

Appropriations Committee

PSHB 1101

Brief Description: *Providing funding for local government criminal justice.*

Sponsors: *Representatives Doumit, Lisk, Lovick, Clements, Gombosky, Delvin, Haigh, Barlean, Simpson, Mulliken, Kagi, Conway, Lantz, Hunt, Wood, Rockefeller, G. Chandler, Dunshee, Skinner, Ballasiotes, D. Schmidt, Romero, Kenney, Linville and Jackley.*

Brief Summary of Proposed Substitute Bill

- *Imposes a \$10 penalty on traffic infractions with revenue split as 57 percent to local government and 43 percent to the state Public Safety and Education Account.*
- *Imposes a \$50 penalty on traffic crimes. Division of the revenue between local government and the state Public Safety and Education Account varies depending on whether the revenue is collected by municipal, district, or superior courts.*

Hearing Date: *2/2/01*

Staff: *Linda Brooks (786-7153).*

Background:

Traffic Infractions

Violations of many driving and roadway laws are civil infractions rather than criminal offenses. A person who is issued a notice of traffic infraction may respond either by not contesting the infraction and paying the penalty or by asking for a hearing to contest the infraction.

Persons who are found to have committed traffic infractions are assessed penalties. Revenues from traffic infraction penalties are split three ways. The first \$10 from each charge is remitted to the Judicial Information System Account. The remaining revenues are roughly split as 57 percent for local government and 43 percent for the state Public Safety and Education Account (PSEA). In addition to any traffic infraction penalties, a

person found to have committed a traffic infraction must also pay a \$5 fee that is deposited into the state Emergency Medical Service Trauma Care Account.

Traffic infraction penalties are doubled if a person commits the infraction of speeding in a roadway construction zone.

Criminal Traffic Offenses

Violations of some rules related to driving and roadways are criminal misdemeanor or felony offenses. For example, negligent and reckless driving are criminal offenses rather than traffic infractions.

Cases involving misdemeanor traffic offenses are usually heard by municipal or district courts. A person convicted of a traffic misdemeanor may be ordered to pay a fine or penalty as part of his or her sentence. Generally, revenues collected by district or municipal courts for traffic misdemeanors are split as 57 percent for local government and 43 percent for the state PSEA.

Cases involving traffic felonies must be heard by superior courts. A person convicted of a traffic felony may be ordered to pay a fine or penalty as part of his or her sentence. Generally, revenues collected by the superior courts are split as 68 percent for local government and 32 percent for state PSEA.

Summary of Proposed Substitute Bill:

Traffic Infractions

With one exception, every person who is found to have committed a traffic infraction must pay an additional \$10 penalty. The one exception is that the additional \$10 penalty does not apply to persons who commit the infraction of speeding in a roadway construction zone. Revenue from the \$10 penalty is split as 57 percent for local governments and 43 percent for state PSEA.

Criminal Traffic Offenses

Every person convicted of a traffic crime must pay an additional \$50 penalty. Revenue from the \$50 penalty is distributed in the same manner as all criminal traffic penalties.

The \$10 and \$50 amounts added to traffic infraction and traffic crime penalties cannot be reduced, waived, or suspended, unless a court finds a person to be indigent. If a community service program is available, courts must allow persons to offset all or part of the \$10 or \$50 penalties by participating in the community service program.

Appropriation: *None.*

Fiscal Note: *Available.*

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