

SEATAC MUNICIPAL COURT

Local Rules

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LOCAL GENERAL RULES

**STMCLR 30 - Electronic Filing and Service**

- a. Definitions.

1. "Digital Signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person who has the initial message and the signer's public key can accurately determine whether the:
    - i. Transformation was created using the private key that corresponds to the signer's public key; and
    - ii. Initial message has been altered since the transformation was made.
  2. "Electronic Filing" is the electronic transmission of information to a court or clerk for case processing.
  3. "Electronic Document" is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.
  4. "Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
  5. "Filer" is the person whose user ID and password are used to file an electronic document.
  6. "OCourt" is an electronic scheduling forms program that integrates with JIS and allows for the electronic filing of court documents into local digital document storage systems.
- b. Electronic Filing Authorization, Exception, Service, and Technology Equipment.
1. While JIS remains the official depository of case information, the court uses OCourt in conjunction with Microsoft Live as a means to facilitate electronic filing of documents and data. Attorneys and other involved parties may set up password protected accounts in Microsoft Live and that will allow for the transmission of data and documents to the court and to the parties as provided in (b)(2). Permission to access the program is given based upon the profile of the user and such permission is restricted to cases in which the user is involved. The court determines the level of security allowed by the user. The court may choose to update data in OCourt from other sources to maintain consistency with JIS data, but it is the primary responsibility of the account holder to keep all personal contact data in the Microsoft Live account updated and accurate.
  2. Attorneys with OCourt accounts will receive all documents from the court in electronic format through their email accounts. The court, as a convenience, may send reminder notifications of court dates, but failure to receive such a notification shall not relieve the recipient of the obligation to appear or respond as required. It is the responsibility of all parties to maintain a current electronic mailbox address and memory sufficient to receive electronic transmissions or notifications from the court.
  3. The court will not deny paper filings, but strongly encourages the creation of accounts within OCourt pursuant to (b)(1) and (b)(2).
  4. The clerk will accept for filing an electronic document that complies with the court rules and Electronic Filing Technical Standards as adopted by the Judicial Information System committee to implement electronic filing.
  5. A document that is required by law to be filed in non-electronic media may not be electronically filed.
  6. Electronic Transmission from the Court. The court or clerk may electronically transmit notices, orders, or other documents to all attorneys and to parties who have filed

electronically or have agreed to accept electronic documents from the court, and who have provided the clerk the address of the party's electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

7. Service of documents on attorneys for parties of record may be completed electronically. The court will accept paper filing and/or service upon a showing of good cause.
- c. Time of Filing, Confirmation, and Rejection.
1. An electronic document is filed when it is received by the clerk's designated computer during the clerk's business hours; otherwise, the document is considered filed at the beginning of the next business day.
  2. Confirmation of receipt of an electronic document shall be issued to the filing party.
  3. The clerk will reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason.
- d. Authentication of Electronic Documents.
1. Procedures
    - i. A person filing an electronic document must have received a user ID and password from a Court Administrator or a person delegated by the Court Administrator for any court that utilizes the OCourt programs in order to use the applicable electronic filing service.
    - ii. All electronic documents must be filed by using the user ID and password of the filer.
    - iii. A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the express authorization of the filer. Any person other than the filer must affix their name to the filing.
  2. Signatures
    - i. Judicial Electronic Signatures. Judicial officer may sign orders and search warrants with a digital signature as defined in GR 30 in one of the following formats:
      - A. The judicial officer affixes his or her electronic signature to the document. The document may be emailed to the intended recipients using the OCourt email options or by emailing the document to the intended recipients using the judge's and/or court staff's secure email account; The document shall then be archived to the appropriate electronic court file or the appropriate administrative electronic file on the City's secure electronic data storage system; or,
      - B. The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or,
      - C. The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or,
      - D. The judicial officer uses any other reliable means approved by the court by general order.

