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**SENATE BILL 5215**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Roach, Pedersen, Kohl-Welles, Baumgartner, Padden, Darneille, Keiser, Benton, and O'Ban

AN ACT Relating to establishing the Washington internet crimes against children account; amending RCW 10.82.070; adding a new section to chapter 7.68 RCW; creating new sections; and prescribing penalties.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the internet crimes against children task force program, through the United States department of justice, helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education. The program is a national network of sixty-one coordinated task forces representing over three thousand five hundred federal, state, and local law enforcement and prosecutorial agencies. In calendar year 2013, the program's investigations contributed to the arrests of more than seven thousand four hundred individuals and task forces conducted over sixty thousand ninety-eight forensic examinations. Additionally, the program trained over thirty thousand law enforcement personnel, over three thousand five hundred prosecutors, and more than five thousand three hundred other professionals working in the program's field.

(2) The legislature finds that there is a lack of dedicated state resources to combat internet-facilitated crimes against children. As a result, many of the cases involving internet-facilitated crimes are not adequately investigated. The legislature further finds that a minimum of fifteen full-time affiliate investigators and three forensic examiners are currently needed even to just investigate the very worst of these cases in Washington. It is the intent of the legislature to create an account dedicated to combating internet-facilitated crimes against children, promoting education on internet safety to the public and to minors, and rescuing child victims from abuse and exploitation.

NEW SECTION. **Sec.**  A new section is added to chapter 7.68 RCW to read as follows:

(1) When any person is found guilty in any district or superior court of having committed a misdemeanor, gross misdemeanor, or felony, there shall be imposed by the court upon the convicted person a penalty assessment of three dollars. This assessment is in addition to any other penalty or fine and may not be waived.

(2) The assessment imposed by subsection (1) of this section does not apply to motor vehicle crimes defined in Title 46 RCW, except those defined in the following sections: RCW 46.61.520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.490(2), and 46.09.470(2).

(3) The assessment shall be paid by the clerk of the court to the county treasurer, who must monthly transmit the money as provided in RCW 10.82.070. Each county treasurer must deposit the money it receives under subsection (1) of this section into the Washington internet crimes against children account created in section 4 of this act.

**Sec.**  RCW 10.82.070 and 2012 c 136 s 6 are each amended to read as follows:

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

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

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

NEW SECTION. **Sec.**  The Washington internet crimes against children account is created in the state treasury. All receipts from section 2 of this act must be deposited in the account. Expenditures from the account must be used exclusively by the Washington internet crimes against children task force and its affiliate agencies for combating internet-facilitated crimes against children, promoting education on internet safety to the public and to minors, and rescuing child victims from abuse and exploitation. Only the director of the Washington association of sheriffs and police chiefs or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

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