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**SENATE BILL 6191**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** Senators McCaslin and Heavey

Read first time 01/10/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to court reform; amending RCW 2.08.070, 2.36.150,  
2 3.30.090, 3.34.010, 3.34.020, 3.34.040, 3.46.020, 3.46.050, 3.46.063,  
3 3.50.020, 3.50.030, 3.50.050, 3.50.055, 3.50.070, 3.50.135, 3.62.060,  
4 12.40.010, 35.20.030, 35.20.090, 35.20.150, and 36.18.020; adding new  
5 sections to chapter 2.08 RCW; adding a new section to chapter 3.34 RCW;  
6 adding a new section to chapter 3.46 RCW; adding a new section to  
7 chapter 3.50 RCW; adding a new section to chapter 35.20 RCW; creating  
8 new sections; and providing an effective date.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that as cities and  
11 counties enter into the new millennium it is imperative that their  
12 local courts be given greater flexibility to allow litigants to resolve  
13 legal disputes in a timely fashion and in the most appropriate, cost-  
14 effective forum. The legislature also finds that judicial resources  
15 must be utilized in a manner that allows judges to maximize their  
16 management and legal expertise by creating a variety of judicial forums  
17 and alternative dispute resolution options that take advantage of  
18 modern principles of judicial administration. Additionally, the  
19 legislature finds that courts can alleviate court congestion and

1 provide greater service to the public through the efficient use of  
2 technology and judicial resources.

3 The intent of the court reform act of 2000 is to allow the courts  
4 of this state to operate in the most effective manner possible by  
5 better organization of judicial resources and greater use of modern  
6 technology.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.08 RCW  
8 to read as follows:

9 This section shall apply in any county where the full-time elected  
10 superior, district, and municipal court judges have by majority vote  
11 agreed to implement this section. Every full-time elected district and  
12 municipal court judge holding a position created under chapter 3.34,  
13 3.46, 3.50, or 35.20 RCW shall assume all powers, duties, and  
14 jurisdiction of a superior court judge under state law and the state  
15 Constitution while retaining all powers, duties, and jurisdiction of  
16 the judge's position of a district or municipal court judge. Such  
17 judges shall receive compensation equal to a superior court judge in  
18 the manner specified in Article IV, section 14 of the Washington state  
19 Constitution.

20 The election under this section is irrevocable, and at the end of  
21 the current term of office as a district or municipal court judge all  
22 full-time elected district and municipal court judicial positions shall  
23 be considered to be superior court positions and are subject to all  
24 provisions relating to superior court judges including those relating  
25 to elections and filling vacancies.

26 Upon making the election authorized by this section, the full-time  
27 elected judges of the county shall by majority vote (1) determine the  
28 date for implementation of this section and (2) elect a presiding judge  
29 to a term of not less than two years. Upon the effective date for  
30 implementation of this section, every district or municipal court  
31 within the county subject to this section shall cease to exist.

32 **Sec. 3.** RCW 2.08.070 and 1927 c 135 s 2 are each amended to read  
33 as follows:

34 The judges of the superior court elected under the provisions of  
35 RCW 2.08.060 through 2.08.065 and section 2 of this act shall hold  
36 their offices for the term of four years from and after the second

1 Monday in January next succeeding their election, and until their  
2 successors are elected and qualified.

3 Judges assuming the duties of the superior court under section 2 of  
4 this act shall serve the remainder of the term to which they were  
5 elected. Upon completion of that term, an unexpired term election for  
6 the newly created superior court position shall be held. The person  
7 elected to the unexpired term shall serve until the election for the  
8 full term, which shall be held in conjunction with full-term elections  
9 for all superior court positions.

10 **Sec. 4.** RCW 2.36.150 and 1987 c 202 s 105 are each amended to read  
11 as follows:

12 Jurors shall receive for each day's attendance, besides mileage at  
13 the rate determined under RCW 43.03.060, the following compensation:

14 (1) Grand jurors may receive up to (~~twenty-five~~) fifty dollars  
15 but in no case less than ten dollars;

16 (2) Petit jurors may receive up to (~~twenty-five~~) fifty dollars  
17 but in no case less than ten dollars;

18 (3) Coroner's jurors may receive up to (~~twenty-five~~) fifty  
19 dollars but in no case less than ten dollars;

20 (4) District court jurors may receive up to (~~twenty-five~~) fifty  
21 dollars but in no case less than ten dollars:

22 PROVIDED, That a person excused from jury service at his or her own  
23 request shall be allowed not more than a per diem and such mileage, if  
24 any, as to the court shall seem just and equitable under all  
25 circumstances: PROVIDED FURTHER, That the state shall fully reimburse  
26 the county in which trial is held for all jury fees and witness fees  
27 related to criminal cases which result from incidents occurring within  
28 an adult or juvenile correctional institution: PROVIDED FURTHER, That  
29 the compensation paid jurors shall be determined by the county  
30 legislative authority and shall be uniformly applied within the county.

