

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5472

Chapter 68, Laws of 2001

57th Legislature
2001 Regular Session

COURT SERVICES--TERMINATION

EFFECTIVE DATE: 7/22/01

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

ROSA FRANKLIN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

CLYDE BALLARD

Speaker of the House of Representatives

Approved April 18, 2001.

GARY LOCKE

Governor of the State of Washington

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.

TONY M. COOK

Secretary

FILED

April 18, 2001 - 1:43 p.m.

**Secretary 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 services
8 with the county must provide written notice of the intent to terminate
9 the agreement to the county legislative authority not less than one
10 year prior to February 1st of the year in which all district court
11 judges are subject to election.

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

18 (3) A county that wishes to terminate an agreement with a city for
19 the provision of court services must provide written notice of the

1 intent to terminate the agreement to the city legislative authority not
2 less than one year prior to the expiration of the agreement.

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

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

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

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

31 (1) There is hereby created and established in each incorporated
32 city of this state having a population of more than four hundred
33 thousand inhabitants, as shown by the federal or state census,
34 whichever is the later, a municipal court, which shall be styled "The
35 Municipal Court of (name of city)," hereinafter designated
36 and referred to as the municipal court, which court shall have
37 jurisdiction and shall exercise all the powers by this chapter declared

1 to be vested in such municipal court, together with such powers and
2 jurisdiction as is generally conferred in this state either by common
3 law or statute.

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

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

25 (4) A county that wishes to terminate an agreement with a city for
26 the provision of court services must provide written notice of the
27 intent to terminate the agreement to the city legislative authority not
28 less than one year prior to the expiration of the agreement.

29
30 **Sec. 4.** RCW 39.34.180 and 1996 c 308 s 1 are each amended to read
31 as follows:

32 (1) Each county, city, and town is responsible for the prosecution,
33 adjudication, sentencing, and incarceration of misdemeanor and gross
34 misdemeanor offenses committed by adults in their respective
35 jurisdictions, and referred from their respective law enforcement
36 agencies, whether filed under state law or city ordinance, and must
37 carry out these responsibilities through the use of their own courts,
38 staff, and facilities, or by entering into contracts or interlocal
39 agreements under this chapter to provide these services. Nothing in

1 this section is intended to alter the statutory responsibilities of
2 each county for the prosecution, adjudication, sentencing, and
3 incarceration for not more than one year of felony offenders, nor shall
4 this section apply to any offense initially filed by the prosecuting
5 attorney as a felony offense or an attempt to commit a felony offense.

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

12 (3) If an agreement as to the levels of compensation within an
13 interlocal agreement or contract for gross misdemeanor and misdemeanor
14 services cannot be reached between a city and county, then either party
15 may invoke binding arbitration on the compensation issued by notice to
16 the other party. In the case of establishing initial compensation, the
17 notice shall request arbitration within thirty days. In the case of
18 nonrenewal of an existing contract or interlocal agreement, the notice
19 must be given one hundred twenty days prior to the expiration of the
20 existing contract or agreement and the existing contract or agreement
21 remains in effect until a new agreement is reached or until an
22 arbitration award on the matter of fees is made. The city and county
23 each select one arbitrator, and the initial two arbitrators pick a
24 third arbitrator.

25 (4) A city or county that wishes to terminate an agreement for the
26 provision of court services must provide written notice of the intent
27 to terminate the agreement in accordance with RCW 3.50.810 and
28 35.20.010.

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

33 NEW SECTION. **Sec. 5.** RCW 3.46.155 (Termination of municipal
34 department--Waiting period for establishing another) and 1993 c 317 s
35 1 are each repealed.

Passed the Senate March 9, 2001.

Passed the House April 5, 2001.

Approved by the Governor April 18, 2001.

Filed in Office of Secretary of State April 18, 2001.