

apply to retail purchasers who purchase milk for domestic consumption.

SEC. 50. If any provision of this act, or its applica- **Severability.**  
tion to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 28, 1961.

Passed the House March 8, 1961.

Approved by the Governor March 21, 1961.

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## CHAPTER 299.

[ Sub. S. B. 111. ]

### JUSTICES OF THE PEACE AND OTHER INFERIOR COURTS.

AN ACT relating to the judiciary; and to justices of the peace and other inferior courts.

*Be it enacted by the Legislature of the State of Washington:*

#### Chapter 1

### JUSTICE COURTS

SECTION 1. *Definitions.* As used herein:

“City” means an incorporated city or town.

“Department” means the designation of an administrative unit of a justice court established for the orderly and efficient administration of justice court business and may include, without being limited in scope thereby, a unit or units for determining one or more of the following: Traffic cases, violations of city ordinances, violations of state law, criminal cases, civil cases, or jury cases.

“Population” means the latest population of the judicial district of each county as estimated by the Washington state census board and certified to the

board of county commissioners on or before May 1, 1962 and on or before May 1st each four years thereafter. The Washington state census board, on or before May 1, 1962 and on or before May 1st each four years thereafter, shall estimate and certify to the board of county commissioners the population of each judicial district of each county.

SEC. 2. *Application of Act.* The provisions of this act shall apply to class AA and class A counties: *Provided*, That any city having a population of more than five hundred thousand may by resolution of its legislative body elect to continue to operate a municipal court pursuant to the provisions of chapter 35.20 RCW, as if this act had never been enacted: *Provided further*, That if a city elects to continue its municipal court pursuant to this section, the number of justices of the peace allocated to the county in section 10 of this act shall be reduced by two and the number of full time justices of the peace allocated by section 11 to the district in which the city is situated shall also be reduced by two. The provisions of this act may be made applicable to any county of the first, second, third, fourth, fifth, sixth, seventh, eighth, or ninth class upon a majority vote of its board of county commissioners.

SEC. 3. *Justice Court Judges.* The judges of the justice court of each justice court district shall be the justices of the peace of the district elected or appointed as provided in this act.

SEC. 4. *Sessions.* The justice courts shall be open except on nonjudicial days. Sessions of the court shall be held at such places as shall be provided by the justice court districting plan. The court shall sit as often as business requires in each city of the justice court district which provides suitable courtroom facilities, to hear causes in which such city is the plaintiff.

SEC. 5. *Departments.* Each justice is authorized to organize his court not inconsistent with departments created by the districting plan.

SEC. 6. *Adjournments.* Adjournments from day to day, or from time to time, are to be construed as recesses in the sessions, and shall not prevent the court from sitting at any time.

SEC. 7. *Records.* Each justice court shall keep uniform records of each case filed and the proceedings had therein including an accounting for all funds received and disbursed. Financial reporting shall be in such form as may be prescribed by the office of the state auditor, division of municipal corporations. The form of other records may be prescribed by the supreme court.

SEC. 8. *Rules.* The supreme court may adopt rules of procedure for justice courts: *Provided,* That the justice courts may adopt rules of procedure not inconsistent with state law or with the rules adopted by the supreme court. If the rules of the supreme court herein authorized shall be adopted, all procedural laws in conflict therewith shall thenceforth be of no effect.

SEC. 9. *Violations Bureau.* A violations bureau may be established by any city or justice of the peace having jurisdiction of traffic cases to assist in processing traffic cases. As designated by written order of the justice having jurisdiction of traffic cases, specific offenses under city ordinance, county resolution, or state law may be processed by such bureau. Such bureau may be authorized to receive the posting of bail for such specified offenses, and, as authorized by the court order, to accept forfeiture of bail. The court order shall specify the amount of bail to be posted and shall also specify the circumstances or conditions which will require an appearance before the court. Such bureau, upon accepting the pre-

scribed bail, shall issue a receipt to the alleged violator, which receipt shall bear a legend informing him of the legal consequences of bail forfeiture. The bureau shall transfer daily to the clerk of the proper department of the court all bail posted for offenses where forfeiture is not authorized by the court order, as well as copies of all receipts. All forfeitures paid to a violations bureau for violations of municipal ordinances shall be placed in the city general fund or such other fund as may be prescribed by ordinance. All forfeitures paid to a violations bureau for violations of state laws or county resolutions shall be remitted at least monthly to the county treasurer for deposit in the current expense fund. Employees of violations bureaus of a city shall be city employees under any applicable municipal civil service system.

## Chapter 2

### JUSTICES OF THE PEACE

SEC. 10. *Justices of the Peace—Number for Each County.* The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, four; Chelan, four; Clallam, one; Clark, four; Columbia, one; Cowlitz, five; Douglas, three; Ferry, two; Franklin, one; Garfield, one; Grant, five; Grays Harbor, four; Island, three; Jefferson, one; King, twenty; Kitsap, four; Kittitas, three; Klickitat, two; Lewis, four; Lincoln, four; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, two; Snohomish, six; Spokane, seven; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, three; Yakima, seven.

SEC. 11. *Justices of the Peace—Number of Full Time.* In each justice court district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice

of the peace; in each justice court district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each justice court district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each justice court district having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof: *Provided*, That if a justice court district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county commissioners without regard to section 10 as now or hereafter amended and shall become effective on the second Monday of January of the year following: *Provided further*, That upon any redistricting of the county thereafter section 10, as now or hereafter amended, shall again designate the number of justices in the county.

SEC. 12. *Reallocation of Number of Justices.* Notwithstanding the limitations of sections 10 and 11 of this act in any district having more than one justice of the peace, if any city or town elects to select under the provisions of chapter 6 a person other than a justice of the peace to serve as municipal judge, the board of county commissioners shall reduce the number of justices of the peace required for the county and district by one for each one hundred and fifty thousand persons or fraction thereof residing in all such municipalities, electing to select a municipal judge who is not also a justice of the peace: *Provided*, That in no case shall the number of justices of the peace in any county be less than one for each one hundred thousand persons or major fraction thereof

in such county, nor shall the number of justices of the peace in any district be less than one for each one hundred and fifty thousand persons or major fraction thereof.

SEC. 13. *Justices of the Peace—Full Time and Part Time.* Justices of the peace serving districts having a population of forty thousand or more persons, and justices receiving a salary equal to or greater than eight thousand dollars for serving as a justice, shall be deemed full time justices and shall devote all of their time to the office and shall not engage in the practice of law. Other justices shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but such justice shall not use the office or supplies furnished by the judicial district for his private business but shall maintain a separate office for his private business nor shall he use the services of any clerk or secretary paid for by the county for his private business.

