

SHB 3082 - S COMM AMD
By Committee on Judiciary

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 3.50.003 and 1984 c 258 s 125 are each amended to
4 read as follows:

5 (~~("Mayor," as used in this chapter,)~~) (1) "City" means an
6 incorporated city or town.

7 (2) "Contracting city" means any city that contracts with a hosting
8 jurisdiction for the delivery of judicial services.

9 (3) "Mayor" means the chief administrative officer of the city.

10 (4) "Hosting jurisdiction" means a county or city designated in an
11 interlocal agreement as receiving compensation for providing judicial
12 services to a contracting city.

13 "Sec. 2. RCW 3.50.005 and 1984 c 258 s 101 are each amended to read
14 as follows:

15 (~~(The legislature finds that there is a multitude of statutes~~
16 ~~governing the municipal courts of the state. This situation is~~
17 ~~confusing and misleading to attorneys, judges, court personnel, and~~
18 ~~others who work with the municipal courts. The legislature therefore~~
19 ~~finds that a reorganization of the municipal courts of the state would~~
20 ~~allow those courts to operate in a more effective and efficient~~
21 ~~manner)) The legislature finds that permitting cities to contract with
22 counties or other cities for judicial services will allow cities to
23 provide more cost-effective services and encourage the creation of
24 regional courts of limited jurisdiction that provide the full range of
25 judicial functions and that are open and accessible to the citizens of
26 the state of Washington. This chapter provides a court structure which
27 may be used by cities and towns with a population of four hundred
28 thousand or less which choose to operate under this chapter.~~

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 3.50 RCW
2 to read as follows:

3 A city may meet the requirements of RCW 39.34.180 by entering into
4 an interlocal agreement with the county in which the city is located or
5 with one or more cities. The host jurisdiction in any such agreement
6 must be located within reasonable proximity to any contracting city or
7 cities. For purposes of this section, "reasonable proximity" shall be
8 determined after consideration of the factors set forth in RCW
9 39.34.010. The respective presiding judges from the host jurisdiction
10 and from any contracting city or cities shall be invited by the mayor
11 of each city and by any county to attend and participate in interlocal
12 agreement negotiations. The interlocal agreement shall provide that a
13 judge of the hosting jurisdiction sit as the municipal court judge for
14 the contracting city or cities and hear those cases specified in RCW
15 39.34.180.

16 **Sec. 4.** RCW 3.50.020 and 2005 c 282 s 14 are each amended to read
17 as follows:

18 The municipal court shall have exclusive original jurisdiction over
19 traffic infractions arising under city ordinances and exclusive
20 original criminal jurisdiction of all violations of city ordinances
21 duly adopted by the city (~~(in which the municipal court is located)~~)
22 and shall have original jurisdiction of all other actions brought to
23 enforce or recover license penalties or forfeitures declared or given
24 by such ordinances or by state statutes. A hosting jurisdiction shall
25 have exclusive original criminal and other jurisdiction as described in
26 this section for all matters filed by a contracting city. The
27 municipal court shall also have the jurisdiction as conferred by
28 statute. The municipal court is empowered to forfeit cash bail or bail
29 bonds and issue execution thereon; and in general to hear and determine
30 all causes, civil or criminal, including traffic infractions, arising
31 under such ordinances and to pronounce judgment in accordance
32 therewith. A municipal court participating in the program established
33 by the administrative office of the courts pursuant to RCW 2.56.160
34 shall have jurisdiction to take recognizance, approve bail, and arraign
35 defendants held within its jurisdiction on warrants issued by any court
36 of limited jurisdiction participating in the program.

1 **Sec. 5.** RCW 3.50.805 and 2005 c 433 s 35 are each amended to read
2 as follows:

3 (1) A ((municipality)) city operating a municipal court under this
4 chapter shall not terminate that court or terminate an interlocal
5 agreement entered into under section 3 of this act unless the
6 ((municipality)) city has reached an agreement with the appropriate
7 county or another ((municipality)) city under chapter 39.34 RCW under
8 which the county or ((municipality)) city is to be paid a reasonable
9 amount for costs associated with prosecution, adjudication, and
10 sentencing in criminal cases, traffic infractions, or protective orders
11 as defined in RCW 39.34.180 that are filed in district or municipal
12 court as a result of the termination. The agreement shall provide for
13 periodic review and renewal of the terms of the agreement. If the
14 ((municipality)) city and the county or ((municipality)) city are
15 unable to agree on the terms for renewal of the agreement, they shall
16 be deemed to have entered into an agreement to submit the issue to
17 arbitration under chapter 7.04A RCW. Pending conclusion of the
18 arbitration proceeding, the terms of the agreement shall remain in
19 effect. The ((municipality)) city and the county or ((municipality))
20 city have the same rights and are subject to the same duties as other
21 parties who have agreed to submit to arbitration under chapter 7.04A
22 RCW. A ((municipality)) city that has entered into agreements with
23 other ((municipalities)) cities that have terminated their municipal
24 courts may not thereafter terminate its court unless each
25 ((municipality)) city has reached an agreement with the appropriate
26 county or city in accordance with this section.

