
HOUSE BILL 2898

State of Washington

56th Legislature

2000 Regular Session

By Representatives Hurst, Delvin, Dickerson, Tokuda, Constantine, Santos, Lambert, Poulsen, Esser, McIntire, Fisher, Radcliff, H. Sommers, Barlean, Lantz, Kastama, Kenney, Hankins, Dunshee, Reardon, Wolfe, Edwards and Ogden

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1 AN ACT Relating to court reform; amending RCW 2.08.070, 2.36.150,
2 3.30.090, 3.34.010, 3.34.020, 3.34.040, 3.46.020, 3.46.050, 3.46.063,
3 3.50.020, 3.50.030, 3.50.050, 3.50.055, 3.50.070, 3.50.135, 3.62.060,
4 12.40.010, 35.20.030, 35.20.090, 35.20.150, and 36.18.020; adding new
5 sections to chapter 2.08 RCW; adding a new section to chapter 3.34 RCW;
6 adding a new section to chapter 3.46 RCW; adding a new section to
7 chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; creating
8 new sections; and providing an effective date.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that as cities and
11 counties enter into the new millennium it is imperative that their
12 local courts be given greater flexibility to allow litigants to resolve
13 legal disputes in a timely fashion and in the most appropriate, cost-
14 effective forum. The legislature also finds that judicial resources
15 must be utilized in a manner that allows judges to maximize their
16 management and legal expertise by creating a variety of judicial forums
17 and alternative dispute resolution options that take advantage of
18 modern principles of judicial administration. Additionally, the
19 legislature finds that courts can alleviate court congestion and

1 provide greater service to the public through the efficient use of
2 technology and judicial resources.

3 The intent of the court reform act of 2000 is to allow the courts
4 of this state to operate in the most effective manner possible by
5 better organization of judicial resources and greater use of modern
6 technology.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.08 RCW
8 to read as follows:

9 This section shall apply in any county where the full-time elected
10 superior, district, and municipal court judges have by majority vote
11 agreed to implement this section. Every full-time elected district and
12 municipal court judge holding a position created under chapter 3.34,
13 3.46, 3.50, or 35.20 RCW shall assume all powers, duties, and
14 jurisdiction of a superior court judge under state law and the state
15 Constitution while retaining all powers, duties, and jurisdiction of
16 the judge's position of a district or municipal court judge. Such
17 judges shall receive compensation equal to a superior court judge in
18 the manner specified in Article IV, section 14 of the Washington state
19 Constitution.

20 The election under this section is irrevocable, and at the end of
21 the current term of office as a district or municipal court judge all
22 full-time elected district and municipal court judicial positions shall
23 be considered to be superior court positions and are subject to all
24 provisions relating to superior court judges including those relating
25 to elections and filling vacancies.

26 Upon making the election authorized by this section, the full-time
27 elected judges of the county shall by majority vote (1) determine the
28 date for implementation of this section and (2) elect a presiding judge
29 to a term of not less than two years. Upon the effective date for
30 implementation of this section, every district or municipal court
31 within the county subject to this section shall cease to exist.

32 **Sec. 3.** RCW 2.08.070 and 1927 c 135 s 2 are each amended to read
33 as follows:

34 The judges of the superior court elected under the provisions of
35 RCW 2.08.060 through 2.08.065 and section 2 of this act shall hold
36 their offices for the term of four years from and after the second

1 Monday in January next succeeding their election, and until their
2 successors are elected and qualified.

3 Judges assuming the duties of the superior court under section 2 of
4 this act shall serve the remainder of the term to which they were
5 elected. Upon completion of that term, an unexpired term election for
6 the newly created superior court position shall be held. The person
7 elected to the unexpired term shall serve until the election for the
8 full term, which shall be held in conjunction with full-term elections
9 for all superior court positions.

10 **Sec. 4.** RCW 2.36.150 and 1987 c 202 s 105 are each amended to read
11 as follows:

12 Jurors shall receive for each day's attendance, besides mileage at
13 the rate determined under RCW 43.03.060, the following compensation:

14 (1) Grand jurors may receive up to (~~twenty-five~~) fifty dollars
15 but in no case less than ten dollars;

16 (2) Petit jurors may receive up to (~~twenty-five~~) fifty dollars
17 but in no case less than ten dollars;

18 (3) Coroner's jurors may receive up to (~~twenty-five~~) fifty
19 dollars but in no case less than ten dollars;

20 (4) District court jurors may receive up to (~~twenty-five~~) fifty
21 dollars but in no case less than ten dollars:

22 PROVIDED, That a person excused from jury service at his or her own
23 request shall be allowed not more than a per diem and such mileage, if
24 any, as to the court shall seem just and equitable under all
25 circumstances: PROVIDED FURTHER, That the state shall fully reimburse
26 the county in which trial is held for all jury fees and witness fees
27 related to criminal cases which result from incidents occurring within
28 an adult or juvenile correctional institution: PROVIDED FURTHER, That
29 the compensation paid jurors shall be determined by the county
30 legislative authority and shall be uniformly applied within the county.

