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HOUSE BILL 1046

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State of Washington                      59th Legislature                      2005 Regular Session

By Representative Sommers; by request of Office of Financial Management

Read first time 01/11/2005. Referred to Committee on Appropriations.

1            AN ACT Relating to the public safety and education account;  
2 amending RCW 43.08.250, 43.08.260, 3.46.120, 3.50.100, 3.62.020,  
3 3.62.040, 7.68.030, 7.68.035, 7.68.085, 9A.82.110, 9.68A.120,  
4 10.82.090, 10.105.010, 35.20.220, 36.18.012, 36.18.020, 36.18.025,  
5 43.17.150, 46.61.5058, 77.12.201, 77.15.420, 72.09.111, 72.09.480,  
6 77.12.201, 43.99H.060, and 43.99K.030; providing an effective date; and  
7 declaring an emergency.

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

9            **Sec. 1.** RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each  
10 amended to read as follows:

11            The money received by the state treasurer from fees, fines,  
12 forfeitures, penalties, reimbursements, or assessments by any court  
13 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be  
14 deposited in the state general fund. The public safety and education  
15 account (~~which~~) is hereby created in the state treasury. (~~The~~  
16 legislature shall appropriate the funds in the account to promote  
17 traffic safety education, highway safety, criminal justice training,  
18 crime victims' compensation, judicial education, the judicial  
19 information system, civil representation of indigent persons, winter

1 recreation parking, drug court operations, and state game programs.  
2 During the fiscal biennium ending June 30, 2005, the legislature may  
3 appropriate moneys from the public safety and education account for  
4 purposes of appellate indigent defense and other operations of the  
5 office of public defense, the criminal litigation unit of the attorney  
6 general's office, the treatment alternatives to street crimes program,  
7 crime victims advocacy programs, justice information network  
8 telecommunication planning, treatment for supplemental security income  
9 clients, sexual assault treatment, operations of the office of  
10 administrator for the courts, security in the common schools,  
11 alternative school start up grants, programs for disruptive students,  
12 criminal justice data collection, Washington state patrol criminal  
13 justice activities, drug court operations, unified family courts, local  
14 court backlog assistance, financial assistance to local jurisdictions  
15 for extraordinary costs incurred in the adjudication of criminal cases,  
16 domestic violence treatment and related services, the department of  
17 corrections' costs in implementing chapter 196, Laws of 1999,  
18 reimbursement of local governments for costs associated with  
19 implementing criminal and civil justice legislation, the replacement of  
20 the department of corrections' offender based tracking system, secure  
21 and semi-secure crisis residential centers, HOPE beds, the family  
22 policy council and community public health and safety networks, the  
23 street youth program, public notification about registered sex  
24 offenders, and narcotics or methamphetamine related enforcement,  
25 education, training, and drug and alcohol treatment services.)) Payment  
26 of interest and principal for the bonds issued under RCW 43.99L.020(2)  
27 shall be paid from the public safety and education account. Each  
28 fiscal year, the state treasurer shall transfer from the general fund  
29 to the public safety and education account the amount determined to  
30 satisfy the payments required in RCW 43.99L.040.

31 **Sec. 2.** RCW 43.08.260 and 1997 c 319 s 2 are each amended to read  
32 as follows:

33 (1)(a) The legislature recognizes the ethical obligation of  
34 attorneys to represent clients without interference by third parties in  
35 the discharge of professional obligations to clients. However, to  
36 ensure the most beneficial use of state resources, the legislature  
37 finds that it is within the authority of the legislature to specify the

1 categories of legal cases in which qualified legal aid programs may  
2 provide civil representation with state moneys. Accordingly, moneys  
3 appropriated for civil legal representation pursuant to this section  
4 shall not be used for legal representation that is either outside the  
5 scope of this section or prohibited by this section.

6 (b) Nothing in this section is intended to limit the authority of  
7 existing entities, including but not limited to the Washington state  
8 bar association, the public disclosure commission, the state auditor,  
9 and the federal legal services corporation to resolve issues within  
10 their respective jurisdictions.

11 (2) Any money appropriated by the legislature (~~from the public~~  
12 ~~safety and education account pursuant to RCW 43.08.250 or from any~~  
13 ~~other state fund or account~~) for civil representation of indigent  
14 persons shall be used solely for the purpose of contracting with  
15 qualified legal aid programs for legal representation of indigent  
16 persons in matters relating to: (a) Domestic relations and family law  
17 matters, (b) public assistance and health care, (c) housing and  
18 utilities, (d) social security, (e) mortgage foreclosures, (f) home  
19 protection bankruptcies, (g) consumer fraud and unfair sales practices,  
20 (h) rights of residents of long-term care facilities, (i) wills,  
21 estates, and living wills, (j) elder abuse, and (k) guardianship.

22 (3) For purposes of this section, a "qualified legal aid program"  
23 means a not-for-profit corporation incorporated and operating  
24 exclusively in Washington which has received basic field funding for  
25 the provision of civil legal services to indigents from the federal  
26 legal services corporation or that has received funding for civil legal  
27 services for indigents under this section before July 1, 1997.

28 (4) The department of community, trade, and economic development  
29 shall establish a distribution formula based on the distribution by  
30 county of individuals with incomes below the official federal poverty  
31 level guidelines. When entering into a contract with a qualified legal  
32 services provider under this section, the department shall require the  
33 provider to provide legal services in a manner that maximizes  
34 geographic access in accordance with the formula established in this  
35 subsection (4).

36 (5) Funds distributed to qualified legal aid programs under this  
37 section may not be used directly or indirectly for:

38 (a) Lobbying.

1 (i) For purposes of this section, "lobbying" means any personal  
2 service, advertisement, telegram, telephone communication, letter,  
3 printed or written matter, or other device directly or indirectly  
4 intended to influence any member of congress or any other federal,  
5 state, or local nonjudicial official, whether elected or appointed:

6 (A) In connection with any act, bill, resolution, or similar  
7 legislation by the congress of the United States or by any state or  
8 local legislative body, or any administrative rule, rule-making  
9 activity, standard, rate, or other enactment by any federal, state, or  
10 local administrative agency;

11 (B) In connection with any referendum, initiative, constitutional  
12 amendment, or any similar procedure of the congress, any state  
13 legislature, any local council, or any similar governing body acting in  
14 a legislative capacity; or

15 (C) In connection with inclusion of any provision in a legislative  
16 measure appropriating funds to, or defining or limiting the functions  
17 or authority of, the recipient of funds under this section.

18 (ii) "Lobbying" does not include the response of an employee of a  
19 legal aid program to a written request from a governmental agency, an  
20 elected or appointed official, or committee on a specific matter. This  
21 exception does not authorize communication with anyone other than the  
22 requesting party, or agent or employee of such agency, official, or  
23 committee.

24 (b) Grass roots lobbying. For purposes of this section, "grass  
25 roots lobbying" means preparation, production, or dissemination of  
26 information the purpose of which is to encourage the public at large,  
27 or any definable segment thereof, to contact legislators or their staff  
28 in support of or in opposition to pending or proposed legislation; or  
29 contribute to or participate in a demonstration, march, rally, lobbying  
30 campaign, or letter writing or telephone campaign for the purpose of  
31 influencing the course of pending or proposed legislation.

32 (c) Class action lawsuits.

33 (d) Participating in or identifying the program with prohibited  
34 political activities. For purposes of this section, "prohibited  
35 political activities" means (i) any activity directed toward the  
36 success or failure of a political party, a candidate for partisan or  
37 nonpartisan office, a partisan political group, or a ballot measure;

1 (ii) advertising or contributing or soliciting financial support for or  
2 against any candidate, political group, or ballot measure; or (iii)  
3 voter registration or transportation activities.

4 (e) Representation in fee-generating cases. For purposes of this  
5 section, "fee-generating" means a case that might reasonably be  
6 expected to result in a fee for legal services if undertaken by a  
7 private attorney. The charging of a fee pursuant to subsection (6) of  
8 this section does not establish the fee-generating nature of a case.

9 A fee-generating case may be accepted when: (i) The case has been  
10 rejected by the local lawyer referral services or by two private  
11 attorneys; (ii) neither the referral service nor two private attorneys  
12 will consider the case without payment of a consultation fee; (iii)  
13 after consultation with the appropriate representatives of the private  
14 bar, the program has determined that the type of case is one that  
15 private attorneys do not ordinarily accept, or do not accept without  
16 prepayment of a fee; or (iv) the director of the program or the  
17 director's designee has determined that referral of the case to the  
18 private bar is not possible because documented attempts to refer  
19 similar cases in the past have been futile, or because emergency  
20 circumstances compel immediate action before referral can be made, but  
21 the client is advised that, if appropriate and consistent with  
22 professional responsibility, referral will be attempted at a later  
23 time.

24 (f) Organizing any association, union, or federation, or  
25 representing a labor union. However, nothing in this subsection (5)(f)  
26 prohibits the provision of legal services to clients as otherwise  
27 permitted by this section.

28 (g) Representation of undocumented aliens.

29 (h) Picketing, demonstrations, strikes, or boycotts.

30 (i) Engaging in inappropriate solicitation. For purposes of this  
31 section, "inappropriate solicitation" means promoting the assertion of  
32 specific legal claims among persons who know of their rights to make a  
33 claim and who decline to do so. Nothing in this subsection precludes  
34 a legal services program or its employees from providing information  
35 regarding legal rights and responsibilities or providing information  
36 regarding the program's services and intake procedures through  
37 community legal education activities, responding to an individual's  
38 specific question about whether the individual should consult with an

1 attorney or take legal action, or responding to an individual's  
2 specific request for information about the individual's legal rights or  
3 request for assistance in connection with a specific legal problem.

