

## CHAPTER 323

[Substitute Senate Bill No. 5206]

## SUPERIOR COURTS—ADDITIONAL JUDGES IN KING, CHELAN, AND DOUGLAS COUNTIES

AN ACT Relating to superior court judges; amending RCW 2.08.061, 2.08.062, 2.56.030, and 2.32.180; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 357, Laws of 1985 and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King no more than ~~((thirty-nine))~~ forty-six judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce fifteen judges of the superior court.

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 357, Laws of 1985 and RCW 2.08.062 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, ~~((two))~~ three judges of the superior court; in the county of Clark six judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap five judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

*\*Sec. 3. Section 3, chapter 259, Laws of 1957 as amended by section 1, chapter 132, Laws of 1981 and RCW 2.56.030 are each amended to read as follows:*

*The administrator for the courts shall, under the supervision and direction of chief justice:*

*(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;*

*(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;*

*(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;*

*(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;*

**(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;**

**(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;**

**(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;**

**(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;**

**(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system; ~~(and)~~**

**(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;**

**(11) Administer programs and standards for the training and education of judicial personnel;**

**(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective; and**

**(13) Attend to such other matters as may be assigned by the supreme court of this state.**

\*Sec. 3 was vetoed, see message at end of chapter.

Sec. 4. Section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32.180 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency,

in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington: PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1 of this 1987 act. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington.

NEW SECTION. Sec. 5. Sections 1 and 2 of this act shall take effect January 1, 1988. The additional judicial positions created by sections 1 and 2 of this act in King county and Chelan and Douglas counties shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities. The legislative authority of each county may in its discretion

phase in any additional judicial positions over a period of time not to extend beyond January 1, 1990.

Passed the Senate April 18, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 12, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 12, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 3, Substitute Senate Bill No. 5206 entitled:

"AN ACT Relating to superior court judges."

Section 3 of this bill requires the office of the administrator for the courts to conduct a weighted caseload analysis of Superior and District Court judge positions. Duplicate language is contained in section 6 of Engrossed Substitute House Bill No. 217.

With the exception of section 3, Substitute Senate Bill No. 5206 is approved."

## CHAPTER 324

[Engrossed Senate Bill No. 5546]

### SUBSTANTIAL BODILY HARM REDEFINED—SUBSTANTIAL PAIN DEFINED— SECOND DEGREE ASSAULT INCLUDES HARM TO AN UNBORN QUICK CHILD

AN ACT Relating to the crime of assault; amending RCW 9A.04.110 and 9A.36.021; amending section 12, chapter 257, Laws of 1986 (uncodified); providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 257, Laws of 1986 and RCW 9A.04.110 are each amended to read as follows:

In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4) (a) "Bodily injury," "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition;
- (b) "Substantial bodily harm" means bodily injury which involves a ~~((temporary but))~~ substantial disfigurement, ~~((or which causes a temporary but substantial))~~ loss or impairment of the function of any bodily part or organ, ~~((or which causes))~~ a fracture of any bodily part, or substantial pain, whether such substantial bodily harm is temporary or permanent;
- (c) "Great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement,