Chapter 35.20 RCW
MUNICIPAL COURTS—CITIES OVER FOUR HUNDRED THOUSAND

Sections

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Rules of court: *See Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).*

Courts of limited jurisdiction: Title 3 RCW.

Courts of record: Title 2 RCW.

Rights of accused: State Constitution Art. 1 s 22 (Amendment 10).

RCW 35.20.010 Municipal court established—Termination of court—Agreement covering costs of handling resulting criminal cases—Arbitration—Notice. (1) There is hereby created and established in each incorporated city of this state having a population of more than four hundred thousand inhabitants, as shown by the federal or state census, whichever is the later, a municipal court, which shall be styled "The Municipal Court of . . . . . (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute. However, no municipal court established under this section shall have jurisdiction over any matter until six months after a notice of intent to create a new municipal court is sent to the administrative office of the courts.

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

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

(4) A county that wishes to terminate an agreement with a city for the provision of court services must provide written notice of the intent to terminate the agreement to the city legislative authority and to the administrative office of the courts not less than one year prior to the expiration of the agreement. [2024 c 61 s 5; 2005 c 433 s 37; 2001 c 68 s 3; 1984 c 258 s 201; 1975 c 33 s 4; 1965 c 7 s 35.20.010. Prior: 1955 c 290 s 1.]

Application—Captions not law—Savings—Effective date—2005 c 433: See RCW 7.04A.290 through 7.04A.310 and 7.04A.900.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Severability—1975 c 33: See note following RCW 35.21.780.

RCW 35.20.020 Sessions—Judges may act as magistrates—Night court. The municipal court shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof. The judges shall have the power to act as magistrates in accordance with the provisions of chapter 10.16 RCW. The legislative body of the city may by ordinance authorize a department of the municipal court to act as a night court, and shall appropriate the necessary funds therefor. [1965 c 7 s 35.20.020. Prior: 1955 c 290 s 2.]

RCW 35.20.030 Jurisdiction—Maximum penalties for criminal violations—Review—Costs. The municipal court shall have jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five thousand dollars or imprisonment in the city jail for up to three hundred sixty-four days, or both such fine and imprisonment, but the punishment for any criminal ordinance shall be the same as the punishment provided in state law for the same crime. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in district courts. A municipal court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program. [2011 c 96 s 24; 2005 c 282 s 41; 2000 c 111 s 7; 1993 c 83 s 3; 1984 c 258 s 801; 1979 ex.s. c 136 s 23; 1965 c 7 s 35.20.030. Prior: 1955 c 290 s 3.]

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

Effective date—1993 c 83: See note following RCW 35.21.163.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 35.20.090 Trial by jury—Juror's fees. In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the

municipal court, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A defendant requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. Where there is more than one defendant in an action and one or more of them requests a jury, only one jury fee shall be collected by the court. Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Trial by jury shall be allowed in criminal cases involving violations of city ordinances commencing January 1, 1972, unless such incorporated city affected by this chapter has made provision therefor prior to January 1, 1972. [1987 c 202 s 195; 1980 c 148 s 6. Prior: 1979 ex.s. c 136 s 24; 1979 ex.s. c 135 s 8; prior: 1977 ex.s. c 248 s 3; 1977 ex.s. c 53 s 3; 1969 ex.s. c 147 s 8; 1965 c 7 s 35.20.090; prior: 1955 c 290 s 9.]

Intent—1987 c 202: See note following RCW 2.04.190.

Effective date—1980 c 148: See note following RCW 46.10.490.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

Severability—1979 ex.s. c 135: See note following RCW 2.36.080.

