
SUBSTITUTE HOUSE BILL 1481

State of Washington 64th Legislature 2015 Regular Session

By House Early Learning & Human Services (originally sponsored by Representatives Kagi, Zeiger, Senn, Walsh, Peterson, Stambaugh, Walkinshaw, Goodman, Muri, Pettigrew, Jenkins, Hudgins, Appleton, Robinson, Gregerson, Fitzgibbon, Ormsby, Clibborn, S. Hunt, Ryu, McBride, Sawyer, Stokesbary, Rodne, Young, Farrell, and Kilduff)

READ FIRST TIME 02/13/15.

1 AN ACT Relating to decreasing the barriers to successful
2 community participation for individuals involved with the juvenile
3 justice system; amending RCW 13.50.260, 13.50.270, 13.40.190,
4 7.68.035, 9.08.070, 9.08.072, 9.46.1961, 9.68A.105, 9.68A.106,
5 9.94A.550, 9A.20.021, 9A.50.030, 9A.56.060, 9A.56.085, 9A.88.120,
6 9A.88.140, 10.73.160, 10.82.090, 10.99.080, 13.40.080, 36.18.016,
7 36.18.020, 36.18.040, 43.43.690, 43.43.7541, 46.61.5054, 46.61.5055,
8 69.50.401, 69.50.425, 69.50.430, 69.50.435, and 77.15.420; reenacting
9 and amending RCW 13.50.010 and 13.40.127; adding a new section to
10 chapter 13.40 RCW; adding a new section to chapter 13.50 RCW; and
11 repealing RCW 13.40.145 and 13.40.085.

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

13 **Sec. 1.** RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are
14 each reenacted and amended to read as follows:

15 (1) For purposes of this chapter:

16 (a) "Good faith effort to pay" means a juvenile offender has
17 either (i) paid the principal amount in full; (ii) made at least
18 eighty percent of the value of full monthly payments within the
19 period from disposition or deferred disposition until the time the
20 amount of restitution owed is under review; or (iii) can show good

1 cause why he or she paid an amount less than eighty percent of the
2 value of full monthly payments;

3 (b) "Juvenile justice or care agency" means any of the following:
4 Police, diversion units, court, prosecuting attorney, defense
5 attorney, detention center, attorney general, the legislative
6 children's oversight committee, the office of the family and
7 children's ombuds, the department of social and health services and
8 its contracting agencies, schools; persons or public or private
9 agencies having children committed to their custody; and any
10 placement oversight committee created under RCW 72.05.415;

11 ~~((b))~~ (c) "Official juvenile court file" means the legal file
12 of the juvenile court containing the petition or information,
13 motions, memorandums, briefs, findings of the court, and court
14 orders;

15 ~~((e))~~ (d) "Records" means the official juvenile court file, the
16 social file, and records of any other juvenile justice or care agency
17 in the case;

18 ~~((d))~~ (e) "Social file" means the juvenile court file
19 containing the records and reports of the probation counselor.

20 (2) Each petition or information filed with the court may include
21 only one juvenile and each petition or information shall be filed
22 under a separate docket number. The social file shall be filed
23 separately from the official juvenile court file.

24 (3) It is the duty of any juvenile justice or care agency to
25 maintain accurate records. To this end:

26 (a) The agency may never knowingly record inaccurate information.
27 Any information in records maintained by the department of social and
28 health services relating to a petition filed pursuant to chapter
29 13.34 RCW that is found by the court to be false or inaccurate shall
30 be corrected or expunged from such records by the agency;

31 (b) An agency shall take reasonable steps to assure the security
32 of its records and prevent tampering with them; and

33 (c) An agency shall make reasonable efforts to insure the
34 completeness of its records, including action taken by other agencies
35 with respect to matters in its files.

36 (4) Each juvenile justice or care agency shall implement
37 procedures consistent with the provisions of this chapter to
38 facilitate inquiries concerning records.

39 (5) Any person who has reasonable cause to believe information
40 concerning that person is included in the records of a juvenile

1 justice or care agency and who has been denied access to those
2 records by the agency may make a motion to the court for an order
3 authorizing that person to inspect the juvenile justice or care
4 agency record concerning that person. The court shall grant the
5 motion to examine records unless it finds that in the interests of
6 justice or in the best interests of the juvenile the records or parts
7 of them should remain confidential.

8 (6) A juvenile, or his or her parents, or any person who has
9 reasonable cause to believe information concerning that person is
10 included in the records of a juvenile justice or care agency may make
11 a motion to the court challenging the accuracy of any information
12 concerning the moving party in the record or challenging the
13 continued possession of the record by the agency. If the court grants
14 the motion, it shall order the record or information to be corrected
15 or destroyed.

16 (7) The person making a motion under subsection (5) or (6) of
17 this section shall give reasonable notice of the motion to all
18 parties to the original action and to any agency whose records will
19 be affected by the motion.

20 (8) The court may permit inspection of records by, or release of
21 information to, any clinic, hospital, or agency which has the subject
22 person under care or treatment. The court may also permit inspection
23 by or release to individuals or agencies, including juvenile justice
24 advisory committees of county law and justice councils, engaged in
25 legitimate research for educational, scientific, or public purposes.
26 Each person granted permission to inspect juvenile justice or care
27 agency records for research purposes shall present a notarized
28 statement to the court stating that the names of juveniles and
29 parents will remain confidential.

30 (9) The court shall release to the caseload forecast council the
31 records needed for its research and data-gathering functions. Access
32 to caseload forecast data may be permitted by the council for
33 research purposes only if the anonymity of all persons mentioned in
34 the records or information will be preserved.

35 (10) Juvenile detention facilities shall release records to the
36 caseload forecast council upon request. The commission shall not
37 disclose the names of any juveniles or parents mentioned in the
38 records without the named individual's written permission.

39 (11) Requirements in this chapter relating to the court's
40 authority to compel disclosure shall not apply to the legislative

1 children's oversight committee or the office of the family and
2 children's ombuds.

3 (12) For the purpose of research only, the administrative office
4 of the courts shall maintain an electronic research copy of all
5 records in the judicial information system related to juveniles.
6 Access to the research copy is restricted to the Washington state
7 center for court research. The Washington state center for court
8 research shall maintain the confidentiality of all confidential
9 records and shall preserve the anonymity of all persons identified in
10 the research copy. The research copy may not be subject to any
11 records retention schedule and must include records destroyed or
12 removed from the judicial information system pursuant to RCW
13 13.50.270 and 13.50.100(3).

14 (13) The court shall release to the Washington state office of
15 public defense records needed to implement the agency's oversight,
16 technical assistance, and other functions as required by RCW
17 2.70.020. Access to the records used as a basis for oversight,
18 technical assistance, or other agency functions is restricted to the
19 Washington state office of public defense. The Washington state
20 office of public defense shall maintain the confidentiality of all
21 confidential information included in the records.

22 **Sec. 2.** RCW 13.50.260 and 2014 c 175 s 4 are each amended to
23 read as follows:

24 (1)(a) The court shall hold regular sealing hearings. During
25 these regular sealing hearings, the court shall administratively seal
26 an individual's juvenile ~~((court))~~ record pursuant to the
27 requirements of this subsection unless the court receives an
28 objection to sealing or the court notes a compelling reason not to
29 seal, in which case, the court shall set a contested hearing to be
30 conducted on the record to address sealing. ~~((The respondent and his
31 or her attorney shall be given at least eighteen days' notice of any
32 contested sealing hearing and the opportunity to respond to any
33 objections, but the respondent's presence is not required at any
34 sealing hearing pursuant to this subsection.))~~ Although the juvenile
35 record shall be sealed, the social file may be available to any
36 juvenile justice or care agency when an investigation or case
37 involving the juvenile subject of the records is being prosecuted by
38 the juvenile justice or care agency or when the juvenile justice or
39 care agency is assigned the responsibility of supervising the

1 juvenile. The contested hearing shall be set no sooner than eighteen
2 days after notice of the hearing and the opportunity to object has
3 been sent to the juvenile, the victim, and juvenile's attorney. At a
4 contested hearing, the restitution portion of the dispositional order
5 may be modified as to amount, terms, and conditions for good cause
6 shown, including ability to pay. The juvenile respondent's presence
7 is not required at a sealing hearing pursuant to this subsection.

8 (b) At the disposition hearing of a juvenile offender, the court
9 shall schedule an administrative sealing hearing to take place during
10 the first regularly scheduled sealing hearing after the latest of the
11 following events that apply:

12 (i) The respondent's eighteenth birthday;

13 (ii) Anticipated completion of a respondent's probation, if
14 ordered;

15 (iii) Anticipated release from confinement at the juvenile
16 rehabilitation administration, or the completion of parole, if the
17 respondent is transferred to the juvenile rehabilitation
18 administration.

19 (c) A court shall enter a written order sealing an individual's
20 juvenile court record pursuant to this subsection if:

21 (i) One of the offenses for which the court has entered a
22 disposition is not at the time of commission of the offense:

23 (A) A most serious offense, as defined in RCW 9.94A.030;

24 (B) A sex offense under chapter 9A.44 RCW; or

25 (C) A drug offense, as defined in RCW 9.94A.030; and

26 (ii) The respondent has completed the terms and conditions of
27 disposition, including affirmative conditions and ~~((financial~~
28 ~~obligations))~~ has either paid the full amount of restitution or made
29 a good faith effort to pay the full amount of restitution. Before the
30 court seals a record, the court may modify the restitution still
31 owing as to amount, terms, and conditions for good cause shown,
32 including ability to pay. If the court enters an order sealing the
33 juvenile court record for a case in which restitution is still owing,
34 the court shall order a payment plan for the remaining restitution.
35 The juvenile respondent's presence is not required at a sealing
36 hearing pursuant to this subsection.

37 (d) Following a contested sealing hearing on the record after an
38 objection is made pursuant to (a) of this subsection, the court shall
39 enter a written order sealing the juvenile court record unless the
40 court determines that sealing is not appropriate.

1 (2) The court shall enter a written order immediately sealing the
2 official juvenile court record upon the acquittal after a fact
3 finding or upon the dismissal of charges with prejudice, subject to
4 the state's right, if any, to appeal the dismissal.

5 (3) If a juvenile court record has not already been sealed
6 pursuant to this section, in any case in which information has been
7 filed pursuant to RCW 13.40.100 or a complaint has been filed with
8 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
9 the person who is the subject of the information or complaint may
10 file a motion with the court to have the court vacate its order and
11 findings, if any, and, subject to RCW 13.50.050(13), order the
12 sealing of the official juvenile court record, the social file, and
13 records of the court and of any other agency in the case.

14 (4)(a) The court shall grant any motion to seal records for class
15 A offenses made pursuant to subsection (3) of this section if:

16 (i) Since the last date of release from confinement, including
17 full-time residential treatment, if any, or entry of disposition, the
18 person has spent five consecutive years in the community without
19 committing any offense or crime that subsequently results in an
20 adjudication or conviction;

21 (ii) No proceeding is pending against the moving party seeking
22 the conviction of a juvenile offense or a criminal offense;

23 (iii) No proceeding is pending seeking the formation of a
24 diversion agreement with that person;

25 (iv) The person is no longer required to register as a sex
26 offender under RCW 9A.44.130 or has been relieved of the duty to
27 register under RCW 9A.44.143 if the person was convicted of a sex
28 offense;

29 (v) The person has not been convicted of rape in the first
30 degree, rape in the second degree, or indecent liberties that was
31 actually committed with forcible compulsion; and

32 (vi) (~~Full restitution has been paid~~) The person has either
33 paid the full amount of restitution or has made a good faith effort
34 to pay the full amount of restitution. If the court enters an order
35 sealing the juvenile court record for a case in which restitution is
36 still owing, the court shall order a payment plan for the remaining
37 restitution.

38 (b) The court shall grant any motion to seal records for class B,
39 (~~class~~) class C, gross misdemeanor, and misdemeanor offenses and
40 diversions made under subsection (3) of this section if:

1 (i) Since the date of last release from confinement, including
2 full-time residential treatment, if any, entry of disposition, or
3 completion of the diversion agreement, the person has spent two
4 consecutive years in the community without being convicted of any
5 offense or crime;

6 (ii) No proceeding is pending against the moving party seeking
7 the conviction of a juvenile offense or a criminal offense;

8 (iii) No proceeding is pending seeking the formation of a
9 diversion agreement with that person;

10 (iv) The person is no longer required to register as a sex
11 offender under RCW 9A.44.130 or has been relieved of the duty to
12 register under RCW 9A.44.143 if the person was convicted of a sex
13 offense; and

14 (v) (~~Full restitution has been paid~~) The person has either paid
15 the full amount of restitution or has made a good faith effort to pay
16 the full amount of restitution. If the court enters an order sealing
17 the juvenile court record for a case in which restitution is still
18 owing, the court shall order a payment plan for the remaining
19 restitution.

20 (c) Notwithstanding the requirements in (a) or (b) of this
21 subsection, the court shall grant any motion to seal records of any
22 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
23 2012, if restitution has been paid and the person is eighteen years
24 of age or older at the time of the motion.

25 (5) The person making a motion pursuant to subsection (3) of this
26 section shall give reasonable notice of the motion to the prosecution
27 and to any person or agency whose records are sought to be sealed.

28 (6)(a) If the court enters a written order sealing the juvenile
29 court record pursuant to this section, it shall, subject to RCW
30 13.50.050(13), order sealed the official juvenile court record, the
31 social file, records of the offense maintained by the department of
32 licensing, and other records relating to the case as are named in the
33 order. Thereafter, the proceedings in the case shall be treated as if
34 they never occurred, and the subject of the records may reply
35 accordingly to any inquiry about the events, records of which are
36 sealed. Any agency shall reply to any inquiry concerning confidential
37 or sealed records that records are confidential, and no information
38 can be given about the existence or nonexistence of records
39 concerning an individual.

1 (b) In the event the subject of the juvenile records receives a
2 full and unconditional pardon, the proceedings in the matter upon
3 which the pardon has been granted shall be treated as if they never
4 occurred, and the subject of the records may reply accordingly to any
5 inquiry about the events upon which the pardon was received. Any
6 agency shall reply to any inquiry concerning the records pertaining
7 to the events for which the subject received a pardon that records
8 are confidential, and no information can be given about the existence
9 or nonexistence of records concerning an individual.

10 (7) Inspection of the files and records included in the order to
11 seal may thereafter be permitted only by order of the court upon
12 motion made by the person who is the subject of the information or
13 complaint, except as otherwise provided in RCW 13.50.010(8) and
14 13.50.050(13).

15 (8)(a) Any adjudication of a juvenile offense or a crime
16 subsequent to sealing has the effect of nullifying a sealing order;
17 however, the court may order the juvenile court record resealed upon
18 disposition of the subsequent matter if the case meets the sealing
19 criteria under this section and the court record has not previously
20 been resealed.

21 (b) Any charging of an adult felony subsequent to the sealing has
22 the effect of nullifying the sealing order.

23 (c) Not making at least four payments in the first five months
24 after a record is sealed or not making eighty percent of payments
25 thereafter has the effect of nullifying the sealing order.

26 (d) The administrative office of the courts shall ensure that the
27 superior court judicial information system provides prosecutors
28 access to information on the existence of sealed juvenile records.

29 (9) If the juvenile court record has been sealed pursuant to this
30 section, the record of an employee is not admissible in an action for
31 liability against the employer based on the former juvenile
32 offender's conduct to show that the employer knew or should have
33 known of the juvenile record of the employee. The record may be
34 admissible, however, if a background check conducted or authorized by
35 the employer contained the information in the sealed record.

36 (10) County clerks shall have the authority to interact or
37 correspond with the respondent, his or her parents, and any holders
38 of potential assets or wages of the respondent for the purposes of
39 collecting an outstanding legal financial obligation after juvenile
40 court records have been sealed pursuant to this section.

1 **Sec. 3.** RCW 13.50.270 and 2014 c 175 s 5 are each amended to
2 read as follows:

3 (1)(a) Subject to RCW 13.50.050(13), all records maintained by
4 any court or law enforcement agency, including the juvenile court,
5 local law enforcement, the Washington state patrol, and the
6 prosecutor's office, shall be automatically destroyed within ninety
7 days of becoming eligible for destruction. Juvenile records are
8 eligible for destruction when:

9 (i) The person who is the subject of the information or complaint
10 is at least eighteen years of age;

11 (ii) The person's criminal history consists entirely of one
12 diversion agreement or counsel and release entered on or after June
13 12, 2008;

14 (iii) Two years have elapsed since completion of the agreement or
15 counsel and release;

16 (iv) No proceeding is pending against the person seeking the
17 conviction of a criminal offense; and

18 (v) ~~((There is no restitution owing in the case))~~ The person has
19 either paid the full amount of restitution or has made a good faith
20 effort to pay the full amount of restitution.

