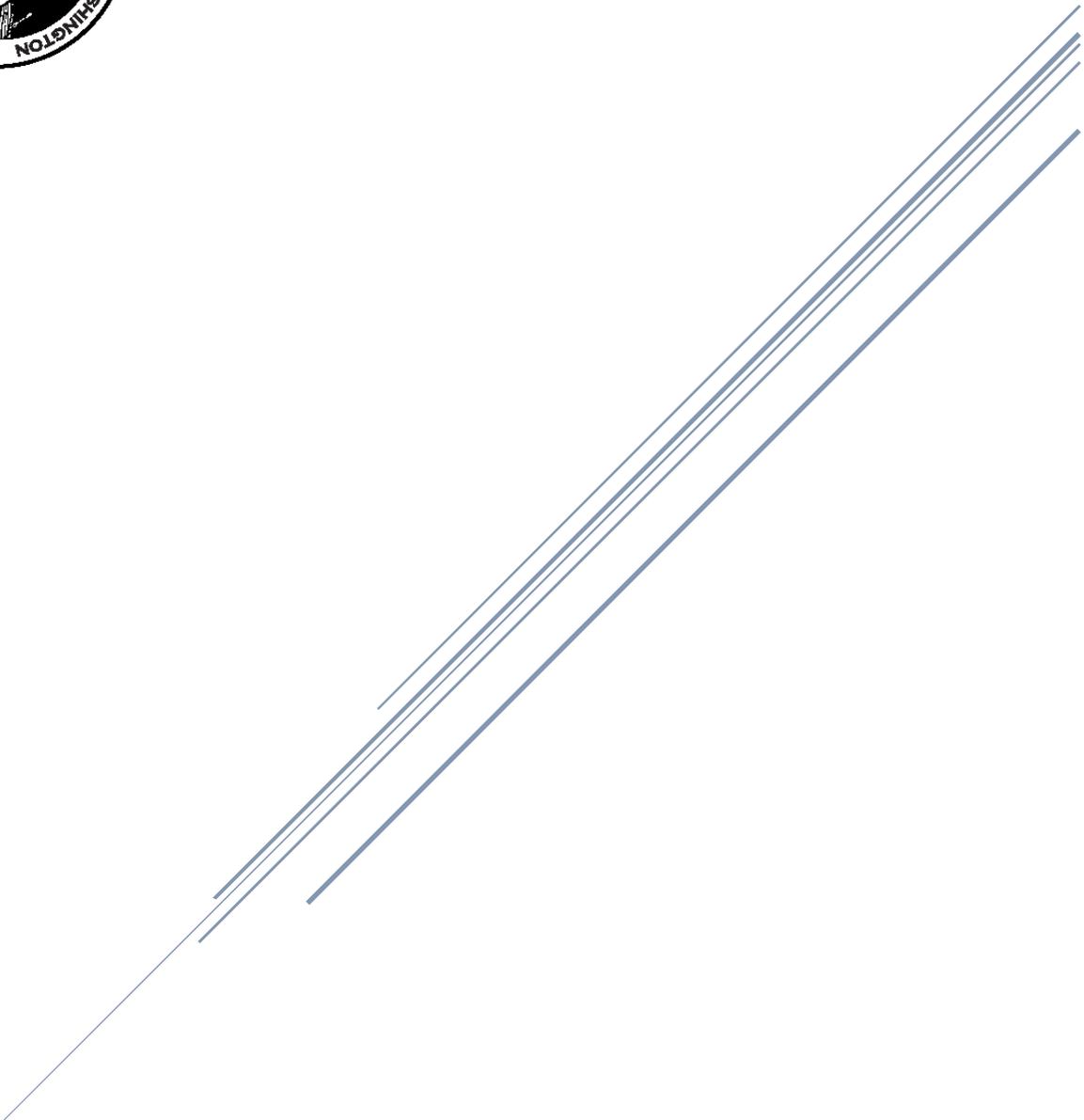


TUKWILA MUNICIPAL COURT

LOCAL COURT RULES 2019



**TUKWILA MUNICIPAL COURT
LOCAL RULES**

Table of Rules

LOCAL GENERAL RULES – TMCGR

30 Electronic Filing and Service

LOCAL CRIMINAL RULES - TMCLR

- 1.7 Adoption of Local Rules
- 1.8 Title of Rules
- 2.4 Commissioners
- 3.1 Pre-trial Hearings
- 3.2 Bail Schedule
- 3.3 Authorization for Continuance of Arraignments
- 3.4 Recall of Warrants and Resetting of Cases
- 3.6 Suppression Procedure
- 4.1 Arraignments and Continuances of all Matters Other than Arraignment
- 4.2 Forfeiture of Bail
- 6.1 Evidence - Court's Custody of Exhibits
- 7.1 Sentencing
- 7.2 Restitution
- 8.1 Use of a Collection Agency and Assessment as Court Cost of Amounts Paid for Collection Services
- 8.2 Motions for Deferred Prosecution
- 9.1 Requirement for Payment of Administrative Probation Fees, Interpreter Service Fees, Public Defender Fees, and Jail Booking Fees
- 10.1 Requirements for Payment of Jury Fees upon Cancellation of Jury Trial
- 10.2 Presiding Judge
- 10.3 Antiharassment Protection Orders
- 10.6 Jury Trial in Civil Cases - Rescinded
- 12.1 Use of Unsworn Statement in Lieu of Affidavit
- 13.1 Video Conference Proceedings
- 14.1 Zoning, Fire, Building Code Violations; Informal and Pre-trial Settlement Conferences - Rescinded

LOCAL INFRACTION RULES - TMCLIR

- 1.0 Speed Measuring Device: Design and Construction Certification
- 2.0 Requirements for Payment Following Infraction Hearings
- 3.0 Time for Hearing - Objections to Date
- 3.1 Handling of Requests for Contested Hearings after Failure to Respond
- 3.5 Decision on Written Statements
- 4.0 Proof of Insurance - Rescinded

TMCGR 30
ELECTRONIC FILING AND SERVICE

A. Definitions.

1. "Digital signature" and "electronic signature" are is defined in RCW 19.34.020.
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. "Filer" is the person whose user ID and password are used to file an electronic document.
5. "OCourt" is an electronic scheduling and 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.

1. While JIS remains the official depository of case information, the court uses OCourt, in conjunction with Microsoft Live, as a means to facilitate electronic filing of documents and data. Attorneys and other involved parties may set up password protected accounts in Microsoft Live 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 in the Microsoft Live account updated and accurate.
2. Attorneys with OCourt accounts will receive all documents from the court in electronic format through their email accounts. The court, as a convenience, may send reminder notifications of court dates, but failure to receive such a notification shall not relieve the recipient of the obligation to appear or respond as required. 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).