- ii. Documents may be signed by judicial officers using a facsimile of the judicial officer's signature so long as the original facsimile of the signature used in the document is only accessible by the judicial officer. The document or email may also be signed in the following format if the document or email is sent from the judge's secure email account:

Judge X  
SeaTac Municipal Court  
4800 South 188<sup>th</sup> St  
SeaTac, WA 98188  
Telephone: (206)973-4610  
Fax: (206)248-4327

- A. The printed version of the document signed by the judge pursuant to this rule shall constitute an original document and the document shall be made part of the court file, search warrant return file, or administrative file in electronic format.
  - B. Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.
- iii. Attorney Signatures. An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

s/ John Attorney, (State Bar Number)  
ABC Law Firm 123 South Fifth Avenue  
Seattle, WA 98104  
Telephone: (206)123-4567  
Fax: (206)123-4567  
E-mail: [John.Attorney@lawfirm.com](mailto:John.Attorney@lawfirm.com)

- iv. Non-attorney signatures. An electronic document which requires a nonattorney's signature and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:  
s/ John Citizen  
123 South Fifth Avenue  
Seattle, WA 98104  
Telephone: (206)123-4567  
Fax: (206)123-4567 –  
E-mail: John.Citizen@email.com
- v. Non-attorney signatures on documents signed under penalty of perjury. Except as set forth in d(2)(F) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:
  - A. Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper

- document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or
    - B. Ensure the electronic document has the digital signature of the signer.
  - vi. Law enforcement officer signatures on documents signed under penalty of perjury.
    - A. A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation or notice of infraction.
    - B. Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records application, the Justice Information Network Data Exchange, or the City's secure network. 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.
  - vii. Multiple signatures. If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:
    - A. The electronic document contains the digital signatures of all signers; or
    - B. For a document that is not signed under penalty of perjury, the signator has the express authority to sign for an attorney or party and represents having that authority in the document.
    - C. If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.
  - viii. Court Facilitated Electronically Captured Signatures. An electronic document that requires a signature may be signed using electronic signature pad or other equipment or methods that have been authorized and facilitated by the court. The document may be electronically filed as long as the electronic document contains the electronic captured signature.
- 3. An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.
- e. Filing fees, electronic filing fees.
  - 1. The clerk is not required to accept electronic documents that require a fee.
  - 2. Anyone entitled to waiver of non-electronic filing fees will not be charged electronic filing fees.
- f. Documents requiring signatures
  - 1. Defendants must sign the following documents.

- i. No Contact Order
  - ii. Declaration of Non-Driving
  - iii. Declaration of Non-Surrender
  - iv. Stipulated Order of Continuance
  - v. Statement of Defendant on Plea of Guilty
- 2. Acceptable signatures
  - i. Wet signature
  - ii. Adobe sign or other secure electronic signature method
- g. Other. Speed Measuring Device Certifications will be deemed filed with the court pursuant to IRLJ 6.6(b) at the time the document is added by the prosecutor's office to a secure website that allows the documents to be viewed by the public through a hyperlink on the court's website. [Adopted effective September 1, 2022]

## **LOCAL CRIMINAL RULES**

### **STMCLR 1.7 ADOPTION OF LOCAL RULES**

These rules are adopted pursuant to CrRLJ 1.7 [Adopted effective September 1, 2003]

### **STMCLR 1.8 TITLE OF RULES**

These rules may be known and cited as the SeaTac Municipal Court Local Rules and shall be referred to as STMCLR. [Adopted effective September 1, 2003]

**STMCLR 1.9 READINESS FOR TRIAL HEARINGS (Rescinded)**[Effective date: September 1, 2011; Rescinded effective September 1, 2022]

### **STMCLR 1.10 USE OF COLLECTION AGENCY**

The court may use the services of one or more collection agencies for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments and forfeitures. The terms and conditions of the contract for collection services shall be between the City of SeaTac and/or the SeaTac Municipal Court and said collection agency(ies), and may be amended as necessary. The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a court cost to the total judgment of the court against each defendant whose account is referred by the court to the collection agency. [Adopted effective September 1, 2003; Amended effective September 2, 2013.]

### **STMCLR 1.11 REFUNDING OF POSTED BAIL**

(Rescinded) [Adopted effective September 1, 2003; Rescinded effective September 2, 2013]

### **STMCLR 2.2 REQUIREMENTS FOR PAYMENT ON COURTESY WARRANT CALENDAR**

(Rescinded) [Adopted effective September 1, 2003; Rescinded effective September 2, 2013]

### **STMCLR 3.1 - RIGHT TO A LAWYER**

- a. The right to a lawyer shall extend to all criminal proceedings for offenses punishable by loss of liberty.

