Des Moines Municipal Court

Table of Rules

Local Criminal Rules

DMMCLR 1.0 Adoption of Local Rules
DMMCLR 2.0 Title of Rules
DMMCLR 3.0 Filing of Papers and Form of Pleadings
DMMCLR 4.0 Video Conference Proceedings
DMMCLR 5.0 Decision on Written Statements
DMMCLR 6.0 Presiding Judge
DMMCLR 7.0 Magistrates
DMMCLR 8.0 Requirement for Payment on Courtesy Warrant Calendar
DMMCLR 9.0 Time - Enlargement
DMMCLR 10.0 Evidence – Courts Custody of Exhibits
DMMCLR 11.0 Use of a Collection Agency and Assessment as Court Cost of amounts Paid for Collection Services
DMMCLR 12.0 Bail Schedule

Local Infraction Rules

DMMCLIR 1.0 Speed Measuring Device: Design and Construction Certification
DMMCLIR 2.0 Requirements for Payment following Infraction Hearings
DMMCLIR 3.0 Infraction – Prehearing Conference

DMMCLR 1.0
ADOPTION OF LOCAL RULES

These rules are adopted pursuant to CrRLJ 1.7.

(Adopted effective July 1, 1998)

DMMCLR 2.0
TITLE OF RULES

These rules may be known and cited as the Des Moines Municipal Court Local Rules and shall be referred to as DMMCLR.

(Adopted effective July 1, 1998)

DMMCLR 3.0
FILING OF PAPERS AND FORM OF PLEADINGS

(a) Action Documents. Pleadings or other papers requiring action on the part of the court or court clerk (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: "Clerk's Action Required". The action to be taken must be stated next to or directly beneath the special caption. The clerk will not search through letters, notices of appearance, requests for discovery, or other materials to locate possible requests for action items.

(b) Format. All pleadings and other papers shall include the following, unless otherwise authorized by the court:

(1) Service and Filing. Space should be provided at the top of the first page of a document allowing on the right half for the clerk's filing stamp, and in the left half for proof of, or acknowledgement of, service.

(2) Numbered Paper. All pleadings, motions, affidavits, briefs, and other supporting documents prepared by parties should be on paper with line numbering in the left hand margin.

(c) Handling by Clerk. All pleadings or other papers with proper caption and cause number will be date receipted, docketed and placed in the court file by the Clerk of the Municipal Court in the order received.

(d) Form of Pleadings. Pleadings in compliance with this rule shall be in substantially the following form:

```
 SPACE FOR SERVICE          /    SPACE FOR COURT FILING
 PROOF                     /     STAMP
                          /


              IN THE MUNICIPAL COURT FOR THE CITY OF DES MOINES,
                       KING COUNTY, STATE OF WASHINGTON

 City of Des Moines,                  )
                                      )   CAUSE NO. XXXXXXXX
                      Plaintiff,      )
                                      )   CLERK'S ACTION REQUIRED
                                      )   (note action required here or
                                      )     in first paragraph)
                                      )
       vs.                            )
                                      )   MOTION TO SET REVIEW
 _________________,                   )
                      Defendant.      )
```

CLERK'S ACTION REQUIRED: (note action required here or in caption).

(Adopted effective September 1, 2004)

DMMCLR 4.0
VIDEO CONFERENCE PROCEEDINGS

(a) Criminal. Preliminary appearances as defined by CrR 3.2(b) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings, as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Court, shall be deemed held in open court and in the defendant's presence for the purposes 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 trial court Judge. Any party may request an in-person hearing which may, in the Judge's discretion be granted.

(b) Agreement. Other trial court proceedings 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 Judge.

(c) Standards for Video Conference Proceedings. The Judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the

Court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located next to the defendant, and the proceeding must be conducted to assure that the interpreter can hear all participants.

(Adopted effective September 1, 2004)

DMMCLR 5.0
DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings based on sworn written statements, as provided in IRLJ 2.4(b)(4) and IRLJ 2.6 are authorized. The written statement(s) must be received by the Court no later than seven (7) calendar days before the scheduled hearing or it will not be considered.

(Adopted effective September 1, 2004)

DMMCLR 6.0 PRESIDING JUDGE

(a) The Judge duly appointed as Judge of the Des Moines Municipal Court will be known as the Presiding Judge.

(b) The Presiding Judge shall be responsible for the efficient administration of the court. The Presiding Judge shall supervise the preparation and filing of all reports required by statute or rule and shall perform such other duties as may be prescribed by statute, ordinance or rule.

(c) The Presiding Judge shall direct the work of the Court Administrator who will have direct supervision over all administrative, non-judicial functions and all other court personnel except that the Presiding Judge shall directly supervise the Judge Pro-Tempore(s) and magistrate(s).

(Adopted effective September 1, 2004)

DMMCLR 7.0
MAGISTRATES

The Court may employ judicial officers as magistrates, who shall serve at the pleasure of the Judge. Each must be appointed in accordance with RCW 35.20.200m, 35.20.205, and the Des Moines Municipal Code as judge pro tempore. Magistrates shall hear infraction cases as provided by the infraction rules for courts of limited jurisdiction and RCW 46.63, or any law amendatory thereof. Magistrates shall also, perform such other duties as may be assigned to them by the judge.

