

WSR 21-23-024
RULES OF COURT
STATE SUPREME COURT
[November 5, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO CrR) NO. 25700-A-1385
3.3—TIME FOR TRIAL)

The Superior Courts Judges' Association Criminal Law and Rules Committee, having recommended the suggested amendment to CrR 3.3—Time for Trial, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2022.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2022. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 5th day of November, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendment to
CRIMINAL RULES FOR SUPERIOR COURTS, CrR 3.3
TIME FOR TRIAL

A. Name of Proponent: Superior Courts Judges' Association (SCJA) Criminal Law and Rules Committee

B. Spokesperson: Judge Laura M. Riquelme
SCJA Criminal Law and Rules Committee, Chair
Skagit County Superior Court Judge
205 W Kincaid Street, Ste. 202,
Mount Vernon, WA 98273
(360) 416-1200

C. Purpose: The SCJA Criminal Law and Rules Committee recommends amending CrR 3.3, Time for Trial, to mirror and adopt similar language to the District & Municipal Courts Judges' Association (DMCJA) suggested amendment to CrRLJ 3.3. The suggested amendment to CrR 3.3 will make the rule congruent, and adhere with the parameters of CrR 3.4. This amendment shall allow defense counsel to enter into agreements for continuance on behalf of their clients. It also clarifies that defense counsel's signature constitutes a representation that the defendant has been consulted and agrees to the continuance, and that the court's notice to defense counsel of new hearing dates constitutes notice to the defendant. This suggested amendment to CrR 3.3 will also

allow for continuity when the transition from the Emergency Court Operations Order issued by the Washington Supreme Court due to the Covid-19 pandemic to Regular Court Operations. For these reasons, the SCJA Criminal Law and Rules Committee requests adoption of the suggested amendment to CrR 3.3.

D. Hearing: A hearing is not recommended.

E. Expedited Consideration: Expedited consideration is requested to address current practice, and to provide continuity when the Emergency Order issued by the Washington Supreme Court regarding Court Operations during Covid-19 public emergency expires. Expedited consideration is requested to make the CrR 3.3 congruent with the current CrR 3.4.

Suggested Amendment:

CrR 3.3

TIME FOR TRAIL

(a) - (e) [Unchanged.]

(f) Continuances. Continuances. Continuances or other delays may be granted as follows:

(1) *Written Agreement.* Upon written agreement of the parties, which must be signed by defense counsel or the defendant or all defendants, the court may continue the trial date to a specified date. Defense counsel's signature constitutes a representation that the defendant has been consulted and agrees to the continuance. The Court's notice to defense counsel of new hearing dates constitutes notice to the defendant.

(2) [Unchanged.]

(g) - (h) [Unchanged.]

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.