

Bonney Lake Municipal Court
Local Court Rules (BLMLcR)
(Bonney Lake, Eatonville
and South Prairie)

Table of Rules

ADMINISTRATIVE RULES:

- BLMLcR 1.1 Schedule of Fees
- BLMLcR 1.2 Judgment

INFRACTION RULES:

- BLMLcR 2.1 Decision on Written Statements
- BLMLcR 2.2 Speed Measuring Device: Design and Construction Certification
- BLMLcR 2.3 Requirements for Requests for Contested and Mitigation Hearings
- BLMLcR 2.4 Failure to Respond to Notice of Infraction
- BLMLcR 2.5 Requirements for Payment Following Infraction Hearings

CRIMINAL RULES:

- BLMLcR 3.1 Obligation of Defendants to Appear in Court and Consequences of Failures to Appear, Where Public Defender has Been Appointed
- BLMLcR 3.2 Warrant for Failure to Appear or Pay
- BLMLcR 3.3 Quashing Warrants
- BLMLcR 3.4 Video Conference Hearings
- BLMLcR 3.5 Arraignment Date
- BLMLcR 3.6 Mandatory Appearance and Pleadings by Attorneys
- BLMLcR 3.7 Suppression Hearings
- BLMLcR 3.8 Readiness Trial Hearings
- BLMLcR 3.9 Bail Schedule

ADMINISTRATIVE RULES:

BLMLcR 1.1 SCHEDULE OF FEES

Bonney Lake Municipal Court shall charge fees consistent with RCW 3.62.060. Any other expense(s) including but not limited to postage, shall be imposed on the current expense(s) to the Court.

JIS Data dissemination charges will be set in accordance with the Administrative Office of the Courts.

[Adopted October 7, 1998; amended effective June 15, 2016; renumbered effective June 29, 2022]

BLMLcR 1.2 JUDGMENT

Any fine, assessment or cost that is not in an even dollar amount shall be rounded up to the higher amount which produces the next greatest even dollar total, so long as the total monetary penalty resulting from any increase shall not exceed the maximum possible fine(s), cost(s) and assessment(s) allowed by law.

[Adopted September 1, 2008]

INFRACTION RULES:

BLMLcR 2.1 DECISIONS ON WRITTEN STATEMENTS

(a) Request for Decision on Written Statement. If the Defendant submits a timely request for a hearing to contest or mitigate an infraction, the Defendant may elect to seek a decision on written statement pursuant to the provisions of IRLJ 3.5. A Defendant who elects to contest or mitigate an infraction by decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(a)(i) For a Mitigation Hearing, Defendant promises to pay the monetary penalty authorized by law or at the discretion of the Court, any reduced penalty that may be set.

(a)(ii) For a Contested Hearing, if it is determined Defendant committed the infraction, the Defendant agrees to pay any monetary penalty authorized by law and assessed by the Court.

(b) Time for Submitting Request for Decision on Written Statement. The request for a decision by written statements shall be submitted no later than fourteen (14) days prior to the date set for the in-court mitigation or contested hearing.

(c) Declaration for Written Statement Required. A Defendant wishing to proceed by decision on written statement shall provide a written statement which sets forth the facts and/or defense(s) that the Defendant would like the court to consider. A written statement submitted pursuant to this rule shall be submitted by declaration as follows: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct," and shall be in substantially the following form:

Name of Defendant:

Address:

Infraction Number (upper right comer of citation):

Violation Date:

I wish to mitigate the infraction

I wish to contest the infraction

Statement:

I declare under penalty of perjury under the laws of the state of Washington that the above information is true and correct.

Executed this _____ day of _____,
20____ at _____(city/state).

Signature

The written statement shall be submitted at the same time as the request for decision on written statement.

(d) Time for Examination, Factual Determination, Disposition and Notice to Parties. The time for examination, factual determination, disposition and notice to parties shall be pursuant to IRLJ 3.5.

