
SUBSTITUTE SENATE BILL 5454

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles; by request of Board For Judicial Administration)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to court operations; amending RCW 2.36.150,
2 3.50.135, 35.20.090, 2.14.010, 2.14.030, 3.58.030, 3.34.025, 3.46.090,
3 3.50.080, 3.58.010, 35.20.160, 3.62.050, 3.62.060, 4.12.090, 10.46.190,
4 12.12.030, 12.40.020, 26.12.240, 27.24.070, 36.18.012, 36.18.016, and
5 36.18.020; adding a new section to chapter 2.36 RCW; adding a new
6 section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW;
7 adding a new section to chapter 3.58 RCW; adding a new section to
8 chapter 35.20 RCW; adding a new section to chapter 3.62 RCW; and
9 creating new sections.

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

11 NEW SECTION. **Sec. 1.** The legislature recognizes that trial courts
12 are critical to maintaining the rule of law in a free society and that
13 they are essential to the protection of the rights and enforcement of
14 obligations for all. The legislature finds that the funding of trial
15 courts in Washington state is inadequate and uneven across the state as
16 a result of funding responsibility resting primarily upon local
17 government. The legislature therefore finds that a more equitable
18 balance of funding responsibility between state and local government
19 must be achieved and that increased funding must be provided for the

1 trial courts. This act is intended to increase state funding
2 responsibility and provide trial courts with the additional resources
3 necessary to provide justice equally to the citizens of Washington
4 state.

5 NEW SECTION. **Sec. 2.** This act shall be known and cited as the
6 trial court funding act of 2005.

7 **PART I - COMPENSATION FOR JURY SERVICE**

8 **Sec. 101.** RCW 2.36.150 and 2004 c 127 s 1 are each amended to read
9 as follows:

10 Jurors shall receive for each day's or partial day's attendance,
11 besides mileage at the rate determined under RCW 43.03.060, the
12 following expense payments:

13 (1) Grand jurors (~~may~~) shall receive up to twenty-five dollars
14 but in no case less than ten dollars for the first day or partial day
15 in attendance and shall receive up to forty-five dollars but in no case
16 less than thirty dollars for each day or partial day thereafter;

17 (2) Petit jurors (~~may~~) shall receive up to twenty-five dollars
18 but in no case less than ten dollars for the first day or partial day
19 in attendance and shall receive up to forty-five dollars but in no case
20 less than thirty dollars for each day or partial day thereafter;

21 (3) Coroner's jurors (~~may~~) shall receive up to twenty-five
22 dollars but in no case less than ten dollars for the first day or
23 partial day in attendance and shall receive up to forty-five dollars
24 but in no case less than thirty dollars for each day or partial day
25 thereafter;

26 (4) District court jurors (~~may~~) shall receive up to twenty-five
27 dollars but in no case less than ten dollars(~~(:—PROVIDED, That))~~) for
28 the first day or partial day in attendance and shall receive up to
29 forty-five dollars but in no case less than thirty dollars for each day
30 or partial day thereafter;

31 (5) The state shall reimburse the county for fifty percent of juror
32 compensation for each day or partial day of jury service and fifty
33 percent of the cost of juror mileage.

34 However, a person excused from jury service at his or her own
35 request shall be allowed not more than a per diem and such mileage, if

1 any, as to the court shall seem just and equitable under all
2 circumstances(~~(: PROVIDED FURTHER, That)~~). The state shall fully
3 reimburse the county in which trial is held for all jury fees and
4 witness fees related to criminal cases which result from incidents
5 occurring within an adult or juvenile correctional institution(~~(: PROVIDED FURTHER, That)~~). The expense payments paid to jurors shall be
6 determined by the county legislative authority and shall be uniformly
7 applied within the county.
8

9 **Sec. 102.** RCW 3.50.135 and 1984 c 258 s 126 are each amended to
10 read as follows:

11 In all civil cases, the plaintiff or defendant may demand a jury,
12 which shall consist of six citizens of the state who shall be impaneled
13 and sworn as in cases before district courts, or the trial may be by a
14 judge of the municipal court: PROVIDED, That no jury trial may be held
15 on a proceeding involving a traffic infraction. A party requesting a
16 jury shall pay to the court a fee which shall be the same as that for
17 a jury in district court. If more than one party requests a jury, only
18 one jury fee shall be collected by the court. The fee shall be
19 apportioned among the requesting parties. Each juror (~~(may)~~) shall
20 receive up to twenty-five dollars but in no case less than ten dollars
21 for (~~(each)~~) the first day or partial day in attendance (~~(upon the~~
22 ~~municipal court)~~) and shall receive up to forty-five dollars but in no
23 case less than thirty dollars for each day or partial day thereafter,
24 and in addition thereto shall receive mileage at the rate determined
25 under RCW 43.03.060(~~(: PROVIDED, That)~~). The compensation paid jurors
26 shall be determined by the legislative authority of the city and shall
27 be uniformly applied. The state shall reimburse the city for fifty
28 percent of juror compensation for each day or partial day of jury
29 service and fifty percent of the cost of juror mileage.

