

BAINBRIDGE ISLAND MUNICIPAL COURT LOCAL COURT RULES

TABLE OF RULES

ADMINISTRATIVE RULES

LARLJ 7	STALKING PROTECTION ORDERS
LARLJ 9	DEFERRED PROSECUTION- Rescinded
LARLJ 10	ANTI-HARASSMENT PROTECTION ORDERS

INFRACTION RULES

LIRLJ 3.1	CONTESTED HEARINGS - PRELIMINARY PROCEEDINGS
LIRLJ 3.5	DECISIONS ON WRITTEN STATEMENTS
LIRLJ 6.6	SPEED MEASURING DEVICE

CRIMINAL RULES

LCrRLJ 3.2.2	RELEASE OF ACCUSED
LCrRLJ 3.4	VIDEO CONFERENCES

LOCAL COURT RULES

ADMINISTRATIVE RULES

LARLJ 7 STALKING PROTECTION ORDERS

Pursuant to RCW 7.92.050 the Bainbridge Island Municipal Court shall hear and adjudicate petitions for stalking protection orders filed under Chapter 7.92 RCW.

[Effective date September 2, 2014]

LARLJ 9 DEFERRED PROSECUTION

REPEALED

[Effective date September 1, 2019]

LARLJ 10 ANTI-HARASSMENT PROTECTION ORDERS

Pursuant to RCW 10.14.150, the Bainbridge Island Municipal Court shall hear and adjudicate petitions for anti-harassment protection orders filed under Chapter 10.14 RCW.

[Effective date September 1, 2005]

INFRACTION RULES

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 3.5 DECISIONS ON WRITTEN STATEMENTS

Mitigation hearings on alleged traffic and parking infractions may be held upon written statements pursuant to IRLJ 2.4(b)(4), IRLJ 2.6(c) and IRLJ 3.5.

[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]

CRIMINAL RULES

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-Arrestment Domestic Violence No Contact Order 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-Arrestment Domestic Violence No Contact Order 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.

[Effective date September 1, 2003, amended effective September 1, 2019]

LCrRLJ 3.4 VIDEO CONFERENCES

Pursuant to CrRLJ 3.4 (d) and (e), the Bainbridge Island Municipal Court authorizes the use of Video Conference Proceedings for all court proceedings.

[Effective as amended September 1, 2019]