

---

**SUBSTITUTE HOUSE BILL 1369**

---

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Public Safety & Emergency Preparedness (originally sponsored by Representatives Darneille, Roberts, Miloscia, Rolfes, Eddy, Klippert, Kirby, and Hurst)

READ FIRST TIME 02/16/11.

1       AN ACT Relating to submission of DNA markers to a database  
2 accessible only to qualified laboratory personnel; amending RCW  
3 43.43.753, 43.43.735, 43.43.740, 43.43.754, 46.63.110, and 43.43.690;  
4 adding a new section to chapter 43.43 RCW; creating a new section; and  
5 prescribing penalties.

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

7       NEW SECTION.   **Sec. 1.** The legislature finds there is a critical  
8 need to provide law enforcement officers and agencies with the latest  
9 scientific technology available for accurately and expeditiously  
10 identifying and prosecuting adult violent offenders and sex offenders.

11       Although every state maintains a DNA database for felony  
12 convictions, there is a growing trend toward expanding DNA databases to  
13 include DNA from felony arrestees. To date, twenty-four states and the  
14 federal government have already enacted such laws.

15       Studies in other jurisdictions indicate that collection of DNA from  
16 arrestees may contribute to the solution of cold cases, save lives by  
17 identifying recidivist offenders, reduce rates of criminality, and  
18 increase the rate of successful prosecutions. For example, since 2003,

1 the Virginia database of arrestee DNA has yielded over six hundred hits  
2 to DNA collected from crime scenes, ninety-nine of which were  
3 associated with sexual assault cases.

4 The legislature further finds that collecting DNA from felony  
5 arrestees is cost-effective. Early identification of offenders reduces  
6 costs by focusing investigations and eliminating suspects. It may also  
7 prevent costs associated with recidivist offenders. In a study  
8 sponsored by the United States department of justice, the city of  
9 Denver found that DNA testing of arrestees reduced police expenses and  
10 prevented property loss, resulting in a ninety dollar return on  
11 investment for every dollar spent on forensic DNA.

12 The legislature therefore finds that collecting DNA from adults  
13 arrested for a violent offense or a sex offense is necessary to solve  
14 cold cases, prevent recidivist acts, and lower the cost of criminal  
15 investigations.

16 **Sec. 2.** RCW 43.43.753 and 2008 c 97 s 1 are each amended to read  
17 as follows:

18 The legislature finds that recent developments in molecular biology  
19 and genetics have important applications for forensic science. It has  
20 been scientifically established that there is a unique pattern to the  
21 chemical structure of the deoxyribonucleic acid (DNA) contained in each  
22 cell of the human body. The process for identifying this pattern is  
23 called "DNA identification."

24 The legislature further finds that DNA databases are important  
25 tools in criminal investigations, in the exclusion of individuals who  
26 are the subject of investigations or prosecutions, and in detecting  
27 recidivist acts. It is the policy of this state to assist federal,  
28 state, and local criminal justice and law enforcement agencies in both  
29 the identification and detection of individuals in criminal  
30 investigations and the identification and location of missing and  
31 unidentified persons. Therefore, it is in the best interest of the  
32 state to establish a DNA database and DNA data bank containing DNA  
33 samples submitted by persons convicted of felony offenses and other  
34 crimes, as well as by adults arrested for or charged with violent  
35 offenses and sex offenses, as specified in RCW 43.43.754. DNA samples  
36 necessary for the identification of missing persons and unidentified  
37 human remains shall also be included in the DNA database.

1 The legislature further finds that the DNA identification system  
2 used by the federal bureau of investigation and the Washington state  
3 patrol has no ability to predict genetic disease or predisposal to  
4 illness. Nonetheless, the legislature intends that biological samples  
5 collected under RCW 43.43.735 and 43.43.754, and DNA identification  
6 data obtained from the samples, be used only for purposes related to  
7 criminal investigation, identification of human remains or missing  
8 persons, or improving the operation of the system authorized under RCW  
9 43.43.735 and 43.43.752 through (~~43.43.758~~) 43.43.759 and section 6  
10 of this act.

