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ENGROSSED SUBSTITUTE SENATE BILL 6260

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State of Washington

62nd Legislature

2012 Regular Session

**By** Senate Judiciary (originally sponsored by Senators Delvin, Kohl-Welles, Regala, Roach, Conway, Carrell, Shin, Eide, Ericksen, Litzow, Chase, and Stevens)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to criminal offenses; amending RCW 9A.40.100,  
2 9A.44.128, 9A.88.120, 9.68A.105, 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.40.100 and 2011 c 111 s 1 are each amended to read  
6 as follows:

7 (1)(a) A person is guilty of trafficking in the first degree when:

8 (i) Such person:

9 (A) Recruits, harbors, transports, transfers, provides, obtains, or  
10 receives by any means another person knowing that force, fraud, or  
11 coercion as defined in RCW 9A.36.070 will be used to cause the person  
12 to engage in forced labor, involuntary servitude, or a commercial sex  
13 act; or

14 (B) Benefits financially or by receiving anything of value from  
15 participation in a venture that has engaged in acts set forth in  
16 (a)(i)(A) of this subsection; and

17 (ii) The acts or venture set forth in (a)(i) of this subsection:

18 (A) Involve committing or attempting to commit kidnapping;

19 (B) Involve a finding of sexual motivation under RCW 9.94A.835;

1 (C) Involve the illegal harvesting or sale of human organs; or

2 (D) Result in a death.

3 (b) Trafficking in the first degree is a class A felony.

4 (2)(a) A person is guilty of trafficking in the second degree when  
5 such person:

6 (i) Recruits, harbors, transports, transfers, provides, obtains, or  
7 receives by any means another person knowing that force, fraud, or  
8 coercion as defined in RCW 9A.36.070 will be used to cause the person  
9 to engage in forced labor, involuntary servitude, or a commercial sex  
10 act; or

11 (ii) Benefits financially or by receiving anything of value from  
12 participation in a venture that has engaged in acts set forth in (a)(i)  
13 of this subsection.

14 (b) Trafficking in the second degree is a class A felony.

15 (3)(a) A person who is either convicted or given a deferred  
16 sentence or a deferred prosecution or who has entered into a statutory  
17 or nonstatutory diversion agreement as a result of an arrest for a  
18 violation of a trafficking crime shall be assessed a three thousand  
19 dollar fee.

20 (b) The court shall not reduce, waive, or suspend payment of all or  
21 part of the fee assessed in this section unless it finds, on the  
22 record, that the offender does not have the ability to pay the fee in  
23 which case it may reduce the fee by an amount up to two-thirds of the  
24 maximum allowable fee.

25 (c) Fees assessed under this section shall be collected by the  
26 clerk of the court and remitted to the treasurer of the county where  
27 the offense occurred for deposit in the county general fund, except in  
28 cases in which the offense occurred in a city or town that provides for  
29 its own law enforcement, in which case these amounts shall be remitted  
30 to the treasurer of the city or town for deposit in the general fund of  
31 the city or town. Revenue from the fees must be used for local efforts  
32 to reduce the commercial sale of sex including, but not limited to,  
33 increasing enforcement of commercial sex laws.

34 (i) At least fifty percent of the revenue from fees imposed under  
35 this section must be spent on prevention, including education programs  
36 for offenders, such as john school, and rehabilitative services, such  
37 as mental health and substance abuse counseling, parenting skills,

1 training, housing relief, education, vocational training, drop-in  
2 centers, and employment counseling.

3 (ii) Revenues from these fees are not subject to the distribution  
4 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
5 35.20.220.

6 **Sec. 2.** RCW 9A.44.128 and 2011 c 337 s 2 are each amended to read  
7 as follows:

8 For the purposes of RCW 9A.44.130 through 9A.44.145, 10.01.200,  
9 43.43.540, 70.48.470, and 72.09.330, the following definitions apply:

10 (1) "Business day" means any day other than Saturday, Sunday, or a  
11 legal local, state, or federal holiday.

12 (2) "Conviction" means any adult conviction or juvenile  
13 adjudication for a sex offense or kidnapping offense.

