



**DISTRICT AND MUNICIPAL
COURT JUDGES' ASSOCIATION**

BOARD MEETING

September 17, 2017

**THE HEATHMAN LODGE
VANCOUVER, WASHINGTON**

DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION SCHEDULE OF BOARD MEETINGS

2017-2018

<i>DATE</i>	<i>TIME</i>	<i>MEETING LOCATION</i>
<i>Friday, July 14, 2017</i> CANCELLED	12:30—3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Aug. 11, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Sunday, Sept. 17, 2017</i>	9:00 a.m. – 12:00 p.m.	2017 Annual Judicial Conference Vancouver, WA
<i>Friday, Oct. 13, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Nov. 3, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Dec. 8, 2017</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Jan. 12, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, Feb. 9, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, March 9, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, April 13, 2018</i>	12:30 – 3:30 p.m.	AOC SeaTac Office Center
<i>Friday, May 11, 2018 & Saturday, May 12, 2018</i>	May 11: 12:00-5:00 p.m. May 12: 9:00-1:00 p.m.	TBD
<i>June 3, 2018</i>	9:00 a.m. – 12:00 p.m.	Campbell's Resort Chelan, WA

AOC Staff: Sharon Harvey

Updated: September 7, 2017



DMCJA BOARD MEETING
SUNDAY, SEPTEMBER 17, 2017
9:00 AM – 12:00 PM
THE HEATHMAN LODGE
VANCOUVER, WA

PRESIDENT SCOTT K. AHLF

AGENDA

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Call to Order

General Business

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| A. Minutes – August 11, 2017 | 1-7 |
| B. Treasurer’s Report | |
| C. Special Fund Report | |
| D. Standing Committee Reports | |
| 1. Legislative Committee | |
| a. Meeting Minutes for March 17, 2017 | 8-12 |
| b. Meeting Minutes for June 7, 2017 | 13-14 |
| c. Meeting Minutes for August 18, 2017 | |
| 2. Rules Committee | |
| a. Meeting Minutes for June 6, 2017 | 15-17 |
| b. Meeting Minutes for July 27, 2017 | 18-19 |
| E. Trial Court Advocacy Board (TCAB) | |
| F. Judicial Information Systems (JIS) Report – <i>Ms. Vicky Cullinane</i> | |

Liaison Reports

- | | |
|--|-------|
| A. District and Municipal Court Management Association (DMCMA) – <i>Ms. Cynthia Marr</i> | |
| B. Misdemeanant Corrections Association (MCA) – <i>Mr. Rick Bomar</i> | |
| C. Superior Court Judges’ Association (SCJA) – <i>Judge Blaine Gibson</i> | |
| D. Washington State Association for Justice (WSAJ) – <i>Loyd James Willaford, Esq.</i> | 20-21 |
| E. Administrative Office of the Courts (AOC) – <i>Ms. Callie Dietz</i> | |
| F. Board for Judicial Administration (BJA) – <i>Judges Ringus, Jasprica, Logan, and Johnson</i> | |

Discussion

- | | |
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| A. Supreme Court Interpreter Commission Presentation – <i>Supreme Court Interpreter Commission</i> | 22-27 |
| B. Judicial Benefit Multiplier Program | 28-33 |
| C. Request for DMCJA Board Letter for Odyssey Portal Access – <i>Vicky Cullinane, Dirk Marler</i> | 34 |

<p>Information</p> <p>A. New Proposed Evidence Rule 413 Comment</p> <p>B. Board members are encouraged to apply for DMCJA representative positions. Available positions include:</p> <ol style="list-style-type: none"> 1. Engrossed Second Substitute House Bill (E2SHB) 1163 Workgroups <ol style="list-style-type: none"> i. Domestic Violence Perpetrator Treatment Workgroup ii. Domestic Violence Risk Assessment Workgroup 2. Presiding Judge & Administrator Education Committee (Co-Chair) <p>C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings.</p> <p>D. SB 6360 Statewide Relicensing Workgroup have scheduled meetings on August 31, 2017 and September 15, 2017 to provide the Washington State Office of the Attorney General (OAG) with recommendations regarding a plan for the consolidation of traffic-based financial obligations. The OAG will provide a report to the Legislature, Washington Supreme Court, and Governor by December 1, 2017.</p> <p>E. DMCJA Follow-Up Letter for DOL Joint Leadership Meeting on July 25, 2017</p> <p>F. Judge Ahlf recommended Judge John H. Hart, Colfax Municipal Court, to serve as DMCJA Representative to the Judicial Information System Committee (JISC).</p>	35-38
<p>Other Business</p> <p>The next DMCJA Board Meeting is scheduled for October 13, 2017, 12:30 a.m. to 3:30 p.m., at the AOC Business Office in SeaTac, WA. The Board will discuss its newly created Judicial Independence Fire Brigade.</p>	
<p>Adjourn</p>	
<p>Persons with a disability, who require accommodation, should notify Susan Peterson at 360-705-5278 or susan.peterson@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>	



DMCJA Board of Governors Meeting
Friday, August 11, 2017, 12:30 p.m. – 3:30 p.m.
AOC SeaTac Office
SeaTac, WA

MEETING MINUTES

Members Present:

Chair, Judge Scott Ahlf
Judge Melanie Dane
Judge Karen Donohue
Judge Michael Finkle
Judge Michelle Gehlsen
Commissioner Leo
Judge G. Scott Marinella
Judge Kevin Ringus (non-voting)
Judge Rebecca Robertson
Judge Douglas Robinson
Judge Damon Shadid
Judge Charles Short

Guests:

Judge Blaine Gibson, SCJA (phone)
Ms. Cynthia Marr, DMCMA
Mr. Loyd Willaford, WSAJ
Ms. Melanie Stewart, DMCJA Lobbyist (phone)

AOC Staff:

Ms. J Benway (phone)
Ms. Vicky Cullinane
Ms. Callie Dietz (phone)
Ms. Sharon R. Harvey
Mr. Brady Horenstein
Ms. Susan Peterson
Mr. Ramsey Radwan

Members Absent:

Judge Linda Coburn
Judge Douglas Fair
Judge Judy Jasprica (non-voting)
Judge Dan B. Johnson (non-voting)
Judge Michael Lambo
Judge Mary Logan (non-voting)
Judge Samuel Meyer

CALL TO ORDER

Judge Ahlf, District and Municipal Court Judges' Association (DMCJA) President, noted a quorum was present and called the DMCJA Board of Governors (Board) meeting to order at 12:30 p.m. Judge Ahlf asked attendees to introduce themselves.

GENERAL BUSINESS

A. Minutes

The Board moved, seconded, and passed a vote (M/S/P) to approve the June 4, 2017 Board Meeting Minutes.

B. Treasurer's Report

M/S/P to approve the June 2017 Treasurer's Report. M/S/P to approve the July 2017 Treasurer's Report. Judge Gehlsen reported that Judge Meyer is still taking care of the Treasurer's duties. There has been no bank transfer yet; however, the bank transfer documents are prepared. Ms. Harvey will provide Judge Meyer with the transfer documents to sign on August 18, 2017. He will work with Judge Gehlsen to transfer the accounts. The current account balance is \$188,700.

C. Special Fund Report

M/S/P to approve the Special Fund Report. Judge Meyer will work with Judge Gehlsen regarding the bank account transfer. Judge Robertson reported there is approximately \$50,000 in the account, and she just

received \$50 more in special fund dues. There will be more information forthcoming regarding the Special Fund Report after the bank transfer occurs.

D. Standing Committee Reports

1. Education Committee – *Judge Charles Short*

Judge Short, DMCJA Education Committee Chair, reported on the 2017 DMCJA Spring Conference Evaluations, and overall summary for the 2017 DMCJA Spring Conference. He reported that the number of attendees was higher than last year. He also recognized Judge Donohue and the Board for their contributions. Judge Donohue reported that the Immigration Session did not provide the “nuts and bolts” of what a judge needs to know regarding the subject, as expected. The Board discussed the pros and cons of the Session, and discussed how best to address this topic going forward. The majority agreed that the Immigration topic is one that judicial officers need to discuss. Judge Short asked for additional feedback from the Board. Judge Short further reported on the subject of law enforcement security at the DMCJA Spring Conference. The Board discussed how security has been handled in the past and whether the DMCJA should fund their own security during the Spring Conference. It was noted that during 2015-2017, there was \$2,000 for security, but at the May 2017 DMCJA Board Retreat, the Board decided to delete the budget line item because the money had not been used. The Board then discussed what it would cost to fund their own security. Judge Short informed he had contacted the Chelan County Sheriff’s Office and learned that the cost is \$95 per hour per officer, plus mileage, and usually there are two officers, making the approximate cost \$200 per hour plus mileage, which would bring the total cost to almost \$20,000 for the whole conference. The Board discussed other possible avenues for funding security during the Spring Conference. It was suggested that local entities could be used.

Judge Short further informed that the Education Committee’s deadline for 2018 Spring Conference education topic proposals is September 29, 2017, and their next in person meeting is in October 2017. Judge Marinella stated that it is important that the Education Committee have Board support, and encouraged the Education Committee to come back to the Board for additional requests if needed. It was also suggested that working with a presenter to create “a bench card” may be one way to stick to the “nuts and bolts” of a topic. Judges Donohue and Short informed they are already doing that as a standard practice.

2. Legislative Committee

a. End of Session Wrap Up – *Brady Horenstein, AOC Associate Director Legislative Relations*

Ms. Melanie Stewart, DMCJA Lobbyist, and Mr. Brady Horenstein, AOC Associate Director of Legislative Relations, gave an end of legislative session wrap up. Ms. Stewart reported that the session ran long and had many challenges. She said Mr. Ramsey Radwan, AOC Management Services Division Director, and Mr. Horenstein were great to work with. She informed that the August 1, 2017 election may result in the Democrats gaining control of the state Senate. She informed the Senate Ways & Means Committee has a new chair. Ms. Stewart apologized for being out during part of the legislative session due to medical reasons and assured the Board she is going to be fine.

Mr. Horenstein reported that the 2017-2019 Washington State biennium budget was released on Friday, June 30, 2017, and was also passed late the same day. He informed that the formal position of the Legislature is that, with the latest budget, the state is now in compliance with the *McCleary* decision, which was a large focus of this legislative session, and the budget puts approximately \$2 billion of new money into K-12 schools over the next two years. In addition, there was money allocated for the Office of Civil Legal Aid; a state employee pay increase; paid Family Medical Leave Act (funded a combination of employee and employer contributions); broad modest increases for education; and the judicial stabilization surcharge extension bill passed at the very end of session. Mr. Horenstein further reported that the Capital Budget has not passed the Legislature. He informed that the Legislature’s efforts to address water rights as a result of the *Hirst* case regarding water rights remains unresolved and has an impact on the passing of the capital budget. Although

the legislators on this met recently, there is no resolution. The failure to pass the capital budget impacts the Court of Appeals, Division III, which does not have money for a roof replacement. The Governor vetoed portions of the budget compromise that would have lowered the business and occupation (B&O) tax rate for manufacturing firms across the state, which has frustrated some legislators and also has made it more difficult to reach a compromise on the capital budget. In addition, control of the Senate may change depending on the outcome of the District 45 election in November. The impact of a change in leadership will not necessarily resolve the capital budget or *Hirst* issues, however, because a supermajority is still needed to pass the capital budget bond funding bill. Mr. Horenstein said this was his first full legislative session as AOC Associate Director of Legislative Relations and he felt that everyone worked very well together.

b. Final 2017-2018 Budget Summary – *Ramsey Radwan, AOC Director, Management Services*

Mr. Ramsey Radwan, AOC Management Services Division Director, presented to the Board on the Judicial budget process. He discussed the Board for Judicial Administration (BJA) Budget and Funding Committee Criteria and the Washington State Judicial Branch Biennial Budget Process, and answered the Board's questions. In addition, Mr. Radwan provided handouts regarding (1) the *Washington State Judicial Branch 2017-19 Biennial Budget Request Comparison Budget Compromise Proposal, June 2017* and (2) the *Washington State Judicial Branch Biennial Budget Process*. Mr. Radwan will also provide the Board with a copy of the *Board for Judicial Administration Budget and Funding Committee Criteria*. He informed that there is a new budget process, and explained the process to the Board and why the Chief Justice believes this process will work better. Mr. Radwan further informed that the Legislature allocated \$10 million dollars for the following judicial technology projects: (1) Superior Court Case Management System (SC-CMS), (2) Courts of Limited Jurisdiction Case Management System (CLJ-CMS), (3) equipment replacements, and (4) support staff for information technology projects. He stated that it is likely that the whole \$10 million will go to the CLJ-CMS Project, and he does not believe the CLJ-CMS Project will be negatively impacted. Mr. Radwan will keep an eye on it, and he expressed that he is available to all Board members if they have questions regarding the judicial budget.

3. Rules Committee

Ms. J Benway, AOC Staff for the DMCJA Rules Committee, answered questions related to the Committee's proposed amendments.

a. Proposed Amendment to CRLJ 5(e), *Service and Filing of Pleadings and Other Papers*

Ms. Benway reported on the Committee's proposed amendment to CRLJ 5(e). The rule currently prohibits courts of limited jurisdiction clerks from exercising discretion with regard to accepting documents filed with the court, which is contrary to GR 30 as well as CR 5(e). This issue has grown in importance with the advent of electronic filing, so the Rules Committee recommends allowing clerks the discretion to refuse to accept documents that do not comply with filing requirements. Therefore, the Committee is proposing the language "shall not" be replaced with "may." M/S/P to make this topic a discussion item.

b. Proposed Amendment to CrRLJ 5.1(b), *Commencement of Actions*

Ms. Benway reported on the Committee's proposed amendment to CrRLJ 5.1(b). This rule was enacted in 1987 and was meant to parallel RCW 3.66.070. However, in 1991 the statute was amended to include the phrase "under the influence of intoxicating liquor or any drug," but it does not appear that the rule was amended since 1987 so it no longer corresponds to the statutory language. Therefore, the Committee proposes it should parallel the language in RCW 3.66.070. M/S/P to make this topic a discussion item.

c. Proposed Amendment to IRLJ 4.1(b), *Parking, Standing, Stopping, or Pedestrian Infractions*

Ms. Benway reported on the Committee's proposed amendment to IRLJ 4.1(b). The Committee recently identified a small error in IRLJ 4.1(b): a statutory subsection is incorrect. The Committee recommends that the statute be amended by removing the subsection reference, so that this problem may be avoided in the future if the subsections are again renumbered. M/S/P to make this topic a discussion item.

d. New Proposed Evidence Rule 413

Ms. Benway reported on the New Proposed Evidence Rule 413 and informed that the Rules Committee wanted to bring this to the Board's attention in case the Board wanted to comment on the proposal. Ms. Benway explained that the deadline for comments is September 15, 2017, and requested that the Board send any comments before the deadline. There was Board discussion. Ms. Benway answered the Board's questions and informed that August 23, 2017, is the next Rules Committee meeting. Judge Ahlf suggested the Board refer it to the Rules Committee for their August 23 meeting. The Rules Committee should then forward recommendations to Judge Ahlf, who will send the Committee's comments to the Board for an email vote. Ms. Benway said she will do this, and informed that any other comments can also be sent to Ms. Benway or Judge Szambelan.

e. Minutes for April 26, 2017

The Board reviewed the April 26, 2017 Rules Committee Minutes.

E. Trial Court Advocacy Board (TCAB) Update

Judge Marinella reported that TCAB met the morning of August 11, 2017. They are pursuing adequate funding in the courts and rejuvenating the Justice in Jeopardy Initiative. The TCAB has created a plan that involves "layering," which would direct that the state pays 50% of district court and qualifying municipal judges' salaries. The TCAB will get current fiscal information from Mr. Ramsey Radwan to assure accuracy in the proposal. The TCAB is seeking judicial partners such as the Association of Cities, Association of Counties, and others. The TCAB wants to bring the DMCJA and Superior Court Judges' Association (SCJA) legislative committee chairs together, along with Tom Parker and Melanie Stewart, Esq., to prepare proposed legislation that would be presented in the 2019 legislative session. He explained that the material is already there; it just needs to be tweaked and worked up. That will entail cleaning up language in the trial court improvement fund statute, which is the TCAB's primary focus this year. The goal is to ensure that all Trial Court Improvement Account funds are used solely for the courts. He explained that the TCAB is simply asking that the promises that were made earlier, prior to the recession, now come to pass. Upon completion of the proposed legislation, the TCAB will share it with the Board for Judicial Administration (BJA).

F. Judicial Information System (JIS) Report

Ms. Vicky Cullinane provided a Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project update. She reported that Journal Technologies was selected as the Apparent Successful Vendor (ASV) for the CLJ-CMS project, and that they started negotiations with Journal Technologies this week. She informed that they hope to have a contract in place by November 2017. She noted, however, that the other vendor has put in a protest, so that could have some potential impact on the project's schedule. They expect to know more by August 24, 2017, the deadline for a decision from the Deputy Commissioner of the Supreme Court. In the meantime, the project is moving on as if there was no protest. But it is possible the project schedule could be affected if the protest is successful. Board members asked for some clarification, and Ms. Cullinane answered their questions. Ms. Cullinane also shared that the CLJ-CMS Court User Work Group (CUWG) asked for everything they wanted in the RFP requirements. Now they will narrow it down to what is realistic

during the configuration phase of the project. They are also planning for the implementation schedule now, but they will not know exactly what the implementation schedule will be until the vendor is on board.

Ms. Cullinane further reported that the Superior Court Case Management System (SC-CMS) Project is expected to wrap up at the end of next year. She also reported on the Expedited Data Exchange (EDE) Project, and informed that King County District Court plans its first implementation in October 2017, with non-well-identified-person cases. Ms. Cullinane further informed that in April 2018 they will go live with well-identified-person cases, and that those cases will no longer appear in JIS. That case information will only be available in the Judicial Access Browser System (JABS). She explained that because JIS will be replaced, there is discussion regarding the use of staff time to create the data exchange necessary for the information to appear in JIS.

LIAISON REPORTS

A. District and Municipal Court Management Association (DMCMA)

Ms. Cynthia Marr, DMCMA President, reported that the DMCMA is working on their Fall Regionals, which will be in six different locations to reach as many staff as possible. This year's focus is on (1) leadership and (2) customer service. In addition, the DMCMA has begun planning their spring conference, which will be in May 2018 at the Campbell's Resort in Chelan, Washington. Ms. Marr further informed that the DMCMA Education Committee and DMCMA Long Range Planning Committee are planning a joint retreat.

