

Oppose Changes to Rules About When People Charged with Misdemeanors Have to Go to Court

Please help prevent the rollback of rights of people charged with misdemeanor crimes. A group is asking for changes to rules about when people accused of misdemeanors, but not convicted have to go to court. **Please send a comment against changing the rule about when people accused of misdemeanors have to go to court. Comments are due by February 28, 2022.**

What is a court rule?

A court rule is a rule that applies to courts in Washington and controls court procedures (what judges and lawyers can and cannot do).

What happens when a group asks for a change to court rules?

When a person or a group wants to change procedures that happen in court, they can ask the judges in the most powerful court in Washington, who are the Justices of Supreme Court of Washington, to change a court rule. The Justices get comments from people about whether they think the rule should change. Then the Justices decide whether to change the court rule. If the Justices decide to change a court rule, the new court rules become law, and courts have to follow it.

What Is the History of the Court Rules about When People Accused of Crimes Have to Go to Court?

For many years, people charged with crimes in Washington had to go to most of the court hearings about their cases. In 2020, the Justices of the Supreme Court of Washington changed two rules about when people charged with crimes in Washington had to go to court. One rule was for misdemeanor courts, and the other rule was for felony courts. The new court rules became laws in February of 2021. Under those court rules, people charged with crimes can have their lawyers be at hearings instead of them, or they can use the internet to attend court if they want to. Many courts are following the law in the new rules. A few courts are not.

What Is Happening Now with Court Rules About When People Accused of Crimes Have to Go to Court?

Near the end of 2021, a group of judges for misdemeanor courts asked the Justices of the Washington Supreme Court to change the rule about when people charged with misdemeanors have to go to court. The misdemeanor judges want the court rule to be more like it was before 2021. The misdemeanor judges want to be able to make people come to all the hearings in their cases again. They also want to be able to issue arrest warrants any time a person misses a court hearing for their case.

What Is a Misdemeanor?

In Washington, misdemeanors are crimes that a judge can punish with up to 364 days in jail. Examples include trespass, driving without a license, DUI and minor assaults.

See the Other Side of This Paper to Learn How You Can Help.

How Can I Help?

Please send a comment to the Justices of the Supreme Court of Washington asking them to keep the current court rule about when people charged with misdemeanors have to go to court. Comments can be as short as a few sentences, or they can be longer. **Here are some ideas about what you could say in your comment:**

- If you or someone you know has had to go to court many times for a single misdemeanor case and that was difficult, write about that in your comment. Did having to go to court many times cause problems, including missing work, paying for transportation, finding child care, or other things?
- If you or someone you know has gotten an arrest warrant for missing court on a misdemeanor and that caused problems, write about that in your comment. If police arrested you on the warrant, what problems did that cause? Problems might include missed work, job loss, inability to attend school, and inability to care for children or adults who needed your help.
- Write about why you think people charged with misdemeanors should not have to go to court many times for a single case. Here are some possible reasons:
 - Having to go to court a lot would make it hard for people to go to work or school or care for children or others who need their help.
 - Having to go to court a lot would be hard for people without cars or money for taxis.
 - If people have to go to court a lot, there will be more arrest warrants for missing court.

How Do I Get More Information?

The rule about when people charged with misdemeanors have to go to court is [Criminal Rule for Courts of Limited Jurisdiction \(CrRLJ\) 3.4](#).

The misdemeanor court judge's proposal to change the rule is on the Washington Courts website [here](#) and [here](#) or at these links:

https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=5870

https://www.courts.wa.gov/court_rules/?fa=court_rules.proposedRuleDisplay&ruleId=5869

Contact Magda Baker at the Washington Defender Association with questions or concerns or if you want her to look at your comment before you send it. Her email is magda@defensenet.org.

How Do I Send a Comment Against Changes to the Rule About When People Accused of Misdemeanors Have to Go to Court?

Comments are due by February 28, 2022. Once you write a comment, you can send it to P.O. Box 40929, Olympia, WA 98504-0929, or email it to supreme@courts.wa.gov. Comments submitted by e-mail may not exceed 1500 words.