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**SUBSTITUTE SENATE BILL 6389**

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**State of Washington                      62nd Legislature                      2012 Regular Session**

**By** Senate Human Services & Corrections (originally sponsored by  
Senators Hargrove, Harper, Regala, and Shin)

READ FIRST TIME 02/03/12.

1            AN ACT Relating to crime victims' services; amending RCW 46.63.110;  
2 adding a new section to chapter 43.280 RCW; creating a new section; and  
3 providing an effective date.

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

5            NEW SECTION.    **Sec. 1.** The legislature finds that crime victims'  
6 services require stable funding, and that it is most appropriate to use  
7 a source related to those who violate the state's laws. It is  
8 therefore the intent of the legislature to provide a source of funding  
9 from those who violate the state's laws to help support the victimized.  
10 These programs serve victims of all types of crimes, including  
11 vehicular crimes, and provide victims with a measure of immediate  
12 safety and security by helping them understand and participate in the  
13 justice system and stabilize them through twenty-four hour crisis  
14 services. Victim witness assistance units are part of every county  
15 prosecuting attorney's office and are designed to provide information  
16 and assistance to victims of crimes and support their active  
17 cooperation and participation in the criminal justice process.

1           **Sec. 2.** RCW 46.63.110 and 2010 c 252 s 5 are each amended to read  
2 as follows:

3           (1) A person found to have committed a traffic infraction shall be  
4 assessed a monetary penalty. No penalty may exceed two hundred and  
5 fifty dollars for each offense unless authorized by this chapter or  
6 title.

7           (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is  
8 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is  
9 five hundred dollars for each offense. No penalty assessed under this  
10 subsection (2) may be reduced.

11           (3) The supreme court shall prescribe by rule a schedule of  
12 monetary penalties for designated traffic infractions. This rule shall  
13 also specify the conditions under which local courts may exercise  
14 discretion in assessing fines and penalties for traffic infractions.  
15 The legislature respectfully requests the supreme court to adjust this  
16 schedule every two years for inflation.

17           (4) There shall be a penalty of twenty-five dollars for failure to  
18 respond to a notice of traffic infraction except where the infraction  
19 relates to parking as defined by local law, ordinance, regulation, or  
20 resolution or failure to pay a monetary penalty imposed pursuant to  
21 this chapter. A local legislative body may set a monetary penalty not  
22 to exceed twenty-five dollars for failure to respond to a notice of  
23 traffic infraction relating to parking as defined by local law,  
24 ordinance, regulation, or resolution. The local court, whether a  
25 municipal, police, or district court, shall impose the monetary penalty  
26 set by the local legislative body.

27           (5) Monetary penalties provided for in chapter 46.70 RCW which are  
28 civil in nature and penalties which may be assessed for violations of  
29 chapter 46.44 RCW relating to size, weight, and load of motor vehicles  
30 are not subject to the limitation on the amount of monetary penalties  
31 which may be imposed pursuant to this chapter.

32           (6) Whenever a monetary penalty, fee, cost, assessment, or other  
33 monetary obligation is imposed by a court under this chapter it is  
34 immediately payable. If the court determines, in its discretion, that  
35 a person is not able to pay a monetary obligation in full, and not more  
36 than one year has passed since the later of July 1, 2005, or the date  
37 the monetary obligation initially became due and payable, the court  
38 shall enter into a payment plan with the person, unless the person has

1 previously been granted a payment plan with respect to the same  
2 monetary obligation, or unless the person is in noncompliance of any  
3 existing or prior payment plan, in which case the court may, at its  
4 discretion, implement a payment plan. If the court has notified the  
5 department that the person has failed to pay or comply and the person  
6 has subsequently entered into a payment plan and made an initial  
7 payment, the court shall notify the department that the infraction has  
8 been adjudicated, and the department shall rescind any suspension of  
9 the person's driver's license or driver's privilege based on failure to  
10 respond to that infraction. "Payment plan," as used in this section,  
11 means a plan that requires reasonable payments based on the financial  
12 ability of the person to pay. The person may voluntarily pay an amount  
13 at any time in addition to the payments required under the payment  
14 plan.

15 (a) If a payment required to be made under the payment plan is  
16 delinquent or the person fails to complete a community restitution  
17 program on or before the time established under the payment plan,  
18 unless the court determines good cause therefor and adjusts the payment  
19 plan or the community restitution plan accordingly, the court shall  
20 notify the department of the person's failure to meet the conditions of  
21 the plan, and the department shall suspend the person's driver's  
22 license or driving privilege until all monetary obligations, including  
23 those imposed under subsections (3) and (4) of this section, have been  
24 paid, and court authorized community restitution has been completed, or  
25 until the department has been notified that the court has entered into  
26 a new time payment or community restitution agreement with the person.

