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SENATE BILL 5329

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State of Washington

54th Legislature

1995 Regular Session

By Senators Haugen, Loveland, Deccio, Smith and Winsley

Read first time 01/19/95. Referred to Committee on Government Operations.

1 AN ACT Relating to local government costs for criminal  
2 prosecutions; and amending RCW 3.62.070 and 70.48.400.

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

4 **Sec. 1.** RCW 3.62.070 and 1994 c 266 s 15 are each amended to read  
5 as follows:

6 Except in traffic cases wherein bail is forfeited or a monetary  
7 penalty paid to a violations bureau, and except in cases filed in  
8 municipal departments established pursuant to chapter 3.46 RCW and  
9 except in cases where a city has contracted with another city for such  
10 services pursuant to chapter 39.34 RCW, in every criminal or traffic  
11 infraction action filed by a city for an ordinance violation and in  
12 every misdemeanor or gross misdemeanor charge filed by the city,  
13 whether under city code or state statute, the city shall be charged a  
14 filing fee. Fees shall be determined pursuant to an agreement as  
15 provided for in chapter 39.34 RCW, the interlocal cooperation act,  
16 between the city and the county providing the court service. In such  
17 criminal or traffic infraction actions the cost of providing services  
18 necessary for the preparation and presentation of a defense at public  
19 expense are not within the filing fee and shall be paid by the city.

1 In all other criminal or traffic infraction actions, no filing fee  
2 shall be assessed or collected: PROVIDED, That in such cases, for the  
3 purposes of RCW 3.62.010, four dollars or the agreed filing fee of each  
4 fine or penalty, whichever is greater, shall be deemed filing costs.

5 In the event no agreement is reached between a city and the county  
6 providing the court service, either party may invoke binding  
7 arbitration on the fee issue by notice to the other party. In the case  
8 of establishing initial fees, the notice shall be thirty days. In the  
9 case of renewal or proposed nonrenewal, the notice shall be given one  
10 hundred twenty days prior to the expiration of the existing contract.  
11 In the event that such issue is submitted to arbitration, the  
12 arbitrator or arbitrators shall only consider those additional costs  
13 borne by the county in providing district court services for such city.  
14 The city and the county shall each select one arbitrator, the two of  
15 whom shall pick a third arbitrator. The existing contract shall remain  
16 in effect until a new agreement is reached or until an arbitration  
17 award is made.

18 **Sec. 2.** RCW 70.48.400 and 1987 c 462 s 11 are each amended to read  
19 as follows:

20 Persons sentenced to felony terms or a combination of terms of more  
21 than three hundred sixty-five days of incarceration shall be committed  
22 to state institutions under the authority of the department of  
23 corrections. Persons serving sentences of three hundred sixty-five  
24 consecutive days or less may be sentenced to a jail as defined in RCW  
25 70.48.020. All persons convicted of felonies (~~(or misdemeanors)~~) and  
26 sentenced to jail shall be the financial responsibility of the (~~(city~~  
27 ~~or)~~) county. All persons convicted of misdemeanors shall be the  
28 financial responsibility of the city or county that charged the person.

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