21 (b) No less than quarterly, the administrative office of the
22 courts shall provide a report to the juvenile courts of those
23 individuals whose records may be eligible for destruction. The
24 juvenile court shall verify eligibility and notify the Washington
25 state patrol and the appropriate local law enforcement agency and
26 prosecutor's office of the records to be destroyed. The requirement
27 to destroy records under this subsection is not dependent on a court
28 hearing or the issuance of a court order to destroy records.

29 (c) The state and local governments and their officers and
30 employees are not liable for civil damages for the failure to destroy
31 records pursuant to this section.

32 (2) All records maintained by any court or law enforcement
33 agency, including the juvenile court, local law enforcement, the
34 Washington state patrol, and the prosecutor's office, shall be
35 automatically destroyed within thirty days of being notified by the
36 governor's office that the subject of those records received a full
37 and unconditional pardon by the governor.

38 (3)(a) A person may request that the court order the records in
39 his or her case destroyed as follows:

1 (i) A person eighteen years of age or older whose criminal
2 history consists entirely of one diversion agreement or counsel and
3 release entered prior to June 12, 2008. The request shall be granted
4 if the court finds that two years have elapsed since completion of
5 the agreement or counsel and release.

6 (ii) A person twenty-three years of age or older whose criminal
7 history consists of only referrals for diversion. The request shall
8 be granted if the court finds that all diversion agreements have been
9 successfully completed and no proceeding is pending against the
10 person seeking the conviction of a criminal offense.

11 (b) If the court grants the motion to destroy records made
12 pursuant to this subsection, it shall, subject to RCW 13.50.050(13),
13 order the official juvenile court record, the social file, and any
14 other records named in the order to be destroyed.

15 (c) The person making the motion pursuant to this subsection must
16 give reasonable notice of the motion to the prosecuting attorney and
17 to any agency whose records are sought to be destroyed.

18 (4) Any juvenile justice or care agency may, subject to the
19 limitations in RCW 13.50.050(13) and this section, develop procedures
20 for the routine destruction of records relating to juvenile offenses
21 and diversions.

22 (a) Records may be routinely destroyed only when the person the
23 subject of the information or complaint has attained twenty-three
24 years of age or older or pursuant to subsection (1) of this section.

25 (b) The court may not routinely destroy the official juvenile
26 court record or recordings or transcripts of any proceedings.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.40
28 RCW to read as follows:

29 Cities, towns, and counties may not impose any legal financial
30 obligations, fees, fines, or costs associated with juvenile offenses
31 unless there is express statutory authority for those legal financial
32 obligations, fees, fines, or costs.

33 **Sec. 5.** RCW 13.40.190 and 2014 c 175 s 7 are each amended to
34 read as follows:

35 (1)(a) In its dispositional order, the court shall require the
36 respondent to make restitution to any persons who have suffered loss
37 or damage as a result of the offense committed by the respondent. In
38 addition, restitution may be ordered for loss or damage if the

1 offender pleads guilty to a lesser offense or fewer offenses and
2 agrees with the prosecutor's recommendation that the offender be
3 required to pay restitution to a victim of an offense or offenses
4 which, pursuant to a plea agreement, are not prosecuted.

5 (b) Restitution may include the costs of counseling reasonably
6 related to the offense.

7 (c) The payment of restitution shall be in addition to any
8 punishment which is imposed pursuant to the other provisions of this
9 chapter.

10 (d) The court may determine the amount, terms, and conditions of
11 the restitution including a payment plan extending up to ten years if
12 the court determines that the respondent does not have the means to
13 make full restitution over a shorter period. If the court determines
14 that a juvenile has insufficient funds to pay and upon agreement of
15 the victim, the court may order performance of a number of hours of
16 community restitution in lieu of monetary penalty, at the rate of the
17 then state minimum wage per hour. For the purposes of this section,
18 the respondent shall remain under the court's jurisdiction for a
19 maximum term of ten years after the respondent's eighteenth birthday
20 and, during this period, the restitution portion of the dispositional
21 order may be modified as to amount, terms, and conditions at any time
22 for good cause shown, including inability to pay. Prior to the
23 expiration of the ten-year period, the juvenile court may extend the
24 judgment for the payment of restitution for an additional ten years.
25 If the court grants a respondent's petition pursuant to RCW
26 13.50.260, the court's jurisdiction under this subsection shall
27 terminate.

28 (e) Nothing in this section shall prevent a respondent from
29 petitioning the court pursuant to RCW 13.50.260 if the respondent has
30 paid the full restitution amount stated in the court's order and has
31 met the statutory criteria.

32 (f) If the respondent participated in the crime with another
33 person or other persons, (~~all such participants shall be jointly and~~
34 ~~severally responsible for the payment of restitution~~) the court may
35 either order joint and several restitution or may divide restitution
36 equally among the respondents. In determining whether restitution
37 should be joint and several or equally divided, the court shall
38 consider the interest and circumstances of the victim or victims, the
39 circumstances of the respondents, and the interest of justice.

1 (g) At any time, the court may determine that the respondent is
2 not required to pay, or may relieve the respondent of the requirement
3 to pay, full or partial restitution to any insurance provider
4 authorized under Title 48 RCW if the respondent reasonably satisfies
5 the court that he or she does not have the means to make full or
6 partial restitution to the insurance provider and could not
7 reasonably acquire the means to pay the insurance provider the
8 restitution over a ten-year period.

9 (2) Regardless of the provisions of subsection (1) of this
10 section, the court shall order restitution in all cases where the
11 victim is entitled to benefits under the crime victims' compensation
12 act, chapter 7.68 RCW. If the court does not order restitution and
13 the victim of the crime has been determined to be entitled to
14 benefits under the crime victims' compensation act, the department of
15 labor and industries, as administrator of the crime victims'
16 compensation program, may petition the court within one year of entry
17 of the disposition order for entry of a restitution order. Upon
18 receipt of a petition from the department of labor and industries,
19 the court shall hold a restitution hearing and shall enter a
20 restitution order.

21 (3) If an order includes restitution as one of the monetary
22 assessments, the county clerk shall make disbursements to victims
23 named in the order. The restitution to victims named in the order
24 shall be paid prior to any payment for other penalties or monetary
25 assessments. The county clerk shall make restitution disbursements to
26 victims prior to payments to any insurance provider under Title 48
27 RCW.

28 (4) For purposes of this section, "victim" means any person who
29 has sustained emotional, psychological, physical, or financial injury
30 to person or property as a direct result of the offense charged.
31 "Victim" may also include a known parent or guardian of a victim who
32 is a minor child or is not a minor child but is incapacitated,
33 incompetent, disabled, or deceased.

34 (5) A respondent under obligation to pay restitution may petition
35 the court for modification of or relief from the restitution order.

36 **Sec. 6.** RCW 7.68.035 and 2011 c 336 s 246 are each amended to
37 read as follows:

38 (1)((~~a~~)) When any ((~~person~~)) adult is found guilty in any
39 superior court of having committed a crime, except as provided in

1 subsection (2) of this section, there shall be imposed by the court
2 upon such convicted person a penalty assessment. The assessment shall
3 be in addition to any other penalty or fine imposed by law and shall
4 be five hundred dollars for each case or cause of action that
5 includes one or more convictions of a felony or gross misdemeanor and
6 two hundred fifty dollars for any case or cause of action that
7 includes convictions of only one or more misdemeanors.

8 ~~((b) When any juvenile is adjudicated of any offense in any
9 juvenile offense disposition under Title 13 RCW, except as provided
10 in subsection (2) of this section, there shall be imposed upon the
11 juvenile offender a penalty assessment. The assessment shall be in
12 addition to any other penalty or fine imposed by law and shall be one
13 hundred dollars for each case or cause of action that includes one or
14 more adjudications for a felony or gross misdemeanor and seventy five
15 dollars for each case or cause of action that includes adjudications
16 of only one or more misdemeanors.))~~

17 (2) The assessment imposed by subsection (1) of this section
18 shall not apply to motor vehicle crimes defined in Title 46 RCW
19 except those defined in the following sections: RCW 46.61.520,
20 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
21 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
22 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
23 46.44.180, 46.10.490(2), and 46.09.470(2).

24 (3) When any person accused of having committed a crime posts
25 bail in superior court pursuant to the provisions of chapter 10.19
26 RCW and such bail is forfeited, there shall be deducted from the
27 proceeds of such forfeited bail a penalty assessment, in addition to
28 any other penalty or fine imposed by law, equal to the assessment
29 which would be applicable under subsection (1) of this section if the
30 person had been convicted of the crime.

31 (4) Such penalty assessments shall be paid by the clerk of the
32 superior court to the county treasurer who shall monthly transmit the
33 money as provided in RCW 10.82.070. Each county shall deposit fifty
34 percent of the money it receives per case or cause of action under
35 subsection (1) of this section and retains under RCW 10.82.070, not
36 less than one and seventy-five one-hundredths percent of the
37 remaining money it retains under RCW 10.82.070 and the money it
38 retains under chapter 3.62 RCW, and all money it receives under
39 subsection (7) of this section into a fund maintained exclusively for
40 the support of comprehensive programs to encourage and facilitate

1 testimony by the victims of crimes and witnesses to crimes. A program
2 shall be considered "comprehensive" only after approval of the
3 department upon application by the county prosecuting attorney. The
4 department shall approve as comprehensive only programs which:

5 (a) Provide comprehensive services to victims and witnesses of
6 all types of crime with particular emphasis on serious crimes against
7 persons and property. It is the intent of the legislature to make
8 funds available only to programs which do not restrict services to
9 victims or witnesses of a particular type or types of crime and that
10 such funds supplement, not supplant, existing local funding levels;

11 (b) Are administered by the county prosecuting attorney either
12 directly through the prosecuting attorney's office or by contract
13 between the county and agencies providing services to victims of
14 crime;

15 (c) Make a reasonable effort to inform the known victim or his or
16 her surviving dependents of the existence of this chapter and the
17 procedure for making application for benefits;

18 (d) Assist victims in the restitution and adjudication process;
19 and

20 (e) Assist victims of violent crimes in the preparation and
21 presentation of their claims to the department of labor and
22 industries under this chapter.

23 Before a program in any county west of the Cascade mountains is
24 submitted to the department for approval, it shall be submitted for
25 review and comment to each city within the county with a population
26 of more than one hundred fifty thousand. The department will consider
27 if the county's proposed comprehensive plan meets the needs of crime
28 victims in cases adjudicated in municipal, district or superior
29 courts and of crime victims located within the city and county.

30 (5) Upon submission to the department of a letter of intent to
31 adopt a comprehensive program, the prosecuting attorney shall retain
32 the money deposited by the county under subsection (4) of this
33 section until such time as the county prosecuting attorney has
34 obtained approval of a program from the department. Approval of the
35 comprehensive plan by the department must be obtained within one year
36 of the date of the letter of intent to adopt a comprehensive program.
37 The county prosecuting attorney shall not make any expenditures from
38 the money deposited under subsection (4) of this section until
39 approval of a comprehensive plan by the department. If a county
40 prosecuting attorney has failed to obtain approval of a program from

1 the department under subsection (4) of this section or failed to
2 obtain approval of a comprehensive program within one year after
3 submission of a letter of intent under this section, the county
4 treasurer shall monthly transmit one hundred percent of the money
5 deposited by the county under subsection (4) of this section to the
6 state treasurer for deposit in the state general fund.

7 (6) County prosecuting attorneys are responsible to make every
8 reasonable effort to insure that the penalty assessments of this
9 chapter are imposed and collected.

10 (7) Every city and town shall transmit monthly one and seventy-
11 five one-hundredths percent of all money, other than money received
12 for parking infractions, retained under RCW 3.50.100 and 35.20.220 to
13 the county treasurer for deposit as provided in subsection (4) of
14 this section.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.50
16 RCW to read as follows:

17 (1) Courts and judicial agencies that maintain a database of
18 juvenile records may provide those records, whether sealed or not, to
19 government agencies for the purpose of carrying out research or data
20 gathering functions. This data may also be linked with records from
21 other agencies or research organizations, provided that any agency
22 receiving or using records under this subsection maintain strict
23 confidentiality of the identity of the juveniles who are the subjects
24 of such records.

25 (2) Juvenile records, whether sealed or not, can be provided
26 without personal identifiers to researchers conducting legitimate
27 research for educational, scientific, or public purposes, so long as
28 the data is not used by the recipients of the records to identify an
29 individual with a juvenile record.

30 **Sec. 8.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read
31 as follows:

32 (1) Any person who, with intent to deprive or defraud the owner
33 thereof, does any of the following shall be guilty of a gross
34 misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for
35 adult offenders, a mandatory fine of not less than five hundred
36 dollars per pet animal shall be imposed, except as provided by
37 subsection (2) of this section:

1 (a) Takes, leads away, confines, secretes or converts any pet
2 animal, except in cases in which the value of the pet animal exceeds
3 two hundred fifty dollars;

4 (b) Conceals the identity of any pet animal or its owner by
5 obscuring, altering, or removing from the pet animal any collar, tag,
6 license, tattoo, or other identifying device or mark;

7 (c) Willfully or recklessly kills or injures any pet animal,
8 unless excused by law.

9 (2) Nothing in this section shall prohibit a person from also
10 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
11 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
12 9A.56.170 for possession of stolen property.

13 **Sec. 9.** RCW 9.08.072 and 2003 c 53 s 10 are each amended to read
14 as follows:

15 (1) It is unlawful for any person to receive with intent to sell
16 to a research institution in the state of Washington, or sell or
17 otherwise directly transfer to a research institution in the state of
18 Washington, a pet animal that the person knows or has reason to know
19 has been stolen or fraudulently obtained. This section does not apply
20 to U.S.D.A. licensed dealers.

21 (2) The first conviction under this section is a gross
22 misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for
23 adult offenders, a mandatory fine of not less than five hundred
24 dollars per pet animal shall be imposed.

25 (3) A second or subsequent conviction under this section is a
26 class C felony punishable according to chapter 9A.20 RCW and ~~((by))~~,
27 for adult offenders, a mandatory fine of not less than one thousand
28 dollars per pet animal shall be imposed.

29 (4) Nothing in this section shall prohibit a person from also
30 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
31 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
32 9A.56.170 for possession of stolen property.

33 **Sec. 10.** RCW 9.46.1961 and 2002 c 253 s 2 are each amended to
34 read as follows:

35 (1) A person is guilty of cheating in the first degree if he or
36 she engages in cheating and:

37 (a) Knowingly causes, aids, abets, or conspires with another to
38 engage in cheating; or

1 (b) Holds a license or similar permit issued by the state of
2 Washington to conduct, manage, or act as an employee in an authorized
3 gambling activity.

4 (2) Cheating in the first degree is a class C felony subject to
5 the penalty set forth in RCW 9A.20.021. In addition to any other
6 penalties imposed by law for a conviction of a violation of this
7 section the court may impose an additional penalty of up to twenty
8 thousand dollars on adult offenders.

9 **Sec. 11.** RCW 9.68A.105 and 2013 c 121 s 4 are each amended to
10 read as follows:

11 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
12 9.68A.101, and 9.68A.102, (~~(a person)~~) an adult offender who is
13 either convicted or given a deferred sentence or a deferred
14 prosecution or who has entered into a statutory or nonstatutory
15 diversion agreement as a result of an arrest for violating RCW
16 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
17 municipal ordinance shall be assessed a five thousand dollar fee.

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

23 (~~(c) When a minor has been adjudicated a juvenile offender or
24 has entered into a statutory or nonstatutory diversion agreement for
25 an offense which, if committed by an adult, would constitute a
26 violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
27 county or municipal ordinance, the court shall assess the fee under
28 (a) of this subsection. The court may not reduce, waive, or suspend
29 payment of all or part of the fee assessed unless it finds, on the
30 record, that the minor does not have the ability to pay the fee in
31 which case it may reduce the fee by an amount up to two-thirds of the
32 maximum allowable fee.~~)

33 (2) Fees assessed under this section shall be collected by the
34 clerk of the court and remitted to the treasurer of the county where
35 the offense occurred for deposit in the county general fund, except
36 in cases in which the offense occurred in a city or town that
37 provides for its own law enforcement, in which case these amounts
38 shall be remitted to the treasurer of the city or town for deposit in
39 the general fund of the city or town. Revenue from the fees must be

1 used for local efforts to reduce the commercial sale of sex
2 including, but not limited to, increasing enforcement of commercial
3 sex laws.

