

LAKWOOD MUNICIPAL COURT

Order Adopting Local Rules Of the Lakewood Municipal Court

Pursuant to the Rules of General Application, GR7, the Municipal Court of the City of Lakewood hereby adopts the local rules in this document. All rules and amendments will become effective September 1, 2021.

DATED and SIGNED this 20 day of **May, 2021**.



Judge Lisa Mansfield
Lakewood Municipal Court Judge

LAKEWOOD MUNICIPAL COURT
LOCAL COURT RULES

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LMCLR GR1.1
SCOPE

These rules govern the procedures in the Municipal Court of the Cities of Lakewood, University Place, DuPont and the Town of Steilacoom.

(Effective 09/01/2016)

LMCLR GR 1.2
PURPOSE AND CONSTRUCTION

These rules are intended to provide for the just determination of every proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, effective justice, and the elimination of unjustifiable expense and delay.

These rules are not intended to supersede or conflict with any statutes covering procedures for criminal and infraction violations or the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ), or the Infraction Rules for Courts of Limited Jurisdiction (IRLJ).

(Effective 09/01/2012)

LMCLR GR1.3
EFFECT

Except as otherwise provided elsewhere in these rules, on their effective date:

- 1) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules are not impaired by these rules.
- 2) These rules also apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedures should continue to be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedures of these rules.

(Effective 09/01/12)

LMCLR GR1.4
DEFINITIONS

As used in these rules, unless the context clearly requires otherwise:

- 1) "Earliest practicable day" means the next regularly scheduled court calendar.
- 2) "Next business day" means the next day the court is open for business.
- 3) "Cases" means a cause of action, whether it includes multiple counts or allegations.
- 4) "Docket" means any scheduled calendar
- 5) "Hearing" means any proceeding before the Judge.

(Effective 09/01/18)

LMCLR GR1.5
SCHEDULE OF FEES

The following shall be the schedule of fees charged for certain services provided by the Municipal Court. These amounts are consistent with RCW 3.62.060.

Electronic Audio Recordings	\$20.00/CD
Electronic document	\$.25 per page
Paper Copy	\$.50 per page
Certified Copy	\$5.00 per document
Postage	actual cost

Civil Filing Fee - as set by Pierce County District Court

Copy of DOL Abstract of Driving Record - as set by RCW 46.52.130

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

This fee schedule shall not apply to records requested pursuant to GR 31.1.

(Effective 09/01/2021)

LMCLR GR1.6
WAIVER OF ACCOUNT BALANCES

1) Delinquent account balances under \$10.00 on adjudicated cases where all other conditions of sentencing have been satisfied may be waived administratively and closed on a case-by-case basis.

2) Any case for which jurisdiction has expired, and the only remaining condition of sentence is to pay an account balance that has been in collections for ten years or more, and the account has been deemed uncollectible, the remaining balance may be waived administratively and closed. A docket entry will be made on each case reflecting the above for audit purposes, and the case will be closed.

(Effective 09/01/12)

LMCLR GR1.7
EX-PARTE COMMUNICATIONS

A Judicial Officer may, to the extent permitted by Washington Code of Judicial Conducts, Canon 2, Rule 2.9(A)(1), engage in and/or consider ex-parte communications for Veterans Court.

(Effective 09/01/16)

LMCLR GR1.8
METHODS OF PAYMENT ACCEPTED

The Municipal Court will accept payments by the following methods:

Court front counter during business hours - Credit and debit payments will be accepted as authorized by the banking agreement between the City of Lakewood and current banking institution. Check and money order payments are accepted. Cash payments are accepted, with a limit of \$5.00 in coins.

Check or money order payments may be placed in the Court drop box outside of business hours.

Online payments accepted via current contracted third party payment agency.

Check or money order payments may be mailed.

All payments made via drop box, mail or online payments should have the court case number/violation number clearly marked, and the defendant name.

(Effective 09/01/17)

LMCLR GR1.9
ELECTRONIC FILING AND SERVICE

A. Definitions.

1. "Digital signature" and "electronic signature" are 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 forms program that integrates with the Judicial Information System (JIS) and allows for the electronic filing of court documents into local digital document storage systems.
6. "Odyssey File and Serve" is an electronic case management system that allows attorneys and parties to electronically file court documents via a web-based portal as well as to serve court documents to other parties in a case.

