
SENATE BILL 5830

State of Washington

65th Legislature

2017 Regular Session

By Senator Chase

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1 AN ACT Relating to sexual violence crime fees; reenacting and
2 amending RCW 43.84.092; adding a new chapter to Title 82 RCW; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds the state has a
6 substantial interest in protecting and preserving the quality of life
7 for its residents and communities against the corrosive harm of
8 sexual violence. The legislature recognizes local governments have an
9 important role in addressing community and societal risk factors
10 affecting the incidence of sexual assault as well as other forms of
11 sexual violence.

12 (2) The legislature recognizes that a small number of individuals
13 commit a substantial amount of crimes of sexual violence and that
14 unsubmitted sexual assault kits unjustifiably allow these individuals
15 to escape the reaches of law enforcement. The legislature finds that
16 addressing sexual violence requires targeting individuals who have
17 been convicted of crimes of sexual violence as well as targeting
18 criminal behavior that has a substantial nexus to the commission of
19 sexual offenses.

20 (3) The legislature finds that it has an unwavering interest in
21 protecting our population from sexual violence, in finding justice

1 for victims of sexual violence, and in targeting criminal behavior
2 with a substantial nexus to the commission of sexual violence. The
3 legislature finds that Washington's government bodies must address
4 community and societal risk factors for sexual violence by adopting
5 protective measures that lessen the perpetration of sexual violence.

6 (4) The legislature recognizes that key community and societal
7 risk factors contribute to continued perpetration of sexual assault.
8 These factors include: Lack of institutional support from police and
9 the judicial system, general tolerance of sexual violence within the
10 community, weak community sanctions against sexual violence
11 perpetrators, societal norms that support sexual violence and sexual
12 entitlement, norms that maintain women's inferiority weak laws and
13 policies related to sexual violence and gender equity, and high
14 levels of crime and other forms of violence.

15 (5) The legislature recognizes that individual and relationship
16 risk factors for perpetration of sexual assault include: Alcohol and
17 drug use, delinquency, empathetic deficits, general aggressiveness
18 and acceptance of violence, early sexual initiation, preference for
19 impersonal sex and sexual risk taking, hostility towards women,
20 hypermasculinity, prior sexual victimization or perpetration, family
21 environment characterized by physical violence and conflict, and
22 involvement in a violent or abusive intimate relationship.

23 (6) The legislature finds that the office of crime victims
24 advocacy plays a critical role in providing support to victims of
25 sexual violence. The legislature finds that, in Washington, more than
26 forty thousand people are arrested each year for sexual violence or
27 crimes with a substantial nexus to the commission of sexual offenses.
28 These crimes include rape, sexual assault, human trafficking,
29 assault, domestic violence, patronizing a prostitute, promoting
30 prostitution, violating no-contact orders, as well as any of the
31 previous committed while under the influence of drugs or alcohol.

32 (7) The legislature finds that the adoption of a statewide fee on
33 individuals who have committed a sexually violent crime, as well as
34 those convicted of crimes with a substantial nexus to the commission
35 of sexual offenses, can provide further assistance to the victims of
36 sexual violence directly and indirectly resulting from their conduct.
37 The legislature finds that it can provide assistance to victims of
38 sexual violence by providing needed assistance to train officials in
39 serving victims and identifying previously unidentified perpetrators
40 of sexual violence.

1 (8) The legislature hereby establishes the sexual violence crime
2 fee to fund policies and programming for investigating sex crimes and
3 supporting trafficking and sex crime victims in Washington.

4 NEW SECTION. **Sec. 2.** (1) There is levied and collected a fee
5 upon the commission of a crime of sexual violence or crimes with a
6 substantial nexus to sexual offenses. The fee under this section must
7 be paid by the individual charged with committing sexually violent
8 crimes or criminal offenses with a substantial nexus to sexual
9 violence.

10 (2) There is levied the following classes of fees:

11 (a) Class A fees include charges under chapters 9A.44, 9A.40, and
12 9.68A RCW. The fee under this subsection (2) is separate and apart
13 from any restitution ordered to the victim and the state in
14 processing the case.

15 (b) Class B fees include charges under RCW 9A.88.060, 9A.88.070,
16 9A.88.080, and 9A.88.090, and are in addition to fees authorized
17 under RCW 9A.88.120 and 9A.88.140.

18 (c) Class C fees include charges under RCW 26.50.110 for a
19 violation of a no-contact order, domestic violence charges under RCW
20 26.50.020, and assault charges under chapter 9A.36 RCW.

21 (d) Class D fees are for any charge of domestic violence assault.

22 (e) Class E fees are in addition to other fees charged under
23 class A, class B, class C, and class D fees in this subsection (2) if
24 alcohol or drugs are a factor in the commission of the aforementioned
25 crimes under RCW 46.61.5055.

