



Des Moines Municipal Court  
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Hon. Lisa M. Leone  
Presiding Judge

June 1, 2023

Pursuant to Washington State General Rule 7, governing local court rulemaking, Des Moines Municipal Court local rule changes for 2023 are hereby published for comment on the following websites:

Des Moines Municipal Court -  
[https://www.google.com/search?q=des+moines+municipal+court&rlz=1C1SQJL\\_enUS811US811&oq=&aqs=chrome.1.69i59i450l8.88043822j0j15&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=des+moines+municipal+court&rlz=1C1SQJL_enUS811US811&oq=&aqs=chrome.1.69i59i450l8.88043822j0j15&sourceid=chrome&ie=UTF-8)

King County Bar Association –  
<https://www.kcba.org/>

In addition, a copy of these rules will be provided to the City Clerk, prosecuting attorney, and the contracting public defenders' offices for the City of Des Moines. A copy will also be provided to the City Clerk for Normandy Park.

Written comments to these rules will be accepted June 1 – June 30, 2023, and may be submitted via U.S. mail, fax, or email, noted above.

Any questions may be directed to Ms. Melissa Patrick, Director of Court Administration at [mpatrick@desmoineswa.gov](mailto:mpatrick@desmoineswa.gov).

*M. Patrick*

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Melissa Patrick, Dir. of Court Administration

# **DES MOINES MUNICIPAL COURT LOCAL RULES**

## **Changes effective September 1, 2023**

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**DES MOINES MUNICIPAL COURT**  
**LOCAL RULES - FULL TEXT**

**~~DMMCLR 1.0 ADOPTION OF LOCAL RULES~~**

~~These rules are adopted pursuant to CrRLJ 1.7.~~

~~[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]~~

**~~DMMCLR 2.0 TITLE OF RULES~~**

~~These rules may be known and cited as the Des Moines Municipal Court Local Rules and shall be referred to as DMMCLR.~~

~~[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]~~

**~~DMMCLR 3.0 FILING OF PAPERS AND FORM OF PLEADINGS~~**

- ~~(a) **Action Documents.** Pleadings or other papers requiring action on the part of the court or court clerk (other than file stamping, docketing and placing in the court file) shall be considered action documents. Action documents shall include a special caption directly below the case number on the first page, stating: "Clerk's Action Required". The action to be taken must be stated next to or directly beneath the special caption. The clerk will not search through letters, notices of appearance, requests for discovery, or other materials to locate possible requests for action items.~~
- ~~(b) **Format.** All pleadings and other papers shall include the following, unless otherwise authorized by the court:~~
- ~~(1) **Service and Filing.** Space should be provided at the top of the first page of a document allowing on the right half for the clerk's filing stamp, and in the left half for proof of, or acknowledgement of, service.~~
- ~~(2) **Numbered Paper.** All pleadings, motions, affidavits, briefs, and other supporting documents prepared by parties should be on paper with line numbering in the left hand margin.~~
- ~~(c) **Handling by Clerk.** All pleadings or other papers with proper caption and cause number will be date receipted, docketed and placed in the court file by the Clerk of the Municipal Court in the order received. (d) **Form of Pleadings.** Pleadings in compliance with this rule shall be in substantially the following form:~~

~~SPACE FOR SERVICE / SPACE FOR COURT FILING PROOF / STAMP /  
IN THE MUNICIPAL COURT FOR THE CITY OF DES MOINES,  
KING COUNTY, STATE OF WASHINGTON~~

~~City of Des Moines, \_\_\_\_\_ ) CAUSE NO. XXXXXXXXX  
\_\_\_\_\_  
Plaintiff, \_\_\_\_\_ )  
\_\_\_\_\_) CLERK'S ACTION REQUIRED-  
\_\_\_\_\_) (note action required here or  
vs. \_\_\_\_\_) in first paragraph)-  
\_\_\_\_\_) MOTION TO SET REVIEW  
\_\_\_\_\_)  
\_\_\_\_\_, \_\_\_\_\_ )  
Defendant. \_\_\_\_\_ )  
\_\_\_\_\_ )~~