4 (j) Conducting training programs that: (i) Advocate particular  
5 public policies; (ii) encourage or facilitate political activities,  
6 labor or antilabor activities, boycotts, picketing, strikes, or  
7 demonstrations; or (iii) attempt to influence legislation or rule  
8 making. Nothing in this subsection (5)(j) precludes representation of  
9 clients as otherwise permitted by this section.

10 (6) The department may establish requirements for client  
11 participation in the provision of civil legal services under this  
12 section, including but not limited to copayments and sliding fee  
13 scales.

14 (7)(a) Contracts entered into by the department of community,  
15 trade, and economic development with qualified legal services programs  
16 under this section must specify that the program's expenditures of  
17 moneys distributed under this section:

18 (i) Must be audited annually by an independent outside auditor.  
19 These audit results must be provided to the department of community,  
20 trade, and economic development; and

21 (ii) Are subject to audit by the state auditor.

22 (b)(i) Any entity auditing a legal services program under this  
23 section shall have access to all records of the legal services program  
24 to the full extent necessary to determine compliance with this section,  
25 with the exception of confidential information protected by the United  
26 States Constitution, the state Constitution, the attorney-client  
27 privilege, and applicable rules of attorney conduct.

28 (ii) The legal services program shall have a system allowing for  
29 production of case-specific information, including client eligibility  
30 and case type, to demonstrate compliance with this section, with the  
31 exception of confidential information protected by the United States  
32 Constitution, the state Constitution, the attorney-client privilege,  
33 and applicable rules of attorney conduct. Such information shall be  
34 available to any entity that audits the program.

35 (8) The department of community, trade, and economic development  
36 must recover or withhold amounts determined by an audit to have been  
37 used in violation of this section.

1 (9) The department of community, trade, and economic development  
2 may adopt rules to implement this section.

3 **Sec. 3.** RCW 3.46.120 and 2004 c 15 s 7 are each amended to read as  
4 follows:

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

8 (2) Except as provided in RCW 10.99.080, the city treasurer shall  
9 remit monthly thirty-two percent of the noninterest money received  
10 under this section, other than for parking infractions, and certain  
11 costs to the state treasurer. "Certain costs" as used in this  
12 subsection, means those costs awarded to prevailing parties in civil  
13 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
14 convicted defendants in criminal actions under RCW 10.01.160,  
15 10.46.190, or 36.18.040, or other similar statutes if such costs are  
16 specifically designated as costs by the court and are awarded for the  
17 specific reimbursement of costs incurred by the state, county, city, or  
18 town in the prosecution of the case, including the fees of defense  
19 counsel. Money remitted under this subsection to the state treasurer  
20 shall be deposited (~~as provided in RCW 43.08.250~~) in the state  
21 general fund.

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

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

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

1       **Sec. 4.** RCW 3.50.100 and 2004 c 15 s 3 are each amended to read as  
2 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 RCW 10.99.080, the city treasurer shall  
13 remit monthly thirty-two percent of the noninterest money received  
14 under this section, other than for parking infractions, and certain  
15 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)~~) in the state  
25 general fund.

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

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

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

1 city general fund, and twenty-five percent to the city general fund to  
2 fund local courts.

3 **Sec. 5.** RCW 3.62.020 and 2004 c 15 s 4 are each amended to read as  
4 follows:

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

13 (2) Except as provided in RCW 10.99.080, the county treasurer shall  
14 remit thirty-two percent of the noninterest money received under  
15 subsection (1) of this section except certain costs to the state  
16 treasurer. "Certain costs" as used in this subsection, means those  
17 costs awarded to prevailing parties in civil actions under RCW 4.84.010  
18 or 36.18.040, or those costs awarded against convicted defendants in  
19 criminal actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other  
20 similar statutes if such costs are specifically designated as costs by  
21 the court and are awarded for the specific reimbursement of costs  
22 incurred by the state or county in the prosecution of the case,  
23 including the fees of defense counsel. Money remitted under this  
24 subsection to the state treasurer shall be deposited (~~as provided in~~  
25 ~~RCW 43.08.250~~) in the state general fund.

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

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

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

1 (6) Interest retained by the court on penalties, fines, bail  
2 forfeitures, fees, and costs shall be split twenty-five percent to the  
3 state treasurer for deposit in the (~~public safety and education~~  
4 ~~account as provided in RCW 43.08.250~~) state general fund, twenty-five  
5 percent to the state treasurer for deposit in the judicial information  
6 system account as provided in RCW 2.68.020, twenty-five percent to the  
7 county current expense fund, and twenty-five percent to the county  
8 current expense fund to fund local courts.

9 **Sec. 6.** RCW 3.62.040 and 2004 c 15 s 8 are each amended to read as  
10 follows:

11 (1) Except as provided in subsection (4) of this section, all  
12 costs, fines, forfeitures and penalties assessed and collected, in  
13 whole or in part, by district courts because of violations of city  
14 ordinances shall be remitted by the clerk of the district court at  
15 least monthly directly to the treasurer of the city wherein the  
16 violation occurred.

17 (2) Except as provided in RCW 10.99.080, the city treasurer shall  
18 remit monthly thirty-two percent of the noninterest money received  
19 under this section, other than for parking infractions and certain  
20 costs, to the state treasurer. "Certain costs" as used in this  
21 subsection, means those costs awarded to prevailing parties in civil  
22 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
23 convicted defendants in criminal actions under RCW 10.01.160,  
24 10.46.190, or 36.18.040, or other similar statutes if such costs are  
25 specifically designated as costs by the court and are awarded for the  
26 specific reimbursement of costs incurred by the state, county, city, or  
27 town in the prosecution of the case, including the fees of defense  
28 counsel. Money remitted under this subsection to the state treasurer  
29 shall be deposited (~~as provided in RCW 43.08.250~~) in the state  
30 general fund.

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

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

36 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue

1 interest at the rate of twelve percent per annum, upon assignment to a  
2 collection agency. Interest may accrue only while the case is in  
3 collection status.

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

12 **Sec. 7.** RCW 7.68.030 and 1989 1st ex.s. c 5 s 2 are each amended  
13 to read as follows:

14 It shall be the duty of the director to establish and administer a  
15 program of benefits to innocent victims of criminal acts within the  
16 terms and limitations of this chapter. In so doing, the director  
17 shall, in accordance with chapter 34.05 RCW, adopt rules and  
18 regulations necessary to the administration of this chapter, and the  
19 provisions contained in chapter 51.04 RCW, including but not limited to  
20 RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or  
21 hereafter amended, shall apply where appropriate in keeping with the  
22 intent of this chapter. The director may apply for and, subject to  
23 appropriation, expend federal funds under Public Law 98-473 and any  
24 other federal program providing financial assistance to state crime  
25 victim compensation programs. The federal funds shall be deposited in  
26 the (~~public safety and education account in the~~) general fund and may  
27 be expended only for purposes authorized by applicable federal law.

28 **Sec. 8.** RCW 7.68.035 and 2000 c 71 s 3 are each amended to read as  
29 follows:

30 (1)(a) When any person is found guilty in any superior court of  
31 having committed a crime, except as provided in subsection (2) of this  
32 section, there shall be imposed by the court upon such convicted person  
33 a penalty assessment. The assessment shall be in addition to any other  
34 penalty or fine imposed by law and shall be five hundred dollars for  
35 each case or cause of action that includes one or more convictions of

1 a felony or gross misdemeanor and two hundred fifty dollars for any  
2 case or cause of action that includes convictions of only one or more  
3 misdemeanors.

4 (b) When any juvenile is adjudicated of any offense in any juvenile  
5 offense disposition under Title 13 RCW, except as provided in  
6 subsection (2) of this section, there shall be imposed upon the  
7 juvenile offender a penalty assessment. The assessment shall be in  
8 addition to any other penalty or fine imposed by law and shall be one  
9 hundred dollars for each case or cause of action that includes one or  
10 more adjudications for a felony or gross misdemeanor and seventy-five  
11 dollars for each case or cause of action that includes adjudications of  
12 only one or more misdemeanors.

13 (2) The assessment imposed by subsection (1) of this section shall  
14 not apply to motor vehicle crimes defined in Title 46 RCW except those  
15 defined in the following sections: RCW 46.61.520, 46.61.522,  
16 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,  
17 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525,  
18 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,  
19 46.10.090(2), and 46.09.120(2).

20 (3) When any person accused of having committed a crime posts bail  
21 in superior court pursuant to the provisions of chapter 10.19 RCW and  
22 such bail is forfeited, there shall be deducted from the proceeds of  
23 such forfeited bail a penalty assessment, in addition to any other  
24 penalty or fine imposed by law, equal to the assessment which would be  
25 applicable under subsection (1) of this section if the person had been  
26 convicted of the crime.

27 (4) Such penalty assessments shall be paid by the clerk of the  
28 superior court to the county treasurer who shall monthly transmit the  
29 money as provided in RCW 10.82.070. Each county shall deposit fifty  
30 percent of the money it receives per case or cause of action under  
31 subsection (1) of this section and retains under RCW 10.82.070, not  
32 less than one and seventy-five one-hundredths percent of the remaining  
33 money it retains under RCW 10.82.070 and the money it retains under  
34 chapter 3.62 RCW, and all money it receives under subsection (7) of  
35 this section into a fund maintained exclusively for the support of  
36 comprehensive programs to encourage and facilitate testimony by the  
37 victims of crimes and witnesses to crimes. A program shall be

1 considered "comprehensive" only after approval of the department upon  
2 application by the county prosecuting attorney. The department shall  
3 approve as comprehensive only programs which:

4 (a) Provide comprehensive services to victims and witnesses of all  
5 types of crime with particular emphasis on serious crimes against  
6 persons and property. It is the intent of the legislature to make  
7 funds available only to programs which do not restrict services to  
8 victims or witnesses of a particular type or types of crime and that  
9 such funds supplement, not supplant, existing local funding levels;

10 (b) Are administered by the county prosecuting attorney either  
11 directly through the prosecuting attorney's office or by contract  
12 between the county and agencies providing services to victims of crime;

13 (c) Make a reasonable effort to inform the known victim or his  
14 surviving dependents of the existence of this chapter and the procedure  
15 for making application for benefits;

16 (d) Assist victims in the restitution and adjudication process; and

17 (e) Assist victims of violent crimes in the preparation and  
18 presentation of their claims to the department of labor and industries  
19 under this chapter.

