

HOUSE BILL REPORT

HB 1692

As Reported By House Committee On:
Law & Justice

Title: An act relating to the clarification of clerks' fees.

Brief Description: Clarifying clerks' fees.

Sponsors: Representatives Padden, Costa, Scott and Appelwick.

Brief History:

Committee Activity:

Law & Justice: 2/14/95, 2/21/95 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Brian Buckley (786-7291).

Background: Courts are authorized by statute to collect fees for the use of the court system. The amount of the fee imposed varies with the type of action the party brings or the type of relief or information the party is seeking.

Chapter 36.18 RCW provides that clerks of superior courts shall collect specified fees. For example, the clerk of the superior court shall collect a fee of \$110 from the party filing the first or initial paper in any civil action or appeal. In addition, the clerk shall collect a fee of \$20 for the filing of a petition for modification of a decree of dissolution, \$2 for executing a certificate with or without a seal, and \$100 for a demand for a jury of 12.

Several other chapters of the Revised Code of Washington require the collection of fees for specified actions. For example, Chapter 13.64 RCW requires the collection of a fee not to exceed \$50 for a petition seeking a declaration of emancipation by a minor, and Chapter 26.50 RCW requires a fee of \$20 for a petition filed seeking an order of protection from domestic violence.

In addition, several chapters of the code require the collection of fees which are established in Chapter 36.18 RCW.

Many of the fees collected by clerks of the superior court are subject to division. The county must pay 46 percent of the fees collected for first filings in civil actions and appeals, for demands for juries, and for modifications of dissolution decrees to the State Treasurer for deposit in the public safety and education account. The county must also pay to the county regional law library fund a sum of \$12 for every new probate or civil filing fee, including appeals, and \$6 for every fee collected for the commencement of a civil action in district court.

Under the Sentencing Reform Act, the court may order an offender to pay restitution when the offender is convicted of an offense which resulted in injury to any person or damage to or loss of property. The offender remains under the court's jurisdiction for a maximum term of 10 years following the offender's release from total confinement or 10 years subsequent to the entry of judgment and sentence, whichever is longer. During this time, the court may modify the amount of the restitution ordered.

Summary of Substitute Bill: Provisions of the code concerning fees collected by the clerk of the superior court are restructured under the following format: (1) a section is created which specifies the fees which are divided between the county, the state public safety and education fund, and the county or regional law library fund; (2) a new section is created specifying the fees which are divided between the county and the state public safety and education account; (3) a new section is created specifying the fees which are divided between the county and the county or regional law library fund; and (4) a new section is created specifying which fees the county retains in whole.

Provisions of the code establishing fees for specified actions are moved to Chapter 36.18 RCW. References to provisions establishing fees collected by the clerk of the superior court are amended to refer to the new and amended sections.

A new section is created specifying that fees collected for appellate review and for all copies and reports produced by the Office of the Administrator for the Courts must be transmitted to the appropriate state court.

The court's jurisdiction over an offender ordered to pay restitution may be extended from the current 10-year maximum period to an additional 10-year period for the purposes of collecting fines, fees, penalties, assessments, and costs.

Substitute Bill Compared to Original Bill: The substitute bill makes four purely technical changes to improper internal references in the bill in order to preserve the intent that no fee amount be altered. It also strikes an obsolete code section

governing a fee allocation to court reporters which has been subsumed by other budgeting provisions. The substitute bill restores stricken language that orders court clerks to make available certain forms, brochures, and community resource lists on domestic violence required by other code provisions.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The provisions governing clerk's fees are currently unorganized and scattered throughout the code. This bill substantially clarifies the current state of the law while not altering the amount or nature of fees collected.

Testimony Against: None.

Testified: Jan Michels, King County Clerk (pro); Walter Burnett, Department of Corrections (pro); Mary Pontarolo, Washington State Coalition Against Domestic Violence (with concerns); and Dick Dorsett, Pierce County (with concerns).