
HOUSE BILL 1734

State of Washington

54th Legislature

1995 Regular Session

By Representative Appelwick

Read first time 02/07/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to fees to support state blood and breath alcohol
2 testing programs; amending RCW 46.61.5054; repealing 1994 c 275 s 44
3 (uncodified); and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.61.5054 and 1994 c 275 s 7 are each amended to read
6 as follows:

7 (1)(a) In addition to penalties set forth in RCW 46.61.5051 through
8 46.61.5053, a one hundred twenty-five dollar fee shall be assessed to
9 a person who is either convicted, sentenced to a lesser charge, or
10 given deferred prosecution, as a result of an arrest for violating RCW
11 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the
12 purpose of funding the Washington state toxicology laboratory and the
13 Washington state patrol breath test program.

14 (b) Upon a verified petition by the person assessed the fee, the
15 court may suspend payment of all or part of the fee if it finds that
16 the person does not have the ability to pay.

17 (c) When a minor has been adjudicated a juvenile offender for an
18 offense which, if committed by an adult, would constitute a violation
19 of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall

1 assess the one hundred twenty-five dollar fee under (a) of this
2 subsection. Upon a verified petition by a minor assessed the fee, the
3 court may suspend payment of all or part of the fee if it finds that
4 the minor does not have the ability to pay the fee.

5 (2) The fee assessed under subsection (1) of this section shall be
6 collected by the clerk of the court and distributed as follows:

7 (a) Forty percent shall be subject to distribution under RCW
8 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

9 (b) If the case involves a blood test by the state toxicology
10 laboratory, the remainder of the fee shall be forwarded to the state
11 treasurer for deposit in the death investigations account to be used
12 solely for funding the state toxicology laboratory blood testing
13 program.

14 (c) Otherwise, the remainder of the fee shall be forwarded to the
15 state treasurer for deposit in the state patrol highway account to be
16 used solely for funding the Washington state patrol breath test
17 program.

18 (3) This section applies to any offense committed on or after July
19 1, 1993.

20 NEW SECTION. Sec. 2. 1994 c 275 s 44 (uncodified) is repealed.

21 NEW SECTION. Sec. 3. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and shall take
24 effect immediately.

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