RCW 35.20.100 Departments of court—Jurisdiction and venue—Presiding judge—Costs of election. There shall be three departments of the municipal court, which shall be designated as Department Nos. 1, 2 and 3. However, when the administration of justice and the accomplishment of the work of the court make additional departments necessary, the legislative body of the city may create additional departments as they are needed. The departments shall be established in such places as may be provided by the legislative body of the city, and each department shall be presided over by a municipal judge. However, notwithstanding the priority of action rule, for a defendant incarcerated at a jail facility outside the city limits but within the county in which the city is located, the city may, pursuant to an interlocal agreement under chapter 39.34 RCW, contract with the county to transfer jurisdiction and venue over the defendant to a district court and to provide all judicial services at the district court as would be provided by a department of the municipal court. The judges shall select, by majority vote, one of their number to act as presiding judge of the municipal court for a term of one year, and he or she shall be responsible for administration of the court and assignment of calendars to all departments. A change of venue from one department of the municipal court to another department shall be allowed in accordance with the provisions of RCW 3.66.090 in all civil and criminal proceedings. The city shall assume the costs of the elections of the municipal judges in accordance with the provisions of

RCW 29A.04.410. [2015 c 53 s 33; 1997 c 25 s 1; 1984 c 258 s 71; 1972 ex.s. c 32 s 1; 1969 ex.s. c 147 s 1; 1967 c 241 s 2; 1965 c 7 s 35.20.100. Prior: 1955 c 290 s 10.]

Effective date—1997 c 25: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 15, 1997]." [1997 c 25 s 2.]

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Application—1967 c 241: See note following RCW 3.66.090.

RCW 35.20.105 Court administrator. There shall be a court administrator of the municipal court appointed by the judges of the municipal court, subject to confirmation by a majority of the legislative body of the city, and removable by the judges of the municipal court subject to like confirmation. Before entering upon the duties of his or her office the court administrator shall take and subscribe an oath the same as required for officers of the city, and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned for the faithful performance of his or her duties, and that he or she will pay over to the treasurer of said city all moneys belonging to the city which shall come into his or her hands as such court administrator. The court administrator shall be paid such compensation as the legislative body of the city may deem reasonable. The court administrator shall act under the supervision and control of the presiding judge of the municipal court and shall supervise the functions of the chief clerk and director of the traffic violations bureau or similar agency of the city, and perform such other duties as may be assigned to him or her by the presiding judge of the municipal court. [2009 c 549 s 2034; 1969 ex.s. c 147 s 2.]

RCW 35.20.110 Seal of court—Extent of process. The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of . . . . . (name of city), State of Washington," surrounding the vignette. All process from such court runs throughout the state. The supreme court may determine by rule what process must be issued under seal. [1999 c 152 s 3; 1965 c 7 s 35.20.110. Prior: 1955 c 290 s 11.]

RCW 35.20.120 Expenses of court. All blanks, books, papers, stationery and furniture necessary for the transaction of business and the keeping of records of the court shall be furnished at the expense of the city, except those expenses incidental to the operation of the court in matters brought before the court because of concurrent jurisdiction with the district court, which expense shall be borne by the county and paid out of the county treasury. All other expenses on account of such court which may be authorized by the city council or the county commissioners and which are not specifically mentioned in this chapter, shall be paid respectively out of the city treasury and

county treasury. [1987 c 202 s 196; 1965 c 7 s 35.20.120. Prior: 1955 c 290 s 12.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 35.20.131 Director of traffic violations. There shall be a director of the traffic violations bureau or such similar agency of the city as may be created by ordinance of said city. Said director shall be appointed by the judges of the municipal court subject to such civil service laws and rules as may be provided in such city. Said director shall act under the supervision of the court administrator of the municipal court and shall be responsible for the supervision of the traffic violations bureau or similar agency of the city. Upon *this 1969 amendatory act becoming effective those employees connected with the traffic violations bureau under civil service status shall be continued in such employment and such classification. Before entering upon the duties of his or her office said director shall take and subscribe an oath the same as required for officers of the city and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned for the faithful performance of his or her duties, and that he or she will faithfully account to and pay over to the treasurer of said city all moneys belonging to the city which shall come into his or her hands as such director. Said director shall be paid such compensation as the legislative body of the city may deem reasonable. [2009 c 549 s 2035; 1969 ex.s. c 147 s 3.]

***Reviser's note:** "this 1969 amendatory act" [1969 ex.s. c 147] became effective August 11, 1969.

RCW 35.20.140 Monthly meeting of judges—Rules and regulations of court. It shall be the duty of the judges to meet together at least once each month, except during the months of July and August, at such hour and place as they may designate, and at such other times as they may desire, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At these meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the court and the employees thereof, and shall take such action as they may deem necessary or proper with respect thereto. They shall have power and it shall be their duty to adopt, or cause to be adopted, rules and regulations for the proper administration of justice in said court. [1965 c 7 s 35.20.140. Prior: 1955 c 290 s 14.]

