

BOARD FOR JUDICIAL ADMINISTRATION



**WASHINGTON
COURTS**

MEETING PACKET

**FRIDAY, MARCH 20, 2009
9:30 A.M.**

**CHIEF JUSTICE'S RECEPTION ROOM
TEMPLE OF JUSTICE
415 12TH AVENUE SW
OLYMPIA, WASHINGTON**

Board for Judicial Administration Membership

VOTING MEMBERS:

Chief Justice Gerry Alexander, Chair
Supreme Court

Judge Vickie Churchill, Member-Chair
Superior Court Judges' Association
Island County Superior Court

Judge Marlin J. Appelwick
Court of Appeals, Division I

Judge Rebecca M. Baker
Superior Court Judges' Association
Ferry/Stevens/Pend Oreille Superior Courts

Judge Ronald Culpepper
Superior Court Judges' Association
Pierce County Superior Court

Judge Sara Derr
District and Municipal Court Judges'
Association
Spokane County District Court

Judge Susan Dubuisson
District and Municipal Court Judges'
Association
Thurston County District Court

Judge Deborah Fleck
Superior Court Judges' Association
King County Superior Court

Judge Michael Lambo
District and Municipal Court Judges'
Association
Kirkland Municipal Court

Judge Marilyn Paja, President
District and Municipal Court Judges'
Association
Kitsap County District Court

Justice Barbara Madsen
Supreme Court

Judge Richard McDermott, President
Superior Court Judges' Association
King County Superior Court

Judge Robert McSeveney
District and Municipal Court Judges'
Association
Kent Municipal Court

Judge Christine J. Quinn-Brintnall
Court of Appeals, Division II

Judge John Schultheis
Court of Appeals, Division III

NON-VOTING MEMBERS:

Judge C.C. Bridgewater, Presiding Chief
Judge
Court of Appeals, Division II

Judge Tari Eitzen, President-Elect
Superior Court Judges' Association
Spokane County Superior Court

Mr. Jeff Hall
State Court Administrator

Mr. Mark Johnson, President
Washington State Bar Association

Ms. Paula Littlewood, Executive Director
Washington State Bar Association

Mr. Salvador Mungia, President-Elect
Washington State Bar Association

Judge Glenn Phillips, President-Elect
District and Municipal Court Judges'
Association
Kent Municipal Court

Board for Judicial Administration

March 20, 2009

9:30 a.m.

Temple of Justice – Reception Room
415 12th Avenue SW, Olympia

Agenda

1. Call to Order	Chief Justice Gerry Alexander Judge Vickie Churchill	
2. Welcome and Introductions	Chief Justice Gerry Alexander Judge Vickie Churchill	
Action Items		
3. February 20, 2009 Meeting Minutes Action: Motion to approve the minutes of the February 20 meeting	Chief Justice Gerry Alexander Judge Vickie Churchill	Tab 1
4. Bail Forfeiture - Proposed Revision to CrRLJ 3.2 Action: Motion to recommend to the Supreme Court the DMCJA's proposed revision to CrRLJ 3.2	Judge Marilyn Paja	Tab 2
Reports and Information		
5. BJA Best Practices Committee Access Measures	Judge Julie Spector	Handout
6. Legislative Report	Ms. Mellani McAleenan	Tab 3
7. Budget Report	Mr. Ramsey Radwan	
8. Access to Justice Board	Mr. M. Wayne Blair	
9. Washington State Bar Association	Mr. Mark Johnson Ms. Paula Littlewood	
10. Reports from the Courts Supreme Court Court of Appeals Superior Courts Courts of Limited Jurisdiction	Justice Barbara Madsen Judge C. C. Bridgewater Judge Richard McDermott Judge Marilyn Paja	
11. Association Reports County Clerks Superior Court Administrators Juvenile Court Administrators District and Municipal Court Administrators	Ms. Marti Maxwell Mr. Michael Merringer Mr. Joe McGuire	
12. Administrative Office of the Courts	Mr. Dirk Marler	
13. Other Business Next meeting: April 17 Beginning at 9:30 a.m. at the Temple of Justice, Olympia	Chief Justice Gerry Alexander Judge Vickie Churchill	

**Board for Judicial Administration
Meeting Minutes**

**February 20, 2009
Temple of Justice
Olympia, Washington**

Members Present: Chief Justice Gerry L. Alexander, Chair; Judge Vickie Churchill, Member-Chair; Judge Marlin Appelwick; Judge Sara Derr; Judge Susan Dubuisson; Judge Tari Eitzen; Judge Deborah Fleck; Mr. Jeff Hall; Judge Michael Lambo; Ms. Paula Littlewood; Justice Barbara Madsen; Judge Richard McDermott; Judge Christine Quinn-Brintnall; and Judge Marilyn Paja

Guests Present: Judge Steven González, Ms. Marti Maxwell, Mr. Tom McBride, Ms. Barb Miner, Mr. Joe McGuire, and Mr. Michael Merringer

Staff Present: Ms. Ashley DeMoss, Ms. Beth Flynn, Mr. Dirk Marler, Ms. Mellani McAleenan, Ms. Regina McDougall, Mr. Ramsey Radwan, and Mr. Chris Ruhl

The meeting was called to order by Chief Justice Gerry Alexander.

January 16, 2009 Meeting Minutes

It was moved by Judge McDermott and seconded by Judge Dubuisson to approve the January 16, 2009 BJA meeting minutes. The motion carried.

Bail Forfeiture – Proposed Revision to CrRLJ 3.2

Judge Paja requested that this item be removed from today's agenda and put on next month's agenda.

Local Option User Fee Issue

Judge Churchill explained the materials contained in the meeting packet related to this agenda item: A letter from the Board for Judicial Administration (BJA) to Judge Bruce Hilyer, the King County Superior Court Presiding Judge, regarding local option user fees; Judge Hilyer's response to the BJA letter; and a letter from the Access to Justice (ATJ) Board regarding their position on local option user fees.

The BJA Legislative Executive Committee members were told during one of their weekly conference calls that the King County Superior Court was discussing possible legislation regarding local option user fees. The letter from the BJA to Judge Hilyer urged King County Superior Court to go through the normal channels for proposed legislation. The response from Judge Hilyer indicated that King County Superior Court would not go through the proper process.

The BJA Legislative Executive Committee voted to oppose the concept of local option user fees but they requested broader BJA support and that is why it is now before the Board for consideration.

Judge McDermott stated that the Superior Court Judges' Association (SCJA) voted unanimously to oppose legislation creating local option user fees. Judge Churchill added that the SCJA felt they should not have one county, without going through the proper processes, making policy changes for all the courts in the state.

Judge González said he was a representative of the ATJ Board and a King County Superior Court judge. His opinion regarding local option user fees is the same no matter which role he considers. In his role as a King County Superior Court judge, Judge González shared that the King County Superior Court Executive Committee voted in favor of exploring local option user fees because of the difficult economic times they face. The King County judges, as a whole, never voted on this issue. They never had the debate or the vote because it happened at the Executive Committee level. In his role as a representative of the ATJ Board, Judge González reported that the ATJ Board unanimously voted to oppose legislation establishing local option user fees.

Judge McDermott mentioned that the Washington State Bar Association's (WSBA) Legislative Committee voted unanimously last Wednesday to oppose the concept of local option user fees. Apparently Oregon allows local option user fees and it is a disaster. It costs more money to collect the fees than they generate and it is a nightmare. The judges and lawyers want to get rid of it because it is not working.

Judge Paja shared that the District and Municipal Court Judges' Association (DMCJA) also voted to oppose local option user fees.

Judge McDermott said Judge Hilyer was doing what he thought was necessary to try to save the unified family court. The cause was just. The end purpose is something that we can all agree with even though we might not agree with the way it was done.

It was moved by Judge Dubuisson and seconded by Judge Culpepper to affirm the BJA Legislative Executive Committee's recommendation to oppose legislation creating local option user fees. The motion carried.

Legislative Report

Ms. McAleenan reported that the BJA request bills are moving along well. There are a few updates to the bill status list that was distributed in the materials.

1) HB 1158 (Electronic Juror Signatures) was moved from House Rules to the suspension calendar which is where noncontroversial bills are placed for a vote.

2) The Juvenile Case Records Access bill (HB 1238/SB 5133) was amended in the Senate to clarify that no existing access to records will be impaired by the bill.

3) The BJA will use the Senate version of the King County District Court judges bill (SB 5135) and amend it on the floor to include the Spokane County District Court judge reductions which are necessary because the city took over administration of Spokane Municipal Court. This approach makes the most sense at this point in the session. No existing judges will be eliminated because by statute, there are ten judicial positions in Spokane County District Court but only eight are filled at the moment.

Budget Report

Mr. Radwan reported that a preliminary budget forecast was released earlier this week and the budget shortfall is now up to \$8 billion. The forecast was requested by the Legislature so they could begin preliminary budget work. The final budget will be based on the March forecast.

For the current biennium the revenue has decreased about 5.5% since this time last year. The forecast has decreased about 20% for the 09-11 biennium. Overall, there has been a 12-13% decrease in revenue in a four-year time horizon.

The Governor has required expenditure reductions for her cabinet and signed HB 1694 and SB 5460 earlier this week. HB 1694 is the first supplemental budget for the current biennium and makes a \$635 million reduction. For the judicial branch, about \$1.5 million was cut this biennium which is less than 1% of the near general-fund budget for the biennium. It is approximately a 3-4% reduction to the operating budgets for AOC, COA, and the Law Library because the cuts have to be implemented prior to June 30, 2009. The preliminary economic and revenue forecast estimates that current biennial revenue will be approximately \$721 million less than projected in November, which will cause the Legislature to implement further expenditure reductions in the current biennium. There is another budget forecast in March so all cuts will be adjusted again in March. There is a very short timeframe to absorb the first budget reductions which will primarily impact AOC internally. The initial cuts did not impact direct services to the courts or pass-through programs.

