Bainbridge Island Municipal Court
Local Court Rules

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BAINBRIDGE ISLAND MUNICIPAL COURT

IN RE:	
LOCAL RULES OF THE BAINBRIDGE ISLAND MUNICIPAL COURT	ORDER ADOPTING LOCAL RULE

Pursuant to GR 7, Bainbridge Island Municipal Court of the State of Washington for Kitsap County hereby adopts the following local rule:

LCrRLJ 3.2.2 Release of Accused; Domestic Violence

A copy of this rule is attached. The rules shall become effective September 1, 2003.

DATED and SIGNED this _____ day of _____, 2003.

STEPHEN J. HOLMAN, Judge
Bainbridge Island Municipal Court

LARLJ 9(c)(5)
DEFERRED PROSECUTION

(c) Quasi-Public Documents: The following are not subject to public review, but are subject to review by the defendant and the defendant's lawyer:

(5) Deferred Prosecution: Petition for deferred prosecution, statement of defendant for deferred prosecution, order granting deferred prosecution, evaluation and recommendation of chemical dependency agency, status reports from chemical dependency agency, status reports and/or recommendations from probation, any aspect of a court docket which reflects the contents of a report from a chemical dependency agency or probation, any aspect of a court docket which reflects the conditions set by the court as a result of an evaluation or status report submitted by a chemical dependency agency or probation.

[Effective date September 1, 2000]

LARLJ 10
ANTI-HARASSMENT PROTECTION ORDER PROCEDURE

Pursuant to RCW 10.14.150, as amended by HB 1296 (2005), the Bainbridge Island Municipal Court shall hear and adjudicate petitions for anti-harassment protection orders filed under Chapter 10.14 RCW.

(Effective September 1, 2005)

LIRLJ 3.1
CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

(a) Subpoena: The defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. Witnesses should be served at least 7 days before the hearing. The subpoena may be issued by a judge, a court commissioner, or by a party's lawyer. If the party's lawyer issues a subpoena, a copy shall be filed with the court. A subpoena may be directed for service within their jurisdiction to the sheriff of any county or any peace officer of any municipality in the state in which the witness may be or it may be served as provided in CR 45(c), or it may be served by first class mail, postage prepaid, sent to the witness' last known address. Service by mail shall be deemed complete upon the third day following the day upon which the subpoena was placed in the mail. If the subpoena is for a witness outside the county, the judge must approve of the subpoena.

(i) If the defendant wishes to subpoena a witness, including a law enforcement officer, the defendant shall deliver in person to the court clerk at the Bainbridge Island Municipal Court office located at 10255 NE Valley Road, Bainbridge Island, Washington, or by mail to Bainbridge Island Municipal Court, P O Box 151, Rolling Bay, Washington, 98061, at least 28 days prior to the date of the hearing, a written request for the issuance of the subpoena and for instructions regarding service of the subpoena. The written request must state the case number, date and time of the hearing, the complete address of the location of the hearing and the name and address of the witness to be named in the subpoena. The defendant shall include a self-addressed, stamped envelope along with the written request.

Upon receipt of the written request, the court clerk shall prepare a subpoena and present it to the judge for signature. The clerk shall then mail the subpoena to the defendant in the self-addressed, stamped envelope, together with a return of service form, and instructions regarding service of the subpoena.

[Effective date September 1, 2000]

LIRLJ 6.6
SPEED MEASURING DEVICE

Any certificate admissible under LIRLJ 6.6(b), and any other document relating to a Speed Measuring Device, can be filed with the clerk of the court and maintained by the court as a

public record, and shall be available for inspection by the public. Copies shall be provided by the clerk's office on request. There shall be no charge for the copy if it relates to an infraction filed against the person making the request. Otherwise, there shall be a charge of 15 cents for each page copied. These records shall be available without a formal request for discovery. The court shall be entitled to take judicial notice of the fact that any document filed pursuant to this rule has been filed with the court. Documents filed pursuant to this rule shall not be suppressed as evidence merely because there is not prosecutor present to offer the document as an exhibit at the hearing. If the certificate or document is insufficient, then a motion to suppress the reading of the Speed Measuring Device shall be granted.

[Effective date September 1, 2000]

LCrRLJ 3.2.2
RELEASE OF ACCUSED

(a) Release of Accused; Domestic Violence.

(1) Any person arrested on Probable Cause (without a warrant) for an offense classified as a Domestic Violence offense under Chapter 10.99 of the Revised Code of Washington as the same exists or shall hereafter be amended shall be held in jail pending the defendant's first appearance.

(2) Notwithstanding paragraph (1), a person being held for a Domestic Violence offense classified as a felony may be released from custody prior to defendant's first appearance upon (a) the posting of $50,000 bail or bond; and (b) the person's affixing his or her signature at the appropriate location on a Pre-Arraignment Domestic Violence No Contact Order described in paragraph (4) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining within, 500 feet of the protected person's residence, place of work, or school.

(3) Notwithstanding paragraph (1), a person being held for a Domestic Violence offense classified as a misdemeanor or gross misdemeanor may be released from custody prior to defendant's first appearance upon (a) the posting of $5,000 bail or bond; and (b) the person's affixing his or her signature at the appropriate location on a Pre-Arraignment Domestic Violence No Contact Order described in paragraph

(4) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining within, 500 feet of the protected person's residence, place of work, or school.

(4) The following Pre-Arraignment Domestic Violence No Contact Order, or one that is substantially similar to it, is hereby approved for use under this rule.

(Adopted 9/1/03)

PRE-ARRAIGNMENT DOMESTIC VIOLENCE NO CONTACT ORDER

The contents of this item are only available on-line.