

1 6244-S AMH H5061.4

2 **SSB 6244** - H AMD 589 ADOPTED 3-1-00

3 By Representative

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5 On page 1, beginning on line 6, strike all of section 1

6 Renumber the remaining sections consecutively, correct internal
7 references accordingly, and correct the title.

8 **SSB 6244** - H AMD

9 By Representative

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11 On page 3, beginning on line 1, strike all of section 4 and insert
12 the following:

13 "Sec. 4. RCW 7.68.035 and 1999 c 86 s 1 are each amended to read
14 as follows:

15 (1)(a) (~~Whenever~~) When any person is found guilty in any superior
16 court of having committed a crime, except as provided in subsection (2)
17 of this section, there shall be imposed by the court upon such
18 convicted person a penalty assessment. The assessment shall be in
19 addition to any other penalty or fine imposed by law and shall be five
20 hundred dollars for each case or cause of action that includes one or
21 more convictions of a felony or gross misdemeanor and two hundred fifty
22 dollars for any case or cause of action that includes convictions of
23 only one or more misdemeanors.

24 (b) (~~Whenever~~) When any juvenile is adjudicated of any offense in
25 any juvenile offense disposition under Title 13 RCW, except as provided
26 in subsection (2) of this section, there shall be imposed upon the
27 juvenile offender a penalty assessment. The assessment shall be in
28 addition to any other penalty or fine imposed by law and shall be one
29 hundred dollars for each case or cause of action that includes one or
30 more adjudications for a felony or gross misdemeanor and seventy-five
31 dollars for each case or cause of action that includes adjudications of
32 only one or more misdemeanors.

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, 46.52.101,
5 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525,
6 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,
7 46.10.090(2), and 46.09.120(2).

8 (3) (~~Whenever~~) When any person accused of having committed a
9 crime posts bail in superior court pursuant to the provisions of
10 chapter 10.19 RCW and such bail is forfeited, there shall be deducted
11 from the proceeds of such forfeited bail a penalty assessment, in
12 addition to any other penalty or fine imposed by law, equal to the
13 assessment which would be applicable under subsection (1) of this
14 section if the person had been 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 fifty
18 percent of the money it receives per case or cause of action under
19 subsection (1) of this section and retains under RCW 10.82.070, not
20 less than one and seventy-five one-hundredths percent of the remaining
21 money it retains under RCW 10.82.070 and the money it retains under
22 chapter 3.62 RCW, and all money it receives under subsection (7) of
23 this section into a fund maintained exclusively for the support of
24 comprehensive programs to encourage and facilitate testimony by the
25 victims of crimes and witnesses to crimes. A program shall be
26 considered "comprehensive" only after approval of the department upon
27 application by the county prosecuting attorney. The department shall
28 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) Every city and town shall transmit monthly one and seventy-five
37 one-hundredths percent of all money, other than money received for
38 parking infractions, retained under RCW 3.46.120, 3.50.100, and

1 35.20.220 to the county treasurer for deposit as provided in subsection
2 (4) of this section."

3 Renumber the remaining sections consecutively, correct internal
4 references accordingly, and correct the title.

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