

Bonney Lake Municipal Court
Local Court Rules
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BONNEY LAKE MUNICIPAL COURT
For
Bonney Lake, Eatonville and South Prairie

LOCAL COURT RULES

ADMINISTRATIVE RULES:

BLMLcR 1.1 SCHEDULE OF FEES

Bonney Lake Municipal Court shall charge fees consistent with RCW 3.62.060. Any other expenses including but not limited to postage, shall be imposed based on the current expense to the City of Bonney Lake.

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 September 1, 2008]

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 fines, costs and assessments 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 based on a 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 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 corner of citation):

Violation Date:

I wish to mitigate the infraction

I wish to contest the infraction

Statement:

I declare under penalty of perjury pursuant to 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(a)-(d).
- (e) No Appeal Permitted. No appeal from a decision on written statements shall be permitted.

[Adopted September 1, 2008]

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, may 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 shall be granted. (b) Any person who requests production of an electronic speed measuring device expert and who is thereafter found by the Court 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]

BLMLcR 2.3 REQUIREMENTS FOR REQUESTS FOR CONTESTED AND MITIGATION HEARINGS AFTER FAILURE TO RESPOND

- (a) If a Defendant who has failed to appear or respond to a notice of infraction, as required by RCW 46.61.070 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 a contested or mitigation 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, along 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 which shows 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]

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

Notices of Infraction involving parking offenses shall be increased by \$25.00 in

penalty after fifteen calendar days from the date of issue. At this point the registered owner of the cited vehicle shall be deemed to have “Failed to Respond” in accordance with RCW 46.63.110 (3). The infraction may be turned over to a collection agency.

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

BLMLcR 2.5 REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS

- (a) If a Defendant who has been charged with a traffic or other infraction filed with the Bonney Lake Municipal Court, 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 on the contested infraction. The Court’s decision to authorize time payments in infraction cases shall be subject to the conditions set at the time of the order authorizing time payments.
- (c) Failure to make timely payment on the penalties 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 DEFENDANTS TO APPEAR IN COURT; CONSEQUENCES OF FAILURE TO APPEAR IN CASES WHERE PUBLIC DEFENDER HAS BEEN APPOINTED

- (a) The appointment by this Court of a Public Defender for the Defendant shall be conditioned upon the Defendant appearing in Court for all hearings where his/her appearance has been required by the Court.
- (b) If the Defendant for whom a Public Defender has been appointed, fails to appear in Court when so required and has not been excused in advance by the Court, the Order appointing the Public Defender may be vacated immediately.
- (c) Once such appointment has been vacated the Public Defender shall be relieved from any requirements to appear in Court with said Defendant.
- (d) The provisions of this Rule shall not preclude the Defendant from reapplying to the Court for the 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

When a warrant is issued for “Failure to Appear” on a criminal citation or “Failure to Pay” on a time payment plan, Defendant shall be assessed a 100.00 warrant fee.

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

BLMLcR 3.3 QUASHING WARRANTS

The Defendant or Defendant’s attorney may schedule a hearing to quash a warrant, after Defendant’s first failure to appear, 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 said 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 paid the \$100.00 warrant fee to the Clerk of the Court.

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

BLMLcR 3.4 VIDEO CONFERENCE PROCEEDINGS

(1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to CrRLJ 3.4 and 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. Any party may request an in-person hearing which may be granted at the discretion of the 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.

(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 agreement of the parties, either in writing or on the record, and upon the approval of the Bonney Lake Municipal Court Judge or Judge-Pro Tem.

(3) Standards for Video Conference Proceedings. The standards for video conference proceedings shall be as specified in CrRLJ 3.4(d)(3).

[Adopted September 1, 2008]

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, 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.

[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 considered 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 HEARINGS

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. Motions for a Rule 3.7 hearing may 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 HEARINGS

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 City Attorney, the Defendant and the Defendant's attorney (if any) must be present unless 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 or motion to dismiss 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 for a misdemeanor and \$1,000 for a gross misdemeanor, except for the following offenses:

- (1) Domestic Violence Offenses: Defendants 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) or applicable local ordinance.
- (2) Driving Under the Influence /Physical Control: Defendants shall be held in non bailable status 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 Non-Bailable Offenses Pending First Court Appearance by Defendant: Defendants shall be held in non-bailable status pending hearing the next court day following booking for these crimes:
 - (a) Assault in the fourth Degree (RCW 9A.36.041)
 - (b) Harassment (RCW 9A.46.020)
 - (c) Violation of Anti-Harassment Order (RCW 9A.46.040)
 - (d) Stalking (RCW 9A.46.110)
 - (e) Communicating with a Minor for Immoral Purposes (RCW9.68A.090)

[Adopted September 1, 2022]