4 (a) At least fifty percent of the revenue from fees imposed under
5 this section must be spent on prevention, including education
6 programs for offenders, such as john school, and rehabilitative
7 services for victims, such as mental health and substance abuse
8 counseling, parenting skills, training, housing relief, education,
9 vocational training, drop-in centers, and employment counseling.

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

14 (c) Revenues from these fees are not subject to the distribution
15 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
16 35.20.220.

17 (3) For the purposes of this section:

18 (a) "Statutory or nonstatutory diversion agreement" means an
19 agreement under RCW 13.40.080 or any written agreement between a
20 person accused of an offense listed in subsection (1) of this section
21 and a court, county or city prosecutor, or designee thereof, whereby
22 the person agrees to fulfill certain conditions in lieu of
23 prosecution.

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

27 **Sec. 12.** RCW 9.68A.106 and 2013 c 9 s 1 are each amended to read
28 as follows:

29 (1) In addition to all other penalties under this chapter, ((a
30 ~~person~~)) an adult offender convicted of an offense under RCW
31 9.68A.100, 9.68A.101, or 9.68A.102 shall be assessed an additional
32 fee of five thousand dollars per offense when the court finds that an
33 internet advertisement in which the victim of the crime was described
34 or depicted was instrumental in facilitating the commission of the
35 crime.

36 (2) For purposes of this section, an "internet advertisement"
37 means a statement in electronic media that would be understood by a
38 reasonable person to be an implicit or explicit offer for sexual

1 contact or sexual intercourse, both as defined in chapter 9A.44 RCW,
2 in exchange for something of value.

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

5 **Sec. 13.** RCW 9.94A.550 and 2003 c 53 s 59 are each amended to
6 read as follows:

7 Unless otherwise provided by a statute of this state, on all
8 sentences under this chapter the court may impose fines on adult
9 offenders according to the following ranges:

10	Class A felonies	\$0 - 50,000
11	Class B felonies	\$0 - 20,000
12	Class C felonies	\$0 - 10,000

13 **Sec. 14.** RCW 9A.20.021 and 2011 c 96 s 13 are each amended to
14 read as follows:

15 (1) Felony. Unless a different maximum sentence for a classified
16 felony is specifically established by a statute of this state, no
17 person convicted of a classified felony shall be punished by
18 confinement or fine exceeding the following:

19 (a) For a class A felony, by confinement in a state correctional
20 institution for a term of life imprisonment, or by a fine in an
21 amount fixed by the court of fifty thousand dollars, or by both such
22 confinement and fine;

23 (b) For a class B felony, by confinement in a state correctional
24 institution for a term of ten years, or by a fine in an amount fixed
25 by the court of twenty thousand dollars, or by both such confinement
26 and fine;

27 (c) For a class C felony, by confinement in a state correctional
28 institution for five years, or by a fine in an amount fixed by the
29 court of ten thousand dollars, or by both such confinement and fine.

30 (2) Gross misdemeanor. Every person convicted of a gross
31 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
32 in the county jail for a maximum term fixed by the court of up to
33 three hundred sixty-four days, or by a fine in an amount fixed by the
34 court of not more than five thousand dollars, or by both such
35 imprisonment and fine.

36 (3) Misdemeanor. Every person convicted of a misdemeanor defined
37 in Title 9A RCW shall be punished by imprisonment in the county jail

1 for a maximum term fixed by the court of not more than ninety days,
2 or by a fine in an amount fixed by the court of not more than one
3 thousand dollars, or by both such imprisonment and fine.

4 (4) This section applies to only those crimes committed on or
5 after July 1, 1984.

6 (5) The fines in this section apply to adult offenders only.

7 **Sec. 15.** RCW 9A.50.030 and 1993 c 128 s 4 are each amended to
8 read as follows:

9 (1) A violation of RCW 9A.50.020 is a gross misdemeanor. A person
10 convicted of violating RCW 9A.50.020 shall be punished as follows:

11 ~~((1))~~ (a) For a first offense, a fine of not less than two
12 hundred fifty dollars and a jail term of not less than twenty-four
13 consecutive hours;

14 ~~((2))~~ (b) For a second offense, a fine of not less than five
15 hundred dollars and a jail term of not less than seven consecutive
16 days; and

17 ~~((3))~~ (c) For a third or subsequent offense, a fine of not less
18 than one thousand dollars and a jail term of not less than thirty
19 consecutive days.

20 (2) The fines imposed by this section apply to adult offenders
21 only.

22 **Sec. 16.** RCW 9A.56.060 and 2009 c 431 s 10 are each amended to
23 read as follows:

24 (1) Any person who shall with intent to defraud, make, or draw,
25 or utter, or deliver to another person any check, or draft, on a bank
26 or other depository for the payment of money, knowing at the time of
27 such drawing, or delivery, that he or she has not sufficient funds
28 in, or credit with the bank or other depository, to meet the check or
29 draft, in full upon its presentation, is guilty of unlawful issuance
30 of bank check. The word "credit" as used herein shall be construed to
31 mean an arrangement or understanding with the bank or other
32 depository for the payment of such check or draft, and the uttering
33 or delivery of such a check or draft to another person without such
34 fund or credit to meet the same shall be prima facie evidence of an
35 intent to defraud.

36 (2) Any person who shall with intent to defraud, make, or draw,
37 or utter, or deliver to another person any check, or draft on a bank
38 or other depository for the payment of money and who issues a stop-

1 payment order directing the bank or depository on which the check is
2 drawn not to honor the check, and who fails to make payment of money
3 in the amount of the check or draft or otherwise arrange a settlement
4 agreed upon by the holder of the check within twenty days of issuing
5 the check or draft is guilty of unlawful issuance of a bank check.

6 (3) When any series of transactions which constitute unlawful
7 issuance of a bank check would, when considered separately,
8 constitute unlawful issuance of a bank check in an amount of seven
9 hundred fifty dollars or less because of value, and the series of
10 transactions are a part of a common scheme or plan, the transactions
11 may be aggregated in one count and the sum of the value of all of the
12 transactions shall be the value considered in determining whether the
13 unlawful issuance of a bank check is to be punished as a class C
14 felony or a gross misdemeanor.

15 (4) Unlawful issuance of a bank check in an amount greater than
16 seven hundred fifty dollars is a class C felony.

17 (5) Unlawful issuance of a bank check in an amount of seven
18 hundred fifty dollars or less is a gross misdemeanor and shall be
19 punished as follows:

20 (a) The court shall order the defendant to make full restitution;

21 (b) The defendant need not be imprisoned, but the court shall
22 impose a fine of up to one thousand one hundred twenty-five dollars
23 for adult offenders. Of the fine imposed, at least three hundred
24 seventy-five dollars or an amount equal to one hundred fifty percent
25 of the amount of the bank check, whichever is greater, shall not be
26 suspended or deferred. Upon conviction for a second offense within
27 any twelve-month period, the court may not suspend or defer any
28 portion of the fine.

29 **Sec. 17.** RCW 9A.56.085 and 2003 c 53 s 76 are each amended to
30 read as follows:

31 (1) Whenever ((~~a person~~)) an adult offender is convicted of a
32 violation of RCW 9A.56.080 or 9A.56.083, the convicting court shall
33 order the person to pay the amount of two thousand dollars for each
34 animal killed or possessed.

35 (2) For the purpose of this section, the term "convicted"
36 includes a plea of guilty, a finding of guilt regardless of whether
37 the imposition of the sentence is deferred or any part of the penalty
38 is suspended, or the levying of a fine.

1 (3) If two or more persons are convicted of any violation of this
2 section, the amount required under this section shall be imposed upon
3 them jointly and severally.

4 (4) The fine in this section shall be imposed in addition to and
5 regardless of any penalty, including fines or costs, that is provided
6 for any violation of this section. The amount imposed by this section
7 shall be included by the court in any pronouncement of sentence and
8 may not be suspended, waived, modified, or deferred in any respect.
9 Nothing in this section may be construed to abridge or alter
10 alternative rights of action or remedies in equity or under common
11 law or statutory law, criminal or civil.

12 (5) A defaulted payment or any installment payment may be
13 collected by any means authorized by law for the enforcement of
14 orders of the court or collection of a fine or costs, including
15 vacation of a deferral of sentencing or of a suspension of sentence.

16 (6) The two thousand dollars additional penalty shall be remitted
17 by the county treasurer to the state treasurer as provided under RCW
18 10.82.070.

19 **Sec. 18.** RCW 9A.88.120 and 2013 c 121 s 5 are each amended to
20 read as follows:

21 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and
22 9A.88.030, (~~a person~~) an adult offender who is either convicted or
23 given a deferred sentence or a deferred prosecution or who has
24 entered into a statutory or nonstatutory diversion agreement as a
25 result of an arrest for violating RCW 9A.88.010, 9A.88.030, or
26 comparable county or municipal ordinances shall be assessed a fifty
27 dollar fee.

28 (b) In addition to penalties set forth in RCW 9A.88.090, (~~a
29 person~~) an adult offender who is either convicted or given a
30 deferred sentence or a deferred prosecution or who has entered into a
31 statutory or nonstatutory diversion agreement as a result of an
32 arrest for violating RCW 9A.88.090 or comparable county or municipal
33 ordinances shall be assessed a fee in the amount of:

34 (i) One thousand five hundred dollars if the defendant has no
35 prior convictions, deferred sentences, deferred prosecutions, or
36 statutory or nonstatutory diversion agreements for this offense;

37 (ii) Two thousand five hundred dollars if the defendant has one
38 prior conviction, deferred sentence, deferred prosecution, or
39 statutory or nonstatutory diversion agreement for this offense; and

1 (iii) Five thousand dollars if the defendant has two or more
2 prior convictions, deferred sentences, deferred prosecutions, or
3 statutory or nonstatutory diversion agreements for this offense.

4 (c) In addition to penalties set forth in RCW 9A.88.110, a person
5 who is either convicted or given a deferred sentence or a deferred
6 prosecution or who has entered into a statutory or nonstatutory
7 diversion agreement as a result of an arrest for violating RCW
8 9A.88.110 or a comparable county or municipal ordinance shall be
9 assessed a fee in the amount of:

10 (i) One thousand five hundred dollars if the defendant has no
11 prior convictions, deferred sentences, deferred prosecutions, or
12 statutory or nonstatutory diversion agreements for this offense;

13 (ii) Two thousand five hundred dollars if the defendant has one
14 prior conviction, deferred sentence, deferred prosecution, or
15 statutory or nonstatutory diversion agreement for this offense; and

16 (iii) Five thousand dollars if the defendant has two or more
17 prior convictions, deferred sentences, deferred prosecutions, or
18 statutory or nonstatutory diversion agreements for this offense.

19 (d) In addition to penalties set forth in RCW 9A.88.070 and
20 9A.88.080, a person who is either convicted or given a deferred
21 sentence or a deferred prosecution or who has entered into a
22 statutory or nonstatutory diversion agreement as a result of an
23 arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county
24 or municipal ordinances shall be assessed a fee in the amount of:

25 (i) Three thousand dollars if the defendant has no prior
26 convictions, deferred sentences, deferred prosecutions, or statutory
27 or nonstatutory diversion agreements for this offense;

28 (ii) Six thousand dollars if the defendant has one prior
29 conviction, deferred sentence, deferred prosecution, or statutory or
30 nonstatutory diversion agreement for this offense; and

31 (iii) Ten thousand dollars if the defendant has two or more prior
32 convictions, deferred sentences, deferred prosecutions, or statutory
33 or nonstatutory diversion agreements for this offense.

34 (2) ~~((When a minor has been adjudicated a juvenile offender or
35 has entered into a statutory or nonstatutory diversion agreement for
36 an offense which, if committed by an adult, would constitute a
37 violation under this chapter or comparable county or municipal
38 ordinances, the court shall assess the fee as specified under
39 subsection (1) of this section.~~

1 ~~(3)~~) The court shall not reduce, waive, or suspend payment of
2 all or part of the assessed fee in this section unless it finds, on
3 the record, that the offender does not have the ability to pay the
4 fee in which case it may reduce the fee by an amount up to two-thirds
5 of the maximum allowable fee.

6 (a) A superior court may, as described in RCW 9.94A.760, set a
7 sum that the offender is required to pay on a monthly basis towards
8 satisfying the fee imposed in this section.

9 (b) A district or municipal court may enter into a payment plan
10 with the defendant, in which the fee assessed in this section is paid
11 through scheduled periodic payments. The court may assess the
12 defendant a reasonable fee for administrative services related to the
13 operation of the payment plan.

14 ~~((4))~~ (3) Fees assessed under this section shall be collected
15 by the clerk of the court and remitted to the treasurer of the county
16 where the offense occurred for deposit in the county general fund,
17 except in cases in which the offense occurred in a city or town that
18 provides for its own law enforcement, in which case these amounts
19 shall be remitted to the treasurer of the city or town for deposit in
20 the general fund of the city or town. Revenue from the fees must be
21 used for local efforts to reduce the commercial sale of sex
22 including, but not limited to, increasing enforcement of commercial
23 sex laws.

24 (a) At least fifty percent of the revenue from fees imposed under
25 this section must be spent on prevention, including education
26 programs for offenders, such as john school, and rehabilitative
27 services for victims, such as mental health and substance abuse
28 counseling, parenting skills, training, housing relief, education,
29 vocational training, drop-in centers, and employment counseling.

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

34 (c) Revenues from these fees are not subject to the distribution
35 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
36 35.20.220.

37 ~~((5))~~ (4) For the purposes of this section:

38 (a) "Statutory or nonstatutory diversion agreement" means an
39 agreement under RCW 13.40.080 or any written agreement between a
40 person accused of an offense listed in subsection (1) of this section

1 and a court, county, or city prosecutor, or designee thereof, whereby
2 the person agrees to fulfill certain conditions in lieu of
3 prosecution.

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

7 **Sec. 19.** RCW 9A.88.140 and 2013 c 121 s 6 are each amended to
8 read as follows:

9 (1)(a) Upon an arrest for a suspected violation of patronizing a
10 prostitute, promoting prostitution in the first degree, promoting
11 prostitution in the second degree, promoting travel for prostitution,
12 the arresting law enforcement officer may impound the person's
13 vehicle if (i) the motor vehicle was used in the commission of the
14 crime; (ii) the person arrested is the owner of the vehicle or the
15 vehicle is a rental car as defined in RCW 46.04.465; and (iii) either
16 (A) the person arrested has previously been convicted of one of the
17 offenses listed in this subsection or (B) the offense was committed
18 within an area designated under (b) of this subsection.

19 (b) A local governing authority may designate areas within which
20 vehicles are subject to impoundment under this section regardless of
21 whether the person arrested has previously been convicted of any of
22 the offenses listed in (a) of this subsection.

23 (i) The designation must be based on evidence indicating that the
24 area has a disproportionately higher number of arrests for the
25 offenses listed in (a) of this subsection as compared to other areas
26 within the same jurisdiction.

27 (ii) The local governing authority shall post signs at the
28 boundaries of the designated area to indicate that the area has been
29 designated under this subsection.

30 (2) Upon an arrest for a suspected violation of commercial sexual
31 abuse of a minor, promoting commercial sexual abuse of a minor, or
32 promoting travel for commercial sexual abuse of a minor, the
33 arresting law enforcement officer shall impound the person's vehicle
34 if (a) the motor vehicle was used in the commission of the crime; and
35 (b) the person arrested is the owner of the vehicle or the vehicle is
36 a rental car as defined in RCW 46.04.465.

37 (3) Impoundments performed under this section shall be in
38 accordance with chapter 46.55 RCW and the impoundment order must
39 clearly state "prostitution hold."

1 (4)(a) Prior to redeeming the impounded vehicle, and in addition
2 to all applicable impoundment, towing, and storage fees paid to the
3 towing company under chapter 46.55 RCW, ((the)) an adult owner of
4 ((the)) an impounded vehicle must pay a fine to the impounding
5 agency. The fine shall be five hundred dollars for the offenses
6 specified in subsection (1) of this section, or two thousand five
7 hundred dollars for the offenses specified in subsection (2) of this
8 section.

9 (b) Upon receipt of the fine paid under (a) of this subsection,
10 the impounding agency shall issue a written receipt to the owner of
11 the impounded vehicle.

12 (c) Fines assessed under this section shall be collected by the
13 clerk of the court and remitted to the treasurer of the county where
14 the offense occurred for deposit in the county general fund, except
15 in cases in which the offense occurred in a city or town that
16 provides for its own law enforcement, in which case these amounts
17 shall be remitted to the treasurer of the city or town for deposit in
18 the general fund of the city or town. Revenue from the fines must be
19 used for local efforts to reduce the commercial sale of sex
20 including, but not limited to, increasing enforcement of commercial
21 sex laws.