(e) No Appeal Permitted. There shall be no appeal from a decision on written statement(s).

(f) If the infraction is found committed, a fine may be imposed. You may submit evidence of inability to pay or request a payment plan.

(g) Failure to pay or enter into a payment plan may result in collection action, including garnishment of wages or other assets and possible suspension of driving privileges, where applicable.

[Adopted September 1, 2008, amended June 3, 2024]

BLMLcR 2.2 SPEED MEASURING DEVICE DESIGN AND CONSTRUCTION CERTIFICATION

(a) Any certificate admissible under IRLJ 6.6.(b) and any other document relating to a Speed Measuring Device, can be filed with the clerk of the court and maintained by the court as a public record and shall be available for inspection by the public. The court shall be entitled to take judicial notice of any document so filed. Documents filed pursuant to this rule shall not be suppressed as evidence merely because there is not a prosecutor present to offer the document as an exhibit at the hearing. If the certificate or document is insufficient, then a motion to suppress the reading of the Speed Measuring Device may be granted.

(b) Any person who requests production of an electronic speed measuring device expert and who is thereafter found to have committed the infraction, shall be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151

[Adopted September 1, 2008, amended April 8, 2013, effective September 2, 2013; amended June 3, 2024]

**BLMLcR 2.3 REQUIREMENTS FOR REQUEST FOR
CONTESTED OR MITIGATION HEARING
AFTER FAILURE TO RESPOND**

(a) If a Defendant who has failed to appear or respond to a notice of infraction pursuant to RCW 46.63.070 and IRLJ Rule 2.4, requests that the court set his/her case for a contested or mitigation hearing, the court clerk shall be authorized to set a date for the hearing and retrieve pleadings and/or correspondence from the Department of Licensing reflecting the failure to respond or appear, if any was sent, on the following conditions:

(i) The Defendant, within one week of the date by which a request for a contested hearing should have been received by the court, delivers to the court an envelope containing his/her request for a contested or mitigation hearing, with a postmark clearly indicating that the envelope was addressed and mailed to the Municipal Court within the time frame for requesting contested or mitigation hearings pursuant to statute and court rule, and with the envelope indicating that it was returned to the defendant, for whatever reason; or

(ii) The court, within one week of the date by which a request for a contested or mitigation hearing should have been received by the court, receives in the mail an envelope containing the Defendant's request for a contested or mitigation hearing, with the envelope showing a postmark clearly indicating that the envelope was mailed to the Municipal Court within the time frame for requesting contested or mitigation hearings pursuant to statute and court rule.

(b) In all other cases, the Defendant shall not be entitled to a contested or mitigation hearing, and the disposition of his/her infraction shall be dealt with as provided for in the statute and/or court rule for failures to respond or appear.

[Adopted October 7, 1998; renumbered effective September 1, 2008; amended June 3, 2024]

**BLMLcR 2.4 FAILURE TO RESPOND TO NOTICE OF
INFRACTION (PARKING)**

The penalty involving a parking offense shall be increased by \$25.00 when there is no response to the infraction within thirty (30) calendar days of issuance of the infraction. After thirty days from issue, the registered owner of the cited

vehicle shall be deemed to have "Failed to Respond" in accordance with RCW 46.63.110 (4). The infraction may be turned over to a collection agency.

[Adopted October 7, 1998; renumbered effective September 1, 2008, amended June 3, 2024]

BLMLcR 2.5 REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS

(a) If a defendant who has been charged with an infraction which has been filed with the Bonney Lake Municipal Court and is found to have committed that infraction, the Defendant shall pay the full penalty imposed at the hearing.

(b) Time payments on infractions will be permitted upon Court order entered at the time of the hearing of the contested hearing. The Court's decision to authorize time payments in infraction cases shall be subject to conditions set at the time of the order authorizing time payments.

(c) Failure to make timely payment on the penalty(ies) imposed shall be enforceable pursuant to otherwise applicable Court Rules, State Law or Administrative Code regulations.

