

E2SSB 5454 - H AMD

By Representative Lantz

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes the state's
4 obligation to provide adequate representation to criminal indigent
5 defendants and to parents in dependency and termination cases. The
6 legislature also recognizes that trial courts are critical to
7 maintaining the rule of law in a free society and that they are
8 essential to the protection of the rights and enforcement of
9 obligations for all. Therefore, the legislature intends to create
10 a dedicated revenue source for the purposes of meeting the state's
11 commitment to improving trial courts in the state, providing
12 adequate representation to criminal indigent defendants, providing
13 for civil legal services for indigent persons, and ensuring equal
14 justice for all citizens of the state.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 3.46
16 RCW to read as follows:

17 Any city operating a municipal department under this chapter
18 for which the state contributes to district or municipal court
19 judges' salaries under section 7 of this act shall create a city
20 trial court improvement account. An amount equal to one hundred
21 percent of the state's contribution received by the city for the
22 payment of the city's proportionate share of the district or
23 municipal court judges' salaries shall be deposited into the
24 account. Money in the account shall be used to fund improvements
25 to the municipal department's staffing, programs, facilities, or
26 services, as appropriated by the city legislative authority.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 3.50
28 RCW to read as follows:

29 Any city or town operating a municipal court under this chapter
30 for which the state contributes to municipal court judges' salaries

1 under section 7 of this act shall create a city or town trial court
2 improvement account. An amount equal to one hundred percent of the
3 state's contribution for the payment of the city's or town's
4 municipal court judges' salaries shall be deposited into the
5 account. Money in the account shall be used to fund improvements
6 to the municipal court's staffing, programs, facilities, or
7 services, as appropriated by the city or town legislative
8 authority.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 3.58
10 RCW to read as follows:

11 Any county with a district court created under this title shall
12 create a county trial court improvement account. An amount equal
13 to one hundred percent of the state's contribution received by the
14 county for the payment of district court judges' salaries under
15 section 8 of this act shall be deposited into the account. Money
16 in the account shall be used to fund improvements to superior and
17 district court staffing, programs, facilities, or services, as
18 appropriated by the county legislative authority.

19 NEW SECTION. **Sec. 5.** A new section is added to chapter 35.20
20 RCW to read as follows:

21 Any city operating a municipal court under this chapter that
22 receives state contribution for municipal court judges' salaries
23 under section 7 of this act of this act shall create a city trial
24 court improvement account. An amount equal to one hundred percent
25 of the state's contribution for the payment of municipal judges'
26 salaries shall be deposited into the account. Money in the account
27 shall be used to fund improvements to the municipal court's
28 staffing, programs, facilities, or services, as appropriated by the
29 city legislative authority.

30 **Sec. 6.** RCW 3.62.050 and 1987 c 202 s 114 are each amended to
31 read as follows:

32 The total expenditures of the district courts, including the
33 cost of providing courtroom and office space, the cost of probation
34 and parole services and any personnel employment therefor, and the
35 cost of providing services necessary for the preparation and
36 presentation of a defense at public expense, except costs of

1 defense to be paid by a city pursuant to RCW 3.62.070 and the
2 portion of district court judges' salaries distributed by the
3 administrator for the courts pursuant to section 7 of this act,
4 shall be paid from the county current expense fund.

5 **Sec. 7.** RCW 2.56.030 and 2002 c 49 s 2 are each amended to
6 read as follows:

7 The administrator for the courts shall, under the supervision
8 and direction of the chief justice:

9 (1) Examine the administrative methods and systems employed in
10 the offices of the judges, clerks, stenographers, and employees of
11 the courts and make recommendations, through the chief justice, for
12 the improvement of the same;

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

15 (3) Make recommendations to the chief justice relating to the
16 assignment of judges where courts are in need of assistance and
17 carry out the direction of the chief justice as to the assignments
18 of judges to counties and districts where the courts are in need of
19 assistance;

