
SENATE BILL 5984

State of Washington

61st Legislature

2009 Regular Session

By Senator Kline

Read first time 02/11/09. Referred to Committee on Judiciary.

1 AN ACT Relating to imprisonment in jails; and amending RCW 7.21.040
2 and 7.21.050.

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

4 **Sec. 1.** RCW 7.21.040 and 1989 c 373 s 4 are each amended to read
5 as follows:

6 (1) Except as otherwise provided in RCW 7.21.050, a punitive
7 sanction for contempt of court may be imposed only pursuant to this
8 section.

9 (2)(a) An action to impose a punitive sanction for contempt of
10 court shall be commenced by a complaint or information filed by the
11 prosecuting attorney or city attorney charging a person with contempt
12 of court and reciting the punitive sanction sought to be imposed.

13 (b) If there is probable cause to believe that a contempt has been
14 committed, the prosecuting attorney or city attorney may file the
15 information or complaint on his or her own initiative or at the request
16 of a person aggrieved by the contempt.

17 (c) A request that the prosecuting attorney or the city attorney
18 commence an action under this section may be made by a judge presiding
19 in an action or proceeding to which a contempt relates. If required

1 for the administration of justice, the judge making the request may
2 appoint a special counsel to prosecute an action to impose a punitive
3 sanction for contempt of court.

4 A judge making a request pursuant to this subsection shall be
5 disqualified from presiding at the trial.

6 (d) If the alleged contempt involves disrespect to or criticism of
7 a judge, that judge is disqualified from presiding at the trial of the
8 contempt unless the person charged consents to the judge presiding at
9 the trial.

10 (3) The court may hold a hearing on a motion for a remedial
11 sanction jointly with a trial on an information or complaint seeking a
12 punitive sanction.

13 (4) A punitive sanction may be imposed for past conduct that was a
14 contempt of court even though similar present conduct is a continuing
15 contempt of court.

16 (5) If the defendant is found guilty of contempt of court under
17 this section, the court may impose for each separate contempt of court
18 a fine of not more than five thousand dollars or imprisonment in ((the
19 county)) jail for not more than one year, or both.

20 **Sec. 2.** RCW 7.21.050 and 1989 c 373 s 5 are each amended to read
21 as follows:

22 (1) The judge presiding in an action or proceeding may summarily
23 impose either a remedial or punitive sanction authorized by this
24 chapter upon a person who commits a contempt of court within the
25 courtroom if the judge certifies that he or she saw or heard the
26 contempt. The judge shall impose the sanctions immediately after the
27 contempt of court or at the end of the proceeding and only for the
28 purpose of preserving order in the court and protecting the authority
29 and dignity of the court. The person committing the contempt of court
30 shall be given an opportunity to speak in mitigation of the contempt
31 unless compelling circumstances demand otherwise. The order of
32 contempt shall recite the facts, state the sanctions imposed, and be
33 signed by the judge and entered on the record.

34 (2) A court, after a finding of contempt of court in a proceeding
35 under subsection (1) of this section may impose for each separate
36 contempt of court a punitive sanction of a fine of not more than five
37 hundred dollars or imprisonment in ((the county)) jail for not more

1 than thirty days, or both, or a remedial sanction set forth in RCW
2 7.21.030(2). A forfeiture imposed as a remedial sanction under this
3 subsection may not exceed more than five hundred dollars for each day
4 the contempt continues.

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