SB 5460 which was signed by the Governor establishes a number of expenditure restrictions on hiring, equipment, contracting, and out-of-state travel for state agencies. The bill was amended to state the Chief Justice will approve any expenditure exceptions for the judicial branch. He will approve/reject exception requests from the Court of Appeals, the Office of Public Defense, the Office of Civil Legal Aid, the Commission on Judicial Conduct, and the Administrative Office of the Courts.

Access to Justice Board

Judge González reported that the ATJ Board recognizes the difficult times low-income members of the community are facing now and they need representation in housing. There has been an effort by the WSBA and the ATJ Board to try to address this. Mr. John McKay and Judge González are addressing the need for pro bono assistance from members of the Bar. They are very excited about the effort and are working very hard to address the real and emerging need for access to courts.

Washington State Bar Association

Ms. Littlewood reported that the home foreclosure crisis took a little bit longer to hit Washington than the rest of the nation but it did hit. The WSBA will be asking for pro bono assistance from the membership to assist low-income citizens facing foreclosure. They plan to assist people who are at 200-400% of the Federal Poverty guidelines. They are looking at options for state or federal funding to carry this forward a few years.

Some of the issues they are working out as they develop the program are: 1) how to handle intake (both of clients and lawyers willing to volunteer), 2) how to match clients with lawyers once they are identified, 3) how to use technology for people in rural areas who need assistance, 4) how to train and mentor those lawyers who volunteer who have never practiced in this area, and 5) they are also exploring the idea of creating a database to store information about what policies various lenders have recently implemented.

The WSBA Board of Governors met in Olympia in January and discussed the Discipline Review Report from the American Bar Association. The Task Force is looking at various recommendations and at the January meeting there was discussion of where the discipline system should reside: with the WSBA or be transferred to the Supreme Court. The decision ended in a tie vote which had to be broken by Mr. Stan Bastian—he voted to keep the system with WSBA as it is currently.

The Board voted to support the proposed IOLTA rule change and it was forwarded to the Supreme Court. The rule change requires banks that want to participate in the IOLTA program to offer interest rates similar to comparable accounts.

Reports from the Courts

Supreme Court: Chief Justice Alexander said the Supreme Court held court last week at Pierce College in Puyallup. They had a terrific experience and were well received. They are heading to Peninsula College in Port Angeles in October.

Justice Madsen reported that the Supreme Court justices are preparing for the Appellate Judges' Spring Program which will be held April 5-8 in Chelan. *I Dissent* is the book they are reading this year.

Court of Appeals: Judge Appelwick reported that Judge Schultheis will undergo hip replacement surgery in the next few weeks so Division III will be a bit shorthanded. They are all busy working on the budget crisis.

Superior Courts: Judge McDermott shared that the SCJA Board of Trustees met on February 7. One of the items on the SCJA legislative agenda is advancing the concept of evidence based treatment programs and pointing out how they can save state and local funds. They have had opposition, but SB 6067 is still alive.

The SCJA Board supported an amended to the Rule for Professional Conduct which was also supported by the WSBA and the Commission on Judicial Conduct.

There is an extremely hardworking group of people on the Board this year and Judge McDermott appreciates their dedication.

Courts of Limited Jurisdiction: Judge Paja reported that the DMCJA Diversity Committee has been working with the WSBA to develop a joint program to train attorneys interested in serving as judges pro tem.

The DMCJA has taken a position of concern on HB 1781 regarding the proportion of public defense costs being paid by the counties and the cities. The DMCJA asked Ms. Joanne Moore at the Office of Public Defense to provide more information regarding the bill.

Judge Paja has been participating in several Criminal Justice Summits related to criminal justice costs during a budget crisis. The Summits brought together judges, lawyers, and advocates to discuss the funding crisis. They are currently discussing DWLS – 3 revisions. There is a bill in the Legislature to decriminalize a first offense of DWLS.

Administrative Office of the Courts

Mr. Marler reported that AOC staff are working on and tracking well over 600 bills.

Other Business

BJA Financial Report: Ms. McAleenan distributed the BJA Financial Report and explained that the bulk of the expenses were for the BJA Legislative Dinners.

There being no further business, the meeting was adjourned.

Proposed Revision to CrRLJ 3.2 Materials

1. Rule change coversheet
2. Draft of proposed rule change
3. DMCJA broadcast e-mail to membership regarding proposed change
4. Summary of DMCJA membership response to proposed rule change
5. DMCJA President's Report to membership regarding Board action for change to CrRLJ 3.2

GR 9 COVER SHEET

Suggested Amendment Criminal Rules for Courts of Limited Jurisdiction (CrRLJ) Rule Amendment 3.2 Release of Accused

- (A) **Name of Proponent:** District and Municipal Court Judges' Association (DMCJA)
- (B) **Spokesperson:** Judge Marilyn G. Paja, President, DMCJA
- (C) **Purpose:** CrRLJ 3.2 is entitled "Release of Accused" and establishes a bail schedule for 25 enumerated criminal offenses as conditions of release from custody in criminal matters. Bail amounts range from \$100 to \$500.

CrRLJ 3.2 (o) also provides for forfeiture of bail as a final disposition in some criminal matters. The Legislature has not provided for or defined bail forfeiture as a final disposition in criminal matters except in the limited context of violation bureaus established under RCW 3.30.090, RCW 3.50.030, and RCW 77.15.050. It is unclear what effect bail forfeiture as a final resolution has on individuals' criminal history or whether it can be used to enhance a subsequent offense or penalty.

The rule also includes a schedule of criminal penalties. The Washington legislature has enacted criminal penalties for gross misdemeanors and misdemeanors at RCW 9.92.020 (up to 1 year in jail and \$5,000 fine for gross misdemeanors) and 9.92.030 (up to 90 days jails and \$1,000 fine for misdemeanors). The legislature has not delegated authority to the Supreme Court to modify or otherwise revise those penalties. Various executive branch agencies or commissions charged with regulation and enforcement in specific areas have requested the Supreme Court to enact criminal penalties in court rule. The penalty amounts set in court rule have little if any relationship to the penalties set by the legislature. There have also been practical problems with keeping schedules current as the agencies and commissions have not always been timely in notifying the court of needed changes, which has resulted in and discrepancies between agency/commission expectations and published information.

Proposed Amendments—

Bail: The bail amounts set in CrRLJ 3.2 have not been revised since the rule was originally published. The amounts and listed offenses

were apparently adopted based on the City of Seattle bail schedule in effect at the time of adoption. There is no currently recognized rationale behind the offenses listed. Bail amounts do not reflect current dollar values and do not adequately respond to current perceptions of crime severity. It is recommended that the court establish a simplified bail schedule for misdemeanors and gross misdemeanors of \$500 and \$1,000 respectively. It is anticipated that the court rule schedule will be a default schedule and that local jurisdictions will enact bail schedules that reflect local conditions and priorities; the default amounts will provide some guidance in determining locally appropriate bail amounts.

Forfeiture: Bail forfeiture has been used as a final disposition in criminal matters probably arising out of the old Justice of the Peace system that concerned a requirement that bail be posted before a defendant could request a jury trial on a speeding ticket. Under that system if the defendant failed to appear for trial, bail was forfeited and the case finally resolved. This antiquated system has been used for many years as a way to resolve criminal charges as diverse as DUI, assault and communication with a minor, but most often for misdemeanor charges such as DWI, 3rd, Unlawful Recreational Fishing, or Transporting a Loaded Weapon. Bail forfeiture as a final disposition in criminal matters is problematic for a number of reasons. First, the legislature has provided no definition of bail forfeiture (for example, is it a conviction? Can it be used as criminal history for sentencing considerations?). Confusingly in at least two instances the legislature has equated bail forfeiture to a conviction (RCW 46.20.270(4) concerning traffic matters provides that if money is paid, including bail forfeiture, DOL will consider the matter a conviction. RCW 77.15.050 concerning Fish & Wildlife matters provides that if money is paid, including bail forfeiture, F&W will consider the matter a conviction. In either case, the designation of 'conviction' may result in impingement of substantial rights including immigration consequences.) Second, the AOC computer system automatically changes a Bail Forfeiture (BF) code to Guilty (G) if the bail forfeiture is not paid and the case is sent for collection, thus imposing a conviction for a person who may not have been adequately advised of his Constitutional rights in that regard. Third, the legislature has not delegated authority to the Court to enact bail forfeiture in amounts that differ from misdemeanor and gross misdemeanor penalties set in statute. Fourth, if bail forfeiture is defined as or results in conviction of a criminal charge, allowing that forfeiture of bail without a finding of guilt and constitutionally mandated colloquy is inappropriate. The proposed revision would eliminate the allowance of bail forfeiture as a final disposition in criminal matters. (Bail might however still be forfeited for a failure to appear in a case, in that event, the case is not

closed but remains open for resolution until the defendant appears before the court.)

Penalties: The Washington legislature has not delegated authority to the court to enact criminal penalties. The legislature should create penalties for all criminal charges, either through direct legislation or by delegated rule-making authority. The legislature has created executive agencies and commissions that are charged with regulation and enforcement in defined areas. The legislature has delegated rule making authority to those agencies or commissions within their areas of responsibility. The legislature has also provided procedures for exercising rule making authority.

By asking the Supreme Court to enact criminal penalties, the agencies and commissions have effectively substituted Supreme Court rule making procedures for the requirements of the Administrative Procedures Act (APA), Chapter 34.05 RCW. One purpose of the APA is to ensure that interested parties have an opportunity to be heard on proposed rules, including penalties. While the Supreme Court rule making process provides the openness and opportunity to comment anticipated by the APA, it may not be apparent to interested parties that they need to watch the Supreme Court rule making process in order to participate.

The proposed revision would shift adoption of penalties back to the legislature or to the agency/commission charged with enacting rules in the defined area.

(D) Hearing: None recommended.