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

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

27 (6) Collect statistical and other data and make reports
28 relating to the expenditure of public moneys, state and local, for
29 the maintenance and operation of the judicial system and the
30 offices connected therewith;

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

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

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

5 (10) Administer programs and standards for the training and
6 education of judicial personnel;

7 (11) Examine the need for new superior court and district judge
8 positions under a weighted caseload analysis that takes into
9 account the time required to hear all the cases in a particular
10 court and the amount of time existing judges have available to hear
11 cases in that court. The results of the weighted caseload analysis
12 shall be reviewed by the board for judicial administration which
13 shall make recommendations to the legislature. It is the intent of
14 the legislature that weighted caseload analysis become the basis
15 for creating additional district court positions, and
16 recommendations should address that objective;

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

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

21 (14) Within available funds, develop a curriculum for a general
22 understanding of child development, placement, and treatment
23 resources, as well as specific legal skills and knowledge of
24 relevant statutes including chapters 13.32A, 13.34, and 13.40 RCW,
25 cases, court rules, interviewing skills, and special needs of the
26 abused or neglected child. This curriculum shall be completed and
27 made available to all juvenile court judges, court personnel, and
28 service providers and be updated yearly to reflect changes in
29 statutes, court rules, or case law;

30 (15) Develop, in consultation with the entities set forth in
31 RCW 2.56.150(3), a comprehensive statewide curriculum for persons
32 who act as guardians ad litem under Title 13 or 26 RCW. The
33 curriculum shall be made available July 1, 1997, and include
34 specialty sections on child development, child sexual abuse, child
35 physical abuse, child neglect, clinical and forensic investigative
36 and interviewing techniques, family reconciliation and mediation
37 services, and relevant statutory and legal requirements. The
38 curriculum shall be made available to all superior court judges,
39 court personnel, and all persons who act as guardians ad litem;

1 (16) Develop a curriculum for a general understanding of crimes
2 of malicious harassment, as well as specific legal skills and
3 knowledge of RCW 9A.36.080, relevant cases, court rules, and the
4 special needs of malicious harassment victims. This curriculum
5 shall be made available to all superior court and court of appeals
6 judges and to all justices of the supreme court;

7 (17) Develop, in consultation with the criminal justice
8 training commission and the commissions established under chapters
9 43.113, 43.115, and 43.117 RCW, a curriculum for a general
10 understanding of ethnic and cultural diversity and its implications
11 for working with youth of color and their families. The curriculum
12 shall be available to all superior court judges and court
13 commissioners assigned to juvenile court, and other court
14 personnel. Ethnic and cultural diversity training shall be
15 provided annually so as to incorporate cultural sensitivity and
16 awareness into the daily operation of juvenile courts statewide;

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

21 (19) Develop a Washington family law handbook in accordance
22 with RCW 2.56.180.

23 (20)(a) Administer and distribute amounts appropriated from
24 the equal justice subaccount under section 8(2) of this act for
25 district court judges' and qualifying elected municipal court
26 judges' salary contributions. The administrator for the courts
27 shall develop a distribution formula for these amounts that does
28 not differentiate between district and elected municipal court
29 judges.

30 (b) A city qualifies for state contribution of elected
31 municipal court judges' salaries under subsection (20)(a) of this
32 section if:

33 (i) The judge is serving in an elected position;

34 (ii) The city has established by ordinance that a full-time
35 judge is compensated at a rate equivalent to at least ninety-five
36 percent, but not more than one hundred percent, of a district court
37 judge salary or for a part-time judge on a pro-rate basis the same
38 equivalent; and

1 (iii) The city has certified to the office of the administrator
2 for the courts that the conditions in (b)(i) and (ii) of this
3 subsection have been met.

