
HOUSE BILL 2397

State of Washington

58th Legislature

2004 Regular Session

By Representatives Upthegrove, Dickerson, Lantz, Clibborn, Delvin, Chase, Schual-Berke, Miloscia, Hudgins, Kessler and Morrell

Read first time 01/13/2004. Referred to Committee on Juvenile Justice & Family Law.

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, and 10.82.070; reenacting and amending RCW 3.62.020; adding
4 a new section to chapter 10.99 RCW; creating a new section; and
5 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 **Sec. 3.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read
29 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (3) This section does not apply to the fee imposed under RCW
20 46.63.110(7) (~~(\oplus)~~), the penalty imposed under RCW 46.63.110(8), or the
21 penalty assessment imposed under section 2 of this act.

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

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

31 (2) Except as provided in section 2 of this act, the county
32 treasurer shall remit monthly thirty-two percent of the money received
33 under this section except for certain costs to the state treasurer for
34 deposit as provided under RCW 43.08.250 and shall deposit the remainder
35 as provided by law. "Certain costs" as used in this subsection, means
36 those costs awarded to prevailing parties in civil actions under RCW
37 4.84.010 or 36.18.040, or those costs awarded against convicted

1 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
2 36.18.040, or other similar statutes if such costs are specifically
3 designated as costs by the court and are awarded for the specific
4 reimbursement of costs incurred by the state or county in the
5 prosecution of the case, including the fees of defense counsel. Costs
6 or assessments awarded to dedicated accounts, state or local, are not
7 subject to this state allocation or to RCW 7.68.035.

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

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