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 System committee 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 have agreed to accept electronic documents from the court, and who have provided the clerk the address of the party's electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party 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.

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 may 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. Procedures

- a. A person filing an electronic document must have received a user ID and password from a Court Administrator or a person delegated by the Court Administrator for any court that utilizes the OCourt programs in order to use the applicable electronic filing service.
- b. All electronic documents must be filed by using the user ID and password of the filer.
- c. A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the express authorization of the filer. Any person other than the filer must affix their name to the filing.

2. Signatures

- a. Judicial Electronic Signatures. The judicial officer may sign orders and search warrants with a digital signature as defined in GR 30 in one of the following formats:
 - i. 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,
- ii. The judicial officer affixes the electronic signature in the body of an email using the judge's secure email account; or,
 - iii. The judicial officer instructs the officer via secured email to affix the judge's signature to the search warrant; or,
 - iv. The judicial officer uses any other reliable means approved by the court by general order.
- b. Documents may be signed by judicial officers 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
Tukwila Municipal Court
6200 Southcenter Blvd
Tukwila, WA 98188
Telephone: (206) 433-1940
Fax: (206) 433-7160
E-mail: Firstname.Lastname@tukwilawa.gov

- i. 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.
 - ii. 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.
- c. 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

- d. Non-attorney signatures. 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

- e. 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:
 - i. 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
 - ii. Ensure the electronic document has the digital signature of the signer.
- f. Law enforcement officer signatures on documents signed under penalty of perjury.
 - i. 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.
 - ii. 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.
- g. 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:
 - i. The electronic document contains the digital signatures of all signers; or
 - ii. For a document that is not signed under penalty of perjury, the signatory has the express authority to sign for an attorney or party and represents having that authority in the document.
 - iii. 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.
- h. 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.

