

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2692**

Chapter 136, Laws of 2012

(partial veto)

62nd Legislature  
2012 Regular Session

COMMERCIAL SALE OF SEX--REDUCTION

EFFECTIVE DATE: 06/07/12

Passed by the House March 3, 2012  
Yeas 96 Nays 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate February 29, 2012  
Yeas 48 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved March 29, 2012, 3:15 p.m., with  
the exception of Section 1 which is  
vetoed.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of  
the House of Representatives of  
the State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SUBSTITUTE HOUSE BILL  
2692** as passed by the House of  
Representatives and the Senate on  
the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

March 29, 2012

**Secretary of State  
State of Washington**

---

ENGROSSED SUBSTITUTE HOUSE BILL 2692

---

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington                      62nd Legislature                      2012 Regular Session

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Parker, Carlyle, Kelley, Hurst, Ormsby, Kagi, Dickerson, Upthegrove, Goodman, Pettigrew, Maxwell, Dahlquist, Dammeier, Moscoso, Pearson, and Kenney)

READ FIRST TIME 01/31/12.

1            AN ACT Relating to the reduction of the commercial sale of sex;  
2 amending RCW 9A.88.120, 9A.88.130, 3.50.100, 3.62.020, 3.62.040,  
3 10.82.070, and 35.20.220; and prescribing penalties.

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

5            *\*Sec. 1. RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read*  
6 *as follows:*

7            *(1)(a) In addition to penalties set forth in RCW 9A.88.010,*  
8 *9A.88.030, and 9A.88.090, a person who is either convicted or given a*  
9 *deferred sentence or a deferred prosecution or who has entered into a*  
10 *statutory or nonstatutory diversion agreement as a result of an arrest*  
11 *for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county*  
12 *or municipal ordinances shall be assessed a fifty dollar fee.*

13            *(b)(i) In addition to penalties set forth in RCW 9A.88.110, a*  
14 *person who is either convicted or given a deferred sentence or a*  
15 *deferred prosecution or who has entered into a statutory or*  
16 *nonstatutory diversion agreement as a result of an arrest for violating*  
17 *RCW 9A.88.110 or a comparable county or municipal ordinance shall be*  
18 *assessed a ((one hundred fifty dollar)) fee in the amount of:*

19            *(A) One thousand five hundred dollars for the first offense;*

1 (B) Two thousand five hundred dollars for the second offense; and  
2 (C) Five thousand dollars for the third and each subsequent  
3 offense.

4 (ii) The court shall not reduce, waive, or suspend payment of all  
5 or part of the assessed fees in this section unless it finds, on the  
6 record, that the offender does not have the ability to pay the fees, in  
7 which case it may reduce the fees by an amount up to two-thirds of the  
8 maximum allowable fees.

9 (iii) Fees assessed under this subsection (1)(b) shall be collected  
10 by the clerk of court and be remitted to the treasurer of the county  
11 where the offense occurred for deposit in the county general fund,  
12 except in cases in which the offense occurred in a city or town that  
13 provides for its own law enforcement, in which case these amounts shall  
14 be remitted to the treasurer of the city or town for deposit in the  
15 general fund of the city or town. Revenue from the fees must be used  
16 for local efforts to reduce the commercial sale of sex including, but  
17 not limited to, increased enforcement of commercial sex laws.

18 (A) At least fifty percent of the revenue from fees imposed under  
19 this subsection (1)(b) must be spent on prevention, including education  
20 programs for offenders, such as john school, and rehabilitative  
21 services, such as mental health and substance abuse counseling,  
22 parenting skills training, housing relief, education, vocational  
23 training, drop-in centers, and employment counseling.

24 (B) Revenues from these fees are not subject to the distribution  
25 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
26 35.20.220.

27 (c) In addition to penalties set forth in RCW 9A.88.070 and  
28 9A.88.080, a person who is either convicted or given a deferred  
29 sentence or a deferred prosecution or who has entered into a statutory  
30 or nonstatutory diversion agreement as a result of an arrest for  
31 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal  
32 ordinances shall be assessed a three hundred dollar fee.

33 (2) The court may not suspend payment of all or part of the fee  
34 unless it finds that the person does not have the ability to pay.

