

Title 3

DISTRICT COURTS—COURTS OF LIMITED JURISDICTION

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Chapter 3.02 RCW

COURTS OF LIMITED JURISDICTION

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3.02.010 Court of limited jurisdiction defined. For purposes of this chapter, a court of limited jurisdiction is any court organized under Titles 3, 35, or 35A RCW. [1980 c 162 § 1.]

Additional notes found at www.leg.wa.gov

3.02.020 Review of proceedings. Review of the proceedings in a court of limited jurisdiction shall be by the superior court, the procedure for which may be established by supreme court rule. [1980 c 162 § 2.]

Additional notes found at www.leg.wa.gov

3.02.030 Record of proceedings. The supreme court may, by court rule, establish a method of making a record of (2016 Ed.)

the proceedings of a court of limited jurisdiction for purposes of review. [1980 c 162 § 3.]

Additional notes found at www.leg.wa.gov

3.02.040 Electronic recording equipment. The administrator for the courts may be consulted for advice on the selection, installation, and operation of any electronic recording equipment in courts of limited jurisdiction. [2016 c 74 § 3; 1980 c 162 § 4.]

Additional notes found at www.leg.wa.gov

3.02.045 Use of collection agencies and attorneys to collect unpaid amounts—Interest to agency authorized—Credit or debit card use—Assessment of amounts paid for collection as court costs. (1) Courts of limited jurisdiction may use collection agencies under chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the courts. Courts of limited jurisdiction may enter into agreements with one or more attorneys or collection agencies for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services, and other charges deemed appropriate. Such agreements may authorize collection agencies to retain all or any portion of the interest collected on these accounts.

(2) Courts of limited jurisdiction may use credit cards or debit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures so imposed. Courts of limited jurisdiction may enter into agreements with one or more financial institutions for the purpose of the collection of penalties, fines, costs, assessments, and forfeitures. The agreements may specify conditions, remuneration for services, and other charges deemed appropriate.

(3) Servicing of delinquencies by collection agencies or by collecting attorneys in which the court retains control of its delinquencies shall not constitute assignment of debt.

(4) For purposes of this section, the term debt shall include penalties, fines, costs, assessments, or forfeitures imposed by the courts.

(5) The court may assess as court costs the moneys paid for remuneration for services or charges paid to collecting attorneys, to collection agencies, or, in the case of credit cards, to financial institutions. [1995 c 291 § 1; 1995 c 38 § 1; 1994 c 301 § 1; 1987 c 266 § 1.]

Reviser's note: This section was amended by 1995 c 38 § 1 and by 1995 c 291 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Additional notes found at www.leg.wa.gov

3.02.050 Discovery rules in civil cases. By January 1, 1982, the supreme court shall adopt rules providing for dis-

covery in civil cases in the courts of limited jurisdiction. [1981 c 331 § 8.]

Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331: See notes following RCW 2.32.070.

3.02.060 Judge pro tempore appointments. A judge pro tempore may be authorized under RCW 3.50.090 or 35.20.200 whenever a judge of the municipal court serves on a judicial commission, board, or committee established by the legislature or the chief justice of the supreme court. The judge pro tempore shall be compensated as specified in RCW 3.50.090 or 35.20.200. [2000 c 165 § 2.]

Chapter 3.20 RCW VENUE

Sections

3.20.100 Change of venue—Affidavit of prejudice.

District courts, civil procedure: Title 12 RCW.

3.20.100 Change of venue—Affidavit of prejudice. If, previous to the commencement of any trial before a justice of the peace, the defendant, his or her attorney or agent, shall make and file with the justice an affidavit that the deponent believes that the defendant cannot have an impartial trial before such justice, it shall be the duty of the justice to forthwith transmit all papers and documents belonging to the case to the next nearest justice of the peace in the same county, who is not of kin to either party, sick, absent from the county, or interested in the result of the action, either as counsel or otherwise. The justice to whom such papers and documents are so transmitted shall proceed as if the suit had been instituted before him or her. Distance, as contemplated by this section, shall mean to be by the nearest traveled route. The costs of such change of venue shall abide the result of the suit. In precincts, and incorporated cities and towns where there are two or more justices of the peace, any one of them shall be considered the next nearest justice of the peace. [2011 c 336 § 72; 1943 c 126 § 1; 1881 p 8 §§ 2, 3; Code 1881 § 1938; 1867 p 88 § 2; Rem. Supp. 1943 § 1774.]

Chapter 3.30 RCW DISTRICT COURTS

Sections

3.30.010 Definitions.
3.30.015 Construction of "justices of the peace," "justice courts," "justice of the peace courts."
3.30.020 Application of chapters 3.30 through 3.74 RCW.
3.30.030 Nomenclature for judges and courts.
3.30.040 Sessions.
3.30.050 Departments.
3.30.060 Adjournments.
3.30.070 Records.
3.30.080 Rules.
3.30.090 Violations bureau.

Rules of court: See *Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ)*.

3.30.010 Definitions. As used in this chapter unless the context clearly requires otherwise:

"City" means an incorporated city or town.

"Department" means an administrative unit of a district court established for the orderly and efficient administration of business and may include, without being limited in scope thereby, a unit or units for determining traffic cases, violations of city ordinances, violations of state law, criminal cases, civil cases, or jury cases. [2008 c 13 § 1; 1984 c 258 § 3; 1979 c 151 § 1; 1967 ex.s. c 42 § 1; 1961 c 299 § 1.]

Population determinations, office of financial management: Chapter 43.62 RCW.

Additional notes found at www.leg.wa.gov

3.30.015 Construction of "justices of the peace," "justice courts," "justice of the peace courts." All references to justices of the peace in other titles of the Revised Code of Washington shall be construed as meaning district judges. All references to justice courts or justice of the peace courts in other titles of the Revised Code of Washington shall be construed as meaning district courts. [1984 c 258 § 90.]

Additional notes found at www.leg.wa.gov

3.30.020 Application of chapters 3.30 through 3.74 RCW. The provisions of chapters 3.30 through 3.74 RCW shall apply to each county with a population of two hundred ten thousand or more: PROVIDED, That any city having a population of more than four 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 chapters 3.30 through 3.74 RCW had never been enacted: PROVIDED FURTHER, That if a city elects to continue its municipal court pursuant to this section, the number of district judges allocated to the county in RCW 3.34.010 shall be reduced by two and the number of full time district judges allocated by RCW 3.34.020 to the district in which the city is situated shall also be reduced by two. The provisions of chapters 3.30 through 3.74 RCW may be made applicable to any county with a population of less than two hundred ten thousand upon a majority vote of its county legislative authority. [1991 c 363 § 4; 1987 c 202 § 110; 1961 c 299 § 2.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

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

Municipal courts in cities of over four hundred thousand: Chapter 35.20 RCW.

3.30.030 Nomenclature for judges and courts. The judges of each district court district shall be the justices of the peace of the district elected or appointed as provided in chapters 3.30 through 3.74 RCW. Such courts shall alternately be referred to as district courts and the judges thereof as district judges. [1984 c 258 § 4; 1971 c 73 § 1; 1961 c 299 § 3.]

Additional notes found at www.leg.wa.gov

3.30.040 Sessions. The district courts shall be open except on nonjudicial days. Sessions of the court shall be held at such places as shall be provided by the district court districting plan. The court shall sit as often as business requires in each city of the district which provides suitable courtroom facilities, to hear causes in which such city is the plaintiff. [1984 c 258 § 5; 1961 c 299 § 4.]

Additional notes found at www.leg.wa.gov

3.30.050 Departments. Each court may be organized in a manner consistent with the departments created by the districting plan. [1984 c 258 § 6; 1971 c 73 § 2; 1961 c 299 § 5.]

Additional notes found at www.leg.wa.gov

3.30.060 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. [1961 c 299 § 6.]

3.30.070 Records. The clerk of each district 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 state auditor. The form of other records may be prescribed by the supreme court. [1995 c 301 § 30; 1971 c 73 § 3; 1961 c 299 § 7.]

3.30.080 Rules. The supreme court may adopt rules of procedure for district courts. A district court may adopt local rules of procedure which are not inconsistent with state law or with the rules adopted by the supreme court. The rules for a county with a single district and multiple facilities may include rules to provide where cases shall be filed and where cases shall be heard. If the rules of the supreme court authorized under this section are adopted, all procedural laws in conflict with the rules shall be of no effect. [1989 c 227 § 5; 1984 c 258 § 7; 1961 c 299 § 8.]

Intent—1989 c 227: See note following RCW 3.38.070.

Additional notes found at www.leg.wa.gov

3.30.090 Violations bureau. A violations bureau may be established by any city or district court having jurisdiction of traffic cases to assist in processing traffic cases. As designated by written order of the court 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 and payment of monetary penalties. 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 prescribed bail, shall issue a receipt to the alleged violator, which receipt shall bear a legend informing him or her 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 or penalties 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 or penalties 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. [2011 c 336 § 73; 1979 ex.s. c 136 § 15; 1971 c 73 § 4; 1961 c 299 § 9.]

Additional notes found at www.leg.wa.gov

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Chapter 3.34 RCW DISTRICT JUDGES

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3.34.010	District judges—Number for each county.
3.34.020	District judges—Number—Changes.
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3.34.050	District judges—Election.
3.34.060	District judges—Eligibility and qualifications.
3.34.070	District judges—Term of office.
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3.34.140	Exchange of district judges—Reimbursement for expenses.
3.34.150	Presiding judge.

3.34.010 District judges—Number for each county.

The number of district judges to be elected in each county shall be: Adams, two; Asotin, one; Benton, five; Chelan, two; Clallam, two; Clark, six; Columbia, one; Cowlitz, three; Douglas, one; Ferry, one; Franklin, one; Garfield, one; Grant, three; Grays Harbor, two; Island, one; Jefferson, one; King, twenty-three in 2009, twenty-five in 2010, and twenty-six in 2011; Kitsap, four; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two; Pacific, two; Pend Oreille, one; Pierce, eleven; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, one; Thurston, three; Wahkiakum, one; Walla Walla, two; Whatcom, two; Whitman, one; Yakima, four. This number may be increased only as provided in RCW 3.34.020. [2015 3rd sp.s. c 25 § 1; 2011 c 43 § 1. Prior: 2009 c 86 § 1; 2009 c 26 § 1; 2008 c 63 § 1; 2005 c 91 § 1; 2003 c 97 § 1; 2002 c 138 § 1; 1998 c 64 § 1; 1995 c 168 § 1; 1994 c 111 § 1; 1991 c 354 § 1; 1989 c 227 § 6; 1987 c 202 § 111; 1975 1st ex.s. c 153 § 1; 1973 1st ex.s. c 14 § 1; 1971 ex.s. c 147 § 1; 1970 ex.s. c 23 § 1; 1969 ex.s. c 66 § 1; 1965 ex.s. c 110 § 5; 1961 c 299 § 10.]

District judge position for Skagit county—2015 3rd sp.s. c 25: "The additional judicial position created by section 1 of this act in Skagit county becomes effective only if the county, through its duly constituted legislative authority, documents its approval of the additional position and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of the additional judicial position as provided by statute." [2015 3rd sp.s. c 25 § 2.]

Intent—1989 c 227: See note following RCW 3.38.070.

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

Additional notes found at www.leg.wa.gov

3.34.020 District judges—Number—Changes. (1)

Any change in the number of full and part-time district judges after January 1, 1992, shall be determined by the legislature after receiving a recommendation from the supreme court. The supreme court shall make its recommendations to the legislature based on an objective workload analysis that takes into account available judicial resources and the caseload activity of each court.

