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SENATE BILL 5564

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State of Washington

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2015 Regular Session

By Senators O'Ban, Darneille, Miloscia, Hargrove, Kohl-Welles, Fain, Jayapal, Brown, Habib, Dammeier, Frockt, Litzow, Warnick, Hasegawa, and McAuliffe

Read first time 01/23/15. Referred to Committee on Human Services, Mental Health & Housing.

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, 7.80.130, 9.08.070, 9.08.072, 9.46.1961, 9.68A.105,  
5 9.68A.106, 9.94A.550, 9A.20.021, 9A.50.030, 9A.56.060, 9A.56.085,  
6 9A.88.120, 9A.88.140, 10.73.160, 10.82.090, 10.99.080, 13.40.080,  
7 36.18.016, 36.18.020, 36.18.040, 43.43.690, 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 13.34 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 and juvenile's attorney. At a contested  
4 hearing, the restitution portion of the dispositional order may be  
5 modified as to amount, terms, and conditions for good cause shown,  
6 including ability to pay. The juvenile respondent's presence is not  
7 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. If the  
30 court enters a written order sealing the juvenile court file for a  
31 case in which restitution is still owing, the court shall issue a  
32 civil restitution order pursuant to RCW 7.80.130 in the amount of any  
33 unpaid restitution. Before the court seals a record, the court may  
34 modify the restitution still owing as to amount, terms, and  
35 conditions for good cause shown, including ability to pay. The  
36 juvenile respondent's presence is not required at a sealing hearing  
37 pursuant to this subsection.

38 (d) Following a contested sealing hearing on the record after an  
39 objection is made pursuant to (a) of this subsection, the court shall

1 enter a written order sealing the juvenile court record unless the  
2 court determines that sealing is not appropriate.

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

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

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

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

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

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

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

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

34 (vi) (~~Full restitution has been paid~~) The person has either  
35 paid the full amount of restitution or has made a good faith effort  
36 to pay the full amount of restitution.

37 (b) The court shall grant any motion to seal records for class B,  
38 (~~class~~) class C, gross misdemeanor, and misdemeanor offenses and  
39 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.

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

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

25 (6)(a) If the court enters a written order sealing the juvenile  
26 court record pursuant to this section, it shall, subject to RCW  
27 13.50.050(13), order sealed the official juvenile court record, the  
28 social file, records of the offense maintained by the department of  
29 licensing, and other records relating to the case as are named in the  
30 order. Thereafter, the proceedings in the case shall be treated as if  
31 they never occurred, and the subject of the records may reply  
32 accordingly to any inquiry about the events, records of which are  
33 sealed. Any agency shall reply to any inquiry concerning confidential  
34 or sealed records that records are confidential, and no information  
35 can be given about the existence or nonexistence of records  
36 concerning an individual.

37 (b) In the event the subject of the juvenile records receives a  
38 full and unconditional pardon, the proceedings in the matter upon  
39 which the pardon has been granted shall be treated as if they never  
40 occurred, and the subject of the records may reply accordingly to any

1 inquiry about the events upon which the pardon was received. Any  
2 agency shall reply to any inquiry concerning the records pertaining  
3 to the events for which the subject received a pardon that records  
4 are confidential, and no information can be given about the existence  
5 or nonexistence of records concerning an individual.

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

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

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

19 (c) The administrative office of the courts shall ensure that the  
20 superior court judicial information system provides prosecutors  
21 access to information on the existence of sealed juvenile records.

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

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

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

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



1 (ii) The person's criminal history consists entirely of one  
2 diversion agreement or counsel and release entered on or after June  
3 12, 2008;

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

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

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

11 (b) No less than quarterly, the administrative office of the  
12 courts shall provide a report to the juvenile courts of those  
13 individuals whose records may be eligible for destruction. The  
14 juvenile court shall verify eligibility and notify the Washington  
15 state patrol and the appropriate local law enforcement agency and  
16 prosecutor's office of the records to be destroyed. The requirement  
17 to destroy records under this subsection is not dependent on a court  
18 hearing or the issuance of a court order to destroy records.

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

22 (2) All records maintained by any court or law enforcement  
23 agency, including the juvenile court, local law enforcement, the  
24 Washington state patrol, and the prosecutor's office, shall be  
25 automatically destroyed within thirty days of being notified by the  
26 governor's office that the subject of those records received a full  
27 and unconditional pardon by the governor.

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

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

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

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

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

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

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

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

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34  
18 RCW to read as follows:

19 Cities, towns, and counties may not impose any legal financial  
20 obligations, fees, fines, or costs associated with juvenile offenses  
21 unless there is express statutory authority for those legal financial  
22 obligations, fees, fines, or costs.

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

25 (1)(a) In its dispositional order, the court shall require the  
26 respondent to make restitution to any persons who have suffered loss  
27 or damage as a result of the offense committed by the respondent. In  
28 addition, restitution may be ordered for loss or damage if the  
29 offender pleads guilty to a lesser offense or fewer offenses and  
30 agrees with the prosecutor's recommendation that the offender be  
31 required to pay restitution to a victim of an offense or offenses  
32 which, pursuant to a plea agreement, are not prosecuted.