4 **Sec. 8.** RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each
5 amended to read as follows:

6 (1) The money received by the state treasurer from fees, fines,
7 forfeitures, penalties, reimbursements or assessments by any court
8 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
9 deposited in the public safety and education account which is
10 hereby created in the state treasury. The legislature shall
11 appropriate the funds in the account to promote traffic safety
12 education, highway safety, criminal justice training, crime
13 victims' compensation, judicial education, the judicial information
14 system, civil representation of indigent persons, winter recreation
15 parking, drug court operations, and state game programs. During
16 the fiscal biennium ending June 30, 2005, the legislature may
17 appropriate moneys from the public safety and education account for
18 purposes of appellate indigent defense and other operations of the
19 office of public defense, the criminal litigation unit of the
20 attorney general's office, the treatment alternatives to street
21 crimes program, crime victims advocacy programs, justice
22 information network telecommunication planning, treatment for
23 supplemental security income clients, sexual assault treatment,
24 operations of the office of administrator for the courts, security
25 in the common schools, alternative school start-up grants, programs
26 for disruptive students, criminal justice data collection,
27 Washington state patrol criminal justice activities, drug court
28 operations, unified family courts, local court backlog assistance,
29 financial assistance to local jurisdictions for extraordinary costs
30 incurred in the adjudication of criminal cases, domestic violence
31 treatment and related services, the department of corrections'
32 costs in implementing chapter 196, Laws of 1999, reimbursement of
33 local governments for costs associated with implementing criminal
34 and civil justice legislation, the replacement of the department of
35 corrections' offender-based tracking system, secure and semi-secure
36 crisis residential centers, HOPE beds, the family policy council
37 and community public health and safety networks, the street youth
38 program, public notification about registered sex offenders, and

1 narcotics or methamphetamine-related enforcement, education,
2 training, and drug and alcohol treatment services.

3 (2) (a) The equal justice subaccount is created as a subaccount
4 of the public safety and education account. The money received by
5 the state treasurer from the increase in fees imposed by sections
6 9, 10, 12, 13, 14, 17, and 19 of this act shall be deposited in the
7 equal justice subaccount and shall be appropriated only for:

8 (i) criminal indigent defense assistance and enhancement at the
9 trial court level, including a criminal indigent defense pilot
10 program;

11 (ii) representation of parents in dependency and termination
12 proceedings;

13 (iii) civil legal representation of indigent persons; and

14 (iv) contribution to district court judges' salaries and to
15 eligible elected municipal court judges' salaries.

16 (b) For the 2005-07 fiscal biennium, an amount equal to twenty-
17 five percent of revenues to the equal justice subaccount, less one
18 million dollars, shall be appropriated from the equal justice
19 subaccount to the administrator for the courts for purposes of
20 subsection (2)(a)(iv). For the 2007-09 fiscal biennium and
21 subsequent fiscal biennia, an amount equal to fifty percent of
22 revenues to the equal justice subaccount shall be appropriated from
23 the equal justice subaccount to the administrator for the courts
24 for the purposes of subsection (2)(a)(iv).

25 **Sec. 9.** RCW 3.62.060 and 2003 c 222 s 15 are each amended to
26 read as follows:

27 Clerks of the district courts shall collect the following fees
28 for their official services:

29 (1) In any civil action commenced before or transferred to a
30 district court, the plaintiff shall, at the time of such
31 commencement or transfer, pay to such court a filing fee of
32 ~~((thirty-one))~~ forty-three dollars plus any surcharge authorized by
33 RCW 7.75.035. Any party filing a counterclaim, cross-claim, or
34 third-party claim in such action shall pay to the court a filing
35 fee of forty-three dollars plus any surcharge authorized by RCW
36 7.75.035. No party shall be compelled to pay to the court any
37 other fees or charges up to and including the rendition of judgment
38 in the action other than those listed.

1 (2) For issuing a writ of garnishment or other writ, or for
2 filing an attorney issued writ of garnishment, a fee of (~~six~~)
3 twelve dollars.

4 (3) For filing a supplemental proceeding a fee of (~~twelve~~)
5 twenty dollars.

6 (4) For demanding a jury in a civil case a fee of (~~fifty~~) one
7 hundred twenty-five dollars to be paid by the person demanding a
8 jury.

9 (5) For preparing a transcript of a judgment a fee of (~~six~~)
10 twenty dollars.

