

LAKE FOREST PARK MUNICIPAL COURT LOCAL RULES

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LFPMCLR 1.7 ADOPTION OF LOCAL RULES

These rules are adopted pursuant to CrRLJ 1.7 and IRLJ 1.3.

[Effective date: September 1, 1994]

LFPMCLR 1.8 TITLE OF RULES

These rules may be known and cited as the Lake Forest Park Municipal Court Local Rules, and shall be referred to as LFPMCLR.

[Effective September 1, 1994]

LFPMCLR 3.2 Released of the Accused

A. Bail: Lake Forest Park Municipal Court will follow the bail schedule set forth in Washington Court Rule CrRLJ 3.2(o) except where the charges involve domestic violence offenses or charges of DUI (RCW 46.61.502) or Physical Control (RCW 46.61.504).

B. Domestic Violence Offenses: Bail shall not be set for a person arrested for a new domestic violence offense unless set by a judge telephonically at the time of arrest, or at a preliminary appearance, arraignment or subsequent court appearance. "Domestic Violence" includes, but is not limited to any of the misdemeanor or gross misdemeanor offenses listed in RCW 10.99.020(5), or similar municipal ordinances, when committed by one family or household member against another. "Family or household member" are those persons listed in RCW 10.99.020(3) or similar municipal ordinance.

C. DUI or Physical Control: Bail shall not be set for a person arrested for a new DUI or Physical Control offense unless set by a judge telephonically at the time of arrest, or at a preliminary appearance, arraignment or subsequent court appearance or by written court order.

[Adopted 11 August 2014; Permanently effective September 1, 2014]

LFPMCLR 4.2 PLEAS

[Repealed September 1, 2011]

LFPMCLR 5.4 PRE-TRIAL HEARINGS

(a) Unless the defendant pleads guilty or submits on the record at an arraignment, a pre-trial hearing (PTH) shall be held. If the defendant or defendant's counsel appears at arraignment and enters a plea of "Not Guilty," then notice shall be provided by the court at the arraignment to the defendant or defendant's counsel of the date and time of the PTH. If an attorney, pursuant to CrRLJ 4.1(d), submits a written notice of appearance, waiving arraignment and entering a plea of "Not Guilty" on behalf of a defendant, then the court clerk shall issue notice of the date and time of the PTH to defendant's counsel.

(b) The defendant and all counsel must be present at the PTH. Failure of the defendant to appear at a PTH may result in the issuance of a bench warrant.

(c) The PTH shall be held no later than thirty (30) days after the date of arraignment, unless a later date for the PTH is approved by the court.

[Effective September 1, 1994]

LFPMCLR 6.13 EVIDENCE

The court shall follow the provisions of CrRLJ 6.13 on Evidence subject to the following provisions:

(a) Return of Exhibits. Every exhibit in a criminal/traffic case in the court's custody, which 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 guilty, for purpose of this rule, the appeal period shall begin on the day of sentencing or deferral of sentence by the court. Exhibits not withdrawn shall be delivered by the court clerk to the appropriate law enforcement agency for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be released by the court without its being receipted for by the receiving person.

(b) Request for Speed Measuring Device Expert. The court shall follow the provisions of CrRLJ 6.13(d) concerning the request for a speed measuring device (SMD) expert, except that a request for such a SMD expert shall be in writing and must be received by the court clerk at least seven working days prior to trial.

[Effective September 1, 1994]

LFPMCLR 7.2 SENTENCING

(a) The court shall follow the provisions of CrRLJ 7.2 on Sentencing, with the addition of the provisions of LFPMCR 7.2(b) as set out below.

(b) Assessment of Court Costs upon Dismissal of Insurance Charge. If a defendant is charged with the violation of RCW 46.30.020, "No Valid Insurance" and subsequently appears in person before the court and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of RCW 46.30.020, then pursuant to the provisions of RCW 46.30.020(2), the charge shall be dismissed and court administrative costs of \$25 shall be assessed, unless the costs are specifically waived by the court.