22 (i) At least fifty percent of the revenue from fines imposed
23 under this section must be spent on prevention, including education
24 programs for offenders, such as john school, and rehabilitative
25 services for victims, such as mental health and substance abuse
26 counseling, parenting skills, training, housing relief, education,
27 vocational training, drop-in centers, and employment counseling.

28 (ii) Two percent of the revenue from fines imposed under this
29 section shall be remitted quarterly to the department of commerce,
30 together with a report detailing the fees assessed, the revenue
31 received, and how that revenue was spent.

32 (iii) Revenues from these fees are not subject to the
33 distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040,
34 10.82.070, or 35.20.220.

35 (5)(a) In order to redeem a vehicle impounded under this section,
36 the owner must provide the towing company with the written receipt
37 issued under subsection (4)(b) of this section.

38 (b) The written receipt issued under subsection (4)(b) of this
39 section authorizes the towing company to release the impounded
40 vehicle upon payment of all impoundment, towing, and storage fees.

1 (c) A towing company that relies on a forged receipt to release a
2 vehicle impounded under this section is not liable to the impounding
3 authority for any unpaid fine under subsection (4)(a) of this
4 section.

5 (6)(a) In any proceeding under chapter 46.55 RCW to contest the
6 validity of an impoundment under this section where the claimant
7 substantially prevails, the claimant is entitled to a full refund of
8 the impoundment, towing, and storage fees paid under chapter 46.55
9 RCW and the five hundred dollar fine paid under subsection (4) of
10 this section.

11 (b) If the person is found not guilty at trial for a crime listed
12 under subsection (1) of this section, the person is entitled to a
13 full refund of the impoundment, towing, and storage fees paid under
14 chapter 46.55 RCW and the fine paid under subsection (4) of this
15 section.

16 (c) All refunds made under this section shall be paid by the
17 impounding agency.

18 (d) Prior to receiving any refund under this section, the
19 claimant must provide proof of payment.

20 **Sec. 20.** RCW 10.73.160 and 1995 c 275 s 3 are each amended to
21 read as follows:

22 (1) The court of appeals, supreme court, and superior courts may
23 require an adult (~~((or a juvenile))~~) offender convicted of an offense
24 (~~((or the parents or another person legally obligated to support a~~
25 ~~juvenile offender))~~) to pay appellate costs.

26 (2) Appellate costs are limited to expenses specifically incurred
27 by the state in prosecuting or defending an appeal or collateral
28 attack from a criminal conviction (~~((or sentence or a juvenile~~
29 ~~offender conviction or disposition))~~). Appellate costs shall not
30 include expenditures to maintain and operate government agencies that
31 must be made irrespective of specific violations of the law. Expenses
32 incurred for producing a verbatim report of proceedings and clerk's
33 papers may be included in costs the court may require a convicted
34 defendant (~~((or juvenile offender))~~) to pay.

35 (3) Costs, including recoupment of fees for court-appointed
36 counsel, shall be requested in accordance with the procedures
37 contained in Title 14 of the rules of appellate procedure and in
38 Title 9 of the rules for appeal of decisions of courts of limited
39 jurisdiction. An award of costs shall become part of the trial court

1 judgment and sentence. (~~An award of costs in juvenile cases shall~~
2 ~~also become part of any order previously entered in the trial court~~
3 ~~pursuant to RCW 13.40.145.~~)

4 (4) A defendant (~~or juvenile offender~~) who has been sentenced
5 to pay costs and who is not in contumacious default in the payment
6 may at any time petition the court that sentenced the defendant or
7 juvenile offender for remission of the payment of costs or of any
8 unpaid portion. If it appears to the satisfaction of the sentencing
9 court that payment of the amount due will impose manifest hardship on
10 the defendant(~~(r)~~) or the defendant's immediate family(~~(r, or the~~
11 ~~juvenile offender)~~), the sentencing court may remit all or part of
12 the amount due in costs, or modify the method of payment under RCW
13 10.01.170.

14 (5) The parents or another person legally obligated to support a
15 juvenile offender who has been ordered to pay appellate costs
16 pursuant to RCW 13.40.145 and who is not in contumacious default in
17 the payment may at any time petition the court that sentenced the
18 juvenile offender for remission of the payment of costs or of any
19 unpaid portion. If it appears to the satisfaction of the sentencing
20 court that payment of the amount due will impose manifest hardship on
21 the parents or another person legally obligated to support a juvenile
22 offender or on their immediate families, the sentencing court may
23 remit all or part of the amount due in costs, or may modify the
24 method of payment.

25 **Sec. 21.** RCW 10.82.090 and 2011 c 106 s 2 are each amended to
26 read as follows:

27 (1) Except as provided in subsection (2) of this section,
28 financial obligations imposed in a judgment shall bear interest from
29 the date of the judgment until payment, at the rate applicable to
30 civil judgments. All nonrestitution interest retained by the court
31 shall be split twenty-five percent to the state treasurer for deposit
32 in the state general fund, twenty-five percent to the state treasurer
33 for deposit in the judicial information system account as provided in
34 RCW 2.68.020, twenty-five percent to the county current expense fund,
35 and twenty-five percent to the county current expense fund to fund
36 local courts.

37 (2) The court may, on motion by the offender, following the
38 offender's release from total confinement, reduce or waive the

1 interest on legal financial obligations levied as a result of a
2 criminal conviction as follows:

3 (a) The court shall waive all interest on the portions of the
4 legal financial obligations that are not restitution that accrued
5 during the term of total confinement for the conviction giving rise
6 to the financial obligations, provided the offender shows that the
7 interest creates a hardship for the offender or his or her immediate
8 family;

9 (b) The court may reduce interest on the restitution portion of
10 the legal financial obligations only if the principal has been paid
11 in full;

12 (c) The court may otherwise reduce or waive the interest on the
13 portions of the legal financial obligations that are not restitution
14 if the offender shows that he or she has personally made a good faith
15 effort to pay and that the interest accrual is causing a significant
16 hardship. For purposes of this section, "good faith effort" means
17 that the offender has either (i) paid the principal amount in full;
18 or (ii) made at least fifteen monthly payments within an eighteen-
19 month period, excluding any payments mandatorily deducted by the
20 department of corrections;

21 (d) For purposes of (a) through (c) of this subsection, the court
22 may reduce or waive interest on legal financial obligations only as
23 an incentive for the offender to meet his or her legal financial
24 obligations. The court may grant the motion, establish a payment
25 schedule, and retain jurisdiction over the offender for purposes of
26 reviewing and revising the reduction or waiver of interest.

27 (3) This section only applies to (~~persons convicted as adults or~~
28 ~~adjudicated in juvenile court~~) adult offenders.

29 **Sec. 22.** RCW 10.99.080 and 2004 c 15 s 2 are each amended to
30 read as follows:

31 (1) All superior courts, and courts organized under Title 3 or 35
32 RCW, may impose a penalty assessment not to exceed one hundred
33 dollars on any (~~person~~) adult offender convicted of a crime
34 involving domestic violence. The assessment shall be in addition to,
35 and shall not supersede, any other penalty, restitution, fines, or
36 costs provided by law.

37 (2) Revenue from the assessment shall be used solely for the
38 purposes of establishing and funding domestic violence advocacy and
39 domestic violence prevention and prosecution programs in the city or

1 county of the court imposing the assessment. Revenue from the
2 assessment shall not be used for indigent criminal defense. If the
3 city or county does not have domestic violence advocacy or domestic
4 violence prevention and prosecution programs, cities and counties may
5 use the revenue collected from the assessment to contract with
6 recognized community-based domestic violence program providers.

7 (3) The assessment imposed under this section shall not be
8 subject to any state or local remittance requirements under chapter
9 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

10 (4) For the purposes of this section, "convicted" includes a plea
11 of guilty, a finding of guilt regardless of whether the imposition of
12 the sentence is deferred or any part of the penalty is suspended, or
13 the levying of a fine. For the purposes of this section, "domestic
14 violence" has the same meaning as that term is defined under RCW
15 10.99.020 and includes violations of equivalent local ordinances.

16 (5) When determining whether to impose a penalty assessment under
17 this section, judges are encouraged to solicit input from the victim
18 or representatives for the victim in assessing the ability of the
19 convicted offender to pay the penalty, including information
20 regarding current financial obligations, family circumstances, and
21 ongoing restitution.

22 **Sec. 23.** RCW 13.40.080 and 2014 c 128 s 5 are each amended to
23 read as follows:

24 (1) A diversion agreement shall be a contract between a juvenile
25 accused of an offense and a diversion unit whereby the juvenile
26 agrees to fulfill certain conditions in lieu of prosecution. Such
27 agreements may be entered into only after the prosecutor, or
28 probation counselor pursuant to this chapter, has determined that
29 probable cause exists to believe that a crime has been committed and
30 that the juvenile committed it. Such agreements shall be entered into
31 as expeditiously as possible.

32 (2) A diversion agreement shall be limited to one or more of the
33 following:

34 (a) Community restitution not to exceed one hundred fifty hours,
35 not to be performed during school hours if the juvenile is attending
36 school;

37 (b) Restitution limited to the amount of actual loss incurred by
38 any victim;

1 (c) Attendance at up to ten hours of counseling and/or up to
2 twenty hours of educational or informational sessions at a community
3 agency. The educational or informational sessions may include
4 sessions relating to respect for self, others, and authority; victim
5 awareness; accountability; self-worth; responsibility; work ethics;
6 good citizenship; literacy; and life skills. If an assessment
7 identifies mental health or chemical dependency needs, a youth may
8 access up to thirty hours of counseling. The counseling sessions may
9 include services demonstrated to improve behavioral health and reduce
10 recidivism. For purposes of this section, "community agency" may also
11 mean a community-based nonprofit organization, a physician, a
12 counselor, a school, or a treatment provider, if approved by the
13 diversion unit. The state shall not be liable for costs resulting
14 from the diversion unit exercising the option to permit diversion
15 agreements to mandate attendance at up to thirty hours of counseling
16 and/or up to twenty hours of educational or informational sessions;

17 (~~(d) ((A fine, not to exceed one hundred dollars;~~
18 ~~(e))~~) Requirements to remain during specified hours at home,
19 school, or work, and restrictions on leaving or entering specified
20 geographical areas; and

21 ~~((f))~~ (e) Upon request of any victim or witness, requirements
22 to refrain from any contact with victims or witnesses of offenses
23 committed by the juvenile.

24 (3) Notwithstanding the provisions of subsection (2) of this
25 section, youth courts are not limited to the conditions imposed by
26 subsection (2) of this section in imposing sanctions on juveniles
27 pursuant to RCW 13.40.630.

28 (4) In assessing periods of community restitution to be performed
29 and restitution to be paid by a juvenile who has entered into a
30 diversion agreement, the court officer to whom this task is assigned
31 shall consult with the juvenile's custodial parent or parents or
32 guardian. To the extent possible, the court officer shall advise the
33 victims of the juvenile offender of the diversion process, offer
34 victim impact letter forms and restitution claim forms, and involve
35 members of the community. Such members of the community shall meet
36 with the juvenile and advise the court officer as to the terms of the
37 diversion agreement and shall supervise the juvenile in carrying out
38 its terms.

1 (5)(a) A diversion agreement may not exceed a period of six
2 months and may include a period extending beyond the eighteenth
3 birthday of the diverttee.

4 (b) If additional time is necessary for the juvenile to complete
5 restitution to a victim, the time period limitations of this
6 subsection may be extended by an additional six months.

7 (c) If the juvenile has not paid the full amount of restitution
8 by the end of the additional six-month period, then the juvenile
9 shall be referred to the juvenile court for entry of ~~((an))~~ a civil
10 order establishing the amount of restitution still owed to the
11 victim. In this order, the court shall also determine the terms and
12 conditions of the restitution, including a payment plan extending up
13 to ten years if the court determines that the juvenile does not have
14 the means to make full restitution over a shorter period. For the
15 purposes of this subsection (5)(c), the juvenile shall remain under
16 the court's jurisdiction for a maximum term of ten years after the
17 juvenile's eighteenth birthday. Prior to the expiration of the
18 initial ten-year period, the juvenile court may extend the judgment
19 for restitution an additional ten years. The court may relieve the
20 juvenile of the requirement to pay full or partial restitution if the
21 juvenile reasonably satisfies the court that he or she does not have
22 the means to make full or partial restitution and could not
23 reasonably acquire the means to pay the restitution over a ten-year
24 period. If the court relieves the juvenile of the requirement to pay
25 full or partial restitution, the court may order an amount of
26 community restitution that the court deems appropriate. The county
27 clerk shall make disbursements to victims named in the order. The
28 restitution to victims named in the order shall be paid prior to any
29 payment for other penalties or monetary assessments. A juvenile under
30 obligation to pay restitution may petition the court for modification
31 of the restitution order.

32 (6) The juvenile shall retain the right to be referred to the
33 court at any time prior to the signing of the diversion agreement.

34 (7) Diverttees and potential diverttees shall be afforded due
35 process in all contacts with a diversion unit regardless of whether
36 the juveniles are accepted for diversion or whether the diversion
37 program is successfully completed. Such due process shall include,
38 but not be limited to, the following:

39 (a) A written diversion agreement shall be executed stating all
40 conditions in clearly understandable language;

1 (b) Violation of the terms of the agreement shall be the only
2 grounds for termination;

3 (c) No divertee may be terminated from a diversion program
4 without being given a court hearing, which hearing shall be preceded
5 by:

6 (i) Written notice of alleged violations of the conditions of the
7 diversion program; and

8 (ii) Disclosure of all evidence to be offered against the
9 divertee;

10 (d) The hearing shall be conducted by the juvenile court and
11 shall include:

12 (i) Opportunity to be heard in person and to present evidence;

13 (ii) The right to confront and cross-examine all adverse
14 witnesses;

15 (iii) A written statement by the court as to the evidence relied
16 on and the reasons for termination, should that be the decision; and

17 (iv) Demonstration by evidence that the divertee has
18 substantially violated the terms of his or her diversion agreement;

19 (e) The prosecutor may file an information on the offense for
20 which the divertee was diverted:

21 (i) In juvenile court if the divertee is under eighteen years of
22 age; or

23 (ii) In superior court or the appropriate court of limited
24 jurisdiction if the divertee is eighteen years of age or older.

25 (8) The diversion unit shall, subject to available funds, be
26 responsible for providing interpreters when juveniles need
27 interpreters to effectively communicate during diversion unit
28 hearings or negotiations.

29 (9) The diversion unit shall be responsible for advising a
30 divertee of his or her rights as provided in this chapter.

31 (10) The diversion unit may refer a juvenile to a restorative
32 justice program, community-based counseling, or treatment programs.

33 (11) The right to counsel shall inure prior to the initial
34 interview for purposes of advising the juvenile as to whether he or
35 she desires to participate in the diversion process or to appear in
36 the juvenile court. The juvenile may be represented by counsel at any
37 critical stage of the diversion process, including intake interviews
38 and termination hearings. The juvenile shall be fully advised at the
39 intake of his or her right to an attorney and of the relevant
40 services an attorney can provide. For the purpose of this section,

1 intake interviews mean all interviews regarding the diversion
2 agreement process.

3 The juvenile shall be advised that a diversion agreement shall
4 constitute a part of the juvenile's criminal history as defined by
5 RCW 13.40.020(~~(7)~~) (8). A signed acknowledgment of such advisement
6 shall be obtained from the juvenile, and the document shall be
7 maintained by the diversion unit together with the diversion
8 agreement, and a copy of both documents shall be delivered to the
9 prosecutor if requested by the prosecutor. The supreme court shall
10 promulgate rules setting forth the content of such advisement in
11 simple language.

12 (12) When a juvenile enters into a diversion agreement, the
13 juvenile court may receive only the following information for
14 dispositional purposes:

- 15 (a) The fact that a charge or charges were made;
- 16 (b) The fact that a diversion agreement was entered into;
- 17 (c) The juvenile's obligations under such agreement;
- 18 (d) Whether the alleged offender performed his or her obligations
19 under such agreement; and
- 20 (e) The facts of the alleged offense.

21 (13) A diversion unit may refuse to enter into a diversion
22 agreement with a juvenile. When a diversion unit refuses to enter a
23 diversion agreement with a juvenile, it shall immediately refer such
24 juvenile to the court for action and shall forward to the court the
25 criminal complaint and a detailed statement of its reasons for
26 refusing to enter into a diversion agreement. The diversion unit
27 shall also immediately refer the case to the prosecuting attorney for
28 action if such juvenile violates the terms of the diversion
29 agreement.

