



Department of
PUBLIC DEFENSE

April 30, 2025

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

Dear Justices of the Washington State Supreme Court,

I am writing to address some of the comments submitted regarding the proposed changes to CrR 4.1 and CrRLJ 3.2.1. On behalf of the King County Department of Public Defense (DPD), one of the proponents of the rule change, I would like to relay the following:

- DPD is fine with clarifying that the timeline is three *court* days rather than three *calendar days* in CrR 4.1/CrRLJ 4.1. In fact, under CR 6 it would already be interpreted that way-- “[w]hen the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation”.
- Commenters claim that three days does not provide enough time to give notice to the defendant of the arraignment hearing where the defendant is “subject to conditions of release imposed in connection with the same charge.” However, those conditions are imposed at the preliminary appearance hearing and, if the rule were changed, at that same preliminary appearance hearing defendants could be notified of their presumptive arraignment hearing date.
 - That said, DPD is fine with maintaining the 14-day timeline if a defendant is released and subject to conditions of release.
 - **Here is how the rule change could be amended to limit the shortened timeline of three days to defendants who are detained:**
 - (1) Defendant Detained in Jail. The defendant shall be arraigned not later than 14 3 court days after the date the information or indictment is filed in the adult division of the superior court, if the defendant is ~~(i)~~ detained in the jail of the county where the charges are pending. If the defendant has been released and is ~~(ii)~~ subject to conditions of release imposed in connection with the same charges, the defendant shall be arraigned not later than fourteen calendar days after the information or indictment is filed. At the time of the arraignment, the defendant shall have an opportunity to argue bail and other conditions of release pursuant to CrR 3.2.
- Regarding the comments claiming that three days does not provide enough time for victim notification,¹ prosecutors are able to provide that notice shortly after the case is received by the prosecutor’s office:

¹ Notably, the statutory and constitutional protections for crime victims, RCW 7.69.030 and (Const. art I, § 35, are triggered by the victim “notifying the prosecuting attorney” of their request to be informed of court proceedings.

- For example, if a person is arrested on May 19, 2025, the person will have a preliminary appearance on May 20 with a filing deadline of May 22. Under this court rule change, the arraignment would be scheduled on or before May 27. That gives seven days' notice between the preliminary appearance and the filing deadline. If charges are not filed, then the prosecutor can inform the complainant.
- In addition, arraignments following jail bookings happen quickly throughout the State, demonstrating that victim notification is possible-
 - In King County Juvenile Court, the arraignment hearing for detained youth occurs the day after the "filing deadline." For example, a youth arrested on May 19, 2025, would have a preliminary appearance on May 20 and an arraignment hearing on May 23.
 - In Pierce County, arraignments are heard within 24 to 72 hours of booking.
 - In Seattle Municipal Court, arraignments, including for domestic violence charges, are heard within one day of booking.

Thank you for considering this important proposed rule change.

Sincerely,

Katie Hurley, Special Counsel for Criminal Practice and Policy
King County Department of Public Defense

From: [OFFICE RECEPTIONIST, CLERK](#)
To: [Farino, Amber](#)
Cc: [Ward, David](#)
Subject: FW: Comments regarding proposed amendments to CrR/CrRLJ 3.2 and 4.1/3.2.1
Date: Wednesday, April 30, 2025 3:12:39 PM
Attachments: [Comment from Katherine Hurley on Proposed CrR 4.1 and CrRLJ 3.2.1 \(Arraignment and Preliminary Appearance\) Amendments.pdf](#)
[Comment from Katherine Hurley on Proposed CrR and CrRLJ 3.2 \(Release of Accused\) Amendments.pdf](#)

From: Hurley, Katherine <Katherine.Hurley@kingcounty.gov>
Sent: Wednesday, April 30, 2025 2:29 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>
Cc: Ward, David <David.Ward@courts.wa.gov>
Subject: Comments regarding proposed amendments to CrR/CrRLJ 3.2 and 4.1/3.2.1

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Hello,

Attached please find comments regarding proposed amendments to:

- CrR/CrRLJ 4.1 and CrRLJ 3.2.1;
- CrR/CrRLJ 3.2.

Please let me know if there are any questions.

Thank you,
Katie

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