

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1983

62nd Legislature
2012 Regular Session

Passed by the House March 5, 2012
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1983** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1983

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan, and Nealey)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to increasing fee assessments for prostitution and
2 trafficking crimes and requiring sex offender registration for second
3 and subsequent convictions of promoting prostitution in the first or
4 second degree; amending RCW 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105,
5 3.50.100, 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing
6 penalties.

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

8 **Sec. 1.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read
9 as follows:

10 (1)(a) A person is guilty of trafficking in the first degree when:

11 (i) Such person:

12 (A) Recruits, harbors, transports, transfers, provides, obtains, or
13 receives by any means another person knowing that force, fraud, or
14 coercion as defined in RCW 9A.36.070 will be used to cause the person
15 to engage in forced labor, involuntary servitude, or a commercial sex
16 act; or

17 (B) Benefits financially or by receiving anything of value from
18 participation in a venture that has engaged in acts set forth in

19 (a)(i)(A) of this subsection; and

1 (ii) The acts or venture set forth in (a)(i) of this subsection:

2 (A) Involve committing or attempting to commit kidnapping;

3 (B) Involve a finding of sexual motivation under RCW 9.94A.835;

4 (C) Involve the illegal harvesting or sale of human organs; or

5 (D) Result in a death.

6 (b) Trafficking in the first degree is a class A felony.

7 (2)(a) A person is guilty of trafficking in the second degree when
8 such person:

9 (i) Recruits, harbors, transports, transfers, provides, obtains, or
10 receives by any means another person knowing that force, fraud, or
11 coercion as defined in RCW 9A.36.070 will be used to cause the person
12 to engage in forced labor, involuntary servitude, or a commercial sex
13 act; or

14 (ii) Benefits financially or by receiving anything of value from
15 participation in a venture that has engaged in acts set forth in (a)(i)
16 of this subsection.

17 (b) Trafficking in the second degree is a class A felony.

18 (3)(a) A person who is either convicted or given a deferred
19 sentence or a deferred prosecution or who has entered into a statutory
20 or nonstatutory diversion agreement as a result of an arrest for a
21 violation of a trafficking crime shall be assessed a three thousand
22 dollar fee.

23 (b) The court shall not reduce, waive, or suspend payment of all or
24 part of the fee assessed in this section unless it finds, on the
25 record, that the offender does not have the ability to pay the fee in
26 which case it may reduce the fee by an amount up to two-thirds of the
27 maximum allowable fee.

28 (c) Fees assessed under this section shall be collected by the
29 clerk of the court and remitted to the treasurer of the county where
30 the offense occurred for deposit in the county general fund, except in
31 cases in which the offense occurred in a city or town that provides for
32 its own law enforcement, in which case these amounts shall be remitted
33 to the treasurer of the city or town for deposit in the general fund of
34 the city or town. Revenue from the fees must be used for local efforts
35 to reduce the commercial sale of sex including, but not limited to,
36 increasing enforcement of commercial sex laws.

37 (i) At least fifty percent of the revenue from fees imposed under
38 this section must be spent on prevention, including education programs

1 for offenders, such as john school, and rehabilitative services, such
2 as mental health and substance abuse counseling, parenting skills,
3 training, housing relief, education, vocational training, drop-in
4 centers, and employment counseling.

5 (ii) Revenues from these fees are not subject to the distribution
6 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
7 35.20.220.

8 **Sec. 2.** RCW 9A.44.128 and 2011 c 337 s 2 are each amended to read
9 as follows:

10 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
11 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

12 (1) "Business day" means any day other than Saturday, Sunday, or a
13 legal local, state, or federal holiday.

14 (2) "Conviction" means any adult conviction or juvenile
15 adjudication for a sex offense or kidnapping offense.

16 (3) "Disqualifying offense" means a conviction for: Any offense
17 that is a felony; a sex offense as defined in this section; a crime
18 against children or persons as defined in RCW 43.43.830(5) and
19 9.94A.411(2)(a); an offense with a domestic violence designation as
20 provided in RCW 10.99.020; permitting the commercial sexual abuse of a
21 minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88
22 RCW.

