
SENATE BILL 5712

State of Washington

59th Legislature

2005 Regular Session

By Senators Kline, Johnson and Rasmussen; by request of Board For
Judicial Administration

Read first time 02/03/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to administration of the courts of limited
2 jurisdiction; amending RCW 3.30.020, 3.38.010, 3.38.020, 3.38.030,
3 3.38.040, 3.38.060, 3.42.010, 3.46.010, 3.46.040, 3.46.120, 3.50.005,
4 3.50.010, 3.50.060, 3.50.075, 3.50.805, 3.58.050, 3.62.050, 35.20.010,
5 39.34.030, 39.34.180, 42.12.010, 82.14.320, and 82.14.330; adding new
6 sections to chapter 3.46 RCW; repealing RCW 3.30.090, 3.46.020,
7 3.46.030, 3.46.050, 3.46.060, 3.46.063, 3.46.067, 3.46.070, 3.46.080,
8 3.46.090, 3.46.100, 3.46.110, 3.46.130, 3.46.140, 3.46.145, 3.46.150,
9 3.50.007, 3.50.030, 3.50.800, 3.50.810, 3.62.070, 3.62.100, 35.22.425,
10 35.23.555, 35.27.515, 35.30.100, and 35A.11.200; providing an effective
11 date; and declaring an emergency.

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

13 **Sec. 1.** RCW 3.30.020 and 1991 c 363 s 4 are each amended to read
14 as follows:

15 The provisions of chapters 3.30 through 3.74 RCW shall apply to
16 ((each)) every county ((with a population of two hundred ten thousand
17 or more:—PROVIDED)), except that any city having a population of more
18 than four hundred thousand may by resolution of its legislative body
19 elect to ((continue to)) operate a municipal court pursuant to the

1 provisions of chapter 35.20 RCW(~~, as if chapters 3.30 through 3.74 RCW~~
2 ~~had never been enacted: PROVIDED FURTHER, That if a city elects to~~
3 ~~continue its municipal court pursuant to this section, the number of~~
4 ~~district judges allocated to the county in RCW 3.34.010 shall be~~
5 ~~reduced by two and the number of full time district judges allocated by~~
6 ~~RCW 3.34.020 to the district in which the city is situated shall also~~
7 ~~be reduced by two. The provisions of chapters 3.30 through 3.74 RCW~~
8 ~~may be made applicable to any county with a population of less than two~~
9 ~~hundred ten thousand upon a majority vote of its county legislative~~
10 ~~authority)).~~

11 **Sec. 2.** RCW 3.38.010 and 1995 c 37 s 1 are each amended to read as
12 follows:

13 (1) There is established in each county a district court
14 districting committee composed of the following:

15 ~~((1))~~ (a) The judge of the superior court, or, if there be more
16 than one such judge, then one of the judges selected by that court;

17 ~~((2))~~ (b) The prosecuting attorney, or a deputy selected by the
18 prosecuting attorney;

19 ~~((3))~~ (c) A practicing lawyer of the county selected by the
20 president of the largest local bar association, if there be one, and if
21 not, then by the county legislative authority;

22 ~~((4) A judge of a court of limited jurisdiction in the county~~
23 ~~selected by the president of the Washington state district and~~
24 ~~municipal court judges' association))~~ (d) The presiding judge of the
25 district court; ~~((and~~

26 ~~(5))~~ (e) The mayor or city manager, or representative appointed by
27 the mayor or city manager, of each city or town with a population of
28 ((three)) ten thousand or more in the county provided that if there are
29 more than three cities or towns with a population of ten thousand or
30 more, three persons shall be selected by a majority vote of the mayors
31 and city managers of those cities and towns to represent cities and
32 towns with a population of ten thousand or more;

33 ~~((6) One person to represent the cities and towns with populations~~
34 ~~of three thousand or less in the county, if any, to))~~ (f) The mayor or
35 city manager, or a representative appointed by the mayor or city
36 manager, of each city or town with a population of less than ten
37 thousand in the county provided that if there are more than three

1 cities or towns with a population of less than ten thousand, three
2 persons shall be selected by a majority vote of the mayors and city
3 managers of those cities and towns to represent cities and towns with
4 a population of less than ~~((three))~~ ten thousand~~((. However, if there~~
5 ~~should not be a city in the county with a population of ten thousand or~~
6 ~~more, the mayor, or the mayor's representative, of each city or town~~
7 ~~with a population of less than three thousand shall be a member))~~;

8 ~~((7))~~ (g) The presiding judge of the municipal court of each city
9 or town in the district with a population of ten thousand or more
10 provided that if there are more than three municipal courts of cities
11 or towns with a population of ten thousand or more, three presiding
12 judges shall be selected by a majority vote of the presiding judges of
13 those courts to represent municipal courts in cities or towns with a
14 population of ten thousand or more;

15 (h) The presiding judge of the municipal court of each city or town
16 in the district with a population of less than ten thousand provided
17 that if there are more than three municipal courts of cities or towns
18 with a population less than ten thousand, three presiding judges shall
19 be selected by a majority vote of the presiding judges of those courts
20 to represent municipal courts in cities or towns with a population of
21 less than ten thousand;

22 (i) The chair of the county legislative authority; and

23 ~~((8))~~ (j) The county auditor.

24 (2) The districting committee shall elect a chairperson from among
25 its members. The chairperson shall serve a term of five years and
26 until a successor is elected.

27 **Sec. 3.** RCW 3.38.020 and 2003 c 97 s 4 are each amended to read as
28 follows:

29 The district court districting committee shall meet at the call of
30 the prosecuting attorney to prepare ~~((or amend))~~ the plan for the
31 districting of the county into one or more district court districts in
32 accordance with the provisions of chapters 3.30 through 3.74 RCW. The
33 plan shall include the following:

34 (1) The boundaries of each district proposed to be established;

35 (2) The number of judges to be elected in each district or
36 electoral district, if any. In determining the number of judges to be

1 elected, the districting committee shall consider the results of an
2 objective workload analysis conducted by the administrator for the
3 courts;

4 (3) The location of the central office, courtrooms and records of
5 each court;

6 (4) The other places in the district, if any, where the court shall
7 sit;

8 (5) The number and location of district court commissioners to be
9 authorized, if any;

10 (6) The departments, if any, into which each district court shall
11 be initially organized, including municipal departments provided for in
12 chapter 3.46 RCW;

13 (7) The name of each district; and

14 (8) The allocation of the time and allocation of salary of each
15 judge who will serve part time in a municipal department.

