

ESHB 1983 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 02/29/2012

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9A.40.100 and 2011 c 111 s 1 are each amended to read
4 as follows:

5 (1)(a) A person is guilty of trafficking in the first degree when:

6 (i) Such person:

7 (A) Recruits, harbors, transports, transfers, provides, obtains, or
8 receives by any means another person knowing that force, fraud, or
9 coercion as defined in RCW 9A.36.070 will be used to cause the person
10 to engage in forced labor, involuntary servitude, or a commercial sex
11 act; or

12 (B) Benefits financially or by receiving anything of value from
13 participation in a venture that has engaged in acts set forth in
14 (a)(i)(A) of this subsection; and

15 (ii) The acts or venture set forth in (a)(i) of this subsection:

16 (A) Involve committing or attempting to commit kidnapping;

17 (B) Involve a finding of sexual motivation under RCW 9.94A.835;

18 (C) Involve the illegal harvesting or sale of human organs; or

19 (D) Result in a death.

20 (b) Trafficking in the first degree is a class A felony.

21 (2)(a) A person is guilty of trafficking in the second degree when
22 such person:

23 (i) Recruits, harbors, transports, transfers, provides, obtains, or
24 receives by any means another person knowing that force, fraud, or
25 coercion as defined in RCW 9A.36.070 will be used to cause the person
26 to engage in forced labor, involuntary servitude, or a commercial sex
27 act; or

28 (ii) Benefits financially or by receiving anything of value from
29 participation in a venture that has engaged in acts set forth in (a)(i)
30 of this subsection.

1 (b) Trafficking in the second degree is a class A felony.

2 (3)(a) A person who is either convicted or given a deferred
3 sentence or a deferred prosecution or who has entered into a statutory
4 or nonstatutory diversion agreement as a result of an arrest for a
5 violation of a trafficking crime shall be assessed a three thousand
6 dollar fee.

7 (b) The court shall not reduce, waive, or suspend payment of all or
8 part of the fee assessed in this section unless it finds, on the
9 record, that the offender does not have the ability to pay the fee in
10 which case it may reduce the fee by an amount up to two-thirds of the
11 maximum allowable fee.

12 (c) Fees assessed under this section shall be collected by the
13 clerk of the court and remitted to the treasurer of the county where
14 the offense occurred for deposit in the county general fund, except in
15 cases in which the offense occurred in a city or town that provides for
16 its own law enforcement, in which case these amounts shall be remitted
17 to the treasurer of the city or town for deposit in the general fund of
18 the city or town. Revenue from the fees must be used for local efforts
19 to reduce the commercial sale of sex including, but not limited to,
20 increasing enforcement of commercial sex laws.

21 (i) At least fifty percent of the revenue from fees imposed under
22 this section must be spent on prevention, including education programs
23 for offenders, such as john school, and rehabilitative services, such
24 as mental health and substance abuse counseling, parenting skills,
25 training, housing relief, education, vocational training, drop-in
26 centers, and employment counseling.

27 (ii) Revenues from these fees are not subject to the distribution
28 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
29 35.20.220.

30 **Sec. 2.** RCW 9A.44.128 and 2011 c 337 s 2 are each amended to read
31 as follows:

32 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,
33 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

34 (1) "Business day" means any day other than Saturday, Sunday, or a
35 legal local, state, or federal holiday.

36 (2) "Conviction" means any adult conviction or juvenile
37 adjudication for a sex offense or kidnapping offense.

1 (3) "Disqualifying offense" means a conviction for: Any offense
2 that is a felony; a sex offense as defined in this section; a crime
3 against children or persons as defined in RCW 43.43.830(5) and
4 9.94A.411(2)(a); an offense with a domestic violence designation as
5 provided in RCW 10.99.020; permitting the commercial sexual abuse of a
6 minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88
7 RCW.