11 The legislature further finds that the DNA collection, testing, and  
12 storage process is minimally invasive to privacy based on the following  
13 features:

14 (1) Biological samples for DNA testing are routinely collected by  
15 an oral swab;

16 (2) A DNA profile is stored in a database accessible only to  
17 qualified laboratory personnel and does not appear in an individual's  
18 criminal history record;

19 (3) Entries in the DNA database contain only DNA markers necessary  
20 to human identification, which are a small part of a person's total  
21 genetic information; and

22 (4) Personally identifying information does not appear in the DNA  
23 database.

24 **Sec. 3.** RCW 43.43.735 and 2009 c 549 s 5130 are each amended to  
25 read as follows:

26 (1) It shall be the duty of the sheriff or director of public  
27 safety of every county, and the chief of police of every city or town,  
28 and of every chief officer of other law enforcement agencies duly  
29 operating within this state, to cause the photographing and  
30 fingerprinting of all adults and juveniles lawfully arrested for the  
31 commission of any criminal offense constituting a felony or gross  
32 misdemeanor. (a) When such juveniles are brought directly to a  
33 juvenile detention facility, the juvenile court administrator is also  
34 authorized, but not required, to cause the photographing,  
35 fingerprinting, and record transmittal to the appropriate law  
36 enforcement agency; and (b) a further exception may be made when the

1 arrest is for a violation punishable as a gross misdemeanor and the  
2 arrested person is not taken into custody.

3 (2) It shall be the right, but not the duty, of the sheriff or  
4 director of public safety of every county, and the chief of police of  
5 every city or town, and every chief officer of other law enforcement  
6 agencies operating within this state to photograph and record the  
7 fingerprints of all adults lawfully arrested.

8 (3) Such sheriffs, directors of public safety, chiefs of police,  
9 and other chief law enforcement officers, may record, in addition to  
10 photographs and fingerprints, the palmprints, soleprints, toeprints, or  
11 any other identification data of all persons whose photograph and  
12 fingerprints are required or allowed to be taken under this section  
13 when in the discretion of such law enforcement officers it is necessary  
14 for proper identification of the arrested person or the investigation  
15 of the crime with which he or she is charged.

16 (4)(a) Beginning January 1, 2013, it shall be the duty of the  
17 sheriff or director of public safety of every county, and the chief of  
18 police of every city or town, and of every chief officer of other law  
19 enforcement agencies duly operating within this state, to cause the  
20 collection of biological samples for DNA identification analysis from  
21 all adults lawfully arrested for the commission of any criminal offense  
22 constituting a violent offense or a sex offense under RCW 9.94A.030.

23 (b) Between January 1, 2012, and December 31, 2012, it shall be the  
24 right, but not the duty, of the sheriff or director of public safety of  
25 every county, and the chief of police of every city or town, and every  
26 chief officer of other law enforcement agencies operating within this  
27 state, to cause the collection of biological samples for DNA  
28 identification analysis from all adults lawfully arrested for the  
29 commission of any criminal offense constituting a violent offense or a  
30 sex offense under RCW 9.94A.030.

31 (c) Biological samples collected under this subsection shall be:

32 (i) Collected using the same technique as biological samples  
33 collected under RCW 43.43.754;

34 (ii) Forwarded to the forensic laboratory services bureau of the  
35 Washington state patrol for inclusion in the DNA identification system  
36 established under RCW 43.43.752 through 43.43.759 and section 6 of this  
37 act; and

1        (iii) Used solely for the purposes of inclusion in the DNA  
2 identification system established under RCW 43.43.752 through 43.43.759  
3 and section 6 of this act.

4        (d) The forensic laboratory services bureau shall provide kits and  
5 instructions necessary for the collection of biological samples  
6 required by this section.