- b. Unless waived, a lawyer shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. A lawyer shall not be denied to any person merely because his or her friends or relatives have resources adequate to retain a lawyer or because he or she has posted or is capable of posting bond.
- c. The ability to pay part of the cost of a lawyer shall not preclude assignment. The assignment of a lawyer may be conditioned upon partial payment pursuant to an established method of collection.
- d. The court, upon motion of a defendant, shall screen said defendant for the purposes of determining whether the defendant is indigent. The court may consider any factors regarding indigence it deems appropriate. The court may require proof of income at its discretion.
- e. A defendant may waive their right to be represented by an attorney. The court shall require all defendants entering a plea of guilty in the absence of an attorney to complete a Renton Municipal Court Waiver of Right to Attorney form. The court shall enter findings regarding whether the defendant made a knowing and voluntary waiver of an attorney before accepting a guilty plea or setting a case for trial.

[Adopted effective September 1, 2022]

### **STMCLR 3.1.1 - WITHDRAWAL OF ATTORNEY**

Pursuant to CrRLJ 3.1(e), no attorney may withdraw except upon consent of the court for good cause shown when a case has been set for trial. The motion shall be made in open court with notice to interested parties. Except in cases where withdrawal is mandated by the Rules of Professional Conduct, the court should not permit withdrawal unless there is simultaneous substitution of a lawyer who is prepared to proceed on the scheduled trial date. A substitution of counsel not mandated by the Rules of Professional Conduct which is accompanied by a motion to continue the trial date should only be granted upon actual payment of terms and/or costs. [Adopted effective September 1, 2022]

### **STMCLR 3.2 RELEASE OF ACCUSED – BAIL SCHEDULE**

The court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o):

A Defendant who is booked and detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon promising to appear in court and posting bail in the amount of \$500 for a misdemeanor and \$1,000 for a gross misdemeanor, except for the following offenses:

- a. Domestic Violence Offenses: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5) or domestic violence violations alleged under IMC 9.30.030.
- b. Driving Under the Influence/Physical Control: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence pursuant to RCW 46.61.502 or Physical Control of a Motor Vehicle While Under The Influence pursuant to RCW 46.61.504.
- c. Other Crimes: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day for the following crimes:
  - 1. Assault in the fourth degree - RCW 9A.36.041

2. Harassment - RCW 9A.46.020
3. Placing a Person in Fear or Apprehension IMC 9.30.020
4. Coercion – 9A.36.070
5. Violation of an anti-harassment order - RCW 9A.46.040
6. Stalking - RCW 9A.46.110
7. Communicating with a minor for immoral purposes - RCW 9.68A.090
8. Indecent Exposure and/or Public Indecency - RCW 9A.88.010
9. Aiming or Discharge of a Firearm - RCW 9.41.230

[Effective date: September 1, 2011; Adopted effective September 1, 2022]

### **STMCLR 3.4 PRESENCE OF THE DEFENDANT; REMOTE/VIRTUAL APPEARANCES**

#### **a. When Necessary**

1. In addition to those hearings listed in CrRLJ 3.4(b), and pursuant to CrRLJ 3.4(d), the court finds good cause to require the defendant to be present for the following necessary hearings:
  - i. Any hearing for which the court ordered the defendant's presence pursuant to a good cause finding under CrRLJ 3.4(d).
  - ii. The court finds that there is good cause to require the defendant's presence at any hearing for which the defendant is not represented by counsel.
  - iii. The court finds that there is good cause to require the defendant to appear at any hearing set to address compliance with the statutorily required conditions for release or set to address release conditions pursuant to CrRLJ 3.2 (j-k) unless the court has waived defendant's appearance with a showing of compliance.
  - iv. Waiver of Right to Jury Trial. The court finds that there is good cause to require the defendant to be physically or remotely present for any waiver of the right to jury trial for the purpose of the court making a finding as to whether the waiver is made knowingly, intelligently, voluntarily, and free from improper influences.
  - v. Hearings Pursuant to CrRLJ 3.5. The court finds that there is good cause to require the defendant to be physically or remotely present for any hearing pursuant to CrRLJ 3.5 to allow the court to ascertain whether he or she has been advised of the right to testify or not testify and the ramifications of that decision.
  - vi. Pretrial Hearings. The court does not set trial dates prior to the pretrial hearing. At these hearings, the case is typically either continued, a resolution occurs, or the case is set for jury call and a potential trial date. Leaving continuances, dispositions and confirmation of cases to the jury call and/or assigned trial date would unreasonably congest the jury call calendar, preclude the court from determining the need for jurors, impede the timely commencement of trials for that term, and prevent the court from fulfilling the responsibility to protect the time for trial rights of the parties.
  - vii. The court finds that, unless there is:
    - A. An affirmative representation from defense counsel that the defendant is appearing through counsel pursuant to CrRLJ 3.4(a), and
    - B. that counsel is able to proceed on the case without the defendant's personal appearance, there is good cause to require the defendant to be physically or remotely present at all pretrial hearings in order to properly manage the jury trial caseload and jury call calendars.



