



Des Moines Municipal Court 2024 Local Court Rules

**Local Rules Submitted for Permanent Filing
Adopted effective September 1, 2024.**

DES MOINES MUNICIPAL COURT LOCAL RULES
Changes effective September 1, 2024

Table of Local Rules

LOCAL GENERAL RULES [DMMCLGR]

DMMCLGR 1.0 ADOPTION OF LOCAL GENERAL RULES

DMMCLGR 2.0 TITLE OF LOCAL GENERAL RULES

DMMCLGR 3.1 DEFINITIONS [Adopted September 1, 2024.]

DMMCLGR 3.2 RESERVATION OF DISCRETION [Adopted September 1, 2024.]

DMMCLGR 4.0 USE OF A COLLECTION AGENCY AND ASSESSMENT AS COURT COSTS OF AMOUNTS PAID FOR COLLECTION SERVICES

DMMCLGR 6.13 EVIDENCE – COURT’S CUSTODY OF EXHIBITS

DMMCLGR 30.0 ELECTRONIC SERVICE AND FILING

LOCAL CRIMINAL RULES [DMMCLCrR]

DMMCLCrR 1.0 ADOPTION OF LOCAL CRIMINAL RULES

DMMCLCrR 2.0 TITLE OF LOCAL CRIMINAL RULES

DMMCLCrR 3.1 RIGHT TO COUNSEL

DMMCLCrR 3.1.1 WITHDRAWAL OF ATTORNEY

DMMCLCrR 3.2 RELEASE OF ACCUSED – BAIL SCHEDULE

DMMCLCrR 3.4 PRESENCE OF THE DEFENDANT AND OTHER PARTICIPANTS
[Adopted September 1, 2024.]

DMMCLCrR 4.2 FORFEITURE OF BAIL

DMMCLCrR 4.5 PETITION FOR DEFERRED PROSECUTION BASED UPON SUBSTANCE-USE DISORDER [Adopted September 1, 2023; amended September 1, 2024.]

DMMCLGR 6.0 AUDIO AND VIDEO RECORDING OF COURT PROCEEDINGS
[Adopted September 1, 2024.]

LOCAL INFRACTION RULES [DMMCLIR]

DMMCLIR 1.2 ADOPTION OF LOCAL INFRACTION RULES [Adopted September 1, 2023; amended September 1, 2024.]

DMMCLIR 1.3 TITLE OF LOCAL INFRACTION RULES [Adopted September 1, 2023; amended September 1, 2024.]

DMMCLIR 1.4 SCOPE OF RULES – PHOTO ENFORCEMENT [Adopted September 1, 2024.]

DMCLIR 3.0 SCHEDULING OF HEARINGS [Adopted September 1, 2023; amended September 1, 2024.]

DMMCLIR 3.3 REQUEST FOR SPEED MEASURING DEVICE EXPERT

DMMCLIR 3.5 DECISIONS ON WRITTEN STATEMENTS [Adopted September 1, 2023; amended September 1, 2024.]

DMMCLIR 3.6 PRESENCE OF THE DEFENDANT AND OTHER PARTICIPANTS
[Adopted September 1, 2024.]

DES MOINES MUNICIPAL COURT
LOCAL RULES (DMMCLR)

DMMCLR 1.0 ADOPTION OF LOCAL RULES – Rescinded.

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

DMMCLR 2.0 TITLE OF RULES – Rescinded.

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

DMMCLR 3.0 FILING OF PAPERS AND FORM OF PLEADINGS – Rescinded.

[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]

DMMCLR 4.0 VIDEO CONFERENCE PROCEEDINGS – Rescinded.

[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]

DMMCLR 5.0 DECISION ON WRITTEN STATEMENTS – Rescinded.

[Adopted effective September 1, 2004; amended and renumbered (DMMCLIR 3.5) effective September 1, 2023.]

DMMCLR 6.0 PRESIDING JUDGE – Rescinded.

