

PUYALLUP MUNICIPAL COURT
LOCAL RULES

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PUMCLR 1.1
ADOPTION

These rules are adopted pursuant to CrR1J 1.7, IRLJ 1.3, and GR 7 and supersede any and all Local Court Rules heretofore adopted by the Puyallup Municipal Court.

{ Adopted effective September 1, 2002; amended effective September 1, 2019 }

PUMCLR 1.2
TITLE OF RULES

These rules may be known and cited as Puyallup Municipal Court Local Rules, and shall be referred to as PUMCLR.

{ Adopted effective September 1, 2002 }

PUMCLR 1.3
EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for the 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, 2002 }

PUMCLR 1.4
RESERVATION OF DISCRETION

The Puyallup 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, 2002 }

PUMCLR 3.1
ARRAIGNMENT DATE

The arresting officer shall set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal traffic and criminal non-traffic offense. The arraignment date set shall be the next regularly scheduled arraignment date, except as provided below. For citations charging Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle under the Influence, as defined in R.C.W. 46.61.502, 503 or 504, or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, the arraignment date shall be the next regularly scheduled Court session.

{ Adopted effective September 1, 2002 }

PUMCLR 3.2
RELEASE OF ACCUSED

PUMCLR 3.2 (o) Bail in Criminal Offense Cases - Mandatory Appearance.

(1) Bail Schedule:

When required to reasonably assure appearance in court for those persons arrested and detained in jail for new offenses, bail shall be set in accordance with the bail schedule approved by the presiding judge.

(2) Hold Pending Appearance Before a Judge - Domestic Violence Offenses:

The bail schedule approved by the presiding judge shall require that a person subjected to custodial arrest for a Domestic Violence offense as defined in RCW 10.99.020 shall be held in custody in a non-bail status pending appearance before a judge at the next regularly scheduled in-custody Court session following booking and shall be issued a Pre-Arrestment No Contact Order prohibiting the arrested person from having contact with the protected person or persons.

{ Adopted effective September 1, 2009 }

PUMCLR 3.3
VIDEO CONFERENCE HEARINGS

For in custody defendants, hearings will be held by video conference as provided for in CrRLJ 3.4(e). For purposes of CrRLJ 3.4(e)(2), the defendant will be deemed to have agreed to voluntarily participate in proceedings in Puyallup Municipal Court by video conference unless the defendant or counsel notifies the Court on the record at the time of the proceeding that the defendant objects to the proceeding being conducted via video conference. Any objection will be deemed waived if not exercised at the time the case is called and prior to the start of the video conference hearing.

{ Adopted effective September 1, 2015; amended effective September 1, 2021 }

PUMCLR 3.4
PRESENCE OF THE DEFENDANT

- (a) In addition to those hearings listed in CrRLJ 3.4(b), as now or hereafter amended, the defendant's appearance is necessary, and there is good cause to require the defendant to be present physically or remotely (at the court's discretion) at the following hearings:
1. Any hearing for which defendant is not represented by counsel.
 2. Any hearing for which the court ordered the defendant's presence pursuant to a good cause finding under CrRLJ 3.4(d).
 3. Any hearing set to address compliance with 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.
 4. Any pretrial hearing where counsel is unable to affirm in writing or in open court that (i) the defendant has expressly chosen to appear through counsel as allowed by CrRLJ 3.4(a) and (ii) that counsel has determined, through recent contact, with the defendant, the defendant does not oppose a continuance or the matter is ready to be scheduled for trial.
 5. Any hearing for which the court is required to conduct a colloquy with the defendant.
 6. Evidentiary hearings conducted pursuant to CrRLJ 3.5 or CrRLJ 3.6.
 7. Readiness hearings unless either party is requesting a continuance and the request is uncontested. There is good cause to require personal attendance at all other readiness hearings to address the issues set forth in PUMCLR 4.4, to confirm all parties' readiness and to enable the court to properly manage its trial calendar and determine the need for jurors.
- (b) 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 a hearing at which defendant's physical or remote presence is necessary will be to restart speedy trial at the next hearing for which the defendant is present physically or remotely (at the court's discretion), whether or not a warrant issued.
- (c) Whenever defendant is appearing through counsel as authorized by CrRLJ 3.4(a), and counsel requests a continuance of a pretrial hearing, counsel must submit a written waiver of speedy trial and be able to affirm 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 to restart speedy trial at the next hearing for which defendant is present physically or remotely (at the court's discretion).
- (d) 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.

[Adopted effective September 1, 2021]

PUMCLR 4.1
WAIVER OF ARRAIGNMENT

Pursuant to CrRLJ 3 and 4, an attorney may enter an appearance and/or plea of not guilty and waive arraignment on behalf of a defendant in any criminal non-traffic or criminal traffic offense, if said appearance or plea is made in writing or made in open court. Except, however, where the defendant is charged with Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle Under the Influence, as defined in R.C.W. 46.61.502, 503 and 504, or any Domestic Violence offense as defined in R.C.W. 10.99.020 as enacted or hereinafter amended, the defendant must appear personally before the Court for arraignment.