RCW 35.20.150 Election of judges—Vacancies. The municipal judges shall be elected on the first Tuesday after the first Monday in November, 1958, and on the first Tuesday after the first Monday of November every fourth year thereafter by the electorate of the city in which the court is located. The auditor of the county concerned shall designate by number each position to be filled in the municipal court, and each candidate at the time of the filing of his or her declaration of candidacy shall designate by number so assigned the position for which he or she is a candidate, and the name of such candidate shall

appear on the ballot only for such position. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor. Elections for municipal judge shall be nonpartisan. They shall hold office for a term of four years and until their successors are elected and qualified. The term of office shall start on the second Monday in January following such election. Any vacancy in the municipal court due to a death, disability or resignation of a municipal court judge shall be filled by the mayor, to serve out the unexpired term. Such appointment shall be subject to confirmation by the legislative body of the city. [2009 c 549 s 2036; 1975-'76 2nd ex.s. c 120 s 7; 1965 c 7 s 35.20.150. Prior: 1961 c 213 s 1; 1955 c 290 s 15.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29A.52.210.

Times for holding elections: RCW 29A.04.311 through 29A.04.330.

RCW 35.20.155 Municipal court commissioners—Appointment, powers. When so authorized by the city legislative authority, the judges of the city may appoint one or more municipal court commissioners. A commissioner must be a registered voter of the city, and shall hold office at the pleasure of the appointing judges. A person appointed as a commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to the practice of law in the state of Washington. A commissioner has such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess and may prescribe. [1996 c 16 s 3.]

RCW 35.20.160 Judges' salaries. The total of the salaries of each municipal judge under this chapter shall be fixed by the legislative body of the city at not less than nine thousand dollars per annum, to be paid in monthly or semimonthly installments as for other officials of the city, and such total salaries shall not be more than the salaries paid the superior court judges in the county in which the court is located. [1965 c 147 s 3; 1965 c 7 s 35.20.160. Prior: 1955 c 290 s 16.]

Cities over four hundred thousand, district court judges' salaries: RCW 3.58.010.

RCW 35.20.170 Qualifications of judges—Practice of law prohibited. No person shall be eligible to the office of judge of the municipal court unless he or she shall have been admitted to practice law before the courts of record of this state and is an elector of the city in which he or she files for office. No judge of said court during his or her term of office shall engage either directly or indirectly in the practice of law. [2009 c 549 s 2037; 1965 c 7 s 35.20.170. Prior: 1955 c 290 s 17.]

RCW 35.20.175 Judicial officers—Disqualification. (1) A municipal court judicial officer shall not preside in any of the following cases:

(a) In an action to which the judicial officer is a party, or in which the judicial officer is directly interested, or in which the judicial officer has been an attorney for a party.

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner. [2008 c 227 s 10.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

RCW 35.20.180 Judges' oath of office, official bonds. Every judge of such municipal court, before he or she enters upon the duties of his or her office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of . . . . . (naming such city) according to the best of my ability; and I do further certify that I do not advocate, nor am I a member of an organization that advocates, the overthrow of the government of the United States by force or violence." The oath shall be filed in the office of the county auditor. He or she shall also give such bonds to the state and city for the faithful performance of his or her duties as may be by law or ordinance directed. [2009 c 549 s 2038; 1965 c 7 s 35.20.180. Prior: 1955 c 290 s 18.]

RCW 35.20.190 Additional judge. Whenever the number of departments of the municipal court is increased, the mayor of such city shall appoint a qualified person as provided in RCW 35.20.170 to act as municipal judge until the next general election. He or she shall be paid salaries in accordance with the provisions of this chapter and provided with the necessary court, office space and personnel as authorized herein. [2009 c 549 s 2039; 1967 c 241 s 4; 1965 c 7 s 35.20.190. Prior: 1955 c 290 s 19.]

Application—1967 c 241: See note following RCW 3.66.090.