(2) The administrator for the courts, under the supervision of the supreme court, may consult with the board of judicial administration and the district and municipal court judges' association in developing the procedures and methods of applying the objective workload analysis.

(3) For each recommended change from the number of full and part-time district judges in any county as of January 1, 1992, the administrator for the courts, under the supervision of the supreme court, shall complete a judicial impact note detailing any local or state cost associated with such recommended change.

(4) If the legislature approves an increase in the base number of district judges in any county as of January 1, 1992, such increase in the base number of district judges and all related costs may be paid for by the county from moneys provided under RCW 82.14.310, and any such costs shall be deemed to be expended for criminal justice purposes as provided in *RCW 82.14.315, and such expenses shall not constitute a supplanting of existing funding.

(5)(a) A county legislative authority that desires to change the number of full or part-time district judges from the base number on January 1, 1992, must first request the assistance of the supreme court. The administrator for the courts, under the supervision of the supreme court, shall conduct an objective workload analysis and make a recommendation of its findings to the legislature for consideration as provided in this section. Changes in the number of district court judges may only be made by the legislature in a year in which the quadrennial election for district court judges is not held.

(b) The legislative authority of any county may change a part-time district judge position to a full-time position. [2003 c 97 § 2; 2002 c 83 § 1; 1997 c 41 § 3; 1991 c 313 § 2; 1987 c 202 § 112; 1984 c 258 § 8; 1982 c 29 § 1; 1973 1st ex.s. c 14 § 2; 1970 ex.s. c 23 § 2; 1969 ex.s. c 66 § 7; 1961 c 299 § 11.]

*Reviser's note: RCW 82.14.315 expired July 1, 1991.

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

Additional notes found at www.leg.wa.gov

3.34.025 District judge positions—Approval and agreement. Any additional district judge positions created under RCW 3.34.020 shall be effective only if the legislative authority of the affected county documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities. The legislative authority of any such county may, at its discretion, phase in any judicial positions over a period of time not to exceed two years from the effective date of the additional district judge positions. [1991 c 313 § 3.]

Additional notes found at www.leg.wa.gov

3.34.040 District judges—Full time—Other. A district judge serving a district having a population of forty thousand or more persons, and a district judge receiving a salary equal to the maximum salary set by the salary commission under RCW 3.58.020 for district judges shall be deemed full time judges and shall devote all of their time to the office and shall not engage in the practice of law. Other judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations but shall maintain a separate office for private business and shall not use for private business the services of any clerk or secretary

paid for by the county or office space or supplies furnished by the judicial district. [1991 c 338 § 2; 1984 c 258 § 10; 1983 c 195 § 1; 1974 ex.s. c 95 § 2; 1971 ex.s. c 147 § 2; 1961 c 299 § 13.]

Additional notes found at www.leg.wa.gov

3.34.050 District judges—Election. At the general election in November 1962 and quadrennially thereafter, there shall be elected by the voters of each district court district the number of judges authorized for the district by the district court districting plan. Judges shall be elected for each district and electoral district, if any, by the qualified electors of the district in the same manner as judges of courts of record are elected, except as provided in chapter 29A.52 RCW. Not less than ten days before the time for filing declarations of candidacy for the election of judges for districts entitled to more than one judge, the county auditor shall designate each such office of district judge to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. At the time of the filing of the declaration of candidacy, each candidate shall designate by number which one, and only one, of the numbered offices for which he or she is a candidate and the name of the candidate shall appear on the ballot for only the numbered office for which the candidate filed a declaration of candidacy. [2015 c 53 § 1; 1998 c 19 § 2; 1989 c 227 § 3; 1984 c 258 § 11; 1975-'76 2nd ex.s. c 120 § 8; 1961 c 299 § 14.]

Intent—1989 c 227: See note following RCW 3.38.070.

Additional notes found at www.leg.wa.gov

3.34.060 District judges—Eligibility and qualifications. To be eligible to file a declaration of candidacy for and to serve as a district court judge, a person must:

(1) Be a registered voter of the district court district and electoral district, if any; and

(2) Be either:

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

(b) In those districts having a population of less than five thousand persons, a person who has taken and passed by January 1, 2003, the qualifying examination for a lay candidate for judicial officer as provided by rule of the supreme court. [2002 c 136 § 1; 1991 c 361 § 1; 1989 c 227 § 4; 1984 c 258 § 12; 1961 c 299 § 15.]

Intent—1989 c 227: See note following RCW 3.38.070.

Additional notes found at www.leg.wa.gov

3.34.070 District judges—Term of office. Every district judge shall hold office for a term of four years from and after the second Monday in January next succeeding his or her selection and continuing until a successor is elected and qualified. [1984 c 258 § 13; 1961 c 299 § 16.]

Additional notes found at www.leg.wa.gov

3.34.080 Oath—District judges—Court commissioners. Each district judge, district judge pro tempore and district court commissioner shall, before entering upon the duties of 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 or her ability. [1984 c 258 § 14; 1961 c 299 § 17.]

Additional notes found at www.leg.wa.gov

3.34.090 Bonds—Insurance as reimbursable expense. The county legislative authority shall provide for the bonding of each district judge, district judge pro tempore, district court commissioner, clerk of the district court, and court employee, at the expense of the county, in such amount as the county legislative authority shall prescribe, conditioned that each such person will pay over according to law all moneys which shall come into the person's custody in causes filed in the district 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 or her duties. Such bond may be a blanket bond. If the county obtains errors and omissions insurance covering district court personnel, the costs of such coverage shall be a reimbursable expense pursuant to RCW 3.62.050 as now or hereafter amended. [1984 c 258 § 15; 1971 c 73 § 5; 1961 c 299 § 18.]

Additional notes found at www.leg.wa.gov

3.34.100 District judges—Vacancies—Remuneration. If a district judge dies, resigns, is convicted of a felony, ceases to reside in the district, fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The county legislative authority shall fill all vacancies by appointment and the judge thus appointed shall hold office until the next general election and until a successor is elected and qualified. However, if a vacancy in the office of district court judge occurs and the total number of district court judges remaining in the county is equal to or greater than the number of district court judges authorized in RCW 3.34.010 then the position shall remain vacant. District judges shall be granted sick leave in the same manner as other county employees. A district judge may receive when vacating office remuneration for unused accumulated leave and sick leave at a rate equal to one day's monetary compensation for each full day of accrued leave and one day's monetary compensation for each four full days of accrued sick leave, the total remuneration for leave and sick leave not to exceed the equivalent of thirty days' monetary compensation. [2003 c 97 § 3; 1992 c 76 § 1; 1984 c 258 § 16; 1961 c 299 § 19.]

Additional notes found at www.leg.wa.gov

3.34.110 District judicial officers—Disqualification.

(1) A district court judicial officer shall not preside in any of the following cases:

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

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretion-

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ary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the same county.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner. [2008 c 227 § 7; 1984 c 258 § 17; 1961 c 299 § 20.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

Additional notes found at www.leg.wa.gov

3.34.120 District judges—Disqualification of partners. The partner and associates of a judge who is a lawyer shall not practice law before the judge. [1984 c 258 § 18; 1961 c 299 § 21.]

Additional notes found at www.leg.wa.gov

3.34.130 District judges pro tempore—Reduction in salary of replaced judges—Exception—Reimbursement of counties.

(1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge or to serve as an additional judge for excess caseload or special set cases. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A district that has a population of not more than ten thousand and that has no person available who meets the qualifications under *RCW 3.34.060(2) (a) or (b), may appoint as a pro tempore judge a person who has taken and passed the qualifying examination for the office of district judge as is provided by rule of the supreme court. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid the salary authorized by the county legislative authority.

(2) For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the district judge in whose place the judge pro tempore serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves:

(a) While a district judge is using sick leave granted in accordance with RCW 3.34.100;

(b) While a district court judge is disqualified from serving following the filing of an affidavit of prejudice;

(c) As an additional judge for excess case load or special set cases; or

(d) While a district judge is otherwise involved in administrative, educational, or judicial functions related to the performance of the judge's duties: PROVIDED, That the appointment of judge pro tempore authorized under subsec-

tion (2)(c) and (d) of this section is subject to an appropriation for this purpose by the county legislative authority.

(3) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (2) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose. [1996 c 16 § 1; 1994 c 18 § 1; 1993 c 330 § 1; 1986 c 161 § 4; 1984 c 258 § 302; 1984 c 258 § 19; 1983 c 195 § 2; 1981 c 331 § 9; 1961 c 299 § 22.]

***Reviser's note:** RCW 3.34.060 was amended by 2002 c 136 § 1, deleting subsection (2)(b).

Legislative intent—1984 c 258 §§ 302-340: "It is the intent of the legislature to assure accountability, uniformity, economy, and efficiency in the collection and distribution by superior, district, and municipal courts of fees, fines, forfeitures, and penalties assessed and collected for violations of state, statutes, and county, city, and town ordinances." [1984 c 258 § 301.]

Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331: See notes following RCW 2.32.070.

Additional notes found at www.leg.wa.gov

3.34.140 Exchange of district judges—Reimbursement for expenses. Any district judge may hold a session in any district in the state, at the request of the judge or majority of judges in the district if the visiting judge determines that the state of business in his or her district allows the judge to be absent. The county legislative authority in which the district court is located shall first approve the temporary absence and the judge pro tempore shall not be required to serve during the judge's absence. A visiting judge shall be entitled to reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended while so acting, to be paid by the visited district. These expenses shall not be paid to the visiting judge unless the legislative authority of the county in which the visited district is located has approved the payment before the visit. In addition a visiting part-time district court judge, when not serving in a judicial capacity in his or her district, shall be entitled to compensation for judicial services so long as the legislative authority of the county in which the visited district is located has approved the payment before the visit. [2010 c 191 § 1; 1984 c 258 § 20; 1981 c 186 § 5; 1961 c 299 § 23.]

Additional notes found at www.leg.wa.gov

3.34.150 Presiding judge. If a district has more than one judge, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties. If a county has multiple districts or has one district with multiple electoral districts, the supreme court may by rule provide for the manner of selection of one of the judges to serve as presiding judge and prescribe the presiding judge's duties. [1989 c 227 § 7; 1984 c 258 § 21; 1961 c 299 § 24.]

Intent—1989 c 227: See note following RCW 3.38.070.

Additional notes found at www.leg.wa.gov

Chapter 3.38 RCW DISTRICT COURT DISTRICTS

Sections

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3.38.020	Districting committee—Duties—Districting plan.
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3.38.030	Districting plan—Adoption.
3.38.031	Districting plan—Transitional provisions.
3.38.040	Districting plan—Amendment.
3.38.050	District court districts—Standards.
3.38.060	Joint district court districts.
3.38.070	Separate electoral districts—Establishment.
3.38.080	Separate electoral districts—Definition.

3.38.010 Districting committee—Membership. There is established in each county a district 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 the prosecuting attorney;

(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 legislative authority;

(4) A judge of a court of limited jurisdiction in the county selected by the president of the Washington state district and municipal court judges' association; and

(5) The mayor, or representative appointed by the mayor, of each city or town with a population of three thousand or more in the county;

(6) One person to represent the cities and towns with populations of three thousand or less in the county, if any, to be selected by a majority vote of the mayors of those cities and towns with a population of less than three thousand. However, if there should not be a city in the county with a population of ten thousand or more, the mayor, or the mayor's representative, of each city or town with a population of less than three thousand shall be a member;

(7) The chair of the county legislative authority; and

(8) The county auditor. [1995 c 37 § 1. Prior: 1994 c 81 § 1; 1994 c 32 § 2; 1984 c 258 § 22; 1961 c 299 § 25.]