B. Electronic Filing Authorization, Exception, Service and Technology Equipment.

1. Effective 90 days after Odyssey File and Serve is effective in the court, attorneys shall electronically file (eFile) all documents using the court's designated eFiling service, Odyssey File and Serve, unless this rule provides otherwise. The attorney of record for a defendant in a criminal case, non-attorneys, or pro se parties are not required to eFile but are encouraged to do so.
2. 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 person contact data in the Microsoft Live account updated and accurate.

3. 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.
4. The following documents must be filed in paper form rather than eFiled:
 - a. A document that is required by law to be filed in non-electronic format may not be electronically filed;
 - b. Documents incapable of legible conversion to an electronic format by scanning, imaging, or any other means;
 - c. Documents larger than permitted in the User Agreement.
5. 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.
6. 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.
7. Persons who eFile documents under this rule are not required to provide duplicate paper copies of those documents as "working copies"

for judicial officers. The court may require that a party provide working copies of documents that are not eFiled.

8. If an attorney is unable to eFile documents required by this rule, the attorney may request a waiver from the court. The attorney must make a showing of good cause and explain why paper document(s) must be filed in that particular case. The court will consider each application and provide a written approval or denial to the attorney. Attorneys who receive a waiver shall file a copy of the waiver in each case in which they filed documents. Attorneys who receive a waiver shall place the words "Exempt from eFiling per waiver filed on (date)" in the caption of all paper documents filed for the duration of the waiver.
 - a. Upon a showing of good cause, the court may waive the requirement as to a specific document or documents on a case-by-case basis.
 - b. If an attorney files a document in paper form and does not have an approved waiver from eFiling, the court may assess a fee against the attorney for each paper document filed.
9. If a party serves another party electronically or via email, that party must likewise accept service from the other parties electronically or via email.

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 will 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. 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 documents. 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 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 (Presiding Judge)

Municipal Court
6000 Main St SW
Lakewood WA 98499
Tel: 253-512-2258 FAX: 253-512-2267
(Email address)

- 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/ (name) (State Bar Number)
(Law firm name)
(Address)
(City, State, ZIP)
Tel: (Telephone) FAX: (FAX)
(email address)

- 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/ (name)
(Address)
(City, State, ZIP)
Tel: (Telephone) FAX: (FAX)
(email address)

- 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 (SECTOR) application, the Justice Information Network Data Exchange (JINDEX), 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
 - iii. 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 signer 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 for in RCW 9A.72.085 and GR 13.

E. Filing Fees, Electronic Filing Fees.

1. An eFiling charge will be assessed each time a group of documents (sometimes referred to as an "envelope") is filed on a case. This eFiling service charged will be waived for:
 - a. Persons who are indigent or their attorney of record; or
 - b. Government filers; or
 - c. Qualified legal services providers; or
 - d. Protection orders or other matters for which filing fee may not be charged by law.

F. Non-Compliance with this Rule.

If an attorney files a document in paper form and does not have an approved waiver from e-Filing, the court may assess a fee against the attorney for each paper document filed.

(Effective 09/01/21)

LMCLR GR 1.10 RECORDINGS AND ELECTRONIC DEVICES

The increasing use of various electronic devices including, but not limited to, cell phones with cameras, smart phones with cameras, tablets with cameras, other wireless communication devices with cameras and any other equipment which can be used to take photographs or to record video (collectively "Devices") continually challenges a court's legitimate concerns for courthouse security, participant distraction, avoidance of disruption of the court's business and decorum.

Devices are permitted within the Lakewood Municipal Court area, but such Devices cannot be used to photograph, record or broadcast from anywhere within the Courthouse without prior approval from the Lakewood Municipal Court Presiding Judge.

"Lakewood Municipal Court area" is that portion of the City Hall for the City of Lakewood which is used exclusively for Municipal Court purposes. This area is clearly identified within City Hall and includes public areas, payment windows, the screening station, courtrooms and staff space that comprise the Municipal Court for the City of Lakewood serving University Place, DuPont and the Town of Steilacoom.