8 (4) "Employed" or "carries on a vocation" means employment that is
9 full time or part time for a period of time exceeding fourteen days, or
10 for an aggregate period of time exceeding thirty days during any
11 calendar year. A person is employed or carries on a vocation whether
12 the person's employment is financially compensated, volunteered, or for
13 the purpose of government or educational benefit.

14 (5) "Fixed residence" means a building that a person lawfully and
15 habitually uses as living quarters a majority of the week. Uses as
16 living quarters means to conduct activities consistent with the common
17 understanding of residing, such as sleeping; eating; keeping personal
18 belongings; receiving mail; and paying utilities, rent, or mortgage.
19 A nonpermanent structure including, but not limited to, a motor home,
20 travel trailer, camper, or boat may qualify as a residence provided it
21 is lawfully and habitually used as living quarters a majority of the
22 week, primarily kept at one location with a physical address, and the
23 location it is kept at is either owned or rented by the person or used
24 by the person with the permission of the owner or renter. A shelter
25 program may qualify as a residence provided it is a shelter program
26 designed to provide temporary living accommodations for the homeless,
27 provides an offender with a personally assigned living space, and the
28 offender is permitted to store belongings in the living space.

29 (6) "In the community" means residing outside of confinement or
30 incarceration for a disqualifying offense.

31 (7) "Institution of higher education" means any public or private
32 institution dedicated to postsecondary education, including any
33 college, university, community college, trade, or professional school.

34 (8) "Kidnapping offense" means:

35 (a) The crimes of kidnapping in the first degree, kidnapping in the
36 second degree, and unlawful imprisonment, as defined in chapter 9A.40
37 RCW, where the victim is a minor and the offender is not the minor's
38 parent;

1 (b) Any offense that is, under chapter 9A.28 RCW, a criminal
2 attempt, criminal solicitation, or criminal conspiracy to commit an
3 offense that is classified as a kidnapping offense under this
4 subsection; and

5 (c) Any federal or out-of-state conviction for: An offense for
6 which the person would be required to register as a kidnapping offender
7 if residing in the state of conviction; or, if not required to register
8 in the state of conviction, an offense that under the laws of this
9 state would be classified as a kidnapping offense under this
10 subsection.

11 (9) "Lacks a fixed residence" means the person does not have a
12 living situation that meets the definition of a fixed residence and
13 includes, but is not limited to, a shelter program designed to provide
14 temporary living accommodations for the homeless, an outdoor sleeping
15 location, or locations where the person does not have permission to
16 stay.

17 (10) "Sex offense" means:

18 (a) Any offense defined as a sex offense by RCW 9.94A.030;

19 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a
20 minor in the second degree);

21 (c) Any violation under RCW 9.68A.090 (communication with a minor
22 for immoral purposes);

23 (d) A violation under RCW 9A.88.070 (promoting prostitution in the
24 first degree) or RCW 9A.88.080 (promoting prostitution in the second
25 degree) if the person has a prior conviction for one of these offenses;

26 (e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a
27 criminal attempt, criminal solicitation, or criminal conspiracy to
28 commit an offense that is classified as a sex offense under RCW
29 9.94A.030 or this subsection;

30 ((+e)) (f) Any out-of-state conviction for an offense for which
31 the person would be required to register as a sex offender while
32 residing in the state of conviction; or, if not required to register in
33 the state of conviction, an offense that under the laws of this state
34 would be classified as a sex offense under this subsection;

35 ((+f)) (g) Any federal conviction classified as a sex offense
36 under 42 U.S.C. Sec. 16911 (SORNA);

37 ((+g)) (h) Any military conviction for a sex offense. This

1 includes sex offenses under the uniform code of military justice, as
2 specified by the United States secretary of defense;

3 ~~((h))~~ (i) Any conviction in a foreign country for a sex offense
4 if it was obtained with sufficient safeguards for fundamental fairness
5 and due process for the accused under guidelines or regulations
6 established pursuant to 42 U.S.C. Sec. 16912.

7 (11) "School" means a public or private school regulated under
8 Title 28A RCW or chapter 72.40 RCW.

