

POULSBO MUNICIPAL COURT

GR7 COVER SHEET

Proposed Amended Local Court Rules

LARLJ 3 – Appearance of the Defendant (Hybrid model)

LCrRLJ 3.2.2 – Release of the Accused

LCrRLJ 3.4.1 – Presence of the Defendant

LCrRLJ 3.4.2 – Video Conference Hearings

LCrRLJ 3.6 – Pre-Trial Motions

LCrRLJ 4.1 - Arraignment

Submitted by Poulsbo Municipal Court

(A) **Name of Proponent** – Poulsbo Municipal Court

(B) **Spokesperson** – Robert R. Davy, Presiding Judge

(C) **Submitted for Comment** – Poulsbo Municipal Court is seeking comment pursuant to GR7(b) on the proposed rescission of LARLJ 3 and proposed amendment to LCrRLJ 3.2.2, LCrRLJ 3.4.1, LCrRLJ 3.4.2, LCrRLJ 3.6, and LCrRLJ 4.1. All comments shall be submitted in writing to the court no later than noon on Friday July 31, 2026. All comments received will be posted on the court website at poulsbo.gov/poulsbo-municipal-court.

a. GR 7(b) reads as follows – Review and Comment

- i. No court may adopt an amended or new local rule without first distributing the proposal and allowing at least 30 days for comment. The court shall distribute the proposal by posting it on the court's website and sending the proposal to the county prosecutor, the county clerk, a representative of the county public defender, and the local bar association (with a request that the association notify its members). The court may also take other actions to distribute the proposal.
- ii. The court shall direct that all comments on the proposal be submitted in writing to the court by a deadline the court sets. The court shall post on its website all comments it receives.

- iii. After the comment period closes and the court considers any comments, the court may adopt, amend, or reject the proposal or take such other action as the court deems appropriate.

- (D) **How to Submit A Comment** – all comments should be submitted to Court Administrator Amy Knutsen either by email to aknutsen@poulsbo.gov or by U.S. mail to Poulsbo Municipal Court, 200 NE Moe St, Poulsbo, WA 98370.
- (E) **Effective Date** – If implemented, the effective date of proposed rescinding of LARLJ 3 and amendment of LCrRLJ 3.2.2, LCrRLJ 3.4.1, LCrRLJ 3.4.2, LCrRLJ 3.6, and LCrRLJ 4.1 will be Tuesday September 1, 2026. GR 7(a)

(F) **Purpose of Proposed Recission of LARLJ 3**

- a. The original rule was proposed to allow for hybrid appearances due to the Covid-19 pandemic, favoring remote appearances to ensure proper social distancing and best known safe practices at the time of the pandemic.
- b. The pandemic has subsided and social distancing is no longer mandated. Personal appearances in the courtroom provide for an efficient and proper administration of justice when good cause is found to require personal appearances and the preference for Zoom hearings is no longer necessary.

(G) **Proposed Rescission of LARLJ 3** – Proposed amendments of LARLJ 3 are highlighted in yellow and include ~~strikethrough~~.

LARLJ 3

~~Appearances for defendants are allowed to take place in a hybrid model. An appearance can take place in person at the courthouse or via zoom. Defendants are encouraged to appear via zoom unless otherwise directed by the Judge or Pro Tem Judge. Zoom appearances will require a working camera and sound.~~

~~Hearings that are currently required to be in person, unless leave is previously granted by the Court are:~~

~~• Bench Warrant Quashes~~

~~• Change of Plea~~

~~o Entry or Amendment of Pre-Trial Diversion Agreement or Deferred Prosecution~~

~~• Hearings Where Conditions of Release Will be Addressed/Amended~~

~~• Motions~~

~~• Sentencing~~

~~o Judgment & Sentence~~

~~o Motion to Revoke/Revocations~~

~~• Trials~~

~~• Weapons of Surrender Review~~

~~[Effective September 22, 2022] [Rescinded Effective September 1, 2026]~~

(H) **Purpose of Proposed Amendment of LCrRLJ 3.2.2**

- a. Currently, section (b), (c), and (d) refer to a process where Defendant's can post bail prior to the initial appearance before a magistrate if a no contact order is signed by the accused along with a promise to appear. The rule also provides for a (non-existent) example of an acceptable no contact order to be used in these circumstances.
- b. As of January 1, 2026 the legislature has mandated that all protection orders (RCW 7.105), including DV protection orders (RCW 10.99), must be typewritten in their entirety for entry into law enforcement databases (ESSB 5202). The Court, at the initial appearance, will consider probable cause and conditions of release, to include any potential entry of protection orders. The Court is best suited to provide clear, typewritten protection orders as mandated at the initial appearance of the Defendant.