31 **Sec. 5.** RCW 3.30.090 and 1979 ex.s. c 136 s 15 are each amended to
32 read as follows:

33 A violations bureau may be established by any city or district
34 court having jurisdiction of traffic cases to assist in processing
35 traffic cases. As designated by written order of the court having
36 jurisdiction of traffic cases, specific offenses under city ordinance,
37 county resolution, or state law may be processed by such bureau. Such

1 bureau may be authorized to receive the posting of bail for such
2 specified offenses, and, as authorized by the court order, to accept
3 forfeiture of bail and payment of monetary penalties. The court order
4 shall specify the amount of bail to be posted and shall also specify
5 the circumstances or conditions which will require an appearance before
6 the court. Such bureau, upon accepting the prescribed bail, shall
7 issue a receipt to the alleged violator, which receipt shall bear a
8 legend informing him or her of the legal consequences of bail
9 forfeiture. The bureau shall transfer daily to the clerk of the proper
10 department of the court all bail posted for offenses where forfeiture
11 is not authorized by the court order, as well as copies of all
12 receipts. All forfeitures or penalties paid to a violations bureau for
13 violations of municipal ordinances shall be placed in the city general
14 fund or such other fund as may be prescribed by ordinance. All
15 forfeitures or penalties paid to a violations bureau for violations of
16 state laws or county resolutions shall be remitted at least monthly to
17 the county treasurer for deposit in the current expense fund.
18 Employees of violations bureaus of a city shall be city employees under
19 any applicable municipal civil service system.

20 The presiding superior court judge within each county making the
21 election under section 2 of this act shall have the exclusive authority
22 to organize and approve a violations bureau. A violations bureau may
23 be granted jurisdiction over all infractions, including ordinance
24 violations within cities and counties. The presiding superior court
25 judge shall have the exclusive authority to appoint hearings officers
26 assigned to a violations bureau. A person so appointed as a hearings
27 officer shall meet the requirements for hearings officers set forth in
28 supreme court rules.

29 **Sec. 6.** RCW 3.34.010 and 1998 c 64 s 1 are each amended to read as
30 follows:

31 The number of district judges to be elected in each county shall
32 be: Adams, two; Asotin, one; Benton, three; Chelan, two; Clallam, two;
33 Clark, five; Columbia, one; Cowlitz, two; Douglas, one; Ferry, one;
34 Franklin, one; Garfield, one; Grant, two; Grays Harbor, two; Island,
35 one; Jefferson, one; King, twenty-six; Kitsap, three; Kittitas, two;
36 Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two;
37 Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit,
38 two; Skamania, one; Snohomish, eight; Spokane, nine; Stevens, one;

1 Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman,
2 one; Yakima, four. This number may be increased only as provided in
3 RCW 3.34.020. The number of district judges for each county shall be
4 reduced by the number of superior court judge positions created for
5 that county from former district court positions under section 2 of
6 this act.

7 **Sec. 7.** RCW 3.34.020 and 1997 c 41 s 3 are each amended to read as
8 follows:

9 (1) Except for changes made pursuant to section 2 of this act, any
10 change in the number of full and part-time district judges after
11 January 1, 1992, shall be determined by the legislature after receiving
12 a recommendation from the supreme court. The supreme court shall make
13 its recommendations to the legislature based on a weighted caseload
14 analysis that takes into account the following:

15 (a) The extent of time that existing judges have available to hear
16 cases in that court;

17 (b) A measurement of the judicial time needed to process various
18 types of cases;

19 (c) A determination of the time required to process each type of
20 case to the individual court workload;

21 (d) A determination of the amount of a judge's annual work time
22 that can be devoted exclusively to processing cases; and

23 (e) An assessment of judicial resource needs, including annual case
24 filings, and case weights and the judge year value determined under the
25 weighted caseload method.

26 (2) The administrator for the courts, under the supervision of the
27 supreme court, may consult with the board of judicial administration
28 and the district and municipal court judge's association in developing
29 the procedures and methods of applying the weighted caseload analysis.