[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]

DMMCLR 7.0 MAGISTRATES – Rescinded.

[Adopted September 1, 2004; rescinded effective September 1, 2023.]

**DMMCLR 8.0 REQUIREMENT OF PAYMENT ON COURTESY WARRANT
CALENDAR – Rescinded.**

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

DMMCLR 9.0 TIME – ENLARGEMENT – Rescinded.

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

DMMCLR 12.0 BAIL SCHEDULE – Rescinded.

[Adopted effective July 1, 1998; amended effective September 1, 2011; rescinded effective September 1, 2023.]

DES MOINES MUNICIPAL COURT
LOCAL GENERAL RULES (DMMCLGR)

DMMCLGR 1.0 ADOPTION OF LOCAL RULES

The Court adopts these local rules pursuant to GR 7.

[Adopted effective September 1, 2023.]

DMMCLGR 2.0 TITLE OF RULES

The rules of general application shall be known and cited as the Des Moines Municipal Court Local General Rules (DMMCLGR).

[Adopted effective September 1, 2023.]

DMMCLGR 3.1 DEFINITIONS

The following definitions apply to all Des Moines Municipal Court local rules:

- a. “Court proceeding” means all court hearings, trials, depositions, and all other proceedings over which the court exercises jurisdiction.
- b. “Judge” means the appointed or elected Judge of Des Moines Municipal Court.
- c. “Judicial officer” means the appointed or elected Judge of Des Moines Municipal Court or a Judge Pro Tem appointed by the Presiding Judge.
- d. “Participant” means any person appearing in a court proceeding and includes, but is not limited to, (1) the plaintiff, defendant, petitioner or respondent; (2) counsel for the plaintiff, defendant, petitioner or respondent; (3) witnesses; (4) interpreters; (5) jurors; and (6) court reporters for depositions.
- e. “Physical appearance” and “physically appear” mean physically present in the courtroom.
- f. “remote appearance” and “remotely appear” mean present through remote technology approved by the court. Participants are responsible for their own device and internet connection. Failure to connect to the hearing at the scheduled start time or disconnecting prior to the conclusion of the hearing may be considered a failure to appear for purposes of local criminal and infraction rules.
- g. “Remote technology” means technology that permits all participants to see and hear each

other during the proceedings, speak as permitted by the judge, and allows confidential communications between counsel and client. The remote connection shall be of sufficient quality to ensure that participants are clearly visible, and the audio connection permits the making of the official court record of the proceedings.

[Adopted September 1, 2024.]

DMMCLGR 3.2 RESERVATION OF DISCRETION

The Des Moines Municipal Court reserves the authority to interpret, suspend, and/or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

[Adopted September 1, 2024.]

DMMCLGR 4.0 USE OF A COLLECTION AGENCY AND ASSESSMENT AS COURT COST OF AMOUNTS PAID FOR COLLECTION SERVICES

The court shall use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, fees, assessments and forfeitures, on the terms and conditions of the contract for collection services between the City of Des Moines and said collection agency, and may be subsequently amended. The collection agency's fee or charge, as set forth in the contract between the City of Des Moines and the collection agency 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.

[Former DMMCLR 11.0 adopted effective July 1, 1998; amended and renumbered effective September 1, 2023.]

DMMCLGR 6.0 AUDIO AND VIDEO RECORDING OF COURT PROCEEDINGS

Video and/or audio recording of court proceedings without prior express permission from the Court is prohibited pursuant to GR 16.

[Effective September 1, 2024]

DMMCLGR 6.13 EVIDENCE – COURT'S CUSTODY OF EXHIBITS

In a criminal or civil case, every exhibit in the court's custody, which is not: reduced to a digital file, and is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. In the event of a finding of committed in a civil case or guilty in a criminal case. For purposes of this rule, the appeal period shall begin on the day the court enters a committed finding (in a civil case) or the day the court imposes sentence or orders deferral of sentencing (in a criminal case).