27 (2) A ((municipality)) city operating a municipal court under this
28 chapter may not repeal in its entirety that portion of its municipal
29 code defining crimes while retaining the court's authority to hear and
30 determine traffic infractions under chapter 46.63 RCW unless the
31 ((municipality)) city has reached an agreement with the county under
32 chapter 39.34 RCW under which the county is to be paid a reasonable
33 amount for costs associated with prosecution, adjudication, and
34 sentencing in criminal cases, traffic infractions, or protective orders
35 as defined in RCW 39.34.180 that are filed in district court as a
36 result of the repeal. The agreement shall provide for periodic review
37 and renewal of the terms of the agreement. If the ((municipality))
38 city and the county are unable to agree on the terms for renewal of the

1 agreement, they shall be deemed to have entered into an agreement to
2 submit the issue to arbitration under chapter 7.04A RCW. Pending
3 conclusion of the arbitration proceeding, the terms of the agreement
4 shall remain in effect. The ((municipality)) city and the county have
5 the same rights and are subject to the same duties as other parties who
6 have agreed to submit to arbitration under chapter 7.04A RCW.

7 (3) A ((municipality)) city operating a municipal court under this
8 chapter may not repeal a provision of its municipal code which defines
9 a crime equivalent to an offense listed in RCW 46.63.020 unless the
10 ((municipality)) city has reached an agreement with the county under
11 chapter 39.34 RCW under which the county is to be paid a reasonable
12 amount for costs associated with prosecution, adjudication, and
13 sentencing in criminal cases, traffic infractions, or protective orders
14 as defined in RCW 39.34.180 that are filed in district court as a
15 result of the repeal. The agreement shall provide for periodic review
16 and renewal of the terms of the agreement. If the ((municipality))
17 city and the county are unable to agree on the terms for renewal of the
18 agreement, they shall be deemed to have entered into an agreement to
19 submit the issue to arbitration under chapter 7.04A RCW. Pending
20 conclusion of the arbitration proceeding, the terms of the agreement
21 shall remain in effect. The ((municipality)) city and the county have
22 the same rights and are subject to the same duties as other parties who
23 have agreed to submit to arbitration under chapter 7.04A RCW.

24 **Sec. 6.** RCW 39.34.180 and 2001 c 68 s 4 are each amended to read
25 as follows:

26 (1) Each county, city, and town is responsible for the prosecution,
27 adjudication, sentencing, and incarceration of misdemeanor and gross
28 misdemeanor offenses and traffic infractions committed by adults in
29 their respective jurisdictions, and referred from their respective law
30 enforcement agencies, whether filed under state law or city ordinance,
31 and must carry out these responsibilities through the use of their own
32 courts, staff, and facilities, or by entering into contracts or
33 interlocal agreements under this chapter to provide these services.
34 Nothing in this section is intended to alter the statutory
35 responsibilities of each county for the prosecution, adjudication,
36 sentencing, and incarceration for not more than one year of felony
37 offenders, nor shall this section apply to any offense initially filed

1 by the prosecuting attorney as a felony offense or an attempt to commit
2 a felony offense. For purposes of this section, a "protective order"
3 is any domestic violence no-contact order under chapter 10.99 RCW,
4 domestic violence protection order under chapter 26.50 RCW,
5 antiharassment order under chapter 10.14 RCW, or sexual assault
6 protection order under chapter 7.-- RCW (sections 1 through 20, chapter
7 . . . (Substitute House Bill No. 2576), Laws of 2006), over which a
8 district or municipal court has jurisdiction.

9 (2) The following principles must be followed in negotiating
10 interlocal agreements or contracts: Cities and counties must consider
11 (a) anticipated costs of services; and (b) anticipated and potential
12 revenues to fund the services, including fines and fees, criminal
13 justice funding, and state-authorized sales tax funding levied for
14 criminal justice purposes.

15 (3) If an agreement as to the levels of compensation within an
16 interlocal agreement or contract for gross misdemeanor and misdemeanor
17 services cannot be reached between (~~a city and county~~) the parties,
18 then either party may invoke binding arbitration on the compensation
19 issued by notice to the other party. In the case of establishing
20 initial compensation, the notice shall request arbitration within
21 thirty days. In the case of nonrenewal of an existing contract or
22 interlocal agreement, the notice must be given one hundred twenty days
23 prior to the expiration of the existing contract or agreement and the
24 existing contract or agreement remains in effect until a new agreement
25 is reached or until an arbitration award on the matter of fees is made.
26 The (~~city and county~~) parties each select one arbitrator, and the
27 initial two arbitrators pick a third arbitrator.

