

# SENATE BILL REPORT

## SB 6612

---

---

As of August 17, 2006

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

**Brief Description:** Reorganizing the administration of the local and district courts.

**Sponsors:** Senators Kline, Johnson, Esser and Roach; by request of Board For Judicial Administration.

**Brief History:**

**Committee Activity:** Judiciary: 1/26/06, 2/2/06.

---

### SENATE COMMITTEE ON JUDICIARY

**Staff:** Cindy Fazio (786-7405)

**Background:** District courts in Washington State are a court of limited jurisdiction. These courts have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases under 50 thousand dollars. They have exclusive jurisdiction over small claims and infractions. There are 49 courts established in the 39 counties in 61 locations.

Municipal courts are established by city ordinance. Cities electing not to establish a municipal court may contract with the district court for services. These courts have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and have exclusive jurisdiction over infractions. There are 127 municipal courts in the state. Municipal court judges are generally appointed by the city, except for full-time judges. Full-time judges are elected on a non-partisan basis for four year terms.

**Summary of Bill:** Many changes are made to Washington's district court, municipal department, and municipal court statutes. Several statutes are repealed to comport the changes. The substantive changes are grouped below under chapter headings.

#### Changes to Chapter 3.30 - District Courts

Counties with a population of less than 210,000 are no longer exempt from complying with Chapter 3.30.

Violation Bureaus may no longer accept bail for criminal violations. They may continue to process infraction cases as designated by the district court, and may accept payment for monetary penalties for those designated infractions.

#### Changes to Chapter 3.38 - District Court Districting

District Court districting committees must meet every four years to amend the districting plan. The plan must include documentation of the number and location of municipal courts located within the district; documentation of the caseload and related services, including hours and days of operation, provided at each district and municipal court location in the district; and,

the effective date of the plan. The amended plan must be submitted to the county legislative authority. The county must hold a public hearing on the plan. The county may approve the plan, or recommend an alternative plan. The adopted plan must be submitted to the Administrative Office of the Courts.

A resolution creating a joint district of two or more counties must include a method and basis for apportioning the costs between the counties.

#### Changes to Chapter 3.46 - Municipal Departments

City municipal departments operating prior to the effective date of this act may continue to operate as if the act were not adopted.

The Legislature encourages courts of limited jurisdiction to contract with counties or with other municipalities to create regional courts of limited jurisdiction.

As used in this act, "city" means an incorporated city or town; "host county or city" means a county or city in an interlocal agreement receiving compensation for providing judicial branch functions to another contracting city; and, "contracting city" means a city in an interlocal agreement receiving judicial branch services from the host county or city.

A city may meet its requirements under the Interlocal Cooperation Act through an interlocal agreement with the county in which the city is located, or with one or more cities, including at least one host city, located within a reasonable proximity to the contracting city.

Necessary elements of the interlocal agreement are specified, including the number of judges to be assigned, and the portion of expenses to be paid. Additionally, the interlocal agreement must have four year terms with annual reviews and updates. Disputes are resolved by binding arbitration, provided that either party may choose not to renew the agreement at the end of the four year term without being subject to arbitration. The interlocal agreement may also provide for a Violations Bureau to process traffic infractions committed in the contracting municipality.

The judge providing services under an interlocal agreement must be a resident of a county in which one or more of the affected cities are located.

Judges serving two or more cities under this chapter must be elected by the residents of the cities served by the court.

Cities that choose to terminate their municipal departments must follow a specified process. Once the municipal department is terminated, it cannot be reestablished.

#### Changes to Chapter 3.50 - Municipal Courts - Alternative Provisions

If cities with a population of 400,000 or less do not contract out judicial services, the city must establish a municipal court under Chapter 3.50.

Violation Bureaus may no longer accept bail for criminal violations. They may continue to process traffic infractions and civil infractions.

A city may not terminate its municipal court unless it has entered into an interlocal agreement with the county or another city of the provision of judicial services.

### Changes to Chapter 35.20 - Municipal Courts - Cities Over 400,000

A city with a population of more than 400,000 may not terminate its municipal court unless it has entered into an interlocal agreement with the county or another city for the provision of judicial branch functions. Interlocal agreements for municipal court services must comply with the Interlocal Cooperation Act and Chapter 3.46.

Technical amendments are made.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** July 1, 2006.

**Testimony For:** There was an effort to come to agreement with the cities, but, in the end, we could not. They have their own bill. The concept that came from the court funding task force was to provide options for the cities to fulfill the judicial services. This bill does that. The three areas in which agreement could not be reached are: First is the issue of the election of judges by both cities in instances where the cities contract together to provide services. It is important that both cities have a say in the judge who will preside over their city. Second is the issue of the judge, presiding in contracting cities, being a signatory to the agreement to provide services. This is important because the judge should have a say over the court administration. Third is the issue of the scope of services that will be provided when cities contract together to create a regional court. The regional court should provide all judicial services.

**Testimony Against:** The primary issue for the counties is the provision allowing the judge to be a party to the agreement. This puts the judge in an executive branch position. This bill only represents the judiciary. The judges should not be included in the executive branch. As to the election of judges, we feel there should be a population threshold. Election is not always the best way to choose a judge. To require concurrent jurisdiction is an unfunded mandate. We simply cannot take on more work without additional funding. The appointed judge alternative works very well to keep the judge independent. If the judge is elected by more than one city, we may be saddled with a judge we did not want. In my city, the city has the ability to fix the process of judge appointment. They have not; the system works.

**Who Testified:** PRO: Judge Marilyn Paja, Municipal Court Judges Association, Board for Judicial Administration; Jeff Hall, Executive Director, Board for Judicial Administration; Janet McLane, Administrative Office of the Courts.

CON: Sophia Byrd McSherry, Association of Washington Counties; Tammy Fellin, Association of Washington Cities; Londi Lindell, City Attorney, City of Mercer Island.