
HOUSE BILL 1769

State of Washington

65th Legislature

2017 Regular Session

By Representatives Goodman, Hayes, Pellicciotti, Pettigrew, Orwall, and Chapman

Read first time 01/27/17. Referred to Committee on Public Safety.

1 AN ACT Relating to supporting law enforcement's efforts to
2 implement the recommendations of the joint legislative task force on
3 the use of deadly force in community policing; amending RCW
4 43.101.427, 3.50.100, 3.62.040, 7.68.035, 10.82.070, 10.82.090,
5 10.105.010, 35.20.220, 36.18.020, 36.18.025, 41.26.800, 43.08.250,
6 43.17.150, 46.63.110, 46.64.055, and 77.12.201; reenacting and
7 amending RCW 3.62.020, 36.18.012, and 43.84.092; adding new sections
8 to chapter 36.28A RCW; adding a new section to chapter 43.10 RCW;
9 adding a new section to chapter 70.48 RCW; adding new sections to
10 chapter 43.101 RCW; adding a new section to chapter 43.330 RCW; and
11 creating new sections.

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

13 **PART I**
14 **INTENT**

15 NEW SECTION. **Sec. 101.** (1) The legislature recognizes that
16 recent events across our state and the nation have drawn attention to
17 the use of deadly force by law enforcement, particularly within
18 historically underrepresented communities. The legislature responded
19 to these events by creating the joint legislative task force on the
20 use of deadly force in community policing, directing the task force

1 to review laws and policies related to this complex and challenging
2 issue, and to submit recommendations to reduce the number of violent
3 interactions between law enforcement and the communities they serve.

4 (2) While the legislature recognizes that the task force's
5 assignment was formidable, and the work of the task force members was
6 often uncomfortable and emotionally charged, the legislature commends
7 each task force member for their invaluable contributions to this
8 important endeavor. Notwithstanding the challenges they faced, the
9 task force submitted fifteen recommendations to the legislature, many
10 of which were unanimous and some of which were submitted with the
11 expectation that continued work was needed.

12 (3) Washington leads the nation with its standards and practices
13 for certification and decertification of peace officers as well as
14 with mandated innovative and proven training curricula, such as
15 crisis intervention training, deescalation techniques, the guardian
16 philosophy, and blue courage policing. However, the task force's
17 recommendations confirm that we can, and must, do better.

18 (4) The legislature intends to provide the necessary support to
19 law enforcement and the necessary policy changes to further and
20 promote the recommendations of the joint legislative task force on
21 the use of deadly force in community policing. Those recommendations,
22 best described as a package of recommendations to reduce violent
23 interactions between law enforcement and the communities they serve
24 include, at a minimum, modification of our use of deadly force
25 statute, adequate funding for law enforcement training, additional
26 advanced training for law enforcement, procurement of less lethal
27 weapons and the attendant training in their use, and the collection
28 of data on the use of deadly force.

29 PART II

30 LESS LETHAL WEAPONS

31 NEW SECTION. **Sec. 201.** A new section is added to chapter 36.28A
32 RCW to read as follows:

33 (1) Subject to the availability of amounts appropriated for this
34 specific purpose, the Washington association of sheriffs and police
35 chiefs shall establish a grant program to assist local law
36 enforcement agencies in procuring less lethal weapons for primary
37 responding law enforcement officers.

1 (2) Grant applications must be reviewed and grants must be
2 awarded through peer review panels. Grant applicants must demonstrate
3 a commitment to providing the training of primary responding law
4 enforcement officers in the proper use of less lethal weapons and
5 proper maintenance of the weapons.

6 (3) The Washington association of sheriffs and police chiefs
7 shall submit a report by December 30th of each year of the grant
8 program to the appropriate committees of the legislature, the
9 governor, and the criminal justice training commission regarding the
10 program, including the agencies receiving funds, the amounts
11 distributed, and the equipment or other items or services purchased
12 with the funds.

13 (4) For the purpose of this section, "less lethal weapons" means
14 conducted energy devices and similar technologies.

15 **PART III**

16 **DEADLY FORCE DATA COLLECTION**

17 NEW SECTION. **Sec. 301.** A new section is added to chapter 43.10
18 RCW to read as follows:

19 (1) Subject to the availability of amounts appropriated for this
20 specific purpose, beginning January 1, 2018, all Washington law
21 enforcement agencies must report to the office of the attorney
22 general information regarding each incident where: Deadly force is
23 applied; and force is applied if death or great bodily harm results.
24 The report must include the following with respect to each incident:

25 (a) The demographic characteristics of the officer or officers
26 applying the force and the person to which the force was applied,
27 including sex, age, race, ethnicity, and disability, if known;

28 (b) The type of force used and, where applicable, firearm
29 discharge data;

30 (c) The agency or agencies employing the officer or officers
31 applying the force;

32 (d) The location of the incident;

33 (e) The known injuries of the involved officer or officers and of
34 the person to which the force was applied; and

35 (f) Any other information the attorney general determines
36 relevant to accurately record the circumstances of each incident.

37 (2) By December 1, 2018, and annually thereafter, the office of
38 the attorney general must compile and publish the data collected

1 under this section. The attorney general shall ensure that the
2 reporting is likely to comply with pending federal use of deadly
3 force reporting standards.

4 (3) For purposes of this section:

5 (a) "Deadly force" has the same meaning as provided in RCW
6 9A.16.010;

7 (b) "Great bodily harm" has the same meaning as provided in RCW
8 9A.04.110; and

9 (c) "Washington law enforcement agencies" includes general
10 authority Washington law enforcement agencies as defined in RCW
11 10.93.020 and limited authority Washington law enforcement agencies
12 as defined in RCW 10.93.020.

13 **PART IV**
14 **ACCREDITATION**

15 NEW SECTION. **Sec. 401.** A new section is added to chapter 70.48
16 RCW to read as follows:

17 (1) Subject to the availability of amounts appropriated for this
18 specific purpose, the jail accreditation project is established for
19 the purpose of incentivizing jails to seek and receive accreditation
20 to improve the safety and welfare of correctional officers, inmates,
21 and the public.

22 (2) The criminal justice training commission shall administer the
23 project. The criminal justice training commission may adopt policies
24 and procedures necessary to administer the project. The criminal
25 justice training commission shall develop and maintain a list of
26 approved accreditation projects for the distributions authorized in
27 this section. Accreditation projects under this section must be
28 comprehensive rather than targeted to one specific feature of jail
29 operations or health and safety standards.

30 (3) Every jail operating under the authority of this chapter
31 shall report its accreditation status to the criminal justice
32 training commission by an annual deadline established by the
33 commission, including any documentation required by the commission.

34 (4) The criminal justice training commission, subject to any
35 limitations specified in the appropriation for this purpose, shall
36 distribute a financial distribution award to each jail awarded an
37 accreditation or reaccreditation in the previous calendar year. The
38 commission shall develop a sliding scale formula to determine the

1 amount of the distribution awards under this section by taking into
2 account the jail's size, population served, services offered, and
3 jurisdiction. The amount may not exceed one hundred thousand dollars.
4 A jail may not receive more than one distribution in any calendar
5 year.

6 (5) Beginning December 1, 2017, and annually thereafter, the
7 criminal justice training commission shall submit a report to the
8 appropriate committees of the legislature and the governor on the
9 jail accreditation project, including the accreditation status of
10 jails and the amounts distributed under this section.

11 NEW SECTION. **Sec. 402.** A new section is added to chapter 43.101
12 RCW to read as follows:

13 (1) Subject to the availability of amounts appropriated for this
14 specific purpose, the law enforcement accreditation project is
15 established for the purpose of incentivizing law enforcement agencies
16 to seek and receive accreditation.

17 (2) The commission shall administer the project. The commission
18 may adopt policies and procedures necessary to administer the
19 project. The commission shall develop and maintain a list of approved
20 accreditation projects for the distributions authorized in this
21 section. Accreditation projects under this section must be
22 comprehensive rather than targeted to one specific feature of law
23 enforcement operations. Approved accreditation projects must promote
24 the professionalization of the law enforcement industry through an
25 ongoing review, implementation, and revision of industry best
26 practices and standards.

27 (3) Every law enforcement agency shall report its accreditation
28 status to the commission by an annual deadline established by the
29 commission, including any documentation required by the commission.

30 (4) The commission, subject to any limitations specified in the
31 appropriation for this purpose, shall distribute a financial
32 distribution award to each law enforcement agency awarded an
33 accreditation or reaccreditation in the previous calendar year. The
34 commission shall develop a sliding scale formula to determine the
35 amount of the distribution awards under this section by taking into
36 account the agency's size, resources, and jurisdiction. The amount
37 may not exceed fifty thousand dollars. A law enforcement agency may
38 not receive more than one distribution in any calendar year.