14 (3) "Disqualifying offense" means a conviction for: Any offense  
15 that is a felony; a sex offense as defined in this section; a crime  
16 against children or persons as defined in RCW 43.43.830(5) and  
17 9.94A.411(2)(a); an offense with a domestic violence designation as  
18 provided in RCW 10.99.020; permitting the commercial sexual abuse of a  
19 minor as defined in RCW 9.68A.103; or any violation of chapter 9A.88  
20 RCW.

21 (4) "Employed" or "carries on a vocation" means employment that is  
22 full time or part time for a period of time exceeding fourteen days, or  
23 for an aggregate period of time exceeding thirty days during any  
24 calendar year. A person is employed or carries on a vocation whether  
25 the person's employment is financially compensated, volunteered, or for  
26 the purpose of government or educational benefit.

27 (5) "Fixed residence" means a building that a person lawfully and  
28 habitually uses as living quarters a majority of the week. Uses as  
29 living quarters means to conduct activities consistent with the common  
30 understanding of residing, such as sleeping; eating; keeping personal  
31 belongings; receiving mail; and paying utilities, rent, or mortgage.  
32 A nonpermanent structure including, but not limited to, a motor home,  
33 travel trailer, camper, or boat may qualify as a residence provided it  
34 is lawfully and habitually used as living quarters a majority of the  
35 week, primarily kept at one location with a physical address, and the  
36 location it is kept at is either owned or rented by the person or used  
37 by the person with the permission of the owner or renter. A shelter

1 program may qualify as a residence provided it is a shelter program  
2 designed to provide temporary living accommodations for the homeless,  
3 provides an offender with a personally assigned living space, and the  
4 offender is permitted to store belongings in the living space.

5 (6) "In the community" means residing outside of confinement or  
6 incarceration for a disqualifying offense.

7 (7) "Institution of higher education" means any public or private  
8 institution dedicated to postsecondary education, including any  
9 college, university, community college, trade, or professional school.

10 (8) "Kidnapping offense" means:

11 (a) The crimes of kidnapping in the first degree, kidnapping in the  
12 second degree, and unlawful imprisonment, as defined in chapter 9A.40  
13 RCW, where the victim is a minor and the offender is not the minor's  
14 parent;

15 (b) Any offense that is, under chapter 9A.28 RCW, a criminal  
16 attempt, criminal solicitation, or criminal conspiracy to commit an  
17 offense that is classified as a kidnapping offense under this  
18 subsection; and

19 (c) Any federal or out-of-state conviction for: An offense for  
20 which the person would be required to register as a kidnapping offender  
21 if residing in the state of conviction; or, if not required to register  
22 in the state of conviction, an offense that under the laws of this  
23 state would be classified as a kidnapping offense under this  
24 subsection.

25 (9) "Lacks a fixed residence" means the person does not have a  
26 living situation that meets the definition of a fixed residence and  
27 includes, but is not limited to, a shelter program designed to provide  
28 temporary living accommodations for the homeless, an outdoor sleeping  
29 location, or locations where the person does not have permission to  
30 stay.

31 (10) "Sex offense" means:

32 (a) Any offense defined as a sex offense by RCW 9.94A.030;

33 (b) Any violation under RCW 9A.44.096 (sexual misconduct with a  
34 minor in the second degree);

35 (c) Any violation under RCW 9.68A.090 (communication with a minor  
36 for immoral purposes);

37 (d) A second or subsequent violation under RCW 9A.88.070 (promoting

1 prostitution in the first degree) or RCW 9A.88.080 (promoting  
2 prostitution in the second degree);

3 (e) Any gross misdemeanor that is, under chapter 9A.28 RCW, a  
4 criminal attempt, criminal solicitation, or criminal conspiracy to  
5 commit an offense that is classified as a sex offense under RCW  
6 9.94A.030 or this subsection;

7 ((+e)) (f) Any out-of-state conviction for an offense for which  
8 the person would be required to register as a sex offender while  
9 residing in the state of conviction; or, if not required to register in  
10 the state of conviction, an offense that under the laws of this state  
11 would be classified as a sex offense under this subsection;

12 ((+f)) (g) Any federal conviction classified as a sex offense  
13 under 42 U.S.C. Sec. 16911 (SORNA);

14 ((+g)) (h) Any military conviction for a sex offense. This  
15 includes sex offenses under the uniform code of military justice, as  
16 specified by the United States secretary of defense;

17 ((+h)) (i) Any conviction in a foreign country for a sex offense  
18 if it was obtained with sufficient safeguards for fundamental fairness  
19 and due process for the accused under guidelines or regulations  
20 established pursuant to 42 U.S.C. Sec. 16912.