~~CLERK'S ACTION REQUIRED: (note action here or in caption)~~

~~[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]~~

~~**DMMCLR 4.0 VIDEO CONFERENCE PROCEEDINGS**~~

~~**VIDEO CONFERENCE PROCEEDINGS**~~

- ~~(a) **Criminal.** Preliminary appearances as defined by CrR 3.2(b) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings, as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Court, 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 Judge's discretion be granted.~~
- ~~(b) **Agreement.** Other trial court proceedings 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 Judge.~~
- ~~(c) **Standards for Video Conference Proceedings.** The Judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the Court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located~~

~~next to the defendant, and the proceeding must be conducted to assure that the interpreter can hear all participants.~~

[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]

#### ~~**DMMCLR 5.0 DECISION ON WRITTEN STATEMENTS**~~

~~Mitigation and contested hearings based on sworn written statements, as provided in IRLJ 2.4(b)(4) and IRLJ 2.6 are authorized. The written statement(s) must be received by the Court no later than seven (7) calendar days before the scheduled hearing or it will not be considered.~~

[Adopted effective September 1, 2004; amended and renumbered (DMMCLR 3.5) effective September 1, 2023.]

#### ~~**DMMCLR 6.0 PRESIDING JUDGE**~~

- ~~(a) The Judge duly appointed as Judge of the Des Moines Municipal Court will be known as the Presiding Judge.~~
- ~~(b) The Presiding Judge shall be responsible for the efficient administration of the court. The Presiding Judge shall supervise the preparation and filing of all reports required by statute or rule and shall perform such other duties as may be prescribed by statute, ordinance or rule.~~
- ~~(c) The Presiding Judge shall direct the work of the Court Administrator who will have direct supervision over all administrative, non judicial functions and all other court personnel except that the Presiding Judge shall directly supervise the Judge Pro Tempore(s) and magistrate(s).~~

[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]

#### ~~**DMMCLR 7.0 MAGISTRATES**~~

~~The Court may employ judicial officers as magistrates, who shall serve at the pleasure of the Judge. Each must be appointed in accordance with RCW 35.20.200m, 35.20.205, and the Des Moines Municipal Code as judge pro tempore. Magistrates shall hear infraction cases as provided by the infraction rules for courts of limited jurisdiction and RCW 46.63, or any law amendatory thereof. Magistrates shall also, perform such other duties as may be assigned to them by the judge.~~

[Adopted September 1, 2004; rescinded effective September 1, 2023.]

**~~DMMCLR 8.0 REQUIREMENT OF PAYMENT ON COURTESY WARRANT CALENDAR~~**

~~A defendant who has been charged with a criminal violation and has an outstanding warrant in the Des Moines Municipal Court may requests to attend the courtesy warrant calendar Court costs shall be collected by the Des Moines Municipal court when the defendant appears in court and requests to appear on the courtesy warrant calendar.~~

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

**~~DMMCLR 9.0 TIME — ENLARGEMENT~~**

~~Upon the non-appearance of a defendant at the time and place scheduled by the court and warrant of arrest issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings upon motion of the City Attorney or upon the court's own motion. If the necessary witnesses do not appear at the time scheduled by the court, the court may dismiss such action unless a good cause for such non-appearance is shown. No such action shall be taken until fifteen (15) minutes after the scheduled appearance time.~~

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

**~~DMMCLR 10.0 EVIDENCE — COURTS 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 Des Moines Police Department for disposition as abandoned property; or if contraband, for destruction. No exhibit shall be released by the court without its being receipted for by the receiving person.~~

[Adopted effective July 1, 1998; amended and renumbered (DMMCLGR 6.13) effective September 1, 2023.]

**~~DMMCLR 11.0 USE OF A COLLECTION AGENCY AND ASSESSMENT AS COURT COSTS OF AMOUNTS PAID FOR COLLECTION SERVICES~~**

- ~~(a) The court shall use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, assessments and forfeitures, on the terms and conditions of the contract for collection services between the City of Des Moines and said collection agency, and may be subsequently amended.~~
- ~~(b) The collection agency's fee or charge, as set forth in said contract, shall be added by the collection agency as a court cost to the total judgment of the court against each defendant whose account is referred by the court to the collection agency.~~

[Adopted effective July 1, 1998; amended and renumbered (DMMCLGR 5.0) effective September 1, 2023.]

