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**Judiciary Committee**

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**HB 1590**

**Title:** An act relating to administration of the courts of limited jurisdiction.

**Brief Description:** Changing provisions affecting courts of limited jurisdiction.

**Sponsors:** 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.

**Brief Summary of Bill**

- Expressly authorizes cities to contract with other cities for the delivery of municipal court services; and
- Requires municipal courts to exercise jurisdiction over traffic infractions.

**Hearing Date:** 2/7/07

**Staff:** Bill Perry (786-7123).

**Background:**

Organization of Municipal Courts.

There are three methods explicitly authorized in statute for a city to use in providing court services. (Note: These provisions do not apply to a city of more than 400,000 population, i.e., Seattle, which has its own municipal court provision.)

- A city is authorized to create and operate its own court of limited jurisdiction. The city bears the cost of running an independent municipal court.
- If a city terminates its own municipal court, it is authorized to come to agreement with the county for the delivery of court services by the county district court. Under this arrangement, the city pays the county for all aspects of the delivery of court services.
- A city is also authorized to petition the county for the creation of a "municipal department" within the district court. These municipal courts are part of the county district court. Under

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this arrangement, the city provides the facilities and the staffing for the court and pays the county for the services of a district court judge.

Under other provisions of law, interlocal agreements generally may be used by two or more units of local government to do jointly whatever those governments are authorized to do separately.

There is nothing in either the law on courts of limited jurisdiction or the law on interlocal agreements, however, that expressly authorizes a city that is not operating its own municipal court to enter into an agreement with another city for court operations. There is also a question as to whether such a joint court is an authorized venue for matters arising out of ordinances adopted in a city in which the court is not located.

A number of municipalities, particularly in King County, have entered into interlocal agreements with each other for the operation of municipal courts.

#### Jurisdiction of Municipal Courts.

Municipal courts have jurisdiction over misdemeanor violations. Counties and cities are expressly made responsible for exercising their jurisdiction in the prosecution, adjudication, sentencing, and incarceration of adult misdemeanor offenses referred to their courts by their law enforcement agencies. Municipal and district courts also have jurisdiction over other matters with regard to which the exercise of their jurisdiction is discretionary. For example, municipal courts have discretion whether or not to exercise jurisdiction over civil antiharassment protection orders.

#### **Summary of Bill:**

A city is expressly authorized to contract with another jurisdiction or jurisdictions for the delivery of municipal court services. A "host" jurisdiction is one to which a contracting city pays money for judicial services. The host may be the county in which the contracting city is located, or it may be another city.

A host jurisdiction and any contracting cities must be in "reasonable proximity" to one another. Reasonable proximity is determined by considering whether an agreement makes efficient use of the jurisdictions' powers in accord with geographic, economic, population and other factors influencing the needs and development of the communities.

A host city or county is given exclusive original jurisdiction over cases filed by the contracting city.

Traffic infractions are added to the list of judicial matters for which a county or city is expressly responsible.

Municipal courts are given jurisdiction over civil antiharassment protection orders. The discretion to decide whether or not to exercise jurisdiction is removed.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2007.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2007.