33 (b) Restitution may include the costs of counseling reasonably  
34 related to the offense.

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

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

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

23 (f) If the respondent participated in the crime with another  
24 person or other persons, all such participants shall be jointly and  
25 severally responsible for the payment of restitution.

26 (g) At any time, the court may determine that the respondent is  
27 not required to pay, or may relieve the respondent of the requirement  
28 to pay, full or partial restitution to any insurance provider  
29 authorized under Title 48 RCW if the respondent reasonably satisfies  
30 the court that he or she does not have the means to make full or  
31 partial restitution to the insurance provider and could not  
32 reasonably acquire the means to pay the insurance provider the  
33 restitution over a ten-year period.

34 (2) Regardless of the provisions of subsection (1) of this  
35 section, the court shall order restitution in all cases where the  
36 victim is entitled to benefits under the crime victims' compensation  
37 act, chapter 7.68 RCW. If the court does not order restitution and  
38 the victim of the crime has been determined to be entitled to  
39 benefits under the crime victims' compensation act, the department of  
40 labor and industries, as administrator of the crime victims'

1 compensation program, may petition the court within one year of entry  
2 of the disposition order for entry of a restitution order. Upon  
3 receipt of a petition from the department of labor and industries,  
4 the court shall hold a restitution hearing and shall enter a  
5 restitution order.

6 (3) If an order includes restitution as one of the monetary  
7 assessments, the county clerk shall make disbursements to victims  
8 named in the order. The restitution to victims named in the order  
9 shall be paid prior to any payment for other penalties or monetary  
10 assessments.

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

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

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

21 (1)((~~a~~)) When any ((~~person~~)) adult is found guilty in any  
22 superior court of having committed a crime, except as provided in  
23 subsection (2) of this section, there shall be imposed by the court  
24 upon such convicted person a penalty assessment. The assessment shall  
25 be in addition to any other penalty or fine imposed by law and shall  
26 be five hundred dollars for each case or cause of action that  
27 includes one or more convictions of a felony or gross misdemeanor and  
28 two hundred fifty dollars for any case or cause of action that  
29 includes convictions of only one or more misdemeanors.

30 ((~~b~~) ~~When any juvenile is adjudicated of any offense in any~~  
31 ~~juvenile offense disposition under Title 13 RCW, except as provided~~  
32 ~~in subsection (2) of this section, there shall be imposed upon the~~  
33 ~~juvenile offender a penalty assessment. The assessment shall be in~~  
34 ~~addition to any other penalty or fine imposed by law and shall be one~~  
35 ~~hundred dollars for each case or cause of action that includes one or~~  
36 ~~more adjudications for a felony or gross misdemeanor and seventy five~~  
37 ~~dollars for each case or cause of action that includes adjudications~~  
38 ~~of only one or more misdemeanors.))~~

1 (2) The assessment imposed by subsection (1) of this section  
2 shall not apply to motor vehicle crimes defined in Title 46 RCW  
3 except those defined in the following sections: RCW 46.61.520,  
4 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,  
5 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,  
6 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,  
7 46.44.180, 46.10.490(2), and 46.09.470(2).

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

15 (4) Such penalty assessments shall be paid by the clerk of the  
16 superior court to the county treasurer who shall monthly transmit the  
17 money as provided in RCW 10.82.070. Each county shall deposit fifty  
18 percent of the money it receives per case or cause of action under  
19 subsection (1) of this section and retains under RCW 10.82.070, not  
20 less than one and seventy-five one-hundredths percent of the  
21 remaining money it retains under RCW 10.82.070 and the money it  
22 retains under chapter 3.62 RCW, and all money it receives under  
23 subsection (7) of this section into a fund maintained exclusively for  
24 the support of comprehensive programs to encourage and facilitate  
25 testimony by the victims of crimes and witnesses to crimes. A program  
26 shall be considered "comprehensive" only after approval of the  
27 department upon application by the county prosecuting attorney. The  
28 department shall approve as comprehensive only programs which:

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

35 (b) Are administered by the county prosecuting attorney either  
36 directly through the prosecuting attorney's office or by contract  
37 between the county and agencies providing services to victims of  
38 crime;

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

4 (d) Assist victims in the restitution and adjudication process;  
5 and

6 (e) Assist victims of violent crimes in the preparation and  
7 presentation of their claims to the department of labor and  
8 industries under this chapter.

