

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5454

Chapter 457, Laws of 2005

59th Legislature
2005 Regular Session

COURTS--FUNDING

EFFECTIVE DATE: 7/24/05

Passed by the Senate April 24, 2005
YEAS 40 NAYS 7

BRAD OWEN

President of the Senate

Passed by the House April 24, 2005
YEAS 84 NAYS 11

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5454** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved May 13, 2005.

FILED

May 13, 2005 - 3:13 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5454

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington **59th Legislature** **2005 Regular Session**

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles; by request of Board For Judicial Administration)

READ FIRST TIME 03/08/05.

1 AN ACT Relating to court operations; amending RCW 3.62.050,
2 2.56.030, 43.08.250, 3.62.060, 4.12.090, 10.46.190, 12.12.030,
3 12.40.020, 26.12.240, 27.24.070, 36.18.012, 36.18.016, and 36.18.020;
4 adding a new section to chapter 3.46 RCW; adding a new section to
5 chapter 3.50 RCW; adding a new section to chapter 3.58 RCW; adding a
6 new section to chapter 35.20 RCW; adding a new section to chapter 3.62
7 RCW; creating a new section; and making appropriations.

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

9 NEW SECTION. **Sec. 1.** The legislature recognizes the state's
10 obligation to provide adequate representation to criminal indigent
11 defendants and to parents in dependency and termination cases. The
12 legislature also recognizes that trial courts are critical to
13 maintaining the rule of law in a free society and that they are
14 essential to the protection of the rights and enforcement of
15 obligations for all. Therefore, the legislature intends to create a
16 dedicated revenue source for the purposes of meeting the state's
17 commitment to improving trial courts in the state, providing adequate
18 representation to criminal indigent defendants, providing for civil

1 legal services for indigent persons, and ensuring equal justice for all
2 citizens of the state.

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

5 Any city operating a municipal department under this chapter for
6 which the state contributes to district or municipal court judges'
7 salaries under section 7 of this act shall create a city trial court
8 improvement account. An amount equal to one hundred percent of the
9 state's contribution received by the city for the payment of the city's
10 proportionate share of the district or municipal court judges' salaries
11 shall be deposited into the account. Money in the account shall be
12 used to fund improvements to the municipal department's staffing,
13 programs, facilities, or services, as appropriated by the city
14 legislative authority.

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

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

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

28 Any county with a district court created under this title shall
29 create a county trial court improvement account. An amount equal to
30 one hundred percent of the state's contribution received by the county
31 for the payment of district court judges' salaries under section 8 of
32 this act shall be deposited into the account. Money in the account
33 shall be used to fund improvements to superior and district court
34 staffing, programs, facilities, or services, as appropriated by the
35 county legislative authority.

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

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

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

13 The total expenditures of the district courts, including the cost
14 of providing courtroom and office space, the cost of probation and
15 parole services and any personnel employment therefor, and the cost of
16 providing services necessary for the preparation and presentation of a
17 defense at public expense, except costs of defense to be paid by a city
18 pursuant to RCW 3.62.070 and the portion of district court judges'
19 salaries distributed by the administrator for the courts pursuant to
20 section 7 of this act, shall be paid from the county current expense
21 fund.

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

24 The administrator for the courts shall, under the supervision and
25 direction of the chief justice:

26 (1) Examine the administrative methods and systems employed in the
27 offices of the judges, clerks, stenographers, and employees of the
28 courts and make recommendations, through the chief justice, for the
29 improvement of the same;

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

32 (3) Make recommendations to the chief justice relating to the
33 assignment of judges where courts are in need of assistance and carry
34 out the direction of the chief justice as to the assignments of judges
35 to counties and districts where the courts are in need of assistance;

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

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

8 (6) Collect statistical and other data and make reports relating to
9 the expenditure of public moneys, state and local, for the maintenance
10 and operation of the judicial system and the offices connected
11 therewith;

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

17 (8) Act as secretary of the judicial conference referred to in RCW
18 2.56.060;

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

23 (10) Administer programs and standards for the training and
24 education of judicial personnel;

25 (11) Examine the need for new superior court and district judge
26 positions under a weighted caseload analysis that takes into account
27 the time required to hear all the cases in a particular court and the
28 amount of time existing judges have available to hear cases in that
29 court. The results of the weighted caseload analysis shall be reviewed
30 by the board for judicial administration which shall make
31 recommendations to the legislature. It is the intent of the
32 legislature that weighted caseload analysis become the basis for
33 creating additional district court positions, and recommendations
34 should address that objective;