30 Jury trials shall be allowed in all criminal cases unless waived by
31 the defendant.

32 **Sec. 103.** RCW 35.20.090 and 1987 c 202 s 195 are each amended to
33 read as follows:

34 In all civil cases and criminal cases where jurisdiction is
35 concurrent with district courts as provided in RCW 35.20.250, within
36 the jurisdiction of the municipal court, the plaintiff or defendant may

1 demand a jury, which shall consist of six citizens of the state who
2 shall be impaneled and sworn as in cases before district courts, or the
3 trial may be by a judge of the municipal court: PROVIDED, That no jury
4 trial may be held on a proceeding involving a traffic infraction. A
5 defendant requesting a jury shall pay to the court a fee which shall be
6 the same as that for a jury in district court. Where there is more
7 than one defendant in an action and one or more of them requests a
8 jury, only one jury fee shall be collected by the court. Each juror
9 (~~may~~) shall receive up to twenty-five dollars but in no case less
10 than ten dollars for (~~each~~) the first day or partial day in
11 attendance (~~upon the municipal court~~) and shall receive up to forty-
12 five dollars but in no case less than thirty dollars for each day or
13 partial day thereafter, and in addition thereto shall receive mileage
14 at the rate determined under RCW 43.03.060(~~:- PROVIDED, That~~). The
15 compensation paid jurors shall be determined by the legislative
16 authority of the city and shall be uniformly applied. The state shall
17 reimburse the city for fifty percent of juror compensation for each day
18 or partial day of jury service and fifty percent of the cost of juror
19 mileage.

20 Trial by jury shall be allowed in criminal cases involving
21 violations of city ordinances commencing January 1, 1972, unless such
22 incorporated city affected by this chapter has made provision therefor
23 prior to January 1, 1972.

24 NEW SECTION. Sec. 104. A new section is added to chapter 2.36 RCW
25 to read as follows:

26 (1) The compensation to be paid jurors by counties and cities in
27 RCW 2.36.150, 3.50.135, and 35.20.090 shall only take effect and shall
28 only remain in effect upon an appropriation by the state legislature in
29 each ensuing biennium to reimburse counties and municipalities for
30 fifty percent of the cost of juror compensation and fifty percent of
31 the cost of jury mileage.

32 (2) For each period for which a county or city seeks reimbursement
33 for the expense of juror mileage and juror fees under RCW 2.36.150,
34 3.50.135, and 35.20.090, the jurisdiction shall submit documentation
35 sufficiently detailing the total amount of mileage paid to all jurors,
36 the total number of individuals reporting for at least one day or

1 partial day of jury service and the total number of days or partial
2 days served by the jurors so reporting.

3 (3) The amount of reimbursement for which each jurisdiction is
4 eligible shall be calculated by summing the total amount of mileage
5 paid multiplied by fifty percent and the total number of individual
6 jurors reporting multiplied by fifty percent of the amount set by the
7 local jurisdiction for the first day of service and the total number of
8 days served by reporting jurors less the total number of individuals
9 reporting for jury service multiplied by fifty percent of the amount
10 set by the local jurisdiction.

11 (4) A sum equal to fifty percent of any savings realized by a
12 county or city by result of the adoption of this act shall be deposited
13 in the local trial court improvement account. The calculation of the
14 amount to be deposited in the local trial court improvement account
15 shall be the sum total of the amount to be reimbursed a jurisdiction
16 under subsection (3) of this section minus fifty percent of the sum
17 total of the total amount of mileage paid and the total number of days
18 served by reporting jurors multiplied by ten dollars.

19 **PART II - PAYMENT OF DISTRICT AND MUNICIPAL COURT JUDGE SALARY**

20 **Sec. 201.** RCW 2.14.010 and 1988 c 109 s 12 are each amended to
21 read as follows:

22 (1) The purpose of this chapter is to provide a supplemental
23 retirement benefit to judges who are elected or appointed under chapter
24 2.04, 2.06, or 2.08 RCW or who are elected and qualify for state
25 payment of one-half of their salary under chapter 3.46, 3.50, 3.58, or
26 35.20 RCW and who are members of the public employees' retirement
27 system for their service as a judge.

