

HOUSE BILL 2034

State of Washington

68th Legislature

2024 Regular Session

By Representatives Cheney, Taylor, Leavitt, Ramos, Reed, and Reeves; by request of Administrative Office of the Courts

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1 AN ACT Relating to requiring counties and cities to provide the  
2 administrative office of the courts with notice of court  
3 reorganizations; and amending RCW 3.50.010, 3.50.060, 3.50.805,  
4 3.50.810, 35.20.010, and 39.34.180.

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

6 **Sec. 1.** RCW 3.50.010 and 1984 c 258 s 103 are each amended to  
7 read as follows:

8 Any city or town with a population of four hundred thousand or  
9 less may by ordinance provide for an inferior court to be known and  
10 designated as a municipal court, which shall be entitled "The  
11 Municipal Court of . . . . . (insert name of city or town),"  
12 hereinafter designated and referred to as "municipal court," which  
13 court shall have jurisdiction and shall exercise all powers by this  
14 chapter declared to be vested in the municipal court, together with  
15 such other powers and jurisdiction as are generally conferred upon  
16 such court in this state either by common law or by express statute.  
17 However, no municipal court established under this section shall have  
18 jurisdiction over any matter until six months after a notice of  
19 intent to create a new municipal court is sent to the administrative  
20 office of the courts.

1       **Sec. 2.** RCW 3.50.060 and 1984 c 258 s 108 are each amended to  
2 read as follows:

3       A city or town electing to establish a municipal court pursuant  
4 to this chapter may terminate such court by adoption of an  
5 appropriate ordinance. However no municipal court may be terminated  
6 unless the municipality has complied with RCW 3.50.805, 3.50.810,  
7 35.22.425, 35.23.595, (~~35.24.455~~) 35.23.555, 35.27.515, 35.30.100,  
8 and 35A.11.200.

9       A city or town newly establishing a municipal court pursuant to  
10 this chapter shall do so by adoption of an appropriate ordinance (~~or~~  
11 ~~or before December 1 of any year, to take effect January 1 of the~~  
12 ~~following year~~) as provided in RCW 3.50.010.

13       **Sec. 3.** RCW 3.50.805 and 2005 c 433 s 35 are each amended to  
14 read as follows:

15       (1) A municipality operating a municipal court under this chapter  
16 shall not terminate that court unless a notice of intent to terminate  
17 is sent to the administrative office of the courts six months in  
18 advance of the termination and the municipality has reached an  
19 agreement with the appropriate county or another municipality under  
20 chapter 39.34 RCW under which the county or municipality is to be  
21 paid a reasonable amount for costs associated with prosecution,  
22 adjudication, and sentencing in criminal cases filed in district or  
23 municipal court as a result of the termination. The agreement shall  
24 provide for periodic review and renewal of the terms of the  
25 agreement. If the municipality and the county or municipality are  
26 unable to agree on the terms for renewal of the agreement, they shall  
27 be deemed to have entered into an agreement to submit the issue to  
28 arbitration under chapter 7.04A RCW. Pending conclusion of the  
29 arbitration proceeding, the terms of the agreement shall remain in  
30 effect. The municipality and the county or municipality have the same  
31 rights and are subject to the same duties as other parties who have  
32 agreed to submit to arbitration under chapter 7.04A RCW. A  
33 municipality that has entered into agreements with other  
34 municipalities that have terminated their municipal courts may not  
35 thereafter terminate its court unless each municipality has reached  
36 an agreement with the appropriate county in accordance with this  
37 section.

38       (2) A municipality operating a municipal court under this chapter  
39 may not repeal in its entirety that portion of its municipal code

1 defining crimes while retaining the court's authority to hear and  
2 determine traffic infractions under chapter 46.63 RCW unless the  
3 municipality has reached an agreement with the county under chapter  
4 39.34 RCW under which the county is to be paid a reasonable amount  
5 for costs associated with prosecution, adjudication, and sentencing  
6 in criminal cases filed in district court as a result of the repeal.  
7 The agreement shall provide for periodic review and renewal of the  
8 terms of the agreement. If the municipality and the county are unable  
9 to agree on the terms for renewal of the agreement, they shall be  
10 deemed to have entered into an agreement to submit the issue to  
11 arbitration under chapter 7.04A RCW. Pending conclusion of the  
12 arbitration proceeding, the terms of the agreement shall remain in  
13 effect. The municipality and the county have the same rights and are  
14 subject to the same duties as other parties who have agreed to submit  
15 to arbitration under chapter 7.04A RCW.

