

**PORT ORCHARD MUNICIPAL COURT  
LOCAL COURT RULES**

## TABLE OF CONTENTS

### I. LOCAL ADMINISTRATIVE RULES

<u>LARLJ 9(c)(5)</u>	Deferred Prosecution.....	1
<u>LARLJ 11</u>	Oath of Interpreter.....	2

### II. LOCAL CRIMINAL RULES

<u>LCrRLJ 3.2.2</u>	Release of Accused.....	3
<u>LCrRLJ 3.4(d)(2)(a)</u>	Presence of the Defendant.....	4
<u>LCrRLJ 4.5(a)</u>	Pre-Trial Hearing.....	5

### III. INFRACTION RULES

<u>LIRLJ 3.1(e)</u>	Contested Hearings-Preliminary Procedures.....	6
---------------------	--	---

## LARLJ 9(c)(5)

### DEFERRED PROSECUTION

**(c) Quasi-Public Documents.** The following are not subject to public review, but are subject to review by the defendant and the defendant's attorney:

(5) *Deferred Prosecution.* Petition for deferred prosecution, statement of defendant for deferred prosecution, order granting deferred prosecution, evaluation and recommendation of chemical dependency agency, status reports from chemical dependency agency, status reports and/or recommendations from probation, any aspect of a court docket which reflects the contents of a report from a chemical dependency agency or probation, any aspect of a court docket which reflects the conditions set by the court as the result of an evaluation or status report submitted by a chemical dependency agency or probation.

[Adopted effective September 1, 2002.]

## **LARLJ 11**

### **OATH OF INTERPRETER**

All language interpreters serving in a legal proceeding, whether certified or uncertified, shall abide by the following:

- (a) GR 11.1 and 11.2
- (b) Annually, each language interpreter wishing to practice in the Port Orchard Municipal Court shall complete and sign a written Oath of Interpreter. (The Oath is available from the Port Orchard Municipal Court office, 216 Prospect Street, Port Orchard, WA 98366.) A separate Oath is required for each language an individual is certified to interpret.
- (c) At the time of interpretation of any written pleading in the case, the language interpreter shall sign the Certification of Translator, which document shall be filed with the Clerk of the Court and/or be attached to the document filed with the Clerk of the Court.

So long as the Oath of Interpreter is completed and filed with the Port Orchard Municipal Court administrative office annually, the interpreter need only be identified and need not be sworn or further qualified during the recorded court proceeding, except at the discretion of the court.

[Adopted effective September 1, 2002.]

**PORT ORCHARD MUNICIPAL COURT  
LOCAL COURT RULE**

**LCrRLJ 3.2.2  
RELEASE OF ACCUSED**

- (1) Any person arrested on Probable Cause (without a 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.
- (2) Notwithstanding paragraph (1), a person being held for a Domestic Violence offense classified as a felony may be released from custody prior to defendant's first appearance upon (a) the posting of \$50,000 bail or bond; and (b) the person's affixing his or her signature at the appropriate location on a Pre-Arrestment Domestic Violence No Contact Order described in paragraph (4) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining within, 500 feet of the protected person's residence, place of work, or school.
- (3) Notwithstanding paragraph (1), a person being held for a Domestic Violence offense classified as a misdemeanor or gross misdemeanor may be released from custody prior to defendant's first appearance upon (a) the posting of \$5,000 bail or bond; and (b) the person's affixing his or her signature at the appropriate location on a Pre-Arrestment Domestic Violence No Contact Order described in paragraph (4) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining within, 500 feet of the protected person's residence, place of work, or school.
- (4) The following Pre-Arrestment Domestic Violence No Contact Order, or one that is substantially similar to it, is hereby approved for use under this rule.

[Adopted Effective July 1, 2003]

- IN THE KITSAP COUNTY SUPERIOR COURT
- IN THE KITSAP COUNTY DISTRICT COURT
- IN THE BAINBRIDGE ISLAND MUNICIPAL COURT
- IN THE BREMERTON MUNICIPAL COURT
- IN THE PORT ORCHARD MUNICIPAL COURT
- IN THE POULSBO MUNICIPAL COURT