7        **Sec. 4.** RCW 43.43.740 and 2006 c 294 s 7 are each amended to read  
8 as follows:

9        (1) It shall be the duty of the sheriff or director of public  
10 safety of every county, and the chief of police of every city or town,  
11 and of every chief officer of other law enforcement agencies duly  
12 operating within this state to furnish within seventy-two hours from  
13 the time of arrest to the section the required sets of fingerprints  
14 together with other identifying data as may be prescribed by the chief,  
15 of any person lawfully arrested, fingerprinted, and photographed  
16 pursuant to RCW 43.43.735.

17        (2) Law enforcement agencies may retain and file copies of the  
18 fingerprints, photographs, and other identifying data and information  
19 obtained pursuant to RCW 43.43.735, except biological samples. Said  
20 records shall remain in the possession of the law enforcement agency as  
21 part of the identification record and are not returnable to the  
22 subjects thereof.

23        **Sec. 5.** RCW 43.43.754 and 2008 c 97 s 2 are each amended to read  
24 as follows:

25        (1) A biological sample must be collected for purposes of DNA  
26 identification analysis from:

27        (a) Every adult or juvenile individual convicted of a felony, or  
28 any of the following crimes (or equivalent juvenile offenses):

29        Assault in the fourth degree with sexual motivation (RCW 9A.36.041,  
30 9.94A.835)

31        Communication with a minor for immoral purposes (RCW 9.68A.090)

32        Custodial sexual misconduct in the second degree (RCW 9A.44.170)

33        Failure to register (RCW (~~9A.44.130~~) 9A.44.132)

34        Harassment (RCW 9A.46.020)

35        Patronizing a prostitute (RCW 9A.88.110)

36        Sexual misconduct with a minor in the second degree (RCW 9A.44.096)

1 Stalking (RCW 9A.46.110)

2 Violation of a sexual assault protection order granted under  
3 chapter 7.90 RCW; (~~and~~))

4 (b) Every adult or juvenile individual who is required to register  
5 under RCW 9A.44.130; and

6 (c) Every adult lawfully arrested for or charged with the  
7 commission of any criminal offense constituting a violent offense or a  
8 sex offense under RCW 9.94A.030.

9 (2) If the Washington state patrol crime laboratory already has a  
10 DNA sample from an individual for a qualifying offense, a subsequent  
11 submission is not required to be submitted.

12 (3) Biological samples shall be collected in the following manner:

13 (a) For persons convicted of any offense listed in subsection  
14 (1)(a) of this section or adjudicated guilty of an equivalent juvenile  
15 offense who do not serve a term of confinement in a department of  
16 corrections facility, and do serve a term of confinement in a city or  
17 county jail facility, the city or county shall be responsible for  
18 obtaining the biological samples at the time of transfer to the  
19 facility.

20 (b) The local police department or sheriff's office shall be  
21 responsible for obtaining the biological samples for:

22 (i) Persons convicted of any offense listed in subsection (1)(a) of  
23 this section or adjudicated guilty of an equivalent juvenile offense  
24 who do not serve a term of confinement in a department of corrections  
25 facility, and do not serve a term of confinement in a city or county  
26 jail facility; (~~and~~))

27 (ii) Persons who are required to register under RCW (~~9A.44.030~~)  
28 9A.44.130; and

29 (iii) Adults lawfully arrested for the commission of any criminal  
30 offense constituting a violent offense or a sex offense under RCW  
31 9.94A.030. The local police department or sheriff's office shall be  
32 responsible for obtaining the biological samples under this subsection  
33 (3)(b)(iii) at the time of booking into the city or county jail  
34 facility.

