
SENATE BILL 5630

State of Washington

62nd Legislature

2011 Regular Session

By Senators Harper, Pflug, Chase, Kohl-Welles, and Delvin; by request of Board For Judicial Administration

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

1 AN ACT Relating to municipal court judges and commissioners;
2 amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; adding new
3 sections to chapter 3.50 RCW; and repealing RCW 3.50.055 and 3.50.070.

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

5 **Sec. 1.** RCW 3.50.040 and 2002 c 136 s 2 are each amended to read
6 as follows:

7 Within thirty days after the effective date of the ordinance
8 creating the municipal court, the mayor of each city or town shall
9 appoint a municipal judge or judges of the municipal court ((for a term
10 of four years. The terms of judges serving on July 1, 1984, and
11 municipal judges who are appointed to terms commencing before January
12 1, 1986, shall expire January 1, 1986. The terms of their successors
13 shall commence on January 1, 1986, and on January 1 of each fourth year
14 thereafter, pursuant to appointment or election as provided in this
15 chapter. Appointments shall be made on or before December 1 of the
16 year next preceding the year in which the terms commence)) to serve
17 until January 1st of the year following the next election when other
18 city elected positions are normally elected.

1 The legislative authority of a city or town that has the general
2 power of confirmation over mayoral appointments shall have the power to
3 confirm the appointment of a municipal judge initially appointed under
4 this section.

5 A person appointed under this section as a full-time or part-time
6 municipal judge shall be a citizen of the United States of America and
7 a resident of the state of Washington; and an attorney admitted to
8 practice law before the courts of record of the state of Washington(~~(+~~
9 ~~PROVIDED, That in a municipality having a population less than five~~
10 ~~thousand persons, a person who has taken and passed by January 1, 2003,~~
11 ~~the qualifying examination for a lay candidate for judicial officer as~~
12 ~~provided by rule of the supreme court may be the judge. Any city or~~
13 ~~town shall have authority to appoint a district judge as its municipal~~
14 ~~judge when the municipal judge is not required to serve full time. In~~
15 ~~the event of the appointment of a district judge, the city or town~~
16 ~~shall pay a pro rata share of the salary)).~~

17 **Sec. 2.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to read
18 as follows:

19 (1) The legislative authority of the city or town ((may)) shall, by
20 ordinance, provide ((that the position of municipal judge within the
21 city or town shall be an elective position. The ordinance shall
22 provide for the qualifications of the municipal judge which shall be
23 the same as the qualifications necessary for the appointment thereof;
24 and further, shall provide that the municipal judge shall be elected in
25 the same manner as other elective city officials are elected to office,
26 and that the term of the municipal judge shall be for a term of four
27 years commencing on January 1, 1986, and every four years thereafter))
28 for the number of full and part-time judges to be elected.

29 (2) Municipal court judge elections shall be held at the same time
30 as elections for other elected city offices.

31 (3) In cities or towns with more than one full or part-time judge
32 position, the county auditor or election official of the county in
33 which the majority of city or town residents reside shall, at least ten
34 days before the time of filing declarations of candidacy for the
35 election of municipal court judges, designate each such office of a
36 municipal court judge to be filled by a number, commencing with the
37 number one and numbering the remaining offices consecutively. At the

1 time of filing of the declaration of candidacy, each candidate shall
2 designate by number which one, and only one, of the numbered offices
3 for which he or she is a candidate. The name of the candidate shall
4 appear on the ballot for only the numbered office for which the
5 candidate filed a declaration of candidacy.

6 (4) Where a void in election or lapse of election occurs in a city
7 or town with a population of less than ten thousand, the filings for
8 office shall not be reopened and the mayor shall appoint a qualified
9 person to serve the entire term of office for the position for which
10 the void in election or lapse of election occurred. The legislative
11 authority of a city or town that has the general power of confirmation
12 over mayoral appointments shall have the power to confirm the
13 appointment of a municipal judge appointed under this section.

14 (5) To be eligible to file a declaration of candidacy for and to
15 serve as a municipal court judge, a person must be a citizen of the
16 United States of America and a resident of the state of Washington, and
17 must be either:

18 (a) A lawyer admitted to practice law in the state of Washington;
19 or

20 (b) In those cities or towns having a population of less than five
21 thousand persons, a person who has taken and passed, by January 1,
22 2003, the qualifying examination for a lay candidate for judicial
23 officer as provided by rule of the supreme court.

24 (6) The terms of municipal court judges serving on the effective
25 date of this section, and municipal judges who are appointed to terms
26 commencing before January 1, 2014, shall expire January 1, 2014. The
27 terms of their successors shall commence on January 1, 2014, and on
28 January 1st of each fourth year thereafter, pursuant to appointment or
29 election under this chapter.

30 **Sec. 3.** RCW 3.50.057 and 1993 c 317 s 6 are each amended to read
31 as follows:

32 A judge of a municipal court need not be a resident of the city in
33 which the court is created, but must be a resident of the county in
34 which the city is located. In cities or towns where a court
35 commissioner has not been appointed and the municipal court is presided
36 over by a part-time judge, the judge need not be a resident of the city
37 or county in which the municipal court is created.

1 **Sec. 4.** RCW 3.50.075 and 2008 c 227 s 8 are each amended to read
2 as follows:

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

5 (2) Each commissioner holds office at the pleasure of the
6 appointing judge.

7 (3) A commissioner authorized to hear or dispose of cases must be
8 a lawyer who is admitted to practice law in the state of Washington or
9 a nonlawyer who has passed, by January 1, 2003, the qualifying
10 examination for lay judges for courts of limited jurisdiction under RCW
11 3.34.060.

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

16 (5) A commissioner need not be a resident of the city or of the
17 county in which the municipal court is created. ~~((When a court
18 commissioner has not been appointed and the municipal court is presided
19 over by a part-time appointed judge, the judge need not be a resident
20 of the city or of the county in which the municipal court is created.))~~

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

23 (1) Any city or town shall have authority to appoint a district
24 judge as its municipal judge when the municipal judge is not required
25 to serve full time. The district judge shall not have to stand for
26 election as the municipal judge in such city, but the legislative
27 authority of a city or town that has the general power of confirmation
28 over mayoral appointments shall have the power to confirm the
29 appointment of a district judge as a less than full-time municipal
30 judge.

31 (2) In the event of the appointment of a district judge, the city
32 or town shall pay a pro rata share of the salary.

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

35 (1) Where a court serves the residents of more than one city or
36 town by virtue of an interlocal agreement between two or more cities or

1 towns, the judicial position or positions serving such court shall be
2 filled by election and such position or positions shall appear on the
3 ballot of each participating city or town and shall be elected by a
4 majority of all votes cast by residents of the participating cities or
5 towns.

6 (2) To meet the requirements of RCW 3.50.057, the judge must be a
7 resident of the county in which one or more of the participating cities
8 or towns is located.

9 (3) Candidates for office shall file with the county auditor or
10 chief election official in the county in which the majority of the
11 residents of the participating cities or towns reside and shall pay one
12 filing fee.

13 (4) A candidate for office under this section may file for multiple
14 part-time judicial positions as long as the total amount of part-time
15 positions does not amount to more than one full-time equivalent
16 judicial position.

17 NEW SECTION. **Sec. 7.** The following acts or parts of acts are each
18 repealed:

19 (1) RCW 3.50.055 (Judicial positions--Filling--Circumstances
20 permitted) and 1993 c 317 s 4; and

21 (2) RCW 3.50.070 (Additional judges--Appointment, election) and
22 1984 c 258 s 109 & 1961 c 299 s 56.

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