

SENATE BILL REPORT

SB 5433

As Passed Senate, March 8, 2005

Title: An act relating to the membership of the commission on judicial conduct.

Brief Description: Changing the membership of the commission on judicial conduct.

Sponsors: Senators Kline, Hargrove and Carrell.

Brief History:

Committee Activity: Judiciary: 2/9/05, 2/16/05 [DP].

Passed Senate: 3/8/05, 47-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, Hargrove, McCaslin, Rasmussen and Thibaudeau.

Staff: Lilah Amos (786-7429)

Background: The Commission on Judicial Conduct has authority to investigate complaints against judges and to hold hearings to determine if a judge or justice should be admonished, reprimanded, censured, or if the judge's removal or suspension from office should be recommended to the supreme court.

The commission is composed of 11 members. Three members are judges selected by and from the court of appeals judges, superior court judges, and district court judges. Two members are attorneys selected by the bar association, and six members are nonlawyers appointed by the governor.

District courts are county courts of limited jurisdiction. Municipal courts can be departments of district courts or can be independent city courts. Judges of municipal courts can be either elected or appointed, depending on the population of the municipality and other considerations.

Summary of Bill: The composition of the Commission on Judicial Conduct is modified to allow one member to be selected by and from the judges of all courts of limited jurisdiction instead of district courts. This would allow a municipal court judge to be a member of the commission.

This act will take effect on January 1, 2006 only if a proposed constitutional amendment to Article IV, section 31 is approved by the voters.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: January 1, 2006 if the proposed amendment to Article IV, Section 31 of the Washington constitution is approved and ratified by the voters at the next general election.

Testimony For: Municipal court judges are subject to the jurisdiction of the commission. It is fair that they be allowed to participate in selection of one member of the commission and that they qualify to serve on the commission if elected.

Testimony Against: None.

Who Testified: PRO: Fred Hellberg, Commission on Judicial Conduct; Brett Buckley, District and Municipal Court Judges Association.