
SUBSTITUTE SENATE BILL 6260

State of Washington

62nd Legislature

2012 Regular Session

By Senate Judiciary (originally sponsored by Senators Delvin, Kohl-Welles, Regala, Roach, Conway, Carrell, Shin, Eide, Ericksen, Litzow, Chase, and Stevens)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to criminal offenses; amending RCW 9A.40.100,
2 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020, 3.62.040,
3 10.82.070, and 35.20.220; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read
6 as follows:

7 (1)(a) A person is guilty of trafficking in the first degree when:

8 (i) Such person:

9 (A) Recruits, harbors, transports, transfers, provides, obtains, or
10 receives by any means another person knowing that force, fraud, or
11 coercion as defined in RCW 9A.36.070 will be used to cause the person
12 to engage in forced labor, involuntary servitude, or a commercial sex
13 act; or

14 (B) Benefits financially or by receiving anything of value from
15 participation in a venture that has engaged in acts set forth in
16 (a)(i)(A) of this subsection; and

17 (ii) The acts or venture set forth in (a)(i) of this subsection:

18 (A) Involve committing or attempting to commit kidnapping;

19 (B) Involve a finding of sexual motivation under RCW 9.94A.835;

1 (C) Involve the illegal harvesting or sale of human organs; or

2 (D) Result in a death.

3 (b) Trafficking in the first degree is a class A felony.

4 (2)(a) A person is guilty of trafficking in the second degree when
5 such person:

6 (i) Recruits, harbors, transports, transfers, provides, obtains, or
7 receives by any means another person knowing that force, fraud, or
8 coercion as defined in RCW 9A.36.070 will be used to cause the person
9 to engage in forced labor, involuntary servitude, or a commercial sex
10 act; or

11 (ii) Benefits financially or by receiving anything of value from
12 participation in a venture that has engaged in acts set forth in (a)(i)
13 of this subsection.

14 (b) Trafficking in the second degree is a class A felony.

15 (3)(a) A person who is either convicted or given a deferred
16 sentence or a deferred prosecution or who has entered into a statutory
17 or nonstatutory diversion agreement as a result of an arrest for a
18 violation of a trafficking crime shall be assessed a three thousand
19 dollar fee.

20 (b) The total fee collected by the court shall not exceed the
21 amount of the greatest fee that may be imposed by statute, local
22 ordinance, or code.

23 (c) The fee imposed shall be collected by the clerk of the court
24 and distributed each month to the state treasurer for deposit in the
25 prostitution prevention and intervention account under RCW 43.63A.740
26 for the purpose of funding prostitution prevention and intervention
27 activities.

28 **Sec. 2.** RCW 9A.44.128 and 2011 c 337 s 2 are each amended to read
29 as follows:

30 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
31 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

32 (1) "Business day" means any day other than Saturday, Sunday, or a
33 legal local, state, or federal holiday.

34 (2) "Conviction" means any adult conviction or juvenile
35 adjudication for a sex offense or kidnapping offense.

36 (3) "Disqualifying offense" means a conviction for: Any offense
37 that is a felony; a sex offense as defined in this section; a crime

1 against children or persons as defined in RCW 43.43.830(5) and
2 9.94A.411(2)(a); an offense with a domestic violence designation as
3 provided in RCW 10.99.020; permitting the commercial sexual abuse of a
4 minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88
5 RCW.

6 (4) "Employed" or "carries on a vocation" means employment that is
7 full time or part time for a period of time exceeding fourteen days, or
8 for an aggregate period of time exceeding thirty days during any
9 calendar year. A person is employed or carries on a vocation whether
10 the person's employment is financially compensated, volunteered, or for
11 the purpose of government or educational benefit.

12 (5) "Fixed residence" means a building that a person lawfully and
13 habitually uses as living quarters a majority of the week. Uses as
14 living quarters means to conduct activities consistent with the common
15 understanding of residing, such as sleeping; eating; keeping personal
16 belongings; receiving mail; and paying utilities, rent, or mortgage.
17 A nonpermanent structure including, but not limited to, a motor home,
18 travel trailer, camper, or boat may qualify as a residence provided it
19 is lawfully and habitually used as living quarters a majority of the
20 week, primarily kept at one location with a physical address, and the
21 location it is kept at is either owned or rented by the person or used
22 by the person with the permission of the owner or renter. A shelter
23 program may qualify as a residence provided it is a shelter program
24 designed to provide temporary living accommodations for the homeless,
25 provides an offender with a personally assigned living space, and the
26 offender is permitted to store belongings in the living space.