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

16 (5) Upon submission to the department of a letter of intent to  
17 adopt a comprehensive program, the prosecuting attorney shall retain  
18 the money deposited by the county under subsection (4) of this  
19 section until such time as the county prosecuting attorney has  
20 obtained approval of a program from the department. Approval of the  
21 comprehensive plan by the department must be obtained within one year  
22 of the date of the letter of intent to adopt a comprehensive program.  
23 The county prosecuting attorney shall not make any expenditures from  
24 the money deposited under subsection (4) of this section until  
25 approval of a comprehensive plan by the department. If a county  
26 prosecuting attorney has failed to obtain approval of a program from  
27 the department under subsection (4) of this section or failed to  
28 obtain approval of a comprehensive program within one year after  
29 submission of a letter of intent under this section, the county  
30 treasurer shall monthly transmit one hundred percent of the money  
31 deposited by the county under subsection (4) of this section to the  
32 state treasurer for deposit in the state general fund.

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

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

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

3        (1) Courts that maintain a database of juvenile records may  
4    provide those records, whether sealed or not, to government agencies  
5    for the purpose of carrying out research or data gathering  
6    functions. This data may also be linked with records from other  
7    agencies or research organizations, provided that any agency  
8    receiving or using records under this subsection maintain strict  
9    confidentiality of the identity of the juveniles who are the subjects  
10   of such records.

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

16       **Sec. 8.**    RCW 7.80.130 and 2002 c 175 s 1 are each amended to read  
17   as follows:

18       (1) An order entered after the receipt of a response which does  
19   not contest the determination, or after it has been established at a  
20   hearing that the civil infraction was committed, or after a hearing  
21   for the purpose of explaining mitigating circumstances, or at the  
22   dismissal of a deferred disposition pursuant to RCW 13.40.127, or at  
23   the sealing of a juvenile record pursuant to RCW 13.50.260 is civil  
24   in nature.

25       (2) The court may waive, reduce, or suspend the monetary penalty  
26   prescribed for the civil infraction. If the court determines that a  
27   person has insufficient funds to pay the monetary penalty, the court  
28   may order performance of a number of hours of community restitution  
29   in lieu of a monetary penalty, at the rate of the then state minimum  
30   wage per hour.

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

33       (1) Any person who, with intent to deprive or defraud the owner  
34   thereof, does any of the following shall be guilty of a gross  
35   misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for  
36   adult offenders, a mandatory fine of not less than five hundred  
37   dollars per pet animal shall be imposed, except as provided by  
38   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. 10.** RCW 9.08.072 and 2003 c 53 s 10 are each amended to  
14 read 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. 11.** 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. 12.** 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. 13.** 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. 14.** 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. 15.** 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. 16.** 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. 17.** 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. 18.** 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. 19.** 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. 20.** 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. 21.** 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. 22.** 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. 23.** 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. 24.** 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 ~~((A fine, not to exceed one hundred dollars;~~  
18 ~~(+))~~) 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. 25.** 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. 26.** 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. 27.** 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. 28.** 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. 29.** 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. 30.** RCW 46.61.5054 and 2011 c 293 s 12 are each amended to  
11 read as follows:

12 (1)(a) In addition to penalties set forth in RCW 46.61.5051  
13 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055  
14 thereafter, a two hundred dollar fee shall be assessed to a person  
15 who is either convicted, sentenced to a lesser charge, or given  
16 deferred prosecution, as a result of an arrest for violating RCW  
17 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the  
18 purpose of funding the Washington state toxicology laboratory and the  
19 Washington state patrol for grants and activities to increase the  
20 conviction rate and decrease the incidence of persons driving under  
21 the influence of alcohol or drugs.

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

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

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

36 (a) Forty percent shall be subject to distribution under RCW  
37 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

38 (b) The remainder of the fee shall be forwarded to the state  
39 treasurer who shall, through June 30, 1997, deposit: Fifty percent in

1 the death investigations' account to be used solely for funding the  
2 state toxicology laboratory blood or breath testing programs; and  
3 fifty percent in the state patrol highway account to be used solely  
4 for funding activities to increase the conviction rate and decrease  
5 the incidence of persons driving under the influence of alcohol or  
6 drugs. Effective July 1, 1997, the remainder of the fee shall be  
7 forwarded to the state treasurer who shall deposit: Fifteen percent  
8 in the death investigations' account to be used solely for funding  
9 the state toxicology laboratory blood or breath testing programs; and  
10 eighty-five percent in the state patrol highway account to be used  
11 solely for funding activities to increase the conviction rate and  
12 decrease the incidence of persons driving under the influence of  
13 alcohol or drugs.