1 (5) Beginning December 1, 2017, and annually thereafter, the
2 commission shall submit a report to the appropriate committees of the
3 legislature and the governor on the law enforcement accreditation
4 project, including the accreditation status of law enforcement
5 agencies and the amounts distributed under this section.

6 (6) For the purpose of this section, "law enforcement agency" has
7 the same meaning as general authority Washington law enforcement
8 agency in RCW 10.93.020.

9 **PART V**

10 **LAW ENFORCEMENT AND COMMUNITY ENGAGEMENT**

11 NEW SECTION. **Sec. 501.** A new section is added to chapter 36.28A
12 RCW to read as follows:

13 Subject to the availability of amounts appropriated for this
14 specific purpose, the Washington association of sheriffs and police
15 chiefs shall establish a grant program to assist local law
16 enforcement agencies in establishing community engagement programs.
17 In evaluating grant applications, the association shall consult with
18 the Washington state fraternal order of police, the Washington
19 council of police and sheriffs, the council of metropolitan police
20 and sheriffs, the commission on Asian Pacific American affairs, the
21 commission on African-American affairs, the commission on Hispanic
22 affairs, and the governor's office of Indian affairs. Grant
23 applications shall be reviewed and awarded through peer review
24 panels, which must include a member from each of the commissions and
25 a member of the governor's office of Indian affairs. Grant applicants
26 must demonstrate consistency with relevant portions of the final
27 report of the president's task force on twenty-first century
28 policing. Particular priority must be given to qualified grant
29 applicants that intend to establish or enhance engagement with
30 historically underrepresented communities. The association shall
31 submit a preliminary report to the legislature with details on the
32 selected grant recipients after awards are distributed. The
33 association shall submit an annual report on the grant program,
34 including any information on grant recipients, use of funds, and
35 possible outcomes, by December 1st of each year the grant program is
36 funded.

1 NEW SECTION. **Sec. 502.** A new section is added to chapter 43.330
2 RCW to read as follows:

3 (1) Subject to the availability of amounts appropriated for this
4 specific purpose, the department shall administer the community and
5 law enforcement partnership grant program to build and foster
6 relationships between the community and law enforcement in an effort
7 to improve public safety. The grants must be used for the purpose of
8 improving communication, collaboration, and partnerships between law
9 enforcement and the community, with a particular focus on the
10 relationships between law enforcement and communities of color and
11 other underrepresented communities. Eligible grant recipients include
12 community-based nongovernmental organizations with: (a) An interest
13 in and, if possible, experience in the stated purpose of the grant
14 program; and (b) established or a willingness to establish committed
15 partnerships with law enforcement agencies. Grant recipients must
16 foster communication and build partnerships through forums, community
17 meetings, training, workshops, community organizing, and other
18 outreach. Grant recipients must maintain a consistent and responsive
19 point of contact for the grant program and must collect and report
20 data on the use of funds and other measures required by the
21 department.

22 (2) When evaluating grant applications, the department shall
23 consult with the Washington association of sheriffs and police
24 chiefs, the Washington state fraternal order of police, the
25 Washington council of police and sheriffs, the council of
26 metropolitan police and sheriffs, the commission on Asian Pacific
27 American affairs, the commission on African-American affairs, the
28 commission on Hispanic affairs, and the governor's office of Indian
29 affairs. Grant applications shall be reviewed and awarded through
30 peer review panels, including a member from each of the commissions
31 and a member of the governor's office of Indian affairs.

32 (3) The department shall adopt policies and procedures necessary
33 to administer the grant program. The department shall submit a
34 preliminary report to the legislature with details on the selected
35 grant recipients after awards are distributed. The department shall
36 submit an annual report on the grant program, including any
37 information on grant recipients, use of funds, and possible outcomes,
38 by December 1st of each year the grant program is funded.

1 **PART VI**

2 **DIVERSITY IN LAW ENFORCEMENT**

3 NEW SECTION. **Sec. 601.** Subject to the availability of amounts
4 appropriated for this specific purpose, the Washington State
5 University division of governmental studies and services shall
6 conduct a study on how to increase diversity in law enforcement
7 agencies in the state. The study must include a survey of research
8 literature and models used in other states. The Washington State
9 University shall report its findings and recommendations to the
10 Washington association of sheriffs and police chiefs, the appropriate
11 committees of the legislature, and the governor by December 1, 2018.

12 **PART VII**

13 **TRAINING**

14 NEW SECTION. **Sec. 701.** A new section is added to chapter 43.101
15 RCW to read as follows:

16 (1) Subject to the availability of amounts appropriated for this
17 specific purpose, the commission shall provide enhanced leadership
18 training with the purpose of fostering agency culture that enhances
19 internal legitimacy and, by extension, external legitimacy with the
20 community. In developing the curriculum, the training shall:
21 Recognize and address the intersection of race in policing on an
22 individual and systemic level; develop and promote law enforcement
23 leaders with the courage, knowledge, and skills to institutionalize a
24 culture rooted in procedural justice principles; incorporate the
25 recommendations of the president's task force on twenty-first century
26 policing to build a foundation rooted in the guardian mindset; and
27 promote innovation in the law enforcement profession. In developing
28 the training, the commission may utilize curricula and resources of
29 international associations and other organizations, including the
30 leading police organizations program.

31 (2) By December 1, 2017, the commission shall select a manager
32 for the enhanced leadership training program. The enhanced leadership
33 training may not be less than one hundred hours, but may be completed
34 in segments. Every law enforcement leader, from first level
35 supervisor to executive, shall complete the enhanced leadership
36 training within one year of promotion or July 1, 2020, whichever is
37 later. The commission shall organize the enhanced leadership training

1 to address multilevel promotions. The enhanced leadership training
2 must replace the current three-tier system of first level,
3 midmanagement, and executive certification.

4 NEW SECTION. **Sec. 702.** A new section is added to chapter 43.101
5 RCW to read as follows:

6 (1) Subject to the availability of amounts appropriated for this
7 specific purpose, the commission shall develop and offer advanced
8 training for commissioned officers in accordance with the
9 requirements in this section.

10 (2) By July 1, 2018, the commission shall expand advanced
11 firearms training, including upgrading firearm decision-making
12 simulation technologies designed to help with skills development, and
13 make it available to law enforcement agencies statewide. The
14 simulation technologies must foster the development of physical and
15 mental skills, offer realistic scenarios, allow for the ability to
16 record and recreate scenes and scenarios, and foster fair
17 evaluations. To the extent feasible, the commission shall utilize
18 mobile technologies to foster increased participation and lower the
19 costs of law enforcement agencies.

20 (3) The commission shall update, expand, and manage a new
21 learning management system to facilitate expanded access to training
22 across the state. The system must expand training opportunities for
23 rural, remote, and underfunded communities whose geographic,
24 staffing, and fiscal constraints often preclude them from attending
25 in-seat training courses. The system must: Foster training in the
26 areas of crisis de-escalation and other emerging issues; allow for
27 deployment of ongoing distance learning through the use of online and
28 hybrid courses; have the capacity to track training costs, distribute
29 training materials, schedule courses and facilities, track losses,
30 and set up individualized training plans; streamline registration and
31 payment processes; and enhance the commission's ability to survey,
32 track, and report on compliance with training requirements. The new
33 system must be implemented and in use by July 1, 2018.

34 (4) Through the learning management system, the commission shall
35 survey law enforcement agencies statewide on the advanced training
36 needs of commissioned officers. To the extent feasible, the
37 commission shall develop and offer advanced training based on the
38 needs identified through the survey, provided that the training
39 conforms to best practices. The commission may offer advanced

1 training under this subsection with a phased implementation plan,
2 focusing on different training subjects and geographic areas in the
3 state.

4 **Sec. 703.** RCW 43.101.427 and 2015 c 87 s 1 are each amended to
5 read as follows:

6 (1) The commission shall provide crisis intervention training to
7 every new full-time law enforcement officer employed after July 1,
8 2017, by a general authority Washington law enforcement agency. The
9 training shall consist of not less than eight hours and shall be
10 incorporated into the basic training academy as provided in RCW
11 43.101.200.

12 (2) The commission must ensure that:

13 (a) All full-time, general authority Washington peace officers
14 who are certified after July 1, 2017, complete a two-hour online
15 crisis intervention course as part of the annual training required by
16 the commission for all full-time, general authority Washington peace
17 officers employed by a general authority Washington law enforcement
18 agency.

