

Battle Ground Municipal Court, for the cities of Battle Ground, La Center and Ridgefield

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Battle Ground, Ridgefield, & La Center Municipal Courts

I CrRLJ 1.7

- (a) Pursuant to CrRLJ 1.7 and GR 7, the Local Rules of the combined Municipal Courts for the City of Battle Ground, Washington, and the towns of Ridgefield and La Center, Washington, should be the Criminal Rules for Courts of Limited Jurisdiction, together with any amendments or changes thereto approved by the Supreme Court of the State of Washington, and the Local Rules set forth below.
 - (b) Where a conflict exists between the CrRLJ and these Local Rules, the Local Rules shall be read so as to conform to the CrRLJ as closely as possible, with the intent of protecting the Constitutional rights of each individual Defendant and the just and speedy adjudications of the matter before the Court.
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Battle Ground, Ridgefield, & La Center Municipal Courts

I CrRLJ 3.2.1

- (a) ...The Court hereby designates the judges of the Clark County Superior and District Courts to make the initial probable cause determination for any Defendant held in custody on a case filed in the Municipal Courts effected by these rules, given the limited meeting times of this Court.
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Battle Ground, Ridgefield, & La Center Municipal Courts

L CrRLJ 3.2.1

- (d) (1) The "next business day" of the Court is defined for the purposes of this rule as the Thursday next following the arrest and detention of the Defendant. The preliminary appearance shall be combined with the arraignment of the Defendant, given the limited number of court days per month of these Courts.
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Battle Ground, Ridgefield, & La Center Municipal Courts

I CrRLJ 3.3

(h) Continuances.

- (3) Any requests for continuance, made orally in open court or in writing by Defendant's counsel or the Defendant, shall require the Court to reinform the Defendant of his or her speedy trial rights before the motion is granted or denied. The Court shall not grant a motion for continuance beyond the Defendant's originally calculated speedy trial time, unless the Defendant (or Defendant's counsel, upon counsel's representation that the Defendant has been informed of his or her speedy trial rights and has authorized counsel to waive them) signs a Waiver of Speedy Trial upon a form supplied by the Court. The Defendant or counsel must understand, before signing the waiver, that the Court will be waiving the Defendant's speedy trial rights to a date certain, upon which date the applicable 60 day or 90 day period will begin to run anew.
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Battle Ground, Ridgefield, & La Center Municipal Courts

L CrRLJ 3.4

(a) (1) (present text)

(a) (2) An attorney licensed to practice law in the State of Washington may file a Notice of Appearance on behalf of a Defendant and waive the Defendant's presence at any hearing subsequent to arraignment; however, all Defendants charged with either Driving Under the Influence of Alcohol or Drugs, Physical Control, or any crime designated as a "domestic violence crime" are required to personally appear at their arraignment.

Battle Ground, Ridgefield, & La Center Municipal Courts

L CrRLJ 4.1

- (e) Arraignments will normally be held on the next court day after the Defendant has been cited and released or, if in custody, on the next court day after their arrest. At arraignment, the Defendant will be provided with a "Statement of Rights/Plea Form" and, if they are requesting a court-appointed attorney, a "Financial Declaration" form to fill out and present to the Judge before entering a plea. The Court shall assure itself that the Defendant understands his/her rights and the charge(s) before taking a plea. If an interpreter is necessary for the Defendant to understand their rights, the Court may set over the arraignment until such interpretation services can be secured. At the arraignment, the Court shall set a pretrial hearing date approximately one month later and a trial date within the speedy trial time as determined by the Court.
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Battle Ground, Ridgefield, & La Center Municipal Courts

