

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2034

Chapter 61, Laws of 2024

68th Legislature
2024 Regular Session

COURT REORGANIZATIONS—NOTICE TO ADMINISTRATIVE OFFICE OF THE COURTS

EFFECTIVE DATE: June 6, 2024

Passed by the House February 9, 2024
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 28,
2024
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved March 13, 2024 2:02 PM

JAY INSLEE
Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2034** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 14, 2024

**Secretary of State
State of Washington**

HOUSE BILL 2034

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

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

Prefiled 12/22/23. Read first time 01/08/24. Referred to Committee
on Civil Rights & Judiciary.

1 AN ACT Relating to requiring counties and cities to provide the
2 administrative office of the courts with notice of court
3 reorganizations; and amending RCW 3.50.010, 3.50.060, 3.50.805,
4 3.50.810, 35.20.010, and 39.34.180.

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

6 **Sec. 1.** RCW 3.50.010 and 1984 c 258 s 103 are each amended to
7 read as follows:

8 Any city or town with a population of four hundred thousand or
9 less may by ordinance provide for an inferior court to be known and
10 designated as a municipal court, which shall be entitled "The
11 Municipal Court of (insert name of city or town),"
12 hereinafter designated and referred to as "municipal court," which
13 court shall have jurisdiction and shall exercise all powers by this
14 chapter declared to be vested in the municipal court, together with
15 such other powers and jurisdiction as are generally conferred upon
16 such court in this state either by common law or by express statute.
17 However, no municipal court established under this section shall have
18 jurisdiction over any matter until six months after a notice of
19 intent to create a new municipal court is sent to the administrative
20 office of the courts.

1 **Sec. 2.** RCW 3.50.060 and 1984 c 258 s 108 are each amended to
2 read as follows:

3 A city or town electing to establish a municipal court pursuant
4 to this chapter may terminate such court by adoption of an
5 appropriate ordinance. However no municipal court may be terminated
6 unless the municipality has complied with RCW 3.50.805, 3.50.810,
7 35.22.425, 35.23.595, (~~35.24.455~~) 35.23.555, 35.27.515, 35.30.100,
8 and 35A.11.200.

9 A city or town newly establishing a municipal court pursuant to
10 this chapter shall do so by adoption of an appropriate ordinance (~~or~~
11 ~~or before December 1 of any year, to take effect January 1 of the~~
12 ~~following year~~) as provided in RCW 3.50.010.

13 **Sec. 3.** RCW 3.50.805 and 2005 c 433 s 35 are each amended to
14 read as follows:

15 (1) A municipality operating a municipal court under this chapter
16 shall not terminate that court unless a notice of intent to terminate
17 is sent to the administrative office of the courts six months in
18 advance of the termination and the municipality has reached an
19 agreement with the appropriate county or another municipality under
20 chapter 39.34 RCW under which the county or municipality is to be
21 paid a reasonable amount for costs associated with prosecution,
22 adjudication, and sentencing in criminal cases filed in district or
23 municipal court as a result of the termination. The agreement shall
24 provide for periodic review and renewal of the terms of the
25 agreement. If the municipality and the county or municipality are
26 unable to agree on the terms for renewal of the agreement, they shall
27 be deemed to have entered into an agreement to submit the issue to
28 arbitration under chapter 7.04A RCW. Pending conclusion of the
29 arbitration proceeding, the terms of the agreement shall remain in
30 effect. The municipality and the county or municipality have the same
31 rights and are subject to the same duties as other parties who have
32 agreed to submit to arbitration under chapter 7.04A RCW. A
33 municipality that has entered into agreements with other
34 municipalities that have terminated their municipal courts may not
35 thereafter terminate its court unless each municipality has reached
36 an agreement with the appropriate county in accordance with this
37 section.

38 (2) A municipality operating a municipal court under this chapter
39 may not repeal in its entirety that portion of its municipal code

1 defining crimes while retaining the court's authority to hear and
2 determine traffic infractions under chapter 46.63 RCW unless the
3 municipality has reached an agreement with the county under chapter
4 39.34 RCW under which the county is to be paid a reasonable amount
5 for costs associated with prosecution, adjudication, and sentencing
6 in criminal cases filed in district court as a result of the repeal.
7 The agreement shall provide for periodic review and renewal of the
8 terms of the agreement. If the municipality and the county are unable
9 to agree on the terms for renewal of the agreement, they shall be
10 deemed to have entered into an agreement to submit the issue to
11 arbitration under chapter 7.04A RCW. Pending conclusion of the
12 arbitration proceeding, the terms of the agreement shall remain in
13 effect. The municipality and the county have the same rights and are
14 subject to the same duties as other parties who have agreed to submit
15 to arbitration under chapter 7.04A RCW.