(E) Expedited Consideration: The DMCJA requests expedited consideration of this rule change to allow the rulemaking to be considered and continued outside of the normal time line for Supreme Court rulemaking. The change of policy and process would need to be coordinated with legislative changes in statutes and the regulatory agencies whose bail amounts are currently set in court rule. The effective date of the potential rule amendment would need to be set in conjunction with changes in law and those agencies.

N: \DMCJA\Committee\Rules\Proposed rule Changes\Ball Forfeiture\GR 9 Cover Sheet for CrRLJ 3.2

CrRLJ 3.2 RELEASE OF ACCUSED—Proposed Revision

(a) through (l) are unchanged

~~(m) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.~~

(n) Accused Released on Recognizance or Bail--Absence--Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(o) Bail In Criminal Offense Cases--Mandatory Appearance.

(1) When required to reasonably assure appearance in court, bail for a person arrested for ~~the following criminal offenses listed in this rule or comparable ordinances shall be the amount listed in this rule: a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000.~~ In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

~~(3) Forfeiture of bail shall not constitute a final disposition for a mandatory offense or comparable ordinance without a written order of the court showing the reasons. The order may be a simple docket entry. If the court allows forfeiture of bail for a mandatory offense, it may accept bail in an amount no less than that set forth in these rules as full payment including all statutory assessments.~~

BAIL

- | | | |
|----|------------------------------------------------------------------------------------------------------|-------|
| 1. | Driving while under the influence; physical control (RCW 46.61.502; 46.52.100; 46.61.504) | \$500 |
| 2. | Driving while under the influence nonhighway vehicle or | |

	snowmobile (RCW 46.09.120(2))	\$500
3.	Operating nonhighway vehicle or snowmobile so as to endanger human life, etc. (RCW 46.09.130; 46.10.130)	\$500
4.	No valid driver's license (without identification) (RCW 46.20.021)	\$250
5.	Unlawful possession or use of a driver's license (RCW 46.20.0921)	\$100
6.	Driving while license suspended or revoked in the first and second degrees (RCW 46.20.342)	\$500
7.	Driving while license suspended or revoked in the third degree (RCW 46.20.342)	\$250
8.	Violating occupational license restrictions (RCW 46.20.410)	\$200
9.	Financial responsibility suspension (RCW 46.29.610, .620)	\$100
10.	Transporting dangerous articles (RCW 46.48.175)	\$500
11.	Unattended hit and run (RCW 46.52.010)	\$250
12.	Attended hit and run (RCW 46.52.020)	\$500
13.	Reports of repairs, concealing evidence (RCW 46.52.090)	\$500
14.	Confidentiality of driving records (RCW 46.52.130)	\$500
15.	Failure to obey police officer, flagger, or fire fighter (RCW 46.61.015)	\$250
16.	Failure to cooperate with or give information to police officer (RCW 46.61.020)	\$100
17.	Failure to stop and give information (RCW 46.61.022)	\$100
18.	Reckless driving (RCW 46.61.500)	\$500
19.	Racing (RCW 46.61.530)	\$500
20.	Leaving children unattended (RCW 46.61.685)	\$250
21.	Unfair motor vehicle business practices (RCW 46.70.170)	\$250
22.	Unlawful operation of for hire vehicles (RCW 46.72.100)	\$250
23.	Motor vehicle wreckers (RCW 46.80.170)	\$500
24.	Driving training schools (RCW 46.82.390)	\$250
25.	First Degree-Negligent Driving (RCW 46.61.525)	\$250
		Bail

(p) (Reserved.)

(q) (Reserved.)

(r) Forfeitable Wildlife and Fisheries Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE			70%	35%	
BREAKDOWN IS:			BAIL	PSEA	TOTAL
RCW	WAC	TITLE			
77.15.120.1		Take endangered fish or wildlife, 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$640
	232-12-276	Wildlife rehabilitation	\$79	\$55.30	\$162
77.15.120.2		Take endangered fish or wildlife, 1st degree (Mandatory appearance, F)	\$1,346	\$924.20	\$2,698
77.15.130		Take protected fish or wildlife (M)	\$132	\$92.40	\$274
	232-12-064	Live wildlife	\$263	\$184.10	\$640
	232-12-117	Raptor marking	\$79	\$55.30	\$162
	232-12-121	Raptor reporting	\$79	\$55.30	\$162
	232-12-129	Captive raptor propagation	\$79	\$55.30	\$162
	232-12-276	Wildlife rehabilitation	\$79	\$55.30	\$162

77.15.140		Take unclassified fish or wildlife (M)	\$53	\$37.10	\$18.55	\$100
	232-12-055	Hunter orange	\$53	\$37.10	\$18.55	\$100
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt wildlife during deer or elk season	\$132	\$92.40	\$46.20	\$271
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
77.15.150		Use poisons or explosives (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.160.1		Catch record card (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.2		Use barbed hooks (I)	\$39	\$27.30	\$13.65	\$80
77.15.160.3		Rule of commission or director designated as infraction (I)	\$39	\$27.30	\$13.65	\$80
77.15.170.1		Wastage 2nd degree (M)	\$132	\$92.40	\$46.20	\$271
77.15.170.2		Wastage 1st degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.180.1		Interfere with fishing/hunting gear 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
77.15.180.3		Interfere with fishing/hunting gear 1st degree (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.190		Trapping violations (M) (includes pamphlet violations)	\$53	\$37.10	\$18.55	\$100
	232-12-024	Sealing pelts	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation—hunting or trapping	\$184	\$128.80	\$64.40	\$378
77.15.210		Obstruct taking of fish or wildlife (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.220		Posting signs (M)	\$132	\$92.40	\$46.20	\$271
77.15.230		Use of department lands (M)	\$132	\$92.40	\$46.20	\$271
	232-12-177	Vehicle operation on department lands	\$53	\$37.10	\$18.55	\$100
	232-12-187	Access area use	\$53	\$37.10	\$18.55	\$100
	232-12-264	Litter on department lands	\$53	\$37.10	\$18.55	\$100
77.15.240		Use of dog (M)	\$132	\$92.40	\$46.20	\$271
77.15.250.1		Release of fish or wildlife (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.250.2		Release of deleterious exotic fish or wildlife (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.260.1		Trafficking 2nd degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.260.2		Trafficking 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.270		False reporting (GM)	\$184	\$128.80	\$64.40	\$378
77.15.280		Report fish or wildlife harvest (M)	\$53	\$37.10	\$18.55	\$100
77.15.290.1		Transport of fish or wildlife 2nd degree (M)	\$184	\$128.80	\$64.40	\$378
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.290.2		Transport of fish or wildlife 1st degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
	232-12-021	Importation of wildlife	\$184	\$128.80	\$64.40	\$378
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-224	Off-reservation possession of wildlife	\$184	\$128.80	\$64.40	\$378
77.15.300		Hydraulic project activity (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.310		Fish guard on water diversion (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.320		Fishway (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.330		Hunting or fishing contest (M)	\$132	\$92.40	\$46.20	\$271
	232-12-041	Field trial permit	\$79	\$55.30	\$27.65	\$162
	232-12-168	Fishing contests conditions	\$79	\$55.30	\$27.65	\$162
	232-12-169	Hunting contests conditions	\$79	\$55.30	\$27.65	\$162
77.15.340		Game farm operation (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-031	Game farm invoice	\$79	\$55.30	\$27.65	\$162
77.15.350		Aquatic farms—inspection and disease control (M)	\$263	\$184.10	\$92.05	\$540
77.15.360		Interfere with department operations (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.a		Recreational fishing 1st degree (GM)	\$184	\$128.80	\$64.40	\$378
77.15.370.1.b		Fish in fishway (GM)	\$263	\$184.10	\$92.05	\$540
77.15.370.1.c		Shoot, gaff, snag fish (GM)	\$263	\$184.10	\$92.05	\$540
77.15.380		Recreational fishing 2nd degree (M)	\$53	\$37.10	\$18.55	\$100
	220-20-025.1	Razor clam beds, driving on	\$39	\$27.30	\$13.65	\$80
	220-20-025.2	Crab, soft shell	\$39	\$27.30	\$13.65	\$80
		+\$10 each crab over 1	\$0	\$0	\$0	\$0
	220-56-145.1	Dolly Varden/bull trout or sturgeon mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-145.2	Recreational salmon, mutilation	\$79	\$55.30	\$27.65	\$162
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-145.3	Recreational bottomfish, mutilation	\$53	\$37.10	\$18.55	\$100
		+\$50 each fish over 1	\$0	\$0	\$0	\$0
	220-56-180.8	Recreational salmon, possession, each fish	\$79	\$55.30	\$27.65	\$162
	220-56-190.1-6	Recreational salmon, over limit, each fish	\$79	\$55.30	\$27.65	\$162