9 (12) "Student" means a person who is enrolled, on a full-time or
10 part-time basis, in any school or institution of higher education.

11 **Sec. 3.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read
12 as follows:

13 (1)(a) In addition to penalties set forth in RCW 9A.88.010~~((r))~~ and
14 9A.88.030~~((, and 9A.88.090))~~, a person who is either convicted or given
15 a deferred sentence or a deferred prosecution or who has entered into
16 a statutory or nonstatutory diversion agreement as a result of an
17 arrest for violating RCW 9A.88.010, 9A.88.030, ~~((9A.88.090,))~~ or
18 comparable county or municipal ordinances shall be assessed a fifty
19 dollar fee.

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

26 (i) One thousand five hundred dollars if the defendant has no prior
27 convictions, deferred sentences, deferred prosecutions, or statutory or
28 nonstatutory diversion agreements for this offense;

29 (ii) Two thousand five hundred dollars if the defendant has one
30 prior conviction, deferred sentence, deferred prosecution, or statutory
31 or nonstatutory diversion agreement for this offense; and

32 (iii) Five thousand dollars if the defendant has two or more prior
33 convictions, deferred sentences, deferred prosecutions, or statutory or
34 nonstatutory diversion agreements for this offense.

35 (c) In addition to penalties set forth in RCW 9A.88.110, a person
36 who is either convicted or given a deferred sentence or a deferred
37 prosecution or who has entered into a statutory or nonstatutory

1 diversion agreement as a result of an arrest for violating RCW
2 9A.88.110 or a comparable county or municipal ordinance shall be
3 assessed a ~~((one hundred fifty dollar))~~ fee in the amount of:

4 (i) One thousand five hundred dollars if the defendant has no prior
5 convictions, deferred sentences, deferred prosecutions, or statutory or
6 nonstatutory diversion agreements for this offense;

7 (ii) Two thousand five hundred dollars if the defendant has one
8 prior conviction, deferred sentence, deferred prosecution, or statutory
9 or nonstatutory diversion agreement for this offense; and

10 (iii) Five thousand dollars if the defendant has two or more prior
11 convictions, deferred sentences, deferred prosecutions, or statutory or
12 nonstatutory diversion agreements for this offense.

13 ~~((e))~~ (d) In addition to penalties set forth in RCW 9A.88.070 and
14 9A.88.080, a person who is either convicted or given a deferred
15 sentence or a deferred prosecution or who has entered into a statutory
16 or nonstatutory diversion agreement as a result of an arrest for
17 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
18 ordinances shall be assessed a ~~((three hundred dollar))~~ fee in the
19 amount of:

20 (i) Three thousand dollars if the defendant has no prior
21 convictions, deferred sentences, deferred prosecutions, or statutory or
22 nonstatutory diversion agreements for this offense;

23 (ii) Six thousand dollars if the defendant has one prior
24 conviction, deferred sentence, deferred prosecution, or statutory or
25 nonstatutory diversion agreement for this offense; and

26 (iii) Ten thousand dollars if the defendant has two or more prior
27 convictions, deferred sentences, deferred prosecutions, or statutory or
28 nonstatutory diversion agreements for this offense.

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

31 ~~(3))~~ When a minor has been adjudicated a juvenile offender or has
32 entered into a statutory or nonstatutory diversion agreement for an
33 offense which, if committed by an adult, would constitute a violation
34 under this chapter or comparable county or municipal ordinances, the
35 court shall assess the fee as specified under subsection (1) of this
36 section. ~~((The court may not suspend payment of all or part of the fee~~
37 ~~unless it finds that the minor does not have the ability to pay the~~
38 ~~fee.~~

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

6 (3) The court shall not reduce, waive, or suspend payment of all or
7 part of the assessed fee in this section unless it finds, on the
8 record, that the offender does not have the ability to pay the fee in
9 which case it may reduce the fee by an amount up to two-thirds of the
10 maximum allowable fee.