## ~~DMMCLR 12.0 BAIL SCHEDULE~~

The court adopts the following bail schedule pursuant to ~~CrRLJ 3.2(b)(7) and CrRLJ 3.2(e)~~:

~~A Defendant who is detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon posting bail in the amount of \$500 for a misdemeanor and \$1,000 for a gross misdemeanor, except for the following offenses:~~

- ~~1. **Domestic Violence Offenses:** Defendants shall be held in non-bailable status pending hearing the next court day following booking for any crime alleging domestic violence under RCW 10.99.020(5) or applicable local ordinance.~~
- ~~2. **Driving Under the Influence/Physical Control:** Defendants shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence (RCW 46.61.502) or Physical Control of a Motor Vehicle While Under The Influence (RCW 46.61.504).~~
- ~~3. **Prostitution Related Offenses:** Defendants shall be released upon posting bail in the amount of \$1,000 for any prostitution related offense under RCW 9A.88.030, RCW 9A.88.090, or RCW 9A.88.110 or DMMC 9.76.040 DMMC 9.76.050 or DMMC 9.76.060.~~
- ~~4. **Other Non-Bailable Offenses Pending First Court Appearance by Defendant:** Defendants shall be held in non-bailable status pending hearing the next court day following booking for these crimes:
  - ~~(a) Assault in the fourth degree (RCW 9A.36.041)~~
  - ~~(b) Harassment (RCW 9A.46.020)~~
  - ~~(c) Violation of an anti-harassment order (RCW 9A.46.040)~~
  - ~~(d) Stalking (RCW 9A.46.110)~~
  - ~~(e) Communicating with a minor for immoral purposes (RCW 9.68A.090)~~~~

[Adopted effective July 1, 1998; amended effective September 1, 2011; rescinded effective September 1, 2023.]



**DES MOINES MUNICIPAL COURT**  
**LOCAL GENERAL RULES - FULL TEXT**

**DMMCLGR 1.0 ADOPTION OF LOCAL RULES**

The Court adopts these local rules pursuant to GR 7.

[Adopted effective September 1, 2023.]

**DMMCLGR 2.0 TITLE OF RULES**

The rules of general application shall be known and cited as the Des Moines Municipal Court Local General Rules (DMMCLGR).

[Adopted effective September 1, 2023.]

**DMMCLGR 4.0 USE OF A COLLECTION AGENCY AND ASSESSMENT AS COURT COST OF AMOUNTS PAID FOR COLLECTION SERVICES**

The court shall use the services of a collection agency for the purposes of collecting unpaid and delinquent penalties on infractions, criminal fines, costs, fees, assessments and forfeitures, on the terms and conditions of the contract for collection services between the City of Des Moines and said collection agency, and may be subsequently amended. The collection agency's fee or charge, as set forth in the contract between the City of Des Moines and the collection agency shall be added by the collection agency as a court cost to the total judgment of the court against each defendant whose account is referred by the court to the collection agency.

[Former DMMCLR 11.0 adopted effective July 1, 1998; amended and renumbered effective September 1, 2023.]

**DMMCLGR 6.13 EVIDENCE – COURT'S CUSTODY OF EXHIBITS**

In a criminal or civil case, every exhibit in the court's custody, which is not: reduced to a digital file, and 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 a finding of committed in a civil case or guilty in a criminal case. ~~For purposes of this rule, the appeal period shall begin on the day of sentencing the court enters a committed finding (in a civil case) or the ay the court imposes sentence or orders deferral of sentencing by the court (in a criminal case).~~ Exhibits not withdrawn shall be delivered by the court to the Des Moines Police Department for disposition as abandoned property, or if contraband, for destruction. The Court shall not release an exhibit without documenting receipt by the receiving party.

[Former DMMCLR 10.0 adopted effective July 1, 1998; amended and renumbered effective September 1, 2023.]