Exhibits not withdrawn shall be delivered by the court to the Des Moines Police Department for disposition as abandoned property, or if contraband, for destruction. The Court shall not release an exhibit without documenting receipt by the receiving party.

[Former DMMCLR 10.0 adopted effective July 1, 1998; amended and renumbered effective September 1, 2023.]

DMMCLGR 30 ELECTRONIC FILING AND SERVICE.

a. Definitions. The following definitions apply to this and all other DMMC local rules.

- (1) "Digital Signature" means an electronic signature that is a transformation of a message using an asymmetric cryptosystem such that a person who has the initial message and the signer's public key can accurately determine whether: (a) the transformation was created using the private key that corresponds to the signer's public key; and (b) that the initial message has been altered since the transformation was made.
- (2) "Electronic Filing" is the electronic transmission of information to a court or clerk for case processing.
- (3) "Electronic Document" is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.
- (4) "Electronic Signature" means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (5) "Filer" is the person whose user ID and password are used to file an electronic document.
- (6) "OCourt" is an electronic scheduling forms program that integrates with JIS and allows for the electronic filing of court documents into local digital document storage systems.

b. Electronic Filing Authorization, Exception, Service, and Technology Equipment.

While Washington State "Judicial Information System" (JIS-Link) remains the official depository of case information, Des Moines Municipal Court uses OCourt as a means to facilitate electronic filing and dissemination of documents and data.

- (1) Attorneys and other involved parties may set up password protected OCourt accounts that will allow for the transmission of data and documents to the court and to the parties as provided in (b)(2). Permission to access the program is given based upon the profile of the user and such permission is restricted to cases in which the user is involved. The court determines the level of security allowed by the user. The court may choose to update data in OCourt 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 updated and accurate.
- (2) Attorneys with OCourt accounts will receive documents from the court in electronic

format through their email accounts. It is the responsibility of all parties to maintain a current electronic mailbox address and memory sufficient to receive electronic transmissions or notifications from the court.

- (3) The court will not deny paper filings, but strongly encourages the creation of accounts within OCourt pursuant to (b)(1) and (b)(2), above.
- (4) The clerk will accept for filing an electronic document that complies with the court rules and Electronic Filing Technical Standards as adopted by the Judicial Information Systems Committee (JISC) to implement electronic filing.
- (5) A document that is required by law to be filed in non-electronic media may not be electronically filed.
- (6) Electronic Transmission from the Court. The court or clerk may electronically transmit notices, orders, or other documents to all attorneys and to parties who have filed electronically or who have provided the clerk with their email address. It is the responsibility of all attorneys to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.
- (7) Service of documents on attorneys for parties of record may be completed electronically. The court will accept paper filing and/or service upon a showing of good cause.
- (8) Filing of Documents via Email or Fax. In addition to filing and serving through OCourt, pleadings and other documents may be filed by email or fax as follows:

Court Email Address:

court@desmoineswa.gov

File via Fax to: 206-870-4387

Support Services (Probation) Email Address:

probation@desmoineswa.gov

c. Time of Filing, Confirmation, and Rejection.

- (1) An electronic document is filed when it is received by the clerk's designated computer during the clerk's business hours; otherwise, the document is considered filed at the beginning of the next business day.
- (2) Confirmation of receipt of an electronic document shall be issued to the filing party.
- (3) The clerk will reject a document that fails to comply with applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason.

d. Authentication of Electronic Documents.

(1) Signatures.