Additional notes found at www.leg.wa.gov

3.38.020 Districting committee—Duties—Districting plan. The district court districting committee shall meet at the call of the prosecuting attorney to prepare or amend the plan for the districting of the county into one or more district court districts in accordance with the provisions of chapters 3.30 through 3.74 RCW. The plan shall include the following:

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

(2) The number of judges to be elected in each district or electoral district, if any. In determining the number of judges to be elected, the districting committee shall consider the results of an objective workload analysis conducted by the administrator for the courts;

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

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

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

(6) The departments, if any, into which each district court shall be initially organized, including municipal departments provided for in *chapter 3.46 RCW;

(7) The name of each district; and

(8) The allocation of the time and allocation of salary of each judge who will serve part time in a municipal department. [2003 c 97 § 4; 1984 c 258 § 23; 1965 ex.s. c 110 § 1; 1961 c 299 § 26.]

***Reviser's note:** Creation and operation of municipal departments under chapter 3.46 RCW is limited by RCW 3.46.015.

Additional notes found at www.leg.wa.gov

3.38.022 Location of offices and courtrooms. The districting plan may provide that the offices and courtrooms of more than one district may be in the same building: PROVIDED, That no office or courtroom of any district shall be located further than two miles outside the boundary of the district which it serves. [1984 c 258 § 24; 1963 c 213 § 1.]

Additional notes found at www.leg.wa.gov

3.38.030 Districting plan—Adoption. Upon receipt of the districting plan, the county legislative authority 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. If the county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county as a whole it may adopt such plan. If the county legislative authority finds that the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's district court districting plan. The plan decided upon shall be adopted by the county legislative authority not later than six months after the county initially obtains a population of two hundred ten thousand or more or the adoption of the elective resolution. [1991 c 363 § 5; 1984 c 258 § 25; 1965 ex.s. c 110 § 2; 1961 c 299 § 27.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

Additional notes found at www.leg.wa.gov

3.38.031 Districting plan—Transitional provisions. As a part of the districting plan, the county legislative authority shall designate a date on which the terms of the district judges of the county shall end.

For each judicial position under the districting plan, the county legislative authority shall appoint a person qualified under RCW 3.34.060 who shall take office on the date designated by the county legislative authority and shall serve until

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the next quadrennial election of district judges as provided in RCW 3.34.050.

Pending cases, proceedings, and matters shall be transferred to the appropriate court as provided in RCW 3.74.900. [1984 c 258 § 26; 1965 ex.s. c 110 § 3.]

Additional notes found at www.leg.wa.gov

3.38.040 Districting plan—Amendment. (1) The districting committee may meet for the purpose of amending the districting plan at any time on call of the county legislative authority, the chairperson of the committee or a majority of its members. Amendments to the plan shall be submitted to the county legislative authority not later than March 15th of each year for adoption by the county legislative authority 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 amendment which would reduce the salary or shorten the term of any judge shall not be effective until the next regular election for district judge. All other amendments may be effective on a date set by the county legislative authority.

(2) The districting committee shall meet within forty-five days of the effective date of changes in the number of judges to be elected in each district court district, or electoral district, if any. Amendments to the plan concerning the number of judges to be elected in each district court district, or electoral district, if any, shall be submitted to the county legislative authority not later than ninety days after the effective date of changes in RCW 3.34.010, and the amendments shall be adopted not later than one hundred eighty days after the effective date of changes in RCW 3.34.010. [2003 c 97 § 5; 1984 c 258 § 27; 1969 ex.s. c 66 § 3; 1961 c 299 § 28.]

Additional notes found at www.leg.wa.gov

3.38.050 District court districts—Standards. District court districts shall be established in accordance with the following standards:

- (1) Every part of the county shall be in some district.
- (2) The whole county may constitute one district.
- (3) There shall not be more districts than there are judges authorized for the county.
- (4) A district boundary shall not intersect the boundary of an election precinct.
- (5) A city shall not lie in more than one district.
- (6) Whenever a county is divided into more than one district, each district shall be so established as best to serve the convenience of the people of the 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. [1984 c 258 § 28; 1961 c 299 § 29.]

Additional notes found at www.leg.wa.gov

3.38.060 Joint district court districts. Joint districts may be established containing all or part of two or more counties. The county containing the largest portion of the population of a joint district shall be known as the "principal county" and each joint district shall be deemed to lie within the principal county for the purpose of chapters 3.30 through 3.74 RCW. A joint district may be established by resolution of one county concurred in by a resolution of each other county: PROVIDED, That the county legislative authority 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 district without concurrence of the other counties.

Elections of judges in joint districts shall be conducted and canvassed in the same manner as elections of superior court judges in joint judicial districts. [1984 c 258 § 29; 1961 c 299 § 30.]

Additional notes found at www.leg.wa.gov

3.38.070 Separate electoral districts—Establishment.

A county legislative authority for a county that has a single district but has multiple locations for courtrooms may establish separate electoral districts to provide for election of district court judges by subcounty local districts. In any county containing a city of more than four hundred thousand population, the legislative authority of such a county shall establish such separate electoral districts. The procedures in chapter 3.38 RCW for the establishment of district court districts apply to the establishment of separate electoral districts authorized by this section. [1990 c 257 § 1; 1989 c 227 § 2.]

Intent—1989 c 227: "It is the intent of the legislature to continue to provide the option for local election of district court judges where a county district court with multiple courtrooms is unified into a single district court for operational and administrative purposes." [1989 c 227 § 1.]

3.38.080 Separate electoral districts—Definition. In any county in which separate electoral districts have been established pursuant to RCW 3.38.070, the term "district" also means "electoral district" for purposes of RCW 3.38.022, 3.38.050, and 3.38.060. [1990 c 257 § 2.]

Chapter 3.42 RCW

DISTRICT COURT COMMISSIONERS

Sections

- 3.42.010 District court commissioners—Appointment—Qualifications—Term of office.
- 3.42.020 Powers of commissioners—Limitations.
- 3.42.040 Compensation.

3.42.010 District court commissioners—Appointment—Qualifications—Term of office. When so authorized by the districting plan, one or more district court commissioners may be appointed in any district by the judges of the district. Each commissioner shall be a registered voter of the county in which the district or a portion thereof is located, and shall hold office at the pleasure of the appointing judges. Any person appointed as a commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay judges as provided under RCW 3.34.060. [1984 c 258 § 30; 1980 c 162 § 7; 1961 c 299 § 31.]

District court commissioners
bond: RCW 3.34.090.
oath: RCW 3.34.080.

Additional notes found at www.leg.wa.gov

3.42.020 Powers of commissioners—Limitations.

Each district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the

appointing judges possess and shall prescribe, except that when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties. [2008 c 227 § 6; 1984 c 258 § 31; 1979 ex.s. c 136 § 16; 1961 c 299 § 32.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

Additional notes found at www.leg.wa.gov

3.42.040 Compensation. District court commissioners shall receive such compensation as the county legislative authority or city council shall provide. [1984 c 258 § 33; 1969 ex.s. c 66 § 4; 1961 c 299 § 34.]

District court commissioners
salary: RCW 3.58.030.
travel expenses: RCW 3.58.040.

Additional notes found at www.leg.wa.gov

Chapter 3.46 RCW

MUNICIPAL DEPARTMENTS

Sections

- 3.46.015 Operation of municipal department in existence prior to July 1, 2008.

Rules of court: See *Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ)*.

3.46.015 Operation of municipal department in existence prior to July 1, 2008. A municipality operating a municipal department under this chapter prior to July 1, 2008, may continue to operate as if chapter 227, Laws of 2008 was not adopted. Such municipal departments shall remain subject to the provisions of this chapter as this chapter was written prior to the adoption of chapter 227, Laws of 2008. [2008 c 227 § 11.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

Chapter 3.50 RCW

MUNICIPAL COURTS—ALTERNATE PROVISION

Sections

- 3.50.003 Definitions.
- 3.50.005 Legislative finding—Alternative court structure for cities and towns of four hundred thousand or less.
- 3.50.010 Municipal court authorized in cities of four hundred thousand or less.
- 3.50.020 Jurisdiction.
- 3.50.030 Violations bureau for traffic cases—Disposition of moneys collected.
- 3.50.040 Municipal judges—Appointed—Terms, qualifications—District judge as part-time municipal judge.
- 3.50.045 Judicial officers—Disqualification.
- 3.50.050 Municipal judge may be elective position—Qualifications, term.
- 3.50.055 Judicial positions—Filling—Circumstances permitted.
- 3.50.057 Judges—Residency requirement.
- 3.50.060 Termination of municipal court—Requirements—Establishment of court.
- 3.50.070 Additional judges—Appointment, election.
- 3.50.075 Court commissioners—Appointment—Qualification—Limitations—Part-time judge.
- 3.50.080 Salaries of judges—Payment of court operating costs from city funds—Judges and employees as city employees.
- 3.50.090 Judges pro tem.
- 3.50.093 Municipal judge—Vacancy—Appointment.
- 3.50.095 Municipal judge—Removal from office.

3.50.097	Judge's oath—Bonds.
3.50.100	Revenue—Disposition—Interest.
3.50.110	Sessions.
3.50.115	Municipal court seal.
3.50.125	Transfer within municipal court.
3.50.135	Request for jury trial in civil cases—Exception—Fee—Juror compensation—Jury trials in criminal cases.
3.50.300	Execution of sentence—Jail in lieu of fine and costs, computation.
3.50.320	Suspension or deferral of sentence—Change of plea—Dismissal.
3.50.330	Suspension or deferral of sentence—Continuing jurisdiction of court.
3.50.340	Revocation of deferred or suspended sentence—Limitations—Termination of probation.
3.50.345	Sentencing—Crimes against property—Criminal history check.
3.50.355	Offender supervision by another state.
3.50.425	Issuance of criminal process.
3.50.430	Criminal prosecution in city's name for violation of ordinances.
3.50.440	Penalty if no other punishment prescribed.
3.50.450	Pleadings, practice and procedure not provided for governed by district court law.
3.50.480	City or town trial court improvement account—Contributions to account by city or town—Use of funds.
3.50.800	Repeal of municipal criminal code—Agreement covering costs of handling resulting criminal cases—Arbitration—Renewal.
3.50.805	Termination of municipal court—Agreement covering costs of handling resulting criminal cases—Arbitration—Repeal of municipal criminal code—Agreement—Arbitration—Repeal of a municipal crime equivalent to offense in RCW 46.63.020—Agreement—Arbitration.
3.50.810	Termination of municipal court—Notice.
3.50.815	Criminal justice responsibilities—Interlocal agreements.

Rules of court: See *Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ)*.

3.50.003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "City" means an incorporated city or town.

(2) "Contracting city" means any city that contracts with a hosting jurisdiction for the delivery of judicial services.

(3) "Hosting jurisdiction" means a county or city designated in an interlocal agreement as receiving compensation for providing judicial services to a contracting city.

(4) "Mayor" means the mayor, city manager, or other chief administrative officer of the city. [2008 c 227 § 3; 1984 c 258 § 125.]

Effective date—2008 c 227: "This act takes effect July 1, 2008." [2008 c 227 § 13.]

Subheadings not law—2008 c 227: "Subheadings used in this act are not any part of the law." [2008 c 227 § 14.]

Additional notes found at www.leg.wa.gov

3.50.005 Legislative finding—Alternative court structure for cities and towns of four hundred thousand or less. The legislature finds that there is a multitude of statutes governing the municipal courts of the state. This situation is confusing and misleading to attorneys, judges, court personnel, and others who work with the municipal courts. The legislature therefore finds that a reorganization of the municipal courts of the state would allow those courts to operate in a more effective and efficient manner. This chapter provides a court structure which may be used by cities and towns with a population of four hundred thousand or less which choose to operate under this chapter. [1984 c 258 § 101.]