B. Superior Court Judges' Association (SCJA)

Judge Blaine Gibson, SCJA President-Elect, reported that the Pretrial Reform Task Force kickoff occurred in June 2017. In addition, he reported the SCJA President has started to review all of the SCJA's committee commitments, and that the SCJA is looking to pare down the number of committees in which its members are involved.

C. Washington State Association for Justice (WSAJ)

Mr. Loyd Willaford reported that the WSAJ may have a new liaison. Mr. Darrell L. Cochran is the new WSAJ President. In addition, Mr. Willaford said he wanted to revisit the topic regarding courts scheduling only one or two days for civil trials, and informed that the WSAJ may have a proposal for a future education program. More information on this will follow.

D. Board for Judicial Administration (BJA)

Judge Kevin Ringus reported that the next BJA meeting is on September 15, 2017. Judge Ringus informed that he will remain the BJA Legislative Committee Chair, and his next meeting with Mr. Brady Horenstein after the DMCJA Legislative Committee meeting is on August 18, 2017. He further reported that Judge Judy Jasprica will be the BJA Court Education Committee Chair, Judge Mary Logan will be the representative on the BJA Budget and Funding Committee, and Judge Dan B. Johnson will be Chair of the BJA Policy and Planning Committee.

ACTION

1. *DMCJA Rules Committee Proposed Amendments to CRLJ 5(e), CrRLJ 5.1(b), and IRLJ 4.1(b)*
M/S/P to approve the Rules Committee recommendation to forward the following proposed amendments to the Supreme Court Rules Committee:
 - a. Proposed Amendment to CRLJ 5(e)
 - b. Proposed Amendment to CrRLJ 5.1(b)
 - c. Proposed Amendment to IRLJ 4.1(b).

2. DMCJA Special Fund Assessment

M/S/P to approve the Reserves Committee's recommendation not to impose a Special Fund assessment for the 2017-2018 year.

DISCUSSION

A. Brief DMCJA Board of Governors (Board) Orientation

Ms. Sharon Harvey gave a brief DMCJA Board Orientation for the new Board members and provided the following documents pertaining to operation of DMCJA Board meetings: (1) *Operational Rules*, (2) *Rules for Conduct at Board Meetings*, and (3) *Motion Precedence and Conduct for DMCJA Board Meetings*. Members were also given a full set of updated DMCJA Board of Governors Reference Materials for 2017-2018. All Board members are encouraged to read and familiarize themselves with the Reference Materials and let Ms. Harvey know if they have any questions.

B. Reserves Committee Recommendation for DMCJA Special Fund

Judge Ahlf reported that the DMCJA Reserves Committee recommended the Board not have a Special Fund assessment for the 2017-2018 year. The Special Fund is a fund comprised of personal contributions from DMCJA members in which expenditures are made only for initiatives that benefit a substantial segment of the DMCJA membership, such as lobbying expenses. The Board discussed current issues regarding retirement contributions that impact judges' paychecks. The Board discussed the pros and cons of not assessing the Special Fund this year. In addition, the Board discussed the Judicial Benefit Multiplier. Mr. Radwan will send the "Judicial Benefit Multiplier" formula to Ms. Harvey, who will distribute it to the Board. The Judicial Benefit Multiplier topic will be put on for Discussion at the September Board meeting. M/S/P to move Special Fund topic to an action item.

C. General Rule (GR) 37, Jury Selection, Stakeholder Group – DMCJA Representative Vacancies

Judge Ahlf reported that he is recommending Judge R.W. Buzzard, Lewis County District Court, for the DMCJA Co-Chair position and Judge Franklin Dacca, Pierce County District Court, for the DMCJA Member position on the new GR 37, Jury Selection, Stakeholder Group.

D. Proposed Amendment to CRLJ 5(e)

M/S/P to make this an action item. The Rules Committee recommended that the language in CRLJ 5(e), pertaining to the court clerk's authority regarding documents that are presented for filing with the court, be changed, to replace "shall not" with "may," The Board considered the Committee's recommendation.

E. Proposed Amendment to CrRLJ 5.1(b)

M/S/P to make this an action item. The Rules Committee recommended that CrRLJ 5.1(b) parallel the current language in RCW 3.66.070. This rule was enacted in 1987 and was meant to parallel RCW 3.66.070. However, in 1991 the statute was amended to include the phrase "under the influence of intoxicating liquor or any drug," but it does not appear that the rule was amended since 1987 so it no longer corresponds to the statutory language. The Board considered the Committee's recommendation.

F. Proposed Amendment to IRLJ 4.1(b)

M/S/P to make this an action item. The Rules Committee wants to correct an error to a subsection in IRLJ 4.1(b), which currently refers to subsection 3, but, should refer to subsection 2. The Committee recommends removing the subsection reference so it does not need to be continually updated when the rule changes.

INFORMATION

- A. *DMCJA Therapeutic Courts Survey for Association*
Judge Ahlf encouraged Board members to take the DMCJA Therapeutic Courts Survey.
- B. *Board members are encouraged to apply to DMCJA representative positions. Available positions include:*
1. *Supreme Court Convened Workgroup on Proposed New General Rule (GR) 37—Jury Selection (1 Co-Chair and 1 Member)*
 2. *Engrossed Second Substitute House Bill (E2SHB) 1163 Workgroups*
 - a. *Domestic Violence Perpetrator Treatment Workgroup*
 - b. *Domestic Violence Risk Assessment Workgroup*
 3. *Presiding Judge & Administrator Education Committee (Co-Chair)*
 4. *Justice Assistance Grant Advisory Committee (1 Judge Member)*

Judge Ahlf asked Board members to let him know if they are interested in the Justice Assistance Grant Advisory Committee position or any of the other DMCJA representative positions.

- C. *In City of Seattle v. Erickson, No. 93408-8 (2017), the WA Supreme Court created a bright line rule for peremptory challenges related to Batson v. Kentucky, 476 U.S. 79, 106 S. Ct. 1712 (1986). In Erickson, the court held that the “peremptory strike of a juror who is the only member of a cognizable racial group constitutes a prima facie showing of racial discrimination requiring a full Batson analysis by the trial court.”*
- D. *U.S. Supreme Court adjudicated issue regarding refund of defendant’s restitution payment when conviction is ruled invalid. See Nelson v. Colorado, 137 S.Ct. 1249 (2017).*
- E. *The Judicial Information System Committee selected Journal Technologies as the Apparent Successful Vendor (ASV) for the new Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project.*
- F. *DMCJA Judges David Steiner and Rebecca Robertson provided General Rule 36 Trial Court Security Guidance to the court community on August 1, 2017.*

Judge Ahlf thanked DMCJA Judges Rebecca Robertson and David Steiner for providing General Rule 36 Trial Court Security Guidance to the court community on August 1, 2017.

OTHER BUSINESS

Next Meeting

Judge Ahlf informed that the next DMCJA Board Meeting is scheduled for September 17, 2017, 9:00 a.m. to 12:00 p.m., at the Annual Judicial Conference at the Heathman Lodge in Vancouver, WA. Ms. Peterson will send Board members information about the next meeting.

ADJOURNED at 2:45 p.m.



DMCJA Legislative Committee Meeting
FRIDAY, MARCH 17, 2017
TEMPLE OF JUSTICE RECEPTION ROOM
OLYMPIA, WA
10:30 A.M. TO 12:15 P.M.

MEETING MINUTES

Members:

Chair, Judge Samuel G. Meyer
~~Judge Claire Bradley~~
~~Judge Brett Buckley~~
Judge Michelle Gehlsen
Judge Jeffrey Goodwin
Judge Robert Grim
Judge Corinna Harn
~~Judge Kristen Olbrechts~~
Judge Glenn Phillips
Judge Wade Samuelson
~~Judge Ketu Shah~~
~~Judge Shelley Szambelan~~

Guests:

Judge Scott Ahlf, DMCJA
Ms. Maryam Olson, DMCMA
Ms. Melanie Stewart

AOC Staff:

Ms. J Benway
Ms. Sharon Harvey

CALL TO ORDER

Judge Meyer called the meeting to order at 10:30 a.m. and welcomed the attendees.

GENERAL BUSINESS

1. It was motioned, seconded, and passed to approve the minutes from the September 2016 Legislative Committee meeting as presented. Judge Samuelson and Judge Phillips abstained.
2. It was motioned, seconded, and passed to approve the minutes from the October 2016 Legislative Committee meeting as presented.
3. The revised Legislative Committee Roster was presented to the Committee.

OVERVIEW OF 2017 LEGISLATIVE SESSION

Judge Meyer provided the following updates regarding the 2017 legislative session:

A. DMCJA Legislative Agenda:

1. SHB 1196 – Recovering Judgments in Small Claims Court

This bill would have streamlined the process of recovering judgments in small claims actions. It passed the House, but Senator Padden would not hear it in the Senate Law & Justice Committee because it was not “revenue neutral.” Judge Meyer asked the DMCJA Board if they thought the bill should be amended and they decided against it. The bill may be reintroduced next year.

2. HB 1221 – Solemnization of Marriage (District Court Commissioners)

This bill would have allowed district court commissioners to conduct marriage ceremonies; they are the only judicial officers not included in the statute. The bill passed the House but Senator Padden would not hear it in the Senate Law & Justice Committee because he did not want to “expand the pool of officiants” who may solemnize marriages. The bill may be reintroduced next year.

3. HB 1195 – Surety Bond for Defendants

This is a holdover bill from last year and is intended to correct a problem with bail bonds companies surrendering a defendant to “the facility in which the person was originally held in custody,” which has caused problems related to securing a defendant for court. The bill passed the House unanimously and was heard in the Senate Law and Justice Committee. The bill is currently awaiting action in the Senate Rules Committee.

4. HB 1111 – DNA Samples for Municipal Code Violations

This bill addresses a concern regarding the Washington State Patrol not processing biological samples from municipal courts. The bill did not make it out of the House Appropriations Committee. It may be reintroduced next year.

5. SHB 1199 – Transit Infractions in Youth Court

This bill allows youth courts under chapter 3.72 RCW to hear transit as well as traffic infractions. The substitute bill passed the House unanimously and was heard in the Senate Law & Justice Committee. The bill is currently awaiting action in the Senate Rules Committee.

6. 2SSB 5342 – Discover Pass Fee Split

This bill requires funds from Discover Pass violations to be split 75%/25% with local jurisdictions, instead of all the money retained by the state. DMCJA was initially in favor of the bill, but it was amended to limit the bill to counties with a population of fewer than 100,000 people, and then amended again to provide that local jurisdictions could only receive the funds if no more than 12% of these infractions were dismissed. The second substitute bill passed the Senate and has been assigned to the House Appropriations Committee. Ms. Stewart is seeking to remove provision with the dismissal cap, and may request the governor to veto that provision if the bill advances.

B. Other Bills of Interest:

1. SHB 1070 – Dispute Resolution Filing Fee Surcharge

This bill extends the optional filing fee surcharge that currently provides funds to county dispute resolution centers. The substitute bill passed through the House and is currently assigned to the Senate Law & Justice Committee.

2. HB 1140/SB 5809 – Judicial Stabilization Trust Account Filing Fee Surcharge

These companion bills extend the filing fee surcharge that supports the Judicial Stabilization Trust Account. The House bill is awaiting action in the House Rules Committee, and the Senate bill is awaiting action in the Senate Rules Committee.

3. HB 1163 – Domestic Violence Omnibus

This bill modifies several statutes related to domestic violence, including making Assault in the 4th Degree with domestic violence a felony, and requiring a DNA sample to be taken from perpetrators. It also requires AOC, through the Gender & Justice Commission, to staff two workgroups related to domestic violence issues. The substitute bill passed the House and is awaiting action in the Senate Law & Justice Committee.

4. HB 1371/SB 5289 – Distracted Driving

These companion bills create two new infractions related to distracted driving, and repeal the current applicable statutes. The substitute Senate bill passed the Senate and is awaiting action in the House Transportation Committee; the substitute House bill passed the House and Senate and has been returned to the House Rules Committee for third reading.

5. HB 1480 – Driver’s License Suspension

This bill requires the Department of Licensing to suspend a person’s driving license for repeated instances of failing to appear. It has passed the House and is assigned to the Senate Transportation Committee.

6. SHB 1524 – Therapeutic Courts

This bill modifies the definition of “treatment,” which may provide enhanced funding opportunities. The substitute bill passed the House and has been referred to the Senate Law & Justice Committee.

7. E2SHB 1614 – Impaired Driving

This omnibus bill is less impactful than previous proposals. It clarifies the misdemeanor vacation provisions related to DUIs; expands the “book and hold” requirement for DUIs and priors; creates a medical exemption for ignition interlock devices; provides that mouth piercings are not “foreign objects;” and addresses suspension on citation (characterized as a “fix for last year’s fix”). The substitute bill passed the House and has been assigned to the Senate Law & Justice Committee.

8. E2SHB 1783 – Legal Financial Obligations

This omnibus bill removes interest on non-restitution legal financial obligations. The substitute bill passed the House and has been assigned to the Senate Law & Justice Committee.

9. HB 1806 – Crimes by Corporations

This bill substantially raises the monetary penalties that can be imposed on corporations that have been convicted of crimes, raising a question of jurisdiction for courts of limited jurisdiction. The bill passed the House and has been referred to the Senate Law & Justice Committee.

10. SB 5037 – DUI 4th Offense/Felony

This bill makes a fourth conviction for driving under the influence a felony, rather than a gross misdemeanor. It has passed the Senate and been assigned to the House Public Safety Committee.

11. SB 5186 – Blood Samples/Forensic Tests

This bill loosens the requirements regarding who is qualified to do a blood draw. The substitute bill passed the House and has been assigned to the House Public Safety Committee.

12. SB 5376 – Indigent Defense

This bill creates a category of “indigent and able to contribute” for the indigency statutes. It passed through the House by a narrow margin and has been the subject of a hearing in the House Judiciary Committee.

OTHER BUSINESS

A. BJA Proposed Legislation

1. HB 1285 – Modifying oath requirements for interpreters

This bill slightly modifies the provisions related to registration of interpreters. It passed the House and has had a hearing in the Senate Law & Justice Committee.

2. HB 1140/SB 5809 – Judicial Stabilization Trust Account Filing Fee Surcharge

See above discussion.

3. HB 1186 – Reimbursement for certain court interpreter services

This bill reflects the BJA priority to have interpreters provided as needed in every criminal or civil proceeding, and would increase the budget allocation to AOC for this purpose. The substitute bill passed the House and has been referred to the Senate Law & Justice Committee.

4. HB 1139 – Methods of services provided by office of public guardianship

This bill would expand the guardianship program to include supported decision-making assistance and estate administration. It passed the House and has been referred to the Senate Law & Justice Committee.

5. SB 5038 – Incentivized Evidence Disclosure

Unlike previous versions, this bill would not require judges to make credibility assessments but rather to require certain disclosures regarding informants. The substitute bill passed the Senate and has been referred to the House Judiciary Committee.

B. Public Outreach Committee Opportunity

Judge Gehlsen presented information regarding the new DMCJA Public Outreach Committee, which she chairs. The Committee will be requesting judges who are in the districts of legislators on key committees to communicate with and educate the legislators regarding courts and court

issues. The Committee will put together a “legislative toolkit” for judges and is sponsoring a “meet your judge” event in November.

C. Fiscal Note Committee Opportunity

Judge Meyer encouraged judges to join the Fiscal Note Committee, which provides information to AOC fiscal staff regarding the potential impact of proposed legislation.

The meeting was adjourned at 12:15 p.m. to welcome legislators to the annual DMCJA Legislative Reception.



DMCJA Legislative Committee Meeting

WEDNESDAY, JUNE 7, 2017

Davenport Grand Hotel, Spokane, WA
7:30 a.m. to 8:20 a.m.

MEETING MINUTES

Members:

Chair, Judge Samuel G. Meyer
~~Judge Brett Buckley~~
Judge Janet Garrow
Judge Robert Grim
Judge Corinna Harn
Judge Gregg Hirakawa
~~Judge Nancy McAllister~~
Judge Glenn Phillips
Judge Wade Samuelson
~~Judge Jeffrey Smith~~
Judge Shelley Szambelan
~~Judge Thomas Verge~~

AOC Staff:

Ms. J Benway
Ms. Sharon Harvey

Guest:

Brady Horenstein, AOC

1. CALL TO ORDER

Judge Meyer called the meeting to order at 7:35 a.m.

2. WELCOME AND INTRODUCTIONS

Judge Meyer welcomed the new Committee members and thanked the returning members for their service.

3. 2017 LEGISLATIVE SESSION

Judge Meyer stated that he had reviewed the 2017 legislative session during his Legislative Report at the Conference and that legislative summaries were available. The following legislative proposals will likely be brought back next session: small claims court procedure; testing DNA samples from municipal courts; Discover Pass violations penalty distribution; and district court commissioners solemnizing marriages.

4. 2018 LEGISLATIVE SESSION

A. Procedure Overview

Judge Meyer provided an overview of the Committee process: first, the DMCJA membership is requested to offer suggestions for legislative changes; next the Committee reviews and prioritizes the proposals. The final proposals are sent to the DMCJA bill for approval; the bills are then finalized, and Melanie Stewart seeks legislative sponsors for the bills. After the legislative session starts, the Legislative Executive Committee meets weekly to review and comment on bills. The full Legislative Committee meets in February for the annual legislative reception at the Temple of Justice.

B. Legislator Outreach

Judge Meyer encouraged Committee members to communicate with their state legislators regarding issues of importance to the courts, particularly the case management system for courts of limited jurisdiction. He also stated support for the DMCJA Public Outreach Committee, of which Judge Gehlsen is Chair, which is providing opportunities for contact between judges and legislators.

C. Fiscal Note Workgroup

Judge Meyer stated that judges were needed to serve on the Fiscal Note Workgroup, which provides information regarding bills to assist with the estimates of fiscal impact. Input from judges is required to make sure the draft fiscal notes are accurate – volunteers are welcome.

D. Meeting Schedule

A meeting schedule was provided to Committee members. Judge Meyer stated that the August 11 meeting had been moved to August 18.

5. OTHER BUSINESS

There being no other business, the meeting was adjourned at 8:01 a.m.



DMCJA Rules Committee

Tuesday, June 6, 2017 (7:30 a.m.)

