
ENGROSSED SUBSTITUTE HOUSE BILL 2179

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by
Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter,
Rockefeller, Hudgins and Flannigan)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to municipal departments of district court;
2 amending RCW 3.38.030, 3.38.040, 3.46.030, 3.46.040, 3.46.090,
3 3.46.130, 3.46.140, and 3.46.150; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** In an effort to ensure equal access to
6 justice, provide for municipal court services as economically as
7 possible, and authorize cities to operate shared municipal departments
8 of district courts, it is the intent of the legislature to make
9 explicitly clear that current law allows for the operation of such
10 shared municipal departments.

11 **Sec. 2.** RCW 3.38.030 and 1991 c 363 s 5 are each amended to read
12 as follows:

13 Upon receipt of the districting plan, the county legislative
14 authority shall hold a public hearing, pursuant to the provisions of
15 RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone
16 interested in the plan may attend and be heard as to the convenience

1 which will be afforded to the public by the plan, and as to any other
2 matters pertaining thereto. If the county legislative authority finds
3 that the plan proposed by the districting committee conforms to the
4 standards set forth in chapters 3.30 through 3.74 RCW and is conducive
5 to the best interests and welfare of the county as a whole it may adopt
6 such plan. If the county legislative authority finds that the plan
7 does not conform to the standards as provided in chapters 3.30 through
8 3.74 RCW, the county legislative authority may modify, revise or amend
9 the plan and adopt such amended or revised plan as the county's
10 district court districting plan. The districting plan adopted by the
11 county legislative authority shall provide for municipal departments
12 created pursuant to chapter 3.46 RCW or as determined by the
13 districting plan or amended districting plan submitted to the county
14 legislative authority by the districting committee. The county
15 legislative authority may not modify, revise, or amend the location of
16 municipal departments or the apportionment of time, salaries, and
17 benefits of district court judges designated as part-time municipal
18 court judges. The plan decided upon shall be adopted by the county
19 legislative authority not later than six months after the county
20 initially obtains a population of two hundred ten thousand or more or
21 the adoption of the elective resolution.

22 **Sec. 3.** RCW 3.38.040 and 1984 c 258 s 27 are each amended to read
23 as follows:

24 The districting committee (~~may~~) shall meet for the purpose of
25 amending the districting plan at any time on call of the county
26 legislative authority, the chairperson of the committee or a majority
27 of its members or upon receipt of a petition for the creation of a
28 municipal department pursuant to RCW 3.46.040. Amendments to the plan
29 shall be submitted to the county legislative authority not later than
30 March 15th of each year for adoption by the county legislative
31 authority following the same procedure as with the original districting
32 plan. Amendments shall be adopted not later than May 1st following
33 submission by the districting committee. Any amendment which would
34 reduce the salary or shorten the term of any judge shall not be
35 effective until the next regular election for district judge. All
36 other amendments may be effective on a date set by the county
37 legislative authority.

1 **Sec. 4.** RCW 3.46.030 and 2000 c 111 s 5 are each amended to read
2 as follows:

3 A municipal department shall have exclusive jurisdiction of matters
4 arising from ordinances of the city, and no jurisdiction of other
5 matters except as conferred by statute. A municipal department
6 participating in the program established by the office of the
7 administrator for the courts pursuant to RCW 2.56.160 shall have
8 jurisdiction to take recognizance, approve bail, and arraign defendants
9 (~~held within its jurisdiction~~) on warrants issued by any court of
10 limited jurisdiction participating in the program. A city or town
11 operating a municipal department pursuant to an agreement with another
12 city or town under chapter 39.34 RCW shall have the same original
13 jurisdiction as the city or town contracting for such municipal
14 department services, regardless of the physical location of the court.

15 **Sec. 5.** RCW 3.46.040 and 1984 c 258 s 74 are each amended to read
16 as follows:

17 (1) Establishment of a municipal department shall be initiated by
18 a petition from the legislative body of the city to the county
19 legislative authority. Such petition shall (~~be filed not less than~~
20 ~~thirty days prior to February 1, 1962, or any subsequent year, and~~
21 ~~shall~~) set forth: ((+1)) (a) The number of full time and part time
22 judges required for the municipal department; ((+2)) (b) the amount of
23 time for which a part time judge will be required for the municipal
24 department; (~~and -3~~) (c) whether the full time judge or judges will
25 be elected or appointed; and (d) a commitment that the city will pay
26 the proportionate share of the salary and benefits of each judge
27 serving as a part time municipal department judge. ((In a)) The
28 petition (~~filed subsequent to 1962 provision~~) shall ((be made))
29 provide for the temporary appointment of a municipal judge to fill each
30 elective position until the next election for district judges.

