Port Orchard Municipal Court
Local Court Rules

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LCrRLJ 3.2.2
RELEASE OF ACCUSED

(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 Effective July 1, 2003]

LCRRLJ 3.4 PRESENCE OF THE DEFENDANT (IN WORD FORMAT)

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

LCrRLJ 4.5
PRE-TRIAL HEARING

(a) Confirmation of Trial. A case set for trial shall be set for either bench or jury trial at the pre-trial hearing. To ensure the presence of a jury and/or witnesses, a party must confirm the trial with the court clerk at (360) 876-1701 no later than 1:30 p.m. the Friday prior to the date set for trial. If the Friday falls on a court holiday, the party must confirm with the court no later than 1:30 p.m. one court day prior to the Friday prior to the date set for trial. If a party wishes to change an election of a jury trial to a bench trial on the date set for jury trial, a party shall notify the court of the election change no later than at confirmation of the trial.

[Adopted effective September 1, 2001.)

LIRLJ 2.4(b)(5)
RESPONSE TO NOTICE

(5) The procedure authorized in IRLJ 2.4(b)(4) for explaining mitigating circumstances is adopted by this Court.

[Adopted effective September 1, 2005; Amended effective September 1, 2007.]

LIRLJ 3.1(e)
CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS

(e) Preparing Subpoena by the Court Clerk. If the defendant wishes to subpoena a witness, including a law enforcement officer, the defendant shall deliver to the court clerk at the Port Orchard Municipal Court office located at 216 Prospect Street, Port Orchard, Washington 98366, in person or by mail 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 also 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 along with a return of service form to the defendant in the self-addressed, stamped envelope.

[Adopted effective September 1, 2001; Amended effective September 1, 2007.]

LIRLJ 3.3(b)
Representation by Lawyer.

(1) At a contested hearing, when the respondent is represented by a lawyer, the plaintiff shall be represented by a lawyer representative of the prosecuting authority.

(2) No attorney shall appear for a respondent without first filing a Notice of Appearance no less than seven (7) days prior to any scheduled hearing. Upon the filing of a Notice of Appearance, the Court shall reset the contested hearing to the appropriate calendar. Failure to timely submit a notice of appearance may result in the contested hearing being held beyond the 120 days required by IRLJ 2.6(a).

[Adopted effective September 1, 2007.]

LIRLJ 3.4(d)
HEARING ON MITIGATING CIRCUMSTANCES

(d) Request for Penalty Reduction on Written Statement. If a defendant submits a timely request for a hearing to mitigate an infraction, the defendant may elect to seek a reduction of the infraction penalty by written statement pursuant to the provisions of IRLJ 2.4(b)(4), IRLJ 3.5(b), LIRLJ 2.4(b)(5), LIRLJ 3.5(c).

(1) A defendant electing to proceed for a penalty reduction by written statement must notify the court in writing within 30 days prior to the date set for the in-court mitigation hearing to request the appropriate paperwork.

(2) The completed form to request a reduction by written statement shall be filed with the court no later than fourteen (14) days prior to the date set for the in-court mitigation hearing.

(3) A defendant who elects to mitigate an infraction by written statement shall be deemed to have waived an in-court hearing to mitigate the infraction in person.

(4) A written statement submitted pursuant to this rule shall be executed in compliance with RCW 9A.72.085.

[Adopted effective September 1, 2005; Amended effective September 1, 2007.]

LIRLJ 3.5(c)
DECISION ON WRITTEN STATEMENTS
(Local Option)

(c) Adoption of Procedure. The procedure authorized in IRLJ 3.5(b) is adopted by this Court.

[Adopted effective September 1, 2005; amended effective September 1, 2007.]

(f) Adoption of Procedure.

[Rescinded effective September 1, 2007]

LIRLJ 6.2(d)(5)
LIRLJ 6.2(d) PENALTY SCHEDULE

(5) Unscheduled Infractions. The base penalty for any unscheduled infraction not listed in this rule, sections (1) through (4), shall be established by local ordinance adopted by the City of Port Orchard and set forth in the Port Orchard Municipal Code (POMC) or by state statute as adopted by the Washington State Legislature and set forth in the Revised Code of Washington (RCW).

[Adopted effective September 1, 2011.]

LIRLJ 6.6(e)
SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

(e) Appearance of Speed Measuring Device Expert. Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The court may allow the speed measuring device expert to testify from a location other than the courtroom, via speakerphone or other electronic means acceptable to the court.

[Adopted effective September 1, 2007.]

LARLJ 11
OATH OF INTERPRETER

All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following:

(a) GR 11.1 and 11.2

(b) Annually, each language interpreter wishing to practice in the Port Orchard Municipal Court shall complete and sign a written Oath of Interpreter. (The Oath is available from the Port Orchard Municipal Court office, 216 Prospect Street, Port Orchard, WA 98366.) A separate Oath is required for each language an individual is certified to interpret.

(c) At the time of interpretation of any written pleading in the case, the language interpreter shall sign the Certification of Translator, which document shall be filed with the Clerk of the Court and/or be attached to the document filed with the Clerk of the Court.

So long as the Oath of Interpreter is completed and filed with the Port Orchard Municipal Court administrative office annually, the interpreter need only be identified and need not be sworn or further qualified during the recorded court proceeding, except at the discretion of the court.

[Adopted effective September 1, 2002.)

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 attorney:

(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 the result of an evaluation or status report submitted by a chemical dependency agency or probation.

[Adopted effective September 1, 2002.)

PRE-ARRAIGNMENT DOMESTIC VIOLENCE NO CONTACT ORDER

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