27 (6) "In the community" means residing outside of confinement or
28 incarceration for a disqualifying offense.

29 (7) "Institution of higher education" means any public or private
30 institution dedicated to postsecondary education, including any
31 college, university, community college, trade, or professional school.

32 (8) "Kidnapping offense" means:

33 (a) The crimes of kidnapping in the first degree, kidnapping in the
34 second degree, and unlawful imprisonment, as defined in chapter 9A.40
35 RCW, where the victim is a minor and the offender is not the minor's
36 parent;

37 (b) Any offense that is, under chapter 9A.28 RCW, a criminal

1 attempt, criminal solicitation, or criminal conspiracy to commit an
2 offense that is classified as a kidnapping offense under this
3 subsection; and

4 (c) Any federal or out-of-state conviction for: An offense for
5 which the person would be required to register as a kidnapping offender
6 if residing in the state of conviction; or, if not required to register
7 in the state of conviction, an offense that under the laws of this
8 state would be classified as a kidnapping offense under this
9 subsection.

10 (9) "Lacks a fixed residence" means the person does not have a
11 living situation that meets the definition of a fixed residence and
12 includes, but is not limited to, a shelter program designed to provide
13 temporary living accommodations for the homeless, an outdoor sleeping
14 location, or locations where the person does not have permission to
15 stay.

16 (10) "Sex offense" means:

17 (a) Any offense defined as a sex offense by RCW 9.94A.030;

18 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
19 minor in the second degree);

20 (c) Any violation under RCW 9.68A.090 (communication with a minor
21 for immoral purposes);

22 (d) A second or subsequent violation under RCW 9A.88.070 (promoting
23 prostitution in the first degree) or RCW 9A.88.080 (promoting
24 prostitution in the second degree);

25 (e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
26 criminal attempt, criminal solicitation, or criminal conspiracy to
27 commit an offense that is classified as a sex offense under RCW
28 9.94A.030 or this subsection;

29 ((+e)) (f) Any out-of-state conviction for an offense for which
30 the person would be required to register as a sex offender while
31 residing in the state of conviction; or, if not required to register in
32 the state of conviction, an offense that under the laws of this state
33 would be classified as a sex offense under this subsection;

34 ((+f)) (g) Any federal conviction classified as a sex offense
35 under 42 U.S.C. Sec. 16911 (SORNA);

36 ((+g)) (h) Any military conviction for a sex offense. This
37 includes sex offenses under the uniform code of military justice, as
38 specified by the United States secretary of defense;

1 ~~((h))~~ (i) Any conviction in a foreign country for a sex offense
2 if it was obtained with sufficient safeguards for fundamental fairness
3 and due process for the accused under guidelines or regulations
4 established pursuant to 42 U.S.C. Sec. 16912.

5 (11) "School" means a public or private school regulated under
6 Title 28A RCW or chapter 72.40 RCW.

7 (12) "Student" means a person who is enrolled, on a full-time or
8 part-time basis, in any school or institution of higher education.

9 **Sec. 3.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read
10 as follows:

11 (1)(a) In addition to penalties set forth in RCW 9A.88.010~~((7))~~ and
12 9A.88.030~~((, and 9A.88.090))~~, a person who is either convicted or given
13 a deferred sentence or a deferred prosecution or who has entered into
14 a statutory or nonstatutory diversion agreement as a result of an
15 arrest for violating RCW 9A.88.010, 9A.88.030, ~~((9A.88.090,))~~ or
16 comparable county or municipal ordinances shall be assessed a fifty
17 dollar fee.