35 (c) For persons convicted of any offense listed in subsection  
36 (1)(a) of this section or adjudicated guilty of an equivalent juvenile  
37 offense, who are serving or who are to serve a term of confinement in  
38 a department of corrections facility or a department of social and

1 health services facility, the facility holding the person shall be  
2 responsible for obtaining the biological samples at the time of  
3 transfer to the facility. For those persons incarcerated before June  
4 12, 2008, who have not yet had a biological sample collected, priority  
5 shall be given to those persons who will be released the soonest.

6 (d) For adults charged with a criminal offense constituting a  
7 violent offense or a sex offense under RCW 9.94A.030 whose first  
8 appearance in court is caused by summons, the court shall require the  
9 person to submit to collection of a biological sample if a sample has  
10 not already been collected. The court shall direct the sheriff or  
11 director of public safety of the county, the chief of police of the  
12 city or town, or the chief officer of another law enforcement agency  
13 duly operating within the state to collect the biological sample. If  
14 the person is released on personal recognizance or on conditions, the  
15 court shall make collection of a biological sample a condition of  
16 release. If the person is detained, the designated criminal justice  
17 agency may collect a biological sample at any time during the person's  
18 detention.

19 (4) Any biological sample taken pursuant to RCW 43.43.735 and  
20 43.43.752 through ((43.43.758)) 43.43.759 and section 6 of this act may  
21 be retained by the forensic laboratory services bureau, and shall be  
22 analyzed by the forensic laboratory services bureau unless a complete  
23 DNA profile for the person has previously been entered in the DNA  
24 database.

25 (5) Any biological sample taken pursuant to RCW 43.43.735 and  
26 43.43.752 through 43.43.759 and section 6 of this act shall be used  
27 solely for the purpose of providing DNA or other tests for  
28 identification analysis and prosecution of a criminal offense or for  
29 the identification of human remains or missing persons. Nothing in  
30 this section prohibits the submission of results derived from the  
31 biological samples to the federal bureau of investigation combined DNA  
32 index system.

33 ~~((+5))~~ (6) The forensic laboratory services bureau of the  
34 Washington state patrol is responsible for testing performed on all  
35 biological samples that are collected under subsection (1) of this  
36 section, to the extent allowed by funding available for this purpose.  
37 ~~((The director shall give priority to testing on samples collected from~~  
38 ~~those adults or juveniles convicted of a felony or adjudicated guilty~~

1 ~~of an equivalent juvenile offense that is defined as a sex offense or~~  
2 ~~a violent offense in RCW 9.94A.030.)~~) Known duplicate samples may be  
3 excluded from testing unless testing is deemed necessary or advisable  
4 by the director.

5 ((+6)) (7) This section applies to:

6 (a) All adults and juveniles to whom this section applied prior to  
7 June 12, 2008;

8 (b) All adults and juveniles to whom this section did not apply  
9 prior to June 12, 2008, who:

10 (i) Are convicted on or after June 12, 2008, of an offense listed  
11 in subsection (1)(a) of this section; or

12 (ii) Were convicted prior to June 12, 2008, of an offense listed in  
13 subsection (1)(a) of this section and are still incarcerated on or  
14 after June 12, 2008; (~~and~~)

15 (c) All adults and juveniles who are required to register under RCW  
16 9A.44.130 on or after June 12, 2008, whether convicted before, on, or  
17 after June 12, 2008; and

18 (d) All adults lawfully arrested for or charged with any criminal  
19 offense constituting a violent offense or a sex offense under RCW  
20 9.94A.030 on or after January 1, 2012.

21 ((+7)) (8) This section creates no rights in a third person. No  
22 cause of action may be brought based upon the noncollection or  
23 nonanalysis or the delayed collection or analysis of a biological  
24 sample authorized to be taken under RCW 43.43.735 or 43.43.752 through  
25 ((43.43.758)) 43.43.759 and section 6 of this act.