16 **Sec. 4.** RCW 3.38.030 and 1991 c 363 s 5 are each amended to read
17 as follows:

18 Upon receipt of the original districting plan, the county
19 legislative authority shall hold a public hearing, pursuant to the
20 provisions of RCW 36.32.120(7), as now or hereafter amended. At the
21 hearing, anyone interested in the plan may attend and be heard as to
22 the convenience which will be afforded to the public by the plan, and
23 as to any other matters pertaining thereto. If the county legislative
24 authority finds that the plan proposed by the districting committee
25 conforms to the standards set forth in chapters 3.30 through 3.74 RCW
26 and is conducive to the best interests and welfare of the county as a
27 whole it may adopt such plan. If the county legislative authority
28 finds that the plan does not conform to the standards as provided in
29 chapters 3.30 through 3.74 RCW, the county legislative authority may
30 modify, revise or amend the plan and adopt such amended or revised plan
31 as the county's district court districting plan. The plan decided upon
32 shall be adopted by the county legislative authority not later than six
33 months after the county initially obtains a population of two hundred
34 ten thousand or more or the adoption of the elective resolution.

35 **Sec. 5.** RCW 3.38.040 and 2003 c 97 s 5 are each amended to read as
36 follows:

1 (1) The districting committee (~~may~~) shall meet for the purpose of
2 amending the districting plan:

3 (a) Not later than January 1, 2006, and every four years
4 thereafter;

5 (b) Within forty-five days of the effective date of changes in the
6 number of judges to be elected in each district court district, or
7 electoral district, if any; and

8 (c) At any time on call of the county legislative authority, the
9 chairperson of the committee, or a majority of its members.

10 (~~Amendments to the~~) (2) In addition to the elements required
11 under RCW 3.38.020, the amended districting plan shall include:

12 (a) Consideration and documentation of the number and location of
13 municipal courts, if any, located within the district;

14 (b) Consideration and documentation of the caseload and related
15 services, including hours and days of operation, provided at each
16 district and municipal court location in the district;

17 (c) Incorporation of the interlocal agreements, if any, entered
18 into by the county and a municipality under chapters 3.46 and 39.34
19 RCW;

20 (d) A method, based on use, for determining the portion of district
21 court expenses to be paid by a municipality for court services provided
22 by the district court pursuant to an interlocal agreement; and

23 (e) The effective date of the amended plan.

24 (3)(a) The amended plan shall be submitted to the county
25 legislative authority not later than (~~March 15th of each year for~~
26 adoption by the county legislative authority following the same
27 procedure as with the original districting plan. ~~Amendments shall be~~
28 adopted not later than May 1st following submission by the districting
29 committee) seventy-five days after the districting committee meets
30 under subsection (1) of this section. Any amendment which would reduce
31 the salary or shorten the term of any judge shall not be effective
32 until the next regular election for district judge. All other
33 amendments may be effective on a date set by the county legislative
34 authority.

35 (~~(2) The districting committee shall meet within forty five days~~
36 ~~of the effective date of changes in the number of judges to be elected~~
37 ~~in each district court district, or electoral district, if any.~~
38 ~~Amendments to the plan concerning the number of judges to be elected in~~

1 ~~each district court district, or electoral district, if any, shall be~~
2 ~~submitted to the county legislative authority not later than ninety~~
3 ~~days after the effective date of changes in RCW 3.34.010, and the~~
4 ~~amendments shall be adopted not later than one hundred eighty days~~
5 ~~after the effective date of changes in RCW 3.34.010.)~~

6 (b) Upon receipt of the amended plan, the county legislative
7 authority shall hold a public hearing, pursuant to the provisions of
8 RCW 36.32.120(7). At the hearing, anyone interested in the plan may be
9 heard as to the convenience that will be afforded to the public by the
10 plan, and any other relevant matter.

11 (c) Within sixty days after receipt of the amended plan, the county
12 legislative authority shall either approve the plan, or, if it finds
13 that the plan is not in the best interests and welfare of the county as
14 a whole, or does not conform to the standards in chapters 3.30 through
15 3.74 RCW, approve an alternative plan. If the county legislative
16 authority fails to act within this time frame, the plan submitted by
17 the districting committee shall be deemed approved by the county
18 legislative authority and shall take effect on the date specified in
19 the plan.

20 (d) A final plan shall be adopted by the county legislative
21 authority not later than six months after receipt of the amended plan.

22 (4) An amended districting plan shall be submitted to the
23 administrative office of the courts not later than the date such plan
24 takes effect.

25 **Sec. 6.** RCW 3.38.060 and 1984 c 258 s 29 are each amended to read
26 as follows:

27 (1) Joint districts may be established containing all ((or part))
28 of two or more counties. The county containing the largest portion of
29 the population of a joint district shall be known as the "principal
30 county" and each joint district shall be deemed to lie within the
31 principal county for the purpose of chapters 3.30 through 3.74 RCW.

32 (2) A joint district may be established by resolution of one county
33 concurrent in by a resolution of each other county((: PROVIDED, That
34 the county legislative authority of a county containing the largest
35 portion of the population of a city may include the portions of such
36 city lying outside the county in a joint district without concurrence

1 ~~of the other counties~~)). The resolution shall establish a method and
2 basis for the apportionment of costs between the counties.

3 (3) Elections of judges in joint districts shall be conducted and
4 canvassed in the same manner as elections of superior court judges in
5 joint judicial districts.

6 **Sec. 7.** RCW 3.42.010 and 1984 c 258 s 30 are each amended to read
7 as follows:

8 (1) When so authorized by the districting plan, one or more
9 district court commissioners may be appointed in any district by the
10 judges of the district.

11 (2) Each commissioner shall be a registered voter of the county in
12 which the district or a portion thereof is located, and shall hold
13 office at the pleasure of the appointing judges. Any person appointed
14 as a commissioner authorized to hear or dispose of cases shall be a
15 lawyer who is admitted to the practice of law in the state of
16 Washington or who has passed, by January 1, 2003, the qualifying
17 examination for lay judges as provided under RCW 3.34.060.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 3.46 RCW
19 to read as follows:

20 A municipality operating a municipal department under this chapter
21 prior to the effective date of this act may continue to operate as if
22 this act were not adopted. Such municipal departments shall remain
23 subject to the provisions of this chapter as this chapter was written
24 prior to the adoption of this act.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.46 RCW
26 to read as follows:

27 The legislature finds that there are a multitude of part-time
28 municipal courts in the state of Washington. This situation is
29 confusing to the citizens of this state, creates inaccessible courts,
30 and results in the unnecessary duplication of administrative judicial
31 branch functions within local governments. The legislature therefore
32 finds that permitting municipalities to contract with counties or with
33 other municipalities for judicial branch functions will allow
34 municipalities to provide more cost-effective services and encourage

1 the creation of regional courts of limited jurisdiction that provide
2 the full range of judicial functions and are open and accessible to the
3 citizens of the state of Washington.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 3.46 RCW
5 to read as follows:

6 The definitions in this section apply throughout this chapter
7 unless the context clearly requires otherwise.

8 (1) "Primary jurisdiction" means a county or municipality
9 designated in an interlocal agreement as receiving compensation for
10 providing judicial branch functions to a municipality.

