BONNEY LAKE MUNICIPAL COURT
LOCAL COURT RULES

Table of Rules

Administrative Rules

Blmlcr 1.1 Schedule of Fees
Blmlcr 1.2 Judgment

Infraction Rules

Blmlcr 2.1 Decisions on Written Statements
Blmlcr 2.2 Speed Measuring Device
Blmlcr 2.3 Requirements for Requests for Contested And Mitigation Hearings After Failure to Respond
Blmlcr 2.4 Failure to Respond to Notice of Infraction (Parking)
Blmlcr 2.5 Requirements for Payment Following Infraction Hearings

Criminal Rules

Blmlcr 3.1 Obligation of Defendants to Appear in Court; Consequences of Failure to Appear in Cases Where Public Defender has been Appointed
Blmlcr 3.2 Warrant for Failure to Appear or Pay
Blmlcr 3.3 Quashing Warrants
Blmlcr 3.4 Video Conference Proceedings
Blmlcr 3.5 Arraignment Date
Blmlcr 3.6 Mandatory Appearance and Pleadings by Attorneys
Blmlcr 3.7 Suppression Hearings
Blmlcr 3.8 Readiness Trial Hearings

BLMLcR 1.1
SCHEDULE OF FEES

The following shall be the schedule of fees charged for certain official services provided by the Municipal Court. These amounts are consistent with RCW 46.62.060

Duplication of Electronic Records	$ 10.00	per tape/CD
Paper Copy Expenses	$ .15	per page
Certified Copy	$ 5.00	Document
Postage		Actual Cost
Appeals (Preparation & Tapes)	$ 40.00	

JIS Data dissemination charges will be set in accordance with the Office of the Administration of the Courts.

[Adopted October 7, 1998; amended effective June 3, 2004; renumbered effective September 1, 2008]

BLMLcR 1.2
JUDGMENT

Any fine, assessment or cost that is not in an even dollar amount shall be amended to a higher amount which produces the next greatest even dollar total. Provided however, this provision shall not apply if the total monetary penalty resulting from any increase shall exceed the maximum possible fines, costs and assessments allowed by law.

[Adopted September 1, 2008]

BLMLcR 2.1
DECISIONS ON WRITTEN STATEMENTS

(a) Request for Decision on Written Statement. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision on written statement pursuant to the provisions of IRLJ 3.5. A defendant who elects to contest or mitigate an infraction by decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(b) Time for Submitting Request for Decision on Written Statement. The request for a decision by written statements shall be submitted no later than fourteen (14) days prior to the date set for the in-court mitigation or contested hearing.

(c) Declaration for Written Statement Required. A defendant wishing to proceed by decision on written statement shall provide a written statement which sets forth the facts and/or defense(s) that the defendant would like the court to consider. A written statement submitted pursuant to this rule shall be submitted by declaration as follows: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct," and shall be in substantially the following form:

Name of Defendant:
Address:
Infraction Number (upper right corner of citation):
Violation Date:

I wish to mitigate the infraction [ ]
I wish to contest the infraction [ ]

Statement:

_____
_____
_____
_____
_____
_____
_____
_____

I declare under penalty of perjury under the laws of the state of Washington that the above information is true and correct.

Executed this _____ day of _____, 20____

at _____ (city/state).

_____
Signature

The written statement shall be submitted at the same time as the request for decision on written statement.

(d) Time for Examination, Factual Determination, Disposition and Notice to Parties. The time for examination, factual determination, disposition and notice to parties shall be pursuant to IRLJ 3.5(a)-(d).

(e) No Appeal Permitted. There shall be no appeal from a decision on written statements.

