
SUBSTITUTE HOUSE BILL 1590

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Curtis, Eddy, Pearson, Springer, Linville, Roach, Jarrett, Priest, Clibborn, Ericks, Chandler, Schual-Berke, Dunshee, Upthegrove, Sells, Miloscia, Hurst, Williams, Newhouse, Simpson and Kenney)

READ FIRST TIME 02/16/07.

1 AN ACT Relating to administration of the courts of limited
2 jurisdiction; amending RCW 3.50.003, 3.50.005, 3.50.020, 3.50.805, and
3 39.34.180; adding a new section to chapter 3.50 RCW; providing an
4 effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read
7 as follows:

8 (1) "City" means an incorporated city or town.

9 (2) "Contracting city" means any city that contracts with a hosting
10 jurisdiction for the delivery of judicial services.

11 (3) "Mayor((~~r~~))" ((~~as used in this chapter,~~)) means the mayor, city
12 manager, or other chief administrative officer of the city.

13 (4) "Hosting jurisdiction" means a county or city designated in an
14 interlocal agreement as receiving compensation for providing judicial
15 services to a contracting city.

16 **Sec. 2.** RCW 3.50.005 and 1984 c 258 s 101 are each amended to read
17 as follows:

18 The legislature finds that ~~((there is a multitude of statutes~~

1 ~~governing the municipal courts of the state. This situation is~~
2 ~~confusing and misleading to attorneys, judges, court personnel, and~~
3 ~~others who work with the municipal courts. The legislature therefore~~
4 ~~finds that a reorganization of the municipal courts of the state would~~
5 ~~allow those courts to operate in a more effective and efficient~~
6 ~~manner)) continuing to permit cities to contract with counties or other~~
7 ~~cities for judicial services will allow cities to provide more cost-~~
8 ~~effective services and encourage the creation of regional courts of~~
9 ~~limited jurisdiction that provide the full range of judicial functions~~
10 ~~and that are open and accessible to the citizens of the state of~~
11 ~~Washington.~~ This chapter provides a court structure which may be used
12 by cities and towns with a population of four hundred thousand or less
13 which choose to operate under this chapter.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 3.50 RCW
15 to read as follows:

16 A city may meet the requirements of RCW 39.34.180 by entering into
17 an interlocal agreement with the county in which the city is located or
18 with one or more cities. The host jurisdiction in any such agreement
19 must be located within reasonable proximity to any contracting city or
20 cities. For purposes of this section, "reasonable proximity" shall be
21 determined after consideration of the factors set forth in RCW
22 39.34.010. The interlocal agreement shall provide that a judge of the
23 hosting jurisdiction sit as the municipal court judge for the
24 contracting city or cities and hear those cases specified in RCW
25 39.34.180.

26 **Sec. 4.** RCW 3.50.020 and 2005 c 282 s 14 are each amended to read
27 as follows:

28 The municipal court shall have exclusive original jurisdiction over
29 traffic infractions arising under city ordinances and exclusive
30 original criminal jurisdiction of all violations of city ordinances
31 duly adopted by the city (~~in which the municipal court is located~~)
32 and shall have original jurisdiction of all other actions brought to
33 enforce or recover license penalties or forfeitures declared or given
34 by such ordinances or by state statutes. A hosting jurisdiction shall
35 have exclusive original criminal and other jurisdiction as described in
36 this section for all matters filed by a contracting city. The

1 municipal court shall also have the jurisdiction as conferred by
2 statute. The municipal court is empowered to forfeit cash bail or bail
3 bonds and issue execution thereon; and in general to hear and determine
4 all causes, civil or criminal, including traffic infractions, arising
5 under such ordinances and to pronounce judgment in accordance
6 therewith. A municipal court participating in the program established
7 by the administrative office of the courts pursuant to RCW 2.56.160
8 shall have jurisdiction to take recognizance, approve bail, and arraign
9 defendants held within its jurisdiction on warrants issued by any court
10 of limited jurisdiction participating in the program.

11 **Sec. 5.** RCW 3.50.805 and 2005 c 433 s 35 are each amended to read
12 as follows:

13 (1) A ((municipality)) city operating a municipal court under this
14 chapter shall not terminate that court or terminate an interlocal
15 agreement entered into under section 3 of this act unless the
16 ((municipality)) city has reached an agreement with the appropriate
17 county or another ((municipality)) city under chapter 39.34 RCW under
18 which the county or ((municipality)) city is to be paid a reasonable
19 amount for costs associated with prosecution, adjudication, and
20 sentencing in criminal cases, or traffic infractions that are filed in
21 district or municipal court as a result of the termination. The
22 agreement shall provide for periodic review and renewal of the terms of
23 the agreement. If the ((municipality)) city and the county or
24 ((municipality)) city are unable to agree on the terms for renewal of
25 the agreement, they shall be deemed to have entered into an agreement
26 to submit the issue to arbitration under chapter 7.04A RCW. Pending
27 conclusion of the arbitration proceeding, the terms of the agreement
28 shall remain in effect. The ((municipality)) city and the county or
29 ((municipality)) city have the same rights and are subject to the same
30 duties as other parties who have agreed to submit to arbitration under
31 chapter 7.04A RCW. A ((municipality)) city that has entered into
32 agreements with other ((municipalities)) cities that have terminated
33 their municipal courts may not thereafter terminate its court unless
34 each ((municipality)) city has reached an agreement with the
35 appropriate county or city in accordance with this section.