L CrRLJ 4.5

- (a) (original text)
 - (b) At the first pretrial hearing, either party may make pretrial motions, engage in settlement discussions, request modifications to any previous orders, or address any other issues between the parties.
 - (c) At the first or subsequent pretrial hearings, the Court shall set a mandatory pretrial hearing at least two weeks prior to the scheduled trial date. The Defendant's presence at the mandatory pretrial hearing shall be required. At the mandatory pretrial hearing, the Court shall determine whether both parties are ready to proceed on the appointed trial date, make appropriate orders in aid of an expeditious resolution of the matter, and set a cut-off date for discovery and subpoenaing witnesses, unless those dates have already been set.
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Battle Ground, Ridgefield, & La Center Municipal Courts

L CrRLJ 6.3

..Normally, the clerk will take the first eighteen names from the Elections Division list that personally appear for jury duty on the date set for trial. Should at least 18 qualified jurors fail to appear, the Court may either delay the trial date, after assuring itself that no prejudice will result to either party, or may go ahead with less than six jurors upon the Defendant's consent.

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Battle Ground, Ridgefield, & La Center Municipal Courts

L IRLJ 1.1
SCOPE AND PURPOSE OF RULES

(a) Scope of Rules. These rules are adopted pursuant to GR 7 and IRLJ 1.3 of the Washington State Court Rules, governing the procedure in Courts of Limited Jurisdiction for all cases involving "infractions". Infractions are civil non-criminal violations of law defined by statute.

(b) The Court may modify or suspend any of these Local Court Rules in any given case upon good cause being shown or upon the Court's own motion.

(Adopted effective September 1, 2014.)

Battle Ground, Ridgefield, & La Center Municipal Courts

L IRLJ 1.2
DEFINITIONS

For the purposes of these rules:

- (a) **Infraction Case.** "Infraction case" means a civil proceeding initiated in a court of limited jurisdiction pursuant to a statute that authorizes offenses to be punished as infractions.
- (b) **Notice of Infraction.** "Notice of infraction" means a document initiating an infraction case when issued and filed pursuant to statute and these rules.
- (c) **Defendant.** "Defendant" means a person cited for an infraction, a registered owner of a vehicle cited for a parking infraction, or the person who responds to the parking infraction or the requests of a hearing.
- (d) **Court.** "Court" means a court of limited jurisdiction organized pursuant to RCW Title 3, RCW Title 35, or RCW Title 35A.
- (e) **Judgment.** "Judgment" means any final decision in an infraction case, including, but not limited to, a finding entered after a hearing governed by these rules or after payment of a monetary penalty in lieu of a hearing.
- (f) **Plaintiff.** "Plaintiff" means the governmental unit issuing the notice of infraction, including, but not limited to, the state, a county, or a municipality.
- (g) **Department.** "Department" means the Washington State Department of Licensing.
- (h) **Lawyer.** "Lawyer" means any person authorized by Supreme Court rule to practice law.
- (i) **Statute.** "Statute" means any state statute, local or county ordinance, resolution, or regulation, or agency regulation.
- (j) **Citing Officer.** "Citing officer" means a law enforcement officer or other official authorized by law to issue a notice of infraction.
- (k) **Prosecuting Authority.** "Prosecuting authority" includes prosecuting attorneys, city attorneys, corporation counsel, and their deputies and assistants, or such other persons as may be designated by statute.
- (l) **Judge.** "Judge" means any judge of any court of limited jurisdiction and shall include every judicial officer authorized to preside over infraction cases.
- (m) **Community Restitution.** "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the defendant.

(Adopted effective September 1, 2014.)

Battle Ground, Ridgefield, & La Center Municipal Courts

L IRLJ 1.3
LOCAL COURT RULES

- (a) Adoption. Each court may adopt special infraction rules not inconsistent with these general rules.
- (b) Formulated. These local rules are formulated pursuant to IRLJ 1.3
- (c) Filing. Local rules become effective only after they are filed with the Administrator for the Courts in accordance with GR 7.

(Adopted effective September 1, 2000; Amended effective September 1, 2014)

Battle Ground, Ridgefield, & La Center Municipal Courts

I IRLJ 1.4
CONTINUANCES

A. Mitigation Hearing: A Court Clerk may grant one telephone request for a continuance. The continuance must be requested by 5:00 p.m. the day before the scheduled hearing.

