
SUBSTITUTE HOUSE BILL 2397

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Upthegrove, Dickerson, Lantz, Clibborn, Delvin, Chase, Schual-Berke, Miloscia, Hudgins, Kessler and Morrell)

READ FIRST TIME 01/29/04.

1 AN ACT Relating to penalties against convicted domestic violence
2 offenders to pay for domestic violence programs; amending RCW 3.50.100,
3 3.62.090, 10.82.070, 3.46.120, 3.62.040, and 35.20.220; reenacting and
4 amending RCW 3.62.020; adding a new section to chapter 10.99 RCW;
5 creating a new section; and prescribing penalties.

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

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

14 It is the legislature's intent to establish a penalty in law that
15 will hold convicted domestic violence offenders accountable while
16 requiring them to pay penalties to offset the costs of domestic
17 violence advocacy and prevention programs. It is the legislature's
18 intent that the penalties imposed against convicted domestic violence

1 offenders under section 2 of this act be used for established domestic
2 violence prevention and prosecution programs.

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

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

10 (2) Revenue from the assessment shall be used solely for the
11 purposes of establishing and funding domestic violence advocacy and
12 domestic violence prevention and prosecution programs in the city or
13 county of the court imposing the assessment. Revenue from the
14 assessment shall not be used for indigent criminal defense. If the
15 city or county does not have domestic violence advocacy or domestic
16 violence prevention and prosecution programs, cities and counties may
17 use the revenue collected from the assessment to contract with
18 recognized community-based domestic violence program providers.

19 (3) The assessment imposed under this section shall not be subject
20 to any state or local remittance requirements under chapter 3.46, 3.50,
21 3.62, 7.68, 10.82, or 35.20 RCW.

22 (4) For the purposes of this section, "convicted" includes a plea
23 of guilty, a finding of guilt regardless of whether the imposition of
24 the sentence is deferred or any part of the penalty is suspended, or
25 the levying of a fine. For the purposes of this section, "domestic
26 violence" has the same meaning as that term is defined under RCW
27 10.99.020 and includes violations of equivalent local ordinances.

28 (5) When determining whether to impose a penalty assessment under
29 this section, judges are encouraged to solicit input from the victim or
30 representatives for the victim in assessing the ability of the
31 convicted offender to pay the penalty, including information regarding
32 current financial obligations, family circumstances, and ongoing
33 restitution.

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

36 (1) Costs in civil and criminal actions may be imposed as provided

1 in district court. All fees, costs, fines, forfeitures and other money
2 imposed by any municipal court for the violation of any municipal or
3 town ordinances shall be collected by the court clerk and, together
4 with any other noninterest revenues received by the clerk, shall be
5 deposited with the city or town treasurer as a part of the general fund
6 of the city or town, or deposited in such other fund of the city or
7 town, or deposited in such other funds as may be designated by the laws
8 of the state of Washington.

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

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

24 (4) 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 (5) 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 city general fund,
34 and twenty-five percent to the city general fund to fund local courts.

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

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

1 costs, fees, fines, forfeitures and penalties assessed and collected in
2 whole or in part by district courts, except costs, fines, forfeitures
3 and penalties assessed and collected, in whole or in part, because of
4 the violation of city ordinances, shall be remitted by the clerk of the
5 district court to the county treasurer at least monthly, together with
6 a financial statement as required by the state auditor, noting the
7 information necessary for crediting of such funds as required by law.

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

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

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

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

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

1 expense fund, and twenty-five percent to the county current expense
2 fund to fund local courts.

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

5 (1) There shall be assessed and collected in addition to any fines,
6 forfeitures, or penalties assessed, other than for parking infractions,
7 by all courts organized under Title 3 or 35 RCW a public safety and
8 education assessment equal to seventy percent of such fines,
9 forfeitures, or penalties, which shall be remitted as provided in
10 chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by
11 this section shall not be suspended or waived by the court.

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

23 (3) This section does not apply to the fee imposed under RCW
24 46.63.110(7) ~~((or))~~, the penalty imposed under RCW 46.63.110(8), or the
25 penalty assessment imposed under section 2 of this act.

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

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

35 (2) Except as provided in section 2 of this act, the county
36 treasurer shall remit monthly thirty-two percent of the money received

1 under this section except for certain costs to the state treasurer for
2 deposit as provided under RCW 43.08.250 and shall deposit the remainder
3 as provided by law. "Certain costs" as used in this subsection, means
4 those costs awarded to prevailing parties in civil actions under RCW
5 4.84.010 or 36.18.040, or those costs awarded against convicted
6 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
7 36.18.040, or other similar statutes if such costs are specifically
8 designated as costs by the court and are awarded for the specific
9 reimbursement of costs incurred by the state or county in the
10 prosecution of the case, including the fees of defense counsel. Costs
11 or assessments awarded to dedicated accounts, state or local, are not
12 subject to this state allocation or to RCW 7.68.035.

13 (3) All fees, fines, forfeitures and penalties collected or
14 assessed by a district court because of the violation of a state law
15 shall be remitted as provided in chapter 3.62 RCW as now exists or is
16 later amended. All fees, fines, forfeitures, and penalties collected
17 or assessed by a superior court in cases on appeal from a lower court
18 shall be remitted to the municipal or district court from which the
19 cases were appealed.

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

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

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

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

3 (4) 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 (5) 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 city general fund,
13 and twenty-five percent to the city general fund to fund local courts.

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

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

22 (2) Except as provided in section 2 of this act, the city treasurer
23 shall remit monthly thirty-two percent of the noninterest money
24 received under this section, other than for parking infractions and
25 certain costs, to the state treasurer. "Certain costs" as used in this
26 subsection, means those costs awarded to prevailing parties in civil
27 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
28 convicted defendants in criminal actions under RCW 10.01.160,
29 10.46.190, or 36.18.040, or other similar statutes if such costs are
30 specifically designated as costs by the court and are awarded for the
31 specific reimbursement of costs incurred by the state, county, city, or
32 town in the prosecution of the case, including the fees of defense
33 counsel. Money remitted under this subsection to the state treasurer
34 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. 9.** RCW 35.20.220 and 1995 c 291 s 4 are each amended to read
16 as follows:

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

31 (2) Except as provided in section 2 of this act, the city treasurer
32 shall remit monthly thirty-two percent of the noninterest money
33 received under this section, other than for parking infractions and
34 certain costs to the state treasurer. "Certain costs" as used in this
35 subsection, means those costs awarded to prevailing parties in civil
36 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
37 convicted defendants in criminal actions under RCW 10.01.160,

1 10.46.190, or 36.18.040, or other similar statutes if such costs are
2 specifically designated as costs by the court and are awarded for the
3 specific reimbursement of costs incurred by the state, county, city, or
4 town in the prosecution of the case, including the fees of defense
5 counsel. Money remitted under this subsection to the state treasurer
6 shall be deposited as provided in RCW 43.08.250.

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

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

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

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