
SUBSTITUTE HOUSE BILL 1983

State of Washington

62nd Legislature

2012 Regular Session

By House Public Safety & Emergency Preparedness (originally sponsored by Representatives Parker, Kenney, McCune, Hunt, Johnson, Pearson, Ryu, Fagan, and Nealey)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to increasing fee assessments for prostitution
2 crimes; amending RCW 9A.88.120, 3.50.100, 3.62.020, 3.62.040,
3 10.82.070, and 35.20.220; and prescribing penalties.

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

5 **Sec. 1.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read
6 as follows:

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

13 (b) In addition to penalties set forth in RCW 9A.88.110, a person
14 who is either convicted or given a deferred sentence or a deferred
15 prosecution or who has entered into a statutory or nonstatutory
16 diversion agreement as a result of an arrest for violating RCW
17 9A.88.110 or a comparable county or municipal ordinance shall be
18 assessed a one hundred fifty dollar fee.

1 (c)(i) In addition to penalties set forth in RCW 9A.88.070 and
2 9A.88.080, 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
5 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
6 ordinances shall be assessed a ~~((three hundred dollar))~~ fee in the
7 amount of:

8 (A) Three thousand dollars for the first offense;

9 (B) Six thousand dollars for the second offense; and

10 (C) Ten thousand dollars for the third and each subsequent offense.

11 (ii) These fees shall not be reduced, waived, or suspended.

12 (iii) Fees assessed under this subsection (1)(c) shall be collected
13 by the clerk of court and be remitted to the treasurer of the county
14 where the offense occurred for deposit in the county general fund,
15 except in cases in which the offense occurred in a city or town that
16 provides for its own law enforcement, in which case these amounts shall
17 be remitted to the treasurer of the city or town for deposit in the
18 general fund of the city or town. Revenue from the fees must be used
19 for local efforts to reduce the commercial sale of sex including, but
20 not limited to, increased enforcement of commercial sex laws.

21 (A) At least fifty percent of the revenue from fees imposed under
22 this subsection (1)(c) must be spent on prevention, including education
23 programs for offenders, such as john school, and rehabilitative
24 services, such as mental health and substance abuse counseling,
25 parenting skills training, housing relief, education, vocational
26 training, drop-in centers, and employment counseling.

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

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

1 unless it finds that the minor does not have the ability to pay the
2 fee.

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

8 (5) For the purposes of this section:

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

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

17 **Sec. 2.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read
18 as follows:

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

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

1 town in the prosecution of the case, including the fees of defense
2 counsel. Money remitted under this subsection to the state treasurer
3 shall be deposited in the state general fund.

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

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

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

17 **Sec. 3.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended
18 to read as follows:

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

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

1 the exception of funds to be transferred to the judicial stabilization
2 trust account under RCW 3.62.060(2), money remitted under this
3 subsection to the state treasurer shall be deposited in the state
4 general fund.

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

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

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

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

26 **Sec. 4.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read
27 as follows:

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

34 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
35 treasurer shall remit monthly thirty-two percent of the noninterest
36 money received under this section, other than for parking infractions
37 and certain costs, to the state treasurer. "Certain costs" as used in

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

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

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

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

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

26 **Sec. 5.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read
27 as follows:

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

35 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county
36 treasurer shall remit monthly thirty-two percent of the money received
37 under this section except for certain costs to the state treasurer for

1 deposit in the state general fund and shall deposit the remainder as
2 provided by law. "Certain costs" as used in this subsection, means
3 those costs awarded to prevailing parties in civil actions under RCW
4 4.84.010 or 36.18.040, or those costs awarded against convicted
5 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
6 36.18.040, or other similar statutes if such costs are specifically
7 designated as costs by the court and are awarded for the specific
8 reimbursement of costs incurred by the state or county in the
9 prosecution of the case, including the fees of defense counsel. Costs
10 or assessments awarded to dedicated accounts, state or local, are not
11 subject to this state allocation or to RCW 7.68.035.

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

19 **Sec. 6.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read
20 as follows:

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

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

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

--- END ---