11 (2) "Municipality" means any incorporated city, town, or township
12 designated in an interlocal agreement as receiving judicial branch
13 services from the primary jurisdiction for which compensation is
14 provided.

15 **Sec. 11.** RCW 3.46.010 and 1984 c 258 s 72 are each amended to read
16 as follows:

17 ~~((Any city may secure the establishment of a municipal department
18 of the district court, to be designated "The Municipal Department of
19 (city)." Such department may also be designated "The Municipal Court
20 of (city)."))~~

21 (1) A municipality may meet the requirements of RCW 39.34.180
22 through an interlocal agreement with the county in which the
23 municipality is located or with an adjacent municipality. At a
24 minimum, the interlocal agreement shall provide that a judge of the
25 primary jurisdiction sit as the municipal court judge for the
26 municipality and hear those cases specified in RCW 39.34.180 with
27 respect to that municipality.

28 (2) Any such interlocal agreement shall comply with the provisions
29 of this chapter and chapter 39.34 RCW, except that an interlocal
30 agreement for facilities only is not required to meet the requirements
31 of this chapter.

32 **Sec. 12.** RCW 3.46.040 and 1984 c 258 s 74 are each amended to read
33 as follows:

34 (1) Establishment of ((a municipal department)) an interlocal
35 agreement between a primary jurisdiction and a municipality shall be

1 initiated by a petition from the legislative body of the ((city))
2 municipality to the ((county)) legislative authority of the primary
3 jurisdiction. Such petition shall be filed not (~~((less than thirty days~~
4 ~~prior to February 1, 1962, or any subsequent year))~~ later than February
5 1st of a year in which judges of the primary jurisdiction are subject
6 to election, and shall set forth(~~((:—(1) The number of full time and~~
7 ~~part time judges required for the municipal department; (2) the amount~~
8 ~~of time for which a part time judge will be required for the municipal~~
9 ~~department; and (3) whether the full time judge or judges will be~~
10 ~~elected or appointed. In a petition filed subsequent to 1962 provision~~
11 ~~shall be made for temporary appointment of a municipal judge to fill~~
12 ~~each elective position until the next election for district judges.~~
13 ~~The petition shall be forthwith))~~ the municipality's proposal regarding
14 the provisions specified in section 13(1) of this act.

15 (2) The legislative authority of the primary jurisdiction shall
16 accept or deny the petition within thirty days after receipt. If the
17 legislative authority of the primary jurisdiction and the municipality
18 have not agreed on the terms of the interlocal agreement within one
19 hundred twenty days after the petition is accepted, the legislative
20 authority of the primary jurisdiction may reconsider its acceptance of
21 the petition and the municipality may withdraw the petition.

22 (3) After an agreement is reached between the primary jurisdiction
23 and the municipality, a copy shall be transmitted to the districting
24 committee(~~((The organization of the municipal department shall be))~~
25 of the county in which the primary jurisdiction is located and the
26 districting committee of the municipality if the municipality is not
27 located in the same county as the primary jurisdiction and its terms
28 incorporated into the districting plan or plans. ((The districting
29 committee in its plan shall designate the proportion of the salary of
30 each judge serving as a part time municipal judge to be paid by the
31 city, which shall be proportionate to the time of such judge allotted
32 to the municipal department by the districting plan. A city may
33 withdraw its petition any time prior to adoption of the districting
34 plan by the county legislative authority, and thereupon the municipal
35 department pursuant to this chapter shall not be established.))

36 NEW SECTION. Sec. 13. A new section is added to chapter 3.46 RCW
37 to read as follows:

1 (1) An interlocal agreement between a primary jurisdiction and a
2 municipality for the provision of judicial branch functions made under
3 this chapter shall specify the following:

4 (a) The organizational structure for providing such functions and
5 its designation, if any, such as "The Municipal Court of (City)" or any
6 other designation;

7 (b) The number of full-time and part-time judges to be assigned to
8 provide judicial branch functions for the municipality, and how such
9 assignments will be made;

10 (c) The type of cases to be handled by the judges;

11 (d) The locations of courtrooms, offices, and other facilities to
12 be used to provide court services for the municipality, and the entity
13 responsible for supplying such facilities;

14 (e) The days and times of operations of such facilities, including
15 whether any night sessions will be authorized;

16 (f) The appointment and compensation of all personnel, including
17 whether they will be employees of the primary jurisdiction or the
18 municipality; and

19 (g) Provisions for an annual review and update of the terms of the
20 agreement.

21 (2)(a) The interlocal agreement shall also establish the portion of
22 primary jurisdiction's court expenses to be paid by the municipality to
23 the primary jurisdiction under the agreement, based on the
24 municipality's use of primary jurisdiction's court services. The term
25 "expenses" as used in this chapter includes salaries of judges,
26 commissioners, clerks, and other personnel; facilities; equipment;
27 probation services; and other expenses associated with the operation of
28 the primary jurisdiction's court.

29 (b) The primary jurisdiction's court shall take all steps necessary
30 to promote efficiencies in calendaring in order to minimize costs to
31 the municipality. The municipality shall cooperate with the primary
32 jurisdiction's court in order to minimize those costs.

33 NEW SECTION. **Sec. 14.** A new section is added to chapter 3.46 RCW
34 to read as follows:

35 (1) An interlocal agreement under this chapter shall be for a term
36 of not less than four years. If the judges of the primary

1 jurisdiction's court are elected, the expiration of the interlocal
2 agreement shall coincide with the end of the elected judge's term of
3 office.