23 (4) "Employed" or "carries on a vocation" means employment that is
24 full time or part time for a period of time exceeding fourteen days, or
25 for an aggregate period of time exceeding thirty days during any
26 calendar year. A person is employed or carries on a vocation whether
27 the person's employment is financially compensated, volunteered, or for
28 the purpose of government or educational benefit.

29 (5) "Fixed residence" means a building that a person lawfully and
30 habitually uses as living quarters a majority of the week. Uses as
31 living quarters means to conduct activities consistent with the common
32 understanding of residing, such as sleeping; eating; keeping personal
33 belongings; receiving mail; and paying utilities, rent, or mortgage.
34 A nonpermanent structure including, but not limited to, a motor home,
35 travel trailer, camper, or boat may qualify as a residence provided it
36 is lawfully and habitually used as living quarters a majority of the
37 week, primarily kept at one location with a physical address, and the

1 location it is kept at is either owned or rented by the person or used
2 by the person with the permission of the owner or renter. A shelter
3 program may qualify as a residence provided it is a shelter program
4 designed to provide temporary living accommodations for the homeless,
5 provides an offender with a personally assigned living space, and the
6 offender is permitted to store belongings in the living space.

7 (6) "In the community" means residing outside of confinement or
8 incarceration for a disqualifying offense.

9 (7) "Institution of higher education" means any public or private
10 institution dedicated to postsecondary education, including any
11 college, university, community college, trade, or professional school.

12 (8) "Kidnapping offense" means:

13 (a) The crimes of kidnapping in the first degree, kidnapping in the
14 second degree, and unlawful imprisonment, as defined in chapter 9A.40
15 RCW, where the victim is a minor and the offender is not the minor's
16 parent;

17 (b) Any offense that is, under chapter 9A.28 RCW, a criminal
18 attempt, criminal solicitation, or criminal conspiracy to commit an
19 offense that is classified as a kidnapping offense under this
20 subsection; and

21 (c) Any federal or out-of-state conviction for: An offense for
22 which the person would be required to register as a kidnapping offender
23 if residing in the state of conviction; or, if not required to register
24 in the state of conviction, an offense that under the laws of this
25 state would be classified as a kidnapping offense under this
26 subsection.

27 (9) "Lacks a fixed residence" means the person does not have a
28 living situation that meets the definition of a fixed residence and
29 includes, but is not limited to, a shelter program designed to provide
30 temporary living accommodations for the homeless, an outdoor sleeping
31 location, or locations where the person does not have permission to
32 stay.

33 (10) "Sex offense" means:

34 (a) Any offense defined as a sex offense by RCW 9.94A.030;

35 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
36 minor in the second degree);

37 (c) Any violation under RCW 9.68A.090 (communication with a minor
38 for immoral purposes);

1 (d) A violation under RCW 9A.88.070 (promoting prostitution in the
2 first degree) or RCW 9A.88.080 (promoting prostitution in the second
3 degree) if the person has a prior conviction for one of these offenses;

4 (e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
5 criminal attempt, criminal solicitation, or criminal conspiracy to
6 commit an offense that is classified as a sex offense under RCW
7 9.94A.030 or this subsection;

8 ~~((+e))~~ (f) Any out-of-state conviction for an offense for which
9 the person would be required to register as a sex offender while
10 residing in the state of conviction; or, if not required to register in
11 the state of conviction, an offense that under the laws of this state
12 would be classified as a sex offense under this subsection;

13 ~~((+f))~~ (g) Any federal conviction classified as a sex offense
14 under 42 U.S.C. Sec. 16911 (SORNA);

15 ~~((+g))~~ (h) Any military conviction for a sex offense. This
16 includes sex offenses under the uniform code of military justice, as
17 specified by the United States secretary of defense;

18 ~~((+h))~~ (i) Any conviction in a foreign country for a sex offense
19 if it was obtained with sufficient safeguards for fundamental fairness
20 and due process for the accused under guidelines or regulations
21 established pursuant to 42 U.S.C. Sec. 16912.