SEC. 14. *Justices of the Peace—Election.* At the general election in November, 1962 and quadrennially thereafter, there shall be elected by the voters of each justice court district the number of justices of the peace authorized for such district by the justice court districting plan. Justices of the peace shall be elected for each district by the qualified electors of the justice court district in the same manner as judges of courts of record are elected. Not less than ten days before the time for filing declarations of candidacy for the election of justices of the peace for justice court districts entitled to more than one justice of the peace, the county auditor shall designate each such office of justice of the peace to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. Each candidate at the time of the filing of his declaration of candidacy shall designate by number

which one, and only one, of the numbered offices for which he is a candidate and the name of such candidate shall appear on the ballot for only the numbered office for which the candidate filed his declaration of candidacy.

In all elections for justices of the peace, if any candidate in the primary receives a majority of all of the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter.

SEC. 15. *Justices of the Peace—Eligibility and Qualifications.* To be eligible to file a declaration of candidacy for and to serve as a justice of the peace, a person must:

(1) Be a registered voter of the justice court district; and

(2) Be either:

(a) A lawyer admitted to practice law in the state of Washington; or

(b) A person who has been elected and has served as a justice of the peace, municipal judge or police judge in Washington; or

(c) In those districts having a population of less than ten thousand persons, a person who has taken and passed such qualifying examination for the office of justice of the peace as shall be provided by rule of the supreme court.

SEC. 16. *Justices of the Peace—Term of Office.* Every justice of the peace shall hold office for a term of four years from and after the second Monday in January next succeeding his selection and continuing until his successor is elected and qualified.

SEC. 17. *Oath.* Each justice of the peace, justice of the peace pro tempore and justice court commissioner shall, before entering upon the duties of such office, take an oath to support the Constitution

of the United States and the Constitution and laws of the state of Washington, and to perform the duties of the office faithfully and impartially and to the best of his ability.

SEC. 18. *Bond.* The county commissioners shall provide for the bonding of each justice of the peace, justice of the peace pro tempore, justice court commissioner, and court employee, at the expense of the county, in such amount as the county commissioners shall prescribe, conditioned that each such person will pay over according to law all moneys which shall come into his hands in causes filed in his court. Such bond shall not be less than the maximum amount of money liable to be under the control, at any one time, of each such person in the performance of his duties. Such bond may be a blanket bond.

SEC. 19. *Vacancies.* If any justice dies, resigns, is convicted of a felony, or ceases to reside in the district or fails to serve for any reason except temporary disability, or if his term of office is terminated in any other manner, the office shall be deemed vacant. The board of county commissioners shall fill all vacancies by appointment and the justice thus appointed shall hold office until the next general election and until his successor is elected and qualified. Justice of peace shall be granted sick leave in the same manner as other county employees.

SEC. 20. *Justices of the Peace—Disqualification.* A justice of the peace shall not act as judge in any of the following cases:

(1) In an action to which he is a party, or in which he is directly interested, or in which he has been an attorney for a party.

(2) When he or one of the parties believes that the parties cannot have an impartial trial before him: *Provided*, That only one change of judges shall be allowed each party under this subsection.



When a justice is disqualified under this section, the case shall be heard before another justice or justice pro tempore of the same county.

SEC. 21. *Justices of the Peace—Disqualification of Partners.* If a justice of the peace be a lawyer, his partner and associates shall not practice law before him.

SEC. 22. *Justices of the Peace Pro Tempore.* Each justice court shall designate one or more justices of the peace pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a justice of the peace of the district. The qualifications of a justice of the peace pro tempore shall be the same as for a justice of the district: *Provided,* That if no qualified person is available, then the court shall appoint a registered voter of the county in which the justice court district or portion thereof is located. A justice of the peace pro tempore may sit in any district of the county for which he is appointed. A justice of the peace pro tempore shall be paid for each day he holds a session one-two hundred fiftieth of the annual salary of a full time justice of the district. For each day that a justice of the peace pro tempore serves in excess of thirty days during any calendar year, the annual salary of the justice of the peace in whose place he serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary.

SEC. 23. *Exchange of Justices.* Any justice of the peace may hold a session in any justice court district in the state, at the request of the justice or majority of justices in such district if the visiting justice of the peace determines that the state of justice court business in his district will permit him to be absent: *Provided,* That the board of county commissioners of the county in which such justice court is located shall first approve such temporary absence and no justice of the peace pro tempore shall be required to

serve during his absence. A visiting justice shall be entitled to his actual traveling and living expenses while so acting, to be paid by the visited district: *Provided*, That no such traveling or living expenses shall be paid to the visiting justice unless the county commissioners of the county in which the visited district is located shall have consented and approved thereto prior to such visit.

SEC. 24. *Presiding Judge*. Where a justice court district has more than one justice, the supreme court may by rule provide for the manner of selection of one of the justices to serve as presiding judge and prescribe his duties.

### Chapter 3

#### JUSTICE COURT DISTRICT

SEC. 25. *Justice Court Districting Committee—Membership*. There is established in each county a justice court districting committee composed of the following:

(1) The judge of the superior court, or, if there be more than one such judge, then one of the judges selected by that court;

(2) The prosecuting attorney, or a deputy selected by him;

(3) A practicing lawyer of the county selected by the president of the largest local bar association, if there be one, and if not, then by the county commissioners;

(4) A judge of an inferior court of the county selected by the president of the Washington State Magistrates' Association; and

(5) The mayor, or his representative, of each first, second, and third class city of the county;

(6) One person to represent the fourth class cities of the county, if any, to be designated by the president of the Association of Washington Cities: *Provided*, That if there should be neither a first class

nor a second class city within the county, the mayor, or his representative, of each fourth class city shall be a member;

(7) The chairman of the board of county commissioners; and

(8) The county auditor.

SEC. 26. *Justice Court Districting Committee—Duties.* On or before December 1, 1961, each justice court districting committee shall meet at the call of the prosecuting attorney to prepare a plan for the districting of the county into one or more justice court districts in accordance with the provisions of this act, which plan shall include the following:

(1) The boundaries of each justice court district proposed to be established;

(2) The number of justices to be elected in each justice court district;

(3) The location of the central office, courtrooms and records of each court;

(4) The other places in the justice court district, if any, where the court shall sit;

(5) The number and location of justice court commissioners to be authorized, if any;

(6) The departments, if any, into which each justice court shall be initially organized, including municipal departments provided for in chapter 5 of this act;

(7) The name of each justice court district; and

(8) The allocation of the time and allocation of salary of each justice who will serve part time in a municipal department.

Not later than March 15, 1962, the plan shall be transmitted to the county commissioners.

