

SENATE BILL REPORT

ESHB 2179

As of March 27, 2003

Title: An act relating to municipal departments of district court.

Brief Description: Clarifying district court provisions.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter, Rockefeller, Hudgins and Flannigan).

Brief History:

Committee Activity: Judiciary: 3/27/03.

SENATE COMMITTEE ON JUDICIARY

Staff: Jinnah Rose-McFadden (786-7421)

Background: There are three statutory methods by which cities may provide court services: (1) a city may create and operate its own court of limited jurisdiction; (2) if a city terminates its municipal court, that city may contract with the county district court for the delivery of court services; and (3) a city may petition the county to create a municipal department within the district court. The city must provide the court facilities and staffing, but pays the county for the services of a district court judge.

Under the municipal department plan, a city's petition for a municipal department must be forwarded to the district court districting committee. The organization of the new municipal department must be incorporated into the district court plan. The modified districting plan is then reviewed by the county's legislative authority. The county may accept, reject, or modify the plan after public hearing.

Generally, interlocal agreements may be used by two or more units of local government to do jointly what those governments are authorized to do independently. However, there is nothing in the law on courts of limited jurisdiction or the law on interlocal agreements that expressly authorizes cities to enter into interlocal agreements for court services.

Currently, a number of municipalities, particularly in King County, are contracting with district courts for municipal court services. King County has indicated its intention to terminate these contracts, prompting concern that an increasing number of cities will be pursuing interlocal agreements for shared court services.

Summary of Bill: A temporary alternative method is authorized for the creation of a municipal department in a county district court. This alternative method does not require: (a) the city to petition the county; (b) the districting committee to incorporate the municipal department into the district court plan; or (c) any action to be taken by the county legislative authority.

Until January 1, 2005, a city within a county of more than 1,000,000 people may create a municipal department by adopting an ordinance setting forth:

- the number of full and part-time judges needed;
- whether judges will be appointed from among the elected district court judges or separately elected as judges of the municipal department; and
- the city's commitment to pay the salaries and benefits of the department's judges.

Upon adoption of such an ordinance, the municipal department is automatically incorporated into the district court's districting plan.

Multiple cities are expressly authorized to share a municipal department within a district court. The shared municipal department has express jurisdiction over cases originating from each contracting city, regardless of where the shared municipal department is physically located.

Appropriation: None.

Fiscal Note: Not requested.

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