22 (11) "School" means a public or private school regulated under
23 Title 28A RCW or chapter 72.40 RCW.

24 (12) "Student" means a person who is enrolled, on a full-time or
25 part-time basis, in any school or institution of higher education.

26 **Sec. 3.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read
27 as follows:

28 (1)(a) In addition to penalties set forth in RCW 9A.88.010~~((7))~~ and
29 9A.88.030~~((, and 9A.88.090))~~, a person who is either convicted or given
30 a deferred sentence or a deferred prosecution or who has entered into
31 a statutory or nonstatutory diversion agreement as a result of an
32 arrest for violating RCW 9A.88.010, 9A.88.030, ~~((9A.88.090,))~~ or
33 comparable county or municipal ordinances shall be assessed a fifty
34 dollar fee.

35 (b) In addition to penalties set forth in RCW 9A.88.090, a person
36 who is either convicted or given a deferred sentence or a deferred
37 prosecution or who has entered into a statutory or nonstatutory

1 diversion agreement as a result of an arrest for violating RCW
2 9A.88.090 or comparable county or municipal ordinances shall be
3 assessed a fee in the amount of:

4 (i) One thousand five hundred dollars if the defendant has no prior
5 convictions, deferred sentences, deferred prosecutions, or statutory or
6 nonstatutory diversion agreements for this offense;

7 (ii) Two thousand five hundred dollars if the defendant has one
8 prior conviction, deferred sentence, deferred prosecution, or statutory
9 or nonstatutory diversion agreement for this offense; and

10 (iii) Five thousand dollars if the defendant has two or more prior
11 convictions, deferred sentences, deferred prosecutions, or statutory or
12 nonstatutory diversion agreements for this offense.

13 (c) In addition to penalties set forth in RCW 9A.88.110, a person
14 who is either convicted or given a deferred sentence or a deferred
15 prosecution or who has entered into a statutory or nonstatutory
16 diversion agreement as a result of an arrest for violating RCW
17 9A.88.110 or a comparable county or municipal ordinance shall be
18 assessed a ((one hundred fifty dollar)) fee in the amount of:

19 (i) One thousand five hundred dollars if the defendant has no prior
20 convictions, deferred sentences, deferred prosecutions, or statutory or
21 nonstatutory diversion agreements for this offense;

22 (ii) Two thousand five hundred dollars if the defendant has one
23 prior conviction, deferred sentence, deferred prosecution, or statutory
24 or nonstatutory diversion agreement for this offense; and

25 (iii) Five thousand dollars if the defendant has two or more prior
26 convictions, deferred sentences, deferred prosecutions, or statutory or
27 nonstatutory diversion agreements for this offense.

28 ((+e)) (d) In addition to penalties set forth in RCW 9A.88.070 and
29 9A.88.080, a person who is either convicted or given a deferred
30 sentence or a deferred prosecution or who has entered into a statutory
31 or nonstatutory diversion agreement as a result of an arrest for
32 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
33 ordinances shall be assessed a ((three hundred dollar)) fee in the
34 amount of:

35 (i) Three thousand dollars if the defendant has no prior
36 convictions, deferred sentences, deferred prosecutions, or statutory or
37 nonstatutory diversion agreements for this offense;

1 (ii) Six thousand dollars if the defendant has one prior
2 conviction, deferred sentence, deferred prosecution, or statutory or
3 nonstatutory diversion agreement for this offense; and

4 (iii) Ten thousand dollars if the defendant has two or more prior
5 convictions, deferred sentences, deferred prosecutions, or statutory or
6 nonstatutory diversion agreements for this offense.

