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**SUBSTITUTE HOUSE BILL 1101**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Appropriations (originally sponsored by 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)

READ FIRST TIME 03/8/01.

1 AN ACT Relating to funding for local government criminal  
2 justice; amending RCW 3.62.090 and 46.63.110; adding a new section  
3 to chapter 46.64 RCW; creating a new section; prescribing  
4 penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

7 (1) The legislature has adopted numerous criminal laws related  
8 to DUI and domestic violence and that implementation of these laws  
9 has created substantial cumulative fiscal impacts on county and  
10 city criminal justice agencies; and

11 (2) In 1999, Initiative 695 repealed the motor vehicle excise  
12 tax, from which local governments derived a significant amount of  
13 criminal justice funding. That funding has been only partially  
14 replaced.

15 It is the intent of the legislature to provide a source of  
16 funds for county and city law enforcement, prosecutors, and courts  
17 to help implement the criminal laws it has enacted. It is the

1 intent of the legislature to increase fines in order to increase  
2 revenue to local governments.

3 **Sec. 2.** RCW 3.62.090 and 1997 c 331 s 4 are each amended to read  
4 as follows:

5 (1) There shall be assessed and collected in addition to any  
6 fines, forfeitures, or penalties assessed, other than for parking  
7 infractions, by all courts organized under Title 3 or 35 RCW a  
8 public safety and education assessment equal to sixty percent of  
9 such fines, forfeitures, or penalties, which shall be remitted as  
10 provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The  
11 assessment required by this section shall not be suspended or  
12 waived by the court.

13 (2) There shall be assessed and collected in addition to any  
14 fines, forfeitures, or penalties assessed, other than for parking  
15 infractions and for fines levied under RCW 46.61.5055, and in  
16 addition to the public safety and education assessment required  
17 under subsection (1) of this section, by all courts organized  
18 under Title 3 or 35 RCW, an additional public safety and education  
19 assessment equal to fifty percent of the public safety and  
20 education assessment required under subsection (1) of this  
21 section, which shall be remitted to the state treasurer and  
22 deposited as provided in RCW 43.08.250. The additional assessment  
23 required by this subsection shall not be suspended or waived by  
24 the court.

25 (3) This section does not apply to the fee imposed under RCW  
26 (~~43.63.110(6)~~) 46.63.110(6) or the penalty imposed under RCW  
27 46.63.110(7).

28 **Sec. 3.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read  
29 as follows:

30 (1) A person found to have committed a traffic infraction shall  
31 be assessed a monetary penalty. No penalty may exceed two hundred  
32 and fifty dollars for each offense unless authorized by this  
33 chapter or title.

34 (2) The supreme court shall prescribe by rule a schedule of  
35 monetary penalties for designated traffic infractions. This rule  
36 shall also specify the conditions under which local courts may

1 exercise discretion in assessing fines and penalties for traffic  
2 infractions. The legislature respectfully requests the supreme  
3 court to adjust this schedule every two years for inflation.

4 (3) There shall be a penalty of twenty-five dollars for failure  
5 to respond to a notice of traffic infraction except where the  
6 infraction relates to parking as defined by local law, ordinance,  
7 regulation, or resolution or failure to pay a monetary penalty  
8 imposed pursuant to this chapter. A local legislative body may set  
9 a monetary penalty not to exceed twenty-five dollars for failure  
10 to respond to a notice of traffic infraction relating to parking  
11 as defined by local law, ordinance, regulation, or resolution. The  
12 local court, whether a municipal, police, or district court, shall  
13 impose the monetary penalty set by the local legislative body.

14 (4) Monetary penalties provided for in chapter 46.70 RCW which  
15 are civil in nature and penalties which may be assessed for  
16 violations of chapter 46.44 RCW relating to size, weight, and load  
17 of motor vehicles are not subject to the limitation on the amount  
18 of monetary penalties which may be imposed pursuant to this  
19 chapter.

20 (5) Whenever a monetary penalty is imposed by a court under  
21 this chapter it is immediately payable. If the person is unable to  
22 pay at that time the court may, in its discretion, grant an  
23 extension of the period in which the penalty may be paid. If the  
24 penalty is not paid on or before the time established for payment  
25 the court shall notify the department of the failure to pay the  
26 penalty, and the department shall suspend the person's driver's  
27 license or driving privilege until the penalty has been paid and  
28 the penalty provided in subsection (3) of this section has been  
29 paid.

30 (6) In addition to any other penalties imposed under this  
31 section and not subject to the limitation of subsection (1) of  
32 this section, a person found to have committed a traffic  
33 infraction shall be assessed a fee of five dollars per  
34 infraction. Under no circumstances shall this fee be reduced or  
35 waived. Revenue from this fee shall be forwarded to the state  
36 treasurer for deposit in the emergency medical services and trauma  
37 care system trust account under RCW 70.168.040.

38 (7)(a) In addition to any other penalties imposed under this

1 section and not subject to the limitation of subsection (1) of  
2 this section, a person found to have committed a traffic  
3 infraction other than of RCW 46.61.527 shall be assessed an  
4 additional penalty of ten dollars. The court may not reduce, waive,  
5 or suspend the additional penalty unless the court finds the  
6 offender to be indigent. If a community service program for  
7 offenders is available in the jurisdiction, the court shall allow  
8 offenders to offset all or a part of the penalty due under this  
9 subsection (7) by participation in the community service program.

10 (b) Revenue from the additional penalty must be remitted under  
11 chapters 10.82, 2.08, 3.46, 3.50, 3.62, and 35.20 RCW. Money  
12 remitted under this subsection to the state treasurer must be  
13 deposited as provided in RCW 43.08.250. The balance of the revenue  
14 received by the county or city treasurer under this subsection  
15 must be deposited into the county or city current expense fund.

16 NEW SECTION. Sec. 4. A new section is added to chapter 46.64  
17 RCW to read as follows:

18 (1) In addition to any other penalties imposed for conviction  
19 of a violation of this title that is a misdemeanor, gross  
20 misdemeanor, or felony, the court shall impose an additional  
21 penalty of fifty dollars. The court may not reduce, waive, or  
22 suspend the additional penalty unless the court finds the offender  
23 to be indigent. If a community service program for offenders is  
24 available in the jurisdiction, the court shall allow offenders to  
25 offset all or a part of the penalty due under this section by  
26 participation in the community service program.

27 (2) Revenue from the additional penalty must be remitted under  
28 chapters 10.82, 2.08, 3.46, 3.50, 3.62, and 35.20 RCW. Money  
29 remitted under this section to the state treasurer must be  
30 deposited as provided in RCW 43.08.250. The balance of the revenue  
31 received by the county or city treasurer under this section must  
32 be deposited into the county or city current expense fund.

33 NEW SECTION. Sec. 5. This act takes effect September 1, 2001.

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