RCW 35.20.200 Judges pro tempore. (1) The presiding municipal court judge shall appoint judges pro tempore who shall act in the absence of the regular judges of the court or in addition to the regular judges when the administration of justice and the accomplishment of the work of the court make it necessary. The presiding municipal court judge may appoint, as judges pro tempore, any full-time district court judges serving in the county in which the city is situated. The term of office must be specified in writing.

(2) A judge pro tempore must be an elector of this state and an attorney admitted to practice law before the courts of record of this state. A judge pro tempore need not be a resident of the city in which the municipal court is located.

(3) While acting as judge of the court, judges pro tempore shall have all of the powers of the regular judges. Before entering upon his or her duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the municipal court during their term of office as judge pro tempore.

(4) Municipal judges pro tempore shall receive such compensation as shall be fixed by ordinance by the legislative body of the city and such compensation shall be paid by the city except that district court judges shall not be compensated by the city other than pursuant to an interlocal agreement. [2025 c 36 s 1; 2000 c 55 s 2; 1996 c 16 s 2; 1990 c 182 s 1; 1972 ex.s. c 32 s 2; 1965 c 7 s 35.20.200. Prior: 1955 c 290 s 20.]

Judges pro tempore appointments: RCW 3.02.060.

RCW 35.20.205 Judicial officers—Hearing examiner. The judges of the municipal court may employ judicial officers to assist in the administration of justice and the accomplishment of the work of the court as said work may be assigned to it by statute or ordinance. The duties and responsibilities of such officers shall be judicial in nature and shall be fixed by court rule as adopted by the municipal court judges or fixed by ordinance of the city. The judicial officers may be authorized to hear and determine cases involving the commission of traffic infractions as provided in chapter 46.63 RCW. The *mayor may appoint the judicial officers as judges pro tempore pursuant to RCW 35.20.200: PROVIDED, That the judicial officer need not be a resident of the city.

To utilize the services of such judicial officers for the purpose of hearing contested matters relating to the interest of the city and its citizens and the operation of the various departments of the city, the city may by ordinance create the office of hearing examiner in the municipal court and assign to it judicial duties and responsibilities. [1980 c 128 s 7; 1975 1st ex.s. c 214 s 1.]

***Reviser's note:** "Mayor" was replaced by "presiding municipal court judge" as the appointing authority for judges pro tempore in RCW 35.20.200, by 2000 c 55 s 2.

Effective date—Severability—1980 c 128: See notes following RCW 46.63.060.

RCW 35.20.210 Clerks of court. There shall be a chief clerk of the municipal court appointed by the judges of the municipal court subject to such civil service laws and rules as may be provided in such city. After August 11, 1969, those employees connected with the court under civil service status shall be continued in such employment and such classification. Before the chief clerk enters upon the duties of the chief clerk's office, the chief clerk shall take and subscribe an oath the same as required for officers of the city, and shall execute a penal bond in such sum and with such sureties as the legislative body of the city may direct and subject to their approval, conditioned that the chief clerk will faithfully account to and pay over to the treasurer of said city all moneys coming into his or her hands as such clerk, and that he or she will faithfully perform the duties of his or her office to the best of his or her knowledge and ability. Upon the recommendation of the judges of the municipal court, the legislative body of the city may provide for the appointment of such assistant clerks of the municipal court as said legislative body deems necessary, with such compensation as said legislative body may deem reasonable and such assistant clerks shall be subject to such civil service as may be provided in such city: PROVIDED, That the judges of the municipal court shall appoint such clerks as the board of county commissioners may determine to handle cases involving violations of state law, wherein the court has concurrent jurisdiction with the district and superior court. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the court, take testimony in any action, suit or proceeding in the court relating to the city or county for which they are appointed, and may certify any records and documents of the court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law. [1987 c 202 s 197; 1969 ex.s. c 147 s 4; 1965 c 7 s 35.20.210. Prior: 1955 c 290 s 21.]