11 (4) Fees assessed under this section shall be collected by the
12 clerk of the court and remitted to the treasurer of the county where
13 the offense occurred for deposit in the county general fund, except in
14 cases in which the offense occurred in a city or town that provides for
15 its own law enforcement, in which case these amounts shall be remitted
16 to the treasurer of the city or town for deposit in the general fund of
17 the city or town. Revenue from the fees must be used for local efforts
18 to reduce the commercial sale of sex including, but not limited to,
19 increasing enforcement of commercial sex laws.

20 (a) At least fifty percent of the revenue from fees imposed under
21 this section must be spent on prevention, including education programs
22 for offenders, such as john school, and rehabilitative services, such
23 as mental health and substance abuse counseling, parenting skills,
24 training, housing relief, education, vocational training, drop-in
25 centers, and employment counseling.

26 (b) Revenues from these fees are not subject to the distribution
27 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
28 35.20.220.

29 (5) For the purposes of this section:

30 (a) "Statutory or nonstatutory diversion agreement" means an
31 agreement under RCW 13.40.080 or any written agreement between a person
32 accused of an offense listed in subsection (1) of this section and a
33 court, county, or city prosecutor, or designee thereof, whereby the
34 person agrees to fulfill certain conditions in lieu of prosecution.

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

1 **Sec. 4.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read
2 as follows:

3 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
4 9.68A.101, and 9.68A.102, a person who is either convicted or given a
5 deferred sentence or a deferred prosecution or who has entered into a
6 statutory or nonstatutory diversion agreement as a result of an arrest
7 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
8 county or municipal ordinance shall be assessed a five thousand dollar
9 fee.

10 (b) The court may not reduce, waive, or suspend payment of all or
11 part of the fee assessed unless it finds, on the record, that the
12 person does not have the ability to pay in which case it may reduce the
13 fee by an amount up to two-thirds of the maximum allowable fee.

14 (c) When a minor has been adjudicated a juvenile offender or has
15 entered into a statutory or nonstatutory diversion agreement for an
16 offense which, if committed by an adult, would constitute a violation
17 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
18 municipal ordinance, the court shall assess the fee under (a) of this
19 subsection. The court may not reduce, waive, or suspend payment of all
20 or part of the fee assessed unless it finds, on the record, that the
21 minor does not have the ability to pay the fee in which case it may
22 reduce the fee by an amount up to two-thirds of the maximum allowable
23 fee.

24 (2) (~~The fee assessed under subsection (1) of this section shall~~
25 ~~be collected by the clerk of the court and distributed each month to~~
26 ~~the state treasurer for deposit in the prostitution prevention and~~
27 ~~intervention account under RCW 43.63A.740 for the purpose of funding~~
28 ~~prostitution prevention and intervention activities.)) Fees assessed
29 under this section shall be collected by the clerk of the court and
30 remitted to the treasurer of the county where the offense occurred for
31 deposit in the county general fund, except in cases in which the
32 offense occurred in a city or town that provides for its own law
33 enforcement, in which case these amounts shall be remitted to the
34 treasurer of the city or town for deposit in the general fund of the
35 city or town. Revenue from the fees must be used for local efforts to
36 reduce the commercial sale of sex including, but not limited to,
37 increasing enforcement of commercial sex laws.~~

1 (a) At least fifty percent of the revenue from fees imposed under
2 this section must be spent on prevention, including education programs
3 for offenders, such as john school, and rehabilitative services, such
4 as mental health and substance abuse counseling, parenting skills,
5 training, housing relief, education, vocational training, drop-in
6 centers, and employment counseling.

7 (b) Revenues from these fees are not subject to the distribution
8 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
9 35.20.220.

10 (3) For the purposes of this section:

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

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. 5.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read
20 as follows:

21 (1) Costs in civil and criminal actions may be imposed as provided
22 in district court. All fees, costs, fines, forfeitures and other money
23 imposed by any municipal court for the violation of any municipal or
24 town ordinances shall be collected by the court clerk and, together
25 with any other noninterest revenues received by the clerk, shall be
26 deposited with the city or town treasurer as a part of the general fund
27 of the city or town, or deposited in such other fund of the city or
28 town, or deposited in such other funds as may be designated by the laws
29 of the state of Washington.

