

Federal Way Municipal Court Local Rules

Local General Rules (FWMCLGR)

FWMCLGR 30

Electronic Filing and Electronic Signatures

(b)(1) While JIS remains the official depository of case information, the court uses JusticeWeb in conjunction with JustWare as a means to facilitate electronic filing of documents and data. Attorneys, defendants, and other involved parties are allowed to set up password protected accounts in JusticeWeb that will allow for the transmission of data and documents to the court and to the parties as provided in (b)(3). Permissions are given based upon the profile of the user and such permission is restricted to cases in which the user is involved. The court may choose to update data in JustWare/JusticeWeb from other sources to maintain consistency with JIS data, but it is the primary responsibility of the account holder to keep all personal contact data in the account updated and accurate.

(b)(3) Attorneys with JusticeWeb accounts will receive all documents from the court in electronic format in JusticeWeb. Defendants or other involved parties with a JusticeWeb account may elect to receive documents electronically by setting up an account in JusticeWeb and choosing the option to receive documents in electronic format. The court may simply notify recipients to log into their JusticeWeb account to access the document(s). The court, as a convenience, may send reminder notifications of court dates, but failure to receive such a notification shall not relieve the recipient of the obligation to appear or respond as required. It is the responsibility of all parties to maintain current electronic mailbox addresses and memory sufficient to receive electronic transmissions or notifications from the court.

(b)(4) The court will not deny paper filings, but strongly encourages the electronic filing or the creation of JusticeWeb accounts pursuant to (b)(1) and (b)(3).

In addition to filing and serving through Justware/JusticeWeb, pleadings and other documents may be filed online at <http://cityoffederalway.com/node/3354> or by email as follows:

Court: filing@cityoffederalway.com
Probation: probation@cityoffederalway.com

Alternatively, pleadings and other documents may be filed by fax as follows:

Court: (253) 835-3020
Probation: (253) 835-3033

Service on the opposing party shall be made in the same manner and at the same time as the filing with the court. The designated contact information for the prosecutor is as follows:

Email: LATEMP@cityoffederalway.com
Fax: (253) 835-2569

Service at any other email address or fax number will not be considered adequate service.

(d)(1)(A) See (b)(1)

(d)(2)(A) Judicial Officer, Probation Officer, and Clerk Electronic Signatures:

Judicial officers may also sign orders and search warrants with a digital signature as defined in GR 30 in one of the following formats:

- i. The judicial officer affixes the electronic signature, saves the signed document in .pdf format, and emails the document to the intended recipients using the judge's secure email account; or,
- ii. The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or,
- iii. The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or,
- iv. The judicial officer uses any other reliable means approved by the court by general order.

Documents may be signed by judicial officers using a facsimile of the judicial officer's signature so long as the ability to affix the original facsimile of the signature used in the document is only accessible by the judicial officer. The document or email may also be signed in the following format if the document or email is sent from the judge's secure email account or in documents designated by general order to be prepared by clerks:

Judge X, Federal Way Municipal Court
33325 8th Avenue South, Federal Way, WA 98003
Telephone: (253) 835-3000 Fax: (253) 835-3020
E-mail: fw.court@cityoffederalway.com

The clerk is also authorized to affix a facsimile of the judge's signature on orders that confirm the oral rulings made by the judge in open court. The form of the electronic signature shall be as follows:

Ordered in open court on [date].
Judge's Typed Name, Prepared by [clerk's initials]

Probation officer signatures on documents prepared by the probation officer may be in the following electronic format:

Probation Officer Name, Federal Way Probation
33325 8th Avenue South, Federal Way, WA 98003
Telephone: 253-835-3023 Fax: 253-835-3033
probation@cityoffederalway.com

The electronic version of the document signed by the judge, probation officer, or clerk pursuant to this rule shall constitute an original document that shall be made part of the court file or search warrant return file.

Nothing herein alters the ability of the judge to sign documents in person or delegate the affixing of signatures by others if allowed by law or court rule.

(d)(2)(D)(i) Speed Measuring Device Certifications will be deemed filed with the court pursuant to IRLJ 6.6(b) at the time the document is added by the prosecutor's office to a secure website that allows the documents to be viewed by the public through a hyperlink on the court's website.

