

Black Diamond Municipal Court

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1.1
Adoption of Local Rules

These rules are adopted pursuant to GR 7, CrR1j 1.7 and IRU 1.3. The effective date of these rules shall be July 1, 2004, except as to those rules governed by GR 7, in which case the effective date will be September 1, 2004.

1.2
Title of Rules

These rules may be known and cited as Black Diamond Municipal Court Local Rules, and shall be referred to as BDMCLR.

1.3
Effect of Local Rules

The provisions of the Local Rules are supplemental to the Rules for the Courts of Limited Jurisdiction, as adopted or here after amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

1.4
Reservation of Discretion

The Black Diamond Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

1.5
Next Judicial Day

The requirement of RCW 46.61.50571 that defendants arrested for driving while under the influence, driving under age twenty-one after consuming alcohol, or being in physical control of a vehicle while under the influence appear in court within one judicial day is waived. All such defendants shall be required to appear at the first date following arrest when Court is in regular session. Such date may be determined by calling the Black Diamond Municipal Court offices during business hours.

2.1
Quashing Warrants

(a) The defendant or defendant's attorney may file a motion and order to quash a warrant or pay an administrative fee to quash a warrant subject to subsection (b). The filing of a motion to quash a warrant will not stay the warrant and the defendant remains subject to arrest on the warrant. The motion to quash the warrant will be reviewed by the Judge and the court will either grant or deny the motion, or set a show case hearing for the parties to appear. If a show cause hearing is set by the Judge the warrant will remain outstanding until the proper bond is posted, the defendant is arrested, or the defendant appears in open court and the Judge quashes the warrant and the defendant signs for a new court date.

(b) Warrants issued in an amount of \$5,000 dollars or less are subject to an administrative warrant quash procedure whereby the defendant shall pay a nonrefundable administrative fee of \$50.00 to the Court for the Court to quash the warrant and the defendant must sign for their next court date to appear. The warrant will not be quashed unless the defendant appears in person to sign for their next court date. Warrants issued in an amount over \$5,000 are not subject to be quashed administratively by posting the administrative fee.

September 2, 2013, amended.

2.2
Witnesses

The party requesting the court to subpoena any witnesses whose testimony relies on expertise or on information obtained through their employment as to any speed measuring device shall be responsible for any cost, including reasonable fees normally charged by such a witness for this service and shall be responsible for all cost related to the witnesses' appearance in court, whether the witness testifies or not, as a cost assessed.

2.3
Local Bail Schedule

Black Diamond Municipal Court adopts the uniform bail schedule as set forth in CrRLJ 3.2(o) with the following exceptions:

(1) Any case designated as a domestic violence offense as defined in RCW 10.99. In these cases bail shall be set at \$100,000 subject to judicial review under CrRLJ 3.2.1.

(2) Any driving under the influence or physical control cases cited under RCW 46.61.502 or 504. In these cases, when required to reasonably assure appearance in court or when the defendant is subject to custodial arrest, bail shall be set at \$7,500 subject to judicial review under CrRLJ 3.2.1.

Adopted effective September 2, 2013.

2.4
Mandatory Appearance at Arraignment

A defendant charged with a domestic violence offense (as defined in RCW 10.99), driving under the influence (RCW 46.61.502), physical control (RCW 46.61.504), minor driving after consuming alcohol (RCW 46.61.503), or any sex crime including communication with a minor for immoral purpose, prostitution, or public indecency crime must appear personally for arraignment on the next arraignment calendar following arrest.

Adopted effective September 2, 2013.

2.5
Waiver of Arraignment

An attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or criminal traffic offense. Said appearance or plea shall be made in writing. In all cases not listed in BDMCLR 2.4, an attorney may waive arraignment. A written appearance and waiver of arraignment shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the Court. A written appearance and waiver of arraignment without a plea shall be considered a plea of not guilty and waives any defect in the complaint other than failure to state a crime. The Court does not accept telephonic notices or requests.

Adopted effective September 2, 2013.