{ Adopted effective September 1, 2002; amended effective September 1, 2019; September 1, 2021 }

PUMCLR 4.2
CONTINUANCES

All motions to continue a hearing on a criminal matter shall be in writing and filed with the court at least 48 hours prior to the hearing. All motions to continue a pretrial hearing,

testimonial motion or trial must be agreed to be continued in advance of the hearing. Non-agreed motions to continue will be addressed by the Judge on the record at the scheduled hearing.

Failure to comply with this rule may result in the imposition of terms relating to the expense incurred by the Court including, but not limited to, the costs of jury fee payments and mileage reimbursements.

{ Adopted effective September 1, 2002; amended effective September 1, 2019 }

PUMCLR 4.3
PRETRIAL CONFERENCE

(a) Hearing to be set. In all cases in which a defendant has entered a plea of not guilty, a pretrial conference shall be set. The hearing shall provide an opportunity for plea negotiations, resolutions of discovery issues, and trial setting. If the case is to be set for trial, an order shall be entered setting forth the following, if applicable:

- (i) discovery schedule;
- (ii) date and nature of pretrial motions;
- (iii) date of readiness hearing;
- (iv) date of trial; and
- (v) time for filing witness lists.

(b) Presence Required. The prosecuting attorney, defense attorney and defendant shall be required to attend the pretrial conference. Personal appearance of any of these parties shall not be waived without prior Court approval.

{ Adopted effective September 1, 2002 }

PUMCLR 4.4
TRIAL READINESS HEARING

(a) Readiness Hearing Set. The Court shall, in its discretion, set trial readiness hearings in criminal cases set for trial.

(b) Appearance. Appearance by the prosecuting attorney, defense attorney and the defendant is required. Appearance by the attorneys who will be trying the case is preferred. For good cause, substitute counsel may attend on behalf of trial counsel so long as counsel is prepared to answer the inquiries of the Court.

(c) Procedure at Hearing. At the trial readiness hearing, the Judge may inquire as to whether the case is expected to go to trial, whether the defendant expects to waive his/her right to jury, the number of witnesses expected to be called, the anticipated length of the trial, the number and nature of any motions and any other matter necessary to administer the trial efficiently. Any anticipated problems should be brought to the Court's attention.

(d) Failure to Appear at Hearing. The Court will strike the jury trial and may issue a bench warrant for a defendant who fails to appear at the Readiness Hearing.

{ Adopted effective September 1, 2002 }

PUMCLR 4.5
JURY INSTRUCTIONS

Jury instructions shall be filed with the Court and provided to the opposing party on the day of trial, unless otherwise ordered by the Court. Two sets of instructions shall be filed with the Court, one with citations, and one without citations. The set without citations shall be submitted to the Court in the same order as the cited set, and shall be paper clipped together. One copy of the set with citations shall be provided to the opposing counsel or party.

{ Adopted effective September 1, 2002 }

PUMCLR 8.1
DECISIONS ON WRITTEN STATEMENTS

Upon timely request for a hearing to contest or mitigate a traffic infraction, the Court shall send the defendant written notice of the hearing date and time. If a defendant is unable to appear for the scheduled hearing, mitigation and contested infraction hearings based on written statements, as provided for in this rule, IRLJ 2.4(b)(4), and IRLJ 2.6(c), are authorized.

A written request for a hearing by mail, and a written statement under penalty of perjury in compliance with IRLJ 2.4(b)(4), must be filed with the Court a minimum of five (5) court days in advance of the date set for hearing. A decision will be issued pursuant to IRLJ 2.6(c) and 3.5. If a written submission is not timely provided and defendant fails to appear for the in-person hearing, a committed finding may be entered and a penalty in the amount shown on the face of the citation assessed.

There shall be no appeal from a decision on written statements.

{ Adopted effective September 1, 2002; amended effective September 1, 2015; amended effective September 1, 2019. }

PUMCLR 8.2
NOTICE OF APPEARANCE - INFRACTIONS

Attorneys appearing on behalf of clients on traffic infractions shall file a Notice of Appearance with the court and with the prosecutor no later than seven (7) court days prior to the hearing. Upon filing of the Notice, the Court shall schedule the case to the next available calendar when the prosecutor will be present. Failure to timely submit a Notice of Appearance may result in the contested hearing being held beyond the 120 days required by IRLJ 2.6(a).

{Adopted effective September 1, 2015}

PUMCLR 8.3
CONTESTED HEARINGS - SUBPOENAS AND WITNESSES

a) All parties must comply with IRJL 3.1(a). A request by a defendant for the Court to issue a subpoena per IRLJ 3.1(a) must be made to the court in person or in writing at least 14 days prior to the date of the contested hearing. Failure to comply with the time limits set forth in this rule will be grounds for the Court to deny a request to issue the subpoena or grounds to continue the hearing. All officer subpoena cases shall be heard on a calendar where the prosecuting attorney is scheduled to be present and the request to subpoena to an officer will result in the case being rescheduled to the next date and time of that special-set calendar.