Grand Davenport Hotel, Spokane, WA

MEETING MINUTES

Members:

Chair, Judge Dacca
Judge Buttorff
Judge S. Buzzard
Judge Fore
Judge Goodwin
Commissioner Hanlon
Judge Rozzano
Judge Samuelson
~~Judge Steiner~~
Judge Szambelan
~~Ms. Linda Hagert, DMCMA Liaison~~
~~Ms. Patti Kohler, DMCMA Liaison~~

AOC Staff:

Ms. J Benway

Guest:

Judge Garrow

The meeting was called to order at 7:35 a.m.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Dacca welcomed the members and announced that the new Committee Chair is Judge Szambelan.

2. Approve Minutes from the April 2017 Rules Committee meeting

It was motioned, seconded and passed to approve the minutes from the April 26, 2017 Rules Committee meeting as presented.

3. Discuss Potential Amendment to CRLJ 5(e)

Judge Garrow spoke to this proposed rule change, which is intended to correct an inconsistency in the court rules. CRLJ 5(e), pertaining to the filing of papers with the court, provides in part that the court clerk “shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any local rules or practices.” (emphasis added) This is in contrast to CR 5(e), which provides that the court clerk “may refuse to accept for filing any paper presented for that purpose because it is not presented in proper form as required by these rules or any local rules or practices.” (emphasis added) This issue is of particular concern in the electronic filing context. In fact, GR 30 provides that the clerk has discretion regarding accepting the filing of electronic documents. GR 30(b)(1). Judge

Garrow requested that the Rules Committee propose an amendment to change the language of CRLJ 5(e) from “shall not” to “may” to be congruent with the other rules and to reflect the practicalities of electronic filing. It was motioned, seconded and passed to propose this amendment to the DMCJA Board, with the recommendation that expedited consideration be requested if submitted to the Supreme Court Rules Committee. Ms. Benway will draft the GR 9 cover sheet and memo to the Board.

4. Discuss Potential Amendment to IRLJ 4.1(b)

Ms. Benway had previously provided the Committee with information regarding an error in IRLJ 4.1(b) that referred to an outdated subsection of a statute. At the Committee’s direction, she drafted a GR 9 cover sheet that recommends the subsection reference be removed. It was motioned, seconded and passed to request that the DMCJA Board submit the proposed amendment to the Supreme Court Rules Committee.

5. Discuss Potential Amendment to the IRLJ

Earlier in the year, Judge Steiner presented a proposal to the Rules Committee to amend the infraction rules for courts of limited jurisdiction. Judge Goodwin stated that he agreed to serve on a subcommittee to consider the amendments, which could be a long process given the comprehensive nature of the amendments. Judge Dacca suggested that the proposal be subject to an internal review process to prioritize the items of most importance and then input could be requested from other stakeholders. It was suggested that the review process coincide with the WSBA review of the IRLJ, which will take place in 2018-19. Judge Goodwin stated that he would work with Judge Steiner and Judge Szambelan to move forward on a review process.

6. Rules Committee Annual Report and Rule Updates

Ms. Benway provided the Committee’s Annual Report, which describes the activities of the Rules Committee in the previous year. She also gave updates regarding a number of rule proposals, including:

- ER 1101, pertaining to evidence standards in extreme risk protection order hearings, was adopted by the Supreme Court with expedited consideration and will be effective upon its publication date of July 4, 2017.
- IRLJ 3.5, pertaining to a local option for mitigation hearings, was adopted by the Supreme Court with slight modifications and will be effective upon its publication date of September 1, 2017.
- CrRLJ 3.4, pertaining to video conference proceedings, was adopted by the Supreme Court with the amendments suggested by the DMCJA to make the requirement optional. The Supreme Court incorporated these amendments into CrR 3.4 as well. The rule will be effective upon its publication date of September 1, 2017.

Ms. Benway stated that she would distribute the orders to the Committee prior to the next Committee meeting.

Judge Garrow commended the Committee for accomplishing so much during the last year. She also recommended establishing relationships with the Chairs of the Superior Court Rules Committees and notifying them when the DMCJA proposes rule changes to CLJ rules for which there are corresponding Superior Court rules. Ms. Benway stated that she would provide the Superior Court Rules Committees’ rosters to the Committee.

7. Discuss Committee Meeting Schedule for Upcoming Year

The Committee discussed whether the current schedule of meeting by phone at noon on the fourth Wednesday of every month should be changed to better accommodate Committee members' schedules. It was decided to alternate between the fourth Wednesday and the fourth Thursday of each month. Ms. Benway will prepare and distribute a meeting schedule for the upcoming year.

8. Ideas and Proposals for Upcoming Year

Judge Dacca stated that he had tried to strike a balance between having an active and a reactive Committee. Judge Szambelan stated that the Committee could be kept busy in the upcoming year reviewing Judge Steiner's proposed amendments to the IRLJ as well as responding to requests to review other proposed CLJ rule amendments.

9. Other Business

Judge Dacca stated that he had enjoyed serving as Chair of the Rules Committee but was happy to turn Committee leadership over to Judge Szambelan. He will continue to serve on the Committee in a Vice Chair capacity. He thanked Judge Garrow for her many years of service as a Committee member and Chair.

Ms. Benway will provide the Committee with information regarding the next meeting.

There being no further business, the meeting was adjourned at 8:33 a.m.



DMCJA Rules Committee
Thursday, July 27, 2017 (noon – 1:00 p.m.)

Via Teleconference

MEETING MINUTES

Members:

Chair, Judge Szambelan
~~Vice Chair, Judge Dacca~~
~~Judge Buttorff~~
Judge S. Buzzard
~~Judge Fore~~
~~Judge Goodwin~~
Commissioner Hanlon
Judge Rozzano
~~Judge Samuelson~~
~~Judge Steiner~~
Ms. Linda Hagert, DMCMA Liaison
Ms. Patti Kohler, DMCMA Liaison

AOC Staff:

Ms. J Benway

The meeting was called to order at 12:04 p.m.

The Committee discussed the following items:

1. Welcome & Introductions

Judge Szambelan welcomed the Committee members in attendance.

2. Approve Minutes from the June 2017 Rules Committee meeting

It was motioned, seconded and passed to approve the minutes from the June 6, 2017 Rules Committee meeting as presented.

3. Discuss Proposal to Amend CrRLJ 5.1(b)(2)(ii), proposed by Judge Portnoy

Ms. Benway presented a proposal requested by Judge Portnoy regarding a potential amendment to CrRLJ 5.1. It appears that the language of subsection (b)(2)(ii) regarding venue of certain actions was intended to parallel similar language in RCW 3.66.070(1). However, the statute was amended in 1991 and the rule, adopted in 1987, was not amended to match the revised statute. The Committee concurred that it appeared that the rule had not been amended due to an oversight and directed Ms. Benway to prepare a GR 9 Cover Sheet for the DMCJA Board, recommending that the proposal be forwarded to the Supreme Court Rules Committee. Judge Szambelan will provide a memo to the DMCJA Board regarding the proposal.

4. Discuss Proposal to Amend RALJ 6.1, RALJ 7.3(b), RALJ 11.2, RALJ 11.7(e) & RALJ 10.2, comment requested by the WSBA Rules Committee

Judge Robertson, liaison to the WSBA Rules Subcommittee, requested that the DMCJA Rules Committee review and comment on proposals to amend certain rules of appeal for the courts of limited jurisdiction that had been presented by an attorney. The Committee was concerned about the potential impact of many of the proposals, e.g., the proposal to amend RALJ 6.1 could significantly impact district court clerks, but determined that it was premature to formally comment on the proposals at this time. The Committee requested that Judge Szambelan reply to Judge Robertson expressing that the Committee is reluctant to comment on the proposals at this time, but maintains an interest in providing comment if the proposal advances through the WSBA Rules Committee.

5. Discuss Proposal for New ER 413, proposed by Columbia Legal Services et al

Ms. Benway stated that a new ER 413, pertaining to immigration status, had been proposed by Columbia Legal Services, Northwest Immigrant Rights Project, Legal Voice, and the Washington Association of Prosecuting Attorneys. The deadline for comment is September 15, 2017. The Committee determined that due to the controversial and possibly impactful nature of the proposed new rule, the Committee would decline to comment at this time but would provide the information to the DMCJA Board. Judge Szabelan will provide a memo to the Board advising them of the proposal and the deadline.

6. Informational Items:

Ms. Benway provided the Committee with the following informational items:

- Updated Committee roster
- Updated Committee meeting schedule
- Supreme Court Orders re proposed rule changes (ER 1101, IRLJ 3.5 & CrRLJ 3.4)
- Superior Court Rules Committees rosters

7. Other Business and Next Meeting Date

Ms. Benway provided the Committee with a schedule for the Committee's monthly meetings: the meetings will alternate between Wednesday and Thursday and will be held on the fourth Wednesday or Thursday of the month at noon via telephone.

The next meeting is scheduled for Wednesday, August 23 at noon.

There being no further business, the meeting was adjourned at 12:38 p.m.



JUDICIAL CANDIDATE TRAINING

Please join us for our annual **Judicial Candidate Training**. If you have ever considered becoming a judge, this event is for you! Attendance is confidential.

WSAJ Judicial Candidate Training

October 13, 2017 | 9:30 AM-1:30PM

WSAJ Seattle | 1809 7th Ave | 3rd Floor Conference Room

Space is limited!

RSVP to Anita Yandle: anita@washingtonjustice.org

WSAJ Judicial Candidate Training

October 13, 2017 | 9:30 AM-1:30PM

WSAJ Seattle | 1809 7th Ave | 3rd Floor Conference Room

Food provided

9:30-9:40 AM – **Welcome and Opening** | Hardeep Rekhi, Judicial Committee Chair

9:40-10:15 AM – **The Importance of Early Preparation – Getting Ahead of the Pack** | Mary Ann Ottinger, Judicial Campaign Consultant and Former Judge

- How early is early enough?
- Honestly evaluating your resume, experience, support, and viability – filling the holes
 - Community/legal activities/pro bono work
 - Pro Tem experience
- Endorsements, bar polls, minority, and specialty Bars
- What's your message? Why you?
- Creating your database – the life-blood of a successful campaign
- Appointment or election? Open seat vs. running against an incumbent?

10:15-10:45 AM – **The Process of Seeking an Appointment** | Nick Brown, Former General Counsel to Governor Inslee

10:45-11:00 AM – **Q & A**

11:00-11:15 AM – **Break**

11:15-12:45 PM – **Running for office** | Panelists: Hon. David Estudillo, Hon. Karena Kirkendoll, Hon. John McHale, Hon. Tony Howard; Moderator: Mary Ann Ottinger

- The Six Keys to Victory
- Mechanics of a Campaign
 - Time commitment/who will do it all?
 - Developing a campaign plan – targeting your likely voters
 - Campaign infrastructure & staffing
 - Message – Telling Your Story – Refining your stump speech
 - Calendar – Keeping on track
 - Visible Campaigning – events, festivals, signs, parades, doorbelling, candidate forums
 - Voter contact – Mail, print & digital ads, robocalls
 - Website/social media
 - Voters Pamphlet Statement
 - Endorsements – important groups and individuals
 - Fundraising

12:45-1:20 PM – **Q & A**

1:20-1:30 PM – **Wrap Up and Conclusion** | Hardeep Rekhi

RSVP to Anita Yandle: anita@washingtonjustice.org

Washington State Supreme Court Interpreter Commission

Our Mission

The mission of the Interpreter Commission is to ensure equal access to justice and to support the courts in providing access to court services and programs for all individuals regardless of their ability to communicate in the spoken English language.

What We Do

The Interpreter Commission serves as a policy making and advisory body to the Washington Courts, including the Administrative Office of the Courts (AOC), concerning court interpreters and language assistance in general. The Commission sets policy for the courts and the Court Interpreter Program, which is responsible for interpreter certification, registration, testing, continuing education, training, and discipline. The Commission is also responsible for strategic planning and working with educational institutions and other interpreter program stakeholder groups to develop resources to support court interpreting in Washington.

Who We Are

The Washington State Supreme Court appoints the members of the Commission, including designating the chair of the Commission. The term for a Commission member is three years, and most members are eligible to serve one additional term. There are currently 11 members on the Commission. To ensure that a wide range of viewpoints are available to the Commission, members come from a variety of backgrounds: three judicial officers, two interpreters, one court administrator, one attorney, two members of the public, one representative of an ethnic organization, and one AOC representative.

Our Committees

There are three standing committees that fall under the Commission:

- **Issues Committee:** The Issues Committee covers topics directly related to the Court Interpreter Program, including participating in collaborative groups to develop statewide practices. It is the first group to review new requests or projects that come to the Commission. The Issues Committee also looks at issues, complaints, and requests from interpreters. The Issues Committee can also refer matters to the Disciplinary or Education Committee.
- **Judicial and Court Administrator Education Committee:** The Education Committee's primary assignment is to provide educational opportunities, trainings, and resources for judicial officers and court staff working with interpreters.
- **Disciplinary Committee:** The Discipline Committee considers issues involving credentialed interpreters who fail to meet their continuing education credit requirements or their minimum court hours. It also acts on formal complaints made against any court interpreter for violations to the Code of Conduct. When necessary, the Disciplinary Committee can impose sanctions against interpreters who violate the code.

Our Work

The Interpreter Commission's work falls into several areas, including carrying out the work assigned by legal statute, resolving challenges to language access as they arise, and looking for way to promote and enhance language across the state. Some issues that the Commission has been working on include:

- Public Forum on Language Access in Yakima
- Collaborating with Local Educational Institutions
- Community Outreach
- Dialogue with the Tribal-State Consortium
- Judicial Training
- Online Interpreter Scheduling
- Training for interpreting in Sexual Assault and Domestic Violence situations
- Language Access Plans
- Video Remote Interpreting (VRI)

When We Meet

The Commission meets quarterly and the Committees meet several times throughout the year as needed. The Commission meetings are open to the public and the previous meeting information, including meeting minutes, are available on this website.

Establishment

On July 17, 1987, General Rule (GR) 11 established the Interpreter Commission. According to General Rule 11.1, the Interpreter Commission convenes to fulfill two primary duties:

1. Develop policies for the Interpreter Program and
2. Participate in three standing committees, including the Issues Committee, Discipline Committee, and the Judicial and Court Administrator Education Committee.

GR 11 also established the code of conduct for all interpreters working in Washington's courts. Other legal statues in Washington State relating to the Interpreter Commission and court interpreting include: RCW 2.42 and RCW 2.43.

Commission Staff

Robert Lichtenberg
AOC Language Access Program Coordinator
(360) 350-5373
Robert.lichtenberg@courts.wa.gov

Washington Court Interpreter Program

The Administrative Office of the Court's Washington Court Interpreter Program carries out a variety of functions to strive to ensure that persons of limited English proficiency can access and utilize the services of the courts.

Credentialing of Court Interpreters

Court interpreting requires a unique set of linguistic and cognitive skills, coupled with a deep understanding of legal terminology and procedure. RCW 2.43.070 charges the Administrative Office of the Courts with establishing a comprehensive testing and certification program for language interpreters. To fulfill this requirement, the AOC:

- Administers written and oral exams to identify which interpreter candidates meet minimal national standards;
- Delivers a variety of training opportunities to help current and prospective court interpreters improve their knowledge, skills and abilities; and
- Collaborates with educational institutions, non-profits, and other government organizations on a state and national level.

Strategic Investment of State Funds to Improve Language Access

In recognition of Washington's growing need for court interpretation and its fiscal impact on local governments the 2007 Washington Legislature funded a pass-through funding program. The Interpreter Reimbursement Program, established by RCW 2.43.040(5), allocates funds to incentivize innovations and best practices for language access. As a result of this program:

- Local courts have received more than \$3 million to help lessen the fiscal impact of interpreting demands;
- Neighboring courts have collaborated by sharing resources and developing joint policies to streamline processes; and
- Courts have invested in technology to improve interpreting and interpreter management efficiency, and reduce long-term costs.

Consultation, Expertise, and Technical Assistance

Court Interpreter Program staff provides on-demand consultation to court administrators and judicial officers when faced with challenges associated with foreign language interpreting, sign language interpreting, and written translation. Courts benefit from this subject matter expertise because:

- Staff stays current on innovative technologies and leads pilot programs ensuring that Washington courts benefit from newly emerging practices; and
- Court administrators and judicial officers receive training on current legal standards and best practices for ensuring language access.

DMCJA

2017 SPRING MEETING REPORT

Supreme Court Interpreter Commission

COMMITTEE

Judge Andrea Beall, Puyallup Municipal Court

MEMBER

PRINCIPAL ACTIVITIES SINCE LAST REPORT:

- Held four Commission meetings on the following dates (since last report): May 20, September 30, December 2 (all 2016) and March 3-4, 2017.
- The Washington Supreme Court approved new language to GR 11.1 regarding the composition of the Commission membership, which added three new positions to the Commission and approved GR 11.2 language clarifying that court interpreters are officers of the court.
- Chief Justice Madsen appointed the following individuals to serve as representatives of two new positions, each with three-year terms, as members of the Interpreter Commission opened by the approval of GR 11.1 changes: LaTricia Kinlow (Municipal Court Administrator) and Francis Adewale (Public Defense Representative). Chief Justice Madsen also reappointed Eileen Farley (Ethnic Organization Representative) and Linda Noble (Interpreter Representative) to the Commission to serve their second and last 3 year-terms. Katrin Johnson (Public Member Representative) was appointed to serve the vacancy opening created by the departure of Kristi Cruz and Maria Luisia Gracia Camón to serve as Interpreter Representative due to the departure of Sam Mattix.
- Commission member Judge Andrea Beall (Puyallup Muni) and Judge Susan Arb (Moxee City Muni) presented on the structure of Washington Courts to court interpreter oral exam candidates at the mandatory Oral Exam Orientation training.
- The Commission and Interpreter Program provided an informational table and resources to members of the Eastern WA community of refugees in coordination with Gonzaga School of Law's Refugee Alliance program. The purpose of this event was to acquaint the refugee community with the WA courts and our system of justice and to address refugee issues related to legal matters.
- The Commission hosted a quarterly meeting and open public forum in Mount Vernon on May 20 that about 50 local community stakeholders, court staff, attorneys, and court services advocates attending. Comments were received regarding access to court services for persons who are hard of hearing who do not use sign language, the need for interpreters in languages of lesser diffusion and the availability of language-specific training resources for those language interpreters.
- Disciplinary Committee met and issued final decisions regarding interpreters who did not comply with biennial continuing education hour requirements. As a result, 10 interpreters were decertified.