30 (14) A diversion unit may, in instances where it determines that
31 the act or omission of an act for which a juvenile has been referred
32 to it involved no victim, or where it determines that the juvenile
33 referred to it has no prior criminal history and is alleged to have
34 committed an illegal act involving no threat of or instance of actual
35 physical harm and involving not more than fifty dollars in property
36 loss or damage and that there is no loss outstanding to the person or
37 firm suffering such damage or loss, counsel and release or release
38 such a juvenile without entering into a diversion agreement. A
39 diversion unit's authority to counsel and release a juvenile under
40 this subsection includes the authority to refer the juvenile to

1 community-based counseling or treatment programs or a restorative
2 justice program. Any juvenile released under this subsection shall be
3 advised that the act or omission of any act for which he or she had
4 been referred shall constitute a part of the juvenile's criminal
5 history as defined by RCW 13.40.020(~~(+7)~~) (8). A signed
6 acknowledgment of such advisement shall be obtained from the
7 juvenile, and the document shall be maintained by the unit, and a
8 copy of the document shall be delivered to the prosecutor if
9 requested by the prosecutor. The supreme court shall promulgate rules
10 setting forth the content of such advisement in simple language. A
11 juvenile determined to be eligible by a diversion unit for release as
12 provided in this subsection shall retain the same right to counsel
13 and right to have his or her case referred to the court for formal
14 action as any other juvenile referred to the unit.

15 (15) A diversion unit may supervise the fulfillment of a
16 diversion agreement entered into before the juvenile's eighteenth
17 birthday and which includes a period extending beyond the divertee's
18 eighteenth birthday.

19 (16) If (~~(a fine)~~) restitution required by a diversion agreement
20 cannot reasonably be paid due to a change of circumstance, the
21 diversion agreement may be modified at the request of the divertee
22 and with the concurrence of the diversion unit to convert (~~(an)~~)
23 unpaid (~~(fine)~~) restitution into community restitution. The
24 modification of the diversion agreement shall be in writing and
25 signed by the divertee and the diversion unit. The number of hours of
26 community restitution in lieu of a monetary penalty shall be
27 converted at the rate of the prevailing state minimum wage per hour.

28 (~~((17) Fines imposed under this section shall be collected and
29 paid into the county general fund in accordance with procedures
30 established by the juvenile court administrator under RCW 13.04.040
31 and may be used only for juvenile services. In the expenditure of
32 funds for juvenile services, there shall be a maintenance of effort
33 whereby counties exhaust existing resources before using amounts
34 collected under this section.))~~)

35 **Sec. 24.** RCW 13.40.127 and 2014 c 175 s 6 and 2014 c 117 s 2 are
36 each reenacted and amended to read as follows:

37 (1) A juvenile is eligible for deferred disposition unless he or
38 she:

39 (a) Is charged with a sex or violent offense;

1 (b) Has a criminal history which includes any felony;

2 (c) Has a prior deferred disposition or deferred adjudication; or

3 (d) Has two or more adjudications.

4 (2) The juvenile court may, upon motion at least fourteen days
5 before commencement of trial and, after consulting the juvenile's
6 custodial parent or parents or guardian and with the consent of the
7 juvenile, continue the case for disposition for a period not to
8 exceed one year from the date the juvenile is found guilty. The court
9 shall consider whether the offender and the community will benefit
10 from a deferred disposition before deferring the disposition. The
11 court may waive the fourteen-day period anytime before the
12 commencement of trial for good cause.

13 (3) Any juvenile who agrees to a deferral of disposition shall:

14 (a) Stipulate to the admissibility of the facts contained in the
15 written police report;

16 (b) Acknowledge that the report will be entered and used to
17 support a finding of guilt and to impose a disposition if the
18 juvenile fails to comply with terms of supervision;

19 (c) Waive the following rights to: (i) A speedy disposition; and
20 (ii) call and confront witnesses; and

21 (d) Acknowledge the direct consequences of being found guilty and
22 the direct consequences that will happen if an order of disposition
23 is entered.

24 The adjudicatory hearing shall be limited to a reading of the
25 court's record.

26 (4) Following the stipulation, acknowledgment, waiver, and entry
27 of a finding or plea of guilt, the court shall defer entry of an
28 order of disposition of the juvenile.

29 (5) Any juvenile granted a deferral of disposition under this
30 section shall be placed under community supervision. The court may
31 impose any conditions of supervision that it deems appropriate
32 including posting a probation bond. Payment of restitution under RCW
33 13.40.190 shall be a condition of community supervision under this
34 section.

35 The court may require a juvenile offender convicted of animal
36 cruelty in the first degree to submit to a mental health evaluation
37 to determine if the offender would benefit from treatment and such
38 intervention would promote the safety of the community. After
39 consideration of the results of the evaluation, as a condition of

1 community supervision, the court may order the offender to attend
2 treatment to address issues pertinent to the offense.

3 The court may require the juvenile to undergo a mental health or
4 substance abuse assessment, or both. If the assessment identifies a
5 need for treatment, conditions of supervision may include treatment
6 for the assessed need that has been demonstrated to improve
7 behavioral health and reduce recidivism.

8 The court shall require a juvenile granted a deferral of
9 disposition for unlawful possession of a firearm in violation of RCW
10 9.41.040 to participate in a qualifying program as described in RCW
11 13.40.193(2)(b), when available, unless the court makes a written
12 finding based on the outcome of the juvenile court risk assessment
13 that participation in a qualifying program would not be appropriate.

14 (6) A parent who signed for a probation bond has the right to
15 notify the counselor if the juvenile fails to comply with the bond or
16 conditions of supervision. The counselor shall notify the court and
17 surety of any failure to comply. A surety shall notify the court of
18 the juvenile's failure to comply with the probation bond. The state
19 shall bear the burden to prove, by a preponderance of the evidence,
20 that the juvenile has failed to comply with the terms of community
21 supervision.

22 (7)(a) Anytime prior to the conclusion of the period of
23 supervision, the prosecutor or the juvenile's juvenile court
24 community supervision counselor may file a motion with the court
25 requesting the court revoke the deferred disposition based on the
26 juvenile's lack of compliance or treat the juvenile's lack of
27 compliance as a violation pursuant to RCW 13.40.200.

28 (b) If the court finds the juvenile failed to comply with the
29 terms of the deferred disposition, the court may:

30 (i) Revoke the deferred disposition and enter an order of
31 disposition; or

32 (ii) Impose sanctions for the violation pursuant to RCW
33 13.40.200.

34 (8) At any time following deferral of disposition the court may,
35 following a hearing, continue supervision for an additional one-year
36 period for good cause.

37 (9)(a) At the conclusion of the period of supervision, the court
38 shall determine whether the juvenile is entitled to dismissal of the
39 deferred disposition only when the court finds:

40 (i) The deferred disposition has not been previously revoked;

1 (ii) The juvenile has completed the terms of supervision;
2 (iii) There are no pending motions concerning lack of compliance
3 pursuant to subsection (7) of this section; and
4 (iv) The juvenile has either paid the full amount of restitution,
5 or, made a good faith effort to pay the full amount of restitution
6 during the period of supervision.

7 (b) If the court finds the juvenile is entitled to dismissal of
8 the deferred disposition pursuant to (a) of this subsection, the
9 juvenile's conviction shall be vacated and the court shall dismiss
10 the case with prejudice, except that a conviction under RCW 16.52.205
11 shall not be vacated. Whenever a case is dismissed with restitution
12 still owing, the court shall enter a restitution order pursuant to
13 RCW (~~(13.40.190)~~) 7.80.130 for any unpaid restitution. Jurisdiction
14 to enforce payment and modify terms of the restitution order shall be
15 the same as those set forth in RCW (~~(13.40.190)~~) 7.80.130.

16 (c) If the court finds the juvenile is not entitled to dismissal
17 of the deferred disposition pursuant to (a) of this subsection, the
18 court shall revoke the deferred disposition and enter an order of
19 disposition. A deferred disposition shall remain a conviction unless
20 the case is dismissed and the conviction is vacated pursuant to (b)
21 of this subsection or sealed pursuant to RCW 13.50.260.

22 (10)(a)(i) Any time the court vacates a conviction pursuant to
23 subsection (9) of this section, if the juvenile is eighteen years of
24 age or older (~~(and the full amount of restitution ordered has been~~
25 ~~paid)~~), the court shall enter a written order sealing the case.

26 (ii) Any time the court vacates a conviction pursuant to
27 subsection (9) of this section, if the juvenile is not eighteen years
28 of age or older and full restitution ordered has been paid, the court
29 shall schedule an administrative sealing hearing to take place no
30 later than thirty days after the respondent's eighteenth birthday, at
31 which time the court shall enter a written order sealing the case.
32 The respondent's presence at the administrative sealing hearing is
33 not required.

34 (iii) Any deferred disposition vacated prior to June 7, 2012, is
35 not subject to sealing under this subsection.

36 (b) Nothing in this subsection shall preclude a juvenile from
37 petitioning the court to have the records of his or her deferred
38 dispositions sealed under RCW 13.50.260.

39 (c) Records sealed under this provision shall have the same legal
40 status as records sealed under RCW 13.50.260.

1 **Sec. 25.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to
2 read as follows:

3 (1) Revenue collected under this section is not subject to
4 division under RCW 36.18.025 or 27.24.070.

5 (2)(a) For the filing of a petition for modification of a decree
6 of dissolution or paternity, within the same case as the original
7 action, and any party filing a counterclaim, cross-claim, or third-
8 party claim in any such action, a fee of thirty-six dollars must be
9 paid.

10 (b) The party filing the first or initial petition for
11 dissolution, legal separation, or declaration concerning the validity
12 of marriage shall pay, at the time and in addition to the filing fee
13 required under RCW 36.18.020, a fee of thirty dollars. The clerk of
14 the superior court shall transmit monthly twenty-four dollars of the
15 thirty dollar fee collected under this subsection to the state
16 treasury for deposit in the domestic violence prevention account. The
17 remaining six dollars shall be retained by the county for the purpose
18 of supporting community-based services within the county for victims
19 of domestic violence, except for five percent of the six dollars,
20 which may be retained by the court for administrative purposes.

21 (3)(a) The party making a demand for a jury of six in a civil
22 action shall pay, at the time, a fee of one hundred twenty-five
23 dollars; if the demand is for a jury of twelve, a fee of two hundred
24 fifty dollars. If, after the party demands a jury of six and pays the
25 required fee, any other party to the action requests a jury of
26 twelve, an additional one hundred twenty-five dollar fee will be
27 required of the party demanding the increased number of jurors.

28 (b) Upon conviction in criminal cases a jury demand charge of one
29 hundred twenty-five dollars for a jury of six, or two hundred fifty
30 dollars for a jury of twelve may be imposed as costs under RCW
31 10.46.190.

32 (4) For preparing a certified copy of an instrument on file or of
33 record in the clerk's office, for the first page or portion of the
34 first page, a fee of five dollars, and for each additional page or
35 portion of a page, a fee of one dollar must be charged. For
36 authenticating or exemplifying an instrument, a fee of two dollars
37 for each additional seal affixed must be charged. For preparing a
38 copy of an instrument on file or of record in the clerk's office
39 without a seal, a fee of fifty cents per page must be charged. When
40 copying a document without a seal or file that is in an electronic

1 format, a fee of twenty-five cents per page must be charged. For
2 copies made on a compact disc, an additional fee of twenty dollars
3 for each compact disc must be charged.

4 (5) For executing a certificate, with or without a seal, a fee of
5 two dollars must be charged.

6 (6) For a garnishee defendant named in an affidavit for
7 garnishment and for a writ of attachment, a fee of twenty dollars
8 must be charged.

9 (7) For filing a supplemental proceeding, a fee of twenty dollars
10 must be charged.

11 (8) For approving a bond, including justification on the bond, in
12 other than civil actions and probate proceedings, a fee of two
13 dollars must be charged.

14 (9) For the issuance of a certificate of qualification and a
15 certified copy of letters of administration, letters testamentary, or
16 letters of guardianship, there must be a fee of five dollars.

17 (10) For the preparation of a passport application, the clerk may
18 collect an execution fee as authorized by the federal government.

19 (11) For clerk's services such as performing historical searches,
20 compiling statistical reports, and conducting exceptional record
21 searches, the clerk may collect a fee not to exceed thirty dollars
22 per hour.

23 (12) For processing ex parte orders, the clerk may collect a fee
24 of thirty dollars.

25 (13) For duplicated recordings of court's proceedings there must
26 be a fee of ten dollars for each audio tape and twenty-five dollars
27 for each video tape or other electronic storage medium.

28 (14) For registration of land titles, Torrens Act, under RCW
29 65.12.780, a fee of twenty dollars must be charged.

30 (15) For the issuance of extension of judgment under RCW 6.17.020
31 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
32 When the extension of judgment is at the request of the clerk, the
33 two hundred dollar charge may be imposed as court costs under RCW
34 10.46.190.

35 (16) A facilitator surcharge of up to twenty dollars must be
36 charged as authorized under RCW 26.12.240.

37 (17) For filing (~~a water rights statement~~) an adjudication
38 claim under RCW 90.03.180, a fee of twenty-five dollars must be
39 charged.

1 (18) For filing a claim of frivolous lien under RCW 60.04.081, a
2 fee of thirty-five dollars must be charged.

3 (19) For preparation of a change of venue, a fee of twenty
4 dollars must be charged by the originating court in addition to the
5 per page charges in subsection (4) of this section.

6 (20) A service fee of five dollars for the first page and one
7 dollar for each additional page must be charged for receiving faxed
8 documents, pursuant to Washington state rules of court, general rule
9 17.

10 (21) For preparation of clerk's papers under RAP 9.7, a fee of
11 fifty cents per page must be charged.

12 (22) For copies and reports produced at the local level as
13 permitted by RCW 2.68.020 and supreme court policy, a variable fee
14 must be charged.

15 (23) Investment service charge and earnings under RCW 36.48.090
16 must be charged.

17 (24) Costs for nonstatutory services rendered by clerk by
18 authority of local ordinance or policy must be charged.

19 (25) For filing a request for mandatory arbitration, a filing fee
20 may be assessed against the party filing a statement of arbitrability
21 not to exceed two hundred twenty dollars as established by authority
22 of local ordinance. This charge shall be used solely to offset the
23 cost of the mandatory arbitration program.

24 (26) For filing a request for trial de novo of an arbitration
25 award, a fee not to exceed two hundred fifty dollars as established
26 by authority of local ordinance must be charged.

27 (27) A public agency may not charge a fee to a law enforcement
28 agency, for preparation, copying, or mailing of certified copies of
29 the judgment and sentence, information, affidavit of probable cause,
30 and/or the notice of requirement to register, of a sex offender
31 convicted in a Washington court, when such records are necessary for
32 risk assessment, preparation of a case for failure to register, or
33 maintenance of a sex offender's registration file.

34 (28) For the filing of a will or codicil under the provisions of
35 chapter 11.12 RCW, a fee of twenty dollars must be charged.

36 (29) For the collection of an adult offender's unpaid legal
37 financial obligations, the clerk may impose an annual fee of up to
38 one hundred dollars, pursuant to RCW 9.94A.780.

1 (30) A surcharge of up to twenty dollars may be charged in
2 dissolution and legal separation actions as authorized by RCW
3 26.12.260.

4 The revenue to counties from the fees established in this section
5 shall be deemed to be complete reimbursement from the state for the
6 state's share of benefits paid to the superior court judges of the
7 state prior to July 24, 2005, and no claim shall lie against the
8 state for such benefits.

9 **Sec. 26.** RCW 36.18.020 and 2013 2nd sp.s. c 7 s 3 are each
10 amended to read as follows:

11 (1) Revenue collected under this section is subject to division
12 with the state under RCW 36.18.025 and with the county or regional
13 law library fund under RCW 27.24.070, except as provided in
14 subsection (5) of this section.

15 (2) Clerks of superior courts shall collect the following fees
16 for their official services:

17 (a) In addition to any other fee required by law, the party
18 filing the first or initial document in any civil action, including,
19 but not limited to an action for restitution, adoption, or change of
20 name, and any party filing a counterclaim, cross-claim, or third-
21 party claim in any such civil action, shall pay, at the time the
22 document is filed, a fee of two hundred dollars except, in an
23 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
24 the plaintiff shall pay a case initiating filing fee of forty-five
25 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
26 violation of the compulsory attendance laws where the petitioner
27 shall not pay a filing fee. The forty-five dollar filing fee under
28 this subsection for an unlawful detainer action shall not include an
29 order to show cause or any other order or judgment except a default
30 order or default judgment in an unlawful detainer action.

31 (b) Any party, except a defendant in a criminal case, filing the
32 first or initial document on an appeal from a court of limited
33 jurisdiction or any party on any civil appeal, shall pay, when the
34 document is filed, a fee of two hundred dollars.

35 (c) For filing of a petition for judicial review as required
36 under RCW 34.05.514 a filing fee of two hundred dollars.