31 **Sec. 5.** RCW 3.30.090 and 1979 ex.s. c 136 s 15 are each amended to  
32 read as follows:

33 A violations bureau may be established by any city or district  
34 court having jurisdiction of traffic cases to assist in processing  
35 traffic cases. As designated by written order of the court having  
36 jurisdiction of traffic cases, specific offenses under city ordinance,  
37 county resolution, or state law may be processed by such bureau. Such

1 bureau may be authorized to receive the posting of bail for such  
2 specified offenses, and, as authorized by the court order, to accept  
3 forfeiture of bail and payment of monetary penalties. The court order  
4 shall specify the amount of bail to be posted and shall also specify  
5 the circumstances or conditions which will require an appearance before  
6 the court. Such bureau, upon accepting the prescribed bail, shall  
7 issue a receipt to the alleged violator, which receipt shall bear a  
8 legend informing him or her of the legal consequences of bail  
9 forfeiture. The bureau shall transfer daily to the clerk of the proper  
10 department of the court all bail posted for offenses where forfeiture  
11 is not authorized by the court order, as well as copies of all  
12 receipts. All forfeitures or penalties paid to a violations bureau for  
13 violations of municipal ordinances shall be placed in the city general  
14 fund or such other fund as may be prescribed by ordinance. All  
15 forfeitures or penalties paid to a violations bureau for violations of  
16 state laws or county resolutions shall be remitted at least monthly to  
17 the county treasurer for deposit in the current expense fund.  
18 Employees of violations bureaus of a city shall be city employees under  
19 any applicable municipal civil service system.

20 The presiding superior court judge within each county making the  
21 election under section 2 of this act shall have the exclusive authority  
22 to organize and approve a violations bureau. A violations bureau may  
23 be granted jurisdiction over all infractions, including ordinance  
24 violations within cities and counties. The presiding superior court  
25 judge shall have the exclusive authority to appoint hearings officers  
26 assigned to a violations bureau. A person so appointed as a hearings  
27 officer shall meet the requirements for hearings officers set forth in  
28 supreme court rules.

29 **Sec. 6.** RCW 3.34.010 and 1998 c 64 s 1 are each amended to read as  
30 follows:

31 The number of district judges to be elected in each county shall  
32 be: Adams, two; Asotin, one; Benton, three; Chelan, two; Clallam, two;  
33 Clark, five; Columbia, one; Cowlitz, two; Douglas, one; Ferry, one;  
34 Franklin, one; Garfield, one; Grant, two; Grays Harbor, two; Island,  
35 one; Jefferson, one; King, twenty-six; Kitsap, three; Kittitas, two;  
36 Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two;  
37 Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit,  
38 two; Skamania, one; Snohomish, eight; Spokane, nine; Stevens, one;

1 Thurston, two; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman,  
2 one; Yakima, four. This number may be increased only as provided in  
3 RCW 3.34.020. The number of district judges for each county shall be  
4 reduced by the number of superior court judge positions created for  
5 that county from former district court positions under section 2 of  
6 this act.

7 **Sec. 7.** RCW 3.34.020 and 1997 c 41 s 3 are each amended to read as  
8 follows:

9 (1) Except for changes made pursuant to section 2 of this act, any  
10 change in the number of full and part-time district judges after  
11 January 1, 1992, shall be determined by the legislature after receiving  
12 a recommendation from the supreme court. The supreme court shall make  
13 its recommendations to the legislature based on a weighted caseload  
14 analysis that takes into account the following:

15 (a) The extent of time that existing judges have available to hear  
16 cases in that court;

17 (b) A measurement of the judicial time needed to process various  
18 types of cases;

19 (c) A determination of the time required to process each type of  
20 case to the individual court workload;

21 (d) A determination of the amount of a judge's annual work time  
22 that can be devoted exclusively to processing cases; and

23 (e) An assessment of judicial resource needs, including annual case  
24 filings, and case weights and the judge year value determined under the  
25 weighted caseload method.

26 (2) The administrator for the courts, under the supervision of the  
27 supreme court, may consult with the board of judicial administration  
28 and the district and municipal court judge's association in developing  
29 the procedures and methods of applying the weighted caseload analysis.

30 (3) For each recommended change from the number of full and part-  
31 time district judges in any county as of January 1, 1992, the  
32 administrator for the courts, under the supervision of the supreme  
33 court, shall complete a judicial impact note detailing any local or  
34 state cost associated with such recommended change.

