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**SUBSTITUTE SENATE BILL 6384**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**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)

READ FIRST TIME 02/06/04.

1       AN ACT Relating to penalties against convicted domestic violence  
2 offenders to pay for domestic violence programs; amending RCW 3.50.100,  
3 3.62.090, and 10.82.070; reenacting and amending RCW 3.62.020; adding  
4 a new section to chapter 10.99 RCW; creating a new section; and  
5 prescribing penalties.

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

7       NEW SECTION.   **Sec. 1.** The legislature recognizes that domestic  
8 violence is a growing and more visible public safety problem in  
9 Washington state than ever before, and that domestic violence-related  
10 incidents have a significant bearing on overall law enforcement and  
11 court caseloads. The legislature further recognizes the growing costs  
12 associated with domestic violence prevention and advocacy programs  
13 established by local governments and by community-based organizations.

14       It is the legislature's intent to establish a penalty in law that  
15 will hold convicted domestic violence offenders accountable while  
16 requiring them to pay penalties to offset the costs of domestic  
17 violence advocacy and prevention programs. It is the legislature's  
18 intent that the penalties imposed against convicted domestic violence

1 offenders under section 2 of this act be used for established domestic  
2 violence prevention and prosecution programs.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 10.99 RCW  
4 to read as follows:

5 (1) All superior courts, and courts organized under Title 3 or 35  
6 RCW, may impose a penalty assessment not to exceed one hundred dollars  
7 on any person convicted of a crime involving domestic violence. The  
8 assessment shall be in addition to, and shall not supersede, any other  
9 penalty, restitution, fines, or costs provided by law.

10 (2) Revenue from the assessment shall be used solely for the  
11 purposes of establishing and funding domestic violence advocacy and  
12 domestic violence prevention and prosecution programs in the city or  
13 county of the court imposing the assessment. Revenue from the  
14 assessment shall not be used for indigent criminal defense. If the  
15 city or county does not have domestic violence advocacy or domestic  
16 violence prevention and prosecution programs, cities and counties may  
17 use the revenue collected from the assessment to contract with  
18 recognized community-based domestic violence program providers.

19 (3) The assessment imposed under this section shall not be subject  
20 to any state or local remittance requirements under chapter 3.46, 3.50,  
21 3.62, 7.68, 10.82, or 35.20 RCW. Cities and counties shall not  
22 supplant revenues from the assessment imposed under this section for  
23 purposes other than domestic violence advocacy and domestic violence  
24 prevention and prosecution programs.

25 (4) For the purposes of this section, "convicted" includes a plea  
26 of guilty, a finding of guilt regardless of whether the imposition of  
27 the sentence is deferred or any part of the penalty is suspended, or  
28 the levying of a fine. For the purposes of this section, "domestic  
29 violence" has the same meaning as that term is defined under RCW  
30 10.99.020 and includes violations of equivalent local ordinances.

31 (5) When determining whether to impose a penalty assessment under  
32 this section, judges are encouraged to solicit input from the victim or  
33 representatives for the victim in assessing the ability of the  
34 convicted offender to pay the penalty, including information regarding  
35 current financial obligations, family circumstances, and ongoing  
36 restitution.

1       **Sec. 3.** RCW 3.50.100 and 1995 c 291 s 3 are each amended to read  
2 as follows:

3       (1) Costs in civil and criminal actions may be imposed as provided  
4 in district court. All fees, costs, fines, forfeitures and other money  
5 imposed by any municipal court for the violation of any municipal or  
6 town ordinances shall be collected by the court clerk and, together  
7 with any other noninterest revenues received by the clerk, shall be  
8 deposited with the city or town treasurer as a part of the general fund  
9 of the city or town, or deposited in such other fund of the city or  
10 town, or deposited in such other funds as may be designated by the laws  
11 of the state of Washington.

12       (2) Except as provided in section 2 of this act, the city treasurer  
13 shall remit monthly thirty-two percent of the noninterest money  
14 received under this section, other than for parking infractions, and  
15 certain costs to the state treasurer. "Certain costs" as used in this  
16 subsection, means those costs awarded to prevailing parties in civil  
17 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
18 convicted defendants in criminal actions under RCW 10.01.160,  
19 10.46.190, or 36.18.040, or other similar statutes if such costs are  
20 specifically designated as costs by the court and are awarded for the  
21 specific reimbursement of costs incurred by the state, county, city, or  
22 town in the prosecution of the case, including the fees of defense  
23 counsel. Money remitted under this subsection to the state treasurer  
24 shall be deposited as provided in RCW 43.08.250.

25       (3) The balance of the noninterest money received under this  
26 section shall be retained by the city and deposited as provided by law.

27       (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
28 interest at the rate of twelve percent per annum, upon assignment to a  
29 collection agency. Interest may accrue only while the case is in  
30 collection status.

31       (5) Interest retained by the court on penalties, fines, bail  
32 forfeitures, fees, and costs shall be split twenty-five percent to the  
33 state treasurer for deposit in the public safety and education account  
34 as provided in RCW 43.08.250, twenty-five percent to the state  
35 treasurer for deposit in the judicial information system account as  
36 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
37 and twenty-five percent to the city general fund to fund local courts.

