

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED NEW)
GENERAL RULE (GR) 38—OPEN ACCESS TO)
COURTS)
_____)

ORDER

NO. 25700-A-1288

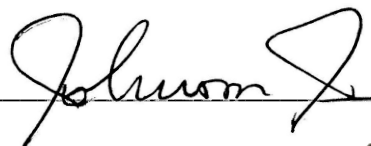
The Washington Defender Association, et al., having recommended the expeditious adoption of the proposed new General Rule (GR) 38—Open Access to Courts, and the Court having considered the proposed new general rule, and having determined that the proposed new general rule will aid in the prompt and orderly administration of justice;


Now, therefore, it is hereby

ORDERED:


- (a) That the proposed new general rule as attached hereto is expeditiously adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the proposed new general rule will be published expeditiously in the Washington Reports and will become effective upon publication.


DATED at Olympia, Washington this 1st day of April, 2020.

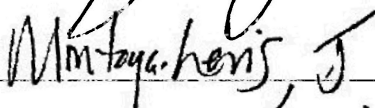


Madsen, J.


Owen, J.



Conzalez, J.


Lu, J.


GR 38
OPEN ACCESS TO COURTS

(a) Prohibition on Civil Arrests.

(1) No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while the person is inside a court of law of this state in connection with a judicial proceeding or other business with the court.

(2) No person shall be subject to civil arrest without a judicial arrest warrant or judicial order for arrest while ~~the~~ traveling to a court of law of this state for the purpose of participating in any judicial proceeding, accessing services, or conducting other business with the court, or while traveling to return home or to employment after participating in any judicial proceeding, accessing services, or conducting business with the court.

(b) Definitions.

(1) “Business with the court and accessing court services” includes, but is not limited to, doing business with, responding to, or seeking information, licensing, certification, notarization, or other services, from the office of the court clerk, financial/collections clerk, judicial administrator, courthouse facilitator, family law facilitator, court interpreter, and other court and clerk employees.

(2) “Court of law” means any building or space occupied or used by a court of this state and adjacent property, including but not limited to adjacent sidewalks, all parking areas, grassy areas, plazas, court-related offices, commercial spaces within buildings or spaces occupied or used by a court of this state, and entrances to and exits from said buildings or spaces.

(3) “Court order” and “judicial order” and “judicial warrant” include only those warrants and orders signed by a judge or magistrate authorized under Article I and Article III of the United States Constitution or Article IV of the Washington Constitution or otherwise authorized under the Revised Code of Washington. Such warrants and orders do not include civil immigration warrants, or other administrative orders, warrants or subpoenas that are not signed by a judge or magistrate as defined in this section. “Civil immigration warrant” means any warrant for a violation of federal civil immigration law issued by a federal immigration authority and includes, but is not limited to, administrative warrants issued on forms I-200 or I-203, or their successors, and civil immigration warrants entered in the National Crime Information Center database.

(4) “Participating in a judicial proceeding” includes, but is not limited to, participating as a party, witness, interpreter, attorney, or lay advocate.

(5) “Subject to civil arrest” includes, but is not limited to, stopping, detaining, holding, questioning, interrogating, arresting, or delaying individuals by state or federal law enforcement officials or agents acting in their official capacity.

(c) **Enforcement.** Washington courts may issue writs or other court orders necessary to enforce this court rule. Unless otherwise ordered, the civil arrest prohibition extends to within one mile of a court of law. In an individual case, the court may issue a writ or other order setting forth conditions to address circumstances specific to an individual or other relevant entity.