
SENATE BILL 5615

State of Washington 60th Legislature 2007 Regular Session

By Senators Rockefeller and Rasmussen

Read first time 01/25/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to penalties against convicted motor vehicle
2 offenders to pay for chemical dependency and prevention programs;
3 amending RCW 3.50.100, 3.62.020, 3.62.090, 10.82.070, 3.46.120,
4 3.62.040, and 35.20.220; adding a new section to chapter 46.61 RCW;
5 creating a new section; and prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that chemical
8 dependency is a public safety problem in Washington state and that
9 chemical dependency-related motor vehicle incidents have a significant
10 bearing on overall law enforcement and court caseloads. The
11 legislature further recognizes the growing costs associated with
12 chemical dependency treatment and chemical dependency-related motor
13 vehicle prevention, education, and advocacy programs established by
14 local governments and by community-based organizations.

15 (2) It is the legislature's intent to establish a penalty that will
16 hold convicted motor vehicle offenders accountable, and to offset the
17 costs of chemical dependency treatment and chemical dependency-related
18 motor vehicle prevention, education, and advocacy programs.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.61 RCW
2 to read as follows:

3 (1) All superior courts, and courts organized under Title 3 or 35
4 RCW, may impose a penalty assessment not to exceed one hundred dollars
5 on any person who is convicted for violating RCW 46.20.342 (driving
6 while license invalidated), 46.20.740 (driving without interlock),
7 46.20.750 (circumventing ignition interlock), 46.61.500 (reckless
8 driving), 46.61.502 (driving under the influence), 46.61.503 (minor
9 driving after consuming), 46.61.504 (physical control of vehicle under
10 the influence), 46.61.520 (vehicular homicide), 46.61.522 (vehicular
11 assault), 46.61.5249 (negligent driving in the first degree), or
12 46.61.530 (racing of vehicles on highways). The assessment is in
13 addition to, and does not supersede, any other penalty, restitution,
14 fines, or costs provided by law.

15 (2)(a) Revenue from the penalty assessment shall be used solely for
16 the purposes of establishing and funding the following programs in the
17 city or county of the court imposing the assessment:

18 (i) Law enforcement education, prevention, and enforcement programs
19 designed to reduce motor vehicle related accidents and deaths;

20 (ii) Evidence-based or research-based advocacy, education, and
21 prevention programs related to chemical dependency and motor vehicle
22 operation; or

23 (iii) Chemical dependency treatment programs.

24 (b) If the city or county does not have the programs specified in
25 (a) of this subsection, cities and counties may use the revenue
26 collected from the assessment to contract for such programs.

27 (c) Revenue from the assessment shall not be used for indigent
28 criminal defense. Revenue from the assessment shall not be used for
29 indigent criminal defense. If the city or county does not have
30 advocacy, prevention, and prosecution programs related to chemical
31 dependency and motor vehicle operation, or programs related to chemical
32 dependency treatment, cities and counties may use the revenue collected
33 from the assessment to contract with recognized community-based
34 chemical dependency motor vehicle program providers or chemical
35 dependency treatment providers.

36 (3) When determining whether to impose a penalty assessment under
37 this section, judges are encouraged to provide opportunities for
38 victims to provide testimony.

1 (4) The assessment imposed under this section is not subject to any
2 state or local remittance requirements under chapter 3.46, 3.50, 3.62,
3 7.68, 10.82, or 35.20 RCW.

4 (5) For the purposes of this section:

5 (a) "Convicted" includes a plea of guilty, a finding of guilt
6 regardless of whether the imposition of the sentence is deferred or any
7 part of the penalty is suspended, or the levying of a fine.

8 (b) "Evidence-based program" means a program or practice that has
9 had multiple site random controlled trials across heterogeneous
10 populations demonstrating that the program or practice is effective for
11 the population.

12 (c) "Research-based program" means a program or practice that has
13 some research demonstrating effectiveness, but that does not yet meet
14 the standard of evidence-based practices.