28 (2) This chapter may be known and cited as the judicial retirement
29 account act.

30 **Sec. 202.** RCW 2.14.030 and 1988 c 109 s 14 are each amended to
31 read as follows:

32 The judicial retirement account plan is established for judges
33 appointed or elected under chapter 2.04, 2.06, or 2.08 RCW or who are
34 elected and qualify for state payment of one-half of their salary under

1 chapter 3.46, 3.50, 3.58, or 35.20 RCW, and who are members of the
2 public employees' retirement system for their service as a judge.

3 **Sec. 203.** RCW 3.58.030 and 1984 c 258 s 36 are each amended to
4 read as follows:

5 (1) One-half of the salary of each district court judge shall be
6 paid by the state, and the other one-half by the county for which the
7 judge is elected. The county auditor of each county shall pay district
8 court judges in the same manner provided for other elected officials.
9 For the purpose of this section, "salary" means the compensation
10 established by the Washington citizens' commission on salaries for
11 elected officials pursuant to RCW 3.58.010.

12 (2) The compensation of ((judges,)) clerks, judges pro tempore,
13 deputy clerks, and court commissioners payable by the county shall be
14 paid monthly out of the county treasury from the same funds out of
15 which other salaried county officers are paid.

16 **Sec. 204.** RCW 3.34.025 and 1991 c 313 s 3 are each amended to read
17 as follows:

18 Any additional district judge positions created under RCW 3.34.020
19 shall be effective only if the legislative authority of the affected
20 county documents its approval of any additional positions and its
21 agreement that it will pay out of county funds, without reimbursement
22 from the state other than for the state's share of judicial
23 compensation as specified under state law, the expenses of such
24 additional judicial positions as provided by statute. The additional
25 expenses include, but are not limited to, expenses incurred for court
26 facilities. The legislative authority of any such county may, at its
27 discretion, phase in any judicial positions over a period of time not
28 to exceed two years from the effective date of the additional district
29 judge positions.

30 **Sec. 205.** RCW 3.46.090 and 1984 c 258 s 78 are each amended to
31 read as follows:

32 ~~((The salary of a full time municipal judge shall be paid wholly by~~
33 ~~the city.)) (1) The ((salary)) one-half of a district court judge
34 salary for which the county is responsible of a district judge serving~~

1 a municipal department part time shall be paid jointly by the county
2 and the city in the same proportion as the time of the judge has been
3 allocated to each.

4 (2) The salary of a full-time municipal judge shall be paid in the
5 same manner as provided for in RCW 3.50.080.

6 (3) Salaries of court commissioners serving the municipal
7 department shall be paid by the city.

8 **Sec. 206.** RCW 3.50.080 and 1984 c 258 s 111 are each amended to
9 read as follows:

10 (1) Salaries of municipal court judges shall be fixed by ordinance.

11 (2) The salary of a municipal court judge shall be paid wholly by
12 the city except where a city qualifies for state payment of one-half of
13 the municipal court judge salary as provided for in subsection (3) of
14 this section.

15 (3) One-half of the salary of each municipal court judge up to one
16 hundred percent of a district court judge's salary shall be paid by the
17 state, and the remainder by the city or cities for which the judge is
18 elected if:

19 (a) The judge is serving in an elected position; and

20 (b) The city has established by ordinance that a full-time judge is
21 compensated at a rate equivalent to at least ninety-five percent, but
22 not more than one hundred percent, of a district court judge salary or
23 for a part-time judge on a pro-rate basis the same equivalent; and

24 (c) The city has certified to the office of the administrator for
25 the courts that the conditions in (a) and (b) of this subsection have
26 been met; and

27 (d) The city is responsible for all other compensation, benefits,
28 and expenses related to municipal court judges not specifically assumed
29 under this subsection.

30 (4) All other costs of operating the municipal court, including but
31 not limited to salaries of ((judges and)) court employees, dockets,
32 books of records, forms, furnishings, and supplies, shall be paid
33 wholly out of the funds of the city or town. The city shall provide a
34 suitable place for holding court and pay all expenses of maintaining
35 it.

36 (5) All employees of the municipal court shall, for all purposes,

1 be deemed employees of the city or town. They shall be appointed by
2 and serve at the pleasure of the court.