19 (b) Each full-time general authority Washington peace officer
20 certified before July 1, 2017, receives crisis intervention training
21 by July 1, 2021. The training shall consist of not less than eight
22 hours and shall be substantially similar in hours and content to the
23 training offered through the basic training academy. Each attendee of
24 the program shall be required to obtain written proof of completion
25 of the program as provided by rules of the commission.

26 (3) The commission shall make efforts to provide enhanced crisis
27 intervention training for at least (~~twenty-five~~) fifty percent of
28 all full-time, general authority Washington peace officers assigned
29 to patrol duties. The enhanced training may be (a) comprised of forty
30 hours of commission-certified training and (b) accomplished within
31 any funds remaining after appropriation is made for purposes of this
32 section.

33 (4) By July 1, 2017, the commission shall establish by rule:

34 (a) A program and standards to certify organizations, other than
35 the commission, that may provide crisis intervention training as
36 required under this section. Certified organizations must use a
37 commission-certified training or curriculum to facilitate the
38 training. The commission shall consider geographic training needs
39 when considering programs and standards. The commission shall provide

1 grants to general authority Washington law enforcement agencies to
2 reimburse those law enforcement agencies for the cost of sending
3 officers to crisis intervention training;

4 (b) Standards for successful completion of the annual two hours
5 of crisis intervention training as provided in subsection (2) of this
6 section. The standards shall include, at a minimum, the requirement
7 of successful completion of a written exam.

8 (5) For the purposes of this section, "crisis intervention
9 training" means training designed to provide tools and resources to
10 full-time, general authority Washington peace officers in order to
11 respond effectively to individuals who may be experiencing an
12 emotional, mental, physical, behavioral, or chemical dependency
13 crisis, distress, or problem and that are designed to increase the
14 safety of both law enforcement and individuals in crisis.

15 (6) This section is subject to the availability of amounts
16 appropriated for this specific purpose.

17 **PART VIII**
18 **FUNDING**

19 NEW SECTION. **Sec. 801.** A new section is added to chapter 43.101
20 RCW to read as follows:

21 (1) The public safety enhancement account is created in the state
22 treasury. All receipts from RCW 3.50.100, 3.62.020, 3.62.040,
23 7.68.035, 10.82.070, 10.82.090, 10.105.010, 35.20.220, 36.18.012,
24 36.18.020, 36.18.025, 41.26.800, 43.08.250, 43.17.150, 46.63.110,
25 46.64.055, and 77.12.201 must be deposited into the account. Moneys
26 in the account may be spent only after appropriation. Expenditures
27 from the account may be used for:

28 (a) Funding the criminal justice training commission including,
29 but not limited to: Ongoing operations of the commission; additional
30 basic law enforcement academy classes to meet the demand to train
31 newly hired peace officers, which may not be less than eight
32 additional classes for the 2017-2019 biennium; and additional
33 corrections officer academy classes to meet the demand to train newly
34 hired correctional officers;

35 (b) The less lethal weapon grant program administered by the
36 Washington association of sheriffs and police chiefs in section 201
37 of this act;

1 (c) The office of the attorney general for the data collection
2 requirements in section 301 of this act;

3 (d) The jail accreditation project in section 401 of this act and
4 the law enforcement accreditation project in section 402 of this act;

5 (e) The community engagement grant program administered by the
6 Washington association of sheriffs and police chiefs in section 501
7 of this act;

8 (f) The community and law enforcement partnership grant program
9 administered by the department of commerce in section 502 of this
10 act;

11 (g) The Washington State University division of governmental
12 studies and services for the study in section 601 of this act;

13 (h) The establishment of the enhanced leadership training
14 required by section 701 of this act including, but not limited to,
15 funding for law enforcement agencies to cover gaps in personnel needs
16 while officers are attending training;

17 (i) Advanced training to law enforcement officers required by
18 section 702 of this act including, but not limited to, funding for
19 law enforcement agencies to cover gaps in personnel needs while
20 officers are attending training; and

21 (j) Enhanced crisis intervention training for fifty percent of
22 all full-time, general authority Washington peace officers assigned
23 to patrol duties as required by RCW 43.101.427.

24 (2) The legislature may transfer into the state general fund from
25 the account in subsection (1) of this section such amounts as reflect
26 the excess fund balance of the account.

27 **Sec. 802.** RCW 3.50.100 and 2012 c 136 s 3 are each amended to
28 read as follows:

29 (1) Costs in civil and criminal actions may be imposed as
30 provided in district court. All fees, costs, fines, forfeitures and
31 other money imposed by any municipal court for the violation of any
32 municipal or town ordinances shall be collected by the court clerk
33 and, together with any other noninterest revenues received by the
34 clerk, shall be deposited with the city or town treasurer as a part
35 of the general fund of the city or town, or deposited in such other
36 fund of the city or town, or deposited in such other funds as may be
37 designated by the laws of the state of Washington.

38 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
39 treasurer shall remit monthly thirty-two percent of the noninterest

1 money received under this section, other than for parking
2 infractions, and certain costs to the state treasurer. "Certain
3 costs" as used in this subsection, means those costs awarded to
4 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
5 or those costs awarded against convicted defendants in criminal
6 actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other
7 similar statutes if such costs are specifically designated as costs
8 by the court and are awarded for the specific reimbursement of costs
9 incurred by the state, county, city, or town in the prosecution of
10 the case, including the fees of defense counsel. Money remitted under
11 this subsection to the state treasurer shall be deposited in the
12 (~~state general fund~~) public safety enhancement account created in
13 section 801 of this act.

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

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

21 (5) Interest retained by the court on penalties, fines, bail
22 forfeitures, fees, and costs shall be split twenty-five percent to
23 the state treasurer for deposit in the state general fund, twenty-
24 five percent to the state treasurer for deposit in the judicial
25 information system account as provided in RCW 2.68.020, twenty-five
26 percent to the city general fund, and twenty-five percent to the city
27 general fund to fund local courts.

28 **Sec. 803.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
29 2012 c 134 s 6 are each reenacted and amended to read as follows:

30 (1) Except as provided in subsection (4) of this section, all
31 costs, fees, fines, forfeitures and penalties assessed and collected
32 in whole or in part by district courts, except costs, fines,
33 forfeitures and penalties assessed and collected, in whole or in
34 part, because of the violation of city ordinances, shall be remitted
35 by the clerk of the district court to the county treasurer at least
36 monthly, together with a financial statement as required by the state
37 auditor, noting the information necessary for crediting of such funds
38 as required by law.

1 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
2 and this section, the county treasurer shall remit thirty-two percent
3 of the noninterest money received under subsection (1) of this
4 section except certain costs to the state treasurer. "Certain costs"
5 as used in this subsection, means those costs awarded to prevailing
6 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
7 costs awarded against convicted defendants in criminal actions under
8 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
9 such costs are specifically designated as costs by the court and are
10 awarded for the specific reimbursement of costs incurred by the state
11 or county in the prosecution of the case, including the fees of
12 defense counsel. With the exception of funds to be transferred to the
13 judicial stabilization trust account under RCW 3.62.060(2), money
14 remitted under this subsection to the state treasurer shall be
15 deposited in the ((~~state general fund~~)) public safety enhancement
16 account created in section 801 of this act.

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

23 (4) Except as provided in RCW 7.84.100(4), all money collected
24 for county parking infractions shall be remitted by the clerk of the
25 district court at least monthly, with the information required under
26 subsection (1) of this section, to the county treasurer for deposit
27 in the county current expense fund.

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

32 (6) Interest retained by the court on penalties, fines, bail
33 forfeitures, fees, and costs shall be split twenty-five percent to
34 the state treasurer for deposit in the ((~~state general fund~~)) public
35 safety enhancement account created in section 801 of this act,
36 twenty-five percent to the state treasurer for deposit in the
37 judicial information system account as provided in RCW 2.68.020,
38 twenty-five percent to the county current expense fund, and twenty-
39 five percent to the county current expense fund to fund local courts.

1 **Sec. 804.** RCW 3.62.040 and 2012 c 136 s 5 are each amended to
2 read as follows:

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

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,
19 or 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~~) public safety
22 enhancement account created in section 801 of this act.

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

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

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

33 (6) Interest retained by the court on penalties, fines, bail
34 forfeitures, fees, and costs shall be split twenty-five percent to
35 the state treasurer for deposit in the (~~state general fund~~) public
36 safety enhancement account created in section 801 of this act,
37 twenty-five percent to the state treasurer for deposit in the
38 judicial information system account as provided in RCW 2.68.020,
39 twenty-five percent to the city general fund, and twenty-five percent
40 to the city general fund to fund local courts.