220-56-190.7	Recreational salmon, illegal size	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 4	\$0	\$0	\$0	
220-56-191	Recreational salmon, Puget Sound, undersize	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 4	\$0	\$0	\$0	
220-56-191.1-0	Recreational salmon, Puget Sound, over limit, each fish	\$79	\$55.30	\$27.65	\$162
220-56-215	Recreational salmon, snagged, each fish	\$79	\$55.30	\$27.65	\$162
220-56-220	Recreational salmon, eggs	\$132	\$92.40	\$46.20	\$271
220-56-235	Recreational bottomfish, over limit	\$53	\$37.10	\$18.55	\$109
	+\$25 each fish over 4	\$0	\$0	\$0	
220-56-240.1	Recreational sturgeon, size or limit (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-56-240.2	Recreational forage fish, over limit	\$39	\$27.30	\$13.65	\$80
	+\$2 each pound of fish over 10lbs.	\$0	\$0	\$0	
220-56-245	Recreational bottomfish, halibut, over limit, each fish	\$79	\$55.30	\$27.65	\$162
220-56-255	Recreational bottomfish, halibut, undersize, each fish	\$79	\$55.30	\$27.65	\$162
220-56-295.1	Recreational sturgeon, remove roe (Mandatory appearance)	\$526	\$368.20	\$184.10	\$1,079
220-56-310.1	Recreational clams, over limit	\$39	\$27.30	\$13.65	\$80
	+\$2 each clam over limit	\$0	\$0	\$0	
220-56-310.2	Recreational razor clam, over limit, 1-15	\$26	\$18.20	\$9.10	\$54
	+\$10 each clam over 30	\$0	\$0	\$0	
220-56-310.3	Recreational geoduck, over limit	\$53	\$37.10	\$18.55	\$109
	+\$50 each geoduck over 4	\$0	\$0	\$0	
220-56-310.4	Recreational clams, horse clams over limit	\$39	\$27.30	\$13.65	\$80
	+\$25 each clam over 8	\$0	\$0	\$0	
220-56-310.5	Recreational oysters, over limit	\$26	\$18.20	\$9.10	\$54
	+\$10 each oyster over 19	\$0	\$0	\$0	
220-56-310.6	Recreational scallops, over limit Rock scallops	\$39	\$27.30	\$13.65	\$80
	+\$10 each over 13	\$0	\$0	\$0	
220-56-310.7	Recreational scallops, over limit sea scallops	\$39	\$27.30	\$13.65	\$80
	+\$10 each over 13	\$0	\$0	\$0	
220-56-310.8	Recreational scallops, over limit pink scallops	\$39	\$27.30	\$13.65	\$80
	+\$10 each full pound or quart over first limit	\$0	\$0	\$0	
220-56-310.9	Recreational shrimp, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 each full limit over 2 limits	\$0	\$0	\$0	
220-56-310.10	Recreational octopus, over limit	\$53	\$37.10	\$18.55	\$109
	+\$50 each octopus over 3	\$0	\$0	\$0	
220-56-310.11	Recreational abalone, possess	\$79	\$55.30	\$27.65	\$162
	+\$150 each abalone over 4	\$0	\$0	\$0	
220-56-310.12	Recreational crawfish, over limit	\$39	\$27.30	\$13.65	\$80
	+\$25 each full limit over 2 limits	\$0	\$0	\$0	
220-56-310.13	Recreational squid, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 for any amount over 10 pounds above limit	\$0	\$0	\$0	
220-56-310.14	Recreational sea cucumber, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each over 26	\$0	\$0	\$0	
220-56-310.15	Recreational red sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each urchin over 19	\$0	\$0	\$0	
220-56-310.16	Recreational purple sea urchin, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each urchin over 19	\$0	\$0	\$0	
220-56-310.17	Recreational green urchin, over limit	\$39	\$27.30	\$13.65	\$80
	+\$10 each urchin over 37	\$0	\$0	\$0	
220-56-310.18	Recreational Dungeness crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
	+\$25 each crab over 6	\$0	\$0	\$0	
220-56-310.19	Recreational red rock crab, over limit, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
	+\$25 each crab over 6	\$0	\$0	\$0	
220-56-310.20	Recreational mussels, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 each full 10lbs. over 20lbs.	\$0	\$0	\$0	
220-56-310.21	Recreational barnacles, over limit	\$39	\$27.30	\$13.65	\$80
	+\$50 each full 10lbs. over 2 limits	\$0	\$0	\$0	
220-56-310.23	Recreational King or box crab, possess	\$79	\$55.30	\$27.65	\$162
	+\$150 each over 4	\$0	\$0	\$0	
220-56-335	Recreational crab, 1-6 crabs	\$39	\$27.30	\$13.65	\$80
	+\$25 each crab over 6	\$0	\$0	\$0	
220-56-355.2	Recreational geoduck, neck only	\$53	\$37.10	\$18.55	\$109
	+\$50 each neck over 4	\$0	\$0	\$0	
220-56-355.3	Recreational clams, undersize	\$39	\$27.30	\$13.65	\$80
	+\$2 each clam over 4	\$0	\$0	\$0	
220-56-365	Recreational razor clam, fail to retain	\$39	\$27.30	\$13.65	\$80
220-56-385	Recreational oysters, retain shell	\$26	\$18.20	\$9.10	\$54
	+\$10 each shell over 4	\$0	\$0	\$0	

	220-56-400	Recreational abalone, possess +\$150 each over 1 abalone	\$79 \$0	\$55.30 \$0	\$27.65 \$0	\$162
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-161	Fly fishing rules	\$79	\$55.30	\$27.65	\$162
	232-12-164	Fishing near dams	\$132	\$92.40	\$46.20	\$274
77.15.390		Seaweed (M)	\$53	\$37.10	\$18.55	\$109
77.15.400.1		Wild birds 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-044	Game bird marking requirements	\$79	\$55.30	\$27.65	\$162
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-066	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-061	Fail to tag	\$184	\$128.80	\$64.40	\$378
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-068	Non-toxic shot	\$53	\$37.10	\$18.55	\$109
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation— hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-264	Bait game birds	\$263	\$184.10	\$92.05	\$540
	232-12-267.1	Field identification of game birds	\$53	\$37.10	\$18.55	\$109
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.400.2		Wild birds 1st degree (GM)	\$132	\$92.40	\$46.20	\$274
77.15.410.1		Big game animal 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
	232-12-047	Unlawful firearm	\$79	\$55.30	\$27.65	\$162
	232-12-061	Muzzleloading firearms	\$79	\$55.30	\$27.65	\$162
	232-12-064	Unlawful archery	\$79	\$55.30	\$27.65	\$162
	232-12-066	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-24402	Colville Reservation— hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-267.2	Field identification of big game	\$184	\$128.80	\$64.40	\$378
	232-12-267.3	Field identification of big game with horn or antler	\$263	\$184.10	\$92.05	\$540
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.410.2		Big game animal 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,304
77.15.430.1		Wild animals 2nd degree (M)	\$79	\$55.30	\$27.65	\$162
	232-12-066	Hunter orange	\$53	\$37.10	\$18.55	\$109
	232-12-064	Live wildlife	\$263	\$184.10	\$92.05	\$540
	232-12-077	Possession without statement	\$79	\$55.30	\$27.65	\$162
	232-12-242	Hunt during modern firearm deer/ elk season	\$132	\$92.40	\$46.20	\$274
	232-12-24402	Colville Reservation— hunting or trapping	\$184	\$128.80	\$64.40	\$378
	232-12-275	Wildlife rehabilitation	\$79	\$55.30	\$27.65	\$162
	232-12-291	Hunt before or after hours	\$79	\$55.30	\$27.65	\$162
	232-12-828	Disabled hunter/companion violation	\$79	\$55.30	\$27.65	\$162
77.15.430.2		Wild animals 1st degree (M)	\$132	\$92.40	\$46.20	\$274
77.15.440		Use of weapon/dog/trap on game reserve (M)	\$132	\$92.40	\$46.20	\$274
77.15.450.1		Spotlighting big game 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.450.2		Spotlighting big game 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,304
77.15.460		Loaded firearm in vehicle (M)	\$132	\$92.40	\$46.20	\$274
77.15.470		Avoid check station (GM)	\$263	\$184.10	\$92.05	\$540
77.15.500.1		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Limited entry	\$1,053	\$737.10	\$368.55	\$2,159
		Non-limited entry	\$526	\$368.20	\$184.10	\$1,079
77.15.500.1.b		Commercial fish without license 2nd degree (GM)	\$0	\$0	\$0	
		Alternate operator	\$263	\$184.10	\$92.05	\$540
77.15.500.2		Commercial fish without license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,304
77.15.510		Commercial fish guide/charter (GM)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.530.1		Non-designated vessel (Mandatory appearance, GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.530.4		Non-designated vessel same day (Mandatory appearance, F)	\$1,053	\$737.10	\$368.55	\$2,159
77.15.540		Use of commercial fish license (M)	\$79	\$55.30	\$27.65	\$162
	220-20-050.1,2	Vessel registration decal display	\$53	\$37.10	\$18.55	\$109
	220-20-050.3	Salmon angler decal display	\$53	\$37.10	\$18.55	\$109
	220-20-051.4	Affix registration/documentation numbers	\$53	\$37.10	\$18.55	\$109
77.15.550.1		Commercial fish area or time 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
	220-20-010.12	Salmon through power block, each fish	\$79	\$55.30	\$27.65	\$162
	220-20-010.13	Mutilate food fish, each fish	\$79	\$55.30	\$27.65	\$162