3 **Sec. 207.** RCW 3.58.010 and 1986 c 155 s 7 are each amended to read
4 as follows:

5 The annual salary of each full time district court judge shall be
6 established by the Washington citizens' commission on salaries for
7 elected officials. A member of the legislature whose term of office is
8 partly coextensive with or extends beyond the present term of office of
9 any of the officials whose salary is increased by virtue of the
10 provisions of RCW 43.03.010, 2.04.092, 2.06.062, 2.08.092, and 3.58.010
11 shall be eligible to be appointed or elected to any of the offices the
12 salary of which is increased hereby but he or she shall not be entitled
13 to receive such increased salary until after the expiration of his or
14 her present term of office and his or her subsequent election or
15 reelection to the office to which he or she was appointed or elected
16 respectively during his or her term of office as legislator.

17 **Sec. 208.** RCW 35.20.160 and 1965 c 147 s 3 are each amended to
18 read as follows:

19 (1) The total of the salaries of each municipal judge under this
20 chapter shall be fixed by the legislative body of the city at not less
21 than nine thousand dollars per annum, to be paid in monthly or
22 semimonthly installments as for other officials of the city, and such
23 total salaries shall not be more than the salaries paid the superior
24 court judges in the county in which the court is located.

25 (2) The salary of a municipal court judge shall be paid wholly by
26 the city except where a city qualifies for state payment of one-half of
27 the municipal court judge salary as provided for in subsection (3) of
28 this section.

29 (3) One-half of the salary of each municipal court judge shall be
30 paid by the state, and the other one-half by the city or cities for
31 which the judge is elected if:

32 (a) The judge is serving in an elected position; and

33 (b) The city has established by ordinance that a full-time judge is
34 compensated at a rate equivalent to at least ninety-five percent, but
35 not more than one hundred percent, of a district court judge salary or
36 for a part-time judge on a pro-rate basis the same equivalent; and

1 (c) The city has certified to the office of the administrator for
2 the courts that the conditions in (a) and (b) of this subsection have
3 been met; and

4 (d) The city is responsible for all other compensation, benefits,
5 and expenses related to municipal court judges not specifically assumed
6 under this subsection.

7 **PART III - TRIAL COURT IMPROVEMENT ACCOUNTS**

8 NEW SECTION. Sec. 301. A new section is added to chapter 3.46 RCW
9 to read as follows:

10 Any city operating a municipal department under this chapter for
11 which the state contributes one-half of district or municipal court
12 judge salaries under RCW 3.46.090(1) or 3.50.080(3) shall create a city
13 trial court improvement account. An amount equal to one-half of the
14 city's contribution for the payment of district or municipal judge
15 salaries under RCW 3.46.090(1) or 3.50.080(3) shall be deposited into
16 the account. An amount equal to one-half of the reimbursement provided
17 to the city from the state for juror mileage and fees as described in
18 section 104 of this act shall also be deposited into the account.
19 Money in the account shall be used to fund improvements to the
20 municipal department's staffing, programs, facilities, or services, as
21 appropriated by the city legislative authority.

22 NEW SECTION. Sec. 302. A new section is added to chapter 3.50 RCW
23 to read as follows:

24 Any city or town operating a municipal court under this chapter
25 that qualifies for state payment of one-half of municipal court judge
26 salaries under RCW 3.50.080(3) shall create a city or town trial court
27 improvement account. An amount equal to one-half of the state's
28 contribution for the payment of municipal court judge salaries under
29 RCW 3.50.080(3) shall be deposited into the account. An amount equal
30 to one-half of the reimbursement provided to the city or town from the
31 state for juror mileage and fees as described in section 104 of this
32 act shall also be deposited into the account. Money in the account
33 shall be used to fund improvements to the municipal court's staffing,
34 programs, facilities, or services, as appropriated by the city or town
35 legislative authority.

1 NEW SECTION. **Sec. 303.** A new section is added to chapter 3.58 RCW
2 to read as follows:

3 Any county with a district court created under this title shall
4 create a county trial court improvement account. An amount equal to
5 one-half of the state's contribution for the payment of district court
6 judge salaries under RCW 3.58.030(1) shall be deposited into the
7 account. An amount equal to one-half of the reimbursement provided to
8 the county from the state for juror mileage and fees as described in
9 section 104 of this act shall also be deposited into the account.
10 Money in the account shall be used to fund improvements to superior and
11 district court staffing, programs, facilities, or services, as
12 appropriated by the county legislative authority.

