

RCW 13.40.200 Violation of order of restitution, community supervision, or confinement—Modification of order after hearing. (1) When a respondent fails to comply with an order of restitution, community supervision, or confinement of less than 30 days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay restitution or to perform community restitution hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the restitution or to perform community restitution.

(3) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to 30 days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed 30 days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(4) When a respondent has willfully violated the terms of a probation bond, the court may modify, revoke, or retain the probation bond as provided in RCW 13.40.054. [2023 c 449 s 21; 2004 c 120 s 7; 2002 c 175 s 25; 1997 c 338 s 31; 1995 c 395 s 8; 1986 c 288 s 5; 1983 c 191 s 15; 1979 c 155 s 70; 1977 ex.s. c 291 s 74.]

Effective date—2023 c 449: See note following RCW 13.40.058.

Effective date—2004 c 120: See note following RCW 13.40.010.

Effective date—2002 c 175: See note following RCW 7.80.130.

Finding—Evaluation—Report—1997 c 338: See note following RCW 13.40.0357.

Severability—Effective dates—1997 c 338: See notes following RCW 5.60.060.

Severability—1986 c 288: See note following RCW 43.185C.260.

Effective date—Severability—1979 c 155: See notes following RCW 13.04.011.

Effective dates—Severability—1977 ex.s. c 291: See notes following RCW 13.04.005.