

# HOUSE BILL REPORT

## HB 2097

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to fees in courts of limited jurisdiction.

**Brief Description:** Revising the authority to charge fees in courts of limited jurisdiction.

**Sponsors:** Representatives Kirby, Rodne, Goodman and Walkinshaw.

**Brief History:**

**Committee Activity:**

Judiciary: 1/13/16, 1/20/16 [DP].

**Brief Summary of Bill**

- Grants district courts and municipal courts the same authority as superior courts to require a convicted defendant to pay jury fees.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 10 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Haler, Hansen, Kirby, Klippert, Kuderer and Muri.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Goodman and Orwall.

**Minority Report:** Do not pass. Signed by 1 member: Representative Stokesbary.

**Staff:** Cece Clynch (786-7195).

**Background:**

Trial Courts.

The Washington State Constitution provides for the establishment of superior courts and grants the Legislature authority to create other courts of limited jurisdiction. The Legislature has exercised this authority, creating district courts and municipal courts.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

District courts have concurrent jurisdiction with superior courts in misdemeanor and gross misdemeanor actions committed in their respective counties and of all violations of city ordinances. They also have jurisdiction in civil actions if, for each claimant, the value or the amount at issue does not exceed \$100,000. The district courts have jurisdiction in matters involving traffic, non-traffic, and parking ordinances. In addition, district courts handle civil anti-harassment matters.

Municipal courts have jurisdiction over violations of city ordinances, which can involve misdemeanor and gross misdemeanor actions, parking, traffic, and non-traffic violations, as well as all other actions brought to enforce or recover license penalties or forfeitures declared by such ordinances or other statutes.

Jury Fees.

When a person is convicted of a crime, the court may require payment of certain costs and fees. Such legal financial obligations may include: victim restitution; crime victims' compensation fees; costs associated with the criminal prosecution and sentence; penalties; and assessments.

Only superior courts are specifically authorized to require a convicted defendant to pay jury fees.

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**Summary of Bill:**

District courts are specifically granted the same authority as superior courts to require a convicted defendant to pay jury fees. Municipal courts are authorized to impose fees in civil and criminal actions to the same extent as district courts.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This very straightforward bill will allow courts of limited jurisdiction to charge a convicted defendant for jury fees. If the convicted defendant is indigent, the fees can be waived. The courts may also allow a payment plan.

(Opposed) While this bill seems straightforward, it is just another cost that will be piled on top of all of the other costs. Cumulatively, they add up. Some defendants may not ask for a jury trial because, if they are convicted, they will be liable for the jury fee. While \$125 is not

a lot to many, it is a lot of money to many criminal defendants. Counties may waive the fees because a defendant is indigent, but all counties are different and some may not. There was a bill last year regarding legal financial obligations that passed out of the House that would have reformed the entire system. One of the basic functions of government is to run a court system. In this country, a person is innocent until proven guilty, and there is a right to a jury trial. This fee is a deterrent to exercising that right.

**Persons Testifying:** (In support) Representative Kirby, prime sponsor; and Melanie Stewart, District and Municipal Judges Association.

(Opposed) Bob Cooper, Washington Association of Criminal Defense Lawyers and Washington Defender Association.

**Persons Signed In To Testify But Not Testifying:** None.