

ESHB 2692 - S COMM AMD
By Committee on Judiciary

ADOPTED 02/29/2012

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

3 "Sec. 1. RCW 9A.88.120 and 2007 c 368 s 12 are each amended to
4 read as follows:

5 (1)(a) In addition to penalties set forth in RCW 9A.88.010,
6 9A.88.030, and 9A.88.090, a person who is either convicted or given a
7 deferred sentence or a deferred prosecution or who has entered into a
8 statutory or nonstatutory diversion agreement as a result of an arrest
9 for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county
10 or municipal ordinances shall be assessed a fifty dollar fee.

11 (b)(i) In addition to penalties set forth in RCW 9A.88.110, a
12 person who is either convicted or given a deferred sentence or a
13 deferred prosecution or who has entered into a statutory or
14 nonstatutory diversion agreement as a result of an arrest for violating
15 RCW 9A.88.110 or a comparable county or municipal ordinance shall be
16 assessed a ((one hundred fifty dollar)) fee in the amount of:

17 (A) One thousand five hundred dollars for the first offense;

18 (B) Two thousand five hundred dollars for the second offense; and

19 (C) Five thousand dollars for the third and each subsequent
20 offense.

21 (ii) The court shall not reduce, waive, or suspend payment of all
22 or part of the assessed fees in this section unless it finds, on the
23 record, that the offender does not have the ability to pay the fees, in
24 which case it may reduce the fees by an amount up to two-thirds of the
25 maximum allowable fees.

26 (iii) Fees assessed under this subsection (1)(b) shall be collected
27 by the clerk of court and be remitted to the treasurer of the county
28 where the offense occurred for deposit in the county general fund,
29 except in cases in which the offense occurred in a city or town that
30 provides for its own law enforcement, in which case these amounts shall

1 be remitted to the treasurer of the city or town for deposit in the
2 general fund of the city or town. Revenue from the fees must be used
3 for local efforts to reduce the commercial sale of sex including, but
4 not limited to, increased enforcement of commercial sex laws.

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

11 (B) Revenues from these fees are not subject to the distribution
12 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
13 35.20.220.

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

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

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

30 (4) Any fee assessed under this section shall be collected by the
31 clerk of the court and distributed each month to the state treasurer
32 for deposit in the prostitution prevention and intervention account
33 under RCW 43.63A.740 for the purpose of funding prostitution prevention
34 and intervention activities.

35 (5) For the purposes of this section:

36 (a) "Statutory or nonstatutory diversion agreement" means an
37 agreement under RCW 13.40.080 or any written agreement between a person

1 accused of an offense listed in subsection (1) of this section and a
2 court, county, or city prosecutor, or designee thereof, whereby the
3 person agrees to fulfill certain conditions in lieu of prosecution.

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

7 **Sec. 2.** RCW 9A.88.130 and 1999 c 327 s 2 are each amended to read
8 as follows:

9 (1) When sentencing or imposing conditions on a person convicted
10 of, or receiving a deferred sentence or deferred prosecution for,
11 violating RCW 9A.88.110 or 9.68A.100, the court must impose a
12 requirement that the offender:

13 (a) Not be subsequently arrested for patronizing a prostitute or
14 (~~patronizing a juvenile prostitute~~) commercial sexual abuse of a
15 minor; (~~and~~)

16 (b) Remain outside the geographical area, prescribed by the court,
17 in which the person was arrested for violating RCW 9A.88.110 or
18 9.68A.100, unless such a requirement would interfere with the person's
19 legitimate employment or residence or otherwise be infeasible; and

20 (c) Fulfill the terms of a program, if a first-time offender,
21 designated by the sentencing court, designed to educate offenders about
22 the negative costs of prostitution.

23 (2) This requirement is in addition to the penalties set forth in
24 RCW 9A.88.110, 9A.88.120, and 9.68A.100.

25 **Sec. 3.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read
26 as follows:

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

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

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

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

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

27 **Sec. 4.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended
28 to read as follows:

29 (1) Except as provided in subsection (4) of this section, all
30 costs, fees, fines, forfeitures and penalties assessed and collected in
31 whole or in part by district courts, except costs, fines, forfeitures
32 and penalties assessed and collected, in whole or in part, because of
33 the violation of city ordinances, shall be remitted by the clerk of the
34 district court to the county treasurer at least monthly, together with
35 a financial statement as required by the state auditor, noting the
36 information necessary for crediting of such funds as required by law.