26 ((+8)) (9) The detention, arrest, or conviction of a person based  
27 upon a database match or database information is not invalidated if it  
28 is determined that the sample was obtained or placed in the database by  
29 mistake, or if the conviction or juvenile adjudication that resulted in  
30 the collection of the biological sample was subsequently vacated or  
31 otherwise altered in any future proceeding including but not limited to  
32 posttrial or postfact-finding motions, appeals, or collateral attacks.

33 NEW SECTION. Sec. 6. A new section is added to chapter 43.43 RCW  
34 to read as follows:

35 (1) A person may request expungement of the person's sample and DNA  
36 records from the DNA identification system if:



1 (a) The person is not charged with an offense requiring collection  
2 of a biological sample under RCW 43.43.735 within one year of arrest;

3 (b) The person has been found not guilty or has been acquitted of  
4 an offense requiring collection of a biological sample under RCW  
5 43.43.735; or

6 (c) The underlying conviction or adjudication requiring collection  
7 of a biological sample under RCW 43.43.754 has been reversed and the  
8 case dismissed.

9 (2) To request expungement, the person must submit the following  
10 documents to the forensic laboratory services bureau:

11 (a) A written request for expungement;

12 (b) Proof that the person has provided written notice of the  
13 request for expungement to the prosecuting attorney of the county in  
14 which he or she was arrested, convicted, or adjudicated; and

15 (c)(i) A sworn affidavit that no charges for an offense requiring  
16 collection of a biological sample under RCW 43.43.735 have been filed  
17 within one year of arrest;

18 (ii) A certified copy of a final court order establishing that a  
19 charge for an offense requiring collection of a biological sample under  
20 RCW 43.43.735 has been dismissed or has resulted in an acquittal; or

21 (iii) A certified copy of a final court order reversing the  
22 conviction that required collection of a biological sample under RCW  
23 43.43.754.

24 (3)(a) Upon receipt of a written request for expungement, if the  
25 forensic laboratory services bureau has not previously analyzed the  
26 person's sample, the director shall give priority to analyzing the  
27 person's sample and searching the DNA identification system for a  
28 match.

29 (b) Once the forensic laboratory services bureau has analyzed the  
30 person's sample, searched the DNA identification system for a match,  
31 and received the documents required by subsection (2) of this section,  
32 the forensic laboratory services bureau shall expunge the person's  
33 sample and DNA records from the DNA identification system.

34 (c) The forensic laboratory services bureau may not expunge a  
35 person's sample and DNA records from the DNA identification system if  
36 the person has a prior conviction or a pending charge for which  
37 collection of a sample is authorized under RCW 43.43.735 or 43.43.754.

1           **Sec. 7.** RCW 46.63.110 and 2010 c 252 s 5 are each amended to read  
2 as follows:

3           (1) A person found to have committed a traffic infraction shall be  
4 assessed a monetary penalty. No penalty may exceed two hundred and  
5 fifty dollars for each offense unless authorized by this chapter or  
6 title.

7           (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is  
8 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is  
9 five hundred dollars for each offense. No penalty assessed under this  
10 subsection (2) may be reduced.

11           (3) The supreme court shall prescribe by rule a schedule of  
12 monetary penalties for designated traffic infractions. This rule shall  
13 also specify the conditions under which local courts may exercise  
14 discretion in assessing fines and penalties for traffic infractions.  
15 The legislature respectfully requests the supreme court to adjust this  
16 schedule every two years for inflation.

17           (4) There shall be a penalty of twenty-five dollars for failure to  
18 respond to a notice of traffic infraction except where the infraction  
19 relates to parking as defined by local law, ordinance, regulation, or  
20 resolution or failure to pay a monetary penalty imposed pursuant to  
21 this chapter. A local legislative body may set a monetary penalty not  
22 to exceed twenty-five dollars for failure to respond to a notice of  
23 traffic infraction relating to parking as defined by local law,  
24 ordinance, regulation, or resolution. The local court, whether a  
25 municipal, police, or district court, shall impose the monetary penalty  
26 set by the local legislative body.

