
Napavine Municipal Court

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Local Court Rules

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PREFACE

1. Promulgation. These rules shall be known as the Local Rules for Municipal Court of Napavine, County of Lewis, State of Washington. Copies of these rules will be filed with the Office of the Administrator of the Courts, and the Clerk of the Municipal Court of Napavine. Copies of these rules will be distributed to the county Law Library for public reference. These rules will be effective on September 1, 2006.
2. Numbering. Consistent with GR 7 Washington Court Rules, these rules to the extent possible, conform in numbering system and in format to those rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction and facilitate the use of the same. The number of each rule is preceded by abbreviation "NML" designation the rule as Napavine Municipal Local Rule and being supplemental to the corresponding Washington Court Rule for the Courts of Limited Jurisdiction.
3. Revisions and Additions (reserved).

NMLARLJ 1.
SCOPE OF LOCAL COURT RULES

These rules govern the procedures in the Municipal Court of Napavine, County of Lewis, State of Washington. These rules are supplemental to the rules enacted by limited jurisdiction as specifically authorized by GR 7, CRLJ 83, CrRLJ 1.7, and IRLJ 1.3 of the Washington Court Rules. The court may modify or suspend any of these local rules in any given case upon good cause being shown or upon the court's own motion.

(Effective September 1, 2006, Amended Effective September 1, 2016)

NMLARLJ 2.
DECORUM

1. Courtroom Decorum. All attorneys and other individuals in the courtroom shall abide by the following rules of conduct.
 - (a) Always be Prompt. Be in the courtroom ready to proceed at the appointed time.
 - (b) Dress appropriately to the serious Nature of the Matter before the Court. Shorts and other kinds of beach apparel are not appropriate. Clothing advertising alcoholic beverages or illegal drugs are not appropriate. Hats are not to be worn in the courtroom.

(Effective September 1, 2006)

NMLRLJ 3.1.
HEARINGS ON WRITTEN STATEMENTS

1. The court authorizes mitigation hearings and contested hearings on written statements in lieu of a defendant's personal appearance.
 - (a) A defendant may submit a written statement as a response to a notice of infraction within 15 days of the date the notice is personally served or, if the notice is served by mail, within 18 days of the date the notice is mailed. Additionally, a defendant who has requested a mitigation hearing or contested hearing may submit a written statement later in lieu of personally appearing at the hearing. The written statement must be received by the time of the hearing.
 - (b) A written statement that does not clearly request to contest a notice of infraction will be treated as a request to explain mitigating circumstances.
 - (c) A written statement may be delivered to the court in person, by United States mail or any other delivery service, and by facsimile. The court's contact information is as follows:

Address: Napavine Municipal Court
 PO Box 179
 Napavine, WA 98565

Facsimile: (360) 262-9885
 - (d) A written statement shall contain the person's promise to pay the monetary penalty authorized by law if the infraction is found to be committed. The statement shall be executed in compliance with RCW 9A.72.085, in substantially the following form:

Name of Defendant: _____

Address: _____

Infraction Number: _____ (Located in the upper right hand corner of citation)

I wish to mitigate infraction []

I wish to contest infraction []

Statement: _____

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true. I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and assessed by the court.

Executed this _____ day of _____, 20__ at _____, _____. (City/State)

(Print Name)

(Signature)

(Effective September 1, 2006, Amended Effective September 1, 2016)

NMLRLJ 3.2.
DECISION ON WRITTEN STATEMENTS

1. The court is authorized to enter decisions based upon written statements on infraction cases involving contested and mitigation hearings and request for deferred findings.
 - (a) In infraction cases where the respondent has requested, the court will conduct a mitigation hearing as authorized under RCW 46.63.100 as now enacted or hereafter amended, or

consider a petition to defer the finding, or conduct a contested hearing based upon the written statements of the City's witness(es), if provided, and the Respondent, pursuant to IRLJ 3.5.

The examination shall take place within 120 days after the respondent 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.

- (b) Factual Determination. In contested cases, the court shall determine whether the plaintiff has provided preponderance of all evidence submitted that defendant has committed the infraction.
- (c) A petition for a deferred finding which is denied by the court will be treated as a request for a mitigation hearing on written statements.
- (d) Disposition. If the court determines that the infraction has been committed, or the review was based upon a request for mitigation or a deferred finding, the court may assess a penalty and any appropriate and permitted costs.
- (e) Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and the amount of the penalty imposed, if any.
- (f) No Appeal Permitted. There shall be no appeal from a decision on written statements.

(Effective September 1, 2006)

NMLARLJ 3.3.
INFRACTIONS/FINES/NO PROOF OF LIABILITY INSURANCE

1. If a person who has been cited with a violation of RCW 46.30.020 (failure to provide proof of liability insurance) presents to the Court Clerk evidence that the person had in effect, at the time of the citation, liability insurance as required by RCW 46.30.020, then, upon payment of twenty-five dollars (\$25.00), administrative costs, the case shall be dismissed and the Court Clerk shall be authorized to make appropriate notation of the dismissal in the Court file. This section is applicable only if the person charged has otherwise complied with all rules and procedures that govern responding to notices of infraction.

[Adopted Effective date September 1, 2016]

NMLARLJ 4.
SCHEDULE OF FEES

The following shall be the schedule of fees charged for certain official services provided by the Municipal Court. These amounts are consistent with RCW 3.62.060.

Duplication of Electronic Records	\$ 10.00	per Tape
Paper Copy Expense	\$.25	per page
Certified Copy	\$ 5.00	document
Postage		Actual Cost
Appeals (Preparation & Tape)	\$ 40.00	

(Effective September 2006)

NMLARLJ 5
RELEASE OF ACCUSED

(a) Bail: Napavine Municipal Court will follow the bail schedule set forth in Washington Court Rule CrRLJ3.2(o) except where the charges involve domestic violence offenses or charges of DUI (RCW 46.61.502) or

Physical Control (RCW 46.61.504).

(b) Domestic Violence Offenses: Bail shall not be set for a person arrested for a new domestic violence offense unless set by a judge electronically at the time of arrest, or at a preliminary appearance, arraignment or subsequent court appearance. "Domestic violence" includes, but is not limited to any of the misdemeanor or gross misdemeanor offenses listed in RCW 10.99.020(5), or similar municipal ordinance, when committed by one family or household member against another. "Family or household members" are those persons listed in RCW 10.99.020(3) or similar municipal ordinance.

(c) DUI or Physical Control: Bail shall not be set for a person arrested for a new DUI or Physical Control offense unless set by a judge electronically at the time of arrest, or at a preliminary appearance, arraignment or subsequent court appearance or by written court order.

[Adopted Effective date September 1, 2016]

NMLARLJ 6
JUDICIAL DAYS DEFINED

Regular judicial days shall be the first and third Thursdays of every month, Holidays and Court Holidays excepted.

In the event of holidays or other preemption, Court may be held the next scheduled Court day. Court sessions shall be at such times and places, as the Court may deem necessary for its proper administration.

[Adopted Effective date September 1, 2016]
