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HOUSE BILL 3082

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Rodne, Springer, Priest, Wood, Lantz and Nixon

Read first time 01/19/2006. Referred to Committee on Judiciary.

1            AN ACT Relating to administration of the courts of limited  
2 jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.055,  
3 3.50.805, and 39.34.180; 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 interlocal agreement shall provide that  
19 the judge of the hosting jurisdiction sit as the municipal court judge  
20 for the contracting city or cities and hear those cases specified in  
21 RCW 39.34.180.

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

24 The municipal court shall have exclusive original jurisdiction over  
25 traffic infractions arising under city ordinances and exclusive  
26 original criminal jurisdiction of all violations of city ordinances  
27 duly adopted by the city (~~in which the municipal court is located~~)  
28 and shall have original jurisdiction of all other actions brought to  
29 enforce or recover license penalties or forfeitures declared or given  
30 by such ordinances or by state statutes. A hosting jurisdiction shall  
31 have exclusive original criminal and other jurisdiction as described in  
32 this section for all matters filed by a contracting city. The  
33 municipal court shall also have the jurisdiction as conferred by  
34 statute. The municipal court is empowered to forfeit cash bail or bail  
35 bonds and issue execution thereon; and in general to hear and determine  
36 all causes, civil or criminal, including traffic infractions, arising

1 under such ordinances and to pronounce judgment in accordance  
2 therewith. A municipal court participating in the program established  
3 by the administrative office of the courts pursuant to RCW 2.56.160  
4 shall have jurisdiction to take recognizance, approve bail, and arraign  
5 defendants held within its jurisdiction on warrants issued by any court  
6 of limited jurisdiction participating in the program.

7 **Sec. 5.** RCW 3.50.055 and 1993 c 317 s 4 are each amended to read  
8 as follows:

9 Notwithstanding RCW 3.50.040 and 3.50.050, judicial positions may  
10 be filled only by election (~~(under the following circumstances:~~

11 ~~(1) Each full-time equivalent judicial position shall be filled by~~  
12 ~~election. This requirement applies regardless of how many judges are~~  
13 ~~employed to fill the position. For purposes of this section, a full-~~  
14 ~~time equivalent position is thirty five or more hours per week of~~  
15 ~~compensated time.~~

16 ~~(2) In any city with one or more full-time equivalent judicial~~  
17 ~~positions, an additional judicial position or positions that is or are~~  
18 ~~in combination more than one-half of a full-time equivalent position~~  
19 ~~shall also be filled by election)) in cities having a population of  
20 more than sixty thousand. A hosting jurisdiction shall be required to  
21 fill a judicial position by election if its population, added to the  
22 population of one or more contracting cities, exceeds sixty thousand.~~

23 **Sec. 6.** RCW 3.50.805 and 2005 c 433 s 35 are each amended to read  
24 as follows:

25 (1) A ((~~municipality~~)) city operating a municipal court under this  
26 chapter shall not terminate that court or terminate an interlocal  
27 agreement entered into under section 3 of this act unless the  
28 ((~~municipality~~)) city has reached an agreement with the appropriate  
29 county or another ((~~municipality~~)) city under chapter 39.34 RCW under  
30 which the county or ((~~municipality~~)) city is to be paid a reasonable  
31 amount for costs associated with prosecution, adjudication, and  
32 sentencing in criminal cases and/or traffic infractions filed in  
33 district or municipal court as a result of the termination. The  
34 agreement shall provide for periodic review and renewal of the terms of  
35 the agreement. If the ((~~municipality~~)) city and the county or  
36 ((~~municipality~~)) city are unable to agree on the terms for renewal of

1 the agreement, they shall be deemed to have entered into an agreement  
2 to 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 or  
5 ((municipality)) city have the same rights and are subject to the same  
6 duties as other parties who have agreed to submit to arbitration under  
7 chapter 7.04A RCW. A ((municipality)) city that has entered into  
8 agreements with other ((municipalities)) cities that have terminated  
9 their municipal courts may not thereafter terminate its court unless  
10 each ((municipality)) city has reached an agreement with the  
11 appropriate county or city in accordance with this section.

