



WASHINGTON STATE
ASSOCIATION OF
COUNTY CLERKS

Tim Fitzgerald, President
Spokane County Clerk
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Spokane, WA 99260
509-477-3901
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September 24, 2020

Clerk of the Supreme Court
P.O. Box 40929
Olympia, WA 98504-0929

Re: Comment to Proposed Changes to JuCR 7.16: Quashing and Issuing Warrants

Dear Clerk of the Supreme Court:

The Washington State Association of County Clerks writes to suggest some improved language to help clarify processes, identify responsible party for actions and provide a logical flow of actions and Court decisions when warrants are issued and/or quashed.

Our proposed language clarifies the process and identifies who is responsible for certain actions when quashing a warrant. Before clerks take action there needs to be a court order determining the status of the warrant. Once the Court makes a determination on the public safety threat criteria then the Court will order the warrant to be quashed or continued.

The proposed language makes it clear that first there is a Court decision and order before any warrant is quashed.

Please feel free to contact me at tfitzgerald@spokanecounty.org or (509) 477-3901 or Barbara Miner, King County Clerk at barbara.miner@kingcounty.gov or (206) 477-0777, should you have any questions or need more information.

Sincerely,

Tim Fitzgerald
Spokane County Clerk
(509) 477-3901
tfitzgerald@spokanecounty.org

CC: Justice Charles Johnson, Chair Supreme Court Rules Committee
Shannon Hinchcliffe, Staff Supreme Court Rules Committee

JuCR 7.16
QUASHING AND ISSUING WARRANTS
[NEW]

(a) Quash Warrants Issued for Violation of Court Order Related to Juvenile Offense

Proceedings. For all juvenile offense proceedings, all outstanding warrants due to an alleged "Violation of a Court Order" shall be quashed by the court within 10 days of this court rule being enacted unless a finding of serious public safety threat is made in the record of the case to support the warrant's continued status. ~~and n~~ No new warrants shall issue unless a finding is made that the individual circumstances of the alleged "Violation of a Court Order" pose a serious threat to public safety.

- (1) Following the quashing of a warrant related to a community supervision matter, the Court may make a finding that community supervision is tolled until the next court hearing where the respondent is present either in person, by phone, or by video.
- (2) If a future court date is set, the Superior Court shall make best efforts to provide written notice to the respondent of the new court date.

(b) Quash Warrants Issued for Failure To Appear for a Court Hearing Related to

Juvenile Offense Proceedings. For all juvenile offense proceedings, all outstanding warrants issued for a Failure to Appear juvenile offense proceeding shall be quashed by the court within 10 days of this court rule being enacted unless a finding of serious public safety threat is made in the record of the case to support the warrant's continued status. ~~and n~~ No new warrants shall issue unless a finding is made that the individual circumstances of the Failure to Appear poses a serious threat to public safety.

- (1) Following the quashing of the warrant, the Superior Court shall make best efforts to provide written notice to the respondent of the new court date.
- (2) Pursuant to CrR 3.3(c), the new commencement date shall be the date of the respondent's next appearance in person, by phone, or by video.

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Linford, Tera](#)
Cc: [Tracy, Mary](#)
Subject: FW: Comment to Proposed Changes to JuCR7.16 Quashing and Issuing Warrants
Date: Friday, September 25, 2020 2:55:46 PM
Attachments: [Comment to Proposed Changes to JuCR7.16 Quashing and Issuing Warrants 9-25-2020.pdf](#)
[Quashing and Issuing Warrants 9-25-2020.pdf](#)

From: Fitzgerald, Timothy W. [mailto:TFITZGERALD@spokanecounty.org]
Sent: Friday, September 25, 2020 2:39 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Hinchcliffe, Shannon <Shannon.Hinchcliffe@courts.wa.gov>; Barbara Miner <Barbara.Miner@kingcounty.gov>; Ruth Gordon <rgordon@co.jefferson.wa.us>; Alison Sonntag <Asonntag@co.kitsap.wa.us>; Josie Delvin <josie.delvin@co.benton.wa.us>; Tristen Worthen <tworthen@co.douglas.wa.us>; Kim Allen <kallen@grantcountywa.gov>
Subject: Comment to Proposed Changes to JuCR7.16 Quashing and Issuing Warrants

Dear Clerk of the Supreme Court,

Attached are the explanation letter and draft JuCR 7.16 court rule proposed comments from the Washington State Association of County Clerks. If you have any questions please contact me, my information is in the signature block below or Barbara Miner, King County Clerk, whose information is in the explanation letter. Thank you for your attention in this matter.

s/f Tim

Timothy W. Fitzgerald
Spokane County Clerk
(509) 477-3901
TFitzgerald@spokanecounty.org