(d)(2)(D)(ii) The electronic signature of the officer applied to a Notice of Infraction pursuant to FWMCLIR 2.2 is presumed to be under penalty of perjury.

(Amended effective September 1, 2018; Amended effective September 1, 2017; Amended effective September 1, 2015; Amended effective September 1, 2013; Amended effective September 2, 2014; Effective September 1, 2012)

Local Administrative Rules (FWMCLAR)

FWMCLAR 2 SCOPE OF RULES - PHOTO ENFORCEMENT

Unless otherwise provided, all Infraction Rules for Courts of Limited Jurisdiction (IRLJ) and all local infraction rules (FWMCLIR) apply to photo enforcement proceedings. Subject to supervision and control of the court, the court may delegate administrative functions, filing of Notices of Infraction, docketing of cases, and collection of fines generated by Notices of Infraction issued under RCW 46.63.170 to a third party vendor.

(Effective September 1, 2011)

FWMCLAR 11 MISDEMEANANT PROBATION

The court provides probation services as a department of the court pursuant to ARLJ 11.

(Amended effective September 1, 2019; Amended September 1, 2011; Effective September 1, 2010,)

FWMCLAR 12 REGISTRATION BY COURTS OF LIMITED JURISDICTION COURT BUSINESS HOURS

The Federal Way Municipal Court shall be open to the public for business from 8:30 a.m. to 4:30 p.m. Monday through Friday of each week except for Holidays or other days scheduled by Order

of the State of Washington Supreme Court or by order of the Federal Way Municipal Court Presiding Judge.

(Amended effective September 1, 2019; Amended effective September 1, 2013)

Local Criminal Rules (FWMCLR)

FWMCLR 1.8 TITLE OF RULES

These rules may be known and cited as the Federal Way Municipal Court Local Criminal Rules and shall be referred to as FWMCLR.

FWMCLR 2.3 APPLICATIONS FOR SEARCH WARRANTS IN ELECTRONIC FORMAT

(c) Sworn testimony provided by a police officer for a search warrant may be provided to the judge by electronic means by email or other reliable means if the sworn statement is signed under penalty of perjury pursuant to GR 30(2)(D)(ii).

(Effective September 2, 2014)

FWMCLR 3.2 RELEASE OF ACCUSED -- BAIL SCHEDULE

The court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o).

A Defendant who is booked and detained in jail after the initial arrest on new charges for a misdemeanor or gross misdemeanor shall be released upon promising to appear in court and posting bail in the amount of \$500 for a misdemeanor and \$1,000 for a gross misdemeanor, except for the following offenses:

1. Domestic Violence Offenses: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5).
2. Driving Under the Influence/Physical Control: Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence pursuant to RCW 46.61.502 or Physical Control of a Motor Vehicle While Under The Influence pursuant to RCW 46.61.504, if:
 - a. Law enforcement or the jail has knowledge that the person has a prior offense as defined in RCW 46.61.5055; or,

- b. Based on a review of the information available to the officer at the time of arrest or the jail at the time of booking that the person is charged with or is awaiting arraignment for an offense that would qualify as a prior offense as defined in RCW 46.61.5055 if it were a conviction..

If the defendant posts sufficient bond or cash for release prior to his or her appearance in court, the defendant shall also fill out and sign the promise to appear set forth in the release form as a part of the release process.

Booking on Bench Warrant: The defendant shall be held on the stated bail amount set forth in the warrant. If the defendant posts sufficient bond or cash for release prior to his or her appearance in court, the defendant shall also fill out and sign the promise to appear set forth in the release form as part of the release process.

(Amended effective September 1, 2019; Effective September 1, 2011)

FWMCLR 3.4 PRESENCE OF THE DEFENDANT - VIDEO CONFERENCE HEARINGS

All in-custody hearings, except trials, may be conducted via video conference pursuant to CrRLJ 3.4. Consent to proceed via video conference will be implied for all other hearings, excluding trial, unless an objection is made before or during the hearing to proceeding in this manner. However, this consent will not be implied if the defendant is not accompanied or represented by counsel at the hearing. A defendant who is not accompanied or represented by counsel must affirmatively give consent on the record to proceed via video conference.