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

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

17 (8) For duplication of part or all of the electronic (~~tape or~~
18 ~~tapes~~) recording of a proceeding ten dollars per tape or other
19 electronic storage medium.

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

22 NEW SECTION. Sec. 10. A new section is added to chapter 3.62
23 RCW to read as follows:

24 Upon conviction or a plea of guilty in any court organized
25 under this title or Title 35 RCW, a defendant in a criminal case is
26 liable for a fee of forty-three dollars. This fee shall be subject
27 to division with the state under RCW 3.46.120(2), 3.50.100(2),
28 3.62.020(2), 3.62.040(2), and 35.20.220(2).

29 **Sec. 11.** RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each
30 amended to read as follows:

31 (1) When an order is made transferring an action or proceeding
32 for trial, the clerk of the court must transmit the pleadings and
33 papers therein to the court to which it is transferred and charge
34 a fee as provided in RCW 36.18.016. The costs and fees thereof and
35 of filing the papers anew must be paid by the party at whose
36 instance the order was made, except in the cases mentioned in RCW
37 4.12.030(1), in which case the plaintiff shall pay costs of

1 transfer and, in addition thereto, if the court finds that the
2 plaintiff could have determined the county of proper venue with
3 reasonable diligence, it shall order the plaintiff to pay the
4 reasonable attorney's fee of the defendant for the changing of
5 venue to the proper county. The court to which an action or
6 proceeding is transferred has and exercises over the same the like
7 jurisdiction as if it had been originally commenced therein.

8 (2) In acting on any motion for dismissal without prejudice in
9 a case where a motion for change of venue under subsection (1) of
10 this section has been made, the court shall, if it determines the
11 motion for change of venue proper, determine the amount of
12 attorney's fee properly to be awarded to defendant and, if the
13 action be dismissed, the attorney's fee shall be a setoff against
14 any claim subsequently brought on the same cause of action.

15 **Sec. 12.** RCW 10.46.190 and 1977 ex.s. c 248 s 1 are each
16 amended to read as follows:

17 Every person convicted of a crime or held to bail to keep the
18 peace shall be liable to all the costs of the proceedings against
19 him or her, including, when tried by a jury in the superior court
20 or before a committing magistrate, a jury fee as provided for in
21 civil actions(~~(, and when tried by a jury before a committing~~
22 ~~magistrate, twenty-five dollars for jury fee,)) for which judgment
23 shall be rendered and ~~((collection had as in cases of fines))~~
24 collected. The jury fee, when collected for a case tried by the
25 superior court, shall be paid to the clerk(~~(, to be by him))~~ and
26 applied as the jury fee in civil cases is applied.~~

27 **Sec. 13.** RCW 12.12.030 and 1981 c 260 s 3 are each amended to
28 read as follows:

29 After the appearance of the defendant, and before the
30 ~~((justice))~~ judge shall proceed to enquire into the merits of the
31 cause, either party may demand a jury to try the action, which jury
32 shall be composed of six good and lawful persons having the
33 qualifications of jurors in the superior court of the same county,
34 unless the parties shall agree upon a lesser number: PROVIDED,
35 That the party demanding the jury shall first pay to the
36 ~~((justice))~~ clerk of the court the sum of one hundred twenty-five
37 dollars, which shall be paid over by the ~~((justice))~~ clerk of the

1 court to the county, and (~~said~~) such amount shall be taxed as
2 costs against the losing party.

3 **Sec. 14.** RCW 12.40.020 and 1990 c 172 s 3 are each amended to
4 read as follows:

5 A small claims action shall be commenced by the plaintiff
6 filing a claim, in the form prescribed by RCW 12.40.050, in the
7 small claims department. A filing fee of (~~ten~~) fourteen dollars
8 plus any surcharge authorized by RCW 7.75.035 shall be paid when
9 the claim is filed. Any party filing a counterclaim, cross-claim,
10 or third-party claim in such action shall pay to the court a filing
11 fee of fourteen dollars plus any surcharge authorized by RCW
12 7.75.035.