1 **Sec. 805.** RCW 7.68.035 and 2015 c 265 s 8 are each amended to
2 read as follows:

3 (1)(a) When any person is found guilty in any superior court of
4 having committed a crime, except as provided in subsection (2) of
5 this section, there shall be imposed by the court upon such convicted
6 person a penalty assessment. The assessment shall be in addition to
7 any other penalty or fine imposed by law and shall be five hundred
8 dollars for each case or cause of action that includes one or more
9 convictions of a felony or gross misdemeanor and two hundred fifty
10 dollars for any case or cause of action that includes convictions of
11 only one or more misdemeanors.

12 (b) When any juvenile is adjudicated of an offense that is a most
13 serious offense as defined in RCW 9.94A.030, or a sex offense under
14 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender
15 a penalty assessment. The assessment shall be in addition to any
16 other penalty or fine imposed by law and shall be one hundred dollars
17 for each case or cause of action.

18 (c) When any juvenile is adjudicated of an offense which has a
19 victim, and which is not a most serious offense as defined in RCW
20 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall
21 order up to seven hours of community restitution, unless the court
22 finds that such an order is not practicable for the offender. This
23 community restitution must be imposed consecutively to any other
24 community restitution the court imposes for the offense.

25 (2) The assessment imposed by subsection (1) of this section
26 shall not apply to motor vehicle crimes defined in Title 46 RCW
27 except those defined in the following sections: RCW 46.61.520,
28 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
29 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
30 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
31 46.44.180, 46.10.490(2), and 46.09.470(2).

32 (3) When any person accused of having committed a crime posts
33 bail in superior court pursuant to the provisions of chapter 10.19
34 RCW and such bail is forfeited, there shall be deducted from the
35 proceeds of such forfeited bail a penalty assessment, in addition to
36 any other penalty or fine imposed by law, equal to the assessment
37 which would be applicable under subsection (1) of this section if the
38 person had been convicted of the crime.

39 (4) Such penalty assessments shall be paid by the clerk of the
40 superior court to the county treasurer who shall monthly transmit the

1 money as provided in RCW 10.82.070. Each county shall deposit fifty
2 percent of the money it receives per case or cause of action under
3 subsection (1) of this section and retains under RCW 10.82.070, not
4 less than one and seventy-five one-hundredths percent of the
5 remaining money it retains under RCW 10.82.070 and the money it
6 retains under chapter 3.62 RCW, and all money it receives under
7 subsection (7) of this section into a fund maintained exclusively for
8 the support of comprehensive programs to encourage and facilitate
9 testimony by the victims of crimes and witnesses to crimes. A program
10 shall be considered "comprehensive" only after approval of the
11 department upon application by the county prosecuting attorney. The
12 department shall approve as comprehensive only programs which:

13 (a) Provide comprehensive services to victims and witnesses of
14 all types of crime with particular emphasis on serious crimes against
15 persons and property. It is the intent of the legislature to make
16 funds available only to programs which do not restrict services to
17 victims or witnesses of a particular type or types of crime and that
18 such funds supplement, not supplant, existing local funding levels;

19 (b) Are administered by the county prosecuting attorney either
20 directly through the prosecuting attorney's office or by contract
21 between the county and agencies providing services to victims of
22 crime;

23 (c) Make a reasonable effort to inform the known victim or his or
24 her surviving dependents of the existence of this chapter and the
25 procedure for making application for benefits;

26 (d) Assist victims in the restitution and adjudication process;
27 and

28 (e) Assist victims of violent crimes in the preparation and
29 presentation of their claims to the department of labor and
30 industries under this chapter.

31 Before a program in any county west of the Cascade mountains is
32 submitted to the department for approval, it shall be submitted for
33 review and comment to each city within the county with a population
34 of more than one hundred fifty thousand. The department will consider
35 if the county's proposed comprehensive plan meets the needs of crime
36 victims in cases adjudicated in municipal, district or superior
37 courts and of crime victims located within the city and county.

38 (5) Upon submission to the department of a letter of intent to
39 adopt a comprehensive program, the prosecuting attorney shall retain
40 the money deposited by the county under subsection (4) of this

1 section until such time as the county prosecuting attorney has
2 obtained approval of a program from the department. Approval of the
3 comprehensive plan by the department must be obtained within one year
4 of the date of the letter of intent to adopt a comprehensive program.
5 The county prosecuting attorney shall not make any expenditures from
6 the money deposited under subsection (4) of this section until
7 approval of a comprehensive plan by the department. If a county
8 prosecuting attorney has failed to obtain approval of a program from
9 the department under subsection (4) of this section or failed to
10 obtain approval of a comprehensive program within one year after
11 submission of a letter of intent under this section, the county
12 treasurer shall monthly transmit one hundred percent of the money
13 deposited by the county under subsection (4) of this section to the
14 state treasurer for deposit in the ((~~state general fund~~)) public
15 safety enhancement account created in section 801 of this act.

16 (6) County prosecuting attorneys are responsible to make every
17 reasonable effort to insure that the penalty assessments of this
18 chapter are imposed and collected.

19 (7) Every city and town shall transmit monthly one and seventy-
20 five one-hundredths percent of all money, other than money received
21 for parking infractions, retained under RCW 3.50.100 and 35.20.220 to
22 the county treasurer for deposit as provided in subsection (4) of
23 this section.

24 **Sec. 806.** RCW 10.82.070 and 2012 c 136 s 6 are each amended to
25 read as follows:

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

33 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county
34 treasurer shall remit monthly thirty-two percent of the money
35 received under this section except for certain costs to the state
36 treasurer for deposit in the ((~~state general fund~~)) public safety
37 enhancement account created in section 801 of this act and shall
38 deposit the remainder as provided by law. "Certain costs" as used in
39 this subsection, means those costs awarded to prevailing parties in

1 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
2 against convicted defendants in criminal actions under RCW 10.01.160,
3 10.46.190, or 36.18.040, or other similar statutes if such costs are
4 specifically designated as costs by the court and are awarded for the
5 specific reimbursement of costs incurred by the state or county in
6 the prosecution of the case, including the fees of defense counsel.
7 Costs or assessments awarded to dedicated accounts, state or local,
8 are not subject to this state allocation or to RCW 7.68.035.

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

16 **Sec. 807.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to
17 read as follows:

18 (1) Except as provided in subsection (2) of this section,
19 financial obligations imposed in a judgment shall bear interest from
20 the date of the judgment until payment, at the rate applicable to
21 civil judgments. All nonrestitution interest retained by the court
22 shall be split twenty-five percent to the state treasurer for deposit
23 in the (~~state general fund~~) public safety enhancement account
24 created in section 801 of this act, twenty-five percent to the state
25 treasurer for deposit in the judicial information system account as
26 provided in RCW 2.68.020, twenty-five percent to the county current
27 expense fund, and twenty-five percent to the county current expense
28 fund to fund local courts.

29 (2) The court may, on motion by the offender, following the
30 offender's release from total confinement, reduce or waive the
31 interest on legal financial obligations levied as a result of a
32 criminal conviction as follows:

33 (a) The court shall waive all interest on the portions of the
34 legal financial obligations that are not restitution that accrued
35 during the term of total confinement for the conviction giving rise
36 to the financial obligations, provided the offender shows that the
37 interest creates a hardship for the offender or his or her immediate
38 family;

1 (b) The court may reduce interest on the restitution portion of
2 the legal financial obligations only if the principal has been paid
3 in full;

4 (c) The court may otherwise reduce or waive the interest on the
5 portions of the legal financial obligations that are not restitution
6 if the offender shows that he or she has personally made a good faith
7 effort to pay and that the interest accrual is causing a significant
8 hardship. For purposes of this section, "good faith effort" means
9 that the offender has either (i) paid the principal amount in full;
10 or (ii) made at least fifteen monthly payments within an eighteen-
11 month period, excluding any payments mandatorily deducted by the
12 department of corrections;

13 (d) For purposes of (a) through (c) of this subsection, the court
14 may reduce or waive interest on legal financial obligations only as
15 an incentive for the offender to meet his or her legal financial
16 obligations. The court may grant the motion, establish a payment
17 schedule, and retain jurisdiction over the offender for purposes of
18 reviewing and revising the reduction or waiver of interest.

19 (3) This section only applies to adult offenders.

20 **Sec. 808.** RCW 10.105.010 and 2009 c 479 s 15 are each amended to
21 read as follows:

22 (1) The following are subject to seizure and forfeiture and no
23 property right exists in them: All personal property, including, but
24 not limited to, any item, object, tool, substance, device, weapon,
25 machine, vehicle of any kind, money, security, or negotiable
26 instrument, which has been or was actually employed as an
27 instrumentality in the commission of, or in aiding or abetting in the
28 commission of any felony, or which was furnished or was intended to
29 be furnished by any person in the commission of, as a result of, or
30 as compensation for the commission of, any felony, or which was
31 acquired in whole or in part with proceeds traceable to the
32 commission of a felony. No property may be forfeited under this
33 section until after there has been a superior court conviction of the
34 owner of the property for the felony in connection with which the
35 property was employed, furnished, or acquired.