Use of any Device to photograph, record or broadcast from anywhere within the Lakewood Municipal Court area without prior court approval may subject the user to confiscation of the item misused, a citation for contempt of court or an order imposing monetary sanctions as provided by applicable statutes and court rules. In addition, anyone who violates this policy and continues to photograph, record or broadcast after being told not to do so will be subject to arrest for criminal trespass.

Lawyers, defendants and members of the public may carry cell phones or other portable electronic devices into the court area. 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.

EXCEPTIONS

The following exceptions apply to this Rule:

1. Court, probation, attorneys 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:
 - a. News media conditions and limitations as addressed in GR 16;
 - b. Ceremonial proceedings, including, but not limited to weddings or a judge or judicial officer's investiture;
 - c. For the limited purpose of presenting evidence, perpetuation of the record of proceedings, and security;
 - d. For the purposes of judicial administration;
 - e. As otherwise authorized by the court.

(Effective 09/01/2019)

LMCLR CR2.2
WARRANT RECALL PROCEDURES

- 1) A defendant who appears at the court within 2 working days after a failure to appear for a hearing may have the hearing reset without a warrant issuing, provided the defendant has no prior failures to appear on the case.
- 2) If a defendant has failed to appear for a prior hearing, and the warrant ordered by the Judge is for a bondable amount for less than \$5000, the defendant may appear during regular business hours at the court to post a \$100 non-refundable warrant fee with the court to have the warrant recalled by the clerk, and to sign for the hearing date.
- 3) A defendant may post the entire bail/bond amount with the clerk to have the warrant recalled. A bond agent may post the bond on the defendant's behalf. Notice of the hearing date will be sent to the defendant. The defendant is responsible for updating their address with the Court.
- 4) A defendant may appear during normal business hours at the court to schedule a Warrant Recall hearing provided they have not previously failed to appear for this type of hearing for the current active warrant. The warrant shall remain active until the motion to recall the warrant has been granted.

(Effective 09/01/18)

LMCLR CR3.2(n)
BAIL OR BOND PROCEDURES

- 1) Upon receipt of bail or bond for a case where charges are pending review and filing by the Prosecutor, the court shall create a case in JIS and hold the bail or bond for 30 days. If no formal charges have been filed by the Prosecutor in that time, then the bail will be returned to the payee, and/or the bonding agency will be notified of the exoneration.
- 2) When a case is dismissed or sentence imposed, any financial obligations for fines, penalties and/or costs on the case shall be deducted from bail posted by the defendant, and the remainder shall be returned to the defendant, unless the bail has already been forfeited subject to RCW 10.19.140.
- 3) If cash bail was posted subsequent to the issuance of a bench warrant, the court shall deduct a \$100 warrant fee prior to refunding the bail. This rule shall also apply if a person other than the defendant posted the bail.
- 4) If bail or bond has been processed for forfeiture, and the judge has ordered the forfeited bail returned to the payee, per RCW 10.19.140 the court shall deduct a \$100 warrant fee and applicable booking fee prior to the return of the bail or bond forfeiture.

(Effective 09/01/17)

LMCLR CR3.2(O)
BAIL FOR NEW DOMESTIC VIOLENCE OFFENSES

Subject to constitutional limitations and CrRLJ 3.2.1, a person who has been booked into jail for domestic violence as defined in RCW 10.99.020, shall be detained until they have appeared before a Judicial Officer.

(Effective 09/01/16)

LMCLR CR 3.4
VIDEO CONFERENCE PROCEEDINGS

1) Authorization. Preliminary appearances held pursuant to CrRLJ 3.2.1(d), arraignments held pursuant to this rule and CrRLJ 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 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 trial court judge. Any party may request an in person hearing, which may in the trial court Judge's discretion be granted.

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 trial court judge pursuant to this rule.

(Effective 09/01/16)

LMCLR CR4.1

ARRAIGNMENTS AND CONTINUANCES OF ALL MATTERS
OTHER THAN ARRAIGNMENT

1) Arraignment: 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, Physical Control, any Domestic Violence charge, including, but not limited to Assault 4th DV, Malicious Mischief DV, Harassment, Violation of an Antiharassment/No Contact Order, Stalking or Harassment, whereupon the defendant's presence is mandatory and cannot be waived. Pursuant to RCW 46.61.50571, the Presiding Judge may waive the appearance of a defendant arrested under RCW 46.61.502, 503 and 504 from the next judicial day to the next regularly scheduled arraignment calendar.