21 (11) "School" means a public or private school regulated under  
22 Title 28A RCW or chapter 72.40 RCW.

23 (12) "Student" means a person who is enrolled, on a full-time or  
24 part-time basis, in any school or institution of higher education.

25 **Sec. 3.** RCW 9A.88.120 and 2007 c 368 s 12 are each amended to read  
26 as follows:

27 (1)(a) In addition to penalties set forth in RCW 9A.88.010((~~r~~)) and  
28 9A.88.030((~~r~~, and ~~9A.88.090~~)), a person who is either convicted or given  
29 a deferred sentence or a deferred prosecution or who has entered into  
30 a statutory or nonstatutory diversion agreement as a result of an  
31 arrest for violating RCW 9A.88.010, 9A.88.030, ((~~9A.88.090~~)) or  
32 comparable county or municipal ordinances shall be assessed a fifty  
33 dollar fee.

34 (b) In addition to penalties set forth in RCW 9A.88.090, a person  
35 who is either convicted or given a deferred sentence or a deferred  
36 prosecution or who has entered into a statutory or nonstatutory

1 diversion agreement as a result of an arrest for violating RCW  
2 9A.88.090 or comparable county or municipal ordinances shall be  
3 assessed a fee in the amount of:

4 (i) One thousand five hundred dollars for the first offense;

5 (ii) Two thousand five hundred dollars for the second offense; and

6 (iii) Five thousand dollars for the third and each subsequent  
7 offense.

8 (c) In addition to penalties set forth in RCW 9A.88.110, a person  
9 who is either convicted or given a deferred sentence or a deferred  
10 prosecution or who has entered into a statutory or nonstatutory  
11 diversion agreement as a result of an arrest for violating RCW  
12 9A.88.110 or a comparable county or municipal ordinance shall be  
13 assessed a ~~((one hundred fifty dollar))~~ fee in the amount of:

14 (i) One thousand five hundred dollars for the first offense;

15 (ii) Two thousand five hundred dollars for the second offense; and

16 (iii) Five thousand dollars for the third and each subsequent  
17 offense.

18 ~~((e))~~ (d) 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  
20 sentence or a deferred prosecution or who has entered into a statutory  
21 or nonstatutory diversion agreement as a result of an arrest for  
22 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal  
23 ordinances shall be assessed a ~~((three hundred dollar))~~ fee in the  
24 amount of:

25 (i) Three thousand dollars for the first offense;

26 (ii) Six thousand dollars for the second offense; and

27 (iii) Ten thousand dollars for the third and each subsequent  
28 offense.

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

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

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

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

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

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

26       (b) Revenues from these fees are not subject to the distribution  
27 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
28 35.20.220.

29       (5) For the purposes of this section:

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

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

1       **Sec. 4.** RCW 9.68A.105 and 2010 c 289 s 15 are each amended to read  
2 as follows:

3       (1)(a) In addition to penalties set forth in RCW 9.68A.100,  
4 9.68A.101, and 9.68A.102, a person who is either convicted or given a  
5 deferred sentence or a deferred prosecution or who has entered into a  
6 statutory or nonstatutory diversion agreement as a result of an arrest  
7 for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable  
8 county or municipal ordinance shall be assessed a five thousand dollar  
9 fee.

10       (b) The court may not reduce, waive, or suspend payment of all or  
11 part of the fee assessed unless it finds, on the record, that the  
12 person does not have the ability to pay in which case it may reduce the  
13 fee by an amount up to two-thirds of the maximum allowable fee.