35 (4) If the legislature approves an increase in the base number of  
36 district judges in any county as of January 1, 1992, such increase in  
37 the base number of district judges and all related costs may be paid  
38 for by the county from moneys provided under RCW 82.14.310, and any

1 such costs shall be deemed to be expended for criminal justice purposes  
2 as provided in RCW 82.14.315, and such expenses shall not constitute a  
3 supplanting of existing funding.

4 (5)(a) A county legislative authority that desires to change the  
5 number of full or part-time district judges from the base number on  
6 January 1, 1992, must first request the assistance of the supreme  
7 court. The administrator for the courts, under the supervision of the  
8 supreme court, shall conduct a weighted caseload analysis and make a  
9 recommendation of its findings to the legislature for consideration as  
10 provided in this section.

11 (b) The legislative authority of any county may change a part-time  
12 district judge position to a full-time position.

13 **Sec. 8.** RCW 3.34.040 and 1991 c 338 s 2 are each amended to read  
14 as follows:

15 A district judge serving a district having a population of forty  
16 thousand or more persons, and a district judge receiving a salary equal  
17 to the maximum salary set by the salary commission under RCW 3.58.020  
18 for district judges shall be deemed full time judges and shall devote  
19 all of their time to the office and shall not engage in the practice of  
20 law. Other judges shall devote sufficient time to the office to  
21 properly fulfill the duties thereof and may engage in other occupations  
22 but shall maintain a separate office for private business and shall not  
23 use for private business the services of any clerk or secretary paid  
24 for by the county or office space or supplies furnished by the judicial  
25 district.

26 Nothing in this section restricts district judge positions from  
27 becoming superior court positions under section 2 of this act.

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 3.34 RCW  
29 to read as follows:

30 If the election is made under section 2 of this act, the presiding  
31 judge of the superior court, in consultation with the legislative  
32 authority of the county, shall make administrative provision for the  
33 transfer of cases, proceedings, and matters pending before a district  
34 court established under this chapter, together with all files and  
35 records, to the superior court. Such cases, proceedings, and matters  
36 shall thereafter be treated as if originally filed in superior court.

1 The presiding judge, in consultation with the legislative authority  
2 of the county, shall make administrative provision for the transfer of  
3 such personnel of the district court as deemed necessary for the  
4 efficient operation of the superior courts in the county.

5 The presiding judge and the legislative authority of the county  
6 shall make any other administrative provisions to effectuate the intent  
7 and purpose of this act.

8 **Sec. 10.** RCW 3.46.020 and 1987 c 3 s 1 are each amended to read as  
9 follows:

10 Each judge of a municipal department shall be a judge of the  
11 district court in which the municipal department is situated. Such  
12 judge shall be designated as a municipal judge.

13 Superior court judges holding judicial positions created under  
14 section 2 of this act shall have all powers, duties, and jurisdiction  
15 of the district court and the municipal department.

16 **Sec. 11.** RCW 3.46.050 and 1975 c 33 s 2 are each amended to read  
17 as follows:

18 Except when section 2 of this act applies, each city may select its  
19 full time municipal judge or judges by election, or by appointment in  
20 such manner as the city legislative body determines: PROVIDED, That in  
21 cities having a population in excess of four hundred thousand, the  
22 municipal judges shall be elected.

23 **Sec. 12.** RCW 3.46.063 and 1993 c 317 s 3 are each amended to read  
24 as follows:

25 Except when section 2 of this act applies, notwithstanding RCW  
26 3.46.050 and 3.46.060, judicial positions may be filled only by  
27 election under the following circumstances:

28 (1) Each full-time equivalent judicial position shall be filled by  
29 election. This requirement applies regardless of how many judges are  
30 employed to fill the position. For purposes of this section, a full-  
31 time equivalent position is thirty-five or more hours per week of  
32 compensated time.

33 (2) In any city with one or more full-time equivalent judicial  
34 positions, an additional judicial position or positions that is or are  
35 in combination more than one-half of a full-time equivalent position  
36 shall be filled by election.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 3.46 RCW  
2 to read as follows:

3        If the election is made under section 2 of this act, the presiding  
4 judge of the superior court, in consultation with the legislative  
5 authority of the city, shall make administrative provision for the  
6 transfer of cases, proceedings, and matters pending before a municipal  
7 department established under this chapter, together with all files and  
8 records, to the superior court. Such cases, proceedings, and matters  
9 shall thereafter be treated as if originally filed in superior court.

10        The presiding judge, in consultation with the legislative authority  
11 of the city, shall make administrative provision for the transfer of  
12 such personnel of the municipal department as deemed necessary for the  
13 efficient operation of the superior courts in the county.