220-20-015.3	Commercial salmon, undersize	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-015.3.b	Commercial salmon, dressed fish	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-016.1	Commercial salmon, take home limit, each fish	\$79	\$55.30	\$27.65	\$162
220-20-016.2	Sell salmon to unauthorized buyer	\$263	\$184.10	\$92.05	\$540
	+\$150 each fish over 1	\$0	\$0	\$0	
220-20-020.1	Commercial sturgeon, illegal size, undersized each fish	\$79	\$55.30	\$27.65	\$162
	Oversized, each fish (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-20-020.5	Commercial bottomfish, undersized flounder	\$53	\$37.10	\$18.55	\$100
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-021.1.a	Commercial sturgeon, exceed limit	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-20-021.1.c	Sale of sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,169
220-20-021.2	Purchase sturgeon eggs (Mandatory appearance)	\$1,053	\$737.10	\$368.55	\$2,169
220-20-025.2	Commercial crab, soft shell	\$132	\$92.40	\$46.20	\$271
220-20-025.3	Commercial crab, back shell	\$132	\$92.40	\$46.20	\$271
220-33-020.3	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-33-020.4	Commercial sturgeon, over limit, each fish	\$79	\$55.30	\$27.65	\$162
220-33-020.5	Commercial sturgeon, remove eggs	\$132	\$92.40	\$46.20	\$271
220-33-020.6	Commercial sturgeon, remove head or tail, each fish	\$79	\$55.30	\$27.65	\$162
220-36-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-36-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
	+\$150 each fish over 1	\$0	\$0	\$0	
220-40-031.2	Commercial sturgeon, illegal size (Mandatory appearance)	\$263	\$184.10	\$92.05	\$540
220-40-031.3	Commercial sturgeon, closed season	\$263	\$184.10	\$92.05	\$540
	+\$150 each fish over 1	\$0	\$0	\$0	
220-44-050	Commercial bottomfish, catch limit	\$263	\$184.10	\$92.05	\$540
	+\$500 each additional 10% over limit	\$0	\$0	\$0	
220-44-050.3	Commercial bottomfish, undersized lingcod	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-47-401	Chinook salmon using reef net gear	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.1	Commercial bottomfish, undersized sole	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.3	Commercial bottomfish, lingcod, closed area	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.4	Commercial bottomfish, lingcod, illegal size	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.5	Commercial bottomfish, lingcod, closed time	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.6	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
220-48-005.7.b	Commercial bottomfish, retain salmon or sturgeon	\$79	\$55.30	\$27.65	\$162
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-005.7.c	Commercial bottomfish, retain shellfish	\$132	\$92.40	\$46.20	\$271
220-48-005.7.d	Commercial bottomfish, whiting	\$53	\$37.10	\$18.55	\$100
	+\$50 each fish over 1	\$0	\$0	\$0	
220-48-052.2	Commercial bottomfish, fish for possess salmon, each fish	\$79	\$55.30	\$27.65	\$162
220-52-019.5	Commercial geoduck, neck or siphon	\$79	\$55.30	\$27.65	\$162
	+\$50 for each geoduck over 1	\$0	\$0	\$0	
220-52-019.9	Commercial geoduck, processing (Mandatory appearance)	\$789	\$552.30	\$276.15	\$1,618
220-52-040.3	Commercial crab, undersized or female	\$132	\$92.40	\$46.20	\$271
	+\$50 each crab over 1	\$0	\$0	\$0	
220-52-043.6	Commercial crab, incidental catch	\$132	\$92.40	\$46.20	\$271
220-52-050.1.c	Commercial shrimp, exceed count	\$526	\$368.20	\$184.10	\$1,079
220-52-050.1.d	Commercial shrimp, incidental catch, each fish	\$79	\$55.30	\$27.65	\$162
220-52-050.1.e	Commercial shrimp, incidental catch of shellfish	\$132	\$92.40	\$46.20	\$271
220-52-060.1.c	Commercial crawfish, undersized or female	\$79	\$55.30	\$27.65	\$162
220-52-068.4	Commercial scallops, incidental catch	\$132	\$92.40	\$46.20	\$271
220-52-069.2.a.ii	Commercial scallops, undersized	\$53	\$37.10	\$18.55	\$100
	+\$25 each scallop over 1	\$0	\$0	\$0	
220-52-069.2.a.iv	Commercial scallops, retain other foodfish or shellfish	\$132	\$92.40	\$46.20	\$271
220-52-071.3.c	Commercial sea cucumbers, possess geoduck, each	\$79	\$55.30	\$27.65	\$162

		geoduck				
	220-52-073.2	Commercial sea urchins, illegal size +\$25 each sea urchin over 1	\$53	\$37.40	\$18.66	\$109
	220-52-073.3.d	Commercial sea urchins, purple sea urchin, each urchin	\$53	\$37.40	\$18.66	\$109
	220-52-073.3.g	Commercial sea urchins, processing	\$526	\$368.20	\$184.10	\$1,079
	220-88A-070.3	Commercial shrimp, undersized spot shrimp	\$263	\$184.10	\$92.05	\$540
77.15.550.2		Commercial fish area or time 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.560		Report commercial fish harvest or delivery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.1		Participate in treaty Indian fishery (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.570.2		Participate in treaty Indian commercial fishery (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.580.1.a		Use of net to take fish 2nd degree (Mandatory appearance, GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.580.1.b		Use of net, retain fish 2nd degree (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.15.580.2		Use of net to take fish 1st degree (Mandatory appearance, F)	\$1,579	\$1,105.30	\$552.65	\$3,237
77.15.590		Commercial vessel for charter or recreational use (GM)	\$263	\$184.10	\$92.05	\$540
77.15.600		Commercial wildlife activity (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.610		Commercial wildlife license (M)	\$79	\$55.30	\$27.65	\$162
77.15.620.1		Fish dealing 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.620.3		Fish dealing 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.630.1		Use of fish buyer/dealer license 2nd degree (GM)	\$789	\$552.30	\$276.15	\$1,618
77.15.630.2		Use of fish buyer/dealer license 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.15.640		Violate fish buyer/dealer rules (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.1		Purchase or use of license 2nd degree (GM)	\$263	\$184.10	\$92.05	\$540
77.15.650.2		Purchase or use of license 1st degree (Mandatory appearance, F)	\$1,315	\$921.20	\$460.60	\$2,698
77.15.660		Scientific permit (GM)	\$263	\$184.10	\$92.05	\$540
77.15.670.1		Suspension of department privileges 2nd degree (GM)	\$526	\$368.20	\$184.10	\$1,079
77.15.670.2		Suspension of department privileges 1st degree (Mandatory appearance, F)	\$2,631	\$1,841.70	\$920.85	\$5,394
77.16.070		Hunting intoxicated (Mandatory appearance, GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.1		Hunt bear using bait (GM)	\$263	\$184.10	\$92.05	\$540
77.16.360.2		Hunt with dog or dogs (GM)	\$263	\$184.10	\$92.05	\$540

~~-(s) Forfeitable Natural Resources Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

~~WHERE A BAIL AMOUNT IS SHOWN, _____ 70% _____ 35%
THE BREAKDOWN IS: _____ BAIL PSEA PSEA TOTAL~~

RCW 76.04.205	Violation of Burning Permit	90	63	31.50	185
WAC 332-24-211	Violations of Outdoor Burning Rules	90	63	31.50	185
RCW 76.04.215	Burning Mill Wood Waste—Arresters	90	63	31.50	185
RCW 76.04.246	Use of Blasting Fuse	90	63	31.50	185
RCW 76.04.305	Closed to Entry—Extra Fire Hazard	90	63	31.50	185
RCW 76.04.315	Suspension of Burning Permits/Privileges	90	63	31.50	185
RCW 76.04.325	Closure of Forest Operations or	90	63	31.50	185
WAC 332-24-301	Industrial Restrictions Forest Lands				
RCW 76.04.405	Spark Emitting Equipment Regulated	90	63	31.50	185
WAC 332-24-405					
RCW 76.04.415	Work Stoppage Notice—Violation	90	63	31.50	185
RCW 76.04.425	Unauthorized Entry Into Sealed Fire Tool Box	90	63	31.50	185

RCW 76.04.435	Deposit of Fire or Live Coals—Railroad	150	105	52.50	308
RCW 76.04.455	Discarding Lighted Material	90	63	31.50	185
RCW 76.04.465	Certain Snags To Be Felled	90	63	31.50	185
WAC 332-24-401	Felling of Snags				
WAC 332-24-409	Electric Fence Controllers—Uncertified	90	63	31.50	185
RCW 76.04.650	Disposal of Forest Debris—Felling	90	63	31.50	185
RCW 76.04.700	Failure To Extinguish Campfire	90	63	31.50	185
RCW 76.04.710	Willful Setting of Fire	160	112	56	328
RCW 76.04.720	Removal of Notices—Signs	90	63	31.50	185
RCW 76.04.730	Negligent Fire—Spread	90	63	31.50	185

FOREST PROTECTION

FOREST PRACTICES

RCW 76.09.060(5)	Deviation From Approved Appl./Notif.	250	175	87.50	513
WAC 222-20-060					
RCW 76.09.060(3)	Conversion Deviation From Approved Appl./Notif.	250	175	87.50	513
WAC 222-20-050					
RCW 76.09.060	Conversion Deviation From Approved Appl./Notif.	250	175	87.50	513
WAC 222-34-010					
WAC 222-34-020	(also see Reforestation)				
RCW 76.09.050(4)	Road Location—Unstable Slopes	250	175	87.50	513
WAC 222-24-020(6)					
RCW 76.09.050(4)	Location and Design	250	175	87.50	513
WAC 222-24-025					
RCW 76.09.050(4)	Road Construction—General	250	175	87.50	513
WAC 222-24-030					
RCW 76.09.050(4)	End Haul/Side Cast and Waste Disposal	250	175	87.50	513
WAC 222-24-030(8,9)					
RCW 76.09.050(4)	Road Maintenance	250	175	87.50	513
WAC 222-24-050					
RCW 76.09.050(4)	Rock Quarries	250	175	87.50	513
WAC 222-24-060					
RCW 76.09.050(4)	Harvest Unit, Plan Design	250	175	87.50	513
WAC 222-30-020					
RCW 76.09.050(4)	Landing Location and Construction—	250	175	87.50	513
WAC 222-30-020(2,3)	Water				
RCW 76.09.050(4)	Temperature Control Shade	250	175	87.50	513
WAC 222-30-040	Requirements—Temp. Sensitive				
RCW 76.09.050(4)	Temperature Control Shade	250	175	87.50	513
WAC 222-30-040	Requirements—General				
RCW 76.09.050(4)	Falling and Bucking	250	175	87.50	513
WAC 222-30-050					
RCW 76.09.050(4)	Cable Yarding	250	175	87.50	513
WAC 222-30-060					
RCW 76.09.050(4)	Tractor and Wheeled Skidding Systems	250	175	87.50	513
WAC 222-30-070					

RCW 76.09.050(4)	Postharvest Site Preparation	250	175	87.50	513
WAC 222-30-090					
RCW 76.09.050(4)	Slash Disposal	250	175	87.50	513
WAC 222-30-100	(See also RCW 76.04 & WAC 332-24)				
RCW 76.09.050(4)	Chemicals	250	175	87.50	513
WAC 222-38-020					

Consult Department of Agriculture prior to citation.

