
SENATE BILL 6246

State of Washington

56th Legislature

2000 Regular Session

By Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau and Heavey

Read first time . Referred to Committee on .

1 AN ACT Relating to penalty assessments for crimes committed before
2 June 6, 1996; amending RCW 7.68.035; creating a new section; and
3 declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The intent of this act is to overcome the
6 ruling in *State v. Humphrey* 139 Wn.2d 53 (1999) and does not create any
7 right of action on any person for whom a judgment and sentence has been
8 entered prior to the effective date of this act. This act is remedial
9 in nature and is intended to make victim penalty assessments reflect
10 the increased costs of crime-related expenses and criminal justice
11 costs since the inception of victim penalty assessments.

12 **Sec. 2.** RCW 7.68.035 and 1999 c 86 s 1 are each amended to read as
13 follows:

14 (1)(a) (~~Whenever~~) When any person is found guilty in any superior
15 court of having committed a crime, except as provided in subsection (2)
16 of this section, there shall be imposed by the court upon such
17 convicted person a penalty assessment. The assessment shall be in
18 addition to any other penalty or fine imposed by law and shall be five

1 hundred dollars for each case or cause of action that includes one or
2 more convictions of a felony or gross misdemeanor and two hundred fifty
3 dollars for any case or cause of action that includes convictions of
4 only one or more misdemeanors. For persons who are convicted on or
5 after June 6, 1996, for one or more felonies or gross misdemeanors
6 committed before June 6, 1996, the penalty assessment shall be two
7 hundred fifty dollars.

8 (b) (~~Whenever~~) When any juvenile is adjudicated of any offense in
9 any juvenile offense disposition under Title 13 RCW, except as provided
10 in subsection (2) of this section, there shall be imposed upon the
11 juvenile offender a penalty assessment. The assessment shall be in
12 addition to any other penalty or fine imposed by law and shall be one
13 hundred dollars for each case or cause of action that includes one or
14 more adjudications for a felony or gross misdemeanor and seventy-five
15 dollars for each case or cause of action that includes adjudications of
16 only one or more misdemeanors.

17 (2) The assessment imposed by subsection (1) of this section shall
18 not apply to motor vehicle crimes defined in Title 46 RCW except those
19 defined in the following sections: RCW 46.61.520, 46.61.522,
20 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,
21 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525,
22 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,
23 46.10.090(2), and 46.09.120(2).

24 (3) (~~Whenever~~) When any person accused of having committed a
25 crime posts bail in superior court pursuant to the provisions of
26 chapter 10.19 RCW and such bail is forfeited, there shall be deducted
27 from the proceeds of such forfeited bail a penalty assessment, in
28 addition to any other penalty or fine imposed by law, equal to the
29 assessment which would be applicable under subsection (1) of this
30 section if the person had been convicted of the crime.

31 (4) Such penalty assessments shall be paid by the clerk of the
32 superior court to the county treasurer who shall monthly transmit the
33 money as provided in RCW 10.82.070. Each county shall deposit fifty
34 percent of the money it receives per case or cause of action under
35 subsection (1) of this section and retains under RCW 10.82.070, not
36 less than one and seventy-five one-hundredths percent of the remaining
37 money it retains under RCW 10.82.070 and the money it retains under
38 chapter 3.62 RCW, and all money it receives under subsection (7) of
39 this section into a fund maintained exclusively for the support of

1 comprehensive programs to encourage and facilitate testimony by the
2 victims of crimes and witnesses to crimes. A program shall be
3 considered "comprehensive" only after approval of the department upon
4 application by the county prosecuting attorney. The department shall
5 approve as comprehensive only programs which:

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

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

15 (c) Make a reasonable effort to inform the known victim or his
16 surviving dependents of the existence of this chapter and the procedure
17 for making application for benefits;

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

19 (e) Assist victims of violent crimes in the preparation and
20 presentation of their claims to the department of labor and industries
21 under this chapter.

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

29 (5) Upon submission to the department of a letter of intent to
30 adopt a comprehensive program, the prosecuting attorney shall retain
31 the money deposited by the county under subsection (4) of this section
32 until such time as the county prosecuting attorney has obtained
33 approval of a program from the department. Approval of the
34 comprehensive plan by the department must be obtained within one year
35 of the date of the letter of intent to adopt a comprehensive program.
36 The county prosecuting attorney shall not make any expenditures from
37 the money deposited under subsection (4) of this section until approval
38 of a comprehensive plan by the department. If a county prosecuting
39 attorney has failed to obtain approval of a program from the department

1 under subsection (4) of this section or failed to obtain approval of a
2 comprehensive program within one year after submission of a letter of
3 intent under this section, the county treasurer shall monthly transmit
4 one hundred percent of the money deposited by the county under
5 subsection (4) of this section to the state treasurer for deposit in
6 the public safety and education account established under RCW
7 43.08.250.

8 (6) County prosecuting attorneys are responsible to make every
9 reasonable effort to insure that the penalty assessments of this
10 chapter are imposed and collected.

11 (7) Every city and town shall transmit monthly one and seventy-five
12 one-hundredths percent of all money, other than money received for
13 parking infractions, retained under RCW 3.46.120, 3.50.100, and
14 35.20.220 to the county treasurer for deposit as provided in subsection
15 (4) of this section.

16 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of the
18 state government and its existing public institutions, and takes effect
19 immediately.

--- END ---