12 (2) A ((municipality)) city operating a municipal court under this  
13 chapter may not repeal in its entirety that portion of its municipal  
14 code defining crimes while retaining the court's authority to hear and  
15 determine traffic infractions under chapter 46.63 RCW unless the  
16 ((municipality)) city has reached an agreement with the county under  
17 chapter 39.34 RCW under which the county is to be paid a reasonable  
18 amount for costs associated with prosecution, adjudication, and  
19 sentencing in criminal cases and/or traffic infractions filed in  
20 district court as a result of the repeal. The agreement shall provide  
21 for periodic review and renewal of the terms of the agreement. If the  
22 ((municipality)) city and the county are unable to agree on the terms  
23 for renewal of the agreement, they shall be deemed to have entered into  
24 an agreement to submit the issue to arbitration under chapter 7.04A  
25 RCW. Pending conclusion of the arbitration proceeding, the terms of  
26 the agreement shall remain in effect. The ((municipality)) city and  
27 the county have the same rights and are subject to the same duties as  
28 other parties who have agreed to submit to arbitration under chapter  
29 7.04A RCW.

30 (3) A ((municipality)) city operating a municipal court under this  
31 chapter may not repeal a provision of its municipal code which defines  
32 a crime equivalent to an offense listed in RCW 46.63.020 unless the  
33 ((municipality)) city has reached an agreement with the county under  
34 chapter 39.34 RCW under which the county is to be paid a reasonable  
35 amount for costs associated with prosecution, adjudication, and  
36 sentencing in criminal cases and/or traffic infractions filed in  
37 district court as a result of the repeal. The agreement shall provide  
38 for periodic review and renewal of the terms of the agreement. If the

1 ((municipality)) city and the county are unable to agree on the terms  
2 for renewal of the agreement, they shall be deemed to have entered into  
3 an agreement to submit the issue to arbitration under chapter 7.04A  
4 RCW. Pending conclusion of the arbitration proceeding, the terms of  
5 the agreement shall remain in effect. The ((municipality)) city and  
6 the county have the same rights and are subject to the same duties as  
7 other parties who have agreed to submit to arbitration under chapter  
8 7.04A RCW.

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

11 (1) Each county, city, and town is responsible for the prosecution,  
12 adjudication, sentencing, and incarceration of misdemeanor and gross  
13 misdemeanor offenses and traffic infractions committed by adults in  
14 their respective jurisdictions, and referred from their respective law  
15 enforcement agencies, whether filed under state law or city ordinance,  
16 and must carry out these responsibilities through the use of their own  
17 courts, staff, and facilities, or by entering into contracts or  
18 interlocal agreements under this chapter to provide these services.  
19 Nothing in this section is intended to alter the statutory  
20 responsibilities of each county for the prosecution, adjudication,  
21 sentencing, and incarceration for not more than one year of felony  
22 offenders, nor shall this section apply to any offense initially filed  
23 by the prosecuting attorney as a felony offense or an attempt to commit  
24 a felony offense.

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

31 (3) If an agreement as to the levels of compensation within an  
32 interlocal agreement or contract for gross misdemeanor and misdemeanor  
33 services cannot be reached between ((a city and county)) the parties,  
34 then either party may invoke binding arbitration on the compensation  
35 issued by notice to the other party. In the case of establishing  
36 initial compensation, the notice shall request arbitration within  
37 thirty days. In the case of nonrenewal of an existing contract or

1 interlocal agreement, the notice must be given one hundred twenty days  
2 prior to the expiration of the existing contract or agreement and the  
3 existing contract or agreement remains in effect until a new agreement  
4 is reached or until an arbitration award on the matter of fees is made.  
5 The ((~~city and county~~)) parties each select one arbitrator, and the  
6 initial two arbitrators pick a third arbitrator.

7 (4) A city or county that wishes to terminate an agreement for the  
8 provision of court services must provide written notice of the intent  
9 to terminate the agreement in accordance with RCW 3.50.810 and  
10 35.20.010.

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

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

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