- Commission staff coordinated and provided to DCMCA Pro-Tem Judges a training session regarding working with spoken and sign language interpreters in judicial proceedings. The select faculty for this presentation consisted of Judge Tam Bui, Snohomish County Superior Court, and Emma Garkavi, Interpreter Services Coordinator for Seattle Municipal Court and Court Certified Russian Interpreter.
- Commission staff submitted a legislative bill request related to statutory revision of RCW 2.43 language concerning civil case costs and requested full funding of court interpreting costs in a legislative budget request. The Commission also submitted through the AOC a legislative bill request to modify the oath-taking requirements for court interpreters.
- AOC Commission staff participated in a Joint Commissions Education Committee workgroup meeting to review and strategize on providing training to judicial officers regarding themes that have overlaps with the work of the four Supreme Court Commissions.
- The Commission provided sponsorship for the Washington State Coalition for Language Access (WASCLA) conference. AOC staff facilitated a breakout sessions related to forensic interviewing of child abuse victims when a LEP or ASL interpreter is involved. The seminar purpose was to explain to interpreters how to work properly in such kinds of structured interview settings.
- Commission staff teamed with King County Municipal Court Interpreter Coordinator Emma Garkavi at the Institute of New Court Employees (INCE) training to give an overview of the Interpreter Commission, address the role of the AOC Court Interpreter Program, and provided resources to secure the services of court interpreters and how to work with them.
- A draft of the revised Model Language Access Plan was shared with the DOJ for comments and additional positive edits/information was received.
- Moved the Portuguese language from the registered to the certified language category.
- Held a facilitated strategic planning retreat for the full Commission as the last strategic plan was done in 2007.
- Judge Veronica Alicea-Galván and Judge Tam Bui presented on court interpreting at the Judicial College. Judge David Estudillo of Grant County Superior Court has agreed to serve as faculty for this session topic over the next three years with Judge Bui.
- Approved complaint forms against court interpreters for violations of the Commission’s rules.

WORKS IN PROGRESS AND PLANNED FUTURE ACTIVITIES:

- LAP final revisions are scheduled to be completed by mid-April and will be sent for full Commission approval.
- AOC Commission staff will prepare a presentation at the Fall Judicial Conference on the updates to the model language access plan using “A Day in the Life”/“In Their Shoes” training approach.

- Commission staff will coordinate training selected for the Access to Justice Board Legal Advocates Conference to attorneys working in civil settings on how to work with spoken and sign language interpreters.
- Continue to work on strategic plan implementation.

PLEASE RETURN BY WEDNESDAY, MAY 17, 2017 TO:

SUSAN PETERSON
PO BOX 41170
OLYMPIA, WA 98504-1170
FAX: (360) 956-5700
SUSAN.PETERSON@COURTS.WA.GOV

Judicial Benefit Multiplier Program

Frequently Asked Questions

1. What is the Judicial Benefit Multiplier (JBM) Program?
2. What is a benefit multiplier?
3. Am I eligible for the JBM Program?
4. Must all justices and judges participate in the JBM Program?
5. What are the provisions of the JBM Program?
6. What PERS Plan will I be in if I participate in the JBM Program?
7. Am I eligible to participate in the JBM Program if I'm a justice or judge and not currently a member of PERS?
8. If I participate in the JBM Program, what will happen to my Judicial Retirement Account (JRA) funds?
9. How does DRS use the higher benefit multiplier?
10. What will my higher benefit multiplier be?
11. What will my JBM member contribution rate be?
12. Why do JBM District and Municipal Court judges pay more in member contributions than Supreme, Appeals and Superior Court judges?
13. Will my benefit be capped as part of the JBM Program?
14. Will the higher benefit multiplier apply to all my service credit?
15. If I participate in the JBM Program may I purchase additional service credit?
16. Am I eligible to increase past judicial service credit?
17. What would my cost be to increase the multiplier on past judicial service?
18. What is the Percent of Salary Method?
19. What is the Actuarial Method?
20. Can I get an estimate to increase my past judicial service to the higher benefit multiplier?
21. How may I increase my past judicial service to the higher benefit multiplier?
22. Must I increase the multiplier for all of my past judicial service?
23. How can I get more information?

What is the Judicial Benefit Multiplier (JBM) Program?

The JBM Program began on January 1, 2007, to give eligible justices and judges an option to increase the benefit multiplier used in their retirement benefit calculation for their judicial service periods of employment.

What is a benefit multiplier?

The benefit multiplier is the percentage component of the calculation used with your number of service credit years, and your average final compensation to determine your benefit amount.

Am I eligible for the JBM Program?

You are eligible if you are a justice or judge of the following courts and you are also a member of the Public Employees' Retirement System (PERS)*:

- Supreme Court
- Court of Appeals
- Superior Court
- District Court
- Municipal Court

* The JBM program is also available to judges who are members of the Teachers' Retirement System (TRS) Plan 1 serving in the Supreme, Appeals or Superior Courts.

Must all justices and judges participate in the JBM Program?

No. However, if you are serving as a justice or judge and choose to become a member of PERS on or after January 1, 2007, you will be required to participate in the JBM Program.

If you were a member of PERS* and were serving as a justice or judge when the JBM Program began, you had the option of participating in the JBM Program.

* The JBM program is also available to judges who are members of the Teachers' Retirement System (TRS) Plan 1 serving in the Supreme, Appeals or Superior Courts.

What are the provisions of the JBM Program?

- Prospectively accrue service credit at a higher multiplier for all judicial service;
- Make contributions at the higher JBM level;
- Are subject to the JBM benefit cap; and
- Do not participate in the Judicial Retirement Account (JRA).

Participants who elected into the JBM program also:

- Have the option to increase judicial service credit earned before joining JBM to the higher benefit multiplier. See questions #16, 17 and 18.

What PERS Plan will I be in if I participate in the JBM Program?

If you were a past member of PERS, you will continue in your previous plan. If you were never a member of PERS before, you will be in Plan 2.

Am I eligible to participate in the JBM Program if I'm a justice or judge and not currently a member of PERS?

No. You must join PERS* first. Joining PERS may be optional, but if you join after January 1, 2007, you will be required to participate in the JBM program and you will begin accruing service credit at the higher benefit multiplier from the beginning of your term.

* The JBM Program is also available to judges who are members of the Teachers' Retirement System (TRS) Plan 1 serving in the Supreme, Appeals or Superior Courts.

If I participate in the JBM Program, what will happen to my Judicial Retirement Account (JRA) funds?

If you participate in the JBM Program, you cannot contribute to a JRA. Any JRA funds you have already contributed will remain in your account and you can continue to manage them as before.

How does DRS use the higher benefit multiplier?

The benefit multiplier is used in the formula that determines your benefit amount when you retire. The standard benefit formulas are:

- For Plans 1 and 2- $2\% \times \text{Average Final Compensation} \times \text{Years of Service Credit}$
- For Plan 3- $1\% \times \text{Average Final Compensation} \times \text{Years of Service Credit}$

What will my higher benefit multiplier be?

The benefit formula for JBM participants who are members of:

- Plans 1 and 2 will be raised from 2% to 3.5% per year of judicial service to a maximum benefit of 75% of your average final compensations (AFC).
- Plan 3 will be raised from 1% to 1.6% per year of judicial service benefit to a maximum benefit of 37.5% of your AFC.

If you are a PERS Plan 1 member, your AFC is calculated by averaging your highest consecutive 24 months (2 years) of salary. If you are in Plan 2 or Plan 3, your AFC is calculated by averaging your highest consecutive 60 months (5 years) of salary.

What will my JBM member contribution rate be?

	Supreme Court Justices, Court of Appeals Judges, Superior Court Judges	District Judges, Municipal Judges	Current member contribution rate
Plan 1	9.76% (Plan 1 rate + 3.76%)	12.26% (Plan 1 rate + 6.26%)	6%
Plan 2	11.13% (250% x Plan 2 rate - 2.5%)	13.63% (250% x Plan 2 rate)	5.45%
Plan 3	At least 7.5%	At least 7.5%	Minimum 5%
TRS Plan 1	9.76% (Plan 1 rate + 3.76%)	N/A	6%

Why do JBM District and Municipal Court judges pay more in member contributions than Supreme, Appeals and Superior Court judges?

Supreme, Appeals, and Superior Court justices and judges who participate in JBM will pay 2.5% less in member contributions because the 2.5% previously paid by their employer into their JRA account will now go to the PERS trust fund to help fund their JBM benefit. The combined JBM employer and member contribution rate needed to fund the increased benefit is the same for all JBM members.

Will my benefit be capped as part of the JBM Program?

Yes. If you are in PERS Plan 1, PERS Plan 2 or TRS Plan 1 and in the JBM program, your benefit will be capped at 75% of your AFC. If you are in PERS Plan 3, your benefit will be capped at 37.5% of your AFC.

Will the higher benefit multiplier apply to all my service credit?

It applies to all the judicial service credit you earn while participating in the JBM Program. It also applies to any judicial service credit earned prior to participating in the JBM Program that you have chosen to increase.

Not all justices and judges are eligible to increase past judicial service credit, see question #16.

If I participate in the JBM Program may I purchase additional service credit?

Yes. Whether you choose to join JBM or not, as a member of PERS or TRS, you may purchase up to 5 years of additional service credit at the time you apply for retirement. The additional service credit you purchase is not considered actual membership service credit and can only be purchased when you have already qualified for retirement. (This service credit is not eligible for the increased multiplier.) The purchase of additional service credit will provide you an additional amount that will be added to your monthly retirement benefit. For more information see the Purchasing Additional Service Credit brochure.

Am I eligible to increase past judicial service credit?

If you were a member of PERS* and were serving as a justice or judge when the JBM Program began, you had the option of participating in the JBM Program. If you chose to participate in JBM, you have the option to increase judicial service credit earned before joining JBM to the higher benefit multiplier.

* The JBM Program is also available to judges who are members of the Teachers' Retirement System (TRS) Plan 1 serving in the Supreme, Appeals or Superior Courts.

What would my cost be to increase the multiplier on past judicial service?

There are two methods that can be used to determine the cost to increase the multiplier on your past judicial service. The two methods are the Percent of Salary at Retirement Method and the Actuarial Method.

What is the Percent of Salary Method?

The Percent of Salary method may be used beginning July 1, 2008 and must be requested when you apply for retirement. The cost for each month you purchase is a percentage of your salary, plus 5.5% annual interest compounded monthly. PERS Plans 1 and 2 JBM members will pay 5% of their salary; PERS Plan 3 JBM members will pay 2.5% of their salary.

- The cost will be determined beginning with the salary for the latest judicial month being increased.
- The months you increase cannot cause your benefit to exceed your cap (75% of your AFC for Plan 1 and Plan 2 members or 37.5% of AFC for Plan 3 members).
- The purchase price, using this method, will not exceed the purchase price using the actuarial method.

What is the Actuarial Method?

The Actuarial Method can be used at any time until you retire. The cost is determined by the following:

- The number of months you choose to increase to the higher multiplier;
- Your average final compensation (AFC);
- An actuarial factor, based on your age at the time your cost is calculated.
- The formula to calculate the cost is as follows:

Service credit months to increase x AFC x 12 x Actuarial Factor

Can I get an estimate to increase my past judicial service to the higher benefit multiplier?

Yes. You may request an estimate of the cost to increase past judicial service along with your retirement benefit estimate. The estimate to increase past judicial service will show the cost of increasing and the resulting benefit increase.

How may I increase my past judicial service to the higher benefit multiplier?

You must complete a *Request to Increase Judicial Multiplier at Retirement* form provided by us and return the form to us along with your *Application for Retirement* form. Your request must include the number of months you want to increase to the higher multiplier. We will send you a bill using the months you indicated on the form. After you pay the bill in full, the additional amount resulting from the purchase will be added to your retirement benefit amount.

Must I increase the multiplier for all of my past judicial service?

No. You are not required to increase any of your prior judicial service. However, the option to increase past judicial service is available to you if you want it. You may increase as many months of past judicial service as you want. However, you must pay for your increase before you retire if you want the service credits to be calculated at the higher multiplier.

Consider the 75% cap and how long you intend to work when determining how much past judicial service to increase. If you pay to increase the multiplier for some of your judicial service and you decide you would like to increase more, you may request another bill.

How can I get more information?

We will continue to update our Web site with new information as it becomes available. We have sent individual notification letters to eligible members. If you have questions or have not received your notification letter, please contact a PERS Judicial Benefit Team member or call us at (360) 664-7966, or toll-free (outside the Olympia area) 1-800-547-6657, ext. 47966.

For more information contact DRS.

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From: Cullinane, Vicky
Sent: Friday, September 01, 2017 10:42 AM
To: Harvey, Sharon
Cc: Peterson, Susan; Marler, Dirk
Subject: Re: Sept. DMCJA Board: call in?

Hi Sharon and Susan,

Change of plans. I will need to call in to the board meeting at conference after all. There is a new item to discuss and it will need action: requesting access to the Odyssey portal for CLJ judges. Can you add this to the agenda?

We will need a letter from the board explaining the business need for Odyssey Portal access. After that, the next steps are AOC staff will gather information on the work required for that access, and set up a meeting with the Odyssey clerks to discuss it.

Dirk plans to go to the board meeting in person and i plan to call in. We will be available for questions about portal access and the process for moving the request forward.

Let me know if you need more information on this agenda item.

Sent from my Verizon, Samsung Galaxy smartphone



WASHINGTON
COURTS

District and Municipal Court Judges' Association

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King County District Court
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JUDGE MICHAEL J. LAMBO
Kirkland Municipal Court
(425) 587-3179

COMMISSIONER RICK LEO
Snohomish County District Court
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(360) 786-5562

JUDGE DOUGLAS B. ROBINSON
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(509) 397-5297

JUDGE DAMON G. SHADID
Seattle Municipal Court
(206) 684-8709

JUDGE CHARLES D. SHORT
Okanogan County District Court
(509) 422-7170

August 18, 2017

Ms. Pat Kohler, Director
Department of Licensing
PO Box 9020
Olympia, WA 98507-9020

RE: July 25, 2017, Annual DOL/AOC/DMCJA/DMCMA
Joint Leadership Meeting

Dear Ms. Kohler:

On behalf of the District and Municipal Court Judges' Association (DMCJA), I want to thank you and your staff for the positive and productive meeting that took place on July 25, 2017. As members of the court community, we are collectively committed to accurate and timely reporting of offenses that impact drivers' records.

We are encouraged by the progress the organizations have made to be responsive to the concerns of the court communities. By this letter, I would like to outline my understanding of the issues, the discussion, and the commitments for future actions.

Update on Issue from 2016

Mr. Dirk Marler, Administrative Office of the Courts (AOC) Court Services Division Director, provided an update of the Next Step discussed at the September 30, 2016 Joint Leadership Meeting, which is as follows:

Ms. Julie Knittle, Department of Licensing (DOL) Assistant Director, and Mr. Marler will continue their commitment to meet quarterly and share any relevant information with staff and court communities.

Following the 2016 Joint Leadership meeting, Mr. Marler and Ms. Knittle continued to meet quarterly to share relevant information with staff and court communities. Mr. Marler informed that Ms. Knittle is no longer employed by the DOL, and, therefore, he will now meet quarterly with Ms. Knittle's replacement, Mr. Brad Benfield.

STATE OF WASHINGTON

1206 Quince Street SE • P.O. Box 41170 • Olympia, WA 98504-1170
360-753-3365 • 360-535-8869 Fax • www.courts.wa.gov

Agency Technology Projects, Constraints, and Related Issues

DOL

1. DRIVES Project

The DOL participants reported on the DRIVES project, which is the Business Technology Modernization project that will modernize the DOL's legacy computer system, which is twenty-seven years old and failing. The DOL informed that the agency has begun the second phase of the DRIVES project. Here, the agency will go from a common business-oriented language (COBOL) system to a commercial off-the-shelf (COTS) system. Also, the DOL reported that they have hired organizational change management individuals for the DRIVES Project to assist with communication and transition to the new system. The new DRIVES Project system is expected to maintain accurate driving records in order to prevent false arrests based on faulty DOL driving record information. The new system will also save hours of time for those involved with the judicial system, according to DOL representatives. The DRIVES Project will produce a system that will maintain connections with other states in order to validate an individual's driving license. The vendor for the system is FAST Enterprises. The DOL has received funding to go live with the DRIVES Project on September 4, 2018.

2. PIC Driver's License Project

Mr. Josh Johnston, DOL Project Business Director, presented on a DOL project related to a personal identification code (PIC) change. He explained that the current PIC has twelve digits, seven alpha, three numeric and two alpha. This system is not secure because it relies on methods that may be hacked. For instance, if more than one person has the same date of birth or name, the uniqueness of the PIC is lost. In contrast, the new DOL PIC formula will be consistent for the customer, and there will be no need to change a PIC once it is issued. There is no use of special characters, which eliminates search challenges and a need for a special character. Under the new system, the PIC is a unique identifier not connected with a person's name, date of birth or personal information identifier. Further, there is adequate growth capacity because the nine random digits will provide over 300 billion combinations. Mr. Johnston further reported that all new PICS will start with the letters, "WDL" and not include vowels. The group was informed that the new system will only impact individuals renewing a driver's license. A decision regarding the PIC will be made in mid-August 2017 after the DOL consults with its various stakeholders. We are pleased to know that the DOL is making every effort to prevent the erasing of a criminal's driving record. The project is said to merely change the format of the PIC.

AOC

Ms. Callie Dietz, State Court Administrator, informed that the AOC is working on projects related to its forty-year-old legacy computer systems. Mr. Marler further reported that the AOC has the same issues and concerns with its legacy computer systems as the DOL. Thus, the AOC is active with four major system replacement projects. First, the Courts of Limited Jurisdiction Case Management System (CLJ-CMS) Project is in the early stages. The apparent successful vendor (ASV) for the project is Journal Technologies. Contract negotiations will start in August 2017 and implementation of the new CLJ-CMS is set to start in October 2017. The CLJ-CMS will replace the District and Municipal Court Information System (DISCIS) and will impact resource availability, business processes, and may make it difficult to keep up with reporting while implementing the new system. Second, the AOC is working on an expedited data exchange system that would allow sharing of statewide data among partner systems, beginning with the King County Clerk's Office and then King County District Court (KCDC). Third, the appellate courts are implementing a new content management system. Fourth, the new Superior Court Case Management System (SC-CMS) Project is scheduled for completion in December 2018. The AOC was informed that the DOL has pressure from various stakeholders to have systems in place by January 2018 for the KCDC project.

