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**SUBSTITUTE HOUSE BILL 2692**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Parker, Carlyle, Kelley, Hurst, Ormsby, Kagi, Dickerson, Upthegrove, Goodman, Pettigrew, Maxwell, Dahlquist, Dammeier, Moscoso, Pearson, and Kenney)

READ FIRST TIME 01/31/12.

1       AN ACT Relating to the reduction of the commercial sale of sex;  
2 amending RCW 9A.88.120, 9A.88.130, 3.50.100, 3.62.020, 3.62.040,  
3 10.82.070, and 35.20.220; adding a new section to chapter 9A.88 RCW;  
4 and prescribing penalties.

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

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

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

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

1 (A) One thousand five hundred dollars for the first offense;  
2 (B) Two thousand five hundred dollars for the second offense; and  
3 (C) Five thousand dollars for the third and each subsequent  
4 offense.

5 (ii) Fees assessed under this subsection (1)(b) shall not be  
6 reduced, waived, or suspended.

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

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

22 (B) Revenues from these fees are not subject to the distribution  
23 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
24 35.20.220.

25 (c) In addition to penalties set forth in RCW 9A.88.070 and  
26 9A.88.080, a person who is either convicted or given a deferred  
27 sentence or a deferred prosecution or who has entered into a statutory  
28 or nonstatutory diversion agreement as a result of an arrest for  
29 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal  
30 ordinances shall be assessed a three hundred dollar fee.

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

33 (3) When a minor has been adjudicated a juvenile offender or has  
34 entered into a statutory or nonstatutory diversion agreement for an  
35 offense which, if committed by an adult, would constitute a violation  
36 under this chapter or comparable county or municipal ordinances, the  
37 court shall assess the fee as specified under subsection (1) of this

1 section. The court may not suspend payment of all or part of the fee  
2 unless it finds that the minor does not have the ability to pay the  
3 fee.

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

9 (5) 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, county, or city prosecutor, or designee thereof, whereby the  
14 person agrees to fulfill certain conditions in lieu of prosecution.

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

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

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

24 (a) Not be subsequently arrested for patronizing a prostitute or  
25 (~~patronizing a juvenile prostitute~~) commercial sexual abuse of a  
26 minor; (~~and~~)

27 (b) Remain outside the geographical area, prescribed by the court,  
28 in which the person was arrested for violating RCW 9A.88.110 or  
29 9.68A.100, unless such a requirement would interfere with the person's  
30 legitimate employment or residence or otherwise be infeasible; and

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

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

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 9A.88 RCW  
2 to read as follows:

3        (1) The clerk of the court in which a person is convicted of  
4 patronizing a prostitute shall cause to be published a notice for each  
5 person convicted under the following circumstances:

6        (a) If a person required to complete a program designed to educate  
7 offenders about the negative costs of prostitution fails to complete  
8 the program within a reasonable time; or

9        (b) If a person is convicted a second or subsequent time of  
10 patronizing a prostitute.

11        (2) The notices shall be published in the manner of legal notices  
12 in a newspaper of general circulation in the county in which the person  
13 resides or, in the case of nonresidents, in the county in which the  
14 person was convicted. The notice of conviction shall be one column  
15 wide by two inches long and shall contain the photograph taken by the  
16 arresting law enforcement agency at the time of arrest, the name of the  
17 convicted person, the city, county, and zip code of the convicted  
18 person's residential address, and the date, time, and place of arrest  
19 and disposition of the case and shall be published once in a newspaper  
20 of general circulation in the appropriate county as soon as publication  
21 may be made.

22        (3) The convicted person for which a notice of conviction is  
23 published under this section shall be assessed twenty-five dollars for  
24 the cost of publication of the notice.

25        (4) The clerk of the court, the publisher of any newspaper that  
26 publishes a notice of conviction, and any other person involved in the  
27 publication of an erroneous notice of conviction shall be immune from  
28 civil or criminal liability for such erroneous publication, provided  
29 the publication was made in good faith.

30        **Sec. 4.**    RCW 3.50.100 and 2009 c 479 s 3 are each amended to read  
31 as follows:

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

1 of the city or town, or deposited in such other fund of the city or  
2 town, or deposited in such other funds as may be designated by the laws  
3 of the state of Washington.

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

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

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

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

30 **Sec. 5.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended  
31 to read as follows:

32 (1) Except as provided in subsection (4) of this section, all  
33 costs, fees, fines, forfeitures and penalties assessed and collected in  
34 whole or in part by district courts, except costs, fines, forfeitures  
35 and penalties assessed and collected, in whole or in part, because of  
36 the violation of city ordinances, shall be remitted by the clerk of the

1 district court to the county treasurer at least monthly, together with  
2 a financial statement as required by the state auditor, noting the  
3 information necessary for crediting of such funds as required by law.

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

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

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

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

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

1 county current expense fund, and twenty-five percent to the county  
2 current expense fund to fund local courts.

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

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

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

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

33 (6) Interest retained by the court on penalties, fines, bail  
34 forfeitures, fees, and costs shall be split twenty-five percent to the  
35 state treasurer for deposit in the state general fund, twenty-five  
36 percent to the state treasurer for deposit in the judicial information

1 system account as provided in RCW 2.68.020, twenty-five percent to the  
2 city general fund, and twenty-five percent to the city general fund to  
3 fund local courts.

4 **Sec. 7.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read  
5 as follows:

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

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

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

34 **Sec. 8.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read  
35 as follows:

36 (1) The chief clerk, under the supervision and direction of the



1 court administrator of the municipal court, shall have the custody and  
2 care of the books, papers and records of the court. The chief clerk or  
3 a deputy shall be present during the session of the court and has the  
4 power to swear all witnesses and jurors, administer oaths and  
5 affidavits, and take acknowledgments. The chief clerk shall keep the  
6 records of the court and shall issue all process under his or her hand  
7 and the seal of the court. The chief clerk shall do and perform all  
8 things and have the same powers pertaining to the office as the clerks  
9 of the superior courts have in their office. He or she shall receive  
10 all fines, penalties, and fees of every kind and keep a full, accurate,  
11 and detailed account of the same. The chief clerk shall on each day  
12 pay into the city treasury all money received for the city during the  
13 day previous, with a detailed account of the same, and taking the  
14 treasurer's receipt therefor.

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

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

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

34 (5) Interest retained by the court on penalties, fines, bail  
35 forfeitures, fees, and costs shall be split twenty-five percent to the  
36 state treasurer for deposit in the state general fund, twenty-five  
37 percent to the state treasurer for deposit in the judicial information

1 system account as provided in RCW 2.68.020, twenty-five percent to the  
2 city general fund, and twenty-five percent to the city general fund to  
3 fund local courts.

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