37 (d) For filing of a petition for unlawful harassment under RCW
38 10.14.040 a filing fee of fifty-three dollars.

1 (e) For filing the notice of debt due for the compensation of a
2 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

3 (f) In probate proceedings, the party instituting such
4 proceedings, shall pay at the time of filing the first document
5 therein, a fee of two hundred dollars.

6 (g) For filing any petition to contest a will admitted to probate
7 or a petition to admit a will which has been rejected, or a petition
8 objecting to a written agreement or memorandum as provided in RCW
9 11.96A.220, there shall be paid a fee of two hundred dollars.

10 (h) Upon conviction or plea of guilty, upon failure to prosecute
11 an appeal from a court of limited jurisdiction as provided by law, or
12 upon affirmance of a conviction by a court of limited jurisdiction,
13 ((a)) an adult defendant in a criminal case shall be liable for a fee
14 of two hundred dollars.

15 (i) With the exception of demands for jury hereafter made and
16 garnishments hereafter issued, civil actions and probate proceedings
17 filed prior to midnight, July 1, 1972, shall be completed and
18 governed by the fee schedule in effect as of January 1, 1972.
19 However, no fee shall be assessed if an order of dismissal on the
20 clerk's record be filed as provided by rule of the supreme court.

21 (3) No fee shall be collected when a petition for relinquishment
22 of parental rights is filed pursuant to RCW 26.33.080 or for forms
23 and instructional brochures provided under RCW 26.50.030.

24 (4) No fee shall be collected when an abstract of judgment is
25 filed by the county clerk of another county for the purposes of
26 collection of legal financial obligations.

27 (5)(a) Until July 1, 2017, in addition to the fees required to be
28 collected under this section, clerks of the superior courts must
29 collect surcharges as provided in this subsection (5) of which
30 seventy-five percent must be remitted to the state treasurer for
31 deposit in the judicial stabilization trust account and twenty-five
32 percent must be retained by the county.

33 (b) On filing fees required to be collected under subsection
34 (2)(b) of this section, a surcharge of thirty dollars must be
35 collected.

36 (c) On all filing fees required to be collected under this
37 section, except for fees required under subsection (2)(b), (d), and
38 (h) of this section, a surcharge of forty dollars must be collected.

1 **Sec. 27.** RCW 36.18.040 and 1992 c 164 s 1 are each amended to
2 read as follows:

3 (1) Sheriffs shall collect the following fees for their official
4 services:

5 (a) For service of each summons and complaint, notice and
6 complaint, summons and petition, and notice of small claim on one
7 defendant at any location, ten dollars, and on two or more defendants
8 at the same residence, twelve dollars, besides mileage;

9 (b) For making a return, besides mileage actually traveled, seven
10 dollars;

11 (c) For levying each writ of attachment or writ of execution upon
12 real or personal property, besides mileage, thirty dollars per hour;

13 (d) For filing copy of writ of attachment or writ of execution
14 with auditor, ten dollars plus auditor's filing fee;

15 (e) For serving writ of possession or restitution without aid of
16 the county, besides mileage, twenty-five dollars;

17 (f) For serving writ of possession or restitution with aid of the
18 county, besides mileage, forty dollars plus thirty dollars for each
19 hour after one hour;

20 (g) For serving an arrest warrant in any action or proceeding,
21 besides mileage, thirty dollars;

22 (h) For executing any other writ or process in a civil action or
23 proceeding, besides mileage, thirty dollars per hour;

24 (i) For each mile actually and necessarily traveled in going to
25 or returning from any place of service, or attempted service, thirty-
26 five cents;

27 (j) For making a deed to lands sold upon execution or order of
28 sale or other decree of court, to be paid by the purchaser, thirty
29 dollars;

30 (k) For making copies of papers when sufficient copies are not
31 furnished, one dollar for first page and fifty cents per each
32 additional page;

33 (l) For the service of any other document and supporting papers
34 for which no other fee is provided for herein, twelve dollars;

35 (m) For posting a notice of sale, or postponement, ten dollars
36 besides mileage;

37 (n) For certificate or bill of sale of property, or certificate
38 of redemption, thirty dollars;

39 (o) For conducting a sale of property, thirty dollars per hour
40 spent at a sheriff's sale;

1 (p) For notarizing documents, five dollars for each document;

2 (q) For fingerprinting for noncriminal purposes, ten dollars for
3 each person for up to two sets, three dollars for each additional
4 set;

5 (r) For mailing required by statute, whether regular, certified,
6 or registered, the actual cost of postage;

7 (s) For an internal criminal history records check, ten dollars;

8 (t) For the reproduction of audio, visual, or photographic
9 material, to include magnetic microfilming, the actual cost including
10 personnel time.

11 (2) Fees allowable under this section may be recovered by the
12 prevailing party incurring the same as court costs. Nothing contained
13 in this section permits the expenditure of public funds to defray
14 costs of private litigation. Such costs shall be borne by the party
15 seeking action by the sheriff, and may be recovered from the proceeds
16 of any subsequent judicial sale, or may be added to any judgment upon
17 proper application to the court entering the judgment.

18 (3) Notwithstanding subsection (1) of this section, a county
19 legislative authority may set the amounts of fees that shall be
20 collected by the sheriff under subsection (1) of this section to
21 cover the costs of administration and operation.

22 (4) The fines imposed by this section do not apply to juvenile
23 offenders.

24 **Sec. 28.** RCW 43.43.690 and 1992 c 129 s 2 are each amended to
25 read as follows:

26 (1) When (~~a person~~) an adult offender has been adjudged guilty
27 of violating any criminal statute of this state and a crime
28 laboratory analysis was performed by a state crime laboratory, in
29 addition to any other disposition, penalty, or fine imposed, the
30 court shall levy a crime laboratory analysis fee of one hundred
31 dollars for each offense for which the person was convicted. Upon a
32 verified petition by the person assessed the fee, the court may
33 suspend payment of all or part of the fee if it finds that the person
34 does not have the ability to pay the fee.

35 (~~When a minor has been adjudicated a juvenile offender for~~
36 ~~an offense which, if committed by an adult, would constitute a~~
37 ~~violation of any criminal statute of this state and a crime~~
38 ~~laboratory analysis was performed, in addition to any other~~
39 ~~disposition imposed, the court shall assess a crime laboratory~~

1 ~~analysis fee of one hundred dollars for each adjudication. Upon a~~
2 ~~verified petition by a minor assessed the fee, the court may suspend~~
3 ~~payment of all or part of the fee [if] it finds that the minor does~~
4 ~~not have the ability to pay the fee.~~

5 (3)) All crime laboratory analysis fees assessed under this
6 section shall be collected by the clerk of the court and forwarded to
7 the state general fund, to be used only for crime laboratories. The
8 clerk may retain five dollars to defray the costs of collecting the
9 fees.

10 **Sec. 29.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to
11 read as follows:

12 Every sentence imposed for a crime specified in RCW 43.43.754
13 must include a fee of one hundred dollars. The fee is a court-ordered
14 legal financial obligation as defined in RCW 9.94A.030 and other
15 applicable law. For a sentence imposed under chapter 9.94A RCW, the
16 fee is payable by the offender after payment of all other legal
17 financial obligations included in the sentence has been completed.
18 For all other sentences, the fee is payable by the offender in the
19 same manner as other assessments imposed. The clerk of the court
20 shall transmit eighty percent of the fee collected to the state
21 treasurer for deposit in the state DNA database account created under
22 RCW 43.43.7532, and shall transmit twenty percent of the fee
23 collected to the agency responsible for collection of a biological
24 sample from the offender as required under RCW 43.43.754. This fee
25 shall not be imposed on juvenile offenders if the state has
26 previously collected the juvenile offender's DNA as a result of a
27 prior conviction.

28 **Sec. 30.** RCW 46.61.5054 and 2011 c 293 s 12 are each amended to
29 read as follows:

30 (1)(a) In addition to penalties set forth in RCW 46.61.5051
31 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055
32 thereafter, a two hundred dollar fee shall be assessed to a person
33 who is either convicted, sentenced to a lesser charge, or given
34 deferred prosecution, as a result of an arrest for violating RCW
35 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the
36 purpose of funding the Washington state toxicology laboratory and the
37 Washington state patrol for grants and activities to increase the

1 conviction rate and decrease the incidence of persons driving under
2 the influence of alcohol or drugs.

3 (b) Upon a verified petition by the person assessed the fee, the
4 court may suspend payment of all or part of the fee if it finds that
5 the person does not have the ability to pay.

6 ~~((c) When a minor has been adjudicated a juvenile offender for
7 an offense which, if committed by an adult, would constitute a
8 violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the
9 court shall assess the two hundred dollar fee under (a) of this
10 subsection. Upon a verified petition by a minor assessed the fee, the
11 court may suspend payment of all or part of the fee if it finds that
12 the minor does not have the ability to pay the fee.))~~

13 (2) The fee assessed under subsection (1) of this section shall
14 be collected by the clerk of the court and, subject to subsection (4)
15 of this section, one hundred seventy-five dollars of the fee must be
16 distributed as follows:

17 (a) Forty percent shall be subject to distribution under RCW
18 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

19 (b) The remainder of the fee shall be forwarded to the state
20 treasurer who shall, through June 30, 1997, deposit: Fifty percent in
21 the death investigations' account to be used solely for funding the
22 state toxicology laboratory blood or breath testing programs; and
23 fifty percent in the state patrol highway account to be used solely
24 for funding activities to increase the conviction rate and decrease
25 the incidence of persons driving under the influence of alcohol or
26 drugs. Effective July 1, 1997, the remainder of the fee shall be
27 forwarded to the state treasurer who shall deposit: Fifteen percent
28 in the death investigations' account to be used solely for funding
29 the state toxicology laboratory blood or breath testing programs; and
30 eighty-five percent in the state patrol highway account to be used
31 solely for funding activities to increase the conviction rate and
32 decrease the incidence of persons driving under the influence of
33 alcohol or drugs.

34 (3) Twenty-five dollars of the fee assessed under subsection (1)
35 of this section must be distributed to the highway safety ~~((account~~
36 ~~{fund}))~~ fund to be used solely for funding Washington traffic safety
37 commission grants to reduce statewide collisions caused by persons
38 driving under the influence of alcohol or drugs. Grants awarded under
39 this subsection may be for projects that encourage collaboration with
40 other community, governmental, and private organizations, and that

1 utilize innovative approaches based on best practices or proven
2 strategies supported by research or rigorous evaluation. Grants
3 recipients may include, for example:

4 (a) DUI courts; and

5 (b) Jurisdictions implementing the victim impact panel registries
6 under RCW 46.61.5152 and 10.01.230.

7 (4) If the court has suspended payment of part of the fee
8 pursuant to subsection (1)(b) (~~(e)~~) of this section, amounts
9 collected shall be distributed proportionately.

10 (5) This section applies to any offense committed on or after
11 July 1, 1993, and only to adult offenders.

12 **Sec. 31.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to
13 read as follows:

14 (1) **No prior offenses in seven years.** Except as provided in RCW
15 46.61.502(6) or 46.61.504(6), a person who is convicted of a
16 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
17 within seven years shall be punished as follows:

18 (a) **Penalty for alcohol concentration less than 0.15.** In the case
19 of a person whose alcohol concentration was less than 0.15, or for
20 whom for reasons other than the person's refusal to take a test
21 offered pursuant to RCW 46.20.308 there is no test result indicating
22 the person's alcohol concentration:

23 (i) By imprisonment for not less than one day nor more than three
24 hundred sixty-four days. Twenty-four consecutive hours of the
25 imprisonment may not be suspended unless the court finds that the
26 imposition of this mandatory minimum sentence would impose a
27 substantial risk to the offender's physical or mental well-being.
28 Whenever the mandatory minimum sentence is suspended, the court shall
29 state in writing the reason for granting the suspension and the facts
30 upon which the suspension is based. In lieu of the mandatory minimum
31 term of imprisonment required under this subsection (1)(a)(i), the
32 court may order not less than fifteen days of electronic home
33 monitoring. The offender shall pay the cost of electronic home
34 monitoring. The county or municipality in which the penalty is being
35 imposed shall determine the cost. The court may also require the
36 offender's electronic home monitoring device or other separate
37 alcohol monitoring device to include an alcohol detection
38 breathalyzer, and the court may restrict the amount of alcohol the

1 offender may consume during the time the offender is on electronic
2 home monitoring; and

3 (ii) By a fine of not less than three hundred fifty dollars nor
4 more than five thousand dollars. Three hundred fifty dollars of the
5 fine may not be suspended unless the court finds the offender to be
6 indigent; or

7 (b) **Penalty for alcohol concentration at least 0.15.** In the case
8 of a person whose alcohol concentration was at least 0.15, or for
9 whom by reason of the person's refusal to take a test offered
10 pursuant to RCW 46.20.308 there is no test result indicating the
11 person's alcohol concentration:

12 (i) By imprisonment for not less than two days nor more than
13 three hundred sixty-four days. Forty-eight consecutive hours of the
14 imprisonment may not be suspended unless the court finds that the
15 imposition of this mandatory minimum sentence would impose a
16 substantial risk to the offender's physical or mental well-being.
17 Whenever the mandatory minimum sentence is suspended, the court shall
18 state in writing the reason for granting the suspension and the facts
19 upon which the suspension is based. In lieu of the mandatory minimum
20 term of imprisonment required under this subsection (1)(b)(i), the
21 court may order not less than thirty days of electronic home
22 monitoring. The offender shall pay the cost of electronic home
23 monitoring. The county or municipality in which the penalty is being
24 imposed shall determine the cost. The court may also require the
25 offender's electronic home monitoring device to include an alcohol
26 detection breathalyzer or other separate alcohol monitoring device,
27 and the court may restrict the amount of alcohol the offender may
28 consume during the time the offender is on electronic home
29 monitoring; and

30 (ii) By a fine of not less than five hundred dollars nor more
31 than five thousand dollars. Five hundred dollars of the fine may not
32 be suspended unless the court finds the offender to be indigent.

33 (2) **One prior offense in seven years.** Except as provided in RCW
34 46.61.502(6) or 46.61.504(6), a person who is convicted of a
35 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
36 within seven years shall be punished as follows:

37 (a) **Penalty for alcohol concentration less than 0.15.** In the case
38 of a person whose alcohol concentration was less than 0.15, or for
39 whom for reasons other than the person's refusal to take a test

1 offered pursuant to RCW 46.20.308 there is no test result indicating
2 the person's alcohol concentration:

3 (i) By imprisonment for not less than thirty days nor more than
4 three hundred sixty-four days and sixty days of electronic home
5 monitoring. In lieu of the mandatory minimum term of sixty days
6 electronic home monitoring, the court may order at least an
7 additional four days in jail or, if available in that county or city,
8 a six-month period of 24/7 sobriety program monitoring pursuant to
9 RCW 36.28A.300 through 36.28A.390, and the court shall order an
10 expanded alcohol assessment and treatment, if deemed appropriate by
11 the assessment. The offender shall pay for the cost of the electronic
12 monitoring. The county or municipality where the penalty is being
13 imposed shall determine the cost. The court may also require the
14 offender's electronic home monitoring device include an alcohol
15 detection breathalyzer or other separate alcohol monitoring device,
16 and may restrict the amount of alcohol the offender may consume
17 during the time the offender is on electronic home monitoring. Thirty
18 days of imprisonment and sixty days of electronic home monitoring may
19 not be suspended unless the court finds that the imposition of this
20 mandatory minimum sentence would impose a substantial risk to the
21 offender's physical or mental well-being. Whenever the mandatory
22 minimum sentence is suspended, the court shall state in writing the
23 reason for granting the suspension and the facts upon which the
24 suspension is based; and

25 (ii) By a fine of not less than five hundred dollars nor more
26 than five thousand dollars. Five hundred dollars of the fine may not
27 be suspended unless the court finds the offender to be indigent; or

28 (b) **Penalty for alcohol concentration at least 0.15.** In the case
29 of a person whose alcohol concentration was at least 0.15, or for
30 whom by reason of the person's refusal to take a test offered
31 pursuant to RCW 46.20.308 there is no test result indicating the
32 person's alcohol concentration:

33 (i) By imprisonment for not less than forty-five days nor more
34 than three hundred sixty-four days and ninety days of electronic home
35 monitoring. In lieu of the mandatory minimum term of ninety days
36 electronic home monitoring, the court may order at least an
37 additional six days in jail or, if available in that county or city,
38 a six-month period of 24/7 sobriety program monitoring pursuant to
39 RCW 36.28A.300 through 36.28A.390, and the court shall order an
40 expanded alcohol assessment and treatment, if deemed appropriate by

1 the assessment. The offender shall pay for the cost of the electronic
2 monitoring. The county or municipality where the penalty is being
3 imposed shall determine the cost. The court may also require the
4 offender's electronic home monitoring device include an alcohol
5 detection breathalyzer or other separate alcohol monitoring device,
6 and may restrict the amount of alcohol the offender may consume
7 during the time the offender is on electronic home monitoring. Forty-
8 five days of imprisonment and ninety days of electronic home
9 monitoring may not be suspended unless the court finds that the
10 imposition of this mandatory minimum sentence would impose a
11 substantial risk to the offender's physical or mental well-being.
12 Whenever the mandatory minimum sentence is suspended, the court shall
13 state in writing the reason for granting the suspension and the facts
14 upon which the suspension is based; and

15 (ii) By a fine of not less than seven hundred fifty dollars nor
16 more than five thousand dollars. Seven hundred fifty dollars of the
17 fine may not be suspended unless the court finds the offender to be
18 indigent.

