

HOUSE BILL REPORT

SSB 5472

As Passed House:

April 5, 2001

Title: An act relating to courts of limited jurisdiction.

Brief Description: Changing provisions relating to termination of municipal courts and service contracts.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Johnson, Constantine and Kline; by request of Administrator for the Courts).

Brief History:

Committee Activity:

Judiciary: 3/27/01, 3/30/01 [DP].

Floor Activity:

Passed House: 4/5/01, 97-0.

Brief Summary of Substitute Bill

- Requires a city or county to provide written notice if the city or county intends to terminate an agreement for the provision of court services or intends to terminate a municipal department of the district court.
- Removes the limitation that a city that has terminated its municipal court or municipal department may not establish another municipal court or municipal department for at least 10 years.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Edie Adams (786-7180).

Background:

Cities and towns are responsible for the prosecution, adjudication, sentencing, and

incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their jurisdictions and referred to them by their local law enforcement agencies.

A city may establish a municipal court or a municipal department within a district court to process criminal violations and other violations of city ordinances. In addition, the city may enter into an interlocal agreement with a county for the provision of court services for the city.

If a city decides to terminate its municipal court or its municipal department, it must first enter into an agreement with the county for the county to provide court services. The chapter governing municipal departments requires the city to give the county legislative authority written notice of the intent to terminate its municipal department at least 30 days before February 1 of any year.

A city that terminates its municipal court or municipal department may not reestablish a municipal court or municipal department for at least 10 years from the date of termination.

The Project 2001 Committee was formed by the Board for Judicial Administration to study and make recommendations on ways to improve the operation of the courts. As part of the final recommendations, the Project 2001 Committee recommends that notice and time-frame requirements be added to provisions concerning agreements for court services between cities and counties, and that the 10-year limitation on reestablishing a municipal court be removed.

Summary of Bill:

Municipal court provisions relating to city and county agreements for the provision of court services are amended to require notice of terminations, impose limitations on time periods when terminations may occur, and to remove the 10-year wait before a municipal court may be reestablished.

A city that has entered into an agreement with a county for the provision of court services must provide written notice of an intent to terminate the agreement to the county legislative authority. The notice must be provided at least one year before February 1 of the year in which all district court judges are subject to election. A county must provide written notice to the city of an intent to terminate an agreement at least one year prior to the expiration of the agreement.

The chapter governing municipal departments of district courts is amended to require a city that intends to terminate its municipal department to provide written notice to the county legislative authority. The notice must be provided one year before February 1 of the year in which all district court judges are subject to election. A city may terminate a

municipal department only at the end of a four-year district court judicial term. A county that wishes to terminate a municipal department of the district court must provide written notice to the city at least one year prior to the intended termination.

The provisions that prohibit a city that has terminated its municipal court or municipal department from establishing another municipal court or municipal department for at least 10 years are removed.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This bill came out of the recommendations of the Project 2001 Committee. Cities need flexibility in their decision-making process about whether or not to have a municipal court. The current law imposes a 10-year freeze-out period for cities that decide to terminate their municipal courts. This prevents them from making changes that may be beneficial. All the parties got together and agreed on this change.

Testimony Against: None.

Testified: Judge Peter Lukevich, Board for Judicial Administration.