14        The presiding judge and the legislative authority of the city shall  
15 make any other administrative provisions to effectuate the intent and  
16 purpose of this act.

17        **Sec. 14.**    RCW 3.50.020 and 1985 c 303 s 14 are each amended to read  
18 as follows:

19        The municipal court shall have exclusive original jurisdiction over  
20 traffic infractions arising under city ordinances and exclusive  
21 original criminal jurisdiction of all violations of city ordinances  
22 duly adopted by the city in which the municipal court is located and  
23 shall have original jurisdiction of all other actions brought to  
24 enforce or recover license penalties or forfeitures declared or given  
25 by such ordinances or by state statutes. The municipal court shall  
26 also have the jurisdiction as conferred by statute. The municipal  
27 court is empowered to forfeit cash bail or bail bonds and issue  
28 execution thereon; and in general to hear and determine all causes,  
29 civil or criminal, including traffic infractions, arising under such  
30 ordinances and to pronounce judgment in accordance therewith.

31        Superior court judges holding judicial positions created under  
32 section 2 of this act shall have all powers, duties, and jurisdiction  
33 of the municipal court.

34        **Sec. 15.**    RCW 3.50.030 and 1984 c 258 s 105 are each amended to  
35 read as follows:

36        Every city or town may establish and operate under the supervision  
37 of the municipal court a violations bureau to assist the court in



1 processing traffic cases. Each municipal court shall designate the  
2 specific traffic offenses and traffic infractions under city or town  
3 ordinances which may be processed by the violations bureau.

4 A violations bureau may be authorized to process traffic  
5 infractions in conformity with chapter 46.63 RCW.

6 A violations bureau may be authorized to receive the posting of  
7 bail for specified offenses and, to the extent authorized by court  
8 order, permitted to accept forfeiture of bail and payment of penalties.  
9 Any violations bureau, upon accepting the prescribed bail, shall issue  
10 a receipt therefor to the alleged violator, acknowledging the posting  
11 thereof and informing the accused of the legal consequences of bail  
12 forfeiture. Any person charged with any criminal traffic offense  
13 within the authority of the violations bureau may, upon signing a  
14 written appearance, a written plea of guilty and a written waiver of  
15 trial, pay to the violations bureau the fine established for the  
16 offense charged and costs and this shall have the same effect as a  
17 court conviction. All penalties and forfeitures paid to a violations  
18 bureau for the violation of municipal ordinance shall be placed in the  
19 city or town general fund or such other fund as may be prescribed by  
20 ordinance of the city or town or laws of the state of Washington.

21 Any employees of an existing violations bureau of any city shall  
22 continue as city employees.

23 The presiding superior court judge within each county making the  
24 election under section 2 of this act shall have the exclusive authority  
25 to organize and approve a violations bureau. A violations bureau may  
26 be granted jurisdiction over all infractions, including ordinance  
27 violations within cities and counties. The presiding superior court  
28 judge shall have the exclusive authority to appoint hearings officers  
29 assigned to a violations bureau. A person so appointed as a hearings  
30 officer shall meet the requirements for hearings officers set forth in  
31 supreme court rules.

32 **Sec. 16.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to  
33 read as follows:

34 Except when section 2 of this act applies, the legislative  
35 authority of the city or town may, by ordinance, provide that the  
36 position of municipal judge within the city or town shall be an  
37 elective position. The ordinance shall provide for the qualifications  
38 of the municipal judge which shall be the same as the qualifications

1 necessary for the appointment thereof; and further, shall provide that  
2 the municipal judge shall be elected in the same manner as other  
3 elective city officials are elected to office, and that the term of the  
4 municipal judge shall be for a term of four years commencing on January  
5 1, 1986, and every four years thereafter.

6 **Sec. 17.** RCW 3.50.055 and 1993 c 317 s 4 are each amended to read  
7 as follows:

8 Except when section 2 of this act applies, notwithstanding RCW  
9 3.50.040 and 3.50.050, judicial positions may be filled only by  
10 election under the following circumstances:

11 (1) Each full-time equivalent judicial position shall be filled by  
12 election. This requirement applies regardless of how many judges are  
13 employed to fill the position. For purposes of this section, a full-  
14 time equivalent position is thirty-five or more hours per week of  
15 compensated time.

16 (2) In any city with one or more full-time equivalent judicial  
17 positions, an additional judicial position or positions that is or are  
18 in combination more than one-half of a full-time equivalent position  
19 shall also be filled by election.

