
Civil Rights & Judiciary Committee

HB 1294

Brief Description: Addressing misdemeanor supervision services by limited jurisdiction courts.

Sponsors: Representatives Goodman, Davis, Macri and Ormsby.

Brief Summary of Bill

- Provides that limited jurisdiction courts may enter into interlocal agreements for the provision of pretrial and post judgment probation supervision services, and establishes criteria governing the formation and scope of the interlocal agreements.
- Extends the limited immunity applicable to limited jurisdiction courts for the provision of misdemeanor probation services to persons operating at the direction of the court pursuant to an interlocal agreement.

Hearing Date: 1/27/21

Staff: Yelena Baker (786-7301).

Background:

Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of adult misdemeanor offenses committed by adults in the respective jurisdictions and referred to their courts by their law enforcement agencies, regardless of whether filed under state law or city ordinance.

Local jurisdictions may meet this responsibility through the use of their own courts, staff, and facilities, or by entering into interlocal agreements for these services. Negotiations for such contracts or agreements must consider the costs and revenues to provide these criminal justice

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services. If an agreement on the level of compensation cannot be reached, either party may invoke binding arbitration. Once established, a city or county may not terminate an interlocal agreement for court services except by complying with certain minimum notice and time requirements.

Limited jurisdiction courts have the authority to suspend or defer the imposition of a criminal sentence upon specific terms and provide for a period of probation the court deems reasonable and necessary under the particular circumstances. A limited jurisdiction court may establish a misdemeanor probation department under standards provided in Limited Jurisdiction Court Administration Rule (ALRJ) 11. The method of providing misdemeanor probation services must be established by the presiding judge to meet the specific needs of the court. A misdemeanor probation department may consist of probation officers and probation clerks, and minimum qualifications and core services for probation officers and probation clerks are established under ALRJ 11.

When a court orders that an offender convicted of a misdemeanor or gross misdemeanor be placed on probation, the court may impose a monthly assessment of up to \$100 for evaluation and supervision services provided by the misdemeanor probation department. Revenues from the assessment are paid into the county or city general fund and must be used to fund programs for probation services.

A limited jurisdiction court that provides misdemeanor supervision services is provided with limited immunity from civil liability with respect to those services. A limited jurisdiction court is not liable for damages based on the inadequate supervision or monitoring of a misdemeanor defendant or probationer unless the inadequate supervision or monitoring constitutes gross negligence. "Limited jurisdiction court" means a district court or a municipal court and anyone acting or operating at the direction of such court, including but not limited to its officers, employees, agents, contractors, and volunteers.

Summary of Bill:

Municipal courts or district courts may enter into interlocal agreements for pretrial and post judgment probation supervision services pursuant to Limited Jurisdiction Court Administration Rule 11. The Administrative Office of the Courts may develop a model interlocal agreement in cooperation with the District and Municipal Court Judges Association.

The presiding judge of each participating court must approve the interlocal agreement. The interlocal agreement may not require approval of the local executive and legislative bodies unless the interlocal agreement requires the expenditure of additional funds by the jurisdiction.

Interlocal agreements for pretrial or post judgment probation supervision services:

- must not affect the jurisdiction of the court that imposes probation supervision;
- need not require the referral of all supervised cases by a jurisdiction; and
- may limit the referral for probation supervision services to a single case.

A judge of the jurisdiction hosting probation supervision services may impose sanctions on cases from another participating jurisdiction only if:

- an agreement has been reached by the applicable cities or counties on how jail costs and the cost of other sanctions will be shared by the host and participating jurisdictions; and
- the judgment and sentences or other order states that sanctions may be imposed by the host jurisdiction.

A city or county may enter into an interlocal agreement for the sharing of costs for sanctions imposed by a jurisdiction hosting probation supervision services.

The monthly probation assessment of up to \$100 may be imposed by a host jurisdiction if the defendant is being supervised pursuant to an interlocal agreement for probation supervision services. Contracting parties may agree to the division of moneys received by the host jurisdiction for probation supervision services.

Interlocal agreements for probation supervision services are not subject to existing provisions applicable to interlocal agreements for course services that require arbitration when the parties are unable to agree on compensation levels and that prohibit termination of the agreement without meeting certain notice and time requirements. Additionally, interlocal agreements for probation supervision services are not subject to the minimum term requirements that apply to interlocal agreements for jail services.

The limited immunity from civil liability that is provided to limited jurisdiction courts providing misdemeanor supervision services is extended to cover activities and persons acting at the direction of the court pursuant to an interlocal agreement.

Appropriation: None.

Fiscal Note: Requested on January 22, 2021.

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