

BUCKLEY MUNICIPAL COURT LOCAL RULES

Table of Rules

1. Purpose, Scope, and Construction

BKMCLR 1.1 Adoption

BKMCLR 1.2 Title of Rules

BKMCLR 1.3 Effect of Local Rules

BKMCLR 1.4 Reservation of Discretion

2. Local Criminal Rules

BKMCLR 2.1 Release of Accused-Bail Schedule

BKMCLR 2.2 Mandatory Appearance at Arraignment

BKMCLR 2.3 Waiver of Arraignment

BKMCLR 2.4 Deferred Prosecution Petition and Order

BKMCLR 2.5 Criminal Motions

BKMCLR 2.6 Jury Confirmation

3. Infraction Rules

BKMCLR 3.1 Service & Filing of Subpoenas

4. Electronic Filing

BKMCLR 4.1-GR 30 Electronic Filing and Service

BKMCLR 1.1
ADOPTION

These rules are adopted pursuant to CrRLJ 1.7, IRLJ 1.3, and GR 7 and supersede any and all Local Court Rules heretofore adopted by the Buckley Municipal Court.

(Adopted effective September 1, 2022)

BKMCLR 1.2
TITLE OF RULES

These rules may be known and cited as Buckley Municipal Court Local Rules and shall be referred to as BKMCLR.

(Adopted effective September 1, 2022)

BKMCLR 1.3
EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction, as adopted or hereafter amended by the Supreme Court of the State of Washington and shall not be construed in conflict with them.

(Adopted effective September 1, 2022)

BKMCLR 1.4
RESERVATION OF DISCRETION

The Buckley Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

(Adopted effective September 1, 2022)

BKMCLR 2.1
RELEASE OF ACCUSED-BAIL SCHEDULE

The Buckley Municipal 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:

1. Domestic Violence Offenses: Defendants who are booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing on the next judicial court day following booking for any crime alleging domestic violence under RCW 10.99.020(5) or domestic violence violations alleged under BMC 10.24
2. 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 judicial 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
3. Other Crimes: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing on the next judicial day for the following crimes:
 - a. Assault in the fourth degree-RCW 9A.36.041
 - b. Harassment-RCW 9A.46.020
 - c. Violation of an anti-harassment order-RCW 9A.46.040
 - d. Stalking-RCW 9A.46.110
 - e. Communicating with a minor for immoral purposes-RCW 9.68A.090

(Adopted effective September 1, 2022)

BKMCLR 2.2

MANDATORY APPEARANCE AT ARRAIGNMENT

A defendant charged with any domestic violence offense (as defined in RCW 10.99), driving under the influence (RCW 46.61.502), physical control (RCW 46.61.504, or any sex crime including communication with a minor for immoral purposes, must appear personally for arraignment on the next arraignment calendar following arrest.

(Adopted effective September 1, 2022)

BKMCLR 2.3
WAIVER OF ARRAIGNMENT

An attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or criminal traffic offense. Said appearance or plea shall be made in writing. In all cases not listed in BKMCLR 2.2, an attorney may waive arraignment. A written appearance and waiver of arraignment shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the Court. A pre-trial hearing must be held within 30 days from the date the Court receives the written waiver of arraignment. A written appearance and waiver of arraignment without a plea shall be considered a plea of not guilty and waives any defect in the complaint other than failure to state a crime. The Court does not accept telephonic notices or requests.

(Adopted effective September 1, 2022)

BKMCLR 2.4

DEFERRED PROSECUTION PETITION AND ORDER

A Petition for Deferred Prosecution pursuant to RCW 10.05 must be filed with the Court and the prosecuting authority no later than three (3) business days prior to proposed entry unless good cause exists for delay.

An Order Deferring Prosecution will not be granted unless proof of compliance with the following is shown:

1. Petition for Deferred Prosecution is submitted on the form identified in CrRLJ 4.2
2. Order for Deferred Prosecution is submitted on a form approved for use by the Court.
3. Petition has written verification that he or she has been assessed and begun treatment in the program contained in the petition and order for deferred prosecution.

(Adopted effective September 1, 2022)

BKMCLR 2.5

CRIMINAL MOTIONS

All dates for testimonial or dispositive motion hearings shall be scheduled for a motion hearing. These include but are not limited to CrRLJ 3.5 and CrRLJ 3.6 motions and identification hearings. The moving party shall file a copy of the brief and all supporting documentation on the opposing party and court three (3) weeks prior to the scheduled motion hearing date and the nonmoving party's response brief and all supporting documentation shall be filed on the moving party and the court one (1) week prior to the motion hearing date, unless otherwise ordered by the court.