35 (3) When a minor has been adjudicated a juvenile offender or has  
36 entered into a statutory or nonstatutory diversion agreement for an  
37 offense which, if committed by an adult, would constitute a violation  
38 under this chapter or comparable county or municipal ordinances, the

1 court shall assess the fee as specified under subsection (1) of this  
2 section. The court may not suspend payment of all or part of the fee  
3 unless it finds that the minor does not have the ability to pay the  
4 fee.

5 (4) Any fee assessed under this section shall be collected by the  
6 clerk of the court and distributed each month to the state treasurer  
7 for deposit in the prostitution prevention and intervention account  
8 under RCW 43.63A.740 for the purpose of funding prostitution prevention  
9 and intervention activities.

10 (5) For the purposes of this section:

11 (a) "Statutory or nonstatutory diversion agreement" means an  
12 agreement under RCW 13.40.080 or any written agreement between a person  
13 accused of an offense listed in subsection (1) of this section and a  
14 court, county, or city prosecutor, or designee thereof, whereby the  
15 person agrees to fulfill certain conditions in lieu of prosecution.

16 (b) "Deferred sentence" means a sentence that will not be carried  
17 out if the defendant meets certain requirements, such as complying with  
18 the conditions of probation.

\*Sec. 1 was vetoed. See message at end of chapter.

19 **Sec. 2.** RCW 9A.88.130 and 1999 c 327 s 2 are each amended to read  
20 as follows:

21 (1) When sentencing or imposing conditions on a person convicted  
22 of, or receiving a deferred sentence or deferred prosecution for,  
23 violating RCW 9A.88.110 or 9.68A.100, the court must impose a  
24 requirement that the offender:

25 (a) Not be subsequently arrested for patronizing a prostitute or  
26 (~~patronizing a juvenile prostitute~~) commercial sexual abuse of a  
27 minor; (~~and~~)

28 (b) Remain outside the geographical area, prescribed by the court,  
29 in which the person was arrested for violating RCW 9A.88.110 or  
30 9.68A.100, unless such a requirement would interfere with the person's  
31 legitimate employment or residence or otherwise be infeasible; and

32 (c) Fulfill the terms of a program, if a first-time offender,  
33 designated by the sentencing court, designed to educate offenders about  
34 the negative costs of prostitution.

35 (2) This requirement is in addition to the penalties set forth in  
36 RCW 9A.88.110, 9A.88.120, and 9.68A.100.

1       **Sec. 3.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read  
2 as follows:

3       (1) Costs in civil and criminal actions may be imposed as provided  
4 in district court. All fees, costs, fines, forfeitures and other money  
5 imposed by any municipal court for the violation of any municipal or  
6 town ordinances shall be collected by the court clerk and, together  
7 with any other noninterest revenues received by the clerk, shall be  
8 deposited with the city or town treasurer as a part of the general fund  
9 of the city or town, or deposited in such other fund of the city or  
10 town, or deposited in such other funds as may be designated by the laws  
11 of the state of Washington.

12       (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city  
13 treasurer shall remit monthly thirty-two percent of the noninterest  
14 money received under this section, other than for parking infractions,  
15 and certain costs to the state treasurer. "Certain costs" as used in  
16 this subsection, means those costs awarded to prevailing parties in  
17 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded  
18 against convicted defendants in criminal actions under RCW 10.01.160,  
19 10.46.190, or 36.18.040, or other similar statutes if such costs are  
20 specifically designated as costs by the court and are awarded for the  
21 specific reimbursement of costs incurred by the state, county, city, or  
22 town in the prosecution of the case, including the fees of defense  
23 counsel. Money remitted under this subsection to the state treasurer  
24 shall be deposited in the state general fund.

25       (3) The balance of the noninterest money received under this  
26 section shall be retained by the city and deposited as provided by law.

27       (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
28 interest at the rate of twelve percent per annum, upon assignment to a  
29 collection agency. Interest may accrue only while the case is in  
30 collection status.

31       (5) Interest retained by the court on penalties, fines, bail  
32 forfeitures, fees, and costs shall be split twenty-five percent to the  
33 state treasurer for deposit in the state general fund, twenty-five  
34 percent to the state treasurer for deposit in the judicial information  
35 system account as provided in RCW 2.68.020, twenty-five percent to the  
36 city general fund, and twenty-five percent to the city general fund to  
37 fund local courts.