14 (3) Twenty-five dollars of the fee assessed under subsection (1)  
15 of this section must be distributed to the highway safety (~~account~~  
16 ~~{fund}~~) fund to be used solely for funding Washington traffic safety  
17 commission grants to reduce statewide collisions caused by persons  
18 driving under the influence of alcohol or drugs. Grants awarded under  
19 this subsection may be for projects that encourage collaboration with  
20 other community, governmental, and private organizations, and that  
21 utilize innovative approaches based on best practices or proven  
22 strategies supported by research or rigorous evaluation. Grants  
23 recipients may include, for example:

24 (a) DUI courts; and

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

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

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

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

34 (1) **No prior offenses in seven years.** Except as provided in RCW  
35 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
36 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense  
37 within seven years shall be punished as follows:

38 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
39 of a person whose alcohol concentration was less than 0.15, or for

1 whom for reasons other than the person's refusal to take a test  
2 offered pursuant to RCW 46.20.308 there is no test result indicating  
3 the person's alcohol concentration:

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

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

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

31 (i) By imprisonment for not less than two days nor more than  
32 three hundred sixty-four days. Forty-eight consecutive hours of the  
33 imprisonment may not be suspended unless the court finds that the  
34 imposition of this mandatory minimum sentence would impose a  
35 substantial risk to the offender's physical or mental well-being.  
36 Whenever the mandatory minimum sentence is suspended, the court shall  
37 state in writing the reason for granting the suspension and the facts  
38 upon which the suspension is based. In lieu of the mandatory minimum  
39 term of imprisonment required under this subsection (1)(b)(i), the  
40 court may order not less than thirty days of electronic home



1 monitoring. The offender shall pay the cost of electronic home  
2 monitoring. The county or municipality in which the penalty is being  
3 imposed shall determine the cost. The court may also require the  
4 offender's electronic home monitoring device to include an alcohol  
5 detection breathalyzer or other separate alcohol monitoring device,  
6 and the court may restrict the amount of alcohol the offender may  
7 consume during the time the offender is on electronic home  
8 monitoring; and

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

12 (2) **One prior offense in seven years.** Except as provided in RCW  
13 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
14 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense  
15 within seven years shall be punished as follows:

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

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

1 reason for granting the suspension and the facts upon which the  
2 suspension is based; and

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

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

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

33 (ii) By a fine of not less than seven hundred fifty dollars nor  
34 more than five thousand dollars. Seven hundred fifty dollars of the  
35 fine may not be suspended unless the court finds the offender to be  
36 indigent.

37 (3) **Two or three prior offenses in seven years.** Except as  
38 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is  
39 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has

1 two or three prior offenses within seven years shall be punished as  
2 follows:

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

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

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

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

38 (i) By imprisonment for not less than one hundred twenty days nor  
39 more than three hundred sixty-four days, if available in that county  
40 or city, a six-month period of 24/7 sobriety program monitoring

1 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty  
2 days of electronic home monitoring. In lieu of the mandatory minimum  
3 term of one hundred fifty days of electronic home monitoring, the  
4 court may order at least an additional ten days in jail. The offender  
5 shall pay for the cost of the electronic monitoring. The court shall  
6 order an expanded alcohol assessment and treatment, if deemed  
7 appropriate by the assessment. The county or municipality where the  
8 penalty is being imposed shall determine the cost. The court may also  
9 require the offender's electronic home monitoring device include an  
10 alcohol detection breathalyzer or other separate alcohol monitoring  
11 device, and may restrict the amount of alcohol the offender may  
12 consume during the time the offender is on electronic home  
13 monitoring. One hundred twenty days of imprisonment and one hundred  
14 fifty days of electronic home monitoring may not be suspended unless  
15 the court finds that the imposition of this mandatory minimum  
16 sentence would impose a substantial risk to the offender's physical  
17 or mental well-being. Whenever the mandatory minimum sentence is  
18 suspended, the court shall state in writing the reason for granting  
19 the suspension and the facts upon which the suspension is based; and

20 (ii) By a fine of not less than one thousand five hundred dollars  
21 nor more than five thousand dollars. One thousand five hundred  
22 dollars of the fine may not be suspended unless the court finds the  
23 offender to be indigent.

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

27 (a) The person has four or more prior offenses within ten years;  
28 or

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

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

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

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

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

37 (5) **Monitoring.**

38 (a) **Ignition interlock device.** The court shall require any person  
39 convicted of a violation of RCW 46.61.502 or 46.61.504 or an  
40 equivalent local ordinance to comply with the rules and requirements

1 of the department regarding the installation and use of a functioning  
2 ignition interlock device installed on all motor vehicles operated by  
3 the person.

4 (b) **Monitoring devices.** If the court orders that a person refrain  
5 from consuming any alcohol, the court may order the person to submit  
6 to alcohol monitoring through an alcohol detection breathalyzer  
7 device, transdermal sensor device, or other technology designed to  
8 detect alcohol in a person's system. The person shall pay for the  
9 cost of the monitoring, unless the court specifies that the cost of  
10 monitoring will be paid with funds that are available from an  
11 alternative source identified by the court. The county or  
12 municipality where the penalty is being imposed shall determine the  
13 cost.