SEC. 27. *Justice Court Districting Plan—Adoption.* Upon receipt of the justice court districting plan, the county commissioners shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the

hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. Upon the conclusion of the hearing, and not later than May 1, 1962, the county commissioners shall adopt a justice court districting plan for the county. If the commissioners find that the plan proposed by the districting committee conforms to the standards set forth in this act and is conducive to the best interests and welfare of the county, as a whole it may adopt such plan. If the commissioners find that such plan does not conform to the standards as provided in this act, they may modify, revise or amend the plan and adopt such amended or revised plan as the county's justice court districting plan.

SEC. 28. *Amendment.* The districting committee may meet for the purpose of amending the districting plan at any time on call of the county commissioners, the chairman of the committee or a majority of its members. Amendments to the plan shall be submitted to the county commissioners not later than March 15th of each year for adoption by the commissioners following the same procedure as with the original districting plan. Amendments shall be adopted not later than May 1st following submission by the districting committee. Any such amendment shall not be effective until the next regular general election for justice of the peace.

SEC. 29. *Justice Court Districts—Standards.* Justice court districts shall be established in accordance with the following standards:

(1) Every part of the county shall be in some justice court district.

(2) The whole county may constitute one justice court district.

(3) There shall not be more justice court districts than there are justices of the peace authorized for the county.

(4) No justice court district boundary shall intersect the boundary of an election precinct.

(5) No city shall lie in more than one justice court district.

(6) Whenever a county is divided into more than one justice court district, each district shall be so established as best to serve the convenience of the people of such district, considering the distances which must be traveled by parties and witnesses in going to and from the court and any natural barriers which may obstruct such travel.

SEC. 30. *Joint Justice Court Districts.* Joint justice court districts may be established containing all or part of two or more counties. The county containing the largest portion of the population of such joint district shall be known as the "principal county" and each joint justice court district shall be deemed to lie within the principal county for the purpose of this act. A joint justice court district may be established by resolution of one county concurred in by a resolution of each other county: *Provided*, That the county commissioners of a county containing the largest portion of the population of a city may include the portions of such city lying outside the county in a joint justice court district without concurrence of the other counties.

Elections of justices in joint justice court districts shall be conducted and canvassed in the same manner as elections of superior court judges in joint judicial districts.

## Chapter 4

### JUSTICE COURT COMMISSIONERS

SEC. 31. *Justice Court Commissioners—Appointment—Qualifications—Term of Office.* When so authorized by the justice court districting plan, one or more justice court commissioners may be appointed in any justice court district by the justices

of the peace of such district. Each commissioner shall be a registered voter of the county in which the justice court district or a portion thereof is located, and shall hold office during the pleasure of the justices of the peace appointing him.

SEC. 32. *Powers of Commissioners.* Each justice court commissioner shall have such power, authority and jurisdiction in criminal matters as the justices of the peace who appointed him possess and shall prescribe. Justice court commissioners shall not have power to hear and determine civil matters.

SEC. 33. *Transfer of Cases to Justice of the Peace.* Any party may have a case transferred from a justice court commissioner to a justice of the peace of the same district for hearing, by filing a motion for transfer. The commissioner shall forthwith transfer the case to such justice.

SEC. 34. *Compensation.* Justice court commissioners shall receive such compensation as the county commissioners shall provide.

## Chapter 5

### MUNICIPAL DEPARTMENTS

SEC. 35. *Municipal Department Authorized.* Any city may secure the establishment of a municipal department of the justice court, to be designated "The Municipal Department of (city)." Such department may also be designated "The Municipal Court of (city)."

SEC. 36. *Judges.* Each judge of a municipal department shall be a justice of the peace of the district in which the municipal department is situated. Such judge may be alternately designated as a municipal judge or police judge.

SEC. 37. *Jurisdiction.* A municipal department shall have exclusive jurisdiction of matters arising

from ordinances of the city, and no jurisdiction of other matters.

SEC. 38. *Petition.* Establishment of a municipal department shall be initiated by a petition from the legislative body of the city to the board of county commissioners. Such petition shall be filed with the commissioners not less than thirty days prior to February 1, 1962, or any subsequent year, and shall set forth: (1) The number of full time and part time judges required for the municipal department; (2) The amount of time for which a part time judge will be required for the municipal department; and (3) Whether the full time judge or judges will be elected or appointed. In a petition filed subsequent to 1962 provision shall be made for temporary appointment of a municipal judge to fill each elective position until the next election for justices of the peace. The petition shall be forthwith transmitted to the districting committee. The organization of the municipal department shall be incorporated into the districting plan. The districting committee in its plan shall designate the proportion of the salary of each justice serving as a part time municipal judge to be paid by the city, which shall be proportionate to the time of such judge allotted to the municipal department by the districting plan. A city may withdraw its petition any time prior to adoption of the districting plan by the board of county commissioners, and thereupon the municipal department pursuant to this chapter shall not be established.

SEC. 39. *Selection of Full Time Judges.* Each city may select its full time municipal judge or judges by election, or by appointment in such manner as the city legislative body determines: *Provided*, That in cities having a population in excess of five hundred thousand, the municipal judges shall be elected.

SEC. 40. *Selection of Part Time Judge.* In justice court districts having more than one justice of the

peace, appointment of part time municipal judges shall be made from the justices of the peace of the district by the mayor in such manner as the city legislative body shall determine.

SEC. 41. *Election.* In each justice court district where an election is held for the position of municipal judge, the county auditor, prior to the date for filing declarations for the office of justice of the peace, shall designate the proper number of municipal judge positions, commencing with number one, and if there is more than one municipal judge in any municipal department, one or more positions may, at the request of the legislative body of the city, be further designated as municipal traffic judge positions. Only voters of the city shall vote for municipal judges.

SEC. 42. *Term and Removal.* A municipal judge shall serve in such capacity for his term as justice of the peace, and may be removed from so serving in the same manner and for the same reasons as he may be removed from the office of justice of the peace.

SEC. 43. *Salary—City Cost.* The salary of a full time municipal judge shall be paid wholly by the city. The salary of a justice of the peace serving a municipal department part time shall be paid jointly by the county and the city in the same proportion as the time of the justice has been allocated to each.

SEC. 44. *Vacancy.* A vacancy in a position of full time municipal judge shall be filled for the unexpired term by appointment in such manner as the city may determine. In districts having more than one justice of the peace a vacancy in a position of part time municipal judge shall be filled for the unexpired term by appointment in such manner as the city shall determine from the justices of the district, including any justice appointed by the county commissioners to fill an unexpired term.



SEC. 45. *Night Sessions.* A city may authorize its municipal department to hold night sessions.

SEC. 46. *Revenue.* All revenue received by a municipal department including penalties, fines, bail forfeitures, fees and costs shall be paid to the city treasurer for the use of the city.

SEC. 47. *Facilities.* All courtrooms, offices, facilities and supplies for the operation of a municipal department shall be furnished by the city.