26 (3) The fees enacted on classes of offenses under subsection (2)
27 of this section are as follows:

28 (a) Class A fees may not be less than one thousand dollars.

29 (b) Class B fees may not be less than five hundred dollars.

30 (c) Class C fees may not be less than one hundred dollars.

31 (d) Class D fees may not be less than one hundred fifty dollars.

32 (e) Class E fees may not be less than fifty dollars.

33 (4) Where an individual is charged under subsection (2)(a) of
34 this section and an unsubmitted sexual assault kit matches the
35 convicted individual's genetic profile, the individual is liable for
36 the fees for each individual charge under subsection (2) of this
37 section in addition to an enhanced serial sexual assault fee of two
38 thousand five hundred dollars.

1 NEW SECTION. **Sec. 3.** The fees required to be collected by the
2 offender under section 2 of this act are deemed to be held in trust
3 by the court until paid to the department of revenue.

4 NEW SECTION. **Sec. 4.** (1) The Washington sexually oriented crime
5 fee account is created in the state treasury. All revenues from the
6 sexually oriented crime fees established in section 2 of this act
7 must be deposited into the account. Moneys in the account may only be
8 spent after appropriation.

9 (2) The legislature must prioritize appropriations from the
10 account for: The office of crime victims advocacy for the purpose of
11 providing support and services, including educational and vocational
12 training, to victims of sexual assault and trafficking; victim-
13 centered, trauma-informed training for prosecutors, law enforcement,
14 and victim advocates including, but not limited to, the Washington
15 state patrol for the purpose of funding the statewide sexual assault
16 kit tracking system and funding the forensic analysis of sexual
17 assault kits.

18 **Sec. 5.** RCW 43.84.092 and 2016 c 194 s 5, 2016 c 161 s 20, and
19 2016 c 112 s 4 are each reenacted and amended to read as follows:

20 (1) All earnings of investments of surplus balances in the state
21 treasury shall be deposited to the treasury income account, which
22 account is hereby established in the state treasury.

23 (2) The treasury income account shall be utilized to pay or
24 receive funds associated with federal programs as required by the
25 federal cash management improvement act of 1990. The treasury income
26 account is subject in all respects to chapter 43.88 RCW, but no
27 appropriation is required for refunds or allocations of interest
28 earnings required by the cash management improvement act. Refunds of
29 interest to the federal treasury required under the cash management
30 improvement act fall under RCW 43.88.180 and shall not require
31 appropriation. The office of financial management shall determine the
32 amounts due to or from the federal government pursuant to the cash
33 management improvement act. The office of financial management may
34 direct transfers of funds between accounts as deemed necessary to
35 implement the provisions of the cash management improvement act, and
36 this subsection. Refunds or allocations shall occur prior to the
37 distributions of earnings set forth in subsection (4) of this
38 section.

1 (3) Except for the provisions of RCW 43.84.160, the treasury
2 income account may be utilized for the payment of purchased banking
3 services on behalf of treasury funds including, but not limited to,
4 depository, safekeeping, and disbursement functions for the state
5 treasury and affected state agencies. The treasury income account is
6 subject in all respects to chapter 43.88 RCW, but no appropriation is
7 required for payments to financial institutions. Payments shall occur
8 prior to distribution of earnings set forth in subsection (4) of this
9 section.

10 (4) Monthly, the state treasurer shall distribute the earnings
11 credited to the treasury income account. The state treasurer shall
12 credit the general fund with all the earnings credited to the
13 treasury income account except:

14 (a) The following accounts and funds shall receive their
15 proportionate share of earnings based upon each account's and fund's
16 average daily balance for the period: The aeronautics account, the
17 aircraft search and rescue account, the Alaskan Way viaduct
18 replacement project account, the brownfield redevelopment trust fund
19 account, the budget stabilization account, the capital vessel
20 replacement account, the capitol building construction account, the
21 Cedar River channel construction and operation account, the Central
22 Washington University capital projects account, the charitable,
23 educational, penal and reformatory institutions account, the Chehalis
24 basin account, the cleanup settlement account, the Columbia river
25 basin water supply development account, the Columbia river basin
26 taxable bond water supply development account, the Columbia river
27 basin water supply revenue recovery account, the common school
28 construction fund, the community forest trust account, the connecting
29 Washington account, the county arterial preservation account, the
30 county criminal justice assistance account, the deferred compensation
31 administrative account, the deferred compensation principal account,
32 the department of licensing services account, the department of
33 retirement systems expense account, the developmental disabilities
34 community trust account, the diesel idle reduction account, the
35 drinking water assistance account, the drinking water assistance
36 administrative account, the drinking water assistance repayment
37 account, the Eastern Washington University capital projects account,
38 the Interstate 405 express toll lanes operations account, the
39 education construction fund, the education legacy trust account, the
40 election account, the electric vehicle charging infrastructure

