

2 **SHB 1680** - S COMM AMD
3 By Committee on Law & Justice

4 ADOPTED 4/10/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 3.02.045 and 1994 c 301 s 1 are each amended to read
8 as follows:

9 (1) Courts of limited jurisdiction may use collection agencies
10 under chapter 19.16 RCW for purposes of collecting unpaid penalties on
11 infractions, criminal fines, costs, assessments, civil judgments, or
12 forfeitures that have been imposed by the courts. Courts of limited
13 jurisdiction may enter into agreements with one or more attorneys or
14 collection agencies for collection of outstanding penalties, fines,
15 costs, assessments, and forfeitures. These agreements may specify the
16 scope of work, remuneration for services, and other charges deemed
17 appropriate. Such agreements may authorize collection agencies to
18 retain all or any portion of the interest collected on these accounts.

19 (2) Courts of limited jurisdiction may use credit cards or debit
20 cards for purposes of billing and collecting unpaid penalties, fines,
21 costs, assessments, and forfeitures so imposed. Courts of limited
22 jurisdiction may enter into agreements with one or more financial
23 institutions for the purpose of the collection of penalties, fines,
24 costs, assessments, and forfeitures. The agreements may specify
25 conditions, remuneration for services, and other charges deemed
26 appropriate.

27 (3) Servicing of delinquencies by collection agencies or by
28 collecting attorneys in which the court retains control of its
29 delinquencies shall not constitute assignment of debt.

30 (4) For purposes of this section, the term debt shall include
31 penalties, fines, costs, assessments, or forfeitures imposed by the
32 courts.

33 (5) The court may assess as court costs the moneys paid for
34 remuneration for services or charges paid to collecting attorneys, to
35 collection agencies, or, in the case of credit cards, to financial
36 institutions.

1 **Sec. 2.** RCW 3.46.120 and 1988 c 169 s 1 are each amended to read
2 as follows:

3 (1) All money received by the clerk of a municipal department
4 including penalties, fines, bail forfeitures, fees and costs shall be
5 paid by the clerk to the city treasurer.

6 (2) The city treasurer shall remit monthly thirty-two percent of
7 the noninterest money received under this section, other than for
8 parking infractions, and certain costs to the state treasurer.
9 "Certain costs" as used in this subsection, means those costs awarded
10 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
11 or those costs awarded against convicted defendants in criminal actions
12 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes
13 if such costs are specifically designated as costs by the court and are
14 awarded for the specific reimbursement of costs incurred by the state,
15 county, city, or town in the prosecution of the case, including the
16 fees of defense counsel. Money remitted under this subsection to the
17 state treasurer shall be deposited as provided in RCW 43.08.250.

18 (3) The balance of the noninterest money received under this
19 section shall be retained by the city and deposited as provided by law.

20 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
21 interest at the rate of twelve percent per annum, upon assignment to a
22 collection agency. Interest may accrue only while the case is in
23 collection status.

24 (5) Interest retained by the court on penalties, fines, bail
25 forfeitures, fees, and costs shall be split twenty-five percent to the
26 state treasurer for deposit in the public safety and education account
27 as provided in RCW 43.08.250, twenty-five percent to the state
28 treasurer for deposit in the judicial information system account as
29 provided in RCW 2.68.020, twenty-five percent to the city general fund,
30 and twenty-five percent to the city general fund to fund local courts.

31 **Sec. 3.** RCW 3.50.100 and 1988 c 169 s 2 are each amended to read
32 as follows:

33 (1) Costs in civil and criminal actions may be imposed as provided
34 in district court. All fees, costs, fines, forfeitures and other money
35 imposed by any municipal court for the violation of any municipal or
36 town ordinances shall be collected by the court clerk and, together
37 with any other noninterest revenues received by the clerk, shall be
38 deposited with the city or town treasurer as a part of the general fund

1 of the city or town, or deposited in such other fund of the city or
2 town, or deposited in such other funds as may be designated by the laws
3 of the state of Washington.

4 (2) The city treasurer shall remit monthly thirty-two percent of
5 the noninterest money received under this section, other than for
6 parking infractions, and certain costs to the state treasurer.
7 "Certain costs" as used in this subsection, means those costs awarded
8 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
9 or those costs awarded against convicted defendants in criminal actions
10 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes
11 if such costs are specifically designated as costs by the court and are
12 awarded for the specific reimbursement of costs incurred by the state,
13 county, city, or town in the prosecution of the case, including the
14 fees of defense counsel. Money remitted under this subsection to the
15 state treasurer shall be deposited as provided in RCW 43.08.250.