18 (b)(i) In addition to penalties set forth in RCW 9A.88.090, a
19 person who is either convicted or given a deferred sentence or a
20 deferred prosecution or who has entered into a statutory or
21 nonstatutory diversion agreement as a result of an arrest for violating
22 RCW 9A.88.090 or comparable county or municipal ordinances shall be
23 assessed a fee in the amount of:

- 24 (A) One thousand five hundred dollars for the first offense;
25 (B) Two thousand five hundred dollars for the second offense; and
26 (C) Five thousand dollars for the third and each subsequent
27 offense.

28 (ii) Fees assessed under this subsection (1)(b) shall not be
29 reduced, waived, or suspended.

30 (iii) Fees assessed under this subsection (1)(b) shall be collected
31 by the clerk of the court and remitted to the treasurer of the county
32 where the offense occurred for deposit in the county general fund,
33 except in cases in which the offense occurred in a city or town that
34 provides for its own law enforcement, in which case these amounts shall
35 be remitted to the treasurer of the city or town for deposit in the
36 general fund of the city or town. Revenue from the fees must be used

1 for local efforts to reduce the commercial sale of sex including, but
2 not limited to, increasing enforcement of commercial sex laws.

3 (A) At least fifty percent of the revenue from fees imposed under
4 this subsection (1)(b) must be spent on prevention, including education
5 programs for offenders, such as john school, and rehabilitative
6 services, such as mental health and substance abuse counseling,
7 parenting skills, training, housing relief, education, vocational
8 training, drop-in centers, and employment counseling.

9 (B) Revenues from these fees are not subject to the distribution
10 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
11 35.20.220.

12 (c)(i) In addition to penalties set forth in RCW 9A.88.110, a
13 person who is either convicted or given a deferred sentence or a
14 deferred prosecution or who has entered into a statutory or
15 nonstatutory diversion agreement as a result of an arrest for violating
16 RCW 9A.88.110 or a comparable county or municipal ordinance shall be
17 assessed a ((one hundred fifty dollar)) fee in the amount of:

18 (A) One thousand five hundred dollars for the first offense;

19 (B) Two thousand five hundred dollars for the second offense; and

20 (C) Five thousand dollars for the third and each subsequent
21 offense.

22 (ii) Fees assessed under this subsection (1)(c) shall not be
23 reduced, waived, or suspended.

24 (iii) Fees assessed under this subsection (1)(c) shall be collected
25 by the clerk of the court and remitted to the treasurer of the county
26 where the offense occurred for deposit in the county general fund,
27 except in cases in which the offense occurred in a city or town that
28 provides for its own law enforcement, in which case these amounts shall
29 be remitted to the treasurer of the city or town for deposit in the
30 general fund of the city or town. Revenue from the fees must be used
31 for local efforts to reduce the commercial sale of sex including, but
32 not limited to, increasing enforcement of commercial sex laws.

33 (A) At least fifty percent of the revenue from fees imposed under
34 this subsection (1)(c) must be spent on prevention, including education
35 programs for offenders, such as john school, and rehabilitative
36 services, such as mental health and substance abuse counseling,
37 parenting skills, training, housing relief, education, vocational
38 training, drop-in centers, and employment counseling.

1 (B) Revenues from these fees are not subject to the distribution
2 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
3 35.20.220.

4 ~~((e))~~ (d)(i) In addition to penalties set forth in RCW 9A.88.070
5 and 9A.88.080, a person who is either convicted or given a deferred
6 sentence or a deferred prosecution or who has entered into a statutory
7 or nonstatutory diversion agreement as a result of an arrest for
8 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
9 ordinances shall be assessed a ~~((three hundred dollar))~~ fee in the
10 amount of:

11 (A) Three thousand dollars for the first offense;

12 (B) Six thousand dollars for the second offense; and

13 (C) Ten thousand dollars for the third and each subsequent offense.

14 (ii) Fees assessed under this subsection (1)(d) shall not be
15 reduced, waived, or suspended.

16 (iii) Fees assessed under this subsection (1)(d) shall be collected
17 by the clerk of the court and remitted to the treasurer of the county
18 where the offense occurred for deposit in the county general fund,
19 except in cases in which the offense occurred in a city or town that
20 provides for its own law enforcement, in which case these amounts shall
21 be remitted to the treasurer of the city or town for deposit in the
22 general fund of the city or town. Revenue from the fees must be used
23 for local efforts to reduce the commercial sale of sex including, but
24 not limited to, increasing enforcement of commercial sex laws.