15 **Sec. 3.** RCW 3.50.100 and 2004 c 15 s 3 are each amended to read as
16 follows:

17 (1) Costs in civil and criminal actions may be imposed as provided
18 in district court. All fees, costs, fines, forfeitures and other money
19 imposed by any municipal court for the violation of any municipal or
20 town ordinances shall be collected by the court clerk and, together
21 with any other noninterest revenues received by the clerk, shall be
22 deposited with the city or town treasurer as a part of the general fund
23 of the city or town, or deposited in such other fund of the city or
24 town, or deposited in such other funds as may be designated by the laws
25 of the state of Washington.

26 (2) Except as provided in RCW 10.99.080 and section 2 of this act,
27 the city treasurer shall remit monthly thirty-two percent of the
28 noninterest money received under this section, other than for parking
29 infractions, and certain costs to the state treasurer. "Certain costs"
30 as used in this subsection, means those costs awarded to prevailing
31 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
32 costs awarded against convicted defendants in criminal actions under
33 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
34 such costs are specifically designated as costs by the court and are
35 awarded for the specific reimbursement of costs incurred by the state,
36 county, city, or town in the prosecution of the case, including the

1 fees of defense counsel. Money remitted under this subsection to the
2 state treasurer shall be deposited as provided in RCW 43.08.250.

3 (3) The balance of the noninterest money received under this
4 section shall be retained by the city and deposited as provided by law.

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

9 (5) Interest retained by the court on penalties, fines, bail
10 forfeitures, fees, and costs shall be split twenty-five percent to the
11 state treasurer for deposit in the public safety and education account
12 as provided in RCW 43.08.250, twenty-five percent to the state
13 treasurer for deposit in the judicial information system account as
14 provided in RCW 2.68.020, twenty-five percent to the city general fund,
15 and twenty-five percent to the city general fund to fund local courts.

16 **Sec. 4.** RCW 3.62.020 and 2004 c 15 s 4 are each amended to read as
17 follows:

18 (1) Except as provided in subsection (4) of this section, all
19 costs, fees, fines, forfeitures and penalties assessed and collected in
20 whole or in part by district courts, except costs, fines, forfeitures
21 and penalties assessed and collected, in whole or in part, because of
22 the violation of city ordinances, shall be remitted by the clerk of the
23 district court to the county treasurer at least monthly, together with
24 a financial statement as required by the state auditor, noting the
25 information necessary for crediting of such funds as required by law.

26 (2) Except as provided in RCW 10.99.080 and section 2 of this act,
27 the county treasurer shall remit thirty-two percent of the noninterest
28 money received under subsection (1) of this section except certain
29 costs to the state treasurer. "Certain costs" as used in this
30 subsection, means those costs awarded to prevailing parties in civil
31 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
32 convicted defendants in criminal actions under RCW 10.01.160,
33 10.46.190, or 36.18.040, or other similar statutes if such costs are
34 specifically designated as costs by the court and are awarded for the
35 specific reimbursement of costs incurred by the state or county in the
36 prosecution of the case, including the fees of defense counsel. Money

1 remitted under this subsection to the state treasurer shall be
2 deposited as provided in RCW 43.08.250.

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.

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

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

14 (6) Interest retained by the court on penalties, fines, bail
15 forfeitures, fees, and costs shall be split twenty-five percent to the
16 state treasurer for deposit in the public safety and education account
17 as provided in RCW 43.08.250, twenty-five percent to the state
18 treasurer for deposit in the judicial information system account as
19 provided in RCW 2.68.020, twenty-five percent to the county current
20 expense fund, and twenty-five percent to the county current expense
21 fund to fund local courts.

22 **Sec. 5.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to read as
23 follows:

24 (1) There shall be assessed and collected in addition to any fines,
25 forfeitures, or penalties assessed, other than for parking infractions,
26 by all courts organized under Title 3 or 35 RCW a public safety and
27 education assessment equal to seventy percent of such fines,
28 forfeitures, or penalties, which shall be remitted as provided in
29 chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by
30 this section shall not be suspended or waived by the court.

