

**PORT ORCHARD MUNICIPAL COURT
LOCAL RULES**

TABLE OF CONTENTS

I. LOCAL CRIMINAL RULES

<u>LCrRLJ 3.2.2</u>	Release of Accused – Domestic Violence Offenses.....	1
<u>LCrRLJ 3.4.1</u>	Video Conferences.....	2
<u>LCrRLJ 4.5(a)</u>	Pre-Trial Hearing – Trial Confirmation.....	3

II. INFRACTION RULES

<u>LIRLJ 3.1(e)</u>	Contested Hearings-Preliminary Procedures.....	4
<u>LIRLJ 3.3(b)</u>	Representation by Lawyer.....	5
<u>LIRLJ 3.4(d)</u>	Hearing on Mitigating Circumstances.....	6
<u>LIRLJ 3.5(c)</u>	Decision on Written Statements.....	7
<u>LIRLJ 6.2(d)(5)</u>	Unscheduled Infractions.....	8
<u>LIRLJ 6.6(e)</u>	Speed Measuring Device: Design and Construction Certification	9

LCrRLJ 3.2.2

RELEASE OF ACCUSED – DOMESTIC VIOLENCE OFFENSES

Any person arrested on Probable Cause (without an arrest warrant) for an offense classified as a Domestic Violence offense under Chapter 10.99 of the Revised Code of Washington as the same exists or shall hereafter be amended shall be held in jail pending the defendant's first appearance in the absence of a judicial order.

[Amended Effective September 1, 2020]

LCrRLJ 3.4.1

VIDEO CONFERENCES

Pursuant to CrRLJ 3.4 (d) and (e) the Port Orchard Municipal Court authorizes the use of Video Conference Proceedings.

(Adopted Effective September 1, 2020)

LCrRLJ 4.5(a)

LCrRLJ 4.5(a) PRE-TRIAL HEARING

(a) Confirmation of Trial. A case set for trial shall be set for either bench or jury trial at the pre-trial hearing. To ensure the presence of a jury and/or witnesses, a party must confirm the trial with the court clerk at (360) 876-1701 no later than 1:30 p.m. the Friday prior to the date set for trial. If the Friday falls on a court holiday, the party must confirm with the court no later than 1:30 p.m. one court day prior to the Friday prior to the date set for trial. If a party wishes to change an election of a jury trial to a bench trial on the date set for jury trial, a party shall notify the court of the election change no later than at confirmation of the trial.

[Adopted effective September 1, 2001.]

LIRLJ 3.1(e)

LIRLJ 3.1(e) CONTESTED HEARINGS—PRELIMINARY PROCEEDINGS

(e) Preparing Subpoena by the Court Clerk. If the defendant wishes to subpoena a witness, including a law enforcement officer, the defendant shall deliver to the court clerk at the Port Orchard Municipal Court office located at 216 Prospect Street, Port Orchard, Washington 98366, in person or by mail at least 28 days prior to the date of the hearing, a written request for the issuance of the subpoena and for instructions regarding service of the subpoena. The written request must state the case number, date and time of the hearing, the complete address of the location of the hearing, and the name and address of the witness to be named in the subpoena. The defendant shall also include a self-addressed, stamped envelope along with the written request.

Upon receipt of the written request, the court clerk shall prepare a subpoena and present it to the judge for signature. The clerk shall then mail the subpoena along with a return of service form to the defendant in the self-addressed, stamped envelope.

[Adopted effective September 1, 2001; Amended effective September 1, 2007.]

LIRLJ 3.3(b)

LIRLJ 3.3(b) Representation by Lawyer.

(1) At a contested hearing, when the respondent is represented by a lawyer, the plaintiff shall be represented by a lawyer representative of the prosecuting authority.

(2) No attorney shall appear for a respondent without first filing a Notice of Appearance no less than seven (7) days prior to any scheduled hearing. Upon the filing of a Notice of Appearance, the Court shall reset the contested hearing to the appropriate calendar. Failure to timely submit a notice of appearance may result in the contested hearing being held beyond the 120 days required by IRLJ 2.6(a).

[Adopted effective September 1, 2007.]

LIRLJ 3.4(d)

LIRLJ 3.4(d) HEARING ON MITIGATING CIRCUMSTANCES

(d) Request for Penalty Reduction on Written Statement. If a defendant submits a timely request for a hearing to mitigate an infraction, the defendant may elect to seek a reduction of the infraction penalty by written statement pursuant to the provisions of IRLJ 2.4(b)(4), IRLJ 3.5(b), LIRLJ 2.4(b)(5), LIRLJ 3.5(c).

(1) A defendant electing to proceed for a penalty reduction by written statement must notify the court in writing within 30 days prior to the date set for the in-court mitigation hearing to request the appropriate paperwork.

(2) The completed form to request a reduction by written statement shall be filed with the court no later than fourteen (14) days prior to the date set for the in-court mitigation hearing.

(3) A defendant who elects to mitigate an infraction by written statement shall be deemed to have waived an in-court hearing to mitigate the infraction in person.

(4) A written statement submitted pursuant to this rule shall be executed in compliance with RCW 9A.72.085.

[Adopted effective September 1, 2005; Amended effective September 1, 2007.]

LIRLJ 3.5(c)

LIRLJ 3.5(c) DECISION ON WRITTEN STATEMENTS (Local Option)

(c) Adoption of Procedure. The procedure authorized in IRLJ 3.5(b) is adopted by this Court.

[Adopted effective September 1, 2005; amended effective September 1, 2007.]

LIRLJ 6.2(d)(5)

LIRLJ 6.2(d) PENALTY SCHEDULE

(5) Unscheduled Infractions. The base penalty for any unscheduled infraction not listed in this rule, sections (1) through (4), shall be established by local ordinance adopted by the City of Port Orchard and set forth in the Port Orchard Municipal Code (POMC) or by state statute as adopted by the Washington State Legislature and set forth in the Revised Code of Washington (RCW).

[Adopted effective September 1, 2011.]

LIRLJ 6.6(e)

**LIRLJ 6.6(e) SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION
CERTIFICATION**

(e) Appearance of Speed Measuring Device Expert. Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The court may allow the speed measuring device expert to testify from a location other than the courtroom, via speakerphone or other electronic means acceptable to the court.

[Adopted effective September 1, 2007.]