(Amended effective September 1, 2019; Effective September 1, 2011, Amended September 1, 2012)

FWMCLR 4.1 ARRAIGNMENT -- MANDATORY APPEARANCES AND CONTINUANCES

a. Continuances: If a defendant requests a continuance of his or her arraignment date in person for crimes not specified in subsection (e) of this local rule, the Clerk is authorized to continue and reset the arraignment to a date not later than seven (7) days after the date on which the arraignment was initially set. This continuance may be granted by the Clerk if the defendant signs a notice and promise to appear for the new arraignment date and waives any objection to the later arraignment date in writing.

g. Mandatory Appearance: Defendant's appearance is mandatory and may not be waived or continued in cases involving alleged Driving Under the Influence, Physical Control, any crime alleging domestic violence, or any of the following crimes:

- (1) Assault in the fourth degree - RCW 9A.36.041
- (2) Harassment - RCW 9A.46.020

- (3) Violation of an anti-harassment order - RCW 9A.46.040 and FWRC 6.35.060
- (4) Stalking - RCW 9A.46.110
- (5) Communicating with a minor for immoral purposes - RCW 9.68A.090
- (6) Indecent Exposure - RCW 9A.88.010
- (7) Aiming or Discharge of a Firearm - RCW 9.41.230
- (8) Loaded Firearm in a Vehicle - RCW 9.41.050(2)
- (9) Unloaded Firearm in a Vehicle - RCW 9.41.050.1A
- (10) Altering a Firearm - RCW 9.41.140
- (11) Carrying Concealed Pistol w/o a license in Vehicle - RCW 9.41.050(2)(a)
- (12) Carrying Concealed Pistol w/o a license on Person - RCW 9.41.050(1)(a)
- (13) Leaving Unloaded Pistol in Vehicle - RCW 9.41.050(3)(a)
- (14) Unlawful Carrying or Display of Weapons - RCW 9.41.270
- (15) Weapons in a Prohibited Area - RCW 9.41.300
- (16) Weapons in a Prohibited Area - Court - RCW 9.41.300
- (17) Possession of Dangerous Weapon - RCW 9.41.250
- (18) Possession of Dangerous Weapon - School - RCW 9.41.280
- (19) Malicious Mischief in the third degree - RCW 9A.48.090
- (20) Menacing - FWRC 6.35.020
- (21) Firearm on Liquor Sale Premises - FWRC 6.25.030
- (22) Firearm in Restricted Area - FWRC 6.25.040
- (23) Discharge of firearms prohibited - FWRC 6.25.050
- (24) Firearm in Park - FWRC 4.05.220, 4.05.040

(Effective September 1, 2010, Amended September 1, 2011, Amended September 1, 2013)

FWMCLR 6.15
JURY INSTRUCTIONS

(a) Jury instructions shall be provided as follows:

(1) The parties shall exchange a full set of cited and numbered proposed instructions on the day of trial and file a copy of the cited and numbered proposed instructions with the court. In addition, each party shall provide the judge with one set of unnumbered and uncited instructions in the same sequential order as the cited and numbered proposed instructions filed with the court. The unnumbered and uncited instructions may be provided to the judge in Word electronic format in lieu of a hard copy.

(2) Numbering and Arrangement of Cited and Numbered Instructions. On the cited and numbered copy of instructions filed with the court, the citations shall be in the lower left-hand corner. The instructions shall be arranged in a logical order and numbered sequentially by the submitting party at the top center of each page (Example: "Instruction No. 1" would be at the top center of the first proposed instruction, "Instruction No. 2" would be at the top center of the second proposed instruction, and so forth).

(Effective September 1, 2013)

FWMCLR 7.3
JUDGMENT COSTS/ASSESSMENTS/COLLECTION

The Court may require partial or full reimbursement for the cost of court appointed counsel, interpreters, booking fees, warrant fees, jury fees, conviction fees, and all other costs and assessments allowed by law.

