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**SUBSTITUTE SENATE BILL 5035**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Heavey, McCaslin and Haugen; by request of Board for Judicial Administration)

Read first time 02/04/1999.

1 AN ACT Relating to court funding and improvements; amending RCW  
2 43.08.250, 3.46.120, 3.50.100, 3.62.040, 3.62.060, 3.62.090, 27.24.070,  
3 35.20.220, 36.18.020, 36.18.025, 2.14.010, 2.14.030, 2.56.030,  
4 2.36.080, 2.36.100, and 2.36.150; reenacting and amending RCW 3.62.020;  
5 adding new sections to chapter 2.28 RCW; adding new sections to chapter  
6 43.330 RCW; creating new sections; prescribing penalties; making  
7 appropriations; and providing an effective date.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 2.28 RCW  
10 to read as follows:

11 Each county that elects to receive state funding for reimbursement  
12 of court costs pursuant to RCW 2.56.030(19) shall submit to the  
13 administrator for the courts a joint resolution signed by the chair of  
14 the legislative body of the county and by the presiding judges of the  
15 superior and district court. Each city with a qualified municipal  
16 court that elects to receive state funding for reimbursement pursuant  
17 to RCW 2.56.030(19) shall submit to the administrator for the courts a  
18 joint resolution signed by the chair of the legislative body and by the  
19 presiding judge of the qualified municipal court for the city. Such

1 resolutions must be submitted by September 1st of an even-numbered year  
2 in order to be effective for the biennium beginning July 1st of the  
3 following year.

4 Upon submission of a timely resolution, the state will appropriate  
5 to the county or city an amount equal to the costs of salaries and  
6 benefits for judges of district and municipal courts. The county or  
7 city in the resolution must agree not to use such funds to supplant  
8 existing funding levels for court operations, not including judicial  
9 salaries and benefits.

10 For purposes of this act a qualified municipal court is any court  
11 in which the judge or judges are elected to a full-time position, and  
12 such positions were elected, full-time positions on or before January  
13 1, 1999.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 2.28 RCW  
15 to read as follows:

16 There is created an account in the custody of the state treasurer  
17 to be known as the court improvement account. Court improvements may  
18 include but are not limited to the creation of family courts, drug  
19 courts, teen courts, and/or other service and programs determined by  
20 the board for judicial administration. The office of the administrator  
21 for the courts upon the direction of the board for judicial  
22 administration shall maintain and administer the account, in which  
23 shall be deposited all moneys received from the portion of superior  
24 court filing fees imposed pursuant to RCW 36.18.020(3) and the portion  
25 of district court filing fees imposed pursuant to RCW 3.62.060(1)(b)  
26 for the purposes of providing court improvements. The legislature  
27 shall appropriate the funds in the account for the purposes of court  
28 improvements in counties and cities that have enacted a local option  
29 resolution pursuant to section 1 of this act and in appellate courts.  
30 Counties and cities receiving funds from this account must agree not to  
31 use such funds to supplant existing funding levels for maintenance of  
32 the courts, not including judicial salaries and benefits.

33 **Sec. 3.** RCW 43.08.250 and 1997 c 149 s 910 are each amended to  
34 read as follows:

35 The money received by the state treasurer from fees, fines,  
36 forfeitures, penalties, reimbursements or assessments by any court  
37 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be

1 deposited in the public safety and education account which is hereby  
2 created in the state treasury. The legislature shall appropriate the  
3 funds in the account to promote traffic safety education, highway  
4 safety, criminal justice training, crime victims' compensation,  
5 judicial education, the judicial information system, civil  
6 representation of indigent persons, winter recreation parking, and  
7 state game programs. (~~During the fiscal biennium ending June 30,~~  
8 ~~1999,~~) The legislature may appropriate moneys from the public safety  
9 and education account for purposes of ((appellate)) indigent defense  
10 and indigent juvenile dependency defense, jury improvements, the  
11 criminal litigation unit of the attorney general's office, the  
12 treatment alternatives to street crimes program, crime victims advocacy  
13 programs, justice information network telecommunication planning,  
14 sexual assault treatment, (~~operations of the office of administrator~~  
15 ~~for the courts,~~) security in the common schools, criminal justice data  
16 collection, and Washington state patrol criminal justice activities.

17 **Sec. 4.** RCW 3.46.120 and 1995 c 291 s 2 are each amended to read  
18 as follows:

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

22 (2) The city treasurer shall remit monthly (~~thirty-two~~) forty-six  
23 percent of the noninterest money received under this section, other  
24 than for parking infractions, and certain costs to the state treasurer.  
25 "Certain costs" as used in this subsection, means those costs awarded  
26 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
27 or those costs awarded against convicted defendants in criminal actions  
28 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
29 if such costs are specifically designated as costs by the court and are  
30 awarded for the specific reimbursement of costs incurred by the state,  
31 county, city, or town in the prosecution of the case, including the  
32 fees of defense counsel. Money remitted under this subsection to the  
33 state treasurer shall be deposited as provided in RCW 43.08.250.

