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Subject: FW: proposed change to IRLJ 2.6
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From: Greene, Richard <Richard.Greene@seattle.gov>
Sent: Wednesday, August 31, 2022 2:13 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Subject: proposed change to IRLJ 2.6

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The language in proposed IRLJ 2.6(b)(2) "if they do not prevail" makes no sense as this subsection concerns a mitigation hearing, which a defendant cannot obtain without admitting responsibility for the traffic infraction. ESSB 5226, section 1; RCW 46.63.070(4).

Regarding proposed IRLJ 2.6(d)(3), requiring, not merely authorizing, dismissal of a notice of infraction, regardless of prejudice, if the court misses the 21-day deadline for informing a person of how to submit evidence of inability to pay or obtain a payment plan, which is all that seems to be called for by ESSB 5226, section 1, or fails to include enough such information is inconsistent with current IRLJ 2.6(a)(4). Why should an infraction have to be dismissed if the court misses this deadline, where the defendant has admitted responsibility for the traffic infraction, but only may be dismissed and only if the defendant shows prejudice if the court misses the deadline for notifying the defendant of a date for a contested hearing? A defendant may be able to show such prejudice if they do not have sufficient time to obtain any documents to show an inability to pay before the 90-day time limit of proposed IRLJ 3.5(e) (1), but such prejudice hardly can be conclusively presumed.



Richard Greene
Assistant City Prosecutor

Seattle City Attorney's Office
Criminal Division
701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7097
Phone: 206-684-8538
FAX: 206-684-4648

richard.greene@seattle.gov

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