3. 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. Filing fees, electronic filing fees.
1. The clerk is not required to accept electronic documents that require a fee.
 2. Anyone entitled to waiver of non-electronic filing fees will not be charged electronic filing fees.
- F. Other: Speed Measuring Device Certifications will be deemed filed with the court pursuant to IRLJ 6.6(b) at the time the document is added by the prosecutor's office to a secure website that may allow the documents to be viewed by the public through a hyperlink on the court's website.

[Adopted: July 1, 2019 Effective date: September 1, 2019]

TMCLR 1.7
ADOPTION OF LOCAL RULES

These rules are adopted pursuant to GR7, CrRLJ 1.7 and IRLJ 1.3.

TMCLR 1.8
TITLE OF RULES

These rules may be known and cited as the Tukwila Municipal Court Local Rules and Tukwila Municipal Court Local Infraction Rules and shall be referred to as TMCLR and TMCLIR.

TMCLR 2.4
COMMISSIONERS

The court may employ judicial officers as commissioners, who shall serve at the pleasure of the Presiding Judge. He/she must be appointed in accordance with RCW 3.50.075 and TMC 2.68.040(B). Commissioners shall hear infraction cases as provided by the infraction rules for courts of limited jurisdiction and RCW 46.63, or any law amendatory thereof.

Commissioners shall also perform such other duties and hear other matters as may be assigned to them by the Presiding Judge of the Court.

TMCLR 3.1
PRE-TRIAL HEARINGS

A. General: Unless otherwise ordered by the court in a specific case for good cause, all cases in which a defendant enters a plea of not guilty shall be set for a pre-trial hearing. The pre-trial hearing shall provide an opportunity for negotiation between the parties. The parties shall confer in good faith regarding any agreed disposition prior to trial. The defendant shall be required to attend the pre-trial hearing unless excused by the court. Failure to attend may result in the issuance of a bench warrant and/or forfeiture of any bond. In the event of a disposition, the parties shall execute the appropriate documents for the judge to consider the matter on the record. Pre-trial hearings should be held no later than 30 days after arraignment unless otherwise approved by the court.

B. Scheduling: The court shall assign dates and give written notice to the parties for future motion hearings and trial at the time of the pre-trial conference and shall, in so far as is reasonably possible, schedule those hearings in consultation with both parties. Other factors, such as witness availability, shall also be considered.

C. Motions: In cases which proceed to trial, the parties shall identify with specificity all motions and counsel may be required to articulate on the record the basis for any motion. All rulings made at the pre-trial hearing or subsequent motions hearing(s) shall be binding on the parties and shall not be relitigated at trial. Any motion not identified at pre-trial shall be deemed waived unless otherwise allowed by the court. Counsel shall identify only those motions for which there is a good faith belief that the motion is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law. Counsel shall comply with CrRLJ 3.6.

D. Readiness: A jury call/readiness hearing will be scheduled in all cases proceeding to jury unless specifically waived by the court in a particular case for good cause shown. This calendar will be held during the week approximately one week prior to the scheduled jury trial or as otherwise set by the court. The defendant shall be required to attend this hearing unless excused by the court. Failure to attend the jury call/readiness hearing may result in

the issuance of a bench warrant and/or forfeiture of bond. Both parties must have their witnesses present at the readiness hearing. This requirement does not apply to the reporting police officers, expert witnesses, or those specifically excused by the court. Absent a showing of good cause for their absence, witnesses who do not appear at the readiness calendar may be stricken from the witness list. A confirmation of readiness constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial and submit jury instructions at the call of the jury calendar.

