



## Legislation Details (With Text)

**File #:** 2004-0106      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 3/8/2004      **In control:** Budget and Fiscal Management Committee

**On agenda:** 5/10/2004      **Final action:** 5/10/2004

**Enactment date:** 5/21/2004      **Enactment #:** 14905

**Title:** AN ORDINANCE related to changes in fees for services provided by the department of judicial administration; amending Ordinance 9348, Section 1, and K.C.C. 4.70.010, Ordinance 9348, Section 2, as amended, and K.C.C. 4.70.020, Ordinance 13330, Section 16, as amended, and K.C.C. 4.71.050, Ordinance 13330, Section 18, and K.C.C. 4.71.060, Ordinance 8752, Sections 1 through 3, as amended, and K.C.C. 4.71.100 and Ordinance 9774, Section 1, as amended, and K.C.C. 4.73.010, adding new sections to K.C.C. chapter 4.83, and repealing Ordinance 10645, Section 1, and K.C.C. 4.75.010, Ordinance 10645, Section 2, and K.C.C. 4.75.020 and Ordinance 10645, Section 3, and K.C.C. 4.75.030.

**Sponsors:** Larry Gossett

**Indexes:** Courts, Fees

**Code sections:** 4.70.010 -, 4.70.020 -, 4.71.050 -, 4.71.060 -, 4.71.100 -, 4.73.010 -, 4.75.010 -, 4.75.020 -, 4.75.030 -, 4.83 -

**Attachments:** 1. Ordinance 14905.pdf, 2. 2004-0104 D1 DJA1 Regulatory Note-Recordings.doc, 3. 2004-0104 DJA-Recordings-Fiscal Note.xls, 4. 2004-0106 Revised Staff Report 4-21-04r.doc, 5. 2004-0106 Staff Report 4-21-04.doc, 6. 2004-0106 Transmittal Letter.doc

Date	Ver.	Action By	Action	Result
5/10/2004	2	Metropolitan King County Council	Hearing Held	
5/10/2004	2	Metropolitan King County Council	Passed	Pass
4/21/2004	1	Budget and Fiscal Management Committee		
4/21/2004	2	Budget and Fiscal Management Committee		
3/8/2004	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE related to changes in fees for services provided by the department of judicial administration; amending Ordinance 9348, Section 1, and K.C.C. 4.70.010, Ordinance 9348, Section 2, as amended, and K.C.C. 4.70.020, Ordinance 13330, Section 16, as amended, and K.C.C. 4.71.050, Ordinance 13330, Section 18, and K.C.C. 4.71.060, Ordinance 8752, Sections 1 through 3, as amended, and K.C.C. 4.71.100 and Ordinance 9774, Section 1, as amended, and K.C.C. 4.73.010, adding new sections to K.C.C. chapter 4.83, and repealing

Ordinance 10645, Section 1, and K.C.C. 4.75.010, Ordinance 10645, Section 2, and K.C.C. 4.75.020 and Ordinance 10645, Section 3, and K.C.C. 4.75.030.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. Section 2 of this ordinance proposes a change in the types of recordings that the department of judicial administration may sell of recorded proceedings in the courtroom, to include audio analog or digital recordings.

B. This fee is assessed pursuant to RCW 36.18.016(11) and RCW 36.18.050.

SECTION 2. Ordinance 9348, Section 1, and K.C.C. 4.70.010 are each hereby amended to read as follows:

**Authorization to assess fee.** The department of judicial administration is hereby authorized to assess fees for duplication or production of recordings in the courtroom using video (~~(cassette recorders (VCRs) of video tapes used)~~), audio analog or digital recording devices to record King County ~~((S))~~superior ~~((C))~~court proceedings.

SECTION 3. A. Section 4 of this ordinance sets the fee for copying video, audio analog or digital recordings of the proceedings in King County superior court.

B. This fee is assessed pursuant to RCW 36.18.016(11) and RCW 36.18.050.

SECTION 4. Ordinance 9348, Section 2, as amended, and K.C.C. 4.70.020 are each hereby amended to read as follows:

**Fees.** The ~~((tape))~~ duplication fee for copying ~~((tapes))~~ video, analog audio or digital recordings produced in King County ~~((S))~~superior ~~((C))~~court, after the original recording has been completed, shall be ~~(( \$25.00))~~ twenty-five dollars per video tape or ten dollars per audio analog or digital recording, to cover administrative and duplicating costs. A fee of ~~(( \$15.00))~~ fifteen dollars per video tape shall be charged for tapes created using additional ~~((VCRs))~~ video cassette recorders in the courtroom during the court proceedings.

SECTION 5. A. Section 6 of this ordinance clarifies who may be charged a fee by the department of

judicial administration for failure to bring a case filed with the superior court to completion because of noncompliance with the case schedule.

B. This fee is assessed pursuant to K.C.C. 4.71.050.

SECTION 6. Ordinance 13330, Section 16, as amended, and K.C.C. 4.71.050 are each hereby amended to read as follows:

**Fee - failure to bring case to completion.** The department of judicial administration is hereby authorized to assess a fee to either parties to an action filed with the superior court or attorneys representing the parties, or both, who fail to bring cases to completion because of failure to appear for trial, failure to file final order on settlement, failure to follow case schedule, failure to file final judgment or appeal following an arbitration award, lack of action of record((;)) or failure to comply with court-ordered deadlines for reports. The fee assessed shall be thirty dollars to cover costs associated with identifying these cases and notifying either the parties or the attorneys, or both.

