

SENATE BILL REPORT

SSB 5500

As Passed Senate, March 19, 2003

Title: An act relating to interlocal agreements for court services among municipalities.

Brief Description: Facilitating interlocal agreements for court services among municipalities.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Johnson, Haugen, Esser, Thibaudeau, McCaslin and Horn).

Brief History:

Committee Activity: Judiciary: 2/13/03, 2/21/03 [DPS, DNP].

Passed Senate: 3/19/03, 44-3.

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5500 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Johnson, Roach and Thibaudeau.

Minority Report: Do not pass.

Signed by Senator Kline.

Staff: Jinnah Rose-McFadden (786-7421)

Background: Under current law, cities are authorized to operate courts of limited jurisdiction. These courts may be either municipal departments of the county district court, or separate municipal courts. Municipal courts have jurisdiction over traffic infractions and criminal cases arising under municipal codes.

Interlocal agreements may be used by two or more units of local government to do jointly what those governments are authorized to do independently. Under current law, it is permissible for a city terminating its municipal court to enter into an interlocal agreement for court services with a second city. It is unclear, however, whether a city that does not operate a municipal court may enter into an interlocal agreement for court services with a second city.

Summary of Bill: The law is amended to explicitly allow a municipality to enter into an interlocal agreement, for municipal court services, with one or more other municipalities located in whole or in part within the same county. Additionally, the law is clarified to allow a municipality that is terminating its municipal court to transfer all cases, rather than only criminal cases, to an appropriate county or city via an interlocal agreement.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Original bill: This bill addresses a judicial crisis in the state. Currently 17 cities contract with King County for municipal court services. Due to budget cuts, these cities have been notified that King County will terminate these contracts as of July 2004.

The affected cities believe that, under current law, they have authority to enter interlocal agreements with other municipalities to create joint municipal courts. However, they are aware that the opposite view is held by some in the legal community. In an attempt to avoid costly litigation over this issue, the cities affected by King County's decision are seeking the Legislature's assistance in amending current law to explicitly allow municipalities to combine resources and create joint municipal courts. Because it takes at least six months to set up a local court, it is imperative that the law be clarified now, to afford cities enough time to arrange for the provision of judicial services by July 2004.

Testimony Against: Original bill: Under current law, there is no authority for municipalities to contract with one another for municipal court services. While some municipalities are already jointly running municipal courts via interlocal agreements, these agreements are illegal.

The Legislature should not address this problem by changing the law governing the formation of municipal courts; any change to current law will have rippling effects across the state. Key concerns relate to accessibility, accountability, and administrative issues. If the Legislature were to explicitly allow municipalities to contract with one another for municipal court services, any municipalities could jointly run municipal courts, even municipalities that are great distances apart. This could potentially require citizens to travel outside their county for their day in court. By allowing municipalities to jointly run court services, there is no guarantee that a residing judge will have any connection to the communities served by his or her courtroom; this contravenes long standing policy that judges be connected to the communities they serve. Finally, since many judges are elected, the outcome of this law could create confusion regarding the electoral process. If this law were to pass and judges were to be shared by several municipalities, covering more than one electoral district, a question would arise as to which municipalities and districts would be required to hold elections.

Changes to current law should only be made after all factors relating to this issue are thoroughly considered. The best immediate approach is to allow the Board of Judicial Administration to complete a review of the municipal court system that is currently underway.

Testified: PRO: Londi Lindell, Attorney, City of Mercer Island; Bob Mack, City of Bellevue, City of Lakewood; CON: Robert McSeveney, Judge, Municipal Court for the City of Kent, District and Municipal Court Judges Association; Dirk Marler, District & Municipal Court Judges Association.