Additional notes found at www.leg.wa.gov

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3.50.010 Municipal court authorized in cities of four hundred thousand or less. Any city or town with a population of four hundred thousand 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 are generally conferred upon such court in this state either by common law or by express statute. [1984 c 258 § 103; 1961 c 299 § 50.]

Additional notes found at www.leg.wa.gov

3.50.020 Jurisdiction. The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city 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. A hosting jurisdiction shall have exclusive original criminal and other jurisdiction as described in this section for all matters filed by a contracting city. The municipal court shall also have the jurisdiction as conferred by statute. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith. A municipal court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any court of limited jurisdiction participating in the program. [2008 c 227 § 5; 2005 c 282 § 14; 2000 c 111 § 6; 1985 c 303 § 14; 1984 c 258 § 104; 1979 ex.s. c 136 § 17; 1961 c 299 § 51.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

Additional notes found at www.leg.wa.gov

3.50.030 Violations bureau for traffic cases—Disposition of moneys collected. 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 and traffic infractions under city or town ordinances which may be processed by the violations bureau.

A violations bureau may be authorized to process traffic infractions in conformity with chapter 46.63 RCW.

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 and payment of penalties. 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 criminal 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 city employees. [1984 c 258 § 105; 1979 ex.s. c 136 § 18; 1961 c 299 § 52.]

Additional notes found at www.leg.wa.gov

3.50.040 Municipal judges—Appointed—Terms, qualifications—District judge as part-time municipal judge. Within thirty days after the effective date of the ordinance creating the municipal court, the mayor of each city or town shall appoint a municipal judge or judges of the municipal court for a term of four years. The terms of judges serving on July 1, 1984, and municipal judges who are appointed to terms commencing before January 1, 1986, shall expire January 1, 1986. The terms of their successors shall commence on January 1, 1986, and on January 1 of each fourth year thereafter, pursuant to appointment or election as provided in this chapter. Appointments shall be made on or before December 1 of the year next preceding the year in which the terms commence.

The legislative authority of a city or town that has the general power of confirmation over mayoral appointments shall have the power to confirm the appointment of a municipal judge.

A person appointed as a full-time or part-time municipal judge shall be a citizen of the United States of America and of the state of Washington; and an attorney admitted to practice law before the courts of record of the state of Washington: PROVIDED, That in a municipality having a population less than five thousand persons, a person who has taken and passed by January 1, 2003, the qualifying examination for a lay candidate for judicial officer as provided by rule of the supreme court may be the judge. Any city or town shall have authority to appoint a district judge as its municipal judge when the municipal judge is not required to serve full time. In the event of the appointment of a district judge, the city or town shall pay a pro rata share of the salary. [2002 c 136 § 2; 1984 c 258 § 106; 1975-'76 2nd ex.s. c 35 § 1; 1961 c 299 § 53.]

Additional notes found at www.leg.wa.gov

3.50.045 Judicial officers—Disqualification. (1) A municipal court judicial officer shall not preside in any of the following cases:

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

(b) When the judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretion-

ary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of judicial officer is allowed each party in an action or proceeding.

(2) When a judicial officer is disqualified under this section, the case shall be heard before another judicial officer of the municipality.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner. [2008 c 227 § 9.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

3.50.050 Municipal judge may be elective position—Qualifications, term. The legislative authority of the 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 for a term of four years commencing on January 1, 1986, and every four years thereafter. [1984 c 258 § 107; 1961 c 299 § 54.]

Additional notes found at www.leg.wa.gov

3.50.055 Judicial positions—Filling—Circumstances permitted. Notwithstanding RCW 3.50.040 and 3.50.050, judicial positions may be filled only by election under the following circumstances:

(1) Each full-time equivalent judicial position shall be filled by election. This requirement applies regardless of how many judges are employed to fill the position. For purposes of this section, a full-time equivalent position is thirty-five or more hours per week of compensated time.

(2) In any city with one or more full-time equivalent judicial positions, an additional judicial position or positions that is or are in combination more than one-half of a full-time equivalent position shall also be filled by election. [1993 c 317 § 4.]

Additional notes found at www.leg.wa.gov

3.50.057 Judges—Residency requirement. A judge of a municipal court need not be a resident of the city in which the court is created, but must be a resident of the county in which the city is located. [1993 c 317 § 6.]

Additional notes found at www.leg.wa.gov

3.50.060 Termination of municipal court—Requirements—Establishment of court. A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by adoption of an appropriate ordinance. However no municipal court may be terminated unless the municipality has complied with RCW 3.50.805, 35.22.425, *35.23.595, **35.24.455, 35.27.515, 35.30.100, and 35A.11.200.

A city or town newly establishing a municipal court pursuant to this chapter shall do so by adoption of an appropriate

ordinance on or before December 1 of any year, to take effect January 1 of the following year. [1984 c 258 § 108; 1961 c 299 § 55.]

Reviser's note: *(1) RCW 35.23.595 was repealed by 1994 c 81 § 89.

***(2) RCW 35.24.455 was recodified as RCW 35.23.555 pursuant to 1994 c 81 § 90.

Additional notes found at www.leg.wa.gov

3.50.070 Additional judges—Appointment, election.

Additional full or part time judges may be appointed or elected, as provided by ordinance of the legislative body of the city or town when public interest and the administration of justice makes such additional judge or judges necessary. [1984 c 258 § 109; 1961 c 299 § 56.]

Additional notes found at www.leg.wa.gov

3.50.075 Court commissioners—Appointment—Qualification—Limitations—Part-time judge. (1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) A commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created. [2008 c 227 § 8; 1994 c 10 § 1.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

3.50.080 Salaries of judges—Payment of court operating costs from city funds—Judges and employees as city employees. Salaries of municipal court judges shall be fixed by ordinance. All costs of operating the municipal court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings, and supplies, shall be paid wholly out of the funds of the city or town. The city shall provide a suitable place for holding court and pay all expenses of maintaining it.

All employees of the municipal court shall, for all purposes, be deemed employees of the city or town. They shall be appointed by and serve at the pleasure of the court. [1984 c 258 § 111; 1961 c 299 § 57.]

Salaries of municipal judges in cities over 400,000: RCW 3.58.010 and 35.20.160.

Additional notes found at www.leg.wa.gov

3.50.090 Judges pro tem. The presiding municipal court judge may designate one or more persons as judges pro tem to serve in the absence or disability of the elected or duly

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appointed judges of the court, subsequent to the filing of an affidavit of prejudice, or in addition to the elected or duly appointed judges when the administration of justice and the accomplishment of the work of the court make it necessary. The qualifications of a judge pro tempore shall be the same as for judges as provided under RCW 3.50.040 except that a judge pro tempore need not be a resident of the city or county in which the municipal court is located. Judges pro tempore shall have all of the powers of the duly appointed or elected judges when serving as judges pro tempore of the court. Before entering on his or her duties, each judge pro tempore shall take, subscribe, and file an oath as is taken by a duly appointed or elected judge. Such pro tempore judges shall receive such compensation as shall be fixed by ordinance by the municipality in which the court is located and such compensation shall be paid by the municipality. [2000 c 55 § 1; 1984 c 258 § 112; 1961 c 299 § 58.]

Judges pro tempore appointments: RCW 3.02.060.

Additional notes found at www.leg.wa.gov

3.50.093 Municipal judge—Vacancy—Appointment.

Any vacancy in the municipal court due to a death, disability, or resignation of a municipal court judge shall be filled by the mayor, for the remainder of the unexpired term. The appointment shall be subject to confirmation by the legislative authority of the city or town if the legislative authority has the general power of confirmation over mayoral appointments. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this chapter. [1984 c 258 § 113.]

Additional notes found at www.leg.wa.gov

3.50.095 Municipal judge—Removal from office. A municipal judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office. [1984 c 258 § 124.]

Additional notes found at www.leg.wa.gov

3.50.097 Judge's oath—Bonds. Every judge of a municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of (naming such city) according to the best of my ability." The oath shall be filed in the office of the county auditor. The judge shall also give such bonds to the state and city for the faithful performance of the judge's duties as may be by law or ordinance directed. [1984 c 258 § 110.]

Additional notes found at www.leg.wa.gov

3.50.100 Revenue—Disposition—Interest. (1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other noninterest revenues received by the clerk, shall be deposited with the city or town treasurer 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.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions, and certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(5) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts. [2012 c 136 § 3; 2012 c 134 § 5; 2009 c 479 § 3; 2004 c 15 § 3; 1995 c 291 § 3; 1988 c 169 § 2; 1985 c 389 § 4; 1984 c 258 § 304; 1975 1st ex.s. c 241 § 3; 1961 c 299 § 59.]

Effective date—2009 c 479: See note following RCW 2.56.030.

Intent—2004 c 15: See note following RCW 10.99.080.

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

3.50.110 Sessions. 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 the municipal court shall not be open on nonjudicial days. [1984 c 258 § 114; 1961 c 299 § 60.]

Additional notes found at www.leg.wa.gov

3.50.115 Municipal court seal. The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of (name of city), State of Washington," surrounding the vignette. All process from the court runs throughout the state. The supreme court may determine by rule what process must be issued under seal. [1999 c 152 § 1; 1984 c 258 § 123.]

Additional notes found at www.leg.wa.gov

3.50.125 Transfer within municipal court. A transfer of a case from the municipal court to either another municipal judge of the same city or to a judge pro tempore appointed in the manner prescribed by this chapter shall be allowed in

accordance with RCW 3.66.090 in all civil and criminal proceedings. [1984 c 258 § 122.]

Additional notes found at www.leg.wa.gov

3.50.135 Request for jury trial in civil cases—Exception—Fee—Juror compensation—Jury trials in criminal cases. In all civil cases, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A party requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. If more than one party requests a jury, only one jury fee shall be collected by the court. The fee shall be apportioned among the requesting parties. Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Jury trials shall be allowed in all criminal cases unless waived by the defendant. [1984 c 258 § 126.]

Additional notes found at www.leg.wa.gov

3.50.300 Execution of sentence—Jail in lieu of fine and costs, computation. In all cases of conviction, unless otherwise provided in chapters 3.30 through 3.74 RCW as now or hereafter amended, where a jail sentence is given to the defendant, execution shall issue accordingly and where the judgment of the court is that the defendant pay a fine and costs, the defendant may be committed to jail until the judgment is paid in full.

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 after deducting the amount allowed for each day of imprisonment, which amount shall be the same and computed in the same manner as provided for superior court cases in RCW 10.82.030 and 10.82.040, as now or hereafter amended. In addition, all other proceedings in respect of such fine and costs shall be the same as in like cases in the superior court. [1984 c 258 § 115; 1969 c 84 § 1; 1961 c 299 § 79.]

Additional notes found at www.leg.wa.gov

3.50.320 Suspension or deferral of sentence—Change of plea—Dismissal. After a conviction, the court may impose sentence by suspending all or a portion of the defendant's sentence or by deferring the sentence of the defendant and may place the defendant on probation for a period of no longer than two years and prescribe the conditions thereof. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw the plea

of guilty, permit the defendant to enter a plea of not guilty, and dismiss the charges. A court shall not defer sentence for an offense sentenced under RCW 46.61.5055. [2013 2nd sp.s. c 35 § 5; 2001 c 94 § 4; 1984 c 258 § 116; 1983 c 156 § 5; 1961 c 299 § 81.]