28 (4) A city or county that wishes to terminate an agreement for the
29 provision of court services must provide written notice of the intent
30 to terminate the agreement in accordance with RCW 3.50.810 and
31 35.20.010.

32 (5) For cities or towns that have not adopted, in whole or in part,
33 criminal code or ordinance provisions related to misdemeanor and gross
34 misdemeanor crimes as defined by state law, this section shall have no
35 application until July 1, 1998.

36 **Sec. 7.** RCW 39.34.180 and 2001 c 68 s 4 are each amended to read
37 as follows:

1 (1) Each county, city, and town is responsible for the prosecution,
2 adjudication, sentencing, and incarceration of misdemeanor and gross
3 misdemeanor offenses committed by adults in their respective
4 jurisdictions, and referred from their respective law enforcement
5 agencies, whether filed under state law or city ordinance, and for
6 issuing and enforcing protective orders, and must carry out these
7 responsibilities through the use of their own courts, staff, and
8 facilities, or by entering into contracts or interlocal agreements
9 under this chapter to provide these services. Nothing in this section
10 is intended to alter the statutory responsibilities of each county for
11 the prosecution, adjudication, sentencing, and incarceration for not
12 more than one year of felony offenders, nor shall this section apply to
13 any offense initially filed by the prosecuting attorney as a felony
14 offense or an attempt to commit a felony offense.

15 (2) The following principles must be followed in negotiating
16 interlocal agreements or contracts: Cities and counties must consider
17 (a) anticipated costs of services; and (b) anticipated and potential
18 revenues to fund the services, including fines and fees, criminal
19 justice funding, and state-authorized sales tax funding levied for
20 criminal justice purposes.

21 (3) If an agreement as to the levels of compensation within an
22 interlocal agreement or contract for gross misdemeanor and misdemeanor
23 services cannot be reached between a city and county, then either party
24 may invoke binding arbitration on the compensation issued by notice to
25 the other party. In the case of establishing initial compensation, the
26 notice shall request arbitration within thirty days. In the case of
27 nonrenewal of an existing contract or interlocal agreement, the notice
28 must be given one hundred twenty days prior to the expiration of the
29 existing contract or agreement and the existing contract or agreement
30 remains in effect until a new agreement is reached or until an
31 arbitration award on the matter of fees is made. The city and county
32 each select one arbitrator, and the initial two arbitrators pick a
33 third arbitrator.

34 (4) A city or county that wishes to terminate an agreement for the
35 provision of court services must provide written notice of the intent
36 to terminate the agreement in accordance with RCW 3.50.810 and
37 35.20.010.

1 (5) For cities or towns that have not adopted, in whole or in part,
2 criminal code or ordinance provisions related to misdemeanor and gross
3 misdemeanor crimes as defined by state law, this section shall have no
4 application until July 1, 1998.

5 **Sec. 8.** RCW 10.14.150 and 2005 c 196 s 1 are each amended to read
6 as follows:

7 (1) The district courts shall have jurisdiction and cognizance of
8 any civil actions and proceedings brought under this chapter, except
9 the district court shall transfer such actions and proceedings to the
10 superior court when it is shown that the respondent to the petition is
11 under eighteen years of age.

12 (2) Municipal courts (~~may exercise~~) shall have jurisdiction and
13 cognizance of any civil actions and proceedings brought under this
14 chapter (~~by adoption of local court rule~~), except the municipal court
15 shall transfer such actions and proceedings to the superior court when
16 it is shown that the respondent to the petition is under eighteen years
17 of age.

18 (3) Superior courts shall have concurrent jurisdiction to receive
19 transfer of antiharassment petitions in cases where a district or
20 municipal court judge makes findings of fact and conclusions of law
21 showing that meritorious reasons exist for the transfer. The municipal
22 and district courts shall have jurisdiction and cognizance of any
23 criminal actions brought under RCW 10.14.120 and 10.14.170.

24 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 July 1, 2006, except for section 7 of this act which takes effect
28 January 1, 2007."

1 On page 1, line 2 of the title, after "jurisdiction;" strike the
2 remainder of the title and insert "amending RCW 3.50.003, 3.50.005,
3 3.50.020, 3.50.805, 39.34.180, 39.34.180, and 10.14.150; adding a new
4 section to chapter 3.50 RCW; providing effective dates; and declaring
5 an emergency."

--- END ---