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HOUSE BILL 2358

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State of Washington

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

Read first time 01/10/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to penalty assessments for support of crime victim  
2 and witness programs; amending RCW 7.68.035; and prescribing penalties.

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

4 **Sec. 1.** RCW 7.68.035 and 1991 c 293 s 1 are each amended to read  
5 as follows:

6 (1) Whenever any person is found guilty in any superior court of  
7 having committed a crime, except as provided in subsection (2) of this  
8 section, there shall be imposed by the court upon such convicted person  
9 a penalty assessment. The assessment shall be in addition to any other  
10 penalty or fine imposed by law and shall be one thousand five hundred  
11 dollars for each case or cause of action that includes one or more  
12 convictions of a felony or gross misdemeanor and (~~seventy-five~~) five  
13 hundred dollars for any case or cause of action that includes  
14 convictions of only one or more misdemeanors. The court may at its  
15 discretion reduce this assessment, dollar for dollar, by any amount  
16 actually paid by a defendant toward court-ordered restitution to  
17 victims or as a contribution to a county or interlocal drug fund. In  
18 no case, however, may the court reduce this assessment to an amount  
19 less than one hundred dollars.

1 (2) The assessment imposed by subsection (1) of this section shall  
2 not apply to motor vehicle crimes defined in Title 46 RCW except those  
3 defined in the following sections: RCW 46.61.520, 46.61.522,  
4 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.100,  
5 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685,  
6 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2),  
7 and 46.09.120(2).

8 (3) Whenever any person accused of having committed a crime posts  
9 bail in superior court pursuant to the provisions of chapter 10.19 RCW  
10 and such bail is forfeited, there shall be deducted from the proceeds  
11 of such forfeited bail a penalty assessment, in addition to any other  
12 penalty or fine imposed by law, equal to the assessment which would be  
13 applicable under subsection (1) of this section if the person had been  
14 convicted of the crime.

15 (4) Such penalty assessments shall be paid by the clerk of the  
16 superior court to the county treasurer who shall monthly transmit the  
17 money as provided in RCW 10.82.070. Each county shall deposit all but  
18 sixty-eight dollars of the money it receives per case or cause of  
19 action under subsection (1) of this section and retains under RCW  
20 10.82.070, not less than one and seventy-five one-hundredths percent of  
21 the remaining money it retains under RCW 10.82.070 and the money it  
22 retains under chapter 3.62 RCW, and all money it receives under  
23 subsection (8) of this section into a fund maintained exclusively for  
24 the support of comprehensive programs to encourage and facilitate  
25 testimony by the victims of crimes and witnesses to crimes. A program  
26 shall be considered "comprehensive" only after approval of the  
27 department upon application by the county prosecuting attorney. The  
28 department shall approve as comprehensive only programs which:

29 (a) Provide comprehensive services to victims and witnesses of all  
30 types of crime with particular emphasis on serious crimes against  
31 persons and property. It is the intent of the legislature to make  
32 funds available only to programs which do not restrict services to  
33 victims or witnesses of a particular type or types of crime and that  
34 such funds supplement, not supplant, existing local funding levels;

35 (b) Are administered by the county prosecuting attorney either  
36 directly through the prosecuting attorney's office or by contract  
37 between the county and agencies providing services to victims of crime;

1 (c) Make a reasonable effort to inform the known victim or his  
2 surviving dependents of the existence of this chapter and the procedure  
3 for making application for benefits;

4 (d) Assist victims in the restitution and adjudication process; and

5 (e) Assist victims of violent crimes in the preparation and  
6 presentation of their claims to the department of labor and industries  
7 under this chapter.

8 Before a program in any county west of the Cascade mountains is  
9 submitted to the department for approval, it shall be submitted for  
10 review and comment to each city within the county with a population of  
11 more than one hundred fifty thousand. The department will consider if  
12 the county's proposed comprehensive plan meets the needs of crime  
13 victims in cases adjudicated in municipal, district or superior courts  
14 and of crime victims located within the city and county.

15 (5) Upon submission to the department of a letter of intent to  
16 adopt a comprehensive program, the prosecuting attorney shall retain  
17 the money deposited by the county under subsection (4) of this section  
18 until such time as the county prosecuting attorney has obtained  
19 approval of a program from the department. Approval of the  
20 comprehensive plan by the department must be obtained within one year  
21 of the date of the letter of intent to adopt a comprehensive program.  
22 The county prosecuting attorney shall not make any expenditures from  
23 the money deposited under subsection (4) of this section until approval  
24 of a comprehensive plan by the department. If a county prosecuting  
25 attorney has failed to obtain approval of a program from the department  
26 under subsection (4) of this section or failed to obtain approval of a  
27 comprehensive program within one year after submission of a letter of  
28 intent under this section, the county treasurer shall monthly transmit  
29 one hundred percent of the money deposited by the county under  
30 subsection (4) of this section to the state treasurer for deposit in  
31 the public safety and education account established under RCW  
32 43.08.250.

33 (6) County prosecuting attorneys are responsible to make every  
34 reasonable effort to insure that the penalty assessments of this  
35 chapter are imposed and collected.

36 (7) Penalty assessments under this section shall also be imposed in  
37 juvenile offense dispositions under Title 13 RCW. Upon motion of a  
38 party and a showing of good cause, the court may modify the penalty  
39 assessment in the disposition of juvenile offenses under Title 13 RCW.

1       (8) Every city and town shall transmit monthly one and seventy-five  
2 one-hundredths percent of all money, other than money received for  
3 parking infractions, retained under RCW 3.46.120, 3.50.100, and  
4 35.20.220 to the county treasurer for deposit as provided in subsection  
5 (4) of this section.

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