2) Unless otherwise noted for motion, all requests to continue pretrial hearings, motions, trial dates and/or other final dispositions will require an Agreed Order signed by both parties before a defendant's or attorney's presence is waived. The signed Agreed Order for Continuance is to be filed no less than four working days before the scheduled hearing and will be either approved or denied by the Judge. If a criminal defendant is absent for a scheduled hearing and an Agreed Order of Continuance of that hearing has been filed less than four working days in advance, the prosecutor or defense is required to file the Order in open Court for the Judge's approval or denial.

3) Any other filings to be considered during a scheduled hearing is to be filed no less than four working days prior, otherwise the parties are required to submit the filings in open Court for the Judge's review.

(Effective 09/01/20)

LMCLR CR4.2(i)
DEFERRED PROSECUTION - RESCINDED

RESCIND RULE

(Effective 09/01/2014)

LMCLR CR4.5
PRE-TRIAL HEARINGS

- 1) 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.

- 2) 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.

- 3) (a) A jury call/readiness hearing will be scheduled in all cases proceeding to trial unless specifically waived by the court in a particular case for good cause shown. This calendar will be held during the week approximately 1 week prior to the scheduled 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/bail.

(b) At the conclusion of the readiness hearing, the court will no longer accept any plea bargaining arrangements. Therefore, the case will be tried by jury unless waived by the defendant, or concluded by a guilty plea to the original charge(s), or a dismissal of the charge(s).

(Effective 09/01/18)

LMCLR CR 4.7
DISCOVERY - ASSIGNED COUNSEL - RESCINDED

Rescind rule

Effective 09/01/15)

LMCLR CR 6.4
VOIR DIRE - RESCINDED

RESCIND RULE

(Effective 09/01/2014)

LMCLR CR 6.13
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 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 Lakewood Police Department for disposition as abandoned property, or if contraband, for destruction. The court shall release no exhibit without its being receipted for by the receiving person.

(Effective 09/01/12)

LMCLR CR 7.2(a)
RESTITUTION

Where the court orders that a defendant pay restitution but does not set an amount at the time of disposition, a restitution hearing may be scheduled. The prosecuting attorney shall file a restitution order with supporting documentation at the time of the hearing. If the Prosecutor does not file a restitution order at the time of the hearing, 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.

(Effective 09/01/15)

LMCLR CR7.2(b)
PAYMENT ARRANGEMENTS

For indigent defendants on Active Supervised Probation - the Court may authorize conversion of community service hours in lieu of an outstanding Probation fee. Hours are determined per LMCLR CR7.2(c).

(Effective 09/01/16)

LMCLR CR 7.2(c)
COMMUNITY SERVICE

The Court may allow a defendant to complete community service at a non-Profit organization in lieu of monetary payments in appropriate cases. Online community service hours are not acceptable. The Court may decline to accept community service hours if the organization is not consistent with the mission of the Court and/or does not provide a benefit to the community.

Proof of community service hours are to be filed with the court, and are required to be accompanied by the court-provided community service form and all required information as noted on the form.

Unless otherwise ordered by the Court, community service hours are credited at fifteen dollars (\$15) per hour worked toward any fine balances.

(Effective 09/01/18)

LMCLR CR 7.6

PROBATION DEPARTMENT SERVICES AND PROCEDURE

The role of the Municipal Court Probation Department is to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety. Pursuant to ARLJ 11, the Probation Officer shall perform the following duties and follow the following procedures:

1) Conduct pre/post-sentence investigations with face to face interviews and extensive research that may include but is not limited to: criminal history, contact with victims, personal history, social and economic needs, community resource needs, counseling/treatment needs, work history, family and employer support, and complete written pre/post-sentence reports which include sentencing recommendations to the court.

2) Probation Officer shall communicate with community agencies providing services required of offenders with input to the judicial officer regarding the following areas: alcohol/drug, domestic violence, sexual deviancy, and mental illness.