SEC. 48. *Personnel.* \*[All personnel of a municipal department shall be appointed by the city.] All such personnel shall be deemed employees of the city, shall be compensated wholly by the city, and shall be appointed under and subject to any applicable civil service laws and regulations. \*Vetoed.

SEC. 49. *Abolition of Municipal Department.* Any city, having established a municipal department as provided in this chapter may, by written notice to the board of county commissioners not less than thirty days prior to February 1st of any year require the abolition of the municipal department created pursuant to this chapter.

## Chapter 6

### MUNICIPAL DEPARTMENTS— ALTERNATE PROVISION

SEC. 50. Any city or town with a population of 20,000 or less may by ordinance provide for an inferior court to be known and designated as a municipal court, which shall be entitled "The Municipal Court of ..... (insert name of city or town)", hereinafter designated and referred to as "municipal court", which court shall have jurisdiction and shall exercise all powers by this chapter declared to be vested in the municipal court, together with such other powers and jurisdiction as generally con-

**Municipal  
courts.  
Authorized.**

ferred in this state by either common law or by express statute upon said court.

Jurisdiction—  
Powers.

SEC. 51. The municipal court shall have exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; to hear and determine all causes, civil or criminal, arising under such ordinances and to pronounce judgment in accordance therewith.

Violations  
bureau—  
Functions.

SEC. 52. Every city or town may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Each municipal court shall designate the specific traffic offenses under the city or town ordinance which may be processed by the violations bureau. A violations bureau may be authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail. Any violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs and this shall have the same effect as a court conviction. All penalties and forfeitures paid to a violations bureau for the violation of municipal ordinance shall be placed in the city or town general fund or such other fund as may be prescribed by ordinance of the

city or town or laws of the state of Washington. Any employees of an existing violations bureau of any city shall continue as a city employee.

SEC. 53. Within thirty days after the effective date of the ordinance, the mayor of each city or town shall, with the approval of the legislative body thereof, appoint a municipal judge or judges of the municipal court for a term of four years, commencing January 15, 1962. Succeeding appointments shall be made in like manner by the fifteenth day of December preceding the end of every four year term.

Judges—  
Appointment  
of—Qualifica-  
tions—Terms.

The person appointed as municipal judge shall be a citizen of the United States of America and of the state of Washington; and an attorney duly admitted to practice law before the courts of record of the state of Washington and practicing law in the municipality or residing in the municipality where the department is located: *Provided*, That in a municipality having a population less than five thousand persons, a person other than an attorney may be the judge. Any city or town shall have authority to appoint a duly elected justice of the peace as its municipal judge when the municipal judge is not required to serve full time. In the event of the appointment of a justice of the peace, the city or town shall pay a pro rata share of his salary.

SEC. 54. The legislative authority of each city or town may, by ordinance, provide that the position of municipal judge within the city or town shall be an elective position. The ordinance shall provide for the qualifications of the municipal judge which shall be the same as the qualifications necessary for the appointment thereof; and further, shall provide that the municipal judge shall be elected in the same manner as other elective city officials are elected to office, and that the term of the municipal judge shall be concurrent with other city officials of the city or town.

Judges—  
Election of  
—Qualifica-  
tions—Terms.

Termination of court.

SEC. 55. A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by ordinance adopted on or before January 2, 1966 or not more than ten days before January 2nd of any fourth year thereafter.

Establishment of court after Jan. 2, 1966.

On and after January 2, 1966, a city or town electing to establish a municipal court pursuant to this chapter shall do so by resolution adopted not more than ten days before January 2, 1966 or any fourth year thereafter.

Additional full or part time judges, appointment.

SEC. 56. Additional full or part time judges may be appointed by the mayor, subject to the approval of the legislative body of the city or town in the same manner as set forth in section 53, when public interest and the administration of justice makes necessary the appointment of an additional judge or judges.

Salaries of judges, court costs, source.

SEC. 57. The salary of the municipal court judge or judges, together with all costs of operating the municipal court, shall be paid wholly out of the funds of the city or town and the compensation of the municipal court judge and all employees of the municipal court shall, for all purposes, be deemed employees of the city or town.

Judge pro tem—Appointment, qualifications, compensation.

SEC. 58. The mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of a municipal court. The judges pro tem shall be qualified to hold the position of judge of the municipal court as provided herein. The municipal court judges pro tem shall receive such compensation as shall be fixed by the ordinances of the legislative body of the city or town wherein the municipal court is located.

Disposition of fees, etc., collected by court.

SEC. 59. All fees, costs, fines, forfeitures and other moneys imposed or collected by any municipal court for the violation of any municipal or town ordinances, together with any other revenues received by the court, shall be deposited with the city or town treas-

urer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

SEC. 60. The municipal court shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body of the city or town: *Provided*, That such municipal court shall not be open on nonjudicial days.

Court open,  
when.

SEC. 61. Each criminal prosecution in a municipal court shall be instituted by a complaint. The complaint shall contain and shall be sufficient if it contains a plain, concise and definite statement of the essential facts constituting the specific offense or offenses with which the defendant is charged.

Criminal  
prosecution  
initiated by  
complaint.

SEC. 62. The complaint shall be sworn to before the municipal court judge and shall be filed by him when, from his examination of the complainant and other witnesses, if any, he has reasonable grounds to believe that an offense of which he has jurisdiction has been committed and that the defendant committed it. No objection to a complaint on grounds that it was not signed or sworn to as herein required may be made after a plea to the merits has been entered.

Complaint  
sworn to,  
filed.

SEC. 63. No oath shall be required when the complaint is made by a county or municipal prosecutor or city attorney and if it contains or be verified by a written declaration that it is made under the penalties of perjury.

Complaint—  
When no oath  
required.

Any other person who wilfully certifies falsely to any matter set forth in any such complaint shall be guilty of a gross misdemeanor.

Swearing  
falsely as  
gross  
misdemeanor.

SEC. 64. The court may permit a complaint to be amended at any time before judgment if no additional or different offense is charged, and if substantial rights of the defendant are not thereby prejudiced.

Complaint—  
Amendment,  
when.

Warrant—  
Issuance,  
when.

SEC. 65. If, from the examination of the complainant and other witnesses, if any, the court has reasonable ground to believe that an offense has been committed and that the defendant has committed it, a warrant shall issue for the arrest of the defendant.

Warrant—  
Contents.

SEC. 66. The warrant shall be in writing and in the name of the state, shall be signed by the municipal court judge with the title of his office, and shall state the date when issued and the municipality where issued. It shall specify the name of the defendant or, if his name is unknown, any name or description by which he can be identified with reasonable certainty. It shall describe the offense charged against the defendant. It shall command that the defendant be arrested and brought before the court at a stated place, without unnecessary delay, unless he deposits bail as stated in the warrant and is released for appearance in court on a date certain stated therein.

