

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5472

57th Legislature
2001 Regular Session

Passed by the Senate March 9, 2001
YEAS 48 NAYS 0

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5472** as passed by the Senate and the House of Representatives on the dates hereon set forth.

President of the Senate

Passed by the House April 5, 2001
YEAS 97 NAYS 0

Secretary

Speaker of the House of Representatives

Speaker of the House of Representatives

Approved

FILED

Governor of the State of Washington

**Sectretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5472

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

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

READ FIRST TIME 02/14/01.

1 AN ACT Relating to courts of limited jurisdiction; amending RCW
2 3.50.810, 3.46.150, 35.20.010, and 39.34.180; and repealing RCW
3 3.46.155.

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

5 **Sec. 1.** RCW 3.50.810 and 1993 c 317 s 2 are each amended to read
6 as follows:

7 (1) Any city having entered into an agreement for court
8 services with the county must provide written notice of the intent
9 to terminate the agreement to the county legislative authority not
10 less than one year prior to February 1st of the year in which all
11 district court judges are subject to election.

12 (2) Any city that terminates ((a municipal court under this
13 chapter may not establish another municipal court under this
14 chapter until at least ten years have elapsed from the date of
15 termination)) an agreement for court services to be provided by a
16 district court may terminate the agreement only at the end of a
17 four-year district court judicial term.

18 (3) A county that wishes to terminate an agreement with a city

1 for the provision of court services must provide written notice of
2 the intent to terminate the agreement to the city legislative
3 authority not less than one year prior to the expiration of the
4 agreement.

5 **Sec. 2.** RCW 3.46.150 and 1984 c 258 s 210 are each amended to
6 read as follows:

7 (1) Any city, having established a municipal department as
8 provided in this chapter may, by written notice to the county
9 legislative authority not less than ((thirty days)) one year prior
10 to February 1st of ((any)) the year in which all district court
11 judges are subject to election, require the termination of the
12 municipal department created pursuant to this chapter. A city may
13 terminate a municipal department only at the end of a four-year
14 judicial term. However, the city may not give the written notice
15 required by this section unless the city has reached an agreement
16 with the county under chapter 39.34 RCW under which the county is
17 to be paid a reasonable amount for costs associated with
18 prosecution, adjudication, and sentencing in criminal cases filed
19 in district court as a result of the termination. The agreement
20 shall provide for periodic review and renewal of the terms of the
21 agreement. If the municipality and the county are unable to agree
22 on the terms for renewal of the agreement, they shall be deemed to
23 have entered into an agreement to submit the issue to arbitration
24 under chapter 7.04 RCW. Pending conclusion of the arbitration
25 proceeding, the terms of the agreement shall remain in effect. The
26 municipality and the county have the same rights and are subject
27 to the same duties as other parties who have agreed to submit to
28 arbitration under chapter 7.04 RCW.

29 (2) A county that wishes to terminate a municipal department of
30 the district court must provide written notice to the city
31 legislative authority at least one year prior to the date of the
32 intended termination.

33 **Sec. 3.** RCW 35.20.010 and 1984 c 258 s 201 are each amended to
34 read as follows:

35 (1) There is hereby created and established in each
36 incorporated city of this state having a population of more than

1 four hundred thousand inhabitants, as shown by the federal or
2 state census, whichever is the later, a municipal court, which
3 shall be styled "The Municipal Court of (name of city),"
4 hereinafter designated and referred to as the municipal court,
5 which court shall have jurisdiction and shall exercise all the
6 powers by this chapter declared to be vested in such municipal
7 court, together with such powers and jurisdiction as is generally
8 conferred in this state either by common law or statute.

9 (2) A municipality operating a municipal court under this
10 section may terminate that court if the municipality has reached
11 an agreement with the county under chapter 39.34 RCW under which
12 the county is to be paid a reasonable amount for costs associated
13 with prosecution, adjudication, and sentencing in criminal cases
14 filed in district court as a result of the termination. The
15 agreement shall provide for periodic review and renewal of the
16 terms of the agreement. If the municipality and the county are
17 unable to agree on the terms for renewal of the agreement, they
18 shall be deemed to have entered into an agreement to submit the
19 issue to arbitration under chapter 7.04 RCW. Pending conclusion of
20 the arbitration proceeding, the terms of the agreement shall
21 remain in effect. The municipality and the county have the same
22 rights and are subject to the same duties as other parties who
23 have agreed to submit to arbitration under chapter 7.04 RCW.

24 (3) A city that has entered into an agreement for court
25 services with the county must provide written notice of the intent
26 to terminate the agreement to the county legislative authority not
27 less than one year prior to February 1st of the year in which all
28 district court judges are subject to election. A city that
29 terminates an agreement for court services to be provided by a
30 district court may terminate the agreement only at the end of a
31 four-year district court judicial term.

32 (4) A county that wishes to terminate an agreement with a city
33 for the provision of court services must provide written notice of
34 the intent to terminate the agreement to the city legislative
35 authority not less than one year prior to the expiration of the
36 agreement.

37

1 **Sec. 4.** RCW 39.34.180 and 1996 c 308 s 1 are each amended to read
2 as follows:

3 (1) Each county, city, and town is responsible for the
4 prosecution, adjudication, sentencing, and incarceration of
5 misdemeanor and gross misdemeanor offenses committed by adults in
6 their respective jurisdictions, and referred from their respective
7 law enforcement agencies, whether filed under state law or city
8 ordinance, and must carry out these responsibilities through the
9 use of their own courts, staff, and facilities, or by entering
10 into contracts or interlocal agreements under this chapter to
11 provide these services. Nothing in this section is intended to
12 alter the statutory responsibilities of each county for the
13 prosecution, adjudication, sentencing, and incarceration for not
14 more than one year of felony offenders, nor shall this section
15 apply to any offense initially filed by the prosecuting attorney
16 as a felony offense or an attempt to commit a felony offense.

17 (2) The following principles must be followed in negotiating
18 interlocal agreements or contracts: Cities and counties must
19 consider (a) anticipated costs of services; and (b) anticipated
20 and potential revenues to fund the services, including fines and
21 fees, criminal justice funding, and state-authorized sales tax
22 funding levied for criminal justice purposes.

23 (3) If an agreement as to the levels of compensation within an
24 interlocal agreement or contract for gross misdemeanor and
25 misdemeanor services cannot be reached between a city and county,
26 then either party may invoke binding arbitration on the
27 compensation issued by notice to the other party. In the case of
28 establishing initial compensation, the notice shall request
29 arbitration within thirty days. In the case of nonrenewal of an
30 existing contract or interlocal agreement, the notice must be
31 given one hundred twenty days prior to the expiration of the
32 existing contract or agreement and the existing contract or
33 agreement remains in effect until a new agreement is reached or
34 until an arbitration award on the matter of fees is made. The city
35 and county each select one arbitrator, and the initial two
36 arbitrators pick a third arbitrator.

37 (4) A city or county that wishes to terminate an agreement for

1 the provision of court services must provide written notice of the
2 intent to terminate the agreement in accordance with RCW 3.50.810
3 and 35.20.010.

4 (5) For cities or towns that have not adopted, in whole or in
5 part, criminal code or ordinance provisions related to misdemeanor
6 and gross misdemeanor crimes as defined by state law, this section
7 shall have no application until July 1, 1998.

8 NEW SECTION. Sec. 5. RCW 3.46.155 (Termination of municipal
9 department--Waiting period for establishing another) and 1993 c

10 3 1 7 s 1 a r e e a c h r e p e a l e d .

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