SECTION 7. A. Section 8 of this ordinance states the department of judicial administration will assess fees for actual costs for transmittal of legal case documents.

B. This fee is assessed pursuant to K.C.C. 4.71.060.

SECTION 8. Ordinances 13330, Section 18, and K.C.C. 4.71.060 are each hereby amended to read as follows:

**Fee - transmittal of legal case documents for appeal.** The department of judicial administration is hereby authorized to assess a fee to parties requesting transmittal of legal case documents to the Washington State Court of Appeals or Washington State Supreme Court as part of an appeal from the decision in a King County superior court case. The fee assessed for transmittal of the documents shall be ~~((twenty five dollars per transmittal to cover all costs of transmittal of the documents))~~ the actual cost to the department for the transmittal of the documents.

SECTION 9. A. Section 10 of this ordinance clarifies who may be charged a fee by the department of

judicial administration for documents filed that require extra handling because of errors or lack of completeness, and states that the department shall make a decision to return those documents on a case-by-case basis.

B. This fee is assessed pursuant to K.C.C. 4.71.100.

SECTION 10. Ordinance 8752, Sections 1 through 3, as amended, and K.C.C. 4.71.100 are each hereby amended to read as follows:

**Fee for documents filed with clerk's office that require extra handling.** The department of judicial administration is hereby authorized to assess a fee to anyone who files a document that ~~((must be returned))~~ requires special handling because of errors or lack of completeness ~~((and that therefore requires extra handling))~~. The department shall make the decision to return the document to the filer on a case-by-case basis.

The fee assessed for a document ~~((which must be returned))~~ that requires extra handling because of errors or lack of completeness ~~((in the document))~~ shall be fifteen dollars for each incorrect or incomplete document ~~((returned))~~ to cover all costs of the extra handling required.

SECTION 11. A. Section 12 of this ordinance indicates the fee the department of judicial administration may assess for noncertified copies of documents from legal case files, including documents printed from microfilm and the electronic court record system.

B. This fee is assessed pursuant to K.C.C. 4.73.010.

SECTION 12. Ordinance 9774, Section 1, as amended, and K.C.C. 4.73.010 are each hereby amended to read as follows:

**Fees.** The department of judicial administration is hereby authorized to assess a fee for providing non~~((~~)certified copies of legal case files. The charge shall be ~~((\$.50))~~ fifty cents per page to cover all costs associated with legal case file copying. Documents printed from the department's electronic court record system and microfilm shall be twenty-five cents per page. Self-service copies shall be fifteen cents per page. The department of judicial administration shall establish a procedure for the collection of ~~((this))~~ the fees in this

section.

SECTION 13. Ordinance 10645, Section 1, and K.C.C. 4.75.010, Ordinance 10645, Section 2, and K.C.C. 4.75.020 and Ordinance 10645, Section 3, and K.C.C. 4.75.030 are each hereby repealed.

SECTION 14. A. Section 15 of this ordinance indicates that the department of judicial administration may charge a disposal fee for court exhibits not withdrawn by the parties following case completion. Before the commencement of trial, parties sign a stipulation that between forty-five and ninety days following case completion, exhibits will be withdrawn. Case completion is identified as meeting one of the following four conditions: the judgment of acquittal is filed; the final judgment is filed; the judgment, decree or order becomes final after appeal; or a dismissal is filed. The stipulation indicates that exhibits not withdrawn during this timeframe will be destroyed.

B. This fee is assessed pursuant to RCW 36.18.016(10).

NEW SECTION. SECTION 15. There is hereby added to K.C.C. chapter 4.83 a new section to read as follows:

**Fee - destruction of exhibits.**

A. The department of judicial administration is hereby authorized to assess a fee for the disposal of court exhibits not withdrawn by the parties forty-five to ninety days following case completion. This fee is assessed pursuant to RCW 36.18.016(10).

B. The fee assessed shall be twenty dollars.

C. The department of judicial administration shall establish a procedure for the collection of the fee.

SECTION 16. A. Section 17 of this ordinance indicates that the department of judicial administration may charge a fee for the conversion of items that cannot realistically be stored within the court file. Items subject to section 17 of this ordinance will be converted as file exhibits. Items are converted to file exhibits when the items either cannot be scanned electronically or cannot be retained indefinitely, such as photographs, videotapes, X-rays and similar items. King County Local Rule 79(2)(d) allows, upon court order, such items to

be retained "as an exhibit in the cause."

B. Superior Court Order No. 95-2-12050-4 defines file exhibits and provides for their retention and disposition.

C. This fee is assessed pursuant to RCW 36.18.016(10).

NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter 4.83 a new section to read as follows:

**Fee - conversion of file exhibits.**

A. The department of judicial administration is hereby authorized to assess a fee for the conversion of items that are inappropriate for filing in the court file to file exhibits. This fee is assessed pursuant to RCW 36.18.016(10).

B. The fee assessed shall be twenty dollars.

C. The department of judicial administration shall establish a procedure for the collection of the fee.

10 days prior, official paper

Newspaper: Seattle Times

Publishing: Wed. April 28, 2004

Public hearing: May 10, 2004