

FINAL BILL REPORT

2ESHB 1378

Synopsis as Enacted

C 54 L 92

Brief Description: Changing provisions relating to superior court fees.

By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott).

Senate Committee on Ways & Means

Background: The superior courts of Washington State are authorized to charge fees, known as "filing fees" for their various proceedings. Revenue from civil case filing fees is split between the local county - 68 percent - and the state Public Safety and Education Account (PSEA) - 32 percent.

From the local portion of filing fees, a county treasurer deposits certain amounts into a county or regional law library fund.

The PSEA was created by the Legislature in 1984 to receive the state's share of revenues from court fines and forfeitures, as well as from fees. By statute, money in the account is to be used for traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking and state game programs.

Under the U.S. Constitution, the state and local governments are required, in most criminal proceedings, to pay for the defense of persons found to be indigent. In civil cases there is no such requirement. However, in recent decades non-profit legal assistance programs have received public funding, primarily federal, for civil representation of indigents.

Summary: Filing fees for certain Superior Court proceedings are increased as follows:

Civil actions: from \$78 to \$110;
Civil appeals: from \$78 to \$110;
Demand for jury of six: from \$25 to \$50;
Demand for jury of 12: from \$50 to \$100;
Answer to complaint: from \$48 to \$80;
Probate: from \$78 to \$110; and,

Contesting Will: from \$78 to \$110.

The current split of these revenues, 68 percent to the counties and 32 percent to the PSEA, is changed to 54 percent to the counties and 46 percent to the PSEA.

The amounts a county treasurer deposits into a county or regional law library fund from filing fees are increased as follows:

Amount deposited from Superior Court civil actions, civil appeals, and probate filings: from \$7 to \$12; and,

Amount deposited from district court civil filings: from \$3 to \$6.

With approval of the local legislative authority the amount deposited may be increased from Superior Court filings: from \$9 to \$15.

Representation of indigent persons in civil cases is added to the list of activities eligible for funding from the PSEA. The Department of Community Development is directed to contract with qualified legal aid programs, defined in the bill, for civil representation of indigents. No funds made available under the act to qualified legal aid programs may be used for lobbying or to bring class action lawsuits.

Legal aid programs are authorized to use funds for a) domestic relations and family law matters, b) public assistance, health care, and entitlement programs, c) public housing and utilities, and d) unemployment compensation.

Votes on Final Passage:

| | | | |
|--------|----|----|-------------------|
| House | 73 | 22 | |
| Senate | 26 | 22 | (Senate amended) |
| House | 63 | 33 | (House concurred) |

Effective: April 1, 1992