36 (2) A ((municipality)) city operating a municipal court under this
37 chapter may not repeal in its entirety that portion of its municipal

1 code defining crimes while retaining the court's authority to hear and
2 determine traffic infractions under chapter 46.63 RCW unless the
3 ((municipality)) city has reached an agreement with the county under
4 chapter 39.34 RCW under which the county is to be paid a reasonable
5 amount for costs associated with prosecution, adjudication, and
6 sentencing in criminal cases, or traffic infractions that are filed in
7 district court as a result of the repeal. The agreement shall provide
8 for periodic review and renewal of the terms of the agreement. If the
9 ((municipality)) city and the county are unable to agree on the terms
10 for renewal of the agreement, they shall be deemed to have entered into
11 an agreement to submit the issue to arbitration under chapter 7.04A
12 RCW. Pending conclusion of the arbitration proceeding, the terms of
13 the agreement shall remain in effect. The ((municipality)) city and
14 the county have the same rights and are subject to the same duties as
15 other parties who have agreed to submit to arbitration under chapter
16 7.04A RCW.

17 (3) A ((municipality)) city operating a municipal court under this
18 chapter may not repeal a provision of its municipal code which defines
19 a crime equivalent to an offense listed in RCW 46.63.020 unless the
20 ((municipality)) city has reached an agreement with the county under
21 chapter 39.34 RCW under which the county is to be paid a reasonable
22 amount for costs associated with prosecution, adjudication, and
23 sentencing in criminal cases, or traffic infractions that are filed in
24 district court as a result of the repeal. The agreement shall provide
25 for periodic review and renewal of the terms of the agreement. If the
26 ((municipality)) city and the county are unable to agree on the terms
27 for renewal of the agreement, they shall be deemed to have entered into
28 an agreement to submit the issue to arbitration under chapter 7.04A
29 RCW. Pending conclusion of the arbitration proceeding, the terms of
30 the agreement shall remain in effect. The ((municipality)) city and
31 the county have the same rights and are subject to the same duties as
32 other parties who have agreed to submit to arbitration under chapter
33 7.04A RCW.

34 **Sec. 6.** RCW 39.34.180 and 2001 c 68 s 4 are each amended to read
35 as follows:

36 (1) Each county, city, and town is responsible for the prosecution,
37 adjudication, sentencing, and incarceration of misdemeanor and gross

1 misdemeanor offenses and traffic infractions committed by adults in
2 their respective jurisdictions, and referred from their respective law
3 enforcement agencies, whether filed under state law or city ordinance,
4 and must carry out these responsibilities through the use of their own
5 courts, staff, and facilities, or by entering into contracts or
6 interlocal agreements under this chapter to provide these services.
7 Nothing in this section is intended to alter the statutory
8 responsibilities of each county for the prosecution, adjudication,
9 sentencing, and incarceration for not more than one year of felony
10 offenders, nor shall this section apply to any offense initially filed
11 by the prosecuting attorney as a felony offense or an attempt to commit
12 a felony offense.

13 (2) The following principles must be followed in negotiating
14 interlocal agreements or contracts: Cities and counties must consider
15 (a) anticipated costs of services; and (b) anticipated and potential
16 revenues to fund the services, including fines and fees, criminal
17 justice funding, and state-authorized sales tax funding levied for
18 criminal justice purposes.

19 (3) If an agreement as to the levels of compensation within an
20 interlocal agreement or contract for gross misdemeanor and misdemeanor
21 services cannot be reached between (~~a city and county~~) the parties,
22 then either party may invoke binding arbitration on the compensation
23 issued by notice to the other party. In the case of establishing
24 initial compensation, the notice shall request arbitration within
25 thirty days. In the case of nonrenewal of an existing contract or
26 interlocal agreement, the notice must be given one hundred twenty days
27 prior to the expiration of the existing contract or agreement and the
28 existing contract or agreement remains in effect until a new agreement
29 is reached or until an arbitration award on the matter of fees is made.
30 The (~~city and county~~) parties each select one arbitrator, and the
31 initial two arbitrators pick a third arbitrator.

32 (4) A city or county that wishes to terminate an agreement for the
33 provision of court services must provide written notice of the intent
34 to terminate the agreement in accordance with RCW 3.50.810 and
35 35.20.010.

36 (5) For cities or towns that have not adopted, in whole or in part,
37 criminal code or ordinance provisions related to misdemeanor and gross

1 misdemeanor crimes as defined by state law, this section shall have no
2 application until July 1, 1998.

3 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 July 1, 2007.

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