
HOUSE BILL 2043

State of Washington

67th Legislature

2022 Regular Session

By Representative Kraft

1 AN ACT Relating to fees charged to persons who commit offenses
2 involving the sexual exploitation of children; amending RCW 9.68A.105
3 and 9.68A.106; prescribing penalties; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.68A.105 and 2015 c 265 s 13 are each amended to
6 read as follows:

7 (1) ~~((a))~~ In addition to penalties set forth in RCW 9.68A.100,
8 9.68A.101, and 9.68A.102, an adult offender who is either convicted
9 or given a deferred sentence or a deferred prosecution or who has
10 entered into a statutory or nonstatutory diversion agreement as a
11 result of an arrest for violating RCW 9.68A.100, 9.68A.101, or
12 9.68A.102, or a comparable county or municipal ordinance shall be
13 assessed a ~~((five thousand dollar))~~ mandatory fee. The court shall
14 determine the amount of the fee, which must be at least \$3,500 and
15 may not exceed \$7,500.

16 ~~((b))~~ The court may not reduce, waive, or suspend payment of
17 ~~((all or part of))~~ the fee ~~((assessed unless it finds, on the record,~~
18 ~~that the adult offender does not have the ability to pay in which~~
19 ~~case it may reduce the fee by an amount up to two-thirds of the~~
20 ~~maximum allowable fee)).~~

1 (2) Fees assessed under this section shall be collected by the
2 clerk of the court and remitted to the treasurer of the county where
3 the offense occurred for deposit in the county general fund, except
4 in cases in which the offense occurred in a city or town that
5 provides for its own law enforcement, in which case these amounts
6 shall be remitted to the treasurer of the city or town for deposit in
7 the general fund of the city or town. Revenue from the fees must be
8 used for local efforts to reduce the commercial sale of sex
9 including, but not limited to, increasing enforcement of commercial
10 sex laws.

11 (a) At least (~~fifty~~) 50 percent of the revenue from fees
12 imposed under this section must be spent on prevention, including
13 education programs for offenders, such as john school, and
14 rehabilitative services for victims, such as mental health and
15 substance abuse counseling, parenting skills, training, housing
16 relief, education, vocational training, drop-in centers, and
17 employment counseling.

18 (b) Two percent of the revenue from fees imposed under this
19 section shall be remitted quarterly to the department of commerce,
20 together with a report detailing the fees assessed, the revenue
21 received, and how that revenue was spent.

22 (c) Revenues from these fees are not subject to the distribution
23 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
24 35.20.220.

25 (3) For the purposes of this section:

26 (a) "Statutory or nonstatutory diversion agreement" means an
27 agreement under RCW 13.40.080 or any written agreement between a
28 person accused of an offense listed in subsection (1) of this section
29 and a court, county or city prosecutor, or designee thereof, whereby
30 the person agrees to fulfill certain conditions in lieu of
31 prosecution.

32 (b) "Deferred sentence" means a sentence that will not be carried
33 out if the defendant meets certain requirements, such as complying
34 with the conditions of probation.

35 **Sec. 2.** RCW 9.68A.106 and 2015 c 265 s 14 are each amended to
36 read as follows:

37 (1) In addition to all other penalties under this chapter, an
38 adult offender convicted of an offense under RCW 9.68A.100,
39 9.68A.101, or 9.68A.102 shall be assessed an additional mandatory fee

1 (~~of five thousand dollars~~) per offense when the court finds that an
2 internet advertisement in which the victim of the crime was described
3 or depicted was instrumental in facilitating the commission of the
4 crime. The court shall determine the amount of the fee for each
5 offense, which must be at least \$3,500 and may not exceed \$7,500. The
6 court may not reduce, waive, or suspend payment of the fee.

7 (2) For purposes of this section, an "internet advertisement"
8 means a statement in electronic media that would be understood by a
9 reasonable person to be an implicit or explicit offer for sexual
10 contact or sexual intercourse, both as defined in chapter 9A.44 RCW,
11 in exchange for something of value.

12 (3) Amounts collected as penalties under this section shall be
13 deposited in the account established under RCW 43.63A.740.

14 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and takes
17 effect immediately.

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