
Judiciary Committee

HB 2139

Title: An act relating to issuance of a search warrant by a municipal court judge.

Brief Description: Concerning issuance of a search warrant by a municipal court judge.

Sponsors: Representatives Stanford and Kloba.

Brief Summary of Bill

- Authorizes a judge in a municipal court that encompasses more than one county to issue a statewide search warrant if the county in which the offense is alleged to have occurred is one of the counties encompassed within that municipal court's jurisdiction.

Hearing Date: 1/9/18

Staff: Nate Hickner (786-7291) and Cece Clynch (786-7195).

Background:

Municipal Courts.

A municipal court is a court of limited jurisdiction created by a city or town. Such a court has jurisdiction over gross misdemeanors, misdemeanors, and infractions occurring within the city or town boundary. Municipal courts can also issue protection orders.

There are six cities in the state—Auburn, Bothell, Coulee Dam, Milton, Pacific, and Woodland—that straddle more than one county. Three of these cities—Bothell, Milton, and Pacific—have municipal courts.

Search Warrants.

Article I, section 7 of the Washington Constitution provides that "[n]o person shall be disturbed in his private affairs, or his home invaded, without authority of law." This privacy protection limits the government's authority to conduct searches and seizures. As a general rule, a search or

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seizure may be conducted only pursuant to a warrant that is based upon probable cause and issued by a detached and neutral judge.

A superior court judge may issue a search warrant for virtually anywhere in Washington, including in other counties. Any district or municipal court judge, in the county in which the offense is alleged to have occurred, may issue a search warrant for any person or evidence located anywhere within the state.

Summary of Bill:

Judges in municipal courts with jurisdiction encompassing more than one county may issue state-wide search warrants for offenses allegedly occurring in any of the counties within that municipal court's jurisdiction.

Appropriation: None.

Fiscal Note: Not requested.

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