**DMMCLGR 30 ELECTRONIC FILING AND SERVICE**

[Reserved effective September 1, 2023.]

**DES MOINES MUNICIPAL COURT**  
**LOCAL CRIMINAL RULES - FULL TEXT**

**DMMCLCrR 1.0 ADOPTION OF LOCAL RULES**

These rules are adopted pursuant to GR 7 and CrRLJ 1.7.

[Adopted effective September 1, 2023.]

**DMMCLCrR 2.0 TITLE OF RULES**

These rules may be known and cited as the Des Moines Municipal Court Local Criminal Rules and shall be referred to as DMMCLCrR.

[Adopted effective September 1, 2023.]

**DMMCLCrR 3.1 RIGHT TO COUNSEL**

- a. **Right to Counsel.** The right to counsel shall extend to all criminal proceedings for offenses punishable by loss of liberty.
- b. **Appointment of Counsel.** Unless waived, an attorney shall be provided to any person who is financially unable to obtain one without causing substantial hardship to the person or to the person's family. The court, upon motion of a defendant, shall screen said defendant for the purposes of determining whether the defendant is indigent. The court may consider any factors regarding indigence it deems appropriate. The court may require proof of income at its discretion. An attorney shall not be denied to any defendant merely because their friends or relatives have resources adequate to retain a lawyer or because they posted or are capable of posting bond. The ability to pay part of the cost of an attorney shall not preclude assignment. The assignment of an attorney may be conditioned upon partial payment pursuant to an established method of collection.
- c. **Waiver of Right to Counsel.** A defendant may waive their right to be represented by an attorney. The court shall require all defendants entering a plea of guilty in the absence of an attorney to complete a Des Moines Municipal Court Waiver of Right to Attorney form. The court shall enter findings regarding whether the defendant made a knowing and voluntary waiver of an attorney before accepting a guilty plea or setting a case for trial.

[Adopted effective September 1, 2023.]

### **DMMCLCrR 3.1.1 WITHDRAWAL OF ATTORNEY**

Pursuant to CrRLJ 3.1(e), no attorney may withdraw from representation except upon consent of the court for good cause shown and upon substitution of another attorney; or, upon the defendant's knowing and voluntary decision to proceed without an attorney. The motion shall be made in open court with notice to all interested parties. Except in cases where withdrawal is mandated by the Rules of Professional Conduct, the court should not permit withdrawal unless there is simultaneous substitution of a lawyer who is prepared to proceed on the scheduled trial date.

[Adopted effective September 1, 2023.]

### **DMMCLCrR 3.2 RELEASE OF ACCUSED – BAIL SCHEDULE**

The court adopts the following bail schedule pursuant to CrRLJ 3.2:

A defendant who is booked and detained in jail after the initial arrest for a misdemeanor or gross misdemeanor shall be released upon promising to appear in court and posting bail in the amount of \$500 for a misdemeanor and \$1,000 for a gross misdemeanor, except for the following offenses:

- a. **Domestic Violence Offenses:** Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next judicial day following booking for any crime alleging domestic violence under Revised Code of Washington (RCW) 10.99.020 or similar local ordinance.
- b. **Driving Under the Influence/Physical Control:** Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day following booking for Driving Under The Influence pursuant to RCW 46.61.502 or Physical Control of a Motor Vehicle While Under The Influence pursuant to RCW 46.61.504.
- c. **Other Crimes:** Defendants booked and detained in jail after the initial arrest shall be held in non-bailable status pending hearing the next court day for the following crimes:
  1. Strangulation - DMMC 9.68.100
  2. Harassment - RCW 9A.46.020
  3. Coercion - RCW 9A.36.070
  4. Violation of an anti-harassment order - RCW 7.105.445
  5. Stalking - RCW 9A.46.110
  6. Communicating with a minor for immoral purposes - RCW 9.68A.090
  7. Indecent Exposure and/or Public Indecency - RCW 9A.88.010
  8. Aiming or Discharge of a Firearm - RCW 9.41.230

[Adopted effective September 1, 2023.]

## **DMMCLCrR 4.2 FORFEITURE OF BAIL**

Upon the non-appearance of a defendant at the time and place scheduled by the court and a warrant of arrest issued, the defendant's bail or bond may be ordered forfeited with or without further proceedings.

