

HOUSE BILL REPORT

HB 2034

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to requiring counties and cities to provide the administrative office of the courts with notice of court reorganizations.

Brief Description: Requiring counties and cities to provide the administrative office of the courts with notice of court reorganizations.

Sponsors: Representatives Cheney, Taylor, Leavitt, Ramos, Reed and Reeves; by request of Administrative Office of the Courts.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/9/24, 1/12/24 [DP].

Brief Summary of Bill

- Requires municipalities and counties to provide sufficient notice to the Administrative Office of the Courts prior to the creation or termination of municipal courts and agreements for court services.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass. Signed by 10 members: Representatives Taylor, Chair; Farivar, Vice Chair; Walsh, Ranking Minority Member; Abbarno, Cheney, Entenman, Goodman, Peterson, Thai and Walen.

Staff: Matt Sterling (786-7289).

Background:

Each county, city, and town is responsible for the prosecution, adjudication, sentencing, and

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incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions. Municipalities must carry out these responsibilities through the use of their own courts, staff, and facilities, or by entering into contracts or interlocal agreements to provide these services. Municipal courts have exclusive original jurisdiction over traffic infractions arising under city ordinances, all violations of city ordinances, and other actions brought to enforce or recover license penalties or forfeitures authorized by ordinances or statutes.

For a municipal court to be terminated, the municipality must reach an agreement with the appropriate county or another municipality to assume the responsibilities of the court. A city or town electing to terminate a municipal court may do so by adoption of an ordinance and complying with the following requirements:

- reaching an agreement with the appropriate county or another municipality on a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district or municipal court as a result of the termination;
- providing sufficient written notice of the intent to terminate the agreement to the county legislative authority; and
- ensuring that traffic infractions provided for in statute are enforced by the appropriate county or municipality.

For a county to terminate an agreement with a city for the provision of court services, the county must provide written notice of the intent to terminate the agreement to the city legislative authority at least one year prior to the expiration of the agreement.

Summary of Bill:

A new municipal court established pursuant to law does not have jurisdiction over any matter until six months after a notice of intent to create the new municipal court is sent to the Administrative Office of the Courts.

For a municipality to terminate a municipal court, the municipality must also provide a written notice of intent to terminate to the Administrative Office of the Courts six months prior to the termination. For a municipality or a county to terminate an agreement for the provision of court services, the city or county must also provide a written notice of the intent to terminate the agreement to the Administrative Office of the Courts at least one year prior to the expiration of the agreement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Current law requires cities and counties to notify each other when they are making a change to their courts, but there is not a notice requirement for the Administrative Office of the Courts (AOC). This is a simple bill that adds a requirement for the AOC to receive notice when a municipal court is going to be terminated or created. It ensures adequate information is flowing between the AOC and our local municipal and district courts. All the traffic tickets, small claims, driving under the influence charges, and simple assaults are handled through the municipal courts. This bill ensures that if there is going to be a change with a city or county court system, they are going to notify the AOC before those changes go into effect. This bill would ensure that adequate data is being transferred to the AOC and how those services would transfer to the new court. The AOC helps court staff complete transfer of open cases to a new court. If the AOC doesn't know about a transfer, that will delay the transfer of court services. We worked with the Association of Cities and the Washington State Association of Counties, and they are neutral on the bill.

(Opposed) None.

Persons Testifying: Representative Greg Cheney, prime sponsor; and Brittany Gregory, Administrative Office of the Courts.

Persons Signed In To Testify But Not Testifying: None.