27           (5) Monetary penalties provided for in chapter 46.70 RCW which are  
28 civil in nature and penalties which may be assessed for violations of  
29 chapter 46.44 RCW relating to size, weight, and load of motor vehicles  
30 are not subject to the limitation on the amount of monetary penalties  
31 which may be imposed pursuant to this chapter.

32           (6) Whenever a monetary penalty, fee, cost, assessment, or other  
33 monetary obligation is imposed by a court under this chapter it is  
34 immediately payable. If the court determines, in its discretion, that  
35 a person is not able to pay a monetary obligation in full, and not more  
36 than one year has passed since the later of July 1, 2005, or the date  
37 the monetary obligation initially became due and payable, the court  
38 shall enter into a payment plan with the person, unless the person has

1 previously been granted a payment plan with respect to the same  
2 monetary obligation, or unless the person is in noncompliance of any  
3 existing or prior payment plan, in which case the court may, at its  
4 discretion, implement a payment plan. If the court has notified the  
5 department that the person has failed to pay or comply and the person  
6 has subsequently entered into a payment plan and made an initial  
7 payment, the court shall notify the department that the infraction has  
8 been adjudicated, and the department shall rescind any suspension of  
9 the person's driver's license or driver's privilege based on failure to  
10 respond to that infraction. "Payment plan," as used in this section,  
11 means a plan that requires reasonable payments based on the financial  
12 ability of the person to pay. The person may voluntarily pay an amount  
13 at any time in addition to the payments required under the payment  
14 plan.

15 (a) If a payment required to be made under the payment plan is  
16 delinquent or the person fails to complete a community restitution  
17 program on or before the time established under the payment plan,  
18 unless the court determines good cause therefor and adjusts the payment  
19 plan or the community restitution plan accordingly, the court shall  
20 notify the department of the person's failure to meet the conditions of  
21 the plan, and the department shall suspend the person's driver's  
22 license or driving privilege until all monetary obligations, including  
23 those imposed under subsections (3) and (4) of this section, have been  
24 paid, and court authorized community restitution has been completed, or  
25 until the department has been notified that the court has entered into  
26 a new time payment or community restitution agreement with the person.

27 (b) If a person has not entered into a payment plan with the court  
28 and has not paid the monetary obligation in full on or before the time  
29 established for payment, the court shall notify the department of the  
30 delinquency. The department shall suspend the person's driver's  
31 license or driving privilege until all monetary obligations have been  
32 paid, including those imposed under subsections (3) and (4) of this  
33 section, or until the person has entered into a payment plan under this  
34 section.

35 (c) If the payment plan is to be administered by the court, the  
36 court may assess the person a reasonable administrative fee to be  
37 wholly retained by the city or county with jurisdiction. The

1 administrative fee shall not exceed ten dollars per infraction or  
2 twenty-five dollars per payment plan, whichever is less.

3 (d) Nothing in this section precludes a court from contracting with  
4 outside entities to administer its payment plan system. When outside  
5 entities are used for the administration of a payment plan, the court  
6 may assess the person a reasonable fee for such administrative  
7 services, which fee may be calculated on a periodic, percentage, or  
8 other basis.

9 (e) If a court authorized community restitution program for  
10 offenders is available in the jurisdiction, the court may allow  
11 conversion of all or part of the monetary obligations due under this  
12 section to court authorized community restitution in lieu of time  
13 payments if the person is unable to make reasonable time payments.