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

36 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
37 interest at the rate of twelve percent per annum, upon assignment to a

1 collection agency. Interest may accrue only while the case is in  
2 collection status.

3 (5) Interest retained by the court on penalties, fines, bail  
4 forfeitures, fees, and costs shall be split twenty-five percent to the  
5 state treasurer for deposit in the public safety and education account  
6 as provided in RCW 43.08.250, twenty-five percent to the state  
7 treasurer for deposit in the judicial information system account as  
8 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
9 and twenty-five percent to the city general fund to fund local courts.

10 **Sec. 5.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read  
11 as follows:

12 (1) Costs in civil and criminal actions may be imposed as provided  
13 in district court. All fees, costs, fines, forfeitures and other money  
14 imposed by any municipal court for the violation of any municipal or  
15 town ordinances shall be collected by the court clerk and, together  
16 with any other noninterest revenues received by the clerk, shall be  
17 deposited with the city or town treasurer as a part of the general fund  
18 of the city or town, or deposited in such other fund of the city or  
19 town, or deposited in such other funds as may be designated by the laws  
20 of the state of Washington.

21 (2) The city treasurer shall remit monthly (~~(thirty-two)~~) forty-six  
22 percent of the noninterest money received under this section, other  
23 than for parking infractions, and certain costs to the state treasurer.  
24 "Certain costs" as used in this subsection, means those costs awarded  
25 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
26 or those costs awarded against convicted defendants in criminal actions  
27 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
28 if such costs are specifically designated as costs by the court and are  
29 awarded for the specific reimbursement of costs incurred by the state,  
30 county, city, or town in the prosecution of the case, including the  
31 fees of defense counsel. Money remitted under this subsection to the  
32 state treasurer shall be deposited as provided in RCW 43.08.250.

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

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

1 (5) Interest retained by the court on penalties, fines, bail  
2 forfeitures, fees, and costs shall be split twenty-five percent to the  
3 state treasurer for deposit in the public safety and education account  
4 as provided in RCW 43.08.250, twenty-five percent to the state  
5 treasurer for deposit in the judicial information system account as  
6 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
7 and twenty-five percent to the city general fund to fund local courts.

8 **Sec. 6.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are  
9 each reenacted and amended to read as follows:

10 (1) Except as provided in subsection (4) of this section, all  
11 costs, fees, fines, forfeitures and penalties assessed and collected in  
12 whole or in part by district courts, except costs, fines, forfeitures  
13 and penalties assessed and collected, in whole or in part, because of  
14 the violation of city ordinances, shall be remitted by the clerk of the  
15 district court to the county treasurer at least monthly, together with  
16 a financial statement as required by the state auditor, noting the  
17 information necessary for crediting of such funds as required by law.

18 (2) The county treasurer shall remit (~~(thirty-two))~~ forty-six  
19 percent of the noninterest money received under subsection (1) of this  
20 section except certain costs and fees in civil cases collected pursuant  
21 to RCW 3.62.060 to the state treasurer. The county treasurer shall  
22 remit thirty-two percent of the fees in civil cases received pursuant  
23 to RCW 3.62.060. "Certain costs" as used in this subsection, means  
24 those costs awarded to prevailing parties in civil actions under RCW  
25 4.84.010 or 36.18.040, or those costs awarded against convicted  
26 defendants in criminal actions under RCW 10.01.160, 10.46.190, or  
27 36.18.040, or other similar statutes if such costs are specifically  
28 designated as costs by the court and are awarded for the specific  
29 reimbursement of costs incurred by the state or county in the  
30 prosecution of the case, including the fees of defense counsel. Money  
31 remitted under this subsection to the state treasurer shall be  
32 deposited as provided in RCW 43.08.250.

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

36 (4) All money collected for county parking infractions shall be  
37 remitted by the clerk of the district court at least monthly, with the

1 information required under subsection (1) of this section, to the  
2 county treasurer for deposit in the county current expense fund.

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

7 (6) Interest retained by the court on penalties, fines, bail  
8 forfeitures, fees, and costs shall be split twenty-five percent to the  
9 state treasurer for deposit in the public safety and education account  
10 as provided in RCW 43.08.250, twenty-five percent to the state  
11 treasurer for deposit in the judicial information system account as  
12 provided in RCW 2.68.020, twenty-five percent to the county current  
13 expense fund, and twenty-five percent to the county current expense  
14 fund to fund local courts.

15 **Sec. 7.** RCW 3.62.040 and 1995 c 291 s 6 are each amended to read  
16 as follows:

17 (1) Except as provided in subsection (4) of this section, all  
18 costs, fines, forfeitures and penalties assessed and collected, in  
19 whole or in part, by district courts because of violations of city  
20 ordinances shall be remitted by the clerk of the district court at  
21 least monthly directly to the treasurer of the city wherein the  
22 violation occurred.

