

SENATE BILL REPORT

SB 5252

As Passed Senate, March 9, 2001

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: Senators McCaslin, Kline, Fairley, Hewitt, Patterson, Long, Constantine, Roach and Costa.

Brief History:

Committee Activity: Judiciary: 1/29/01, 2/6/01 [DP].

Passed Senate: 3/9/01, 48-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin and Zarelli.

Staff: Aldo Melchiori (786-7439)

Background: Generally, venue for criminal actions in district court is in the district where the alleged violation occurred. Felony cases, or any case in which the defendant consents, may be filed in the district in which the county seat is located. Driving while intoxicated offenses may be filed in adjacent enhanced enforcement districts within the same county. A change of venue may be allowed when there is reason to believe that a fair trial cannot be had in that district or where the convenience of the witnesses or ends of justice would be forwarded.

Summary of Bill: In the event of a natural, civil, or technological emergency, temporary venue in court of limited jurisdiction matters may be had in a court district not impacted by the emergency. The venue lasts only for the duration of the emergency.

Criminal actions for violations of local ordinances may be heard before the court of limited jurisdiction if the hearing takes place by electronic means approved by the Supreme Court with the defendant appearing electronically from outside the court's geographic jurisdiction.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill allows for judicial efficiency and economy. The emergency transfer issue first became apparent during the WTO conference when the district court was overloaded and the civil unrest interfered with court operations.

Testimony Against: None.

Testified: Judge Peter Lukovich, District and Municipal Court Judges Association.