16 (3) A municipality operating a municipal court under this chapter
17 may not repeal a provision of its municipal code which defines a
18 crime equivalent to an offense listed in RCW 46.63.020 unless the
19 municipality has reached an agreement with the county under chapter
20 39.34 RCW under which the county is to be paid a reasonable amount
21 for costs associated with prosecution, adjudication, and sentencing
22 in criminal cases filed in district court as a result of the repeal.
23 The agreement shall provide for periodic review and renewal of the
24 terms of the agreement. If the municipality and the county are unable
25 to agree on the terms for renewal of the agreement, they shall be
26 deemed to have entered into an agreement to submit the issue to
27 arbitration under chapter 7.04A RCW. Pending conclusion of the
28 arbitration proceeding, the terms of the agreement shall remain in
29 effect. The municipality and the county have the same rights and are
30 subject to the same duties as other parties who have agreed to submit
31 to arbitration under chapter 7.04A RCW.

32 **Sec. 4.** RCW 3.50.810 and 2001 c 68 s 1 are each amended to read
33 as follows:

34 (1) Any city having entered into an agreement for court services
35 with the county must provide written notice of the intent to
36 terminate the agreement to the county legislative authority and to
37 the administrative office of the courts not less than one year prior
38 to February 1st of the year in which all district court judges are
39 subject to election.

1 (2) Any city that terminates an agreement for court services to
2 be provided by a district court may terminate the agreement only at
3 the end of a four-year district court judicial term.

4 (3) A county that wishes to terminate an agreement with a city
5 for the provision of court services must provide written notice of
6 the intent to terminate the agreement to the city legislative
7 authority and to the administrative office of the courts not less
8 than one year prior to the expiration of the agreement.

9 **Sec. 5.** RCW 35.20.010 and 2005 c 433 s 37 are each amended to
10 read as follows:

11 (1) There is hereby created and established in each incorporated
12 city of this state having a population of more than four hundred
13 thousand inhabitants, as shown by the federal or state census,
14 whichever is the later, a municipal court, which shall be styled "The
15 Municipal Court of (name of city)," hereinafter
16 designated and referred to as the municipal court, which court shall
17 have jurisdiction and shall exercise all the powers by this chapter
18 declared to be vested in such municipal court, together with such
19 powers and jurisdiction as is generally conferred in this state
20 either by common law or statute. However, no municipal court
21 established under this section shall have jurisdiction over any
22 matter until six months after a notice of intent to create a new
23 municipal court is sent to the administrative office of the courts.

24 (2) A municipality operating a municipal court under this section
25 may terminate that court if the municipality has reached an agreement
26 with the county under chapter 39.34 RCW under which the county is to
27 be paid a reasonable amount for costs associated with prosecution,
28 adjudication, and sentencing in criminal cases filed in district
29 court as a result of the termination. However, no municipal court may
30 be terminated under this section unless a notice of intent to
31 terminate is sent to the administrative office of the courts six
32 months in advance of the termination. The agreement shall provide for
33 periodic review and renewal of the terms of the agreement. If the
34 municipality and the county are unable to agree on the terms for
35 renewal of the agreement, they shall be deemed to have entered into
36 an agreement to submit the issue to arbitration under chapter 7.04A
37 RCW. Pending conclusion of the arbitration proceeding, the terms of
38 the agreement shall remain in effect. The municipality and the county
39 have the same rights and are subject to the same duties as other

1 parties who have agreed to submit to arbitration under chapter 7.04A
2 RCW.

3 (3) A city that has entered into an agreement for court services
4 with the county must provide written notice of the intent to
5 terminate the agreement to the county legislative authority and to
6 the administrative office of the courts not less than one year prior
7 to February 1st of the year in which all district court judges are
8 subject to election. A city that terminates an agreement for court
9 services to be provided by a district court may terminate the
10 agreement only at the end of a four-year district court judicial
11 term.

12 (4) A county that wishes to terminate an agreement with a city
13 for the provision of court services must provide written notice of
14 the intent to terminate the agreement to the city legislative
15 authority and to the administrative office of the courts not less
16 than one year prior to the expiration of the agreement.