[Adopted September 1, 2008]

CRIMINAL RULES:

BLMLcR 3.1 OBLIGATION OF DEFENDANT TO APPEAR IN COURT; CONSEQUENCES OF FAILURE TO APPEAR IN CASE WHERE PUBLIC DEFENDER HAS BEEN APPOINTED

(a) The appointment by this court of a public defender for any defendant deemed to be indigent shall be conditioned on the defendant appearing in court for all hearings where his/her appearance has been required by the Court.

(b) If any defendant for whom a public defender has been appointed fails to appear in court when so required, without being excused in advance by the Court, the public defender may be allowed to withdraw with the Court's approval.

(c) Once withdrawal has been allowed by the Court, the public defender shall be relieved from any requirement to appear in court with said defendant.

(d) The provisions of this Rule, however, do not preclude the defendant from

reapplying to the Court for appointment of the public defender to represent him/her.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 3.2 WARRANT FOR FAILURE TO APPEAR OR PAY

At the point in time that a warrant is issued for "Failure to Appear" on a criminal citation Defendant shall be assessed a \$100.00 warrant fee each time a warrant is issued.

[Adopted October 7, 1998; renumbered effective September 1, 2008); amended June 3, 2024]

BLMLcR 3.3 QUASHING WARRANTS

The defendant or defendant's attorney may schedule a hearing to quash a warrant, after Defendant's first non-appearance, either in person or by telephone; however, said warrant shall not be stayed or quashed and Defendant shall continue to be subject to arrest on the warrant until Defendant has appeared in open court and the Judge has quashed the warrant.

A hearing to consider the request to quash a warrant will be scheduled as soon as possible and no later than the second regularly scheduled criminal court day following the request.

No warrant will be quashed until the Defendant has appeared in court or when applicable, has paid a warrant fee of \$100.00 to the Clerk of the Court and a hearing has been scheduled.

[Adopted October 7, 1998; renumbered effective September 1, 2008; amended June 3, 2024]

BLMLcR 3.4 VIDEO CONFERENCE PROCEEDINGS

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments (see exception below in BLMLcR 3.5) held pursuant to CrRLJ 3.4, 4.1, bail hearings held pursuant to CrRLJ 3.2 and trial settings held pursuant to CrRLJ 3.3(f), may be conducted by video conference in which all participants can simultaneously see, hear and speak with each other. Such proceedings shall be deemed held in open Court and in the Defendant's presence for the purpose of any

Statute, Court Rule or Policy. All video conference hearings conducted pursuant to this rule shall be public and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Bonney Lake Municipal Court Judge or Judge Pro Tem. It shall be the responsibility of the Defendant so appearing to have a functioning internet connection and be familiar with how to use the telephone or computer functions to facilitate full participation in the Court proceedings, including how to activate video and sound functions of the device being used. **A Defendant so appearing shall be dressed appropriately for appearing in Court which means a modest shirt or dress covering the upper torso and pants or skirt covering the lower torso.**

(2) Agreement. Other trial court proceedings, including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2, may be conducted by video conference only by prior agreement of the parties, either in writing or on the record and upon the prior approval of the Bonney Lake Municipal Court Judge or Judge Pro Tem.

[Adopted September 1, 2008; amended June 3, 2024]

BLMLcR 3.5 ARRAIGNMENT DATE

The arresting officer shall set the Defendant's arraignment date and time when issuing a citation in all cases charging a criminal traffic and criminal non-traffic offense. The arraignment date set shall be set no later than 14 days following the next regularly scheduled court date with the following exceptions: citations charging **Driving Under the Influence, Driver Under Twenty-one Consuming Alcohol, or Physical Control of Vehicle Under the Influence, as defined in RCW 46.61.502, 503 or 504 and any citation charging Domestic Violence, as defined in RCW 10.99.020 as enacted or hereafter amended, shall require the Defendant to appear in person at the earliest practicable day following arrest, such date being defined as the first date following arrest when Court is in session. Whether Defendant's presence in person is required for future appearance(s) shall be at the Court's discretion.**