23 (2) The city treasurer shall remit monthly (~~(thirty-two))~~ forty-six  
24 percent of the noninterest money received under this section, other  
25 than for parking infractions and certain costs, to the state treasurer.  
26 "Certain costs" as used in this subsection, means those costs awarded  
27 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
28 or those costs awarded against convicted defendants in criminal actions  
29 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
30 if such costs are specifically designated as costs by the court and are  
31 awarded for the specific reimbursement of costs incurred by the state,  
32 county, city, or town in the prosecution of the case, including the  
33 fees of defense counsel. Money remitted under this subsection to the  
34 state treasurer shall be deposited as provided in RCW 43.08.250.

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

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

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

8 (6) Interest retained by the court on penalties, fines, bail  
9 forfeitures, fees, and costs shall be split twenty-five percent to the  
10 state treasurer for deposit in the public safety and education account  
11 as provided in RCW 43.08.250, twenty-five percent to the state  
12 treasurer for deposit in the judicial information system account as  
13 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
14 and twenty-five percent to the city general fund to fund local courts.

15 **Sec. 8.** RCW 3.62.060 and 1992 c 62 s 8 are each amended to read as  
16 follows:

17 Clerks of the district courts shall collect the following fees for  
18 their official services:

19 (1)(a) In any civil action commenced before or transferred to a  
20 district court, the plaintiff shall, at the time of such commencement  
21 or transfer, pay to such court a filing fee of thirty-one dollars plus  
22 any surcharge authorized by RCW 7.75.035.

23 (b) In every county that has enacted a local option resolution  
24 pursuant to section 1 of this act, the clerks of the district courts  
25 shall collect an additional filing fee of nine dollars upon the  
26 commencement or transfer of a civil action for which a filing fee is  
27 collected under (a) of this subsection. Revenue collected under this  
28 subsection (1)(b) shall be deposited in the court improvement account  
29 created in section 2 of this act, and is exempt from the percentage  
30 distribution remittance required in RCW 3.62.020(2).

31 (c) No party shall be compelled to pay to the court any other fees  
32 or charges up to and including the rendition of judgment in the action  
33 other than those listed.

34 (2) For issuing a writ of garnishment or other writ a fee of six  
35 dollars.

36 (3) For filing a supplemental proceeding a fee of twelve dollars.

37 (4) For demanding a jury in a civil case a fee of fifty dollars to  
38 be paid by the person demanding a jury.

1 (5) For preparing a transcript of a judgment a fee of six dollars.

2 (6) For certifying any document on file or of record in the clerk's  
3 office a fee of five dollars.

4 (7) For preparing the record of a case for appeal to superior court  
5 a fee of forty dollars including any costs of tape duplication as  
6 governed by the rules of appeal for courts of limited jurisdiction  
7 (RALJ).

8 (8) For duplication of part or all of the electronic tape or tapes  
9 of a proceeding ten dollars per tape.

10 The fees or charges imposed under this section shall be allowed as  
11 court costs whenever a judgment for costs is awarded.

12 **Sec. 9.** RCW 3.62.090 and 1997 c 331 s 4 are each amended to read  
13 as follows:

14 (1) There shall be assessed and collected in addition to any fines,  
15 forfeitures, or penalties assessed, other than for parking infractions  
16 and for fines levied under RCW 46.61.5055, by all courts organized  
17 under Title 3 or 35 RCW a public safety and education assessment equal  
18 to ~~((sixty))~~ one hundred percent of such fines, forfeitures, or  
19 penalties, which shall be remitted as provided in chapters 3.46, 3.50,  
20 3.62, and 35.20 RCW. The assessment required by this section shall not  
21 be suspended, reduced, or waived by the court.

22 (2) There shall be assessed and collected in addition to any  
23 ~~((fines, forfeitures, or penalties assessed, other than for parking  
24 infractions and for))~~ fines levied under RCW 46.61.5055~~((, and in  
25 addition to the public safety and education assessment required under  
26 subsection (1) of this section, by all courts organized under Title 3  
27 or 35 RCW, an additional public safety and education assessment equal  
28 to fifty percent of the public safety and education assessment required  
29 under subsection (1) of this section, which shall be remitted to the  
30 state treasurer and deposited as provided in RCW 43.08.250. The  
31 additional assessment required by this subsection shall not be  
32 suspended or waived by the court))~~ by all courts organized under Title  
33 3 or 35 RCW a public safety and education assessment equal to sixty  
34 percent of such fines, which shall be remitted as provided in chapters  
35 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this  
36 section shall not be suspended, reduced, or waived by the court.

37 (3) This section does not apply to the fee imposed under RCW  
38 43.63.110(6).



