

# HOUSE BILL REPORT

## HB 2358

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### As Reported By House Committee On:

Law & Justice

**Title:** An act relating to penalty assessments for support of crime victim and witness programs.

**Brief Description:** Increasing penalty assessments to support crime victim and witness programs.

**Sponsors:** Representatives Costa, Ballasiotes, Chopp, Conway, Scott, Linville, Radcliff, Chappell, Dickerson, Hatfield, Quall, Murray, Cooke, Patterson, Cody, Keiser, Veloria and Kessler.

**Brief History:**

**Committee Activity:**

Law & Justice: 1/16/96, 1/30/96 [DPS].

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith and Sterk.

**Staff:** Edie Adams (786-7180).

**Background:** The crime victims compensation chapter requires Superior Courts to impose a penalty assessment upon persons convicted of committing crimes, other than some motor vehicle crimes. The penalty assessment is \$100 for persons convicted of felonies or gross misdemeanors and \$75 for persons convicted of misdemeanors. This penalty is imposed in addition to any other penalty or fine imposed by law and is applicable in juvenile offense dispositions.

Thirty-two percent of this penalty assessment is paid to the State Treasurer. The county treasurer must pay at least 1.75 percent of the remaining 68 percent into a local fund maintained exclusively for the support of comprehensive programs to encourage testimony by the victims of crimes and witnesses to crimes.

**Summary of Substitute Bill:** The penalty assessment imposed by Superior Courts on persons convicted of a crime is increased to \$500 for felony or gross misdemeanor convictions and \$250 for misdemeanor convictions.

Juvenile offenders shall be assessed a penalty of \$100 for any adjudication for a felony or gross misdemeanor and \$75 for any adjudication for a misdemeanor. The ability of the judge to modify this penalty assessment is removed.

Thirty-two percent of the penalty assessment is paid to the State Treasurer. Fifty percent of the remaining 68 percent of the assessment is paid to a local fund maintained exclusively for the support of comprehensive programs to encourage testimony by the victims of crimes and witnesses to crimes.

The Office of Crime Victims Advocacy shall report to the Legislature in 1999, 2002, and 2005 regarding the collection and use of penalty assessments to provide assistance to victims and witnesses to crimes.

**Substitute Bill Compared to Original Bill:** The original bill provided more substantial increases in the penalty assessments imposed on adults convicted of crimes «\$1,500 for felony and gross misdemeanor convictions and \$500 for misdemeanor convictions. The original bill specified that all but \$68 of the 68 percent of the assessments collected would be paid to the local fund to provide services to crime victims and witnesses. The original bill did not impose a reporting requirement on the Office of Crime Victims Advocacy.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Smaller counties have great difficulty finding the funding for local services to crime victims and witnesses. Most of the money currently available to these local funds comes from cities and towns for violations of infractions. Very little of the current funding comes from assessments on the persons convicted of the crime for which services are being provided to crime victims and witnesses. Offenders should be paying more.

**Testimony Against:** None.

**Testified:** Representative Costa, prime sponsor; Becky Cruz, Washington Coalition of Sexual Assault Programs (pro); and Craig Donaldson, Washington Coalition of Crime Victim Advocates (pro).