4 (2) The primary jurisdiction and the municipality shall review the
5 interlocal agreement on an annual basis and update its terms as needed.
6 If a dispute arises between the primary jurisdiction and the
7 municipality during this annual review, either party may invoke binding
8 arbitration under chapter 7.04 RCW by notice to the other party. The
9 existing terms of the interlocal agreement remain in effect until an
10 agreement is reached as to new terms or until conclusion of the
11 arbitration proceedings. The primary jurisdiction and the municipality
12 each select one arbitrator, and the initial two arbitrators pick a
13 third arbitrator. The primary jurisdiction and the municipality have
14 the same rights and are subject to the same duties as other parties who
15 have agreed to submit to arbitration under chapter 7.04 RCW.

16 (3)(a) Except as provided in (b) of this subsection, either party
17 may choose not to renew the interlocal agreement at the expiration of
18 the agreement. The party that wishes not to renew the agreement must
19 provide written notice of this intention to the legislative authority
20 of the other party not later than one year prior to the expiration of
21 the agreement.

22 (b) A municipality may not give notice of its intention not to
23 renew an interlocal agreement under this chapter unless the
24 municipality will have established a municipal court under chapter 3.50
25 or 35.20 RCW or entered into an agreement with another primary
26 jurisdiction effective by the date such agreement will expire.

27 NEW SECTION. **Sec. 15.** A new section is added to chapter 3.46 RCW
28 to read as follows:

29 (1) An interlocal agreement under this chapter may provide for the
30 establishment of a violations bureau to assist in processing traffic
31 infractions committed within the jurisdiction of the municipality.

32 (2) As designated by written order of the presiding judge of the
33 primary jurisdiction's court, traffic infractions under city
34 ordinances, county resolution, or state law may be processed by the
35 bureau.

36 (3) The bureau may be authorized to accept payment of monetary
37 penalties for such infractions.

1 (4) All penalties paid to a violations bureau for violations of
2 municipal ordinances or state laws shall be placed in the general fund
3 of the municipality or such other fund as may be prescribed by
4 ordinance of the municipality or the laws of the state of Washington.

5 **Sec. 16.** RCW 3.46.120 and 2004 c 15 s 7 are each amended to read
6 as follows:

7 (1) All money received by the clerk of (~~(a municipal department)~~)
8 the primary jurisdiction's court from municipal cases including
9 penalties, fines, bail forfeitures, fees and costs shall be paid by the
10 clerk to the ((~~city~~)) treasurer of the municipality.

11 (2) (~~Except as provided in RCW 10.99.080,~~) The ((~~city~~)) treasurer
12 of the municipality shall remit monthly thirty-two percent of the
13 noninterest money received under this section, other than for parking
14 infractions, and certain costs to the state treasurer. "Certain costs"
15 as used in this subsection, means those costs awarded to prevailing
16 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
17 costs awarded against convicted defendants in criminal actions under
18 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
19 such costs are specifically designated as costs by the court and are
20 awarded for the specific reimbursement of costs incurred by the state,
21 county, city, or town in the prosecution of the case, including the
22 fees of defense counsel. Money remitted under this subsection to the
23 state treasurer shall be deposited as provided in RCW 43.08.250.

24 (3) The balance of the noninterest money received under this
25 section shall be retained by the ((~~city~~)) municipality and deposited as
26 provided by law.

27 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
28 interest at the rate of twelve percent per annum, upon assignment to a
29 collection agency. Interest may accrue only while the case is in
30 collection status.

31 (5) Interest retained by the court on penalties, fines, bail
32 forfeitures, fees, and costs shall be split twenty-five percent to the
33 state treasurer for deposit in the public safety and education account
34 as provided in RCW 43.08.250, twenty-five percent to the state
35 treasurer for deposit in the judicial information system account as
36 provided in RCW 2.68.020, twenty-five percent to the ((~~city~~)) general

1 fund of the municipality, and twenty-five percent to the ((city))
2 general fund of the municipality to fund local courts.

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

5 ~~((The legislature finds that there is a multitude of statutes
6 governing the municipal courts of the state. This situation is
7 confusing and misleading to attorneys, judges, court personnel, and
8 others who work with the municipal courts. The legislature therefore
9 finds that a reorganization of the municipal courts of the state would
10 allow those courts to operate in a more effective and efficient
11 manner.))~~ This chapter provides a court structure ~~((which may be used
12 by))~~ for cities and towns with a population of four hundred thousand or
13 less ~~((which choose to operate under this chapter))~~.

14 **Sec. 18.** RCW 3.50.010 and 1984 c 258 s 103 are each amended to
15 read as follows:

16 Any city or town with a population of four hundred thousand or less
17 ~~((may))~~ that does not contract for judicial branch functions pursuant
18 to an interlocal agreement under chapter 3.46 RCW shall by ordinance
19 provide for an inferior court to be known and designated as a municipal
20 court, which shall be entitled "The Municipal Court of
21 (insert name of city or town)", hereinafter
22 designated and referred to as "municipal court", which court shall have
23 jurisdiction and shall exercise all powers by this chapter declared to
24 be vested in the municipal court, together with such other powers and
25 jurisdiction as are generally conferred upon such court in this state
26 either by common law or by express statute.

27 **Sec. 19.** RCW 3.50.060 and 1984 c 258 s 108 are each amended to
28 read as follows:

29 (1) A city or town electing to establish a municipal court pursuant
30 to this chapter may terminate such court by adoption of an appropriate
31 ordinance. However no municipal court may be terminated unless the
32 municipality has complied with RCW 3.50.805(~~(, 35.22.425, 35.23.595,~~
33 ~~35.24.455, 35.27.515, 35.30.100, and 35A.11.200))~~).

34 (2) A city or town newly establishing a municipal court pursuant to

1 this chapter shall do so by adoption of an appropriate ordinance on or
2 before December 1 of any year, to take effect January 1 of the
3 following year.

4 **Sec. 20.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read
5 as follows:

6 (1) One or more court commissioners may be appointed by a judge of
7 the municipal court.

8 (2) Each commissioner holds office at the pleasure of the
9 appointing judge.

10 (3) A commissioner authorized to hear or dispose of cases must be
11 a lawyer who is admitted to practice law in the state of Washington or
12 a nonlawyer who has passed, by January 1, 2003, the qualifying
13 examination for lay judges for courts of limited jurisdiction under RCW
14 3.34.060.

15 (4) A commissioner need not be a resident of the city or of the
16 county in which the municipal court is created. When a court
17 commissioner has not been appointed and the municipal court is presided
18 over by a part-time appointed judge, the judge need not be a resident
19 of the city or of the county in which the municipal court is created.