36 A forfeiture of property encumbered by a bona fide security
37 interest is subject to the interest of the secured party if at the
38 time the security interest was created, the secured party neither had
39 knowledge of nor consented to the commission of the felony.

1 (2) Personal property subject to forfeiture under this chapter
2 may be seized by any law enforcement officer of this state upon
3 process issued by any superior court having jurisdiction over the
4 property. Seizure of personal property without process may be made
5 if:

6 (a) The seizure is incident to an arrest or a search under a
7 search warrant;

8 (b) The property subject to seizure has been the subject of a
9 prior judgment in favor of the state in a criminal injunction or
10 forfeiture proceeding;

11 (c) A law enforcement officer has probable cause to believe that
12 the property is directly dangerous to health or safety; or

13 (d) The law enforcement officer has probable cause to believe
14 that the property was used or is intended to be used in the
15 commission of a felony.

16 (3) In the event of seizure pursuant to this section, proceedings
17 for forfeiture shall be deemed commenced by the seizure. The law
18 enforcement agency under whose authority the seizure was made shall
19 cause notice to be served within fifteen days following the seizure
20 on the owner of the property seized and the person in charge thereof
21 and any person having any known right or interest therein, including
22 any community property interest, of the seizure and intended
23 forfeiture of the seized property. The notice of seizure may be
24 served by any method authorized by law or court rule including but
25 not limited to service by certified mail with return receipt
26 requested. Service by mail shall be deemed complete upon mailing
27 within the fifteen day period following the seizure. Notice of
28 seizure in the case of property subject to a security interest that
29 has been perfected by filing a financing statement in accordance with
30 chapter 62A.9A RCW, or a certificate of title shall be made by
31 service upon the secured party or the secured party's assignee at the
32 address shown on the financing statement or the certificate of title.

33 (4) If no person notifies the seizing law enforcement agency in
34 writing of the person's claim of ownership or right to possession of
35 items specified in subsection (1) of this section within forty-five
36 days of the seizure, the item seized shall be deemed forfeited.

37 (5) If a person notifies the seizing law enforcement agency in
38 writing of the person's claim of ownership or right to possession of
39 the seized property within forty-five days of the seizure, the law
40 enforcement agency shall give the person or persons a reasonable

1 opportunity to be heard as to the claim or right. The hearing shall
2 be before the chief law enforcement officer of the seizing agency or
3 the chief law enforcement officer's designee, except where the
4 seizing agency is a state agency as defined in RCW 34.12.020(4), the
5 hearing shall be before the chief law enforcement officer of the
6 seizing agency or an administrative law judge appointed under chapter
7 34.12 RCW, except that any person asserting a claim or right may
8 remove the matter to a court of competent jurisdiction. Removal may
9 only be accomplished according to the rules of civil procedure. The
10 person seeking removal of the matter must serve process against the
11 state, county, political subdivision, or municipality that operates
12 the seizing agency, and any other party of interest, in accordance
13 with RCW 4.28.080 or 4.92.020, within forty-five days after the
14 person seeking removal has notified the seizing law enforcement
15 agency of the person's claim of ownership or right to possession. The
16 court to which the matter is to be removed shall be the district
17 court when the aggregate value of the property is within the
18 jurisdictional limit set forth in RCW 3.66.020. A hearing before the
19 seizing agency and any appeal therefrom shall be under Title 34 RCW.
20 In a court hearing between two or more claimants to the property
21 involved, the prevailing party shall be entitled to a judgment for
22 costs and reasonable attorney's fees. The burden of producing
23 evidence shall be upon the person claiming to be the lawful owner or
24 the person claiming to have the lawful right to possession of the
25 property. The seizing law enforcement agency shall promptly return
26 the property to the claimant upon a determination by the
27 administrative law judge or court that the claimant is the present
28 lawful owner or is lawfully entitled to possession of the property.

29 (6) When property is forfeited under this chapter, after
30 satisfying any court-ordered victim restitution, the seizing law
31 enforcement agency may:

32 (a) Retain it for official use or upon application by any law
33 enforcement agency of this state release such property to such agency
34 for the exclusive use of enforcing the criminal law;

35 (b) Sell that which is not required to be destroyed by law and
36 which is not harmful to the public.

37 (7) By January 31st of each year, each seizing agency shall remit
38 to the state treasurer an amount equal to ten percent of the net
39 proceeds of any property forfeited during the preceding calendar

1 year. Money remitted shall be deposited in the ((~~state general fund~~))
2 public safety enhancement account created in section 801 of this act.

3 (a) The net proceeds of forfeited property is the value of the
4 forfeitable interest in the property after deducting the cost of
5 satisfying any bona fide security interest to which the property is
6 subject at the time of seizure; and in the case of sold property,
7 after deducting the cost of sale, including reasonable fees or
8 commissions paid to independent selling agents.

9 (b) The value of sold forfeited property is the sale price. The
10 value of retained forfeited property is the fair market value of the
11 property at the time of seizure, determined when possible by
12 reference to an applicable commonly used index, such as the index
13 used by the department of licensing for valuation of motor vehicles.
14 A seizing agency may use, but need not use, an independent qualified
15 appraiser to determine the value of retained property. If an
16 appraiser is used, the value of the property appraised is net of the
17 cost of the appraisal. The value of destroyed property and retained
18 firearms or illegal property is zero.

19 (c) Retained property and net proceeds not required to be paid to
20 the state treasurer, or otherwise required to be spent under this
21 section, shall be retained by the seizing law enforcement agency
22 exclusively for the expansion and improvement of law enforcement
23 activity. Money retained under this section may not be used to
24 supplant preexisting funding sources.

25 **Sec. 809.** RCW 35.20.220 and 2012 c 136 s 7 are each amended to
26 read as follows:

27 (1) The chief clerk, under the supervision and direction of the
28 court administrator of the municipal court, shall have the custody
29 and care of the books, papers and records of the court. The chief
30 clerk or a deputy shall be present during the session of the court
31 and has the power to swear all witnesses and jurors, administer oaths
32 and affidavits, and take acknowledgments. The chief clerk shall keep
33 the records of the court and shall issue all process under his or her
34 hand and the seal of the court. The chief clerk shall do and perform
35 all things and have the same powers pertaining to the office as the
36 clerks of the superior courts have in their office. He or she shall
37 receive all fines, penalties, and fees of every kind and keep a full,
38 accurate, and detailed account of the same. The chief clerk shall on
39 each day pay into the city treasury all money received for the city

1 during the day previous, with a detailed account of the same, and
2 taking the treasurer's receipt therefor.

3 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
4 treasurer shall remit monthly thirty-two percent of the noninterest
5 money received under this section, other than for parking infractions
6 and certain costs to the state treasurer. "Certain costs" as used in
7 this subsection, means those costs awarded to prevailing parties in
8 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
9 against convicted defendants in criminal actions under RCW 10.01.160,
10 10.46.190, or 36.18.040, or other similar statutes if such costs are
11 specifically designated as costs by the court and are awarded for the
12 specific reimbursement of costs incurred by the state, county, city,
13 or town in the prosecution of the case, including the fees of defense
14 counsel. Money remitted under this subsection to the state treasurer
15 shall be deposited in the (~~state general fund~~) public safety
16 enhancement account created in section 801 of this act.

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

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

24 (5) Interest retained by the court on penalties, fines, bail
25 forfeitures, fees, and costs shall be split twenty-five percent to
26 the state treasurer for deposit in the (~~state general fund~~) public
27 safety enhancement account created in section 801 of this act,
28 twenty-five percent to the state treasurer for deposit in the
29 judicial information system account as provided in RCW 2.68.020,
30 twenty-five percent to the city general fund, and twenty-five percent
31 to the city general fund to fund local courts.

32 **Sec. 810.** RCW 36.18.012 and 2009 c 479 s 20 and 2009 c 417 s 1
33 are each reenacted and amended to read as follows:

34 (1) Revenue collected under this section is subject to division
35 with the state for deposit in the public safety enhancement account
36 created in section 801 of this act.

37 (2) The party filing a transcript or abstract of judgment or
38 verdict from a United States court held in this state, or from the
39 superior court of another county or from a district court in the

1 county of issuance, shall pay at the time of filing a fee of twenty
2 dollars.

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

7 (4) If the defendant serves or files an answer to an unlawful
8 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
9 shall pay before proceeding with the unlawful detainer action one
10 hundred twelve dollars.