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

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

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

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

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

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

34 (b) In any case in which the person has no prior offenses within  
35 seven years, and except as provided in RCW 46.61.502(6) or  
36 46.61.504(6), order an additional twenty-four hours of imprisonment  
37 and a fine of not less than one thousand dollars and not more than  
38 five thousand dollars. One thousand dollars of the fine may not be  
39 suspended unless the court finds the offender to be indigent;

1 (c) In any case in which the person has one prior offense within  
2 seven years, and except as provided in RCW 46.61.502(6) or  
3 46.61.504(6), order an additional five days of imprisonment and a  
4 fine of not less than two thousand dollars and not more than five  
5 thousand dollars. One thousand dollars of the fine may not be  
6 suspended unless the court finds the offender to be indigent;

7 (d) In any case in which the person has two or three prior  
8 offenses within seven years, and except as provided in RCW  
9 46.61.502(6) or 46.61.504(6), order an additional ten days of  
10 imprisonment and a fine of not less than three thousand dollars and  
11 not more than ten thousand dollars. One thousand dollars of the fine  
12 may not be suspended unless the court finds the offender to be  
13 indigent.

14 (7) **Other items courts must consider while setting penalties.** In  
15 exercising its discretion in setting penalties within the limits  
16 allowed by this section, the court shall particularly consider the  
17 following:

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

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

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

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

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

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

35 (a) **Penalty for alcohol concentration less than 0.15.** If the  
36 person's alcohol concentration was less than 0.15, or if for reasons  
37 other than the person's refusal to take a test offered under RCW  
38 46.20.308 there is no test result indicating the person's alcohol  
39 concentration:

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

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

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

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

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

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

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

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

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

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

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

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

29 Upon its own motion or upon motion by a person, a court may find,  
30 on the record, that notice to the department under RCW 46.20.270 has  
31 been delayed for three years or more as a result of a clerical or  
32 court error. If so, the court may order that the person's license,  
33 permit, or nonresident privilege shall not be revoked, suspended, or  
34 denied for that offense. The court shall send notice of the finding  
35 and order to the department and to the person. Upon receipt of the  
36 notice from the court, the department shall not revoke, suspend, or  
37 deny the license, permit, or nonresident privilege of the person for  
38 that offense.

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

4 (10) **Probation of driving privilege.** After expiration of any  
5 period of suspension, revocation, or denial of the offender's  
6 license, permit, or privilege to drive required by this section, the  
7 department shall place the offender's driving privilege in  
8 probationary status pursuant to RCW 46.20.355.

9 (11) **Conditions of probation.** (a) In addition to any  
10 nonsuspendable and nondeferrable jail sentence required by this  
11 section, whenever the court imposes up to three hundred sixty-four  
12 days in jail, the court shall also suspend but shall not defer a  
13 period of confinement for a period not exceeding five years. The  
14 court shall impose conditions of probation that include: (i) Not  
15 driving a motor vehicle within this state without a valid license to  
16 drive and proof of liability insurance or other financial  
17 responsibility for the future pursuant to RCW 46.30.020; (ii) not  
18 driving or being in physical control of a motor vehicle within this  
19 state while having an alcohol concentration of 0.08 or more or a THC  
20 concentration of 5.00 nanograms per milliliter of whole blood or  
21 higher, within two hours after driving; and (iii) not refusing to  
22 submit to a test of his or her breath or blood to determine alcohol  
23 or drug concentration upon request of a law enforcement officer who  
24 has reasonable grounds to believe the person was driving or was in  
25 actual physical control of a motor vehicle within this state while  
26 under the influence of intoxicating liquor or drug. The court may  
27 impose conditions of probation that include nonrepetition,  
28 installation of an ignition interlock device on the probationer's  
29 motor vehicle, alcohol or drug treatment, supervised probation, or  
30 other conditions that may be appropriate. The sentence may be imposed  
31 in whole or in part upon violation of a condition of probation during  
32 the suspension period.

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

37 (c) For each incident involving a violation of a mandatory  
38 condition of probation imposed under this subsection, the license,  
39 permit, or privilege to drive of the person shall be suspended by the  
40 court for thirty days or, if such license, permit, or privilege to



1 drive already is suspended, revoked, or denied at the time the  
2 finding of probation violation is made, the suspension, revocation,  
3 or denial then in effect shall be extended by thirty days. The court  
4 shall notify the department of any suspension, revocation, or denial  
5 or any extension of a suspension, revocation, or denial imposed under  
6 this subsection.

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

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

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

16 (c) The court determines that there is reason to believe that the  
17 offender would violate the conditions of the electronic home  
18 monitoring penalty.

19 Whenever the mandatory minimum term of electronic home monitoring  
20 is waived, the court shall state in writing the reason for granting  
21 the waiver and the facts upon which the waiver is based, and shall  
22 impose an alternative sentence with similar punitive consequences.  
23 The alternative sentence may include, but is not limited to, use of  
24 an ignition interlock device, the 24/7 sobriety program monitoring,  
25 additional jail time, work crew, or work camp.

26 Whenever the combination of jail time and electronic home  
27 monitoring or alternative sentence would exceed three hundred sixty-  
28 four days, the offender shall serve the jail portion of the sentence  
29 first, and the electronic home monitoring or alternative portion of  
30 the sentence shall be reduced so that the combination does not exceed  
31 three hundred sixty-four days.