20 **Sec. 21.** RCW 3.50.805 and 1984 c 258 s 203 are each amended to
21 read as follows:

22 ~~((+1))~~ A municipality operating a municipal court under this
23 chapter shall not terminate that court unless the municipality ~~((has~~
24 ~~reached))~~ meets its requirements under RCW 39.34.180 by entering into
25 an interlocal agreement with the appropriate county or another
26 municipality under chapters 3.46 and 39.34 RCW ~~((under which the county~~
27 ~~or municipality is to be paid a reasonable amount for costs associated~~
28 ~~with prosecution, adjudication, and sentencing in criminal cases filed~~
29 ~~in district or municipal court as a result of the termination. The~~
30 ~~agreement shall provide for periodic review and renewal of the terms of~~
31 ~~the agreement. If the municipality and the county or municipality are~~
32 ~~unable to agree on the terms for renewal of the agreement, they shall~~
33 ~~be deemed to have entered into an agreement to submit the issue to~~
34 ~~arbitration under chapter 7.04 RCW. Pending conclusion of the~~
35 ~~arbitration proceeding, the terms of the agreement shall remain in~~
36 ~~effect. The municipality and the county or municipality have the same~~

1 ~~rights and are subject to the same duties as other parties who have~~
2 ~~agreed to submit to arbitration under chapter 7.04 RCW. A municipality~~
3 ~~that has entered into agreements with other municipalities that have~~
4 ~~terminated their municipal courts may not thereafter terminate its~~
5 ~~court unless each municipality has reached an agreement with the~~
6 ~~appropriate county in accordance with this section.~~

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

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

1 ~~as other parties who have agreed to submit to arbitration under chapter~~
2 ~~7.04 RCW)) to provide judicial branch functions to the municipality.~~

3 **Sec. 22.** RCW 3.58.050 and 1984 c 258 s 38 are each amended to read
4 as follows:

5 Except as otherwise provided in an interlocal agreement entered
6 into under chapters 3.46 and 39.34 RCW, the county legislative
7 authority shall furnish all necessary facilities for the district
8 courts, including suitable courtrooms, furniture, books, stationery,
9 postage, office equipment, heat, light and telephone and may lease or
10 construct courtrooms and offices for such purpose. The county
11 legislative authority shall not be required to furnish courtroom space
12 in any place other than as provided in the districting plan.

13 **Sec. 23.** RCW 3.62.050 and 1987 c 202 s 114 are each amended to
14 read as follows:

15 Except as otherwise provided in an interlocal agreement entered
16 into under chapters 3.46 and 35.20 RCW, the total expenditures of the
17 district courts, including the cost of providing courtroom and office
18 space, the cost of probation and parole services and any personnel
19 employment therefor, and the cost of providing services necessary for
20 the preparation and presentation of a defense at public expense,
21 (~~except costs of defense to be paid by a city pursuant to RCW~~
22 ~~3.62.070,~~) shall be paid from the county current expense fund.

23 **Sec. 24.** RCW 35.20.010 and 2001 c 68 s 3 are each amended to read
24 as follows:

25 (1) There is hereby created and established in each incorporated
26 city of this state having a population of more than four hundred
27 thousand inhabitants, as shown by the federal or state census,
28 whichever is the later, a municipal court, which shall be styled "The
29 Municipal Court of (name of city)," hereinafter designated
30 and referred to as the municipal court, which court shall have
31 jurisdiction and shall exercise all the powers by this chapter declared
32 to be vested in such municipal court, together with such powers and
33 jurisdiction as is generally conferred in this state either by common
34 law or statute.

1 (2) A municipality operating a municipal court under this section
2 ((may)) shall not terminate that court ((if)) unless the municipality
3 has ((reached)) entered into an interlocal agreement with the
4 appropriate county under chapters 3.46 and 39.34 RCW ((under which the
5 county is to be paid a reasonable amount for costs associated with
6 prosecution, adjudication, and sentencing in criminal cases filed in
7 district court as a result of the termination. The agreement shall
8 provide for periodic review and renewal of the terms of the agreement.
9 If the municipality and the county are unable to agree on the terms for
10 renewal of the agreement, they shall be deemed to have entered into an
11 agreement to submit the issue to arbitration under chapter 7.04 RCW.
12 Pending conclusion of the arbitration proceeding, the terms of the
13 agreement shall remain in effect. The municipality and the county have
14 the same rights and are subject to the same duties as other parties who
15 have agreed to submit to arbitration under chapter 7.04 RCW.

16 (3) A city that has entered into an agreement for court services
17 with the county must provide written notice of the intent to terminate
18 the agreement to the county legislative authority not less than one
19 year prior to February 1st of the year in which all district court
20 judges are subject to election. A city that terminates an agreement
21 for court services to be provided by a district court may terminate the
22 agreement only at the end of a four year district court judicial term.

23 (4) A county that wishes to terminate an agreement with a city for
24 the provision of court services must provide written notice of the
25 intent to terminate the agreement to the city legislative authority not
26 less than one year prior to the expiration of the agreement)) to meet
27 its requirements under RCW 39.34.180.

28 **Sec. 25.** RCW 39.34.030 and 2004 c 190 s 1 are each amended to read
29 as follows:

30 (1) Any power or powers, privileges or authority exercised or
31 capable of exercise by a public agency of this state may be exercised
32 and enjoyed jointly with any other public agency of this state having
33 the power or powers, privilege or authority, and jointly with any
34 public agency of any other state or of the United States to the extent
35 that laws of such other state or of the United States permit such joint
36 exercise or enjoyment. Any agency of the state government when acting

1 jointly with any public agency may exercise and enjoy all of the
2 powers, privileges and authority conferred by this chapter upon a
3 public agency.

4 (2) Any two or more public agencies may enter into agreements with
5 one another for joint or cooperative action pursuant to the provisions
6 of this chapter: PROVIDED, That any such joint or cooperative action
7 by public agencies which are educational service districts and/or
8 school districts shall comply with the provisions of RCW 28A.320.080;
9 and, PROVIDED FURTHER, That any such agreement for municipal court
10 services shall also comply with the provisions of chapter 3.46 RCW.
11 Appropriate action by ordinance, resolution or otherwise pursuant to
12 law of the governing bodies of the participating public agencies shall
13 be necessary before any such agreement may enter into force.