1       **Sec. 10.** RCW 27.24.070 and 1992 c 54 s 6 are each amended to read  
2 as follows:

3       In each county pursuant to this chapter, the county treasurer shall  
4 deposit in the county or regional law library fund a sum equal to  
5 twelve dollars for every new probate or civil filing fee, including  
6 appeals, collected by the clerk of the superior court and six dollars  
7 for every fee collected for the commencement of a civil action in  
8 district court for the support of the law library in that county or the  
9 regional law library to which the county belongs: PROVIDED, That upon  
10 a showing of need the twelve dollar contribution may be increased up to  
11 fifteen dollars upon the request of the law library board of trustees  
12 and with the approval of the county legislative body or bodies: AND  
13 PROVIDED FURTHER, That in each county, upon a showing of need by the  
14 law library board of trustees, a county legislative body or bodies may  
15 impose an additional surcharge not to exceed the maximum amount  
16 established in this section for every new probate or civil filing in  
17 superior court and an additional surcharge not to exceed the maximum  
18 amount established in this section for every fee collected for the  
19 commencement of a civil action in district court for the purpose of  
20 funding the county law library. Any surcharge imposed shall be  
21 collected by the clerk of the court and remitted to the county  
22 treasurer for deposit in the county or regional law library fund.

23       **Sec. 11.** RCW 35.20.220 and 1995 c 291 s 4 are each amended to read  
24 as follows:

25       (1) The chief clerk, under the supervision and direction of the  
26 court administrator of the municipal court, shall have the custody and  
27 care of the books, papers and records of said court; he shall be  
28 present by himself or deputy during the session of said court, and  
29 shall have the power to swear all witnesses and jurors, and administer  
30 oaths and affidavits, and take acknowledgments. He shall keep the  
31 records of said court, and shall issue all process under his hand and  
32 the seal of said court, and shall do and perform all things and have  
33 the same powers pertaining to his office as the clerks of the superior  
34 courts have in their office. He shall receive all fines, penalties and  
35 fees of every kind, and keep a full, accurate and detailed account of  
36 the same; and shall on each day pay into the city treasury all money  
37 received for said city during the day previous, with a detailed account  
38 of the same, and taking the treasurer's receipt therefor.

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

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

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

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

26 **Sec. 12.** RCW 36.18.020 and 1996 c 211 s 2 are each amended to read  
27 as follows:

28 (1) Revenue collected under subsection (2) of this section is  
29 subject to division with the state public safety and education account  
30 under RCW 36.18.025 and with the county or regional law library fund  
31 under RCW 27.24.070.

32 (2) Clerks of superior courts shall collect the following fees for  
33 their official services:

34 (a) The party filing the first or initial paper in any civil  
35 action, including, but not limited to an action for restitution,  
36 adoption, or change of name, shall pay, at the time the paper is filed,  
37 a fee of one hundred ten dollars except, in an unlawful detainer action  
38 under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a

1 case initiating filing fee of thirty dollars, or in proceedings filed  
2 under RCW 28A.225.030 alleging a violation of the compulsory attendance  
3 laws where the petitioner shall not pay a filing fee. The thirty  
4 dollar filing fee under this subsection for an unlawful detainer action  
5 shall not include an order to show cause or any other order or judgment  
6 except a default order or default judgment in an unlawful detainer  
7 action.

8 (b) Any party, except a defendant in a criminal case, filing the  
9 first or initial paper on an appeal from a court of limited  
10 jurisdiction or any party on any civil appeal, shall pay, when the  
11 paper is filed, a fee of one hundred ten dollars.

12 (c) For filing of a petition for judicial review as required under  
13 RCW 34.05.514 a filing fee of one hundred ten dollars.

14 (d) For filing of a petition for unlawful harassment under RCW  
15 10.14.040 a filing fee of one hundred ten dollars.

16 (e) For filing the notice of debt due for the compensation of a  
17 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

18 (f) In probate proceedings, the party instituting such proceedings,  
19 shall pay at the time of filing the first paper therein, a fee of one  
20 hundred ten dollars.

21 (g) For filing any petition to contest a will admitted to probate  
22 or a petition to admit a will which has been rejected, or a petition  
23 objecting to a written agreement or memorandum as provided in RCW  
24 11.96.170, there shall be paid a fee of one hundred ten dollars.

25 (h) Upon conviction or plea of guilty, upon failure to prosecute an  
26 appeal from a court of limited jurisdiction as provided by law, or upon  
27 affirmance of a conviction by a court of limited jurisdiction, a  
28 defendant in a criminal case shall be liable for a fee of one hundred  
29 ten dollars.

30 (i) With the exception of demands for jury hereafter made and  
31 garnishments hereafter issued, civil actions and probate proceedings  
32 filed prior to midnight, July 1, 1972, shall be completed and governed  
33 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
34 fee shall be assessed if an order of dismissal on the clerk's record be  
35 filed as provided by rule of the supreme court.