13 NEW SECTION. **Sec. 304.** A new section is added to chapter 35.20
14 RCW to read as follows:

15 Any city operating a municipal court under this chapter that
16 qualifies for state payment of one-half of municipal court judge
17 salaries under RCW 35.20.160(3) shall create a city trial court
18 improvement account. An amount equal to the state's contribution for
19 the payment of municipal judge salaries under RCW 35.20.160(3) shall be
20 deposited into the account. An amount equal to one-half of the
21 reimbursement provided to the city from the state for juror mileage and
22 fees as described in section 104 of this act shall also be deposited
23 into the account. Money in the account shall be used to fund
24 improvements to the municipal court's staffing, programs, facilities,
25 or services, as appropriated by the city legislative authority.

26 **Sec. 305.** RCW 3.62.050 and 1987 c 202 s 114 are each amended to
27 read as follows:

28 The total expenditures of the district courts, including the cost
29 of providing courtroom and office space, the cost of probation and
30 parole services and any personnel employment therefor, and the cost of
31 providing services necessary for the preparation and presentation of a
32 defense at public expense, except costs of defense to be paid by a city
33 pursuant to RCW 3.62.070 and the one-half of district court judge
34 salaries paid by the state pursuant to RCW 3.58.030, shall be paid from
35 the county current expense fund.

PART IV - COURT FILING FEES

Sec. 401. RCW 3.62.060 and 2003 c 222 s 15 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of (~~thirty-one~~) forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of (~~six~~) twelve dollars.

(3) For filing a supplemental proceeding a fee of (~~twelve~~) twenty dollars.

(4) For demanding a jury in a civil case a fee of (~~fifty~~) one hundred twenty-five dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of (~~six~~) twenty dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

(8) For duplication of part or all of the electronic (~~tape or tapes~~) recording of a proceeding ten dollars per tape or other electronic storage medium.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded.

NEW SECTION. **Sec. 402.** A new section is added to chapter 3.62 RCW to read as follows:

Upon conviction or a plea of guilty in any court organized under

1 this title or Title 35 RCW, a defendant in a criminal case is liable
2 for a fee of forty-three dollars. This fee shall be subject to
3 division with the state under RCW 3.62.020(2) and 3.62.040(2).

4 **Sec. 403.** RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each amended
5 to read as follows:

6 (1) When an order is made transferring an action or proceeding for
7 trial, the clerk of the court must transmit the pleadings and papers
8 therein to the court to which it is transferred and charge a fee as
9 provided in RCW 36.18.016. The costs and fees thereof and of filing
10 the papers anew must be paid by the party at whose instance the order
11 was made, except in the cases mentioned in RCW 4.12.030(1), in which
12 case the plaintiff shall pay costs of transfer and, in addition
13 thereto, if the court finds that the plaintiff could have determined
14 the county of proper venue with reasonable diligence, it shall order
15 the plaintiff to pay the reasonable attorney's fee of the defendant for
16 the changing of venue to the proper county. The court to which an
17 action or proceeding is transferred has and exercises over the same the
18 like jurisdiction as if it had been originally commenced therein.

19 (2) In acting on any motion for dismissal without prejudice in a
20 case where a motion for change of venue under subsection (1) of this
21 section has been made, the court shall, if it determines the motion for
22 change of venue proper, determine the amount of attorney's fee properly
23 to be awarded to defendant and, if the action be dismissed, the
24 attorney's fee shall be a setoff against any claim subsequently brought
25 on the same cause of action.

26 **Sec. 404.** RCW 10.46.190 and 1977 ex.s. c 248 s 1 are each amended
27 to read as follows:

28 Every person convicted of a crime or held to bail to keep the peace
29 shall be liable to all the costs of the proceedings against him or her,
30 including, when tried by a jury in the superior court or before a
31 committing magistrate, a jury fee as provided for in civil actions(~~(~~
32 ~~and when tried by a jury before a committing magistrate, twenty five~~
33 ~~dollars for jury fee,~~) for which judgment shall be rendered and
34 ((~~collection had as in cases of fines~~)) collected. The jury fee, when
35 collected for a case tried by the superior court, shall be paid to the

1 clerk(~~, to be by him~~) and applied as the jury fee in civil cases is
2 applied.

3 **Sec. 405.** RCW 12.12.030 and 1981 c 260 s 3 are each amended to
4 read as follows:

5 After the appearance of the defendant, and before the ((~~justice~~))
6 judge shall proceed to enquire into the merits of the cause, either
7 party may demand a jury to try the action, which jury shall be composed
8 of six good and lawful persons having the qualifications of jurors in
9 the superior court of the same county, unless the parties shall agree
10 upon a lesser number: PROVIDED, That the party demanding the jury
11 shall first pay to the ((~~justice~~)) clerk of the court the sum of one
12 hundred twenty-five dollars, which shall be paid over by the
13 ((~~justice~~)) clerk of the court to the county, and ((~~said~~)) such amount
14 shall be taxed as costs against the losing party.