- (i) Judicial Electronic Signatures. A judicial officer may sign orders and search warrants with a digital signature as defined in GR 30 in one of the following formats:

A. The judicial officer affixes his or her electronic signature to the document. The document may be emailed to the intended recipients using the OCourt email

options or by emailing the document to the intended recipients using the judge's and/or court staff's secure email account; The document shall then be archived to the appropriate electronic court file or the appropriate administrative electronic file on the City's secure electronic data storage system; or,

- B. The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or,
 - C. The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or,
 - D. The judicial officer uses any other reliable means approved by the court by administrative order.
- (ii) Documents may be signed by a judicial officer using a facsimile of the judicial officer's signature so long as 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:

Judge X
Des Moines Municipal Court
21630 11th Ave. S., Suite C
Des Moines, WA 98198
Telephone: (206) 870-4597
Fax: (206)870-4387

- A. The printed version of the document signed by the judge pursuant to this rule shall constitute an original document and the document shall be made part of the court file, search warrant return file, or administrative file in electronic format.
 - B. 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.
- (iii) Attorney Signatures. An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

s/ John Attorney, (State Bar Number)
ABC Law Firm 123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206)123-4567
Fax: (206)123-4567
E-mail: John.Attorney@lawfirm.com

- (iv) Non-attorney Signatures. With the exception of those documents enumerated in section (e) below, an electronic document which requires a non-attorney's signature

and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:

s/ John Citizen
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206)123-4567
Fax: (206)123-4567
E-mail: John.Citizen@email.com

- (v) Non-attorney Signatures on Documents Signed under Penalty of Perjury. Except as set forth in d(2)(F) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:
 - A. Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or
 - B. Ensure the electronic document has the digital signature of the signer.
- (vi) Law Enforcement Officer Signatures on Documents Signed under Penalty of Perjury.
 - A. A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation or notice of infraction.
 - B. Any document initiated by a law enforcement officer is presumed to have been signed when the officer uses his or her user ID and password to electronically submit the document to a court or prosecutor through the Statewide Electronic Collision & Traffic Online Records application, the Justice Information Network Data Exchange, or the City's secure network. Unless otherwise specified, the signature shall be presumed to have been made under penalty of perjury under the laws of the State of Washington and on the date and at the place set forth in the citation.
- (vii) Multiple signatures. If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:
 - A. The electronic document contains the digital signatures of all signers; or
 - B. For a document that is not signed under penalty of perjury, the signator has the express authority to sign for an attorney or party and represents having that authority in the document.

- C. If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.
- (viii) Court Facilitated Electronically Captured Signatures. An electronic document that requires a signature may be signed using electronic signature pad or other equipment or methods that have been authorized and facilitated by the court. The document may be electronically filed as long as the electronic document contains the electronic captured signature.
- (2) An electronic document filed in accordance with this rule shall bind the signer and function as the signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.
- e. Documents Requiring Signature by Defendant.**
- (1) The defendant's signature is required on the following documents:
- (i) No Contact or Anti-Harassment Order;
 - (ii) Declaration of Non-Driving;
 - (iii) Declaration of Non-Surrender;
 - (iv) Proof of Firearm Surrender
 - (v) Stipulated Order of Continuance;
 - (vi) Statement of Defendant on Plea of Guilty;
 - (vii) Petition and Order on Deferred Prosecution;
 - (viii) "Stay out of Areas of Prostitution" (SOAP) Order;
 - (ix) "Stay out of Drug Areas" (SODA) Order;
- (2) Acceptable signatures:
- (i) Wet ink physical signature; or
 - (ii) Any secure electronic signature method, including but not limited to OCourt, Adobe, DocuSign, or similar application approved by the Court.

[Adopted September 1, 2024.]

DES MOINES MUNICIPAL COURT
LOCAL CRIMINAL RULES (DMMCLCrR)

DMMCLCrR 1.0 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR 7 and CrRLJ 1.7.

[Adopted effective September 1, 2023.]

DMMCLCrR 2.0 TITLE OF RULES

These rules may be known and cited as the Des Moines Municipal Court Local Criminal Rules and shall be referred to as DMMCLCrR.

[Adopted effective September 1, 2023.]