Other Issues, Concerns, or Opportunities

1. DOL Liaison Backup

The DMCJA is pleased to know that since July 17, 2017, Ms. Carla Weaver, DOL Liaison for the DMCJA DOL Liaison Committee, has had backup support to assist our association. Ms. Weaver has been an invaluable resource for the DMCJA. We understand, however, that the DOL has given Ms. Weaver additional duties that have required her to need an assistant in order to meet the expectations of various stakeholders. Fortunately, meeting participants were informed that Ms. Tiffany Brooks, who has worked with the DOL since 1999, will assist Ms. Weaver and provide backup support for the DMCJA. Our association is grateful to have both Carla Weaver and Tiffany Brooks to consult on DOL related issues.

2. Expected Time To Receive Attorney General Opinion

During the meeting, Judge James Docter, Chair of the DMCJA DOL Liaison Committee, inquired regarding the reasonable amount of time one could expect to receive an Attorney General (AG) Opinion for a DOL related legal question. For instance, the DMCJA DOL Liaison Committee has requested an AG Opinion and has often waited more than thirty days for a response. The DMCJA would like to know how long it typically takes to receive an opinion from the AG's Office. We are encouraged to know that DOL leadership believes informal opinions of this type can generally be provided within thirty days.

Ms. Pat Kohler, Director
August 18, 2017
Page 4

3. Distracted Driving Legislation

Ms. Kohler, thank you for addressing Senate Bill (SB) 5289, which relates to distracted driving. This bill became effective July 23, 2017 because Governor Jay Inslee vetoed the original January 1, 2019 effective date. We understand that the DOL has included the law in its legacy system and that your agency is working to meet the law's requirements by September 2017. Thank you for sharing that the Washington State Patrol is currently issuing warnings for those who violate the new distracted driving law.

Again, thank you for your continued support of this Joint Leadership Meeting. It is an important measure in maintaining excellent working relationships among all of the participating organizations.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Ahlf", written in a cursive style.

Judge Scott K. Ahlf
DMCJA President



DMCJA BOARD MEETING
SUNDAY, SEPTEMBER 17, 2017
9:00 AM – 12:00 PM
THE HEATHMAN LODGE
VANCOUVER, WA

PRESIDENT SCOTT K. AHLF

SUPPLEMENTAL AGENDA

PAGE

Call to Order

General Business

A. Minutes – August 11, 2017	1-7
B. Treasurer’s Report	X1-X10
C. Special Fund Report	X11-X13
D. Standing Committee Reports	
1. Legislative Committee	
a. Meeting Minutes for March 17, 2017	8-12
b. Meeting Minutes for June 7, 2017	13-14
c. Meeting Minutes for August 18, 2017	X14-X17
d. Legislative Update – Judge Samuel Meyer	
1. Discover Pass Bill (2SSB 5342; HB 1478)	X18-X21
2. DNA Samples	X22-X23
3. Commissioners to Solemnize Marriage (HB 1221)	X24
4. Small Claims (SB 5175; SHB 1196)	X25-X33
5. Powers of Commissioners	X34-X35
6. Interlocal Agreements for Probation Services	X36-X38
7. DVPO, SAPO, Extension of 14 day period for a full temporary order hearing	X39-X47
2. Rules Committee	
a. Meeting Minutes for June 6, 2017	15-17
b. Meeting Minutes for July 27, 2017	18-19
E. Trial Court Advocacy Board (TCAB)	
F. Judicial Information Systems (JIS) Report – <i>Ms. Vicky Cullinane</i>	

<p>Liaison Reports</p> <ul style="list-style-type: none"> A. District and Municipal Court Management Association (DMCMA) – <i>Ms. Cynthia Marr</i> B. Misdemeanant Corrections Association (MCA) – <i>Mr. Rick Bomar</i> C. Superior Court Judges' Association (SCJA) – <i>Judge Blaine Gibson</i> D. Washington State Association for Justice (WSAJ) – <i>Loyd James Willaford, Esq.</i> E. Administrative Office of the Courts (AOC) – <i>Ms. Callie Dietz</i> F. Board for Judicial Administration (BJA) – <i>Judges Ringus, Jasprica, Logan, and Johnson</i> 	20-21
<p>Discussion</p> <ul style="list-style-type: none"> A. Supreme Court Interpreter Commission Presentation – <i>Supreme Court Interpreter Commission</i> B. Judicial Benefit Multiplier Program C. Request for DMCJA Board Letter for Odyssey Portal Access – <i>Vicky Cullinane, Dirk Marler</i> 	22-27 28-33 34
<p>Information</p> <ul style="list-style-type: none"> A. New Proposed Evidence Rule 413 Comment B. Board members are encouraged to apply for DMCJA representative positions. Available positions include: <ul style="list-style-type: none"> 1. Engrossed Second Substitute House Bill (E2SHB) 1163 Workgroups <ul style="list-style-type: none"> i. Domestic Violence Perpetrator Treatment Workgroup ii. Domestic Violence Risk Assessment Workgroup 2. Presiding Judge & Administrator Education Committee (Co-Chair) C. DMCJA Board members are encouraged to submit Board agenda topics for monthly meetings. D. SB 6360 Statewide Relicensing Workgroup have scheduled meetings on August 31, 2017 and September 15, 2017 to provide the Washington State Office of the Attorney General (OAG) with recommendations regarding a plan for the consolidation of traffic-based financial obligations. The OAG will provide a report to the Legislature, Washington Supreme Court, and Governor by December 1, 2017. E. DMCJA Follow-Up Letter for DOL Joint Leadership Meeting on July 25, 2017 F. Judge Ahlf recommended Judge John H. Hart, Colfax Municipal Court, to serve as DMCJA Representative to the Judicial Information System Committee (JISC). 	35-38
<p>Other Business</p> <p>The next DMCJA Board Meeting is scheduled for October 13, 2017, 12:30 a.m. to 3:30 p.m., at the AOC Business Office in SeaTac, WA. The Board will discuss its newly created Judicial Independence Fire Brigade.</p>	
<p>Adjourn</p>	
<p>Persons with a disability, who require accommodation, should notify Susan Peterson at 360-705-5278 or susan.peterson@courts.wa.gov to request or discuss accommodations. While notice five days prior to the event is preferred, every effort will be made to provide accommodations, when requested.</p>	

Christina E Huwe
Pierce County Bookkeeping
1504 58th Way SE
Auburn, WA 98092
Phone (360) 710-5937
E-Mail: piercecountybookkeeping@comcast.net

SUMMARY OF REPORTS

**WASHINGTON STATE
DISTRICT AND MUNICIPAL COURT JUDGES' ASSOCIATION**

For the Period Ending August 31st, 2017

Please find attached the following reports for you to review:

- Statement of Financial Position
- Monthly Statement of Activities
- Bank Reconciliation Reports
- Transaction Detail Report (year-to-date)
- Current Information
- Current Budget Balance
- Last year Budget Balance

Please contact me if you have any questions in regards to the attached.

PLEASE BE SURE TO KEEP FOR YOUR RECORDS

Washington State District And Municipal Court Judges Assoc.
Statement of Financial Position
As of August 31, 2017

	Aug 31, 17
ASSETS	
Current Assets	
Checking/Savings	
Bank of America - Checking	12,523
Bank of America - Savings	42,795
US Bank - Savings	70,738
Washington Federal	50,602
Total Checking/Savings	176,658
Total Current Assets	176,658
Fixed Assets	
Accumulated Depreciation	(598)
Computer Equipment	579
Total Fixed Assets	(19)
Other Assets	
Prepaid Expenses	34,167
Total Other Assets	34,167
TOTAL ASSETS	210,805
LIABILITIES & EQUITY	
Equity	
Unrestricted Earnings	(82,655)
Unrestricted Net Assets	305,296
Net Income	(11,836)
Total Equity	210,805
TOTAL LIABILITIES & EQUITY	210,805

Washington State District And Municipal Court Judges Assoc.
Statement of Activities
For the Two Months Ending August 31, 2017

	<u>Jul 17</u>	<u>Aug 17</u>	<u>TOTAL</u>
Ordinary Income/Expense			
Income			
2017 Special Fund	0	50	50
Interest Income	1	1	1
Total Income	<u>1</u>	<u>51</u>	<u>51</u>
Gross Profit	1	51	51
Expense			
Prior Year Budget Expense	2,458	3,488	5,946
Board Meeting Expense	0	435	435
Bookkeeping Expense	0	315	315
Diversity Committee	0	86	86
Judicial Assistance Committee	0	(6,200)	(6,200)
Legislative Committee	0	214	214
Lobbyist Contract	5,417	5,417	10,833
MCA Liaison	0	220	220
99 - Depreciation Expense	10	10	19
Interest Expense	18	0	18
Total Expense	<u>7,902</u>	<u>3,985</u>	<u>11,887</u>
Net Ordinary Income	<u>(7,902)</u>	<u>(3,934)</u>	<u>(11,836)</u>
Net Income	<u><u>(7,902)</u></u>	<u><u>(3,934)</u></u>	<u><u>(11,836)</u></u>

2:24 PM

Washington State District And Municipal Court Judges Assoc.

09/07/17

Reconciliation Detail

Bank of America - Checking, Period Ending 08/31/2017

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						13,600.07
Cleared Transactions						
Checks and Payments - 13 items						
Check	07/30/2017	online	AOC	X	-416.26	-416.26
Check	08/01/2017	online	Kevin Ringus	X	-141.98	-558.24
Check	08/01/2017			X	-18.23	-576.47
Check	08/02/2017	online	Pierce County Book...	X	-315.00	-891.47
Check	08/02/2017	online	Douglas B. Robinson	X	-220.44	-1,111.91
Check	08/16/2017	online	Pierce County Book...	X	-50.00	-1,161.91
Check	08/18/2017	online	Melanie Stewart	X	-2,000.00	-3,161.91
Check	08/18/2017	online	Ingallina's Box Lunch	X	-352.44	-3,514.35
Check	08/18/2017	online	Linda Coburn	X	-86.34	-3,600.69
Check	08/31/2017	online	AOC	X	-3,232.92	-6,833.61
Check	08/31/2017	online	AOC	X	-82.42	-6,916.03
Check	08/31/2017	online	Scott Ahlf	X	-53.50	-6,969.53
Check	08/31/2017	online	Samuel G. Meyer	X	-53.50	-7,023.03
Total Checks and Payments					-7,023.03	-7,023.03
Deposits and Credits - 2 items						
Deposit	08/02/2017			X	6,500.00	6,500.00
Deposit	08/31/2017			X	50.00	6,550.00
Total Deposits and Credits					6,550.00	6,550.00
Total Cleared Transactions					-473.03	-473.03
Cleared Balance					-473.03	13,127.04
Uncleared Transactions						
Checks and Payments - 5 items						
Check	02/11/2014	7276	Douglas Goelz		-84.00	-84.00
Check	08/31/2017	online	Susanna Neil Kanth...		-300.00	-384.00
Check	08/31/2017	online	Rebecca Robertson		-112.98	-496.98
Check	08/31/2017	online	Melanie Stewart		-53.50	-550.48
Check	08/31/2017	online	Linda Coburn		-53.50	-603.98
Total Checks and Payments					-603.98	-603.98
Total Uncleared Transactions					-603.98	-603.98
Register Balance as of 08/31/2017					-1,077.01	12,523.06
Ending Balance					-1,077.01	12,523.06

2:07 PM

09/07/17

Washington State District And Municipal Court Judges Assoc.

Reconciliation Detail

Bank of America - Savings, Period Ending 08/31/2017

Type	Date	Num	Name	Clr	Amount	Balance
Beginning Balance						42,794.11
Cleared Transactions						
Deposits and Credits - 1 item						
Deposit	08/31/2017			X	0.73	0.73
Total Deposits and Credits					0.73	0.73
Total Cleared Transactions					0.73	0.73
Cleared Balance					0.73	42,794.84
Register Balance as of 08/31/2017					0.73	42,794.84
Ending Balance					0.73	42,794.84

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through August 2017

Type	Date	Num	Name	Memo	Amount	Balance
Bank of America - Checking						
Check	07/10/2017	online	Melanie Stewart		(2,000.00)	(2,000.00)
Check	07/10/2017	online	Pierce County Bookkeeping	LW3BG-3CWL5 June Invoice 615	(315.00)	(2,315.00)
Check	07/10/2017	online	AOC	LW3DF-ZQCW7 Invoice MS061917-02	(1,431.66)	(3,746.66)
Check	07/10/2017	online	Rebecca Robertson	LW3D6-GRHPN	(112.98)	(3,859.64)
Check	07/10/2017	online	G. Scott Marinella	LW3CV-WGPFQ	(181.92)	(4,041.56)
Check	07/30/2017	online	AOC	LY60X-MBGW	(416.26)	(4,457.82)
Check	08/01/2017	online	Kevin Ringus	LYCY7-W0P1G	(141.98)	(4,599.80)
Check	08/01/2017				(18.23)	(4,618.03)
Check	08/02/2017	online	Douglas B. Robinson	LYCYB-ZT8C1	(220.44)	(4,838.47)
Check	08/02/2017	online	Pierce County Bookkeeping	LYCYN-PB64H	(315.00)	(5,153.47)
Deposit	08/02/2017			Deposit	6,500.00	1,346.53
Check	08/16/2017	online	Pierce County Bookkeeping		(50.00)	1,296.53
Check	08/18/2017	online	Ingallina's Box Lunch		(352.44)	944.09
Check	08/18/2017	online	Melanie Stewart		(2,000.00)	(1,055.91)
Check	08/18/2017	online	Linda Coburn		(86.34)	(1,142.25)
Check	08/31/2017	online	Samuel G. Meyer		(53.50)	(1,195.75)
Check	08/31/2017	online	Scott Ahlf		(53.50)	(1,249.25)
Check	08/31/2017	online	AOC		(82.42)	(1,331.67)
Check	08/31/2017	online	AOC	Prior Year Budget Expense	(3,232.92)	(4,564.59)
Check	08/31/2017	online	Linda Coburn		(53.50)	(4,618.09)
Check	08/31/2017	online	Melanie Stewart		(53.50)	(4,671.59)
Check	08/31/2017	online	Susanna Neil Kanther-Raz		(300.00)	(4,971.59)
Check	08/31/2017	online	Rebecca Robertson	board meeting	(112.98)	(5,084.57)
Deposit	08/31/2017			Deposit	50.00	(5,034.57)
Total Bank of America - Checking					(5,034.57)	(5,034.57)
Bank of America - Savings						
Deposit	07/31/2017			Interest	0.73	0.73
Deposit	08/31/2017			Interest	0.73	1.46
Total Bank of America - Savings					1.46	1.46
Washington Federal						
Deposit	08/30/2017			Deposit	50.00	50.00
Total Washington Federal					50.00	50.00
Accumulated Depreciation						
General...	07/31/2017	CEH			(9.58)	(9.58)
General...	08/30/2017	CEH			(9.58)	(19.16)
Total Accumulated Depreciation					(19.16)	(19.16)
Prepaid Expenses						
General...	07/31/2017	CEH		1/12 of Contract	(3,416.66)	(3,416.66)
General...	08/30/2017	CEH		1/12 of Contract	(3,416.66)	(6,833.32)
Total Prepaid Expenses					(6,833.32)	(6,833.32)
Bank of America C. C.						
Credit ...	07/11/2017			Service Charge	(18.23)	(18.23)
Check	08/01/2017				18.23	0.00
Total Bank of America C. C.					0.00	0.00
2017 Special Fund						
Check	08/16/2017	online	Pierce County Bookkeeping	special dues that was put in BOA in error.	50.00	50.00
Deposit	08/30/2017	3002	Kevin P Kelly	Deposit	(25.00)	25.00
Deposit	08/30/2017	11595	Jeffrey Smith	Deposit	(25.00)	0.00
Deposit	08/31/2017			Deposit	(50.00)	(50.00)
Total 2017 Special Fund					(50.00)	(50.00)
Interest Income						
Deposit	07/31/2017			Interest	(0.73)	(0.73)
Deposit	08/31/2017			Interest	(0.73)	(1.46)
Total Interest Income					(1.46)	(1.46)

Washington State District And Municipal Court Judges Assoc.
Transaction Detail by Account
 July through August 2017

Type	Date	Num	Name	Memo	Amount	Balance
Prior Year Budget Expense						
Check	07/10/2017	online	Pierce County Bookkeeping	June Invoice 615	315.00	315.00
Check	07/10/2017	online	AOC	Invoice MS061917-02	1,431.66	1,746.66
Check	07/10/2017	online	Rebecca Robertson	Board meeting	112.98	1,859.64
Check	07/10/2017	online	G. Scott Marinella	LW3CV-WGPFQ	181.92	2,041.56
Check	07/30/2017	online	AOC	LY60X-MBGW	416.26	2,457.82
Check	08/01/2017	online	Kevin Ringus	Board meeting in Spokane	141.98	2,599.80
Check	08/31/2017	online	AOC	Prior Year Budget Expense	2,394.45	4,994.25
Check	08/31/2017	online	AOC	Prior Year Budget Expense	293.77	5,288.02
Check	08/31/2017	online	AOC	Prior Year Budget Expense	84.84	5,372.86
Check	08/31/2017	online	AOC	Prior Year Budget Expense	348.88	5,721.74
Check	08/31/2017	online	AOC	Prior Year Budget Expense	110.98	5,832.72
Check	08/31/2017	online	Rebecca Robertson	board meeting	112.98	5,945.70
Total Prior Year Budget Expense					5,945.70	5,945.70
Board Meeting Expense						
Check	08/18/2017	online	Ingallina's Box Lunch		352.44	352.44
Check	08/31/2017	online	AOC	Printing, postage and supplies	82.42	434.86
Total Board Meeting Expense					434.86	434.86
Bookkeeping Expense						
Check	08/02/2017	online	Pierce County Bookkeeping	July Invoice	315.00	315.00
Total Bookkeeping Expense					315.00	315.00
Diversity Committee						
Check	08/18/2017	online	Linda Coburn		86.34	86.34
Total Diversity Committee					86.34	86.34
Judicial Assistance Committee						
Deposit	08/02/2017		Superior Court Judges Asso...	Deposit	(6,500.00)	(6,500.00)
Check	08/31/2017	online	Susanna Neil Kanther-Raz		300.00	(6,200.00)
Total Judicial Assistance Committee					(6,200.00)	(6,200.00)
Legislative Committee						
Check	08/31/2017	online	Samuel G. Meyer		53.50	53.50
Check	08/31/2017	online	Scott Ahlf		53.50	107.00
Check	08/31/2017	online	Linda Coburn		53.50	160.50
Check	08/31/2017	online	Melanie Stewart		53.50	214.00
Total Legislative Committee					214.00	214.00
Lobbyist Contract						
Check	07/10/2017	online	Melanie Stewart	July Invoice 4445	2,000.00	2,000.00
General...	07/31/2017	CEH		1/12 of Contract	3,416.66	5,416.66
Check	08/18/2017	online	Melanie Stewart		2,000.00	7,416.66
General...	08/30/2017	CEH		1/12 of Contract	3,416.66	10,833.32
Total Lobbyist Contract					10,833.32	10,833.32
MCA Liaison						
Check	08/02/2017	online	Douglas B. Robinson	Meeting in Yakima	220.44	220.44
Total MCA Liaison					220.44	220.44
99 - Depreciation Expense						
General...	07/31/2017	CEH			9.58	9.58
General...	08/30/2017	CEH			9.58	19.16
Total 99 - Depreciation Expense					19.16	19.16
Interest Expense						
Credit ...	07/11/2017			Service Charge	18.23	18.23
Total Interest Expense					18.23	18.23
TOTAL					0.00	0.00