30 (3) For each recommended change from the number of full and part-
31 time district judges in any county as of January 1, 1992, the
32 administrator for the courts, under the supervision of the supreme
33 court, shall complete a judicial impact note detailing any local or
34 state cost associated with such recommended change.

35 (4) If the legislature approves an increase in the base number of
36 district judges in any county as of January 1, 1992, such increase in
37 the base number of district judges and all related costs may be paid
38 for by the county from moneys provided under RCW 82.14.310, and any

1 such costs shall be deemed to be expended for criminal justice purposes
2 as provided in RCW 82.14.315, and such expenses shall not constitute a
3 supplanting of existing funding.

4 (5)(a) A county legislative authority that desires to change the
5 number of full or part-time district judges from the base number on
6 January 1, 1992, must first request the assistance of the supreme
7 court. The administrator for the courts, under the supervision of the
8 supreme court, shall conduct a weighted caseload analysis and make a
9 recommendation of its findings to the legislature for consideration as
10 provided in this section.

11 (b) The legislative authority of any county may change a part-time
12 district judge position to a full-time position.

13 **Sec. 8.** RCW 3.34.040 and 1991 c 338 s 2 are each amended to read
14 as follows:

15 A district judge serving a district having a population of forty
16 thousand or more persons, and a district judge receiving a salary equal
17 to the maximum salary set by the salary commission under RCW 3.58.020
18 for district judges shall be deemed full time judges and shall devote
19 all of their time to the office and shall not engage in the practice of
20 law. Other judges shall devote sufficient time to the office to
21 properly fulfill the duties thereof and may engage in other occupations
22 but shall maintain a separate office for private business and shall not
23 use for private business the services of any clerk or secretary paid
24 for by the county or office space or supplies furnished by the judicial
25 district.

26 Nothing in this section restricts district judge positions from
27 becoming superior court positions under section 2 of this act.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.34 RCW
29 to read as follows:

30 If the election is made under section 2 of this act, the presiding
31 judge of the superior court, in consultation with the legislative
32 authority of the county, shall make administrative provision for the
33 transfer of cases, proceedings, and matters pending before a district
34 court established under this chapter, together with all files and
35 records, to the superior court. Such cases, proceedings, and matters
36 shall thereafter be treated as if originally filed in superior court.

1 The presiding judge, in consultation with the legislative authority
2 of the county, shall make administrative provision for the transfer of
3 such personnel of the district court as deemed necessary for the
4 efficient operation of the superior courts in the county.

5 The presiding judge and the legislative authority of the county
6 shall make any other administrative provisions to effectuate the intent
7 and purpose of this act.

8 **Sec. 10.** RCW 3.46.020 and 1987 c 3 s 1 are each amended to read as
9 follows:

10 Each judge of a municipal department shall be a judge of the
11 district court in which the municipal department is situated. Such
12 judge shall be designated as a municipal judge.

13 Superior court judges holding judicial positions created under
14 section 2 of this act shall have all powers, duties, and jurisdiction
15 of the district court and the municipal department.

16 **Sec. 11.** RCW 3.46.050 and 1975 c 33 s 2 are each amended to read
17 as follows:

18 Except when section 2 of this act applies, each city may select its
19 full time municipal judge or judges by election, or by appointment in
20 such manner as the city legislative body determines: PROVIDED, That in
21 cities having a population in excess of four hundred thousand, the
22 municipal judges shall be elected.

23 **Sec. 12.** RCW 3.46.063 and 1993 c 317 s 3 are each amended to read
24 as follows:

25 Except when section 2 of this act applies, notwithstanding RCW
26 3.46.050 and 3.46.060, judicial positions may be filled only by
27 election under the following circumstances:

28 (1) Each full-time equivalent judicial position shall be filled by
29 election. This requirement applies regardless of how many judges are
30 employed to fill the position. For purposes of this section, a full-
31 time equivalent position is thirty-five or more hours per week of
32 compensated time.

33 (2) In any city with one or more full-time equivalent judicial
34 positions, an additional judicial position or positions that is or are
35 in combination more than one-half of a full-time equivalent position
36 shall be filled by election.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 3.46 RCW
2 to read as follows:

3 If the election is made under section 2 of this act, the presiding
4 judge of the superior court, in consultation with the legislative
5 authority of the city, shall make administrative provision for the
6 transfer of cases, proceedings, and matters pending before a municipal
7 department established under this chapter, together with all files and
8 records, to the superior court. Such cases, proceedings, and matters
9 shall thereafter be treated as if originally filed in superior court.