[Adopted effective September 1, 2023.]

## **DMMCLCrR 4.5 PETITION FOR DEFERRED PROSECUTION**

A petition for deferred prosecution submitted pursuant to RCW 10.05 must be filed using the deferred prosecution court forms available in OCourt. The petition shall include the appropriate assessment and treatment plan. The petition, order, assessment and treatment plan shall be filed with the court no later than two (2) weeks prior to the hearing at which the case is to be heard to allow adequate time for review by support services and the court.

[Adopted effective September 1, 2023.]

**DES MOINES MUNICIPAL COURT**  
**LOCAL INFRACTION RULES - FULL TEXT**

**DMMCLIR 1.0 SPEED MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION**

[Adopted effective July 1, 1998; rescinded effective September 1, 2023.]

**DMMCLIR 1.2 ADOPTION OF LOCAL RULES**

These rules are adopted pursuant to GR 7 and IRLJ 1.3.

[Adopted effective September 1, 2023.]

**DMMCLIR 1.3 TITLE OF RULES**

These rules may be known and cited as the Des Moines Municipal Court Local Infraction Rules and shall be referred to as DMMCLIR.

[Adopted effective September 1, 2023.]

**DMMCLIR 2.0 REQUIREMENTS FOR PAYMENT FOLLOWING INFRACTION HEARINGS**

[Adopted effective September 1, 2004; rescinded effective September 1, 2023.]

**DMMCLIR 3.0 INFRACTION – PREHEARING CONFERENCE**

- (a) **Prehearing Conference Required - Waiver.** A person cited with an infraction who requests a hearing to contest the infraction shall first appear at a prehearing conference. The prehearing conference shall be scheduled in accordance with the provisions of IRLJ 2.6(a)(1). The requirement that the person appear at the prehearing conference may be waived, in writing, provided the waiver is received by the court before the time set for the prehearing conference. If the defendant fails to timely waive or appear at the prehearing conference, a default judgment shall be entered.
  
- (c) **Setting Contested Hearing.** If the infractions are not resolved following the prehearing conference, a contested hearing shall be scheduled for not more than ninety (90) days from the date of the prehearing conference. If the prehearing conference is waived, a contested hearing shall be scheduled for not more than ninety (90) days from the date the waiver of the prehearing conference is received by the court.

- (c) **Prehearing Motions For Contested Infractions – Written Notice Required.** All motions to exclude evidence or dismiss an infraction shall be filed no later than the conclusion of the prehearing conference. If a defendant elects to waive his or her appearance at the prehearing conference, any motion must be noted on the waiver form filed with the court pursuant to DMMCLIR 3.0(a). A motion(s) not timely filed shall be waived and shall not be considered by the court. Motions timely noted shall be addressed by the court at the time of the contested hearing.

[Adopted effective July 1, 1998.]

### **DMMCLIR 3.3 REQUEST FOR SPEED MEASURING DEVICE EXPERT**

Any request to produce a speed measuring device expert must be filed in accordance with IRLJ 6.6(b). The request cannot be combined with a notice of appearance or any other pleading. The court may allow the speed measuring device expert to testify from a location other than the courtroom via Zoom or other electronic means acceptable to the court.

[Adopted effective September 1, 2023.]

### **DMMCLIR 3.5 AUTHORIZING DECISIONS ON WRITTEN STATEMENTS AND TELEPHONIC OR VIDEO CONFERENCE HEARINGS**

- (a) **Adoption of Infraction Rule for Courts of Limited Jurisdiction (IRLJ) 3.5.** Des Moines Municipal Court adopts IRLJ 3.5 governing decisions on written statements and authorizing telephonic or video conference mitigation hearings.
- (b) **Waiver of In-court Hearing Following Request for Decision on Written Statement.** A defendant who elects to proceed by requesting a decision on written statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.
- (c) **Denial of Request for Deferred Finding.** A petition for deferred finding denied by the court shall be treated as a request for a mitigation hearing on written statement.

[Adopted effective September 1, 2023.]