
HOUSE BILL 2179

State of Washington 58th Legislature 2003 Regular Session

By Representatives Clibborn, Jarrett, Lantz, Lovick, Hunter,
Rockefeller, Hudgins and Flannigan

Read first time 02/28/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to municipal departments of district court;
2 amending RCW 3.38.020, 3.38.030, 3.38.040, 3.46.040, 3.46.090, and
3 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 3.38.020 and 1984 c 258 s 23 are each amended to read
12 as follows:

13 The district court districting committee shall meet at the call of
14 the prosecuting attorney to prepare a plan for the districting of the
15 county into one or more district court districts in accordance with the
16 provisions of chapters 3.30 through 3.74 RCW. The plan shall include
17 the following:

18 (1) The boundaries of each district proposed to be established;

- 1 (2) The number of judges to be elected in each district;
- 2 (3) The location of the central office, courtrooms and records of
3 each court;
- 4 (4) The location of municipal departments as determined by the
5 cities;
- 6 (5) The other places in the district, if any, where the court shall
7 sit;
- 8 ((+5)) (6) The number and location of district court commissioners
9 to be authorized, if any;
- 10 ((+6)) (7) The departments, if any, into which each district court
11 shall be initially organized, including municipal departments provided
12 for in chapter 3.46 RCW;
- 13 ((+7)) (8) The name of each district; and
- 14 ((+8)) (9) The allocation of the time and allocation of salary of
15 each judge who will serve part time in a municipal department.

16 **Sec. 3.** RCW 3.38.030 and 1991 c 363 s 5 are each amended to read
17 as follows:

18 Upon receipt of the districting plan, the county legislative
19 authority shall hold a public hearing, pursuant to the provisions of
20 RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone
21 interested in the plan may attend and be heard as to the convenience
22 which will be afforded to the public by the plan, and as to any other
23 matters pertaining thereto. If the county legislative authority finds
24 that the plan proposed by the districting committee conforms to the
25 standards set forth in chapters 3.30 through 3.74 RCW and is conducive
26 to the best interests and welfare of the county as a whole it may adopt
27 such plan. If the county legislative authority finds that the plan
28 does not conform to the standards as provided in chapters 3.30 through
29 3.74 RCW, the county legislative authority may modify, revise or amend
30 the plan and adopt such amended or revised plan as the county's
31 district court districting plan. The districting plan adopted by the
32 county legislative authority shall provide for municipal departments as
33 determined by the districting plan or amended districting plan
34 submitted to the county legislative authority by the districting
35 committee. The county legislative authority may not modify, revise, or
36 amend the location of municipal departments or the apportionment of
37 time, salaries, and benefits of district court judges designated as

1 part-time municipal court judges. The plan decided upon shall be
2 adopted by the county legislative authority not later than six months
3 after the county initially obtains a population of two hundred ten
4 thousand or more or the adoption of the elective resolution.

5 **Sec. 4.** RCW 3.38.040 and 1984 c 258 s 27 are each amended to read
6 as follows:

7 The districting committee (~~((may))~~) shall meet for the purpose of
8 amending the districting plan at any time on call of the county
9 legislative authority, the chairperson of the committee or a majority
10 of its members or upon receipt of a petition for the creation of a
11 municipal department pursuant to RCW 3.46.040. Amendments to the plan
12 shall be submitted to the county legislative authority not later than
13 March 15th of each year for adoption by the county legislative
14 authority following the same procedure as with the original districting
15 plan. Amendments shall be adopted not later than May 1st following
16 submission by the districting committee. Any amendment which would
17 reduce the salary or shorten the term of any judge shall not be
18 effective until the next regular election for district judge. All
19 other amendments may be effective on a date set by the county
20 legislative authority.

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

23 Establishment of a municipal department shall be initiated by a
24 petition from the legislative body of the city to the county
25 legislative authority. Such petition shall be filed not less than
26 thirty days prior to February 1(~~((, 1962, or))~~) of any (~~((subsequent))~~)
27 year, and shall set forth: (1) The number of full time and part time
28 judges required for the municipal department; (2) the amount of time
29 for which a part time judge will be required for the municipal
30 department; and (3) whether the full time judge or judges will be
31 elected or appointed. (~~((In a petition filed subsequent to 1962))~~)
32 Provision shall be made in the petition for temporary appointment of a
33 municipal judge to fill each elective position until the next election
34 for district judges. The petition shall be forthwith transmitted to
35 the districting committee. The organization of the municipal
36 department shall be incorporated into the districting plan. The

1 districting committee in its plan shall designate the proportion of the
2 salary and benefits of each judge serving as a part time municipal
3 judge to be paid by the city, which shall be proportionate to the time
4 of such judge allotted to the municipal department by the districting
5 plan. A city may withdraw its petition any time prior to adoption of
6 the districting plan by the county legislative authority, and thereupon
7 the municipal department pursuant to this chapter shall not be
8 established.

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

11 The salary and benefits of a full time municipal judge shall be
12 paid wholly by the city. The salary and benefits of a district judge
13 serving a municipal department part time shall be paid jointly by the
14 county and the city in the same proportion as the time of the judge has
15 been allocated to each. Salaries and benefits of court commissioners
16 serving the municipal department shall be paid by the city.

17 **Sec. 7.** RCW 3.46.150 and 2001 c 68 s 2 are each amended to read as
18 follows:

19 (~~(1)~~) Any city, having established a municipal department as
20 provided in this chapter may, by written notice to the county
21 legislative authority not less than one year prior to (~~(February)~~)
22 January 1st of the year in which all district court judges are subject
23 to election, require the termination of the municipal department
24 created pursuant to this chapter. A city may terminate a municipal
25 department only at the end of a four-year judicial term. However, the
26 city may not give the written notice required by this section unless
27 the city has established a municipal court pursuant to chapter 3.50 or
28 35.20 RCW or reached an agreement with the county under chapter 39.34
29 RCW under which the county is to be paid a reasonable amount for costs
30 associated with prosecution, adjudication, and sentencing in criminal
31 cases filed in district court as a result of the termination. The
32 agreement shall provide for periodic review and renewal of the terms of
33 the agreement. If the municipality and the county are unable to agree
34 on the terms for renewal of the agreement, they shall be deemed to have
35 entered into an agreement to submit the issue to arbitration under
36 chapter 7.04 RCW. Pending conclusion of the arbitration proceeding,

1 the terms of the agreement shall remain in effect. The municipality
2 and the county have the same rights and are subject to the same duties
3 as other parties who have agreed to submit to arbitration under chapter
4 7.04 RCW.

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

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