19 (3) **Two or three prior offenses in seven years.** Except as
20 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is
21 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has
22 two or three prior offenses within seven years shall be punished as
23 follows:

24 (a) **Penalty for alcohol concentration less than 0.15.** In the case
25 of a person whose alcohol concentration was less than 0.15, or for
26 whom for reasons other than the person's refusal to take a test
27 offered pursuant to RCW 46.20.308 there is no test result indicating
28 the person's alcohol concentration:

29 (i) By imprisonment for not less than ninety days nor more than
30 three hundred sixty-four days, if available in that county or city, a
31 six-month period of 24/7 sobriety program monitoring pursuant to RCW
32 36.28A.300 through 36.28A.390, and one hundred twenty days of
33 electronic home monitoring. In lieu of the mandatory minimum term of
34 one hundred twenty days of electronic home monitoring, the court may
35 order at least an additional eight days in jail. The court shall
36 order an expanded alcohol assessment and treatment, if deemed
37 appropriate by the assessment. The offender shall pay for the cost of
38 the electronic monitoring. The county or municipality where the
39 penalty is being imposed shall determine the cost. The court may also
40 require the offender's electronic home monitoring device include an

1 alcohol detection breathalyzer or other separate alcohol monitoring
2 device, and may restrict the amount of alcohol the offender may
3 consume during the time the offender is on electronic home
4 monitoring. Ninety days of imprisonment and one hundred twenty days
5 of electronic home monitoring may not be suspended unless the court
6 finds that the imposition of this mandatory minimum sentence would
7 impose a substantial risk to the offender's physical or mental well-
8 being. Whenever the mandatory minimum sentence is suspended, the
9 court shall state in writing the reason for granting the suspension
10 and the facts upon which the suspension is based; and

11 (ii) By a fine of not less than one thousand dollars nor more
12 than five thousand dollars. One thousand dollars of the fine may not
13 be suspended unless the court finds the offender to be indigent; or

14 (b) **Penalty for alcohol concentration at least 0.15.** In the case
15 of a person whose alcohol concentration was at least 0.15, or for
16 whom by reason of the person's refusal to take a test offered
17 pursuant to RCW 46.20.308 there is no test result indicating the
18 person's alcohol concentration:

19 (i) By imprisonment for not less than one hundred twenty days nor
20 more than three hundred sixty-four days, if available in that county
21 or city, a six-month period of 24/7 sobriety program monitoring
22 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty
23 days of electronic home monitoring. In lieu of the mandatory minimum
24 term of one hundred fifty days of electronic home monitoring, the
25 court may order at least an additional ten days in jail. The offender
26 shall pay for the cost of the electronic monitoring. The court shall
27 order an expanded alcohol assessment and treatment, if deemed
28 appropriate by the assessment. The county or municipality where the
29 penalty is being imposed shall determine the cost. The court may also
30 require the offender's electronic home monitoring device include an
31 alcohol detection breathalyzer or other separate alcohol monitoring
32 device, and may restrict the amount of alcohol the offender may
33 consume during the time the offender is on electronic home
34 monitoring. One hundred twenty days of imprisonment and one hundred
35 fifty days of electronic home monitoring may not be suspended unless
36 the court finds that the imposition of this mandatory minimum
37 sentence would impose a substantial risk to the offender's physical
38 or mental well-being. Whenever the mandatory minimum sentence is
39 suspended, the court shall state in writing the reason for granting
40 the suspension and the facts upon which the suspension is based; and

1 (ii) By a fine of not less than one thousand five hundred dollars
2 nor more than five thousand dollars. One thousand five hundred
3 dollars of the fine may not be suspended unless the court finds the
4 offender to be indigent.

5 (4) **Four or more prior offenses in ten years.** A person who is
6 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be
7 punished under chapter 9.94A RCW if:

8 (a) The person has four or more prior offenses within ten years;
9 or

10 (b) The person has ever previously been convicted of:

11 (i) A violation of RCW 46.61.520 committed while under the
12 influence of intoxicating liquor or any drug;

13 (ii) A violation of RCW 46.61.522 committed while under the
14 influence of intoxicating liquor or any drug;

15 (iii) An out-of-state offense comparable to the offense specified
16 in (b)(i) or (ii) of this subsection; or

17 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

18 (5) **Monitoring.**

19 (a) **Ignition interlock device.** The court shall require any person
20 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
21 equivalent local ordinance to comply with the rules and requirements
22 of the department regarding the installation and use of a functioning
23 ignition interlock device installed on all motor vehicles operated by
24 the person.

25 (b) **Monitoring devices.** If the court orders that a person refrain
26 from consuming any alcohol, the court may order the person to submit
27 to alcohol monitoring through an alcohol detection breathalyzer
28 device, transdermal sensor device, or other technology designed to
29 detect alcohol in a person's system. The person shall pay for the
30 cost of the monitoring, unless the court specifies that the cost of
31 monitoring will be paid with funds that are available from an
32 alternative source identified by the court. The county or
33 municipality where the penalty is being imposed shall determine the
34 cost.

35 (c) **Ignition interlock device substituted for 24/7 sobriety**
36 **program monitoring.** In any county or city where a 24/7 sobriety
37 program is available and verified by the Washington association of
38 sheriffs and police chiefs, the court shall:

1 (i) Order the person to install and use a functioning ignition
2 interlock or other device in lieu of such period of 24/7 sobriety
3 program monitoring;

4 (ii) Order the person to a period of 24/7 sobriety program
5 monitoring pursuant to subsections (1) through (3) of this section;
6 or

7 (iii) Order the person to install and use a functioning ignition
8 interlock or other device in addition to a period of 24/7 sobriety
9 program monitoring pursuant to subsections (1) through (3) of this
10 section.

11 (6) **Penalty for having a minor passenger in vehicle.** If a person
12 who is convicted of a violation of RCW 46.61.502 or 46.61.504
13 committed the offense while a passenger under the age of sixteen was
14 in the vehicle, the court shall:

15 (a) Order the use of an ignition interlock or other device for an
16 additional six months;

17 (b) In any case in which the person has no prior offenses within
18 seven years, and except as provided in RCW 46.61.502(6) or
19 46.61.504(6), order an additional twenty-four hours of imprisonment
20 and a fine of not less than one thousand dollars and not more than
21 five thousand dollars. One thousand dollars of the fine may not be
22 suspended unless the court finds the offender to be indigent;

23 (c) In any case in which the person has one prior offense within
24 seven years, and except as provided in RCW 46.61.502(6) or
25 46.61.504(6), order an additional five days of imprisonment and a
26 fine of not less than two thousand dollars and not more than five
27 thousand dollars. One thousand dollars of the fine may not be
28 suspended unless the court finds the offender to be indigent;

29 (d) In any case in which the person has two or three prior
30 offenses within seven years, and except as provided in RCW
31 46.61.502(6) or 46.61.504(6), order an additional ten days of
32 imprisonment and a fine of not less than three thousand dollars and
33 not more than ten thousand dollars. One thousand dollars of the fine
34 may not be suspended unless the court finds the offender to be
35 indigent.

36 (7) **Other items courts must consider while setting penalties.** In
37 exercising its discretion in setting penalties within the limits
38 allowed by this section, the court shall particularly consider the
39 following:

1 (a) Whether the person's driving at the time of the offense was
2 responsible for injury or damage to another or another's property;

3 (b) Whether at the time of the offense the person was driving or
4 in physical control of a vehicle with one or more passengers;

5 (c) Whether the driver was driving in the opposite direction of
6 the normal flow of traffic on a multiple lane highway, as defined by
7 RCW 46.04.350, with a posted speed limit of forty-five miles per hour
8 or greater; and

9 (d) Whether a child passenger under the age of sixteen was an
10 occupant in the driver's vehicle.

11 (8) **Treatment and information school.** An offender punishable
12 under this section is subject to the alcohol assessment and treatment
13 provisions of RCW 46.61.5056.

14 (9) **Driver's license privileges of the defendant.** The license,
15 permit, or nonresident privilege of a person convicted of driving or
16 being in physical control of a motor vehicle while under the
17 influence of intoxicating liquor or drugs must:

18 (a) **Penalty for alcohol concentration less than 0.15.** If the
19 person's alcohol concentration was less than 0.15, or if for reasons
20 other than the person's refusal to take a test offered under RCW
21 46.20.308 there is no test result indicating the person's alcohol
22 concentration:

23 (i) Where there has been no prior offense within seven years, be
24 suspended or denied by the department for ninety days;

25 (ii) Where there has been one prior offense within seven years,
26 be revoked or denied by the department for two years; or

27 (iii) Where there have been two or more prior offenses within
28 seven years, be revoked or denied by the department for three years;

29 (b) **Penalty for alcohol concentration at least 0.15.** If the
30 person's alcohol concentration was at least 0.15:

31 (i) Where there has been no prior offense within seven years, be
32 revoked or denied by the department for one year;

33 (ii) Where there has been one prior offense within seven years,
34 be revoked or denied by the department for nine hundred days; or

35 (iii) Where there have been two or more prior offenses within
36 seven years, be revoked or denied by the department for four years;
37 or

38 (c) **Penalty for refusing to take test.** If by reason of the
39 person's refusal to take a test offered under RCW 46.20.308, there is
40 no test result indicating the person's alcohol concentration:

1 (i) Where there have been no prior offenses within seven years,
2 be revoked or denied by the department for two years;

3 (ii) Where there has been one prior offense within seven years,
4 be revoked or denied by the department for three years; or

5 (iii) Where there have been two or more previous offenses within
6 seven years, be revoked or denied by the department for four years.

7 The department shall grant credit on a day-for-day basis for any
8 portion of a suspension, revocation, or denial already served under
9 this subsection for a suspension, revocation, or denial imposed under
10 RCW 46.20.3101 arising out of the same incident.

11 Upon its own motion or upon motion by a person, a court may find,
12 on the record, that notice to the department under RCW 46.20.270 has
13 been delayed for three years or more as a result of a clerical or
14 court error. If so, the court may order that the person's license,
15 permit, or nonresident privilege shall not be revoked, suspended, or
16 denied for that offense. The court shall send notice of the finding
17 and order to the department and to the person. Upon receipt of the
18 notice from the court, the department shall not revoke, suspend, or
19 deny the license, permit, or nonresident privilege of the person for
20 that offense.

21 For purposes of this subsection (9), the department shall refer
22 to the driver's record maintained under RCW 46.52.120 when
23 determining the existence of prior offenses.

24 (10) **Probation of driving privilege.** After expiration of any
25 period of suspension, revocation, or denial of the offender's
26 license, permit, or privilege to drive required by this section, the
27 department shall place the offender's driving privilege in
28 probationary status pursuant to RCW 46.20.355.

29 (11) **Conditions of probation.** (a) In addition to any
30 nonsuspendable and nondeferrable jail sentence required by this
31 section, whenever the court imposes up to three hundred sixty-four
32 days in jail, the court shall also suspend but shall not defer a
33 period of confinement for a period not exceeding five years. The
34 court shall impose conditions of probation that include: (i) Not
35 driving a motor vehicle within this state without a valid license to
36 drive and proof of liability insurance or other financial
37 responsibility for the future pursuant to RCW 46.30.020; (ii) not
38 driving or being in physical control of a motor vehicle within this
39 state while having an alcohol concentration of 0.08 or more or a THC
40 concentration of 5.00 nanograms per milliliter of whole blood or

1 higher, within two hours after driving; and (iii) not refusing to
2 submit to a test of his or her breath or blood to determine alcohol
3 or drug concentration upon request of a law enforcement officer who
4 has reasonable grounds to believe the person was driving or was in
5 actual physical control of a motor vehicle within this state while
6 under the influence of intoxicating liquor or drug. The court may
7 impose conditions of probation that include nonrepetition,
8 installation of an ignition interlock device on the probationer's
9 motor vehicle, alcohol or drug treatment, supervised probation, or
10 other conditions that may be appropriate. The sentence may be imposed
11 in whole or in part upon violation of a condition of probation during
12 the suspension period.

13 (b) For each violation of mandatory conditions of probation under
14 (a)(i), (ii), or (iii) of this subsection, the court shall order the
15 convicted person to be confined for thirty days, which shall not be
16 suspended or deferred.

17 (c) For each incident involving a violation of a mandatory
18 condition of probation imposed under this subsection, the license,
19 permit, or privilege to drive of the person shall be suspended by the
20 court for thirty days or, if such license, permit, or privilege to
21 drive already is suspended, revoked, or denied at the time the
22 finding of probation violation is made, the suspension, revocation,
23 or denial then in effect shall be extended by thirty days. The court
24 shall notify the department of any suspension, revocation, or denial
25 or any extension of a suspension, revocation, or denial imposed under
26 this subsection.

27 (12) **Waiver of electronic home monitoring.** A court may waive the
28 electronic home monitoring requirements of this chapter when:

29 (a) The offender does not have a dwelling, telephone service, or
30 any other necessity to operate an electronic home monitoring system.
31 However, if a court determines that an alcohol monitoring device
32 utilizing wireless reporting technology is reasonably available, the
33 court may require the person to obtain such a device during the
34 period of required electronic home monitoring;

35 (b) The offender does not reside in the state of Washington; or

36 (c) The court determines that there is reason to believe that the
37 offender would violate the conditions of the electronic home
38 monitoring penalty.

39 Whenever the mandatory minimum term of electronic home monitoring
40 is waived, the court shall state in writing the reason for granting

1 the waiver and the facts upon which the waiver is based, and shall
2 impose an alternative sentence with similar punitive consequences.
3 The alternative sentence may include, but is not limited to, use of
4 an ignition interlock device, the 24/7 sobriety program monitoring,
5 additional jail time, work crew, or work camp.

6 Whenever the combination of jail time and electronic home
7 monitoring or alternative sentence would exceed three hundred sixty-
8 four days, the offender shall serve the jail portion of the sentence
9 first, and the electronic home monitoring or alternative portion of
10 the sentence shall be reduced so that the combination does not exceed
11 three hundred sixty-four days.

12 (13) **Extraordinary medical placement.** An offender serving a
13 sentence under this section, whether or not a mandatory minimum term
14 has expired, may be granted an extraordinary medical placement by the
15 jail administrator subject to the standards and limitations set forth
16 in RCW 9.94A.728(3).