B. Contested Hearing: A Court Clerk may grant one telephone request for a continuance. The continuance must be requested not less than three (2) days before the scheduled Contested hearing.

(Adopted effective September 1, 2014.)

Battle Ground, Ridgefield, & La Center Municipal Courts

L IRLJ 1.5
ELECTRONIC FILING NOTICE OF INFRACTIONS & OFFICERS REPORTS

Pursuant to GR 30, Battle Ground Municipal Court will accept electronic filings initiated by a law enforcement officer when that officer is presumed to have signed the document, when the officer uses his or her USER ID and password to electronically submit the document to the court or prosecutor through the Washington State approved application, and the court will also accept the officers report electronically. Unless otherwise specified, the signature shall be presumed to have been made under Penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.

This rule shall be effective immediately upon filing with the Administrator of the Courts and shall apply retroactively to any pending cases.

(Adopted effective September 1, 2014.)

Battle Ground, Ridgefield, & La Center Municipal Courts

LIRLJ 2.6

Rescinded effective September 1, 2014.

Battle Ground, Ridgefield, & La Center Municipal Courts

LIRLJ 3.1
REQUEST FOR SUBPOENA

Any request for a subpoena to be issued by the court must be filed in writing at least 14 days before the hearing, or such lesser time as the court deems proper. The request cannot be combined with a notice of appearance or any other pleading.

If a defendant does not have a lawyer and wants witnesses to testify on their behalf, the defendant must provide a list of the witnesses with the following information:

- (i) the witnesses' true name;
- (ii) the witnesses' mailing or street address.

The defendant should also be informed that the prosecuting authority may waive the officer's presence, unless the defendant requests it.

Battle Ground, Ridgefield, & La Center Municipal Courts

LIRLJ 3.3
PROCEDURE AT CONTESTED HEARING

The prosecuting authority, if no witnesses have been subpoenaed, may waive the presence of a lawyer on its behalf and elect to proceed solely on the sworn statement of the citing officer. If the Defendant wants the citing officer available for cross-examination at the hearing, the defendant shall be required to request the officer's presence at the hearing in writing pursuant to Rule IRLJ 3.1(a), supra.

Battle Ground, Ridgefield, & La Center Municipal Courts

L IRLJ 3.5
DECISION ON WRITTEN STATEMENTS

In lieu of a defendant's personal appearance for a mitigation or contested hearing, the person who has been issued a notice of civil infraction may respond to the Battle Ground Municipal Court either in person, by phone, or in writing by mail or by e-mail in a written statement form, in lieu of making a personal appearance at a mitigation or contested hearing.

(a) Contested Hearings. The court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

- (1) Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.
- (2) Disposition. If the court determines that the infraction has been committed, it may assess a penalty in accordance with rule 3.3.
- (3) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

(b) Mitigation Hearings. Mitigation hearings based upon written statements may be held in chambers.

In accordance with the provisions of IRLJ 3.5, such hearings are not governed by the Rules of Evidence, and there shall be no appeal from a decision on written or e-mail statement(s).

This rule shall be effective immediately upon filing with the Administrator of the Courts and shall apply retroactively to any pending cases.

(Adopted effective September 1, 2014.)

Battle Ground, Ridgefield, & La Center Municipal Courts

LIRLJ 3.6
INFRACTION WITNESS FEES

Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. The party requesting the witness shall pay the witness fees and mileage expenses due that witness. Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the Court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by the party.

(Adopted effective September 1, 2014.)

Battle Ground, Ridgefield, & La Center Municipal Courts

LIRLJ 3.7
SPEED MEASURING DEVICE EXPERT

When any Speed Measuring Device Expert is required to testify in a contested infraction hearing, the expert may testify from a location other than the courtroom such as: via speakerphone or other electronic means acceptable to the court.

(Adopted effective September 1, 2014.)
