

Poulsbo Municipal Court
Local Court Rules

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LARLJ 3 Appearance of the Defendant

LCrRLJ 3.2.2
RELEASE OF ACCUSED
DOMESTIC VIOLENCE

(a) 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.

(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]

LCrRLJ 3.4.1

PRESENCE OF THE DEFENDANT

1. **When Necessary.** In addition to those hearings listed in CrRLJ 3.4(b), and pursuant to CrRLJ 3.4(d), the court finds good cause to require the defendant to be present for the following necessary hearings:
 - a. Any hearing for which the court ordered the defendant's presence pursuant to a good cause finding under CrRLJ 3.4(d).
 - b. The court finds that there is good cause to require the defendant's presence at any hearing for which the defendant is not represented by counsel.
 - c. The court finds that there is good cause to require the defendant to appear at 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. 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 to allow the court to ascertain whether he or she 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(a) 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.
 - 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 for any hearing where it is necessary that the court conduct a colloquy with the defendant. Not limited to but including arraignment and bench warrant quash hearings.
 - 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 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.
 - 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).
 - 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.

LCrRLJ 3.4.2
VIDEO CONFERENCE HEARINGS

For 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), 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]

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. 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]

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:
 - (1) Any crime that is designated as a “domestic violence” offense – RCW 10.99.020
 - (2) Driving Under the Influence – RCW 46.61.5055
 - (3) Physical Control – RCW 46.61.504
 - (4) Driver under Twenty-One Consuming Alcohol or Cannabis – 46.61.503
 - (5) Assault in the Fourth Degree – RCW 9A.36.041
 - (6) Harassment – RCW 9A.46.020
 - (7) Stalking – RCW 9A.46.110
 - (8) Violation of an Anti-Harassment Order – RCW 7.105.445
 - (9) Violation of a Protection Order – RCW 7.105.450
 - (10) Communicating with a Minor for Immoral purposes – RCW 9.68A.090
 - (11) Indecent Exposure – RCW 9A.88.010
 - (12) Any misdemeanor or gross misdemeanor firearm violation of Chapter 9.41 RCW
 - (13) 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’s physical appearance is required at the first pretrial hearing following waiver of arraignment, absent prior authorization by the Court for defendant to appear through counsel pursuant to CrRLJ 3.4(a).

LCrRLJ 9.2 COURTROOM DECORUM

(A) Photography, Recording, Televising, Broadcasting

The taking of photographs or the electronic recording of proceedings in the courtroom or its environs in connection with any judicial proceedings and the broadcasting of judicial proceedings by radio, television, or other means is prohibited, except as provided in this rule.

As used herein, “judicial proceeding” means:

- (1) any hearing required to be held “on the record” by Supreme Court rule including but not limited to preliminary hearings, arraignments, pre-trial proceedings, motions, criminal and civil trials, sentencing, post-conviction relief hearings, mitigation, and contested hearings;
- (2) any proceeding before a judicial officer, including a judge, court commissioner, traffic magistrate judge, or judge pro-tem;
- (3) all sessions of any jury trial, including jury orientation or selection, and
- (4) it shall include any person participating in a judicial proceeding, including parties, witnesses, jurors, judicial officers, and court employees.

“Courtroom” of the Poulsbo Municipal Court means the courtroom itself, witness, or jury rooms, and any location where civil infraction proceedings are conducted.

“Environs” means any area located within the interior confines of the Poulsbo Municipal Courthouse, including but not limited to the entrances, hallways, corridors, foyers, conference rooms, restrooms and lobbies therein, including probation or other offices.

(B) Cell Phones, Electronic Devices, and Text Messaging

Lawyers, defendants, and members of the public may carry cell phones or other portable electronic devices into the court facility. When in any courtroom, all phones or other portable electronic devices shall either be turned off or silenced. No phone calls or text message shall be sent or received within the courtroom. If silenced, the possessor of the device shall make certain that any transmissions do not interfere with court proceedings.

Failure to comply with this section may result in the confiscation of the cell phone or other portable electronic device and may include a fine or incarceration for Contempt.

(C) Exceptions

(1) The following exception applies to sections (A) and (B) above:

- a. Court, probation, 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 to sections (A) and (B) above:

- 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.

[Adopted effective 09/01/2025]

LIRLJ 2.2 INITIATION OF PHOTO ENFORCEMENT INFRACTION CASES

Generally. For purposes of IRLJ 2.2, a photo enforcement infraction is initiated by the issuance of an infraction under the procedures set forth in Poulsbo Municipal Code (PMC) 10.10 and RCW 46.63.220.

- (a) **Who May Issue.** A notice of infraction for photo enforcement may be issued by an officer upon certification the officer has probable cause to believe, and does believe, that the operator of the vehicle committed an infraction contrary to law. The notice of infraction is presumed to have been signed by the citing officer when the officer uses his or her user ID and password to access the computer system of the third-party vendor authorized by the City of Poulsbo to facilitate use of automated traffic safety cameras and uses that system to affix his or her name and serial number to the notice of infraction. The appearance of the officer's name and serial number on the infraction is prima facie evidence of compliance with the signature requirement listed above.
- (b) **Service of Notice.** A notice of infraction under the photo enforcement program is served when mailed according to the requirements of PMC 10.10 and RCW 46.63.220. There is a rebuttable presumption that the issue date is the date the notice was mailed.

[Adopted effective 09/01/2025]

LIRLJ 3.1
Contested Hearings – Costs and Witness Fees

Costs and Witness Fees. Each party is responsible for costs incurred by that party as set for in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due that witness.

[Effective September 1, 2007]

LIRLJ 3.5

Decision on Written Statements

Mitigation and Contested hearings on alleged traffic infractions may be held upon written statements pursuant to IRLS 2.4(b), IRLJ 2.6 (c) and IRLJ 3.5

[Effective September 1, 2007]

LIRLJ 6.6
CONTESTED HEARINGS
SPEED MEASURING DEVICE EXPERT

1. Speed Measuring Device Expert: A request for a Speed Measuring Device expert may be treated by the Court as a request for a continuance to the next date on which the prosecuting attorney has scheduled the appearance of the SMD Expert.
2. When any speed measuring device expert is required to testify in a contested infraction hearing, the expert may testify by telephone, unless otherwise ordered by the Court.

[Effective September 1, 2007]

PBM LARJ 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
 - Entry or Amendment of Pre-Trial Diversion Agreement or Deferred Prosecution
- Hearings Where Conditions of Release Will be Addressed/Amended
- Motions
- Sentencing
 - Judgment & Sentence
 - Motion to Revoke/Revocations
- Trials
- Weapons of Surrender Review

[Effective September 22, 2022]