16 (3) The balance of the noninterest money received under this
17 section shall be retained by the city and deposited as provided by law.

18 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
19 interest at the rate of twelve percent per annum, upon assignment to a
20 collection agency. Interest may accrue only while the case is in
21 collection status.

22 (5) Interest retained by the court on penalties, fines, bail
23 forfeitures, fees, and costs shall be split twenty-five percent to the
24 state treasurer for deposit in the public safety and education account
25 as provided in RCW 43.08.250, twenty-five percent to the state
26 treasurer for deposit in the judicial information system account as
27 provided in RCW 2.68.020, twenty-five percent to the city general fund,
28 and twenty-five percent to the city general fund to fund local courts.

29 **Sec. 4.** RCW 35.20.220 and 1988 c 169 s 6 are each amended to read
30 as follows:

31 (1) The chief clerk, under the supervision and direction of the
32 court administrator of the municipal court, shall have the custody and
33 care of the books, papers and records of said court; he shall be
34 present by himself or deputy during the session of said court, and
35 shall have the power to swear all witnesses and jurors, and administer
36 oaths and affidavits, and take acknowledgments. He shall keep the
37 records of said court, and shall issue all process under his hand and
38 the seal of said court, and shall do and perform all things and have

1 the same powers pertaining to his office as the clerks of the superior
2 courts have in their office. He shall receive all fines, penalties and
3 fees of every kind, and keep a full, accurate and detailed account of
4 the same; and shall on each day pay into the city treasury all money
5 received for said city during the day previous, with a detailed account
6 of the same, and taking the treasurer's receipt therefor.

7 (2) The city treasurer shall remit monthly thirty-two percent of
8 the noninterest money received under this section, other than for
9 parking infractions and certain costs to the state treasurer. "Certain
10 costs" as used in this subsection, means those costs awarded to
11 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or
12 those costs awarded against convicted defendants in criminal actions
13 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes
14 if such costs are specifically designated as costs by the court and are
15 awarded for the specific reimbursement of costs incurred by the state,
16 county, city, or town in the prosecution of the case, including the
17 fees of defense counsel. Money remitted under this subsection to the
18 state treasurer shall be deposited as provided in RCW 43.08.250.

19 (3) The balance of the noninterest money received under this
20 section shall be retained by the city and deposited as provided by law.

21 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
22 interest at the rate of twelve percent per annum, upon assignment to a
23 collection agency. Interest may accrue only while the case is in
24 collection status.

25 (5) Interest retained by the court on penalties, fines, bail
26 forfeitures, fees, and costs shall be split twenty-five percent to the
27 state treasurer for deposit in the public safety and education account
28 as provided in RCW 43.08.250, twenty-five percent to the state
29 treasurer for deposit in the judicial information system account as
30 provided in RCW 2.68.020, twenty-five percent to the city general fund,
31 and twenty-five percent to the city general fund to fund local courts.

32 **Sec. 5.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read
33 as follows:

34 (1) Except as provided in subsection (4) of this section, all
35 costs, fees, fines, forfeitures and penalties assessed and collected in
36 whole or in part by district courts, except costs, fines, forfeitures
37 and penalties assessed and collected, in whole or in part, because of
38 the violation of city ordinances, shall be remitted by the clerk of the

1 district court to the county treasurer at least monthly, together with
2 a financial statement as required by the division of municipal
3 corporations, noting the information necessary for crediting of such
4 funds as required by law.

5 (2) The county treasurer shall remit thirty-two percent of the
6 noninterest money received under subsection (1) of this section except
7 certain costs to the state treasurer. "Certain costs" as used in this
8 subsection, means those costs awarded to prevailing parties in civil
9 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
10 convicted defendants in criminal actions under RCW 10.01.160,
11 10.46.190, or 36.18.040, or other similar statutes if such costs are
12 specifically designated as costs by the court and are awarded for the
13 specific reimbursement of costs incurred by the state or county in the
14 prosecution of the case, including the fees of defense counsel. Money
15 remitted under this subsection to the state treasurer shall be
16 deposited as provided in RCW 43.08.250.

17 (3) The balance of the noninterest money received by the county
18 treasurer under subsection (1) of this section shall be deposited in
19 the county current expense fund.

20 (4) All money collected for county parking infractions shall be
21 remitted by the clerk of the district court at least monthly, with the
22 information required under subsection (1) of this section, to the
23 county treasurer for deposit in the county current expense fund.

