

1 **SHB 2885 - H AMD 919 FAILED 2-13-98**

2 By Representative Kessler

3 On page 9, line 2, after confrontation.-, insert the following:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61
5 RCW to read as follows:

6 (1)(a) A twenty-five dollar fine shall be assessed to a person who
7 is either convicted, sentenced to a lesser charge, or given deferred
8 prosecution as a result of an arrest for violating RCW 46.61.502,
9 46.61.504, 46.61.520, or 46.61.522. This fine is for the purpose of
10 providing services to persons disabled by traumatic brain injuries.

11 (b) If a minor has been adjudicated a juvenile offender for an
12 offense which, if committed by an adult would constitute a violation of
13 RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the court shall
14 assess the twenty-five dollar fine under (a) of this subsection.

15 (2) The fine assessed in this section shall be collected by the
16 clerk of the court. Once per month, the clerk shall forward all funds
17 collected in the preceding month to the state treasurer for deposit in
18 the brain injury trust fund.

19 (3) The brain injury trust fund is created in the custody of the
20 state treasurer. All receipts from fines under subsection (1) of this
21 section shall be deposited into the fund. Expenditures from the fund
22 may be used only to provide services to persons disabled by traumatic
23 brain injuries. Only the director of the department of social and
24 health services or the director's designee may authorize expenditures
25 from the fund. The fund is subject to allotment procedures under
26 chapter 43.88 RCW, but no appropriation is required for expenditures.

27 (4) The DSHS Disability Initiative Advisory Committee shall
28 establish priorities and criteria for the disbursement of funds and for
29 obtaining the maximum benefits available.

30 (7) For the purpose of applying for benefits under this section,
31 the rights, privileges, responsibilities, duties, limitations, and
32 procedures in RCW 51.28.020, 51.28.030, 51.28.040, and 51.28.060 apply.

33 (8) The right to benefits under this section and the amount
34 thereof is governed insofar as applicable by chapter 51.32 RCW.

(9) The DSHS Disability Initiative Advisory Committee may adopt rules under chapter 34.05 RCW as necessary to establish eligibility for benefits and amounts under this section.-

EFFECT: A \$25 fine is assessed on persons convicted of DUI, vehicular homicide, or vehicular assault, as well as persons given a deferred prosecution, or convicted of a lesser charge, resulting from an arrest for DUI or vehicular homicide or assault.

The brain injury trust fund is created, to be funded by the proceeds of the \$25 fine. The fund provides services to persons disabled by traumatic brain injuries. The DSHS Disability Initiative Advisory Committee is given the responsibility of establishing rules for distribution of the brain injury trust fund. Expenditures from the fund are authorized by the director of the department of social and health services.