13 **Sec. 15.** RCW 26.12.240 and 1993 c 435 s 2 are each amended to
14 read as follows:

15 A county may create a courthouse facilitator program to provide
16 basic services to pro se litigants in family law cases. The
17 legislative authority of any county may impose user fees or may
18 impose a surcharge of up to (~~ten~~) twenty dollars on only those
19 superior court cases filed under Title 26 RCW, or both, to pay for
20 the expenses of the courthouse facilitator program. Fees collected
21 under this section shall be collected and deposited in the same
22 manner as other county funds are collected and deposited, and shall
23 be maintained in a separate account to be used as provided in this
24 section.

25 **Sec. 16.** RCW 27.24.070 and 1992 c 54 s 6 are each amended to
26 read as follows:

27 In each county pursuant to this chapter, the county treasurer
28 shall deposit in the county or regional law library fund a sum
29 equal to (~~twelve~~) seventeen dollars for every new probate or
30 civil filing fee, including appeals and for every fee for filing a
31 counterclaim, cross- claim, or third-party claim in any civil
32 action, collected by the clerk of the superior court and (~~six~~)
33 seven dollars for every fee collected for the commencement of a
34 civil action and for the filing of a counterclaim, cross-claim, or
35 third-party claim in any civil action in district court for the
36 support of the law library in that county or the regional law

1 library to which the county belongs: PROVIDED, That upon a showing
2 of need the (~~twelve~~) seventeen dollar contribution may be
3 increased up to (~~fifteen~~) twenty dollars or in counties with
4 multiple library sites up to thirty dollars upon the request of the
5 law library board of trustees and with the approval of the county
6 legislative body or bodies.

7 **Sec. 17.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to
8 read as follows:

9 (1) Revenue collected under this section is subject to division
10 with the state for deposit in the public safety and education
11 account under RCW 36.18.025.

12 (2) The party filing a transcript or abstract of judgment or
13 verdict from a United States court held in this state, or from the
14 superior court of another county or from a district court in the
15 county of issuance, shall pay at the time of filing a fee of
16 (~~fifteen~~) twenty dollars.

17 (3) The clerk shall collect a fee of twenty dollars for:
18 Filing a paper not related to or a part of a proceeding, civil or
19 criminal, or a probate matter, required or permitted to be filed in
20 the clerk's office for which no other charge is provided by law.

21 (4) If the defendant serves or files an answer to an unlawful
22 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
23 shall pay before proceeding with the unlawful detainer action
24 (~~eighty~~) one hundred twelve dollars.

25 (5) For a restrictive covenant for filing a petition to strike
26 discriminatory provisions in real estate under RCW 49.60.227 a fee
27 of twenty dollars must be charged.

28 (6) A fee of twenty dollars must be charged for filing a will
29 only, when no probate of the will is contemplated.

30 (7) A fee of (~~two~~) twenty dollars must be charged for filing
31 a petition, written agreement, or written memorandum in a
32 nonjudicial probate dispute under RCW 11.96A.220, if it is filed
33 within an existing case in the same court.

34 (8) A fee of thirty-five dollars must be charged for filing a
35 petition regarding a common law lien under RCW 60.70.060.

36 (9) For certification of delinquent taxes by a county treasurer
37 under RCW 84.64.190, a fee of five dollars must be charged.

1 (10) For the filing of a tax warrant for unpaid taxes or
2 overpayment of benefits by any agency of the state of Washington,
3 a fee of five dollars on or after July 22, 2001, and for the filing
4 of such a tax warrant or overpayment of benefits on or after July
5 1, 2003, a fee of twenty dollars, of which forty-six percent of the
6 first five dollars is directed to the public safety and education
7 account established under RCW 43.08.250.

8 **Sec. 18.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to
9 read as follows:

10 (1) Revenue collected under this section is not subject to
11 division under RCW 36.18.025 or 27.24.070.