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 35.20.220 Powers and duties of chief clerk—Remittance by city treasurer—Interest—Disposition. (1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of the court. The chief clerk or a deputy shall be present during the session of the court and has the power to swear all witnesses and jurors, administer oaths and affidavits, and take acknowledgments. The chief clerk shall keep the records of the court and shall issue all process under his or her hand and the seal of the court. The chief clerk shall do and perform all things and have the same powers pertaining to the office as the clerks of the superior courts have in their office. He or she shall receive all fines, penalties, and fees of every kind and keep a full, accurate, and detailed account of the same. The chief clerk shall on each day pay into the city treasury all money received for the city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions

and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4)(a) Except as provided in (b) of this subsection, penalties, fines, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(b) As of June 7, 2018, penalties, fines, bail forfeitures, fees, and costs imposed against a defendant in a criminal proceeding shall not accrue interest.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts. [2018 c 269 s 5; 2012 c 136 s 7; 2012 c 134 s 9; 2009 c 479 s 19; 2004 c 15 s 9; 1995 c 291 s 4; 1988 c 169 s 6; 1985 c 389 s 8; 1984 c 258 s 319; 1969 ex.s. c 147 s 5; 1965 c 7 s 35.20.220. Prior: 1955 c 290 s 22.]

Construction—2018 c 269: See note following RCW 10.82.090.

Effective date—2009 c 479: See note following RCW 2.56.030.

Intent—2004 c 15: See note following RCW 10.99.080.

Effective date—1985 c 389: See note following RCW 27.24.070.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

RCW 35.20.230 Director of probation services—Probation officers—Bailiffs. The judges of the municipal court shall appoint a director of probation services who shall, under the direction and supervision of the court administrator of the municipal court, supervise the probation officers of the municipal court. The judges of the municipal court shall also appoint a bailiff for the court, together with such number of probation officers and additional bailiffs as may be authorized by the legislative body of the city. The director of probation services, probation officers, and bailiff or bailiffs shall be paid by the city treasurer in such amount as is deemed reasonable by the legislative body of the city: PROVIDED, That

such additional probation officers and bailiffs of the court as may be authorized by the county commissioners shall be paid from the county treasury. [1998 c 238 s 1; 1969 ex.s. c 147 s 6; 1965 c 7 s 35.20.230. Prior: 1955 c 290 s 23.]

RCW 35.20.240 First judges—Transfer of equipment. Upon the effective date of this chapter (June 8, 1955), any justice of the peace who was the duly appointed and acting police justice of the city shall become a judge of the municipal court upon his or her filing his or her oath of office and bond as required by this chapter, and shall serve as a judge of said municipal court until the regularly elected judges of the court shall qualify following their election in 1958, or thereafter as provided in RCW 35.20.150. Such judge shall be paid salaries in accordance with this chapter while so serving. Such salaries from the city and county shall be in lieu of those now (June 8, 1955) being paid to the justice of the peace acting as police justice of the city court: PROVIDED, That upon the justices of the peace qualifying as municipal judges under this chapter, the number of justices of the peace for such city shall be reduced accordingly as provided in RCW 35.20.190. Should any justice of the peace acting as police judge fail to qualify as a judge of the municipal court, the mayor of such city shall designate one of the other justices of the peace of that city to act as municipal judge until the next general election in November, 1958, and the qualifying of the regularly elected judge. All furniture and equipment belonging to the city and county in which the court is situated, now under the care and custody of the justice of the peace and municipal judge, shall be transferred to the municipal court for use in the operation and maintenance of such court. [2009 c 549 s 2041; 1965 c 7 s 35.20.240. Prior: 1955 c 290 s 24.]

Reviser's note: Justices of the peace and courts to be construed to mean district judges and courts. See RCW 3.30.015.

RCW 35.20.250 Concurrent jurisdiction with superior court and district court. The municipal court shall have concurrent jurisdiction with the superior court and district court in all civil and criminal matters as now provided by law for district judges, and a judge thereof may sit in preliminary hearings as magistrate. Fines, penalties, and forfeitures before the court under the provisions of this section shall be paid to the county treasurer as provided for district court and commitments shall be to the county jail. Appeals from judgment or order of the court in such cases shall be governed by the law pertaining to appeals from judgments or orders of district judges operating under chapter 3.30 RCW. [1987 c 202 s 198; 1979 ex.s. c 136 s 25; 1969 ex.s. c 147 s 7; 1965 c 7 s 35.20.250. Prior: 1955 c 290 s 25.]