11 (5) Any party filing a counterclaim, cross-claim, or third-party
12 claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW
13 shall pay the equivalent to the total filing fee of an unlawful
14 detainer action pursuant to RCW 36.18.020, including the fee for an
15 unlawful detainer answer pursuant to subsection (4) of this section.

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

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

21 (8) A fee of twenty dollars must be charged for filing a
22 petition, written agreement, or written memorandum in a nonjudicial
23 probate dispute under RCW 11.96A.220, if it is filed within an
24 existing case in the same court.

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

27 (10) For the filing of a tax warrant for unpaid taxes or
28 overpayment of benefits by any agency of the state of Washington, a
29 fee of five dollars on or after July 22, 2001, and for the filing of
30 such a tax warrant or overpayment of benefits on or after July 1,
31 2003, a fee of twenty dollars, of which forty-six percent of the
32 first five dollars is directed to the ~~((state general fund))~~ public
33 safety enhancement account created in section 801 of this act.

34 **Sec. 811.** RCW 36.18.020 and 2015 c 265 s 28 are each amended to
35 read as follows:

36 (1) Revenue collected under this section is subject to division
37 with the state ~~((under RCW 36.18.025))~~ for deposit in the public
38 safety enhancement account created in section 801 of this act and

1 with the county or regional law library fund under RCW 27.24.070,
2 except as provided in subsection (5) of this section.

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

5 (a) In addition to any other fee required by law, the party
6 filing the first or initial document in any civil action, including,
7 but not limited to an action for restitution, adoption, or change of
8 name, and any party filing a counterclaim, cross-claim, or third-
9 party claim in any such civil action, shall pay, at the time the
10 document is filed, a fee of two hundred dollars except, in an
11 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
12 the plaintiff shall pay a case initiating filing fee of forty-five
13 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
14 violation of the compulsory attendance laws where the petitioner
15 shall not pay a filing fee. The forty-five dollar filing fee under
16 this subsection for an unlawful detainer action shall not include an
17 order to show cause or any other order or judgment except a default
18 order or default judgment in an unlawful detainer action.

19 (b) Any party, except a defendant in a criminal case, filing the
20 first or initial document on an appeal from a court of limited
21 jurisdiction or any party on any civil appeal, shall pay, when the
22 document is filed, a fee of two hundred dollars.

23 (c) For filing of a petition for judicial review as required
24 under RCW 34.05.514 a filing fee of two hundred dollars.

25 (d) For filing of a petition for unlawful harassment under RCW
26 10.14.040 a filing fee of fifty-three dollars.

27 (e) For filing the notice of debt due for the compensation of a
28 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

29 (f) In probate proceedings, the party instituting such
30 proceedings, shall pay at the time of filing the first document
31 therein, a fee of two hundred dollars.

32 (g) For filing any petition to contest a will admitted to probate
33 or a petition to admit a will which has been rejected, or a petition
34 objecting to a written agreement or memorandum as provided in RCW
35 11.96A.220, there shall be paid a fee of two hundred dollars.

36 (h) Upon conviction or plea of guilty, upon failure to prosecute
37 an appeal from a court of limited jurisdiction as provided by law, or
38 upon affirmance of a conviction by a court of limited jurisdiction,
39 an adult defendant in a criminal case shall be liable for a fee of
40 two hundred dollars.

1 (i) With the exception of demands for jury hereafter made and
2 garnishments hereafter issued, civil actions and probate proceedings
3 filed prior to midnight, July 1, 1972, shall be completed and
4 governed by the fee schedule in effect as of January 1, 1972.
5 However, no fee shall be assessed if an order of dismissal on the
6 clerk's record be filed as provided by rule of the supreme court.

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

10 (4) No fee shall be collected when an abstract of judgment is
11 filed by the county clerk of another county for the purposes of
12 collection of legal financial obligations.

13 (5)(a) Until July 1, 2017, in addition to the fees required to be
14 collected under this section, clerks of the superior courts must
15 collect surcharges as provided in this subsection (5) of which
16 seventy-five percent must be remitted to the state treasurer for
17 deposit in the judicial stabilization trust account and twenty-five
18 percent must be retained by the county.

19 (b) On filing fees required to be collected under subsection
20 (2)(b) of this section, a surcharge of thirty dollars must be
21 collected.

22 (c) On all filing fees required to be collected under this
23 section, except for fees required under subsection (2)(b), (d), and
24 (h) of this section, a surcharge of forty dollars must be collected.

25 **Sec. 812.** RCW 36.18.025 and 2009 c 479 s 22 are each amended to
26 read as follows:

27 Forty-six percent of the money received from filing fees paid
28 pursuant to RCW 36.18.020, except those collected for the filing of
29 warrants for unpaid taxes or overpayments by state agencies as
30 outlined in RCW 36.18.012(10), shall be transmitted by the county
31 treasurer each month to the state treasurer for deposit in the
32 ((state general fund)) public safety enhancement account created in
33 section 801 of this act.

34 **Sec. 813.** RCW 41.26.800 and 2008 c 99 s 2 are each amended to
35 read as follows:

36 The local public safety enhancement account is created in the
37 state treasury. Moneys in the account may be spent only after

1 appropriation. All receipts from RCW 41.26.802 must be deposited into
2 the account. Expenditures from the account may be used as follows:

3 (1) Following appropriation, fifty percent of the money in the
4 account shall be transferred to the law enforcement officers' and
5 firefighters' retirement system benefits improvement account
6 established in RCW 41.26.805.

7 (2) Following appropriation, the balance shall be distributed by
8 the state treasurer to all jurisdictions with law enforcement
9 officers' and firefighters' plan 2 members. Each year, the department
10 of retirement systems will determine each jurisdictions'
11 proportionate share of funds based on the number of plan 2 members
12 each jurisdiction has on June 1st of the prior year divided by the
13 total number of plan 2 members in the system. The department of
14 retirement systems shall provide the distribution allocation to the
15 state treasurer. Distributions by the state treasurer shall be made
16 annually each January 1st with one-half of the appropriation being
17 distributed in the first year of the appropriation and any remainder
18 the following year. If an appropriation is made for a single fiscal
19 year, the entire appropriation shall be distributed the following
20 January 1st. Jurisdictions that contract with other eligible
21 jurisdictions for law enforcement services or fire protection
22 services must agree on the distribution of funds between the
23 contracting parties and must inform the department of retirement
24 systems as to how the distribution is to be made. Distributions will
25 continue to be made under the terms of the agreement until the
26 department of retirement systems is notified by the eligible
27 jurisdiction of any agreement revisions. If there is no agreement
28 within six months of the distribution date, the moneys lapse to the
29 state treasury. Moneys distributed from the balance of the local
30 public safety enhancement account may be used for the following
31 purposes: (a) Criminal justice, including those where an ancillary
32 benefit to the civil justice occurs, and includes domestic violence
33 programs; (b) information and assistance to parents and families
34 dealing with at-risk or runaway youth; or (c) public safety. Money
35 distributed from the account shall not supplant existing funds used
36 for these purposes. For purposes of this subsection, "existing funds"
37 means the actual operating expenditures for the calendar year prior
38 to the first distribution from the account. Actual operating
39 expenditures excludes lost federal funds, lost or expired state
40 grants or loans, extraordinary events not likely to reoccur, change

1 in contract provisions beyond the control of the jurisdiction
2 receiving the services, and major capital expenditures.

3 **Sec. 814.** RCW 43.08.250 and 2009 c 479 s 26 are each amended to
4 read as follows:

5 (1) The money received by the state treasurer from fees, fines,
6 forfeitures, penalties, reimbursements or assessments by any court
7 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
8 deposited in the (~~state general fund~~) public safety enhancement
9 account created in section 801 of this act.

10 (2) The money received by the state treasurer from the increase
11 in fees imposed by sections 9, 10, 12, 13, 14, 17, and 19, chapter
12 457, Laws of 2005 shall be deposited in the (~~state general fund~~)
13 public safety enhancement account created in section 801 of this act.
14 It is the intent of the legislature that fifty percent of such money
15 be appropriated to the administrator for the courts for the purposes
16 of contributing to district court judges' salaries and to eligible
17 elected municipal court judges' salaries. It is further the intent of
18 the legislature that the balance of such moneys be used to fund
19 criminal indigent defense assistance and enhancement at the trial
20 court level, representation of parents in dependency and termination
21 proceedings, and civil legal representation of indigent persons.

22 **Sec. 815.** RCW 43.17.150 and 2009 c 479 s 27 are each amended to
23 read as follows:

24 (1) Each state agency is authorized to receive property or money
25 made available by the attorney general of the United States under
26 section 881(e) of Title 21 of the United States Code and, except as
27 required to the contrary under subsection (2) of this section, to use
28 the property or spend the money for such purposes as are permitted
29 under both federal law and the state law specifying the powers and
30 duties of the agency.