20 Before a program in any county west of the Cascade mountains is  
21 submitted to the department for approval, it shall be submitted for  
22 review and comment to each city within the county with a population of  
23 more than one hundred fifty thousand. The department will consider if  
24 the county's proposed comprehensive plan meets the needs of crime  
25 victims in cases adjudicated in municipal, district or superior courts  
26 and of crime victims located within the city and county.

27 (5) Upon submission to the department of a letter of intent to  
28 adopt a comprehensive program, the prosecuting attorney shall retain  
29 the money deposited by the county under subsection (4) of this section  
30 until such time as the county prosecuting attorney has obtained  
31 approval of a program from the department. Approval of the  
32 comprehensive plan by the department must be obtained within one year  
33 of the date of the letter of intent to adopt a comprehensive program.  
34 The county prosecuting attorney shall not make any expenditures from  
35 the money deposited under subsection (4) of this section until approval  
36 of a comprehensive plan by the department. If a county prosecuting  
37 attorney has failed to obtain approval of a program from the department  
38 under subsection (4) of this section or failed to obtain approval of a

1 comprehensive program within one year after submission of a letter of  
2 intent under this section, the county treasurer shall monthly transmit  
3 one hundred percent of the money deposited by the county under  
4 subsection (4) of this section to the state treasurer for deposit in  
5 the ~~((public safety and education account established under RCW  
6 43.08.250))~~ state general fund.

7 (6) County prosecuting attorneys are responsible to make every  
8 reasonable effort to insure that the penalty assessments of this  
9 chapter are imposed and collected.

10 (7) Every city and town shall transmit monthly one and seventy-five  
11 one-hundredths percent of all money, other than money received for  
12 parking infractions, retained under RCW 3.46.120, 3.50.100, and  
13 35.20.220 to the county treasurer for deposit as provided in subsection  
14 (4) of this section.

15 **Sec. 9.** RCW 7.68.085 and 1990 c 3 s 504 are each amended to read  
16 as follows:

17 The director of labor and industries shall institute a cap on  
18 medical benefits of one hundred fifty thousand dollars per injury or  
19 death. Payment for medical services in excess of the cap shall be made  
20 available to any innocent victim under the same conditions as other  
21 medical services and if the medical services are:

22 (1) Necessary for a previously accepted condition;

23 (2) Necessary to protect the victim's life or prevent deterioration  
24 of the victim's previously accepted condition; and

25 (3) Not available from an alternative source.

26 ~~((The director of financial management and the director of labor  
27 and industries shall monitor expenditures from the public safety and  
28 education account. Once each fiscal quarter, the director of financial  
29 management shall determine if expenditures from the public safety and  
30 education account during the prior fiscal quarter exceeded allotments  
31 by more than ten percent. Within thirty days of a determination that  
32 expenditures exceeded allotments by more than ten percent, the director  
33 of financial management shall develop and implement a plan to reduce  
34 expenditures from the account to a level that does not exceed the  
35 allotments. Such a plan may include across the board reductions in  
36 allotments from the account to all nonjudicial agencies except for the  
37 crime victims compensation program. In implementing the plan, the~~

1 ~~director of financial management shall seek the cooperation of judicial~~  
2 ~~agencies in reducing their expenditures from the account. The director~~  
3 ~~of financial management shall notify the legislative fiscal committees~~  
4 ~~prior to implementation of the plan.~~

5 ~~Development and implementation of the plan is not required if the~~  
6 ~~director of financial management notifies the legislative fiscal~~  
7 ~~committees that increases in the official revenue forecast for the~~  
8 ~~public safety and education account for that fiscal quarter will~~  
9 ~~eliminate the need to reduce expenditures from the account. The~~  
10 ~~official revenue forecast for the public safety and education account~~  
11 ~~shall be prepared by the economic and revenue forecast council pursuant~~  
12 ~~to RCW 82.33.020 and 82.33.010.))~~

13 For the purposes of this section, an individual will not be  
14 required to use his or her assets other than funds recovered as a  
15 result of a civil action or criminal restitution, for medical expenses  
16 or pain and suffering, in order to qualify for an alternative source of  
17 payment.

18 ~~((The director shall, in cooperation with the department of social~~  
19 ~~and health services, establish by October 1, 1989, a process to aid~~  
20 ~~crime victims in identifying and applying for appropriate alternative~~  
21 ~~benefit programs, if any, administered by the department of social and~~  
22 ~~health services.))~~

23 **Sec. 10.** RCW 9A.82.110 and 2001 c 222 s 15 are each amended to  
24 read as follows:

25 (1) ~~((Any payments or forfeiture to the state general fund ordered~~  
26 ~~under RCW 9A.82.100 (4) or (5) shall be deposited in the public safety~~  
27 ~~and education account.~~

28 ~~(2))~~ In an action brought by the attorney general on behalf of the  
29 state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any  
30 payments ordered in excess of the actual damages sustained shall be  
31 deposited in the ~~((public safety and education account))~~ state general  
32 fund.

33 ~~((3) It is the intent of the legislature that the money deposited~~  
34 ~~in the public safety and education account pursuant to this chapter be~~  
35 ~~appropriated to promote crime victims' compensation.~~

36 ~~(4))~~ (2)(a) The county legislative authority may establish an  
37 antiprofiterring revolving fund to be administered by the county

1 prosecuting attorney under the conditions and for the purposes provided  
2 by this subsection. Disbursements from the fund shall be on  
3 authorization of the county prosecuting attorney. No appropriation is  
4 required for disbursements.

5 (b) Any prosecution and investigation costs, including attorney's  
6 fees, recovered for the state by the county prosecuting attorney as a  
7 result of enforcement of civil and criminal statutes pertaining to any  
8 offense included in the definition of criminal profiteering, whether by  
9 final judgment, settlement, or otherwise, shall be deposited, as  
10 directed by a court of competent jurisdiction, in the fund established  
11 by this subsection. In an action brought by a prosecuting attorney on  
12 behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county  
13 prevails, any payments ordered in excess of the actual damages  
14 sustained shall be deposited (~~in the public safety and education~~  
15 ~~account~~) in the state general fund.

16 (c) The county legislative authority may prescribe a maximum level  
17 of moneys in the antiprofitteering revolving fund. Moneys exceeding the  
18 prescribed maximum shall be transferred to the county current expense  
19 fund.

20 (d) The moneys in the fund shall be used by the county prosecuting  
21 attorney for the investigation and prosecution of any offense, within  
22 the jurisdiction of the county prosecuting attorney, included in the  
23 definition of criminal profiteering, including civil enforcement.

24 (e) If a county has not established an antiprofitteering revolving  
25 fund, any payments or forfeitures ordered to the county under this  
26 chapter shall be deposited to the county current expense fund.

27 **Sec. 11.** RCW 9.68A.120 and 1999 c 143 s 8 are each amended to read  
28 as follows:

29 The following are subject to seizure and forfeiture:

30 (1) All visual or printed matter that depicts a minor engaged in  
31 sexually explicit conduct.

32 (2) All raw materials, equipment, and other tangible personal  
33 property of any kind used or intended to be used to manufacture or  
34 process any visual or printed matter that depicts a minor engaged in  
35 sexually explicit conduct, and all conveyances, including aircraft,  
36 vehicles, or vessels that are used or intended for use to transport, or

1 in any manner to facilitate the transportation of, visual or printed  
2 matter in violation of RCW 9.68A.050 or 9.68A.060, but:

3 (a) No conveyance used by any person as a common carrier in the  
4 transaction of business as a common carrier is subject to forfeiture  
5 under this section unless it appears that the owner or other person in  
6 charge of the conveyance is a consenting party or privy to a violation  
7 of this chapter;

8 (b) No property is subject to forfeiture under this section by  
9 reason of any act or omission established by the owner of the property  
10 to have been committed or omitted without the owner's knowledge or  
11 consent;

12 (c) A forfeiture of property encumbered by a bona fide security  
13 interest is subject to the interest of the secured party if the secured  
14 party neither had knowledge of nor consented to the act or omission;  
15 and

16 (d) When the owner of a conveyance has been arrested under this  
17 chapter the conveyance may not be subject to forfeiture unless it is  
18 seized or process is issued for its seizure within ten days of the  
19 owner's arrest.

20 (3) All personal property, moneys, negotiable instruments,  
21 securities, or other tangible or intangible property furnished or  
22 intended to be furnished by any person in exchange for visual or  
23 printed matter depicting a minor engaged in sexually explicit conduct,  
24 or constituting proceeds traceable to any violation of this chapter.

25 (4) Property subject to forfeiture under this chapter may be seized  
26 by any law enforcement officer of this state upon process issued by any  
27 superior court having jurisdiction over the property. Seizure without  
28 process may be made if:

29 (a) The seizure is incident to an arrest or a search under a search  
30 warrant or an inspection under an administrative inspection warrant;

31 (b) The property subject to seizure has been the subject of a prior  
32 judgment in favor of the state in a criminal injunction or forfeiture  
33 proceeding based upon this chapter;

34 (c) A law enforcement officer has probable cause to believe that  
35 the property is directly or indirectly dangerous to health or safety;  
36 or

37 (d) The law enforcement officer has probable cause to believe that

1 the property was used or is intended to be used in violation of this  
2 chapter.