SPECIALIZED FOREST PRODUCTS

General Rules

RCW 43.30.310	Nontraffic				
WAC 332-52-030					
	(1) Sanitation	90	63	31.50	185
	(2) Public Behavior	40	28	14	82
	—(c) Selling without permission				
	—(d) Advertising without permission				
	—(f) Fireworks	90	63	31.50	185
	(3) Audible Devices	70	49	24.50	144
	—(a) Audible devices regulated				
	—(b) Unauthorized use of public —address system				

Public Behavior—Recreation Site

RCW 43.30.310					
WAC 332-52-040					
	(4) Occupying a closed site	25	17.50	8.75	52
	(5) Fire outside designated location	25	17.50	8.75	52
	(6) Camping in a day-use area	25	17.50	8.75	52
	(7) Failure to clean up rubbish	25	17.50	8.75	52
	(8) Utilizing site which is designated for —other use	25	17.50	8.75	52
	(9) Overstaying site	25	17.50	8.75	52
	(10) Failure to maintain quiet	25	17.50	8.75	52
	(11) Saddle or pack animals in camp	25	17.50	8.75	52
	(12) Pets at large	25	17.50	8.75	52

MANDATORY

RCW 76.04.235 WAC 332-24-261	Dumping Mill Waste, Forest Debris	Mandatory
RCW 76.04.445	Dumping Mill Waste—Creation of Fire Hazard	Mandatory
RCW 76.04.740	Reporting Fire	Mandatory
RCW 76.09.170 WAC 222-46-080	Reckless Burning	Mandatory
RCW 76.09.050(2),(4) WAC 222-20-010	Knowingly in Violation of RCW 76.09.010-280	Mandatory
RCW 76.09.050(4) WAC 222-24-040	Operation Without Application/ Notification	Mandatory
	Water Crossing Structures (See also RCW 75.20.100 & WAC 220-110)	Mandatory

RCW 76.09.050(4)	Riparian Management Zone	Mandatory
WAC 222-30-020(4)		
RCW 76.09.050(4)	Stream Bank Integrity	Mandatory
WAC 222-30-030		
RCW 76.09.050(4)	Landing Cleanup	Mandatory
WAC 222-30-080		
RCW 76.09.070	Reforestation	Mandatory
WAC 222-34-010		
RCW 76.36	Marks and Brands. File All Charges With Prosecutor. (No Citation.)	Mandatory
RCW 76.40	Log Patrol. File All Charges With Prosecutor. (No Citation.)	Mandatory
RCW 76.48.030	No Valid Permit	Mandatory
RCW 76.48.070	Possessing Forest Products Without a Valid Permit	Mandatory
RCW 76.48.070	Transporting Forest Products Without a Valid Permit	Mandatory
RCW 76.48.075	Transporting Forest Products From Out of State	Mandatory
RCW 76.48.092	Refusal To Surrender Copy of Permit	Mandatory
RCW 76.48.094	Cedar Processor Failure To Maintain Records	Mandatory
RCW 76.48.096	Cedar Processor Purchase From a Person Without a Permit	Mandatory
RCW 76.48.120	Offering a False or Fraudulent Permit (Class C Felony No Citation.)	Mandatory

General Rules

RCW 43.30.310	Nontraffic	
WAC 332-52-030		
	(2) Public behavior	Mandatory
	—(a) Inciting or participating in riots	
	—(b) Malicious mischief	Mandatory
	— Damages less than \$50	
	— Damages more than \$50, less than \$250	Mandatory
	— Damages more than \$250, less than \$1,500	Mandatory
	— (Class C Felony No Citation.)	
	— Damages more than \$1,500	
	— (Class B Felony No Citation.)	
	—(c) Erecting unauthorized buildings	Mandatory

Public Behavior—Recreation Site

RCW 43.30.310	Nontraffic	
WAC 332-52-040		
	(1) Destroying—Defacing (Malicious mischief)	Mandatory
	— Damages less than \$50	
	— Damages more than \$50, less than \$250	Mandatory
	— Damages more than \$250, less than \$1,500	Mandatory

~~—(Class C Felony No Citation.)~~
~~—Damages more than \$1,500~~ Mandatory
~~—(Class B Felony No Citation.)~~
 (2) Discharging firearms Mandatory

~~—(t) Forfeitable Parks Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN, ~~70%~~ ~~35%~~
 THE BREAKDOWN IS: ~~BAIL~~ ~~PSEA~~ ~~PSEA~~ ~~TOTAL~~

CRIMINAL

WAC		BAIL	PSEA	PSEA	TOTAL
308-93-020	Vessel Registration Required				Mandatory
352-32-120	Firearms and/or Weapons				Mandatory
352-32-130	Aircraft				Mandatory
352-32-140	Fireworks	70.00	49.00	24.50	144.00
352-32-150	Fishing	50.00	35.00	17.50	103.00
352-32-15001	Little Spokane River Natural Area Prohibited Uses	50.00	35.00	17.50	103.00
352-32-170	Rubbish				Mandatory
352-32-180	Sanitation				Mandatory
352-32-210	Consumption of Alcohol in State Park Areas	50.00	35.00	17.50	103.00
352-32-290	Wood Debris Collection	70.00	49.00	24.50	144.00
352-37-070	Restricted Areas				Mandatory
352-37-120	Operator's License Required				Mandatory
352-37-140	Certain Practices Prohibited				Mandatory
352-37-170	Aircraft				Mandatory
352-37-190	Excluded/Limited Recreational Activities	50.00	35.00	17.50	103.00
352-60-030	Personal Flotation Devices	24.74	17.32	8.66	51.00
352-60-040	Visual Distress Signals	24.74	17.32	8.66	51.00
352-60-050	Ventilation	70.00	49.00	24.50	144.00
352-60-060	Navigation Lights and Shapes and Sound and Light Signals	70.00	49.00	24.50	144.00
352-60-070	Steering and Sailing				Mandatory
352-60-080	Fire Extinguishing Equipment	24.74	17.32	8.66	51.00
352-60-090	Backfire Flame Control	70.00	49.00	24.50	144.00
352-60-100	Liquefied Petroleum Gas				Mandatory
352-60-110	Canadian Vessels				Mandatory
352-70-040	Boating Accident & Casualty Report				Mandatory

~~(u) Forfeitable Utilities and Transportation Offenses. The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:~~

WHERE A BAIL AMOUNT IS SHOWN,		70%		35%		
THE BREAKDOWN IS:		BAIL	PSEA	PSEA	TOTAL	
RCW & WAC	VIOLATION					
81.04.380	Violation of Chapter by Officer, Agent, Employee of Public Service Co. (Mandatory Appearance)					500
81.04.385	Failure To Comply With Commission Orders/Provision of Title 81 (Mandatory Appearance)					500
81.04.390	Person Violating Provision of Title 81 (Mandatory Appearance)					500
81.04.390	Failure To Observe Order, Aiding, Abetting, Etc. (Mandatory Appearance)					250
81.68.045	Certificate Required—Auto Transp. (Mandatory Appearance)					500
480-30-030						
81.68.045	Certificate Required—Excursion Bus (Mandatory Appearance)					500
480-40-030						
81.70.220	Certificate Required—Charter Bus (Mandatory Appearance)					500
480-40-030						
81.70.330	No Name or Permit Number Displayed—Charter/Excursion Bus	50	35	17.50		103
480-30-090	Fail to ID Vehicle—Auto Transp.	50	35	17.50		103
81.70.340	Fail To Register ICC Authority—Charter/Excursion Bus	80	56	28		164
480-40-120						
480-30-100	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 (Mandatory Appearance)					500
480-40-070	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15 Charter/Excursion Bus (Mandatory Appearance)					500
480-30-100	Medical Certificate Violation—Auto Transp.	50	35	17.50		103
480-40-070	Medical Certificate Violation—Charter/Excursion Bus	50	35	17.50		103
480-30-097	Moving Equipment Ordered Out of Service Without Repairs Made—Auto Transp. (Mandatory					500

	Appearance)				
480-40-065	Moving Equipment Ordered Out of Service Without Repairs Made-Charter/Excursion Bus (Mandatory Appearance)				500
480-30-100	Hours of Service—Auto Transp.—Driver in Service	50	35	17.50	103
480-30-100(1)	Driver Out of Service	80	56	28	164
81.77.040	Certificate of Convenience and Necessity Required—Solid Waste Transp. (Mandatory Appearance)				500
480-70-070	Fail To ID Vehicle—Solid Waste Transp.	50	35	17.50	103
480-70-400	Disqualified Driver—License Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. Section 391.15—Solid Waste Transp. (Mandatory Appearance)				500
480-70-400	Medical Certificate Violation—Solid Waste Transp.	50	35	17.50	103
480-70-325	Moving Equipment Ordered Out of Service Without Repairs Made—Solid Waste Transp. (Mandatory Appearance)				500
480-70-330	Hours of Service—Solid Waste Transp. Driver in Service	50	35	17.50	103
	Driver Out of Service	80	56	28	164
81.80.060	No Valid Combination of Services Permit	130	91	45.50	267
81.80.070	No Valid Permit—Common/Contract (Mandatory Appearance)				500
81.80.100	Exceeding Permit Authority	130	91	45.50	267
81.80.355	Unlawful Advertising	80	56	28	164
480-14-100					
81.80.371	Fail to Register Appropriate ICG Authority	80	56	28	164
480-14-320					
480-12-121	Fail to Display Copy of Permit	25	17.50	8.75	52
480-14-090					
480-14-110	Improper Use of Permit or Registration	130	91	45.50	267
81.80.305	No Name or Permit Number Displayed	50	35	17.50	103
480-12-150					
480-14-340					
480-12-165	Moving Equipment Ordered Out of Service Without Repairs Made				500
480-14-360 (3)					

	(Mandatory Appearance)				
480-12-180 (6)	Disqualified Driver—License				500
480-14-370 (7)	Suspended or Revoked, and Other Disqualifying Offenses as Listed in 49 C.F.R. § 391.15 (Mandatory Appearance)				
480-12-180 (1)	Attendance/Surveillance of				500
480-14-370 (1)	Hazardous Material Laden Motor Vehicle (Mandatory Appearance)				
480-12-180 (1)	Parking of Hazardous Material				500
480-14-370 (1)	Laden Motor Vehicle (Mandatory Appearance)				
480-12-180 (1)	Explosive Laden Vehicle Off Route				500
480-14-370 (1)	(Mandatory Appearance)				
480-12-180 (6)	Medical Certificate Violation	50	35	17.50	103
480-14-370 (7)					
480-12-190	Hours of Service Violation Driver in	50	35	17.50	103
480-14-380	Service				
480-12-190 (1)	Driver Out of Service	80	56	28	164
480-14-380	Hazardous Material Transportation				500
480-14-390	(Mandatory Appearance)				
480-12-210	Failure to Display Commission Approved Lease	50	35	17.50	103
81.90.030	Certificate Required (Mandatory Appearance)				500
81.90.140	Failure to Register Interstate	80	56	28	164
480-35-110	Authority				
480-35-120	Failure to Display Valid Identification Decal	50	35	17.50	103
81.80.301	Failure to Display Single State	50	35	17.50	103
480-14-300	Registration (SSR) Receipt				
480-14-400	Radioactive Material Transp. (Mandatory Appearance)				500

[Amended effective September 1, 2002; April 1, 2003; September 1, 2005.]