17 **Sec. 6.** RCW 39.34.180 and 2021 c 41 s 2 are each amended to read
18 as follows:

19 (1) Each county, city, and town is responsible for the
20 prosecution, adjudication, sentencing, and incarceration of
21 misdemeanor and gross misdemeanor offenses committed by adults in
22 their respective jurisdictions, and referred from their respective
23 law enforcement agencies, whether filed under state law or city
24 ordinance, and must carry out these responsibilities through the use
25 of their own courts, staff, and facilities, or by entering into
26 contracts or interlocal agreements under this chapter to provide
27 these services. Nothing in this section is intended to alter the
28 statutory responsibilities of each county for the prosecution,
29 adjudication, sentencing, and incarceration for not more than one
30 year of felony offenders, nor shall this section apply to any offense
31 initially filed by the prosecuting attorney as a felony offense or an
32 attempt to commit a felony offense. The court of any county, city, or
33 town that wishes to offer probation supervision services may enter
34 into interlocal agreements under subsection (6) of this section to
35 provide those services.

36 (2) The following principles must be followed in negotiating
37 interlocal agreements or contracts: Cities and counties must consider
38 (a) anticipated costs of services; and (b) anticipated and potential
39 revenues to fund the services, including fines and fees, criminal

1 justice funding, and state-authorized sales tax funding levied for
2 criminal justice purposes.

3 (3) If an agreement as to the levels of compensation within an
4 interlocal agreement or contract for gross misdemeanor and
5 misdemeanor services cannot be reached between a city and county,
6 then either party may invoke binding arbitration on the compensation
7 issued by notice to the other party. In the case of establishing
8 initial compensation, the notice shall request arbitration within
9 thirty days. In the case of nonrenewal of an existing contract or
10 interlocal agreement, the notice must be given one hundred twenty
11 days prior to the expiration of the existing contract or agreement
12 and the existing contract or agreement remains in effect until a new
13 agreement is reached or until an arbitration award on the matter of
14 fees is made. The city and county each select one arbitrator, and the
15 initial two arbitrators pick a third arbitrator. This subsection does
16 not apply to the extent that the interlocal agreement is for
17 probation supervision services.

18 (4) A city or county that wishes to terminate an agreement for
19 the provision of court services must provide written notice of the
20 intent to terminate the agreement in accordance with RCW 3.50.810 and
21 35.20.010. This subsection does not apply to the extent that the
22 interlocal agreement is for probation supervision services. The city
23 or county shall provide a copy of the written notice to terminate an
24 agreement for the provision of court services to the administrative
25 office of the courts not less than one year prior to the expiration
26 of the agreement.

27 (5) For cities or towns that have not adopted, in whole or in
28 part, criminal code or ordinance provisions related to misdemeanor
29 and gross misdemeanor crimes as defined by state law, this section
30 shall have no application until July 1, 1998.

31 (6) Municipal courts or district courts may enter into interlocal
32 agreements for pretrial and/or postjudgment probation supervision
33 services pursuant to ARLJ 11. Such agreements shall not affect the
34 jurisdiction of the court that imposes probation supervision, need
35 not require the referral of all supervised cases by a jurisdiction,
36 and may limit the referral for probation supervision services to a
37 single case. An agreement for probation supervision services is not
38 valid unless approved by the presiding judge of each participating
39 court. The interlocal agreement may not require approval of the local
40 executive and legislative bodies unless the interlocal agreement

1 requires the expenditure of additional funds by the jurisdiction. If
2 the jurisdiction providing probation supervision services is found
3 liable for inadequate supervision, as provided in RCW 4.24.760(1), or
4 is impacted by increased costs pursuant to the interlocal agreement,
5 the presiding judge of the jurisdiction imposing probation
6 supervision shall consult with the executive authority of the
7 jurisdiction imposing probation supervision and determine whether to
8 terminate the interlocal agreement for probation supervision
9 services. All proceedings to grant, modify, or revoke probation must
10 be held in the court that imposes probation supervision. Jail costs
11 and the cost of other sanctions remain with the jurisdiction that
12 imposes probation supervision.

13 The administrative office of the courts, in cooperation with the
14 district and municipal court judges association and the Washington
15 association of prosecuting attorneys, shall develop a model
16 interlocal agreement.

Passed by the House February 9, 2024.
Passed by the Senate February 28, 2024.
Approved by the Governor March 13, 2024.
Filed in Office of Secretary of State March 14, 2024.

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