

Marysville Municipal Court General Rule 1.1

Indigent Defense Certification

(a) The Supreme Court of Washington having set forth Standards for Indigent Defense and Certification of Compliance with the Standards for Indigent Defense shall be filed with the court, effective October 1, 2012, the Marysville Municipal court adopts this emergency local court rule.

(b) Certificates of Compliance with the Standards for Indigent Defendants required by CrRLJ 3.1 shall be filed and kept at the Marysville Municipal Court clerk's office. Certification of Compliance shall be submitted electronically in the form provided by the court or in a substantially similar format. Certifications shall be filed quarterly with the court and are due: January 1, April 1, July 1, and October 1, or the next court day, if the filing day falls on a weekend or holiday.

(Effective October 1, 2012)

Marysville Municipal Court General Rule 1.2

Anti-Harassment Protection Order

(Effective September 1, 2014)

(Rescinded by Emergency Order 22-04, July 1, 2022)

MMCLCR 1.1

Adoption and Title

These local court rules are adopted pursuant to GR7 and CrRLJ 1.7. These rules shall be known as the Municipal Court Local Criminal Rules, and may be cited as "MMCLCR".

(Effective Date: September 1, 2002)

MMCLCR 1.2

Criminal

(a) A lawyer may enter a written notice and plea of not guilty on behalf of any defendant, including a waiver of formal arraignment, except for those Domestic Violence criminal charges listed in RCW 10.99.020, RCW 46.61.502 Driving under the influence, RCW 46.61.503 Physical control of vehicle under the influence or RCW 46.61.503, Driver under 21 consuming alcohol or marijuana.

(b) For the charges listed in MMCLCR 1.2(a), the defendant must personally appear for arraignment and the court shall determine the necessity of imposing conditions of pre-trial release. Where legislation mandates the defendant's appearance on the next judicial day following arrest, the term "next judicial day" shall be the next regularly scheduled court session.

(c) Defendants booked into custody on charges of Domestic Violence/Assault in the fourth degree, Driving under the influence or Physical control of vehicle under the influence shall personally appear before a judge the next judicial day following booking into jail.

(Effective 9-1-18)

(Amended 6-19-17, effective 9-1-17)

MMCLCR 1.3

Confirmation Hearings and Confirmation of Jury Trials

(a) Confirmation hearings:

Pursuant to CrRLJ 3.4 (d), the court finds good cause to require the defendant to be physically present at the confirmation hearing and all phases of trial. All cases set for Jury Trial shall be assigned a confirmation hearing and Jury Trial date. The defendant and the defendant's attorney, if the defendant is represented, shall physically appear at the confirmation hearing. When confirming for Jury Trial at the confirmation hearing, counsel shall inform the court of the following: anticipated length of trial, number of witnesses and any witness availability issues, any interpreter requirements for defendant and/or witnesses, outstanding discovery issues or other special considerations that may impact the assigned trial.

Any case confirmed for Jury Trial at the confirmation hearing shall remain set for the assigned trial date. A defendant's failure to physically appear at the confirmation hearing shall constitute a waiver of the defendant's speedy trial rights and may result in a bench warrant and forfeiture of any bail or bond.

(b) Telephonic Confirmation of Jury Trial Required:

Jury Trial(s) shall be telephonically confirmed by the Friday prior to the date of the assigned Jury Trial. The defendant (if not represented by an attorney) or the defendant's attorney and the City Prosecutor shall contact the Jury Trial confirmation line at (360) 363-8071 no later than 1:00 p.m. on the Friday before the Jury Trial date and confirm that the case is proceeding to trial by leaving a name and case number of the case(s) confirmed.

Jury Trial(s) using interpreter services shall be telephonically confirmed by the Thursday prior to the date of the assigned Jury Trial. The defendant (if not represented by an attorney) or the defendant's attorney and the City Prosecutor shall contact the Jury Trial confirmation line at (360) 363-8071 no later than 1:00 p.m. on the Thursday before the Jury Trial date and confirm that the case is proceeding to trial by leaving a name, case number of the case(s) confirmed and interpreter requirements for trial.