TMCLR 3.2
BAIL SCHEDULE

The court adopts the following bail schedule pursuant to CrRLJ 3.2(b)(7) and CrRLJ 3.2(o):
A Defendant who is detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon posting bail in the amount of \$500 for a misdemeanor and \$1000 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. Prostitution Related Offenses: Defendants shall be released upon posting bail in the amount of \$1000 for any prostitution related offense under RCW 9A.88.030, RCW 9A.88.090, or RCW 9A.88.110, or TMC 8.30.040 (Violation of Court Order), or TMC 8.50.040 (Prostitution Loitering).
4. 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 (RCW 9.68A.090)

[Adopted effective January 1, 1999; amended effective September 1, 2011]

TMCLR 3.3
AUTHORIZATION FOR CONTINUANCE OF ARRAIGNMENTS

If a defendant requests a continuance of his or her arraignment date without having to first appear in court, the Clerk of the Court is authorized to continue and reset the arraignment date to a date not later than fourteen (14) days after the date on which the arraignment was initially set. This procedure is available on one occasion. Second and subsequent requests must be made in writing, addressed to the court with a detailed explanation for the request. The court will determine if good cause exists for an additional continuance.

This authorization for a continuance of arraignment is not permitted in cases involving alleged DUI, charges with a DV designation, Harassment or Violation of Court Order.

Any other requests for continuance of arraignment shall be presented to the court. A written motion for continuance, with notice to the opposing party or counsel for the opposing party, shall be required.

[Adopted effective January 1, 1999; amended effective September 1, 2000; September 1, 2003, September 1, 2015]

TMCLR 3.4
RECALL OF WARRANTS AND RESETTING OF CASES

A defendant who is charged with a criminal violation and has an outstanding warrant in the Tukwila Municipal Court may address the warrant in the following manner:

Option 1. Turn him/herself in to the SCORE jail

Option 2. Post full cash bail amount or bond with the Clerk of the Court.

Option 3. Contact his/her attorney to file a motion to quash the warrant. If the defendant is not represented by counsel, he or she may file a written request to recall the warrant with the court. Either way, the request or motion should include an explanation for his/her failure to appear.

Option 4. Personally appear at the Clerk of the Court's office and provide an explanation for his/her failure to appear for court and provide proper documentary support if appropriate and pay an administrative bench warrant fee of \$100.00. The Clerk of the Court shall recall or not process the warrant, and is authorized to issue a new notice of hearing to the defendant. This option is limited to one occasion per case number. This option does not apply to charges of DUI, Domestic Violence, or Violation of Court Order.

Option 5. Sign up in person for the weekly warrant walk-in calendar no later than prescribed deadlines. Contact the court for current deadlines and calendar dates. No fee is required to sign-up for and attend this hearing. The court will address the warrant on the record and a courtesy attorney shall be provided at no cost to the defendant. The court will either recall the warrant or serve it. Additionally, the court may impose a warrant fee if the court determines lack of good cause for the failure to appear and the defendant's ability to pay.

[Adopted effective January 1, 1999; amended effective September 1, 2000, September 1, 2015]

TMCLR 3.6
SUPPRESSION PROCEDURE

A. Pleadings and Determination regarding Hearing: Motions to suppress physical, oral or identification evidence other than motions pursuant to Rule 3.5 shall be in writing supported by an affidavit or document as provided in RCW 9A.72.085 or any law amendatory thereto, setting forth the facts the moving party anticipates will be elicited at a hearing. If there are no disputed facts, the court shall determine whether an evidentiary hearing is required. If the court determines that no evidentiary hearing is required, the court shall set forth its reasons on the record for not conducting an evidentiary hearing.

B. Time Limits: Pleadings required for compliance with this rule shall be submitted in writing to the court and the nonmoving party at least 14 days in advance of the request for a 3.6 hearing. Responsive pleadings may be submitted within 7 days from date of receipt of the motion for a 3.6 hearing to the moving party and the court. Failure to provide responsive pleadings shall be considered a waiver of the right to file responsive pleadings.