25 (A) At least fifty percent of the revenue from fees imposed under
26 this subsection (1)(d) must be spent on prevention, including education
27 programs for offenders, such as john school, and rehabilitative
28 services, such as mental health and substance abuse counseling,
29 parenting skills, training, housing relief, education, vocational
30 training, drop-in centers, and employment counseling.

31 (B) Revenues from these fees are not subject to the distribution
32 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
33 35.20.220.

34 (2)(a) The court may not suspend payment of all or part of the fee
35 unless it finds, on the record, that the person does not have the
36 ability to pay.

37 (b) The court shall not suspend payment of all or part of the fee

1 if the offender entered into a statutory or nonstatutory diversion
2 agreement.

3 (3)(a) When a minor has been adjudicated a juvenile offender or has
4 entered into a statutory or nonstatutory diversion agreement for an
5 offense which, if committed by an adult, would constitute a violation
6 under this chapter or comparable county or municipal ordinances, the
7 court shall assess the fee as specified under subsection (1) of this
8 section. The court may not suspend payment of all or part of the fee
9 unless it finds, on the record, that the minor does not have the
10 ability to pay the fee.

11 (b) The court shall not suspend payment of all or part of the fee
12 if the offender entered into a statutory or nonstatutory diversion
13 agreement.

14 (4) Any fee assessed under this section shall be collected by the
15 clerk of the court and distributed each month to the state treasurer
16 for deposit in the prostitution prevention and intervention account
17 under RCW 43.63A.740 for the purpose of funding prostitution prevention
18 and intervention activities.

19 (5) For the purposes of this section:

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

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

28 **Sec. 4.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read
29 as follows:

30 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
31 9.68A.101, and 9.68A.102, a person who is either convicted or given a
32 deferred sentence or a deferred prosecution or who has entered into a
33 statutory or nonstatutory diversion agreement as a result of an arrest
34 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
35 county or municipal ordinance shall be assessed a five thousand dollar
36 fee.

1 (b) The court may not suspend payment of all or part of the fee
2 unless it finds, on the record, that the person does not have the
3 ability to pay.

4 (c) When a minor has been adjudicated a juvenile offender or has
5 entered into a statutory or nonstatutory diversion agreement for an
6 offense which, if committed by an adult, would constitute a violation
7 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
8 municipal ordinance, the court shall assess the fee under (a) of this
9 subsection. The court may not suspend payment of all or part of the
10 fee unless it finds, on the record, that the minor does not have the
11 ability to pay the fee.

12 (d) The court shall not suspend payment of all or part of the fee
13 in this subsection if the offender entered into a statutory or
14 nonstatutory diversion agreement.

15 (2) The fee assessed under subsection (1) of this section shall be
16 collected by the clerk of the court and distributed each month to the
17 state treasurer for deposit in the prostitution prevention and
18 intervention account under RCW 43.63A.740 for the purpose of funding
19 prostitution prevention and intervention activities.

20 (3) For the purposes of this section:

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

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

29 **Sec. 5.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read
30 as follows:

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

1 of the city or town, or deposited in such other fund of the city or
2 town, or deposited in such other funds as may be designated by the laws
3 of the state of Washington.

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

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

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

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

30 **Sec. 6.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended
31 to read as follows:

32 (1) Except as provided in subsection (4) of this section, all
33 costs, fees, fines, forfeitures and penalties assessed and collected in
34 whole or in part by district courts, except costs, fines, forfeitures
35 and penalties assessed and collected, in whole or in part, because of
36 the violation of city ordinances, shall be remitted by the clerk of the

1 district court to the county treasurer at least monthly, together with
2 a financial statement as required by the state auditor, noting the
3 information necessary for crediting of such funds as required by law.

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

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

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

29 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
30 interest at the rate of twelve percent per annum, upon assignment to a
31 collection agency. Interest may accrue only while the case is in
32 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 the
35 state treasurer for deposit in the state general fund, twenty-five
36 percent to the state treasurer for deposit in the judicial information
37 system account as provided in RCW 2.68.020, twenty-five percent to the

1 county current expense fund, and twenty-five percent to the county
2 current expense fund to fund local courts.