10 The presiding judge, in consultation with the legislative authority
11 of the city, shall make administrative provision for the transfer of
12 such personnel of the municipal department as deemed necessary for the
13 efficient operation of the superior courts in the county.

14 The presiding judge and the legislative authority of the city shall
15 make any other administrative provisions to effectuate the intent and
16 purpose of this act.

17 **Sec. 14.** RCW 3.50.020 and 1985 c 303 s 14 are each amended to read
18 as follows:

19 The municipal court shall have exclusive original jurisdiction over
20 traffic infractions arising under city ordinances and exclusive
21 original criminal jurisdiction of all violations of city ordinances
22 duly adopted by the city in which the municipal court is located and
23 shall have original jurisdiction of all other actions brought to
24 enforce or recover license penalties or forfeitures declared or given
25 by such ordinances or by state statutes. The municipal court shall
26 also have the jurisdiction as conferred by statute. The municipal
27 court is empowered to forfeit cash bail or bail bonds and issue
28 execution thereon; and in general to hear and determine all causes,
29 civil or criminal, including traffic infractions, arising under such
30 ordinances and to pronounce judgment in accordance therewith.

31 Superior court judges holding judicial positions created under
32 section 2 of this act shall have all powers, duties, and jurisdiction
33 of the municipal court.

34 **Sec. 15.** RCW 3.50.030 and 1984 c 258 s 105 are each amended to
35 read as follows:

36 Every city or town may establish and operate under the supervision
37 of the municipal court a violations bureau to assist the court in

1 processing traffic cases. Each municipal court shall designate the
2 specific traffic offenses and traffic infractions under city or town
3 ordinances which may be processed by the violations bureau.

4 A violations bureau may be authorized to process traffic
5 infractions in conformity with chapter 46.63 RCW.

6 A violations bureau may be authorized to receive the posting of
7 bail for specified offenses and, to the extent authorized by court
8 order, permitted to accept forfeiture of bail and payment of penalties.
9 Any violations bureau, upon accepting the prescribed bail, shall issue
10 a receipt therefor to the alleged violator, acknowledging the posting
11 thereof and informing the accused of the legal consequences of bail
12 forfeiture. Any person charged with any criminal traffic offense
13 within the authority of the violations bureau may, upon signing a
14 written appearance, a written plea of guilty and a written waiver of
15 trial, pay to the violations bureau the fine established for the
16 offense charged and costs and this shall have the same effect as a
17 court conviction. All penalties and forfeitures paid to a violations
18 bureau for the violation of municipal ordinance shall be placed in the
19 city or town general fund or such other fund as may be prescribed by
20 ordinance of the city or town or laws of the state of Washington.

21 Any employees of an existing violations bureau of any city shall
22 continue as city employees.

23 The presiding superior court judge within each county making the
24 election under section 2 of this act shall have the exclusive authority
25 to organize and approve a violations bureau. A violations bureau may
26 be granted jurisdiction over all infractions, including ordinance
27 violations within cities and counties. The presiding superior court
28 judge shall have the exclusive authority to appoint hearings officers
29 assigned to a violations bureau. A person so appointed as a hearings
30 officer shall meet the requirements for hearings officers set forth in
31 supreme court rules.

32 **Sec. 16.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to
33 read as follows:

34 Except when section 2 of this act applies, the legislative
35 authority of the city or town may, by ordinance, provide that the
36 position of municipal judge within the city or town shall be an
37 elective position. The ordinance shall provide for the qualifications
38 of the municipal judge which shall be the same as the qualifications

1 necessary for the appointment thereof; and further, shall provide that
2 the municipal judge shall be elected in the same manner as other
3 elective city officials are elected to office, and that the term of the
4 municipal judge shall be for a term of four years commencing on January
5 1, 1986, and every four years thereafter.

6 **Sec. 17.** RCW 3.50.055 and 1993 c 317 s 4 are each amended to read
7 as follows:

8 Except when section 2 of this act applies, notwithstanding RCW
9 3.50.040 and 3.50.050, judicial positions may be filled only by
10 election under the following circumstances:

11 (1) Each full-time equivalent judicial position shall be filled by
12 election. This requirement applies regardless of how many judges are
13 employed to fill the position. For purposes of this section, a full-
14 time equivalent position is thirty-five or more hours per week of
15 compensated time.

16 (2) In any city with one or more full-time equivalent judicial
17 positions, an additional judicial position or positions that is or are
18 in combination more than one-half of a full-time equivalent position
19 shall also be filled by election.

