S-1553.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SENATE BILL 5830**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Chase

AN ACT Relating to sexual violence crime fees; reenacting and amending RCW 43.84.092; adding a new chapter to Title 82 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  (1) The legislature finds the state has a substantial interest in protecting and preserving the quality of life for its residents and communities against the corrosive harm of sexual violence. The legislature recognizes local governments have an important role in addressing community and societal risk factors affecting the incidence of sexual assault as well as other forms of sexual violence.

(2) The legislature recognizes that a small number of individuals commit a substantial amount of crimes of sexual violence and that unsubmitted sexual assault kits unjustifiably allow these individuals to escape the reaches of law enforcement. The legislature finds that addressing sexual violence requires targeting individuals who have been convicted of crimes of sexual violence as well as targeting criminal behavior that has a substantial nexus to the commission of sexual offenses.

(3) The legislature finds that it has an unwavering interest in protecting our population from sexual violence, in finding justice for victims of sexual violence, and in targeting criminal behavior with a substantial nexus to the commission of sexual violence. The legislature finds that Washington's government bodies must address community and societal risk factors for sexual violence by adopting protective measures that lessen the perpetration of sexual violence.

(4) The legislature recognizes that key community and societal risk factors contribute to continued perpetration of sexual assault. These factors include: Lack of institutional support from police and the judicial system, general tolerance of sexual violence within the community, weak community sanctions against sexual violence perpetrators, societal norms that support sexual violence and sexual entitlement, norms that maintain women's inferiority weak laws and policies related to sexual violence and gender equity, and high levels of crime and other forms of violence.

(5) The legislature recognizes that individual and relationship risk factors for perpetration of sexual assault include: Alcohol and drug use, delinquency, empathetic deficits, general aggressiveness and acceptance of violence, early sexual initiation, preference for impersonal sex and sexual risk taking, hostility towards women, hypermasculinity, prior sexual victimization or perpetration, family environment characterized by physical violence and conflict, and involvement in a violent or abusive intimate relationship.

(6) The legislature finds that the office of crime victims advocacy plays a critical role in providing support to victims of sexual violence. The legislature finds that, in Washington, more than forty thousand people are arrested each year for sexual violence or crimes with a substantial nexus to the commission of sexual offenses. These crimes include rape, sexual assault, human trafficking, assault, domestic violence, patronizing a prostitute, promoting prostitution, violating no-contact orders, as well as any of the previous committed while under the influence of drugs or alcohol.

(7) The legislature finds that the adoption of a statewide fee on individuals who have committed a sexually violent crime, as well as those convicted of crimes with a substantial nexus to the commission of sexual offenses, can provide further assistance to the victims of sexual violence directly and indirectly resulting from their conduct. The legislature finds that it can provide assistance to victims of sexual violence by providing needed assistance to train officials in serving victims and identifying previously unidentified perpetrators of sexual violence.

(8) The legislature hereby establishes the sexual violence crime fee to fund policies and programming for investigating sex crimes and supporting trafficking and sex crime victims in Washington.

NEW SECTION. **Sec.**  (1) There is levied and collected a fee upon the commission of a crime of sexual violence or crimes with a substantial nexus to sexual offenses. The fee under this section must be paid by the individual charged with committing sexually violent crimes or criminal offenses with a substantial nexus to sexual violence.

(2) There is levied the following classes of fees:

(a) Class A fees include charges under chapters 9A.44, 9A.40, and 9.68A RCW. The fee under this subsection (2) is separate and apart from any restitution ordered to the victim and the state in processing the case.

(b) Class B fees include charges under RCW 9A.88.060, 9A.88.070, 9A.88.080, and 9A.88.090, and are in addition to fees authorized under RCW 9A.88.120 and 9A.88.140.

(c) Class C fees include charges under RCW 26.50.110 for a violation of a no-contact order, domestic violence charges under RCW 26.50.020, and assault charges under chapter 9A.36 RCW.

(d) Class D fees are for any charge of domestic violence assault.

(e) Class E fees are in addition to other fees charged under class A, class B, class C, and class D fees in this subsection (2) if alcohol or drugs are a factor in the commission of the aforementioned crimes under RCW 46.61.5055.

(3) The fees enacted on classes of offenses under subsection (2) of this section are as follows:

(a) Class A fees may not be less than one thousand dollars.

(b) Class B fees may not be less than five hundred dollars.

(c) Class C fees may not be less than one hundred dollars.

(d) Class D fees may not be less than one hundred fifty dollars.

(e) Class E fees may not be less than fifty dollars.

(4) Where an individual is charged under subsection (2)(a) of this section and an unsubmitted sexual assault kit matches the convicted individual's genetic profile, the individual is liable for the fees for each individual charge under subsection (2) of this section in addition to an enhanced serial sexual assault fee of two thousand five hundred dollars.

NEW SECTION. **Sec.**  The fees required to be collected by the offender under section 2 of this act are deemed to be held in trust by the court until paid to the department of revenue.

NEW SECTION. **Sec.**  (1) The Washington sexually oriented crime fee account is created in the state treasury. All revenues from the sexually oriented crime fees established in section 2 of this act must be deposited into the account. Moneys in the account may only be spent after appropriation.

(2) The legislature must prioritize appropriations from the account for: The office of crime victims advocacy for the purpose of providing support and services, including educational and vocational training, to victims of sexual assault and trafficking; victim-centered, trauma-informed training for prosecutors, law enforcement, and victim advocates including, but not limited to, the Washington state patrol for the purpose of funding the statewide sexual assault kit tracking system and funding the forensic analysis of sexual assault kits.

**Sec.**  RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and 2016 c 112 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the Alaskan Way viaduct replacement project account, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the diesel idle reduction account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the Interstate 405 express toll lanes operations account, the education construction fund, the education legacy trust account, the election account, the electric vehicle charging infrastructure account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the Washington sexually oriented crime fee account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the state wildlife account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, the state university permanent fund, and the state reclamation revolving account shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act constitute a new chapter in Title 82 RCW.

**--- END ---**