(Adopted effective September 1, 2004)

DMMCLR 8.0
REQUIREMENT FOR PAYMENT ON COURTESY WARRANT CALENDAR

A defendant who has been charged with a criminal violation and has an outstanding warrant in the Des Moines Municipal Court may requests to attend the courtesy warrant calendar Court costs shall be collected by the Des Moines Municipal court when the defendant appears in court and requests to appear on the courtesy warrant calendar.

(Adopted effective July 1, 1998.)

DMMCLR 9.0
TIME - ENLARGEMENT

Upon the non-appearance of a defendant at the time and place scheduled by the court and warrant of arrest issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings upon motion of the City Attorney or upon the court's own motion. If the necessary witnesses do not appear at the time scheduled by the court, the court may dismiss such action unless a good cause for such non-appearance is shown. No such action shall be taken until fifteen (15) minutes after the scheduled appearance time.

(Adopted effective July 1, 1998.)

DMMCLR 10.0
EVIDENCE - COURTS CUSTODY OF EXHIBITS

In a criminal case every exhibit in the court's custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. In the event of finding of guilty, for purpose of this rule, the appeal period shall begin on the day of sentencing or deferral of sentencing by the court. Exhibits not withdrawn shall be delivered by the court to the Des Moines Police Department for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be released by the court without its being receipted for by the receiving person.

(Adopted effective July 1, 1998.)

DMMCLR 11.0
Use of a Collection Agency and Assessment as Court Cost of amounts Paid for Collection Services

(a) The court shall use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments and forfeitures, on the terms and conditions of the contract for collection services between the City of Des Moines and said collection agency, and may be subsequently amended.

(b) The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a court cost to the total judgment of the court against each defendant whose account is referred by the court to the collection agency.

(Adopted effective July 1, 1998.)

DMMCLR 12.0
BAIL SCHEDULE

The court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o):

A Defendant who is detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon posting bail in the amount of $500 for a misdemeanor and $1,000 for a gross misdemeanor, except for the following offenses:

1. Domestic Violence Offenses: Defendants shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5) or applicable local ordinance.

2. Driving Under the Influence/Physical Control: Defendants shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence (RCW 46.61.502) or Physical Control of a Motor Vehicle While Under The Influence (RCW 46.61.504).]

3. Prostitution Related Offenses: Defendants shall be released upon posting bail in the amount of $1,000 for any prostitution related offense under RCW 9A.88.030, RCW 9A.88.090, or RCW 9A.88.110 or DMMC 9.76.040 DMMC 9.76.050 or DMMC 9.76.060

4. Other Non-Bailable Offenses Pending First Court Appearance by Defendant: Defendants shall be held in non-bailable status pending hearing the next court day following booking for these crimes:

   (a) Assault in the fourth degree (RCW 9A.36.041)
   (b) Harassment (RCW 9A.46.020)
   (c) Violation of an anti-harassment order (RCW 9A.46.040)
   (d) Stalking (RCW 9A.46.110)
   (e) Communicating with a minor for immoral purposes (RCW 9.68A.090)]

[Amended Effective September 1, 2011]

DMMCLIR 1.0
SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

Any person who requests production of an electronic speed measuring device expert, and who is thereafter found by the court to have committed by 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 effective July 1, 1998)

DMMCLIR 2.0
Requirements for Payment following Infraction Hearings

(a) If a defendant who has been charged with a traffic or other infraction filed with the Des Moines 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 effective September 1, 2004)

DMMCLIR 3.0
INFRACTION - PREHEARING CONFERENCE.

(a) Prehearing Conference Required - Waiver. A person cited with an infraction who requests a hearing to contest the infraction shall first appear at a prehearing conference. The prehearing conference shall be scheduled in accordance with the provisions of IRL3 2.6(a)(1). The requirement that the person appear at the prehearing conference may be waived, in writing, provided the waiver is received by the court before the time set for the prehearing conference. If the defendant fails to timely waive or appear at the prehearing conference, a default judgment shall be entered.

(b) Setting Contested Hearing. If the infractions are not resolved following the prehearing conference, a contested hearing shall be scheduled for not more than ninety (90) days from the date of the prehearing conference. If the prehearing conference is waived, a contested hearing shall be scheduled for not more than ninety (90) days from the date the waiver of the prehearing conference is received by the court.

(c) Prehearing Motions For Contested Infractions - Written Notice Required. All motions to exclude evidence or dismiss an infraction shall be filed no later than the conclusion of the prehearing conference. If a defendant elects to waive his or her appearance at the prehearing conference, any motion must be noted on the waiver form filed with the court pursuant to DMMCLIR 3.0(a). A motion(s) not timely filed shall be waived and shall not be considered by the court. Motions timely noted shall be addressed by the court at the time of the contested hearing.