12 (2) For the filing of a petition for modification of a decree
13 of dissolution or paternity, within the same case as the original
14 action, a fee of (~~twenty~~) thirty-six dollars must be paid.

15 (3)(a) The party making a demand for a jury of six in a civil
16 action shall pay, at the time, a fee of one hundred twenty-five
17 dollars; if the demand is for a jury of twelve, a fee of two
18 hundred fifty dollars. If, after the party demands a jury of six
19 and pays the required fee, any other party to the action requests
20 a jury of twelve, an additional one hundred twenty-five dollar fee
21 will be required of the party demanding the increased number of
22 jurors.

23 (b) Upon conviction in criminal cases a jury demand charge of
24 (~~fifty~~) one hundred twenty-five dollars for a jury of six, or
25 (~~one~~) two hundred fifty dollars for a jury of twelve may be
26 imposed as costs under RCW 10.46.190.

27 (4) For preparing (~~(, transcribing, or certifying)~~) a certified
28 copy of an instrument on file or of record in the clerk's office,
29 (~~(with or without seal,)~~) for the first page or portion of the
30 first page, a fee of (~~two~~) five dollars, and for each additional
31 page or portion of a page, a fee of one dollar must be charged.
32 For authenticating or exemplifying an instrument, a fee of (~~one~~)
33 two dollars for each additional seal affixed must be charged. For
34 preparing a copy of an instrument on file or of record in the
35 clerk's office without a seal, a fee of fifty cents per page must
36 be charged. When copying a document without a seal or file that is
37 in an electronic format, a fee of twenty-five cents per page must

1 be charged. For copies made on a compact disc, an additional fee
2 of twenty dollars for each compact disc must be charged.

3 (5) For executing a certificate, with or without a seal, a fee
4 of two dollars must be charged.

5 (6) For a garnishee defendant named in an affidavit for
6 garnishment and for a writ of attachment, a fee of twenty dollars
7 must be charged.

8 (7) For filing a supplemental proceeding, a fee of twenty
9 dollars must be charged.

10 (8) For approving a bond, including justification on the bond,
11 in other than civil actions and probate proceedings, a fee of two
12 dollars must be charged.

13 ~~((+8))~~ (9) For the issuance of a certificate of qualification
14 and a certified copy of letters of administration, letters
15 testamentary, or letters of guardianship, there must be a fee of
16 two dollars.

17 ~~((+9))~~ (10) For the preparation of a passport application, the
18 clerk may collect an execution fee as authorized by the federal
19 government.

20 ~~((+10))~~ (11) For clerk's services such as processing ex parte
21 orders, performing historical searches, compiling statistical
22 reports, and conducting exceptional record searches, the clerk may
23 collect a fee not to exceed twenty dollars per hour or portion of
24 an hour.

25 ~~((+11))~~ (12) For duplicated recordings of court's proceedings
26 there must be a fee of ten dollars for each audio tape and twenty-
27 five dollars for each video tape or other electronic storage
28 medium.

29 ~~((+12) For the filing of oaths and affirmations under chapter~~
30 ~~5.28 RCW, a fee of twenty dollars must be charged.))~~

31 (13) ~~((For filing a disclaimer of interest under RCW~~
32 ~~11.86.031(4), a fee of two dollars must be charged.~~

33 ~~(+14))~~ For registration of land titles, Torrens Act, under RCW
34 65.12.780, a fee of ~~((five))~~ twenty dollars must be charged.

35 ~~((+15))~~ (14) For the issuance of extension of judgment under
36 RCW 6.17.020 and chapter 9.94A RCW, a fee of ~~((one))~~ two hundred
37 ~~((ten))~~ dollars must be charged.

38 ~~((+16))~~ (15) A facilitator surcharge of ~~((ten))~~ up to twenty
39 dollars must be charged as authorized under RCW 26.12.240.

1 ~~((+17))~~ (16) For filing a water rights statement under RCW
2 90.03.180, a fee of twenty-five dollars must be charged.