[Effective September 1, 1994]

LPMCLR 8.2.3 JURY TRIAL SETTINGS

[Rescinded June 19, 2019]

LFPMCLR 8.11 DISCLOSURE OF RECORDS

The court clerk shall make available the public records of the court in accordance with ARLJ 9, subject to the following provisions:

(a) Requests for copies of the public records of the court must be in writing and must be received by the court clerk during the City's normal business hours prior to the commencement of court and a scheduled hearing on any matter for which copies are sought. The name, address, email address and phone number of the person requesting copies of the public records of the court shall be in written request for such records.

(b) Duplication Fees. The following fees are established for the duplication and preparation of documents, absent a judicial determination of indigency:

(1) Duplication of all public records of the court

\$0.15 per page

\$0.10 per page for electronic records

(2) Certification of documents

\$5.00 per certified document (first page)

\$1.00 per certified document (each additional page)

(3) Duplication of part/whole CD (per CD)

\$10.00 per CD

(4) Preparing record of appeal to Superior Court

\$40.00

[Effective September 1, 2004]

[Amended June 19, 2019]

LFPMLIR 2.2 FILING OF NOTICE: PHOTO ENFORCEMENT

For purposes of IRLJ 2.2(d), a Notice of Infraction issued pursuant to RCW 46.63.170 and LFPMC 10.06.020 for an infraction detected through the use of an automated traffic safety camera is filed upon the date issued by the officer if the Notice is electronically transmitted or assigned to a third party delegated administrative functions for traffic safety camera tickets.

[Effective September 1, 2011]

LFPMCLIR 2.6 SCHEDULE OF HEARINGS: PHOTO ENFORCEMENT

The court may delegate administrative functions, docketing of cases, and collection of fines generated by Notices of Infractions issued under RCW 46.63.170 and LFPMC 10.06 pursuant to the terms of an agreement between the court and a third party.

Hearings for disposition of such offenses may be heard in open court under IRLJ 2.6 or as provided in LFPMCIR 3.5.

[Effective September 1, 2011]

LFPMLIR 3.1(a) SERVICE AND FILING OF SUBPOENAS

The defendant, the plaintiff, and defendant's attorney will subpoena witnesses in accordance with IRLJ 3.1(a). Service of subpoena will be in accordance with IRLJ 3.1(a). Lake Forest Park Municipal Court will not serve a subpoena on an officer or witness for either the defendant, the plaintiff or defendant's attorney. Each party must serve their own subpoena in accordance with Lake Forest Park Municipal Court written procedures determined by the presiding judge. These procedures are available from the clerk of the court or on the court website.

[Adopted September 1, 2004]

LFPMLIR 3.1(b) CONTESTED HEARINGS-PRELIMINARY PROCEEDINGS –
DISCOVERY

(1) Repealed

(2) Unchanged

(3) A request for discovery must be served, in accordance with IRLJ 3.1(b), on the city prosecuting attorney's office. Service must be made at the office where the prosecutor receives mail for Lake Forest Park Municipal Court cases. The defendant must provide proof of such timely service at the time of a motion to dismiss or suppress evidence for failure to provide discovery. Service of a request for discovery on the court will not be considered service upon the prosecutor's office.

[Adopted September 1, 2004]

LFPMLIR 3.3(1) CONTINUANCE

[Rescinded effective April 22, 2016]

LFPMCLIR 3.4 FILING OF NOTICE OF APPEARANCE

A defense attorney appearing for a defendant in an infraction case must file a Notice of Appearance with the court and serve it on the prosecuting authority assigned to the court in which the infraction is filed. Upon receipt of a Notice of Appearance, the court will schedule or if already set, reschedule a contested hearing to a traffic infraction calendar where the prosecutor is regularly scheduled to appear. Where a Notice of Appearance is not filed, an attorney may not represent a person who is charged with an infraction.

[Effective date: December 3, 2018]

LFPMCLIR 3.5 DECISION ON WRITTEN STATEMENTS

- (1) The court shall follow the provisions of IRLJ 3.5, Decision on Written Statements.
- (2) The court shall allow written statements through e-mail procedures as established by the presiding judge through administrative order. E-mail procedures shall meet the requirements of IRLJ 3.5.

