

**Chapter 10.04 RCW**  
**DISTRICT COURT PROCEDURE—GENERALLY**

**Sections**

- 10.04.020 Arrest—Offense committed in view of district judge.
- 10.04.040 Cash bail in lieu of recognizance.
- 10.04.050 Jury—If demanded.
- 10.04.070 Plea of guilty.
- 10.04.100 Verdict of guilty—Proceedings upon.
- 10.04.101 Assessment of punishment by courts organized under 1961 justice of the peace act.
- 10.04.110 Judgment—Entry—Execution—Remittance of district court fines, etc.
- 10.04.120 Stay of execution.
- 10.04.800 Proposed forms for criminal actions.

**Rules of court:** See *Criminal Rules for Courts of Limited Jurisdiction (CrRLJ)*.

**RCW 10.04.020 Arrest—Offense committed in view of district judge.** When any offense is committed in view of any district judge, the judge may, by verbal direction to any deputy, or if no deputy is present, to any citizen, cause such deputy or citizen to arrest such offender, and keep such offender in custody for the space of one hour, unless such offender shall sooner be taken from such custody by virtue of a warrant issued on complaint on oath. But such person so arrested, shall not be confined in jail, nor put upon any trial, until arrested by virtue of such warrant. [1987 c 202 § 149; Code 1881 § 1888; Code 1881 § 1889, part; 1873 p 382 § 186; 1854 p 260 § 173; RRS § 1926, part.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

**RCW 10.04.040 Cash bail in lieu of recognizance.** District courts or committing magistrates may accept money as bail from persons charged with bailable offenses, and for the appearance of witnesses in all cases provided by law for the recognizance of witnesses. The amount of such bail or recognizance in each case shall be determined by the court in its discretion, and may from time to time be increased or decreased as circumstances may justify. The money to be received and accounted for in the same manner as provided by law for the superior courts. [1987 c 202 § 150; 1919 c 76 § 1; RRS § 1957 1/2.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

*Excessive bail or fines, cruel punishment prohibited: State Constitution Art. 1 § 14.*

**RCW 10.04.050 Jury—If demanded.** In all trials for offenses within the jurisdiction of a district judge, the defendant or the state may demand a jury, which shall consist of six, or a less number, agreed upon by the state and accused, to be impaneled and sworn as in

civil cases; or the trial may be by the judge. When the complaint is for a crime or misdemeanor in the exclusive jurisdiction of the superior court, the justice hears the case as a committing magistrate, and no jury shall be allowed. [1987 c 202 § 151; 1891 c 11 § 1; Code 1881 § 1890; 1875 p 51 § 2; 1873 p 382 § 188; 1854 p 260 § 174, part; RRS § 1927.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

*Charging juries: State Constitution Art. 4 § 16.*

*Convicted persons liable for costs and jury fees: RCW 10.46.190.*

*Right to trial by jury: State Constitution Art. 1 § 21.*

**RCW 10.04.070 Plea of guilty.** The defendant may plead guilty to any offense charged. [Code 1881 § 1892; 1873 p 383 § 190; 1854 p 260 § 174, part; RRS § 1929.]

**RCW 10.04.100 Verdict of guilty—Proceedings upon.** The judge, if the prisoner is found guilty, shall assess the prisoner's punishment; or if, in the judge's opinion, the punishment the judge is authorized to assess is not adequate to the offense, he or she may so find, and in such case the judge shall order such defendant to enter recognizance to appear in the superior court of the county, and shall also recognize the witnesses, and proceed as in proceedings by a committing magistrate. [1987 c 202 § 152; 1891 c 11 § 2; Code 1881 § 1891; 1873 p 382 § 189; 1854 p 260 § 174; RRS § 1928.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

**RCW 10.04.101 Assessment of punishment by courts organized under 1961 justice of the peace act.** See RCW 3.66.065.

**RCW 10.04.110 Judgment—Entry—Execution—Remittance of district court fines, etc.** In all cases of conviction, unless otherwise provided in this chapter, the judge shall enter judgment for the fine and costs against the defendant, and may commit him or her to jail until the amount of such fine and costs owing are paid, or the payment thereof be secured as provided by RCW 10.04.120. The amount of such fine and costs owing shall be computed as provided for superior court cases in RCW 10.82.030 and 10.82.040. Further proceedings therein shall be had as in like cases in the superior court: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [2010 c 8 § 1007; 1987 c 202 § 153; 1969 ex.s. c 199 § 10; 1967 c 200 § 6; 1891 c 11 § 6; Code 1881 § 1896; 1873 p 383 § 194; 1854 p 261 § 176; RRS § 1933.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

*Convicted persons liable for jury fees: RCW 10.46.190.*

**RCW 10.04.120 Stay of execution.** Every defendant may stay the execution for the fine and costs for thirty days, by procuring sufficient sureties, to be approved by the district judge, to enter into recognizance before the district judge for the payment of the fine and costs; the entry of such recognizance shall be made on the docket of the district judge, and signed by the sureties, and shall have the same effect as a judgment, and if the same be not paid in thirty days, the district judge shall proceed as in like cases in the superior court. [1987 c 202 § 154; Code 1881 § 1897; 1873 p 383 § 195; 1854 p 261 § 176; RRS § 1934.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

**RCW 10.04.800 Proposed forms for criminal actions.** The district and municipal court judges' association may propose to the supreme court suggested forms for criminal actions for inclusion in the justice court criminal rules. [1994 c 32 § 6; 1987 c 202 § 155.]

**Rules of court:** *CrRLJ 2.1, 4.2.*

**Intent—1987 c 202:** See note following RCW 2.04.190.