1 account, the energy freedom account, the energy recovery act account,
2 the essential rail assistance account, The Evergreen State College
3 capital projects account, the federal forest revolving account, the
4 ferry bond retirement fund, the freight mobility investment account,
5 the freight mobility multimodal account, the grade crossing
6 protective fund, the public health services account, the high
7 capacity transportation account, the state higher education
8 construction account, the higher education construction account, the
9 highway bond retirement fund, the highway infrastructure account, the
10 highway safety fund, the high occupancy toll lanes operations
11 account, the hospital safety net assessment fund, the industrial
12 insurance premium refund account, the judges' retirement account, the
13 judicial retirement administrative account, the judicial retirement
14 principal account, the local leasehold excise tax account, the local
15 real estate excise tax account, the local sales and use tax account,
16 the marine resources stewardship trust account, the medical aid
17 account, the mobile home park relocation fund, the money-purchase
18 retirement savings administrative account, the money-purchase
19 retirement savings principal account, the motor vehicle fund, the
20 motorcycle safety education account, the multimodal transportation
21 account, the multiuse roadway safety account, the municipal criminal
22 justice assistance account, the natural resources deposit account,
23 the oyster reserve land account, the pension funding stabilization
24 account, the perpetual surveillance and maintenance account, the
25 pollution liability insurance agency underground storage tank
26 revolving account, the public employees' retirement system plan 1
27 account, the public employees' retirement system combined plan 2 and
28 plan 3 account, the public facilities construction loan revolving
29 account beginning July 1, 2004, the public health supplemental
30 account, the public works assistance account, the Puget Sound capital
31 construction account, the Puget Sound ferry operations account, the
32 Puget Sound taxpayer accountability account, the real estate
33 appraiser commission account, the recreational vehicle account, the
34 regional mobility grant program account, the resource management cost
35 account, the rural arterial trust account, the rural mobility grant
36 program account, the rural Washington loan fund, the Washington
37 sexually oriented crime fee account, the site closure account, the
38 skilled nursing facility safety net trust fund, the small city
39 pavement and sidewalk account, the special category C account, the
40 special wildlife account, the state employees' insurance account, the

1 state employees' insurance reserve account, the state investment
2 board expense account, the state investment board commingled trust
3 fund accounts, the state patrol highway account, the state route
4 number 520 civil penalties account, the state route number 520
5 corridor account, the state wildlife account, the supplemental
6 pension account, the Tacoma Narrows toll bridge account, the
7 teachers' retirement system plan 1 account, the teachers' retirement
8 system combined plan 2 and plan 3 account, the tobacco prevention and
9 control account, the tobacco settlement account, the toll facility
10 bond retirement account, the transportation 2003 account (nickel
11 account), the transportation equipment fund, the transportation fund,
12 the transportation future funding program account, the transportation
13 improvement account, the transportation improvement board bond
14 retirement account, the transportation infrastructure account, the
15 transportation partnership account, the traumatic brain injury
16 account, the tuition recovery trust fund, the University of
17 Washington bond retirement fund, the University of Washington
18 building account, the volunteer firefighters' and reserve officers'
19 relief and pension principal fund, the volunteer firefighters' and
20 reserve officers' administrative fund, the Washington judicial
21 retirement system account, the Washington law enforcement officers'
22 and firefighters' system plan 1 retirement account, the Washington
23 law enforcement officers' and firefighters' system plan 2 retirement
24 account, the Washington public safety employees' plan 2 retirement
25 account, the Washington school employees' retirement system combined
26 plan 2 and 3 account, the Washington state health insurance pool
27 account, the Washington state patrol retirement account, the
28 Washington State University building account, the Washington State
29 University bond retirement fund, the water pollution control
30 revolving administration account, the water pollution control
31 revolving fund, the Western Washington University capital projects
32 account, the Yakima integrated plan implementation account, the
33 Yakima integrated plan implementation revenue recovery account, and
34 the Yakima integrated plan implementation taxable bond account.
35 Earnings derived from investing balances of the agricultural
36 permanent fund, the normal school permanent fund, the permanent
37 common school fund, the scientific permanent fund, the state
38 university permanent fund, and the state reclamation revolving
39 account shall be allocated to their respective beneficiary accounts.

1 (b) Any state agency that has independent authority over accounts
2 or funds not statutorily required to be held in the state treasury
3 that deposits funds into a fund or account in the state treasury
4 pursuant to an agreement with the office of the state treasurer shall
5 receive its proportionate share of earnings based upon each account's
6 or fund's average daily balance for the period.

7 (5) In conformance with Article II, section 37 of the state
8 Constitution, no treasury accounts or funds shall be allocated
9 earnings without the specific affirmative directive of this section.

10 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act
11 constitute a new chapter in Title 82 RCW.

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