

SB 5941 - H AMD TO WAYS COMM AMD (H2764.1) **795**

By Representative Shea

FAILED 05/21/2011

1 On page 1, after line 2 of the striking amendment, insert the
2 following:

3 "Sec. 1. RCW 3.62.020 and 2009 c 479 s 5 are each amended to read
4 as follows:

5 (1) Except as provided in subsection (4) of this section, all
6 costs, fees, fines, forfeitures and penalties assessed and collected
7 in whole or in part by district courts, except costs, fines,
8 forfeitures and penalties assessed and collected, in whole or in part,
9 because of the violation of city ordinances, shall be remitted by the
10 clerk of the district court to the county treasurer at least monthly,
11 together with a financial statement as required by the state auditor,
12 noting the information necessary for crediting of such funds as
13 required by law.

14 (2) Except as provided in RCW 10.99.080 and this section, the
15 county treasurer shall remit thirty-two percent of the noninterest
16 money received under subsection (1) of this section except certain
17 costs to the state treasurer. "Certain costs" as used in this
18 subsection, means those costs awarded to prevailing parties in civil
19 actions under RCW 4.84.010 or 36.18.040, or those costs awarded
20 against convicted defendants in criminal actions under RCW 10.01.160,
21 10.46.190, or 36.18.040, or other similar statutes if such costs are
22 specifically designated as costs by the court and are awarded for the
23 specific reimbursement of costs incurred by the state or county in the
24 prosecution of the case, including the fees of defense counsel. With
25 the exception of funds to be transferred to the judicial stabilization
26 trust account under RCW 3.62.060(2), money remitted under this

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1 subsection to the state treasurer shall be deposited in the state
2 general fund.

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

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

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

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

24
25 Renumber the remaining sections consecutively and correct any
26 internal references accordingly.

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28 On page 2, line 27, after "(13)" insert "(a)"

29
30 On page 2, beginning on line 30, after "section" strike all
31 material through "RCW 3.62.020." on line 33 and insert "((~~which~~
32 ~~shall be remitted to the state treasurer for deposit in the judicial~~
33 ~~stabilization account. This surcharge is not subject to the division~~
34 ~~and remittance requirements of RCW 3.62.020)).~~

1 (b) Ten dollars of each surcharge collected under this subsection
2 (13) must be remitted to the state treasurer for deposit in the
3 judicial stabilization trust account.

4 (c) Ten dollars of each surcharge collected under this subsection
5 (13) must be retained by the county.

6 (14)"

7
8 On page 3, line 10, after "section," strike "which" and insert "of
9 which five dollars"

10
11 On page 3, line 12, after "account" insert "and five dollars shall
12 be retained by the county"

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14 On page 3, line 26, after "transmit" insert "fifteen dollars of"

15
16 On page 3, line 28, after "account" insert "and fifteen dollars
17 must be retained by the county"

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19 On page 5, line 13, after "subsection" strike all material through
20 "account" on line 14 and insert "((, which shall be remitted to the
21 state treasurer for deposit in the judicial stabilization trust
22 account)) of which fifty percent must be remitted to the state
23 treasurer for deposit in the judicial stabilization trust account and
24 fifty percent must be retained by the county"

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EFFECT: The revenues from surcharges on superior and district court filing fees are split equally between the state and the county collecting the fee. The portion retained by the county must be used to support local trial court and court-related functions.

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