16 (3) A municipality operating a municipal court under this chapter  
17 may not repeal a provision of its municipal code which defines a  
18 crime equivalent to an offense listed in RCW 46.63.020 unless the  
19 municipality has reached an agreement with the county under chapter  
20 39.34 RCW under which the county is to be paid a reasonable amount  
21 for costs associated with prosecution, adjudication, and sentencing  
22 in criminal cases filed in district court as a result of the repeal.  
23 The agreement shall provide for periodic review and renewal of the  
24 terms of the agreement. If the municipality and the county are unable  
25 to agree on the terms for renewal of the agreement, they shall be  
26 deemed to have entered into an agreement to submit the issue to  
27 arbitration under chapter 7.04A RCW. Pending conclusion of the  
28 arbitration proceeding, the terms of the agreement shall remain in  
29 effect. The municipality and the county have the same rights and are  
30 subject to the same duties as other parties who have agreed to submit  
31 to arbitration under chapter 7.04A RCW.

32 **Sec. 4.** RCW 3.50.810 and 2001 c 68 s 1 are each amended to read  
33 as follows:

34 (1) Any city having entered into an agreement for court services  
35 with the county must provide written notice of the intent to  
36 terminate the agreement to the county legislative authority and to  
37 the administrative office of the courts not less than one year prior  
38 to February 1st of the year in which all district court judges are  
39 subject to election.

1 (2) Any city that terminates an agreement for court services to  
2 be provided by a district court may terminate the agreement only at  
3 the end of a four-year district court judicial term.

4 (3) A county that wishes to terminate an agreement with a city  
5 for the provision of court services must provide written notice of  
6 the intent to terminate the agreement to the city legislative  
7 authority and to the administrative office of the courts not less  
8 than one year prior to the expiration of the agreement.

9 **Sec. 5.** RCW 35.20.010 and 2005 c 433 s 37 are each amended to  
10 read as follows:

11 (1) There is hereby created and established in each incorporated  
12 city of this state having a population of more than four hundred  
13 thousand inhabitants, as shown by the federal or state census,  
14 whichever is the later, a municipal court, which shall be styled "The  
15 Municipal Court of . . . . (name of city)," hereinafter  
16 designated and referred to as the municipal court, which court shall  
17 have jurisdiction and shall exercise all the powers by this chapter  
18 declared to be vested in such municipal court, together with such  
19 powers and jurisdiction as is generally conferred in this state  
20 either by common law or statute. However, no municipal court  
21 established under this section shall have jurisdiction over any  
22 matter until six months after a notice of intent to create a new  
23 municipal court is sent to the administrative office of the courts.

24 (2) A municipality operating a municipal court under this section  
25 may terminate that court if the municipality has reached an agreement  
26 with the county under chapter 39.34 RCW under which the county is to  
27 be paid a reasonable amount for costs associated with prosecution,  
28 adjudication, and sentencing in criminal cases filed in district  
29 court as a result of the termination. However, no municipal court may  
30 be terminated under this section unless a notice of intent to  
31 terminate is sent to the administrative office of the courts six  
32 months in advance of the termination. The agreement shall provide for  
33 periodic review and renewal of the terms of the agreement. If the  
34 municipality and the county are unable to agree on the terms for  
35 renewal of the agreement, they shall be deemed to have entered into  
36 an agreement to submit the issue to arbitration under chapter 7.04A  
37 RCW. Pending conclusion of the arbitration proceeding, the terms of  
38 the agreement shall remain in effect. The municipality and the county  
39 have the same rights and are subject to the same duties as other

1 parties who have agreed to submit to arbitration under chapter 7.04A  
2 RCW.

3 (3) A city that has entered into an agreement for court services  
4 with the county must provide written notice of the intent to  
5 terminate the agreement to the county legislative authority and to  
6 the administrative office of the courts not less than one year prior  
7 to February 1st of the year in which all district court judges are  
8 subject to election. A city that terminates an agreement for court  
9 services to be provided by a district court may terminate the  
10 agreement only at the end of a four-year district court judicial  
11 term.

12 (4) A county that wishes to terminate an agreement with a city  
13 for the provision of court services must provide written notice of  
14 the intent to terminate the agreement to the city legislative  
15 authority and to the administrative office of the courts not less  
16 than one year prior to the expiration of the agreement.

