
Civil Rights & Judiciary Committee

HB 1169

Brief Description: Concerning legal financial obligations.

Sponsors: Representatives Simmons, Taylor, Berry, Bateman, Goodman, Wylie, Santos and Ormsby.

Brief Summary of Bill

- Eliminates the crime victim penalty assessment and establishes alternative state funding for crime victim and witness programs.
- Eliminates the DNA database fee and establishes alternative state funding for the DNA database and DNA collection costs.
- Requires a court, upon motion of an offender, to waive a previously imposed crime victim penalty assessment or DNA database fee.

Hearing Date: 1/18/23

Staff: Edie Adams (786-7180).

Background:

When a defendant is convicted of a crime, the court may impose legal financial obligations (LFOs) as part of the judgment and sentence. Legal financial obligations include: victim restitution; court costs; costs associated with the defendant's prosecution and sentence; criminal offense fines; and other fees, penalties, and assessments. Some types of LFOs are mandatory and must be imposed by the court, including the crime victim penalty assessment and the DNA database fee.

Crime Victim Penalty Assessment.

A crime victim penalty assessment must be imposed on any adult convicted of a criminal offense

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in superior court, with some exceptions for vehicle-related offenses. The penalty assessment is \$500 in the case of a felony or gross misdemeanor offense and \$250 in the case of a misdemeanor offense. A juvenile offender who is found to have committed a most serious offense must be assessed a penalty assessment in the amount of \$100. One hundred percent of the crime victim penalty assessment amounts received are transferred to the county treasurer and must be deposited into a fund for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes.

DNA Database Fee.

A biological sample must be collected for purposes of DNA identification analysis from every person convicted of a felony or certain other offenses, and the court must impose a \$100 fee as part of the sentence for the offense. The court is not required to impose the DNA database fee if the state has previously collected the offender's DNA as a result of a prior conviction.

Eighty percent of the fee is deposited into the DNA Database Account, and 20 percent of the fee is transmitted to the local agency that collected the biological sample. Money in the DNA Database Account may be expended by the chief of the Washington State Patrol or the chief's designee only for the creation, operation, and maintenance of the DNA database.

Summary of Bill:

Crime Victim Penalty Assessment.

The crime victim penalty assessment is eliminated. Upon motion by the defendant, the court must waive any crime victim penalty assessment imposed prior to the effective date of the act. Provisions indicating the crime victim penalty assessment may not be reduced, waived, or converted to community restitution hours are removed. Any amounts received by the clerk of the superior court for crime victim penalty assessments imposed prior to the effective date of the act must continue to be transferred to the county treasurer for deposit into a fund for the support of comprehensive crime victim and witness programs.

A new Crime Victim and Witness Assistance Account is created in the State Treasury. The account must consist of funds appropriated by the Legislature for comprehensive crime victim and witness programs. Every quarter, the State Treasurer must distribute moneys in the account to counties on the basis of a distribution factor that is based on a combination of factors, including population, crime rate, and criminal filings. Counties may use the funds only for comprehensive crime victim and witness programs.

DNA Database Fee.

The DNA database fee is eliminated. Upon motion of the offender, the court must waive any DNA database fee imposed prior to the effective date of the act. Any amounts collected for DNA database fees imposed prior to the effective date of the act will continue to be distributed as follows: 80 percent into the DNA Database Account and 20 percent to the agency collecting the DNA sample.

The DNA Database Account must consist of funds appropriated by the Legislature for operation and maintenance of the DNA database and for distribution to agencies responsible for collection of the biological sample from the offender, as well as any receipts from previously imposed DNA database fees. The Washington State Patrol must expend 80 percent of these funds for maintenance and operation of the DNA database and 20 percent of the funds for distribution to the agency responsible for collection of the offender's biological sample.

Appropriation: None.

Fiscal Note: Requested on January 11, 2023.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2023.