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

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

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

- 1 (i) A conviction for a violation of RCW 46.61.502 or an  
2 equivalent local ordinance;
- 3 (ii) A conviction for a violation of RCW 46.61.504 or an  
4 equivalent local ordinance;
- 5 (iii) A conviction for a violation of RCW 46.25.110 or an  
6 equivalent local ordinance;
- 7 (iv) A conviction for a violation of RCW 79A.60.040 or an  
8 equivalent local ordinance;
- 9 (v) A conviction for a violation of RCW 47.68.220 or an  
10 equivalent local ordinance;
- 11 (vi) A conviction for a violation of RCW 46.09.470(2) or an  
12 equivalent local ordinance;
- 13 (vii) A conviction for a violation of RCW 46.10.490(2) or an  
14 equivalent local ordinance;
- 15 (viii) A conviction for a violation of RCW 46.61.520 committed  
16 while under the influence of intoxicating liquor or any drug, or a  
17 conviction for a violation of RCW 46.61.520 committed in a reckless  
18 manner or with the disregard for the safety of others if the  
19 conviction is the result of a charge that was originally filed as a  
20 violation of RCW 46.61.520 committed while under the influence of  
21 intoxicating liquor or any drug;
- 22 (ix) A conviction for a violation of RCW 46.61.522 committed  
23 while under the influence of intoxicating liquor or any drug, or a  
24 conviction for a violation of RCW 46.61.522 committed in a reckless  
25 manner or with the disregard for the safety of others if the  
26 conviction is the result of a charge that was originally filed as a  
27 violation of RCW 46.61.522 committed while under the influence of  
28 intoxicating liquor or any drug;
- 29 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or  
30 9A.36.050 or an equivalent local ordinance, if the conviction is the  
31 result of a charge that was originally filed as a violation of RCW  
32 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW  
33 46.61.520 or 46.61.522;
- 34 (xi) An out-of-state conviction for a violation that would have  
35 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this  
36 subsection if committed in this state;
- 37 (xii) A deferred prosecution under chapter 10.05 RCW granted in a  
38 prosecution for a violation of RCW 46.61.502, 46.61.504, or an  
39 equivalent local ordinance;

1 (xiii) A deferred prosecution under chapter 10.05 RCW granted in  
2 a prosecution for a violation of RCW 46.61.5249, or an equivalent  
3 local ordinance, if the charge under which the deferred prosecution  
4 was granted was originally filed as a violation of RCW 46.61.502 or  
5 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
6 46.61.522;

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

13 (xv) A deferred sentence imposed in a prosecution for a violation  
14 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local  
15 ordinance, if the charge under which the deferred sentence was  
16 imposed was originally filed as a violation of RCW 46.61.502 or  
17 46.61.504, or an equivalent local ordinance, or a violation of RCW  
18 46.61.520 or 46.61.522;

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

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

25 (c) "Within seven years" means that the arrest for a prior  
26 offense occurred within seven years before or after the arrest for  
27 the current offense; and

28 (d) "Within ten years" means that the arrest for a prior offense  
29 occurred within ten years before or after the arrest for the current  
30 offense.

31 (15) All fines imposed by this section apply to adult offenders  
32 only.

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

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

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

1 (a) A controlled substance classified in Schedule I or II which  
2 is a narcotic drug or flunitrazepam, including its salts, isomers,  
3 and salts of isomers, classified in Schedule IV, is guilty of a class  
4 B felony and upon conviction may be imprisoned for not more than ten  
5 years, or (i) fined not more than twenty-five thousand dollars if the  
6 crime involved less than two kilograms of the drug, or both such  
7 imprisonment and fine; or (ii) if the crime involved two or more  
8 kilograms of the drug, then fined not more than one hundred thousand  
9 dollars for the first two kilograms and not more than fifty dollars  
10 for each gram in excess of two kilograms, or both such imprisonment  
11 and fine;

12 (b) Amphetamine, including its salts, isomers, and salts of  
13 isomers, or methamphetamine, including its salts, isomers, and salts  
14 of isomers, is guilty of a class B felony and upon conviction may be  
15 imprisoned for not more than ten years, or (i) fined not more than  
16 twenty-five thousand dollars if the crime involved less than two  
17 kilograms of the drug, or both such imprisonment and fine; or (ii) if  
18 the crime involved two or more kilograms of the drug, then fined not  
19 more than one hundred thousand dollars for the first two kilograms  
20 and not more than fifty dollars for each gram in excess of two  
21 kilograms, or both such imprisonment and fine. Three thousand dollars  
22 of the fine may not be suspended. As collected, the first three  
23 thousand dollars of the fine must be deposited with the law  
24 enforcement agency having responsibility for cleanup of laboratories,  
25 sites, or substances used in the manufacture of the methamphetamine,  
26 including its salts, isomers, and salts of isomers. The fine moneys  
27 deposited with that law enforcement agency must be used for such  
28 clean-up cost;

29 (c) Any other controlled substance classified in Schedule I, II,  
30 or III, is guilty of a class C felony punishable according to chapter  
31 9A.20 RCW;

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

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

37 (3) The production, manufacture, processing, packaging, delivery,  
38 distribution, sale, or possession of marijuana in compliance with the  
39 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not

1 constitute a violation of this section, this chapter, or any other  
2 provision of Washington state law.