Warrant—  
Execution of.

SEC. 67. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer. It shall be executed by the arrest of the defendant and may be executed in any county or municipality of the state by any peace officer in the state. The officer need not have the warrant in his possession at the time of arrest, but in that case he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued; and, upon request, shall show the warrant to the defendant as soon as possible.

Warrant—  
Return of  
execution of.

SEC. 68. The officer executing a warrant shall forthwith make return thereof to the court issuing it. Any unexecuted warrants shall be returned to the municipal court by whom issued and may be cancelled by him. While a complaint is pending, a warrant returned unexecuted and not canceled, or a

duplicate thereof, may be delivered by the municipal court to a peace officer for execution or service.

SEC. 69. An officer making an arrest under a warrant shall take the arrested person without unnecessary delay and, in any event, within twenty-four hours, exclusive of nonjudicial days, before the municipal court or admit him to bail as commanded in the warrant. Any person making an arrest without a warrant shall take the arrested person without unnecessary delay and, in any event within forty-eight hours, exclusive of nonjudicial days, before the municipal court in the municipality in which the arrest is made. When a person is arrested without a warrant and brought before the municipal court, a complaint shall be filed forthwith.

Taking  
arrested  
persons before  
court.

SEC. 70. Judges of the municipal court may accept money as bail for the appearance of persons charged with bailable offenses. The amount of 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.

Bail.

SEC. 71. A person required or permitted to give bail may execute a bond conditioned upon his appearance at all stages of the proceedings until final determination of the cause, unless otherwise ordered by the court. One or more sureties may be required; cash may be accepted; and, in proper cases, no security need be required. Bail given on appeal shall be deposited with the clerk of the court from which the appeal is taken.

Bail bonds—  
Deposit of  
bail.

SEC. 72. Every surety, except an approved corporate surety, shall justify by affidavit and shall describe in the affidavit the property which he proposes to justify and the encumbrances thereon; the numbered amount of bonds and undertakings for bail entered into by him and remaining undischarged and

Bail bonds—  
Surety affi-  
davits—  
Approval of  
bonds.

all of his other liabilities: *Provided*, That persons engaged in the bail bond business shall justify annually. No bond shall be approved unless the surety thereon shall be financially responsible. The municipal court judge shall approve all bonds.

**Arraignment.**

SEC. 73. When a person arrested either under a warrant or without a warrant is brought before the court, he shall then be informed of the charge against him, advised of his constitutional rights and he shall be arraigned then or within a reasonable time set by the court. The arraignment shall be conducted in open court and shall consist of stating to him the substance of the charge and calling on him to plead thereto. The defendant shall be given a copy of the complaint if he requests the same. Defendants who are jointly charged may be arraigned separately or together in the discretion of the court.

**Pleas.**

SEC. 74. The defendant may plead guilty; not guilty, and a former conviction or acquittal of the offense charged, which may be pleaded with or without a plea of not guilty. The court may refuse to accept a plea of guilty, and shall not accept a plea without first determining that the plea is made voluntarily with understanding of the nature of the charge. If a defendant refuses to plead, or if the court refuses to accept a plea of guilty, the court shall enter a plea of not guilty. The court may strike out a plea of guilty and enter a plea of not guilty, if it deems such action necessary in the interest of justice.

**Continuances.**

SEC. 75. The municipal court may, in its discretion grant continuances for good cause shown. If a continuance is granted, the cost thereof shall abide the event of the prosecution in all cases. If a continuance is granted, the court may recognize the defendant and the witnesses to appear from time to time, in the same manner as is provided in other criminal examinations.



SEC. 76. If the complaint is for a crime within the jurisdiction of the court, and the defendant pleads guilty, the court shall sentence him upon a proper showing of a prima facie case against him.

Pleas to crimes—  
Court  
procedure.

If the defendant pleads not guilty or pleads a former conviction or acquittal of the offense charged, the court shall hear and determine the cause, and either acquit or convict and punish.

SEC. 77. In all trials for offenses in municipal court, a jury trial shall be allowed only in offenses involving the revocation or suspension of a driver's license or other gross misdemeanor. No change of venue shall be taken from the municipal court, and the defendant shall not be entitled to file an affidavit of prejudice against any judge of the municipal court.

Criminal  
cases. Right to  
jury, when—  
No change of  
venue—No  
affidavit of  
prejudice.

SEC. 78. Sentence shall be imposed by the court without unreasonable delay. Pending sentence, the court may commit the defendant or may allow the defendant to post bail anew.

Sentence—  
Bail pending.

SEC. 79. In all cases of conviction, unless otherwise provided in this act, where a jail sentence is given to the defendant, execution shall issue accordingly and where the judgement of the court is that the defendant pay a fine and costs, he may be committed to jail to be placed at hard labor until the judgment is paid in full, but the defendant shall not be imprisoned for a longer aggregate time than one day for each six dollars of fine and costs.

Sentence  
to pay fine  
and costs.

A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and six dollars for every day he has been imprisoned upon commitment.

SEC. 80. If a corporation is convicted of any offense, the court may give judgment thereon and may cause the judgment to be enforced in the same manner as a judgment in a civil action.

Enforcing  
judgment  
against  
corporation.

## Probation.

SEC. 81. After a conviction, the court may defer sentencing the defendant and place him on probation and prescribe the conditions thereof, but in no case shall it extend for more than one year from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw his plea of guilty, permit him to enter a plea of not guilty, and dismiss the charges against him.

## Continued jurisdiction after sentencing.

SEC. 82. For a period not to exceed one year after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines.

## Revocation of deferral or suspension of execution of sentence.

SEC. 83. Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

## Clerical mistakes may be corrected.

SEC. 84. Clerical mistakes in judgments, orders or other parts of the record, and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court may order.

If an appeal has been taken, such mistakes may be so corrected until the record has been filed in the appellate court and thereafter, while the appeal is pending, may be so corrected with leave of the appellate court.

## Presence in court of defendant.

SEC. 85. The defendant shall be present in person or by counsel at the arraignment and shall be present at every later stage of the trial. A corporation may appear by counsel for all purposes.

SEC. 86. All criminal proceedings before the municipal court, and judgments rendered therein, shall be subject to review in superior court of the county wherein the municipal court is located by appeal as provided in section 87, or by a writ of review.

Appeal—  
Writ of  
review.

The writ of review shall be sought by the city only in those instances wherein the municipal court dismisses an action solely for reasons of law, and shall not be available after a trial on the merits. The procedure thereby used in seeking a writ of review shall be subsequently the same as that provided for in appeal.