27 (b) If a person has not entered into a payment plan with the court  
28 and has not paid the monetary obligation in full on or before the time  
29 established for payment, the court shall notify the department of the  
30 delinquency. The department shall suspend the person's driver's  
31 license or driving privilege until all monetary obligations have been  
32 paid, including those imposed under subsections (3) and (4) of this  
33 section, or until the person has entered into a payment plan under this  
34 section.

35 (c) If the payment plan is to be administered by the court, the  
36 court may assess the person a reasonable administrative fee to be  
37 wholly retained by the city or county with jurisdiction. The

1 administrative fee shall not exceed ten dollars per infraction or  
2 twenty-five dollars per payment plan, whichever is less.

3 (d) Nothing in this section precludes a court from contracting with  
4 outside entities to administer its payment plan system. When outside  
5 entities are used for the administration of a payment plan, the court  
6 may assess the person a reasonable fee for such administrative  
7 services, which fee may be calculated on a periodic, percentage, or  
8 other basis.

9 (e) If a court authorized community restitution program for  
10 offenders is available in the jurisdiction, the court may allow  
11 conversion of all or part of the monetary obligations due under this  
12 section to court authorized community restitution in lieu of time  
13 payments if the person is unable to make reasonable time payments.

14 (7) In addition to any other penalties imposed under this section  
15 and not subject to the limitation of subsection (1) of this section, a  
16 person found to have committed a traffic infraction shall be assessed:

17 (a) A fee of five dollars per infraction. Under no circumstances  
18 shall this fee be reduced or waived. Revenue from this fee shall be  
19 forwarded to the state treasurer for deposit in the emergency medical  
20 services and trauma care system trust account under RCW 70.168.040;

21 (b) A fee of ten dollars per infraction. Under no circumstances  
22 shall this fee be reduced or waived. Revenue from this fee shall be  
23 forwarded to the state treasurer for deposit in the Washington auto  
24 theft prevention authority account; (~~and~~)

25 (c) A fee of two dollars per infraction. Revenue from this fee  
26 shall be forwarded to the state treasurer for deposit in the traumatic  
27 brain injury account established in RCW 74.31.060; and

28 (d) A fee of ten dollars per infraction. Revenue from this fee  
29 shall be forwarded to the state treasurer for deposit into the crime  
30 victims' services account established in section 3 of this act.

31 (8)(a) In addition to any other penalties imposed under this  
32 section and not subject to the limitation of subsection (1) of this  
33 section, a person found to have committed a traffic infraction other  
34 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
35 penalty of twenty dollars. The court may not reduce, waive, or suspend  
36 the additional penalty unless the court finds the offender to be  
37 indigent. If a court authorized community restitution program for  
38 offenders is available in the jurisdiction, the court shall allow

1 offenders to offset all or a part of the penalty due under this  
2 subsection (8) by participation in the court authorized community  
3 restitution program.

4 (b) Eight dollars and fifty cents of the additional penalty under  
5 (a) of this subsection shall be remitted to the state treasurer. The  
6 remaining revenue from the additional penalty must be remitted under  
7 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
8 under this subsection to the state treasurer must be deposited in the  
9 state general fund. The balance of the revenue received by the county  
10 or city treasurer under this subsection must be deposited into the  
11 county or city current expense fund. Moneys retained by the city or  
12 county under this subsection shall constitute reimbursement for any  
13 liabilities under RCW 43.135.060.

14 (9) If a legal proceeding, such as garnishment, has commenced to  
15 collect any delinquent amount owed by the person for any penalty  
16 imposed by the court under this section, the court may, at its  
17 discretion, enter into a payment plan.

18 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
19 hundred fifty dollars for the first violation; (b) five hundred dollars  
20 for the second violation; and (c) seven hundred fifty dollars for each  
21 violation thereafter.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.280 RCW  
23 to read as follows:

24 The crime victims' services account is created in the state  
25 treasury. All receipts from the fee imposed in RCW 46.63.110(7)(d)  
26 must be deposited in the account. Moneys in the account may be spent  
27 only after appropriation. Expenditures from the account may be used  
28 only for the following purposes: (1) Comprehensive crime victims and  
29 witness programs under RCW 7.68.035(4); (2) crime victim service  
30 centers; (3) pursuant to this chapter, grant programs for sexual  
31 assault treatment and prevention services and grant programs to enhance  
32 funding for the treatment of the victims of sexual assault; (4)  
33 pursuant to chapter 70.125 RCW, funding for statewide program services  
34 and community sexual assault program victim advocates, and supplemental  
35 funding for rape crisis centers; and (5) up to eight percent for

1 administrative costs for the office of crime victims advocacy.

2 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2012.

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