14 (3) Any such agreement shall specify the following:

- 15 (a) Its duration;
- 16 (b) The precise organization, composition and nature of any
17 separate legal or administrative entity created thereby together with
18 the powers delegated thereto, provided such entity may be legally
19 created. Such entity may include a nonprofit corporation organized
20 pursuant to chapter 24.03 or 24.06 RCW whose membership is limited
21 solely to the participating public agencies or a partnership organized
22 pursuant to chapter 25.04 RCW whose partners are limited solely to
23 participating public agencies and the funds of any such corporation or
24 partnership shall be subject to audit in the manner provided by law for
25 the auditing of public funds;
- 26 (c) Its purpose or purposes;
- 27 (d) The manner of financing the joint or cooperative undertaking
28 and of establishing and maintaining a budget therefor;
- 29 (e) The permissible method or methods to be employed in
30 accomplishing the partial or complete termination of the agreement and
31 for disposing of property upon such partial or complete termination;
- 32 (f) Any other necessary and proper matters.

33 (4) In the event that the agreement does not establish a separate
34 legal entity to conduct the joint or cooperative undertaking, the
35 agreement shall, in addition to items (a), (c), (d), (e) and (f)
36 enumerated in subdivision (3) hereof, contain the following:

- 37 (a) Provision for an administrator or a joint board responsible for

1 administering the joint or cooperative undertaking. In the case of a
2 joint board, public agencies party to the agreement shall be
3 represented;

4 (b) The manner of acquiring, holding and disposing of real and
5 personal property used in the joint or cooperative undertaking. Any
6 joint board is authorized to establish a special fund with a state,
7 county, city, or district treasurer servicing an involved public agency
8 designated "Operating fund of joint board".

9 (5) No agreement made pursuant to this chapter relieves any public
10 agency of any obligation or responsibility imposed upon it by law
11 except that:

12 (a) To the extent of actual and timely performance thereof by a
13 joint board or other legal or administrative entity created by an
14 agreement made hereunder, the performance may be offered in
15 satisfaction of the obligation or responsibility; and

16 (b) With respect to one or more public agencies purchasing or
17 otherwise contracting through a bid, proposal, or contract awarded by
18 another public agency or by a group of public agencies, any statutory
19 obligation to provide notice for bids or proposals that applies to the
20 public agencies involved is satisfied if the public agency or group of
21 public agencies that awarded the bid, proposal, or contract complied
22 with its own statutory requirements and either (i) posted the bid or
23 solicitation notice on a web site established and maintained by a
24 public agency, purchasing cooperative, or similar service provider, for
25 purposes of posting public notice of bid or proposal solicitations, or
26 (ii) provided an access link on the state's web portal to the notice.

27 (6) Financing of joint projects by agreement shall be as provided
28 by law.

29 **Sec. 26.** RCW 39.34.180 and 2001 c 68 s 4 are each amended to read
30 as follows:

31 (1) Each county, city, and town is responsible for the prosecution,
32 adjudication, sentencing, and incarceration of misdemeanor and gross
33 misdemeanor offenses and traffic infractions committed by adults in
34 their respective jurisdictions, and referred from their respective law
35 enforcement agencies, whether filed under state law or city
36 ordinance(~~(, and must)~~).

1 (2) A city or town shall carry out ((these)) its responsibilities
2 under subsection (1) of this section through the use of ((their)) its
3 own ((courts, staff, and facilities)) municipal court established under
4 chapter 3.50 or 35.20 RCW, or ((by entering into contracts or)) through
5 an interlocal agreement((s)) entered into under this chapter ((to
6 provide these services)) and chapter 3.46 RCW.

7 (3) Nothing in this section is intended to alter the statutory
8 responsibilities of each county for the prosecution, adjudication,
9 sentencing, and incarceration for not more than one year of felony
10 offenders, nor shall this section apply to any offense initially filed
11 by the prosecuting attorney as a felony offense or an attempt to commit
12 a felony offense.

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

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

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

36 ~~(5) For cities or towns that have not adopted, in whole or in part,~~
37 ~~criminal code or ordinance provisions related to misdemeanor and gross~~

1 ~~misdemeanor crimes as defined by state law, this section shall have no~~
2 ~~application until July 1, 1998.))~~

3 **Sec. 27.** RCW 42.12.010 and 1994 c 223 s 2 are each amended to read
4 as follows:

5 Every elective office shall become vacant on the happening of any
6 of the following events:

7 (1) The death of the incumbent;

8 (2) His or her resignation. A vacancy caused by resignation shall
9 be deemed to occur upon the effective date of the resignation;

10 (3) His or her removal;

11 (4) Except as provided in RCW (~~3.46.067~~ and) 3.50.057, his or her
12 ceasing to be a legally registered voter of the district, county, city,
13 town, or other municipal or quasi municipal corporation from which he
14 or she shall have been elected or appointed, including where applicable
15 the council district, commissioner district, or ward from which he or
16 she shall have been elected or appointed;

17 (5) His or her conviction of a felony, or of any offense involving
18 a violation of his or her official oath;

19 (6) His or her refusal or neglect to take his or her oath of
20 office, or to give or renew his or her official bond, or to deposit
21 such oath or bond within the time prescribed by law;

22 (7) The decision of a competent tribunal declaring void his or her
23 election or appointment; or

24 (8) Whenever a judgment shall be obtained against that incumbent
25 for breach of the condition of his or her official bond.

26 **Sec. 28.** RCW 82.14.320 and 1998 c 321 s 12 are each amended to
27 read as follows:

28 (1) The municipal criminal justice assistance account is created in
29 the state treasury. Beginning in fiscal year 2000, the state treasurer
30 shall transfer into the municipal criminal justice assistance account
31 for distribution under this section from the general fund the sum of
32 four million six hundred thousand dollars divided into four equal
33 deposits occurring on July 1, October 1, January 1, and April 1. For
34 each fiscal year thereafter, the state treasurer shall increase the
35 total transfer by the fiscal growth factor, as defined in RCW

1 43.135.025, forecast for that fiscal year by the office of financial
2 management in November of the preceding year.

3 (2) No city may receive a distribution under this section from the
4 municipal criminal justice assistance account unless:

5 (a) The city has a crime rate in excess of one hundred twenty-five
6 percent of the statewide average as calculated in the most recent
7 annual report on crime in Washington state as published by the
8 Washington association of sheriffs and police chiefs;

9 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
10 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
11 maximum rate; and

12 (c) The city has a per capita yield from the tax imposed under RCW
13 82.14.030(1) at the maximum rate of less than one hundred fifty percent
14 of the statewide average per capita yield for all cities from such
15 local sales and use tax.