1       **Sec. 4.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended  
2 to read as follows:

3       (1) Except as provided in subsection (4) of this section, all  
4 costs, fees, fines, forfeitures and penalties assessed and collected in  
5 whole or in part by district courts, except costs, fines, forfeitures  
6 and penalties assessed and collected, in whole or in part, because of  
7 the violation of city ordinances, shall be remitted by the clerk of the  
8 district court to the county treasurer at least monthly, together with  
9 a financial statement as required by the state auditor, noting the  
10 information necessary for crediting of such funds as required by law.

11       (2) Except as provided in RCW 9A.88.120, 10.99.080, and this  
12 section, the county treasurer shall remit thirty-two percent of the  
13 noninterest money received under subsection (1) of this section except  
14 certain costs to the state treasurer. "Certain costs" as used in this  
15 subsection, means those costs awarded to prevailing parties in civil  
16 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
17 convicted defendants in criminal actions under RCW 10.01.160,  
18 10.46.190, or 36.18.040, or other similar statutes if such costs are  
19 specifically designated as costs by the court and are awarded for the  
20 specific reimbursement of costs incurred by the state or county in the  
21 prosecution of the case, including the fees of defense counsel. With  
22 the exception of funds to be transferred to the judicial stabilization  
23 trust account under RCW 3.62.060(2), money remitted under this  
24 subsection to the state treasurer shall be deposited in the state  
25 general fund.

26       (3) The balance of the noninterest money received by the county  
27 treasurer under subsection (1) of this section shall be deposited in  
28 the county current expense fund. Funds deposited under this subsection  
29 that are attributable to the county's portion of a surcharge imposed  
30 under RCW 3.62.060(2) must be used to support local trial court and  
31 court-related functions.

32       (4) All money collected for county parking infractions shall be  
33 remitted by the clerk of the district court at least monthly, with the  
34 information required under subsection (1) of this section, to the  
35 county treasurer for deposit in the county current expense fund.

36       (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
37 interest at the rate of twelve percent per annum, upon assignment to a

1 collection agency. Interest may accrue only while the case is in  
2 collection status.

3 (6) Interest retained by the court on penalties, fines, bail  
4 forfeitures, fees, and costs shall be split twenty-five percent to the  
5 state treasurer for deposit in the state general fund, twenty-five  
6 percent to the state treasurer for deposit in the judicial information  
7 system account as provided in RCW 2.68.020, twenty-five percent to the  
8 county current expense fund, and twenty-five percent to the county  
9 current expense fund to fund local courts.

10 **Sec. 5.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read  
11 as follows:

12 (1) Except as provided in subsection (4) of this section, all  
13 costs, fines, forfeitures and penalties assessed and collected, in  
14 whole or in part, by district courts because of violations of city  
15 ordinances shall be remitted by the clerk of the district court at  
16 least monthly directly to the treasurer of the city wherein the  
17 violation occurred.

18 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city  
19 treasurer shall remit monthly thirty-two percent of the noninterest  
20 money received under this section, other than for parking infractions  
21 and certain costs, to the state treasurer. "Certain costs" as used in  
22 this subsection, means those costs awarded to prevailing parties in  
23 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded  
24 against convicted defendants in criminal actions under RCW 10.01.160,  
25 10.46.190, or 36.18.040, or other similar statutes if such costs are  
26 specifically designated as costs by the court and are awarded for the  
27 specific reimbursement of costs incurred by the state, county, city, or  
28 town in the prosecution of the case, including the fees of defense  
29 counsel. Money remitted under this subsection to the state treasurer  
30 shall be deposited in the state general fund.

31 (3) The balance of the noninterest money received under this  
32 section shall be retained by the city and deposited as provided by law.

33 (4) All money collected for city parking infractions shall be  
34 remitted by the clerk of the district court at least monthly to the  
35 city treasurer for deposit in the city's general fund.

36 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue

1 interest at the rate of twelve percent per annum, upon assignment to a  
2 collection agency. Interest may accrue only while the case is in  
3 collection status.

4 (6) Interest retained by the court on penalties, fines, bail  
5 forfeitures, fees, and costs shall be split twenty-five percent to the  
6 state treasurer for deposit in the state general fund, twenty-five  
7 percent to the state treasurer for deposit in the judicial information  
8 system account as provided in RCW 2.68.020, twenty-five percent to the  
9 city general fund, and twenty-five percent to the city general fund to  
10 fund local courts.

11 **Sec. 6.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read  
12 as follows:

13 (1) All sums of money derived from costs, fines, penalties, and  
14 forfeitures imposed or collected, in whole or in part, by a superior  
15 court for violation of orders of injunction, mandamus and other like  
16 writs, for contempt of court, or for breach of the penal laws shall be  
17 paid in cash by the person collecting the same, within twenty days  
18 after the collection, to the county treasurer of the county in which  
19 the same have accrued.

