
SUBSTITUTE HOUSE BILL 3082

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Rodne, Springer, Priest, Wood, Lantz and Nixon)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to administration of the courts of limited
2 jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.805,
3 39.34.180, and 10.14.150; adding a new section to chapter 3.50 RCW;
4 providing an effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read
7 as follows:

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

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

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

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

16 **Sec. 2.** RCW 3.50.005 and 1984 c 258 s 101 are each amended to read
17 as follows:

18 (~~The legislature finds that there is a multitude of statutes~~

1 governing the municipal courts of the state. This situation is
2 confusing and misleading to attorneys, judges, court personnel, and
3 others who work with the municipal courts. The legislature therefore
4 finds that a reorganization of the municipal courts of the state would
5 allow those courts to operate in a more effective and efficient
6 manner)) The legislature finds that permitting cities to contract with
7 counties or other cities for judicial services will allow cities to
8 provide more cost-effective services and encourage the creation of
9 regional courts of limited jurisdiction that provide the full range of
10 judicial functions and that are open and accessible to the citizens of
11 the state of Washington. This chapter provides a court structure which
12 may be used by cities and towns with a population of four hundred
13 thousand or less which choose to operate under this chapter.

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

16 A city may meet the requirements of RCW 39.34.180 by entering into
17 an interlocal agreement with the county in which the city is located or
18 with one or more cities. The host jurisdiction in any such agreement
19 must be located within reasonable proximity to any contracting city or
20 cities. For purposes of this section, "reasonable proximity" shall be
21 determined after consideration of the factors set forth in RCW
22 39.34.010. The respective presiding judges from the host jurisdiction
23 and from any contracting city or cities shall be invited by the mayor
24 of each city and by any county to attend and participate in interlocal
25 agreement negotiations. The interlocal agreement shall provide that a
26 judge of the hosting jurisdiction sit as the municipal court judge for
27 the contracting city or cities and hear those cases specified in RCW
28 39.34.180.

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

31 The municipal court shall have exclusive original jurisdiction over
32 traffic infractions arising under city ordinances and exclusive
33 original criminal jurisdiction of all violations of city ordinances
34 duly adopted by the city (~~in which the municipal court is located~~)
35 and shall have original jurisdiction of all other actions brought to
36 enforce or recover license penalties or forfeitures declared or given

1 by such ordinances or by state statutes. A hosting jurisdiction shall
2 have exclusive original criminal and other jurisdiction as described in
3 this section for all matters filed by a contracting city. The
4 municipal court shall also have the jurisdiction as conferred by
5 statute. The municipal court is empowered to forfeit cash bail or bail
6 bonds and issue execution thereon; and in general to hear and determine
7 all causes, civil or criminal, including traffic infractions, arising
8 under such ordinances and to pronounce judgment in accordance
9 therewith. A municipal court participating in the program established
10 by the administrative office of the courts pursuant to RCW 2.56.160
11 shall have jurisdiction to take recognizance, approve bail, and arraign
12 defendants held within its jurisdiction on warrants issued by any court
13 of limited jurisdiction participating in the program.

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

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

1 courts may not thereafter terminate its court unless each
2 ((municipality)) city has reached an agreement with the appropriate
3 county or city in accordance with this section.

4 (2) A ((municipality)) city operating a municipal court under this
5 chapter may not repeal in its entirety that portion of its municipal
6 code defining crimes while retaining the court's authority to hear and
7 determine traffic infractions under chapter 46.63 RCW unless the
8 ((municipality)) city has reached an agreement with the county under
9 chapter 39.34 RCW under which the county is to be paid a reasonable
10 amount for costs associated with prosecution, adjudication, and
11 sentencing in criminal cases, traffic infractions, or protective orders
12 as defined in RCW 39.34.180 that are filed in district court as a
13 result of the repeal. The agreement shall provide for periodic review
14 and renewal of the terms of the agreement. If the ((municipality))
15 city and the county are unable to agree on the terms for renewal of the
16 agreement, they shall be deemed to have entered into an agreement to
17 submit the issue to arbitration under chapter 7.04A RCW. Pending
18 conclusion of the arbitration proceeding, the terms of the agreement
19 shall remain in effect. The ((municipality)) city and the county have
20 the same rights and are subject to the same duties as other parties who
21 have agreed to submit to arbitration under chapter 7.04A RCW.