24 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
25 interest at the rate of twelve percent per annum, upon assignment to a
26 collection agency. Interest may accrue only while the case is in
27 collection status.

28 (6) Interest retained by the court on penalties, fines, bail
29 forfeitures, fees, and costs shall be split twenty-five percent to the
30 state treasurer for deposit in the public safety and education account
31 as provided in RCW 43.08.250, twenty-five percent to the state
32 treasurer for deposit in the judicial information system account as
33 provided in RCW 2.68.020, twenty-five percent to the county current
34 expense fund, and twenty-five percent to the county current expense
35 fund to fund local courts.

36 **Sec. 6.** RCW 3.62.040 and 1988 c 169 s 4 are each amended to read
37 as follows:

38 (1) Except as provided in subsection (4) of this section, all

1 costs, fines, forfeitures and penalties assessed and collected, in
2 whole or in part, by district courts because of violations of city
3 ordinances shall be remitted by the clerk of the district court at
4 least monthly directly to the treasurer of the city wherein the
5 violation occurred.

6 (2) The city treasurer shall remit monthly thirty-two percent of
7 the noninterest money received under this section, other than for
8 parking infractions and certain costs, to the state treasurer.
9 "Certain costs" as used in this subsection, means those costs awarded
10 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
11 or those costs awarded against convicted defendants in criminal actions
12 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes
13 if such costs are specifically designated as costs by the court and are
14 awarded for the specific reimbursement of costs incurred by the state,
15 county, city, or town in the prosecution of the case, including the
16 fees of defense counsel. Money remitted under this subsection to the
17 state treasurer shall be deposited as provided in RCW 43.08.250.

18 (3) The balance of the noninterest money received under this
19 section shall be retained by the city and deposited as provided by law.

20 (4) All money collected for city parking infractions shall be
21 remitted by the clerk of the district court at least monthly to the
22 city treasurer for deposit in the city's general fund.

23 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
24 interest at the rate of twelve percent per annum, upon assignment to a
25 collection agency. Interest may accrue only while the case is in
26 collection status.

27 (6) Interest retained by the court on penalties, fines, bail
28 forfeitures, fees, and costs shall be split twenty-five percent to the
29 state treasurer for deposit in the public safety and education account
30 as provided in RCW 43.08.250, twenty-five percent to the state
31 treasurer for deposit in the judicial information system account as
32 provided in RCW 2.68.020, twenty-five percent to the city general fund,
33 and twenty-five percent to the city general fund to fund local courts.

34 **Sec. 7.** RCW 10.82.090 and 1989 c 276 s 3 are each amended to read
35 as follows:

36 Financial obligations imposed in a judgment shall bear interest
37 from the date of the judgment until payment, at the rate applicable to
38 civil judgments. All nonrestitution interest retained by the court

1 shall be split twenty-five percent to the state treasurer for deposit
2 in the public safety and education account as provided in RCW
3 43.08.250, twenty-five percent to the state treasurer for deposit in
4 the judicial information system account as provided in RCW 2.68.020,
5 twenty-five percent to the county current expense fund, and twenty-five
6 percent to the county current expense fund to fund local courts.

7 **Sec. 8.** RCW 36.18.190 and 1994 c 185 s 9 are each amended to read
8 as follows:

9 Superior court clerks may contract with collection agencies or may
10 use county collection services for the collection of unpaid court
11 obligations. The costs for the agencies or county services shall be
12 paid by the debtor. By agreement, clerks may authorize collection
13 agencies to retain all or any portion of the interest collected on
14 these accounts. Collection may not be initiated with respect to a
15 criminal offender who is under the supervision of the department of
16 corrections without the prior agreement of the department.

17 Any contract with a collection agency shall be awarded only after
18 competitive bidding. Factors that a court clerk shall consider in
19 awarding a collection contract include but are not limited to: (1) A
20 collection agency's history and reputation in the community; and (2)
21 the agency's access to a local data base that may increase the
22 efficiency of its collections.

23 The servicing of an unpaid court obligation does not constitute
24 assignment of a debt, and no contract with a collection agency may
25 remove the court's control over unpaid obligations owed to the court."

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27 By Committee on Law & Justice

28 ADOPTED 4/10/95

29 On page 1, line of the title, after "fines;" strike the remainder
30 of the title and insert "and amending RCW 3.02.045, 3.46.120, 3.50.100,
31 35.20.220, 3.62.020, 3.62.040, 10.82.090, and 36.18.190."

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