

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2692

62nd Legislature
2012 Regular Session

Passed by the House March 3, 2012
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate February 29, 2012
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2692** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2692

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

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

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

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

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

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

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

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

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

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

35 (3) When a minor has been adjudicated a juvenile offender or has
36 entered into a statutory or nonstatutory diversion agreement for an
37 offense which, if committed by an adult, would constitute a violation
38 under this chapter or comparable county or municipal ordinances, the

1 court shall assess the fee as specified under subsection (1) of this
2 section. The court may not suspend payment of all or part of the fee
3 unless it finds that the minor does not have the ability to pay the
4 fee.

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

10 (5) 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. 2.** RCW 9A.88.130 and 1999 c 327 s 2 are each amended to read
20 as follows:

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

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

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

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

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

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

3 (1) Costs in civil and criminal actions may be imposed as provided
4 in district court. All fees, costs, fines, forfeitures and other money
5 imposed by any municipal court for the violation of any municipal or
6 town ordinances shall be collected by the court clerk and, together
7 with any other noninterest revenues received by the clerk, shall be
8 deposited with the city or town treasurer as a part of the general fund
9 of the city or town, or deposited in such other fund of the city or
10 town, or deposited in such other funds as may be designated by the laws
11 of the state of Washington.

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

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

27 (4) 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 (5) 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. 4.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended
2 to read as follows:

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

11 (2) Except as provided in RCW 9A.88.120, 10.99.080, and this
12 section, the county treasurer shall remit thirty-two percent of the
13 noninterest money received under subsection (1) of this section except
14 certain costs to the state treasurer. "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. With
22 the exception of funds to be transferred to the judicial stabilization
23 trust account under RCW 3.62.060(2), money remitted under this
24 subsection to the state treasurer shall be deposited in the state
25 general fund.

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

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

36 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
37 interest at the rate of twelve percent per annum, upon assignment to a

1 collection agency. Interest may accrue only while the case is in
2 collection status.

3 (6) Interest retained by the court on penalties, fines, bail
4 forfeitures, fees, and costs shall be split twenty-five percent to the
5 state treasurer for deposit in the state general fund, twenty-five
6 percent to the state treasurer for deposit in the judicial information
7 system account as provided in RCW 2.68.020, twenty-five percent to the
8 county current expense fund, and twenty-five percent to the county
9 current expense fund to fund local courts.

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

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

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

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

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

36 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue

1 interest at the rate of twelve percent per annum, upon assignment to a
2 collection agency. Interest may accrue only while the case is in
3 collection status.

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

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

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

20 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county
21 treasurer shall remit monthly thirty-two percent of the money received
22 under this section except for certain costs to the state treasurer for
23 deposit in the state general fund and shall deposit the remainder as
24 provided by law. "Certain costs" as used in this subsection, means
25 those costs awarded to prevailing parties in civil actions under RCW
26 4.84.010 or 36.18.040, or those costs awarded against convicted
27 defendants in criminal actions under RCW 10.01.160, 10.46.190, or
28 36.18.040, or other similar statutes if such costs are specifically
29 designated as costs by the court and are awarded for the specific
30 reimbursement of costs incurred by the state or county in the
31 prosecution of the case, including the fees of defense counsel. Costs
32 or assessments awarded to dedicated accounts, state or local, are not
33 subject to this state allocation or to RCW 7.68.035.

34 (3) All fees, fines, forfeitures and penalties collected or
35 assessed by a district court because of the violation of a state law
36 shall be remitted as provided in chapter 3.62 RCW as now exists or is
37 later amended. All fees, fines, forfeitures, and penalties collected

1 or assessed by a superior court in cases on appeal from a lower court
2 shall be remitted to the municipal or district court from which the
3 cases were appealed.

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

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

21 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
22 treasurer shall remit monthly thirty-two percent of the noninterest
23 money received under this section, other than for parking infractions
24 and certain costs to the state treasurer. "Certain costs" as used in
25 this subsection, means those costs awarded to prevailing parties in
26 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
27 against convicted defendants in criminal actions under RCW 10.01.160,
28 10.46.190, or 36.18.040, or other similar statutes if such costs are
29 specifically designated as costs by the court and are awarded for the
30 specific reimbursement of costs incurred by the state, county, city, or
31 town in the prosecution of the case, including the fees of defense
32 counsel. Money remitted under this subsection to the state treasurer
33 shall be deposited in the state general fund.

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

36 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue

1 interest at the rate of twelve percent per annum, upon assignment to a
2 collection agency. Interest may accrue only while the case is in
3 collection status.

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

--- END ---