Sent via e-mail on 10/24/08 to DMCJA List Serve.

This message is being sent on behalf of the DMCJA Board of Directors to all DMCJA members:

Over the past year the DMCJA Board, Long Range Planning (LRP) Committee and Court Rules Committee, have considered and discussed a possible change to CrRLJ 3.2 which would eliminate the language authorizing bail forfeiture.

Procedurally, the issue was considered during 2006-07 by the Long Range Planning Committee. The LRP Committee recommended that reference to bail forfeiture be removed from the Court Rule. The DMCJA Board during 2007-08 acted to propose to the Supreme Court that CrRLJ 3.2 be modified to remove the reference to bail forfeiture. Soon thereafter at the request of the Court Rules Committee, the DMCJA Board decided to stay its previous Board action, and refer the issue again to a reconstituted LRP Committee for review. The LRP Committee has completed its further review; and at the October 2008 DMCJA Board meeting, made recommendations to the Board for final action.

Below is a summary of the reasons for the proposed change and the concerns that have been raised thus far. Attached also is a copy of the summary memorandum which was provided to the DMCJA Board at that meeting. The Board will consider the issue for action at the November 14, DMCJA Board meeting scheduled to begin at 12:15 p.m. at the AOC SeaTac Office. All DMCJA members are invited to attend this or any other Board meeting, of course. In the event that members are not able to attend, the Board hereby actively solicits comments from members.

Summary: Essentially, the reasons for requesting the change to the bail forfeiture rule are as follows:

1. Except for the reference in CrRLJ 3.2 ("If the court allows forfeiture of bail for a mandatory offense, it may accept bail in an amount not less than CrRLJ 3.2 (o)(3)), there is no statutory authority for bail forfeiture in District or Municipal Courts. There is a reference for Traffic Violations Bureaus (the extension of the old Justice of the Peace courts) in RCW 3.50.030;
2. While some courts accept bail forfeitures, others do not. This creates a disparity in justice offered statewide. An increasing number of courts offer public defenders at arraignment (the stage where most bail forfeitures occur), but many courts do not provide public defenders before a defendant makes the decision to bail forfeit. Some courts and/or law enforcement agencies allow the law enforcement officer to write on the citation "Appear or forfeit \$X bail"; this also allows the decision to be made without access to or even advice of Constitutional rights. There is a concern that "bail forfeiture as final disposition" may violate due process by short-circuiting the arraignment, trial and sentencing process and the rights. There is a concern about the ethical obligations of the court. See CrRLJ 3.1(a) and (b) and In re Ottinger: CJC No. 4475-F-119 May 5, 2006. (Ethical violation found where judge routinely failed to advise unrepresented defendants of various rights . . . including "the perils of proceeding without counsel.")

3. A review of bail forfeitures statewide for the calendar year 2007 reveals that about half of the bail forfeiture cases are for DWLS 3, and the other half are for Unlawful Recreational Fishing in the 2nd degree. Each of these offenses carries a penalty of up to 90 days in jail and/or a \$1,000 fine, and requires a mandatory court appearance. In addition, a small proportion of courts have allowed bail forfeiture for cases such as DUI, assault, assault DV, communication with a minor, possession of marijuana, and other offenses that carry a potentially greater penalty and collateral consequences. The Department of Licensing (DOL) considers the payment of any amount to result in a 'conviction' for DOL purposes per RCW 46.20.270(4) regardless of the designation that the court states. The Fish and Wildlife Department considers payment of any amount to result in a 'conviction' for hunting and fishing license purposes per RCW 77.15.050 regardless of the designation that the court states.

4. The Administrative Office of the Courts computer system does not accommodate bail forfeitures UNLESS the bail amount is paid in advance. That is, if a bail forfeiture is accepted, with payments to be made in the future, and the payments are not in fact made, and the court sends the uncollected amount to collection, the computer automatically changes/converts the BF designation to G (for guilty) without the defendant being afforded all of the rights associated with that decision, and without the defendant being afforded information about collateral consequences such as immigration consequences, firearms consequences, teacher or nursing license, etc.

Concerns: The Board has heard concerns that, without bail forfeiture as a quick tool to handle the volume of DWLS 3 and/or misdemeanor fish/wildlife violations, their court calendars will become further congested and unmanageable. Concern has also been raised that elimination of this method of dealing with these charges will increase the impact on local jurisdiction funding of prosecutor and public defender resources.

Action: The Board has before it a question about whether to propose the rule change. At the same time, it will consider the contemporaneous development of solutions to related workload and fiscal concerns. The timing of proposing a rule change might be linked to the creation of potential solutions by a task force that includes essential stakeholders. Some initial ideas for consideration may include: a legislative change to authorize and define bail forfeiture, or to consider decriminalization of DWLS3, or pre-trial diversion programs for misdemeanors, and/or asking for funding for AOC to modify its computer system to allow bail forfeiture payment plans to remain in that designation regardless of payments made or not.

Your input is important. Please provide your response to any DMCJA Board member or officer before the November 14, Board meeting. All of our contact information is provided in the attached document and is also located on the new DMCJA web site at www.dmcja.org <<http://www.dmcja.org>> under "Officers." In addition, you may provide oral comments to the Board at the November Board meeting if you wish. If you will be attending the November meeting, an R.S.V.P. will be appreciated. Please share your plans to attend with Paula Odegaard at paula.odegaard@courts.wa.gov.

Thank you.

2008-09 DMCJA Board of Directors

Summary of Responses Received by the DMCJA Board in response to request for input:

Judge Dan Phillips: Although I can understand it may be "better" to have no Bail Forfeitures in a perfect world...our court systems find themselves with the reality that funding for our courts (our court staff, prosecutors, court appointed counsel etc) is declining. The dollars are far fewer. Why change your local system? I find bail forfeitures are preferable and in the public's interest. My suggestion is leave bail forfeitures alone. Dan

Judge Michael Morgan: I UNDERSTAND SOME OF THE DUE PROCESS CONCERNS WITH BAIL FORFEITURES SO OUR COURT HAS A 1 PAGE FORM (SIMILAR TO A GUILTY PLEA FORM) EXPLAINING THE CONSEQUENCES OF A BAIL FORFEITURE (SUCH AS WITH DOL) THAT A DEFENDANT MUST SIGNE AND REVIEW BEFORE I ACCEPT A FORFEITURE. MIKE

Judge Darvin Zimmerman: I'm with Judges Morgan and Phillips and see no harm with BF's on the typical game cases or DWS III mentioned below. Trying for complete consistency between all courts in the state is noble, possibly, but a lost cause. E.g. what works well for us as a larger county may not work at all for a smaller one day a week type court. We have complete separate dockets for DWS III and typically reduce them to infractions with PA/CA's approval once they have gotten reinstated.

A judge that allows a BF in a DUI has some serious explaining to do such as the mandatory minimums not being followed or even the requirement to set conditions of release. I make it a practice to have the PA or CA approve all BF's and it usually involves someone out of state that we most likely wouldn't get back anyway. And it is done very seldom and only on those that I wouldn't give jail time to in any event. Since the PA/CA could move to dismiss the case anyway I see little difference in allowing them to approve of a BF. Try to regulate this practice by saying no BF's and it will reduce revenue and result in stays or some other less successful and more time consuming process that accomplishes even less justice.

In short...since it doesn't seem to be broke, why are we fixing this again?

Vote soon...

P.S. Seem like there should be some computer savvy person out there who could set up a vote of the membership? So far it's 3 to zip to leave it alone.

Judge Bradley Anderson: Bail forfeitures seem like an inappropriate way to handle criminal offenses. The problem, however, is not with bail forfeitures. The problem is that Washington has, for far too long, made what should be civil offenses (e.g. game offenses) into crimes. While a huge endeavor, the legislature should review and revamp the laws to reclassify the petty offenses to civil infractions. It would save tons of money (e.g. public defenders, trial, etc) and probably create a larger source of revenue.

Having said that, bail forfeitures are probably a necessary evil to flush out offenses that should not be crimes. Probably does not help the discussion, but I feel a lot better having got that off my chest.

Judge Philip Van De Veer: Perhaps we can do both at once. I learn and benefit from hearing from the other judges on the listserv. The Board will gain a better understanding if the opinions and diverse practices of the various judges are expressed and vetted on the listserv. The Board members on the listserv can then forward the various comments on the subject for the full Board's consideration.

I don't utilize bail forfeitures very often (fishing without license), but it is a handy tool to have in the toolbox. Tinker and, perhaps, standardize the practice, but don't take it away (Remember the mess a few years ago involving SOCs). If you do standardize the practice, make sure to first check with the small courts, so we don't wind up with a King County solution imposed back in the hollow. Thank you.

Judge Dave Edwards: Please don't. One of the quickest ways to break something is to fix it when it isn't broken.

Judge Jerry Roach: We follow a similar procedure (*referring to Judge Michael Morgan's e-mail*) in fish and game violation forfeitures.