36 (3) In every county that has enacted a local option resolution  
37 pursuant to section 1 of this act, the clerk shall collect an  
38 additional filing fee of thirty dollars upon the provision of any  
39 service for which a filing fee is collected under subsection (2) of

1 this section. Revenue collected under this subsection shall be  
2 deposited in the court improvement account created in section 2 of this  
3 act.

4 (4) No fee shall be collected when a petition for relinquishment of  
5 parental rights is filed pursuant to RCW 26.33.080 or for forms and  
6 instructional brochures provided under RCW 26.50.030.

7 **Sec. 13.** RCW 36.18.025 and 1992 c 54 s 2 are each amended to read  
8 as follows:

9 Forty-six percent of the money received from filing fees paid  
10 pursuant to RCW 36.18.020(2) shall be transmitted by the county  
11 treasurer each month to the state treasurer for deposit in the public  
12 safety and education account established under RCW 43.08.250.

13 **Sec. 14.** RCW 2.14.010 and 1988 c 109 s 12 are each amended to read  
14 as follows:

15 (1) The purpose of this chapter is to provide a supplemental  
16 retirement benefit to judges who are elected or appointed under chapter  
17 2.04, 2.06, ((~~or~~)) 2.08, or 3.34 RCW and who are members of the public  
18 employees' retirement system for their service as a judge.

19 (2) This chapter may be known and cited as the judicial retirement  
20 account act.

21 **Sec. 15.** RCW 2.14.030 and 1988 c 109 s 14 are each amended to read  
22 as follows:

23 The judicial retirement account plan is established for judges  
24 appointed or elected under chapter 2.04, 2.06, ((~~or~~)) 2.08, or 3.34 RCW  
25 and who are members of the public employees' retirement system for  
26 their service as a judge.

27 **Sec. 16.** RCW 2.56.030 and 1997 c 41 s 2 are each amended to read  
28 as follows:

29 The administrator for the courts shall, under the supervision and  
30 direction of the chief justice:

31 (1) Examine the administrative methods and systems employed in the  
32 offices of the judges, clerks, stenographers, and employees of the  
33 courts and make recommendations, through the chief justice, for the  
34 improvement of the same;

1 (2) Examine the state of the dockets of the courts and determine  
2 the need for assistance by any court;

3 (3) Make recommendations to the chief justice relating to the  
4 assignment of judges where courts are in need of assistance and carry  
5 out the direction of the chief justice as to the assignments of judges  
6 to counties and districts where the courts are in need of assistance;

7 (4) Collect and compile statistical and other data and make reports  
8 of the business transacted by the courts and transmit the same to the  
9 chief justice to the end that proper action may be taken in respect  
10 thereto;

11 (5) Prepare and submit budget estimates of state appropriations  
12 necessary for the maintenance and operation of the judicial system and  
13 make recommendations in respect thereto;

14 (6) Collect statistical and other data and make reports relating to  
15 the expenditure of public moneys, state and local, for the maintenance  
16 and operation of the judicial system and the offices connected  
17 therewith;

18 (7) Obtain reports from clerks of courts in accordance with law or  
19 rules adopted by the supreme court of this state on cases and other  
20 judicial business in which action has been delayed beyond periods of  
21 time specified by law or rules of court and make report thereof to  
22 supreme court of this state;

23 (8) Act as secretary of the judicial conference referred to in RCW  
24 2.56.060;

25 (9) Submit annually, as of February 1st, to the chief justice, a  
26 report of the activities of the administrator's office for the  
27 preceding calendar year including activities related to courthouse  
28 security;

29 (10) Administer programs and standards for the training and  
30 education of judicial personnel;

31 (11) Examine the need for new superior court and district judge  
32 positions under a weighted caseload analysis that takes into account  
33 the time required to hear all the cases in a particular court and the  
34 amount of time existing judges have available to hear cases in that  
35 court. The results of the weighted caseload analysis shall be reviewed  
36 by the board for judicial administration which shall make  
37 recommendations to the legislature. It is the intent of the  
38 legislature that weighted caseload analysis become the basis for

1 creating additional district court positions, and recommendations  
2 should address that objective;

3 (12) Provide staff to the judicial retirement account plan under  
4 chapter 2.14 RCW;

5 (13) Attend to such other matters as may be assigned by the supreme  
6 court of this state;

7 (14) Within available funds, develop a curriculum for a general  
8 understanding of child development, placement, and treatment resources,  
9 as well as specific legal skills and knowledge of relevant statutes  
10 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,  
11 interviewing skills, and special needs of the abused or neglected  
12 child. This curriculum shall be completed and made available to all  
13 juvenile court judges, court personnel, and service providers and be  
14 updated yearly to reflect changes in statutes, court rules, or case  
15 law;