[Adopted September 1, 2004]

LFPMCLIR 6.6 SPEED MEASURING DEVICE

The court shall follow the provisions of IRLJ 6.6 concerning the request for a speed measuring device (SMD) expert, except that a request for such a SMD expert shall be in writing and must be received by the court clerk at least seven working days prior to trial.

[Effective September 1, 2004]

LFPMLIR 6.7 CHANGE OF JUDGE

A party to an infraction hearing in Lake Forest Park Municipal Court may file an affidavit of prejudice, but only in accordance with CRLJ 40(f). An affidavit of prejudice not filed in accordance with the time restrictions of CRLJ 40(f) will be denied.

[Adopted September 1, 2004]

LFPMLIR 6.8 DEFERRED FINDINGS

Lake Forest Park Municipal Court will grant deferred findings in a traffic infraction case in accordance with RCW 46.63.070. The presiding judge will create local requirements for the terms of the deferred finding by administrative order. Except for a deferred finding granted pursuant to this rule, no other types of deferred findings or orders will be allowed in any traffic infraction case. No person who has had a deferred finding in another court or participated in the Shorecrest Youth Traffic Court, within 7 years of the pending infraction, is entitled to another deferred finding or deferral of any kind.

[Adopted September 1, 2004]

LFPMLIR 6.9 NOTICE TO PROSECUTOR TO REQUEST SPEED MEASURING DEVICE EXPERT

(1) INTENT: The court finds that defense failure to notify the prosecuting authority of its intent to request a deferred finding or ask for a continuance at a contested hearing impacts judicial economy and efficiency when the prosecutor has subpoenaed a speed measuring device expert, at defense request. Timely notice by defense that there will be a request for a continuance or a deferred finding will allow the prosecutor to cancel the subpoena for the speed measuring device expert. As a result, the speed measuring device expert will not be inconvenienced, nor funds expended where not necessary.

(2) NOTICE TO PROSECUTOR OF REQUEST FOR SMD EXPERT: A request to the prosecutor for the presence of a speed measuring device (SMD) expert at a contested hearing must be made in accordance with IRLJ 6.6(b) and served in accordance with IRLJ 3.1(b) and LFPMLC 3.1(b).

(3) NOTICE TO PROSECUTOR OF INTENT TO REQUEST CONTINUANCE OR DEFERRED FINDING AT HEARING: Once a defendant or defense counsel has requested the prosecutor to produce a SMD expert, then the defendant or council must notify the prosecutor in writing, no later than five (5) business days prior to the contested hearings they intend to request either a continuance or a deferred finding at the hearing or by ex parte motion. The purpose of this notice is to allow the prosecutor to timely cancel or reschedule the SMD expert.

(4) CONTENTS OF NOTICE: The written notice required in section (3) of this rule must be on separate pleading and served on the prosecuting authority in conformance with IRLJ 3.1(b) and LFPMLIR 3.1(b). It must be captioned as follows: NOTICE OF INTENT TO REQUEST CONTINUANCE OR DEFERRED FINDING AT CONTESTED HEARING-SMD CASE. Neither the pleading nor the caption may be combined with any other notice or request in the proceedings.

(5) FAILURE TO PROVIDE NOTICE: Failure to provide notice as set forth in this rule and in the event the prosecutor has subpoenaed the SMD expert and that expert appears at the hearing, the judge will deny further continuance and will not allow a deferred finding, without a showing of good cause.

[Adopted August 22, 2014]

LPMCLIR 6.10 SPEED MEASURING DEVICE EXPERT: REMOTE TESTIMONY

The court may allow the speed measuring device expert to testify from a remote location other than the courtroom, via speakerphone or other electronic means acceptable to the court, upon request of either party with written notice to the court and at the discretion of the judge. The party required to produce such evidence shall be responsible for arranging the expert's telephonic or other electronic means acceptable to the court.

[Effective date: December 3, 2018]