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SENATE BILL 5813

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Kohl-Welles, Hargrove, Regala, and Shin

Read first time 02/16/11. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to increasing fee assessments for prostitution  
2 crimes; and amending RCW 9A.88.120.

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

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

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

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

18 (c) In addition to penalties set forth in RCW 9A.88.070 and  
19 9A.88.080, a person who is either convicted or given a deferred

1 sentence or a deferred prosecution or who has entered into a statutory  
2 or nonstatutory diversion agreement as a result of an arrest for  
3 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal  
4 ordinances shall be assessed a (~~three hundred~~) five thousand dollar  
5 fee.

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

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

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

21 (5) For the purposes of this section:

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

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

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