3 (5) In the event of seizure under subsection (4) of this section,  
4 proceedings for forfeiture shall be deemed commenced by the seizure.  
5 The law enforcement agency under whose authority the seizure was made  
6 shall cause notice to be served within fifteen days following the  
7 seizure on the owner of the property seized and the person in charge  
8 thereof and any person having any known right or interest therein, of  
9 the seizure and intended forfeiture of the seized property. The notice  
10 may be served by any method authorized by law or court rule including  
11 but not limited to service by certified mail with return receipt  
12 requested. Service by mail shall be deemed complete upon mailing  
13 within the fifteen day period following the seizure.

14 (6) If no person notifies the seizing law enforcement agency in  
15 writing of the person's claim of ownership or right to possession of  
16 seized items within forty-five days of the seizure, the item seized  
17 shall be deemed forfeited.

18 (7) If any person notifies the seizing law enforcement agency in  
19 writing of the person's claim of ownership or right to possession of  
20 seized items within forty-five days of the seizure, the person or  
21 persons shall be afforded a reasonable opportunity to be heard as to  
22 the claim or right. The hearing shall be before an administrative law  
23 judge appointed under chapter 34.12 RCW, except that any person  
24 asserting a claim or right may remove the matter to a court of  
25 competent jurisdiction if the aggregate value of the article or  
26 articles involved is more than five hundred dollars. The hearing  
27 before an administrative law judge and any appeal therefrom shall be  
28 under Title 34 RCW. In a court hearing between two or more claimants  
29 to the article or articles involved, the prevailing party shall be  
30 entitled to a judgment for costs and reasonable attorney's fees. The  
31 burden of producing evidence shall be upon the person claiming to be  
32 the lawful owner or the person claiming to have the lawful right to  
33 possession of the seized items. The seizing law enforcement agency  
34 shall promptly return the article or articles to the claimant upon a  
35 determination by the administrative law judge or court that the  
36 claimant is lawfully entitled to possession thereof of the seized  
37 items.

1 (8) If property is sought to be forfeited on the ground that it  
2 constitutes proceeds traceable to a violation of this chapter, the  
3 seizing law enforcement agency must prove by a preponderance of the  
4 evidence that the property constitutes proceeds traceable to a  
5 violation of this chapter.

6 (9) When property is forfeited under this chapter the seizing law  
7 enforcement agency may:

8 (a) Retain it for official use or upon application by any law  
9 enforcement agency of this state release the property to that agency  
10 for the exclusive use of enforcing this chapter;

11 (b) Sell that which is not required to be destroyed by law and  
12 which is not harmful to the public. The proceeds and all moneys  
13 forfeited under this chapter shall be used for payment of all proper  
14 expenses of the investigation leading to the seizure, including any  
15 money delivered to the subject of the investigation by the law  
16 enforcement agency, and of the proceedings for forfeiture and sale,  
17 including expenses of seizure, maintenance of custody, advertising,  
18 actual costs of the prosecuting or city attorney, and court costs.  
19 Fifty percent of the money remaining after payment of these expenses  
20 shall be deposited in the (~~public safety and education account~~  
21 ~~established under RCW 43.08.250~~) state general fund and fifty percent  
22 shall be deposited in the general fund of the state, county, or city of  
23 the seizing law enforcement agency; or

24 (c) Request the appropriate sheriff or director of public safety to  
25 take custody of the property and remove it for disposition in  
26 accordance with law.

27 **Sec. 12.** RCW 10.82.090 and 2004 c 121 s 1 are each amended to read  
28 as follows:

29 (1) Except as provided in subsection (2) of this section, financial  
30 obligations imposed in a judgment shall bear interest from the date of  
31 the judgment until payment, at the rate applicable to civil judgments.  
32 All nonrestitution interest retained by the court shall be split  
33 twenty-five percent to the state treasurer for deposit in the (~~public~~  
34 ~~safety and education account as provided in RCW 43.08.250~~) state  
35 general fund, twenty-five percent to the state treasurer for deposit in  
36 the judicial information system account as provided in RCW 2.68.020,

1 twenty-five percent to the county current expense fund, and twenty-five  
2 percent to the county current expense fund to fund local courts.

3 (2) The court may, on motion by the offender, following the  
4 offender's release from total confinement, reduce or waive the interest  
5 on legal financial obligations levied as a result of a criminal  
6 conviction. The court may reduce or waive the interest only as an  
7 incentive for the offender to meet his or her legal financial  
8 obligations. The court may not waive the interest on the restitution  
9 portion of the legal financial obligation and may only reduce the  
10 interest on the restitution portion of the legal financial obligation  
11 if the principal of the restitution has been paid in full. The  
12 offender must show that he or she has personally made a good faith  
13 effort to pay, that the interest accrual is causing a significant  
14 hardship, and that he or she will be unable to pay the principal and  
15 interest in full and that reduction or waiver of the interest will  
16 likely enable the offender to pay the full principal and any remaining  
17 interest thereon. For purposes of this section, "good faith effort"  
18 means that the offender has either (a) paid the principal amount in  
19 full; or (b) made twenty-four consecutive monthly payments, excluding  
20 any payments mandatorily deducted by the department of corrections, on  
21 his or her legal financial obligations under his or her payment  
22 agreement with the court. The court may grant the motion, establish a  
23 payment schedule, and retain jurisdiction over the offender for  
24 purposes of reviewing and revising the reduction or waiver of interest.  
25 This section applies to persons convicted as adults or in juvenile  
26 court.

27 **Sec. 13.** RCW 10.105.010 and 1993 c 288 s 2 are each amended to  
28 read as follows:

29 (1) The following are subject to seizure and forfeiture and no  
30 property right exists in them: All personal property, including, but  
31 not limited to, any item, object, tool, substance, device, weapon,  
32 machine, vehicle of any kind, money, security, or negotiable  
33 instrument, which has been or was actually employed as an  
34 instrumentality in the commission of, or in aiding or abetting in the  
35 commission of any felony, or which was furnished or was intended to be  
36 furnished by any person in the commission of, as a result of, or as  
37 compensation for the commission of, any felony, or which was acquired

1 in whole or in part with proceeds traceable to the commission of a  
2 felony. No property may be forfeited under this section until after  
3 there has been a superior court conviction of the owner of the property  
4 for the felony in connection with which the property was employed,  
5 furnished, or acquired.

6 A forfeiture of property encumbered by a bona fide security  
7 interest is subject to the interest of the secured party if at the time  
8 the security interest was created, the secured party neither had  
9 knowledge of nor consented to the commission of the felony.

10 (2) Personal property subject to forfeiture under this chapter may  
11 be seized by any law enforcement officer of this state upon process  
12 issued by any superior court having jurisdiction over the property.  
13 Seizure of personal property without process may be made if:

14 (a) The seizure is incident to an arrest or a search under a search  
15 warrant;

16 (b) The property subject to seizure has been the subject of a prior  
17 judgment in favor of the state in a criminal injunction or forfeiture  
18 proceeding;

19 (c) A law enforcement officer has probable cause to believe that  
20 the property is directly dangerous to health or safety; or

21 (d) The law enforcement officer has probable cause to believe that  
22 the property was used or is intended to be used in the commission of a  
23 felony.

24 (3) In the event of seizure pursuant to this section, proceedings  
25 for forfeiture shall be deemed commenced by the seizure. The law  
26 enforcement agency under whose authority the seizure was made shall  
27 cause notice to be served within fifteen days following the seizure on  
28 the owner of the property seized and the person in charge thereof and  
29 any person having any known right or interest therein, including any  
30 community property interest, of the seizure and intended forfeiture of  
31 the seized property. The notice of seizure may be served by any method  
32 authorized by law or court rule including but not limited to service by  
33 certified mail with return receipt requested. Service by mail shall be  
34 deemed complete upon mailing within the fifteen day period following  
35 the seizure. Notice of seizure in the case of property subject to a  
36 security interest that has been perfected by filing a financing  
37 statement in accordance with chapter (~~62A.9~~) 62A.9A RCW, or a

1 certificate of title shall be made by service upon the secured party or  
2 the secured party's assignee at the address shown on the financing  
3 statement or the certificate of title.

4 (4) If no person notifies the seizing law enforcement agency in  
5 writing of the person's claim of ownership or right to possession of  
6 items specified in subsection (1) of this section within forty-five  
7 days of the seizure, the item seized shall be deemed forfeited.

8 (5) If a person notifies the seizing law enforcement agency in  
9 writing of the person's claim of ownership or right to possession of  
10 the seized property within forty-five days of the seizure, the law  
11 enforcement agency shall give the person or persons a reasonable  
12 opportunity to be heard as to the claim or right. The hearing shall be  
13 before the chief law enforcement officer of the seizing agency or the  
14 chief law enforcement officer's designee, except where the seizing  
15 agency is a state agency as defined in RCW 34.12.020(4), the hearing  
16 shall be before the chief law enforcement officer of the seizing agency  
17 or an administrative law judge appointed under chapter 34.12 RCW,  
18 except that any person asserting a claim or right may remove the matter  
19 to a court of competent jurisdiction. Removal may only be accomplished  
20 according to the rules of civil procedure. The person seeking removal  
21 of the matter must serve process against the state, county, political  
22 subdivision, or municipality that operates the seizing agency, and any  
23 other party of interest, in accordance with RCW 4.28.080 or 4.92.020,  
24 within forty-five days after the person seeking removal has notified  
25 the seizing law enforcement agency of the person's claim of ownership  
26 or right to possession. The court to which the matter is to be removed  
27 shall be the district court when the aggregate value of the property is  
28 within the jurisdictional limit set forth in RCW 3.66.020. A hearing  
29 before the seizing agency and any appeal therefrom shall be under Title  
30 34 RCW. In a court hearing between two or more claimants to the  
31 property involved, the prevailing party shall be entitled to a judgment  
32 for costs and reasonable attorney's fees. The burden of producing  
33 evidence shall be upon the person claiming to be the lawful owner or  
34 the person claiming to have the lawful right to possession of the  
35 property. The seizing law enforcement agency shall promptly return the  
36 property to the claimant upon a determination by the administrative law  
37 judge or court that the claimant is the present lawful owner or is  
38 lawfully entitled to possession of the property.