Other current information not included in reports

DMCJA 2016-2017 Budget

ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
1 Access to Justice Liaison	\$500.00	\$0.00	\$500.00
2 Audit	\$2,000.00	\$0.00	\$2,000.00
3 Bar Association Liaison	\$1,500.00	\$0.00	\$1,500.00
4 Board Meeting Expense	\$30,000.00	\$37,635.24	-\$7,635.24
5 Bookkeeping Expense	\$3,000.00	\$4,320.00	-\$1,320.00
6 Bylaws Committee	\$250.00	\$0.00	\$250.00
7 Conference Calls	\$750.00	\$588.26	\$161.74
8 Conference Committee	\$4,000.00	\$1,643.77	\$2,356.23
Conference Incidental Fees For Members			
9 Spring Conference 2016	\$40,000.00	\$38,025.00	\$1,975.00
10 Diversity Committee	\$2,000.00	\$2,200.56	-\$200.56
11 DMCJA/SCJA Sentencing Alternatives	\$2,500.00	\$1,302.25	\$1,197.75
12 DMCMA Liaison	\$500.00	\$339.20	\$160.80
13 DOL Liaison Committee	\$500.00	\$0.00	\$500.00
14 Education Committee	\$14,500.00	\$1,912.93	\$12,587.07
15 Educational Grants	\$5,000.00	\$1,398.31	\$3,601.69
16 Education-PJ Conference	\$12,000.00	\$11,278.36	\$721.64
17 Education-Security	\$2,000.00	\$287.20	\$1,712.80
18 Judicial Assistance Committee*	\$14,000.00	\$12,678.97	\$1,321.03
19 Judicial Community Outreach	\$4,000.00	\$341.20	\$3,658.80
20 Legislative Committee	\$4,000.00	\$1,689.68	\$2,310.32
21 Legislative Pro-Tem	\$2,500.00	\$259.33	\$2,240.67
22 Lobbyist Contract	\$61,000.00	\$60,999.96	\$0.04
23 Lobbyist Expenses	\$1,500.00	\$0.00	\$1,500.00
24 Long-Range Planning Committee	\$1,500.00	\$122.05	\$1,377.95
25 MCA Liaison	\$1,500.00	\$443.20	\$1,056.80
26 National Leadership Grants	\$5,000.00	\$2,635.00	\$2,365.00
27 Nominating Committee	\$400.00	\$0.00	\$400.00
28 President Expense	\$7,500.00	\$1,722.75	\$5,777.25
29 Pro Tempore (committee chair approval)	\$10,000.00	\$136.25	\$10,000.00
30 Professional Services	\$15,000.00	\$0.00	\$15,000.00
31 Rules Committee	\$1,000.00	\$270.50	\$729.50
32 SCJA Board Liaison	\$1,000.00	\$171.70	\$828.30
33 Therapeutic Courts	\$3,500.00	\$0.00	\$3,500.00
34 Treasurer Expense and Bonds	\$1,000.00	\$54.00	\$946.00
36 Trial Court Advocacy Board	\$3,000.00	\$416.81	\$2,583.19
37 Uniform Infraction Committee	\$1,000.00	\$0.00	\$1,000.00
Pro-Tem Cost (new item)	\$30,000.00	\$11,910.18	\$18,089.82
Judicial College Program Support	\$1,500.00	\$1,500.00	\$0.00
TOTAL	\$290,900.00	\$196,282.66	\$94,753.59
TOTAL DEPOSITS MADE	\$185,775.00		
CREDIT CARD (balance owing)	\$0.00		

*includes \$7,000 from the SCJA
Balance as of 09-5-2017

DMCJA 2017-2018 Adopted Budget			
ITEM COMMITTEE	Beginning Balance	Total Costs	Ending Balance
Access to Justice Liaison	\$100.00		\$100.00
Audit	\$2,000.00		\$2,000.00
Bar Association Liaison	\$1,500.00		\$1,500.00
Board Meeting Expense	\$30,000.00	\$434.86	\$29,565.14
Bookkeeping Expense	\$3,500.00	\$315.00	\$3,185.00
Bylaws Committee	\$250.00		\$250.00
Conference Calls	\$250.00		\$250.00
Conference Planning Committee	\$4,000.00		\$4,000.00
Conference Incidental Fees For Members Spring Conference 2018	\$40,000.00		\$40,000.00
Diversity Committee	\$2,000.00	\$86.34	\$1,913.66
DMCJA/SCJA Sentencing Alternatives aka "Trial Ct Sentencing & Supervision Comm"	\$1,000.00		\$1,000.00
DMCMA Liaison	\$500.00		\$500.00
DOL Liaison Committee	\$200.00		\$200.00
Education Committee	\$14,500.00		\$14,500.00
Educational Security			\$0.00
Education-Grants	\$5,000.00		\$5,000.00
Judicial Assistance Committee*	\$13,000.00	\$300.00	\$12,700.00
Judicial College Social Support	\$1,500.00		\$1,500.00
Judicial Community Outreach	\$4,000.00		\$4,000.00
Judicial Independence Fire Brigade	\$1,000.00		\$1,000.00
Legislative Committee	\$4,000.00	\$214.00	\$3,786.00
Legislative Pro-Tem	\$2,500.00		\$2,500.00
Lobbyist Contract	\$65,000.00	\$45,000.00	\$20,000.00
Lobbyist Expenses	\$1,500.00		\$1,500.00
Long-Range Planning Committee	\$750.00		\$750.00
MCA Liaison	\$1,000.00	\$220.44	\$779.56
Municipal/Dist. Ct Swearing-in 4 yrs. (12/2017)	\$500.00		\$500.00
National Leadership Grants	\$5,000.00		\$5,000.00
Nominating Committee	\$400.00		\$400.00
President Expense	\$5,000.00		\$5,000.00
Pro Tempore (committee chair approval)	\$10,000.00		\$10,000.00
Professional Services	\$5,000.00		\$5,000.00
Public Outreach (ad hoc workgroup)	\$2,500.00		\$2,500.00
Rules Committee	\$500.00		\$500.00
SCJA Board Liaison	\$1,000.00		\$1,000.00
Treasurer Expense and Bonds	\$250.00		\$250.00
Therapeutic Courts Committee	\$1,000.00		\$1,000.00
Trial Court Advocacy Board	\$500.00		\$500.00
Uniform Infraction Committee	\$1,000.00		\$1,000.00
TOTAL	\$231,700.00	\$46,570.64	\$185,129.36
TOTAL DEPOSITS MADE			
CREDIT CARD (balance owing)	\$0.00		

*includes \$6,500 from the SCJA
Balance as of 08-31-2017

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Statement of Account

PAGE 1 OF 1

Statement Ending Date June 30, 2017

Last Statement Date June 1, 2017

Account Number [REDACTED]

To report a lost or stolen card,
call 800-472-3272.

For 24-hour telephone banking,
call 877-431-1876.

WA STATE DIST & MUNICIPAL COURT JUDGES'
JUDGE SCOTT AHLF
PO BOX 1967
OLYMPIA, WA 98507-1967

For questions or assistance with your account(s),
please call us at 800-324-9375 or stop by your local branch.

Business Money Market Summary [REDACTED]

Annual Percentage Yield Earned for this Statement Period	0.100%
Interest Rate	0.100%
Year-to-Date Interest Paid	\$24.10

Beginning Balance	\$50,372.78
Interest Earned This Period	+4.15
Deposits and Credits	+175.00
Checks Paid	-0.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
Ending Balance	\$50,551.93

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

Interest Earned This Period

Date	Description	Amount
06-30	Credit Interest	4.15
Total Interest Earned This Period		4.15

Deposits and Credits

Date	Description	Amount
06-01	Deposit	25.00
06-09	Deposit	50.00
06-20	Deposit	100.00
Total Deposits and Credits		175.00

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Statement of Account

PAGE 1 OF 1

Statement Ending Date July 31, 2017

Last Statement Date July 1, 2017

Account Number [REDACTED]

To report a lost or stolen card,
call 800-472-3272.

For 24-hour telephone banking,
call 877-431-1876.

WA STATE DIST & MUNICIPAL COURT JUDGES'
JUDGE SCOTT AHLF
PO BOX 1967
OLYMPIA, WA 98507-1967

For questions or assistance with your account(s),
please call us at 800-324-9375 or stop by your local branch.

Business Money Market Summary [REDACTED]

Annual Percentage Yield Earned for this Statement Period	0.100%
Interest Rate	0.100%
Year-to-Date Interest Paid	\$28.39

Beginning Balance	\$50,551.93
Interest Earned This Period	+4.29
Deposits and Credits	+0.00
Checks Paid	-0.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
Ending Balance	\$50,556.22

	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

Interest Earned This Period

Date	Description	Amount
07-31	Credit Interest	4.29
	Total Interest Earned This Period	4.29

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Statement of Account

PAGE 1 OF 1

Statement Ending Date August 31, 2017

Last Statement Date August 1, 2017

Account Number [REDACTED]

To report a lost or stolen card,
call 800-472-3272.

For 24-hour telephone banking,
call 877-431-1876.

WA STATE DIST & MUNICIPAL COURT JUDGES'
JUDGE SCOTT AHLF
PO BOX 1967
OLYMPIA, WA 98507-1967

For questions or assistance with your account(s),
please call us at 800-324-9375 or stop by your local branch.

Business Money Market Summary [REDACTED]

Annual Percentage Yield Earned for this Statement Period	0.100%
Interest Rate	0.100%
Year-to-Date Interest Paid	\$32.68

Beginning Balance	\$50,556.22
Interest Earned This Period	+4.29
Deposits and Credits	+50.00
Checks Paid	-0.00
ATM, Electronic and Debit Card Withdrawals	-0.00
Other Transactions	-0.00
Ending Balance	\$50,610.51

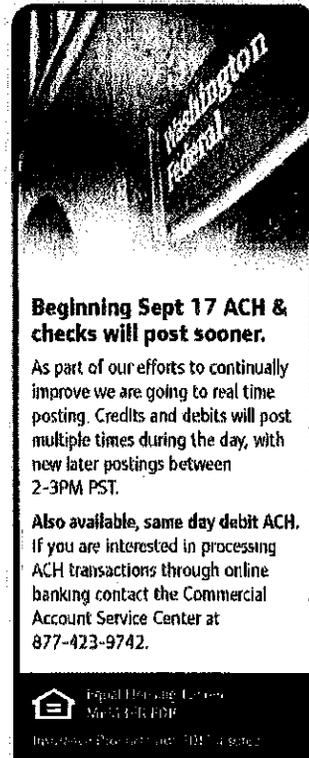
	Total for This Period	Total Year-to-Date
Total Overdraft Fees	\$0.00	\$0.00
Total Returned Item Fees	\$0.00	\$0.00

Interest Earned This Period

Date	Description	Amount
08-31	Credit Interest	4.29
	Total Interest Earned This Period	4.29

Deposits and Credits

Date	Description	Amount
08-31	Deposit	50.00
	Total Deposits and Credits	50.00



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WASHINGTON
COURTS

DMCJA Legislative Committee Meeting FRIDAY, AUGUST 18, 2017

AOC Offices, SeaTac, WA
9:30 a.m. to 12:00 p.m.

MEETING MINUTES

Members:

Chair, Judge Samuel G. Meyer
~~Judge Brett Buckley~~
~~Judge Janet Garrow~~
Judge Robert Grim (phone)
Judge Corinna Harn
Judge Gregg Hirakawa
~~Judge Nancy McAllister~~
Judge Glenn Phillips
~~Judge Wade Samuelson~~
~~Judge Jeffrey Smith~~
Judge Shelley Szambelan
~~Judge Thomas Verge~~
Janene Johnstone, MCA Liaison (phone)
Maryam Olson, DMCMA Liaison
Kathy Seymour, DMCMA Liaison (phone)

AOC Staff:

Ms. J Benway
Ms. Sharon Harvey

Guests:

Judge Scott Ahlf, DMCJA President
Melanie Stewart, Legislative Representative

1. CALL TO ORDER

Judge Meyer called the meeting to order at 9:35 a.m. The Committee members introduced themselves.

2. GENERAL BUSINESS

A. Minutes – June 7, 2017: It was motioned, seconded and passed to approve the minutes for the June 7, 2017 meeting as presented.

B. Legislative Committee Roster: The Committee was provided with the most current Committee roster.

3. DMCJA LEGISLATIVE PROPOSALS FOR 2018

A. Powers of commissioners – Limitations

Judge Docter proposed a statutory change to make the authority of municipal court commissioners congruent with that of district court commissioners. This item was assigned to Judge Szambelan.

B. Statutory Clean-Up: Deferred Sentence and Misdemeanors

Judge Phillips raised two issues for the Committee:

1. Whether a court of limited jurisdiction (CLJ) has jurisdiction for up to five years over a deferred sentence for a domestic violence offense.

2. Whether RCW 3.50.440 should be revised to be consistent with RCW 9A.20.010(2) regarding default penalties.

Judge Phillips will continue to pursue these matters for the Committee.

C. Weapons allowed to Judges and Court Commissioners

Judge D. Johnson proposed a statutory amendment to allow a judge with a concealed weapons permit to carry a firearm in the courtroom. The Committee determined that it wanted to address the issue on a larger scale regarding court security. Judge Harn agreed to review and bring back the previous legislative proposal regarding court security.

D. Ignition Interlock Device (IID) under Deferred Prosecution

Judge Portnoy raised the issue of a statutory conflict between RCW 10.05.140 and RCW 46.20.720 regarding Ignition Interlock Devices in a deferred prosecution. The Committee agreed to present this issue to the DUI Workgroup if one is convened. The Committee discussed inviting Rep. Roger Goodman, who often convenes a DUI Workgroup, to the next Committee meeting.

E. Matching Money for Therapeutic Courts

Judge Portnoy requested information regarding the restriction of funds for therapeutic courts in RCW 2.30.040. Judge Meyer agreed to raise the issue with Senator Padden.

F. Clarification request for district and municipal courts regarding Electronic Home Monitoring (EHM) and Electronic Home Detention (EHD) as it relates to the Sentencing Reform Act (SRA)

Judge Portnoy requested clarification regarding whether the provisions of the Sentencing Reform Act related to electronic home monitoring and detention apply to courts of limited jurisdiction. Committee consensus was that the provisions did apply to CLJs but that the statute was confusing. Judge Hirakawa agreed to review the matter and provide a proposal to address the issue.

G. Interlocal Agreements for Probation Services

Judge Larson proposed statutory amendments to authorize municipal courts and district courts to cooperate on probation services. Some committee members believed that this authority already exists under current rules and statutes. Judge Meyer assigned this item to Judge Buckley for review.

H. Statutory amendments related to Domestic Violence Protection Order (DVPO), Sexual Assault Protection Order (SAPO), harassment, and stalking to extend 14 day period for a full order hearing of the issuance of a temporary order

Judge Garrow proposed revising the protection order statutes to allow for a 30-day extension beyond the mandated 14-day period for a full order hearing following the temporary order. Judge Meyer stated that he would request that Judge Garrow provide suggested language for the proposal.

- I. Request for fees collected by courts and paid to state simplified into one amount with one place

Judge Steele proposed legislation to consolidate all the fees collected by courts and submitted to the state into one amount with one source of authority. The Committee suggested that this proposal be referred to the Legal Financial Obligations Workgroup for consideration.

- J. Request for cap on pre-trial monetary fees to be lifted

Judge Steele also proposed a change to RCW 10.01.160 to lift the cap on pretrial fees if the defendant and prosecutor agree. Judge Meyer agreed to review this issue.

- K. Clarification request of whether DNA fee should be collected as to adults as well as juvenile offenders if DNA has been previously provided

Judge Langsdorf requested clarification regarding application of RCW 43.43.7541 to adult offenders. Judge Meyer agreed to review the issue.

4. PROPOSED LEGISLATION

- A. 2017 Legislative Session – DMCJA Proposed Bills that did not pass:

1. Discover Pass – The state Parks agency presented the 2017 proposal to split the Discover Pass penalty with local jurisdictions. Ms. Stewart will investigate whether the agency is planning to request this legislation again.
2. DNA Samples – The issue of WSP not testing DNA samples from municipal courts continues to be a concern.
3. Commissioners to Solemnize Marriage – District court commissioners are the only judicial officers not included in the marriage solemnization statute. Senator Padden opposed the proposal to add them.
4. Small Claims – Judge Garrow proposed streamlining small claims court procedure but the proposal was opposed by Senator Padden because it wasn't revenue-neutral.

The Committee is interested in pursuing these proposals, but due to the potential number of proposals they will need to be prioritized. Because Senator Padden is opposed to the last two proposals and has stated that he would not introduce them in the Senate Law & Justice Committee, it may be fruitless to request these amendments again unless Senate leadership changes.

- B. Department of Social and Health Services (DSHS) proposed amendment to eliminate DSHS background check related to insane persons possessing a firearm

The Committee discussed the issue and provided comments to Mr. Horenstein.

5. INFORMATION

- A. 2017-2018 DMCJA Legislative Committee Meeting Schedule

The Committee was presented with a revised meeting schedule.

6. OTHER BUSINESS

A. Next Meeting: Friday, September 8, 2017, 9:30 a.m. to 12:00 p.m.

The Committee agreed to meet telephonically on September 8. Representative Goodman will be invited.

Judge Szambalen stated that the Rules Committee had a concern regarding a statute of limitations for notices of infraction that she may bring forward to the Committee.

7. ADJOURN

The meeting was adjourned at 11:20 a.m.

