

# FINAL BILL REPORT

## SHB 1545

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Synopsis as Enacted

C 317 L 93

**Brief Description:** Prohibiting the establishment of new municipal courts.

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

House Committee on Judiciary  
Senate Committee on Law & Justice

**Background:** Cities may operate municipal courts or they may choose to use the services of county district courts. A city and a county may enter into an agreement on the costs to be borne by each party under various arrangements for offering court services. If a city has been operating a municipal court and wishes to terminate the court, the city must first enter into an agreement with the county or with another city that includes payment of a "reasonable amount" by the terminating city. That payment is for the handling of criminal cases that will continue to be generated by the terminating city but that will no longer be handled by the city's own court.

Two separate chapters of law provide optional methods for the creation of municipal courts in cities of under 400,000 population. Under one of these chapters, a municipal court is a part of the county district court in which the city is located. Judges of these municipal courts are judges of the district court. Under the other chapter, the municipal court is a separate entity created by a city and is independent of the district court, although a city may choose to appoint a district court judge as a part-time municipal judge under this chapter.

Under either chapter, municipal courts have exclusive jurisdiction over matters arising under city ordinances. Municipal judges of courts organized under either chapter may be elected or appointed, as determined by the city. Cities of under 400,000 population may choose to operate under either of these two chapters when creating a municipal court.

The city of Seattle, as the only city in the state over 400,000 population, must operate a municipal court under a third chapter of law. Seattle Municipal Court has

jurisdiction over matters relating to the enforcement of Seattle ordinances. Judges of the Seattle Municipal Court must be elected.

A municipal court judge in a court that operates as part of a district court must be a resident of the district court district in which he or she serves. The judge must also be either a lawyer, a previously elected or appointed judge, or, in cities of less than 5,000 population, a person who has passed an examination for lay judges. A municipal court judge in a court that operates independently of a district court must be a citizen of the United States and Washington State, and must be either a lawyer or a person who has passed the examination for lay judges. Municipal judges in Seattle must be registered voters in the city and must be lawyers who are not in private practice.

**Summary:** A city may not reestablish a municipal court within 10 years of terminating one. Cities and counties are directed to cooperate in promoting district court efficiency. Renewals of agreements between cities and counties for court services are subject to binding arbitration.

All municipal court judges must be elected, except in cities with less than one full-time equivalent (FTE) judicial position and except for part-time positions of less than one-half FTE in cities with one or more FTEs. An FTE judicial position is defined as one that provides 35 or more hours per week of compensated time. A municipal court judge may reside outside the city as long as he or she resides within the county in which the city is located.

**Votes on Final Passage:**

House	55	41	
Senate	41	6	(Senate amended)
House	69	28	(House concurred)

**Effective:** January 1, 1995