1 (6) When property is forfeited under this chapter, after satisfying  
2 any court-ordered victim restitution, the seizing law enforcement  
3 agency may:

4 (a) Retain it for official use or upon application by any law  
5 enforcement agency of this state release such property to such agency  
6 for the exclusive use of enforcing the criminal law;

7 (b) Sell that which is not required to be destroyed by law and  
8 which is not harmful to the public.

9 (7) By January 31st of each year, each seizing agency shall remit  
10 to the state treasurer an amount equal to ten percent of the net  
11 proceeds of any property forfeited during the preceding calendar year.  
12 Money remitted shall be deposited in the (~~public safety and education~~  
13 ~~account~~) state general fund.

14 (a) The net proceeds of forfeited property is the value of the  
15 forfeitable interest in the property after deducting the cost of  
16 satisfying any bona fide security interest to which the property is  
17 subject at the time of seizure; and in the case of sold property, after  
18 deducting the cost of sale, including reasonable fees or commissions  
19 paid to independent selling agents.

20 (b) The value of sold forfeited property is the sale price. The  
21 value of retained forfeited property is the fair market value of the  
22 property at the time of seizure, determined when possible by reference  
23 to an applicable commonly used index, such as the index used by the  
24 department of licensing for valuation of motor vehicles. A seizing  
25 agency may use, but need not use, an independent qualified appraiser to  
26 determine the value of retained property. If an appraiser is used, the  
27 value of the property appraised is net of the cost of the appraisal.  
28 The value of destroyed property and retained firearms or illegal  
29 property is zero.

30 (c) Retained property and net proceeds not required to be paid to  
31 the state treasurer, or otherwise required to be spent under this  
32 section, shall be retained by the seizing law enforcement agency  
33 exclusively for the expansion and improvement of law enforcement  
34 activity. Money retained under this section may not be used to  
35 supplant preexisting funding sources.

36 **Sec. 14.** RCW 35.20.220 and 2004 c 15 s 9 are each amended to read  
37 as follows:

1 (1) The chief clerk, under the supervision and direction of the  
2 court administrator of the municipal court, shall have the custody and  
3 care of the books, papers, and records of (~~said~~) the court(~~;-he~~).  
4 The chief clerk or a deputy shall be present (~~by himself or deputy~~)  
5 during the session of (~~said~~) the court(~~(-)~~) and (~~shall have~~) has  
6 the power to swear all witnesses and jurors, (~~and~~) administer oaths  
7 and affidavits, and take acknowledgments. (~~He~~) The chief clerk shall  
8 keep the records of (~~said~~) the court(~~(-)~~) and shall issue all process  
9 under his or her hand and the seal of (~~said~~) the court(~~(-,and)~~). The  
10 chief clerk shall do and perform all things and have the same powers  
11 pertaining to (~~his~~) the office as the clerks of the superior courts  
12 have in their office. He or she shall receive all fines, penalties,  
13 and fees of every kind(~~(-)~~) and keep a full, accurate, and detailed  
14 account of the same(~~(;-and)~~). The chief clerk shall on each day pay  
15 into the city treasury all money received for (~~said~~) the city during  
16 the day previous, with a detailed account of the same, and taking the  
17 treasurer's receipt therefor.

18 (2) Except as provided in RCW 10.99.080, the city treasurer shall  
19 remit monthly thirty-two percent of the noninterest money received  
20 under this section, other than for parking infractions and certain  
21 costs to the state treasurer. "Certain costs" as used in this  
22 subsection, means those costs awarded to prevailing parties in civil  
23 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
24 convicted defendants in criminal actions under RCW 10.01.160,  
25 10.46.190, or 36.18.040, or other similar statutes if such costs are  
26 specifically designated as costs by the court and are awarded for the  
27 specific reimbursement of costs incurred by the state, county, city, or  
28 town in the prosecution of the case, including the fees of defense  
29 counsel. Money remitted under this subsection to the state treasurer  
30 shall be deposited (~~as provided in RCW 43.08.250~~) in the state  
31 general fund.

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

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

1 (5) Interest retained by the court on penalties, fines, bail  
2 forfeitures, fees, and costs shall be split twenty-five percent to the  
3 state treasurer for deposit in the (~~public safety and education~~  
4 ~~account as provided in RCW 43.08.250~~) state general fund, twenty-five  
5 percent to the state treasurer for deposit in the judicial information  
6 system account as provided in RCW 2.68.020, twenty-five percent to the  
7 city general fund, and twenty-five percent to the city general fund to  
8 fund local courts.

9 **Sec. 15.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to read  
10 as follows:

11 (1) Revenue collected under this section is subject to division  
12 with the state (~~for deposit in the public safety and education~~  
13 ~~account~~) under RCW 36.18.025.

14 (2) The party filing a transcript or abstract of judgment or  
15 verdict from a United States court held in this state, or from the  
16 superior court of another county or from a district court in the county  
17 of issuance, shall pay at the time of filing a fee of fifteen dollars.

18 (3) The clerk shall collect a fee of twenty dollars for: Filing a  
19 paper not related to or a part of a proceeding, civil or criminal, or  
20 a probate matter, required or permitted to be filed in the clerk's  
21 office for which no other charge is provided by law.

22 (4) If the defendant serves or files an answer to an unlawful  
23 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff  
24 shall pay before proceeding with the unlawful detainer action eighty  
25 dollars.

26 (5) For a restrictive covenant for filing a petition to strike  
27 discriminatory provisions in real estate under RCW 49.60.227 a fee of  
28 twenty dollars must be charged.

29 (6) A fee of twenty dollars must be charged for filing a will only,  
30 when no probate of the will is contemplated.

31 (7) A fee of two dollars must be charged for filing a petition,  
32 written agreement, or written memorandum in a nonjudicial probate  
33 dispute under RCW 11.96A.220.

34 (8) A fee of thirty-five dollars must be charged for filing a  
35 petition regarding a common law lien under RCW 60.70.060.

36 (9) For certification of delinquent taxes by a county treasurer  
37 under RCW 84.64.190, a fee of five dollars must be charged.

1 (10) For the filing of a tax warrant for unpaid taxes or  
2 overpayment of benefits by any agency of the state of Washington, a fee  
3 of five dollars on or after July 22, 2001, and for the filing of such  
4 a tax warrant or overpayment of benefits on or after July 1, 2003, a  
5 fee of twenty dollars, of which forty-six percent of the first five  
6 dollars is directed to the ((~~public safety and education account~~  
7 ~~established under RCW 43.08.250~~)) state general fund.

8 **Sec. 16.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read  
9 as follows:

10 (1) Revenue collected under this section is subject to division  
11 with the state ((~~public safety and education account~~)) under RCW  
12 36.18.025 and with the county or regional law library fund under RCW  
13 27.24.070.

14 (2) Clerks of superior courts shall collect the following fees for  
15 their official services:

16 (a) The party filing the first or initial paper in any civil  
17 action, including, but not limited to an action for restitution,  
18 adoption, or change of name, shall pay, at the time the paper is filed,  
19 a fee of one hundred ten dollars except, in an unlawful detainer action  
20 under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a  
21 case initiating filing fee of thirty dollars, or in proceedings filed  
22 under RCW 28A.225.030 alleging a violation of the compulsory attendance  
23 laws where the petitioner shall not pay a filing fee. The thirty  
24 dollar filing fee under this subsection for an unlawful detainer action  
25 shall not include an order to show cause or any other order or judgment  
26 except a default order or default judgment in an unlawful detainer  
27 action.

28 (b) Any party, except a defendant in a criminal case, filing the  
29 first or initial paper on an appeal from a court of limited  
30 jurisdiction or any party on any civil appeal, shall pay, when the  
31 paper is filed, a fee of one hundred ten dollars.

32 (c) For filing of a petition for judicial review as required under  
33 RCW 34.05.514 a filing fee of one hundred ten dollars.

34 (d) For filing of a petition for unlawful harassment under RCW  
35 10.14.040 a filing fee of forty-one dollars.

36 (e) For filing the notice of debt due for the compensation of a  
37 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

1 (f) In probate proceedings, the party instituting such proceedings,  
2 shall pay at the time of filing the first paper therein, a fee of one  
3 hundred ten dollars.

4 (g) For filing any petition to contest a will admitted to probate  
5 or a petition to admit a will which has been rejected, or a petition  
6 objecting to a written agreement or memorandum as provided in RCW  
7 11.96A.220, there shall be paid a fee of one hundred ten dollars.

8 (h) Upon conviction or plea of guilty, upon failure to prosecute an  
9 appeal from a court of limited jurisdiction as provided by law, or upon  
10 affirmance of a conviction by a court of limited jurisdiction, a  
11 defendant in a criminal case shall be liable for a fee of one hundred  
12 ten dollars.

13 (i) With the exception of demands for jury hereafter made and  
14 garnishments hereafter issued, civil actions and probate proceedings  
15 filed prior to midnight, July 1, 1972, shall be completed and governed  
16 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
17 fee shall be assessed if an order of dismissal on the clerk's record be  
18 filed as provided by rule of the supreme court.

19 (3) No fee shall be collected when a petition for relinquishment of  
20 parental rights is filed pursuant to RCW 26.33.080 or for forms and  
21 instructional brochures provided under RCW 26.50.030.