[Adopted September 1, 1999; amended June 28, 2005; renumbered effective September 1, 2008]

BLMLcR 3.6 MANDATORY APPEARANCE AND PLEADINGS BY ATTORNEYS

Pursuant to CrRLJ 3 & 4, an attorney may enter an appearance and/or plea of not guilty on behalf of a client in any criminal or traffic offense, if said appearance or plea is made in writing **unless the Defendant is charged with domestic violence, driving while under the influence or physical control and in those instances, the**

Defendant must appear personally before the Court for arraignment.

Unless previously commenced by an appearance made in open Court, when a written appearance is authorized, it shall commence the running of the time periods established in CrRLJ 3.3 from the date of receipt by the Court. A written appearance waiving an arraignment but without plea, shall be deemed a plea of not guilty, made in writing or in open court and obviates the need for further arraignment as well as waiving any defects in the complaint, other than failure to state a crime. Telephonic requests or notice by Defendant or defense counsel shall not constitute an arraignment, appearance or plea, and shall not commence the time periods under CrRLJ 3.3.

[Adopted October 7, 1998; amended September 1, 2008; renumbered effective September 1, 2008]

BLMLcR 3.7 SUPPRESSION HEARING

A party moving to suppress evidence must file a written motion that sets forth in detail the specific factual and legal grounds for the motion. The Court will not conduct a hearing for any motion for which the grounds are not adequately set forth and said motion shall not be included with any other pleadings. The motion must be noted for hearing pursuant to CrRLJ 3.6.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 3.8 READINESS TRIAL HEARING

A Readiness hearing shall be held before the Municipal Court Judge or Judge Pro Tem in every case in which a timely demand for trial by jury is made. At the hearing the Prosecutor, the Defendant and the Defendant's attorney must be present unless the Defendant's Attorney has Defendant's authority to proceed, Defendant has waived his/her right to be present at the Readiness Hearing and the Court finds Defendant's presence is not necessary for the case to move forward. At the time of the Readiness Hearing all discovery shall be completed, all motions shall be noted and scheduled for hearing according to the Court's calendar and a briefing schedule shall be set. Furthermore, parties shall advise the Court if the case can be settled by means other than a jury trial. No plea of guilty, motion to dismiss or pre-trial disposition entry such as Stipulated Order of Continuance shall be allowed on the day set for jury trial. The Readiness Hearing date shall be set on the first Wednesday of the month which shall be at least 30 days prior to the expiration of the Defendant's speedy trial rights.

[Adopted October 7, 1998; renumbered effective September 1, 2008]

BLMLcR 3.9 BAIL SCHEDULE

A Defendant who is detained in jail after the initial arrest for misdemeanor or gross misdemeanor shall be released upon posting bail in the amount of \$500 cash for a misdemeanor and \$1,000 cash for a gross misdemeanor, **except for the following offenses:**

1. Domestic Violence Offenses: Defendants shall be held without bail pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(4) or applicable local ordinance.
2. Driving Under the Influence / Physical Control: Defendants shall be held without bail pending hearing the next court day following booking for Driving Under the Influence (RCW 46.61.502) or Physical Control of a Motor Vehicle While Under the Influence (RCW 46.61.504).
3. Other crimes where defendant shall be held without bail pending hearing the next court day following booking are:
 - a. Assault in the fourth Degree -DV related (RCW 9A.36.041)
 - b. Harassment -DV related (RCW 9A.46.020)
 - c. Violation of No Contact Order (RCW 7.105.450)
 - d. Stalking (RCW 9A.46.110)
 - e. Communicating with a Minor for Immoral Purposes (RCW 9.68A.090)

[Adopted September 1, 2022; amended June 3, 2024]