31 (2) There shall be assessed and collected in addition to any fines,
32 forfeitures, or penalties assessed, other than for parking infractions
33 and for fines levied under RCW 46.61.5055, and in addition to the
34 public safety and education assessment required under subsection (1) of
35 this section, by all courts organized under Title 3 or 35 RCW, an
36 additional public safety and education assessment equal to fifty
37 percent of the public safety and education assessment required under

1 subsection (1) of this section, which shall be remitted to the state
2 treasurer and deposited as provided in RCW 43.08.250. The additional
3 assessment required by this subsection shall not be suspended or waived
4 by the court.

5 (3) This section does not apply to the fee imposed under RCW
6 46.63.110(7), the penalty imposed under RCW 46.63.110(8), or the
7 penalty assessment imposed under RCW 10.99.080 and section 2 of this
8 act.

9 **Sec. 6.** RCW 10.82.070 and 2004 c 15 s 6 are each amended to read
10 as follows:

11 (1) All sums of money derived from costs, fines, penalties, and
12 forfeitures imposed or collected, in whole or in part, by a superior
13 court for violation of orders of injunction, mandamus and other like
14 writs, for contempt of court, or for breach of the penal laws shall be
15 paid in cash by the person collecting the same, within twenty days
16 after the collection, to the county treasurer of the county in which
17 the same have accrued.

18 (2) Except as provided in RCW 10.99.080 and section 2 of this act,
19 the county treasurer shall remit monthly thirty-two percent of the
20 money received under this section except for certain costs to the state
21 treasurer for deposit as provided under RCW 43.08.250 and shall deposit
22 the remainder as provided by law. "Certain costs" as used in this
23 subsection, means those costs awarded to prevailing parties in civil
24 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
25 convicted defendants in criminal actions under RCW 10.01.160,
26 10.46.190, or 36.18.040, or other similar statutes if such costs are
27 specifically designated as costs by the court and are awarded for the
28 specific reimbursement of costs incurred by the state or county in the
29 prosecution of the case, including the fees of defense counsel. Costs
30 or assessments awarded to dedicated accounts, state or local, are not
31 subject to this state allocation or to RCW 7.68.035.

32 (3) All fees, fines, forfeitures and penalties collected or
33 assessed by a district court because of the violation of a state law
34 shall be remitted as provided in chapter 3.62 RCW as now exists or is
35 later amended. All fees, fines, forfeitures, and penalties collected
36 or assessed by a superior court in cases on appeal from a lower court

1 shall be remitted to the municipal or district court from which the
2 cases were appealed.

3 **Sec. 7.** RCW 3.46.120 and 2004 c 15 s 7 are each amended to read as
4 follows:

5 (1) All money received by the clerk of a municipal department
6 including penalties, fines, bail forfeitures, fees and costs shall be
7 paid by the clerk to the city treasurer.

8 (2) Except as provided in RCW 10.99.080 and section 2 of this act,
9 the city treasurer shall remit monthly thirty-two percent of the
10 noninterest money received under this section, other than for parking
11 infractions, and certain costs to the state treasurer. "Certain costs"
12 as used in this subsection, means those costs awarded to prevailing
13 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
14 costs awarded against convicted defendants in criminal actions under
15 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
16 such costs are specifically designated as costs by the court and are
17 awarded for the specific reimbursement of costs incurred by the state,
18 county, city, or town in the prosecution of the case, including the
19 fees of defense counsel. Money remitted under this subsection to the
20 state treasurer shall be deposited as provided in RCW 43.08.250.

21 (3) The balance of the noninterest money received under this
22 section shall be retained by the city and deposited as provided by law.

23 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
24 interest at the rate of twelve percent per annum, upon assignment to a
25 collection agency. Interest may accrue only while the case is in
26 collection status.

27 (5) Interest retained by the court on penalties, fines, bail
28 forfeitures, fees, and costs shall be split twenty-five percent to the
29 state treasurer for deposit in the public safety and education account
30 as provided in RCW 43.08.250, twenty-five percent to the state
31 treasurer for deposit in the judicial information system account as
32 provided in RCW 2.68.020, twenty-five percent to the city general fund,
33 and twenty-five percent to the city general fund to fund local courts.