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

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

1 (14) Within available funds, develop a curriculum for a general
2 understanding of child development, placement, and treatment resources,
3 as well as specific legal skills and knowledge of relevant statutes
4 including chapters 13.32A, 13.34, and 13.40 RCW, cases, court rules,
5 interviewing skills, and special needs of the abused or neglected
6 child. This curriculum shall be completed and made available to all
7 juvenile court judges, court personnel, and service providers and be
8 updated yearly to reflect changes in statutes, court rules, or case
9 law;

10 (15) Develop, in consultation with the entities set forth in RCW
11 2.56.150(3), a comprehensive statewide curriculum for persons who act
12 as guardians ad litem under Title 13 or 26 RCW. The curriculum shall
13 be made available July 1, 1997, and include specialty sections on child
14 development, child sexual abuse, child physical abuse, child neglect,
15 clinical and forensic investigative and interviewing techniques, family
16 reconciliation and mediation services, and relevant statutory and legal
17 requirements. The curriculum shall be made available to all superior
18 court judges, court personnel, and all persons who act as guardians ad
19 litem;

20 (16) Develop a curriculum for a general understanding of crimes of
21 malicious harassment, as well as specific legal skills and knowledge of
22 RCW 9A.36.080, relevant cases, court rules, and the special needs of
23 malicious harassment victims. This curriculum shall be made available
24 to all superior court and court of appeals judges and to all justices
25 of the supreme court;

26 (17) Develop, in consultation with the criminal justice training
27 commission and the commissions established under chapters 43.113,
28 43.115, and 43.117 RCW, a curriculum for a general understanding of
29 ethnic and cultural diversity and its implications for working with
30 youth of color and their families. The curriculum shall be available
31 to all superior court judges and court commissioners assigned to
32 juvenile court, and other court personnel. Ethnic and cultural
33 diversity training shall be provided annually so as to incorporate
34 cultural sensitivity and awareness into the daily operation of juvenile
35 courts statewide;

36 (18) Authorize the use of closed circuit television and other
37 electronic equipment in judicial proceedings. The administrator shall

1 promulgate necessary standards and procedures and shall provide
2 technical assistance to courts as required;

3 (19) Develop a Washington family law handbook in accordance with
4 RCW 2.56.180;

5 (20)(a) Administer and distribute amounts appropriated from the
6 equal justice subaccount under RCW 43.08.250(2) for district court
7 judges' and qualifying elected municipal court judges' salary
8 contributions. The administrator for the courts shall develop a
9 distribution formula for these amounts that does not differentiate
10 between district and elected municipal court judges.

11 (b) A city qualifies for state contribution of elected municipal
12 court judges' salaries under (a) of this subsection if:

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

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

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

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

23 (1) The money received by the state treasurer from fees, fines,
24 forfeitures, penalties, reimbursements or assessments by any court
25 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
26 deposited in the public safety and education account which is hereby
27 created in the state treasury. The legislature shall appropriate the
28 funds in the account to promote traffic safety education, highway
29 safety, criminal justice training, crime victims' compensation,
30 judicial education, the judicial information system, civil
31 representation of indigent persons, winter recreation parking, drug
32 court operations, and state game programs. During the fiscal biennium
33 ending June 30, 2005, the legislature may appropriate moneys from the
34 public safety and education account for purposes of appellate indigent
35 defense and other operations of the office of public defense, the
36 criminal litigation unit of the attorney general's office, the
37 treatment alternatives to street crimes program, crime victims advocacy

1 programs, justice information network telecommunication planning,
2 treatment for supplemental security income clients, sexual assault
3 treatment, operations of the office of administrator for the courts,
4 security in the common schools, alternative school start-up grants,
5 programs for disruptive students, criminal justice data collection,
6 Washington state patrol criminal justice activities, drug court
7 operations, unified family courts, local court backlog assistance,
8 financial assistance to local jurisdictions for extraordinary costs
9 incurred in the adjudication of criminal cases, domestic violence
10 treatment and related services, the department of corrections' costs in
11 implementing chapter 196, Laws of 1999, reimbursement of local
12 governments for costs associated with implementing criminal and civil
13 justice legislation, the replacement of the department of corrections'
14 offender-based tracking system, secure and semi-secure crisis
15 residential centers, HOPE beds, the family policy council and community
16 public health and safety networks, the street youth program, public
17 notification about registered sex offenders, and narcotics or
18 methamphetamine-related enforcement, education, training, and drug and
19 alcohol treatment services.