22 **Sec. 17.** RCW 36.18.025 and 2001 c 146 s 3 are each amended to read  
23 as follows:

24 Forty-six percent of the money received from filing fees paid  
25 pursuant to RCW 36.18.020, except those collected for the filing of  
26 warrants for unpaid taxes or overpayments by state agencies as outlined  
27 in RCW 36.18.012(10), shall be transmitted by the county treasurer each  
28 month to the state treasurer for deposit in the ((~~public safety and~~  
29 ~~education account established under RCW 43.08.250~~)) state general fund.

30 **Sec. 18.** RCW 43.17.150 and 1986 c 246 s 1 are each amended to read  
31 as follows:

32 (1) Each state agency is authorized to receive property or money  
33 made available by the attorney general of the United States under  
34 section 881(e) of Title 21 of the United States Code and, except as  
35 required to the contrary under subsection (2) of this section, to use

1 the property or spend the money for such purposes as are permitted  
2 under both federal law and the state law specifying the powers and  
3 duties of the agency.

4 (2) Unless precluded by federal law, all funds received by a state  
5 agency under section 881(e) of Title 21 of the United States Code shall  
6 be promptly deposited into the (~~public safety and education account~~  
7 ~~established in RCW 43.08.250~~) state general fund.

8 **Sec. 19.** RCW 46.61.5058 and 1998 c 207 s 2 are each amended to  
9 read as follows:

10 (1) Upon the arrest of a person or upon the filing of a complaint,  
11 citation, or information in a court of competent jurisdiction, based  
12 upon probable cause to believe that a person has violated RCW 46.61.502  
13 or 46.61.504 or any similar municipal ordinance, if such person has a  
14 prior offense within seven years as defined in RCW 46.61.5055, and  
15 where the person has been provided written notice that any transfer,  
16 sale, or encumbrance of such person's interest in the vehicle over  
17 which that person was actually driving or had physical control when the  
18 violation occurred, is unlawful pending either acquittal, dismissal,  
19 sixty days after conviction, or other termination of the charge, such  
20 person shall be prohibited from encumbering, selling, or transferring  
21 his or her interest in such vehicle, except as otherwise provided in  
22 (a), (b), and (c) of this subsection, until either acquittal,  
23 dismissal, sixty days after conviction, or other termination of the  
24 charge. The prohibition against transfer of title shall not be stayed  
25 pending the determination of an appeal from the conviction.

26 (a) A vehicle encumbered by a bona fide security interest may be  
27 transferred to the secured party or to a person designated by the  
28 secured party;

29 (b) A leased or rented vehicle may be transferred to the lessor,  
30 rental agency, or to a person designated by the lessor or rental  
31 agency; and

32 (c) A vehicle may be transferred to a third party or a vehicle  
33 dealer who is a bona fide purchaser or may be subject to a bona fide  
34 security interest in the vehicle unless it is established that (i) in  
35 the case of a purchase by a third party or vehicle dealer, such party  
36 or dealer had actual notice that the vehicle was subject to the  
37 prohibition prior to the purchase, or (ii) in the case of a security

1 interest, the holder of the security interest had actual notice that  
2 the vehicle was subject to the prohibition prior to the encumbrance of  
3 title.

4 (2) On conviction for a violation of either RCW 46.61.502 or  
5 46.61.504 or any similar municipal ordinance where the person convicted  
6 has a prior offense within seven years as defined in RCW 46.61.5055,  
7 the motor vehicle the person was driving or over which the person had  
8 actual physical control at the time of the offense, if the person has  
9 a financial interest in the vehicle, is subject to seizure and  
10 forfeiture pursuant to this section.

11 (3) A vehicle subject to forfeiture under this chapter may be  
12 seized by a law enforcement officer of this state upon process issued  
13 by a court of competent jurisdiction. Seizure of a vehicle may be made  
14 without process if the vehicle subject to seizure has been the subject  
15 of a prior judgment in favor of the state in a forfeiture proceeding  
16 based upon this section.

17 (4) Seizure under subsection (3) of this section automatically  
18 commences proceedings for forfeiture. The law enforcement agency under  
19 whose authority the seizure was made shall cause notice of the seizure  
20 and intended forfeiture of the seized vehicle to be served within  
21 fifteen days after the seizure on the owner of the vehicle seized, on  
22 the person in charge of the vehicle, and on any person having a known  
23 right or interest in the vehicle, including a community property  
24 interest. The notice of seizure may be served by any method authorized  
25 by law or court rule, including but not limited to service by certified  
26 mail with return receipt requested. Service by mail is complete upon  
27 mailing within the fifteen-day period after the seizure. Notice of  
28 seizure in the case of property subject to a security interest that has  
29 been perfected on a certificate of title shall be made by service upon  
30 the secured party or the secured party's assignee at the address shown  
31 on the financing statement or the certificate of title.

32 (5) If no person notifies the seizing law enforcement agency in  
33 writing of the person's claim of ownership or right to possession of  
34 the seized vehicle within forty-five days of the seizure, the vehicle  
35 is deemed forfeited.

36 (6) If a person notifies the seizing law enforcement agency in  
37 writing of the person's claim of ownership or right to possession of  
38 the seized vehicle within forty-five days of the seizure, the law

1 enforcement agency shall give the person or persons a reasonable  
2 opportunity to be heard as to the claim or right. The hearing shall be  
3 before the chief law enforcement officer of the seizing agency or the  
4 chief law enforcement officer's designee, except where the seizing  
5 agency is a state agency as defined in RCW 34.12.020, the hearing shall  
6 be before the chief law enforcement officer of the seizing agency or an  
7 administrative law judge appointed under chapter 34.12 RCW, except that  
8 any person asserting a claim or right may remove the matter to a court  
9 of competent jurisdiction. Removal may only be accomplished according  
10 to the rules of civil procedure. The person seeking removal of the  
11 matter must serve process against the state, county, political  
12 subdivision, or municipality that operates the seizing agency, and any  
13 other party of interest, in accordance with RCW 4.28.080 or 4.92.020,  
14 within forty-five days after the person seeking removal has notified  
15 the seizing law enforcement agency of the person's claim of ownership  
16 or right to possession. The court to which the matter is to be removed  
17 shall be the district court when the aggregate value of the vehicle is  
18 within the jurisdictional limit set forth in RCW 3.66.020. A hearing  
19 before the seizing agency and any appeal therefrom shall be under Title  
20 34 RCW. In a court hearing between two or more claimants to the  
21 vehicle involved, the prevailing party shall be entitled to a judgment  
22 for costs and reasonable attorneys' fees. The burden of producing  
23 evidence shall be upon the person claiming to be the legal owner or the  
24 person claiming to have the lawful right to possession of the vehicle.  
25 The seizing law enforcement agency shall promptly return the vehicle to  
26 the claimant upon a determination by the administrative law judge or  
27 court that the claimant is the present legal owner under Title 46 RCW  
28 or is lawfully entitled to possession of the vehicle.

29 (7) When a vehicle is forfeited under this chapter the seizing law  
30 enforcement agency may sell the vehicle, retain it for official use, or  
31 upon application by a law enforcement agency of this state release the  
32 vehicle to that agency for the exclusive use of enforcing this title;  
33 provided, however, that the agency shall first satisfy any bona fide  
34 security interest to which the vehicle is subject under subsection  
35 (1)(a) or (c) of this section.

36 (8) When a vehicle is forfeited, the seizing agency shall keep a  
37 record indicating the identity of the prior owner, if known, a

1 description of the vehicle, the disposition of the vehicle, the value  
2 of the vehicle at the time of seizure, and the amount of proceeds  
3 realized from disposition of the vehicle.

4 (9) Each seizing agency shall retain records of forfeited vehicles  
5 for at least seven years.

6 (10) Each seizing agency shall file a report including a copy of  
7 the records of forfeited vehicles with the state treasurer each  
8 calendar quarter.

9 (11) The quarterly report need not include a record of a forfeited  
10 vehicle that is still being held for use as evidence during the  
11 investigation or prosecution of a case or during the appeal from a  
12 conviction.

13 (12) By January 31st of each year, each seizing agency shall remit  
14 to the state treasurer an amount equal to ten percent of the net  
15 proceeds of vehicles forfeited during the preceding calendar year.  
16 Money remitted shall be deposited in the (~~public safety and education~~  
17 ~~account~~) state general fund.

18 (13) The net proceeds of a forfeited vehicle is the value of the  
19 forfeitable interest in the vehicle after deducting the cost of  
20 satisfying a bona fide security interest to which the vehicle is  
21 subject at the time of seizure; and in the case of a sold vehicle,  
22 after deducting the cost of sale, including reasonable fees or  
23 commissions paid to independent selling agents.

24 (14) The value of a sold forfeited vehicle is the sale price. The  
25 value of a retained forfeited vehicle is the fair market value of the  
26 vehicle at the time of seizure, determined when possible by reference  
27 to an applicable commonly used index, such as the index used by the  
28 department of licensing. A seizing agency may, but need not, use an  
29 independent qualified appraiser to determine the value of retained  
30 vehicles. If an appraiser is used, the value of the vehicle appraised  
31 is net of the cost of the appraisal.

32 **Sec. 20.** RCW 77.12.201 and 1987 c 506 s 29 are each amended to  
33 read as follows:

34 The legislative authority of a county may elect, by giving written  
35 notice to the director and the treasurer prior to January 1st of any  
36 year, to obtain for the following year an amount in lieu of real  
37 property taxes on game lands as provided in RCW 77.12.203. Upon the



1 For purposes of this subsection, "eyeguard" means an antler  
2 protrusion on the main beam of the antler closest to the eye of the  
3 animal.

4 (4) If two or more persons are convicted of illegally possessing  
5 wildlife in subsection (1) of this section, the criminal wildlife  
6 penalty assessment shall be imposed on them jointly and separately.

