
Judiciary Committee

SSB 6686

Title: An act relating to municipal court judges and commissioners.

Brief Description: Changing the election and appointment provisions for municipal court judges.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Gordon, McCaslin, Kline, Regala, Kohl-Welles, Delvin, Tom and Shin; by request of Board For Judicial Administration).

<p style="text-align: center;">Brief Summary of Substitute Bill</p> <ul style="list-style-type: none">• Requires election of all municipal court judges.

Hearing Date: 2/18/10

Staff: Edie Adams (786-7180).

Background:

Municipal courts are courts of limited jurisdiction that hear cases involving civil infractions, domestic violence and anti-harassment petitions, and crimes that are violations of city ordinances. Cities are responsible for the prosecution, sentencing, and incarceration of adult misdemeanor offenders in their jurisdictions. A city may meet this responsibility by establishing its own municipal court or by entering into an inter-local agreement for court services with the county or with one or more cities.

A full-time municipal judge position (35 hours per week) must be filled by election. Additional positions that are by themselves or in combination equal to more than one-half of a full-time judge position also must be filled by election. Part-time judge positions may be filled by appointment or election at the option of the city. The city may appoint a district judge as its municipal judge if the municipal judge position is part-time.

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.

A judge of the municipal court serves a four-year term and must be an attorney admitted to practice law in Washington, except that in a municipality with less than 5,000 population, the judge may be a non-attorney who has passed the qualifying examination for a lay judicial officer by January 1, 2003. A municipal court judge must be a resident of the county in which the court resides, but does not need to be a resident of the city in which the court is created. However, in a municipal court with a part-time judge where a commissioner has not been appointed, the part-time judge does not have to be a resident of the county where the court is located.

Summary of Bill:

The statute governing independent municipal courts is amended to require election of all municipal court judges.

The legislative authority of the city or town must provide by ordinance for the number of full and part-time judges to be elected. Municipal court judge elections must be held at the same time as elections for other elected city offices. For a newly-created municipal court, the mayor of the city or town must initially appoint a judge or judges and the appointed judge serves until January 1 of the year following the next election when other city elected positions are normally elected.

Procedures are established for conducting municipal court judge elections. Where there is more than one judge position for a municipal court, the election official for the county in which the majority of city or town residents reside must designate each judge position by number. A candidate may run for only one of the numbered positions.

Where a court serves more than one city or town through an inter-local agreement, judge positions for the court must appear on the ballot of each participating city or town and the judge is elected by a majority of all votes cast by residents of those cities and towns. The judge must be a resident of the county in which one or more of the participating cities or towns are located.

If a void in election or lapse of election occurs in a city or town with a population of less than 10,000, the filings for office may not be re-opened and the mayor must appoint a qualified person to serve the entire term for the position. The legislative authority of the city or town may confirm this appointment if it has the general power of confirmation over mayoral appointments.

A city or town may appoint a district judge as its municipal judge if the municipal judge is not required to serve full-time. The district judge does not have to stand for election as the municipal judge, but is subject to confirmation if the local legislative authority has the power of confirmation over mayoral appointments.

The terms of municipal judges serving on July 1, 2010, or appointed to terms commencing before January 1, 2014, expire on January 1, 2014. The terms of their successors commence on that date.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.