

2 **HB 1872** - S COMM AMD
3 By Committee on Judiciary

4 NOT ADOPTED 4/15/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 3.66.010 and 1984 c 258 s 40 are each amended to read
8 as follows:

9 (1) The justices of the peace elected in accordance with chapters
10 3.30 through 3.74 RCW are authorized to hold court as judges of the
11 district court for the trial of all actions enumerated in chapters 3.30
12 through 3.74 RCW or assigned to the district court by law; to hear,
13 try, and determine the same according to the law, and for that purpose
14 where no special provision is otherwise made by law, such court shall
15 be vested with all the necessary powers which are possessed by courts
16 of record in this state; and all laws of a general nature shall apply
17 to such district court as far as the same may be applicable and not
18 inconsistent with the provisions of chapters 3.30 through 3.74 RCW.
19 The district court shall, upon the demand of either party, impanel a
20 jury to try any civil or criminal case in accordance with the
21 provisions of chapter 12.12 RCW. No jury trial may be held in a
22 proceeding involving a traffic infraction.

23 (2) The district court shall have state-wide jurisdiction to take
24 recognizance, approve bail, and arraign defendants held within the
25 jurisdiction on warrants issued by any judicial officer of a court of
26 limited jurisdiction within the state.

27 **Sec. 2.** RCW 3.66.060 and 1984 c 258 s 44 are each amended to read
28 as follows:

29 The district court shall have jurisdiction: (1) Concurrent with
30 the superior court of all misdemeanors and gross misdemeanors committed
31 in their respective counties and of all violations of city ordinances.
32 It shall in no event impose a greater punishment than a fine of five
33 thousand dollars, or imprisonment for one year in the county or city
34 jail as the case may be, or both such fine and imprisonment, unless
35 otherwise expressly provided by statute. It may suspend and revoke

1 vehicle operators' licenses in the cases provided by law; (2) to sit as
2 a committing magistrate and conduct preliminary hearings in cases
3 provided by law; (3) concurrent with the superior court of a proceeding
4 to keep the peace in their respective counties; (4) concurrent with the
5 superior court of all violations under Title 75 RCW; (~~and~~) (5) to
6 hear and determine traffic infractions under chapter 46.63 RCW; and (6)
7 to take recognizance, approve bail, and arraign defendants held within
8 the jurisdiction on warrants issued by any judicial officer of a court
9 of limited jurisdiction within the state.

10 **Sec. 3.** RCW 3.66.070 and 1991 c 290 s 2 are each amended to read
11 as follows:

12 All criminal actions shall be brought in the district where the
13 alleged violation occurred: PROVIDED, That (1) the prosecuting
14 attorney may file felony cases in the district in which the county seat
15 is located, (2) with the consent of the defendant criminal actions
16 other than those arising out of violations of city ordinances may be
17 brought in or transferred to the district in which the county seat is
18 located, (~~and~~) (3) if the alleged violation relates to driving, or
19 being in actual physical control of, a motor vehicle while under the
20 influence of intoxicating liquor or any drug and the alleged violation
21 occurred within a judicial district which has been designated an
22 enhanced enforcement district under RCW 2.56.110, the charges may be
23 filed in that district or in a district within the same county which is
24 adjacent to the district in which the alleged violation occurred, and
25 (4) the district court shall have state-wide jurisdiction to take
26 recognizance, approve bail, and arraign defendants held within the
27 jurisdiction on warrants issued by any judicial officer of a court of
28 limited jurisdiction within the state.

29 **Sec. 4.** RCW 3.46.030 and 1985 c 303 s 13 are each amended to read
30 as follows:

31 A municipal department shall have exclusive jurisdiction of matters
32 arising from ordinances of the city, shall have state-wide jurisdiction
33 to take recognizance, approve bail, and arraign defendants held within
34 the jurisdiction on warrants issued by any judicial officer of a court
35 of limited jurisdiction within the state, and no jurisdiction of other
36 matters except as conferred by statute.

1 **Sec. 5.** RCW 3.50.020 and 1985 c 303 s 14 are each amended to read
2 as follows:

3 The municipal court shall have exclusive original jurisdiction over
4 traffic infractions arising under city ordinances and exclusive
5 original criminal jurisdiction of all violations of city ordinances
6 duly adopted by the city in which the municipal court is located and
7 shall have original jurisdiction of all other actions brought to
8 enforce or recover license penalties or forfeitures declared or given
9 by such ordinances or by state statutes. The municipal court shall
10 also have the jurisdiction as conferred by statute. The municipal
11 court is empowered to forfeit cash bail or bail bonds and issue
12 execution thereon; and in general to hear and determine all causes,
13 civil or criminal, including traffic infractions, arising under such
14 ordinances and to pronounce judgment in accordance therewith. The
15 municipal court may take recognizance, approve bail, and arraign
16 defendants held within the jurisdiction on warrants issued by any
17 judicial officer of a court of limited jurisdiction within the state.