22 (3) A ((municipality)) city operating a municipal court under this
23 chapter may not repeal a provision of its municipal code which defines
24 a crime equivalent to an offense listed in RCW 46.63.020 unless the
25 ((municipality)) city has reached an agreement with the county under
26 chapter 39.34 RCW under which the county is to be paid a reasonable
27 amount for costs associated with prosecution, adjudication, and
28 sentencing in criminal cases, traffic infractions, or protective orders
29 as defined in RCW 39.34.180 that are filed in district court as a
30 result of the repeal. The agreement shall provide for periodic review
31 and renewal of the terms of the agreement. If the ((municipality))
32 city and the county are unable to agree on the terms for renewal of the
33 agreement, they shall be deemed to have entered into an agreement to
34 submit the issue to arbitration under chapter 7.04A RCW. Pending
35 conclusion of the arbitration proceeding, the terms of the agreement
36 shall remain in effect. The ((municipality)) city and the county have
37 the same rights and are subject to the same duties as other parties who
38 have agreed to submit to arbitration under chapter 7.04A RCW.

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

3 (1) Each county, city, and town is responsible for the prosecution,
4 adjudication, sentencing, and incarceration of misdemeanor and gross
5 misdemeanor offenses and traffic infractions committed by adults in
6 their respective jurisdictions, and referred from their respective law
7 enforcement agencies, whether filed under state law or city ordinance,
8 and for issuing and enforcing protective orders, and must carry out
9 these responsibilities through the use of their own courts, staff, and
10 facilities, or by entering into contracts or interlocal agreements
11 under this chapter to provide these services. Nothing in this section
12 is intended to alter the statutory responsibilities of each county for
13 the prosecution, adjudication, sentencing, and incarceration for not
14 more than one year of felony offenders, nor shall this section apply to
15 any offense initially filed by the prosecuting attorney as a felony
16 offense or an attempt to commit a felony offense. For purposes of this
17 section, a "protective order" is any domestic violence no-contact order
18 under chapter 10.99 RCW, domestic violence protection order under
19 chapter 26.50 RCW, antiharassment order under chapter 10.14 RCW, or
20 sexual assault protection order under chapter 7.-- RCW (sections 1
21 through 20, chapter . . . (Substitute House Bill No. 2576), Laws of
22 2006), over which a district or municipal court has jurisdiction.

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

29 (3) If an agreement as to the levels of compensation within an
30 interlocal agreement or contract for gross misdemeanor and misdemeanor
31 services cannot be reached between (~~a city and county~~) the parties,
32 then either party may invoke binding arbitration on the compensation
33 issued by notice to the other party. In the case of establishing
34 initial compensation, the notice shall request arbitration within
35 thirty days. In the case of nonrenewal of an existing contract or
36 interlocal agreement, the notice must be given one hundred twenty days
37 prior to the expiration of the existing contract or agreement and the
38 existing contract or agreement remains in effect until a new agreement

1 is reached or until an arbitration award on the matter of fees is made.
2 The (~~city and county~~) parties each select one arbitrator, and the
3 initial two arbitrators pick a third arbitrator.

4 (4) A city or county that wishes to terminate an agreement for the
5 provision of court services must provide written notice of the intent
6 to terminate the agreement in accordance with RCW 3.50.810 and
7 35.20.010.

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

12 **Sec. 7.** RCW 10.14.150 and 2005 c 196 s 1 are each amended to read
13 as follows:

14 (1) The district courts shall have jurisdiction and cognizance of
15 any civil actions and proceedings brought under this chapter, except
16 the district court shall transfer such actions and proceedings to the
17 superior court when it is shown that the respondent to the petition is
18 under eighteen years of age.

19 (2) Municipal courts (~~may exercise~~) shall have jurisdiction and
20 cognizance of any civil actions and proceedings brought under this
21 chapter (~~by adoption of local court rule~~), except the municipal court
22 shall transfer such actions and proceedings to the superior court when
23 it is shown that the respondent to the petition is under eighteen years
24 of age.

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

31 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 July 1, 2006.

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