Any motion not identified at the pre-trial hearing or subsequent motion hearings shall be deemed waived unless otherwise allowed by the court for good cause shown.

(Adopted effective September 1, 2022)

BKMCLR 2.6

JURY CONFIRMATION

Jury trial confirmation is as follows:

1. **Confirmation Required.** No later than 3:00 PM, two (2) days prior to the date of the assigned jury trial, the defendant, if appearing pro se, or the defendant's attorney, if represented by legal counsel, and the City Prosecutor shall contact the Court Clerk and confirm that the case will proceed to jury trial. The parties will also confirm the court's receipt of their jury instructions, motions in limine, and any media accommodation requests.
2. **Failure to Confirm.** Failure of a party to confirm the jury trial or to advise the Court Clerk that another disposition has been reached may cause the case to be stricken from the jury trial calendar. Failure of the defendant, if appearing pro se, or the defendant's attorney, if represented by legal counsel, to confirm the jury trial or to advise the Court Clerk that another disposition has been reached shall constitute an excluded period of the defendant's speedy trial right pursuant to CrRLJ 3.3(e)3. Likewise, failure to comply with any conditions set at the readiness hearing or motion hearing pursuant to BKMCLR 2.5-CrRLJ 4.5(a) may result in the jury trial being stricken and the finding of an excluded period pursuant to CrRLJ 3.3(e)(3). Failure to submit motions in limine will result in a waiver of the like. Failure to submit jury instructions will result in the default to standard jury instructions kept on file with the court.
3. **Failure to Appear.** Failure of the defendant to appear on the jury trial date may result in the issuance of a bench warrant and the forfeiture of any posted bail unless a disposition has been confirmed by all parties. Any disposition will be heard on the next regularly scheduled court day unless an alternative date is set by the parties and is approved by the judge, judge pro tem, or court commissioner. The period between trial date and disposition date will be considered an excluded period for purposes of speedy trial.
4. **Sanctions.** Failure to comply with this rule or BKMCLR 2.5-CrRLJ 4.5(a) or any case confirmed under this section and not proceeding to trial may result in the imposition of sanctions, including but not limited to jury costs, witness fees, and terms as deemed appropriate by the trial court.

(Adopted effective September 1, 2022)

BKMCR 3.1
SERVICE & FILING OF SUBPOENAS

The respondent, the plaintiff, and respondent's attorney will subpoena witnesses in accordance with IRLJ 3.1(a). Service of subpoenas will be in accordance with IRLJ 3.1(a). Buckley Municipal Court will not serve a subpoena on an officer or witness for the respondent, plaintiff, or respondent's attorney. Each party must serve their own subpoenas.

Any request for the Speed Measuring Device Expert shall be in accordance with IRLJ 6.6. The Speed Measuring Device Expert may appear telephonically or virtually if approved by the court.

(Adopted effective September 1, 2022)

BKMCLR 4.1-GR 30
ELECTRONIC FILING AND SERVICE

(a) Definitions

1. "OCourt" is an electronic scheduling forms program that integrates with JIS and allows for the electronic filing of certain court forms into local digital document storage system.

(b) Electronic filing authorization, exception, service, and technology equipment.

1. While JIS remains the official repository of case information, the court uses OCourt as a means to facilitate electronic preparation and/or filing of certain court forms. Attorneys and other involved parties may set up password protected accounts that will allow for 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 on the profile of the user. 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 data in the account updated and accurate.
2. The court will not deny paper filings, but strongly encourages the creation of accounts within OCourt pursuant to (b)(1).
3. 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 filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.
4. Service of documents on attorneys for parties of record may be completed electronically.

(c) Time of Filing, Confirmation, and Rejection.

1. Signatures

- A. Judicial Electronic Signatures. Judicial officers may sign orders or search warrants with a digital signature as defined in GR30 in one of the following formats:
 - i. The judicial officer affixes his or her electronic signature to the document. The documents may be emailed to the intended recipients using 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 be archived to the appropriate electronic court file on the City's secure electronic data storage system or in the court's physical file; or, ii. The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or,

- iii. The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or,
- B. Documents may be signed by the judicial officer 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
Buckley Municipal Court
811 Main St./P.O. Box 1452
Buckley, WA 98321
Telephone: (360)829-2118
Facsimile: (360)243-0994

- i. 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.
 - ii. 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.

(Adopted effective September 1, 2022)