16 (3) The moneys deposited in the municipal criminal justice
17 assistance account for distribution under this section, less any moneys
18 appropriated for purposes under subsection (7) of this section, shall
19 be distributed at such times as distributions are made under RCW
20 82.44.150. The distributions shall be made as follows:

21 (a) Unless reduced by this subsection, thirty percent of the moneys
22 shall be distributed ratably based on population as last determined by
23 the office of financial management to those cities eligible under
24 subsection (2) of this section that have a crime rate determined under
25 subsection (2)(a) of this section which is greater than one hundred
26 seventy-five percent of the statewide average crime rate. No city may
27 receive more than fifty percent of any moneys distributed under this
28 subsection (a) but, if a city distribution is reduced as a result of
29 exceeding the fifty percent limitation, the amount not distributed
30 shall be distributed under (b) of this subsection.

31 (b) The remainder of the moneys, including any moneys not
32 distributed in subsection (2)(a) of this section, shall be distributed
33 to all cities eligible under subsection (2) of this section ratably
34 based on population as last determined by the office of financial
35 management.

36 (4) No city may receive more than thirty percent of all moneys
37 distributed under subsection (3) of this section.

1 (5) Notwithstanding other provisions of this section, the
2 distributions to any city that substantially decriminalizes or repeals
3 its criminal code after July 1, 1990, and that does not (~~reimburse the~~
4 ~~county for costs associated with criminal cases under RCW 3.50.800 or~~
5 ~~3.50.805(2))~~) comply with RCW 39.34.180, shall be made to the county in
6 which the city is located.

7 (6) Moneys distributed under this section shall be expended
8 exclusively for criminal justice purposes and shall not be used to
9 replace or supplant existing funding. Criminal justice purposes are
10 defined as activities that substantially assist the criminal justice
11 system, which may include circumstances where ancillary benefit to the
12 civil justice system occurs, and which includes domestic violence
13 services such as those provided by domestic violence programs,
14 community advocates, and legal advocates, as defined in RCW 70.123.020,
15 and publications and public educational efforts designed to provide
16 information and assistance to parents in dealing with runaway or at-
17 risk youth. Existing funding for purposes of this subsection is
18 defined as calendar year 1989 actual operating expenditures for
19 criminal justice purposes. Calendar year 1989 actual operating
20 expenditures for criminal justice purposes exclude the following:
21 Expenditures for extraordinary events not likely to reoccur, changes in
22 contract provisions for criminal justice services, beyond the control
23 of the local jurisdiction receiving the services, and major
24 nonrecurring capital expenditures.

25 (7) Not more than five percent of the funds deposited to the
26 municipal criminal justice assistance account shall be available for
27 appropriations for enhancements to the state patrol crime laboratory
28 system and the continuing costs related to these enhancements. Funds
29 appropriated from this account for such enhancements shall not supplant
30 existing funds from the state general fund.

31 **Sec. 29.** RCW 82.14.330 and 2003 c 90 s 1 are each amended to read
32 as follows:

33 (1) Beginning in fiscal year 2000, the state treasurer shall
34 transfer into the municipal criminal justice assistance account for
35 distribution under this section from the general fund the sum of four
36 million six hundred thousand dollars divided into four equal deposits
37 occurring on July 1, October 1, January 1, and April 1. For each

1 fiscal year thereafter, the state treasurer shall increase the total
2 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
3 forecast for that fiscal year by the office of financial management in
4 November of the preceding year. The moneys deposited in the municipal
5 criminal justice assistance account for distribution under this
6 section, less any moneys appropriated for purposes under subsection (4)
7 of this section, shall be distributed to the cities of the state as
8 follows:

9 (a) Twenty percent appropriated for distribution shall be
10 distributed to cities with a three-year average violent crime rate for
11 each one thousand in population in excess of one hundred fifty percent
12 of the statewide three-year average violent crime rate for each one
13 thousand in population. The three-year average violent crime rate
14 shall be calculated using the violent crime rates for each of the
15 preceding three years from the annual reports on crime in Washington
16 state as published by the Washington association of sheriffs and police
17 chiefs. Moneys shall be distributed under this subsection (1)(a)
18 ratably based on population as last determined by the office of
19 financial management, but no city may receive more than one dollar per
20 capita. Moneys remaining undistributed under this subsection at the
21 end of each calendar year shall be distributed to the criminal justice
22 training commission to reimburse participating city law enforcement
23 agencies with ten or fewer full-time commissioned patrol officers the
24 cost of temporary replacement of each officer who is enrolled in basic
25 law enforcement training, as provided in RCW 43.101.200.

26 (b) Sixteen percent shall be distributed to cities ratably based on
27 population as last determined by the office of financial management,
28 but no city may receive less than one thousand dollars.

29 The moneys deposited in the municipal criminal justice assistance
30 account for distribution under this subsection shall be distributed at
31 such times as distributions are made under RCW 82.44.150.

32 Moneys distributed under this subsection shall be expended
33 exclusively for criminal justice purposes and shall not be used to
34 replace or supplant existing funding. Criminal justice purposes are
35 defined as activities that substantially assist the criminal justice
36 system, which may include circumstances where ancillary benefit to the
37 civil justice system occurs, and which includes domestic violence
38 services such as those provided by domestic violence programs,

1 community advocates, and legal advocates, as defined in RCW 70.123.020.
2 Existing funding for purposes of this subsection is defined as calendar
3 year 1989 actual operating expenditures for criminal justice purposes.
4 Calendar year 1989 actual operating expenditures for criminal justice
5 purposes exclude the following: Expenditures for extraordinary events
6 not likely to reoccur, changes in contract provisions for criminal
7 justice services, beyond the control of the local jurisdiction
8 receiving the services, and major nonrecurring capital expenditures.

9 (2) In addition to the distributions under subsection (1) of this
10 section:

11 (a) Ten percent shall be distributed on a per capita basis to
12 cities that contract with another governmental agency for the majority
13 of the city's law enforcement services. Cities that subsequently
14 qualify for this distribution shall notify the department of community,
15 trade, and economic development by November 30th for the upcoming
16 calendar year. The department of community, trade, and economic
17 development shall provide a list of eligible cities to the state
18 treasurer by December 31st. The state treasurer shall modify the
19 distribution of these funds in the following year. Cities have the
20 responsibility to notify the department of community, trade, and
21 economic development of any changes regarding these contractual
22 relationships. Adjustments in the distribution formula to add or
23 delete cities may be made only for the upcoming calendar year; no
24 adjustments may be made retroactively.