If more than one (1) case is confirmed for Jury Trial by any party, such party shall file a Jury Trial priority list no later than 1:00 p.m. on the Friday before the trial date. The Jury Trial priority list shall be emailed to court management (selsner@marysvillewa.gov and kricker@marysvillewa.gov) and shall set forth in numerical order the party's priority of cases: including speedy trial considerations, witness availability, in-custody status and any relevant factors determining case priority.

(c) Failure to Confirm Jury Trial:

Failure to telephonically confirm the Jury Trial shall cause the case to be stricken from the assigned Jury Trial and shall constitute a waiver of the defendant's speedy trial rights.

(d) Costs and Sanctions:

Any case confirmed for Jury Trial under this rule, and not proceeding to Jury Trial may subject the party to sanctions, including, but not limited to: jury costs, witness fees, interpreter costs, terms or other costs deemed appropriate by the court.

[Effective Date September 1, 2017, Amended March 24, 2014, Amended March 29, 2017, Amended August 19, 2021, Amended October 27, 2022]

MMCLCR 1.4

Deferred Prosecution

- (a) Petition for Deferred Prosecution: A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the Court and the prosecuting authority no later than seven (7) days prior to proposed entry, unless good cause exists for the delay.
- (b) An order deferring prosecution will not be granted without written verification that the defendant has actually begun treatment in the program contained in the petition and order for deferred prosecution.
- (c) An order deferring prosecution will not be granted unless the petition, order and treatment plan have been reviewed and approved by the Court's probation officer, no later than seven (7) days prior to the proposed entry, to insure compliance with RCW 10.05.
- (d) An order deferring prosecution must identify the assessment utilized in support of deferred prosecution, and must state the name of the agency providing treatment.
- (e) No changes in treatment, nor changes in treatment provider, shall be permitted without prior written authorization from the Court.

(Amended effective 9-1-08)

MMCLIR 1.1

Adoption and Title

These Local Traffic Rules are adopted pursuant to IRLJ 1.3. These rules shall be known as the Marysville Municipal Court Local Infraction Rules "MMCLIR".

(Effective Date: September 1, 2002)

MMCLIR 1.2

Prosecutor Appearance Required

The City Prosecutor's office shall personally appear at a contested hearing when: 1) the respondent is represented by counsel; 2) when witnesses are subpoenaed for a hearing; 3) when a respondent is cited under RCW 46.61.370, Overtaking/meeting a school bus, by the use of an automated school bus safety camera; 4) When an in-person hearings request is granted by the court.

A respondent issued a Notice of Infraction and represented by an attorney must provide a written Notice of Appearance to the City Prosecutor for the municipality issuing the Notice, together with filing a copy of the Notice of Appearance with the Court Clerk. The Notice of Appearance shall be filed no later than 10 days following the date of the respondent's request for a contested hearing has been filed with the Court Clerk. Upon receipt of a Notice of Appearance, the Court Clerk shall set or reset the contested hearing to an appropriate calendar. The failure to timely file a Notice of Appearance may result in the court continuing the contested hearing beyond the 120 days from the date the Notice of Infraction was issued.

(Effective Date; Sept 1, 2002)

(Amended Date: June 23, 2023, May 12, 2017, effective Sept 1, 2017)

MMCLIR 1.3

Contested Hearings-Preliminary Proceedings

- (a) Speed Measuring Device Expert: As provided in RCW 46.63.151, any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the Court to have committed the infraction, shall be required to pay the fee charge by the expert as a cost incurred by that party. A request for the presence of a SMD Expert must be submitted, in writing, to the City Prosecutor of the municipality issuing the Notice of Infraction not less than 30-days prior to the scheduled date of the contested hearing. A untimely request for the presence of an SMD Expert may be treated by the Court as a request for a continuance to the next date on which the City Prosecutor has scheduled the appearance of the SMD Expert.