SECOND SUBSTITUTE SENATE BILL 5342

State of Washington

65th Legislature

2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators King, Takko, Pearson, and Pedersen; by request of Parks and Recreation Commission)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to the distribution of monetary penalties to
2 local courts and state agencies paid for failure to comply with
3 discover pass requirements; and amending RCW 7.84.100.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 7.84.100 and 2012 c 262 s 2 are each amended to read
6 as follows:

7 (1) A person found to have committed an infraction shall be
8 assessed a monetary penalty. No penalty may exceed five hundred
9 dollars for each offense unless specifically authorized by statute.

10 (2) The supreme court may prescribe by rule a schedule of
11 monetary penalties for designated infractions. The legislature
12 requests the supreme court to adjust this schedule every two years
13 for inflation. The maximum penalty imposed by the schedule shall be
14 five hundred dollars per infraction and the minimum penalty imposed
15 by the schedule shall be ten dollars per infraction. This schedule
16 may be periodically reviewed by the legislature and is subject to its
17 revision.

18 (3) Whenever a monetary penalty is imposed by a court under this
19 chapter, it is immediately payable. If the person is unable to pay at
20 that time, the court may, in its discretion, grant an extension of
21 the period in which the penalty may be paid.

1 (4)(a) For counties with a population of less than one hundred
2 thousand on the effective date of this section, the county treasurer
3 shall remit seventy-five percent of the money received under RCW
4 79A.80.080(5) to the state treasurer. In all other counties, the
5 county treasurer shall remit ((the)) all money received under RCW
6 79A.80.080(5) to the state treasurer.

7 (b) Money remitted under this subsection to the state treasurer
8 must be deposited in the recreation access pass account established
9 under RCW 79A.80.090. The balance of the noninterest money received
10 by the county treasurer must be deposited in the county current
11 expense fund and used to support court-related functions.

12 (c) An eligible county under (a) of this subsection may not
13 retain any money received under RCW 79A.80.080(5) in the year
14 following any year in which the rate of discover pass infractions
15 dismissed in that county exceeds twelve percent.

--- END ---

HOUSE BILL 1478

State of Washington

65th Legislature

2017 Regular Session

By Representatives Blake, Klippert, Goodman, Johnson, Griffey, J. Walsh, Fitzgibbon, Sells, and McCabe; by request of Parks and Recreation Commission

Read first time 01/20/17. Referred to Committee on Appropriations.

1 AN ACT Relating to the distribution of monetary penalties to
2 local courts and state agencies paid for failure to comply with
3 discover pass requirements; and amending RCW 7.84.100.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 7.84.100 and 2012 c 262 s 2 are each amended to read
6 as follows:

7 (1) A person found to have committed an infraction shall be
8 assessed a monetary penalty. No penalty may exceed five hundred
9 dollars for each offense unless specifically authorized by statute.

10 (2) The supreme court may prescribe by rule a schedule of
11 monetary penalties for designated infractions. The legislature
12 requests the supreme court to adjust this schedule every two years
13 for inflation. The maximum penalty imposed by the schedule shall be
14 five hundred dollars per infraction and the minimum penalty imposed
15 by the schedule shall be ten dollars per infraction. This schedule
16 may be periodically reviewed by the legislature and is subject to its
17 revision.

18 (3) Whenever a monetary penalty is imposed by a court under this
19 chapter, it is immediately payable. If the person is unable to pay at
20 that time, the court may, in its discretion, grant an extension of
21 the period in which the penalty may be paid.

1 (4)(a) For counties with a population of less than one hundred
2 thousand on the effective date of this section, the county treasurer
3 shall remit seventy-five percent of the money received under RCW
4 79A.80.080(5) to the state treasurer. In all other counties, the
5 county treasurer shall remit ((the)) all money received under RCW
6 79A.80.080(5) to the state treasurer.

7 (b) Money remitted under this subsection to the state treasurer
8 must be deposited in the recreation access pass account established
9 under RCW 79A.80.090. The balance of the noninterest money received
10 by the county treasurer must be deposited in the county current
11 expense fund.

--- END ---

RCW 43.43.754

DNA identification system—Biological samples—Collection, use, testing—Scope and application of section.

(1) A biological sample must be collected for purposes of DNA identification analysis from:

(a) Every adult or juvenile individual convicted of a felony, or any of the following crimes (or equivalent juvenile offenses), **or an equivalent municipal offense where the municipal prosecuting authority certifies at the time of sentencing that the municipal offense of conviction is equivalent to the following crimes:**

Assault in the fourth degree with sexual motivation (RCW [9A.36.041](#), [9.94A.835](#)),

Communication with a minor for immoral purposes (RCW [9.68A.090](#))

Custodial sexual misconduct in the second degree (RCW [9A.44.170](#))

Failure to register (*RCW [9A.44.130](#) for persons convicted on or before June 10, 2010, and RCW [9A.44.132](#) for persons convicted after June 10, 2010)

Harassment (RCW [9A.46.020](#))

Patronizing a prostitute (RCW [9A.88.110](#))

Sexual misconduct with a minor in the second degree (RCW [9A.44.096](#))

Stalking (RCW [9A.46.110](#))

Violation of a sexual assault protection order granted under chapter [7.90](#) RCW; and

(b) Every adult or juvenile individual who is required to register under RCW [9A.44.130](#).

(2) If the Washington state patrol crime laboratory already has a DNA sample from an individual for a qualifying offense, a subsequent submission is not required to be submitted.

(3) Biological samples shall be collected in the following manner:

(a) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense **or convicted of an equivalent municipal offense** who do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining the biological samples.

(b) The local police department or sheriff's office shall be responsible for obtaining the biological samples for:

(i) Persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense **or convicted of an equivalent municipal offense** who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility; and

(ii) Persons who are required to register under RCW [9A.44.130](#).

(c) For persons convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense **or convicted of an equivalent municipal offense**, who are serving or who are to serve a term of confinement in a department of corrections facility or a department of social and health services facility, the facility holding the person shall be responsible for obtaining the biological samples. For those persons incarcerated before June 12, 2008, who have not yet had a biological

sample collected, priority shall be given to those persons who will be released the soonest.

(4) Any biological sample taken pursuant to RCW [43.43.752](#) through [43.43.758](#) may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other tests for identification analysis and prosecution of a criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the federal bureau of investigation combined DNA index system.

(5) The forensic laboratory services bureau of the Washington state patrol is responsible for testing performed on all biological samples that are collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW [9.94A.030](#). Known duplicate samples may be excluded from testing unless testing is deemed necessary or advisable by the director.

(6) This section applies to:

(a) All adults and juveniles to whom this section applied prior to June 12, 2008;

(b) All adults and juveniles to whom this section did not apply prior to June 12, 2008, who:

(i) Are convicted on or after June 12, 2008, of an offense listed in subsection (1)(a) of this section **or convicted of an equivalent municipal offense**; or

(ii) Were convicted prior to June 12, 2008, of an offense listed in subsection (1)(a) of this section and are still incarcerated on or after June 12, 2008; and

(c) All adults and juveniles who are required to register under RCW [9A.44.130](#) on or after June 12, 2008, whether convicted before, on, or after June 12, 2008.

(7) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW [43.43.752](#) through [43.43.758](#).

(8) The detention, arrest, or conviction of a person based upon a database match or database information is not invalidated if it is determined that the sample was obtained or placed in the database by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks. **No cause of action may be brought against the state based upon the analysis of a biological sample authorized to be taken pursuant to a municipal ordinance if it is later determined that the sample was obtained or placed in the database by mistake, or if the conviction or adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.**

(9) A person commits the crime of refusal to provide DNA if the person has a duty to register under RCW [9A.44.130](#) and the person willfully refuses to comply with a legal request for a DNA sample as required under this section. The refusal to provide DNA is a gross misdemeanor.

HOUSE BILL 1221

State of Washington

65th Legislature

2017 Regular Session

By Representatives Rodne, Goodman, Klippert, Kilduff, Jinkins,
Barkis, Muri, and Hudgins

Read first time 01/13/17. Referred to Committee on Judiciary.

1 AN ACT Relating to the solemnization of marriages by
2 commissioners of courts of limited jurisdiction; and amending RCW
3 26.04.050.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 26.04.050 and 2012 c 3 s 4 are each amended to read
6 as follows:

7 The following named officers and persons, active or retired, are
8 hereby authorized to solemnize marriages, to wit: Justices of the
9 supreme court, judges of the court of appeals, judges of the superior
10 courts, supreme court commissioners, court of appeals commissioners,
11 superior court commissioners, any regularly licensed or ordained
12 minister or any priest, imam, rabbi, or similar official of any
13 religious organization, and judges and commissioners of courts of
14 limited jurisdiction as defined in RCW 3.02.010.

--- END ---

SENATE BILL 5175

State of Washington 65th Legislature 2017 Regular Session

By Senators Padden, Pedersen, and Warnick

Read first time 01/16/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to modifying the process for prevailing parties
2 to recover judgments in small claims court; amending RCW 12.40.020,
3 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, and 43.79.505;
4 adding a new section to chapter 12.40 RCW; and repealing RCW
5 12.40.110.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 12.40.020 and 2011 1st sp.s. c 44 s 2 are each
8 amended to read as follows:

9 ~~((1))~~ A small claims action shall be commenced by the plaintiff
10 filing a claim, in the form prescribed by RCW 12.40.050, in the small
11 claims department. A filing fee of ~~((fourteen))~~ thirty-four dollars
12 plus any surcharge authorized by RCW 7.75.035 shall be paid when the
13 claim is filed. Any party filing a counterclaim, cross-claim, or
14 third-party claim in such action shall pay to the court a filing fee
15 of ~~((fourteen))~~ thirty-four dollars plus any surcharge authorized by
16 RCW 7.75.035.

17 ~~((2) Until July 1, 2013, in addition to the fees required by
18 this section, an additional surcharge of ten dollars shall be charged
19 on the filing fees required by this section, of which seventy-five
20 percent must be remitted to the state treasurer for deposit in the~~

1 ~~judicial stabilization trust account and twenty five percent must be~~
2 ~~retained by the county.))~~

3 **Sec. 2.** RCW 12.40.030 and 1997 c 352 s 1 are each amended to
4 read as follows:

5 Upon filing of a claim, the court shall set a time for hearing on
6 the matter. The court shall issue a notice of the claim which shall
7 be served upon the defendant to notify the defendant of the hearing
8 date. A trial need not be held ~~((on this))~~ at the first
9 ~~((appearance))~~ hearing, if dispute resolution services are offered
10 instead of trial, or local practice rules provide ~~((that trials will~~
11 ~~be held on different days))~~ for a pretrial hearing.

12 **Sec. 3.** RCW 12.40.040 and 1997 c 352 s 2 are each amended to
13 read as follows:

14 The notice of claim ~~((can))~~ may be served either as provided for
15 the service of summons or complaint and notice in civil actions as
16 described in RCW 4.28.080 or by registered or certified mail if a
17 return receipt with the signature of the party being served is filed
18 with the court. No other legal document or process is to be served
19 with the notice of claim. Information from the court regarding the
20 small claims department, local small claims procedure, dispute
21 resolution services, or other matters related to litigation in the
22 small claims department may be included with the notice of claim when
23 served.

24 The notice of claim shall be served promptly after filing the
25 claim. Service must be complete at least ten calendar days prior to
26 the first hearing.

27 The person serving the notice of claim shall be entitled to
28 receive from the plaintiff, besides mileage, the fee specified in RCW
29 36.18.040 for such service; which sum, together with the filing fee
30 set forth in RCW 12.40.020, shall be added to any judgment given for
31 plaintiff.

32 **Sec. 4.** RCW 12.40.050 and 1984 c 258 s 62 are each amended to
33 read as follows:

34 A claim filed in the small claims department shall contain: (1)
35 The name and address of the plaintiff; (2) a sworn statement, in
36 brief and concise form, of the nature and amount of the claim and
37 when the claim accrued; and (3) the name and residence of the

1 defendant, if known to the plaintiff, for the purpose of serving the
2 notice of claim on the defendant.

3 **Sec. 5.** RCW 12.40.105 and 2004 c 70 s 1 are each amended to read
4 as follows:

5 ~~((If the losing party fails to pay the judgment within thirty
6 days or within the period otherwise ordered by the court, the
7 judgment shall be increased by: (1) An amount sufficient to cover
8 costs of certification of the judgment under RCW 12.40.110; (2) the
9 amount specified in RCW 36.18.012(2))~~ (1) Upon the judge's entry of
10 judgment in a small claims action, the judgment is certified as a
11 district court civil judgment and shall be increased by: (a) The
12 amount specified in RCW 36.18.012(2); (b) any post judgment interest
13 provided for in RCW 4.56.110 and 19.52.020; and ((+3+)) (c) any other
14 costs incurred by the prevailing party to enforce the judgment,
15 including but not limited to reasonable attorneys' fees, without
16 regard to the jurisdictional limits on the small claims department.

17 (2) The clerk of the small claims department shall enter the
18 civil judgment on the judgment docket of the district court; and, as
19 in other judgments of district courts, once the judgment is entered
20 on the district court's docket garnishment, execution, and other
21 process on execution provided by law may issue thereon.

22 (3) A certified copy of the district court judgment shall be
23 provided to the prevailing party for no additional fee.

24 (4) The prevailing party may file a transcript of the district
25 court civil judgment or a certified copy of the district court
26 judgment with superior courts for entry in the superior courts' lien
27 dockets with like effect as in other cases.

28 **Sec. 6.** RCW 12.40.120 and 1997 c 352 s 4 are each amended to
29 read as follows:

30 No appeal shall be permitted from a judgment of the small claims
31 department of the district court where the amount claimed was less
32 than two hundred fifty dollars. No appeal shall be permitted by a
33 party who requested the exercise of jurisdiction by the small claims
34 department where the amount claimed by that party was less than one
35 thousand dollars. A party in default may seek to have the default
36 judgment set aside according to the civil court rules applicable to
37 setting aside judgments in district court.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 12.40
2 RCW to read as follows:

3 If the prevailing party receives payment of the judgment, the
4 prevailing party shall file a satisfaction of such judgment with the
5 district court. If the prevailing party fails to file proof of
6 satisfaction of the judgment, the party paying the judgment may file
7 such notice with the district court.

8 **Sec. 8.** RCW 43.79.505 and 2011 1st sp.s. c 44 s 6 are each
9 amended to read as follows:

10 The judicial stabilization trust account is created within the
11 state treasury, subject to appropriation. All receipts from the
12 surcharges authorized by RCW 3.62.060(2), (~~((12.40.020(2),~~)
13 36.18.018(4), and 36.18.020(5) shall be deposited in this account.
14 Moneys in the account may be spent only after appropriation.

15 Expenditures from the account may be used only for the support of
16 judicial branch agencies.

17 NEW SECTION. **Sec. 9.** RCW 12.40.110 (Procedure on nonpayment)
18 and 2016 c 202 s 19, 1998 c 52 s 6, 1995 c 292 s 6, 1984 c 258 s 68,
19 1983 c 254 s 3, 1975 1st ex.s. c 40 s 1, 1973 c 128 s 2, & 1919 c 187
20 s 11 are each repealed.

--- END ---

SUBSTITUTE HOUSE BILL 1196

State of Washington

65th Legislature

2017 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Rodne, Jinkins, Kilduff, McBride, and Barkis)

READ FIRST TIME 01/30/17.

1 AN ACT Relating to modifying the process for prevailing parties
2 to recover judgments in small claims court; amending RCW 12.40.020,
3 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, 4.56.200, and
4 43.79.505; adding a new section to chapter 12.40 RCW; and repealing
5 RCW 12.40.110.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 12.40.020 and 2011 1st sp.s. c 44 s 2 are each
8 amended to read as follows:

9 (~~(1)~~) A small claims action shall be commenced by the plaintiff
10 filing a claim, in the form prescribed by RCW 12.40.050, in the small
11 claims department. A filing fee of (~~fourteen~~) thirty-four dollars
12 plus any surcharge authorized by RCW 7.75.035 shall be paid when the
13 claim is filed. Any party filing a counterclaim, cross-claim, or
14 third-party claim in such action shall pay to the court a filing fee
15 of (~~fourteen~~) thirty-four dollars plus any surcharge authorized by
16 RCW 7.75.035.

17 (~~(2) Until July 1, 2013, in addition to the fees required by~~
18 ~~this section, an additional surcharge of ten dollars shall be charged~~
19 ~~on the filing fees required by this section, of which seventy-five~~
20 ~~percent must be remitted to the state treasurer for deposit in the~~

1 ~~judicial stabilization trust account and twenty five percent must be~~
2 ~~retained by the county.)~~)

3 **Sec. 2.** RCW 12.40.030 and 1997 c 352 s 1 are each amended to
4 read as follows:

5 Upon filing of a claim, the court shall set a time for hearing on
6 the matter. The court shall issue a notice of the claim which shall
7 be served upon the defendant to notify the defendant of the hearing
8 date. A trial need not be held ~~((on this))~~ at the first
9 ~~((appearance))~~ hearing, if dispute resolution services are offered
10 instead of trial, or local practice rules provide ~~((that trials will~~
11 ~~be held on different days))~~ for a pretrial hearing.

12 **Sec. 3.** RCW 12.40.040 and 1997 c 352 s 2 are each amended to
13 read as follows:

14 The notice of claim ~~((can))~~ may be served either as provided for
15 the service of summons or complaint and notice in civil actions as
16 described in RCW 4.28.080 or by registered or certified mail if a
17 return receipt with the signature of the party being served is filed
18 with the court. No other legal document or process is to be served
19 with the notice of claim. Information from the court regarding the
20 small claims department, local small claims procedure, dispute
21 resolution services, or other matters related to litigation in the
22 small claims department may be included with the notice of claim when
23 served.

24 The notice of claim shall be served promptly after filing the
25 claim. Service must be complete at least ten calendar days prior to
26 the first hearing.

27 The person serving the notice of claim shall be entitled to
28 receive from the plaintiff, besides mileage, the fee specified in RCW
29 36.18.040 for such service; which sum, together with the filing fee
30 set forth in RCW 12.40.020, shall be added to any judgment given for
31 plaintiff.

32 **Sec. 4.** RCW 12.40.050 and 1984 c 258 s 62 are each amended to
33 read as follows:

34 A claim filed in the small claims department shall contain: (1)
35 The name and address of the plaintiff; (2) a sworn statement, in
36 brief and concise form, of the nature and amount of the claim and
37 when the claim accrued; and (3) the name and residence of the

1 defendant, if known to the plaintiff, for the purpose of serving the
2 notice of claim on the defendant.