20 (2)(a) The equal justice subaccount is created as a subaccount of
21 the public safety and education account. The money received by the
22 state treasurer from the increase in fees imposed by sections 9, 10,
23 12, 13, 14, 17, and 19, chapter . . . (this act), Laws of 2005 shall be
24 deposited in the equal justice subaccount and shall be appropriated
25 only for:

26 (i) Criminal indigent defense assistance and enhancement at the
27 trial court level, including a criminal indigent defense pilot program;

28 (ii) Representation of parents in dependency and termination
29 proceedings;

30 (iii) Civil legal representation of indigent persons; and

31 (iv) Contribution to district court judges' salaries and to
32 eligible elected municipal court judges' salaries.

33 (b) For the 2005-07 fiscal biennium, an amount equal to twenty-five
34 percent of revenues to the equal justice subaccount, less one million
35 dollars, shall be appropriated from the equal justice subaccount to the
36 administrator for the courts for purposes of (a)(iv) of this
37 subsection. For the 2007-09 fiscal biennium and subsequent fiscal
38 biennia, an amount equal to fifty percent of revenues to the equal

1 justice subaccount shall be appropriated from the equal justice
2 subaccount to the administrator for the courts for the purposes of
3 (a)(iv) of this subsection.

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

6 Clerks of the district courts shall collect the following fees for
7 their official services:

8 (1) In any civil action commenced before or transferred to a
9 district court, the plaintiff shall, at the time of such commencement
10 or transfer, pay to such court a filing fee of ~~((thirty-one))~~ forty-
11 three dollars plus any surcharge authorized by RCW 7.75.035. Any party
12 filing a counterclaim, cross-claim, or third-party claim in such action
13 shall pay to the court a filing fee of forty-three dollars plus any
14 surcharge authorized by RCW 7.75.035. No party shall be compelled to
15 pay to the court any other fees or charges up to and including the
16 rendition of judgment in the action other than those listed.

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

20 (3) For filing a supplemental proceeding a fee of ~~((twelve))~~ twenty
21 dollars.

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

24 (5) For preparing a transcript of a judgment a fee of ~~((six))~~
25 twenty dollars.

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

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

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

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

1 NEW SECTION. **Sec. 10.** A new section is added to chapter 3.62 RCW
2 to read as follows:

3 Upon conviction or a plea of guilty in any court organized under
4 this title or Title 35 RCW, a defendant in a criminal case is liable
5 for a fee of forty-three dollars. This fee shall be subject to
6 division with the state under RCW 3.46.120(2), 3.50.100(2),
7 3.62.020(2), 3.62.040(2), and 35.20.220(2).

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

10 (1) When an order is made transferring an action or proceeding for
11 trial, the clerk of the court must transmit the pleadings and papers
12 therein to the court to which it is transferred and charge a fee as
13 provided in RCW 36.18.016. The costs and fees thereof and of filing
14 the papers anew must be paid by the party at whose instance the order
15 was made, except in the cases mentioned in RCW 4.12.030(1), in which
16 case the plaintiff shall pay costs of transfer and, in addition
17 thereto, if the court finds that the plaintiff could have determined
18 the county of proper venue with reasonable diligence, it shall order
19 the plaintiff to pay the reasonable attorney's fee of the defendant for
20 the changing of venue to the proper county. The court to which an
21 action or proceeding is transferred has and exercises over the same the
22 like jurisdiction as if it had been originally commenced therein.

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

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

32 Every person convicted of a crime or held to bail to keep the peace
33 shall be liable to all the costs of the proceedings against him or her,
34 including, when tried by a jury in the superior court or before a
35 committing magistrate, a jury fee as provided for in civil actions(~~(~~
36 ~~and when tried by a jury before a committing magistrate, twenty five~~

1 ~~dollars for jury fee,~~) for which judgment shall be rendered and
2 ~~((collection had as in cases of fines))~~ collected. The jury fee, when
3 collected for a case tried by the superior court, shall be paid to the
4 clerk(~~, to be by him~~) and applied as the jury fee in civil cases is
5 applied.

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

8 After the appearance of the defendant, and before the ~~((justice))~~
9 judge shall proceed to enquire into the merits of the cause, either
10 party may demand a jury to try the action, which jury shall be composed
11 of six good and lawful persons having the qualifications of jurors in
12 the superior court of the same county, unless the parties shall agree
13 upon a lesser number: PROVIDED, That the party demanding the jury
14 shall first pay to the ~~((justice))~~ clerk of the court the sum of one
15 hundred twenty-five dollars, which shall be paid over by the
16 ~~((justice))~~ clerk of the court to the county, and ~~((said))~~ such amount
17 shall be taxed as costs against the losing party.