3 **Sec. 7.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read
4 as follows:

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

11 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
12 treasurer shall remit monthly thirty-two percent of the noninterest
13 money received under this section, other than for parking infractions
14 and certain costs, to the state treasurer. "Certain costs" as used in
15 this subsection, means those costs awarded to prevailing parties in
16 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
17 against convicted defendants in criminal actions under RCW 10.01.160,
18 10.46.190, or 36.18.040, or other similar statutes if such costs are
19 specifically designated as costs by the court and are awarded for the
20 specific reimbursement of costs incurred by the state, county, city, or
21 town in the prosecution of the case, including the fees of defense
22 counsel. Money remitted under this subsection to the state treasurer
23 shall be deposited in the state general fund.

24 (3) The balance of the noninterest money received under this
25 section shall be retained by the city and deposited as provided by 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 accrue
30 interest at the rate of twelve percent per annum, upon assignment to a
31 collection agency. Interest may accrue only while the case is in
32 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 the
35 state treasurer for deposit in the state general fund, twenty-five
36 percent to the state treasurer for deposit in the judicial information

1 system account as provided in RCW 2.68.020, twenty-five percent to the
2 city general fund, and twenty-five percent to the city general fund to
3 fund local courts.

4 **Sec. 8.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read
5 as follows:

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

13 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county
14 treasurer shall remit monthly thirty-two percent of the money received
15 under this section except for certain costs to the state treasurer for
16 deposit in the state general fund and shall deposit the remainder as
17 provided by law. "Certain costs" as used in this subsection, means
18 those costs awarded to prevailing parties in civil actions under RCW
19 4.84.010 or 36.18.040, or those costs awarded against convicted
20 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
21 36.18.040, or other similar statutes if such costs are specifically
22 designated as costs by the court and are awarded for the specific
23 reimbursement of costs incurred by the state or county in the
24 prosecution of the case, including the fees of defense counsel. Costs
25 or assessments awarded to dedicated accounts, state or local, are not
26 subject to this state allocation or to RCW 7.68.035.

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

34 **Sec. 9.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read
35 as follows:

36 (1) The chief clerk, under the supervision and direction of the

1 court administrator of the municipal court, shall have the custody and
2 care of the books, papers and records of the court. The chief clerk or
3 a deputy shall be present during the session of the court and has the
4 power to swear all witnesses and jurors, administer oaths and
5 affidavits, and take acknowledgments. The chief clerk shall keep the
6 records of the court and shall issue all process under his or her hand
7 and the seal of the court. The chief clerk shall do and perform all
8 things and have the same powers pertaining to the office as the clerks
9 of the superior courts have in their office. He or she shall receive
10 all fines, penalties, and fees of every kind and keep a full, accurate,
11 and detailed account of the same. The chief clerk shall on each day
12 pay into the city treasury all money received for the city during the
13 day previous, with a detailed account of the same, and taking the
14 treasurer's receipt therefor.

15 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
16 treasurer shall remit monthly thirty-two percent of the noninterest
17 money received under this section, other than for parking infractions
18 and certain costs to the state treasurer. "Certain costs" as used in
19 this subsection, means those costs awarded to prevailing parties in
20 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
21 against convicted defendants in criminal actions under RCW 10.01.160,
22 10.46.190, or 36.18.040, or other similar statutes if such costs are
23 specifically designated as costs by the court and are awarded for the
24 specific reimbursement of costs incurred by the state, county, city, or
25 town in the prosecution of the case, including the fees of defense
26 counsel. Money remitted under this subsection to the state treasurer
27 shall be deposited in the state general fund.

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

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

34 (5) Interest retained by the court on penalties, fines, bail
35 forfeitures, fees, and costs shall be split twenty-five percent to the
36 state treasurer for deposit in the state general fund, twenty-five
37 percent to the state treasurer for deposit in the judicial information

1 system account as provided in RCW 2.68.020, twenty-five percent to the
2 city general fund, and twenty-five percent to the city general fund to
3 fund local courts.

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