7 ~~(2) ((The court may not suspend payment of all or part of the fee~~
8 ~~unless it finds that the person does not have the ability to pay.~~

9 ~~(3))~~ When a minor has been adjudicated a juvenile offender or has
10 entered into a statutory or nonstatutory diversion agreement for an
11 offense which, if committed by an adult, would constitute a violation
12 under this chapter or comparable county or municipal ordinances, the
13 court shall assess the fee as specified under subsection (1) of this
14 section. ~~((The court may not suspend payment of all or part of the fee~~
15 ~~unless it finds that the minor does not have the ability to pay the~~
16 ~~fee.~~

17 ~~(4) Any fee assessed under this section shall be collected by the~~
18 ~~clerk of the court and distributed each month to the state treasurer~~
19 ~~for deposit in the prostitution prevention and intervention account~~
20 ~~under RCW 43.63A.740 for the purpose of funding prostitution prevention~~
21 ~~and intervention activities.))~~

22 (3) The court shall not reduce, waive, or suspend payment of all or
23 part of the assessed fee in this section unless it finds, on the
24 record, that the offender does not have the ability to pay the fee in
25 which case it may reduce the fee by an amount up to two-thirds of the
26 maximum allowable fee.

27 (4) Fees assessed under this section shall be collected by the
28 clerk of the court and remitted to the treasurer of the county where
29 the offense occurred for deposit in the county general fund, except in
30 cases in which the offense occurred in a city or town that provides for
31 its own law enforcement, in which case these amounts shall be remitted
32 to the treasurer of the city or town for deposit in the general fund of
33 the city or town. Revenue from the fees must be used for local efforts
34 to reduce the commercial sale of sex including, but not limited to,
35 increasing enforcement of commercial sex laws.

36 (a) At least fifty percent of the revenue from fees imposed under
37 this section must be spent on prevention, including education programs
38 for offenders, such as john school, and rehabilitative services, such

1 as mental health and substance abuse counseling, parenting skills,
2 training, housing relief, education, vocational training, drop-in
3 centers, and employment counseling.

4 (b) Revenues from these fees are not subject to the distribution
5 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
6 35.20.220.

7 (5) For the purposes of this section:

8 (a) "Statutory or nonstatutory diversion agreement" means an
9 agreement under RCW 13.40.080 or any written agreement between a person
10 accused of an offense listed in subsection (1) of this section and a
11 court, county, or city prosecutor, or designee thereof, whereby the
12 person agrees to fulfill certain conditions in lieu of prosecution.

13 (b) "Deferred sentence" means a sentence that will not be carried
14 out if the defendant meets certain requirements, such as complying with
15 the conditions of probation.

16 **Sec. 4.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read
17 as follows:

18 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
19 9.68A.101, and 9.68A.102, a person who is either convicted or given a
20 deferred sentence or a deferred prosecution or who has entered into a
21 statutory or nonstatutory diversion agreement as a result of an arrest
22 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
23 county or municipal ordinance shall be assessed a five thousand dollar
24 fee.

25 (b) The court may not reduce, waive, or suspend payment of all or
26 part of the fee assessed unless it finds, on the record, that the
27 person does not have the ability to pay in which case it may reduce the
28 fee by an amount up to two-thirds of the maximum allowable fee.

29 (c) When a minor has been adjudicated a juvenile offender or has
30 entered into a statutory or nonstatutory diversion agreement for an
31 offense which, if committed by an adult, would constitute a violation
32 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
33 municipal ordinance, the court shall assess the fee under (a) of this
34 subsection. The court may not reduce, waive, or suspend payment of all
35 or part of the fee assessed unless it finds, on the record, that the
36 minor does not have the ability to pay the fee in which case it may

1 reduce the fee by an amount up to two-thirds of the maximum allowable
2 fee.

