
SUBSTITUTE SENATE BILL 5243

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Hargrove and Stevens)

READ FIRST TIME 02/02/05.

1 AN ACT Relating to assessments for the prostitution prevention and
2 intervention account; amending RCW 9.68A.105 and 9A.88.120; and
3 prescribing penalties.

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

5 **Sec. 1.** RCW 9.68A.105 and 1995 c 353 s 12 are each amended to read
6 as follows:

7 (1)(a) In addition to penalties set forth in RCW 9.68A.100, a
8 person who is either convicted or given a deferred sentence or a
9 deferred prosecution or who has entered into a statutory or
10 nonstatutory diversion agreement as a result of an arrest for violating
11 RCW 9.68A.100 or a comparable county or municipal ordinance shall be
12 assessed a two hundred fifty dollar fee.

13 (b) The court may not suspend payment of all or part of the fee
14 unless it finds that the person does not have the ability to pay.

15 (c) When a minor has been adjudicated a juvenile offender or has
16 entered into a statutory or nonstatutory diversion agreement for an
17 offense which, if committed by an adult, would constitute a violation
18 of RCW 9.68A.100 or a comparable county or municipal ordinance, the

1 court shall assess the fee under (a) of this subsection. The court may
2 not suspend payment of all or part of the fee unless it finds that the
3 minor does not have the ability to pay the fee.

4 (2) The fee assessed under subsection (1) of this section shall be
5 collected by the clerk of the court and distributed each month to the
6 state treasurer for deposit in the prostitution prevention and
7 intervention account under RCW 43.63A.740 for the purpose of funding
8 prostitution prevention and intervention activities.

9 (3) For the purposes of this section:

10 (a) "Statutory or nonstatutory diversion agreement" means an
11 agreement under RCW 13.40.080 or any written agreement between a person
12 accused of an offense listed in subsection (1) of this section and a
13 court or a county or city prosecutor, or a designee thereof, whereby
14 the person agrees to fulfill certain conditions in lieu of prosecution;
15 and

16 (b) "Deferred sentence" means a sentence that will not be carried
17 out if the defendant meets certain requirements, such as complying with
18 the conditions of probation.

19 **Sec. 2.** RCW 9A.88.120 and 1995 c 353 s 13 are each amended to read
20 as follows:

21 (1)(a) In addition to penalties set forth in RCW 9A.88.010,
22 9A.88.030, and 9A.88.090, a person who is either convicted or given a
23 deferred sentence or a deferred prosecution or who has entered into a
24 statutory or nonstatutory diversion agreement as a result of an arrest
25 for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county
26 or municipal ordinances shall be assessed a fifty dollar fee.

27 (b) In addition to penalties set forth in RCW 9A.88.110, a person
28 who is either convicted or given a deferred sentence or a deferred
29 prosecution or who has entered into a statutory or nonstatutory
30 diversion agreement as a result of an arrest for violating RCW
31 9A.88.110 or a comparable county or municipal ordinance shall be
32 assessed a one hundred fifty dollar fee.

33 (c) In addition to penalties set forth in RCW 9A.88.070 and
34 9A.88.080, a person who is either convicted or given a deferred
35 sentence or a deferred prosecution or who has entered into a statutory
36 or nonstatutory diversion agreement as a result of an arrest for

1 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
2 ordinances shall be assessed a three hundred dollar fee.

3 (2) The court may not suspend payment of all or part of the fee
4 unless it finds that the person does not have the ability to pay.

5 (3) When a minor has been adjudicated a juvenile offender or has
6 entered into a statutory or nonstatutory diversion agreement for an
7 offense which, if committed by an adult, would constitute a violation
8 under this chapter or comparable county or municipal ordinances, the
9 court shall assess the fee as specified under subsection (1) of this
10 section. The court may not suspend payment of all or part of the fee
11 unless it finds that the minor does not have the ability to pay the
12 fee.

13 (4) Any fee assessed under this section shall be collected by the
14 clerk of the court and distributed each month to the state treasurer
15 for deposit in the prostitution prevention and intervention account
16 under RCW 43.63A.740 for the purpose of funding prostitution prevention
17 and intervention activities.

18 (5) For the purposes of this section:

19 (a) "Statutory or nonstatutory diversion agreement" means an
20 agreement under RCW 13.40.080 or any written agreement between a person
21 accused of an offense listed in subsection (1) of this section and a
22 court or a county or city prosecutor, or a designee thereof, whereby
23 the person agrees to fulfill certain conditions in lieu of prosecution;
24 and

25 (b) "Deferred sentence" means a sentence that will not be carried
26 out if the defendant meets certain requirements, such as complying with
27 the conditions of probation.

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