

Faulk, Camilla

From: Shelledy, Patty [Patty.Shelledy@METROK.C.GOV]
Sent: Friday, June 22, 2007 10:47 AM
To: Faulk, Camilla
Cc: Turner, Denise; Esko, Trever; Ryan, David; Satterberg, Dan; Miner, Barbara [internet]; Anderson, Marcine
Subject: Comment on GR 30

Dear Ms. Faulk:

Please accept the following comment on behalf of the King County Sheriff's Office:

Attached are two sections of General Rule 30 which show the Proposed Edits to the Suggested Amendments to GR 30. The Proposed Edits are in italicized blue font for ease of reading.

The King County Sheriff's Office believes that making the minor change to the definition of "Digital signature" will incorporate the language of the comment below the definitions section. Further, the change will authorize a digital signature either under RCW 19.34.020 or by local court rule or general order.

The Proposed Edits to the Suggested Amendments to GR 30 (2)(D) provides for the inclusion of a certification for probable cause document. The certification for probable cause document is filed electronically by an arresting officer in courts of limited jurisdiction along with citations and notices of infractions. This edit is consistent with the language in the Purpose section of the "Suggested Changes to GR 30" document found at http://www.courts.wa.gov/court_rules/?fa=court_rules.proposed that specifically references "...the desire of the law enforcement community to electronically file citations, warrants, and *certifications for probable cause*. (emphasis added)

Thank you very much for your consideration.

Sincerely
Patricia Shelledy
Legal Advisor
King County Sheriff's Office
206-205-8528

[Proposed edits to the SUGGESTED AMENDMENTS]

GR 30

ELECTRONIC FILING

(a) Definitions.

(a1) "Digital signature" is defined in RCW 19.34.020; or other equivalently reliable forms of authentication as adopted by local court rule or general order such as a password or user identification.

(b2) "Electronic Filing" is the electronic transmission of information to a court or clerk for case processing.

(c3) "Electronic Document" is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.

(4) "Electronic Filing Technical Standards" are those standards, not inconsistent with this rule, adopted by the Judicial Information System Committee to implement electronic filing.

(5) "Filer" is the person whose user ID and password are used to file an electronic document.

...

(2) Signatures

(A) **Attorney signatures** – An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

s/ John Attorney
State Bar Number 12345
ABC Law Firm
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206) 123-4567
Fax: (206) 123-4567
E-mail: John.Attorney@lawfirm.com

(B) **Non-attorney signatures** – An electronic document which requires a non-attorney’s signature and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:

s/ John Citizen
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206) 123-4567
Fax: (206) 123-4567
E-mail: John.Citizen@email.com

(C) **Non-Attorney signatures on documents signed under penalty of perjury** - Except as set forth in (d)(2)(D) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:

(i) Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or

(ii) Ensure the electronic document has the digital signature of the signer.

(D) **Arresting or citing officer signatures on citations and notices of infraction filed electronically in courts of limited jurisdiction** – A citation, *or* notice of infraction *or* certifications for probable cause initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation, *or* notice of infraction *or* certifications for probable cause.

(E) **Multiple signatures** - If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:

(i) The electronic document contains the digital signatures of all signers; or

(ii) For a document that is not signed under penalty of perjury, the signator has the express authority to sign for an attorney or party and represents having that authority in the document.

If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.

(F) Court Facilitated Electronically Captured Signatures – An electronic document that requires a signature may be signed using electronic signature pad equipment that has been authorized and facilitated by the court. This document may be electronically filed as long as the electronic document contains the electronic captured signature.