

HOUSE BILL REPORT

HB 1264

As Reported by House Committee On:
Judiciary

Title: An act relating to courts of limited jurisdiction.

Brief Description: Changing provisions relating to termination of municipal courts and service contracts.

Sponsors: Representatives Lantz (co-prime sponsor), Esser (co-prime sponsor), Carrell, Van Luven and Lambert.

Brief History:

Committee Activity:

Judiciary: 2/1/01, 2/22/01 [DPS].

Brief Summary of Substitute Bill

- Requires a city or county to provide written notice if the city or county intends to terminate an agreement for the provision of court services or intends to terminate a municipal department of the district court.
- Removes the limitation that a city that has terminated its municipal court may not establish another municipal court for at least 10 years.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Dickerson, Esser, Lovick and McDermott.

Minority Report: Do not pass. Signed by 1 member: Representative Casada.

Staff: Edie Adams (786-7180).

Background:

Cities and towns are responsible for the prosecution, adjudication, sentencing, and

incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their jurisdictions and referred to them by their local law enforcement agencies.

A city may establish a municipal court or a municipal department within a district court to process criminal violations and other violations of city ordinances. In addition, the city may enter into an interlocal agreement with a county for the provision of court services for the city.

If a city decides to terminate its municipal court or its municipal department, it must first enter into an agreement with the county for the county to provide court services. The chapter governing municipal departments requires the city to give the county legislative authority written notice of the intent to terminate its municipal department at least 30 days before February 1 of any year.

A city that terminates its municipal court or municipal department may not reestablish a municipal court or municipal department for at least 10 years from the date of termination.

The Project 2001 Committee was formed by the Board for Judicial Administration to study and make recommendations on ways to improve the operation of the courts. As part of the final recommendations, the Project 2001 Committee recommends that notice and time-frame requirements be added to provisions concerning agreements for court services between cities and counties, and that the 10-year limitation on reestablishing a municipal court be removed.

Summary of Substitute Bill:

Municipal court provisions relating to city and county agreements for the provision of court services are amended to require notice of terminations, impose limitations on time periods when terminations may occur, and to remove the 10-year wait before a municipal court may be reestablished.

A city that has entered into an agreement with a county for the provision of court services must provide written notice of an intent to terminate the agreement to the county legislative authority. The notice must be provided at least one year before February 1 of the year in which all district court judges are subject to election. A county must provide written notice to the city of an intent to terminate an agreement at least one year prior to the expiration of the agreement.

The chapter governing municipal departments of district courts is amended to require a city that intends to terminate its municipal department to provide written notice to the county legislative authority. The notice must be provided one year before February 1 of the year in which all district court judges are subject to election. A city may terminate a

municipal department only at the end of a four-year district court judicial term. A county that wishes to terminate a municipal department of the district court must provide written notice to the city at least one year prior to the intended termination.

The provisions that prohibit a city that has terminated its municipal court or municipal department from establishing another municipal court or municipal department for at least 10 years are removed.

Substitute Bill Compared to Original Bill:

The original bill did not include the requirement that a county that wishes to terminate an agreement for court services, or a municipal department of the district court, must provide written notice to the city. The original bill provided that the time period for providing notice for the termination of a municipal department was 30 days prior to February 1 of the year in which district court judges are subject to election. Finally, the original bill did not apply the notice requirements to municipal courts in cities over 400,000 population.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill is a recommendation of the Project 2001 Committee of the Board for Judicial Administration. The 10-year restriction was originally put in for stability but it has had a chilling effect on cities making changes because it locks them in for 10 years. This proposal gives courts flexibility to respond to budget and caseload changes and encourages city and county partnerships.

Testimony Against: None.

Testified: (In support) Kirk Johns, Washington State Bar Association, Court Improvement Committee; and Judge Randal Fritzler, District and Municipal Court Judges Association and Board for Judicial Administration.

(In support of proposed substitute bill) Kathy Gerke, Association of Washington Cities; and Stacy Connole, Washington State Association of Counties.