<input type="checkbox"/> STATE OF WASHINGTON,	)	
<input type="checkbox"/> CITY OF BAINBRIDGE ISLAND,	)	LAW ENFORCEMENT NO. _____
<input type="checkbox"/> CITY OF BREMERTON,	)	
<input type="checkbox"/> CITY OF PORT ORCHARD,	)	PRE-ARRAIGNMENT DOMESTIC VIOLENCE
<input type="checkbox"/> CITY OF POULSBO,	)	NO CONTACT ORDER
	)	
Plaintiff,	)	Date of Arrest: _____
	)	Time of Arrest: _____
v.	)	Arresting Officer/No.: _____
	)	<input type="checkbox"/> Bainbridge Island Police Department
_____	)	<input type="checkbox"/> Bremerton Police Department
DOB: _____	)	<input type="checkbox"/> Kitsap County Sheriff's Office
	)	<input type="checkbox"/> Port Orchard Police Department
Defendant.	)	<input type="checkbox"/> Poulsbo Police Department
	)	<input type="checkbox"/> Washington State Patrol

THE COURT FINDS THAT the Defendant has been arrested for a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Pre-Arrestment Domestic Violence No Contact Order shall be entered pursuant to chapter 10.99 RCW. The person(s) protected by this order are-

\_\_\_\_\_  
(Protected person(s) name, or initials if a minor, and DOB)

**IT IS ORDERED THAT** Defendant is PROHIBITED from causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s), and

**IT IS ORDERED THAT** Defendant is PROHIBITED from coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a third party or contact by the Defendant's lawyer(s) with the protected person(s), and

**IT IS ORDERED THAT** Defendant is PROHIBITED from entering or knowingly coming within or knowingly

remaining within 500 feet of the protected person's residence, school, or place of work, and

**IT IS ORDERED THAT** this Pre-Arrestment Domestic Violence No Contact Order expires seven days from the date below.

**WARNINGS TO THE DEFENDANT:** Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW, and will subject a violator to arrest. If the violation of this order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the you may be subject to criminal prosecution in federal court under 18 U.S.C. sections 2261, 2261A, or 2262.

Any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

Effective immediately, and continuing as long as this order is in effect, you may not possess a firearm or ammunition. 18 U.S.C. section 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. section 925(a)(1). If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. section 922(g)(9); RCW 9.41.040.

**YOU CAN BE ARRESTED EVEN IF ANY PERSON OR PERSONS PROTECTED BY THIS ORDER INVITES OR ALLOWS YOU TO VIOLATE THIS ORDER'S PROHIBITIONS.**

You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Pursuant to 18 U.S.C. section 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

Dated: \_\_\_\_\_  
Time: \_\_\_\_\_ [  AM ] [  PM ]

I agree to abide by the terms of this Pre-Arrestment Domestic Violence No Contact Order. I understand that the terms of any other court orders remain in effect notwithstanding the expiration of this order.

\_\_\_\_\_  
DEFENDANT

SO ORDERED.

/s/ \_\_\_\_\_  
JUDGE \_\_\_\_\_  
Presiding Judge of the Port Orchard Municipal Court

Original(Prosecutor's Office)

Copy(Defendant)

Copy(Law Enforcement Agency)

[Adopted Effective July 1, 2003]

**LCrRLJ 3.4(d)(2)(a)**

**CrRLJ 3.4 PRESENCE OF THE DEFENDANT**

**(a) Agreeing to Proceed by Video Conference.** Whenever parties to a criminal proceeding agree that such proceedings including entry of a Statement of Defendant on Plea of Guilty as provided for by CrRLJ 4.2 may be conducted by video conference as is provided under CrRLJ 3.4(d)(2), such agreement shall be acknowledged either on the record or in writing by execution of a form substantially following the form set forth below.

<b>PORT ORCHARD MUNICIPAL COURT, KITSAP COUNTY, WASHINGTON</b>	216 Prospect Street Port Orchard, WA 98366 (360) 876-1701
CITY OF PORT ORCHARD,  v. _____,  Plaintiff,  Defendant.	Cause Number(s): _____ _____ _____  <b>AGREEMENT TO PROCEED BY VIDEO CONFERENCE</b>

PURSUANT TO CrRLJ 3.4(d)(2), the undersigned parties acknowledge that today's trial court proceedings are being conducted by video conference and hereby:

- AGREE** that today's proceedings may be conducted by video conference
- DO NOT AGREE** that today's proceedings may be conducted by video conference

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
DEFENSE ATTORNEY

\_\_\_\_\_  
CITY ATTORNEY

[Adopted effective September 1, 2002.]

## LCrRLJ 4.5

### 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 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.]