7 (5) The criminal wildlife penalty assessment shall be imposed  
8 regardless of and in addition to any sentence, fines, or costs  
9 otherwise provided for violating any provision of this title. The  
10 criminal wildlife penalty assessment shall be included by the court in  
11 any pronouncement of sentence and may not be suspended, waived,  
12 modified, or deferred in any respect. This section may not be  
13 construed to abridge or alter alternative rights of action or remedies  
14 in equity or under common law or statutory law, criminal or civil.

15 (6) A defaulted criminal wildlife penalty assessment may be  
16 collected by any means authorized by law for the enforcement of orders  
17 of the court or collection of a fine or costs, including but not  
18 limited to vacation of a deferral of sentencing or vacation of a  
19 suspension of sentence.

20 (7) A person assessed a criminal wildlife penalty assessment under  
21 this section shall have his or her hunting license revoked and all  
22 hunting privileges suspended until the penalty assessment is paid  
23 through the registry of the court in which the penalty assessment was  
24 assessed.

25 **Sec. 22.** RCW 72.09.111 and 2004 c 167 s 7 are each amended to read  
26 as follows:

27 (1) The secretary shall deduct taxes and legal financial  
28 obligations from the gross wages, gratuities, or workers' compensation  
29 benefits payable directly to the inmate under chapter 51.32 RCW, of  
30 each inmate working in correctional industries work programs, or  
31 otherwise receiving such wages, gratuities, or benefits. The secretary  
32 shall also deduct child support payments from the gratuities of each  
33 inmate working in class II through class IV correctional industries  
34 work programs. The secretary shall develop a formula for the  
35 distribution of offender wages, gratuities, and benefits. The formula  
36 shall not reduce the inmate account below the indigency level, as  
37 defined in RCW 72.09.015.

1 (a) The formula shall include the following minimum deductions from  
2 class I gross wages and from all others earning at least minimum wage:

3 (i) Five percent to the ((~~public safety and education account~~))  
4 state general fund for the purpose of crime victims' compensation;

5 (ii) Ten percent to a department personal inmate savings account;

6 (iii) Twenty percent to the department to contribute to the cost of  
7 incarceration; and

8 (iv) Twenty percent for payment of legal financial obligations for  
9 all inmates who have legal financial obligations owing in any  
10 Washington state superior court.

11 (b) The formula shall include the following minimum deductions from  
12 class II gross gratuities:

13 (i) Five percent to the ((~~public safety and education account~~))  
14 state general fund for the purpose of crime victims' compensation;

15 (ii) Ten percent to a department personal inmate savings account;

16 (iii) Fifteen percent to the department to contribute to the cost  
17 of incarceration;

18 (iv) Twenty percent for payment of legal financial obligations for  
19 all inmates who have legal financial obligations owing in any  
20 Washington state superior court; and

21 (v) Fifteen percent for any child support owed under a support  
22 order.

23 (c) The formula shall include the following minimum deductions from  
24 any workers' compensation benefits paid pursuant to RCW 51.32.080:

25 (i) Five percent to the ((~~public safety and education account~~))  
26 state general fund for the purpose of crime victims' compensation;

27 (ii) Ten percent to a department personal inmate savings account;

28 (iii) Twenty percent to the department to contribute to the cost of  
29 incarceration; and

30 (iv) An amount equal to any legal financial obligations owed by the  
31 inmate established by an order of any Washington state superior court  
32 up to the total amount of the award.

33 (d) The formula shall include the following minimum deductions from  
34 class III gratuities:

35 (i) Five percent for the purpose of crime victims' compensation;  
36 and

37 (ii) Fifteen percent for any child support owed under a support  
38 order.

1 (e) The formula shall include the following minimum deduction from  
2 class IV gross gratuities:

3 (i) Five percent to the department to contribute to the cost of  
4 incarceration; and

5 (ii) Fifteen percent for any child support owed under a support  
6 order.

7 (2) Any person sentenced to life imprisonment without possibility  
8 of release or parole under chapter 10.95 RCW or sentenced to death  
9 shall be exempt from the requirement under subsection (1)(a)(ii),  
10 (b)(ii), or (c)(ii).

11 (3) The department personal inmate savings account, together with  
12 any accrued interest, shall only be available to an inmate at the time  
13 of his or her release from confinement, unless the secretary determines  
14 that an emergency exists for the inmate, at which time the funds can be  
15 made available to the inmate in an amount determined by the secretary.  
16 The management of classes I, II, and IV correctional industries may  
17 establish an incentive payment for offender workers based on  
18 productivity criteria. This incentive shall be paid separately from  
19 the hourly wage/gratuity rate and shall not be subject to the specified  
20 deduction for cost of incarceration.

21 (4)(a) Subject to availability of funds for the correctional  
22 industries program, the expansion of inmate employment in class I and  
23 class II correctional industries shall be implemented according to the  
24 following schedule:

25 (i) Not later than June 30, 2005, the secretary shall achieve a net  
26 increase of at least two hundred in the number of inmates employed in  
27 class I or class II correctional industries work programs above the  
28 number so employed on June 30, 2003;

29 (ii) Not later than June 30, 2006, the secretary shall achieve a  
30 net increase of at least four hundred in the number of inmates employed  
31 in class I or class II correctional industries work programs above the  
32 number so employed on June 30, 2003;

33 (iii) Not later than June 30, 2007, the secretary shall achieve a  
34 net increase of at least six hundred in the number of inmates employed  
35 in class I or class II correctional industries work programs above the  
36 number so employed on June 30, 2003;

37 (iv) Not later than June 30, 2008, the secretary shall achieve a

1 net increase of at least nine hundred in the number of inmates employed  
2 in class I or class II correctional industries work programs above the  
3 number so employed on June 30, 2003;

4 (v) Not later than June 30, 2009, the secretary shall achieve a net  
5 increase of at least one thousand two hundred in the number of inmates  
6 employed in class I or class II correctional industries work programs  
7 above the number so employed on June 30, 2003;

8 (vi) Not later than June 30, 2010, the secretary shall achieve a  
9 net increase of at least one thousand five hundred in the number of  
10 inmates employed in class I or class II correctional industries work  
11 programs above the number so employed on June 30, 2003.

12 (b) Failure to comply with the schedule in this subsection does not  
13 create a private right of action.

14 (5) In the event that the offender worker's wages, gratuity, or  
15 workers' compensation benefit is subject to garnishment for support  
16 enforcement, the crime victims' compensation, savings, and cost of  
17 incarceration deductions shall be calculated on the net wages after  
18 taxes, legal financial obligations, and garnishment.

19 (6) The department shall explore other methods of recovering a  
20 portion of the cost of the inmate's incarceration and for encouraging  
21 participation in work programs, including development of incentive  
22 programs that offer inmates benefits and amenities paid for only from  
23 wages earned while working in a correctional industries work program.

24 (7) The department shall develop the necessary administrative  
25 structure to recover inmates' wages and keep records of the amount  
26 inmates pay for the costs of incarceration and amenities. All funds  
27 deducted from inmate wages under subsection (1) of this section for the  
28 purpose of contributions to the cost of incarceration shall be  
29 deposited in a dedicated fund with the department and shall be used  
30 only for the purpose of enhancing and maintaining correctional  
31 industries work programs.

32 (8) It shall be in the discretion of the secretary to apportion the  
33 inmates between class I and class II depending on available contracts  
34 and resources.

35 (9) Nothing in this section shall limit the authority of the  
36 department of social and health services division of child support from  
37 taking collection action against an inmate's moneys, assets, or  
38 property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

1           **Sec. 23.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to read  
2 as follows:

3           (1) Unless the context clearly requires otherwise, the definitions  
4 in this section apply to this section.

5           (a) "Cost of incarceration" means the cost of providing an inmate  
6 with shelter, food, clothing, transportation, supervision, and other  
7 services and supplies as may be necessary for the maintenance and  
8 support of the inmate while in the custody of the department, based on  
9 the average per inmate costs established by the department and the  
10 office of financial management.

11           (b) "Minimum term of confinement" means the minimum amount of time  
12 an inmate will be confined in the custody of the department,  
13 considering the sentence imposed and adjusted for the total potential  
14 earned early release time available to the inmate.

15           (c) "Program" means any series of courses or classes necessary to  
16 achieve a proficiency standard, certificate, or postsecondary degree.

17           (2) When an inmate, except as provided in subsection (7) of this  
18 section, receives any funds in addition to his or her wages or  
19 gratuities, except settlements or awards resulting from legal action,  
20 the additional funds shall be subject to the following deductions and  
21 the priorities established in chapter 72.11 RCW:

22           (a) Five percent to the (~~public safety and education account~~)  
23 state general fund for the purpose of crime victims' compensation;

24           (b) Ten percent to a department personal inmate savings account;

25           (c) Twenty percent to the department to contribute to the cost of  
26 incarceration;

27           (d) Twenty percent for payment of legal financial obligations for  
28 all inmates who have legal financial obligations owing in any  
29 Washington state superior court; and

30           (e) Fifteen percent for any child support owed under a support  
31 order.

32           (3) When an inmate, except as provided in subsection (7) of this  
33 section, receives any funds from a settlement or award resulting from  
34 a legal action, the additional funds shall be subject to the deductions  
35 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11  
36 RCW.

37           (4) The amount deducted from an inmate's funds under subsection (2)

1 of this section shall not exceed the department's total cost of  
2 incarceration for the inmate incurred during the inmate's minimum or  
3 actual term of confinement, whichever is longer.

4 (5) The deductions required under subsection (2) of this section  
5 shall not apply to funds received by the department on behalf of an  
6 offender for payment of one fee-based education or vocational program  
7 that is associated with an inmate's work program or a placement  
8 decision made by the department under RCW 72.09.460 to prepare an  
9 inmate for work upon release.

