

CERTIFICATION OF ENROLLMENT

SENATE BILL 6065

Chapter 192, Laws of 1994

53rd Legislature
1994 Regular Session

COSTS IMPOSED UPON CONVICTED DEFENDANTS

EFFECTIVE DATE: 6/9/94

Passed by the Senate March 8, 1994
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 1, 1994
YEAS 97 NAYS 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Approved March 30, 1994

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6065** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 30, 1994 - 1:42 p.m.

**Secretary of State
State of Washington**

SENATE BILL 6065

AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By Senators Ludwig, Nelson, Wojahn, Fraser, Snyder, Bauer and A. Smith

Read first time 01/11/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to imposition of costs; and amending RCW 10.01.160.

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

3 **Sec. 1.** RCW 10.01.160 and 1991 c 247 s 4 are each amended to read
4 as follows:

5 (1) The court may require a ((convicted)) defendant((, or defendant
6 granted a deferred prosecution under chapter 10.05 RCW,)) to pay costs.
7 Costs may be imposed only upon a convicted defendant, except for costs
8 imposed upon a defendant's entry into a deferred prosecution program or
9 costs imposed upon a defendant for preparing and serving a warrant for
10 failure to appear.

11 (2) Costs shall be limited to expenses specially incurred by the
12 state in prosecuting the defendant or in administering the deferred
13 prosecution program under chapter 10.05 RCW. They cannot include
14 expenses inherent in providing a constitutionally guaranteed jury trial
15 or expenditures in connection with the maintenance and operation of
16 government agencies that must be made by the public irrespective of
17 specific violations of law. Expenses incurred for serving of warrants
18 for failure to appear and jury fees under RCW 10.46.190 may be included
19 in costs the court may require a ((convicted)) defendant to pay. Costs

1 for administering a deferred prosecution may not exceed one hundred
2 fifty dollars. Costs for preparing and serving a warrant for failure
3 to appear may not exceed one hundred dollars. Costs imposed constitute
4 a judgment against a defendant and survive a dismissal of the
5 underlying action against the defendant. However, if the defendant is
6 acquitted on the underlying action, the costs for preparing and serving
7 a warrant for failure to appear do not survive the acquittal, and the
8 judgment that such costs would otherwise constitute shall be vacated.

9 (3) The court shall not sentence a defendant to pay costs unless
10 the defendant is or will be able to pay them. In determining the
11 amount and method of payment of costs, the court shall take account of
12 the financial resources of the defendant and the nature of the burden
13 that payment of costs will impose.

14 (4) A defendant who has been sentenced to pay costs and who is not
15 in contumacious default in the payment thereof may at any time petition
16 the sentencing court (~~((which sentenced him))~~) for remission of the
17 payment of costs or of any unpaid portion thereof. If it appears to
18 the satisfaction of the court that payment of the amount due will
19 impose manifest hardship on the defendant or (~~((his))~~) the defendant's
20 immediate family, the court may remit all or part of the amount due in
21 costs, or modify the method of payment under RCW 10.01.170.

Passed the Senate March 8, 1994.

Passed the House March 1, 1994.

Approved by the Governor March 30, 1994.

Filed in Office of Secretary of State March 30, 1994.