

# HOUSE BILL REPORT

## SSB 6384

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### As Passed House - Amended:

March 2, 2004

**Title:** An act relating to penalties against convicted domestic violence offenders to pay for domestic violence programs.

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

**Sponsors:** By 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 History:

#### Committee Activity:

Juvenile Justice & Family Law: 2/24/04 [DPA].

#### Floor Activity:

Passed House - Amended: 3/2/04, 95-0.

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

- 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.

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## HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Pettigrew, Vice Chair; Delvin, Ranking Minority Member; Carrell, Hinkle, Lovick and Upthegrove.

**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.

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**Summary of Amended 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.

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. The Legislature intends that the revenue from the penalty assessment shall be in addition to existing funding sources.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Convicted defendants of domestic violence offenses should pay the costs of domestic violence services. The penalty is at the court's discretion. There is a funding crisis with domestic violence programs. This penalty assessment will provide funding at the local level. This source of funding should be in addition to existing funding sources.

**Testimony Against:** None.

**Persons Testifying:** (In support) Senator Esser, prime sponsor; and Carey Morris, Washington State Coalition Against Domestic Violence.

**Persons Signed In To Testify But Not Testifying:** None.