31 (2) Unless precluded by federal law, all funds received by a
32 state agency under section 881(e) of Title 21 of the United States
33 Code shall be promptly deposited into the (~~state general fund~~)
34 public safety enhancement account created in section 801 of this act.

35 **Sec. 816.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
36 read as follows:

1 (1) A person found to have committed a traffic infraction shall
2 be assessed a monetary penalty. No penalty may exceed two hundred and
3 fifty dollars for each offense unless authorized by this chapter or
4 title.

5 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
6 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
7 is five hundred dollars for each offense. No penalty assessed under
8 this subsection (2) may be reduced.

9 (3) The supreme court shall prescribe by rule a schedule of
10 monetary penalties for designated traffic infractions. This rule
11 shall also specify the conditions under which local courts may
12 exercise discretion in assessing fines and penalties for traffic
13 infractions. The legislature respectfully requests the supreme court
14 to adjust this schedule every two years for inflation.

15 (4) There shall be a penalty of twenty-five dollars for failure
16 to respond to a notice of traffic infraction except where the
17 infraction relates to parking as defined by local law, ordinance,
18 regulation, or resolution or failure to pay a monetary penalty
19 imposed pursuant to this chapter. A local legislative body may set a
20 monetary penalty not to exceed twenty-five dollars for failure to
21 respond to a notice of traffic infraction relating to parking as
22 defined by local law, ordinance, regulation, or resolution. The local
23 court, whether a municipal, police, or district court, shall impose
24 the monetary penalty set by the local legislative body.

25 (5) Monetary penalties provided for in chapter 46.70 RCW which
26 are civil in nature and penalties which may be assessed for
27 violations of chapter 46.44 RCW relating to size, weight, and load of
28 motor vehicles are not subject to the limitation on the amount of
29 monetary penalties which may be imposed pursuant to this chapter.

30 (6) Whenever a monetary penalty, fee, cost, assessment, or other
31 monetary obligation is imposed by a court under this chapter, it is
32 immediately payable and is enforceable as a civil judgment under
33 Title 6 RCW. If the court determines, in its discretion, that a
34 person is not able to pay a monetary obligation in full, and not more
35 than one year has passed since the later of July 1, 2005, or the date
36 the monetary obligation initially became due and payable, the court
37 shall enter into a payment plan with the person, unless the person
38 has previously been granted a payment plan with respect to the same
39 monetary obligation, or unless the person is in noncompliance of any
40 existing or prior payment plan, in which case the court may, at its

1 discretion, implement a payment plan. If the court has notified the
2 department that the person has failed to pay or comply and the person
3 has subsequently entered into a payment plan and made an initial
4 payment, the court shall notify the department that the infraction
5 has been adjudicated, and the department shall rescind any suspension
6 of the person's driver's license or driver's privilege based on
7 failure to respond to that infraction. "Payment plan," as used in
8 this section, means a plan that requires reasonable payments based on
9 the financial ability of the person to pay. The person may
10 voluntarily pay an amount at any time in addition to the payments
11 required under the payment plan.

12 (a) If a payment required to be made under the payment plan is
13 delinquent or the person fails to complete a community restitution
14 program on or before the time established under the payment plan,
15 unless the court determines good cause therefor and adjusts the
16 payment plan or the community restitution plan accordingly, the court
17 may refer the unpaid monetary penalty, fee, cost, assessment, or
18 other monetary obligation for civil enforcement until all monetary
19 obligations, including those imposed under subsections (3) and (4) of
20 this section, have been paid, and court authorized community
21 restitution has been completed, or until the court has entered into a
22 new time payment or community restitution agreement with the person.
23 For those infractions subject to suspension under RCW 46.20.289, the
24 court shall notify the department of the person's failure to meet the
25 conditions of the plan, and the department shall suspend the person's
26 driver's license or driving privileges.

27 (b) If a person has not entered into a payment plan with the
28 court and has not paid the monetary obligation in full on or before
29 the time established for payment, the court may refer the unpaid
30 monetary penalty, fee, cost, assessment, or other monetary obligation
31 to a collections agency until all monetary obligations have been
32 paid, including those imposed under subsections (3) and (4) of this
33 section, or until the person has entered into a payment plan under
34 this section. For those infractions subject to suspension under RCW
35 46.20.289, the court shall notify the department of the person's
36 delinquency, and the department shall suspend the person's driver's
37 license or driving privileges.

38 (c) If the payment plan is to be administered by the court, the
39 court may assess the person a reasonable administrative fee to be
40 wholly retained by the city or county with jurisdiction. The

1 administrative fee shall not exceed ten dollars per infraction or
2 twenty-five dollars per payment plan, whichever is less.

3 (d) Nothing in this section precludes a court from contracting
4 with outside entities to administer its payment plan system. When
5 outside entities are used for the administration of a payment plan,
6 the court may assess the person a reasonable fee for such
7 administrative services, which fee may be calculated on a periodic,
8 percentage, or other basis.

9 (e) If a court authorized community restitution program for
10 offenders is available in the jurisdiction, the court may allow
11 conversion of all or part of the monetary obligations due under this
12 section to court authorized community restitution in lieu of time
13 payments if the person is unable to make reasonable time payments.

14 (7) In addition to any other penalties imposed under this section
15 and not subject to the limitation of subsection (1) of this section,
16 a person found to have committed a traffic infraction shall be
17 assessed:

18 (a) A fee of five dollars per infraction. Under no circumstances
19 shall this fee be reduced or waived. Revenue from this fee shall be
20 forwarded to the state treasurer for deposit in the emergency medical
21 services and trauma care system trust account under RCW 70.168.040;

22 (b) A fee of ten dollars per infraction. Under no circumstances
23 shall this fee be reduced or waived. Revenue from this fee shall be
24 forwarded to the state treasurer for deposit in the Washington auto
25 theft prevention authority account; and

26 (c) A fee of two dollars per infraction. Revenue from this fee
27 shall be forwarded to the state treasurer for deposit in the
28 traumatic brain injury account established in RCW 74.31.060.

29 (8)(a) In addition to any other penalties imposed under this
30 section and not subject to the limitation of subsection (1) of this
31 section, a person found to have committed a traffic infraction other
32 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional
33 penalty of twenty dollars. The court may not reduce, waive, or
34 suspend the additional penalty unless the court finds the offender to
35 be indigent. If a court authorized community restitution program for
36 offenders is available in the jurisdiction, the court shall allow
37 offenders to offset all or a part of the penalty due under this
38 subsection (8) by participation in the court authorized community
39 restitution program.

1 (b) Eight dollars and fifty cents of the additional penalty under
2 (a) of this subsection shall be remitted to the state treasurer. The
3 remaining revenue from the additional penalty must be remitted under
4 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
5 under this subsection to the state treasurer must be deposited in the
6 ~~((state general fund))~~ public safety enhancement account created in
7 section 801 of this act. The balance of the revenue received by the
8 county or city treasurer under this subsection must be deposited into
9 the county or city current expense fund. ~~((Moneys retained by the~~
10 ~~city or county under this subsection shall constitute reimbursement~~
11 ~~for any liabilities under RCW 43.135.060.))~~

12 (9) If a legal proceeding, such as garnishment, has commenced to
13 collect any delinquent amount owed by the person for any penalty
14 imposed by the court under this section, the court may, at its
15 discretion, enter into a payment plan.

16 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
17 hundred fifty dollars for the first violation; (b) five hundred
18 dollars for the second violation; and (c) seven hundred fifty dollars
19 for each violation thereafter.

20 **Sec. 817.** RCW 46.64.055 and 2009 c 479 s 40 are each amended to
21 read as follows:

22 (1) In addition to any other penalties imposed for conviction of
23 a violation of this title that is a misdemeanor, gross misdemeanor,
24 or felony, the court shall impose an additional penalty of fifty
25 dollars. The court may not reduce, waive, or suspend the additional
26 penalty unless the court finds the offender to be indigent. If a
27 community restitution program for offenders is available in the
28 jurisdiction, the court shall allow offenders to offset all or a part
29 of the penalty due under this section by participation in the
30 community restitution program.