1 (2) Except as provided in RCW 9A.88.120, 10.99.080, and this
2 section, the county treasurer shall remit thirty-two percent of the
3 noninterest money received under subsection (1) of this section except
4 certain costs to the state treasurer. "Certain costs" as used in this
5 subsection, means those costs awarded to prevailing parties in civil
6 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
7 convicted defendants in criminal actions under RCW 10.01.160,
8 10.46.190, or 36.18.040, or other similar statutes if such costs are
9 specifically designated as costs by the court and are awarded for the
10 specific reimbursement of costs incurred by the state or county in the
11 prosecution of the case, including the fees of defense counsel. With
12 the exception of funds to be transferred to the judicial stabilization
13 trust account under RCW 3.62.060(2), money remitted under this
14 subsection to the state treasurer shall be deposited in the state
15 general fund.

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

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

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

30 (6) Interest retained by the court on penalties, fines, bail
31 forfeitures, fees, and costs shall be split twenty-five percent to the
32 state treasurer for deposit in the state general fund, twenty-five
33 percent to the state treasurer for deposit in the judicial information
34 system account as provided in RCW 2.68.020, twenty-five percent to the
35 county current expense fund, and twenty-five percent to the county
36 current expense fund to fund local courts.

1 **Sec. 5.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read
2 as follows:

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

9 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
10 treasurer shall remit monthly thirty-two percent of the noninterest
11 money received under this section, other than for parking infractions
12 and certain costs, to the state treasurer. "Certain costs" as used in
13 this subsection, means those costs awarded to prevailing parties in
14 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
15 against convicted defendants in criminal actions under RCW 10.01.160,
16 10.46.190, or 36.18.040, or other similar statutes if such costs are
17 specifically designated as costs by the court and are awarded for the
18 specific reimbursement of costs incurred by the state, county, city, or
19 town in the prosecution of the case, including the fees of defense
20 counsel. Money remitted under this subsection to the state treasurer
21 shall be deposited in the state 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) All money collected for city parking infractions shall be
25 remitted by the clerk of the district court at least monthly to the
26 city treasurer for deposit in the city's general fund.

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

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

1 **Sec. 6.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read
2 as follows:

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

10 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county
11 treasurer shall remit monthly thirty-two percent of the money received
12 under this section except for certain costs to the state treasurer for
13 deposit in the state general fund and shall deposit the remainder as
14 provided by law. "Certain costs" as used in this subsection, means
15 those costs awarded to prevailing parties in civil actions under RCW
16 4.84.010 or 36.18.040, or those costs awarded against convicted
17 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
18 36.18.040, or other similar statutes if such costs are specifically
19 designated as costs by the court and are awarded for the specific
20 reimbursement of costs incurred by the state or county in the
21 prosecution of the case, including the fees of defense counsel. Costs
22 or assessments awarded to dedicated accounts, state or local, are not
23 subject to this state allocation or to RCW 7.68.035.

24 (3) All fees, fines, forfeitures and penalties collected or
25 assessed by a district court because of the violation of a state law
26 shall be remitted as provided in chapter 3.62 RCW as now exists or is
27 later amended. All fees, fines, forfeitures, and penalties collected
28 or assessed by a superior court in cases on appeal from a lower court
29 shall be remitted to the municipal or district court from which the
30 cases were appealed.

31 **Sec. 7.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read
32 as follows:

33 (1) The chief clerk, under the supervision and direction of the
34 court administrator of the municipal court, shall have the custody and
35 care of the books, papers and records of the court. The chief clerk or
36 a deputy shall be present during the session of the court and has the
37 power to swear all witnesses and jurors, administer oaths and

1 affidavits, and take acknowledgments. The chief clerk shall keep the
2 records of the court and shall issue all process under his or her hand
3 and the seal of the court. The chief clerk shall do and perform all
4 things and have the same powers pertaining to the office as the clerks
5 of the superior courts have in their office. He or she shall receive
6 all fines, penalties, and fees of every kind and keep a full, accurate,
7 and detailed account of the same. The chief clerk shall on each day
8 pay into the city treasury all money received for the city during the
9 day previous, with a detailed account of the same, and taking the
10 treasurer's receipt therefor.

11 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
12 treasurer shall remit monthly thirty-two percent of the noninterest
13 money received under this section, other than for parking infractions
14 and certain costs to the state treasurer. "Certain costs" as used in
15 this subsection, means those costs awarded to prevailing parties in
16 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
17 against convicted defendants in criminal actions under RCW 10.01.160,
18 10.46.190, or 36.18.040, or other similar statutes if such costs are
19 specifically designated as costs by the court and are awarded for the
20 specific reimbursement of costs incurred by the state, county, city, or
21 town in the prosecution of the case, including the fees of defense
22 counsel. Money remitted under this subsection to the state treasurer
23 shall be deposited in the state general fund.

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

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

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

ADOPTED 02/29/2012

1 On page 1, line 1 of the title, after "sex;" strike the remainder
2 of the title and insert "amending RCW 9A.88.120, 9A.88.130, 3.50.100,
3 3.62.020, 3.62.040, 10.82.070, and 35.20.220; and prescribing
4 penalties."

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