3 ~~((+18))~~ (17) For filing a claim of frivolous lien under RCW
4 60.04.081, a fee of thirty-five dollars must be charged.

5 (18) For preparation of a change of venue, a fee of twenty
6 dollars must be charged by the originating court in addition to the
7 per page charges in subsection (4) of this section.

8 (19) A service fee of three dollars for the first page and one
9 dollar for each additional page must be charged for receiving faxed
10 documents, pursuant to Washington state rules of court, general
11 rule 17.

12 ~~((+19))~~ (20) For preparation of clerk's papers under RAP 9.7,
13 a fee of fifty cents per page must be charged.

14 ~~((+20))~~ (21) For copies and reports produced at the local
15 level as permitted by RCW 2.68.020 and supreme court policy, a
16 variable fee must be charged.

17 ~~((+21))~~ (22) Investment service charge and earnings under RCW
18 36.48.090 must be charged.

19 ~~((+22))~~ (23) Costs for nonstatutory services rendered by clerk
20 by authority of local ordinance or policy must be charged.

21 ~~((+23))~~ (24) For filing a request for mandatory arbitration,
22 a filing fee may be assessed against the party filing a statement
23 of arbitrability not to exceed two hundred twenty dollars as
24 established by authority of local ordinance. This charge shall be
25 used solely to offset the cost of the mandatory arbitration
26 program.

27 ~~((+24))~~ (25) For filing a request for trial de novo of an
28 arbitration award, a fee not to exceed two hundred fifty dollars as
29 established by authority of local ordinance must be charged.

30 (26) For the filing of a will or codicil under the provisions
31 of chapter 11.12 RCW, a fee of twenty dollars must be charged.

32 The revenue to counties from the fees established in this
33 section shall be deemed to be complete reimbursement from the state
34 for the state's share of benefits paid to the superior court judges
35 of the state prior to the effective date of this section, and no
36 claim shall lie against the state for such benefits.

37 **Sec. 19.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to
38 read as follows:

1 (1) Revenue collected under this section is subject to division
2 with the state public safety and education account under RCW
3 36.18.025 and with the county or regional law library fund under
4 RCW 27.24.070.

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

7 (a) The party filing the first or initial paper in any civil
8 action, including, but not limited to an action for restitution,
9 adoption, or change of name, and any party filing a counterclaim,
10 cross-claim, or third-party claim in any such civil action, shall
11 pay, at the time the paper is filed, a fee of ~~((one))~~ two hundred
12 ~~((ten))~~ dollars except, in an unlawful detainer action under
13 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case
14 initiating filing fee of ~~((thirty))~~ forty-five dollars, or in
15 proceedings filed under RCW 28A.225.030 alleging a violation of the
16 compulsory attendance laws where the petitioner shall not pay a
17 filing fee. The ~~((thirty))~~ forty-five dollar filing fee under this
18 subsection for an unlawful detainer action shall not include an
19 order to show cause or any other order or judgment except a default
20 order or default judgment in an unlawful detainer action.

21 (b) Any party, except a defendant in a criminal case, filing
22 the first or initial paper on an appeal from a court of limited
23 jurisdiction or any party on any civil appeal, shall pay, when the
24 paper is filed, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

25 (c) For filing of a petition for judicial review as required
26 under RCW 34.05.514 a filing fee of ~~((one))~~ two hundred ~~((ten))~~
27 dollars.

28 (d) For filing of a petition for unlawful harassment under RCW
29 10.14.040 a filing fee of ~~((forty-one))~~ fifty-three dollars.

30 (e) For filing the notice of debt due for the compensation of
31 a crime victim under RCW 7.68.120(2)(a) a fee of ~~((one))~~ two
32 hundred ~~((ten))~~ dollars.

33 (f) In probate proceedings, the party instituting such
34 proceedings, shall pay at the time of filing the first paper
35 therein, a fee of ~~((one))~~ two hundred ~~((ten))~~ dollars.

