

**SHB 1169** - H AMD 79

By Representative Cheney

**ADOPTED 02/28/2023**

1 On page 1, beginning on line 9, strike all of section 1 and  
2 insert the following:

3  
4 "Sec. 1. RCW 7.68.035 and 2018 c 269 s 19 are each amended to  
5 read as follows:

6 (1)((~~(a) When~~)) Except as provided in subsection (4) of this  
7 section, when any adult person is found guilty in any superior court  
8 of having committed a crime, except as provided in subsection (2) of  
9 this section, there shall be imposed by the court upon such  
10 convicted person a penalty assessment. The assessment shall be in  
11 addition to any other penalty or fine imposed by law and shall be  
12 five hundred dollars for each case or cause of action that includes  
13 one or more convictions of a felony or gross misdemeanor and two  
14 hundred fifty dollars for any case or cause of action that includes  
15 convictions of only one or more misdemeanors.

16 ((~~(b) When any juvenile is adjudicated of an offense that is a~~  
17 ~~most serious offense as defined in RCW 9.94A.030, or a sex offense~~  
18 ~~under chapter 9A.44 RCW, there shall be imposed upon the juvenile~~  
19 ~~offender a penalty assessment. The assessment shall be in addition~~  
20 ~~to any other penalty or fine imposed by law and shall be one hundred~~  
21 ~~dollars for each case or cause of action.~~

22 (~~(c) When any juvenile is adjudicated of an offense which has a~~  
23 ~~victim, and which is not a most serious offense as defined in RCW~~  
24 ~~9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall~~  
25 ~~order up to seven hours of community restitution, unless the court~~  
26 ~~finds that such an order is not practicable for the offender. This~~  
27

1 ~~community restitution must be imposed consecutively to any other~~  
2 ~~community restitution the court imposes for the offense.))~~

3 (2) The assessment imposed by subsection (1) of this section  
4 shall not apply to motor vehicle crimes defined in Title 46 RCW  
5 except those defined in the following sections: RCW 46.61.520,  
6 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,  
7 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,  
8 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,  
9 46.44.180, 46.10.490(2), and 46.09.470(2).

10 (3) ~~((When))~~ Except as provided in subsection (4) of this  
11 section, when any adult person accused of having committed a crime  
12 posts bail in superior court pursuant to the provisions of chapter  
13 10.19 RCW and such bail is forfeited, there shall be deducted from  
14 the proceeds of such forfeited bail a penalty assessment, in  
15 addition to any other penalty or fine imposed by law, equal to the  
16 assessment which would be applicable under subsection (1) of this  
17 section if the person had been convicted of the crime.

18 (4) The court shall not impose the penalty assessment under this  
19 section if the court finds that the defendant, at the time of  
20 sentencing, is indigent as defined in RCW 10.01.160(3).

21 (5) Upon motion by a defendant, the court shall waive any crime  
22 victim penalty assessment imposed prior to the effective date of  
23 this section if:

24 (a) The person was a juvenile at the time the penalty assessment  
25 was imposed; or

26 (b) The person does not have the ability to pay the penalty  
27 assessment. A person does not have the ability to pay if the person  
28 is indigent as defined in RCW 10.01.160(3).

29 (6) Such penalty assessments shall be paid by the clerk of the  
30 superior court to the county treasurer. Each county shall deposit  
31 one hundred percent of the money it receives per case or cause of  
32 action under subsection (1) of this section, not less than one and  
33 seventy-five one-hundredths percent of the remaining money it  
34 retains under RCW 10.82.070 and the money it retains under chapter

1 3.62 RCW, and all money it receives under subsection (~~(7)~~) (9) of  
2 this section into a fund maintained exclusively for the support of  
3 comprehensive programs to encourage and facilitate testimony by the  
4 victims of crimes and witnesses to crimes. A program shall be  
5 considered "comprehensive" only after approval of the department  
6 upon application by the county prosecuting attorney. The department  
7 shall approve as comprehensive only programs which:

8 (a) Provide comprehensive services to victims and witnesses of  
9 all types of crime with particular emphasis on serious crimes  
10 against persons and property. It is the intent of the legislature to  
11 make funds available only to programs which do not restrict services  
12 to victims or witnesses of a particular type or types of crime and  
13 that such funds supplement, not supplant, existing local funding  
14 levels;

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

19 (c) Make a reasonable effort to inform the known victim or his  
20 or her surviving dependents of the existence of this chapter and the  
21 procedure for making application for benefits;

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

24 (e) Assist victims of violent crimes in the preparation and  
25 presentation of their claims to the department of labor and  
26 industries under this chapter.

27 Before a program in any county west of the Cascade mountains is  
28 submitted to the department for approval, it shall be submitted for  
29 review and comment to each city within the county with a population  
30 of more than one hundred fifty thousand. The department will  
31 consider if the county's proposed comprehensive plan meets the needs  
32 of crime victims in cases adjudicated in municipal, district or  
33 superior courts and of crime victims located within the city and  
34 county.



EFFECT: Reinstates the victim penalty assessment (VPA) for adults convicted of specified crimes, but provides that the court must not impose the VPA on an adult defendant who is indigent at the time of sentencing. Provides that upon motion of a defendant, the court must waive any VPA imposed on an adult prior to the effective date of the act if the person does not have the ability to pay, and provides that a person does not have the ability to pay if the person is indigent.

Retains provisions that eliminate the VPA for juveniles and that require a court to waive any VPA imposed upon a juvenile prior to the effective date of the act.

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