

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5309

Chapter 289, Laws of 2001

57th Legislature
2001 Regular Session

LOCAL GOVERNMENT CRIMINAL JUSTICE FUNDING

EFFECTIVE DATE: 7/22/01

Passed by the Senate April 16, 2001
YEAS 36 NAYS 10

BRAD OWEN
President of the Senate

Passed by the House April 11, 2001
YEAS 77 NAYS 14

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved May 14, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5309** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 14, 2001 - 3:15 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5309

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Constantine, Sheahan, Hewitt, Costa, Parlette, Carlson, Regala, T. Sheldon, Swecker, Jacobsen, B. Sheldon, Kastama, Gardner and Oke)

READ FIRST TIME 03/08/01.

1 AN ACT Relating to funding for local government criminal justice;
2 amending RCW 3.62.090, 46.63.110, and 43.08.250; adding a new section
3 to chapter 46.64 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 3.62.090 and 1997 c 331 s 4 are each amended to read
6 as follows:

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

14 (2) There shall be assessed and collected in addition to any fines,
15 forfeitures, or penalties assessed, other than for parking infractions
16 and for fines levied under RCW 46.61.5055, and in addition to the
17 public safety and education assessment required under subsection (1) of
18 this section, by all courts organized under Title 3 or 35 RCW, an
19 additional public safety and education assessment equal to fifty

1 percent of the public safety and education assessment required under
2 subsection (1) of this section, which shall be remitted to the state
3 treasurer and deposited as provided in RCW 43.08.250. The additional
4 assessment required by this subsection shall not be suspended or waived
5 by the court.

6 (3) This section does not apply to the fee imposed under RCW
7 (~~43.63.110(6)~~) 46.63.110(6) or the penalty imposed under RCW
8 46.63.110(7).

9 **Sec. 2.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read
10 as follows:

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

15 (2) The supreme court shall prescribe by rule a schedule of
16 monetary penalties for designated traffic infractions. This rule shall
17 also specify the conditions under which local courts may exercise
18 discretion in assessing fines and penalties for traffic infractions.
19 The legislature respectfully requests the supreme court to adjust this
20 schedule every two years for inflation.

21 (3) There shall be a penalty of twenty-five dollars for failure to
22 respond to a notice of traffic infraction except where the infraction
23 relates to parking as defined by local law, ordinance, regulation, or
24 resolution or failure to pay a monetary penalty imposed pursuant to
25 this chapter. A local legislative body may set a monetary penalty not
26 to exceed twenty-five dollars for failure to respond to a notice of
27 traffic infraction relating to parking as defined by local law,
28 ordinance, regulation, or resolution. The local court, whether a
29 municipal, police, or district court, shall impose the monetary penalty
30 set by the local legislative body.

31 (4) Monetary penalties provided for in chapter 46.70 RCW which are
32 civil in nature and penalties which may be assessed for violations of
33 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
34 are not subject to the limitation on the amount of monetary penalties
35 which may be imposed pursuant to this chapter.

36 (5) Whenever a monetary penalty is imposed by a court under this
37 chapter it is immediately payable. If the person is unable to pay at
38 that time the court may, in its discretion, grant an extension of the

1 period in which the penalty may be paid. If the penalty is not paid on
2 or before the time established for payment the court shall notify the
3 department of the failure to pay the penalty, and the department shall
4 suspend the person's driver's license or driving privilege until the
5 penalty has been paid and the penalty provided in subsection (3) of
6 this section has been paid.

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

14 (7)(a) In addition to any other penalties imposed under this
15 section and not subject to the limitation of subsection (1) of this
16 section, a person found to have committed a traffic infraction other
17 than of RCW 46.61.527 shall be assessed an additional penalty of ten
18 dollars. The court may not reduce, waive, or suspend the additional
19 penalty unless the court finds the offender to be indigent. If a
20 community service program for offenders is available in the
21 jurisdiction, the court shall allow offenders to offset all or a part
22 of the penalty due under this subsection (7) by participation in the
23 community service program.

24 (b) Revenue from the additional penalty must be remitted under
25 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
26 under this subsection to the state treasurer must be deposited as
27 provided in RCW 43.08.250. The balance of the revenue received by the
28 county or city treasurer under this subsection must be deposited into
29 the county or city current expense fund. Moneys retained by the city
30 or county under this subsection shall constitute reimbursement for any
31 liabilities under RCW 43.135.060.

32 NEW SECTION. Sec. 3. A new section is added to chapter 46.64 RCW
33 to read as follows:

34 (1) In addition to any other penalties imposed for conviction of a
35 violation of this title that is a misdemeanor, gross misdemeanor, or
36 felony, the court shall impose an additional penalty of fifty dollars.
37 The court may not reduce, waive, or suspend the additional penalty
38 unless the court finds the offender to be indigent. If a community

1 service program for offenders is available in the jurisdiction, the
2 court shall allow offenders to offset all or a part of the penalty due
3 under this section by participation in the community service program.

4 (2) Revenue from the additional penalty must be remitted under
5 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
6 under this section to the state treasurer must be deposited as provided
7 in RCW 43.08.250. The balance of the revenue received by the county or
8 city treasurer under this section must be deposited into the county or
9 city current expense fund. Moneys retained by the city or county under
10 this subsection shall constitute reimbursement for any liabilities
11 under RCW 43.135.060.

12 **Sec. 4.** RCW 43.08.250 and 2000 2nd sp.s. c 1 s 911 are each
13 amended to read as follows:

14 The money received by the state treasurer from fees, fines,
15 forfeitures, penalties, reimbursements or assessments by any court
16 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
17 deposited in the public safety and education account which is hereby
18 created in the state treasury. The legislature shall appropriate the
19 funds in the account to promote traffic safety education, highway
20 safety, criminal justice training, crime victims' compensation,
21 judicial education, the judicial information system, civil
22 representation of indigent persons, winter recreation parking, drug
23 court operations, and state game programs. During the fiscal biennium
24 ending June 30, 2001, the legislature may appropriate moneys from the
25 public safety and education account for purposes of appellate indigent
26 defense and other operations of the office of public defense, the
27 criminal litigation unit of the attorney general's office, the
28 treatment alternatives to street crimes program, crime victims advocacy
29 programs, justice information network telecommunication planning,
30 sexual assault treatment, operations of the office of administrator for
31 the courts, security in the common schools, alternative school start-up
32 grants, programs for disruptive students, criminal justice data
33 collection, Washington state patrol criminal justice activities, drug
34 court operations, department of ecology methamphetamine-related
35 activities, financial assistance to local jurisdictions for
36 extraordinary costs incurred in the adjudication of criminal cases,
37 domestic violence treatment and related services, the department of
38 corrections' costs in implementing chapter 196, Laws of 1999,

1 reimbursement of local governments for costs associated with
2 implementing criminal and civil justice legislation, and the
3 replacement of the department of corrections' offender-based tracking
4 system.

Passed the Senate April 16, 2001.

Passed the House April 11, 2001.

Approved by the Governor May 14, 2001.

Filed in Office of Secretary of State May 14, 2001.