[Adopted September 1, 2008]

BLMLcR 2.2
Speed Measuring Device Design and Consturction Certification

(a) Any certificate admissible under IRLJ 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. The court shall be entitled to take judicial notice of any document so filed. Documents filed pursuant to this rule shall not be suppressed as evidence merely because there is not a 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. (b) Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the Court to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151

[Adopted September 1, 2008, amended April 8, 2013, effective September 2, 2013]

BLMLcR 2.3
REQUIREMENTS FOR REQUESTS FOR CONTESTED AND MITIGATION HEARINGS AFTER FAILURE TO RESPOND

(a) If a defendant who has failed to appear or respond to a notice of infraction, as required by RCW 46.61.070 and Rule 2.4 of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) requests that the court set his/her case for a contested or mitigation hearing, the court clerk shall be authorized to set a date for a contested or mitigation hearing and retrieve pleadings and/or correspondence from the Department of Licensing reflecting the failure to respond or appear, if any was sent, on the following conditions:

(i) The defendant, within one week of the date by which a request for a contested hearing should have been received by the court, delivers to the court an envelope containing his/her request for a contested or mitigation hearing, with a postmark clearly indicating that the envelope was addressed and mailed to the Municipal Court within the time frame for requesting contested or mitigation hearings pursuant to statute and court rule, and with the envelope indicating that it was returned to the defendant, for whatever reason; or

(ii) The court, within one week of the date by which a request for a contested or mitigation hearing should have been received by the court,

receives in the mail an envelope containing the defendant's request for a contested or mitigation hearing, with the envelope showing a postmark clearly indicating that the envelope was mailed to the Municipal Court within the time frame for requesting contested or mitigation hearings pursuant to statute and court rule.

(b) In all other cases, the defendant shall not be entitled to a contested or mitigation hearing, and the disposition of his/her infraction shall be dealt with as provided for in the statute and/or court rule for failures to respond or appear.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 2.4
FAILURE TO RESPOND TO NOTICE OF INFRACTION (PARKING)

Notices of Infraction involving parking offenses shall increase $25.00 in penalty after fifteen calendar days from the date of issue. At this point the registered owner of the cited vehicle shall be deemed to have "Failed to Respond" in accordance with RCW 46.63.110 (3). The infraction may be turned over to a collection agency.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 2.5
REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS

(a) If a defendant who has been charged with a traffic or other infraction filed with the Bonney Lake Municipal Court is found to have committed that infraction, the defendant shall make payment in full of the amount of the penalty at the time of the hearing in which the defendant was found to have committed the infraction. The court may reduce a fine penalty amount only upon a showing of exceptional circumstances.

(b) Time payments on infractions will be permitted upon court order , at the time of the hearing on the contested infraction. The court's decision to authorize time payments in infraction cases shall be subject to the conditions set at the time of the order authorizing time payments.

(c) Failure to make payment on the penalties on the committed infractions shall be enforceable pursuant to otherwise applicable court rules, state law or administrative code regulations.

[Adopted September 1, 2008]

BLMLcR 3.1
OBLIGATION OF DEFENDANTS TO APPEAR IN COURT; CONSEQUENCES OF FAILURE TO APPEAR IN CASES WHERE PUBLIC DEFENDER HAS BEEN APPOINTED

(a) The appointment by this court of a public defender attorney for any defendant deemed to be indigent shall be conditioned on the defendant appearing in court for all hearings where his/her appearance has been required by the court.

(b) If any defendant for whom a public defender has been appointed fails to appear in court when so required without being excused in advance by the court, the order/appointment whereby the public defender was appointed for said defendant may be vacated immediately upon such failure to appear.

(c) Upon such appointment being vacated, the public defender shall be relieved from any requirements to appear in court with such defendant.

(d) The provisions of this Rule, however, do not preclude the defendant from reapplying to the court for the appointment of the public defender to represent him/her.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 3.2
WARRANT FOR FAILURE TO APPEAR OR PAY

At the point in time that a warrant is issued for "Failure to Appear" on a criminal citation or "Failure to Pay" on a time payment plan, the bail involved shall be increased in the amount of $100.00.

