
HOUSE BILL 2778

State of Washington

55th Legislature

1998 Regular Session

By Representatives Kessler, Ballasiotes, Cody, Ogden, Scott, Van Luvan
and Costa

Read first time 01/20/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to the brain injury trust fund; adding a new
2 section to chapter 46.61 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW
5 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 and forwarded to the state treasurer for deposit in
17 the brain injury trust fund.

18 (3) The brain injury trust fund is created in the custody of the
19 state treasurer. All receipts from fines under subsection (1) of this

1 section shall be deposited into the fund. Expenditures from the fund
2 may be used only to provide services to persons disabled by traumatic
3 brain injuries. Only the director of labor and industries or the
4 director's designee may authorize expenditures from the fund. The fund
5 is subject to allotment procedures under chapter 43.88 RCW, but no
6 appropriation is required for expenditures.

7 (4) The brain injury trust fund advisory board is created as the
8 decision-making entity responsible for establishing priorities and
9 criteria for the disbursement of funds and for obtaining the maximum
10 benefits available. The board shall consist of the following seven
11 members:

12 (a) One member selected by the Washington state medical
13 association;

14 (b) One member selected by the Washington state brain injury
15 foundation;

16 (c) One member selected by the University of Washington medical
17 center, head injury research program;

18 (d) Three members selected by the governor as follows:

19 (i) One survivor of brain trauma;

20 (ii) One family member of a survivor of brain trauma; and

21 (iii) One state employee representing the department of social and
22 health services; and

23 (e) One member representing special education interests, selected
24 by the superintendent of public instruction.

25 (5) Members shall serve four-year terms, except the initial term of
26 the state employee member shall be two years.

27 (6) Members of the board shall be reimbursed for travel expenses as
28 provided in RCW 43.03.050 and 43.03.060.

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

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

34 (9) The brain injury trust fund advisory board may adopt rules
35 under chapter 34.05 RCW as necessary to establish eligibility for
36 benefits and amounts under this section.

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