

HOUSE BILL REPORT

HB 1197

As Reported By House Committee On:

Law & Justice

Title: An act relating to a municipal court defendant incarcerated at a jail facility in the county but outside the city limits.

Brief Description: Allowing an interlocal agreement between a county and municipality to transfer jurisdiction over a defendant.

Sponsors: Representatives Sheahan, Constantine and Costa.

Brief History:

Committee Activity:

Law & Justice: 1/31/97, 2/11/97 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 13 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lambert; Lantz; Radcliff; Sherstad and Skinner.

Staff: Edie Adams (786-7180).

Background: The jurisdiction of a court determines that court's power to hear and decide matters. The jurisdiction of district and municipal courts (courts of limited jurisdiction) is provided for in statute. The Seattle Municipal Court has jurisdiction over violations of all city ordinances, and jurisdiction concurrent with the district court over misdemeanor and gross misdemeanor offenses. The district court has jurisdiction over misdemeanor and gross misdemeanor offenses committed within its jurisdiction, and violations of civil and criminal ordinances of a city within its district.

Counties, cities, and towns are responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions and referred to them by their local law enforcement agencies, regardless of whether the charge is a state law or city ordinance violation. Cities and counties are authorized to enter into interlocal agreements concerning the provision of services involved in the prosecution of crimes in the jurisdiction of the city and county.

The priority of action rule— is a common law doctrine concerning court jurisdiction. The rule provides that the court that first gains jurisdiction over a case retains the exclusive authority to deal with the action until the controversy is completely resolved.

Summary of Bill: The chapter governing the Seattle Municipal Court is amended to provide that when a defendant is incarcerated at a jail facility outside the city limits but within the county in which the city is located, the city may enter into a contract with the county to transfer jurisdiction and venue over the defendant to a district court. The district court would then provide all judicial services relating to the defendant. The district court obtains jurisdiction over the defendant despite the priority of action rule.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill provides the Seattle Municipal Court with a cost-effective means of handling cases involving Seattle Municipal Court defendants who are incarcerated outside the city limits by allowing the municipal court to hire the district court and county prosecutors to handle those cases.

Testimony Against: None.

Testified: Richard Greene, Seattle City Attorney's Office (pro).