

HB 1729 - H AMD 211

By Representative Wilcox

WITHDRAWN 03/09/2015

1 On page 12, beginning on line 9, strike all of section 11

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3 Correct the title.

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5 On page 14, line 4, after "fee of" strike "thirty" and insert
6 "~~((thirty))~~ forty-five"

7

8 On page 14, line 5, after "monthly" strike "twenty-four" and insert
9 "~~((twenty-four))~~ thirty-nine"

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11 On page 18, after line 39, insert the following:

12

13 "**Sec. 15.** RCW 10.99.080 and 2004 c 15 s 2 are each amended to
14 read as follows:

15 (1) All superior courts, and courts organized under Title 3 or
16 35 RCW, may impose a penalty assessment of one hundred dollars, plus
17 an additional fifteen dollars on any person convicted of a crime
18 involving domestic violence. In no case shall a penalty assessment
19 ~~((not to))~~ exceed one hundred fifteen dollars on any person
20 convicted of a crime involving domestic violence. The assessment
21 shall be in addition to, and shall not supersede, any other penalty,
22 restitution, fines, or costs provided by law.

23 (2) Revenue from the:

24 (a) One hundred dollar assessment shall be used solely for the
25 purposes of establishing and funding domestic violence advocacy and
26 domestic violence prevention and prosecution programs in the city or
27 county of the court imposing the assessment. Such revenue from the

1 assessment shall not be used for indigent criminal defense. If the
2 city or county does not have domestic violence advocacy or domestic
3 violence prevention and prosecution programs, cities and counties
4 may use the revenue collected from the assessment to contract with
5 recognized community-based domestic violence program providers.

6 (b) Fifteen dollar assessment must be remitted monthly to the
7 state treasury for deposit in the domestic violence prevention
8 account.

9 (3) The one hundred dollar assessment imposed under this section
10 shall not be subject to any state or local remittance requirements
11 under chapter 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

12 (4) For the purposes of this section, "convicted" includes a
13 plea of guilty, a finding of guilt regardless of whether the
14 imposition of the sentence is deferred or any part of the penalty is
15 suspended, or the levying of a fine. For the purposes of this
16 section, "domestic violence" has the same meaning as that term is
17 defined under RCW 10.99.020 and includes violations of equivalent
18 local ordinances.

19 (5) When determining whether to impose a penalty assessment
20 under this section, judges are encouraged to solicit input from the
21 victim or representatives for the victim in assessing the ability of
22 the convicted offender to pay the penalty, including information
23 regarding current financial obligations, family circumstances, and
24 ongoing restitution.

25
26 **Sec. 16.** RCW 26.50.110 and 2013 c 84 s 31 are each amended to
27 read as follows:

28 (1)(a) Whenever an order is granted under this chapter, chapter
29 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
30 or there is a valid foreign protection order as defined in RCW
31 26.52.020, and the respondent or person to be restrained knows of
32 the order, a violation of any of the following provisions of the
33 order is a gross misdemeanor, except as provided in subsections (4)
34 and (5) of this section:

1 (i) The restraint provisions prohibiting acts or threats of
2 violence against, or stalking of, a protected party, or restraint
3 provisions prohibiting contact with a protected party;

4 (ii) A provision excluding the person from a residence,
5 workplace, school, or day care;

6 (iii) A provision prohibiting a person from knowingly coming
7 within, or knowingly remaining within, a specified distance of a
8 location;

9 (iv) A provision prohibiting interfering with the protected
10 party's efforts to remove a pet owned, possessed, leased, kept, or
11 held by the petitioner, respondent, or a minor child residing with
12 either the petitioner or the respondent; or

13 (v) A provision of a foreign protection order specifically
14 indicating that a violation will be a crime.

15 (b) Upon conviction, and in addition to any other penalties
16 provided by law, the court:

17 (i) May require that the respondent submit to electronic
18 monitoring. The court shall specify who shall provide the electronic
19 monitoring services, and the terms under which the monitoring shall
20 be performed. The order also may include a requirement that the
21 respondent pay the costs of the monitoring. The court shall consider
22 the ability of the convicted person to pay for electronic
23 monitoring.

24 (ii) Shall impose a fine of fifteen dollars, in addition to any
25 penalty or fine imposed, for a violation of a domestic violence
26 protection order issued under this chapter. Revenue from the fifteen
27 dollar fine must be remitted monthly to the state treasury for
28 deposit in the domestic violence prevention account.

29 (2) A peace officer shall arrest without a warrant and take
30 into custody a person whom the peace officer has probable cause to
31 believe has violated an order issued under this chapter, chapter
32 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
33 or a valid foreign protection order as defined in RCW 26.52.020,
34 that restrains the person or excludes the person from a residence,

1 workplace, school, or day care, or prohibits the person from
2 knowingly coming within, or knowingly remaining within, a specified
3 distance of a location, if the person restrained knows of the order.
4 Presence of the order in the law enforcement computer-based criminal
5 intelligence information system is not the only means of
6 establishing knowledge of the order.

7 (3) A violation of an order issued under this chapter, chapter
8 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,
9 or of a valid foreign protection order as defined in RCW 26.52.020,
10 shall also constitute contempt of court, and is subject to the
11 penalties prescribed by law.

12 (4) Any assault that is a violation of an order issued under
13 this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10,
14 26.26, or 74.34 RCW, or of a valid foreign protection order as
15 defined in RCW 26.52.020, and that does not amount to assault in the
16 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
17 felony, and any conduct in violation of such an order that is
18 reckless and creates a substantial risk of death or serious physical
19 injury to another person is a class C felony.

20 (5) A violation of a court order issued under this chapter,
21 chapter 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or
22 74.34 RCW, or of a valid foreign protection order as defined in RCW
23 26.52.020, is a class C felony if the offender has at least two
24 previous convictions for violating the provisions of an order issued
25 under this chapter, chapter 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10,
26 26.26, or 74.34 RCW, or a valid foreign protection order as defined
27 in RCW 26.52.020. The previous convictions may involve the same
28 victim or other victims specifically protected by the orders the
29 offender violated.

30 (6) Upon the filing of an affidavit by the petitioner or any
31 peace officer alleging that the respondent has violated an order
32 granted under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99,
33 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
34 order as defined in RCW 26.52.020, the court may issue an order to

1 the respondent, requiring the respondent to appear and show cause
2 within fourteen days why the respondent should not be found in
3 contempt of court and punished accordingly. The hearing may be held
4 in the court of any county or municipality in which the petitioner
5 or respondent temporarily or permanently resides at the time of the
6 alleged violation."

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8 Renumber the remaining sections consecutively and correct any
9 internal references accordingly. Correct the title.

EFFECT:

- Eliminates the new \$15 fee for the issuance of a marriage license and instead increases the filing fee for a petition for dissolution of marriage by \$15 (revenue for such fee must be deposited in the Domestic Violence Prevention Account (DV Prevention Account)).
- Increases the current fee imposed on any person convicted of domestic violence offense by \$15.
- Imposes a \$15 fine on any person convicted of violating a domestic violence protection order.

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