
Civil Rights & Judiciary Committee

HB 2178

Brief Description: Concerning court rules and procedures.

Sponsors: Representatives Thai, Abell, Ryu and Simmons; by request of Administrative Office of the Courts.

Brief Summary of Bill

- Aligns statutory provisions with court rules on the subject of civil infractions.
- Reconciles the damage limit in two statutes concerning Malicious Mischief in the second degree.
- Extends by two years the deadline for the courts of limited jurisdictions to implement electronic submission process for protection order petitions.
- Repeals the requirement for the Administrative Office of the Courts to distribute to county clerks appropriated funds as grants for the collection of legal financial obligations.

Hearing Date: 1/13/26

Staff: Yelena Baker (786-7301).

Background:

Civil Infractions—Statutory Provisions and Court Rules.

Civil infractions are governed by statutory provisions and court rules, some of which are in conflict with each other.

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

Notice of Infraction.

Under the statutory provisions, notice of infraction must be filed with the court within 48 hours of issuance. A notice of infraction not filed within the prescribed time limits may be dismissed without prejudice.

Pursuant to the court rules, notice of infraction must be filed within five days of issuance. Upon motion and in the absence of good cause shown, a notice of infraction filed outside the prescribed time limit must be dismissed with prejudice.

Response to Notice.

The civil infraction statute provides that the form for the notice of civil infraction is as prescribed by court rule. The statute further requires that a civil infraction notice include a statement that the defendant must respond to the notice within 15 days.

Pursuant to court rules, the defendant must respond to the notice of infraction within 30 days of the date the notice is personally served or within 33 days of the date the notice is served by mail.

Authority of the Court to Enter into Payment Plans for Monetary Penalties.

A monetary penalty assessed for a civil infraction is payable immediately, unless the person is unable to pay at that time, in which case the court may grant an extension. Under the statutory provisions, if the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay.

The court rules further provide that a person may at any time request a payment plan for the payment of any penalty or other monetary obligation associated with an infraction. The court must enter into a payment plan with a person if the court determines that:

- the person does not have the ability to pay the monetary obligation in full;
- the person has not previously been granted a payment plan for the same monetary obligation; and
- the court has not authorized its collections agency to take civil legal enforcement action.

The court is authorized, but not required, to enter into a payment plan with a person if the court has authorized its collections agency to take civil legal enforcement action.

Malicious Mischief in the Second Degree—Aggregated Damages.

If a person knowingly and maliciously causes physical damage to the property of another, the person is guilty of:

- Malicious Mischief in the first degree, if the damage exceeds \$5,000;
- Malicious Mischief in the second degree, if the damage exceeds \$750 (increased from \$250 by the Legislature in 2009); or
- Malicious Mischief in the third degree, if the damage is caused under circumstances that do not amount to Malicious Mischief in the first or second degree.

Where multiple items of property are damaged and the damage would, when considered separately, constitute Malicious Mischief in the third degree because of value, then the value of the damages may be aggregated in one count. Under this provision, a defendant may be charged with and convicted of Malicious Mischief in the second degree if the aggregated damages exceed \$250, rather than \$750 required under the provisions related to Malicious Mischief in the second degree.

Implementation Deadline for Electronic Submission of Protection Order Petitions.

By January 1, 2026, all courts of limited jurisdiction must permit protection order petitions to be submitted remotely through an electronic submission process.

Administration of Grants for the Collection of Legal Financial Obligations.

The Administrative Office of the Courts (AOC) is required by statute to distribute to county clerk offices appropriated funds as grants for the collection of legal financial obligations (LFO collection grants). Since 2015, the Legislature, through operating budgets, has directed the State Treasurer to distribute the LFO collection grants to county clerks offices.

Summary of Bill:

To align with court rules:

- statutory time limit for filing a notice of infraction is modified from 48 hours to five days after issuance;
- the court is required (rather than authorized) to dismiss with prejudice (rather than without prejudice) any notice of infraction filed outside that time limit; and
- statutory time limit for responding to an infraction notice is modified from 15 days to 30 or 33 days, depending on how the notice was served.

Court rules that allow and, under certain circumstances require, the courts to enter into payment plans for monetary penalties are added to the statutory provisions on monetary penalties imposed for civil infractions.

To align with the damage limit of \$750 required for charging and convicting a defendant of Malicious Mischief in the second degree, the required value of aggregated damages is revised from \$250 to \$750 for cases where multiple items of property are damaged, and the damages are aggregated for the purpose of charging and convicting the defendant of Malicious Mischief in the second degree.

The implementation date by which all courts of limited jurisdiction must permit protection order petitions to be submitted electronically is extended by two years to January 1, 2028.

The statute requiring the AOC to administer the LFO collection grant program to county clerks is repealed.

Appropriation: None.

Fiscal Note: Requested on January 09, 2026.

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