C. Decision: The court, on the record, shall state findings of fact and conclusions of law based upon the pleadings submitted pursuant to TMCLR 3.6B.

TMCLR 4.1
ARRAIGNMENTS AND
CONTINUANCES OF ALL MATTERS OTHER THAN ARRAIGNMENT

A. Arraignment: Arraignments shall be in accordance with CrRLJ 4.1 and 4.2. A lawyer may, pursuant to CrRLJ 4.1(d), enter an appearance on behalf of a client except in cases in which the docket or charging document states that one or more of the charges involves DUI, Assault 4^o (DV), Harassment, Violation of an Antiharassment/No Contact Order, Malicious Mischief (DV), Stalking, or Harassment, whereupon defendant's presence is mandatory and cannot be waived.

B. Unless otherwise noted for motion, all requests to continue pre-trial hearings, motions, trial dates and/or other final dispositions will require the agreement of both parties before such request will be submitted to the court for review except as provided for in TMCLR 3.3.

TMCLR 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 January 1, 1999, amended September 1, 2000, September 1, 2015]

TMCLR 6.1
EVIDENCE - COURT'S CUSTODY OF EXHIBITS

In a criminal case every exhibit 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 sentencing by the court. Exhibits not withdrawn shall be delivered by the court to the Tukwila Police Department for disposition as abandoned property; or if contraband, for destruction. The court shall not release an exhibit without it being receipted for by the receiving person.

TMCLR 7.1
SENTENCING

The court shall follow the provisions of CrRLJ 7.2.

TMCLR 7.2
RESTITUTION

Where the court orders that a defendant pay restitution but does not set an amount at the time of disposition, the city attorney shall, within 60 days, file with the court a proposed amount, with documentation in support thereof. The city attorney shall mail to the defendant's last known address, or to the defendant's attorney, the proposed amount with copies of the supporting documents. If the defendant wishes to contest the proposed amount, the defendant shall file with the court an objection within 30 days of the date the proposed amount was mailed to the defendant's last known address or to the defendant's attorney. Upon receipt of an objection by the court, the court shall schedule a restitution hearing, and shall send notice to the city attorney and the defendant. If the city attorney does not file a proposed amount within 60 days of disposition, the matter of restitution shall be deemed waived unless otherwise authorized by the court. If the defendant does not object, the proposed amount shall be entered as a judgment. Payment of restitution shall be made through the Clerk of the Court unless otherwise ordered by the court.

TMCLR 8.1
USE OF A COLLECTION AGENCY AND ASSESSMENT AS
COURT COST OF AMOUNTS PAID FOR COLLECTION SERVICES

A. The court may use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments and forfeitures. The terms and conditions of the contract for collection services shall be between the City of Tukwila and said collection agency and may be amended as necessary.

B. The collection agency's fee or charge, as set forth in said contract, 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.

C. Nothing in this section shall prevent the court from notifying the Department of Licensing of the defendant's failure to pay a fine and/or costs as ordered by the court.

TMCLR 8.2
PETITIONS FOR DEFERRED PROSECUTION

Petitions for deferred prosecution must be submitted pursuant to RCW 10.05. Defendants must use the deferred prosecution forms provided by the court. The petition must include the appropriate assessment and treatment plan.

TMCLR 9.1
**REQUIREMENT FOR PAYMENT OF ADMINISTRATIVE PROBATION FEES, PUBLIC
DEFENDER FEES, AND JAIL BOOKING FEES**

A. If a defendant is found guilty of a criminal violation the court may impose an administrative probation fee up to the maximum fee permitted under the current state statute.

B. If a defendant is provided a public defender during any phase of a criminal proceeding, the court may order recoupment of costs for public defender services.

C. If a defendant has been confined during any phase of a criminal proceeding by order of the Tukwila Municipal Court, the defendant may be ordered to pay the costs of confinement, not to exceed the cost of each booking fee associated with a case, plus the daily housing cost of the defendant at whatever jail he/she is confined, and not to exceed statutory limits.