DMMCLCrR 3.1 RIGHT TO COUNSEL

- a. Right to Counsel.** The right to counsel shall extend to all criminal proceedings for offenses punishable by loss of liberty.
- b. Appointment of Counsel.** Unless waived, an attorney shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. The court, upon motion of a defendant, shall screen said defendant for the purposes of determining whether the defendant is indigent. The court may consider any factors regarding indigence it deems appropriate. The court may require proof of income at its discretion. An attorney shall not be denied to any defendant merely because their friends or relatives have resources adequate to retain a lawyer or because they posted or are capable of posting bond. The ability to pay part of the cost of an attorney shall not preclude assignment. The assignment of an attorney may be conditioned upon partial payment pursuant to an established method of collection.
- c. Waiver of Right to Counsel.** A defendant may bring a motion to waive their right to be represented by an attorney. The court shall require any defendant requesting a waiver to complete and sign a Des Moines Municipal Court Waiver of Right to Attorney form. Before granting the motion, the Court shall conduct a colloquy to determine whether the defendant is making a knowing and voluntary waiver of the right to counsel.

[Adopted effective September 1, 2023; amended effective September 1, 2024.]

DMMCLCrR 3.1.1 WITHDRAWAL OF ATTORNEY

Pursuant to CrRLJ 3.1(e), no attorney may withdraw from representation except upon consent of the court for good cause shown and upon substitution of another attorney; or, upon the defendant's knowing and voluntary decision to proceed without an attorney. The motion shall be made in open court with notice to all interested parties. Except in cases where withdrawal is mandated by the Rules of Professional Conduct, the court should not permit withdrawal unless there is simultaneous substitution of a lawyer who is prepared to proceed on the scheduled trial date.

[Adopted effective September 1, 2023.]

DMMCLCrR 3.2 RELEASE OF ACCUSED – BAIL SCHEDULE

The court adopts the following bail schedule pursuant to CrRLJ 3.2:

A defendant who is booked and detained in jail after the initial arrest 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:

- a. Domestic Violence Offenses:** Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next judicial day following booking for any crime alleging domestic violence under Revised Code of Washington (RCW) 10.99.020.
- b. 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, Physical Control of a Motor Vehicle While Under The Influence pursuant to RCW 46.61.504, or Driver under Twenty-One Consuming Alcohol or Cannabis pursuant to RCW 46.61.503.
- c. Other Crimes:** Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day for the following crimes:
 - (1) Strangulation - DMMC 9.68.100
 - (2) Harassment - RCW 9A.46.020
 - (3) Coercion - RCW 9A.36.070
 - (4) Violation of an Anti-Harassment Order - RCW 7.105.445
 - (5) Stalking – RCW 9.46.110
 - (6) Violation of a Protection Order - RCW 7.105.450
 - (7) Communicating with a Minor for Immoral Purposes - RCW 9.68A.090
 - (8) Indecent Exposure and/or Public Indecency - RCW 9A.88.010
 - (9) Any misdemeanor or gross misdemeanor firearm violation of Chapter 9.41 RCW.

[Adopted effective September 1, 2023; amended effective September 1, 2024.]

DMMCLCrR 3.4 PRESENCE OF THE DEFENDANT AND OTHER PARTICIPANTS

a. Defendant's Presence Required.

In addition to those hearings listed in CrRLJ 3.4(b), as now or hereafter amended, the defendant's appearance is necessary, and there is good cause to require the defendant to be

physically present (or remotely present, at the court's discretion) for the following hearings:

- (1) Any hearing for which defendant is not represented by counsel.
 - (2) Any hearing for which the court ordered the defendant's physical presence pursuant to a good cause finding under CrRLJ 3.4(d).
 - (3) Any hearing set to address compliance with statutorily required conditions of release or set to address release conditions pursuant to CrRLJ 3.2 (j-k) unless the court has waived defendant's appearance with a showing of compliance.
 - (4) Any hearing set to address an allegation of non-compliance with conditions of sentence pursuant to CrRLJ 7.6 or an allegation of non-compliance with the terms of a stipulated order of continuance.
 - (5) Any pretrial hearing where counsel is unable to affirm in writing or in open court that (i) the defendant has expressly chosen to appear through counsel as allowed by CrRLJ 3.4(a) and (ii) that counsel has determined, through recent contact with the defendant, that the defendant does not oppose a continuance or agrees that the matter is ready to be scheduled for trial.
 - (6) Any hearing for which the court is required to conduct a colloquy with the defendant to ascertain the defendant's understanding of his or her rights, including but not limited to: entry of guilty plea or stipulated order of continuance, petition for deferred prosecution, and a defendant's motion to waive the right to counsel.
 - (7) Evidentiary hearings conducted pursuant to CrRLJ 3.5 or CrRLJ 3.6.
 - (8) Readiness hearings unless either party is requesting a continuance of the trial date and the request is uncontested. There is good cause to require personal attendance at all other readiness hearings to confirm all parties' readiness, resolve any outstanding discovery issues, and to enable the court to properly manage its trial calendar and determine the need for jurors.
- b.** Whenever a defendant's presence is necessary as set forth in this rule or designated necessary by CrRLJ 3.4(b), as now or hereafter amended, the defendant's appearance is also required for purposes of CrRLJ 3.3(c)(2). The effect of absence at a hearing at which defendant's physical or remote presence is necessary will be to restart speedy trial at the next hearing for which the defendant is physically present (or remotely present at the court's discretion), whether or not a warrant issued.
- c.** Whenever defendant is appearing through counsel as authorized by CrRLJ 3.4(a) and counsel requests a continuance of a pretrial hearing, counsel must submit a written waiver of speedy trial and be able to affirm counsel's authority to waive speedy trial on defendant's behalf. In the absence of such a waiver, defendant's presence will be deemed required for purposes of CrRLJ 3.3(c)(2) and the effect of absence of the defendant will be to restart speedy trial at the next hearing for which defendant is physically present (or remotely present at the court's discretion).
- d.** The court retains discretion to waive a defendant's presence for any hearing not specifically

addressed by this Rule or where the court deems waiver appropriate at the time of the hearing.

- e. The defendant's attorney shall physically appear for all hearings where the defendant is required to physically appear unless the Court authorizes defense counsel to appear remotely.
- f. The prosecutor shall physically appear for all hearings unless the Court authorizes the prosecutor to appear remotely.
- g. Defendants permitted to appear through counsel or appear remotely may be required to physically appear for good cause shown.

[Adopted September 1, 2024.]

DMMCLCrR 4.1 ARRAIGNMENT

- a. **Physical Appearance Required – Defendant Out of Custody.** The defendant's physical appearance is required at arraignment except as authorized in paragraph (c), below.
- b. **Remote Appearance Authorized – Defendant Detained in Jail.** The court authorizes the defendant's remote appearance at arraignment when the defendant is detained in jail.
- c. **Waiver of Arraignment – When Authorized.** Counsel for the defendant may file a written waiver of arraignment on behalf of the defendant for any charge not listed in paragraph (d), below.
- d. **Waiver of Arraignment – When Prohibited.** Waiver of arraignment through counsel is prohibited where the defendant is charged with any of the following offenses:
 - (1) Any crime that is designated as "domestic violence" offense - RCW 10.99.020
 - (2) Driving Under the Influence - RCW 46.61.5055
 - (3) Physical Control - RCW 46.61.504
 - (4) Driver under Twenty-One Consuming Alcohol or Cannabis - 46.61.503
 - (5) Assault in the Fourth Degree - RCW 9A.36.041
 - (6) Malicious Mischief in the Third Degree - RCW 9A.48.090
 - (7) Strangulation - DMMC 9.68.100
 - (8) Harassment - RCW 9A.46.020
 - (9) Coercion - RCW 9A.36.070
 - (10) Stalking - RCW 9.46.110
 - (11) Violation of an Anti-Harassment Order - RCW 7.105.445
 - (12) Violation of a Protection Order - RCW 7.105.450
 - (13) Communicating with a Minor for Immoral purposes - RCW 9.68A.090
 - (14) Indecent Exposure and/or Public Indecency - RCW 9A.88.010
 - (15) Any misdemeanor or gross misdemeanor firearm violation of Chapter 9.41 RCW

