

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 6384**

58th Legislature  
2004 Regular Session

Passed by the Senate March 8, 2004  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House March 2, 2004  
YEAS 95 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SUBSTITUTE SENATE BILL 6384** as  
passed by the Senate and the House  
of Representatives on the dates  
hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 6384**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

**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, 10.82.070, 3.46.120, 3.62.040, and 35.20.220; reenacting and  
4 amending RCW 3.62.020; adding a new section to chapter 10.99 RCW;  
5 creating a new section; and 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  
19 offenders under section 2 of this act be used for established domestic

1 violence prevention and prosecution programs. It is the legislature's  
2 intent that the revenue from the penalty assessment shall be in  
3 addition to existing sources of funding to enhance or help prevent the  
4 reduction and elimination of domestic violence prevention and  
5 prosecution programs.

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

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

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

22 (3) The assessment imposed under this section shall not be subject  
23 to any state or local remittance requirements under chapter 3.46, 3.50,  
24 3.62, 7.68, 10.82, or 35.20 RCW.

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.

22           **Sec. 7.** RCW 3.46.120 and 1995 c 291 s 2 are each amended to read  
23 as follows:

24           (1) All money received by the clerk of a municipal department  
25 including penalties, fines, bail forfeitures, fees and costs shall be  
26 paid by the clerk to the city treasurer.

27           (2) Except as provided in section 2 of this act, the city treasurer  
28 shall remit monthly thirty-two percent of the noninterest money  
29 received under this section, other than for parking infractions, and  
30 certain costs to the state treasurer. "Certain costs" as used in this  
31 subsection, means those costs awarded to prevailing parties in civil  
32 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
33 convicted defendants in criminal actions under RCW 10.01.160,  
34 10.46.190, or 36.18.040, or other similar statutes if such costs are  
35 specifically designated as costs by the court and are awarded for the  
36 specific reimbursement of costs incurred by the state, county, city, or

1 town in the prosecution of the case, including the fees of defense  
2 counsel. Money remitted under this subsection to the state treasurer  
3 shall be deposited as provided in RCW 43.08.250.

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

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

10 (5) Interest retained by the court on penalties, fines, bail  
11 forfeitures, fees, and costs shall be split twenty-five percent to the  
12 state treasurer for deposit in the public safety and education account  
13 as provided in RCW 43.08.250, twenty-five percent to the state  
14 treasurer for deposit in the judicial information system account as  
15 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
16 and twenty-five percent to the city general fund to fund local courts.

17 **Sec. 8.** RCW 3.62.040 and 1995 c 291 s 6 are each amended to read  
18 as follows:

19 (1) Except as provided in subsection (4) of this section, all  
20 costs, fines, forfeitures and penalties assessed and collected, in  
21 whole or in part, by district courts because of violations of city  
22 ordinances shall be remitted by the clerk of the district court at  
23 least monthly directly to the treasurer of the city wherein the  
24 violation occurred.

25 (2) Except as provided in section 2 of this act, the city treasurer  
26 shall remit monthly thirty-two percent of the noninterest money  
27 received under this section, other than for parking infractions and  
28 certain costs, to the state treasurer. "Certain costs" as used in this  
29 subsection, means those costs awarded to prevailing parties in civil  
30 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
31 convicted defendants in criminal actions under RCW 10.01.160,  
32 10.46.190, or 36.18.040, or other similar statutes if such costs are  
33 specifically designated as costs by the court and are awarded for the  
34 specific reimbursement of costs incurred by the state, county, city, or  
35 town in the prosecution of the case, including the fees of defense  
36 counsel. Money remitted under this subsection to the state treasurer  
37 shall be deposited as provided in RCW 43.08.250.



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

3 (4) All money collected for city parking infractions shall be  
4 remitted by the clerk of the district court at least monthly to the  
5 city treasurer for deposit in the city's general fund.

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

10 (6) Interest retained by the court on penalties, fines, bail  
11 forfeitures, fees, and costs shall be split twenty-five percent to the  
12 state treasurer for deposit in the public safety and education account  
13 as provided in RCW 43.08.250, twenty-five percent to the state  
14 treasurer for deposit in the judicial information system account as  
15 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
16 and twenty-five percent to the city general fund to fund local courts.

17 **Sec. 9.** RCW 35.20.220 and 1995 c 291 s 4 are each amended to read  
18 as follows:

19 (1) The chief clerk, under the supervision and direction of the  
20 court administrator of the municipal court, shall have the custody and  
21 care of the books, papers and records of said court; he shall be  
22 present by himself or deputy during the session of said court, and  
23 shall have the power to swear all witnesses and jurors, and administer  
24 oaths and affidavits, and take acknowledgments. He shall keep the  
25 records of said court, and shall issue all process under his hand and  
26 the seal of said court, and shall do and perform all things and have  
27 the same powers pertaining to his office as the clerks of the superior  
28 courts have in their office. He shall receive all fines, penalties and  
29 fees of every kind, and keep a full, accurate and detailed account of  
30 the same; and shall on each day pay into the city treasury all money  
31 received for said city during the day previous, with a detailed account  
32 of the same, and taking the treasurer's receipt therefor.

33 (2) Except as provided in section 2 of this act, the city treasurer  
34 shall remit monthly thirty-two percent of the noninterest money  
35 received under this section, other than for parking infractions and  
36 certain costs to the state treasurer. "Certain costs" as used in this  
37 subsection, means those costs awarded to prevailing parties in civil

1 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
2 convicted defendants in criminal actions under RCW 10.01.160,  
3 10.46.190, or 36.18.040, or other similar statutes if such costs are  
4 specifically designated as costs by the court and are awarded for the  
5 specific reimbursement of costs incurred by the state, county, city, or  
6 town in the prosecution of the case, including the fees of defense  
7 counsel. Money remitted under this subsection to the state treasurer  
8 shall be deposited as provided in RCW 43.08.250.

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

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

15 (5) Interest retained by the court on penalties, fines, bail  
16 forfeitures, fees, and costs shall be split twenty-five percent to the  
17 state treasurer for deposit in the public safety and education account  
18 as provided in RCW 43.08.250, twenty-five percent to the state  
19 treasurer for deposit in the judicial information system account as  
20 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
21 and twenty-five percent to the city general fund to fund local courts.

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