
SENATE BILL 5523

State of Washington

54th Legislature

1995 Regular Session

By Senators Smith and Johnson

Read first time 01/25/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to imposition of costs; amending RCW 10.01.160; and
2 repealing RCW 10.64.130.

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

4 **Sec. 1.** RCW 10.01.160 and 1994 c 192 s 1 are each amended to read
5 as follows:

6 (1) The court may require a defendant to pay costs. Costs may be
7 imposed only upon a convicted defendant, except for costs imposed upon
8 a defendant's entry into a deferred prosecution program or costs
9 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 defendant to pay. Costs for

1 administering a deferred prosecution may not exceed one hundred fifty
2 dollars. Costs for preparing and serving a warrant for failure to
3 appear may not exceed one hundred dollars. Costs of incarceration
4 imposed on a defendant convicted of a misdemeanor or a gross
5 misdemeanor may not exceed fifty dollars per day of incarceration.
6 Payment of other court-ordered financial obligations, including all
7 legal financial obligations and costs of supervision take precedence
8 over the payment of the cost of incarceration ordered by the court.
9 All funds received from defendants for the cost of incarceration in the
10 county or city jail must be remitted to the county or city for criminal
11 justice purposes. Costs imposed constitute a judgment against a
12 defendant and survive a dismissal of the underlying action against the
13 defendant. However, if the defendant is acquitted on the underlying
14 action, the costs for preparing and serving a warrant for failure to
15 appear do not survive the acquittal, and the judgment that such costs
16 would otherwise constitute shall be vacated.

17 (3) The court shall not sentence a defendant to pay costs unless
18 the defendant is or will be able to pay them. In determining the
19 amount and method of payment of costs, the court shall take account of
20 the financial resources of the defendant and the nature of the burden
21 that payment of costs will impose.

22 (4) A defendant who has been sentenced to pay costs and who is not
23 in contumacious default in the payment thereof may at any time petition
24 the sentencing court for remission of the payment of costs or of any
25 unpaid portion thereof. If it appears to the satisfaction of the court
26 that payment of the amount due will impose manifest hardship on the
27 defendant or the defendant's immediate family, the court may remit all
28 or part of the amount due in costs, or modify the method of payment
29 under RCW 10.01.170.

30 NEW SECTION. Sec. 2. RCW 10.64.130 and 1993 c 355 s 1 are each
31 repealed.

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