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

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

6 A person who is convicted of a misdemeanor violation of any  
7 provision of this chapter shall be punished by imprisonment for not  
8 less than twenty-four consecutive hours, and adult offenders shall be  
9 punished by a fine of not less than two hundred fifty dollars. On a  
10 second or subsequent conviction, the fine shall not be less than five  
11 hundred dollars for adult offenders. These fines shall be in addition  
12 to any other fine or penalty imposed on adult offenders. Unless the  
13 court finds that the imposition of the minimum imprisonment will pose  
14 a substantial risk to the defendant's physical or mental well-being  
15 or that local jail facilities are in an overcrowded condition, the  
16 minimum term of imprisonment shall not be suspended or deferred. If  
17 the court finds such risk or overcrowding exists, it shall sentence  
18 the defendant to a minimum of forty hours of community restitution.  
19 If a minimum term of imprisonment is suspended or deferred, the court  
20 shall state in writing the reason for granting the suspension or  
21 deferral and the facts upon which the suspension or deferral is  
22 based. Unless the court finds the person to be indigent, the minimum  
23 fine shall not be suspended or deferred.

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

26 (1) Every (~~person~~) adult offender convicted of a felony  
27 violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402,  
28 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be  
29 fined one thousand dollars in addition to any other fine or penalty  
30 imposed. Unless the court finds the (~~person~~) adult offender to be  
31 indigent, this additional fine shall not be suspended or deferred by  
32 the court.

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

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

3       (1) Any person who violates RCW 69.50.401 by manufacturing,  
4 selling, delivering, or possessing with the intent to manufacture,  
5 sell, or deliver a controlled substance listed under RCW 69.50.401 or  
6 who violates RCW 69.50.410 by selling for profit any controlled  
7 substance or counterfeit substance classified in schedule I, RCW  
8 69.50.204, except leaves and flowering tops of marihuana to a person:

9       (a) In a school;

10       (b) On a school bus;

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

13       (d) Within one thousand feet of the perimeter of the school  
14 grounds;

15       (e) In a public park;

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

18       (g) On a public transit vehicle;

19       (h) In a public transit stop shelter;

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

22       (j) Within one thousand feet of the perimeter of a facility  
23 designated under (i) of this subsection, if the local governing  
24 authority specifically designates the one thousand foot perimeter  
25 may be punished by a fine of up to twice the fine otherwise  
26 authorized by this chapter, but not including twice the fine  
27 authorized by RCW 69.50.406, or by imprisonment of up to twice the  
28 imprisonment otherwise authorized by this chapter, but not including  
29 twice the imprisonment authorized by RCW 69.50.406, or by both such  
30 fine and imprisonment. The provisions of this section shall not  
31 operate to more than double the fine or imprisonment otherwise  
32 authorized by this chapter for an offense.

33       (2) It is not a defense to a prosecution for a violation of this  
34 section that the person was unaware that the prohibited conduct took  
35 place while in a school or school bus or within one thousand feet of  
36 the school or school bus route stop, in a public park, in a public  
37 housing project designated by a local governing authority as a drug-  
38 free zone, on a public transit vehicle, in a public transit stop  
39 shelter, at a civic center designated as a drug-free zone by the  
40 local governing authority, or within one thousand feet of the

1 perimeter of a facility designated under subsection (1)(i) of this  
2 section, if the local governing authority specifically designates the  
3 one thousand foot perimeter.

4 (3) It is not a defense to a prosecution for a violation of this  
5 section or any other prosecution under this chapter that persons  
6 under the age of eighteen were not present in the school, the school  
7 bus, the public park, the public housing project designated by a  
8 local governing authority as a drug-free zone, or the public transit  
9 vehicle, or at the school bus route stop, the public transit vehicle  
10 stop shelter, at a civic center designated as a drug-free zone by the  
11 local governing authority, or within one thousand feet of the  
12 perimeter of a facility designated under subsection (1)(i) of this  
13 section, if the local governing authority specifically designates the  
14 one thousand foot perimeter at the time of the offense or that school  
15 was not in session.

16 (4) It is an affirmative defense to a prosecution for a violation  
17 of this section that the prohibited conduct took place entirely  
18 within a private residence, that no person under eighteen years of  
19 age or younger was present in such private residence at any time  
20 during the commission of the offense, and that the prohibited conduct  
21 did not involve delivering, manufacturing, selling, or possessing  
22 with the intent to manufacture, sell, or deliver any controlled  
23 substance in RCW 69.50.401 for profit. The affirmative defense  
24 established in this section shall be proved by the defendant by a  
25 preponderance of the evidence. This section shall not be construed to  
26 establish an affirmative defense with respect to a prosecution for an  
27 offense defined in any other section of this chapter.