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

20 A small claims action shall be commenced by the plaintiff filing a
21 claim, in the form prescribed by RCW 12.40.050, in the small claims
22 department. A filing fee of ~~((ten))~~ fourteen dollars plus any
23 surcharge authorized by RCW 7.75.035 shall be paid when the claim is
24 filed. Any party filing a counterclaim, cross-claim, or third-party
25 claim in such action shall pay to the court a filing fee of fourteen
26 dollars plus any surcharge authorized by RCW 7.75.035.

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

29 A county may create a courthouse facilitator program to provide
30 basic services to pro se litigants in family law cases. The
31 legislative authority of any county may impose user fees or may impose
32 a surcharge of up to ~~((ten))~~ twenty dollars on only those superior
33 court cases filed under Title 26 RCW, or both, to pay for the expenses
34 of the courthouse facilitator program. Fees collected under this

1 section shall be collected and deposited in the same manner as other
2 county funds are collected and deposited, and shall be maintained in a
3 separate account to be used as provided in this section.

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

6 In each county pursuant to this chapter, the county treasurer shall
7 deposit in the county or regional law library fund a sum equal to
8 ((~~twelve~~)) seventeen dollars for every new probate or civil filing fee,
9 including appeals and for every fee for filing a counterclaim, cross-
10 claim, or third-party claim in any civil action, collected by the clerk
11 of the superior court and ((~~six~~)) seven dollars for every fee collected
12 for the commencement of a civil action and for the filing of a
13 counterclaim, cross-claim, or third-party claim in any civil action in
14 district court for the support of the law library in that county or the
15 regional law library to which the county belongs: PROVIDED, That upon
16 a showing of need the ((~~twelve~~)) seventeen dollar contribution may be
17 increased up to ((~~fifteen~~)) twenty dollars or in counties with multiple
18 library sites up to thirty dollars upon the request of the law library
19 board of trustees and with the approval of the county legislative body
20 or bodies.

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

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

26 (2) The party filing a transcript or abstract of judgment or
27 verdict from a United States court held in this state, or from the
28 superior court of another county or from a district court in the county
29 of issuance, shall pay at the time of filing a fee of ((~~fifteen~~))
30 twenty dollars.

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

35 (4) If the defendant serves or files an answer to an unlawful

1 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
2 shall pay before proceeding with the unlawful detainer action
3 (~~eighty~~) one hundred twelve dollars.

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

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

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

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

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

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

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

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

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

31 (3)(a) The party making a demand for a jury of six in a civil
32 action shall pay, at the time, a fee of one hundred twenty-five
33 dollars; if the demand is for a jury of twelve, a fee of two hundred
34 fifty dollars. If, after the party demands a jury of six and pays the
35 required fee, any other party to the action requests a jury of twelve,
36 an additional one hundred twenty-five dollar fee will be required of
37 the party demanding the increased number of jurors.

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

5 (4) For preparing(~~(, transcribing, or certifying)~~) a certified copy
6 of an instrument on file or of record in the clerk's office, (~~(with or~~
7 ~~without seal,~~) for the first page or portion of the first page, a fee
8 of (~~(two)~~) five dollars, and for each additional page or portion of a
9 page, a fee of one dollar must be charged. For authenticating or
10 exemplifying an instrument, a fee of (~~(one)~~) two dollars for each
11 additional seal affixed must be charged. For preparing a copy of an
12 instrument on file or of record in the clerk's office without a seal,
13 a fee of fifty cents per page must be charged. When copying a document
14 without a seal or file that is in an electronic format, a fee of
15 twenty-five cents per page must be charged. For copies made on a
16 compact disc, an additional fee of twenty dollars for each compact disc
17 must be charged.

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

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

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

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

27 (~~(+8)~~) (9) For the issuance of a certificate of qualification and
28 a certified copy of letters of administration, letters testamentary, or
29 letters of guardianship, there must be a fee of two dollars.

30 (~~(+9)~~) (10) For the preparation of a passport application, the
31 clerk may collect an execution fee as authorized by the federal
32 government.

33 (~~(+10)~~) (11) For clerk's services such as processing ex parte
34 orders, performing historical searches, compiling statistical reports,
35 and conducting exceptional record searches, the clerk may collect a fee
36 not to exceed twenty dollars per hour or portion of an hour.

37 (~~(+11)~~) (12) For duplicated recordings of court's proceedings

1 there must be a fee of ten dollars for each audio tape and twenty-five
2 dollars for each video tape or other electronic storage medium.

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

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

7 ~~(14))~~ For registration of land titles, Torrens Act, under RCW
8 65.12.780, a fee of ~~((five))~~ twenty dollars must be charged.