3) In addition to the duties mentioned above, the Probation Officer is also required to perform records checks on active probation clients, notify the court of violations or special circumstances through written reports and direct communication with court personnel, attend calendar proceedings as needed, and participate in accounting of fees.

(Effective 09/01/16)

LMCLR CR 8.2
CRIMINAL MOTION PROCEDURES

- 1) Purpose: This rule governs criminal motion practice.
- 2) Filings of Motions, Memoranda and Affidavits General. The moving party shall file with the court 14 days prior to the motion hearing date the following: The motion being noted, all supporting affidavits and documentary evidence and a brief memorandum of authorities. Unless a court rule, statute or briefing schedule provides a different timeframe for a response, the responding party may file a response to the issue of law, or any counter-affidavits, briefs or memoranda of authorities no less than five (5) days before the hearing. The responding party may also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar.
- 3) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall be filed with the Court as prescribed in LKMCLR GR1.9.B.4 (Electronic Filing and Service). Responding briefs, memoranda and other documents shall be filed with the Court as prescribed in LKMCLR GR1.9.B.4 (Electronic Filing and Service).
- 4) Motion Hearing Procedures. Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise.
- 6) The Motion hearing shall proceed upon the pleadings and any submitted police reports. If, at the time of the hearing, the City elects to provide supplementation or the court finds that additional information is necessary to adequately decide the issues presented by the moving party, a testimonial hearing shall be set. Prior to the testimonial hearing, the court should advise the parties of the issues that remain for consideration. The purpose of this rule is to efficiently and effectively resolve pre-trial issues and to focus the costs of testimonial hearings to cases that warrant it.

(Effective 09/01/18)

LMCLR IR 2.6(a)(I)
CONTINUANCES OF INFRACTION PROCEEDINGS

The defendant or attorney of record may request a continuance prior to a scheduled contested or mitigation hearing. The request may be made in person, telephonically or by written motion or request. Written motions are to be filed no less than four working days before the scheduled hearing. The Clerk is authorized to grant the request for continuance, unless:

- (a) the defendant has previously sought a continuance or failed to appear;
- (b) the defendant has either requested that witnesses be present or witnesses have been subpoenaed.

If a defendant fails to appear for the scheduled hearing, the Clerk is authorized to reschedule the hearing upon a request by the defendant within two business days.

Any other requests for a continuance shall be considered by the Judge, who may render a decision ex-parte.

(Effective 09/01/19)

LMCLR IR 3.1(a)
PROCEDURE AT CONTESTED HEARINGS - SUBPOENAS

- 1) A subpoena may be obtained pursuant to IRLJ 3.1 (a).
- 2) Subpoenas for Police Officers - Alternative Procedure. Subpoenas may be requested and served as provided by state law and court rules. In the alternative, defendants in contested infraction cases may serve subpoenas upon officers who issued the citation in the following manner:
 - (a) A subpoena may be requested and obtained from the Court Clerk;
 - (b) The defendant, or his/her attorney or agent, may effectuate service of the subpoena upon the officer by serving the subpoena upon an employee of the Legal Department of the City Attorney's Office in that office at least seven days before the scheduled contested hearing;
 - (c) The City Attorney's Office shall date-stamp the subpoena, provide a stamped copy to the person serving the subpoena, and transmit the original subpoena to the officer at the Police Department. The return of service is to be filed with the Court.
- 3) This rule is not intended to supersede or conflict with any statutes concerning procedures for infractions or the Infraction Rules for Courts of Limited Jurisdiction (IRLJ).

(Effective 09/01/16)

LMCLR IR 3.1(b)
DISCOVERY REQUESTS FOR INFRACTIONS

- 1) Discovery requests regarding infractions that are pending hearing shall be governed by IRLJ 3.1 (b).
- 2) All discovery requests must have the following information: Complete name of defendant, Case number and mailing address of defendant.
- 3) No motion to dismiss for failure to comply with IRLJ 3.1 shall be entertained absent proof of service of such discovery request upon the opposing party on-file with the court, in conformity with CRLJ 5(b).