Additional notes found at www.leg.wa.gov

3.50.330 Suspension or deferral of sentence—Continuing jurisdiction of court. (1) A court has continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines for a period not to exceed:

(a) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055; and

(b) Two years after imposition of sentence for all other offenses.

(2)(a) Except as provided in (b) of this subsection, a court shall have continuing jurisdiction and authority to defer the execution of all or any part of the sentence upon stated terms, including installment payment of fines for a period not to exceed:

(i) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense; and

(ii) Two years after imposition of sentence for all other offenses.

(b) A court shall not defer sentence for an offense sentenced under RCW 46.61.5055.

(3) A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record.

(4) However, the court's jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720.

(5) Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence.

(6) For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense. [2013 2nd sp.s. c 35 § 6; 2010 c 274 § 406; 2001 c 94 § 5; 1999 c 56 § 1; 1984 c 258 § 117; 1983 c 156 § 6; 1961 c 299 § 82.]

Intent—2010 c 274: See note following RCW 10.31.100.

Additional notes found at www.leg.wa.gov

3.50.340 Revocation of deferred or suspended sentence—Limitations—Termination of probation. 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.

Any time before entering an order terminating probation, the court may revoke or modify its order suspending the imposition or execution of the sentence. If the ends of justice

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will be served and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held. [1984 c 258 § 118; 1983 c 156 § 7; 1961 c 299 § 83.]

Additional notes found at www.leg.wa.gov

3.50.345 Sentencing—Crimes against property—Criminal history check. Before a sentence is imposed upon a defendant convicted of a crime against property, the court or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant. [2009 c 431 § 16.]

Applicability—2009 c 431: See note following RCW 4.24.230.

3.50.355 Offender supervision by another state. (1) If a person placed on probation for one year or more for a misdemeanor or gross misdemeanor by a municipal court requests permission to travel or transfer to another state, the assigned probation officer shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

(a) Notify the department of corrections of the probationer's request;

(b) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(c) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;

(d) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;

(e) Resume supervision if the probationer returns to this state before the term of probation expires.

(2) The probationer shall receive credit for time served while being supervised by another state.

(3) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(4) The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence. [2005 c 400 § 6.]

Additional notes found at www.leg.wa.gov

3.50.425 Issuance of criminal process. All criminal process issued by the municipal court shall be in the name of the state of Washington and run throughout the state, and be directed to and served by the chief of police, marshal, or other police officer of any city or to any sheriff in the state. [1984 c 258 § 127.]

Additional notes found at www.leg.wa.gov

3.50.430 Criminal prosecution in city's name for violation of ordinances. All criminal prosecutions for the violation of a city ordinance shall be conducted in the name of the city and may be upon the complaint of any person. [1984 c 258 § 119; 1961 c 299 § 92.]

Additional notes found at www.leg.wa.gov

3.50.440 Penalty if no other punishment prescribed.

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 is guilty of a gross misdemeanor and shall be punished by a fine of not more than five thousand dollars or imprisonment in the city jail for up to three hundred sixty-four days, or both such fine and imprisonment. [2011 c 96 § 2; 2003 c 53 § 3; 1984 c 258 § 120; 1961 c 299 § 93.]

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

Additional notes found at www.leg.wa.gov

3.50.450 Pleadings, practice and procedure not provided for governed by district court law. Pleadings, practice and procedure in cases not governed by statutes or rules specifically 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 district courts. [1984 c 258 § 121; 1961 c 299 § 94.]

Additional notes found at www.leg.wa.gov

3.50.480 City or town trial court improvement account—Contributions to account by city or town—Use of funds. Any city or town operating a municipal court under this chapter for which the state contributes to municipal court judges' salaries under RCW 2.56.030 shall create a city or town trial court improvement account. An amount equal to one hundred percent of the state's contribution for the payment of the city's or town's municipal court judges' salaries shall be deposited into the account. Money in the account shall be used to fund improvements to the municipal court's staffing, programs, facilities, or services, as appropriated by the city or town legislative authority. [2005 c 457 § 3.]

Intent—2005 c 457: See note following RCW 43.08.250.

3.50.800 Repeal of municipal criminal code—Agreement covering costs of handling resulting criminal cases—Arbitration—Renewal. (1) If a municipality has, prior to July 1, 1984, repealed in its entirety that portion of its municipal code defining crimes but continues to hear and determine traffic infraction cases under chapter 46.63 RCW in a municipal court, the municipality and the appropriate county shall, prior to January 1, 1985, enter into an agreement under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs incurred after January 1, 1985, associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. If the municipality and the county cannot come to an agreement within the time prescribed by this section, they shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04A RCW. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04A RCW.

(2) The agreement between the municipality and the county shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the

agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04A RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights as other parties who have agreed to submit to arbitration under chapter 7.04A RCW. [2005 c 433 § 34; 1984 c 258 § 202.]

Additional notes found at www.leg.wa.gov

3.50.805 Termination of municipal court—Agreement covering costs of handling resulting criminal cases—Arbitration—Repeal of municipal criminal code—Agreement—Arbitration—Repeal of a municipal crime equivalent to offense in RCW 46.63.020—Agreement—Arbitration. (1) A municipality operating a municipal court under this chapter shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 39.34 RCW under which the county or municipality is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district or municipal court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county or municipality are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04A RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county or municipality have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04A RCW. A municipality that has entered into agreements with other municipalities that have terminated their municipal courts may not thereafter terminate its court unless each municipality has reached an agreement with the appropriate county in accordance with this section.

(2) A municipality operating a municipal court under this chapter may not repeal in its entirety that portion of its municipal code defining crimes while retaining the court's authority to hear and determine traffic infractions under chapter 46.63 RCW unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04A RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04A RCW.

(3) A municipality operating a municipal court under this chapter may not repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the

county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04A RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04A RCW. [2005 c 433 § 35; 1984 c 258 § 203.]

Additional notes found at www.leg.wa.gov

3.50.810 Termination of municipal court—Notice.

(1) Any city having entered into an agreement for court services with the county must provide written notice of the intent to terminate the agreement to the county legislative authority not less than one year prior to February 1st of the year in which all district court judges are subject to election.

(2) Any city that terminates an agreement for court services to be provided by a district court may terminate the agreement only at the end of a four-year district court judicial term.

(3) A county that wishes to terminate an agreement with a city for the provision of court services must provide written notice of the intent to terminate the agreement to the city legislative authority not less than one year prior to the expiration of the agreement. [2001 c 68 § 1; 1993 c 317 § 2.]

Additional notes found at www.leg.wa.gov

3.50.815 Criminal justice responsibilities—Interlocal agreements. A city may meet the requirements of RCW 39.34.180 by entering into an interlocal agreement with the county in which the city is located or with one or more cities. [2008 c 227 § 4.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

**Chapter 3.54 RCW
CLERKS AND DEPUTY CLERKS**

Sections

3.54.010	Compensation.
3.54.020	Powers and duties.
3.54.030	Seal.

3.54.010 Compensation. The clerk and deputy clerks of district courts shall receive such compensation as shall be provided by the county legislative authority. [1984 c 258 § 34; 1971 c 73 § 6; 1961 c 299 § 98.]

Additional notes found at www.leg.wa.gov

3.54.020 Powers and duties. The district courts shall prescribe the duties of the clerk and deputy clerks. Such duties shall include all of the requirements of RCW 3.62.020 and 3.62.040 as now or hereafter amended and the receipt of bail and additionally the power to:

- (1) Accept and enter pleas;

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- (2) Receive bail as set by the court;
- (3) Set cases for trial;
- (4) Administer oaths. [1975 1st ex.s. c 241 § 1; 1971 c 73 § 7; 1961 c 299 § 99.]

3.54.030 Seal. The district court shall have a seal that shall be the vignette of George Washington, with the words "Seal of the District Court of County, State of Washington," surrounding the vignette. All process from the court runs throughout the state. The supreme court may determine by rule what process must be issued under seal. [1999 c 152 § 2; 1992 c 29 § 1.]

**Chapter 3.58 RCW
SALARIES AND EXPENSES**

Sections

3.58.010	Salaries of full time district court judges.
3.58.020	Salaries of part time district judges.
3.58.030	Payment of salaries.
3.58.040	Travel expenses.
3.58.050	Other court expenses—Lease, construction, of courtrooms and offices.
3.58.060	County trial court improvement account—Contributions to account by county—Use of funds.

3.58.010 Salaries of full time district court judges.

The annual salary of each full time district court judge shall be established by the Washington citizen's commission on salaries for elected officials. A member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.092, 2.06.062, 2.08.092, and 3.58.010 shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he or she shall not be entitled to receive such increased salary until after the expiration of his or her present term of office and his or her subsequent election or reelection to the office to which he or she was appointed or elected respectively during his or her term of office as legislator. [2011 c 336 § 74; 1986 c 155 § 7; 1985 c 7 § 1; 1983 c 186 § 2; 1980 c 162 § 8; 1979 ex.s. c 255 § 8; 1977 ex.s. c 318 § 5; 1975 1st ex.s. c 263 § 5; 1975 c 33 § 3; 1974 ex.s. c 149 § 6 (Initiative Measure No. 282, approved November 6, 1973); 1972 ex.s. c 100 § 4; 1969 c 52 § 1; 1965 c 147 § 1; 1961 c 299 § 100.]

District court judges' salaries: State Constitution Art. 28 § 1.

District courts, judges pro tempore, salaries: RCW 3.34.130.

Municipal courts, cities over 400,000, judges' salaries: RCW 35.20.160.

Superior courts, judges' salaries: RCW 2.08.092.

Washington citizens' commission on salaries for elected officials: RCW 43.03.305.

Additional notes found at www.leg.wa.gov

3.58.020 Salaries of part time district judges. The annual salaries of part time district judges shall be set by the citizens' commission on salaries. [1991 c 338 § 3; 1984 c 258 § 35; 1982 c 29 § 2; 1979 ex.s. c 255 § 9; 1974 ex.s. c 95 § 1; 1969 ex.s. c 192 § 1; 1961 c 299 § 101.]

District judges—Full time—Other: RCW 3.34.040.

Additional notes found at www.leg.wa.gov

3.58.030 Payment of salaries. The compensation of judges, 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. [1984 c 258 § 36; 1961 c 299 § 102.]

Additional notes found at www.leg.wa.gov

3.58.040 Travel expenses. District judges, judges pro tempore, court commissioners, and district court employees shall receive their reasonable traveling expenses when engaged in the business of the court as provided in chapter 42.24 RCW. [1984 c 258 § 37; 1983 c 3 § 3; 1961 c 299 § 103.]

Additional notes found at www.leg.wa.gov

3.58.050 Other court expenses—Lease, construction, of courtrooms and offices. The county legislative authority shall furnish all necessary facilities for the district courts, including suitable courtrooms, furniture, books, stationery, postage, office equipment, heat, light and telephone and may lease or construct courtrooms and offices for such purpose. The county legislative authority shall not be required to furnish courtroom space in any place other than as provided in the districting plan. [1984 c 258 § 38; 1963 c 213 § 3; 1961 c 299 § 104.]

Additional notes found at www.leg.wa.gov

3.58.060 County trial court improvement account—Contributions to account by county—Use of funds. Any county with a district court created under this title shall create a county trial court improvement account. An amount equal to one hundred percent of the state's contribution received by the county for the payment of district court judges' salaries shall be deposited into the account. Money in the account shall be used to fund improvements to superior and district court staffing, programs, facilities, or services, as appropriated by the county legislative authority. [2009 c 479 § 4; 2005 c 457 § 4.]