15 **Sec. 406.** RCW 12.40.020 and 1990 c 172 s 3 are each amended to
16 read as follows:

17 A small claims action shall be commenced by the plaintiff filing a
18 claim, in the form prescribed by RCW 12.40.050, in the small claims
19 department. A filing fee of ((~~ten~~)) fourteen dollars plus any
20 surcharge authorized by RCW 7.75.035 shall be paid when the claim is
21 filed. Any party filing a counterclaim, cross-claim, or third-party
22 claim in such action shall pay to the court a filing fee of fourteen
23 dollars plus any surcharge authorized by RCW 7.75.035.

24 **Sec. 407.** RCW 26.12.240 and 1993 c 435 s 2 are each amended to
25 read as follows:

26 A county may create a courthouse facilitator program to provide
27 basic services to pro se litigants in family law cases. The
28 legislative authority of any county may impose user fees or may impose
29 a surcharge of up to ((~~ten~~)) twenty dollars on only those superior
30 court cases filed under Title 26 RCW, or both, to pay for the expenses
31 of the courthouse facilitator program. Fees collected under this
32 section shall be collected and deposited in the same manner as other
33 county funds are collected and deposited, and shall be maintained in a
34 separate account to be used as provided in this section.

1 **Sec. 408.** RCW 27.24.070 and 1992 c 54 s 6 are each amended to read
2 as follows:

3 In each county pursuant to this chapter, the county treasurer shall
4 deposit in the county or regional law library fund a sum equal to
5 (~~twelve~~) seventeen dollars for every new probate or civil filing fee,
6 including appeals and for every fee for filing a counterclaim, cross-
7 claim, or third-party claim in any civil action, collected by the clerk
8 of the superior court and (~~six~~) seven dollars for every fee collected
9 for the commencement of a civil action and for the filing of a
10 counterclaim, cross-claim, or third-party claim in any civil action in
11 district court for the support of the law library in that county or the
12 regional law library to which the county belongs: PROVIDED, That upon
13 a showing of need the (~~twelve~~) seventeen dollar contribution may be
14 increased up to (~~fifteen~~) twenty dollars or in counties with multiple
15 library sites up to thirty dollars upon the request of the law library
16 board of trustees and with the approval of the county legislative body
17 or bodies.

18 **Sec. 409.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to
19 read as follows:

20 (1) Revenue collected under this section is subject to division
21 with the state for deposit in the public safety and education account
22 under RCW 36.18.025.

23 (2) The party filing a transcript or abstract of judgment or
24 verdict from a United States court held in this state, or from the
25 superior court of another county or from a district court in the county
26 of issuance, shall pay at the time of filing a fee of (~~fifteen~~)
27 twenty dollars.

28 (3) The clerk shall collect a fee of twenty dollars for: Filing a
29 paper not related to or a part of a proceeding, civil or criminal, or
30 a probate matter, required or permitted to be filed in the clerk's
31 office for which no other charge is provided by law.

32 (4) If the defendant serves or files an answer to an unlawful
33 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
34 shall pay before proceeding with the unlawful detainer action
35 (~~eighty~~) one hundred twenty dollars.

36 (5) For a restrictive covenant for filing a petition to strike

1 discriminatory provisions in real estate under RCW 49.60.227 a fee of
2 twenty dollars must be charged.

3 (6) A fee of twenty dollars must be charged for filing a will only,
4 when no probate of the will is contemplated.

5 (7) A fee of (~~two~~) twenty dollars must be charged for filing a
6 petition, written agreement, or written memorandum in a nonjudicial
7 probate dispute under RCW 11.96A.220, if it is filed within an existing
8 case in the same court.

9 (8) A fee of thirty-five dollars must be charged for filing a
10 petition regarding a common law lien under RCW 60.70.060.

11 (9) For certification of delinquent taxes by a county treasurer
12 under RCW 84.64.190, a fee of five dollars must be charged.

13 (10) For the filing of a tax warrant for unpaid taxes or
14 overpayment of benefits by any agency of the state of Washington, a fee
15 of five dollars on or after July 22, 2001, and for the filing of such
16 a tax warrant or overpayment of benefits on or after July 1, 2003, a
17 fee of twenty dollars, of which forty-six percent of the first five
18 dollars is directed to the public safety and education account
19 established under RCW 43.08.250.