16 (15) Develop, in consultation with the entities set forth in RCW  
17 2.56.150(3), a comprehensive state-wide curriculum for persons who act  
18 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall  
19 be made available July 1, 1997, and include specialty sections on child  
20 development, child sexual abuse, child physical abuse, child neglect,  
21 clinical and forensic investigative and interviewing techniques, family  
22 reconciliation and mediation services, and relevant statutory and legal  
23 requirements. The curriculum shall be made available to all superior  
24 court judges, court personnel, and all persons who act as guardians ad  
25 litem;

26 (16) Develop a curriculum for a general understanding of crimes of  
27 malicious harassment, as well as specific legal skills and knowledge of  
28 RCW 9A.36.080, relevant cases, court rules, and the special needs of  
29 malicious harassment victims. This curriculum shall be made available  
30 to all superior court and court of appeals judges and to all justices  
31 of the supreme court;

32 (17) Develop, in consultation with the criminal justice training  
33 commission and the commissions established under chapters 43.113,  
34 43.115, and 43.117 RCW, a curriculum for a general understanding of  
35 ethnic and cultural diversity and its implications for working with  
36 youth of color and their families. The curriculum shall be available  
37 to all superior court judges and court commissioners assigned to  
38 juvenile court, and other court personnel. Ethnic and cultural  
39 diversity training shall be provided annually so as to incorporate

1 cultural sensitivity and awareness into the daily operation of juvenile  
2 courts state-wide;

3 (18) Authorize the use of closed circuit television and other  
4 electronic equipment in judicial proceedings. The administrator shall  
5 promulgate necessary standards and procedures and shall provide  
6 technical assistance to courts as required;

7 (19) Submit an annual report to the legislature on the cost to each  
8 county and city with a qualified municipal court for constitutionally  
9 mandated services of superior, district, and qualified municipal  
10 courts, salary and benefits of the authorized judges, criminal trial  
11 expert witness fees, jury costs, interpreter costs, and indigent  
12 criminal defense costs.

13 NEW SECTION. **Sec. 17.** The administrator for the courts shall,  
14 under the supervision and direction of the chief justice, conduct a  
15 study to determine the effectiveness of increasing jury per diem up to  
16 one hundred dollars per day of actual jury service. The study shall be  
17 completed and submitted to the legislature by January 1, 2000.

18 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.330  
19 RCW to read as follows:

20 The extraordinary criminal justice assistance account is created in  
21 the state treasury. Appropriations may be made from the general fund  
22 or the public safety and education account into this account. Moneys  
23 in the account may be spent only after appropriation and as authorized  
24 by the legislature. Expenditures from the account may be used only to  
25 reimburse the extraordinary costs associated with the prosecution,  
26 indigent defense, jury impanelment, expert witnesses, interpreters,  
27 incarceration, and other adjudication costs of extraordinary criminal  
28 cases. Only the directors of the office of public defense and the  
29 Washington association of sheriffs and police chiefs or the directors'  
30 designees may authorize expenditures from the account.

31 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.330  
32 RCW to read as follows:

33 Counties may submit extraordinary criminal justice assistance  
34 account claims for prosecution, prosecution expert witnesses, and  
35 incarceration costs to the Washington association of sheriffs and  
36 police chiefs. Counties may submit claims for indigent defense and

1 expert witnesses, jury impanelment, interpreters, and other  
2 adjudication costs to the office of indigent defense.

3 (1) The office of public defense and the Washington association of  
4 sheriffs and police chiefs shall develop procedures for processing the  
5 claims, for auditing the veracity of the claims, and for prioritizing  
6 the claims. Prioritization of the claims shall be based on, but not  
7 limited to, such factors as disproportionate fiscal impact relative to  
8 the county budget, efficient use of resources, and whether the costs  
9 are extraordinary and could not be reasonably accommodated and  
10 anticipated in the normal budget process.

11 (2) Before January 1 of each year, the office of public defense and  
12 the Washington association of sheriffs and police chiefs shall develop  
13 and submit to the appropriate fiscal committees of the senate and house  
14 of representatives prioritized lists of submitted claims that are  
15 recommended for funding by the legislature from the extraordinary  
16 criminal justice assistance account. The lists shall include a summary  
17 of each claim and the nature of the costs incurred.

18 (3) The office of public defense and the Washington association of  
19 sheriffs and police chiefs shall not financially obligate funds from  
20 the extraordinary criminal justice assistance account before the  
21 legislature has appropriated funds for a specific list of claims. The  
22 legislature may remove projects from the lists recommended by the  
23 office of public defense and the Washington association of sheriffs and  
24 police chiefs.

25 NEW SECTION. **Sec. 20.** (1)(a) The sum of eight million four  
26 hundred thousand dollars, or as much thereof as may be necessary, is  
27 appropriated for the fiscal year ending June 30, 2000, from the public  
28 safety and education account to the department of community, trade, and  
29 economic development to contract with a qualified provider for civil  
30 representation of indigent persons in accordance with the requirements  
31 of RCW 43.08.260.