Intent—1987 c 202: See note following RCW 2.04.190.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.

RCW 35.20.255 Deferral or suspension of sentences—Probation—Maximum term—Transfer to another state. (1) Except as provided in subsection (3) of this section, judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence including installment payment of fines, fix the terms of any such deferral or suspension, and provide for such probation as in their opinion is reasonable and necessary under the circumstances of the case, but in no case shall it extend for more than five years from the date of conviction for a defendant to be sentenced for a domestic violence offense or under RCW 46.61.5055 and two years from the date of conviction for all other offenses. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence. For the purposes of this subsection, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

(2)(a) If a defendant whose sentence has been deferred requests permission to travel or transfer to another state, the director of probation services or a designee thereof shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the director or designee shall:

(i) Notify the department of corrections of the defendant's request;

(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(iii) Notify the defendant of the fee due to the department of corrections for processing an application under the compact;

(iv) Cease supervision of the defendant while another state supervises the defendant pursuant to the compact;

(v) Resume supervision if the defendant returns to this state before the period of deferral expires.

(b) The defendant shall receive credit for time served while being supervised by another state.

(c) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(d) The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

(3) Judges of the municipal court shall not defer sentence for an offense sentenced under RCW 46.61.5055. [2013 2nd sp.s. c 35 s 7; 2010 c 274 s 407; 2005 c 400 s 5; 2001 c 94 s 3; 1999 c 56 s 3; 1983 c 156 s 8; 1969 ex.s. c 147 s 9.]

Intent—2010 c 274: See note following RCW 10.31.100.

Application—Effective date—2005 c 400: See notes following RCW 9.94A.74504.

RCW 35.20.258 Sentencing—Crimes against property—Criminal history check. Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant. [2009 c 431 s 18.]

Applicability—2009 c 431: See note following RCW 4.24.230.

RCW 35.20.260 Subpoenas—Witness fees. The court shall have authority to subpoena witnesses as now authorized in superior courts throughout the state. Such witnesses shall be paid according to law with mileage as authorized for witnesses to such cases. [1965 c 7 s 35.20.260. Prior: 1955 c 290 s 26.]

RCW 35.20.270 Service of criminal and civil process—Jurisdiction—Costs. (1) All criminal and civil process issuing out of courts created under this title shall be directed to the chief of police of the city served by the court and/or to the sheriff of the county in which the court is held and/or the warrant officers and be by them executed according to law in any county of this state.

(2) No process of courts created under this title shall be executed outside the corporate limits of the city served by the court unless the person authorized by the process first contacts the applicable law enforcement agency in whose jurisdiction the process is to be served.

(3) Upon a defendant being arrested in another city or county the cost of arresting or serving process thereon shall be borne by the court issuing the process including the cost of returning the defendant from any county of the state to the city. [2015 c 288 s 3; 1992 c 99 s 1; 1977 ex.s. c 108 s 1.]

RCW 35.20.280 City trial court improvement account—Contribution by city to account—Use of funds. Any city operating a municipal court under this chapter that receives state contribution for municipal court judges' salaries under RCW 2.56.030 shall create a city trial court improvement account. An amount equal to one hundred percent of the state's contribution for the payment of municipal judges' salaries shall be deposited into the account. Money in the account shall be used to fund improvements to the municipal court's staffing, programs, facilities, or services, as appropriated by the city legislative authority. [2005 c 457 s 5.]

Intent—2005 c 457: See note following RCW 43.08.250.

RCW 35.20.290 Applicability of courts open to all act. The provisions of RCW 2.28.300 through 2.28.330 apply to municipal courts. [2020 c 37 s 8.]

Findings—Short title—2020 c 37: See notes following RCW 2.28.300.

RCW 35.20.910 Construction of other laws. All acts or parts of acts which are inconsistent or conflicting with the provisions of this chapter, are hereby repealed or modified accordingly. No provision of this chapter shall be construed as repealing or anywise limiting or affecting the jurisdiction of district judges under the general laws of this state. [1987 c 202 s 199; 1965 c 7 s 35.20.910. Prior: 1955 c 290 s 28.]

Intent—1987 c 202: See note following RCW 2.04.190.