

**Poulsbo Municipal Court  
Local Court Rules**

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**LCrRLJ 3.2.2**  
**RELEASE OF ACCUSED**  
**DOMESTIC VIOLENCE**

(a) Any person arrested on Probable Cause (without a warrant) for an offense classified as a Domestic Violence offense under Chapter 10.99 of the Revised Code of Washington as the same exists or shall hereafter be amended shall be held in jail pending the defendant's first appearance.

(b) Notwithstanding paragraph (a), a person being held for a Domestic Violence offense classified as a misdemeanor or gross misdemeanor may be released from custody prior to defendant's first appearance upon (1) upon posting of bail or bond as set by the court upon a pre-arraignment probable cause determination; and (2) the person's affixing his or her signature at the appropriate location on a Pre-Charging Domestic Violence No Contact Order described in paragraph (d) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining/ within at least 500 feet of the protected person's residence, place of work, or school. /

(c) Should a court be unable to set bail or bond upon a pre-arraignment probable cause determination for any reason, a person being held for a Domestic Violence offense classified as a misdemeanor or gross misdemeanor shall be held with no bail, until such court determination can be made and paragraph (b) is complied with.

(d) The following Pre-Charge Domestic Violence No Contact Order, or one that is substantially similar to it, is hereby approved for use under this rule.

[Adopted 9/1/03] [Amended 7/1/21]

**LCrRLJ 3.4.1**  
**PRESENCE OF THE DEFENDANT**

1. **When Necessary.** 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:
  - a. Any hearing for which the court ordered the defendant's presence pursuant to a good cause finding under CrRLJ 3.4(d).
  - b. 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.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
    - i. The court finds that, unless there is (1) an affirmative representation from defense counsel that the defendant is appearing through counsel pursuant to CrRLJ 3.4(a) and that (2) 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.

- g. Sentence and PDA/DP Review Hearings. The court finds good cause to require the defendant to be physically or remotely present for sentence review hearings and pre-trial diversion/deferred prosecution 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 pre-trial diversion/deferred prosecution review if the defendant is not present.
  - h. 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. Not limited to but including arraignment and bench warrant quash hearings.
  - i. 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.
  - j. Any person permitted to be remotely present by this rule may be required to be physically present at the discretion of a judicial officer.
  - k. Any person required by this rule to be physically present may be remotely present with the prior approval of a judicial officer.
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.
  3. 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, or verbally on the record, 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).
  4. 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.

**LIRLJ 3.1**  
**Contested Hearings – Costs and Witness Fees**

Costs and Witness Fees. Each party is responsible for costs incurred by that party as set for in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Effective September 1, 2007]

**LIRLJ 3.5**  
**Decision on Written Statements**

Mitigation and Contested hearings on alleged traffic infractions may be held upon written statements pursuant to IRLS 2.4(b), IRLJ 2.6 (c) and IRLJ 3.5

[Effective September 1, 2007]

**LIRLJ 6.6**  
**CONTESTED HEARINGS**  
**SPEED MEASURING DEVICE EXPERT**

1. Speed Measuring Device Expert: A request for a Speed Measuring Device expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert.
2. When any speed measuring device expert is required to testify in a contested infraction hearing, the expert may testify by telephone, unless otherwise ordered by the Court.

[Effective September 1, 2007]