10 An inmate may, prior to the completion of the fee-based education  
11 or vocational program authorized under this subsection, apply to a  
12 person designated by the secretary for permission to make a change in  
13 his or her program. The secretary, or his or her designee, may approve  
14 the application based solely on the following criteria: (a) The inmate  
15 has been transferred to another institution by the department for  
16 reasons unrelated to education or a change to a higher security  
17 classification and the offender's current program is unavailable in the  
18 offender's new placement; (b) the inmate entered an academic program as  
19 an undeclared major and wishes to declare a major. No inmate may apply  
20 for more than one change to his or her major and receive the exemption  
21 from deductions specified in this subsection; (c) the educational or  
22 vocational institution is terminating the inmate's current program; or  
23 (d) the offender's training or education has demonstrated that the  
24 current program is not the appropriate program to assist the offender  
25 to achieve a placement decision made by the department under RCW  
26 72.09.460 to prepare the inmate for work upon release.

27 (6) The deductions required under subsection (2) of this section  
28 shall not apply to any money received by the department, on behalf of  
29 an inmate, from family or other outside sources for the payment of  
30 postage expenses. Money received under this subsection may only be  
31 used for the payment of postage expenses and may not be transferred to  
32 any other account or purpose. Money that remains unused in the  
33 inmate's postage fund at the time of release shall be subject to the  
34 deductions outlined in subsection (2) of this section.

35 (7) When an inmate sentenced to life imprisonment without  
36 possibility of release or parole, or to death under chapter 10.95 RCW,  
37 receives any funds in addition to his or her gratuities, except  
38 settlements or awards resulting from legal action, the additional funds

1 shall be subject to: Deductions of five percent to the (~~public safety~~  
2 ~~and education account~~) state general fund for the purpose of crime  
3 victims' compensation, twenty percent to the department to contribute  
4 to the cost of incarceration, and fifteen percent to child support  
5 payments.

6 (8) When an inmate sentenced to life imprisonment without  
7 possibility of release or parole, or to death under chapter 10.95 RCW,  
8 receives any funds from a settlement or award resulting from a legal  
9 action in addition to his or her gratuities, the additional funds shall  
10 be subject to: Deductions of five percent to the (~~public safety and~~  
11 ~~education account~~) state general fund for the purpose of crime  
12 victims' compensation and twenty percent to the department to  
13 contribute to the cost of incarceration.

14 (9) The interest earned on an inmate savings account created as a  
15 result of the plan in section 4, chapter 325, Laws of 1999 shall be  
16 exempt from the mandatory deductions under this section and RCW  
17 72.09.111.

18 (10) Nothing in this section shall limit the authority of the  
19 department of social and health services division of child support from  
20 taking collection action against an inmate's moneys, assets, or  
21 property pursuant to chapter 26.23, 74.20, or 74.20A RCW including, but  
22 not limited to, the collection of moneys received by the inmate from  
23 settlements or awards resulting from legal action.

24 **Sec. 24.** RCW 77.12.201 and 1987 c 506 s 29 are each amended to  
25 read as follows:

26 The legislative authority of a county may elect, by giving written  
27 notice to the director and the treasurer prior to January 1st of any  
28 year, to obtain for the following year an amount in lieu of real  
29 property taxes on game lands as provided in RCW 77.12.203. Upon the  
30 election, the county shall keep a record of all fines, forfeitures,  
31 reimbursements, and costs assessed and collected, in whole or in part,  
32 under this title for violations of law or rules adopted pursuant to  
33 this title and shall monthly remit an amount equal to the amount  
34 collected to the state treasurer for deposit in the (~~public safety and~~  
35 ~~education account established under RCW 43.08.250~~) state general fund.  
36 The election shall continue until the department is notified  
37 differently prior to January 1st of any year.

1       **Sec. 25.** RCW 43.99H.060 and 1991 sp.s. c 31 s 15 are each amended  
2 to read as follows:

3       (1) For bonds issued for the purposes of RCW 43.99H.020(16), on  
4 each date on which any interest or principal and interest payment is  
5 due, the board of regents or the board of trustees of Washington State  
6 University shall cause the amount computed in RCW 43.99H.040(1) to be  
7 paid out of the appropriate building account or capital projects  
8 account to the state treasurer for deposit into the general fund of the  
9 state treasury.

10       (2) For bonds issued for the purposes of RCW 43.99H.020(15), on  
11 each date on which any interest or principal and interest payment is  
12 due, the state treasurer shall transfer the amount computed in RCW  
13 43.99H.040(2) from the capitol campus reserve account, hereby created  
14 in the state treasury, to the general fund of the state treasury. At  
15 the time of sale of the bonds issued for the purposes of RCW  
16 43.99H.020(15), and on or before June 30th of each succeeding year  
17 while such bonds remain outstanding, the state finance committee shall  
18 determine, based on current balances and estimated receipts and  
19 expenditures from the capitol campus reserve account, that portion of  
20 principal and interest on such RCW 43.99H.020(15) bonds which will, by  
21 virtue of payments from the capitol campus reserve account, be  
22 reimbursed from sources other than "general state revenues" as that  
23 term is defined in Article VIII, section 1 of the state Constitution.  
24 The amount so determined by the state finance committee, as from time  
25 to time adjusted in accordance with this subsection, shall not  
26 constitute indebtedness for purposes of the limitations set forth in  
27 RCW 39.42.060.

28       (3) For bonds issued for the purposes of RCW 43.99H.020(17), on  
29 each date on which any interest or principal and interest payment is  
30 due, the director of the department of labor and industries shall cause  
31 fifty percent of the amount computed in RCW 43.99H.040(3) to be  
32 transferred from the accident fund created in RCW 51.44.010 and fifty  
33 percent of the amount computed in RCW 43.99H.040(3) to be transferred  
34 from the medical aid fund created in RCW 51.44.020, to the general fund  
35 of the state treasury.

36       (4) For bonds issued for the purposes of RCW 43.99H.020(18), on  
37 each date on which any interest or principal and interest payment is  
38 due, the board of regents of the University of Washington shall cause

1 the amount computed in RCW 43.99H.040(4) to be paid out of University  
2 of Washington nonappropriated local funds to the state treasurer for  
3 deposit into the general fund of the state treasury.

4 ~~(5) ((For bonds issued for the purposes of RCW 43.99H.020(20), on  
5 each date on which any interest or principal and interest payment is  
6 due, the state treasurer shall transfer the amount computed in RCW  
7 43.99H.040(5) from the public safety and education account created in  
8 RCW 43.08.250 to the general fund of the state treasury.~~

9 ~~(6))~~ For bonds issued for the purposes of RCW 43.99H.020(4), on  
10 each date on which any interest or principal and interest payment is  
11 due, the state treasurer shall transfer from property taxes in the  
12 state general fund levied for the support of the common schools under  
13 RCW 84.52.065 to the general fund of the state treasury for  
14 unrestricted use the amount computed in RCW 43.99H.040(6).

15 **Sec. 26.** RCW 43.99K.030 and 1997 c 456 s 23 are each amended to  
16 read as follows:

17 (1)(a) The debt-limit general fund bond retirement account shall be  
18 used for the payment of the principal of and interest on the bonds  
19 authorized in RCW 43.99K.020 (1), (2), and (3).

20 (b) The debt-limit reimbursable bond retirement account shall be  
21 used for the payment of the principal of and interest on the bonds  
22 authorized in RCW 43.99K.020(4).

23 (c) The nondebt-limit reimbursable bond retirement account shall be  
24 used for the payment of the principal of and interest on the bonds  
25 authorized in RCW 43.99K.020(5).

26 (2) The state finance committee shall, on or before June 30th of  
27 each year, certify to the state treasurer the amount needed in the  
28 ensuing twelve months to meet the bond retirement and interest  
29 requirements. Not less than thirty days prior to the date on which any  
30 interest or principal and interest payment is due, the state treasurer  
31 shall withdraw from any general state revenues received in the state  
32 treasury and deposit in the debt-limit general fund bond retirement  
33 account, debt-limit reimbursable bond retirement account, nondebt-limit  
34 reimbursable bond retirement account, as necessary, an amount equal to  
35 the amount certified by the state finance committee to be due on the  
36 payment date.

1           (3) (~~On each date on which any interest or principal and interest~~  
2 ~~payment is due on bonds issued for the purposes of RCW 43.99K.020(4),~~  
3 ~~the state treasurer shall transfer from the public safety and education~~  
4 ~~account to the general fund of the state treasury the amount computed~~  
5 ~~in subsection (2) of this section for the bonds issued for the purposes~~  
6 ~~of RCW 43.99K.020(4).~~

7           (4)) On each date on which any interest or principal and interest  
8 payment is due on bonds issued for the purposes of RCW 43.99K.020(5),  
9 the board of regents of the University of Washington shall cause to be  
10 paid out of University of Washington nonappropriated local funds to the  
11 state treasurer for deposit into the general fund of the state treasury  
12 the amount computed in subsection (2) of this section for bonds issued  
13 for the purposes of RCW 43.99K.020(5).

14           (~~(5)~~) (4) Bonds issued under this section and RCW 43.99K.010 and  
15 43.99K.020 shall state that they are a general obligation of the state  
16 of Washington, shall pledge the full faith and credit of the state to  
17 the payment of the principal thereof and the interest thereon, and  
18 shall contain an unconditional promise to pay the principal and  
19 interest as the same shall become due.

20           (~~(6)~~) (5) The owner and holder of each of the bonds or the  
21 trustee for the owner and holder of any of the bonds may by mandamus or  
22 other appropriate proceeding require the transfer and payment of funds  
23 as directed in this section.

24           NEW SECTION. **Sec. 27.** This act is necessary for the immediate  
25 preservation of the public peace, health, or safety, or support of the  
26 state government and its existing public institutions, and takes effect  
27 July 1, 2005.

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