(Effective 09/01/12)

LMCLR IR 3.1(e)
CONTESTED HEARINGS - PRELIMINARY MOTIONS

Motions challenging the authority of the Court, the constitutionality of the Court, the constitutionality of any statute, ordinance or court rule pertaining to an infraction, the authority of the prosecuting attorney prosecuting an infraction, and/or the authority of the law enforcement agency or officer filing an infraction must be made in writing. Such motions, together with citations to authority and argument, must be filed with the Court and served upon the opposing party no later than fourteen days prior to a contested infraction hearing. Such motions may be decided by the Court with or without oral argument, as the Court may determine.

(Effective 09/01/12)

LMCLR IR 3.2(b)
FAILURE TO APPEAR

If a defendant appears within 48 hours of a failure to appear (FTA) on a regularly scheduled contested or mitigation hearing, the FTA will be set aside and reset for the same hearing type pursuant to IRLJ 3.2 (b) and CRLJ 60 (b) unless one of the following is present, in which case the defendant may only schedule a show cause hearing:

1. The defendant has previously failed to appear for a contested or mitigation hearing on that cause number; or
2. The plaintiff has been prejudiced by the FTA; or
3. One or more witnesses appeared at the scheduled hearing; or
4. Prior to the scheduled hearing, the Court denied a motion to continue the hearing.

(Effective 09/01/17)

LMCLR IR3.3
DEFERRED FINDINGS ON INFRACTIONS

Upon entry of a deferred finding for an infraction, the court will monitor the infraction for a period of six months from the date of entry to determine compliance with the conditions set by the court. If a defendant successfully complies with the conditions after the six month 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.

If a defendant obtains a new moving violation during the first six months of jurisdiction, the court shall extend jurisdiction over the deferral to one year total. During the additional time period, the court shall monitor the new moving violation(s) and determine whether or not a committed finding has been entered. If a committed finding is entered for the new moving violation(s), per RCW 46.63.070(5) the deferral will be revoked and the charge(s) found committed. If the new moving violation(s) is dismissed or found not committed, then the deferral will be monitored by the court until the end of the jurisdiction, which shall be no less than six months from the date of entry of the deferral.

(Effective 09/01/16)

LMCLR IR 3.5
WRITTEN STATEMENT

This Court adopts IRLJ 3.5 regarding decision on written statements for infractions.

(Effective 09/01/12)

LMCLR IR 3.6(a)
DISABLED PARKING

If a person charged with parking in a disabled parking space without proper parking placard or license plate has a valid disabled parking placard or disabled person's license plate at the time of citation, the defendant may present such proof to the court along with proper picture identification. Upon confirmation with Department of Licensing that the placard is valid, the charge will be dismissed.

(Effective 09/01/12)

LMCLR IR 3.6(b)
MANDATORY LIABILITY INSURANCE

1. A person charged with a violation of RCW 46.30.020, operating a motor vehicle without valid insurance, may file proof of insurance effective at the time of infraction within 15 days, or prior to a regularly scheduled mitigation or contested hearing. Proof that the defendant is covered by the policy may be presented in paper or electronic format to the Court. Upon payment of a \$25 fee the charge will be dismissed.

2. A person charged with a violation of RCW 46.30.020, operating a motor vehicle without valid insurance, may file proof of subsequent insurance within 15 days, or prior to a regularly scheduled mitigation or contested hearing. Proof that the defendant is covered by the policy may be presented in paper or electronic format to the Court. A committed finding will be entered for the charge, and the fine will be reduced as follows:

1st violation - \$150

2nd and subsequent violations - \$250

(Effective 09/01/19)

LMCLR IR 3.6(c)
EXPIRED VEHICLE REGISTRATION

If a person who has been cited with a violation of RCW 46.16A.030.5 provides proof to the court clerk within 14 days from the date of violation, or prior to any scheduled mitigation or contested hearing that the vehicle registration was valid at the time of the violation, and that person has had no previous violations of RCW 46.16.010, then the case shall be dismissed with no costs.

If a person charged with the violation of RCW 46.16A.030.5.L (Expired Vehicle Registration Less than Two Months) is able to acquire valid registration and provide proof to the court within 14 days from the date of violation, or prior to any scheduled mitigation or contested hearing, then the penalty shall be reduced to one hundred dollars (\$100) and a finding of committed entered.