3 **Sec. 5.** RCW 12.40.105 and 2004 c 70 s 1 are each amended to read
4 as follows:

5 ~~((If the losing party fails to pay the judgment within thirty
6 days or within the period otherwise ordered by the court, the
7 judgment shall be increased by: (1) An amount sufficient to cover
8 costs of certification of the judgment under RCW 12.40.110; (2) the
9 amount specified in RCW 36.18.012(2))~~ (1) Upon the judge's entry of
10 judgment in a small claims action, the judgment is certified as a
11 district court civil judgment and shall be increased by: (a) The
12 amount specified in RCW 36.18.012(2); (b) any post judgment interest
13 provided for in RCW 4.56.110 and 19.52.020; and ((+3+)) (c) any other
14 costs incurred by the prevailing party to enforce the judgment,
15 including but not limited to reasonable attorneys' fees, without
16 regard to the jurisdictional limits on the small claims department.

17 (2) The clerk of the small claims department shall enter the
18 civil judgment on the judgment docket of the district court; and, as
19 in other judgments of district courts, once the judgment is entered
20 on the district court's docket garnishment, execution, and other
21 process on execution provided by law may issue thereon.

22 (3) A certified copy of the district court judgment shall be
23 provided to the prevailing party for no additional fee.

24 (4) The prevailing party may file a transcript of the district
25 court civil judgment or a certified copy of the district court
26 judgment with superior courts for entry in the superior courts' lien
27 dockets with like effect as in other cases.

28 **Sec. 6.** RCW 12.40.120 and 1997 c 352 s 4 are each amended to
29 read as follows:

30 No appeal shall be permitted from a judgment of the small claims
31 department of the district court where the amount claimed was less
32 than two hundred fifty dollars. No appeal shall be permitted by a
33 party who requested the exercise of jurisdiction by the small claims
34 department where the amount claimed by that party was less than one
35 thousand dollars. A party in default may seek to have the default
36 judgment set aside according to the civil court rules applicable to
37 setting aside judgments in district court.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 12.40
2 RCW to read as follows:

3 If the prevailing party receives payment of the judgment, the
4 prevailing party shall file a satisfaction of such judgment with the
5 district court. If the prevailing party fails to file proof of
6 satisfaction of the judgment, the party paying the judgment may file
7 such notice with the district court.

8 **Sec. 8.** RCW 4.56.200 and 2012 c 133 s 1 are each amended to read
9 as follows:

10 The lien of judgments upon the real estate of the judgment debtor
11 shall commence as follows:

12 (1) Judgments of the district court of the United States rendered
13 or filed in the county in which the real estate of the judgment
14 debtor is situated, from the time of the entry or filing thereof;

15 (2) Judgments of the superior court for the county in which the
16 real estate of the judgment debtor is situated, from the time of the
17 filing by the county clerk upon the execution docket in accordance
18 with RCW 4.64.030;

19 (3) Judgments of the district court of the United States rendered
20 in any county in this state other than that in which the real estate
21 of the judgment debtor to be affected is situated, judgments of the
22 supreme court of this state, judgments of the court of appeals of
23 this state, and judgments of the superior court for any county other
24 than that in which the real estate of the judgment debtor to be
25 affected is situated, from the time of the filing of a duly certified
26 abstract of such judgment with the county clerk of the county in
27 which the real estate of the judgment debtor to be affected is
28 situated, as provided in this act;

29 (4) Judgments of a district court of this state rendered or filed
30 as a foreign judgment in a superior court in the county in which the
31 real estate of the judgment debtor is situated, from the time of the
32 filing of a duly certified district court judgment or duly certified
33 transcript of the docket of the district court with the county clerk
34 of the county in which such judgment was rendered or filed, and upon
35 such filing said judgment shall become to all intents and purposes a
36 judgment of the superior court for said county; and

37 (5) Judgments of a district court of this state rendered or filed
38 in a superior court in any other county in this state than that in
39 which the real estate of the judgment debtor to be affected is

1 situated, a transcript of the docket of which has been filed with the
2 county clerk of the county where such judgment was rendered or filed,
3 from the time of filing, with the county clerk of the county in which
4 the real estate of the judgment debtor to be affected is situated, of
5 a duly certified abstract of the record of said judgment in the
6 office of the county clerk of the county in which the certified
7 transcript of the docket of said judgment of said district court was
8 originally filed.

9 **Sec. 9.** RCW 43.79.505 and 2011 1st sp.s. c 44 s 6 are each
10 amended to read as follows:

11 The judicial stabilization trust account is created within the
12 state treasury, subject to appropriation. All receipts from the
13 surcharges authorized by RCW 3.62.060(2), (~~(12.40.020(2),)~~)
14 36.18.018(4), and 36.18.020(5) shall be deposited in this account.
15 Moneys in the account may be spent only after appropriation.

16 Expenditures from the account may be used only for the support of
17 judicial branch agencies.

18 NEW SECTION. **Sec. 10.** RCW 12.40.110 (Procedure on nonpayment)
19 and 2016 c 202 s 19, 1998 c 52 s 6, 1995 c 292 s 6, 1984 c 258 s 68,
20 1983 c 254 s 3, 1975 1st ex.s. c 40 s 1, 1973 c 128 s 2, & 1919 c 187
21 s 11 are each repealed.

--- END ---

POWERS OF MUNICIPAL COURT COMMISSIONERS

Proposal: To amend the statute setting forth municipal court commissioners' powers to mirror those set forth in the district court commissioners' powers.

Why it's needed: Aside from the benefits of having uniformity, it removes a potential challenge with a small legislative fix. The issue has been raised as a part of challenge to a search warrant that authorized a blood draw (i.e., warrant unlawful because commissioner wasn't authorized as district court commissioners). Several municipal courts utilize court commissioners, who issue search warrants on a routine basis.

Law as it currently exists:

RCW 3.50.075

Court commissioners—Appointment—Qualification—Limitations—Part-time judge.

(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) A commissioner authorized to hear or dispose of cases must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW [3.34.060](#).

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

[[2008 c 227 § 8](#); [1994 c 10 § 1](#).]

Compared to –

RCW 3.42.020

Powers of commissioners—Limitations.

Each district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess and shall prescribe, except that when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

[[2008 c 227 § 6](#); [1984 c 258 § 31](#); [1979 ex.s. c 136 § 16](#); [1961 c 299 § 32](#).]

[N.B., RCW §§ 3.42.010, 3.42.020 are essentially combined in RCW 3.50.075.]

Proposed change: Added text = green; deleted text – red.

RCW 3.50.075

Court commissioners—Appointment—Qualification—Limitations—Part-time judge.

(1) One or more court commissioners may be appointed by a judge of the municipal court.

(2) Each commissioner holds office at the pleasure of the appointing judge.

(3) A commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess, and ~~authorized to hear or dispose of cases~~ must be a lawyer who is admitted to practice law in the state of Washington or a nonlawyer who has passed, by January 1, 2003, the qualifying examination for lay judges for courts of limited jurisdiction under RCW 3.34.060.

(4) On or after July 1, 2010, when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

(5) A commissioner need not be a resident of the city or of the county in which the municipal court is created. When a court commissioner has not been appointed and the municipal court is presided over by a part-time appointed judge, the judge need not be a resident of the city or of the county in which the municipal court is created.

2018 Legislative Proposal

Proposer: Judge David Larson

Reviewer: Judge Brett Buckley

Proposal:

Allow courts to enter interlocal agreements for probation services.

(See comprehensive memo from Judge Larson, dated Aug.3,2017)

Advantages:

-Defendants with cases in multiple jurisdictions could be monitored by just one probation office. Beneficial to defendants and could reduce caseloads in non-supervising jurisdictions.

-Would allow defendants to potentially take advantage of specialty treatment courts not offered in the transferring jurisdiction.

Disadvantages:

-Probation officer liability. I have concerns that a probation officer taking actions pursuant to the directions of a judge from another jurisdiction will not enjoy the protection of judicial immunity for those actions.

-Some courts are already providing probation services for other courts since there is no statutory prohibition. Bringing this issue to the Legislature may lead to prohibition, the opposite of the intended result.

Recommendation:

I believe this is an idea worth pursuing. It would make things easier for defendants who already struggle to comply with court orders. It could increase access to specialty court services. It may result in some level of caseload reduction system wide. It is a good public service approach.

However, I don't think we should pursue it unless we are convinced that it will not expose our probation officers to increased liability risks. I have asked Judge Larson to provide research invalidating my concerns or propose language ameliorating the concerns.

Should the DMCJA go forward with the proposal I believe the amendments suggested by Judge Larson to RCW 10.64.120, 39.34.180 and 70.48.090 are appropriate.

From: David A. Larson
Sent: Wednesday, September 06, 2017 1:35 PM
To: Judge Brett Buckley
Cc: Judge Sam Meyer
Subject: RE: Interlocal Agreements for Probation Services

Brett: The underlined additions to [RCW 4.24.760](#) below would make it clear that the protections in the statute extend to interlocal agreements for probation services. Let me know if this satisfies your concerns. Thanks. Dave

Limited jurisdiction courts—Limitation on liability for inadequate supervision or monitoring—Definitions.

(1) A limited jurisdiction court that provides misdemeanor supervision services is not liable for civil damages based on the inadequate supervision or monitoring of a misdemeanor defendant or probationer unless the inadequate supervision or monitoring constitutes gross negligence.

(2) For the purposes of this section:

(a) "Limited jurisdiction court" means a district court or a municipal court, and anyone acting or operating at the direction of such court, including but not limited to its officers, employees, agents, contractors, ~~and~~ volunteers, and others acting pursuant to an interlocal agreement.

(b) "Misdemeanor supervision services" means preconviction or postconviction misdemeanor probation or supervision services, or the monitoring of a misdemeanor defendant's compliance with a preconviction or postconviction order of the court, including but not limited to community corrections programs, probation supervision, pretrial supervision, or pretrial release services, including such services conducted pursuant to an interlocal agreement.

(3) This section does not create any duty and shall not be construed to create a duty where none exists. Nothing in this section shall be construed to affect judicial immunity.

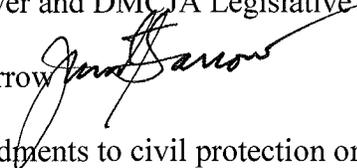
KING COUNTY DISTRICT COURT
East Division – Bellevue Courthouse

Judge Janet E. Garrow
Assistant Presiding Judge

1309-114th Ave SE
Bellevue, WA 98004
206-477-2100

Josie Jimenez
Court Manager

TO: Judge Sam Meyer and DMCJA Legislative Committee

FROM: Judge Janet Garrow 

SUBJECT: Proposed amendments to civil protection order statutes

DATE: September 5, 2017

Attached please find proposed amendments to civil protection order statutes involving Sexual Assault Protection Order, Stalking Order, Antiharassment Order and Domestic Violence Protection Order. The proposal does not include amendments to Extreme Risk Protection Orders (ERPOs) or Vulnerable Adult Protection Orders (VAPOs) because the District Court issues only the initial temporary order for the ERPO and the procedure differs from other civil protection orders. The Superior Court has exclusive jurisdiction over VAPOs and the procedure differs from other civil protection orders. The DMCJA should inquire of the SCJA regarding comments on these proposed amendments and whether other types of civil protection orders should be included in any future bill.

The purpose of the proposed amendments is to clarify that at the time of the hearing where both parties are present or appear through counsel, the court may grant a continuance of that hearing for “good cause”. The court may then reissue a temporary protection order lasting no more than 30 days and reschedule the hearing.

The reason for the proposed amendments is to remove an ambiguity in the existing statutes which appear to limit the court’s ability to reschedule the reissuance of a temporary order and the hearing beyond 14 days. The amendments give the parties and the court in these cases greater flexibility for scheduling these hearings. Due to the short window of time within which the initial hearing must be set, parties frequently seek a continuance of the hearing to prepare. Many times the parties or material witnesses are unavailable due to schedules. Sometimes these hearings need to be specially set to accommodate the parties and the court. Because it is important to keep these types of petitions on track, the proposed amendments allows only a continuance of up to thirty days. This would not preclude the court from granting an additional continuance, for good cause, but any continuance and temporary order could not exceed thirty days.

In addition to the minor revisions contained in the attachments to this page, a NEW SECTION would be added to the following protection order statutes, and the sections renumbered as needed.

RCW 7.90.120, Sexual Assault Protection Order

New section (2):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

RCW 7.92.120, Stalking Order

New section (5):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

RCW 10.14.080, Antiharassment Order

New section (3):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

RCW 26.50.070, Domestic Violence Protection Order

New section (5):

At the hearing, where all parties appear in person or through counsel, the court may grant a continuance for good cause, reissue a temporary order for protection not to exceed thirty days, and schedule a new hearing date.

SAPD

RCW 7.90.120**Ex parte orders—Duration.**

(1)(a) An ex parte temporary sexual assault protection order shall be effective for a fixed period not to exceed fourteen days. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ~~temporary order~~ ex parte or not later than twenty-four days if service by publication or service by mail is permitted. If the court permits service by publication or service by mail, the court shall also reissue the ex parte temporary protection order not to exceed another twenty-four days from the date of reissuing the ex parte protection order. Except as provided in RCW 7.90.050, 7.90.052, or 7.90.053, the respondent shall be personally served with a copy of the ex parte temporary sexual assault protection order along with a copy of the petition and notice of the date set for the hearing.

(b) Any ex parte temporary order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(2) Except as otherwise provided in this section or RCW 7.90.150, a final sexual assault protection order shall be effective for a fixed period of time or be permanent.

(3) Any sexual assault protection order which would expire on a court holiday shall instead expire at the close of the next court business day.

(4) The practice of dismissing or suspending a criminal prosecution in exchange for the issuance of a sexual assault protection order undermines the purposes of this chapter. This section shall not be construed as encouraging that practice.

[2017 c 233 § 1; 2013 c 74 § 3; 2006 c 138 § 13.]

stalking

RCW 7.92.120

Ex parte temporary order for protection—Issuance.

(1) Where it appears from the petition and any additional evidence that the respondent has engaged in stalking conduct and that irreparable injury could result if an order is not issued immediately without prior notice, the court may grant an ex parte temporary order for protection, pending a full hearing and grant such injunctive relief as it deems proper, including the relief as specified under RCW 7.92.100 (2)(a) through (d) and (4).

(2) Irreparable injury under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily injury or has engaged in acts of stalking conduct against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary stalking protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication or mail. The ~~ex parte~~ order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the ~~temporary order~~ or not later than twenty-four days if service by publication or by mail is permitted. Unless the court has permitted service by publication or mail, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary stalking protection order, the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte temporary order shall be filed with the court.

(7) A knowing violation of a court order issued under this section is punishable under RCW 26.50.110.

[2013 c 84 § 12.]

*Antiharassment***RCW 10.14.080****Antiharassment protection orders—Ex parte temporary—Hearing—Longer term, renewal—Acts not prohibited.**

(1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted.

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 10.14.085. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication is permitted. Except as provided in RCW 10.14.070 and 10.14.085, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing. The ex parte order and notice of hearing shall include at a minimum the date and time of the hearing set by the court to determine if the temporary order should be made effective for one year or more, and notice that if the respondent should fail to appear or otherwise not respond, an order for protection will be issued against the respondent pursuant to the provisions of this chapter, for a minimum of one year from the date of the hearing. The notice shall also include a brief statement of the provisions of the ex parte order and notify the respondent that a copy of the ex parte order and notice of hearing has been filed with the clerk of the court.

ex parte

(3) At the hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment.

(4) An order issued under this chapter shall be effective for not more than one year unless the court finds that the respondent is likely to resume unlawful harassment of the petitioner when the order expires. If so, the court may enter an order for a fixed time exceeding one year or may enter a permanent antiharassment protection order. The court shall not enter an order that is effective for more than one year if the order restrains the respondent from contacting the respondent's minor children. This limitation is not applicable to civil antiharassment protection orders issued under chapter 26.09, 26.10, or 26.26 RCW. If the petitioner seeks relief for a period longer than one year on behalf of the respondent's minor children, the court shall advise the petitioner that the petitioner may apply for renewal of the order as provided in this chapter or if appropriate may seek relief pursuant to chapter 26.09 or 26.10 RCW.

(5) At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a petition for renewal. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal, the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 10.14.085, personal service shall be made upon the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided by RCW 10.14.085. If the court permits service by publication, the court shall set the new hearing date

not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in this section. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume harassment of the petitioner when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in subsection (4) of this section.

(6) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

- (a) Restraining the respondent from making any attempts to contact the petitioner;
- (b) Restraining the respondent from making any attempts to keep the petitioner under surveillance;
- (c) Requiring the respondent to stay a stated distance from the petitioner's residence and workplace; and
- (d) Considering the provisions of RCW 9.41.800.

(7) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall not prohibit the respondent from exercising constitutionally protected free speech. Nothing in this section prohibits the petitioner from utilizing other civil or criminal remedies to restrain conduct or communications not otherwise constitutionally protected.

(8) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall not prohibit the respondent from the use or enjoyment of real property to which the respondent has a cognizable claim unless that order is issued under chapter 26.09 RCW or under a separate action commenced with a summons and complaint to determine title or possession of real property.

(9) The court in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall not limit the respondent's right to care, control, or custody of the respondent's minor child, unless that order is issued under chapter 13.32A, 26.09, 26.10, or 26.26 RCW.

(10) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

(11) The court order shall specify the date an order issued pursuant to subsections (4) and (5) of this section expires if any. The court order shall also state whether the court issued the protection order following personal service or service by publication and whether the court has approved service by publication of an order issued under this section.

[2011 c 307 § 3; 2001 c 311 § 1; 1995 c 246 § 36; 1994 sp.s. c 7 § 448; 1992 c 143 § 11; 1987 c 280 § 8.]

NOTES:

Severability—1995 c 246: See note following RCW 26.50.010.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

RCW 26.50.070

DVPO

Ex parte temporary order for protection.

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(f) Considering the provisions of RCW 9.41.800; and

(g) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

[2010 c 274 § 305; 2000 c 119 § 16; 1996 c 248 § 14; 1995 c 246 § 8; 1994 sp.s. c 7 § 458; 1992 c 143 § 3; 1989 c 411 § 2; 1984 c 263 § 8.]

NOTES:

Intent—2010 c 274: See note following RCW 10.31.100.

Application—2000 c 119: See note following RCW 26.50.021.

Severability—1995 c 246: See note following RCW 26.50.010.

Finding—Intent—Severability—1994 sp.s. c 7: See notes following RCW 43.70.540.

Effective date—1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460: See note following RCW 9.41.010.

Child abuse, temporary restraining order: RCW 26.44.063.

Orders prohibiting contact: RCW 10.99.040.

Temporary restraining order: RCW 26.09.060.