- (b) Costs and Fees for Other Witnesses: Each party is responsible for cost incurred by that party, including witness fees as set forth 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 the witness.

(Effective Date: September 1, 2002; Amended June 17, 2019)

MMCLIR 1.4

Liability Insurance

If a respondent is cited, with driving a motor vehicle without having proof of valid insurance pursuant to RCW 46.30.020, and the respondent presents satisfactory evidence that they have subsequently obtained valid liability insurance to the Court Clerk, within 15 days of the date of the Notice of Infraction, for the vehicle the respondent was operating on the day the respondent was cited, then the bail for the offense shall be reduced to \$255.00. If the respondent presents satisfactory evidence that they were in compliance with the requirements of RCW 46.30.020 (1) at the time of the Notice of Infraction was issued, which evidence must be presented within 15 days from the date of the notice, the infraction shall be dismissed, and an administrative cost of \$25.00 shall be assessed and paid by the respondent.

(Effective Date: September 1, 2002; amended June 17, 2019)

MMCLIR 1.5
Decisions on Written Statements

- (a) **Written Submissions:** All traffic infractions shall be heard by the Court on the basis of written documents submitted by the City and a respondent, provided in IRLJ 2.4(b) (4) and IRLJ 2.6. A written statement must be received by the Court no later than 7 days prior to the scheduled date of the contested or mitigation hearing, or the submission will not be considered.
- (b) **In-Person Hearings:** A respondent may request an in-person hearing by filing a written motion to show-cause why an in-person hearing is needed. This motion shall be filed with the court and opposing counsel no later than 5 days prior to the hearing. Request for in-person hearings will not be heard on the day of the scheduled hearing.
- (c) **Generally:** The Court shall examine the citation officer's report and any written documents submitted by the respondent. 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.
- (d) **Factual Determination:** For purposes of a contested infraction hearing, the Court shall determine whether the City has established, by a preponderance of all submitted evidence, that the respondent committed the infraction.
- (e) **Disposition:** If the Court determines that the infraction has been committed, it may assess a penalty amount, and any appropriate and permitted costs to be paid by the respondent.
- (f) **Notice to Parties:** The Court shall notify the parties in writing, whether an infraction was found to have been committed and what penalty, if any, was imposed.
- (g) **No Appeal Permitted:** There shall be no appeal from a Court determination based upon written statements.

(Effective Date: September 1, 2002)

(Amended Date: June 23, 2023)

MMCLIR 1.6
MONETARY PENALTY FOR UNSCHEDULED INFRACTIONS

The Administrative Office of the Courts (AOC) has interpreted School Zone Speeding pursuant to RCW 46.61.440 to be an "unscheduled" infraction under IRLJ 6.2 (b). On the assumption that this is a correct interpretation, the Marysville Municipal Court has by this rule established a local rule as permitted by IRLJ 6.2 (b) to make the School Zone Speeding penalties consistent with IRLJ 6.2 (d) and the obvious intent of the legislature in adopting RCW 46.61.440 (3).

Pursuant to IRLJ 6.2 (b) this rule adopts as the penalty for speeding in a school zone the monetary base penalty set for in IRLJ 6.2 (d) for the relevant speed, but then doubled pursuant to RCW 46.61.440 (3). The base penalty, together with the statutory assessments may not be waived, reduced or suspended. The court will not consider a request for deferred findings under RCW 46.63.070 (5) in a school zone speeding case.

Penalty schedule

1-5	mph over limit	\$157.00
6-10	mph over limit	\$177.00
11-15	mph over limit	\$239.00
16-20	mph over limit	\$321.00
21-25	mph over limit	\$423.00
26-30	mph over limit	\$526.00
31-35	mph over limit	\$628.00
Over 35	mph over limit	\$751.00

(Effective 09/01/2006)