17 **Sec. 6.** RCW 39.34.180 and 2021 c 41 s 2 are each amended to read  
18 as follows:

19 (1) Each county, city, and town is responsible for the  
20 prosecution, adjudication, sentencing, and incarceration of  
21 misdemeanor and gross misdemeanor offenses committed by adults in  
22 their respective jurisdictions, and referred from their respective  
23 law enforcement agencies, whether filed under state law or city  
24 ordinance, and must carry out these responsibilities through the use  
25 of their own courts, staff, and facilities, or by entering into  
26 contracts or interlocal agreements under this chapter to provide  
27 these services. Nothing in this section is intended to alter the  
28 statutory responsibilities of each county for the prosecution,  
29 adjudication, sentencing, and incarceration for not more than one  
30 year of felony offenders, nor shall this section apply to any offense  
31 initially filed by the prosecuting attorney as a felony offense or an  
32 attempt to commit a felony offense. The court of any county, city, or  
33 town that wishes to offer probation supervision services may enter  
34 into interlocal agreements under subsection (6) of this section to  
35 provide those services.

36 (2) The following principles must be followed in negotiating  
37 interlocal agreements or contracts: Cities and counties must consider  
38 (a) anticipated costs of services; and (b) anticipated and potential  
39 revenues to fund the services, including fines and fees, criminal

1 justice funding, and state-authorized sales tax funding levied for  
2 criminal justice purposes.

3 (3) If an agreement as to the levels of compensation within an  
4 interlocal agreement or contract for gross misdemeanor and  
5 misdemeanor services cannot be reached between a city and county,  
6 then either party may invoke binding arbitration on the compensation  
7 issued by notice to the other party. In the case of establishing  
8 initial compensation, the notice shall request arbitration within  
9 thirty days. In the case of nonrenewal of an existing contract or  
10 interlocal agreement, the notice must be given one hundred twenty  
11 days prior to the expiration of the existing contract or agreement  
12 and the existing contract or agreement remains in effect until a new  
13 agreement is reached or until an arbitration award on the matter of  
14 fees is made. The city and county each select one arbitrator, and the  
15 initial two arbitrators pick a third arbitrator. This subsection does  
16 not apply to the extent that the interlocal agreement is for  
17 probation supervision services.

18 (4) A city or county that wishes to terminate an agreement for  
19 the provision of court services must provide written notice of the  
20 intent to terminate the agreement in accordance with RCW 3.50.810 and  
21 35.20.010. This subsection does not apply to the extent that the  
22 interlocal agreement is for probation supervision services. The city  
23 or county shall provide a copy of the written notice to terminate an  
24 agreement for the provision of court services to the administrative  
25 office of the courts not less than one year prior to the expiration  
26 of the agreement.

27 (5) For cities or towns that have not adopted, in whole or in  
28 part, criminal code or ordinance provisions related to misdemeanor  
29 and gross misdemeanor crimes as defined by state law, this section  
30 shall have no application until July 1, 1998.

31 (6) Municipal courts or district courts may enter into interlocal  
32 agreements for pretrial and/or postjudgment probation supervision  
33 services pursuant to ARLJ 11. Such agreements shall not affect the  
34 jurisdiction of the court that imposes probation supervision, need  
35 not require the referral of all supervised cases by a jurisdiction,  
36 and may limit the referral for probation supervision services to a  
37 single case. An agreement for probation supervision services is not  
38 valid unless approved by the presiding judge of each participating  
39 court. The interlocal agreement may not require approval of the local  
40 executive and legislative bodies unless the interlocal agreement

1 requires the expenditure of additional funds by the jurisdiction. If  
2 the jurisdiction providing probation supervision services is found  
3 liable for inadequate supervision, as provided in RCW 4.24.760(1), or  
4 is impacted by increased costs pursuant to the interlocal agreement,  
5 the presiding judge of the jurisdiction imposing probation  
6 supervision shall consult with the executive authority of the  
7 jurisdiction imposing probation supervision and determine whether to  
8 terminate the interlocal agreement for probation supervision  
9 services. All proceedings to grant, modify, or revoke probation must  
10 be held in the court that imposes probation supervision. Jail costs  
11 and the cost of other sanctions remain with the jurisdiction that  
12 imposes probation supervision.

13 The administrative office of the courts, in cooperation with the  
14 district and municipal court judges association and the Washington  
15 association of prosecuting attorneys, shall develop a model  
16 interlocal agreement.

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