31 (2) Revenue from the additional penalty must be remitted under
32 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
33 under this section to the state treasurer must be deposited in the
34 ~~((state general fund))~~ public safety enhancement account created in
35 section 801 of this act. The balance of the revenue received by the
36 county or city treasurer under this section must be deposited into
37 the county or city current expense fund. ~~((Moneys retained by the~~
38 ~~city or county under this subsection shall constitute reimbursement~~
39 ~~for any liabilities under RCW 43.135.060.))~~

1 **Sec. 818.** RCW 77.12.201 and 2016 sp.s. c 36 s 947 are each
2 amended to read as follows:

3 The legislative authority of a county may elect, by giving
4 written notice to the director and the treasurer prior to January 1st
5 of any year, to obtain for the following year an amount in lieu of
6 real property taxes on game lands as provided in RCW 77.12.203. Upon
7 the election, the county shall keep a record of all fines,
8 forfeitures, reimbursements, and costs assessed and collected, in
9 whole or in part, under this title for violations of law or rules
10 adopted pursuant to this title, with the exception of the 2011-2013,
11 2013-2015(~~(+,+)~~), and 2015-2017 fiscal biennia, and shall monthly
12 remit an amount equal to the amount collected to the state treasurer
13 for deposit in the (~~(state general fund)~~) public safety enhancement
14 account created in section 801 of this act. The election shall
15 continue until the department is notified differently prior to
16 January 1st of any year.

17 **Sec. 819.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and
18 2016 c 112 s 4 are each reenacted and amended to read as follows:

19 (1) All earnings of investments of surplus balances in the state
20 treasury shall be deposited to the treasury income account, which
21 account is hereby established in the state treasury.

22 (2) The treasury income account shall be utilized to pay or
23 receive funds associated with federal programs as required by the
24 federal cash management improvement act of 1990. The treasury income
25 account is subject in all respects to chapter 43.88 RCW, but no
26 appropriation is required for refunds or allocations of interest
27 earnings required by the cash management improvement act. Refunds of
28 interest to the federal treasury required under the cash management
29 improvement act fall under RCW 43.88.180 and shall not require
30 appropriation. The office of financial management shall determine the
31 amounts due to or from the federal government pursuant to the cash
32 management improvement act. The office of financial management may
33 direct transfers of funds between accounts as deemed necessary to
34 implement the provisions of the cash management improvement act, and
35 this subsection. Refunds or allocations shall occur prior to the
36 distributions of earnings set forth in subsection (4) of this
37 section.

38 (3) Except for the provisions of RCW 43.84.160, the treasury
39 income account may be utilized for the payment of purchased banking

1 services on behalf of treasury funds including, but not limited to,
2 depository, safekeeping, and disbursement functions for the state
3 treasury and affected state agencies. The treasury income account is
4 subject in all respects to chapter 43.88 RCW, but no appropriation is
5 required for payments to financial institutions. Payments shall occur
6 prior to distribution of earnings set forth in subsection (4) of this
7 section.

8 (4) Monthly, the state treasurer shall distribute the earnings
9 credited to the treasury income account. The state treasurer shall
10 credit the general fund with all the earnings credited to the
11 treasury income account except:

12 (a) The following accounts and funds shall receive their
13 proportionate share of earnings based upon each account's and fund's
14 average daily balance for the period: The aeronautics account, the
15 aircraft search and rescue account, the Alaskan Way viaduct
16 replacement project account, the brownfield redevelopment trust fund
17 account, the budget stabilization account, the capital vessel
18 replacement account, the capitol building construction account, the
19 Cedar River channel construction and operation account, the Central
20 Washington University capital projects account, the charitable,
21 educational, penal and reformatory institutions account, the Chehalis
22 basin account, the cleanup settlement account, the Columbia river
23 basin water supply development account, the Columbia river basin
24 taxable bond water supply development account, the Columbia river
25 basin water supply revenue recovery account, the common school
26 construction fund, the community forest trust account, the connecting
27 Washington account, the county arterial preservation account, the
28 county criminal justice assistance account, the deferred compensation
29 administrative account, the deferred compensation principal account,
30 the department of licensing services account, the department of
31 retirement systems expense account, the developmental disabilities
32 community trust account, the diesel idle reduction account, the
33 drinking water assistance account, the drinking water assistance
34 administrative account, the drinking water assistance repayment
35 account, the Eastern Washington University capital projects account,
36 the Interstate 405 express toll lanes operations account, the
37 education construction fund, the education legacy trust account, the
38 election account, the electric vehicle charging infrastructure
39 account, the energy freedom account, the energy recovery act account,
40 the essential rail assistance account, The Evergreen State College

1 capital projects account, the federal forest revolving account, the
2 ferry bond retirement fund, the freight mobility investment account,
3 the freight mobility multimodal account, the grade crossing
4 protective fund, the public health services account, the high
5 capacity transportation account, the state higher education
6 construction account, the higher education construction account, the
7 highway bond retirement fund, the highway infrastructure account, the
8 highway safety fund, the high occupancy toll lanes operations
9 account, the hospital safety net assessment fund, the industrial
10 insurance premium refund account, the judges' retirement account, the
11 judicial retirement administrative account, the judicial retirement
12 principal account, the local leasehold excise tax account, the local
13 real estate excise tax account, the local sales and use tax account,
14 the marine resources stewardship trust account, the medical aid
15 account, the mobile home park relocation fund, the money-purchase
16 retirement savings administrative account, the money-purchase
17 retirement savings principal account, the motor vehicle fund, the
18 motorcycle safety education account, the multimodal transportation
19 account, the multiuse roadway safety account, the municipal criminal
20 justice assistance account, the natural resources deposit account,
21 the oyster reserve land account, the pension funding stabilization
22 account, the perpetual surveillance and maintenance account, the
23 pollution liability insurance agency underground storage tank
24 revolving account, the public employees' retirement system plan 1
25 account, the public employees' retirement system combined plan 2 and
26 plan 3 account, the public facilities construction loan revolving
27 account beginning July 1, 2004, the public health supplemental
28 account, the public safety enhancement account, the public works
29 assistance account, the Puget Sound capital construction account, the
30 Puget Sound ferry operations account, the Puget Sound taxpayer
31 accountability account, the real estate appraiser commission account,
32 the recreational vehicle account, the regional mobility grant program
33 account, the resource management cost account, the rural arterial
34 trust account, the rural mobility grant program account, the rural
35 Washington loan fund, the site closure account, the skilled nursing
36 facility safety net trust fund, the small city pavement and sidewalk
37 account, the special category C account, the special wildlife
38 account, the state employees' insurance account, the state employees'
39 insurance reserve account, the state investment board expense
40 account, the state investment board commingled trust fund accounts,

1 the state patrol highway account, the state route number 520 civil
2 penalties account, the state route number 520 corridor account, the
3 state wildlife account, the supplemental pension account, the Tacoma
4 Narrows toll bridge account, the teachers' retirement system plan 1
5 account, the teachers' retirement system combined plan 2 and plan 3
6 account, the tobacco prevention and control account, the tobacco
7 settlement account, the toll facility bond retirement account, the
8 transportation 2003 account (nickel account), the transportation
9 equipment fund, the transportation fund, the transportation future
10 funding program account, the transportation improvement account, the
11 transportation improvement board bond retirement account, the
12 transportation infrastructure account, the transportation partnership
13 account, the traumatic brain injury account, the tuition recovery
14 trust fund, the University of Washington bond retirement fund, the
15 University of Washington building account, the volunteer
16 firefighters' and reserve officers' relief and pension principal
17 fund, the volunteer firefighters' and reserve officers'
18 administrative fund, the Washington judicial retirement system
19 account, the Washington law enforcement officers' and firefighters'
20 system plan 1 retirement account, the Washington law enforcement
21 officers' and firefighters' system plan 2 retirement account, the
22 Washington public safety employees' plan 2 retirement account, the
23 Washington school employees' retirement system combined plan 2 and 3
24 account, the Washington state health insurance pool account, the
25 Washington state patrol retirement account, the Washington State
26 University building account, the Washington State University bond
27 retirement fund, the water pollution control revolving administration
28 account, the water pollution control revolving fund, the Western
29 Washington University capital projects account, the Yakima integrated
30 plan implementation account, the Yakima integrated plan
31 implementation revenue recovery account, and the Yakima integrated
32 plan implementation taxable bond account. Earnings derived from
33 investing balances of the agricultural permanent fund, the normal
34 school permanent fund, the permanent common school fund, the
35 scientific permanent fund, the state university permanent fund, and
36 the state reclamation revolving account shall be allocated to their
37 respective beneficiary accounts.

38 (b) Any state agency that has independent authority over accounts
39 or funds not statutorily required to be held in the state treasury
40 that deposits funds into a fund or account in the state treasury

1 pursuant to an agreement with the office of the state treasurer shall
2 receive its proportionate share of earnings based upon each account's
3 or fund's average daily balance for the period.

4 (5) In conformance with Article II, section 37 of the state
5 Constitution, no treasury accounts or funds shall be allocated
6 earnings without the specific affirmative directive of this section.

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