20 **Sec. 410.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to
21 read as follows:

22 (1) Revenue collected under this section is not subject to division
23 under RCW 36.18.025 or 27.24.070.

24 (2) For the filing of a petition for modification of a decree of
25 dissolution or paternity, within the same case as the original action,
26 a fee of (~~twenty~~) thirty-six dollars must be paid.

27 (3)(a) The party making a demand for a jury of six in a civil
28 action shall pay, at the time, a fee of one hundred twenty-five
29 dollars; if the demand is for a jury of twelve, a fee of two hundred
30 fifty dollars. If, after the party demands a jury of six and pays the
31 required fee, any other party to the action requests a jury of twelve,
32 an additional one hundred twenty-five dollar fee will be required of
33 the party demanding the increased number of jurors.

34 (b) Upon conviction in criminal cases a jury demand charge of
35 (~~fifty~~) one hundred twenty-five dollars for a jury of six, or (~~one~~)
36 two hundred fifty dollars for a jury of twelve may be imposed as costs
37 under RCW 10.46.190.

1 (4) For preparing(~~(, transcribing, or certifying)~~) a certified copy
2 of an instrument on file or of record in the clerk's office, ((with or
3 without seal,)) for the first page or portion of the first page, a fee
4 of ~~((two))~~ five dollars, and for each additional page or portion of a
5 page, a fee of one dollar must be charged. For authenticating or
6 exemplifying an instrument, a fee of ~~((one))~~ two dollars for each
7 additional seal affixed must be charged. For preparing a copy of an
8 instrument on file or of record in the clerk's office without a seal,
9 a fee of fifty cents per page must be charged. When copying a document
10 without a seal or file that is in an electronic format, a fee of
11 twenty-five cents per page must be charged. For copies made on a
12 compact disc, an additional fee of twenty dollars for each compact disc
13 must be charged.

14 (5) For executing a certificate, with or without a seal, a fee of
15 two dollars must be charged.

16 (6) For a garnishee defendant named in an affidavit for garnishment
17 and for a writ of attachment, a fee of twenty dollars must be charged.

18 (7) For filing a supplemental proceeding, a fee of twenty dollars
19 must be charged.

20 (8) For approving a bond, including justification on the bond, in
21 other than civil actions and probate proceedings, a fee of two dollars
22 must be charged.

23 ~~((+8))~~ (9) For the issuance of a certificate of qualification and
24 a certified copy of letters of administration, letters testamentary, or
25 letters of guardianship, there must be a fee of two dollars.

26 ~~((+9))~~ (10) For the preparation of a passport application, the
27 clerk may collect an execution fee as authorized by the federal
28 government.

29 ~~((+10))~~ (11) For clerk's services such as processing ex parte
30 orders, performing historical searches, compiling statistical reports,
31 and conducting exceptional record searches, the clerk may collect a fee
32 not to exceed twenty dollars per hour or portion of an hour.

33 ~~((+11))~~ (12) For duplicated recordings of court's proceedings
34 there must be a fee of ten dollars for each audio tape and twenty-five
35 dollars for each video tape or other electronic storage medium.

36 ~~((+12) For the filing of oaths and affirmations under chapter 5.28~~
37 ~~RCW, a fee of twenty dollars must be charged.))~~

1 (13) (~~For filing a disclaimer of interest under RCW 11.86.031(4),~~
2 ~~a fee of two dollars must be charged.~~
3 ~~(14))~~ For registration of land titles, Torrens Act, under RCW
4 65.12.780, a fee of (~~five~~) twenty dollars must be charged.
5 (~~(15))~~ (14) For the issuance of extension of judgment under RCW
6 6.17.020 and chapter 9.94A RCW, a fee of (~~one~~) two hundred (~~ten~~)
7 dollars must be charged.
8 (~~(16))~~ (15) A facilitator surcharge of (~~ten~~) up to twenty
9 dollars must be charged as authorized under RCW 26.12.240.
10 (~~(17))~~ (16) For filing a water rights statement under RCW
11 90.03.180, a fee of twenty-five dollars must be charged.
12 (~~(18))~~ (17) For filing a claim of frivolous lien under RCW
13 60.04.081, a fee of thirty-five dollars must be charged.
14 (18) For preparation of a change of venue, a fee of twenty dollars
15 must be charged by the originating court in addition to the per page
16 charges in subsection (4) of this section.
17 (19) A service fee of three dollars for the first page and one
18 dollar for each additional page must be charged for receiving faxed
19 documents, pursuant to Washington state rules of court, general rule
20 17.
21 (~~(19))~~ (20) For preparation of clerk's papers under RAP 9.7, a
22 fee of fifty cents per page must be charged.
23 (~~(20))~~ (21) For copies and reports produced at the local level as
24 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
25 be charged.
26 (~~(21))~~ (22) Investment service charge and earnings under RCW
27 36.48.090 must be charged.
28 (~~(22))~~ (23) Costs for nonstatutory services rendered by clerk by
29 authority of local ordinance or policy must be charged.
30 (~~(23))~~ (24) For filing a request for mandatory arbitration, a
31 filing fee may be assessed against the party filing a statement of
32 arbitrability not to exceed two hundred twenty dollars as established
33 by authority of local ordinance. This charge shall be used solely to
34 offset the cost of the mandatory arbitration program.
35 (~~(24))~~ (25) For filing a request for trial de novo of an
36 arbitration award, a fee not to exceed two hundred fifty dollars as
37 established by authority of local ordinance must be charged.