The Court may use the services of a collection agency for the purposes of collecting unpaid and delinquent criminal fines, costs, assessments and forfeitures. The terms and conditions of the contract for collection services shall be between the Federal Way Municipal Court, the City, and said collection agency, and may be amended as necessary.

The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a Court cost to the total judgment of the Court against each Defendant whose account is referred by the Court to the collection agency.

Nothing in this section shall prevent the Court from notifying the Department of Licensing of the defendant's failure to pay a fine and/or costs as ordered by the Court.

FWMCLR 8.2
MOTIONS

a. Time for Hearing

Motions shall be filed and served as follows:

1. Motion Requested at Time of Trial Setting: If a motion date is set at the same time the case is set for trial then the moving party's brief and all supporting documents shall be served on the opposing party and filed with the court at least 14 days before the date scheduled for the hearing.

2. Motion Requested at Time Other than at Trial Setting: If a motion is filed at any other time by either party, the moving party must file a note for motion, the moving party's brief, and all supporting documents at the time the motion is filed. The note for motion and supporting documents shall be served and filed with the court at least 21 days before the date requested for the hearing by the moving party. Motions shall be heard on Tuesdays at 1:15 pm unless otherwise designated by the court. This rule does not apply to motions to quash a warrant or to motions to recall or modify a non-contact order or anti-harassment order.

3. Motions to Shorten Time/Emergency Motions. All Motions to Shorten Time or for emergency motions shall be in writing and supported by declaration or affidavit. A proposed briefing schedule shall be included with the motion. Opposing counsel shall be served with a copy of the motion. The non-moving party may file an objection to the motion stating reasons for the objection. Failure to file an objection is not controlling on the decision of the court. The Motion to Shorten Time/Emergency Motion will be decided without oral argument by the judge handling the motions calendar.

b. Responsive Documents

The non-moving party's brief and all supporting documents shall be served and filed at least 7 days before the date scheduled for the hearing. The moving party's reply and all supporting documents shall be served and filed at least 2 days before the date scheduled for the hearing.

c. Proof of Service

The parties must file suitable proof showing that the opposing party was served with the documents filed by the party.

FWMCLR 8.4
SIGNING OF AGREED ORDERS

(a) Counsel seeking the approval of an agreed order by the court shall obtain the signature of opposing counsel before filing the order with the court. The court may deny the motion if the document is filed without the signature of opposing counsel. "Signature" includes electronic signatures in compliance with GR 30.

(Effective September 2, 2014)

Local Infraction Rules (FWMCLR)

FWMCLR 1.2
DEFINITIONS -- DEFENDANT IN PHOTO ENFORCEMENT CASES

(c) In a photo enforcement case, the court is authorized to amend the identity of the named defendant if that new named defendant indicates that they were driving the vehicle at the time alleged in the Notice of Infraction.

(Effective September 1, 2011)

FWMCLR 2.2
INITIATION OF INFRACTION CASES -- PHOTO ENFORCEMENT

(b)(1) For a photo enforcement Notice of Infraction, the officer signs the Notice of Infraction when the officer approves the Notice of Infraction and his or her name is affixed to the Notice of Infraction in the computer system provided for that purpose.

(d) A photo enforcement Notice of Infraction signed by an officer pursuant to FWMCLR 2.2(b)(1) is filed with the court when it is made part of the computer system of the third party vendor authorized in FWMCLAR 2. There is a rebuttable presumption that the date the Notice of Infraction is made part of the computer system of the third party vendor is the same as the date of issuance of the first Notice of Infraction against the defendant.

(Effective September 1, 2011)

FWMCLIR 3.1
CONTESTED HEARINGS
SUBPOENAS AND WITNESSES

A request by a defendant for the court to authorize a subpoena of a witness must be received by the court at least 14 days before the date of the contested hearing. This includes the police officer whose presence is not required unless subpoenaed. The Court will deny the request for the subpoena or condition the issuance of the subpoena upon a continuance of the hearing date if the request for a subpoena is made less than 14 days prior to the scheduled hearing.

All officer subpoena cases shall be heard on a special calendar and a request to subpoena the officer will result in the case being rescheduled to the date and time of that special calendar.