20 **Sec. 18.** RCW 3.50.070 and 1984 c 258 s 109 are each amended to
21 read as follows:

22 Additional full or part time judges may be appointed or elected, as
23 provided by ordinance of the legislative body of the city or town when
24 public interest and the administration of justice makes such additional
25 judge or judges necessary.

26 When section 2 of this act applies, any additional positions
27 created under this section shall be superior court positions.

28 **Sec. 19.** RCW 3.50.135 and 1984 c 258 s 126 are each amended to
29 read as follows:

30 In all civil cases, the plaintiff or defendant may demand a jury,
31 which shall consist of six citizens of the state who shall be impaneled
32 and sworn as in cases before district courts, or the trial may be by a
33 judge of the municipal court: PROVIDED, That no jury trial may be held
34 on a proceeding involving a traffic infraction. A party requesting a
35 jury shall pay to the court a fee which shall be the same as that for
36 a jury in district court. If more than one party requests a jury, only

1 one jury fee shall be collected by the court. The fee shall be
2 apportioned among the requesting parties. Each juror may receive up to
3 (~~twenty-five~~) fifty dollars but in no case less than ten dollars for
4 each day in attendance upon the municipal court, and in addition
5 thereto shall receive mileage at the rate determined under RCW
6 43.03.060: PROVIDED, That the compensation paid jurors shall be
7 determined by the legislative authority of the city and shall be
8 uniformly applied. Jury trials shall be allowed in all criminal cases
9 unless waived by the defendant.

10 NEW SECTION. Sec. 20. A new section is added to chapter 3.50 RCW
11 to read as follows:

12 If the election is made under section 2 of this act, the presiding
13 judge of the superior court, in consultation with the legislative
14 authority of the city, shall make administrative provision for the
15 transfer of cases, proceedings, and matters pending before a municipal
16 court established under this chapter, together with all files and
17 records, to the superior court. Such cases, proceedings, and matters
18 shall thereafter be treated as if originally filed in superior court.

19 The presiding judge, in consultation with the legislative authority
20 of the city, shall make administrative provision for the transfer of
21 such personnel of the municipal court as deemed necessary for the
22 efficient operation of the superior courts in the county.

23 The presiding judge and the legislative authority of the city shall
24 make any other administrative provisions to effectuate the intent and
25 purpose of this act.

26 **Sec. 21.** RCW 3.62.060 and 1992 c 62 s 8 are each amended to read
27 as follows:

28 Clerks of the district courts shall collect the following fees for
29 their official services:

30 (1) In any civil action commenced before or transferred to a
31 district court and in any county where an election under section 2 of
32 this act has been made and where the civil action meets the
33 jurisdictional requirements of RCW 3.66.020, the plaintiff shall, at
34 the time of such commencement or transfer, pay to such court a filing
35 fee of thirty-one dollars plus any surcharge authorized by RCW
36 7.75.035. No party shall be compelled to pay to the court any other

1 fees or charges up to and including the rendition of judgment in the
2 action other than those listed.

3 (2) For issuing a writ of garnishment or other writ a fee of six
4 dollars.

5 (3) For filing a supplemental proceeding a fee of twelve dollars.

6 (4) For demanding a jury in a civil case a fee of fifty dollars to
7 be paid by the person demanding a jury.

8 (5) For preparing a transcript of a judgment a fee of six dollars.

9 (6) For certifying any document on file or of record in the clerk's
10 office a fee of five dollars.

11 (7) For preparing the record of a case for appeal to superior court
12 a fee of forty dollars including any costs of tape duplication as
13 governed by the rules of appeal for courts of limited jurisdiction
14 (RALJ).

15 (8) For duplication of part or all of the electronic tape or tapes
16 of a proceeding ten dollars per tape.

17 The fees or charges imposed under this section shall be allowed as
18 court costs whenever a judgment for costs is awarded.

19 **Sec. 22.** RCW 12.40.010 and 1991 c 71 s 1 are each amended to read
20 as follows:

21 In every district court there shall be created and organized by the
22 court a department to be known as the "small claims department of the
23 district court". The small claims department shall have jurisdiction,
24 but not exclusive, in cases for the recovery of money only if the
25 amount claimed does not exceed (~~two~~) ten thousand (~~five hundred~~)
26 dollars.

