

HOUSE BILL REPORT

SB 5252

As Reported by House Committee On:
Judiciary

Title: An act relating to venue for courts of limited jurisdiction.

Brief Description: Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district.

Sponsors: By Senators McCaslin, Kline, Fairley, Hewitt, Patterson, Long, Constantine, Roach and Costa.

Brief History:

Committee Activity:

Judiciary: 3/27/01 [DP].

Brief Summary of Bill

- Authorizes district courts to have temporary venue over other district court criminal matters when there is an emergency.
- Authorizes district courts to use video or other electronic means to hear criminal actions for violations of local ordinances.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Trudes Hutcheson (786-7384).

Background:

Venue refers to the place where an action may be brought within the state. For criminal actions in district court, venue is generally the district where the alleged violation occurred. Felony cases may be filed in a district in which the county seat is located. With the consent of the defendant, criminal actions other than those arising out of violations of city ordinances may be brought in the district in which the county seat is

located. Violations of driving a motor vehicle while under the influence of intoxicating liquor or drugs may be filed in adjacent enhanced enforcement districts within the same county. A change of venue may be allowed when there is reason to believe that a fair trial cannot be had in that district or where the convenience of the witnesses or the ends of justice would be forwarded.

Court rules allow a court to use electronic means, such as video conference, to conduct preliminary appearances, arraignments, bail hearings, and trial settings.

Summary of Bill:

In the event of an emergency created by an act of nature, civil unrest, technological failure, or other hazardous condition, temporary venue for court of limited jurisdiction matters may be in a district not impacted by the emergency. This emergency venue lasts only for the duration of the emergency.

A criminal action for violation of a local ordinance may be heard in court using electronic means, as approved by the state supreme court, with the defendant appearing electronically from outside the court's geographic jurisdiction.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill is endorsed by the Board for Judicial Administration. It would help courts like Seattle Municipal Court, which could have used the Regional Justice Center during the riots associated with the World Trade Organization conference. With the recent earthquake, some judges could not get into court, and this emergency venue bill would have helped.

Testimony Against: None.

Testified: Melanie Stewart, for Judge Peter Lukevich, District and Municipal Court Judges Association; and Judge Peter Lukevich, District and Municipal Court Judges Association.