30 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
31 treasurer shall remit monthly thirty-two percent of the noninterest
32 money received under this section, other than for parking infractions,
33 and certain costs to the state treasurer. "Certain costs" as used in
34 this subsection, means those costs awarded to prevailing parties in
35 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
36 against convicted defendants in criminal actions under RCW 10.01.160,
37 10.46.190, or 36.18.040, or other similar statutes if such costs are

1 specifically designated as costs by the court and are awarded for the
2 specific reimbursement of costs incurred by the state, county, city, or
3 town in the prosecution of the case, including the fees of defense
4 counsel. Money remitted under this subsection to the state treasurer
5 shall be deposited in the state general fund.

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

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

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

19 **Sec. 6.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended
20 to read as follows:

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

29 (2) Except as provided in RCW 9A.88.120, 10.99.080, and this
30 section, the county treasurer shall remit thirty-two percent of the
31 noninterest money received under subsection (1) of this section except
32 certain costs to the state treasurer. "Certain costs" as used in this
33 subsection, means those costs awarded to prevailing parties in civil
34 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
35 convicted defendants in criminal actions under RCW 10.01.160,
36 10.46.190, or 36.18.040, or other similar statutes if such costs are
37 specifically designated as costs by the court and are awarded for the

1 specific reimbursement of costs incurred by the state or county in the
2 prosecution of the case, including the fees of defense counsel. With
3 the exception of funds to be transferred to the judicial stabilization
4 trust account under RCW 3.62.060(2), money remitted under this
5 subsection to the state treasurer shall be deposited in the state
6 general fund.

7 (3) The balance of the noninterest money received by the county
8 treasurer under subsection (1) of this section shall be deposited in
9 the county current expense fund. Funds deposited under this subsection
10 that are attributable to the county's portion of a surcharge imposed
11 under RCW 3.62.060(2) must be used to support local trial court and
12 court-related functions.

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

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

21 (6) Interest retained by the court on penalties, fines, bail
22 forfeitures, fees, and costs shall be split twenty-five percent to the
23 state treasurer for deposit in the state general fund, twenty-five
24 percent to the state treasurer for deposit in the judicial information
25 system account as provided in RCW 2.68.020, twenty-five percent to the
26 county current expense fund, and twenty-five percent to the county
27 current expense fund to fund local courts.

28 **Sec. 7.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read
29 as follows:

30 (1) Except as provided in subsection (4) of this section, all
31 costs, fines, forfeitures and penalties assessed and collected, in
32 whole or in part, by district courts because of violations of city
33 ordinances shall be remitted by the clerk of the district court at
34 least monthly directly to the treasurer of the city wherein the
35 violation occurred.

36 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
37 treasurer shall remit monthly thirty-two percent of the noninterest

1 money received under this section, other than for parking infractions
2 and certain costs, to the state treasurer. "Certain costs" as used in
3 this subsection, means those costs awarded to prevailing parties in
4 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
5 against convicted defendants in criminal actions under RCW 10.01.160,
6 10.46.190, or 36.18.040, or other similar statutes if such costs are
7 specifically designated as costs by the court and are awarded for the
8 specific reimbursement of costs incurred by the state, county, city, or
9 town in the prosecution of the case, including the fees of defense
10 counsel. Money remitted under this subsection to the state treasurer
11 shall be deposited in the state general fund.

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

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

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

21 (6) Interest retained by the court on penalties, fines, bail
22 forfeitures, fees, and costs shall be split twenty-five percent to the
23 state treasurer for deposit in the state general fund, twenty-five
24 percent to the state treasurer for deposit in the judicial information
25 system account as provided in RCW 2.68.020, twenty-five percent to the
26 city general fund, and twenty-five percent to the city general fund to
27 fund local courts.

