

# HOUSE BILL REPORT

## SSB 5309

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### As Passed House - Amended:

April 11, 2001

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

**Brief Description:** Providing funding for local government criminal justice.

**Sponsors:** By Senate Committee on Ways & Means (originally sponsored by Senators Constantine, Sheahan, Hewitt, Costa, Parlette, Carlson, Regala, T. Sheldon, Swecker, Jacobsen, B. Sheldon, Kastama, Gardner and Oke).

### Brief History:

#### Committee Activity:

Appropriations: 3/27/01, 3/28/01 [DPA].

#### Floor Activity:

Passed House - Amended: 4/11/01, 77-14.

### Brief Summary of Substitute Bill (As Amended by House)

- Imposes a \$10 penalty on traffic infractions with revenue split as 68 percent to local government and 32 percent to the state Public Safety and Education Account (PSEA);
- Imposes a \$50 penalty on traffic crimes. Revenue splits between local government and the state PSEA vary depending on whether the revenue is collected by municipal, district, or superior courts.
- Adds drug court operations to the list of activities that may be funded from the state PSEA.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended. Signed by 27 members: Representatives Sehlin, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Barlean, Republican Vice Chair; Doumit, Democratic Vice Chair; Alexander, Buck, Clements, Cody, Cox, Dunshee, Fromhold, Grant, Kagi, Keiser, Kenney, Kessler, Linville, Mastin, McIntire, Mulliken, Pearson, Pflug, Ruderman, D. Schmidt, Schual-Berke, Talcott and Tokuda.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Benson, Boldt and Lambert.

**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. Remaining base penalty revenues are split 68 percent for local government and 32 percent for the state PSEA, but due to some additional assessments that apply to the base penalties, the actual revenue split for traffic infraction revenues is roughly 57 percent for local governments and 43 percent for the state 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 or 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 the state PSEA.

## Public Safety and Education Account

The Legislature may appropriate funds from the state PSEA to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, and state game programs.

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### **Summary of Amended 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 68 percent for local governments and 32 percent for the state PSEA, because the \$10 is not subject to additional PSEA assessments.

#### Traffic Crimes

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.

## Public Safety and Education Account

The list of activities that may be funded from the PSEA is expanded to include drug court operations.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The PSEA is an important account that provides primary funding for sexual assault programs, crime victims' compensation, and the criminal justice training

center. Counties are supportive of the legislation, and in particular the counties support the proposed amendment that would allow state PSEA funds to be spent on drug courts. Cities are also supportive. The city of Lakewood spends over 70 percent of its resources on police, courts, and prosecutors, and this legislation would help to generate revenues to pay for those costs. The Treatment Alternatives to Street Crime Program is funded by PSEA moneys, and it is important to support legislation that provides PSEA revenues.

**Testimony Against:** None.

**Testified:** Suzanne Brown, Washington Coalition of Sexual Assault Programs; Sophia Byrd, Washington Association of Counties; Mike Mckenzie, Association of Washington Cities, city of Lakewood; and Melanie Stewart, Treatment Alternatives to Street Crimes.