3 ~~(2) ((The fee assessed under subsection (1) of this section shall~~
4 ~~be collected by the clerk of the court and distributed each month to~~
5 ~~the state treasurer for deposit in the prostitution prevention and~~
6 ~~intervention account under RCW 43.63A.740 for the purpose of funding~~
7 ~~prostitution prevention and intervention activities.))~~ Fees assessed
8 under this section shall be collected by the clerk of the court and
9 remitted to the treasurer of the county where the offense occurred for
10 deposit in the county general fund, except in cases in which the
11 offense occurred in a city or town that provides for its own law
12 enforcement, in which case these amounts shall be remitted to the
13 treasurer of the city or town for deposit in the general fund of the
14 city or town. Revenue from the fees must be used for local efforts to
15 reduce the commercial sale of sex including, but not limited to,
16 increasing enforcement of commercial sex laws.

17 (a) At least fifty percent of the revenue from fees imposed under
18 this section must be spent on prevention, including education programs
19 for offenders, such as john school, and rehabilitative services, such
20 as mental health and substance abuse counseling, parenting skills,
21 training, housing relief, education, vocational training, drop-in
22 centers, and employment counseling.

23 (b) Revenues from these fees are not subject to the distribution
24 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
25 35.20.220.

26 (3) For the purposes of this section:

27 (a) "Statutory or nonstatutory diversion agreement" means an
28 agreement under RCW 13.40.080 or any written agreement between a person
29 accused of an offense listed in subsection (1) of this section and a
30 court, county or city prosecutor, or designee thereof, whereby the
31 person agrees to fulfill certain conditions in lieu of prosecution.

32 (b) "Deferred sentence" means a sentence that will not be carried
33 out if the defendant meets certain requirements, such as complying with
34 the conditions of probation.

35 **Sec. 5.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read
36 as follows:

37 (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 RCW 9A.88.120 and 10.99.080, the city
10 treasurer shall remit monthly thirty-two percent of the noninterest
11 money received under this section, other than for parking infractions,
12 and certain costs to the state treasurer. "Certain costs" as used in
13 this subsection, means those costs awarded to prevailing parties in
14 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
15 against 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 in the state general fund.

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 state general fund, twenty-five
31 percent to the state treasurer for deposit in the judicial information
32 system account as provided in RCW 2.68.020, twenty-five percent to the
33 city general fund, and twenty-five percent to the city general fund to
34 fund local courts.

35 **Sec. 6.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended
36 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 RCW 9A.88.120, 10.99.080, and this
9 section, the county treasurer shall remit thirty-two percent of the
10 noninterest money received under subsection (1) of this section except
11 certain costs to the state treasurer. "Certain costs" as used in this
12 subsection, means those costs awarded to prevailing parties in civil
13 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
14 convicted defendants in criminal actions under RCW 10.01.160,
15 10.46.190, or 36.18.040, or other similar statutes if such costs are
16 specifically designated as costs by the court and are awarded for the
17 specific reimbursement of costs incurred by the state or county in the
18 prosecution of the case, including the fees of defense counsel. With
19 the exception of funds to be transferred to the judicial stabilization
20 trust account under RCW 3.62.060(2), money remitted under this
21 subsection to the state treasurer shall be deposited in the state
22 general fund.

23 (3) The balance of the noninterest money received by the county
24 treasurer under subsection (1) of this section shall be deposited in
25 the county current expense fund. Funds deposited under this subsection
26 that are attributable to the county's portion of a surcharge imposed
27 under RCW 3.62.060(2) must be used to support local trial court and
28 court-related functions.

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

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

37 (6) Interest retained by the court on penalties, fines, bail
38 forfeitures, fees, and costs shall be split twenty-five percent to the

1 state treasurer for deposit in the state general fund, twenty-five
2 percent to the state treasurer for deposit in the judicial information
3 system account as provided in RCW 2.68.020, twenty-five percent to the
4 county current expense fund, and twenty-five percent to the county
5 current expense fund to fund local courts.

