

SENATE BILL REPORT

SHB 3082

As Reported By Senate Committee On:
Judiciary, February 23, 2006

Title: An act relating to administration of the courts of limited jurisdiction.

Brief Description: Changing provisions that govern courts of limited jurisdiction.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Rodne, Springer, Priest, Wood, Lantz and Nixon).

Brief History: Passed House: 2/14/06, 96-0.

Committee Activity: Judiciary: 2/23/06 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Carrell, Esser, McCaslin, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: Counties and cities have jurisdiction in the prosecution, adjudication, sentencing, and incarceration of adult misdemeanor offenses referred to their courts by their law enforcement agencies. Municipal and district courts also have jurisdiction over matters, including various protection orders, with regard to which they are not expressly required to exercise their jurisdiction.

There are three statutorily authorized methods for a city to use in providing court services. These provisions do not apply to a city of more than 400,000 population, *i.e.*, Seattle, which has its own municipal court provision. A city is authorized to create and operate its own court of limited jurisdiction at its own expense. If a city terminates its municipal court, it is authorized to come to agreement with the county for the delivery of court services by the county district court. Under this arrangement, the city pays the county for all aspects of the delivery of court services. A city may also petition the county for the creation of a "municipal department" within the district court. These municipal courts are part of the county district court. Under this arrangement, the city provides the facilities and the staffing for the court and pays the county for the services of a district court judge. Two or more units of local government may also enter into interlocal agreements to do jointly whatever those governments are authorized to do separately.

There is nothing in either the law on courts of limited jurisdiction or the law on interlocal agreements that expressly authorizes a city that is not operating its own municipal court to enter into an agreement with another city for court operations. There is also a question as to whether such a joint court is an authorized venue for matters arising out of ordinances adopted in a city in which the court is not located. A number of municipalities, particularly in King

County, have entered into interlocal agreements with each other for the operation of municipal courts. King County has indicated that it intends to terminate its contracts with these cities for the operation of municipal courts.

Summary of Amended Bill: A city is authorized to contract with another jurisdiction or jurisdictions for the delivery of municipal court services. A "host" jurisdiction is one to which a contracting city pays money for judicial services. The host may be the county in which the contracting city is located, or it may be another city. A host jurisdiction and any contracting cities must be in reasonable proximity to one another. The presiding judges of the affected jurisdictions are to be invited to any negotiations about entering into an interlocal agreement for the delivery of municipal court services.

A host city or county is given exclusive original jurisdiction over cases filed by the contracting city. Traffic infractions and the issuance and enforcement of certain protective orders are added to the list of judicial matters for which a county or city is expressly responsible. The protective orders include domestic violence no-contact orders, domestic violence protection orders, antiharassment orders, and sexual assault protection orders.

Amended Bill Compared to Original Bill: The provision authorizing the issuance and enforcement of protective orders by a city or county is effective January 1, 2007.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2006.

Testimony For: This helps cities who can't afford their own courts and can't afford to contract with the county. Thirty-three cities and 9 counties do this now without specific statutory authority. The change in subject matter jurisdiction gives the courts new things to do and that will increase costs. The sections providing for the election of municipal court judges should be returned to the bill.

Testimony Against: None.

Who Testified: PRO: Representative Rodne, prime sponsor; Tammy Felin, AWC; Ken Jones, City of Tenino; Tracy Jeffries, Kirkland Court Administrator; Jeff Hall, BJA; Sophia Byrd McSherry, Association of Counties; Doug Levy, Cities of Everett, Federal Way, Renton, and Puyallup.