
**Juvenile Justice & Family Law
Committee**

SSB 6384

Brief Description: Imposing penalties against convicted domestic violence offenders to pay for domestic violence programs.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Esser, Thibaudeau, Keiser, Regala, Eide, McCaslin, Rasmussen, Oke, Prentice, B. Sheldon, Kline, Murray, McAuliffe, Kohl-Welles and Roach).

Brief Summary of Substitute Bill

- Authorizes superior, district, and municipal courts to impose a penalty (up to \$100) on any person convicted of a domestic violence crime, to be used for domestic violence advocacy, prevention, and prosecution programs in the city or county.

Hearing Date: 2/24/04

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Crimes are generally punishable by imprisonment, a fine in an amount fixed by the court, or both. The statutory maximum fine for a misdemeanor is \$1,000 and \$5,000 for a gross misdemeanor.

In addition to the fine the court may impose, courts are sometimes required to impose additional assessments against a convicted defendant. For example, a superior court must impose a crime victims and witness penalty assessment of \$250 against a person convicted of a misdemeanor, and \$500 for a gross misdemeanor or felony. This assessment is in addition to any other fine or penalty and cannot be waived by the court. District and municipal courts are also required to impose certain assessments that cannot be waived.

Generally, all fees, fines, forfeitures, and penalties assessed and collected by superior, district, and municipal courts must be distributed between local governments and the state. Usually, the distribution is 32 percent to the State Public Safety and Education Account (PSEA) and 68 percent to local government.

Domestic violence includes, but is not limited to, crimes such as assault, stalking, malicious mischief, and rape, when committed by one family or household member against another.

Summary of Bill:

Superior, district, and municipal courts may impose a penalty assessment of up to \$100 against any person convicted of a crime involving domestic violence. When determining whether to impose the penalty assessment, judges are encouraged to seek input from the victim in assessing the defendant's ability to pay, including information on current financial obligations, family circumstances, and ongoing restitution.

Revenue from the assessment must be used solely for establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. Cities and counties without programs may contract with community-based domestic violence program providers. Cities and counties may not supplant the revenue generated by the new penalty for purposes other than domestic violence advocacy, prevention, and prosecution programs.

The penalty assessment is in addition to any other penalty, restitution, fine, or costs. The penalty assessment is not subject to distribution to the PSEA.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.