(16) Possession of Dangerous Weapons - RCW 9.41.250, 9.41.280

- a. **Effect of Written Waiver.** Upon receipt of a written waiver of arraignment pursuant to DMMCLCrR 4.1(c), a plea of not guilty will be entered and the court clerk will schedule a pretrial hearing date within 30 days from the date that the waiver was filed with the court.
- b. **Defendant's Physical Appearance Required.** The defendant's physical appearance is required at the first pretrial hearing following waiver of arraignment, absent prior authorization by the Court for defendant to appear through counsel pursuant to CrRLJ 3.4(a).

[Adopted effective September 1, 2024.]

DMMCLCrR 4.2 FORFEITURE OF BAIL

Upon the non-appearance of a defendant at the time and place scheduled by the court and a warrant of arrest issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings.

[Adopted effective September 1, 2023.]

**DMMCLCrR 4.5 PETITION FOR DEFERRED PROSECUTION BASED UPON
SUBSTANCE-USE DISORDER**

- a. All petitions filed with the Court shall comply with the requirements of RCW 10.05. The Petition and Order Granting Deferred Prosecution shall be filed using OCourt forms approved for use by the Court.
- b. All documentation required by this rule, including the substance use disorder evaluation, treatment plan, and signed commitment to provide treatment shall be filed with the Support Services Department and served on the prosecuting attorney no later than fourteen days (14) days prior to the proposed entry date.
- c. **Proof of Treatment Compliance Required.** Prior to petitioning the Court for a Deferred Prosecution, the defendant shall submit proof of compliance with at least one month of the recommended treatment program. In determining whether a defendant is amenable to treatment, the Court may, in its discretion, require an additional period of compliance.
- d. **Proof of Installation of Ignition Interlock Device Required.** The Petitioner shall submit proof of installation of an ignition interlock device if the substance use disorder assessment includes a finding of alcohol dependency. A Petitioner who will not be operating a motor

vehicle may sign a declaration of non-driving and shall not operate any motor vehicle without an ignition interlock device.

[Adopted Effective September 1, 2023; amended September 1, 2024.]

DES MOINES MUNICIPAL COURT
LOCAL INFRACTION RULES (DMMCLIR)

DMMCLIR 1.0 SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION – Rescinded.

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

DMMCLIR 1.2 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR 7 and IRLJ 1.3.

[Adopted effective September 1, 2023.]

DMMCLIR 1.3 TITLE OF RULES

These rules may be known and cited as the Des Moines Municipal Court Local Infraction Rules and shall be referred to as DMMCLIR.

[Adopted effective September 1, 2023.]

DMMCLIR 1.4 SCOPE OF RULES – PHOTO ENFORCEMENT

Unless otherwise provided, all Infraction Rules for Courts of Limited Jurisdiction (IRLJ) and all local infraction rules (DMMCLIR) apply to photo enforcement proceedings.

[Adopted September 1, 2024.]

DMMCLIR 2.0 REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS – Rescinded.

[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]

DMMCLIR 3.0 INFRACTION – SCHEDULING OF HEARINGS

- a. Scheduling a Contested Hearing – Prehearing Conference Required.** A defendant who requests a contested hearing on a civil infraction shall first be scheduled for a prehearing conference pursuant to IRLJ 3.6(a)(1)(i). The prehearing conference shall be scheduled in

accordance with the provisions of IRLJ 2.6(a)(1)(i).

