

HOUSE BILL REPORT

HB 1112

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to removing the city residency requirement for judges pro tempore in municipalities with a population of more than 400,000 inhabitants.

Brief Description: Removing the city residency requirement for judges pro tempore in municipalities with a population of more than 400,000 inhabitants.

Sponsors: Representatives Farivar, Davis, Berry, Reed, Macri, Bergquist, Scott, Ryu, Fitzgibbon, Taylor, Obras, Gregerson, Street, Ormsby and Hill.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/17/25, 1/22/25 [DP].

Brief Summary of Bill

- Removes city residency requirement for judges pro tempore in municipal courts in cities with a population greater than 400,000 inhabitants.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Taylor, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Abell, Assistant Ranking Minority Member; Burnett, Entenman, Goodman, Graham, Jacobsen, Peterson, Salahuddin, Thai and Walen.

Staff: Eric Lopez (786-7290) and Yelena Baker (786-7301).

Background:

Municipal courts are courts of limited jurisdiction that hear cases involving violations of

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city ordinances. Municipal courts in cities with a population of more than 400,000 are organized under a different chapter than municipal courts in cities with a population of 400,000 or less.

In all cities, the presiding municipal court judge is authorized to appoint judges pro tempore when necessary, including in the absence of the duly appointed or elected judges of the court or in addition to the duly appointed or elected judges when the administration of justice makes it necessary. While serving as judge of the court, a judge pro tempore has all the powers of duly appointed or elected judges.

A judge pro tempore must meet the qualifications of a duly appointed or elected judge, which includes being a citizen of the United States and of the State of Washington, and an attorney admitted to practice law before the courts of record of the State of Washington. In a city of 400,000 inhabitants or less, a judge pro tempore is not required to be a resident of the city or county where the municipal court is located. In a city of more than 400,000 inhabitants, the presiding municipal court judge must appoint judges pro tempore from attorneys residing in the city.

Summary of Bill:

For municipal courts in cities over 400,000, the requirement that a judge pro tempore must reside in the city in which the court is located is removed. The requirement that a judge pro tempore must be an elector of the State of Washington and an attorney admitted to practice law in the State of Washington is retained.

Appropriation: None.

Fiscal Note: Not requested.

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 would make sure that regulations and requirements across Washington are consistent by removing the city resident requirement that only applies to Seattle. Judges pro tempore are critical to ensuring a court continues to operate when an elected judge is absent due to illness, disability, or other duties of the bench. In recent years it has become increasingly difficult to find qualified pro tempore judges to serve in Seattle Municipal Court. When there are no available pro tempore judges, justice is delayed. Removing the city residency requirement would help address these issues and manage significant levels of

cases and movement within the judiciary. There is no rational justification for imposing the added burden of requiring city residency for judges pro tempore on just one municipal court in our state.

(Opposed) None.

Persons Testifying: Representative Darya Farivar, prime sponsor; and Judge Faye Chess, Seattle Municipal Court.

Persons Signed In To Testify But Not Testifying: None.