

HOUSE BILL REPORT

SHB 1590

As Passed House:

March 9, 2007

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

Brief Description: Changing provisions affecting courts of limited jurisdiction.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Goodman, Rodne, Curtis, Eddy, Pearson, Springer, Linville, Roach, Jarrett, Priest, Clibborn, Ericks, Chandler, Schual-Berke, Dunshee, Upthegrove, Sells, Miloscia, Hurst, Williams, Newhouse, Simpson and Kenney).

Brief History:

Committee Activity:

Judiciary: 2/7/07, 2/14/07 [DPS].

Floor Activity:

Passed House: 3/9/07, 97-0.

Brief Summary of Substitute Bill

- Expressly authorizes cities to contract with other cities for the delivery of municipal court services.
- Requires municipal courts to exercise jurisdiction over traffic infractions.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Kirby, Moeller, Pedersen, Ross and Williams.

Staff: Bill Perry (786-7123).

Background:

Organization of Municipal Courts.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There are three methods explicitly authorized in statute for a city to use in providing court services. (Note: These provisions do not apply to a city of more than 400,000 population, i. e., Seattle, which has its own municipal court provision.)

- A city is authorized to create and operate its own court of limited jurisdiction. The city bears the cost of running an independent municipal court.
- If a city terminates its own municipal court, it is authorized to come to agreement with the county for the delivery of court services by the county district court. Under this arrangement, the city pays the county for all aspects of the delivery of court services.
- A city is also authorized to petition the county for the creation of a "municipal department" within the district court. These municipal courts are part of the county district court. Under this arrangement, the city provides the facilities and the staffing for the court and pays the county for the services of a district court judge.

Under other provisions of law, interlocal agreements generally may be used by two or more units of local government to do jointly whatever those governments are authorized to do separately.

There is nothing in either the law on courts of limited jurisdiction or the law on interlocal agreements, however, that expressly authorizes a city that is not operating its own municipal court to enter into an agreement with another city for court operations. There is also a question as to whether such a joint court is an authorized venue for matters arising out of ordinances adopted in a city in which the court is not located.

A number of municipalities, particularly in King County, have entered into interlocal agreements with each other for the operation of municipal courts.

Jurisdiction of Municipal Courts.

Municipal courts have jurisdiction over misdemeanor violations. Counties and cities are expressly made responsible for exercising their jurisdiction in the prosecution, adjudication, sentencing, and incarceration of adult misdemeanor offenses referred to their courts by their law enforcement agencies. Municipal and district courts also have jurisdiction over other matters with regard to which the exercise of their jurisdiction is discretionary.

Summary of Substitute Bill:

A city is expressly authorized to contract with another jurisdiction or jurisdictions for the delivery of municipal court services. A "host" jurisdiction is one to which a contracting city pays money for judicial services. The host may be the county in which the contracting city is located, or it may be another city.

A host jurisdiction and any contracting cities must be in "reasonable proximity" to one another. Reasonable proximity is determined by considering whether an agreement makes efficient use of the jurisdictions' powers in accord with geographic, economic, population, and other factors influencing the needs and development of the communities.

A host city or county is given exclusive original jurisdiction over cases filed by the contracting city.

Traffic infractions are added to the list of judicial matters for which a county or city is expressly responsible.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2007.

Staff Summary of Public Testimony:

(In support) There is a crisis approaching. The Supreme Court has before it a case that may invalidate current municipal court service delivery agreements. If this bill is not enacted, many drunk driving cases and domestic violence cases may be thrown out. The bill is narrowly constructed to address this specific issue.

Small cities need to be able to contract with larger cities for court services. If smaller cities are forced to have their own separate courts, those courts might have to be held in coffee shops and people's living rooms. Small cities cannot rely on counties alone to provide needed court services. Just recently, King County was threatening to end its district court contracts with municipalities.

For many small cities, another nearby city is a much more convenient and efficient venue for a court than is the district court of the county. Requiring every small jurisdiction to run a court is extremely inefficient. The bill will reduce costs not only in maintaining courts themselves, but also in transporting offenders between jail and court.

(Opposed) The bill is an indication that city legislative bodies sometimes do not view courts as a separate and equal branch of government. It is unlikely cities would try to contract out for legislative services. Regionalizing services may not be a bad idea, but it should not be implemented without other components such as expanding the jurisdiction of municipal courts and requiring the election of municipal court judges.

Residents in contracting cities are disenfranchised. They cannot vote for judges who are elected in hosting cities. If the judges are appointed, residents in the contracting cities cannot vote for the appointing authorities.

Municipal court judges should be elected. In some jurisdictions the same non-elected city manager appoints the city's chief of police, the city's prosecutor, and the city's judge. Based on the records of the Judicial Conduct Commission, passage of the bill can be expected to result in more violations of defendants' rights.

Judges should participate in any contract negotiations between cities for municipal court services. The bill does not require coordination of the term of a court services contract with the terms of office of judges affected by the contract.

Persons Testifying: (In support) Representative Goodman, prime sponsor; Mary-Alyce Burleigh, Association of Washington Cities and the City of Kirkland; and Tammy Fellin, Association of Washington Cities.

(Opposed) Steve Shelton, Board for Judicial Administration; Brett Buckley, District and Municipal Court Judges Association; and Jeff Hall, Board for Judicial Administration.

Persons Signed In To Testify But Not Testifying: None.