

HOUSE BILL ANALYSIS

HB 2713

Title: An act relating to processing traffic citations issued outside an officer's primary territorial jurisdiction.

Brief Description: Establishing procedures for extraterritorial processing of traffic citations.

Sponsors: Representatives Sterk and Bush.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: With the exception of certain listed offenses, most traffic violations, including those related to parking, standing, stopping, and pedestrian offenses, are considered infractions and are not classified as criminal offenses.

Generally, district courts and municipal courts have authority to hear and determine traffic infractions. A notice of traffic infraction is considered a final determination that an infraction has been committed unless the alleged violator contests it. A person may either pay the fine, contest the infraction at a hearing, or not contest the infraction but explain mitigating circumstances at a hearing. A person who receives a notice of infraction has 15 days from the date of the notice in which to request a hearing or pay the fine.

A general authority peace officer who possesses a certificate of basic law enforcement training or a certificate of equivalency, or who has been exempted from the training requirement, may enforce the traffic or criminal laws of Washington throughout the territorial bounds of the state when:

- (a) there is prior written consent of the sheriff or chief of police in whose primary territorial jurisdiction the exercise of the powers occurs;
- (b) the officer is responding to an emergency involving an immediate threat to human life or property;
- (c) the officer is responding to a request for assistance from an officer within that jurisdiction or under an assistance agreement;
- (d) the officer is transporting a prisoner;
- (e) the officer is executing a warrant; and
- (f) the officer is in fresh pursuit.

Summary of Bill: Procedures are created for the disposition of traffic citations issued outside an officer's primary territorial jurisdiction. Primary territorial jurisdiction— means the city, town, or unincorporated areas within the county boundaries in which the officer is responsible for police activity.

When a law enforcement officer issues a traffic infraction for a violation of state traffic laws while outside the officer's primary territorial jurisdiction, the officer must file the infraction with the court where the officer would normally file a citation. That court has jurisdiction over the infraction.

Jurisdiction over the infraction may be transferred, upon request of the alleged violator, to the court that normally has jurisdiction over citations issued where the infraction occurred. The alleged violator must make the request in writing and within 10 business days of the date the citation was issued.

Transferring the infraction does not limit or preclude any rights or remedies that would otherwise be available to the alleged violator. The time period for which an alleged violator has to respond to a citation is calculated from the time the infraction is transferred.

If the alleged violator requests a hearing to contest the infraction, the person may subpoena the officer. However, if the person subpoenas the officer and the court finds that the infraction occurred, the person must pay all reasonable travel costs associated with the officer's appearance.

These procedures do not apply to traffic citations issued by the Washington State Patrol.

Fiscal Note: Requested January 29, 1998.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research