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**SENATE BILL 5309**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senators Constantine, Sheahan, Hewitt, Costa, Parlette, Carlson, Regala, T. Sheldon, Swecker, Jacobsen, B. Sheldon, Kastama, Gardner and Oke

Read first time 01/18/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to funding for local government criminal  
2 justice; amending RCW 46.63.110; adding a new section to chapter  
3 46.64 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) The legislature has adopted numerous criminal laws related  
7 to DUI and domestic violence and that implementation of these laws  
8 has created substantial cumulative fiscal impacts on county and  
9 city criminal justice agencies; and

10 (2) In 1999, Initiative 695 repealed the motor vehicle excise  
11 tax, from which local governments derived a significant amount of  
12 criminal justice funding. That funding has been only partially  
13 replaced.

14 It is the intent of the legislature to provide a source of  
15 funds for county and city law enforcement, prosecutors, and courts  
16 to help implement the criminal laws it has enacted. It is the  
17 intent of the legislature to increase fines in order to increase  
18 revenue to local governments.

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**Sec. 2.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department shall suspend the person's driver's license or driving privilege until the penalty has been paid and

1 the penalty provided in subsection (3) of this section has been  
2 paid.

3 (6) In addition to any other penalties imposed under this  
4 section and not subject to the limitation of subsection (1) of  
5 this section, a person found to have committed a traffic  
6 infraction shall be assessed a fee of five dollars per  
7 infraction. Under no circumstances shall this fee be reduced or  
8 waived. Revenue from this fee shall be forwarded to the state  
9 treasurer for deposit in the emergency medical services and trauma  
10 care system trust account under RCW 70.168.040.

11 (7)(a) In addition to any other penalties imposed under this  
12 section and not subject to the limitation of subsection (1) of  
13 this section, a person found to have committed a traffic  
14 infraction other than of RCW 46.61.527 shall be assessed an  
15 additional penalty of ten dollars. The court may not reduce, waive,  
16 or suspend the additional penalty unless the court finds the  
17 offender to be indigent. If a community service program for  
18 offenders is available in the jurisdiction, the court shall allow  
19 offenders to offset all or a part of the penalty due under this  
20 subsection (7) by participation in the community service program.

21 (b) Revenue from the additional penalty must be remitted under  
22 chapters 2.08, 3.46, 3.50, 3.62, and 35.20 RCW. Money remitted  
23 under this subsection to the state treasurer must be deposited as  
24 provided in RCW 43.08.250. The balance of the revenue received by  
25 the county or city treasurer under this subsection must be  
26 deposited into the county or city current expense fund.

27 NEW SECTION. Sec. 3. A new section is added to chapter 46.64  
28 RCW to read as follows:

29 (1) In addition to any other penalties imposed for conviction  
30 of a violation of this title that is a misdemeanor, gross  
31 misdemeanor, or felony, the court shall impose an additional  
32 penalty of fifty dollars. The court may not reduce, waive, or  
33 suspend the additional penalty unless the court finds the offender  
34 to be indigent. If a community service program for offenders is  
35 available in the jurisdiction, the court shall allow offenders to  
36 offset all or a part of the penalty due under this section by  
37 participation in the community service program.

1       (2) Revenue from the additional penalty must be remitted under  
2 chapters 2.08, 3.46, 3.50, 3.62, and 35.20 RCW. Money remitted  
3 under this section to the state treasurer must be deposited as  
4 provided in RCW 43.08.250. The balance of the revenue received by  
5 the county or city treasurer under this section must be deposited  
6 into the county or city current expense fund.

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