
HOUSE BILL 3288

State of Washington

59th Legislature

2006 Regular Session

By Representative Holmquist

Read first time 02/01/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to superior court penalty assessments; and amending
2 RCW 7.68.035.

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

4 **Sec. 1.** RCW 7.68.035 and 2000 c 71 s 3 are each amended to read as
5 follows:

6 (1)(a) When any person is found guilty in any superior court of
7 having committed a crime, except as provided in subsection (2) of this
8 section, there shall be imposed by the court upon such convicted person
9 a penalty assessment. The assessment shall be in addition to any other
10 penalty or fine imposed by law and shall be five hundred dollars for
11 each ~~((ease or cause of action that includes one or more convictions))~~
12 count of a felony or gross misdemeanor and two hundred fifty dollars
13 for ~~((any case or cause of action that includes convictions of only one~~
14 ~~or more misdemeanors))~~ each misdemeanor.

15 (b) When any juvenile is adjudicated of any offense in any juvenile
16 offense disposition under Title 13 RCW, except as provided in
17 subsection (2) of this section, there shall be imposed upon the
18 juvenile offender a penalty assessment. The assessment shall be in
19 addition to any other penalty or fine imposed by law and shall be one

1 hundred dollars for each case or cause of action that includes one or
2 more adjudications for a felony or gross misdemeanor and seventy-five
3 dollars for each case or cause of action that includes adjudications of
4 only one or more misdemeanors.

5 (2) The assessment imposed by subsection (1) of this section shall
6 not apply to motor vehicle crimes defined in Title 46 RCW except those
7 defined in the following sections: RCW 46.61.520, 46.61.522,
8 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,
9 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.5249, 46.61.525,
10 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180,
11 46.10.090(2), and 46.09.120(2).

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

19 (4) Such penalty assessments shall be paid by the clerk of the
20 superior court to the county treasurer who shall monthly transmit the
21 money as provided in RCW 10.82.070. Each county shall deposit fifty
22 percent of the money it receives per case or cause of action under
23 subsection (1) of this section and retains under RCW 10.82.070, not
24 less than one and seventy-five one-hundredths percent of the remaining
25 money it retains under RCW 10.82.070 and the money it retains under
26 chapter 3.62 RCW, and all money it receives under subsection (7) of
27 this section into a fund maintained exclusively for the support of
28 comprehensive programs to encourage and facilitate testimony by the
29 victims of crimes and witnesses to crimes. A program shall be
30 considered "comprehensive" only after approval of the department upon
31 application by the county prosecuting attorney. The department shall
32 approve as comprehensive only programs which:

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

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

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

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

8 (e) Assist victims of violent crimes in the preparation and
9 presentation of their claims to the department of labor and industries
10 under this chapter.

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

18 (5) Upon submission to the department of a letter of intent to
19 adopt a comprehensive program, the prosecuting attorney shall retain
20 the money deposited by the county under subsection (4) of this section
21 until such time as the county prosecuting attorney has obtained
22 approval of a program from the department. Approval of the
23 comprehensive plan by the department must be obtained within one year
24 of the date of the letter of intent to adopt a comprehensive program.
25 The county prosecuting attorney shall not make any expenditures from
26 the money deposited under subsection (4) of this section until approval
27 of a comprehensive plan by the department. If a county prosecuting
28 attorney has failed to obtain approval of a program from the department
29 under subsection (4) of this section or failed to obtain approval of a
30 comprehensive program within one year after submission of a letter of
31 intent under this section, the county treasurer shall monthly transmit
32 one hundred percent of the money deposited by the county under
33 subsection (4) of this section to the state treasurer for deposit in
34 the public safety and education account established under RCW
35 43.08.250.

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

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

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