32 (b) The sum of eight million four hundred thousand dollars, or as  
33 much thereof as may be necessary, is appropriated for the fiscal year  
34 ending June 30, 2001, from the public safety and education account to  
35 the department of community, trade, and economic development to  
36 contract with a qualified provider for civil representation of indigent  
37 persons in accordance with the requirements of RCW 43.08.260.



1 (2) The sum of two million five hundred thousand dollars, or as  
2 much thereof as may be necessary, is appropriated for the fiscal year  
3 ending June 30, 2001, from the public safety and education account to  
4 the extraordinary criminal justice assistance account for payment of  
5 claims under section 19 of this act.

6 (3) The sum of five million dollars, or as much thereof as may be  
7 necessary, is appropriated for the fiscal year ending June 30, 2001,  
8 from the public safety and education account to the office of public  
9 defense for the purposes of providing defense representation for  
10 indigent persons in juvenile dependency actions filed in superior  
11 court.

12 (4)(a) The sum of one million dollars, or as much thereof as may be  
13 necessary, is appropriated for the fiscal year ending June 30, 2000,  
14 from the public safety and education account to the criminal justice  
15 training commission for the purposes of additional training.

16 (b) The sum of one million nine hundred thousand dollars, or as  
17 much thereof as may be necessary, is appropriated for the fiscal year  
18 ending June 30, 2001, from the public safety and education account to  
19 the criminal justice training commission for the purposes of additional  
20 training.

21 (5)(a) The sum of five million dollars, or as much thereof as may  
22 be necessary, is appropriated for the fiscal year ending June 30, 2000,  
23 from the court improvement account to the office of the administrator  
24 for the courts for the purposes stated in section 2 of this act.

25 (b) The sum of five million dollars, or as much thereof as may be  
26 necessary, is appropriated for the fiscal year ending June 30, 2001,  
27 from the court improvement account to the office of the administrator  
28 for the courts for the purposes stated in section 2 of this act.

29 NEW SECTION. **Sec. 21.** (1)(a) The sum of six million dollars, or  
30 as much thereof as may be necessary, is appropriated for the fiscal  
31 year ending June 30, 2000, from the general fund to the office of the  
32 administrator for the courts for the purposes of funding operations not  
33 funded by the public safety and education account.

34 (b) The sum of six million dollars, or as much thereof as may be  
35 necessary, is appropriated for the fiscal year ending June 30, 2001,  
36 from the general fund to the office of the administrator for the courts  
37 for the purposes of funding operations not funded by the public safety  
38 and education account.

1 (2)(a) Beginning January 1, 2000, the sum of eight million dollars,  
2 or as much thereof as may be necessary, is appropriated for the fiscal  
3 year ending June 30, 2000, from the general fund to the office of the  
4 administrator for the courts for the purposes of reimbursing costs  
5 relating to judges pursuant to RCW 2.56.030(19) in counties and cities  
6 that have enacted a local option resolution pursuant to section 1 of  
7 this act.

8 (b) The sum of sixteen million dollars, or as much thereof as may  
9 be necessary, is appropriated for the fiscal year ending June 30, 2001,  
10 from the general fund to the office of the administrator for the courts  
11 for the purposes of reimbursing costs relating to judges pursuant to  
12 RCW 2.56.030(19) in counties and cities that have enacted a local  
13 option resolution pursuant to section 1 of this act.

14 (3)(a) The sum of five million dollars, or as much thereof as may  
15 be necessary, is appropriated for the fiscal year ending June 30, 2000,  
16 from the general fund to the office of the administrator for the courts  
17 for the purposes of reimbursing costs related to jury service pursuant  
18 to RCW 2.36.150. Only those counties and cities that have enacted a  
19 local option resolution pursuant to section 1 of this act are eligible  
20 for reimbursement of juror fees.

21 (b) The sum of ten million dollars, or as much thereof as may be  
22 necessary, is appropriated for the fiscal year ending June 30, 2001,  
23 from the general fund to the office of the administrator for the courts  
24 for the purposes of reimbursing costs related to jury service pursuant  
25 to RCW 2.36.150. Only those counties and cities that have enacted a  
26 local option resolution pursuant to section 1 of this act are eligible  
27 for reimbursement of juror fees.

28 NEW SECTION. **Sec. 22.** The Washington state institute for public  
29 policy shall conduct a study to determine: (1) The extent that  
30 processes have been established and utilized in each county to collect  
31 outstanding fines, fees, and forfeitures imposed by the trial courts in  
32 such county; (2) whether the processes primarily use public employees  
33 or private contractors to collect such debt; (3) the effectiveness of  
34 each process; and (4) whether utilization of private collection  
35 agencies to collect such debt would result in greater benefit to the  
36 counties. The study shall be completed and submitted to the  
37 legislature by January 1, 2000.