14       (c) When a minor has been adjudicated a juvenile offender or has  
15 entered into a statutory or nonstatutory diversion agreement for an  
16 offense which, if committed by an adult, would constitute a violation  
17 of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or  
18 municipal ordinance, the court shall assess the fee under (a) of this  
19 subsection. The court may not reduce, waive, or suspend payment of all  
20 or part of the fee assessed unless it finds, on the record, that the  
21 minor does not have the ability to pay the fee in which case it may  
22 reduce the fee by an amount up to two-thirds of the maximum allowable  
23 fee.

24       (2) (~~The fee assessed under subsection (1) of this section shall~~  
25 ~~be collected by the clerk of the court and distributed each month to~~  
26 ~~the state treasurer for deposit in the prostitution prevention and~~  
27 ~~intervention account under RCW 43.63A.740 for the purpose of funding~~  
28 ~~prostitution prevention and intervention activities.)) Fees assessed  
29 under this section shall be collected by the clerk of the court and  
30 remitted to the treasurer of the county where the offense occurred for  
31 deposit in the county general fund, except in cases in which the  
32 offense occurred in a city or town that provides for its own law  
33 enforcement, in which case these amounts shall be remitted to the  
34 treasurer of the city or town for deposit in the general fund of the  
35 city or town. Revenue from the fees must be used for local efforts to  
36 reduce the commercial sale of sex including, but not limited to,  
37 increasing enforcement of commercial sex laws.~~



1       (a) At least fifty percent of the revenue from fees imposed under  
2 this section must be spent on prevention, including education programs  
3 for offenders, such as john school, and rehabilitative services, such  
4 as mental health and substance abuse counseling, parenting skills,  
5 training, housing relief, education, vocational training, drop-in  
6 centers, and employment counseling.

7       (b) Revenues from these fees are not subject to the distribution  
8 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
9 35.20.220.

10       (3) 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. 5.** RCW 3.50.100 and 2009 c 479 s 3 are each amended to read  
20 as follows:

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

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

1 specifically designated as costs by the court and are awarded for the  
2 specific reimbursement of costs incurred by the state, county, city, or  
3 town in the prosecution of the case, including the fees of defense  
4 counsel. Money remitted under this subsection to the state treasurer  
5 shall be deposited in the state general fund.

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

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

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

19 **Sec. 6.** RCW 3.62.020 and 2011 1st sp.s. c 44 s 1 are each amended  
20 to read as follows:

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

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

1 specific reimbursement of costs incurred by the state or county in the  
2 prosecution of the case, including the fees of defense counsel. With  
3 the exception of funds to be transferred to the judicial stabilization  
4 trust account under RCW 3.62.060(2), money remitted under this  
5 subsection to the state treasurer shall be deposited in the state  
6 general fund.

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

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

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

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

28 **Sec. 7.** RCW 3.62.040 and 2009 c 479 s 6 are each amended to read  
29 as follows:

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

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

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

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

28 **Sec. 8.** RCW 10.82.070 and 2009 c 479 s 13 are each amended to read  
29 as follows:

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

1 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the county  
2 treasurer shall remit monthly thirty-two percent of the money received  
3 under this section except for certain costs to the state treasurer for  
4 deposit in the state general fund and shall deposit the remainder as  
5 provided by law. "Certain costs" as used in this subsection, means  
6 those costs awarded to prevailing parties in civil actions under RCW  
7 4.84.010 or 36.18.040, or those costs awarded against convicted  
8 defendants in criminal actions under RCW 10.01.160, 10.46.190, or  
9 36.18.040, or other similar statutes if such costs are specifically  
10 designated as costs by the court and are awarded for the specific  
11 reimbursement of costs incurred by the state or county in the  
12 prosecution of the case, including the fees of defense counsel. Costs  
13 or assessments awarded to dedicated accounts, state or local, are not  
14 subject to this state allocation or to RCW 7.68.035.

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

22 **Sec. 9.** RCW 35.20.220 and 2009 c 479 s 19 are each amended to read  
23 as follows:

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

1 day previous, with a detailed account of the same, and taking the  
2 treasurer's receipt therefor.

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

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

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

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

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