
HOUSE BILL 2692

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Orwall, Asay, Parker, Carlyle, Kelley, Hurst, Ormsby, Kagi, Dickerson, Upthegrove, Goodman, Pettigrew, Maxwell, Dahlquist, Dammeier, Moscoso, Pearson, and Kenney

Read first time 01/25/12. Referred to Committee on Public Safety & Emergency Preparedness.

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

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

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

8 (1) In addition to any other penalties authorized by statute,
9 patronizing a prostitute shall be punished by a fine in the amount of:

10 (a) One thousand dollars for the first offense;

11 (b) Two thousand dollars for the second offense; or

12 (c) Three thousand dollars for the third or subsequent offense.

13 (2) Under no circumstances shall this fine be reduced, waived, or
14 suspended.

15 (3) Fines imposed under this section shall be collected by the
16 clerk of court and be remitted to the treasurer of the county where the
17 offense occurred for deposit in the county general fund, except in
18 cases in which the offense occurred in a city or town that provides for
19 its own law enforcement, in which case these amounts shall be remitted

1 to the treasurer of the city or town for deposit in the general fund of
2 the city or town. Revenue from the fines must be used for local
3 efforts to reduce the commercial sale of sex including prevention and
4 increased enforcement of commercial sex laws.

5 (a) At least fifty percent of the revenue from fines imposed under
6 this section must be spent on prevention, including education programs
7 for offenders, such as john school, and rehabilitative services, such
8 as mental health and substance abuse counseling, parenting skills
9 training, housing relief, education, vocational training, drop-in
10 centers, and employment counseling, to help individuals transition out
11 of the commercial sex industry.

12 (b) Revenues from these fines are not subject to the distribution
13 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
14 35.20.220.

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

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

21 (a) Not be subsequently arrested for patronizing a prostitute or
22 (~~patronizing a juvenile prostitute~~) commercial sexual abuse of a
23 minor; (~~and~~)

24 (b) Remain outside the geographical area, prescribed by the court,
25 in which the person was arrested for violating RCW 9A.88.110 or
26 9.68A.100, unless such a requirement would interfere with the person's
27 legitimate employment or residence or otherwise be infeasible; and

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

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

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

35 (1) The clerk of the court in which a person is convicted of

1 patronizing a prostitute shall cause to be published a notice for each
2 person convicted under the following circumstances:

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

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

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

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

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

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

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

1 (2) Except as provided in chapter 9A.88 RCW and RCW 10.99.080, the
2 city treasurer shall remit monthly thirty-two percent of the
3 noninterest money received under this section, other than for parking
4 infractions, and certain costs to the state treasurer. "Certain costs"
5 as used in this subsection, means those costs awarded to prevailing
6 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
7 costs awarded against convicted defendants in criminal actions under
8 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
9 such costs are specifically designated as costs by the court and are
10 awarded for the specific reimbursement of costs incurred by the state,
11 county, city, or town in the prosecution of the case, including the
12 fees of defense counsel. Money remitted under this subsection to the
13 state treasurer 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. 5.** 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 chapter 9A.88 RCW, RCW 10.99.080, and
2 this section, the county treasurer shall remit thirty-two percent of
3 the noninterest money received under subsection (1) of this section
4 except certain costs to the state treasurer. "Certain costs" as used
5 in 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 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. 6.** 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 chapter 9A.88 RCW and RCW 10.99.080, the
10 city treasurer shall remit monthly thirty-two percent of the
11 noninterest money received under this section, other than for parking
12 infractions and certain costs, to the state treasurer. "Certain costs"
13 as used in this subsection, means those costs awarded to prevailing
14 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
15 costs awarded against convicted defendants in criminal actions under
16 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
17 such costs are specifically designated as costs by the court and are
18 awarded for the specific reimbursement of costs incurred by the state,
19 county, city, or town in the prosecution of the case, including the
20 fees of defense counsel. Money remitted under this subsection to the
21 state treasurer 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. 7.** 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 chapter 9A.88 RCW and RCW 10.99.080, the
11 county treasurer shall remit monthly thirty-two percent of the money
12 received under this section except for certain costs to the state
13 treasurer for deposit in the state general fund and shall deposit the
14 remainder as provided by law. "Certain costs" as used in this
15 subsection, means those costs awarded to prevailing parties in civil
16 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
17 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 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. 8.** 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 chapter 9A.88 RCW and RCW 10.99.080, the
12 city treasurer shall remit monthly thirty-two percent of the
13 noninterest money received under this section, other than for parking
14 infractions and certain costs to the state treasurer. "Certain costs"
15 as used in this subsection, means those costs awarded to prevailing
16 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
17 costs awarded against convicted defendants in criminal actions under
18 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
19 such costs are specifically designated as costs by the court and are
20 awarded for the specific reimbursement of costs incurred by the state,
21 county, city, or town in the prosecution of the case, including the
22 fees of defense counsel. Money remitted under this subsection to the
23 state treasurer 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.

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