It is the responsibility of the party requesting the subpoena to arrange for proper service of the subpoena on the witness.

FWMCLIR 3.3
PROCEDURE AT CONTESTED HEARING
ATTORNEYS AT CONTESTED CODE COMPLIANCE HEARINGS

The court may require that the city have an attorney appear at contested code compliance infraction hearings.

FWMCLIR 3.5
DECISION ON WRITTEN STATEMENTS -- DISPOSITION BY WRITTEN
STATEMENT, E-MAIL STATEMENT, AND BY VIOLATIONS BUREAU

a. Hearings by Mail or E-Mail

Traffic infractions may be heard by the Court based on written or e-mail submissions from the City and the defendant. Written or e-mail submissions must be provided to the Court five (5) business days in advance of the date set for contested hearing or mitigation hearing in compliance with Infraction Rules of Limited Jurisdiction (IRLJ). A finding of committed may be entered and the full fine assessed if written or e-mail submissions are not timely provided and defendant fails to appear for the in-person hearing.

b. Dispositions by Violations Bureau

The defendant may request an in-person contested or mitigation hearing for any offense, but a defendant may agree in writing to waive an in-person hearing and permit the clerk to enter the following dispositions for the following offenses:

1. Proof of Insurance - If a defendant who is charged with driving a motor vehicle without having proof of valid insurance presents to the clerk satisfactory evidence of valid insurance in effect for the defendant or the vehicle the defendant was operating at the time the citation was issued, then the charge will be dismissed and \$25.00 in court costs shall be assessed.

2. Disabled Parking - If a person charged with violation of parking in a disabled space without proper parking placard, license plate or picture identification, presents to the court clerk evidence that the person had in effect at the time of citation the required parking placard, and an identification card bearing picture, name and date of birth of the permit holder as well as the placard's serial number, the infraction shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in court records.

3. Expired Vehicle License Tabs - The clerk is authorized to enter a committed finding and judgment in the amounts set forth below if defendant shows proof that the vehicle license tabs for the vehicle in question have been renewed and are current:

Expired tabs under two months - \$85

Expired tabs over two months - \$140

(Effective September 1, 2010, Amended September 1, 2011)

FWMCLIR 4.2
FAILURE TO PAY OR COMPLETE COMMUNITY RESTITUTION FOR TRAFFIC
INFRACTION
USE OF COLLECTION AGENCIES

The Court may use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, assessments and forfeitures. The terms and conditions of the contract for collection services shall be between the Federal Way Municipal Court, the City, and said collection agency, and may be amended as necessary.

The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a Court cost to the total judgment of the Court against each Defendant whose account is referred by the Court to the collection agency.

Nothing in this section shall prevent the Court from notifying the Department of Licensing of the defendant's failure to pay a fine and/or costs as ordered by the Court.

FWCLIR 6.2
MONETARY PENALTY SCHEDULE FOR INFRACTIONS
PHOTO ENFORCEMENT MONETARY PENALTIES

Unless a different penalty is provided for by state law or local ordinance, the monetary penalty for an infraction issued through means of a photo enforcement system shall not exceed the following amounts:

Red Light Enforcement - \$124

School Zone Speeding 1-5 MPH over speed limit - \$189

School Zone Speeding 6-10 MPH over speed limit - \$210

School Zone Speeding 11+ MPH over speed limit - \$250

FWMCLIR 6.3
TITLE AND CITATION OF RULES

These rules may be known and cited as the Federal Way Municipal Court Local Infraction Rules and shall be referred to as FWMCLIR.

FWMCLIR 6.6
**SPEED MEASURING DEVICE: FILING OF DESIGN AND CONSTRUCTION
CERTIFICATION**

(d) Speed Measuring Device Certifications required to be filed by the prosecutor pursuant to IRLJ 6.6(b) may be filed with the court by adding the documents to the collection of documents available for online public viewing and inspection pursuant to FWMCGR 30(b)(5). The prosecutor is permitted to provide the address to the court's website as the response to requests for such certifications.

(Effective September 1, 2013)