6 **Sec. 7.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read
7 as follows:

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

14 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
15 treasurer shall remit monthly thirty-two percent of the noninterest
16 money received under this section, other than for parking infractions
17 and certain costs, to the state treasurer. "Certain costs" as used in
18 this subsection, means those costs awarded to prevailing parties in
19 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
20 against convicted defendants in criminal actions under RCW 10.01.160,
21 10.46.190, or 36.18.040, or other similar statutes if such costs are
22 specifically designated as costs by the court and are awarded for the
23 specific reimbursement of costs incurred by the state, county, city, or
24 town in the prosecution of the case, including the fees of defense
25 counsel. Money remitted under this subsection to the state treasurer
26 shall be deposited in the state general fund.

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

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

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

36 (6) Interest retained by the court on penalties, fines, bail
37 forfeitures, fees, and costs shall be split twenty-five percent to the

1 state treasurer for deposit in the state general fund, twenty-five
2 percent to the state treasurer for deposit in the judicial information
3 system account as provided in RCW 2.68.020, twenty-five percent to the
4 city general fund, and twenty-five percent to the city general fund to
5 fund local courts.

6 **Sec. 8.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read
7 as follows:

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

15 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county
16 treasurer shall remit monthly thirty-two percent of the money received
17 under this section except for certain costs to the state treasurer for
18 deposit in the state general fund and shall deposit the remainder as
19 provided by law. "Certain costs" as used in this subsection, means
20 those costs awarded to prevailing parties in civil actions under RCW
21 4.84.010 or 36.18.040, or those costs awarded against convicted
22 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
23 36.18.040, or other similar statutes if such costs are specifically
24 designated as costs by the court and are awarded for the specific
25 reimbursement of costs incurred by the state or county in the
26 prosecution of the case, including the fees of defense counsel. Costs
27 or assessments awarded to dedicated accounts, state or local, are not
28 subject to this state allocation or to RCW 7.68.035.

29 (3) All fees, fines, forfeitures and penalties collected or
30 assessed by a district court because of the violation of a state law
31 shall be remitted as provided in chapter 3.62 RCW as now exists or is
32 later amended. All fees, fines, forfeitures, and penalties collected
33 or assessed by a superior court in cases on appeal from a lower court
34 shall be remitted to the municipal or district court from which the
35 cases were appealed.

1 **Sec. 9.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read
2 as follows:

3 (1) The chief clerk, under the supervision and direction of the
4 court administrator of the municipal court, shall have the custody and
5 care of the books, papers and records of the court. The chief clerk or
6 a deputy shall be present during the session of the court and has the
7 power to swear all witnesses and jurors, administer oaths and
8 affidavits, and take acknowledgments. The chief clerk shall keep the
9 records of the court and shall issue all process under his or her hand
10 and the seal of the court. The chief clerk shall do and perform all
11 things and have the same powers pertaining to the office as the clerks
12 of the superior courts have in their office. He or she shall receive
13 all fines, penalties, and fees of every kind and keep a full, accurate,
14 and detailed account of the same. The chief clerk shall on each day
15 pay into the city treasury all money received for the city during the
16 day previous, with a detailed account of the same, and taking the
17 treasurer's receipt therefor.

18 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
19 treasurer shall remit monthly thirty-two percent of the noninterest
20 money received under this section, other than for parking infractions
21 and certain costs to the state treasurer. "Certain costs" as used in
22 this subsection, means those costs awarded to prevailing parties in
23 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
24 against convicted defendants in criminal actions under RCW 10.01.160,
25 10.46.190, or 36.18.040, or other similar statutes if such costs are
26 specifically designated as costs by the court and are awarded for the
27 specific reimbursement of costs incurred by the state, county, city, or
28 town in the prosecution of the case, including the fees of defense
29 counsel. Money remitted under this subsection to the state treasurer
30 shall be deposited in the state general fund.

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

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

37 (5) Interest retained by the court on penalties, fines, bail
38 forfeitures, fees, and costs shall be split twenty-five percent to the

1 state treasurer for deposit in the state general fund, twenty-five
2 percent to the state treasurer for deposit in the judicial information
3 system account as provided in RCW 2.68.020, twenty-five percent to the
4 city general fund, and twenty-five percent to the city general fund to
5 fund local courts.

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