

HOUSE BILL REPORT

SB 6293

As Passed House:

March 6, 2002

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

Brief Description: Hearing certain criminal actions by video or other electronic means.

Sponsors: By Senators Kline and Johnson.

Brief History:

Committee Activity:

Judiciary: 2/25/02, 2/28/02 [DP].

Floor Activity:

Passed House: 3/6/02, 93-0.

Brief Summary of Bill

- Allows district court video conferencing on certain hearings related to criminal prosecutions for violations of state law.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Hurst, Vice Chair; Carrell, Ranking Minority Member; Boldt, Dickerson, Esser, Jarrett, Lovick and Lysen.

Staff: Bill Perry (786-7123).

Background:

Courts of limited jurisdiction operate within districts, the boundaries of which are determined by county district court districting committees. More than one district may be established within a county.

In criminal prosecutions in district courts, generally a case must be brought in the district within which the offense was committed. In some counties, however, the jail facilities where an offender is held may not be within the same district court district as the court where the offense is to be heard.

Even if the jail facility where a defendant is held is in the same district as the court, there are circumstances under which the defendant may not be physically present in the courtroom during a proceeding. By rule, the supreme court has allowed certain criminal appearances to be conducted by video conference. In district courts, under CrRLJ 3.4 (d), preliminary appearances, arraignments, bail hearings and trial settings may be conducted by video conference. If a party requests an in-person hearing, the court may grant the request. In the case of other trial court proceedings, including the entry of a defendant's plea of guilty, the hearing may also be conducted by video conference but only if all parties have agreed and the court has approved the video conferencing.

Under the court rule, a video conference must be mutually visible and audible to all parties and their counsel and to any members of the public present at the conference. The conference must also allow for confidential exchanges between attorneys and clients and must provide sufficient security for the safety of participants and observers.

In 2001, the Legislature provided that video conferencing of a hearing in district court related to a criminal violation of a local ordinance may be done even when the defendant is located outside the court's geographic jurisdiction or boundaries.

District courts have jurisdiction over local criminal ordinances and over misdemeanor and gross misdemeanor violations of state law.

Summary of Bill:

The 2001 legislation relating to video conferencing related to local ordinance violations is extended to violations of state law. Video conferencing of a hearing in district court related to a criminal violation or either a local ordinance or a state statute may be done even when the defendant is located outside the court's geographic jurisdiction or boundaries.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The bill corrects an oversight in last year's legislation and conforms the law to the original intent.

Testimony Against: None.

Testified: Judge Peter Lukavich, District and Municipal Court Judges Association.