D. The court shall, on the record, inquire of the defendant as to his/her present and future ability to pay non-mandatory costs and fees prior to imposition.

[Adopted effective January 1, 1999; amended effective September 1, 2000, September 1, 2015]

TMCLR 10.1
REQUIREMENTS FOR PAYMENT OF JURY FEES UPON
CANCELLATION OF JURY TRIAL

A. If a defendant who has been charged with a criminal violation in the Tukwila Municipal Court has requested a jury trial, and if that jury trial is summoned and the court has incurred the expense or will incur the expense because the jury has been or will be brought in, and the defendant does not waive his or her right to a jury trial within 48 hours prior to the date for which the jury trial has been scheduled, or otherwise excuses or releases the jury from hearing the case within 48 hours of the date of the scheduled jury trial, the defendant may be responsible for payment to the court in the amount of the costs incurred by the court for jury fee payments and mileage reimbursements, unless the court specifically determines that those fees and costs or the full amount of those fees and costs shall not be paid under the circumstances of the defendant's case.

B. Any such jury fee costs imposed by the court for payment and reimbursement of jury fees and mileage reimbursement shall be paid by the defendant as a condition of suspended sentence, if any, or as otherwise directed by the court.

TMCLR 10.2
PRESIDING JUDGE

A. The Judge duly appointed as Judge of the Tukwila 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).

TMCLR 10.3
ANTI-HARASSMENT PROTECTION ORDERS

A. Pursuant to RCW 10.14.150, as amended by HB 1296 (2005), the Tukwila Municipal Court may hear and adjudicate petitions for anti-harassment protection orders filed under RCW 10.14.

B. The Tukwila Municipal Court's jurisdiction shall be limited to situations:

- 1) When the alleged acts of unlawful harassment occurred within the Tukwila city limits; or
- 2) When the respondent resides within the Tukwila city limits; or
- 3) When the respondent may be served within the Tukwila city limits if it is the same county or judicial district a respondent resides.

C. The Clerk of the Municipal Court may charge a filing fee in an amount equal to the applicable fee charged by the King County District Court. The Municipal Court Judge has discretion to waive or reduce the filing fee upon a showing of indigence, financial hardship, or other good cause.

[Adopted effective September 1, 2006]

TMCLR 10.6
JURY TRIAL IN CIVIL CASES

RESCINDED RULE - EFFECTIVE SEPTEMBER 1, 2006

TMCLR 13.1
VIDEO CONFERENCE PROCEEDINGS

A. Criminal: Preliminary appearances as defined by CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR3.2 and CrRLJ 3.2, trial settings as defined by CrR 3.3 and CrRLJ 3.3(f), and pre-trial hearings as determined by the court, conducted via video conference in which all participants can simultaneously see, hear, and speak with each other, shall be deemed held in open court and in the defendant's presence for the purposes 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 court. Any party may request an in-person hearing which may, in the court's discretion, be granted.

B. Agreement: Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as defined by CrR 4.2 and CrRLJ 4.2 may be conducted by video conference only by agreement of the parties. The defendant will be deemed to have agreed to voluntarily participate in court proceedings in Tukwila Municipal Court by video conference unless the defendant or counsel for the defendant notifies the court at the time of the proceeding that he/she objects to the proceeding being conducted via video conference. The right to object to video conference proceedings will be deemed waived if not exercised prior to the start of the video conference hearing.

C. Standards for Video Conference Proceedings: The Judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the court. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

D. For purposes of video conference proceedings, the facsimile signature(s) of the defendant, counsel, interested parties and the court will be treated as if they were an original signature. This includes all Orders on Judgments & Sentence, No Contact Orders, S.O.A.P. and S.O.D.A. Orders, Time Pay Agreements, and other documents as the court shall determine are appropriate or necessary.