1       **Sec. 4.** RCW 3.62.020 and 1995 c 301 s 31 and 1995 c 291 s 5 are  
2 each reenacted and amended to read as follows:

3       (1) Except as provided in subsection (4) of this section, all  
4 costs, fees, fines, forfeitures and penalties assessed and collected in  
5 whole or in part by district courts, except costs, fines, forfeitures  
6 and penalties assessed and collected, in whole or in part, because of  
7 the violation of city ordinances, shall be remitted by the clerk of the  
8 district court to the county treasurer at least monthly, together with  
9 a financial statement as required by the state auditor, noting the  
10 information necessary for crediting of such funds as required by law.

11       (2) Except as provided in section 2 of this act, the county  
12 treasurer shall remit thirty-two percent of the noninterest money  
13 received under subsection (1) of this section except certain costs to  
14 the state treasurer. "Certain costs" as used in this subsection, means  
15 those costs awarded to prevailing parties in civil actions under RCW  
16 4.84.010 or 36.18.040, or those costs awarded against convicted  
17 defendants in criminal actions under RCW 10.01.160, 10.46.190, or  
18 36.18.040, or other similar statutes if such costs are specifically  
19 designated as costs by the court and are awarded for the specific  
20 reimbursement of costs incurred by the state or county in the  
21 prosecution of the case, including the fees of defense counsel. Money  
22 remitted under this subsection to the state treasurer shall be  
23 deposited as provided in RCW 43.08.250.

24       (3) The balance of the noninterest money received by the county  
25 treasurer under subsection (1) of this section shall be deposited in  
26 the county current expense fund.

27       (4) All money collected for county parking infractions shall be  
28 remitted by the clerk of the district court at least monthly, with the  
29 information required under subsection (1) of this section, to the  
30 county treasurer for deposit in the county current expense fund.

31       (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
32 interest at the rate of twelve percent per annum, upon assignment to a  
33 collection agency. Interest may accrue only while the case is in  
34 collection status.

35       (6) Interest retained by the court on penalties, fines, bail  
36 forfeitures, fees, and costs shall be split twenty-five percent to the  
37 state treasurer for deposit in the public safety and education account  
38 as provided in RCW 43.08.250, twenty-five percent to the state

1 treasurer for deposit in the judicial information system account as  
2 provided in RCW 2.68.020, twenty-five percent to the county current  
3 expense fund, and twenty-five percent to the county current expense  
4 fund to fund local courts.

5 **Sec. 5.** RCW 3.62.090 and 2003 c 380 s 1 are each amended to read  
6 as follows:

7 (1) There shall be assessed and collected in addition to any fines,  
8 forfeitures, or penalties assessed, other than for parking infractions,  
9 by all courts organized under Title 3 or 35 RCW a public safety and  
10 education assessment equal to seventy percent of such fines,  
11 forfeitures, or penalties, which shall be remitted as provided in  
12 chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by  
13 this section shall not be suspended or waived by the court.

14 (2) There shall be assessed and collected in addition to any fines,  
15 forfeitures, or penalties assessed, other than for parking infractions  
16 and for fines levied under RCW 46.61.5055, and in addition to the  
17 public safety and education assessment required under subsection (1) of  
18 this section, by all courts organized under Title 3 or 35 RCW, an  
19 additional public safety and education assessment equal to fifty  
20 percent of the public safety and education assessment required under  
21 subsection (1) of this section, which shall be remitted to the state  
22 treasurer and deposited as provided in RCW 43.08.250. The additional  
23 assessment required by this subsection shall not be suspended or waived  
24 by the court.

25 (3) This section does not apply to the fee imposed under RCW  
26 46.63.110(7) ~~(( $\oplus$ ))~~, the penalty imposed under RCW 46.63.110(8), or the  
27 penalty assessment imposed under section 2 of this act.

28 **Sec. 6.** RCW 10.82.070 and 1995 c 292 s 3 are each amended to read  
29 as follows:

30 (1) All sums of money derived from costs, fines, penalties, and  
31 forfeitures imposed or collected, in whole or in part, by a superior  
32 court for violation of orders of injunction, mandamus and other like  
33 writs, for contempt of court, or for breach of the penal laws shall be  
34 paid in cash by the person collecting the same, within twenty days  
35 after the collection, to the county treasurer of the county in which  
36 the same have accrued.

1       (2) Except as provided in section 2 of this act, the county  
2 treasurer shall remit monthly thirty-two percent of the money received  
3 under this section except for certain costs to the state treasurer for  
4 deposit as provided under RCW 43.08.250 and shall deposit the remainder  
5 as provided by law. "Certain costs" as used in this subsection, means  
6 those costs awarded to prevailing parties in civil actions under RCW  
7 4.84.010 or 36.18.040, or those costs awarded against convicted  
8 defendants in criminal actions under RCW 10.01.160, 10.46.190, or  
9 36.18.040, or other similar statutes if such costs are specifically  
10 designated as costs by the court and are awarded for the specific  
11 reimbursement of costs incurred by the state or county in the  
12 prosecution of the case, including the fees of defense counsel. Costs  
13 or assessments awarded to dedicated accounts, state or local, are not  
14 subject to this state allocation or to RCW 7.68.035.

15       (3) All fees, fines, forfeitures and penalties collected or  
16 assessed by a district court because of the violation of a state law  
17 shall be remitted as provided in chapter 3.62 RCW as now exists or is  
18 later amended. All fees, fines, forfeitures, and penalties collected  
19 or assessed by a superior court in cases on appeal from a lower court  
20 shall be remitted to the municipal or district court from which the  
21 cases were appealed.

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