- (I) **Proposed Amendment of LCrRLJ 3.2.2** – Proposed amendments of LCrRLJ 3.2.2 are highlighted in yellow and include strikethrough.

LCrRLJ 3.2.2

RELEASE OF ACCUSED

DOMESTIC VIOLENCE

- a. 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.
- b. ~~Notwithstanding paragraph (a), 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 (1) upon posting of bail or bond as set by the court upon a pre-arraignment probable cause determination; and (2) the person's affixing his or her signature at the appropriate location on a Pre-Charging Domestic Violence No Contact Order described in paragraph (d) prohibiting the arrested person from having contact with the protected person or from knowingly coming within, or knowingly remaining/ within at least 500 feet of the protected person's residence, place of work, or school.~~
- c. ~~Should a court be unable to set bail or bond upon a pre-arraignment probable cause determination for any reason, a person being held for a Domestic Violence offense classified as a misdemeanor or gross misdemeanor shall be held with no bail, until such court determination can be made and paragraph (b) is complied with.~~
- d. ~~The following Pre-Charge Domestic Violence No Contact Order, or one that is substantially similar to it, is hereby approved for use under this rule.~~
[Adopted 9/1/03] [Amended 7/1/21] [Amended Effective September 1, 2026]

(J) **Purpose of Proposed Amendment of LCrRLJ 3.4.1** – To ensure clarity as to the mandatory in person appearance of Defendants and when remote appearances are permitted once the conflicting LARLJ 3 has been rescinded.

(K) **Proposed Amendment of LCrRLJ 3.4.1** – Proposed amendments of LCrRLJ 3.4.1 are highlighted in yellow and include ~~strike through~~.

LCrRLJ 3.4.1

PRESENCE OF THE DEFENDANT

1. **When Necessary.** In addition to those hearings listed in CrRLJ 3.4(~~bc~~), and pursuant to CrRLJ 3.4(~~de~~), the court finds good cause to require the defendant to be physically present in court for the following necessary hearings:
 - a. Any hearing for which the court ordered the defendant's physical presence pursuant to a good cause finding under CrRLJ 3.4(~~de~~).
 - b. ~~The court finds that there is good cause to require the defendant's presence at a~~Any hearing for which the defendant is not represented by counsel.
 - c. ~~The court finds that there is good cause to require the defendant's presence at a~~Any hearing set to address compliance with the statutorily required conditions for release or set to address release conditions pursuant to CrRLJ 3.2 (j-k) unless the court has waived defendant's appearance with a showing of compliance.
 - d. Waiver of Right to Jury Trial. The court finds that there is good cause to require the defendant to be physically or remotely present for any waiver of the right to jury trial for the purpose of the court making a finding as to whether the waiver is made knowingly, intelligently, voluntarily, and free from improper influences.
 - e. Hearings Pursuant to CrRLJ 3.5 or CrRLJ 3.6. The court finds that there is good cause to require the defendant to be physically or remotely present for any hearing pursuant to CrRLJ 3.5 or CrRLJ 3.6. ~~to allow t~~The court shall conduct a colloquy to ascertain whether ~~he or she the defendant~~ has been advised of the right to testify or not testify and the ramifications of that decision.
 - f. Pretrial Hearings. The court does not set trial dates prior to the pretrial hearing. At these hearings, the case is typically either continued, a resolution occurs, or the case is set for jury call and a potential trial date. Leaving continuances, dispositions, and confirmation of cases to the jury call and/or assigned trial date would unreasonably congest the jury call calendar, preclude the court from determining the need for jurors, impede the timely commencement of trials for that term, and prevent the court from fulfilling the responsibility to protect the time for trial rights of the parties.
 - i. The court finds that, unless there is (1) an affirmative representation from defense counsel that the defendant is appearing through counsel pursuant to CrRLJ 3.4(~~ab~~) and that (2) counsel is able to proceed on the case without the defendant's personal

appearance, there is good cause to require the defendant to be physically or remotely present at all pretrial hearings in order to properly manage the jury trial caseload and jury call calendars.