If a person is charged with the violation of RCW 46.16A.030.5.O (Expired Vehicle Registration Over Two Months) is able to acquire valid registration and provide proof to the court within 14 days from the date of violation, or prior to any scheduled mitigation or contested hearing, then the penalty shall be reduced to one hundred fifty dollars (\$150) and a finding of committed entered.

(Effective 09/01/12)

LMCLR IR 3.6(d)
NVOL WITH ID

If a person charged with violation of RCW 46.20.015 for No Valid Operator's License with Valid Identification (NVOL with ID) is able to acquire a valid operator's license and provide proof to the court within 14 days from the date of violation, or prior to a scheduled mitigation or contested hearing, then the penalty shall be reduced to one hundred fifty dollars (\$150).

(Effective 09/01/15)

LMCLR IR 3.6(e)
MOTOR VEHICLE EQUIPMENT VIOLATIONS

If a person charged with a defective motor vehicle equipment violation presents to the court clerk, prior to any hearing, proof of repairs to the vehicle to correct the defect, the clerk may reduce the fine to one hundred dollars (\$100).

(Effective 09/01/12)

LMCLR IR 3.6(f)
STEILACOOM PARKING VIOLATIONS
CLERICAL DISMISSAL

If a person charged pursuant to Steilacoom Municipal Code (SMC) 10.16.030 with parking without a valid parking permit for the Special Commitment Center (SCC) employees, and had a valid parking permit at the time of the violation, the defendant may provide proof to the Court for dismissal subject to the following:

1. 1st dismissal in a six-month period; and
2. Proof of employment at the SCC to be presented with permit; and
3. Proof that permit issued was issued to them by the SCC, and are for the lots leased to the SCC; and
4. Proof that permit was valid at the time of the violation; and
5. Vehicle was not a motorcycle

Once these requirements have been satisfied, the clerk is authorized to enter a dismissal for the violation.

(Effective 09/01/17)

LMCLR IR 6.2(b)

MONETARY PENALTY FOR UNSCHEDULED INFRACTIONS

Infractions resulting from automated traffic safety cameras will not exceed \$450 pursuant to Chapter 167, Laws of 2005.

(Effective 09/01/15)

LMCLR AR1.1
APPEALS

Purpose: Certain statutes and ordinances vest the Municipal Court with the authority to hear appeals. This Rule sets forth the procedure for hearing and decision regarding such appeals. This Rule is intended to provide for the expeditious consideration of timely filed notices of appeal.

1) Timeliness. The appeal must be filed with the Court and a copy filed with the City Attorney within the timeframe set forth by statute or municipal code and accompanied by any applicable filing fee. An untimely appeal shall be dismissed summarily.

2) In addition to any other requirements imposed by applicable statutes or municipal code, the notice of appeal should

(1) be titled "Notice of Appeal"

(2) identify the party or parties appealing

(3) designate each decision which the party wants reviewed

(4) provide the name, address and telephone number of the appealing party or their lawyer.

If the decision for which review is sought is in writing, that decision should be attached to the notice of appeal.

3) Upon receipt of a properly filed notice of appeal, the Court will set the matter for hearing on an available. Documents, photographs, affidavits, and other offers of proof may be submitted if they are filed with the Court and served on the opposing party no less than five days before the appeal hearing. The provisions of ER 904 shall also apply. Upon a showing of good cause, the Court may set over the hearing.

4) The Court may make an oral ruling at the close of oral argument, or may take the matter under advisement. If the matter is taken under advisement, the Court will issue a written decision or set the matter for further hearing within 30 days.

5) Applicability of State Rules. To the extent not inconsistent with law, the Civil Rules for Courts of Limited Jurisdiction (CRLJ) shall apply to hearings

under these rules. In addition, the provisions of Superior Court Civil Rule (CR) 16 shall apply.

6) Monetary Judgment. Where authorized by law, the Court will award monetary recoveries and costs upon timely application of a prevailing party. The parties shall note at the hearing whether they intend to seek a monetary recovery, and as part of its decision, the Court will make a determination whether such recoveries are allowed. In the event that such recoveries are awarded, and the prevailing party certifies that such recoveries have not been paid, the Court will certify the monetary award for enforcement as a civil judgment in accordance with RCW 3.66.020(10).

(Effective 09/01/14)