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HOUSE BILL 1617

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Clibborn, Flannigan, Jarrett, Upthegrove, Cairnes, Tom, Moeller, Rockefeller and Anderson

Read first time 02/03/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to interlocal agreements for court services among  
2 municipalities; and amending RCW 3.50.020 and 3.50.805.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 3.50.020 and 2000 c 111 s 6 are each amended to read  
5 as follows:

6 The municipal court shall have exclusive original jurisdiction over  
7 traffic infractions arising under city ordinances and exclusive  
8 original criminal jurisdiction of all violations of city ordinances  
9 duly adopted by the city (~~in which the municipal court is located~~)  
10 and shall have original jurisdiction of all other actions brought to  
11 enforce or recover license penalties or forfeitures declared or given  
12 by such ordinances or by state statutes. Any municipality may operate  
13 a municipal court under this chapter with one or more other  
14 municipalities, pursuant to an interlocal agreement under chapter 39.34  
15 RCW. Municipal courts operating under any such interlocal agreements  
16 shall have exclusive original criminal and other jurisdiction as set  
17 forth in this section. The municipal court shall also have the  
18 jurisdiction as conferred by statute. The municipal court is empowered  
19 to forfeit cash bail or bail bonds and issue execution thereon; and in

1 general to hear and determine all causes, civil or criminal, including  
2 traffic infractions, arising under such ordinances and to pronounce  
3 judgment in accordance therewith. A municipal court participating in  
4 the program established by the office of the administrator for the  
5 courts pursuant to RCW 2.56.160 shall have jurisdiction to take  
6 recognizance, approve bail, and arraign defendants held within its  
7 jurisdiction on warrants issued by any court of limited jurisdiction  
8 participating in the program.

9       **Sec. 2.** RCW 3.50.805 and 1984 c 258 s 203 are each amended to read  
10 as follows:

11       (1) A municipality operating a municipal court under this chapter  
12 shall not terminate that court unless the municipality has reached an  
13 agreement with the appropriate county or another municipality under  
14 chapter 39.34 RCW under which the county or municipality is to be paid  
15 a reasonable amount for costs associated with prosecution,  
16 adjudication, and sentencing in (~~criminal~~) all cases filed in  
17 district or municipal court as a result of the termination. The  
18 agreement shall provide for periodic review and renewal of the terms of  
19 the agreement. If the municipality and the county or municipality are  
20 unable to agree on the terms for renewal of the agreement, they shall  
21 be deemed to have entered into an agreement to submit the issue to  
22 arbitration under chapter 7.04 RCW. Pending conclusion of the  
23 arbitration proceeding, the terms of the agreement shall remain in  
24 effect. The municipality and the county or municipality have the same  
25 rights and are subject to the same duties as other parties who have  
26 agreed to submit to arbitration under chapter 7.04 RCW. A municipality  
27 that has entered into agreements with other municipalities that have  
28 terminated their municipal courts may not thereafter terminate its  
29 court unless each municipality has reached an agreement with the  
30 appropriate county in accordance with this section.

31       (2) A municipality operating a municipal court under this chapter  
32 may not repeal in its entirety that portion of its municipal code  
33 defining crimes while retaining the court's authority to hear and  
34 determine traffic infractions under chapter 46.63 RCW unless the  
35 municipality has reached an agreement with the county under chapter  
36 39.34 RCW under which the county is to be paid a reasonable amount for  
37 costs associated with prosecution, adjudication, and sentencing in

1 criminal cases filed in district court as a result of the repeal. The  
2 agreement shall provide for periodic review and renewal of the terms of  
3 the agreement. If the municipality and the county are unable to agree  
4 on the terms for renewal of the agreement, they shall be deemed to have  
5 entered into an agreement to submit the issue to arbitration under  
6 chapter 7.04 RCW. Pending conclusion of the arbitration proceeding,  
7 the terms of the agreement shall remain in effect. The municipality  
8 and the county have the same rights and are subject to the same duties  
9 as other parties who have agreed to submit to arbitration under chapter  
10 7.04 RCW.

11 (3) A municipality operating a municipal court under this chapter  
12 may not repeal a provision of its municipal code which defines a crime  
13 equivalent to an offense listed in RCW 46.63.020 unless the  
14 municipality has reached an agreement with the county under chapter  
15 39.34 RCW under which the county is to be paid a reasonable amount for  
16 costs associated with prosecution, adjudication, and sentencing in  
17 criminal cases filed in district court as a result of the repeal. The  
18 agreement shall provide for periodic review and renewal of the terms of  
19 the agreement. If the municipality and the county are unable to agree  
20 on the terms for renewal of the agreement, they shall be deemed to have  
21 entered into an agreement to submit the issue to arbitration under  
22 chapter 7.04 RCW. Pending conclusion of the arbitration proceeding,  
23 the terms of the agreement shall remain in effect. The municipality  
24 and the county have the same rights and are subject to the same duties  
25 as other parties who have agreed to submit to arbitration under chapter  
26 7.04 RCW.

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