25 (b) The remaining fifty-four percent shall be distributed to cities
26 and towns by the state treasurer on a per capita basis. These funds
27 shall be used for: (i) Innovative law enforcement strategies; (ii)
28 programs to help at-risk children or child abuse victim response
29 programs; and (iii) programs designed to reduce the level of domestic
30 violence or to provide counseling for domestic violence victims.

31 The moneys deposited in the municipal criminal justice assistance
32 account for distribution under this subsection, less any moneys
33 appropriated for purposes under subsection (4) of this section, shall
34 be distributed at the times as distributions are made under RCW
35 82.44.150. Moneys remaining undistributed under this subsection at the
36 end of each calendar year shall be distributed to the criminal justice
37 training commission to reimburse participating city law enforcement

1 agencies with ten or fewer full-time commissioned patrol officers the
2 cost of temporary replacement of each officer who is enrolled in basic
3 law enforcement training, as provided in RCW 43.101.200.

4 If a city is found by the state auditor to have expended funds
5 received under this subsection in a manner that does not comply with
6 the criteria under which the moneys were received, the city shall be
7 ineligible to receive future distributions under this subsection until
8 the use of the moneys are justified to the satisfaction of the director
9 or are repaid to the state general fund.

10 (3) Notwithstanding other provisions of this section, the
11 distributions to any city that substantially decriminalizes or repeals
12 its criminal code after July 1, 1990, and that does not (~~reimburse the~~
13 ~~county for costs associated with criminal cases under RCW 3.50.800 or~~
14 ~~3.50.805(2))~~ comply with RCW 39.34.180, shall be made to the county in
15 which the city is located.

16 (4) Not more than five percent of the funds deposited to the
17 municipal criminal justice assistance account shall be available for
18 appropriations for enhancements to the state patrol crime laboratory
19 system and the continuing costs related to these enhancements. Funds
20 appropriated from this account for such enhancements shall not supplant
21 existing funds from the state general fund.

22 NEW SECTION. **Sec. 30.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 3.30.090 (Violations bureau) and 1979 ex.s. c 136 s 15,
25 1971 c 73 s 4, & 1961 c 299 s 9;

26 (2) RCW 3.46.020 (Judges) and 1987 c 3 s 1, 1984 c 258 s 73, & 1961
27 c 299 s 36;

28 (3) RCW 3.46.030 (Jurisdiction) and 2000 c 111 s 5, 1985 c 303 s
29 13, & 1961 c 299 s 37;

30 (4) RCW 3.46.050 (Selection of full time judges) and 1975 c 33 s 2
31 & 1961 c 299 s 39;

32 (5) RCW 3.46.060 (Selection of part time judges) and 1984 c 258 s
33 75 & 1961 c 299 s 40;

34 (6) RCW 3.46.063 (Judicial positions--Filling--Circumstances
35 permitted) and 1993 c 317 s 3;

36 (7) RCW 3.46.067 (Judges--Residency requirement) and 1993 c 317 s
37 5;

1 (8) RCW 3.46.070 (Election) and 1984 c 258 s 76 & 1961 c 299 s 41;
2 (9) RCW 3.46.080 (Term and removal) and 1984 c 258 s 77 & 1961 c
3 299 s 42;
4 (10) RCW 3.46.090 (Salary--City cost) and 1984 c 258 s 78, 1969
5 ex.s. c 66 s 5, & 1961 c 299 s 43;
6 (11) RCW 3.46.100 (Vacancy) and 1984 c 258 s 79 & 1961 c 299 s 44;
7 (12) RCW 3.46.110 (Night sessions) and 1961 c 299 s 45;
8 (13) RCW 3.46.130 (Facilities) and 1961 c 299 s 47;
9 (14) RCW 3.46.140 (Personnel) and 1961 c 299 s 48;
10 (15) RCW 3.46.145 (Court commissioners) and 1969 ex.s. c 66 s 6;
11 (16) RCW 3.46.150 (Termination of municipal department--Transfer
12 agreement--Notice) and 2001 c 68 s 2, 1984 c 258 s 210, & 1961 c 299 s
13 49;
14 (17) RCW 3.50.007 (Cities and towns of four hundred thousand or
15 less to operate municipal court under this chapter or chapter 3.46
16 RCW--Municipal judges in office on July 1, 1984--Terms) and 1984 c 258
17 s 102;
18 (18) RCW 3.50.030 (Violations bureau for traffic cases--Disposition
19 of moneys collected) and 1984 c 258 s 105, 1979 ex.s. c 136 s 18, &
20 1961 c 299 s 52;
21 (19) RCW 3.50.800 (Repeal of municipal criminal code--Agreement
22 covering costs of handling resulting criminal cases--Arbitration--
23 Renewal) and 1984 c 258 s 202;
24 (20) RCW 3.50.810 (Termination of municipal court--Notice) and 2001
25 c 68 s 1 & 1993 c 317 s 2;
26 (21) RCW 3.62.070 (Filing fees in criminal cases and traffic
27 infractions--Arbitration if no agreement) and 1994 c 266 s 15, 1993 c
28 317 s 8, 1984 c 258 s 39, 1980 c 128 s 14, 1979 ex.s. c 129 s 1, 1973
29 1st ex.s. c 10 s 2, & 1961 c 299 s 111;
30 (22) RCW 3.62.100 (Promotion of efficiency) and 1993 c 317 s 7;
31 (23) RCW 35.22.425 (Criminal code repeals by city operating
32 municipal court--Agreement covering costs of handling resulting
33 criminal cases--Arbitration) and 1984 c 258 s 204;
34 (24) RCW 35.23.555 (Criminal code repeals by city operating
35 municipal court--Agreement covering costs of handling resulting
36 criminal cases--Arbitration) and 1994 c 81 s 52 & 1984 c 258 s 206;
37 (25) RCW 35.27.515 (Criminal code repeals by town operating

1 municipal court--Agreement covering costs of handling resulting
2 criminal cases--Arbitration) and 1984 c 258 s 207;

3 (26) RCW 35.30.100 (Criminal code repeal by city operating
4 municipal court--Agreement covering costs of handling resulting
5 criminal cases--Arbitration) and 1984 c 258 s 208; and

6 (27) RCW 35A.11.200 (Criminal code repeal by city operating
7 municipal court--Agreement covering costs of handling resulting
8 criminal cases--Arbitration) and 1984 c 258 s 209.

9 NEW SECTION. **Sec. 31.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and takes effect
12 July 1, 2005.

--- END ---