18 **Sec. 6.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read
19 as follows:

20 The municipal court shall have jurisdiction to try violations of
21 all city ordinances and all other actions brought to enforce or recover
22 license penalties or forfeitures declared or given by any such
23 ordinances. It is empowered to forfeit cash bail or bail bonds and
24 issue execution thereon, to hear and determine all causes, civil or
25 criminal, arising under such ordinances, and to pronounce judgment in
26 accordance therewith: PROVIDED, That for a violation of the criminal
27 provisions of an ordinance no greater punishment shall be imposed than
28 a fine of five thousand dollars or imprisonment in the city jail not to
29 exceed one year, or both such fine and imprisonment, but the punishment
30 for any criminal ordinance shall be the same as the punishment provided
31 in state law for the same crime. All civil and criminal proceedings in
32 municipal court, and judgments rendered therein, shall be subject to
33 review in the superior court by writ of review or on appeal: PROVIDED,
34 That an appeal from the court's determination or order in a traffic
35 infraction proceeding may be taken only in accordance with RCW
36 46.63.090(5). Costs in civil and criminal cases may be taxed as
37 provided in district courts. The municipal court may take
38 recognizance, approve bail, and arraign defendants held within the

1 jurisdiction on warrants issued by any judicial officer of a court of
2 limited jurisdiction within the state.

3 NEW SECTION. **Sec. 7.** (1) There is created a task force to study
4 the granting of state-wide warrant jurisdiction to courts of limited
5 jurisdiction. The task force shall determine if it would be beneficial
6 to the operation of the criminal justice system in this state to grant
7 municipal and district courts the authority to take recognizance,
8 approve bail, and arraign defendants on warrants issued by any judicial
9 officer of a court of limited jurisdiction within the state. The task
10 force shall also make recommendations on implementing such jurisdiction
11 including, but not limited to, a review of such issues as speedy trial,
12 appointment of counsel, plea agreements, efficient use of court
13 personnel and resources, and payment of expenses such as
14 transportation, salaries, and per diem. The task force shall also
15 consider the effect of state-wide warrant jurisdiction on local city
16 and county jail populations including, but not limited to, providing
17 for costs of incarceration, as well as mechanisms for managing
18 offenders who are temporarily in custody within the local city or
19 county jail. The task force may also study any other relevant matters
20 that arise during the course of this study.

21 (2) The task force shall consist of the following members:

22 (a) One district court judge, appointed by the Washington state
23 municipal and district court judges association;

24 (b) One municipal court judge, appointed by the Washington state
25 municipal and district court judges association;

26 (c) One prosecuting attorney, appointed by the Washington
27 association of prosecuting attorneys;

28 (d) One public defender, appointed by the Washington defender
29 association;

30 (e) One sheriff or police chief, appointed by the Washington
31 association of sheriffs and police chiefs;

32 (f) Two representatives from the counties, one representative from
33 a large county and one representative from a small county, appointed by
34 the Washington state association of counties;

35 (g) One county official, appointed by the Washington state
36 association of counties;

1 (h) Two representatives from the cities, one representative from a
2 large city and one representative from a small city, appointed by the
3 association of Washington cities;

4 (i) One law enforcement officer, appointed by the Washington
5 association of sheriffs and police chiefs;

6 (j) One county jail administrator, appointed by the Washington
7 association of sheriffs and police chiefs, corrections committee;

8 (k) Two members from the senate, one from each of the two largest
9 caucuses, appointed by the president of the senate; and

10 (l) Two members from the house of representatives, one from each of
11 the two largest caucuses, appointed by the co-speakers of the house of
12 representatives.

13 (3) The chair of the task force shall be selected by the members of
14 the task force. The task force shall submit its recommendations to the
15 chairs of the senate and house of representatives judiciary committees
16 by December 15, 1999.

17 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act take effect
18 July 1, 2000."

19 **HB 1872** - S COMM AMD
20 By Committee on Judiciary

21 NOT ADOPTED 4/15/99

22 On page 1, line 2 of the title, after "jurisdiction;" strike the
23 remainder of the title and insert "amending RCW 3.66.010, 3.66.060,
24 3.66.070, 3.46.030, 3.50.020, and 35.20.030; creating a new section;
25 and providing an effective date."

--- END ---