1 (26) For the filing of a will or codicil under the provisions of
2 chapter 11.12 RCW, a fee of twenty dollars must be charged.

3 **Sec. 411.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read
4 as follows:

5 (1) Revenue collected under this section is subject to division
6 with the state public safety and education account under RCW 36.18.025
7 and with the county or regional law library fund under RCW 27.24.070.

8 (2) Clerks of superior courts shall collect the following fees for
9 their official services:

10 (a) The party filing the first or initial paper in any civil
11 action, including, but not limited to an action for restitution,
12 adoption, or change of name, and any party filing a counterclaim,
13 cross-claim, or third-party claim in any such civil action, shall pay,
14 at the time the paper is filed, a fee of (~~one~~) two hundred (~~ten~~)
15 dollars except, in an unlawful detainer action under chapter 59.18 or
16 59.20 RCW for which the plaintiff shall pay a case initiating filing
17 fee of (~~thirty~~) eighty dollars, or in proceedings filed under RCW
18 28A.225.030 alleging a violation of the compulsory attendance laws
19 where the petitioner shall not pay a filing fee. The (~~thirty~~) eighty
20 dollar filing fee under this subsection for an unlawful detainer action
21 shall not include an order to show cause or any other order or judgment
22 except a default order or default judgment in an unlawful detainer
23 action.

24 (b) Any party, except a defendant in a criminal case, filing the
25 first or initial paper on an appeal from a court of limited
26 jurisdiction or any party on any civil appeal, shall pay, when the
27 paper is filed, a fee of one hundred ten dollars.

28 (c) For filing of a petition for judicial review as required under
29 RCW 34.05.514 a filing fee of (~~one~~) two hundred (~~ten~~) dollars.

30 (d) For filing of a petition for unlawful harassment under RCW
31 10.14.040 a filing fee of (~~forty-one~~) fifty-three dollars.

32 (e) For filing the notice of debt due for the compensation of a
33 crime victim under RCW 7.68.120(2)(a) a fee of (~~one~~) two hundred
34 (~~ten~~) dollars.

35 (f) In probate proceedings, the party instituting such proceedings,
36 shall pay at the time of filing the first paper therein, a fee of one
37 hundred ten dollars.

1 (g) For filing any petition to contest a will admitted to probate
2 or a petition to admit a will which has been rejected, or a petition
3 objecting to a written agreement or memorandum as provided in RCW
4 11.96A.220, there shall be paid a fee of (~~one~~) two hundred (~~ten~~)
5 dollars.

6 (h) Upon conviction or plea of guilty, upon failure to prosecute an
7 appeal from a court of limited jurisdiction as provided by law, or upon
8 affirmance of a conviction by a court of limited jurisdiction, a
9 defendant in a criminal case shall be liable for a fee of (~~one~~) two
10 hundred (~~ten~~) dollars.

11 (i) With the exception of demands for jury hereafter made and
12 garnishments hereafter issued, civil actions and probate proceedings
13 filed prior to midnight, July 1, 1972, shall be completed and governed
14 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
15 fee shall be assessed if an order of dismissal on the clerk's record be
16 filed as provided by rule of the supreme court.

17 (3) No fee shall be collected when a petition for relinquishment of
18 parental rights is filed pursuant to RCW 26.33.080 or for forms and
19 instructional brochures provided under RCW 26.50.030.

20 **PART V - MISCELLANEOUS**

21 NEW SECTION. **Sec. 501.** Part headings used in this act are not
22 part of the law.

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