28 (5) In a prosecution under this section, a map produced or  
29 reproduced by any municipality, school district, county, transit  
30 authority engineer, or public housing authority for the purpose of  
31 depicting the location and boundaries of the area on or within one  
32 thousand feet of any property used for a school, school bus route  
33 stop, public park, public housing project designated by a local  
34 governing authority as a drug-free zone, public transit vehicle stop  
35 shelter, or a civic center designated as a drug-free zone by a local  
36 governing authority, or a true copy of such a map, shall under proper  
37 authentication, be admissible and shall constitute prima facie  
38 evidence of the location and boundaries of those areas if the  
39 governing body of the municipality, school district, county, or  
40 transit authority has adopted a resolution or ordinance approving the

1 map as the official location and record of the location and  
2 boundaries of the area on or within one thousand feet of the school,  
3 school bus route stop, public park, public housing project designated  
4 by a local governing authority as a drug-free zone, public transit  
5 vehicle stop shelter, or civic center designated as a drug-free zone  
6 by a local governing authority. Any map approved under this section  
7 or a true copy of the map shall be filed with the clerk of the  
8 municipality or county, and shall be maintained as an official record  
9 of the municipality or county. This section shall not be construed as  
10 precluding the prosecution from introducing or relying upon any other  
11 evidence or testimony to establish any element of the offense. This  
12 section shall not be construed as precluding the use or admissibility  
13 of any map or diagram other than the one which has been approved by  
14 the governing body of a municipality, school district, county,  
15 transit authority, or public housing authority if the map or diagram  
16 is otherwise admissible under court rule.

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

19 (a) "School" has the meaning under RCW 28A.150.010 or  
20 28A.150.020. The term "school" also includes a private school  
21 approved under RCW 28A.195.010;

22 (b) "School bus" means a school bus as defined by the  
23 superintendent of public instruction by rule which is owned and  
24 operated by any school district and all school buses which are  
25 privately owned and operated under contract or otherwise with any  
26 school district in the state for the transportation of students. The  
27 term does not include buses operated by common carriers in the urban  
28 transportation of students such as transportation of students through  
29 a municipal transportation system;

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

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

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

39 (f) "Transit authority" means a city, county, or state  
40 transportation system, transportation authority, public



1 transportation benefit area, public transit authority, or  
2 metropolitan municipal corporation within the state that operates  
3 public transit vehicles;

4 (g) "Stop shelter" means a passenger shelter designated by a  
5 transit authority;

6 (h) "Civic center" means a publicly owned or publicly operated  
7 place or facility used for recreational, educational, or cultural  
8 activities;

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

11 (7) The fines imposed by this section apply to adult offenders  
12 only.

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

15 (1) If (~~a person~~) an adult offender is convicted of violating  
16 RCW 77.15.410 and that violation results in the death of wildlife  
17 listed in this section, the court shall require payment of the  
18 following amounts for each animal taken or possessed. This shall be a  
19 criminal wildlife penalty assessment that shall be paid to the clerk  
20 of the court and distributed each month to the state treasurer for  
21 deposit in the fish and wildlife enforcement reward account created  
22 in RCW 77.15.425.

23	(a) Moose, mountain sheep, mountain	
24	goat, and all wildlife species	
25	classified as endangered by	
26	rule of the commission, except	
27	for mountain caribou and	
28	grizzly bear as listed under (d)	
29	of this subsection. . . . .	\$4,000
30	(b) Elk, deer, black bear, and cougar. .	\$2,000
31	(c) Trophy animal elk and deer. . . . .	\$6,000
32	(d) Mountain caribou, grizzly bear, and	
33	trophy animal mountain	
34	sheep. . . . .	\$12,000

35 (2)(a) For the purpose of this section a "trophy animal" is:  
36 (i) A buck deer with four or more antler points on both sides,  
37 not including eyeguards;

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

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

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

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

11 (4) The criminal wildlife penalty assessment shall be imposed  
12 regardless of and in addition to any sentence, fines, or costs  
13 otherwise provided for violating any provision of this title. The  
14 criminal wildlife penalty assessment shall be included by the court  
15 in any pronouncement of sentence and may not be suspended, waived,  
16 modified, or deferred in any respect. This section may not be  
17 construed to abridge or alter alternative rights of action or  
18 remedies in equity or under common law or statutory law, criminal or  
19 civil.

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

25 (6) A person assessed a criminal wildlife penalty assessment  
26 under this section shall have his or her hunting license revoked and  
27 all hunting privileges suspended until the penalty assessment is paid  
28 through the registry of the court in which the penalty assessment was  
29 assessed.

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

33 (a) When a person is convicted of spotlighting big game under RCW  
34 77.15.450;

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

38 (c) When the trier of fact determines that the person took or  
39 possessed the animal in question with the intent of bartering,

1 selling, or otherwise deriving economic profit from the animal or the  
2 animal's parts; or

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

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

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

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

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