

SSB 6384 - H COMM AMD

By Committee on Juvenile Justice & Family Law

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that
4 domestic violence is a growing and more visible public safety
5 problem in Washington state than ever before, and that domestic
6 violence-related incidents have a significant bearing on overall
7 law enforcement and court caseloads. The legislature further
8 recognizes the growing costs associated with domestic violence
9 prevention and advocacy programs established by local governments
10 and by community-based organizations.

11 It is the legislature's intent to establish a penalty in law
12 that will hold convicted domestic violence offenders accountable
13 while requiring them to pay penalties to offset the costs of
14 domestic violence advocacy and prevention programs. It is the
15 legislature's intent that the penalties imposed against convicted
16 domestic violence offenders under section 2 of this act be used for
17 established domestic violence prevention and prosecution programs.
18 It is the legislature's intent that the revenue from the penalty
19 assessment shall be in addition to existing sources of funding to
20 enhance or help prevent the reduction and elimination of domestic
21 violence prevention and prosecution programs.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.99
23 RCW to read as follows:

24 (1) All superior courts, and courts organized under Title 3 or
25 35 RCW, may impose a penalty assessment not to exceed one hundred
26 dollars on any person convicted of a crime involving domestic
27 violence. The assessment shall be in addition to, and shall not
28 supersede, any other penalty, restitution, fines, or costs provided
29 by law.

1 (2) Revenue from the assessment shall be used solely for the
2 purposes of establishing and funding domestic violence advocacy and
3 domestic violence prevention and prosecution programs in the city
4 or county of the court imposing the assessment. Revenue from the
5 assessment shall not be used for indigent criminal defense. If the
6 city or county does not have domestic violence advocacy or domestic
7 violence prevention and prosecution programs, cities and counties
8 may use the revenue collected from the assessment to contract with
9 recognized community-based domestic violence program providers.

10 (3) The assessment imposed under this section shall not be
11 subject to any state or local remittance requirements under chapter
12 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

13 (4) For the purposes of this section, "convicted" includes a
14 plea of guilty, a finding of guilt regardless of whether the
15 imposition of the sentence is deferred or any part of the penalty
16 is suspended, or the levying of a fine. For the purposes of this
17 section, "domestic violence" has the same meaning as that term is
18 defined under RCW 10.99.020 and includes violations of equivalent
19 local ordinances.

20 (5) When determining whether to impose a penalty assessment
21 under this section, judges are encouraged to solicit input from the
22 victim or representatives for the victim in assessing the ability
23 of the convicted offender to pay the penalty, including information
24 regarding current financial obligations, family circumstances, and
25 ongoing restitution.

26 **Sec. 3.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to
27 read as follows:

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

37 (2) Except as provided in section 2 of this act, the city
38 treasurer shall remit monthly thirty-two percent of the noninterest

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

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

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

28 **Sec. 4.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5
29 are each reenacted and amended to read as follows:

30 (1) Except as provided in subsection (4) of this section, all
31 costs, fees, fines, forfeitures and penalties assessed and
32 collected in whole or in part by district courts, except costs,
33 fines, forfeitures and penalties assessed and collected, in whole
34 or in part, because of the violation of city ordinances, shall be
35 remitted by the clerk of the district court to the county treasurer
36 at least monthly, together with a financial statement as required
37 by the state auditor, noting the information necessary for
38 crediting of such funds as required by law.

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

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

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

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

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

34 **Sec. 5.** RCW 3.62.090 and 2003 c 380 s 1 are each amended to
35 read as follows:

36 (1) There shall be assessed and collected in addition to any
37 fines, forfeitures, or penalties assessed, other than for parking
38 infractions, by all courts organized under Title 3 or 35 RCW a

1 public safety and education assessment equal to seventy percent of
2 such fines, forfeitures, or penalties, which shall be remitted as
3 provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The
4 assessment required by this section shall not be suspended or
5 waived by the court.

6 (2) There shall be assessed and collected in addition to any
7 fines, forfeitures, or penalties assessed, other than for parking
8 infractions and for fines levied under RCW 46.61.5055, and in
9 addition to the public safety and education assessment required
10 under subsection (1) of this section, by all courts organized under
11 Title 3 or 35 RCW, an additional public safety and education
12 assessment equal to fifty percent of the public safety and
13 education assessment required under subsection (1) of this section,
14 which shall be remitted to the state treasurer and deposited as
15 provided in RCW 43.08.250. The additional assessment required by
16 this subsection shall not be suspended or waived by the court.