34 **Sec. 8.** RCW 3.62.040 and 2004 c 15 s 8 are each amended to read as
35 follows:

36 (1) Except as provided in subsection (4) of this section, all

1 costs, fines, forfeitures and penalties assessed and collected, in
2 whole or in part, by district courts because of violations of city
3 ordinances shall be remitted by the clerk of the district court at
4 least monthly directly to the treasurer of the city wherein the
5 violation occurred.

6 (2) Except as provided in RCW 10.99.080 and section 2 of this act,
7 the city treasurer shall remit monthly thirty-two percent of the
8 noninterest money received under this section, other than for parking
9 infractions and certain costs, to the state treasurer. "Certain costs"
10 as used in this subsection, means those costs awarded to prevailing
11 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
12 costs awarded against convicted defendants in criminal actions under
13 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
14 such costs are specifically designated as costs by the court and are
15 awarded for the specific reimbursement of costs incurred by the state,
16 county, city, or town in the prosecution of the case, including the
17 fees of defense counsel. Money remitted under this subsection to the
18 state treasurer shall be deposited as provided in RCW 43.08.250.

19 (3) The balance of the noninterest money received under this
20 section shall be retained by the city and deposited as provided by law.

21 (4) All money collected for city parking infractions shall be
22 remitted by the clerk of the district court at least monthly to the
23 city treasurer for deposit in the city's general fund.

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

28 (6) Interest retained by the court on penalties, fines, bail
29 forfeitures, fees, and costs shall be split twenty-five percent to the
30 state treasurer for deposit in the public safety and education account
31 as provided in RCW 43.08.250, twenty-five percent to the state
32 treasurer for deposit in the judicial information system account as
33 provided in RCW 2.68.020, twenty-five percent to the city general fund,
34 and twenty-five percent to the city general fund to fund local courts.

35 **Sec. 9.** RCW 35.20.220 and 2004 c 15 s 9 are each amended to read
36 as follows:

37 (1) The chief clerk, under the supervision and direction of the

1 court administrator of the municipal court, shall have the custody and
2 care of the books, papers and records of said court; he shall be
3 present by himself or deputy during the session of said court, and
4 shall have the power to swear all witnesses and jurors, and administer
5 oaths and affidavits, and take acknowledgments. He shall keep the
6 records of said court, and shall issue all process under his hand and
7 the seal of said court, and shall do and perform all things and have
8 the same powers pertaining to his office as the clerks of the superior
9 courts have in their office. He shall receive all fines, penalties and
10 fees of every kind, and keep a full, accurate and detailed account of
11 the same; and shall on each day pay into the city treasury all money
12 received for said city during the day previous, with a detailed account
13 of the same, and taking the treasurer's receipt therefor.

14 (2) Except as provided in RCW 10.99.080 and section 2 of this act,
15 the city treasurer shall remit monthly thirty-two percent of the
16 noninterest money received under this section, other than for parking
17 infractions and certain costs to the state treasurer. "Certain costs"
18 as used in this subsection, means those costs awarded to prevailing
19 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
20 costs awarded against convicted defendants in criminal actions under
21 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
22 such costs are specifically designated as costs by the court and are
23 awarded for the specific reimbursement of costs incurred by the state,
24 county, city, or town in the prosecution of the case, including the
25 fees of defense counsel. Money remitted under this subsection to the
26 state treasurer shall be deposited as provided in RCW 43.08.250.

27 (3) The balance of the noninterest money received under this
28 section shall be retained by the city and deposited as provided by law.

29 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue
30 interest at the rate of twelve percent per annum, upon assignment to a
31 collection agency. Interest may accrue only while the case is in
32 collection status.

33 (5) Interest retained by the court on penalties, fines, bail
34 forfeitures, fees, and costs shall be split twenty-five percent to the
35 state treasurer for deposit in the public safety and education account
36 as provided in RCW 43.08.250, twenty-five percent to the state
37 treasurer for deposit in the judicial information system account as

1 provided in RCW 2.68.020, twenty-five percent to the city general fund,
2 and twenty-five percent to the city general fund to fund local courts.

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