for judges
15 as provided under RCW 3.50.040 except that a judge pro tempore need
16 not be a resident of the city or county in which the municipal court
17 is located. Judges pro tempore shall have all of the powers of the
18 duly appointed or elected judges when serving as judges pro tempore
19 of the court. Before entering on his or her duties, each judge pro
20 tempore shall take, subscribe, and file an oath as is taken by a duly
21 appointed or elected judge. Such pro tempore judges shall receive
22 such compensation as shall be fixed by ordinance by the municipality
23 in which the court is located and such compensation shall be paid by
24 the municipality.

25 (2) If a presiding municipal court judge is the single judge of
26 the court, then pursuant to court rule or RCW 2.56.040(2), a
27 presiding judge pro tempore may be predesignated or appointed to
28 fulfill presiding judge duties in case of the illness, incapacity,
29 resignation, death, or unavailability of the presiding judge. In such
30 circumstances, the authority of the predesignated or appointed
31 presiding judge pro tempore endures until the chief justice appoints
32 someone else to fulfill the presiding judge duties pursuant to RCW
33 2.56.040(2)(c), or the period of such illness, incapacity, or
34 unavailability ends, or until a vacancy in the position is filled as
35 provided by law, whichever occurs first.

--- END ---