- g. Sentence and PDA/DP Review Hearings. The court finds good cause to require the defendant to be physically ~~or remotely present~~ for sentence review hearings and pre-trial diversion/deferred prosecution review hearings. A defendant has a due process right to be advised of the allegations of non-compliance with conditions of sentence and or an alleged violation of a stipulated order of continuance, to have a hearing regarding the allegation and to require the prosecutor to prove the allegations of non-compliance. The court cannot conduct a sentence or pre-trial diversion/deferred prosecution review if the defendant ~~is not present~~ has not signed an advisement of rights. Defendants need be physically present as conditions of release will be reviewed and set as necessary.
 - h. Any Other Hearing Requiring a Colloquy with the Defendant. The court finds that there is good cause to require the defendant to be physically ~~or remotely present~~ for any hearing where it is necessary that the court conduct a colloquy with the defendant. These hearings include, but are not limited to ~~but including~~ arraignment ~~and~~, bench warrant quash, compliance/revocation (fact finding), change of plea, and sentencing hearings. Defendants may appear remotely for entry into pretrial diversion agreements or final review of pretrial diversion agreements resulting in amendment to lesser charges with agreed upon sentencing recommendations upon successful completion of the agreement.
 - i. Any person permitted to appear through counsel by this rule may be required to be physically or remotely present at the discretion of a judicial officer.
 - j. Any person permitted to be remotely present by this rule may be required to be physically present at the discretion of a judicial officer.
 - k. Any person required by this rule to be physically present may be remotely present ~~with the~~ only upon prior approval of a judicial officer.
2. Whenever a defendant's presence is necessary as set forth in this rule or designated necessary by CrRLJ 3.4(b), as now or hereafter amended, the defendant's appearance is also required for purposes of CrRLJ 3.3(c)(2). ~~The effect of absence at the hearing at which defendant's presence is necessary is that the new commencement date shall be the date of the defendant's next appearance.~~ If a defendant misses a hearing where their presence is required, the new commencement date becomes the date of their next appearance under CrRLJ 3.3(c)(2)(ii).
3. Whenever defendant is appearing through counsel as authorized by CrRLJ 3.4(a), and counsel requests a continuance of a pretrial hearing, counsel must be able to affirm in writing, or verbally on the record, counsel's authority to waive speedy trial on defendant's behalf. In the absence of such a waiver, defendant's presence will be deemed required for purposes of CrRLJ 3.3(c)(2) and the effect of absence of the defendant will be the recommencement of speedy trial at the next hearing for which defendant is present physically or remotely (at the court's discretion) as outlined in CrRLJ 3.3(c)(2)(ii).

4. The court retains discretion to waive a defendant's presence for any hearing not specifically addressed by this rule or where the court deems waiver appropriate at the time of the hearing.

~~[Effective September 1, 2021]~~ [Amended Effective September 1, 2026]

- (L) **Purpose of Proposed Amendment of LCrRLJ 3.4.1** – To ensure clarity as to the mandatory in person appearance of Defendants and when remote appearances are permitted once the conflicting LARLJ 3 has been rescinded.
- (M) **Proposed Amendment of LCrRLJ 3.4.1** – Proposed amendments of LCrRLJ 3.4.1 are highlighted in yellow and include ~~striketrough~~.

LCrRLJ 3.4.2

VIDEO CONFERENCE HEARINGS

Poulsbo Municipal Court authorizes the use of video conference proceedings in accordance with CrRLJ 3.4.

For ~~defendants~~ in custody ~~defendants~~, hearings will be held by video. ~~conference as provided for in CrRLJ 3.4(e). For purposes of CrRLJ 3.4(e)(2), t~~The defendant will be deemed to have agreed to voluntarily participate in proceedings in Poulsbo Municipal Court by video conference unless the defendant objects to the proceeding being conducted via video conference. Any objection will be deemed waived if not exercised at the time the case is called and prior to the start of the video conference hearing.

[Adopted effective 09/01/2025] [Amended Effective September 1, 2026]

- (N) **Purpose of Proposed Amendment of LCrRLJ 3.6** – To specify the contact information of the court clerk’s office within the rule instead of directing to external website.
- (O) **Proposed Amendment of LCrRLJ 3.4.1** – Proposed amendments of LCrRLJ 3.4.1 are highlighted in yellow and include ~~strikethrough~~.