20 **Sec. 18.** RCW 3.50.070 and 1984 c 258 s 109 are each amended to  
21 read as follows:

22 Additional full or part time judges may be appointed or elected, as  
23 provided by ordinance of the legislative body of the city or town when  
24 public interest and the administration of justice makes such additional  
25 judge or judges necessary.

26 When section 2 of this act applies, any additional positions  
27 created under this section shall be superior court positions.

28 **Sec. 19.** RCW 3.50.135 and 1984 c 258 s 126 are each amended to  
29 read as follows:

30 In all civil cases, the plaintiff or defendant may demand a jury,  
31 which shall consist of six citizens of the state who shall be impaneled  
32 and sworn as in cases before district courts, or the trial may be by a  
33 judge of the municipal court: PROVIDED, That no jury trial may be held  
34 on a proceeding involving a traffic infraction. A party requesting a  
35 jury shall pay to the court a fee which shall be the same as that for  
36 a jury in district court. If more than one party requests a jury, only

1 one jury fee shall be collected by the court. The fee shall be  
2 apportioned among the requesting parties. Each juror may receive up to  
3 (~~twenty-five~~) fifty dollars but in no case less than ten dollars for  
4 each day in attendance upon the municipal court, and in addition  
5 thereto shall receive mileage at the rate determined under RCW  
6 43.03.060: PROVIDED, That the compensation paid jurors shall be  
7 determined by the legislative authority of the city and shall be  
8 uniformly applied. Jury trials shall be allowed in all criminal cases  
9 unless waived by the defendant.

10 NEW SECTION. **Sec. 20.** A new section is added to chapter 3.50 RCW  
11 to read as follows:

12 If the election is made under section 2 of this act, the presiding  
13 judge of the superior court, in consultation with the legislative  
14 authority of the city, shall make administrative provision for the  
15 transfer of cases, proceedings, and matters pending before a municipal  
16 court established under this chapter, together with all files and  
17 records, to the superior court. Such cases, proceedings, and matters  
18 shall thereafter be treated as if originally filed in superior court.

19 The presiding judge, in consultation with the legislative authority  
20 of the city, shall make administrative provision for the transfer of  
21 such personnel of the municipal court as deemed necessary for the  
22 efficient operation of the superior courts in the county.

23 The presiding judge and the legislative authority of the city shall  
24 make any other administrative provisions to effectuate the intent and  
25 purpose of this act.

26 **Sec. 21.** RCW 3.62.060 and 1992 c 62 s 8 are each amended to read  
27 as follows:

28 Clerks of the district courts shall collect the following fees for  
29 their official services:

30 (1) In any civil action commenced before or transferred to a  
31 district court and in any county where an election under section 2 of  
32 this act has been made and where the civil action meets the  
33 jurisdictional requirements of RCW 3.66.020, the plaintiff shall, at  
34 the time of such commencement or transfer, pay to such court a filing  
35 fee of thirty-one dollars plus any surcharge authorized by RCW  
36 7.75.035. No party shall be compelled to pay to the court any other

1 fees or charges up to and including the rendition of judgment in the  
2 action other than those listed.

3 (2) For issuing a writ of garnishment or other writ a fee of six  
4 dollars.

5 (3) For filing a supplemental proceeding a fee of twelve dollars.

6 (4) For demanding a jury in a civil case a fee of fifty dollars to  
7 be paid by the person demanding a jury.

8 (5) For preparing a transcript of a judgment a fee of six dollars.

9 (6) For certifying any document on file or of record in the clerk's  
10 office a fee of five dollars.

11 (7) For preparing the record of a case for appeal to superior court  
12 a fee of forty dollars including any costs of tape duplication as  
13 governed by the rules of appeal for courts of limited jurisdiction  
14 (RALJ).

15 (8) For duplication of part or all of the electronic tape or tapes  
16 of a proceeding ten dollars per tape.

17 The fees or charges imposed under this section shall be allowed as  
18 court costs whenever a judgment for costs is awarded.

19 **Sec. 22.** RCW 12.40.010 and 1991 c 71 s 1 are each amended to read  
20 as follows:

21 In every district court there shall be created and organized by the  
22 court a department to be known as the "small claims department of the  
23 district court". The small claims department shall have jurisdiction,  
24 but not exclusive, in cases for the recovery of money only if the  
25 amount claimed does not exceed (~~two~~) ten thousand (~~five hundred~~)  
26 dollars.

