

CERTIFICATION OF ENROLLMENT

SENATE BILL 5523

Chapter 221, Laws of 1995

54th Legislature
1995 Regular Session

PAYMENT OF COSTS OF INCARCERATION

EFFECTIVE DATE: 7/23/95

Passed by the Senate April 18, 1995
YEAS 48 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 4, 1995
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved May 3, 1995

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 5523** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

May 3, 1995 - 11:47 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5523

AS AMENDED BY THE HOUSE

Passed Legislature - 1995 Regular Session

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 for criminal justice purposes to
11 the county or city that is responsible for the defendant's jail costs.
12 Costs imposed constitute a judgment against a defendant and survive a
13 dismissal of the underlying action against the defendant. However, if
14 the defendant is acquitted on the underlying action, the costs for
15 preparing and serving a warrant for failure to appear do not survive
16 the acquittal, and the judgment that such costs would otherwise
17 constitute shall be vacated.

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

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

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32 repealed.

Passed the Senate April 18, 1995.

Passed the House April 4, 1995.

Approved by the Governor May 3, 1995.

Filed in Office of Secretary of State May 3, 1995.