27 **Sec. 23.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read
28 as follows:

29 The municipal court shall have jurisdiction to try violations of
30 all city ordinances and all other actions brought to enforce or recover
31 license penalties or forfeitures declared or given by any such
32 ordinances. It is empowered to forfeit cash bail or bail bonds and
33 issue execution thereon, to hear and determine all causes, civil or
34 criminal, arising under such ordinances, and to pronounce judgment in
35 accordance therewith: PROVIDED, That for a violation of the criminal
36 provisions of an ordinance no greater punishment shall be imposed than
37 a fine of five thousand dollars or imprisonment in the city jail not to

1 exceed one year, or both such fine and imprisonment, but the punishment
2 for any criminal ordinance shall be the same as the punishment provided
3 in state law for the same crime. All civil and criminal proceedings in
4 municipal court, and judgments rendered therein, shall be subject to
5 review in the superior court by writ of review or on appeal: PROVIDED,
6 That an appeal from the court's determination or order in a traffic
7 infraction proceeding may be taken only in accordance with RCW
8 46.63.090(5). Costs in civil and criminal cases may be taxed as
9 provided in district courts.

10 The presiding superior court judge within each county making the
11 election under section 2 of this act shall have the exclusive authority
12 to organize and approve a violations bureau. A violations bureau may
13 be granted jurisdiction over all infractions, including ordinance
14 violations within cities and counties. The presiding superior court
15 judge shall have the exclusive authority to appoint hearings officers
16 assigned to a violations bureau. A person so appointed as a hearings
17 officer shall meet the requirements for hearings officers set forth in
18 supreme court rules.

19 **Sec. 24.** RCW 35.20.090 and 1987 c 202 s 195 are each amended to
20 read as follows:

21 In all civil cases and criminal cases where jurisdiction is
22 concurrent with district courts as provided in RCW 35.20.250, within
23 the jurisdiction of the municipal court, the plaintiff or defendant may
24 demand a jury, which shall consist of six citizens of the state who
25 shall be impaneled and sworn as in cases before district courts, or the
26 trial may be by a judge of the municipal court: PROVIDED, That no jury
27 trial may be held on a proceeding involving a traffic infraction. A
28 defendant requesting a jury shall pay to the court a fee which shall be
29 the same as that for a jury in district court. Where there is more
30 than one defendant in an action and one or more of them requests a
31 jury, only one jury fee shall be collected by the court. Each juror
32 may receive up to (~~twenty-five~~) fifty dollars but in no case less
33 than ten dollars for each day in attendance upon the municipal court,
34 and in addition thereto shall receive mileage at the rate determined
35 under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall
36 be determined by the legislative authority of the city and shall be
37 uniformly applied. Trial by jury shall be allowed in criminal cases
38 involving violations of city ordinances commencing January 1, 1972,

1 unless such incorporated city affected by this chapter has made
2 provision therefor prior to January 1, 1972.

3 **Sec. 25.** RCW 35.20.150 and 1975-'76 2nd ex.s. c 120 s 7 are each
4 amended to read as follows:

5 The municipal judges shall be elected on the first Tuesday after
6 the first Monday in November, 1958, and on the first Tuesday after the
7 first Monday of November every fourth year thereafter by the electorate
8 of the city in which the court is located. The auditor of the county
9 concerned shall designate by number each position to be filled in the
10 municipal court, and each candidate at the time of the filing of his or
11 her declaration of candidacy shall designate by number so assigned the
12 position for which he or she is a candidate, and the name of such
13 candidate shall appear on the ballot only for such position. The name
14 of the person who receives the greatest number of votes and of the
15 person who receives the next greatest number of votes at the primary
16 for a single nonpartisan position shall appear on the general election
17 ballot under the designation therefor. Elections for municipal judge
18 shall be nonpartisan. They shall hold office for a term of four years
19 and until their successors are elected and qualified. The term of
20 office shall start on the second Monday in January following such
21 election. Any vacancy in the municipal court due to a death,
22 disability or resignation of a municipal court judge shall be filled by
23 the mayor, to serve out the unexpired term. Such appointment shall be
24 subject to confirmation by the legislative body of the city.

25 When section 2 of this act applies, election and vacancy provisions
26 applicable to superior court judges shall apply.

27 NEW SECTION. **Sec. 26.** A new section is added to chapter 35.20 RCW
28 to read as follows:

29 If the election is made under section 2 of this act, the presiding
30 judge of the superior court, in consultation with the legislative
31 authority of the city, shall make administrative provision for the
32 transfer of cases, proceedings, and matters pending before a municipal
33 court established under this chapter, together with all files and
34 records, to the superior court. Such cases, proceedings, and matters
35 shall thereafter be treated as if originally filed in superior court.