SEC. 87. The appeal shall be to the superior court of the county in which the municipal court is located. The appeal shall be taken by serving a copy of a written notice of appeal upon the attorney for the plaintiff and filing the original thereof with an acknowledgment of service or affidavit of service with the municipal court within ten days after entry of judgment.

Appeal—  
Procedure.

After notice of appeal is given, as herein required, the appellant shall diligently prosecute his appeal and, within thirty days from the date of entry of judgment, the municipal judge or his clerk shall file with the clerk of the superior court a transcript duly certified by the municipal court judge and furnished by the municipal court free of charge containing a copy of all written pleadings and docket entries of the police court. The municipal court judge shall notify the defendant or his attorney of such filing.

Within ten days after notice is given that the transcript is filed, the appellant shall note the case for trial. The case shall be set for trial at the earliest open date thereafter and the clerk of the superior court shall, in writing, notify the respondent's counsel of the date thereof.

Appeal—  
Dismissal—  
Voluntary  
dismissal  
or verdict  
of not guilty  
—Procedure.

SEC. 88. If the appellant fails to proceed with the appeal within the time and manner provided in in section 87, then the superior court shall, upon motion of the respondent, dismiss the appeal if the transcript has been there filed. Upon dismissal of the appeal for failure of the appellant to proceed diligently with the appeal and as herein required, or for any other cause, the judgment of the lower court shall be enforced by the municipal judge. If, at the time of the dismissal, cash deposit or appeal bond as hereinafter required has been furnished and is in the custody of the superior court, the same shall be returned to the lower court after any deduction therefrom for costs allowed by law. Upon voluntary dismissal by the city or verdict of not guilty cash bail shall be returned to the party posting the same. The municipal court shall have power to forfeit the cash bail or appeal bond and issue execution thereon for breach of any condition under which it is furnished.

Appeal—  
Bond—  
Transfer  
of evidence.

SEC. 89. The appellant shall be committed to the city jail until he shall recognize or give bond to the city in such reasonable sum with such sureties as said municipal court may require that he will diligently prosecute the appeal and that he will within ten days after he has received notice from said municipal court judge or his clerk that the judgment in the lower or municipal court has been filed with the clerk of the superior court, together with the transcript duly certified by the lower court judge containing a copy of all records and proceedings in the lower court; that he will cause the case to be set for trial at the earliest open date; that he will appear at the court appealed to and comply with any sentence of the superior court and will, if the appeal is dismissed for any reason, comply with the sentence of the lower court.

Whenever the transcript if filed in the superior court and any cash bail or bail bond has been filed

with the lower court, the judge thereof shall transfer the same to the superior court in which the appeal is pending, there to be held pending disposition of the appeal; and shall also deliver to the court any exhibits introduced into evidence in the trial before the lower court, which exhibits, subject to the proper rulings of the appellant court, may be offered in evidence if the trial is had in the superior court; otherwise, to be returned to the custody of the lower court judge.

SEC. 90. In the superior court the trial shall be de novo, subject to the right of the respondent to file an amended complaint therein. The defendant in the superior court may have a trial by jury. If the defendant be convicted in the superior court, he shall be sentenced anew by the superior court judge with a fine of not to exceed five hundred dollars or imprisonment in the city jail not to exceed ninety days, or by both such fine and imprisonment. Appeals shall lie to the supreme court of the state of Washington as in other criminal cases in the superior court.

Trial de novo upon appeal—  
Maximum sentence—  
Further appeal.

SEC. 91. Upon conclusion of the case in the superior court, the clerk thereof shall forthwith mail a true and correct copy of the judgment to the municipal court appealed from.

Appeal—Judgment mailed to municipal court.

SEC. 92. All prosecutions for the violation of any city ordinance shall be conducted in the name of the city and may be upon the complaint of any person.

Prosecutions for violation of city ordinances.

SEC. 93. Every person convicted by the municipal court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance shall be punished by a fine of not more than five hundred dollars or imprisonment in the city jail for a period not to exceed ninety days, or both such fine and imprisonment.

Maximum punishment for violation of city ordinance.

SEC. 94. Pleadings, practice and procedure in cases not governed by statutes or rules specifically

Pleadings practice and procedure, rules governing.

applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to justice courts.

Transfer of matters to municipal courts.

SEC. 95. All cases, proceedings and matters pending before justices of the peace who immediately before January 15, 1962, were acting as municipal or police judges, shall on January 15, 1962, be transferred to the municipal courts established by this chapter, together with all files, records and proceedings relating to such cases, and shall be disposed of therein in due course of law.

Savings.

This chapter shall not affect any appeal from any police justice or municipal judge, commenced and pending prior to January 15, 1962, but such appeal shall be conducted and concluded as if this chapter had not been enacted, except that if remanded from the superior court, the municipal court shall have authority and power to enforce the judgment of the lower court.

Furniture, equipment, transferred.

All furniture and equipment belonging to the city or town in which the court is located, now under the care and custody of the justice of the peace and/or municipal judge, shall be transferred to the municipal court established by this chapter on or before January 15, 1962, for use in the operation and maintenance of the municipal court.

Act cumulative.

SEC. 96. Although self-executing, the provisions of this chapter shall be cumulative and, notwithstanding any provision hereof, any city or town may elect to continue under any existing statutes relating to police courts, municipal courts, or laws relating to justices of the peace.

Chapter 7

CLERKS AND DEPUTY CLERKS

Vetoed.

Sec. 97. *Appointment and Term.* The county commissioners may appoint a clerk and such deputy clerks as are necessary for the administration of the court.

SEC. 98. *Compensation.* The clerk and deputy clerks shall receive such compensation as shall be provided by the county commissioners.

SEC. 99. *Powers and Duties.* The justice court shall prescribe the duties of the clerk and deputy clerks. Such duties may include the power to:

- (1) Accept and enter pleas;
- (2) Receive bail as set by the court;
- (3) Set cases for trial;
- (4) Administer oaths.

## Chapter 8

### SALARIES AND EXPENSES

SEC. 100. The annual salary of each full time justice of the peace shall be eight thousand dollars: *Provided*, That the city or county which pays the salary of such justice may increase such salary to an amount not to exceed thirteen thousand five hundred dollars: *Provided further*, That in cities having a population in excess of five hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located.

Salaries of  
justices of  
the peace.