Effective date—2009 c 479: See note following RCW 2.56.030.

Intent—2005 c 457: See note following RCW 43.08.250.

Chapter 3.62 RCW INCOME OF COURT

Sections

3.62.010	Suspension of fine or penalty.
3.62.020	Costs, fees, fines, forfeitures, and penalties except city cases—Disposition—Interest.
3.62.040	Costs, fines, forfeitures, and penalties from city cases—Disposition—Interest.
3.62.050	Court expenditures to be paid from county current expense fund—Exception.
3.62.060	Filing fees in civil cases—Surcharge—Fees allowed as court costs.
3.62.065	Fees allowed as court costs.
3.62.070	Filing fees in criminal cases and traffic infractions—Arbitration if no agreement.
3.62.085	Fee for conviction or plea of guilty.
3.62.090	Public safety and education assessment—Amount.
3.62.100	Promotion of efficiency.

3.62.010 Suspension of fine or penalty. The district court may at the time of sentencing or at any time thereafter

suspend a portion or all of a fine or penalty. [1984 c 258 § 305; 1961 c 299 § 105.]

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

3.62.020 Costs, fees, fines, forfeitures, and penalties except city cases—Disposition—Interest. (1) Except as provided in subsection (4) of this section, all costs, fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except costs, fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the state auditor, noting the information necessary for crediting of such funds as required by law.

(2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4), and this section, the county treasurer shall remit thirty-two percent of the noninterest money received under subsection (1) of this section except certain costs to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state or county in the prosecution of the case, including the fees of defense counsel. With the exception of funds to be transferred to the judicial stabilization trust account under RCW 3.62.060(2), money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund. Funds deposited under this subsection that are attributable to the county's portion of a surcharge imposed under RCW 3.62.060(2) must be used to support local trial court and court-related functions.

(4) Except as provided in RCW 7.84.100(4), all money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the county current expense fund, and twenty-five percent to the county current expense fund to fund local courts. [2012 c 262 § 1; 2012 c 136 § 4; 2012 c 134 § 6; 2011 1st sp.s. c 44 § 1; 2009 c 479 § 5; 2004 c 15 § 4. Prior: 1995 c 301 § 31; 1995 c 291 § 5; 1988 c 169

§ 3; 1985 c 389 § 5; 1984 c 258 § 306; 1971 c 73 § 8; 1969 ex.s. c 199 § 2; 1961 c 299 § 106.]

Reviser's note: This section was amended by 2012 c 134 § 6, 2012 c 136 § 4, and by 2012 c 262 § 1, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2011 1st sp.s. c 44: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [2011 1st sp.s. c 44 § 7.]

Effective date—2009 c 479: See note following RCW 2.56.030.

Intent—2004 c 15: See note following RCW 10.99.080.

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

3.62.040 Costs, fines, forfeitures, and penalties from city cases—Disposition—Interest. (1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) Except as provided in RCW 9A.88.120 and 10.99.080, the city treasurer shall remit monthly thirty-two percent of the noninterest money received under this section, other than for parking infractions and certain costs, to the state treasurer. "Certain costs" as used in this subsection, means those costs awarded to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded against convicted defendants in criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if such costs are specifically designated as costs by the court and are awarded for the specific reimbursement of costs incurred by the state, county, city, or town in the prosecution of the case, including the fees of defense counsel. Money remitted under this subsection to the state treasurer shall be deposited in the state general fund.

(3) The balance of the noninterest money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

(5) Penalties, fines, bail forfeitures, fees, and costs may accrue interest at the rate of twelve percent per annum, upon assignment to a collection agency. Interest may accrue only while the case is in collection status.

(6) Interest retained by the court on penalties, fines, bail forfeitures, fees, and costs shall be split twenty-five percent to the state treasurer for deposit in the state general fund, twenty-five percent to the state treasurer for deposit in the judicial information system account as provided in RCW 2.68.020, twenty-five percent to the city general fund, and twenty-five percent to the city general fund to fund local courts. [2012 c 136 § 5; 2012 c 134 § 7; 2009 c 479 § 6; 2004 c 15 § 8; 1995 c 291 § 6; 1988 c 169 § 4; 1985 c 389 § 6; 1984 c 258 § 307; 1975 1st ex.s. c 241 § 2; 1961 c 299 § 108.]

Effective date—2009 c 479: See note following RCW 2.56.030.

Intent—2004 c 15: See note following RCW 10.99.080.

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

3.62.050 Court expenditures to be paid from county current expense fund—Exception. The total expenditures of the district courts, including the cost of providing courtroom and office space, the cost of probation and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense, except costs of defense to be paid by a city pursuant to RCW 3.62.070 and the portion of district court judges' salaries distributed by the administrator for the courts pursuant to RCW 2.56.030, shall be paid from the county current expense fund. [2005 c 457 § 6; 1987 c 202 § 114; 1984 c 258 § 308; 1973 1st ex.s. c 10 § 1; 1969 ex.s. c 199 § 3; 1969 c 111 § 1; 1963 c 213 § 2; 1961 c 299 § 109.]

Intent—2005 c 457: See note following RCW 43.08.250.

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

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

3.62.060 Filing fees in civil cases—Surcharge—Fees allowed as court costs. (1) Clerks of the district courts shall collect the following fees for their official services:

(a) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(b) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of twelve dollars.

(c) For filing a supplemental proceeding a fee of twenty dollars.

(d) For demanding a jury in a civil case a fee of one hundred twenty-five dollars to be paid by the person demanding a jury.

(e) For preparing a transcript of a judgment a fee of twenty dollars.

(f) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(g) At the option of the district court:

(i) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar;

(ii) For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed;

(iii) For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page;

(iv) When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page;

(v) For copies made on a compact disc, an additional fee of twenty dollars for each compact disc.

(h) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(i) At the option of the district court, for clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, a fee not to exceed twenty dollars per hour or portion of an hour.

(j) For duplication of part or all of the electronic recording of a proceeding ten dollars per tape or other electronic storage medium.

(k) For filing any abstract of judgment or transcript of judgment from a municipal court or municipal department of a district court organized under the laws of this state a fee of forty-three dollars.

(l) At the option of the district court, a service fee of up to three dollars for the first page and one dollar for each additional page for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

(2)(a) Until July 1, 2017, in addition to the fees required to be collected under this section, clerks of the district courts must collect a surcharge of thirty dollars on all fees required to be collected under subsection (1)(a) of this section.

(b) Seventy-five percent of each surcharge collected under this subsection (2) must be remitted to the state treasurer for deposit in the judicial stabilization trust account.

(c) Twenty-five percent of each surcharge collected under this subsection (2) must be retained by the county.

(3) The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded. [2013 2nd sp.s. c 7 § 1; 2012 c 199 § 1; 2011 1st sp.s. c 44 § 4. Prior: 2009 c 572 § 1; 2009 c 372 § 1; 2007 c 46 § 3; 2005 c 457 § 9; 2003 c 222 § 15; 1992 c 62 § 8; 1990 c 172 § 2; 1987 c 382 § 2; 1984 c 258 § 309; 1981 c 330 § 1; 1980 c 162 § 9; 1969 c 25 § 1; 1965 c 55 § 1; 1961 c 299 § 110.]

Effective date—2013 2nd sp.s. c 7: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013." [2013 2nd sp.s. c 7 § 4.]

Effective date—2011 1st sp.s. c 44: See note following RCW 3.62.020.

Effective date—2009 c 572: See note following RCW 43.79.505.

Intent—2005 c 457: See note following RCW 43.08.250.

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

3.62.065 Fees allowed as court costs. All courts organized under Title 3 or 35 RCW may charge fees as prescribed in RCW 3.62.060. The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded. [1992 c 62 § 7.]

Additional notes found at www.leg.wa.gov

3.62.070 Filing fees in criminal cases and traffic infractions—Arbitration if no agreement. Except in traffic cases wherein bail is forfeited or a monetary penalty paid to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every

criminal or traffic infraction action filed by a city for an ordinance violation, the city shall be charged a filing fee. Fees shall be determined pursuant to an agreement as provided for in chapter 39.34 RCW, the interlocal cooperation act, between the city and the county providing the court service. In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city. In all other criminal or traffic infraction actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs.

In the event no agreement is reached between a city and the county providing the court service, either party may invoke binding arbitration on the fee issue by notice to the other party. In the case of establishing initial fees, the notice shall be thirty days. In the case of renewal or proposed nonrenewal, the notice shall be given one hundred twenty days prior to the expiration of the existing contract. In the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional costs borne by the county in providing district court services for such city. The city and the county shall each select one arbitrator, the two of whom shall pick a third arbitrator. The existing contract shall remain in effect until a new agreement is reached or until an arbitration award is made. [1994 c 266 § 15; 1993 c 317 § 8; 1984 c 258 § 39; 1980 c 128 § 14; 1979 ex.s. c 129 § 1; 1973 1st ex.s. c 10 § 2; 1961 c 299 § 111.]

Additional notes found at www.leg.wa.gov

3.62.085 Fee for conviction or plea of guilty. Upon conviction or a plea of guilty in any court organized under this title or Title 35 RCW, a defendant in a criminal case is liable for a fee of forty-three dollars. This fee shall be subject to division with the state under RCW *3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2). [2005 c 457 § 10.]

***Reviser's note:** RCW 3.46.120 was repealed by 2008 c 227 § 12, effective July 1, 2008.

Intent—2005 c 457: See note following RCW 43.08.250.

3.62.090 Public safety and education assessment—Amount. (1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to seventy percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.5055, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250.

The additional assessment required by this subsection shall not be suspended or waived by the court.

(3) This section does not apply to the fee imposed under RCW 46.63.110(7), the penalty imposed under RCW 46.63.110(8), or the penalty assessment imposed under RCW 10.99.080. [2004 c 15 § 5; 2003 c 380 § 1; 2001 c 289 § 1; 1997 c 331 § 4; 1995 c 332 § 7; 1994 c 275 § 34; 1986 c 98 § 4; 1984 c 258 § 337.]

Intent—2004 c 15: See note following RCW 10.99.080.

Intent—1984 c 258: See note following RCW 3.34.130.

Additional notes found at www.leg.wa.gov

3.62.100 Promotion of efficiency. District courts shall take all steps necessary to promote efficiencies in calendaring in order to minimize costs to cities that use the district courts. Cities shall cooperate with the district courts in order to minimize those costs. [1993 c 317 § 7.]

Additional notes found at www.leg.wa.gov

Chapter 3.66 RCW JURISDICTION AND VENUE

Sections

3.66.010	Powers of district court.
3.66.020	Civil jurisdiction.
3.66.030	Restrictions on civil jurisdiction.
3.66.040	Venue—Civil action.
3.66.050	Transfer of proceedings.
3.66.060	Criminal jurisdiction.
3.66.065	Assessment of punishment.
3.66.067	Assessment of punishment—Suspension or deferral of sentence—Dismissal of charges.
3.66.068	Assessment of punishment—Suspension or deferral of sentence—Terms.
3.66.069	Assessment of punishment—Revocation of deferred or suspended sentence—Limitations—Termination of probation.
3.66.0691	Sentencing—Crimes against property—Criminal history check.
3.66.070	Venue—Criminal actions—Temporary venue.
3.66.080	Criminal venue corrected.
3.66.090	Change of venue.
3.66.100	Territorial jurisdiction—Process—Limitation.
3.66.110	Advertising authority to solemnize marriages is breach of judicial ethics.
3.66.120	Court-ordered restitution—Enforcement.
3.66.130	Court-ordered restitution—Payment.
3.66.140	Offender supervision by another state.

