

HB 1729 - H AMD 228

By Representative Wilcox

ADOPTED 03/09/2015

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

2
3 Renumber the remaining sections and correct any internal references
4 accordingly.

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

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

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

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

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

24 (2) Revenue from the:

25 (a) One hundred dollar assessment shall be used solely for the
26 purposes of establishing and funding domestic violence advocacy and
27 domestic violence prevention and prosecution programs in the city or

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

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

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

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

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

26

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

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

1 order is a gross misdemeanor, except as provided in subsections (4)
2 and (5) of this section:

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

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

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

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

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

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

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

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

31 (2) A peace officer shall arrest without a warrant and take
32 into custody a person whom the peace officer has probable cause to
33 believe has violated an order issued under this chapter, chapter
34 7.92, 7.90, 9A.46, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW,

1 or a valid foreign protection order as defined in RCW 26.52.020,
2 that restrains the person or excludes the person from a residence,
3 workplace, school, or day care, or prohibits the person from
4 knowingly coming within, or knowingly remaining within, a specified
5 distance of a location, if the person restrained knows of the order.
6 Presence of the order in the law enforcement computer-based criminal
7 intelligence information system is not the only means of
8 establishing knowledge of the order.

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

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

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

32 (6) Upon the filing of an affidavit by the petitioner or any
33 peace officer alleging that the respondent has violated an order
34 granted under this chapter, chapter 7.92, 7.90, 9A.46, 9.94A, 10.99,

1 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection
2 order as defined in RCW 26.52.020, the court may issue an order to
3 the respondent, requiring the respondent to appear and show cause
4 within fourteen days why the respondent should not be found in
5 contempt of court and punished accordingly. The hearing may be held
6 in the court of any county or municipality in which the petitioner
7 or respondent temporarily or permanently resides at the time of the
8 alleged violation."

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10 Renumber the remaining sections consecutively and correct any
11 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 \$24 (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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