Judge Kevin Roy: Pass a rule that allows bail forfeiture on certain cases (listed) after advice of rights to include right to first talk to an attorney. Grant the authority so judges don't get into trouble.

Judge Alicia Nakata: Madam President and DMCJA Board: I am in favor of the rule change abolishing bail forfeiture.

Most of the comments in favor of maintaining bail forfeiture really seem to have to do with the politics of whether or not an offense should be a criminal charge or an infraction. I assume that the jurisdictions that routinely allow bail forfeiture on DWLS 3 and fishing violations have a prosecutor and a judge that believe that jail time is inappropriate for the offense. This is an issue that should be addressed at the legislative level and WAPA as well as the DMCJA, if appropriate, can weigh in, or judges individually can put forward their position if they choose to do so. In our area because we spend millions of dollars on restoring steelhead/salmon runs, we take very seriously some of the "Rec. fishing viols." depending on their location and what exactly the fisherman/poacher is doing. We also take very seriously some repeat DWLS 3 offenders. If the Leg. chooses to decriminalize these violations, we will act accordingly. However, I suspect that the loss of bail forfeiture as an option may cause those with concerns to go the Leg. and ask that the law address the violations in more specific categories, with some being infractions and others remaining a criminal offense. This may be true for DWLS 3, such as 1st offenses and/or 2nd offenses being infractions and the 3rd carrying jail making it a crime, or some similar scheme. This would then make a more consistent application of the law throughout the State.

Sent 12/18/08 to DMCJA List Serve via e-mail

Dear Colleagues:

At both the October and November 2008 DMCJA Board meetings, the Board engaged in a lively discussion of the proposed possible amendment of CrRLJ 3.2 to prohibit bail forfeiture as the final disposition of criminal matters. Copies of the full minutes are available at www.dmcja.org. The Board's meeting in November was extended by a considerable amount of time to allow full discussion of all of the issues raised. These same issues had been discussed and voted on similarly by the prior DMCJA Board in November 2007 with action thereafter stayed at the request of several members for further review.

The thoughtful discussion on this topic reflected strongly the Board's sense of all of the comments that you so generously provided in response to my previous 'broadcast' e-mail on this topic. In addition, the Board considered the comments provided by the Rules Committee and by the Long Range Planning Committee. Personally I would like to thank all of you that participated in this discussion whether in person, by committee or by e-mail. The comments were thoughtful and helpful to the Board in reaching its decision.

The majority of Board members decided that significant due process concerns out-weigh the 'convenience' or 'time-saving' argument. There are other effective ways of handling these types of cases (largely DWLS3 and Fish & Wildlife violations) that do not create the same practical and constitutional due process issues. Some courts are already conducting pre-filing diversion as well as pre-trial diversion agreements, and re-licensing calendars. A report on these topics is pending from the Office of Public Defense (OPD). These 'best practices' have been recommended by the Board to-be-included in future Education programming for DMCJA members. The Board vote included a recognition that it is the prosecuting authority to determine alternatives to the bail forfeiture process to resolve these types of cases. Prosecution alternatives might include full prosecution and accompanying defense, delay of arraignment to obtain a licence, amendment to infractions, post-filing diversion or other options.

Ultimately, the Board voted (7-3) to recommend amendment to CrRLJ 3.2 (m), (o)(3), (r), (s), (t) and (u), to eliminate all of the provisions for bail forfeiture as a final disposition of criminal charges and the listing of criminal penalties in court rule. The amendments recognize that the policy-making authority to set criminal penalties is most appropriately exercised by the Legislature and/or delegated executive agencies acting under the Administrative Procedures Act, rather than the Courts.

The Board's action in November 2007 also included an amendment to CrRLJ 3.2(o)(1) modifying the uniform bail for pre trial release amounts to \$500 for a misdemeanor and \$1000 for a gross misdemeanor unless the court has established a local bail schedule or unless the court sees the defendant in court. This 2007 action of the Board will be submitted to the Supreme Court for approval together with the recommendations list above.

Consistent with the process with most proposed rule changes, these recommendations will be sent to the Board for Judicial Administration (BJA) for consideration, and then to the Supreme Court. This rule-making process will take time, and will provide additional opportunity for formal and informal comment for all of our DMCJA members and judicial partners.

We further anticipate that executive agencies such as DOL, Parks, and Fish and Wildlife will appreciate that we are not requesting immediately implementation of the change to the penalty-setting provision, as we expect that significant collaborative efforts must be made between the AOC, the Legislature and the executive agencies involved.

Again, on behalf of the Board and Officers of the DMCJA, I want to thank you all for your interest in this topic. We will continue to keep you advised as this process moves forward.

Marilyn Paja
2008/09 DMCJA President

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BOARD FOR JUDICIAL ADMINISTRATION

2009 Legislative Session

Positions taken as of 3/16/09

The legislature is almost two-thirds of the way through its regular, 105-day session. The last day for bills to have moved from their houses of origin was March 12th. Bills that failed to make that cutoff date are generally considered “dead” and, in all likelihood, will not get further consideration. Budget bills and bills necessary to implement the budget are exempt from cutoff and could be revived. The next cutoff, by which time committee hearings in the opposite house must have occurred, is March 30th.

With the exception of the juror pay proposal, the BJA request legislation is moving steadily through the process. Chief Justice Alexander testified before the House Judiciary Committee on March 11th but, due to the state’s budget crisis, the bill will not move forward this session.

BJA Request Legislation

Bill	Description	Position	Status, Comments
HB 1158 SB 5134	Electronic Juror Signatures Allowing electronic signatures on juror questionnaires	Request	Senate hearing scheduled for 3/20.
HB 1159 SB 5135	King Co. district court judges Adding 5 judges to King County district court (phased in over 3 years)	Request	5135 was amended to add removal of 2 Spokane district court judges. Heard in House on 3/11 and is in Rules.
HB 1204 SB 5102	Benton Co. district court judges Adding 2 district court judges in Benton County	Request	1204 is in Senate Judiciary. 5102 was heard in House Judiciary on 3/11 and is in Rules.
HB 1205 SB 5205	Court of appeals judges Adding one judge to division two, district two	Request	1205 as amended to clarify that the position will not be filled until it is funded. 1205 awaits scheduling in the Senate.
HB 1238 SB 5133	Juvenile case records access Allowing WSCCR and OPD access to records	Request	1238 will be amended to clarify that AOC shall maintain the records. Access will be granted in the same manner as in current law and court rule.
HB 1937	State juror expenses funding Increasing juror pay and state funding	Request	1937 was heard in House Judiciary on 3/11

Legislation BJA has taken a position on as of March 16, 2009

(Bills with a “No Position” status are not listed. Bills with a strikethrough are dead.)

Bill	Description	Position	Status, Comments
HB 1147	Local option tax provisions	Support	Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
HB 1175	State govt. ethics	Concerns	Concern re section 5 – state judicial officers should be excluded.
HB 1257	Deferred prosecution files	Support	Bill is in Senate Rules. DMCJA bill. BJA Long Range Planning Committee.
HB 1317	Disclosure of public records	Concerns	Support amendment to add specific language to make certain bill applies to executive branch criminal justice agencies.
HB 1382	Expanding DNA collection to time of arrest	Concerns	Oppose section 5(9) – new unrelated fee. Large fiscal note.
HB 1476	Requiring court to advise crime victims of their rights	Oppose	Suggested alternative to sponsor. Fiscal impact.
HB 1497	Eliminating certain boards and commissions	Concerns	Oppose elimination of Sentencing Guidelines Commission.
HB 1517	Restoration of right to vote	Support	Awaiting hearing in Senate.
HB 1739 SB 5902	Adding nonwaivable penalty to parking violation to promote accessible communities for persons with disabilities	Concerns	BJA letter to committee
HB 1742 SB 5523	Public retirement benefits for court employees	Support	
HB 1781 SB 5819	Changing OPD funding distribution between cities and counties	Concerns	
HB 1862 SB 5782	Contracting for judicial services between jurisdictions	Oppose	
HB 1902	Consolidating accounts into the general fund	Oppose	Oppose due to inclusion of Equal Justice Subaccount.
HB 1919	Drug court funding	Support	SCJA bill.
HB 2211	SR 520 tolls	Oppose	Should use existing Narrows Bridge toll model. DMCJA is working on language.
HB 2216 SB 6025 HJR 4210	Transferring functions from WSBA to Supreme Court	Oppose	
SSB 5013	Increasing and adding fees at superior court level	Oppose	Section 28 (creditors claim fee) will likely be removed.

SB 5073	Consolidating accounts into the general fund	Oppose	Oppose due to inclusion of Equal Justice Subaccount. Amendment possible.
SB-5082 SB-5093 SJR-8203 SJR-8204	Filling supreme court vacancies through a nominating commission	Oppose	No hearings have been scheduled on any of these bills at this time.
SB 5115	Modifying the judicial conduct commission	Concerns	Necessary resolution did not pass so bill is likely dead. If not, will need amended to address Commission and DMCJA concerns.
SB-5146	Revising the accrual of interest on judgments entered against offenders	Concerns	
SB 5151	Authorizing appointment of criminal court commissioners	Support	
SB 5225	Updating property theft values	Support	
SB-5240	Making unenforceable court rules with fiscal impact	Oppose	
SB 5277	District court clerk fees	Support	DMCJA bill.
SB 5301	Permissible uses for sales & use taxes	Support	Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
SB-5386	Electronic court recording	Oppose	
SB 5433	Local option tax provisions	Support	Support maximizing availability of services but no position on tax policy – same for 1147, 5301, 5433
SB-5577	Standardizing dependency forms	Concerns	Amended into another bill. Support with amendments on funding and timelines.
SB-5970	Telephonic hearings in civil and traffic cases	Oppose	No hearing scheduled at this time.
SB-6067	Delayed sentencing for certain offenders	Support	SCJA bill.
No bill at this time	CASA funding	Support	Support effort to retain partial CASA funding.
No bill at this time	Local option user fees	Oppose	