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**LOCAL GENERAL RULES OF THE HOQUIAM MUNICIPAL COURT
(HLGR)**

RULE 7. ADOPTION OF LOCAL GENERAL RULES

These rules are adopted pursuant to GR 7, CrRLJ 1.7, IRLJ 1.3, and CRLJ 83 of the Washington Court Rules. These rules govern the procedure in the Hoquiam Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for the Courts of Limited Jurisdiction. 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 in the interest of justice and/or the efficient operation of the Court. [Adopted effective September 1, 2020.]

**LOCAL CRIMINAL RULES OF THE HOQUIAM MUNICIPAL COURT
(HLCrR)**

RULE 1.7 ADOPTION OF LOCAL CRIMINAL RULES

These rules are adopted pursuant to CrRLJ 1.7 of the Washington Court Rules. These rules govern the criminal procedure in the Hoquiam Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for the Courts of Limited Jurisdiction. 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 in the interest of justice and/or the efficient operation of the Court. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 1.8 TITLE OF RULES

These rules shall be known as the Hoquiam Municipal Court Local Criminal Rules and shall be cited as HLCrR. [Adopted effective September 1, 2020.]

RULE 3.3 TIME FOR TRIAL

(f) Continuances.

(1) *Written Agreement/Stipulations.* The Court will grant a continuance of a trial upon the written agreement or stipulation of all parties if said agreement or stipulation is filed with the court at least one business day prior to the date set for a bench trial and no later than the jury confirmation date for a jury trial. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

(2) *Motions by a Party.*

(i) *Motions for Continuance.* All requests for a continuance of a trial not stipulated to by the opposing party shall be made by written motion and declaration filed with the Court and provided to the opposing party or parties. Failure to do so may result in the Court striking or denying the motion and/or imposing terms. Such motions made with regard to continuing a bench trial shall be delivered to the Court and to each party at least five (5) business days prior to the date set for trial and for those requesting continuance of a jury trial, no later than the jury confirmation date. Payment of costs to the Court or to the opposing party or parties may be a condition for granting a motion for continuance. A

waiver of the right to a speedy trial may be required as a condition of granting a motion for continuance. A motion for continuance made by the defense shall be deemed a waiver of speedy trial effective at least until the next date scheduled for the trial. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

(ii) Motions for Testimonial Hearing. Any party seeking to require testimony, including for CrRLJ 3.5 hearings, shall be by written motion with supporting declaration and notice and provide copies to the opposing party at least five (5) court days prior to the hearing date. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 3.4 PRESENCE OF THE DEFENDANT

(a) **When necessary.** The defendant shall be present at every scheduled court proceeding unless excused by the Court for good cause shown or as otherwise provided by rule. Presence at proceedings other than changes of plea, trial, or sentencing may be via electronic or telephonic means if preapproved by the Court. Unless otherwise restricted by an order of the Supreme Court of the State of Washington, if a defendant fails to attend a scheduled proceeding, a bench warrant may be issued for the arrest of the defendant and the Court may strike all scheduled proceedings including trial dates. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 4.2 STATEMENT OF DEFENDANT ON PLEA OF GUILTY

(e) **Agreements.** In all cases set for a jury trial, the court shall be notified of a plea agreement at least two (2) weeks prior to the date set for trial. Failure to comply with this rule may result in the imposition of costs and terms. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 4.5 PRETRIAL HEARINGS

A pretrial hearing shall be set for all cases not resolved at time of arraignment. All parties shall appear at the pretrial hearing except that if the defendant is represented by an attorney, the defendant may be excused by the Court unless a plea will be entered. At the pretrial, the parties shall inform the court whether discovery has been completed, whether a plea agreement has been reached and if not, whether the case shall be continued and set for either a bench or jury trial. If the case is set for a jury trial, an additional pretrial hearing for purposes of jury confirmation shall be set at least thirty (30) days prior to the date set for trial. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 4.8 SUBPOENAS

