

HOUSE BILL REPORT

SHB 2752

As Passed Legislature

Title: An act relating to issuance of search warrants by district and municipal court judges.

Brief Description: Concerning issuance of search warrants by district and municipal court judges.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Stanford and Kloba).

Brief History:

Committee Activity:

Judiciary: 1/23/18 [DPS].

Floor Activity:

Passed House: 1/29/18, 95-0.

Passed Senate: 2/27/18, 48-1.

Passed Legislature.

Brief Summary of Substitute Bill

- Authorizes judges in district and municipal courts with jurisdiction encompassing all or part of more than one county to issue statewide search warrants if the county in which the offense is alleged to have occurred is one of the counties within that court's jurisdiction.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Shea and Valdez.

Staff: Nate Hickner (786-7290) and Cece Clynch (786-7195).

Background:

Municipal Courts.

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.

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.

District Courts.

A district court is a court of limited jurisdiction created by a county. District courts have jurisdiction over gross misdemeanors, misdemeanors, and infractions occurring within the county and may issue protection orders. District courts may also preside over civil cases in which the amount at issue does not exceed \$100,000 and certain other types of cases.

There is one district court, the King County district court, that encompasses all or part of more than one county.

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 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 Substitute Bill:

Judges in district and municipal courts with jurisdiction encompassing all or part of more than one county may issue state-wide search warrants for offenses allegedly occurring in any of the counties within that 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.

Staff Summary of Public Testimony:

(In support—from testimony on HB 2139, which is identical to HB 2752 except for the title, on January 9, 2018) Bothell is one of three cities affected by having a municipal court spanning county lines. In a 2011 Washington Supreme Court case over the Washington Constitution's requirements for jury selection, the Court held that "county" must be interpreted strictly and cannot be interpreted to mean communities served by the court.

Because of this interpretation, Bothell now impanels separate juries for the two parts of the city in different counties. Out of an abundance of caution, Bothell has also changed the way they handle search warrants because there is a fear that under current law a search warrant issued by a municipal court judge sitting in the King County portion of Bothell could be invalid if the crime was committed within the Snohomish County portion of the city. The impact is clear—the municipal court needs to be able to serve the entire city, not just the part that lies within one county. This bill would allow the municipal courts to function in the way they are expected to.

(Opposed—from testimony on HB 2139, which is identical to HB 2752 except for the title, on January 9, 2018) None.

Persons Testifying: Representative Stanford, prime sponsor; and Bob Woolverton, City of Bothell.

Persons Signed In To Testify But Not Testifying: None.