- viii. Jury Call. The court assigns specific jury trial dates at jury call. At these hearings, the case is typically either continued, a resolution occurs, or it the case is confirmed for trial. Leaving continuances, dispositions and confirmation of cases to the assigned trial date would unreasonably congest the jury call calendar, preclude the court from determining the need for jurors, impede the timely commencement of trials for that term, and prevent the court from fulfilling the responsibility to protect the time for trial rights of the parties.
- A. The court finds good cause to require the defendant to be physically or remotely present at jury call hearings and/or to appear through counsel as authorized by CrRLJ 3.4(a), and as set forth in g(ii) below, in order for the court to properly manage the jury trial caseload and jury call calendars.
  - B. Where counsel appears on behalf of a defendant pursuant to CrRLJ 3.4(a), counsel shall indicate in writing or in open court, that he or she has affirmatively determined, through recent contact with the defendant, that the matter is ready to proceed to trial as scheduled by the court, or that an uncontested written defense motion to continue approved by the defendant with a speedy trial waiver has been filed with the court.
- ix. Sentence and SOC Review Hearings. The court finds good cause to require the defendant to be physically or remotely present for sentence review hearings and stipulated order of continuance review hearings. A defendant has a due process right to be advised of the allegations of non-compliance with conditions of sentence and or an alleged violation of a stipulated order of continuance, to have a hearing regarding the allegation and to require the prosecutor to prove the allegations of non-compliance. The court cannot conduct a sentence or stipulated order of continuance review if the defendant is not present.
- x. Any Other Hearing Requiring a Colloquy with the Defendant. The court finds that there is good cause to require the defendant to be physically or remotely for any hearing where it is necessary that the court conduct a colloquy with the defendant. Any person permitted to appear through counsel by this rule may be required to be physically or remotely present at the discretion of a judicial officer.
- xi. Any person permitted to be remotely present by this rule may be required to be physically present at the discretion of a judicial officer.
- xii. Any person required by this rule to be physically present may be remotely present with the prior approval of a judicial officer. 2.
2. Whenever a defendant's presence is necessary as set forth in this rule or designated necessary by CrRLJ 3.4(b), as now or hereafter amended, the defendant's appearance is also required for purposes of CrRLJ 3.3(c)(2). The effect of absence at the hearing at which defendant's presence is necessary is that the new commencement date shall be the date of the defendant's next appearance.
- i. Whenever defendant is appearing through counsel as authorized by CrRLJ 3.4(a), and counsel requests a continuance of a pretrial hearing, counsel must be able to affirm in writing counsel's authority to waive speedy trial on defendant's behalf. In the absence of such a waiver, defendant's presence will be deemed required for purposes of CrRLJ 3.3(c)(2) and the effect of absence of the defendant will be the recommencement of

speedy trial at the next hearing for which defendant is present physically or remotely (at the court's discretion).

