

Orting Municipal Court Local Rules

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OMCLR 1.1

ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR 7, CrRLJ 1.7 and IRLJ 1.3 and supersede any and all Local Court Rules heretofore adopted by the Orting Municipal Court.

(Adopted effective July 7, 2025)

OMCLR 1.2

TITLES OF RULES

These rules may be known and cited as Orting Municipal Court Local Rules, and shall be referred to as OMCLR.

(Adopted effective July 7, 2025)

OMCLR 1.3

EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for the Courts of Limited Jurisdiction, as adopted or here after amended by the Supreme Court of the State of Washington, and shall not be construed in conflict with them.

(Adopted effective July 7, 2025)

OMCLR 1.4

RESERVATION OF DISCRETION

The Orting Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on the 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 effective July 7, 2025)

OMCLR 1.5

NEXT JUDICIAL DAY

The requirement of RCW 46.61.50571 that defendant's arrested for driving while under the influence, driving under age twenty-one after consuming alcohol, or being in physical control of a vehicle while under the influence appear in court within one judicial day is waived. All such defendants shall be required to appear at the first date following arrest when Court is in regular session. Such date may be determined by calling the Orting Municipal Court office during business hours.

(Adopted effective July 7, 2025)

OMCLR 1.6

PRESIDING JUDGE

- A. The Judge duly appointed as Judge of the Orting Municipal Court will be known as the Presiding Judge.
- B. The Presiding Judge shall be responsible for the efficient administration of the court. The Presiding Judge shall supervise the preparation and filing of all reports required by statute or rule and shall perform such other duties as may be prescribed by statute, ordinance or rule.
- C. The Presiding Judge shall direct the work of the Court Administrator who will have direct supervision over all administrative, non-judicial functions and all other court personnel except that the Presiding Judge shall directly supervise the Commissioner(s), Judge Pro- Tempore(s) and magistrate(s).

(Adopted effective July 7, 2025)

OMCLR 2.1

RELEASE OF ACCUSED BAIL SCHEDULE

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

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:

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 (4) or domestic violence violations alleged under OMC Title 6.
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 and OMC Title 7.
3. 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 alleged under OMC Title 6:
 - a) Assault in the fourth degree – RCW 9A.36.041
 - b) Harassment – RCW 9A.46.020
 - c) Violation of an anti-harassment order – RCW 9A.46.040
 - d) Stalking – RCW 9A.46.110
 - e) Communicating with a minor for immoral purposes – RCW 9.68A.090
 - f) Indecent Exposure and/or Public Indecency – RCW 9a.88.010

(Adopted effective July 7, 2025)

OMCLR 2.2

WARRANT FOR FAILURE TO APPEAR

At the point in time that a warrant is issued for "Failure to Appear" on a criminal citation, Defendant shall be assessed a \$100 non-refundable warrant fee each time a warrant is issued.

(Adopted effective July 7, 2025)

OMCLR 2.3
QUASHING WARRANTS

The defendant or defendant's attorney may schedule a hearing to quash a warrant after Defendant's first non-appearance, however, said warrant shall not be 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 not later than the second regularly scheduled criminal court day following the request.

No warrants will be quashed until the Defendant has appeared in court or when applicable, has paid a warrant fee of \$100 to the Clerk of the Court and a hearing has been scheduled.

(Adopted effective July 7, 2025)

OMCLR 2.4
COURTROOM DECORUM

A. Recordings, Photographs, Televising or Broadcasting

The taking of photographs or the electronic recording of proceedings in the courtroom, in connection with a judicial proceeding is prohibited.

As used herein, “judicial proceeding” means (1) any hearing required to be held on the record by Municipal Court Rule including but not limited to preliminary hearings, arraignments, pre-trial proceedings, motions, criminal trials, sentencing, mitigation and contested hearings. (2) any proceeding before a judicial officer, including a judge, court commissioner or judge pro-tem (3) all sessions of any jury trial including jury orientation or selections, and (4) it shall include any person participating in a judicial proceeding, including parties, witnesses, jurors, judicial officer and court employees.

“Courtroom” of the Orting Municipal Court means the courtroom itself, witness or jury rooms, and any locations where proceedings are conducted.

B. Cell Phones, Electronic Devices and Text Messaging

Lawyers, defendants and members of the public may carry cell phones and other portable electronic devices into the court facility. When in any courtroom, all phones or other portable electronic devices shall either be turned off or silenced. No phone calls or text messages shall be sent or received within any courtroom. If silenced, the possessor of the device shall make certain that any transmissions do not interfere with court proceedings.

Failure to comply with this section may result in the confiscation of the cell phone or other portable electronic device and may include a fine or incarceration for contempt.

C. EXCEPTIONS

1. The following exception applies to sections A and B above.
 - a. Court, probation or law enforcement personnel conducting official business.
2. With the consent of the courtroom’s judicial officer, or the presiding judge of the court, the following exceptions may be granted to sections A and B above:
 - b. News media conditions and limitations as addressed in GR 16
 - c. For the purposes of judicial administration
 - d. For the limited purpose of presenting evidence, perpetuation of the record of proceedings, and security
 - e. As otherwise authorized by the court.

(Adopted effective July 7, 2025)

OMCLR 3.1
MANDATORY INSURANCE

If a person who has been cited with the violation of RCW 46.30.20 presents to the court that the person had in effect at the time of violation liability insurance as required by statute, then, upon payment of \$25 for administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notations of dismissal in the court file.

(Adopted effective July 7, 2025)

OMCLR 3.2

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.
- (b) **Time for Submitting Request for Decision on Written Statement.** The request for a decision by written or electronically filed statements shall be submitted not less than five days prior to the date set for the in-court hearing.
- (c) **Declaration for Written Statement Required.** A Defendant wishing to proceed by decision on a 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 the 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.

(Adopted effective July 7, 2025)

OMCLR 3.3

DEFERRED FINDINGS ON INFRACTIONS

Upon entry of a deferred finding for an infraction, the court will monitor the infraction for the period ordered by the Judge from the date of entry to determine compliance with the conditions set by the court. If a defendant successfully complies with the conditions after that period, the charge(s) will be dismissed as agreed. If a defendant fails to pay the agreed costs within the time limit allowed by the court, fails to establish an account with a Court authorized payment agency, or fails to complete the payment plan within the time allowed a finding of committed will be entered for the charge(s), and collection will proceed.

(Adopted effective July 7, 2025)

OMCLR 3.4

REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS

- a) If a defendant who has been charged with an infraction which has been filed with the Orting 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 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 payments on the penalty(ies) imposed shall be enforceable pursuant to otherwise applicable Court Rules, State Law or Administrative Code regulations.

(Adopted effective July 7, 2025)

OMCLR 3.5

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 the collection agency.

(Adopted effective July 7, 2025)