20 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county  
21 treasurer shall remit monthly thirty-two percent of the money received  
22 under this section except for certain costs to the state treasurer for  
23 deposit in the state general fund and shall deposit the remainder as  
24 provided by law. "Certain costs" as used in this subsection, means  
25 those costs awarded to prevailing parties in civil actions under RCW  
26 4.84.010 or 36.18.040, or those costs awarded against convicted  
27 defendants in criminal actions under RCW 10.01.160, 10.46.190, or  
28 36.18.040, or other similar statutes if such costs are specifically  
29 designated as costs by the court and are awarded for the specific  
30 reimbursement of costs incurred by the state or county in the  
31 prosecution of the case, including the fees of defense counsel. Costs  
32 or assessments awarded to dedicated accounts, state or local, are not  
33 subject to this state allocation or to RCW 7.68.035.

34 (3) All fees, fines, forfeitures and penalties collected or  
35 assessed by a district court because of the violation of a state law  
36 shall be remitted as provided in chapter 3.62 RCW as now exists or is  
37 later amended. All fees, fines, forfeitures, and penalties collected



1 or assessed by a superior court in cases on appeal from a lower court  
2 shall be remitted to the municipal or district court from which the  
3 cases were appealed.

4 **Sec. 7.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read  
5 as follows:

6 (1) The chief clerk, under the supervision and direction of the  
7 court administrator of the municipal court, shall have the custody and  
8 care of the books, papers and records of the court. The chief clerk or  
9 a deputy shall be present during the session of the court and has the  
10 power to swear all witnesses and jurors, administer oaths and  
11 affidavits, and take acknowledgments. The chief clerk shall keep the  
12 records of the court and shall issue all process under his or her hand  
13 and the seal of the court. The chief clerk shall do and perform all  
14 things and have the same powers pertaining to the office as the clerks  
15 of the superior courts have in their office. He or she shall receive  
16 all fines, penalties, and fees of every kind and keep a full, accurate,  
17 and detailed account of the same. The chief clerk shall on each day  
18 pay into the city treasury all money received for the city during the  
19 day previous, with a detailed account of the same, and taking the  
20 treasurer's receipt therefor.

21 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city  
22 treasurer shall remit monthly thirty-two percent of the noninterest  
23 money received under this section, other than for parking infractions  
24 and certain costs to the state treasurer. "Certain costs" as used in  
25 this subsection, means those costs awarded to prevailing parties in  
26 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded  
27 against convicted defendants in criminal actions under RCW 10.01.160,  
28 10.46.190, or 36.18.040, or other similar statutes if such costs are  
29 specifically designated as costs by the court and are awarded for the  
30 specific reimbursement of costs incurred by the state, county, city, or  
31 town in the prosecution of the case, including the fees of defense  
32 counsel. Money remitted under this subsection to the state treasurer  
33 shall be deposited in the state general fund.

34 (3) The balance of the noninterest money received under this  
35 section shall be retained by the city and deposited as provided by law.

36 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue

1 interest at the rate of twelve percent per annum, upon assignment to a  
2 collection agency. Interest may accrue only while the case is in  
3 collection status.

4 (5) Interest retained by the court on penalties, fines, bail  
5 forfeitures, fees, and costs shall be split twenty-five percent to the  
6 state treasurer for deposit in the state general fund, twenty-five  
7 percent to the state treasurer for deposit in the judicial information  
8 system account as provided in RCW 2.68.020, twenty-five percent to the  
9 city general fund, and twenty-five percent to the city general fund to  
10 fund local courts.

Passed by the House March 3, 2012.

Passed by the Senate February 29, 2012.

Approved by the Governor March 29, 2012, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State March 29, 2012.

Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Section 1, Engrossed Substitute House  
Bill 2692 entitled:

"AN ACT Relating to the reduction of the commercial sale of sex."

I am vetoing Section 1 because it amends the same section of the  
Revised Code of Washington that is amended in Section 3 of Engrossed  
Substitute House Bill 1983. The amendments cannot be reconciled.

For this reason I have vetoed Section 1 of Engrossed Substitute House  
Bill 2692.

With the exception of Section 1, Engrossed Substitute House Bill 2692  
is approved."