

HOUSE BILL REPORT

HB 2178

As Reported by House Committee On:
Civil Rights & Judiciary

Title: An act relating to court rules and procedures, including aligning statutes with court rules and other statutes, making technical corrections, and updating an implementation date.

Brief Description: Concerning court rules and procedures.

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

Brief History:

Committee Activity:

Civil Rights & Judiciary: 1/13/26, 1/16/26 [DPS].

Brief Summary of Substitute 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.
- 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 and instead directs the State Treasurer to administer the grants.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Taylor, Chair; Farivar, Vice Chair; Abell, Assistant Ranking Minority Member; Entenman, Goodman, Jacobsen, Peterson, Salahuddin, Thai and Walen.

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.

Minority Report: Without recommendation. Signed by 2 members: Representatives Walsh, Ranking Minority Member; Burnett.

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.

Notice of Infraction.

Under the statutory provisions, a 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, a 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.

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 Substitute 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 statute requiring the AOC to administer the LFO collection grant program to county clerks is repealed, and instead, the State Treasurer is directed to distribute the LFO collection grants.

Substitute Bill Compared to Original Bill:

The substitute bill removes provisions that extend by two years the deadline for the courts of limited jurisdiction to implement an electronic submission process for protection order petitions. The substitute bill also provides statutory authority for the State Treasurer to distribute to county clerks appropriated funds as grants for the collection of legal financial obligations, while still repealing the requirement for the Administrative Office of the Courts to do so.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This legislation is intended as a package of targeted, largely technical updates approved by the Board for Judicial Administration. The bill updates statutory language so that it accurately reflects current court rules, responsibilities, and implementation realities.

One section of the bill adjusts an implementation deadline related to electronic filing and tracking of protection orders. That change is intended to ensure that the requirement aligns with the timeline for courts of limited jurisdiction to transition to the state's new case management system. The way protection order documents are currently collected and stored varies significantly by local jurisdiction, which makes it infeasible for the electronic tracking system. The new case management system consolidates those records in a consistent way that enables that functionality, which is why the electronic tracking needs to connect to the new system and the timelines need to align accordingly. As courts transition to the new system in phases between now and 2028, they gain access to electronic filing and related tools, which means more and more courts will have access over time, and full statewide implementation is on track for 2028.

(Opposed) None.

(Other) It is disappointing to see provisions that authorize further delay for several fundamental reforms that the Legislature enacted in 2021 with regard to harmonizing, modernizing, and improving the efficacy and accessibility of the protection order process. Central to that effort was increased access to the courts for survivors by allowing electronic filing for both superior courts and courts of limited jurisdiction, improving access for litigants in rural communities. Judicial officers also identified the critical need for easier access to view protection orders issued in other courts and jurisdictions. At the request of the Legislature in 2021, a year-long work group was convened by the Washington State Supreme Court Gender and Justice Commission to address these technology issues, and the AOC had multiple representatives on that work group. After that extensive stakeholder process, the Legislature gave the AOC five years to implement these changes. And it is true that how protection orders are stored varies by jurisdiction, but this is exactly what that work group looked at and provided recommendations for back in 2021. It is troubling that survivors and attorneys are just now hearing that these changes will be even further delayed. There needs to be transparency and accountability with regard to how funding that was allocated to support these legislative mandates has been used to date, and what concrete barriers remain that could excuse jeopardizing survivor safety, court efficacy, and access to justice.

Persons Testifying: (In support) Representative My-Linh Thai, prime sponsor; and J. Lee Schultz, Administrative Office of the Courts, Board for Judicial Administration.

(Other) Elizabeth Hendren, Sexual Violence Law Center.

Persons Signed In To Testify But Not Testifying: None.