36 The presiding judge, in consultation with the legislative authority
37 of the city, shall make administrative provision for the transfer of

1 such personnel of the municipal court as deemed necessary for the
2 efficient operation of the superior courts in the county.

3 The presiding judge and the legislative authority of the city shall
4 make any other administrative provisions to effectuate the intent and
5 purpose of this act.

6 **Sec. 27.** RCW 36.18.020 and 1999 c 42 s 635 are each amended to
7 read as follows:

8 (1) Revenue collected under this section is subject to division
9 with the state public safety and education account under RCW 36.18.025
10 and with the county or regional law library fund under RCW 27.24.070.

11 (2) Except as otherwise provided in RCW 3.62.060, clerks of
12 superior courts shall collect the following fees for their official
13 services:

14 (a) The party filing the first or initial paper in any civil
15 action, including, but not limited to an action for restitution,
16 adoption, or change of name, shall pay, at the time the paper is filed,
17 a fee of one hundred ten dollars except, in an unlawful detainer action
18 under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a
19 case initiating filing fee of thirty dollars, or in proceedings filed
20 under RCW 28A.225.030 alleging a violation of the compulsory attendance
21 laws where the petitioner shall not pay a filing fee. The thirty
22 dollar filing fee under this subsection for an unlawful detainer action
23 shall not include an order to show cause or any other order or judgment
24 except a default order or default judgment in an unlawful detainer
25 action.

26 (b) Any party, except a defendant in a criminal case, filing the
27 first or initial paper on an appeal from a court of limited
28 jurisdiction or any party on any civil appeal, shall pay, when the
29 paper is filed, a fee of one hundred ten dollars.

30 (c) For filing of a petition for judicial review as required under
31 RCW 34.05.514 a filing fee of one hundred ten dollars.

32 (d) For filing of a petition for unlawful harassment under RCW
33 10.14.040 a filing fee of one hundred ten dollars.

34 (e) For filing the notice of debt due for the compensation of a
35 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

36 (f) In probate proceedings, the party instituting such proceedings,
37 shall pay at the time of filing the first paper therein, a fee of one
38 hundred ten dollars.

1 (g) For filing any petition to contest a will admitted to probate
2 or a petition to admit a will which has been rejected, or a petition
3 objecting to a written agreement or memorandum as provided in RCW
4 11.96A.220, there shall be paid a fee of one hundred ten dollars.

5 (h) Upon conviction or plea of guilty, upon failure to prosecute an
6 appeal from a court of limited jurisdiction as provided by law, or upon
7 affirmance of a conviction by a court of limited jurisdiction, a
8 defendant in a criminal case shall be liable for a fee of one hundred
9 ten dollars.

10 (i) With the exception of demands for jury hereafter made and
11 garnishments hereafter issued, civil actions and probate proceedings
12 filed prior to midnight, July 1, 1972, shall be completed and governed
13 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
14 fee shall be assessed if an order of dismissal on the clerk's record be
15 filed as provided by rule of the supreme court.

16 (3) No fee shall be collected when a petition for relinquishment of
17 parental rights is filed pursuant to RCW 26.33.080 or for forms and
18 instructional brochures provided under RCW 26.50.030.

19 NEW SECTION. **Sec. 28.** A new section is added to chapter 2.08 RCW
20 to read as follows:

21 In any county where section 2 of this act applies, the presiding
22 judge of the superior court shall establish a local justice advisory
23 committee and determine the size and composition of the council. The
24 advisory committee shall coordinate its activities and recommendations
25 with the local law and justice council where appropriate.

26 NEW SECTION. **Sec. 29.** Courthouse facilitators are deemed
27 essential for the superior court. In every courthouse in which the
28 superior court convenes, a courthouse facilitator shall be assigned by
29 the presiding superior court judge in the county. For every ten
30 superior court judges no less than one facilitator shall be assigned.

31 The administrator for the courts shall by rule implement procedures
32 necessary to comply with federal requirements that are a prescribed
33 condition for the allocation of federal funds to the state to cover all
34 or any part of the costs incurred under this section.

35 NEW SECTION. **Sec. 30.** The supreme court shall by court rule
36 prescribe the duties and responsibilities for all presiding superior

1 court judges. The rule shall set forth the administrative authority of
2 each presiding judge to govern and manage the court staff and resources
3 of each courthouse in which a superior court convenes. The board of
4 judicial administration shall recommend rules to the supreme court.