3. The court retains discretion to waive a defendant's presence for any hearing not specifically addressed by this rule or where the court deems waiver appropriate at the time of the hearing.
  4. Remote Hearings. Where remote hearings are authorized, any person appearing remotely is required to utilize technology allowing for a simultaneous video and audio appearance.
    - i. If a person is unable to appear by way of video, his or her attorney may request a waiver of this requirement with the court. The request must include the telephone number and name of the person who will be appearing by audio only, as well as the attorney's representation that the person appearing by audio is who they represent themselves to be. The attorney must also ensure that the person appearing by audio understands the nature of remote hearings, that they will be in a room with multiple other persons and will remain on mute until their case is called.
- b. Bench Warrant Quash Procedure
1. A defendant who is charged with a criminal violation and has an outstanding warrant in the Court may address the warrant in the following manner:
    - i. Option 1. Turn him/herself in to the SCORE jail
    - ii. Option 2. Post full cash bail amount or bond with the Clerk of the Court.
    - iii. Option 3. Contact his/her attorney to file a motion to quash the warrant. If the defendant is not represented by counsel, he or she may file a written request to recall the warrant with the court. Either way, the request or motion should include an explanation for his/her failure to appear
    - iv. Option 4. Personally appear at the Clerk of the Court's office and provide an explanation for his/her failure to de appear for court and provide proper documentary support if appropriate. The Clerk of the Court shall recall or not process the warrant, and is authorized to issue a new court date to the defendant. This option is limited to one occasion per case number. This option does not apply to charges of DUI, Domestic Violence, or Violation of Court Order.
    - v. Option 5. Sign up in person for the weekly warrant walk-in calendar no later than 12:00 pm on the day of the calendar. Contact the court for current deadlines and calendar dates. No fee is required to signup for and attend this hearing. The court will address the warrant on the record and a courtesy attorney shall be provided at no cost to the defendant . The court will either recall the warrant or serve it. Additionally, court may impose a warrant fee if the court the determines lack of good cause for the failure to appear and the defendant's ability to pay.
- c. Video Conference Proceedings
1. Criminal: Preliminary appearances as defined by CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR3.2 and CrRLJ 3.2, trial settings as defined by CrR 3.3 and CrRLJ 3.3(f), and pre-trial hearings as determined by the court, conducted via video conference in which all participants can simultaneously see, hear, and speak with each other, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear

all participants and speak as permitted by the court. Any party may request an in-person hearing which may, in the court's discretion, be granted.

2. Agreement: Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined by CrR 4.2 and CrRLJ 4.2 may be conducted by video conference only by agreement of the parties. The defendant will be deemed to have agreed to voluntarily participate in court proceedings in Tukwila Municipal Court by video conference unless the defendant or counsel for the defendant notifies the court at the time of the proceeding that he/she objects to the proceeding being conducted via video conference. The right to object to video conference proceedings will be deemed waived if not exercised prior to the start of the video conference hearing.
3. Standards for Video Conference Proceedings: The Judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the court. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.
4. For purposes of video conference proceedings, the facsimile signature(s) of the defendant, counsel, interested parties and the court will be treated as if they w original signature. This includes all Orders on Judgments & Sentence, No Contact Orders, S.O.A.P. and S.O.D.A. Orders, Time Pay Agreements, and other documents as the court shall determine are appropriate or necessary.

[Effective Date: September 1, 2007; proposed amended effective September 1, 2022]

#### **STMCLR 4.2 - FORFEITURE OF BAIL**

Upon the non-appearance of a defendant at the time and place scheduled by the court and a warrant of arrest issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings. [Adopted effective September 1, 2022]

#### **STMCLR 4.1 AUTHORIZATION FOR CONTINUANCE OF ARRAIGNMENTS**

(Rescinded) [Adopted effective September 1, 2003; Rescinded effective September 2, 2013]

#### **STMCLR 4.5 PEITITONS FOR DEFERRED PROSECUTION**

- a. Petitions for deferred prosecution must be submitted pursuant to RCW 10.05. Defendants must use the deferred prosecution forms provided by the court (From the Court's website, or OCourt). The petition must include the appropriate assessment and treatment plan.
- b. The petition, order, assessment and treatment plan must be filed with the court no later than two (2) court days prior to the hearing at which the case is to be heard.

[Adopted effective September 1, 2003; Amended effective date September 1, 2022; Adopted effective date September 1, 2022]

#### **STMCLR 6.1 TRIAL BY JURY**

(Rescinded) [Adopted effective September 1, 2003; Rescinded effective September 2, 2013]

#### **STMCLR 6.13 EVIDENCE - COURT'S CUSTODY OF EXHIBITS**

In a criminal case every exhibit in the court's custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. In the event of a finding of guilty, for purpose of this rule, the appeal period shall begin on the day of sentencing or deferral of sentencing by the court. Exhibits not withdrawn shall be delivered by the court to the SeaTac Police Department for disposition as abandoned property; or if contraband, for destruction. The court shall not release an exhibit without it being received for by the receiving person. [Adopted effective September 1, 2022]

## **STMCLR 8.2 - MOTIONS**

### **a. Time for Hearing**

Motions shall be filed and served as follows:

1. **Motion Requested at Time of Trial Setting:** If a motion date is set at the same time the case is set for trial then the moving party's brief and all supporting documents shall be served on the opposing party and filed with the court at least 14 days before the date scheduled for the hearing.
2. **Motion Requested at Time Other than at Trial Setting:** If a motion is filed at any other time by either party, the moving party must file a note for motion, the moving party's brief, and all supporting documents at the time the motion is filed. The note for motion and supporting documents shall be served and filed with the court at least 21 days before the date requested for the hearing by the moving party.