A defendant seeking to require the attendance of a witness at a proceeding shall be responsible for securing a subpoena for the witness in accordance with CrRLJ 4.8 and shall provide the name and address of each such witness to be subpoenaed to the Court Clerk. Unless the defendant is found to be indigent, the defendant shall be responsible for payment of any costs associated with compelling the witness to testify including but not limited to daily witness fees, mileage, meals, and other travel expenses. For CrRLJ 3.5 hearings, the City Attorney shall be responsible for issuing subpoenas to necessary witnesses. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 6.15 JURY INSTRUCTIONS

(a) Proposed Instructions. Proposed jury instructions shall be submitted at least one business day prior to the trial date as follows: Two sets of instructions shall be submitted to the Court Clerk by email and one set shall be providing to the opposing party. Each set of instructions shall include one version of the proposed instructions that are not numbered and contain no citations of authority and one version that contains citations of authority.

[Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 7.2 SENTENCING

(a) Generally.

1) *Electronic Home Monitoring.* The Court may order that a defendant be incarcerated in a community jail available to the jurisdiction and released subject to electronic home monitoring. In such cases, the defendant shall be deemed to be in custody. Any willful violation of the terms of the order imposing electronic home monitoring shall constitute contempt of court, violation of probation, or escape from custody. In the event that the agency administering the electronic home monitoring believes that the defendant has voluntarily removed the monitoring device or otherwise willfully violated the terms of the order imposing electronic home monitoring, the agency shall:

- i. Deliver the defendant to the Hoquiam Police Department for immediate incarceration pursuant to the defendant's original sentence or order of commitment and notify the Court which will then set a hearing date for the defendant; or
- ii. If the agency is unable to deliver the defendant to the Hoquiam Police Department, the agency shall report the violation to the Hoquiam Police Department and to the Court at which time the Court will issue a warrant for the arrest of the defendant.

[Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 8.2 MOTIONS

Unless otherwise authorized by the Court, all motions, including but not limited to amendments to the charges, continuances, and CrRLJ 3.5 hearings shall be heard at the pretrial hearing. Motions to modify a judgment and sentence, to lift restraints, or other special matters shall be in writing, supported by a sworn declaration with copies to all parties, and filed with the Court at which time the Clerk shall set the matter for hearing. A party bringing a motion that will require testimony, including CrRLJ 3.5 hearings, shall give separate notice of such to the Clerk and all parties at least five (5) court days prior to the hearing date. Failure to comply with this rule may result in the Court striking or denying the motion or imposing terms. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

RULE 8.13 RETURN OF EXHIBITS

The parties shall advise the Court at time of submission of any exhibit whether the party submitting the exhibit wishes for it to be returned at the conclusion of the case. If a party has requested the return of exhibits, the Clerk shall return the exhibits to the requesting party no sooner than thirty-one (31) days following trial or entry of judgment and sentence, whichever is later, except in cases on appeal where the exhibits shall be preserved until thirty-one (31) days following entry of final judgment. If no party

requests the return of the exhibits they have produced, such exhibits may be destroyed no sooner than the later of sixty (60) days following entry of judgment and sentence or entry of final judgment following an appeal. Exhibits that consist of contraband shall be delivered to the police department for destruction. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

**LOCAL INFRACTION RULES OF THE HOQUIAM MUNICIPAL COURT
(HLIR)**

RULE 1.3 ADOPTION OF LOCAL INFRACTION RULES

(a) These rules are adopted pursuant to IRLJ 1.3 of the Washington Court Rules. These rules govern the procedure in the Hoquiam Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for the Courts of Limited Jurisdiction. 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 in the interest of justice and/or the efficient operation of the Court. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]

(b) These rules shall be known as the Hoquiam Municipal Court Local Infraction Rules and shall be cited as HLIR. [Adopted effective September 1, 2020.]

RULE 6.2 MONETARY PENALTY SCHEDULE FOR INFRACTIONS

(c) Payment of Fines and Penalties. Infraction penalties shall be paid at the conclusion of any requested hearing unless a payment plan has been signed by the defendant. A defendant who does not request a contested hearing or a mitigation hearing but who would like to make payments toward the applicable infraction penalty without appearing in court may sign a payment agreement with the Court Clerk within fifteen (15) days of the notice of infraction being issued. The Court may impose community service in lieu of monetary payments in appropriate cases. [Adopted effective May 20, 2002; Amended effective June 21, 2019; Amended effective September 1, 2020.]