SEC. 101. *Salaries of Part Time Justices of the Peace.* The annual salaries of part time justices of the peace shall be as follows:

(1) In justice court districts having a population under two thousand five hundred persons, four hundred dollars;

(2) In justice court districts having a population of two thousand five hundred persons or more, but less than five thousand, a minimum of four hundred dollars and a maximum of two thousand four hundred dollars;

(3) In justice court districts having a population of five thousand persons or more, but less than seven thousand five hundred, a minimum of four hundred dollars and a maximum of three thousand dollars;

(4) In justice court districts having a population of seven thousand five hundred persons or more, but less than ten thousand, a minimum of four hundred dollars and a maximum of four thousand two hundred dollars;

(5) In justice court districts having a population of ten thousand persons or more, but less than twenty thousand, a minimum of one thousand dollars and a maximum of five thousand four hundred dollars;

(6) In justice court districts having a population of twenty thousand persons or more, but less than thirty thousand, a minimum of two thousand dollars and a maximum of six thousand six hundred dollars;

(7) In justice court districts having a population of thirty thousand persons or more, but less than forty thousand, a minimum of three thousand dollars and a maximum of seven thousand eight hundred dollars; and

(8) That all salaries of part time justices of the peace shall be set by the county commissioners in each county, in accordance with the minimum and maximum salaries as provided in this section.

SEC. 102. *Payment of Salaries.* The compensation of justices of the peace, clerks, judges pro tempore, deputy clerks, and court commissioners payable by the county shall be paid monthly out of the county treasury from the same funds out of which other salaried county officers are paid.

SEC. 103. *Travel Expenses.* Justices of the peace, justices of the peace pro tempore, court commissioners and justice court employees shall receive their reasonable traveling expenses when engaged in the business of the court as provided by RCW 36.17.030 as now or hereafter amended.



SEC. 104. *Other Court Expenses.* The county commissioners shall furnish all necessary facilities for the justice courts, including suitable courtrooms, furniture, books, stationery, postage, office equipment, heat, light and telephone: *Provided,* That the county commissioners shall not be required to furnish courtroom space in any place other than as provided in the districting plan.

## Chapter 9

### INCOME OF COURT

SEC. 105. *Non-Suspension of Costs.* The court may at the time of sentencing or at any time thereafter suspend a portion or all of a fine or penalty except that costs of the action shall not be suspended: *Provided,* That the court may suspend costs in the case of juvenile or indigent defendants. "Costs" for the purpose of this section, does not include jury fees, witness fees or sheriff's fees.

SEC. 106. *Fees, Fines, Forfeitures and Penalties Except City Cases.* All fees, fines, forfeitures and penalties assessed and collected by justice courts, except fines, forfeitures and penalties assessed and collected because of the violation of city ordinances, shall be remitted by the justice court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law.

SEC. 107. *Disposition of Fees.* Except as provided in chapter 5 of this act, all amounts collected by a justice court as fees shall be remitted as provided in section 106 to be credited to the county current expense fund.

SEC. 108. *Costs, Fines, Forfeitures and Penalties from City Cases.* All costs, fines, forfeitures and penalties assessed and collected by justice courts

because of violations of city ordinances shall be remitted at least monthly directly to the treasurer of the city wherein the violation occurred.

SEC. 109. *Quarterly Disbursements.* Quarterly, the county treasurer shall determine the difference between the amount deposited to the current expense or salary fund by each justice court and the total expenditures of each justice court: *Provided,* That the cost of providing courtroom or other space shall not be included in such total expenditures for the purposes of this section. The treasurer shall then charge each governmental unit fund entitled to share in the receipts of the court its proportionate share of such unreimbursed difference of expenditures incurred during the quarter and make the appropriate treasurer's remittance to the current expense or salary fund. The proportionate share charged against each fund shall be determined by the relationship between the unreimbursed expenditures and the total credits of the court to each fund as required by section 106. Balances remaining in governmental funds shall then be remitted as provided by law.

SEC. 110. *Filing Fees in Civil Cases.* In any civil action commenced before or transferred to a justice court, the plaintiff shall, at the time of such commencement or transfer, pay to such court the sum of four dollars, which sum shall be all the fees and charges which any party to such action shall be compelled to pay to the court up to and including the rendition of judgment in such action: *Provided,* That if process in replevin, attachment, or garnishment shall issue therein, the party procuring such process shall pay to such court an additional sum of one dollar for each such process as the fees and charges of the court incident to the proceedings.

SEC. 111. *Filing Fees in Criminal Cases.* Except in traffic cases wherein bail is forfeited to a violations

bureau, and except in cases filed in municipal departments established pursuant to chapter 5 of this act, in every criminal action filed by a city for an ordinance violation the city shall be charged a four dollar filing fee. In all other criminal actions, no filing fee shall be assessed or collected: *Provided*, That in such cases, for the purposes of section 105, four dollars of each fine or penalty shall be deemed filing costs.

## Chapter 10

### JURISDICTION AND VENUE

SEC. 112. *General Powers of Justice Court.* The justices of the peace elected in accordance with this act are authorized to hold court as judges of the justice court for the trial of all actions enumerated in this act or assigned to the justice court by law; to hear, try and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such justice court as far as the same may be applicable and not inconsistent with the provisions of this act. The justice court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12. RCW: *Provided*, That in the trial of actions brought for violating any city ordinance, a jury trial shall be allowed only for offenses involving the revocation or suspension of a driver's license or other gross misdemeanor.

SEC. 113. *Civil Jurisdiction.* The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed five hundred dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed five hundred dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed five hundred dollars;

(3) Of an action for a penalty not exceeding five hundred dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed does not exceed five hundred dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed five hundred dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed five hundred dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed five hundred dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed five hundred dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The amounts of money referred to in subparagraphs (1) through (9) shall be exclusive of interest, costs and attorney's fees.

SEC. 114. *Restrictions on Civil Jurisdiction.* The jurisdiction covered by section 113 shall not extend to the following civil actions:

- (1) Actions involving title to real property;
- (2) Actions for the foreclosure of a mortgage or enforcement of a lien on real estate;
- (3) Actions for false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction; and
- (4) Actions against an executor or administrator as such.

SEC. 115. *Venue—Civil Action.* (1) An action arising under section 113, subsections (1), (2) except for the recovery of possession of personal property, (4), (6), (7), and (9) may be brought in any justice court district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed or in which the defendant, or if there be more than one defendant, where some one of the defendants may be served with the notice and complaint in which latter case, however, the justice court district where the defendant or defendants is or are served must be within the county in which the said defendant or defendants reside.

(2) An action arising under section 113, subsection (2) for the recovery of possession of personal property and subsection (8) shall be brought in the district in which the subject matter of the action or some part thereof is situated.

(3) An action arising under section 113, subsection (3) and (5) shall be brought in the district in which the cause of action, or some part thereof arose.

(4) An action arising under section 113, subsection (2), for the recovery of damages for injuries to the person or for injury to personal property arising from a motor vehicle accident may be brought, at the plaintiff's option, either in the district in which the cause of action, or some part thereof, arose, or in the district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed.

(5) An action against a nonresident of this state may be brought in any district where service of process may be had, or in which the cause of action or some part thereof arose, or in which the plaintiff or one of them resides.

