

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6244

56th Legislature
2000 Regular Session

Passed by the Senate March 6, 2000
YEAS 44 NAYS 0

President of the Senate

Passed by the House March 1, 2000
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6244** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6244

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Costa, McCaslin, Kline, Long, Prentice, Zarelli, Fairley, Gardner, Thibaudeau, Heavey, Goings, Kohl-Welles, McAuliffe and Winsley)

Read first time 02/01/2000.

1 AN ACT Relating to the extension of juvenile court jurisdiction to
2 enforce a penalty assessment; amending RCW 13.40.300 and 7.68.035;
3 adding a new section to chapter 13.40 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.40 RCW
6 to read as follows:

7 If a respondent is ordered to pay a penalty assessment pursuant to
8 a dispositional order entered under this chapter, he or she shall
9 remain under the court's jurisdiction for a maximum term of ten years
10 after the respondent's eighteenth birthday. Prior to the expiration of
11 the ten-year period, the juvenile court may extend the judgment for the
12 payment of a penalty assessment for an additional ten years.

13 **Sec. 2.** RCW 13.40.300 and 1994 sp.s. c 7 s 530 are each amended to
14 read as follows:

15 (1) In no case may a juvenile offender be committed by the juvenile
16 court to the department of social and health services for placement in
17 a juvenile correctional institution beyond the juvenile offender's
18 twenty-first birthday. A juvenile may be under the jurisdiction of the

1 juvenile court or the authority of the department of social and health
2 services beyond the juvenile's eighteenth birthday only if prior to the
3 juvenile's eighteenth birthday:

4 (a) Proceedings are pending seeking the adjudication of a juvenile
5 offense and the court by written order setting forth its reasons
6 extends jurisdiction of juvenile court over the juvenile beyond his or
7 her eighteenth birthday;

8 (b) The juvenile has been found guilty after a fact finding or
9 after a plea of guilty and an automatic extension is necessary to allow
10 for the imposition of disposition; or

11 (c) Disposition has been held and an automatic extension is
12 necessary to allow for the execution and enforcement of the court's
13 order of disposition. If an order of disposition imposes commitment to
14 the department, then jurisdiction is automatically extended to include
15 a period of up to twelve months of parole, in no case extending beyond
16 the offender's twenty-first birthday.

17 (2) If the juvenile court previously has extended jurisdiction
18 beyond the juvenile offender's eighteenth birthday and that period of
19 extension has not expired, the court may further extend jurisdiction by
20 written order setting forth its reasons.

21 (3) In no event may the juvenile court have authority to extend
22 jurisdiction over any juvenile offender beyond the juvenile offender's
23 twenty-first birthday except for the purpose of enforcing an order of
24 restitution or penalty assessment.

25 (4) Notwithstanding any extension of jurisdiction over a person
26 pursuant to this section, the juvenile court has no jurisdiction over
27 any offenses alleged to have been committed by a person eighteen years
28 of age or older.

29 **Sec. 3.** RCW 7.68.035 and 1999 c 86 s 1 are each amended to read as
30 follows:

31 (1)(a) (~~Whenever~~) When any person is found guilty in any superior
32 court of having committed a crime, except as provided in subsection (2)
33 of this section, there shall be imposed by the court upon such
34 convicted person a penalty assessment. The assessment shall be in
35 addition to any other penalty or fine imposed by law and shall be five
36 hundred dollars for each case or cause of action that includes one or
37 more convictions of a felony or gross misdemeanor and two hundred fifty

1 dollars for any case or cause of action that includes convictions of
2 only one or more misdemeanors.

3 (b) (~~Whenever~~) When any juvenile is adjudicated of any offense in
4 any juvenile offense disposition under Title 13 RCW, except as provided
5 in subsection (2) of this section, there shall be imposed upon the
6 juvenile offender a penalty assessment. The assessment shall be in
7 addition to any other penalty or fine imposed by law and shall be one
8 hundred dollars for each case or cause of action that includes one or
9 more adjudications for a felony or gross misdemeanor and seventy-five
10 dollars for each case or cause of action that includes adjudications of
11 only one or more misdemeanors.

12 (2) The assessment imposed by subsection (1) of this section shall
13 not apply to motor vehicle crimes defined in Title 46 RCW except those
14 defined in the following sections: RCW 46.61.520, 46.61.522,
15 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,
16 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525,
17 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,
18 46.10.090(2), and 46.09.120(2).

19 (3) (~~Whenever~~) When any person accused of having committed a
20 crime posts bail in superior court pursuant to the provisions of
21 chapter 10.19 RCW and such bail is forfeited, there shall be deducted
22 from the proceeds of such forfeited bail a penalty assessment, in
23 addition to any other penalty or fine imposed by law, equal to the
24 assessment which would be applicable under subsection (1) of this
25 section if the person had been convicted of the crime.

26 (4) Such penalty assessments shall be paid by the clerk of the
27 superior court to the county treasurer who shall monthly transmit the
28 money as provided in RCW 10.82.070. Each county shall deposit fifty
29 percent of the money it receives per case or cause of action under
30 subsection (1) of this section and retains under RCW 10.82.070, not
31 less than one and seventy-five one-hundredths percent of the remaining
32 money it retains under RCW 10.82.070 and the money it retains under
33 chapter 3.62 RCW, and all money it receives under subsection (7) of
34 this section into a fund maintained exclusively for the support of
35 comprehensive programs to encourage and facilitate testimony by the
36 victims of crimes and witnesses to crimes. A program shall be
37 considered "comprehensive" only after approval of the department upon
38 application by the county prosecuting attorney. The department shall
39 approve as comprehensive only programs which:

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

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

10 (c) Make a reasonable effort to inform the known victim or his
11 surviving dependents of the existence of this chapter and the procedure
12 for making application for benefits;

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

14 (e) Assist victims of violent crimes in the preparation and
15 presentation of their claims to the department of labor and industries
16 under this chapter.

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

24 (5) Upon submission to the department of a letter of intent to
25 adopt a comprehensive program, the prosecuting attorney shall retain
26 the money deposited by the county under subsection (4) of this section
27 until such time as the county prosecuting attorney has obtained
28 approval of a program from the department. Approval of the
29 comprehensive plan by the department must be obtained within one year
30 of the date of the letter of intent to adopt a comprehensive program.
31 The county prosecuting attorney shall not make any expenditures from
32 the money deposited under subsection (4) of this section until approval
33 of a comprehensive plan by the department. If a county prosecuting
34 attorney has failed to obtain approval of a program from the department
35 under subsection (4) of this section or failed to obtain approval of a
36 comprehensive program within one year after submission of a letter of
37 intent under this section, the county treasurer shall monthly transmit
38 one hundred percent of the money deposited by the county under
39 subsection (4) of this section to the state treasurer for deposit in

1 the public safety and education account established under RCW
2 43.08.250.

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

6 (7) Every city and town shall transmit monthly one and seventy-five
7 one-hundredths percent of all money, other than money received for
8 parking infractions, retained under RCW 3.46.120, 3.50.100, and
9 35.20.220 to the county treasurer for deposit as provided in subsection
10 (4) of this section.

11 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
12 preservation of the public peace, health, or safety, or support of the
13 state government and its existing public institutions, and takes effect
14 immediately.

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