
Local Government Committee

HB 1365

Brief Description: Requiring cities and counties to provide security for their courts.

Sponsors: Representatives Appleton, Rodne, Goodman, Hunt, Freeman and Pollet.

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires counties, cities, and towns to provide security to district and municipal courts, and to pay the costs associated with courthouse security.
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Hearing Date: 2/12/13

Staff: Michaela Murdock (786-7289).

Background:

District Courts.

Each county has a district court districting committee (committee) tasked with establishing, among other things, the name, boundaries, number of judges to be elected, number of commissioners authorized, and location of the central office and courtrooms of each district court. The committee is composed of various county officials, including a county superior court judge, the prosecuting attorney, and a chair of the county legislative authority.

District courts are courts of limited jurisdiction. They have civil jurisdiction over claims with an amount in controversy that does not exceed \$75,000, and other civil actions specified in statute. District courts also have criminal jurisdiction of misdemeanors, gross misdemeanors, and violations of city ordinances, and may hear traffic infractions.

District court judges, clerks, and court commissioners are paid by counties. Additionally, the county legislative authority must furnish all necessary facilities for district courts, including suitable courtrooms, furniture, equipment, heat, light, and telephones.

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.

Municipal Courts.

Municipal courts are courts of limited jurisdictions, which includes jurisdiction over traffic infractions arising under city ordinance, actions involving license penalties and forfeitures, and criminal violations of city ordinances. A city may establish a municipal court to process criminal violations and other violations of city ordinances. In addition, the city may enter into an interlocal agreement with a county for the provision of court services for the city. If a city decides to terminate its municipal court, it must first enter into an agreement with the county for the county to provide court services.

For municipalities with less than 400,000 residents, a city or town must pay all costs of operating the municipal court. Such costs may include the salaries of judges and court employees, dockets, books of records, forms, furnishings, and supplies. The municipality must also provide and maintain a suitable place for holding court.

For municipalities with more than 400,000 residents, a city must pay for all supplies and furniture necessary for the transaction of municipal court business, except for expenses incidental to the court's concurrent jurisdiction with district court, which expenses must be paid by the county. All other expenses of the municipal court may be authorized by the city council or county commissioners and must be paid by the city or county.

Summary of Bill:

Provision of courthouse security for district and municipal courts is required in order to promote safety and security, ensure access to court proceedings, and assist judges in carrying out their duties.

Counties are required to provide security to district courts. Additionally, county legislative authorities are specifically required to furnish secure courthouses for district courts.

All municipalities, regardless of population size, must provide security to municipal courts. Additionally, all municipalities are required to pay the costs of courthouse security for municipal courts. For municipalities with more than 400,000 residents, the county is expressly required to pay expenses that are incidental to the operation of a municipal court because of concurrent jurisdiction with district court.

Appropriation: None.

Fiscal Note: Available.

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