LCrRLJ 3.6

PRE-TRIAL MOTIONS

- (1) Pre-trial motions to admit, exclude, or suppress any physical, oral, or identification evidence that require the presentation of testimony or other evidence, other than motions made pursuant to CrRLJ 3.5, shall comply with the requirements of CrRLJ 3.6.
- (2) Pleadings required for compliance with this rule shall be submitted in writing to the Court and the nonmoving party at least fourteen (14) days in advance of the pre-trial motion hearing. Responsive pleadings shall be submitted to the Court and the moving party within seven (7) days of receipt of the pre-trial motion. Failure to provide responsive pleadings shall be considered a waiver of the right to file responsive pleadings.
- (3) All pre-trial motions as set forth under LCrRLJ 3.6(1) herein, must be confirmed by 11:00 a.m. two (2) court days prior to the date of the assigned motion hearing. The defendant, if appearing pro se, or the defendant’s attorney, if represented by legal counsel, and the City Prosecutor shall contact the Clerk of the Court and confirm the pre-trial motion is going to proceed. The phone number and email address for the Clerk of the Court is ~~provided on the Court’s website~~ (360) 779-9846 and poulsbocourt@poulsbo.gov. Failure of a party to confirm the pre-trial motion may cause the motion to be stricken from the calendar.

~~[Adopted effective 09/01/2025]~~ [Amended Effective September 1, 2026]

- (P) **Purpose of Proposed Amendment of LCrRLJ 4.1** – To clarify the requirements of in person appearance for arraignment, or at first pretrial set after arraignment if arraignment qualifies for a waiver.
- (Q) **Proposed Amendment of LCrRLJ 3.4.1** – Proposed amendments of LCrRLJ 3.4.1 are highlighted in yellow and include ~~strikethrough~~.

LCrRLJ 4.1 ARRAIGNMENT

- (a) **Physical Appearance Required** – Defendant Out of Custody. The defendant’s physical appearance is required at arraignment except as authorized in paragraph (c), below.
- (b) **Remote Appearance Authorized** – Defendant Detained in Jail. The court authorizes the defendant’s remote appearance at arraignment when the defendant is detained in jail.
- (c) **Waiver of Arraignment** – When Authorized. Counsel for the defendant may file a written waiver of arraignment on behalf of the defendant for any charge not listed in paragraph (d), below.
- (d) **Waiver of Arraignment** – When Prohibited. Waiver of arraignment through counsel is prohibited where the defendant is charged with any of the following offenses:
- (i) Any crime that is designated as a “domestic violence” offense – RCW 10.99.020
 - (ii) Driving Under the Influence – RCW 46.61.50~~552~~
 - (iii) Physical Control – RCW 46.61.504
 - (iv) Driver under Twenty-One Consuming Alcohol or Cannabis – 46.61.503
 - (v) Assault in the Fourth Degree – RCW 9A.36.041
 - (vi) Harassment – RCW 9A.46.020
 - (vii) Stalking – RCW 9A.46.110
 - (viii) Violation of an Anti-Harassment Order – RCW 7.105.445
 - (ix) Violation of a Protection Order – RCW 7.105.450
 - (x) Communicating with a Minor for Immoral purposes – RCW 9.68A.090
 - (xi) Indecent Exposure – RCW 9A.88.010
 - (xii) Any misdemeanor or gross misdemeanor firearm violation of Chapter 9.41 RCW
 - (xiii) Possession of Dangerous Weapons – RCW 9.41.250, 9.41.280
- (e) **Effect of Written Waiver** – Upon receipt of a written waiver of arraignment pursuant to LCrRLJ 4.1(c), a plea of not guilty will be entered and the court clerk will schedule a pretrial hearing date within 30 days from the date that the waiver was filed with the court.
- (f) **Defendant’s Physical Appearance Required** – The defendant ~~is~~ must physically appear ~~in person~~ at the first pretrial hearing following waiver of arraignment. ~~The defendant is not permitted to appear remotely or through counsel unless defense counsel obtains absent prior authorization by from the Court for defendant to appear through counsel~~

pursuant to LCrRLJ 3.4(a)(1)(i) and (k). The Court will review the defendant's conditions of release at this hearing.

~~[Adopted effective 09/01/2025]~~ [Amended Effective September 1, 2026]