Removal of certain civil actions to superior court: Chapter 4.14 RCW.

3.66.010 Powers of district court. (1) The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the district court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the district 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 district court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The district 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. No jury trial may be held in a proceeding involving a traffic infraction.

(2016 Ed.)

(2) A district court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any other court of limited jurisdiction participating in the program. [2005 c 282 § 15; 2000 c 111 § 2; 1984 c 258 § 40; 1979 ex.s. c 136 § 20; 1961 c 299 § 112.]

Powers and jurisdiction of district court commissioner: RCW 3.42.020.

Additional notes found at www.leg.wa.gov

3.66.020 Civil jurisdiction. If, for each claimant, the value of the claim or the amount at issue does not exceed one hundred thousand dollars, exclusive of interest, costs, and attorneys' fees, the district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Actions arising on contract for the recovery of money;

(2) Actions 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 and actions to recover the possession of personal property;

(3) Actions for a penalty;

(4) Actions upon a bond conditioned for the payment of money, when the amount claimed does not exceed fifty thousand 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) Actions on an undertaking or surety bond taken by the court;

(6) Actions for damages for fraud in the sale, purchase, or exchange of personal property;

(7) Proceedings to take and enter judgment on confession of a defendant;

(8) Proceedings to issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects;

(9) Actions arising under the provisions of chapter 19.190 RCW;

(10) Proceedings to civilly enforce any money judgment entered in any municipal court or municipal department of a district court organized under the laws of this state; and

(11) All other actions and proceedings of which jurisdiction is specially conferred by statute, when the title to, or right of possession of, real property is not involved. [2015 c 260 § 1; 2008 c 227 § 1; 2007 c 46 § 1; 2003 c 27 § 1; 2000 c 49 § 1; 1997 c 246 § 1; 1991 c 33 § 1; 1984 c 258 § 41; 1981 c 331 § 7; 1979 c 102 § 3; 1965 c 95 § 1; 1961 c 299 § 113.]

Effective date—Subheadings not law—2008 c 227: See notes following RCW 3.50.003.

Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331: See notes following RCW 2.32.070.

Additional notes found at www.leg.wa.gov

3.66.030 Restrictions on civil jurisdiction. The jurisdiction covered by RCW 3.66.020 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. [1961 c 299 § 114.]

3.66.040 Venue—Civil action. (1) An action arising under RCW 3.66.020 (1), (4), (6), (7), and (11) may be brought in any 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 district where the defendant or defendants is or are served must be within the county in which the defendant or defendants reside. If the residence of the defendant is not ascertained by reasonable efforts, the action may be brought in the district in which the defendant's place of actual physical employment is located.

(2) An action arising under RCW 3.66.020(2) for the recovery of possession of personal property and RCW 3.66.020(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 RCW 3.66.020 (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 RCW 3.66.020(2) for the recovery of damages for injuries to the person or for injury to personal property 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) A proceeding under RCW 3.66.020(10) may be brought in the district within which the municipal court or municipal department is located.

(6) An action against a nonresident of this state, including an action arising under the provisions of chapter 19.190 RCW, 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.

(7) An action upon the unlawful issuance of a check or draft may be brought in any district in which the defendant resides or may be brought in any district in which the check was issued or presented as payment.

(8) For the purposes of chapters 3.30 through 3.74 RCW, 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. [2007 c 46 § 2; 2003 c 27 § 2; 2001 c 45 § 1; 1988 c 71 § 1; 1984 c 258 § 42; 1961 c 299 § 115.]

Additional notes found at www.leg.wa.gov

3.66.050 Transfer of proceedings. If a civil action is brought in the wrong district, the action may nevertheless be tried therein unless the defendant, at the time the defendant 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 rea-

sonable attorney's fee to be paid by the plaintiff. [1984 c 258 § 43; 1961 c 299 § 116.]

Additional notes found at www.leg.wa.gov

3.66.060 Criminal jurisdiction. The district 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. It shall in no event impose a greater punishment than a fine of five thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute. It may suspend and revoke vehicle operators' licenses in the cases provided by law; (2) to sit as a committing magistrate 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; (4) concurrent with the superior court of all violations under Title 77 RCW; (5) to hear and determine traffic infractions under chapter 46.63 RCW; and (6) to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by other courts of limited jurisdiction when those courts are participating in the program established under RCW 2.56.160. [2003 c 39 § 1; 2000 c 111 § 3; 1984 c 258 § 44; 1983 1st ex.s. c 46 § 176; 1982 c 150 § 1; 1961 c 299 § 117.]

Additional notes found at www.leg.wa.gov

3.66.065 Assessment of punishment. If a defendant is found guilty, a judge holding office pursuant to chapters 3.30 through 3.74 RCW, or chapter 35.20 RCW, and not the jury, shall assess punishment, notwithstanding the provisions of RCW 10.04.100. If the judge determines that the punishment authorized is inadequate compared to the gravity of the offense he or she may order such defendant to enter recognizance to appear in the superior court of the county and may also recognize the witnesses and shall proceed as a committing magistrate. [1984 c 258 § 45; 1975 c 29 § 1; 1965 ex.s. c 110 § 7.]

Sentence and judgment: Rules of court: CrRLJ 7.2.

Additional notes found at www.leg.wa.gov

3.66.067 Assessment of punishment—Suspension or deferral of sentence—Dismissal of charges. After a conviction, the court may impose sentence by suspending all or a portion of the defendant's sentence or by deferring the sentence of the defendant and may place the defendant on probation for a period of no longer than two years and prescribe the conditions thereof. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw the plea of guilty and to enter a plea of not guilty, and the court may dismiss the charges. A court shall not defer sentence for an offense sentenced under RCW 46.61.5055. [2013 2nd sp.s. c 35 § 3; 2001 c 94 § 1; 1984 c 258 § 46; 1983 c 156 § 1; 1969 c 75 § 1.]

Rules of court: *ER 410.*

Additional notes found at www.leg.wa.gov

3.66.068 Assessment of punishment—Suspension or deferral of sentence—Terms. (1) A court has continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms, including installment payment of fines for a period not to exceed:

(a) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055; and

(b) Two years after imposition of sentence for all other offenses.

(2)(a) Except as provided in (b) of this subsection, a court has continuing jurisdiction and authority to defer the execution of all or any part of its sentence upon stated terms, including installment payment of fines for a period not to exceed:

(i) Five years after imposition of sentence for a defendant sentenced for a domestic violence offense; and

(ii) Two years after imposition of sentence for all other offenses.

(b) A court shall not defer sentence for an offense sentenced under RCW 46.61.5055.

(3) A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record.

(4) However, the court's jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720.

(5) For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense. [2013 2nd sp.s. c 35 § 4; 2010 c 274 § 405; 2001 c 94 § 2; 1999 c 56 § 2; 1983 c 156 § 2; 1969 c 75 § 2.]

Intent—2010 c 274: See note following RCW 10.31.100.

3.66.069 Assessment of punishment—Revocation of deferred or suspended sentence—Limitations—Termination of probation. 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 may 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.

Any time before entering an order terminating probation, the court may revoke or modify its order suspending the imposition or execution of the sentence. Whenever the ends of justice will be served and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held. [1983 c 156 § 3; 1969 c 75 § 3.]

3.66.0691 Sentencing—Crimes against property—Criminal history check. Before a sentence is imposed upon a defendant convicted of a crime against property, the court

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or the prosecuting authority shall check existing judicial information systems to determine the criminal history of the defendant. [2009 c 431 § 17.]

Applicability—2009 c 431: See note following RCW 4.24.230.

3.66.070 Venue—Criminal actions—Temporary venue. (1) All criminal actions shall be brought in the district where the alleged violation occurred: PROVIDED, That (a) the prosecuting attorney may file felony cases in the district in which the county seat is located, (b) 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, (c) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while under the influence of intoxicating liquor or any drug and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under RCW 2.56.110, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred, and (d) a district court participating in the program established by the administrative office of the courts pursuant to RCW 2.56.160 shall have jurisdiction to take recognizance, approve bail, and arraign defendants held within its jurisdiction on warrants issued by any other court of limited jurisdiction participating in the program.

(2) In the event of an emergency created by act of nature, civil unrest, technological failure, or other hazardous condition, temporary venue for court of limited jurisdiction matters may be had in a court district not impacted by the emergency. Such emergency venue is appropriate only for the duration of the emergency.

(3) A criminal action commenced under a local ordinance or state statute is deemed to be properly heard by the court of original jurisdiction even though the hearing may take place by video or other electronic means as approved by the supreme court and the defendant is appearing by an electronic method from a location outside the court's geographic jurisdiction or boundaries. [2005 c 282 § 16; 2002 c 59 § 1; 2001 c 15 § 1; 2000 c 111 § 4; 1991 c 290 § 2; 1984 c 258 § 47; 1983 c 165 § 32; 1961 c 299 § 118.]

Legislative finding, intent—Effective dates—Severability—1983 c 165: See notes following RCW 46.20.308.

Additional notes found at www.leg.wa.gov

3.66.080 Criminal venue corrected. If a criminal action is commenced in an improper district under RCW 3.66.070, the court may of its own volition or at the request of either party order the case removed for trial to a proper district. [1984 c 258 § 48; 1961 c 299 § 119.]

Additional notes found at www.leg.wa.gov

3.66.090 Change of venue. A change of venue may be allowed upon motion:

(1) Where there is reason to believe that an impartial trial cannot be had in the district or municipal court 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 district court of another district in the same county, if any, otherwise

to the district court of an adjacent district in another county: PROVIDED, That where an affidavit of prejudice is filed against a judge of a municipal court the cause shall be transferred to another department of the municipal court, if one exists, otherwise to a judge pro tempore appointed in the manner prescribed by law. 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. [1984 c 258 § 49; 1967 c 241 § 1; 1961 c 299 § 120.]

Additional notes found at www.leg.wa.gov

3.66.100 Territorial jurisdiction—Process—Limitation. (1) Every district judge having authority to hear a particular case may issue criminal process in and to any place in the state.

(2) Every district judge having authority to hear a particular case may issue civil process, including writs of execution, attachment, garnishment, and replevin, in and to any place as permitted by statute or rule. This statute does not authorize service of process pursuant to RCW 4.28.180 in actions filed pursuant to chapter 12.40 RCW, except in actions brought against an owner under chapter 59.18 RCW, or in civil infraction matters. [2011 c 132 § 3; 1998 c 73 § 1; 1987 c 442 § 1101; 1984 c 258 § 701; 1961 c 299 § 121.]

Issuance of process

infractions generally: RCW 7.80.020.

natural resource infractions: RCW 7.84.120.

traffic infractions: RCW 46.63.130.

Additional notes found at www.leg.wa.gov

3.66.110 Advertising authority to solemnize marriages is breach of judicial ethics. It shall be a breach of judicial ethics for any judge of any court of limited jurisdiction, as defined in RCW 3.02.010, to advertise in any manner that he or she is authorized to solemnize marriages. Any violation of this section shall be grounds for forfeiture of office. [1983 c 186 § 3; 1961 c 299 § 122.]

3.66.120 Court-ordered restitution—Enforcement. All court-ordered restitution obligations that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed. The judgment and sentence must identify the party or entity to whom restitution is owed so that the state, party, or entity may enforce the judgment.

All court-ordered restitution obligations may be enforced at any time during the ten-year period following the offender's release from total confinement or within ten years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial ten-year period, the court may extend the criminal judgment an additional ten years for payment of court-ordered restitution only if the court finds that the offender has not made a good faith attempt to pay.

