

HOUSE BILL REPORT

HB 1101

As Reported by House Committee On:
Appropriations

Title: An act relating to funding for local government criminal justice.

Brief Description: Providing funding for local government criminal justice.

Sponsors: Representatives Doumit, Lisk, Lovick, Clements, Gombosky, Delvin, Haigh, Barlean, Simpson, Mulliken, Kagi, Conway, Lantz, Hunt, Wood, Rockefeller, G. Chandler, Dunshee, Skinner, Ballasiotes, D. Schmidt, Romero, Kenney, Linville and Jackley.

Brief History:

Committee Activity:

Appropriations: 2/2/01, 3/8/01 [DPS].

Brief Summary of Substitute Bill

- Imposes a \$10 penalty on traffic infractions with revenue split as 57 percent to local government and 43 percent to the state Public Safety and Education Account.
- Imposes a \$50 penalty on traffic crimes. Division of the revenue between local government and the state Public Safety and Education Account varies depending on whether the revenue is collected by municipal, district, or superior courts.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Lisk, Republican Vice Chair; Alexander, Benson, Boldt, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Gombosky, Grant, Kagi, Keiser, Kenney, Kessler, Lambert, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Schual-Berke, Talcott and Tokuda.

Staff: Linda Brooks (786-7153).

Background:

Traffic Infractions

Violations of many driving and roadway laws are civil infractions rather than criminal offenses. A person who is issued a notice of traffic infraction may respond either by not contesting the infraction and paying the penalty or by asking for a hearing to contest the infraction.

Persons who are found to have committed traffic infractions are assessed penalties. Revenues from traffic infraction penalties are split three ways. The first \$10 from each charge is remitted to the Judicial Information System Account. The remaining revenues are roughly split as 57 percent for local government and 43 percent for the state Public Safety and Education Account (PSEA). In addition to any traffic infraction penalties, a person found to have committed a traffic infraction must also pay a \$5 fee that is deposited into the state Emergency Medical Service Trauma Care Account.

Traffic infraction penalties are doubled if a person commits the infraction of speeding in a roadway construction zone.

Criminal Traffic Offenses

Violations of some rules related to driving and roadways are criminal misdemeanor or felony offenses. For example, negligent and reckless driving are criminal offenses rather than traffic infractions.

Cases involving misdemeanor traffic offenses are usually heard by municipal or district courts. A person convicted of a traffic misdemeanor may be ordered to pay a fine or penalty as part of his or her sentence. Generally, revenues collected by district or municipal courts for traffic misdemeanors are split as 57 percent for local government and 43 percent for the state PSEA.

Cases involving traffic felonies must be heard by superior courts. A person convicted of a traffic felony may be ordered to pay a fine or penalty as part of his or her sentence. Generally, revenues collected by the superior courts are split as 68 percent for local government and 32 percent for state PSEA.

Summary of Substitute Bill:

Traffic Infractions

With one exception, every person who is found to have committed a traffic infraction must pay an additional \$10 penalty. The one exception is that the additional \$10 penalty does not apply to persons who commit the infraction of speeding in a roadway construction zone. Revenue from the \$10 penalty is split as 57 percent for local governments and 43 percent for state PSEA.

Criminal Traffic Offenses

Every person convicted of a traffic crime must pay an additional \$50 penalty. Revenue from the \$50 penalty is distributed in the same manner as all criminal traffic penalties.

The \$10 and \$50 amounts added to traffic infraction and traffic crime penalties cannot be reduced, waived, or suspended, unless a court finds a person to be indigent. If a community service program is available, courts must allow persons to offset all or part of the \$10 or \$50 penalties by participating in the community service program.

Substitute Bill Compared to Original Bill:

The \$10 or \$50 penalty would be the total amount paid, as clarification is made that additional public safety and education assessments would not apply. The effective date is made September 1, 2001. A statutory citation is also corrected.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect September 1, 2001.

Testimony For: The PSEA represents an incredibly important fund for those programs that serve victims of crime. We're supportive of any efforts to enrich that fund and specifically supportive of efforts to benefit sexual assault programs. This bill increases penalties for traffic violations. Persons who violate traffic laws and impose costs on the criminal justice system should pay for those costs. Criminal justice costs for cities and counties are increasing, and we support anything that helps cities and counties to pay those costs. This bill will help to keep the PSEA healthy and viable, increasing the chances that funding for the treatment alternatives to street crime program will be maintained.

Testimony Against: None.

Testified: Representative Doumit, prime sponsor; Susanne Brown, Washington Coalition of Sexual Assault Programs; Dan Heid, Association of Washington Cities; Sophia Byrd, Washington State Association of Counties; and Melanie Stewart, Treatment of Alternatives to Street Crimes.