27 **Sec. 23.** RCW 35.20.030 and 1993 c 83 s 3 are each amended to read  
28 as follows:

29 The municipal court shall have jurisdiction to try violations of  
30 all city ordinances and all other actions brought to enforce or recover  
31 license penalties or forfeitures declared or given by any such  
32 ordinances. It is empowered to forfeit cash bail or bail bonds and  
33 issue execution thereon, to hear and determine all causes, civil or  
34 criminal, arising under such ordinances, and to pronounce judgment in  
35 accordance therewith: PROVIDED, That for a violation of the criminal  
36 provisions of an ordinance no greater punishment shall be imposed than  
37 a fine of five thousand dollars or imprisonment in the city jail not to

1 exceed one year, or both such fine and imprisonment, but the punishment  
2 for any criminal ordinance shall be the same as the punishment provided  
3 in state law for the same crime. All civil and criminal proceedings in  
4 municipal court, and judgments rendered therein, shall be subject to  
5 review in the superior court by writ of review or on appeal: PROVIDED,  
6 That an appeal from the court's determination or order in a traffic  
7 infraction proceeding may be taken only in accordance with RCW  
8 46.63.090(5). Costs in civil and criminal cases may be taxed as  
9 provided in district courts.

10 The presiding superior court judge within each county making the  
11 election under section 2 of this act shall have the exclusive authority  
12 to organize and approve a violations bureau. A violations bureau may  
13 be granted jurisdiction over all infractions, including ordinance  
14 violations within cities and counties. The presiding superior court  
15 judge shall have the exclusive authority to appoint hearings officers  
16 assigned to a violations bureau. A person so appointed as a hearings  
17 officer shall meet the requirements for hearings officers set forth in  
18 supreme court rules.

19 **Sec. 24.** RCW 35.20.090 and 1987 c 202 s 195 are each amended to  
20 read as follows:

21 In all civil cases and criminal cases where jurisdiction is  
22 concurrent with district courts as provided in RCW 35.20.250, within  
23 the jurisdiction of the municipal court, the plaintiff or defendant may  
24 demand a jury, which shall consist of six citizens of the state who  
25 shall be impaneled and sworn as in cases before district courts, or the  
26 trial may be by a judge of the municipal court: PROVIDED, That no jury  
27 trial may be held on a proceeding involving a traffic infraction. A  
28 defendant requesting a jury shall pay to the court a fee which shall be  
29 the same as that for a jury in district court. Where there is more  
30 than one defendant in an action and one or more of them requests a  
31 jury, only one jury fee shall be collected by the court. Each juror  
32 may receive up to (~~twenty-five~~) fifty dollars but in no case less  
33 than ten dollars for each day in attendance upon the municipal court,  
34 and in addition thereto shall receive mileage at the rate determined  
35 under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall  
36 be determined by the legislative authority of the city and shall be  
37 uniformly applied. Trial by jury shall be allowed in criminal cases  
38 involving violations of city ordinances commencing January 1, 1972,

1 unless such incorporated city affected by this chapter has made  
2 provision therefor prior to January 1, 1972.

3 **Sec. 25.** RCW 35.20.150 and 1975-'76 2nd ex.s. c 120 s 7 are each  
4 amended to read as follows:

5 The municipal judges shall be elected on the first Tuesday after  
6 the first Monday in November, 1958, and on the first Tuesday after the  
7 first Monday of November every fourth year thereafter by the electorate  
8 of the city in which the court is located. The auditor of the county  
9 concerned shall designate by number each position to be filled in the  
10 municipal court, and each candidate at the time of the filing of his or  
11 her declaration of candidacy shall designate by number so assigned the  
12 position for which he or she is a candidate, and the name of such  
13 candidate shall appear on the ballot only for such position. The name  
14 of the person who receives the greatest number of votes and of the  
15 person who receives the next greatest number of votes at the primary  
16 for a single nonpartisan position shall appear on the general election  
17 ballot under the designation therefor. Elections for municipal judge  
18 shall be nonpartisan. They shall hold office for a term of four years  
19 and until their successors are elected and qualified. The term of  
20 office shall start on the second Monday in January following such  
21 election. Any vacancy in the municipal court due to a death,  
22 disability or resignation of a municipal court judge shall be filled by  
23 the mayor, to serve out the unexpired term. Such appointment shall be  
24 subject to confirmation by the legislative body of the city.

25 When section 2 of this act applies, election and vacancy provisions  
26 applicable to superior court judges shall apply.

27 NEW SECTION. **Sec. 26.** A new section is added to chapter 35.20 RCW  
28 to read as follows:

29 If the election is made under section 2 of this act, the presiding  
30 judge of the superior court, in consultation with the legislative  
31 authority of the city, shall make administrative provision for the  
32 transfer of cases, proceedings, and matters pending before a municipal  
33 court established under this chapter, together with all files and  
34 records, to the superior court. Such cases, proceedings, and matters  
35 shall thereafter be treated as if originally filed in superior court.