[Adopted October 7, 1998; renumbered effective September 1, 2008)]

BLMLcR 3.3
QUASHING WARRANTS

The defendant or defendant's attorney may schedule a hearing to quash a warrant, after first non-appearance, either in person or by telephone, but the warrant will not be stayed or quashed, and the defendant will still be subject to arrest on the warrant until the defendant has appeared in open court and the Judge has quashed the warrant.

A hearing to consider the request to quash a warrant will be scheduled as soon as possible and not later than the second regularly scheduled criminal court day following the request.

No warrant will be quashed until the defendant has paid a fee of $100.00 to the clerk.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 3.4
VIDEO CONFERENCE PROCEEDINGS

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to CrRLJ 3.4 and 4.1, bail hearings held pursuant to CrRLJ 3.2, and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purpose of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Bonney Lake Municipal Court judge, judge pro-tem or court commissioner. Any party may request an in-person hearing which may be granted at the discretion of the Municipal Court judge, judge pro-tem or court commissioner.

(2) Agreement. Other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2, may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the Bonney Lake Municipal Court judge, judge-pro tem or court commissioner.

(3) Standards for Video Conference Proceedings. The standards for video conference proceedings shall be as specified in CrRLJ 3.4(d)(3).

[Adopted September 1, 2008]

BLMLcR 3.5
ARRAIGNMENT DATE

The arresting officer shall set the defendant's arraignment date and time when issuing a citation in all cases charging a criminal traffic and criminal non-traffic offense. The arraignment date set shall be set no later than 14 days following the next regularly scheduled court date. For citations charging Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle Under the Influence, as defined in RCW 46.61.502, 503, or 504, all such defendants shall be required to appear at the earliest practicable day following arrest, such date being defined as the first date following arrest when court is in session . Any Domestic Violence offense as defined in RCW 10.99.020 as enacted or hereinafter amended the arraignment date shall be no later than 14 days after the next day on which the court is in session.

[Adopted September 1, 1999; amended June 28, 2005; renumbered effective September 1, 2008]

BLMLcR 3.6
MANDATORY APPEARANCE AND PLEADINGS BY ATTORNEYS

Pursuant to CrRLJ 3 & 4, an attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or traffic offense, if said

appearance or plea is made in writing unless the defendant is charged with domestic violence, driving while under the influence or physical control if the charge is a second or subsequent charge within a five (5) year time period (DUI and Physical Control) in which instances the defendant must appear personally before the court for arraignment.

Unless previously commenced by an appearance made in open Court, when a written appearance is authorized it shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the Court. A written appearance, waiving an arraignment, but without plea, shall be considered a plea of not guilty, made in writing, or in open court, and obviates the need for further arraignment and waives any defects in the complaint other than failure to state a crime. Telephonic requests or notice by defendant or defense counsel shall not constitute an arraignment, appearance, or plea, and shall not commence the time periods under CrRLJ 3.3.

[Adopted October 7, 1998; amended September 1, 2008; renumbered effective eptember 1, 2008]

BLMLcR 3.7
SUPPRESSION HEARINGS

A party moving to suppress evidence must file a written motion that sets forth in detail the specific factual and legal grounds for the motion. The court will not conduct a hearing for any motion for which the grounds are not adequately set forth.

Motions for a Rule 3.7 hearing may not be included with any other pleadings. The motion must be noted for hearing pursuant to CrRLJ 3.6.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 3.8
READINESS TRIAL HEARINGS

A Readiness hearing shall be held before the Municipal Court Judge/Commissioner in every case in which a timely demand for trial by jury is made. At the hearing the City Attorney, the defendant, and the defendant's counsel (if any) must be present. By the Readiness Hearing date all discovery must be completed, and all motions must have been made and completed. Furthermore, parties shall advise the Court if the case can be settled by other than a jury trial. The Readiness Hearing date shall be set no later than five (5) judicial days before the date of trial. The Court will strike the scheduled Jury Trial and may issue a Bench Warrant for any party that does not appear at the Readiness Hearing.

[Adopted October 7, 1998; renumbered effective September 1, 2008)]