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SENATE BILL 6023

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State of Washington

59th Legislature

2005 Regular Session

By Senator Esser

Read first time 02/22/2005. Referred to Committee on Judiciary.

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

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

5 NEW SECTION. **Sec. 1.** In an effort to create beneficial  
6 arrangements for the provision of municipal court services, and to  
7 provide such court services as economically as possible, some cities  
8 are contracting with each other for municipal court services, with some  
9 services being performed outside the contracting city's corporate  
10 boundaries. It is the intent of the legislature to make explicitly  
11 clear that current law allows such arrangements for municipal court  
12 services and to give notice of the availability of this practice.

13 **Sec. 2.** RCW 3.50.020 and 2000 c 111 s 6 are each amended to read  
14 as follows:

15 The municipal court shall have exclusive original jurisdiction over  
16 traffic infractions arising under city ordinances and exclusive  
17 original criminal jurisdiction of all violations of city ordinances  
18 duly adopted by the city (~~in which the municipal court is located~~)

1 and shall have original jurisdiction of all other actions brought to  
2 enforce or recover license penalties or forfeitures declared or given  
3 by such ordinances or by state statutes. Any municipality may operate  
4 a municipal court formed under this chapter with one or more other  
5 municipalities that have formed municipal courts consistent with this  
6 chapter if such courts are located in whole or in part within the same  
7 county, pursuant to an interlocal agreement under chapter 39.34 RCW.  
8 Municipal courts operating under any such interlocal agreements shall  
9 have exclusive original criminal and other jurisdiction as set forth in  
10 this section. The municipal court shall also have the jurisdiction as  
11 conferred by statute. The municipal court is empowered to forfeit cash  
12 bail or bail bonds and issue execution thereon; and in general to hear  
13 and determine all causes, civil or criminal, including traffic  
14 infractions, arising under such ordinances and to pronounce judgment in  
15 accordance therewith. A municipal court participating in the program  
16 established by the office of the administrator for the courts pursuant  
17 to RCW 2.56.160 shall have jurisdiction to take recognizance, approve  
18 bail, and arraign defendants held within its jurisdiction on warrants  
19 issued by any court of limited jurisdiction participating in the  
20 program.

21 **Sec. 3.** RCW 3.50.805 and 1984 c 258 s 203 are each amended to read  
22 as follows:

23 (1) A municipality operating a municipal court under this chapter  
24 shall not terminate that court unless the municipality has reached an  
25 agreement with the appropriate county or another municipality under  
26 chapter 39.34 RCW under which the county or municipality is to be paid  
27 a reasonable amount for costs associated with prosecution,  
28 adjudication, and sentencing in (~~criminal~~) all cases filed in  
29 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  
37 rights and are subject to the same duties as other parties who have

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

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

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

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