14 (7) In addition to any other penalties imposed under this section  
15 and not subject to the limitation of subsection (1) of this section, a  
16 person found to have committed a traffic infraction shall be assessed:

17 (a) A fee of five dollars per infraction. Under no circumstances  
18 shall this fee be reduced or waived. Revenue from this fee shall be  
19 forwarded to the state treasurer for deposit in the emergency medical  
20 services and trauma care system trust account under RCW 70.168.040;

21 (b) A fee of (~~ten~~) nine dollars and fifty cents per infraction.  
22 Under no circumstances shall this fee be reduced or waived. Revenue  
23 from this fee shall be forwarded to the state treasurer for deposit in  
24 the Washington auto theft prevention authority account; (~~and~~)

25 (c) A fee of two dollars per infraction. Revenue from this fee  
26 shall be forwarded to the state treasurer for deposit in the traumatic  
27 brain injury account established in RCW 74.31.060; and

28 (d) A fee of fifty cents per infraction. Revenue from this fee  
29 shall be forwarded to the state treasurer for deposit in the state DNA  
30 database account established in RCW 43.43.7532.

31 (8)(a) In addition to any other penalties imposed under this  
32 section and not subject to the limitation of subsection (1) of this  
33 section, a person found to have committed a traffic infraction other  
34 than of RCW 46.61.527 or 46.61.212 shall be assessed an additional  
35 penalty of twenty dollars. The court may not reduce, waive, or suspend  
36 the additional penalty unless the court finds the offender to be  
37 indigent. If a court authorized community restitution program for  
38 offenders is available in the jurisdiction, the court shall allow

1 offenders to offset all or a part of the penalty due under this  
2 subsection (8) by participation in the court authorized community  
3 restitution program.

4 (b) Eight dollars and fifty cents of the additional penalty under  
5 (a) of this subsection shall be remitted to the state treasurer. The  
6 remaining revenue from the additional penalty must be remitted under  
7 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
8 under this subsection to the state treasurer must be deposited in the  
9 state general fund. The balance of the revenue received by the county  
10 or city treasurer under this subsection must be deposited into the  
11 county or city current expense fund. Moneys retained by the city or  
12 county under this subsection shall constitute reimbursement for any  
13 liabilities under RCW 43.135.060.

14 (9) If a legal proceeding, such as garnishment, has commenced to  
15 collect any delinquent amount owed by the person for any penalty  
16 imposed by the court under this section, the court may, at its  
17 discretion, enter into a payment plan.

18 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
19 hundred fifty dollars for the first violation; (b) five hundred dollars  
20 for the second violation; and (c) seven hundred fifty dollars for each  
21 violation thereafter.

22 **Sec. 8.** RCW 43.43.690 and 1992 c 129 s 2 are each amended to read  
23 as follows:

24 (1) When a person has been adjudged guilty of violating any  
25 criminal statute of this state and a crime laboratory analysis was  
26 performed by a state crime laboratory, in addition to any other  
27 disposition, penalty, or fine imposed, the court shall levy a crime  
28 laboratory analysis fee of one hundred dollars for each offense for  
29 which the person was convicted. (~~Upon a verified petition by the~~  
30 ~~person assessed the fee, the court may suspend payment of all or part~~  
31 ~~of the fee if it finds that the person does not have the ability to pay~~  
32 ~~the fee.)) The court may not suspend or defer payment of the fee.~~

33 (2) When a minor has been adjudicated a juvenile offender for an  
34 offense which, if committed by an adult, would constitute a violation  
35 of any criminal statute of this state and a crime laboratory analysis  
36 was performed, in addition to any other disposition imposed, the court  
37 shall assess a crime laboratory analysis fee of one hundred dollars for

1 each adjudication. Upon a verified petition by a minor assessed the  
2 fee, the court may suspend payment of all or part of the fee (~~{if}~~)  
3 if it finds that the minor does not have the ability to pay the fee.

4 (3) All crime laboratory analysis fees assessed under this section  
5 shall be collected by the clerk of the court and forwarded to the state  
6 general fund, to be used only for crime laboratories. The clerk may  
7 retain five dollars to defray the costs of collecting the fees.

8 NEW SECTION. **Sec. 9.** If any provision of this act or its  
9 application to any person or circumstance is held invalid, the  
10 remainder of the act or the application of the provision to other  
11 persons or circumstances is not affected.

--- END ---