(6) For the purposes of this act, the residence of a corporation defendant shall be deemed to be in any district where the corporation transacts business or has an office for the transaction of business or transacted business at the time the cause of action arose or where any person resides upon whom process may be served upon the corporation, unless herein otherwise provided.

SEC. 116. *Transfer of Proceedings.* If a civil action is brought in the wrong justice court district, the action may nevertheless be tried therein unless the defendant, at the time he appears, requests a transfer of the action to the proper district. Upon such demand an order shall be entered transferring the action to the proper district and awarding the defendant a reasonable attorney's fee to be paid by the plaintiff.

SEC. 117. *Criminal Jurisdiction.* The justice court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances: *Provided,* That it shall in no event impose a greater punish-

ment than a fine of five hundred dollars, or imprisonment for six months in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute; and it may suspend and revoke vehicle operator's licenses in the cases provided by law; (2) to sit as committing magistrates and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties.

SEC. 118. *Venue—Criminal Actions.* All criminal actions shall be brought in the justice court district where the alleged violation occurred: *Provided,* That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located and (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located.

SEC. 119. *Criminal Venue Corrected.* If a criminal action is commenced in an improper district under section 118, the justice court of the district may of its own volition or at the request of either party order the case removed for trial to a proper district.

SEC. 120. *Change of Venue.* A change of venue, except for violations of city ordinances, to another district may be allowed upon motion:

(1) Where there is reason to believe that an impartial trial cannot be had in the district in which the action was commenced; or

(2) Where the convenience of witnesses or the ends of justice would be forwarded by the change.

When such change is ordered, it shall be to the justice court of another district in the same county, if any, otherwise to the justice court of an adjacent district in another county. The court to which a case is removed on change of venue under this

section shall have the same jurisdiction, either civil or criminal to hear and determine the case as the court from which the case was removed.

SEC. 121. *Territorial Jurisdiction — Process.* Every justice having authority to hear a particular case may issue civil process in and to any place in the county or counties in which his district is located, and criminal process in and to any place in the state.

Advertising  
as breach  
of judicial  
ethics.

SEC. 122. It shall be a breach of judicial ethics for any justice of the peace to advertise in any manner that he is authorized to solemnize marriages. Any violation of this section shall be grounds for forfeiture of office.

## Chapter 11

### MAGISTRATES' ASSOCIATION

SEC. 123. *Magistrates' Association Established.* There is established in the state an association, to be known as the Washington State Magistrates' Association, membership in which shall include all duly elected or appointed and qualified inferior court judges, including but not limited to justices of the peace, police court judges and municipal court judges.

SEC. 124. *Meetings.* The first meeting of the Washington State Magistrates' Association shall be held at the next regular meeting of the present organization after the effective date of this act to be held during the month of August or September, 1961, at which meeting those inferior court judges, as provided in section 123, of this act, attending shall temporarily organize themselves for the purpose of adopting a Constitution and bylaws and may either adopt or amend the present Constitution and bylaws of the Washington State Magistrates' Association or provide for bylaws only, electing officers as provided therein and doing all things necessary and proper to



formally establish a permanent Washington State Magistrates' Association, after which meeting the association may meet each year during the month of August or September, beginning in 1962. Meetings shall be held in the state of Washington.

SEC. 125. *Expenses of Members.* For attendance at the annual meetings of the association, beginning in 1962 and thereafter, an inferior court judge shall be entitled to receive from the county or city responsible for the operating cost of the court over which he presides twenty dollars per day or major portion thereof; while attending meetings of the association, plus first class transportation or mileage allowance at the rate of ten cents per mile: *Provided,* That the per diem and transportation or mileage allowance authorized by this section shall not be paid to any judge for more than five days in any one calendar year.

SEC. 126. *Powers and Duties.* The Washington State Magistrates' Association shall:

(1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;

(2) Promulgate suggested rules for the administration of the justice courts not inconsistent with the law or rules of the supreme court relating to such courts.

## Chapter 12

### MISCELLANEOUS

SEC. 127. *Transfer of Proceedings.* All cases, proceedings and matters pending before justice courts, police courts, municipal courts and night courts shall be transferred to the appropriate court established by this act, together with all files, records and proceedings relating to such cases. This act shall

not affect any appeal from any municipal court, police court, justice court or night court, but such appeal shall be conducted and concluded as if this act had not been enacted, except that if remanded from the superior court the superceding court shall have the authority and power to forfeit bail or bond or impose sentence thereon.

SEC. 128. *Saving.* The enactment of this act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall be in existence at the date this act becomes effective; nor shall the transfer of cases, proceedings and matters under the provisions of section 127, have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall be in existence at the date of such transfer.

Transmission  
procedure in  
counties—  
Termination  
of terms.

SEC. 129. All justice courts and inferior courts in counties effected by this act on the effective date of this act shall continue to function until the second Monday in January, 1963 as if this act had not been enacted: *Provided*, That no elections for justice of the peace shall be held in such counties in 1962 except as provided in this act: *Provided further*, That in such counties the terms of office of all justices of the peace, municipal judges and police court judges whose terms commenced prior to the second Monday in January, 1963 shall, except as otherwise provided in this act, expire on the second Monday in January, 1963.

Judges'  
retirement.

SEC. 130. All justice court judges under this act shall remain members of the state retirement system.

Judges  
ineligible  
for other  
employment.

SEC. 131. The full time judges of the justice court shall be ineligible to any other office, or public employment than a judicial office or employment during the term for which they shall have been elected.

SEC. 132. *Severability.* If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 9, 1961.

Passed the House March 9, 1961.

Approved by the Governor March 21, 1961, with the exception of a certain item in Section 48 and Section 97, which are vetoed.

NOTE: Excerpt of Governor's veto message reads as follows:

Veto message,  
excerpt.

"This bill constitutes a final legislative compromise of many years' efforts of judges, lawyers, and public spirited citizens. It represents progress long needed and on the whole meets with my wholehearted approval. The enactment of this bill will result unquestionably in improvements in the administration of justice on the Justice Court level.

"I veto the item contained in section 48 reading as follows:

'All personnel of a municipal department shall be appointed by the city.'

"I further veto section 97 which reads: 'The county commissioners may appoint a clerk and such deputy clerks as are necessary for the administration of the court.'

"The item and the section quoted are vetoed because Justices of the Peace in the past have always appointed their clerks and office staff. Believing as I do that the judiciary is a separate and independent branch of the government, it is my fervent conviction that neither a city nor a board of county commissioners, through the appointment of clerks and the office staff of a Justice of the Peace, should interfere with the independent discharge of duties of a Justice of the Peace.

"With the exception of the item quoted and enumerated, and the section referred to, which are vetoed, I approve the remainder of the bill."

ALBERT D. ROSELLINI,  
Governor.