17 (14) **Definitions.** For purposes of this section and RCW 46.61.502
18 and 46.61.504:

19 (a) A "prior offense" means any of the following:

20 (i) A conviction for a violation of RCW 46.61.502 or an
21 equivalent local ordinance;

22 (ii) A conviction for a violation of RCW 46.61.504 or an
23 equivalent local ordinance;

24 (iii) A conviction for a violation of RCW 46.25.110 or an
25 equivalent local ordinance;

26 (iv) A conviction for a violation of RCW 79A.60.040 or an
27 equivalent local ordinance;

28 (v) A conviction for a violation of RCW 47.68.220 or an
29 equivalent local ordinance;

30 (vi) A conviction for a violation of RCW 46.09.470(2) or an
31 equivalent local ordinance;

32 (vii) A conviction for a violation of RCW 46.10.490(2) or an
33 equivalent local ordinance;

34 (viii) A conviction for a violation of RCW 46.61.520 committed
35 while under the influence of intoxicating liquor or any drug, or a
36 conviction for a violation of RCW 46.61.520 committed in a reckless
37 manner or with the disregard for the safety of others if the
38 conviction is the result of a charge that was originally filed as a
39 violation of RCW 46.61.520 committed while under the influence of
40 intoxicating liquor or any drug;

1 (ix) A conviction for a violation of RCW 46.61.522 committed
2 while under the influence of intoxicating liquor or any drug, or a
3 conviction for a violation of RCW 46.61.522 committed in a reckless
4 manner or with the disregard for the safety of others if the
5 conviction is the result of a charge that was originally filed as a
6 violation of RCW 46.61.522 committed while under the influence of
7 intoxicating liquor or any drug;

8 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
9 9A.36.050 or an equivalent local ordinance, if the conviction is the
10 result of a charge that was originally filed as a violation of RCW
11 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
12 46.61.520 or 46.61.522;

13 (xi) An out-of-state conviction for a violation that would have
14 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this
15 subsection if committed in this state;

16 (xii) A deferred prosecution under chapter 10.05 RCW granted in a
17 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
18 equivalent local ordinance;

19 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
20 a prosecution for a violation of RCW 46.61.5249, or an equivalent
21 local ordinance, if the charge under which the deferred prosecution
22 was granted was originally filed as a violation of RCW 46.61.502 or
23 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
24 46.61.522;

25 (xiv) A deferred prosecution granted in another state for a
26 violation of driving or having physical control of a vehicle while
27 under the influence of intoxicating liquor or any drug if the out-of-
28 state deferred prosecution is equivalent to the deferred prosecution
29 under chapter 10.05 RCW, including a requirement that the defendant
30 participate in a chemical dependency treatment program; or

31 (xv) A deferred sentence imposed in a prosecution for a violation
32 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
33 ordinance, if the charge under which the deferred sentence was
34 imposed was originally filed as a violation of RCW 46.61.502 or
35 46.61.504, or an equivalent local ordinance, or a violation of RCW
36 46.61.520 or 46.61.522;

37 If a deferred prosecution is revoked based on a subsequent
38 conviction for an offense listed in this subsection (14)(a), the
39 subsequent conviction shall not be treated as a prior offense of the
40 revoked deferred prosecution for the purposes of sentencing;

1 (b) "Treatment" means alcohol or drug treatment approved by the
2 department of social and health services;

3 (c) "Within seven years" means that the arrest for a prior
4 offense occurred within seven years before or after the arrest for
5 the current offense; and

6 (d) "Within ten years" means that the arrest for a prior offense
7 occurred within ten years before or after the arrest for the current
8 offense.

9 (15) All fines imposed by this section apply to adult offenders
10 only.

11 **Sec. 32.** RCW 69.50.401 and 2013 c 3 s 19 are each amended to
12 read as follows:

13 (1) Except as authorized by this chapter, it is unlawful for any
14 person to manufacture, deliver, or possess with intent to manufacture
15 or deliver, a controlled substance.

16 (2) Any person who violates this section with respect to:

17 (a) A controlled substance classified in Schedule I or II which
18 is a narcotic drug or flunitrazepam, including its salts, isomers,
19 and salts of isomers, classified in Schedule IV, is guilty of a class
20 B felony and upon conviction may be imprisoned for not more than ten
21 years, or (i) fined not more than twenty-five thousand dollars if the
22 crime involved less than two kilograms of the drug, or both such
23 imprisonment and fine; or (ii) if the crime involved two or more
24 kilograms of the drug, then fined not more than one hundred thousand
25 dollars for the first two kilograms and not more than fifty dollars
26 for each gram in excess of two kilograms, or both such imprisonment
27 and fine;

28 (b) Amphetamine, including its salts, isomers, and salts of
29 isomers, or methamphetamine, including its salts, isomers, and salts
30 of isomers, is guilty of a class B felony and upon conviction may be
31 imprisoned for not more than ten years, or (i) fined not more than
32 twenty-five thousand dollars if the crime involved less than two
33 kilograms of the drug, or both such imprisonment and fine; or (ii) if
34 the crime involved two or more kilograms of the drug, then fined not
35 more than one hundred thousand dollars for the first two kilograms
36 and not more than fifty dollars for each gram in excess of two
37 kilograms, or both such imprisonment and fine. Three thousand dollars
38 of the fine may not be suspended. As collected, the first three
39 thousand dollars of the fine must be deposited with the law

1 enforcement agency having responsibility for cleanup of laboratories,
2 sites, or substances used in the manufacture of the methamphetamine,
3 including its salts, isomers, and salts of isomers. The fine moneys
4 deposited with that law enforcement agency must be used for such
5 clean-up cost;

6 (c) Any other controlled substance classified in Schedule I, II,
7 or III, is guilty of a class C felony punishable according to chapter
8 9A.20 RCW;

9 (d) A substance classified in Schedule IV, except flunitrazepam,
10 including its salts, isomers, and salts of isomers, is guilty of a
11 class C felony punishable according to chapter 9A.20 RCW; or

12 (e) A substance classified in Schedule V, is guilty of a class C
13 felony punishable according to chapter 9A.20 RCW.

14 (3) The production, manufacture, processing, packaging, delivery,
15 distribution, sale, or possession of marijuana in compliance with the
16 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not
17 constitute a violation of this section, this chapter, or any other
18 provision of Washington state law.

19 (4) The fines in this section apply to adult offenders only.

20 **Sec. 33.** RCW 69.50.425 and 2002 c 175 s 44 are each amended to
21 read as follows:

22 A person who is convicted of a misdemeanor violation of any
23 provision of this chapter shall be punished by imprisonment for not
24 less than twenty-four consecutive hours, and adult offenders shall be
25 punished by a fine of not less than two hundred fifty dollars. On a
26 second or subsequent conviction, the fine shall not be less than five
27 hundred dollars for adult offenders. These fines shall be in addition
28 to any other fine or penalty imposed on adult offenders. Unless the
29 court finds that the imposition of the minimum imprisonment will pose
30 a substantial risk to the defendant's physical or mental well-being
31 or that local jail facilities are in an overcrowded condition, the
32 minimum term of imprisonment shall not be suspended or deferred. If
33 the court finds such risk or overcrowding exists, it shall sentence
34 the defendant to a minimum of forty hours of community restitution.
35 If a minimum term of imprisonment is suspended or deferred, the court
36 shall state in writing the reason for granting the suspension or
37 deferral and the facts upon which the suspension or deferral is
38 based. Unless the court finds the person to be indigent, the minimum
39 fine shall not be suspended or deferred.

1 **Sec. 34.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to
2 read as follows:

3 (1) Every (~~person~~) adult offender convicted of a felony
4 violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402,
5 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be
6 fined one thousand dollars in addition to any other fine or penalty
7 imposed. Unless the court finds the (~~person~~) adult offender to be
8 indigent, this additional fine shall not be suspended or deferred by
9 the court.

10 (2) On a second or subsequent conviction for violation of any of
11 the laws listed in subsection (1) of this section, the (~~person~~)
12 adult offender shall be fined two thousand dollars in addition to any
13 other fine or penalty imposed. Unless the court finds the (~~person~~)
14 adult offender to be indigent, this additional fine shall not be
15 suspended or deferred by the court.

16 **Sec. 35.** RCW 69.50.435 and 2003 c 53 s 346 are each amended to
17 read as follows:

18 (1) Any person who violates RCW 69.50.401 by manufacturing,
19 selling, delivering, or possessing with the intent to manufacture,
20 sell, or deliver a controlled substance listed under RCW 69.50.401 or
21 who violates RCW 69.50.410 by selling for profit any controlled
22 substance or counterfeit substance classified in schedule I, RCW
23 69.50.204, except leaves and flowering tops of marihuana to a person:

24 (a) In a school;

25 (b) On a school bus;

26 (c) Within one thousand feet of a school bus route stop
27 designated by the school district;

28 (d) Within one thousand feet of the perimeter of the school
29 grounds;

30 (e) In a public park;

31 (f) In a public housing project designated by a local governing
32 authority as a drug-free zone;

33 (g) On a public transit vehicle;

34 (h) In a public transit stop shelter;

35 (i) At a civic center designated as a drug-free zone by the local
36 governing authority; or

37 (j) Within one thousand feet of the perimeter of a facility
38 designated under (i) of this subsection, if the local governing
39 authority specifically designates the one thousand foot perimeter

1 may be punished by a fine of up to twice the fine otherwise
2 authorized by this chapter, but not including twice the fine
3 authorized by RCW 69.50.406, or by imprisonment of up to twice the
4 imprisonment otherwise authorized by this chapter, but not including
5 twice the imprisonment authorized by RCW 69.50.406, or by both such
6 fine and imprisonment. The provisions of this section shall not
7 operate to more than double the fine or imprisonment otherwise
8 authorized by this chapter for an offense.

9 (2) It is not a defense to a prosecution for a violation of this
10 section that the person was unaware that the prohibited conduct took
11 place while in a school or school bus or within one thousand feet of
12 the school or school bus route stop, in a public park, in a public
13 housing project designated by a local governing authority as a drug-
14 free zone, on a public transit vehicle, in a public transit stop
15 shelter, at a civic center designated as a drug-free zone by the
16 local governing authority, or within one thousand feet of the
17 perimeter of a facility designated under subsection (1)(i) of this
18 section, if the local governing authority specifically designates the
19 one thousand foot perimeter.

20 (3) It is not a defense to a prosecution for a violation of this
21 section or any other prosecution under this chapter that persons
22 under the age of eighteen were not present in the school, the school
23 bus, the public park, the public housing project designated by a
24 local governing authority as a drug-free zone, or the public transit
25 vehicle, or at the school bus route stop, the public transit vehicle
26 stop shelter, at a civic center designated as a drug-free zone by the
27 local governing authority, or within one thousand feet of the
28 perimeter of a facility designated under subsection (1)(i) of this
29 section, if the local governing authority specifically designates the
30 one thousand foot perimeter at the time of the offense or that school
31 was not in session.

32 (4) It is an affirmative defense to a prosecution for a violation
33 of this section that the prohibited conduct took place entirely
34 within a private residence, that no person under eighteen years of
35 age or younger was present in such private residence at any time
36 during the commission of the offense, and that the prohibited conduct
37 did not involve delivering, manufacturing, selling, or possessing
38 with the intent to manufacture, sell, or deliver any controlled
39 substance in RCW 69.50.401 for profit. The affirmative defense
40 established in this section shall be proved by the defendant by a

1 preponderance of the evidence. This section shall not be construed to
2 establish an affirmative defense with respect to a prosecution for an
3 offense defined in any other section of this chapter.

4 (5) In a prosecution under this section, a map produced or
5 reproduced by any municipality, school district, county, transit
6 authority engineer, or public housing authority for the purpose of
7 depicting the location and boundaries of the area on or within one
8 thousand feet of any property used for a school, school bus route
9 stop, public park, public housing project designated by a local
10 governing authority as a drug-free zone, public transit vehicle stop
11 shelter, or a civic center designated as a drug-free zone by a local
12 governing authority, or a true copy of such a map, shall under proper
13 authentication, be admissible and shall constitute prima facie
14 evidence of the location and boundaries of those areas if the
15 governing body of the municipality, school district, county, or
16 transit authority has adopted a resolution or ordinance approving the
17 map as the official location and record of the location and
18 boundaries of the area on or within one thousand feet of the school,
19 school bus route stop, public park, public housing project designated
20 by a local governing authority as a drug-free zone, public transit
21 vehicle stop shelter, or civic center designated as a drug-free zone
22 by a local governing authority. Any map approved under this section
23 or a true copy of the map shall be filed with the clerk of the
24 municipality or county, and shall be maintained as an official record
25 of the municipality or county. This section shall not be construed as
26 precluding the prosecution from introducing or relying upon any other
27 evidence or testimony to establish any element of the offense. This
28 section shall not be construed as precluding the use or admissibility
29 of any map or diagram other than the one which has been approved by
30 the governing body of a municipality, school district, county,
31 transit authority, or public housing authority if the map or diagram
32 is otherwise admissible under court rule.

33 (6) As used in this section the following terms have the meanings
34 indicated unless the context clearly requires otherwise:

35 (a) "School" has the meaning under RCW 28A.150.010 or
36 28A.150.020. The term "school" also includes a private school
37 approved under RCW 28A.195.010;

38 (b) "School bus" means a school bus as defined by the
39 superintendent of public instruction by rule which is owned and
40 operated by any school district and all school buses which are

1 privately owned and operated under contract or otherwise with any
2 school district in the state for the transportation of students. The
3 term does not include buses operated by common carriers in the urban
4 transportation of students such as transportation of students through
5 a municipal transportation system;

6 (c) "School bus route stop" means a school bus stop as designated
7 by a school district;

8 (d) "Public park" means land, including any facilities or
9 improvements on the land, that is operated as a park by the state or
10 a local government;

11 (e) "Public transit vehicle" means any motor vehicle, streetcar,
12 train, trolley vehicle, or any other device, vessel, or vehicle which
13 is owned or operated by a transit authority and which is used for the
14 purpose of carrying passengers on a regular schedule;

15 (f) "Transit authority" means a city, county, or state
16 transportation system, transportation authority, public
17 transportation benefit area, public transit authority, or
18 metropolitan municipal corporation within the state that operates
19 public transit vehicles;

20 (g) "Stop shelter" means a passenger shelter designated by a
21 transit authority;

22 (h) "Civic center" means a publicly owned or publicly operated
23 place or facility used for recreational, educational, or cultural
24 activities;

25 (i) "Public housing project" means the same as "housing project"
26 as defined in RCW 35.82.020.

27 (7) The fines imposed by this section apply to adult offenders
28 only.

29 **Sec. 36.** RCW 77.15.420 and 2014 c 48 s 16 are each amended to
30 read as follows:

31 (1) If (~~a person~~) an adult offender is convicted of violating
32 RCW 77.15.410 and that violation results in the death of wildlife
33 listed in this section, the court shall require payment of the
34 following amounts for each animal taken or possessed. This shall be a
35 criminal wildlife penalty assessment that shall be paid to the clerk
36 of the court and distributed each month to the state treasurer for
37 deposit in the fish and wildlife enforcement reward account created
38 in RCW 77.15.425.

1	(a) Moose, mountain sheep, mountain	
2	goat, and all wildlife species	
3	classified as endangered by	
4	rule of the commission, except	
5	for mountain caribou and	
6	grizzly bear as listed under (d)	
7	of this subsection.	\$4,000
8	(b) Elk, deer, black bear, and cougar. .	\$2,000
9	(c) Trophy animal elk and deer.	\$6,000
10	(d) Mountain caribou, grizzly bear, and	
11	trophy animal mountain	
12	sheep.	\$12,000

13 (2)(a) For the purpose of this section a "trophy animal" is:

14 (i) A buck deer with four or more antler points on both sides,
15 not including eyeguards;

16 (ii) A bull elk with five or more antler points on both sides,
17 not including eyeguards; or

18 (iii) A mountain sheep with a horn curl of three-quarter curl or
19 greater.

20 (b) For purposes of this subsection, "eyeguard" means an antler
21 protrusion on the main beam of the antler closest to the eye of the
22 animal.

23 (3) If two or more persons are convicted of illegally possessing
24 wildlife in subsection (1) of this section, the criminal wildlife
25 penalty assessment shall be imposed on them jointly and severally.

26 (4) The criminal wildlife penalty assessment shall be imposed
27 regardless of and in addition to any sentence, fines, or costs
28 otherwise provided for violating any provision of this title. The
29 criminal wildlife penalty assessment shall be included by the court
30 in any pronouncement of sentence and may not be suspended, waived,
31 modified, or deferred in any respect. This section may not be
32 construed to abridge or alter alternative rights of action or
33 remedies in equity or under common law or statutory law, criminal or
34 civil.

35 (5) A defaulted criminal wildlife penalty assessment may be
36 collected by any means authorized by law for the enforcement of
37 orders of the court or collection of a fine or costs, including but
38 not limited to vacation of a deferral of sentencing or vacation of a
39 suspension of sentence.

1 (6) A person assessed a criminal wildlife penalty assessment
2 under this section shall have his or her hunting license revoked and
3 all hunting privileges suspended until the penalty assessment is paid
4 through the registry of the court in which the penalty assessment was
5 assessed.

6 (7) The criminal wildlife penalty assessments provided in
7 subsection (1) of this section shall be doubled in the following
8 instances:

9 (a) When a person is convicted of spotlighting big game under RCW
10 77.15.450;

11 (b) When a person commits a violation that requires payment of a
12 wildlife penalty assessment within five years of a prior gross
13 misdemeanor or felony conviction under this title;

14 (c) When the trier of fact determines that the person took or
15 possessed the animal in question with the intent of bartering,
16 selling, or otherwise deriving economic profit from the animal or the
17 animal's parts; or

18 (d) When the trier of fact determines that the person took the
19 animal under the supervision of a licensed guide.

20 NEW SECTION. **Sec. 37.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 13.40.145 (Payment of fees for legal services by publicly
23 funded counsel—Hearing—Order or decree—Entering and enforcing
24 judgments) and 1997 c 121 s 6, 1995 c 275 s 4, & 1984 c 86 s 1; and

25 (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by
26 parent or legal guardian) and 1993 c 171 s 1.

--- END ---