1       **Sec. 23.** RCW 2.36.080 and 1992 c 93 s 2 are each amended to read  
2 as follows:

3       (1)(a) Jury service is the cornerstone of justice and it is the  
4 policy of this state to ensure that all eligible citizens fulfill this  
5 critical civic function. No eligible prospective juror should be  
6 excused without just cause, but citizens who do serve as jurors should  
7 be fairly compensated for the compulsory service.

8       (b) It is the policy of this state that all persons selected for  
9 jury service be selected at random from a fair cross section of the  
10 population of the area served by the court, and that all qualified  
11 citizens have the opportunity in accordance with chapter 135, Laws of  
12 1979 ex. sess. to be considered for jury service in this state and have  
13 an obligation to serve as jurors when summoned for that purpose.

14       (2) It is the policy of this state to maximize the availability of  
15 residents of the state for jury service. It also is the policy of this  
16 state to minimize the burden on the prospective jurors, their families,  
17 and employers resulting from jury service. The jury term and jury  
18 service should be set at as brief an interval as is practical given the  
19 size of the jury source list for the judicial district. The optimal  
20 jury term is two weeks or less. Optimal juror service is one day or  
21 one trial, whichever is longer.

22       (3) A citizen shall not be excluded from jury service in this state  
23 on account of race, color, religion, sex, national origin, or economic  
24 status.

25       (4) This section does not affect the right to peremptory challenges  
26 under RCW 4.44.130.

27       **Sec. 24.** RCW 2.36.100 and 1992 c 93 s 5 are each amended to read  
28 as follows:

29       (1) Except for a person who is not qualified for jury service under  
30 RCW 2.36.070, no person may be excused from jury service by the court  
31 except upon a showing of undue hardship due to an illness of the person  
32 or the person's immediate family, extreme ((inconvenience)) disruption  
33 of the person's business or family, public necessity, or any reason  
34 deemed sufficient by the court for a period of time the court deems  
35 necessary.

36       (2) At the discretion of the court's designee, after a request by  
37 a prospective juror to be excused, a prospective juror excused from  
38 juror service for a particular time may be assigned to another jury

1 term within the twelve-month period. If the assignment to another jury  
2 term is made at the time a juror is excused from the jury term for  
3 which he or she was summoned, a second summons under RCW 2.36.095 need  
4 not be issued.

5 (3) When the jury source list has been fully summoned within a  
6 consecutive twelve-month period and additional jurors are needed,  
7 jurors who have already served during the consecutive twelve-month  
8 period may be summoned again for service. A juror who has previously  
9 served may only be excused if he or she served at least two weeks of  
10 juror service within the preceding twelve months. An excuse for prior  
11 service shall be granted only upon the written request of the  
12 prospective juror, which request shall certify the terms of prior  
13 service. Prior jury service may include service in superior court, in  
14 a court of limited jurisdiction, in the United States District Court,  
15 or on a jury of inquest.

16 **Sec. 25.** RCW 2.36.150 and 1987 c 202 s 105 are each amended to  
17 read as follows:

18 (1) Jurors shall receive for each day's attendance, besides mileage  
19 at the rate determined under RCW 43.03.060, the following compensation  
20 to be paid by the state as provided by appropriation:

21 ~~((+1))~~ (a) Grand jurors may receive up to twenty-five dollars but  
22 in no case less than ten dollars;

23 ~~((+2))~~ (b) Petit jurors may receive up to ~~((twenty-five))~~ one  
24 hundred dollars but in no case less than ~~((ten))~~ fifty dollars;

25 ~~((+3))~~ (c) Coroner's jurors may receive up to twenty-five dollars  
26 but in no case less than ten dollars;

27 ~~((+4))~~ (d) District court jurors may receive up to ~~((twenty-five))~~  
28 one hundred dollars but in no case less than ~~((ten))~~ fifty dollars~~((+  
29 PROVIDED, That))~~.

30 (2) A person excused from jury service at his or her own request  
31 shall be allowed not more than a per diem and such mileage, if any, as  
32 to the court shall seem just and equitable under all circumstances~~((+  
33 PROVIDED FURTHER, That))~~.

34 (3) The state shall fully reimburse the county in which trial is  
35 held for all jury fees and witness fees related to criminal cases which  
36 result from incidents occurring within an adult or juvenile  
37 correctional institution~~((+ PROVIDED FURTHER, That))~~.

1       (4) The compensation paid jurors shall be determined by the county  
2 legislative authority and shall be uniformly applied within the county.

3       (5) Any employer who pays an employee his or her normal  
4 compensation during that employee's jury duty is entitled to the jury  
5 compensation fee provided by this section.

6       NEW SECTION. Sec. 26. This act shall be known and cited as the  
7 court funding and improvement act of 1999.

8       NEW SECTION. Sec. 27. Sections 4 through 7, 9, and 11 of this act  
9 take effect October 1, 1999.

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