36 The presiding judge, in consultation with the legislative authority  
37 of the city, shall make administrative provision for the transfer of

1 such personnel of the municipal court as deemed necessary for the  
2 efficient operation of the superior courts in the county.

3 The presiding judge and the legislative authority of the city shall  
4 make any other administrative provisions to effectuate the intent and  
5 purpose of this act.

6 **Sec. 27.** RCW 36.18.020 and 1999 c 42 s 635 are each amended to  
7 read as follows:

8 (1) Revenue collected under this section is subject to division  
9 with the state public safety and education account under RCW 36.18.025  
10 and with the county or regional law library fund under RCW 27.24.070.

11 (2) Except as otherwise provided in RCW 3.62.060, clerks of  
12 superior courts shall collect the following fees for their official  
13 services:

14 (a) The party filing the first or initial paper in any civil  
15 action, including, but not limited to an action for restitution,  
16 adoption, or change of name, shall pay, at the time the paper is filed,  
17 a fee of one hundred ten dollars except, in an unlawful detainer action  
18 under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a  
19 case initiating filing fee of thirty dollars, or in proceedings filed  
20 under RCW 28A.225.030 alleging a violation of the compulsory attendance  
21 laws where the petitioner shall not pay a filing fee. The thirty  
22 dollar filing fee under this subsection for an unlawful detainer action  
23 shall not include an order to show cause or any other order or judgment  
24 except a default order or default judgment in an unlawful detainer  
25 action.

26 (b) Any party, except a defendant in a criminal case, filing the  
27 first or initial paper on an appeal from a court of limited  
28 jurisdiction or any party on any civil appeal, shall pay, when the  
29 paper is filed, a fee of one hundred ten dollars.

30 (c) For filing of a petition for judicial review as required under  
31 RCW 34.05.514 a filing fee of one hundred ten dollars.

32 (d) For filing of a petition for unlawful harassment under RCW  
33 10.14.040 a filing fee of one hundred ten dollars.

34 (e) For filing the notice of debt due for the compensation of a  
35 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

36 (f) In probate proceedings, the party instituting such proceedings,  
37 shall pay at the time of filing the first paper therein, a fee of one  
38 hundred ten dollars.

1 (g) For filing any petition to contest a will admitted to probate  
2 or a petition to admit a will which has been rejected, or a petition  
3 objecting to a written agreement or memorandum as provided in RCW  
4 11.96A.220, there shall be paid a fee of one hundred ten dollars.

5 (h) Upon conviction or plea of guilty, upon failure to prosecute an  
6 appeal from a court of limited jurisdiction as provided by law, or upon  
7 affirmance of a conviction by a court of limited jurisdiction, a  
8 defendant in a criminal case shall be liable for a fee of one hundred  
9 ten dollars.

10 (i) With the exception of demands for jury hereafter made and  
11 garnishments hereafter issued, civil actions and probate proceedings  
12 filed prior to midnight, July 1, 1972, shall be completed and governed  
13 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
14 fee shall be assessed if an order of dismissal on the clerk's record be  
15 filed as provided by rule of the supreme court.

16 (3) No fee shall be collected when a petition for relinquishment of  
17 parental rights is filed pursuant to RCW 26.33.080 or for forms and  
18 instructional brochures provided under RCW 26.50.030.

19 NEW SECTION. **Sec. 28.** A new section is added to chapter 2.08 RCW  
20 to read as follows:

21 In any county where section 2 of this act applies, the presiding  
22 judge of the superior court shall establish a local justice advisory  
23 committee and determine the size and composition of the council. The  
24 advisory committee shall coordinate its activities and recommendations  
25 with the local law and justice council where appropriate.

26 NEW SECTION. **Sec. 29.** Courthouse facilitators are deemed  
27 essential for the superior court. In every courthouse in which the  
28 superior court convenes, a courthouse facilitator shall be assigned by  
29 the presiding superior court judge in the county. For every ten  
30 superior court judges no less than one facilitator shall be assigned.

31 The administrator for the courts shall by rule implement procedures  
32 necessary to comply with federal requirements that are a prescribed  
33 condition for the allocation of federal funds to the state to cover all  
34 or any part of the costs incurred under this section.

35 NEW SECTION. **Sec. 30.** The supreme court shall by court rule  
36 prescribe the duties and responsibilities for all presiding superior



1 court judges. The rule shall set forth the administrative authority of  
2 each presiding judge to govern and manage the court staff and resources  
3 of each courthouse in which a superior court convenes. The board of  
4 judicial administration shall recommend rules to the supreme court.

