

# **Bond Case Briefs**

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## **MUNICIPAL GOVERNANCE - WASHINGTON**

### **City of Seattle v. Fuller**

**Supreme Court of Washington, En Banc - May 2, 2013 - P.3d - 2013 WL 1843342**

Defendant was convicted in the municipal court of obstructing a law enforcement officer, was sentenced to jail and ordered to pay restitution. Defendant appealed to the superior court, arguing that the municipal court lacked the authority to order restitution and that restitution may only be imposed in lieu of a fine.

The Supreme Court of Washington held that the 1996 statutory amendments to the criminal statutes governing suspended sentences and conditions of probation did not divest municipal courts of the power to impose restitution.

Even though the amendments inserted “superior” preceding court through both statutes, amended statutes did not limited the superior courts to imposing restitution only in felony cases and municipal courts had concurrent jurisdiction with superior courts over misdemeanors

The municipal court, when sentencing defendant convicted of obstructing a law enforcement officer, was not barred from imposing both restitution and a fine, as the statute provided that an individual convicted of a felony or misdemeanor “shall” be punished by imprisonment, a fine, or both.