5 NEW SECTION. **Sec. 31.** There is created an office of marshal for
6 the state of Washington. The governor upon nomination by the chief
7 justice of the supreme court shall appoint the Washington state marshal
8 with confirmation by the senate. The marshal shall be responsible for
9 the enforcement of all orders issued by judges of the Washington
10 supreme court, the court of appeals, and the superior court. The chief
11 justice and governor may prescribe additional duties, including the
12 authority to appoint deputy marshals. The marshal shall submit a
13 budget and action plan to the chief justice for inclusion into the
14 supreme court budget. The marshal serves at the pleasure of the chief
15 justice.

16 NEW SECTION. **Sec. 32.** A new section is added to chapter 2.08 RCW
17 to read as follows:

18 The presiding superior court judge within each county making the
19 election under section 2 of this act shall have the exclusive authority
20 to organize and approve a violations bureau. A violations bureau may
21 be granted jurisdiction over all infractions, including ordinance
22 violations within cities and counties. The presiding superior court
23 judge shall have the exclusive authority to appoint hearings officers
24 assigned to a violations bureau. A person so appointed as a hearings
25 officer shall meet the requirements for hearings officers set forth in
26 supreme court rules.

27 NEW SECTION. **Sec. 33.** A new section is added to chapter 2.08 RCW
28 to read as follows:

29 Each superior court presiding judge in a county shall have the
30 exclusive authority to organize and implement alternative dispute
31 resolution programs within the county. Programs implemented under this
32 section shall be provided without cost to low-income individuals. A
33 fee structure may be utilized based upon the ability to pay, but the
34 use of a dispute resolution program shall not be conditioned upon
35 financial ability of individuals.

1 NEW SECTION. **Sec. 34.** A new section is added to chapter 2.08 RCW
2 to read as follows:

3 Each superior court presiding judge in a county shall have the
4 exclusive authority to organize and implement nontraditional
5 adjudication proceedings, with the consent of the parties. Such
6 proceedings shall be used to expedite adjudication of all matters, but
7 especially civil matters. Parties may choose to waive court rules and
8 stipulate to the evidence, submit written arguments and points of
9 authority, and agree to a binding decision by a specific judge. Such
10 programs shall be free to indigent parties.

11 NEW SECTION. **Sec. 35.** A new section is added to chapter 2.08 RCW
12 to read as follows:

13 In any court of record that accepts electronic filings, or that
14 establishes any expedited adjudication or alternative dispute
15 resolution programs, the supreme court may alter the filing fees by
16 court order. Any such change to the filing fees shall apply to all
17 courts, notwithstanding any other law or policy.

18 NEW SECTION. **Sec. 36.** The board of judicial administration shall
19 study the impact of the provisions of this act, including the impact on
20 the rules of evidence and the rules of discovery.

21 The board shall also develop rules for recommendation to the
22 supreme court on electronic filings, including provisions that would
23 allow parties to recover costs associated with providing electronic
24 records and pleadings to the courts.

25 The board shall report to the legislature and the supreme court by
26 January 1, 2002.

27 NEW SECTION. **Sec. 37.** The board of judicial administration shall,
28 at its earliest convenience, review statutes and court rules in the
29 areas of, but not limited to, probate, domestic relations, traffic
30 infractions, small claims, and juvenile justice, and make
31 recommendations to the legislature for use of nonjudicial personnel to
32 process cases.

33 NEW SECTION. **Sec. 38.** The joint legislative audit and review
34 committee shall conduct a fiscal review of the state court system. The
35 study shall examine, but not be limited to: (1) The funding of state

1 courts, including district and municipal courts; (2) current sources of
2 revenue generated by the court system; (3) court workloads at all
3 levels; and (4) potential fiscal impacts of the implementation of this
4 act. On or before December 31, 2001, the committee shall make
5 recommendations to the legislature on methods to improve the fiscal
6 operation of the court system.

7 NEW SECTION. **Sec. 39.** The Washington state institute for public
8 policy shall study and evaluate the criminal laws in the Revised Code
9 of Washington and make recommendations to the legislature concerning
10 provisions that may be decriminalized. The institute shall submit a
11 final report to the legislature by January 1, 2002. The report shall
12 describe the standards and assumptions used to determine which laws
13 were selected for a recommendation to decriminalize.

14 NEW SECTION. **Sec. 40.** This act may be known and cited as the
15 court reform act of 2000.

16 NEW SECTION. **Sec. 41.** Sections 2 through 28, 30, and 32 through
17 34 of this act take effect July 1, 2001.

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