36 (g) For filing any petition to contest a will admitted to
37 probate or a petition to admit a will which has been rejected, or
38 a petition objecting to a written agreement or memorandum as

1 provided in RCW 11.96A.220, there shall be paid a fee of ((~~one~~))
2 two hundred ((~~ten~~)) dollars.

3 (h) Upon conviction or plea of guilty, upon failure to
4 prosecute an appeal from a court of limited jurisdiction as
5 provided by law, or upon affirmance of a conviction by a court of
6 limited jurisdiction, a defendant in a criminal case shall be
7 liable for a fee of ((~~one~~)) two hundred ((~~ten~~)) dollars.

8 (i) With the exception of demands for jury hereafter made and
9 garnishments hereafter issued, civil actions and probate
10 proceedings filed prior to midnight, July 1, 1972, shall be
11 completed and governed by the fee schedule in effect as of January
12 1, 1972: PROVIDED, That no fee shall be assessed if an order of
13 dismissal on the clerk's record be filed as provided by rule of the
14 supreme court.

15 (3) No fee shall be collected when a petition for
16 relinquishment of parental rights is filed pursuant to RCW
17 26.33.080 or for forms and instructional brochures provided under
18 RCW 26.50.030.

19 NEW SECTION. **Sec. 20.** (1) The sum of two million three
20 hundred thousand dollars, or so much thereof as may be necessary,
21 is appropriated from the equal justice subaccount of the public
22 safety and education account to the office of public defense for
23 the fiscal biennium ending June 30, 2007, solely for the purpose of
24 criminal indigent defense assistance and enhancement in the trial
25 courts. Of this amount, one million dollars is provided solely for
26 a criminal indigent defense pilot program for persons charged with
27 felony or misdemeanor offenses. The pilot program shall include
28 the following: effective implementation of indigency screening;
29 enhanced defense attorney practice standards; and use of
30 investigative and expert services.

31 (2) The sum of five million dollars, or so much thereof as may
32 be necessary, is appropriated from the equal justice subaccount of
33 the public safety and education account to the office of public
34 defense for the fiscal biennium ending June 30, 2007, solely for
35 the purpose of representation of parents in dependency and
36 termination proceedings.

37 (3) The sum of three million dollars, or so much thereof as
38 may be necessary, is appropriated from the equal justice subaccount

1 of the public safety and education account to the office of civil
2 legal aid for the fiscal biennium ending June 30, 2007, solely for
3 the purpose of civil legal representation of indigent persons.

4 (4) The sum of two million four hundred thousand dollars is
5 appropriated from the equal justice subaccount of the public safety
6 and education account to the administrator for the courts for the
7 fiscal biennium ending June 30, 2007, solely for the purposes of
8 district court judges' and elected municipal court judges' salary
9 contributions."

10 Correct the title.

EFFECT: Removes provisions requiring the state to pay for one-half of district court and elected municipal court salaries and to pay 2.5 percent contribution in the supplemental retirement account for those judges.

Requires the revenue to the state from the increased fees to be deposited in the newly-created equal justice subaccount of the PSEA to be appropriated only for: (a) trial-level criminal indigent defense, including a pilot program; (b) parent representation in dependency and termination cases; (c) civil legal services; and (d) district court judges' and elected municipal court judges' salary contributions.

In the fiscal 2005-07 fiscal biennium, 25% of the revenue collected from the increased filing fees, less \$1 million dollars, must be used for judges' salaries. In the fiscal 2007-09 biennium and thereafter, 50% of the revenue collected must be used for judges' salaries.

For FY 05-07, the following appropriations are made: (a) \$2.3 million dollars to the office of public defense for criminal indigent defense in the trial courts (with \$1 million of that money being used for a pilot program); (b) \$5 million dollars to OPD for representation of parents in dependency and termination cases; (c) \$3 million to the office of civil legal aid for civil legal representation of indigent persons; and (d) \$2.4 million for judges' salaries.

Cities and counties receiving state contribution for judges' salaries must establish local trial court improvement accounts and deposit into their accounts an amount equal to 100% of the state's contribution to the city's or county's judges' salaries.