
SUBSTITUTE HOUSE BILL 1836

State of Washington

66th Legislature

2019 Regular Session

By House Public Safety (originally sponsored by Representatives Kraft, Van Werven, Chambers, Maycumber, Graham, Caldier, Eslick, and Mosbrucker)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to prohibiting the waiver, reduction, or
2 suspension of certain fees charged to persons who commit offenses
3 involving the sexual exploitation of children; amending RCW 9.68A.105
4 and 9.68A.106; and prescribing penalties.

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

6 **Sec. 1.** RCW 9.68A.105 and 2015 c 265 s 13 are each amended to
7 read as follows:

8 (1)~~((a))~~ In addition to penalties set forth in RCW 9.68A.100,
9 9.68A.101, and 9.68A.102, an adult offender who is either convicted
10 or given a deferred sentence or a deferred prosecution or who has
11 entered into a statutory or nonstatutory diversion agreement as a
12 result of an arrest for violating RCW 9.68A.100, 9.68A.101, or
13 9.68A.102, or a comparable county or municipal ordinance shall be
14 assessed a ~~((five thousand dollar))~~ mandatory fee. The court shall
15 determine the amount of the fee, which must be at least three
16 thousand five hundred dollars and may not exceed seven thousand five
17 hundred dollars.

18 ~~((b))~~ The court may not reduce, waive, or suspend payment of
19 ~~((all or part of))~~ the fee ~~((assessed unless it finds, on the record,~~
20 ~~that the adult offender does not have the ability to pay in which~~

1 ~~ease it may reduce the fee by an amount up to two-thirds of the~~
2 ~~maximum allowable fee)).~~

3 (2) Fees assessed under this section shall be collected by the
4 clerk of the court and remitted to the treasurer of the county where
5 the offense occurred for deposit in the county general fund, except
6 in cases in which the offense occurred in a city or town that
7 provides for its own law enforcement, in which case these amounts
8 shall be remitted to the treasurer of the city or town for deposit in
9 the general fund of the city or town. Revenue from the fees must be
10 used for local efforts to reduce the commercial sale of sex
11 including, but not limited to, increasing enforcement of commercial
12 sex laws.

13 (a) At least fifty percent of the revenue from fees imposed under
14 this section must be spent on prevention, including education
15 programs for offenders, such as john school, and rehabilitative
16 services for victims, such as mental health and substance abuse
17 counseling, parenting skills, training, housing relief, education,
18 vocational training, drop-in centers, and employment counseling.

19 (b) Two percent of the revenue from fees imposed under this
20 section shall be remitted quarterly to the department of commerce,
21 together with a report detailing the fees assessed, the revenue
22 received, and how that revenue was spent.

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

26 (3) For the purposes of this section:

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

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

36 **Sec. 2.** RCW 9.68A.106 and 2015 c 265 s 14 are each amended to
37 read as follows:

38 (1) In addition to all other penalties under this chapter, an
39 adult offender convicted of an offense under RCW 9.68A.100,

1 9.68A.101, or 9.68A.102 shall be assessed an additional mandatory fee
2 (~~of five thousand dollars~~) per offense when the court finds that an
3 internet advertisement in which the victim of the crime was described
4 or depicted was instrumental in facilitating the commission of the
5 crime. The court shall determine the amount of the fee for each
6 offense, which must be at least three thousand five hundred dollars
7 and may not exceed seven thousand five hundred dollars. The court may
8 not reduce, waive, or suspend payment of the fee.

9 (2) For purposes of this section, an "internet advertisement"
10 means a statement in electronic media that would be understood by a
11 reasonable person to be an implicit or explicit offer for sexual
12 contact or sexual intercourse, both as defined in chapter 9A.44 RCW,
13 in exchange for something of value.

14 (3) Amounts collected as penalties under this section shall be
15 deposited in the account established under RCW 43.63A.740.

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