

Judiciary Committee

HB 1956

Title: *An act relating to venue for courts of limited jurisdiction.*

Brief Description: *Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district.*

Sponsors: *Representatives Lovick, Lambert, Dickerson, Boldt, Lantz, O'Brien and Dunn.*

Brief Summary of Bill

- *Allows district courts to have temporary venue over other district court criminal cases in the event of an emergency created by an act of nature, civil unrest, technological failure, or other hazardous condition.*

Hearing Date: *2/22/01*

Staff: *Trudes Hutcheson (786-7384).*

Background:

Venue refers to the place where an action or criminal charges may be brought or heard within the state. For criminal actions in district court, venue is generally the district where the alleged violation occurred. However, a prosecutor may file a felony case in a district in which the county seat is located. With the consent of the defendant, criminal actions other than those arising out of violations of city ordinances may be brought or transferred to the district in which the county seat is located. If the alleged violation relates to driving a motor vehicle while under the influence of intoxicating liquor or drugs and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district, the charges may be filed in that district or an adjacent district in the same county.

Court rules allow a court to use electronic means, such as video conference, to conduct preliminary appearances, arraignments, bail hearings, and trial settings. Other trial court proceedings, including the entry of a defendant's guilty plea, may be conducted by video conference only upon agreement of the parties and upon the approval of the trial court.

Summary of Bill:

In the event of an emergency created by an act of nature, civil unrest, technological failure, or other hazardous condition, temporary venue for court of limited jurisdiction matters may be in a court district not impacted by the emergency. This emergency venue is appropriate only for the duration of the emergency.

A criminal action for violation of a local ordinance is deemed properly before the court of original jurisdiction, despite the hearing taking place by electronic means as approved by the supreme court, and the defendant being in a location outside the court's geographic jurisdiction or boundaries.

Appropriation: *None.*

Fiscal Note: *Not Requested.*

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