17 (3) This section does not apply to the fee imposed under RCW
18 46.63.110(7) ~~((or))~~, the penalty imposed under RCW 46.63.110(8), or
19 the penalty assessment imposed under section 2 of this act.

20 **Sec. 6.** RCW 10.82.070 and 1995 c 292 s 3 are each amended to
21 read as follows:

22 (1) All sums of money derived from costs, fines, penalties, and
23 forfeitures imposed or collected, in whole or in part, by a
24 superior court for violation of orders of injunction, mandamus and
25 other like writs, for contempt of court, or for breach of the penal
26 laws shall be paid in cash by the person collecting the same,
27 within twenty days after the collection, to the county treasurer of
28 the county in which the same have accrued.

29 (2) Except as provided in section 2 of this act, the county
30 treasurer shall remit monthly thirty-two percent of the money
31 received under this section except for certain costs to the state
32 treasurer for deposit as provided under RCW 43.08.250 and shall
33 deposit the remainder as provided by law. "Certain costs" as used
34 in this subsection, means those costs awarded to prevailing parties
35 in civil actions under RCW 4.84.010 or 36.18.040, or those costs
36 awarded against convicted defendants in criminal actions under RCW
37 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
38 such costs are specifically designated as costs by the court and

1 are awarded for the specific reimbursement of costs incurred by the
2 state or county in the prosecution of the case, including the fees
3 of defense counsel. Costs or assessments awarded to dedicated
4 accounts, state or local, are not subject to this state allocation
5 or to RCW 7.68.035.

6 (3) All fees, fines, forfeitures and penalties collected or
7 assessed by a district court because of the violation of a state
8 law shall be remitted as provided in chapter 3.62 RCW as now exists
9 or is later amended. All fees, fines, forfeitures, and penalties
10 collected or assessed by a superior court in cases on appeal from
11 a lower court shall be remitted to the municipal or district court
12 from which the cases were appealed.

13 **Sec. 7.** RCW 3.46.120 and 1995 c 291 s 2 are each amended to
14 read as follows:

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

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

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

35 (4) Penalties, fines, bail forfeitures, fees, and costs may
36 accrue interest at the rate of twelve percent per annum, upon
37 assignment to a collection agency. Interest may accrue only while
38 the case is in 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
3 the state treasurer for deposit in the public safety and education
4 account as provided in RCW 43.08.250, twenty-five percent to the
5 state treasurer for deposit in the judicial information system
6 account as provided in RCW 2.68.020, twenty-five percent to the
7 city general fund, and twenty-five percent to the city general fund
8 to fund local courts.

9 **Sec. 8.** RCW 3.62.040 and 1995 c 291 s 6 are each amended to
10 read as follows:

11 (1) Except as provided in subsection (4) of this section, all
12 costs, fines, forfeitures and penalties assessed and collected, in
13 whole or in part, by district courts because of violations of city
14 ordinances shall be remitted by the clerk of the district court at
15 least monthly directly to the treasurer of the city wherein the
16 violation occurred.

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

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

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

37 (5) Penalties, fines, bail forfeitures, fees, and costs may
38 accrue interest at the rate of twelve percent per annum, upon

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

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

11 **Sec. 9.** RCW 35.20.220 and 1995 c 291 s 4 are each amended to
12 read as follows:

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

28 (2) Except as provided in section 2 of this act, the city
29 treasurer shall remit monthly thirty-two percent of the noninterest
30 money received under this section, other than for parking
31 infractions and certain costs to the state treasurer. "Certain
32 costs" as used in this subsection, means those costs awarded to
33 prevailing parties in civil actions under RCW 4.84.010 or
34 36.18.040, or those costs awarded against convicted defendants in
35 criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or
36 other similar statutes if such costs are specifically designated as
37 costs by the court and are awarded for the specific reimbursement
38 of costs incurred by the state, county, city, or town in the

1 prosecution of the case, including the fees of defense counsel.
2 Money remitted under this subsection to the state treasurer shall
3 be deposited as provided in RCW 43.08.250.

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

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

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

19 Correct the title.

EFFECT: Replaces the bill with language from SHB 2397; Adds language stating that the legislature intends the revenue to be in addition to existing sources of funding to enhance or help prevent the reduction and elimination of DV programs.