31 The petition for a municipal department shall be (~~forthwith~~)
32 transmitted to the districting committee. The organization of the
33 municipal department shall be incorporated into the districting plan.
34 The districting committee in its plan shall designate the proportion of
35 the salary and benefits of each judge serving as a part time municipal
36 judge to be paid by the city, which shall be proportionate to the time
37 of such judge allotted to the municipal department by the districting

1 plan. A city may withdraw its petition any time prior to adoption of
2 the districting plan by the county legislative authority, and thereupon
3 the municipal department pursuant to this chapter shall not be
4 established.

5 (2) Notwithstanding the provisions of subsection (1) of this
6 section, municipal departments located within a county having a
7 population of more than one million and created on or before January 1,
8 2005, may be established by adoption of an ordinance of the legislative
9 body of the city or town creating "The Municipal Department of . . .
10 . . . (insert name of city or town)." Such ordinance shall set forth:
11 (a) The number of full time and part time judges required for the
12 municipal department; (b) the amount of time for which a part time
13 judge will be required for the municipal department; (c) whether the
14 full time judge or judges will be elected or appointed; and (d) a
15 commitment that the city will pay the proportionate share of the salary
16 and benefits of each judge serving as a part time municipal department
17 judge. The ordinance shall provide for the temporary appointment of a
18 municipal judge to fill each elective position until the next election
19 for district judges.

20 Notwithstanding the provisions of RCW 3.38.030, upon the creation
21 of any municipal department by ordinance adopted prior to January 1,
22 2005, the districting plan described in chapter 3.38 RCW shall
23 automatically be amended to include such municipal department within
24 the district in which it is geographically located.

25 **Sec. 6.** RCW 3.46.090 and 1984 c 258 s 78 are each amended to read
26 as follows:

27 The salary and benefits of a full time municipal judge shall be
28 paid wholly by the city. The salary and benefits of a district judge
29 serving a municipal department part time shall be paid jointly by the
30 county and the city in the same proportion as the time of the judge has
31 been allocated to each. Salaries and benefits of court commissioners
32 serving the municipal department shall be paid by the city. For
33 purposes of this section, salaries and benefits do not include
34 overhead, administrative costs, or other indirect costs.

35 **Sec. 7.** RCW 3.46.130 and 1961 c 299 s 47 are each amended to read
36 as follows:

1 All courtrooms, offices, facilities and supplies for the operation
2 of a municipal department shall be furnished by the city. A city or
3 town may enter into an agreement with another county, city, or town
4 under chapter 39.34 RCW to provide any such facilities.

5 **Sec. 8.** RCW 3.46.140 and 1961 c 299 s 48 are each amended to read
6 as follows:

7 All ~~((such))~~ municipal department personnel shall be deemed
8 employees of the city, shall be compensated wholly by the city, and
9 shall be appointed under and subject to any applicable civil service
10 laws and regulations. A city or town may enter into an agreement with
11 another county, city, or town under chapter 39.34 RCW to provide any
12 such personnel.

13 **Sec. 9.** RCW 3.46.150 and 2001 c 68 s 2 are each amended to read as
14 follows:

15 ~~((1))~~ Any city, having established a municipal department as
16 provided in this chapter may ~~(, by)~~ terminate such municipal
17 department by adoption of an appropriate ordinance. However, no
18 municipal department may be terminated unless the city or town: (1)
19 Provides written notice to the county legislative authority not less
20 than one year prior to ~~((February))~~ January 1st of the year in which
21 all district court judges are subject to election ~~((, require the~~
22 ~~termination of the municipal department created pursuant to this~~
23 ~~chapter))~~. A city may terminate a municipal department only at the end
24 of a four-year judicial term ~~((. However, the city may not give the~~
25 ~~written notice required by this section unless the city))~~; and (2) has
26 either established a municipal court pursuant to chapter 3.50 or 35.20
27 RCW or reached an agreement with the county under chapter 39.34 RCW
28 under which the county is to be paid a reasonable amount for costs
29 associated with prosecution, adjudication, and sentencing in criminal
30 cases filed in district court as a result of the termination. The
31 agreement shall provide for periodic review and renewal of the terms of
32 the agreement. If the municipality and the county are unable to agree
33 on the terms for renewal of the agreement, they shall be deemed to have
34 entered into an agreement to submit the issue to arbitration under
35 chapter 7.04 RCW. Pending conclusion of the arbitration proceeding,
36 the terms of the agreement shall remain in effect. The municipality

1 and the county have the same rights and are subject to the same duties
2 as other parties who have agreed to submit to arbitration under chapter
3 7.04 RCW.

4 ~~((2) A county that wishes to terminate a municipal department of
5 the district court must provide written notice to the city legislative
6 authority at least one year prior to the date of the intended
7 termination.))~~

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