
SUBSTITUTE HOUSE BILL 2358

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Costa, Ballasiotes, Chopp, Conway, Scott, Linville, Radcliff, Chappell, Dickerson, Hatfield, Quall, Murray, Cooke, Patterson, Cody, Keiser, Veloria and Kessler)

Read first time 02/02/96.

1 AN ACT Relating to penalty assessments for support of crime victim
2 and witness programs; amending RCW 7.68.035; creating a new section;
3 and prescribing penalties.

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

5 **Sec. 1.** RCW 7.68.035 and 1991 c 293 s 1 are each amended to read
6 as follows:

7 (1)(a) Whenever any person is found guilty in any superior court of
8 having committed a crime, except as provided in subsection (2) of this
9 section, there shall be imposed by the court upon such convicted person
10 a penalty assessment. The assessment shall be in addition to any other
11 penalty or fine imposed by law and shall be ((one)) five hundred
12 dollars for each case or cause of action that includes one or more
13 convictions of a felony or gross misdemeanor and ((seventy-five)) two
14 hundred fifty dollars for any case or cause of action that includes
15 convictions of only one or more misdemeanors.

16 (b) Whenever any juvenile is adjudicated of any offense in any
17 juvenile offense disposition under Title 13 RCW, except as provided in
18 subsection (2) of this section, there shall be imposed upon the
19 juvenile offender a penalty assessment. The assessment shall be in

1 addition to any other penalty or fine imposed by law and shall be one
2 hundred dollars for each case or cause of action that includes one or
3 more adjudications for a felony or gross misdemeanor and seventy-five
4 dollars for each case or cause of action that includes adjudications of
5 only one or more misdemeanors.

6 (2) The assessment imposed by subsection (1) of this section shall
7 not apply to motor vehicle crimes defined in Title 46 RCW except those
8 defined in the following sections: RCW 46.61.520, 46.61.522,
9 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.100,
10 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685,
11 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2),
12 and 46.09.120(2).

13 (3) Whenever any person accused of having committed a crime posts
14 bail in superior court pursuant to the provisions of chapter 10.19 RCW
15 and such bail is forfeited, there shall be deducted from the proceeds
16 of such forfeited bail a penalty assessment, in addition to any other
17 penalty or fine imposed by law, equal to the assessment which would be
18 applicable under subsection (1) of this section if the person had been
19 convicted of the crime.

20 (4) Such penalty assessments shall be paid by the clerk of the
21 superior court to the county treasurer who shall monthly transmit the
22 money as provided in RCW 10.82.070. Each county shall deposit fifty
23 percent of the money it receives per case or cause of action under
24 subsection (1) of this section and retains under RCW 10.82.070, not
25 less than one and seventy-five one-hundredths percent of the remaining
26 money it retains under RCW 10.82.070 and the money it retains under
27 chapter 3.62 RCW, and all money it receives under subsection ((+8))
28 (7) of this section into a fund maintained exclusively for the support
29 of comprehensive programs to encourage and facilitate testimony by the
30 victims of crimes and witnesses to crimes. A program shall be
31 considered "comprehensive" only after approval of the department upon
32 application by the county prosecuting attorney. The department shall
33 approve as comprehensive only programs which:

34 (a) Provide comprehensive services to victims and witnesses of all
35 types of crime with particular emphasis on serious crimes against
36 persons and property. It is the intent of the legislature to make
37 funds available only to programs which do not restrict services to
38 victims or witnesses of a particular type or types of crime and that
39 such funds supplement, not supplant, existing local funding levels;

1 (b) Are administered by the county prosecuting attorney either
2 directly through the prosecuting attorney's office or by contract
3 between the county and agencies providing services to victims of crime;

4 (c) Make a reasonable effort to inform the known victim or his
5 surviving dependents of the existence of this chapter and the procedure
6 for making application for benefits;

7 (d) Assist victims in the restitution and adjudication process; and

8 (e) Assist victims of violent crimes in the preparation and
9 presentation of their claims to the department of labor and industries
10 under this chapter.

11 Before a program in any county west of the Cascade mountains is
12 submitted to the department for approval, it shall be submitted for
13 review and comment to each city within the county with a population of
14 more than one hundred fifty thousand. The department will consider if
15 the county's proposed comprehensive plan meets the needs of crime
16 victims in cases adjudicated in municipal, district or superior courts
17 and of crime victims located within the city and county.

18 (5) Upon submission to the department of a letter of intent to
19 adopt a comprehensive program, the prosecuting attorney shall retain
20 the money deposited by the county under subsection (4) of this section
21 until such time as the county prosecuting attorney has obtained
22 approval of a program from the department. Approval of the
23 comprehensive plan by the department must be obtained within one year
24 of the date of the letter of intent to adopt a comprehensive program.
25 The county prosecuting attorney shall not make any expenditures from
26 the money deposited under subsection (4) of this section until approval
27 of a comprehensive plan by the department. If a county prosecuting
28 attorney has failed to obtain approval of a program from the department
29 under subsection (4) of this section or failed to obtain approval of a
30 comprehensive program within one year after submission of a letter of
31 intent under this section, the county treasurer shall monthly transmit
32 one hundred percent of the money deposited by the county under
33 subsection (4) of this section to the state treasurer for deposit in
34 the public safety and education account established under RCW
35 43.08.250.

36 (6) County prosecuting attorneys are responsible to make every
37 reasonable effort to insure that the penalty assessments of this
38 chapter are imposed and collected.

1 (7) (~~Penalty assessments under this section shall also be imposed~~
2 ~~in juvenile offense dispositions under Title 13 RCW. Upon motion of a~~
3 ~~party and a showing of good cause, the court may modify the penalty~~
4 ~~assessment in the disposition of juvenile offenses under Title 13 RCW.~~
5 (8)) Every city and town shall transmit monthly one and seventy-
6 five one-hundredths percent of all money, other than money received for
7 parking infractions, retained under RCW 3.46.120, 3.50.100, and
8 35.20.220 to the county treasurer for deposit as provided in subsection
9 (4) of this section.

10 NEW SECTION. **Sec. 2.** The office of crime victims advocacy shall
11 report to the legislature on December 31, 1999, December 31, 2002, and
12 December 31, 2005, regarding the collection of penalty assessments
13 under this act and the use of collected funds to provide assistance to
14 victims and witnesses of crime.

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