b) When a subpoena is issued by the court, it is the responsibility of the party requesting the subpoena to arrange for proper service. This provision applies to both civilian and officer witnesses. Each party is responsible for the costs incurred by that party as provided in RCW 46.63.151.

c) A request for a Speed Measuring Device expert must be filed in accordance with IRLJ 6.6(b). The request must be on a separate pleading. The Court may allow the speed measuring device expert to testify telephonically from a location other than the courtroom. All cases requiring the testimony of a Speed Measuring Device expert shall be heard on a calendar where the prosecuting attorney is scheduled to be present and a request filed pursuant to IRLJ 6.6 will result in the case being rescheduled to the next date and time of that special-set calendar. A defendant who causes the Speed Measuring Device expert to be subpoenaed shall be responsible for all costs related to the appearance of that witness in court, including any appearance made by the expert telephonically, as provided in RCW 46.63.151 if thereafter found by the court to have committed the infraction.

{ Adopted effective September 1, 2017; amended effective September 1, 2018. }

PUMCLR 8.4
INITIATION OF PHOTO ENFORCEMENT INFRACTION CASES

Generally. For purposes of IRJL 2.2, a photo enforcement infraction is initiated by the issuance of an infraction under the procedures set forth in PMC 10.33 and RCW 46.63.170.

(a) Who May Issue. A notice of infraction for photo enforcement may be issued by an officer upon certification the officer has probable cause to believe, and does believe, that the operator of the vehicle committed an infraction contrary to law. The notice of infraction is presumed to have been signed by the citing officer when the officer uses his or her user ID and password to access

the computer system of the third party vendor authorized by the City of Puyallup to facilitate use of automated traffic safety cameras and uses that system to affix his or her name and serial number to the notice of infraction. The appearance of the officer's name and serial number on the infraction is prima facie evidence of compliance with the signature requirement listed above.

(b) Service of Notice. A notice of infraction under the photo enforcement program is served when mailed according to the requirements of PMC 10.33 and RCW 46.63.170. There is a rebuttable presumption the issue date is the date the notice was mailed.

{ Adopted effective September 1, 2015 }

PUMCLR 9.1
SCHEDULE OF FEES

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

Duplication of Electronic Records on compact disc or USB \$ 20.00
Paper Copy from electronic format .25 cents per page
Photocopy of paper document .50 cents per page
Certified Copy of first page per instrument \$ 5.00
Each Additional Page \$ 1.00
Postage Actual Cost
Appeals (Preparation & Tapes) \$ 40.00
Clerk's Services \$20.00/hour or portion of an hour

JIS Data dissemination charges will be set in accordance with the Administrative Office of the Courts.

This rule does not apply to law enforcement agencies, governmental agencies, or other departments within the City of Puyallup, or criminal cases involving indigent counsel.

{ Adopted effective September 1, 2002; amended effective September 1, 2019 }

PUMCLR 9.2
COURTROOM DECORUM

A. PHOTOGRAPHY, RECORDING, TELEVISIONING, BROADCASTING

The taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceedings and the broadcasting of judicial proceedings by radio, television or other means is prohibited, except as provided in this rule.

As used herein, "judicial proceeding" means: (1) any hearing required to be held "on the record" by Supreme Court rule including but not limited to preliminary hearings, arraignments, pre-trial proceedings, motions, criminal and civil trials, sentencing, post-conviction relief hearings, mitigation and contested hearings; (2) any proceeding before a judicial officer, including a judge, court commissioner, traffic magistrate judge or judge pro-tem; (3) all sessions of any jury trial including jury orientation or selection, and (4) it shall include any person participating in a judicial proceeding, including parties, witnesses, jurors, judicial officer and court employees.

"Courtroom" of the Puyallup Municipal Court means the courtroom itself, witness or jury rooms, and any location where civil infraction proceedings are conducted.

"Environs" means any area located within the interior confines of the Puyallup Municipal Courthouse, including but not limited to the entrances, hallways, corridors, foyers, conference rooms, restrooms and lobbies therein including probation or other offices.

B. CELL PHONES, ELECTRONIC DEVICES AND TEXT MESSAGING

Lawyers, defendants and members of the public may carry cell phones or other portable electronic devices into the court facility. When in any courtroom, all phones or other portable electronic devices shall either be turned off or silenced. No phone calls or text message shall be sent or received within any courtroom. If silenced, the possessor of the device shall make certain that any transmissions do not interfere with court proceedings.

Failure to comply with this section may result in the confiscation of the cell phone or other portable electronic device and may include a fine or incarceration for Contempt.

C. EXCEPTIONS

1. The following exception applies to sections A and B above:
 - a. Court, probation or law enforcement personnel conducting official business.
2. With the consent of the courtroom's judicial officer, or the presiding judge of the court, the following exceptions may be granted to sections A and B above:
 - a. News media conditions and limitations as addressed in GR 16;
 - b. Ceremonial proceedings, including, but not limited to weddings or a judge or judicial officer's investiture;
 - c. For the limited purpose of presenting evidence, perpetuation of the record of proceedings, and security;
 - d. For the purposes of judicial administration;
 - e. As otherwise authorized by the court.

{ Adopted effective September 1, 2019 }