TMCLR 14.1
ZONING, FIRE BUILDING CODE VIOLATIONS; INFORMAL AND PRE-TRIAL
SETTLEMENT CONFERENCES

RESCINDED RULE - EFFECTIVE SEPTEMBER 1, 2015

TMCLIR 1.0
SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

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.

TMCLIR 2.0
REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS

A. If a defendant who has been charged with a traffic or other infraction filed with the Tukwila Municipal Court is found to have committed that infraction, absent extenuating circumstances, the defendant shall make payment in full of the amount of the penalty at the time of the hearing in which the defendant was found to have committed the infraction.

B. Time payments on infractions will be permitted upon a showing of exceptional and exigent circumstances in court, at the time of the hearing on the contested infraction. Time payments may be at a minimum payment of \$50.00 each month, unless specifically authorized by the Judge or Commissioner. 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. The court may impose an additional administrative fee for the costs of establishing, monitoring and processing a time pay agreement.

C. Failure to make payment on the penalties on the committed infractions shall be enforceable pursuant to otherwise applicable court rules, state law or relevant administrative regulations.

TMCLIR 3.0
TIME FOR HEARING OBJECTIONS TO DATE

A defendant who objects to the hearing date set by the court pursuant to IRLJ 2.6, shall file with the court and serve upon the city attorney a written motion for a new speedy hearing date. Such motion shall be filed and served no later than 10 days from the date of written notice of the hearing date. Failure to comply with this rule shall become a waiver of the objection.

TMCLIR 3.1

HANDLING OF REQUESTS FOR CONTESTED HEARINGS AFTER FAILURE TO RESPOND

A. If a defendant who has failed to appear or respond to a notice of infraction, on not more than one occasion, as required by RCW 46.63.070 and Rule 2.4 of the Infraction Rules for Courts of Limited Jurisdiction (IRLJ), requests that the court set his/her case for a contested hearing, the Clerk of the Court shall be authorized to set a date for a contested hearing, and retrieve/recall FTA's, pleadings and/or correspondence from the Department of Licensing reflecting the failure to respond or appear, if any was sent, on the following conditions:

- 1) 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 hearing, with a postmark clearly indicating that the envelope was addressed and mailed to the Municipal Court within the time frame for requesting contested hearings pursuant to statute and court rule, and with the envelope indicating that it was returned to the defendant, for whatever reason; or,
- 2) The court, within one week of the date by which a request for a contested hearing should have been received by the court, receives in the mail an envelope containing the defendant's request for a contested hearing, with the envelope showing a postmark clearly indicating that the envelope was mailed to the court within the time frame for requesting contested hearings pursuant to statute and court rule.

B. In all other cases, the defendant shall not be entitled to a contested 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, or as otherwise determined by the court.

C. If a defendant fails to respond to a notice of infraction within the time frames set forth in 3.0 and 3.1 above, in addition to any amount imposed by the court as a fine, the court may impose a \$50.00 infraction processing fee in addition to the scheduled bail amount or fine set by the court at the time the infraction is adjudicated.

[Amended July 1, 2019; Effective September 1, 2019]

TMCLIR 3.5
DECISION ON WRITTEN STATEMENTS

A. Traffic infractions may be heard by the court on the basis of written submissions from the City and the defendant. Written submissions must be provided to the court in advance of the date set for contested hearing or mitigation as outlined on the forms provided by the court. Defendants must use the court's mitigation/contested by mail forms.

B. Generally, the court shall examine the citing officer's report and any statement submitted by the defendant. The examination shall take place within 120 days after the defendant filed the response to the notice of infraction. The examination may be held in chambers and shall not be governed by the Rules of Evidence.

C. Factual Determination. The court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the defendant has committed the infraction.

D. Disposition. If the court determines that the infraction has been committed, it may assess a penalty and any appropriate and permitted costs.

E. Notice to Parties. The court shall notify the parties in writing whether an infraction was found to have been committed and what penalty, if any, was imposed.

F. No Appeal Permitted. There shall be no appeal from a decision on written statements.

TMCLR 4.0
PROOF OF INSURANCE

Rescinded - Effective September 1, 2008