28 **Sec. 8.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read
29 as follows:

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

1 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county
2 treasurer shall remit monthly thirty-two percent of the money received
3 under this section except for certain costs to the state treasurer for
4 deposit in the state general fund and shall deposit the remainder as
5 provided by law. "Certain costs" as used in this subsection, means
6 those costs awarded to prevailing parties in civil actions under RCW
7 4.84.010 or 36.18.040, or those costs awarded against convicted
8 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
9 36.18.040, or other similar statutes if such costs are specifically
10 designated as costs by the court and are awarded for the specific
11 reimbursement of costs incurred by the state or county in the
12 prosecution of the case, including the fees of defense counsel. Costs
13 or assessments awarded to dedicated accounts, state or local, are not
14 subject to this state allocation or to RCW 7.68.035.

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

22 **Sec. 9.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read
23 as follows:

24 (1) The chief clerk, under the supervision and direction of the
25 court administrator of the municipal court, shall have the custody and
26 care of the books, papers and records of the court. The chief clerk or
27 a deputy shall be present during the session of the court and has the
28 power to swear all witnesses and jurors, administer oaths and
29 affidavits, and take acknowledgments. The chief clerk shall keep the
30 records of the court and shall issue all process under his or her hand
31 and the seal of the court. The chief clerk shall do and perform all
32 things and have the same powers pertaining to the office as the clerks
33 of the superior courts have in their office. He or she shall receive
34 all fines, penalties, and fees of every kind and keep a full, accurate,
35 and detailed account of the same. The chief clerk shall on each day
36 pay into the city treasury all money received for the city during the

1 day previous, with a detailed account of the same, and taking the
2 treasurer's receipt therefor.

3 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
4 treasurer shall remit monthly thirty-two percent of the noninterest
5 money received under this section, other than for parking infractions
6 and certain costs to the state treasurer. "Certain costs" as used in
7 this subsection, means those costs awarded to prevailing parties in
8 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
9 against convicted defendants in criminal actions under RCW 10.01.160,
10 10.46.190, or 36.18.040, or other similar statutes if such costs are
11 specifically designated as costs by the court and are awarded for the
12 specific reimbursement of costs incurred by the state, county, city, or
13 town in the prosecution of the case, including the fees of defense
14 counsel. Money remitted under this subsection to the state treasurer
15 shall be deposited in the state general fund.

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

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

22 (5) Interest retained by the court on penalties, fines, bail
23 forfeitures, fees, and costs shall be split twenty-five percent to the
24 state treasurer for deposit in the state general fund, twenty-five
25 percent to the state treasurer for deposit in the judicial information
26 system account as provided in RCW 2.68.020, twenty-five percent to the
27 city general fund, and twenty-five percent to the city general fund to
28 fund local courts."

ESHB 1983 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 02/29/2012

29 On page 1, line 1 of the title, after "prostitution" strike the
30 remainder of the title and insert "and trafficking crimes and requiring

1 sex offender registration for second and subsequent convictions of
2 promoting prostitution in the first or second degree; amending RCW
3 9A.40.100, 9A.44.128, 9A.88.120, 9.68A.105, 3.50.100, 3.62.020,
4 3.62.040, 10.82.070, and 35.20.220; and prescribing penalties."

EFFECT: Imposes \$3,000 fee for conviction, deferred sentence, deferred prosecution, or statutory or nonstatutory diversion agreement for the crime of trafficking in the first or second degree. Increases fee for permitting prostitution from \$50 to \$1,500 if there is no prior offense, \$2,500 if there is one prior offense, and \$5,000 if there are two or more prior offenses. Increases fee for patronizing a prostitute from \$150 to \$1,500 if there are no prior offenses, \$2,500 if there is one prior offense, and \$5,000 if there are two or more prior offenses. The court may reduce any of these fees, or the fees in the underlying bill, by up to two-thirds if it finds on the record that the defendant does not have the ability to pay the fee. If there is a prior conviction for promoting prostitution in the first or second degree, a subsequent conviction is considered a sex offense, requiring the offender to register as a sex offender.

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