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HOUSE BILL 1836

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Kraft, Van Werven, Chambers, Maycumber, Graham, Caldier, Eslick, and Mosbrucker

Read first time 02/01/19. Referred to Committee on Public Safety.

1 AN ACT Relating to prohibiting the waiver, reduction, or  
2 suspension of certain fees charged to persons who commit offenses  
3 involving the sexual exploitation of children; amending RCW 9.68A.105  
4 and 9.68A.106; and prescribing penalties.

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

6 **Sec. 1.** RCW 9.68A.105 and 2015 c 265 s 13 are each amended to  
7 read as follows:

8 (1) ~~((a))~~ In addition to penalties set forth in RCW 9.68A.100,  
9 9.68A.101, and 9.68A.102, an adult offender who is either convicted  
10 or given a deferred sentence or a deferred prosecution or who has  
11 entered into a statutory or nonstatutory diversion agreement as a  
12 result of an arrest for violating RCW 9.68A.100, 9.68A.101, or  
13 9.68A.102, or a comparable county or municipal ordinance shall be  
14 assessed a mandatory five thousand dollar fee.

15 ~~((b))~~ The court may not reduce, waive, or suspend payment of  
16 ~~((all or part of))~~ the fee ~~((assessed unless it finds, on the record,~~  
17 ~~that the adult offender does not have the ability to pay in which~~  
18 ~~case it may reduce the fee by an amount up to two-thirds of the~~  
19 ~~maximum allowable fee))~~.

20 (2) Fees assessed under this section shall be collected by the  
21 clerk of the court and remitted to the treasurer of the county where

1 the offense occurred for deposit in the county general fund, except  
2 in cases in which the offense occurred in a city or town that  
3 provides for its own law enforcement, in which case these amounts  
4 shall be remitted to the treasurer of the city or town for deposit in  
5 the general fund of the city or town. Revenue from the fees must be  
6 used for local efforts to reduce the commercial sale of sex  
7 including, but not limited to, increasing enforcement of commercial  
8 sex laws.

9 (a) At least fifty percent of the revenue from fees imposed under  
10 this section must be spent on prevention, including education  
11 programs for offenders, such as john school, and rehabilitative  
12 services for victims, such as mental health and substance abuse  
13 counseling, parenting skills, training, housing relief, education,  
14 vocational training, drop-in centers, and employment counseling.

15 (b) Two percent of the revenue from fees imposed under this  
16 section shall be remitted quarterly to the department of commerce,  
17 together with a report detailing the fees assessed, the revenue  
18 received, and how that revenue was spent.

19 (c) Revenues from these fees are not subject to the distribution  
20 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
21 35.20.220.

22 (3) For the purposes of this section:

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

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

32 **Sec. 2.** RCW 9.68A.106 and 2015 c 265 s 14 are each amended to  
33 read as follows:

34 (1) In addition to all other penalties under this chapter, an  
35 adult offender convicted of an offense under RCW 9.68A.100,  
36 9.68A.101, or 9.68A.102 shall be assessed an additional mandatory fee  
37 of five thousand dollars per offense when the court finds that an  
38 internet advertisement in which the victim of the crime was described  
39 or depicted was instrumental in facilitating the commission of the

1 crime. The court may not reduce, waive, or suspend payment of the  
2 fee.

3 (2) For purposes of this section, an "internet advertisement"  
4 means a statement in electronic media that would be understood by a  
5 reasonable person to be an implicit or explicit offer for sexual  
6 contact or sexual intercourse, both as defined in chapter 9A.44 RCW,  
7 in exchange for something of value.

8 (3) Amounts collected as penalties under this section shall be  
9 deposited in the account established under RCW 43.63A.740.

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