9 ~~((15))~~ (14) For the issuance of extension of judgment under RCW
10 6.17.020 and chapter 9.94A RCW, a fee of ~~((one))~~ two hundred ~~((ten))~~
11 dollars must be charged.

12 ~~((16))~~ (15) A facilitator surcharge of ~~((ten))~~ up to twenty
13 dollars must be charged as authorized under RCW 26.12.240.

14 ~~((17))~~ (16) For filing a water rights statement under RCW
15 90.03.180, a fee of twenty-five dollars must be charged.

16 ~~((18))~~ (17) For filing a claim of frivolous lien under RCW
17 60.04.081, a fee of thirty-five dollars must be charged.

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

21 (19) A service fee of three dollars for the first page and one
22 dollar for each additional page must be charged for receiving faxed
23 documents, pursuant to Washington state rules of court, general rule
24 17.

25 ~~((19))~~ (20) For preparation of clerk's papers under RAP 9.7, a
26 fee of fifty cents per page must be charged.

27 ~~((20))~~ (21) For copies and reports produced at the local level as
28 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
29 be charged.

30 ~~((21))~~ (22) Investment service charge and earnings under RCW
31 36.48.090 must be charged.

32 ~~((22))~~ (23) Costs for nonstatutory services rendered by clerk by
33 authority of local ordinance or policy must be charged.

34 ~~((23))~~ (24) For filing a request for mandatory arbitration, a
35 filing fee may be assessed against the party filing a statement of
36 arbitrability not to exceed two hundred twenty dollars as established
37 by authority of local ordinance. This charge shall be used solely to
38 offset the cost of the mandatory arbitration program.

1 (~~(24)~~) (25) For filing a request for trial de novo of an
2 arbitration award, a fee not to exceed two hundred fifty dollars as
3 established by authority of local ordinance must be charged.

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

6 The revenue to counties from the fees established in this section
7 shall be deemed to be complete reimbursement from the state for the
8 state's share of benefits paid to the superior court judges of the
9 state prior to the effective date of this section, and no claim shall
10 lie against the state for such benefits.

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

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

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

18 (a) The party filing the first or initial paper in any civil
19 action, including, but not limited to an action for restitution,
20 adoption, or change of name, and any party filing a counterclaim,
21 cross-claim, or third-party claim in any such civil action, shall pay,
22 at the time the paper is filed, a fee of (~~(one)~~) two hundred (~~(ten)~~)
23 dollars except, in an unlawful detainer action under chapter 59.18 or
24 59.20 RCW for which the plaintiff shall pay a case initiating filing
25 fee of (~~(thirty)~~) forty-five dollars, or in proceedings filed under RCW
26 28A.225.030 alleging a violation of the compulsory attendance laws
27 where the petitioner shall not pay a filing fee. The (~~(thirty)~~)
28 forty-five dollar filing fee under this subsection for an unlawful
29 detainer action shall not include an order to show cause or any other
30 order or judgment except a default order or default judgment in an
31 unlawful detainer action.

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

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

1 (d) For filing of a petition for unlawful harassment under RCW
2 10.14.040 a filing fee of (~~forty-one~~) fifty-three dollars.

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

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

9 (g) For filing any petition to contest a will admitted to probate
10 or a petition to admit a will which has been rejected, or a petition
11 objecting to a written agreement or memorandum as provided in RCW
12 11.96A.220, there shall be paid a fee of (~~one~~) two hundred (~~ten~~)
13 dollars.

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

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

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

28 NEW SECTION. Sec. 20. (1) The sum of two million three hundred
29 thousand dollars, or as much thereof as may be necessary, is
30 appropriated from the equal justice subaccount of the public safety and
31 education account to the office of public defense for the fiscal
32 biennium ending June 30, 2007, solely for the purpose of criminal
33 indigent defense assistance and enhancement in the trial courts. Of
34 this amount, one million dollars is provided solely for a criminal
35 indigent defense pilot program for persons charged with felony or
36 misdemeanor offenses. The pilot program shall include the following:

1 Effective implementation of indigency screening; enhanced defense
2 attorney practice standards; and use of investigative and expert
3 services.

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

9 (3) The sum of three million dollars, or as much thereof as may be
10 necessary, is appropriated from the equal justice subaccount of the
11 public safety and education account to the office of civil legal aid
12 for the fiscal biennium ending June 30, 2007, solely for the purpose of
13 civil legal representation of indigent persons.

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

Passed by the Senate April 24, 2005.

Passed by the House April 24, 2005.

Approved by the Governor May 13, 2005.

Filed in Office of Secretary of State May 13, 2005.