### **b. Responsive Documents**

The non-moving party's brief and all supporting documents shall be served and filed at least 7 days before the date scheduled for the hearing. The moving party's reply and all supporting documents shall be served and filed at least 2 days before the date scheduled for the hearing. Failure to provide responsive pleadings shall be considered a waiver of the right to file responsive pleadings.

### **c. Motions to Shorten Time**

No party shall seek a motion for order shortening time for hearing a motion unless said party has first notified opposing counsel or the opposing party(s) that such a motion will be sought. The moving party's motion shall be supported by an affidavit or declaration under penalty of perjury detailing the nature of the emergency necessitating the shortening of time and further stating that opposing counsel/party has been provided with a copy of the motion together and the time and place of the hearing wherein the moving party is seeking an order shortening time. Such affidavit or declaration shall state when and where opposing counsel was served with the motion and notice of hearing. The Court shall not grant an order shortening time unless it is satisfied that an emergency justifying the shortening of time truly exists and that the moving party has exercised due diligence in timely advising the opposing counsel/party of the hearing on said motion.

### **d. Agreed Orders**

Where appropriate, agreed orders will be considered by the court at the earliest possible date.

### **e. Proof of Service**

The parties must file suitable proof showing that the opposing party was served with the documents filed by the party.

[Adopted effective September 1, 2022]

**STMCLR 10.1 ANTIHARASSMENT PROTECTION ORDERS**

(Rescinded) [Adopted effective September 1, 2005; Rescinded effective date September 1, 2022]

**LOCAL INFRACTION RULES**

**STMCLR 1.3 ADOPTION OF LOCAL RULES**

These rules are adopted pursuant to IRLJ 1.3 [Adopted effective September 1, 2003]

**STMCLR 1.4 TITLE OF RULES**

These rules may be known and cited as the SeaTac Municipal Court Local Infraction Rules and shall be referred to as STMCLR. [Adopted effective September 1, 2003]

**STMCLR 1.5 REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS**

(Rescinded) [Former Rule 11 adopted September 15, 1994; amended and renumbered as STMCLR 1.5 effective September 1, 2003; Rescinded effective September 2, 2013]

**STMCLR 2.4 HANDLING OF REQUESTS FOR CONTESTED HEARINGS AFTER FAILURE TO RESPOND**

(Rescinded) [Adopted effective September 1, 2003; Rescinded effective September 2, 2013]

**STMCLR - 3.3 REQUEST FOR SPEED MEASURING DEVICE EXPERT – TESTIMONY BY PHONE**

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The request cannot be combined with a notice of appearance or any other pleading. The court may allow the speed measuring device expert to testify from a location other than the courtroom via Zoom or other electronic means acceptable to the court. [Adopted effective September 1, 2022]

**STMCLR 3.5 AUTHORIZING DECISIONS ON WRITTEN STATEMENTS**

The defendant may elect to contest or mitigate an infraction or petition for a deferred finding by submitting a written statement by mail or e-mail made under penalty of perjury pursuant to and in accordance with IRLJ 2.4, IRLJ 2.6, and IRLJ 3.5. A defendant who elects to proceed by requesting a decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person. A petition for deferred finding which is denied by the Court will be treated as a request for a mitigation hearing on written statement. [Adopted effective January 1, 1981; Amended effective September 2, 2013.]

**STMCLR 6.2 MANDATORY LIABILITY INSURANCE VIOLATIONS - PROOF OF INSURANCE**

(Rescinded) [Adopted effective September 1, 2003; Rescinded effective September 2, 2013]

**STMCLR 6.6(D) SPEED MEASURING DEVICE: DESIGN AND CONTRUCTION CERTIFICATION**

(Rescinded) [Adopted effective May 21, 1996; Rescinded effective September 2, 2013]