- b. Waiver of Prehearing Conference.** The requirement that ~~a person~~ the defendant appear at the prehearing conference may be waived, in writing, provided the waiver is received by the Court before the time set for the prehearing conference. If the defendant fails to timely waive or appear at the prehearing conference, a default judgment shall be entered.
- c. Scheduling a Contested Hearing Following Prehearing Conference.** If an infraction scheduled for a prehearing conference is not resolved prior to, or during, the prehearing conference, a contested hearing shall be scheduled for not more than ninety (90) days from the date of the prehearing conference to a calendar where the prosecutor is scheduled to appear. If the prehearing conference is waived, a contested hearing shall be scheduled for not more than ninety (90) days from the date the waiver of the prehearing conference is received by the Court to a calendar where the prosecutor is scheduled to appear.
- d. Resetting Contested Hearing.** The Court may reset a prehearing conference or contested hearing scheduled pursuant to Section (a) of this Rule to a calendar where the prosecutor is scheduled to appear in the following circumstances:
 - (1) upon filing of a notice of appearance by an attorney;
 - (2) upon filing of a request for the presence of the citing officer and/or a speed measuring device expert;
 - (3) upon the request of either party;
 - (4) upon filing of a motion required by Section (f) of this Rule;; or
 - (5) any other reason the Court determines is necessary to facilitate the orderly administration of justice.
- e. Motions For Contested Infractions —Written Notice and Briefing – When Required.** Motions to exclude evidence or dismiss an infraction shall be made in writing and supported by argument and authority. The prosecutor may file a written reply as a matter of right. The motion is waived and shall not be considered by the Court unless the motion is filed with the Court and served on the prosecutor fourteen (14) days prior to the contested hearing. Timely motions shall be addressed by the Court at the time of the contested hearing. For good cause shown, the Court may continue a hearing to allow a defense motion not timely filed to be briefed. This section shall not apply to motions to dismiss pursuant to IRLJ 2.2(d) or motions to exclude pursuant to IRLJ 3.1(b).

[Adopted effective July 1, 1998, amended effective September 1, 2023; September 1, 2024.]

DMMCLIR 3.3 REQUEST FOR SPEED MEASURING DEVICE EXPERT

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The request cannot be combined with a notice of appearance or any other pleading. The Court may allow the speed measuring device expert to testify from a location other than the courtroom via remote technology approved by the Court.

[Adopted effective September 1, 2023; amended effective September 1, 2024.]

DMMCLIR 3.5 DECISIONS ON WRITTEN STATEMENTS

- a. Decisions on Written Statements.** Des Moines Municipal Court adopts IRLJ 3.5(a) authorizing decisions on written statements.
- b. Waiver of In-Court Hearing Following Request for Decision on Written Statement.** A defendant who elects to proceed by requesting a decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.
- c. Denial of Written Request for Deferred Finding.** A request by the defendant for a deferred finding pursuant to RCW 46.63.070 that is denied by the Court shall be treated as a request for a mitigation hearing on written statement.

[Adopted September 1, 2023; amended effective September 1, 2024.]

DMMCLIR 3.6 PRESENCE OF THE DEFENDANT AND OTHER PARTICIPANTS

- a. Remote Appearance Authorized.** Defendant may appear remotely for a mitigation hearing or prehearing conference. An attorney who represents a defendant on a civil infraction may appear remotely for a mitigation hearing, prehearing conference, or contested hearing. Law enforcement or other witnesses summoned to appear for a contested hearing on a civil infraction may appear remotely, unless the Court finds good cause to require their physical presence.
- b. Physical Presence Required.** The defendant shall appear in person at the courthouse for a contested infraction hearing unless represented by private counsel who has the authority to waive the defendant's presence or the Court authorizes the defendant to appear remotely. The prosecuting attorney shall appear in person for contested infraction hearings unless the Court authorizes a remote appearance.

[Adopted effective September 1, 2024.]