The party or entity to whom the court-ordered restitution obligation is owed may utilize any other remedies available to the party or entity to collect the court-ordered financial obligation.

[Title 3 RCW—page 22]

Nothing in this section may be construed to deprive the court of the authority to determine whether the offender's failure to pay the legal financial obligation constitutes a violation of a condition of probation or to impose a sanction upon the offender if such a violation is found. [2001 c 115 § 1.]

3.66.130 Court-ordered restitution—Payment. If the party or entity for whom a court-ordered restitution obligation has been entered pursuant to this title seeks to enforce the judgment as a lien on real estate, he or she shall commence a lien of judgment upon the real estate of the judgment debtor/obligor as provided in RCW 4.56.200.

When any court-ordered restitution obligation entered pursuant to this title is paid or satisfied, the clerk of the court of limited jurisdiction in which the restitution obligation was ordered shall note upon the record of the court of limited jurisdiction satisfaction thereof including the date of the satisfaction. [2001 c 115 § 2.]

3.66.140 Offender supervision by another state. (1) If a person placed on probation for one year or more for a misdemeanor or gross misdemeanor by a district court requests permission to travel or transfer to another state, the assigned probation officer shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the probation officer shall:

(a) Notify the department of corrections of the probationer's request;

(b) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(c) Notify the probationer of the fee due to the department of corrections for processing an application under the compact;

(d) Cease supervision of the probationer while another state supervises the probationer pursuant to the compact;

(e) Resume supervision if the probationer returns to this state before the term of probation expires.

(2) The probationer shall receive credit for time served while being supervised by another state.

(3) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(4) The state of Washington, the department of corrections and its employees, and any county and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence. [2005 c 400 § 4.]

Additional notes found at www.leg.wa.gov

Chapter 3.70 RCW MAGISTRATES' ASSOCIATION

Sections

3.70.010	District and municipal court judges' association established.
3.70.020	Formalities—Meetings.
3.70.030	Expenses of members.

(2016 Ed.)

3.70.040 Duties.

3.70.010 District and municipal court judges' association established. There is established in the state an association, to be known as the Washington state district and municipal court judges' association, membership in which shall include all duly elected or appointed and qualified judges of courts of limited jurisdiction, including but not limited to district judges and municipal court judges. [1994 c 32 § 3; 1987 c 3 § 2; 1984 c 258 § 50; 1961 c 299 § 123.]

Additional notes found at www.leg.wa.gov

3.70.020 Formalities—Meetings. Members of the Washington state district and municipal court judges' association may either amend the present bylaws of the association, adopt a constitution, or provide for bylaws only, electing officers as provided therein and doing all things necessary and proper to formally establish a permanent Washington state district and municipal court judges' association. The association may meet each year at a time established by the association's governing board. Meetings shall be held in the state of Washington. [1994 c 32 § 4; 1984 c 258 § 51; 1961 c 299 § 124.]

Additional notes found at www.leg.wa.gov

3.70.030 Expenses of members. For attendance at the annual meetings of the association, beginning in 1962 and thereafter, a judge of a court of limited jurisdiction shall be entitled to receive reimbursement for judge's reasonable travel expenses as provided in RCW 43.03.050 and 43.03.060 from the county or city responsible for the operating cost of the court over which he or she presides while attending meetings of the association. 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. [1984 c 258 § 52; 1961 c 299 § 125.]

Additional notes found at www.leg.wa.gov

3.70.040 Duties. The Washington state district and municipal court judges' 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 courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;

(3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts. [1994 c 32 § 5; 1984 c 258 § 53; 1980 c 162 § 10; 1961 c 299 § 126.]

Additional notes found at www.leg.wa.gov

Chapter 3.72 RCW YOUTH COURT

Sections

3.72.005 Definitions.

(2016 Ed.)

3.72.010 Youth court creation—Jurisdiction.
3.72.020 Youth court agreement.
3.72.030 Purpose and limitations of youth courts, student courts.
3.72.040 Youth court programs.
3.72.050 Fee.

3.72.005 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Youth court" means an alternative method of hearing and disposing of traffic infractions for juveniles age sixteen or seventeen. [2002 c 237 § 1.]

3.72.010 Youth court creation—Jurisdiction. (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have jurisdiction over traffic infractions alleged to have been committed by juveniles age sixteen or seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion. However, a juvenile shall not be required under this section to have his or her traffic infraction referred to or disposed of by a youth court.

(2) To be referred to a youth court pursuant to this chapter, a juvenile:

(a) May not have had a prior traffic infraction referred to a youth court;

(b) May not be under the jurisdiction of any court for a violation of any provision of Title 46 RCW;

(c) May not have any convictions for a violation of any provision of Title 46 RCW; and

(d) Must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic infraction.

(3)(a) Nothing in this chapter shall interfere with the ability of juvenile courts to refer matters to youth courts that have been established to provide a diversion for matters involving juvenile offenders who are eligible for diversion pursuant to *RCW 13.40.070 (6) and (7) and who agree, along with a parent, guardian, or legal custodian, to comply with the provisions of RCW 13.40.600.

(b) Nothing in this chapter shall interfere with the ability of student courts to work with students who violate school rules and policies pursuant to RCW 28A.300.420. [2005 c 73 § 1; 2002 c 237 § 2.]

*Reviser's note: RCW 13.40.070 was amended by 2010 c 289 § 7, changing subsection (7) to subsection (8).

3.72.020 Youth court agreement. (1) A youth court agreement shall be a contract between a juvenile accused of a traffic infraction and a court whereby the juvenile agrees to fulfill certain conditions imposed by a youth court in lieu of a determination that a traffic infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced

to writing and signed by the court and the youth accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) Conditions imposed on a juvenile by a youth court shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Attendance at defensive driving school or driver improvement education classes or, in the discretion of the court, a like means of fulfilling this condition. The state shall not be liable for costs resulting from the youth court or the conditions imposed upon the juvenile by the youth court;

(c) A monetary penalty, not to exceed one hundred dollars. All monetary penalties assessed and collected under this section shall be deposited and distributed in the same manner as costs, fines, forfeitures, and penalties are assessed and collected under RCW 2.68.040, *3.46.120, 3.50.100, 3.62.020, 3.62.040, 35.20.220, and **46.63.110(6), regardless of the juvenile's successful or unsuccessful completion of the youth court agreement;

(d) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(e) Participating in law-related education classes;

(f) Providing periodic reports to the youth court or the court;

(g) Participating in mentoring programs;

(h) Serving as a participant in future youth court proceedings;

(i) Writing apology letters; or

(j) Writing essays.

(3) Youth courts may require that the youth pay any costs associated with conditions imposed upon the youth by the youth court.

(a) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The court, as specified in RCW 3.72.010, shall monitor the successful or unsuccessful completion of the disposition.

(4) A youth court agreement may extend beyond the eighteenth birthday of the youth.

(5) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juvenile is accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language and the action that will be taken by the court upon successful or unsuccessful completion of the agreement;

(b) Violation of the terms of the agreement shall be the only grounds for termination.

(6) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.

(7) The court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.

(8) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic infraction was alleged to have been committed;

(b) The fact that a youth court agreement was entered into;

(c) The juvenile's obligations under such agreement;

(d) Whether the juvenile performed his or her obligations under such agreement; and

(e) The facts of the alleged traffic infraction.

(9) A court may refuse to enter into a youth court agreement with a juvenile. When a court refuses to enter a youth court agreement with a juvenile, it shall set the matter for hearing in accordance with all applicable court rules and statutory provisions governing the hearing and disposition of traffic infractions.

(10) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a lack of financial resources of the youth, the court may convert any or all of the monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour. [2002 c 237 § 3.]

Reviser's note: *(1) RCW 3.46.120 was repealed by 2008 c 227 § 12, effective July 1, 2008.

***(2) RCW 46.63.110 was amended by 2002 c 279 § 15, changing subsection (6) to subsection (7).

3.72.030 Purpose and limitations of youth courts, student courts. Youth courts provide a disposition method for cases involving juveniles alleged to have committed traffic infractions. Youth courts may also provide diversion in cases involving juvenile offenders who are eligible for diversion pursuant to *RCW 13.40.070 (6) and (7) and who agree, along with a parent, guardian, or legal custodian, to comply with the provisions of RCW 13.40.600. Student court programs may also be available in schools to work with students who violate school rules and policies pursuant to RCW 28A.300.420. Youth court participants, under the supervision of the court or an adult coordinator, may serve in various capacities within the youth court, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youth courts and student courts have no jurisdiction except as provided for in this chapter, chapter 13.40 RCW, and RCW 28A.300.420. Youth courts and student courts are not courts established under Article IV of the state Constitution. [2005 c 73 § 2; 2002 c 237 § 4.]

***Reviser's note:** RCW 13.40.070 was amended by 2010 c 289 § 7, changing subsection (7) to subsection (8).

3.72.040 Youth court programs. The administrative office of the courts shall encourage the courts to work with cities, counties, and schools to implement, expand, or use youth court programs for juveniles who commit traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(2) Target youth ages sixteen and seventeen who are alleged to have committed a traffic infraction; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills. [2002 c 237 § 5.]

3.72.050 Fee. A court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the court. The fees collected under this section shall not constitute "certain costs" as defined in RCW *3.46.120(2), 3.50.100(2), 3.62.020(2), 3.62.040(2), and 3.52.020(2). [2002 c 237 § 6.]

*Reviser's note: RCW 3.46.120 was repealed by 2008 c 227 § 12, effective July 1, 2008.

Chapter 3.74 RCW MISCELLANEOUS

Sections

3.74.010	District judges to be members of state retirement system.
3.74.020	Full time district judges ineligible for any other office or public employment than judicial.
3.74.030	Mandatory retirement for district judges.
3.74.900	Transfer of proceedings—1961 c 299.
3.74.940	Validation—1991 c 363; 1965 ex.s. c 110.

3.74.010 District judges to be members of state retirement system. All district judges under chapters 3.30 through 3.74 RCW shall remain members of the state retirement system. [1984 c 258 § 54; 1961 c 299 § 130.]

Additional notes found at www.leg.wa.gov

3.74.020 Full time district judges ineligible for any other office or public employment than judicial. The full time judges of the district 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. [1984 c 258 § 55; 1961 c 299 § 131.]

Additional notes found at www.leg.wa.gov

3.74.030 Mandatory retirement for district judges. A district judge shall retire from judicial office at the expiration of the judge's term of office in which he or she has attained the age of seventy-five years. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to August 11, 1969. [2013 c 22 § 1; 1984 c 258 § 56; 1969 ex.s. c 6 § 1.]

Additional notes found at www.leg.wa.gov

3.74.900 Transfer of proceedings—1961 c 299. 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 chapters 3.30 through 3.74 RCW, together with all files, records and proceedings relating to such cases. Chapters 3.30 through 3.74 RCW 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 chapters 3.30 through 3.74 RCW had not been enacted, except that if remanded from the superior court the superseding court shall have the authority and power to forfeit bail or bond or impose sentence thereon. [1961 c 299 § 127.]

3.74.940 Validation—1991 c 363; 1965 ex.s. c 110. Any prior action by the legislative authority of any county with a population of less than two hundred ten thousand to make the provisions of chapters 3.30 through 3.74 RCW applicable to their county and the organization of any justice court as a result thereof, and all other things and proceedings done or taken by such county or by their respective officers acting under or in pursuance to such prior action and organization are hereby declared legal and valid and of full force and effect. [1991 c 363 § 6; 1965 ex.s. c 110 § 4.]

Purpose—Captions not law—1991 c 363: See notes following RCW 2.32.180.

