

# FINAL BILL REPORT

## E2SSB 5454

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Synopsis as Enacted

**Brief Description:** Revising trial court funding provisions.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles; by request of Board For Judicial Administration).

**Senate Committee on Judiciary**  
**Senate Committee on Ways & Means**  
**House Committee on Judiciary**  
**House Committee on Appropriations**

**Background:** Currently the funding of superior, district, and municipal courts is primarily provided by local jurisdictions. The state's direct contribution to operation of the trial courts consists of the constitutionally required payment of one-half of superior court judges' salaries, all of the superior court judges' benefits, and roughly one-third of the cost of running juvenile courts. Indirect support includes funding to develop and maintain the judicial information system.

Local jurisdictions collect numerous fees from users of the trial court system and are required to transfer 46 percent of a portion of those fees to the State Treasurer for deposit into the public safety and education account. No fee is currently collected from parties filing counterclaims, cross-claims, and third party claims in civil actions.

Concern exists that court funding is inadequate, that access to justice is impaired due to lack of funding, and that the state should pay a greater share of trial court costs. A judicial funding task force composed of more than 100 members serving on work groups and subcommittees for the past two years has developed a plan for improvement of the funding and quality of trial courts in Washington, leading to proposed legislation.

**Summary:** The legislature recognizes that the state is obligated to provide adequate representation to criminal indigent defendants and to parents in dependency and termination cases. The legislature further finds that trial courts are critical to maintaining the rule of law and protecting rights and enforcing obligations. The legislature therefore creates a dedicated revenue source to meet the state's obligations in the areas of indigent criminal defense, indigent civil legal services, and trial court improvement.

**Fee Increases & Law Library Funding:** District court civil filing fees are increased from \$31 to \$43, and superior court civil filing fees are increased from \$110 to \$200. Counterclaims, cross-claims, and third-party claims will be assessed the same filing fee as the fee for initiating the action. A new \$43 fee is assessed against a criminal defendant upon conviction or plea of guilty in a court of limited jurisdiction. Jury fee demand charges in district and superior courts are increased. Other increased fees involve small claims actions, courthouse facilitator

programs, unlawful detainer complaints and answers, nonjudicial probate disputes, petitions for modifying decrees of dissolution or paternity, certified copy fees, supplemental proceeding filings, writs of garnishment, transcripts of judgment, and various fees associated with real property.

Funding for county law libraries is increased. The portion of each superior court civil filing fee which is distributed to county law libraries is increased from \$12 to \$17. The portion of each district court civil filing fee distributed to county law libraries is increased from \$6 to \$7. The filing fees which now must be paid for counterclaims, cross-claims, and third-party claims are subject to the law library fee division requirement.

The revenue from fee increases is deemed to be complete reimbursement from the state for the states's share of benefits paid to the superior court judges prior to the effective date of the bill, and the state must not be liable for benefits for prior periods.

Equal Justice Funding: The increase in fees generated by this act will be deposited into the equal justice subaccount, which is created as a subaccount of the public safety and education account. The funds in the subaccount must be appropriated only for the following purposes, and for the fiscal biennium ending June 30, 2007, are appropriated as follows :

- 1) 2.3 million dollars for criminal indigent defense assistance and enhancement at the trial court level, 1 million dollars of which is provided solely for a criminal indigent defense pilot program;
- 2) 5 million dollars for representation of parents in dependency and termination proceedings;
- 3) 3 million dollars for civil legal representation of indigent persons; and
- 4) 2.4 million dollars for contribution to district court and elected municipal court judges' salaries.

For the 2005-2007 fiscal biennium, the state must appropriate 25 percent of the revenues to the equal justice subaccount, less 1 million dollars, to the administrator for the courts for the purpose of contributing to district and elected municipal court judges' salaries. For the 2007-2009 fiscal biennium and subsequent fiscal biennia, one-half of the revenues to the equal justice subaccount must be appropriated to the administrator for the courts for salaries of district court and elected municipal court judges.

The administrator for the courts must develop a distribution formula for these funds which does not differentiate between district and elected municipal court judges. A city qualifies for contribution to municipal court judges' salaries if the judge is elected and if the city compensates the judge by payment of between 95 percent and 100 percent of a district court judges' salary, or by a pro rata share of that amount for a part-time judge.

Trial Court Improvement Accounts. All cities, towns, and counties for which the state contributes to district or municipal court judges' salaries are required to create trial court improvement accounts. An amount equal to 100 percent of the state's contribution to the judges' salaries must be deposited into the trial court improvement account. Funds in the account must be appropriated by the legislative authority of each county, city, or town and must be used to fund improvements to court staffing, programs, facilities, and services.

#### **Votes on Final Passage:**

Senate	45	3	
House	87	9	(House amended)
Senate			(Senate refused to concur)
House	84	11	(House amended)
Senate	40	7	(Senate concurred)

**Effective:** July 24, 2005