5 NEW SECTION. **Sec. 31.** There is created an office of marshal for  
6 the state of Washington. The governor upon nomination by the chief  
7 justice of the supreme court shall appoint the Washington state marshal  
8 with confirmation by the senate. The marshal shall be responsible for  
9 the enforcement of all orders issued by judges of the Washington  
10 supreme court, the court of appeals, and the superior court. The chief  
11 justice and governor may prescribe additional duties, including the  
12 authority to appoint deputy marshals. The marshal shall submit a  
13 budget and action plan to the chief justice for inclusion into the  
14 supreme court budget. The marshal serves at the pleasure of the chief  
15 justice.

16 NEW SECTION. **Sec. 32.** A new section is added to chapter 2.08 RCW  
17 to read as follows:

18 The presiding superior court judge within each county making the  
19 election under section 2 of this act shall have the exclusive authority  
20 to organize and approve a violations bureau. A violations bureau may  
21 be granted jurisdiction over all infractions, including ordinance  
22 violations within cities and counties. The presiding superior court  
23 judge shall have the exclusive authority to appoint hearings officers  
24 assigned to a violations bureau. A person so appointed as a hearings  
25 officer shall meet the requirements for hearings officers set forth in  
26 supreme court rules.

27 NEW SECTION. **Sec. 33.** A new section is added to chapter 2.08 RCW  
28 to read as follows:

29 Each superior court presiding judge in a county shall have the  
30 exclusive authority to organize and implement alternative dispute  
31 resolution programs within the county. Programs implemented under this  
32 section shall be provided without cost to low-income individuals. A  
33 fee structure may be utilized based upon the ability to pay, but the  
34 use of a dispute resolution program shall not be conditioned upon  
35 financial ability of individuals.

1        NEW SECTION.    **Sec. 34.**    A new section is added to chapter 2.08 RCW  
2 to read as follows:

3        Each superior court presiding judge in a county shall have the  
4 exclusive authority to organize and implement nontraditional  
5 adjudication proceedings, with the consent of the parties.    Such  
6 proceedings shall be used to expedite adjudication of all matters, but  
7 especially civil matters.    Parties may choose to waive court rules and  
8 stipulate to the evidence, submit written arguments and points of  
9 authority, and agree to a binding decision by a specific judge.    Such  
10 programs shall be free to indigent parties.

11       NEW SECTION.    **Sec. 35.**    A new section is added to chapter 2.08 RCW  
12 to read as follows:

13       In any court of record that accepts electronic filings, or that  
14 establishes any expedited adjudication or alternative dispute  
15 resolution programs, the supreme court may alter the filing fees by  
16 court order.    Any such change to the filing fees shall apply to all  
17 courts, notwithstanding any other law or policy.

18       NEW SECTION.    **Sec. 36.**    The board of judicial administration shall  
19 study the impact of the provisions of this act, including the impact on  
20 the rules of evidence and the rules of discovery.

21       The board shall also develop rules for recommendation to the  
22 supreme court on electronic filings, including provisions that would  
23 allow parties to recover costs associated with providing electronic  
24 records and pleadings to the courts.

25       The board shall report to the legislature and the supreme court by  
26 January 1, 2002.

27       NEW SECTION.    **Sec. 37.**    The board of judicial administration shall,  
28 at its earliest convenience, review statutes and court rules in the  
29 areas of, but not limited to, probate, domestic relations, traffic  
30 infractions, small claims, and juvenile justice, and make  
31 recommendations to the legislature for use of nonjudicial personnel to  
32 process cases.

33       NEW SECTION.    **Sec. 38.**    The joint legislative audit and review  
34 committee shall conduct a fiscal review of the state court system.    The  
35 study shall examine, but not be limited to:    (1) The funding of state

1 courts, including district and municipal courts; (2) current sources of  
2 revenue generated by the court system; (3) court workloads at all  
3 levels; and (4) potential fiscal impacts of the implementation of this  
4 act. On or before December 31, 2001, the committee shall make  
5 recommendations to the legislature on methods to improve the fiscal  
6 operation of the court system.

7 NEW SECTION. **Sec. 39.** The Washington state institute for public  
8 policy shall study and evaluate the criminal laws in the Revised Code  
9 of Washington and make recommendations to the legislature concerning  
10 provisions that may be decriminalized. The institute shall submit a  
11 final report to the legislature by January 1, 2002. The report shall  
12 describe the standards and assumptions used to determine which laws  
13 were selected for a recommendation to decriminalize.

14 NEW SECTION. **Sec. 40.** This act may be known and cited as the  
15 court reform act of 2000.

16 NEW SECTION. **Sec. 41.** Sections 2 through 28, 30, and 32 through  
17 34 of this act take effect July 1, 2001.

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