

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2487

61st Legislature
2010 Regular Session

Passed by the House February 13, 2010
Yeas 95 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 2, 2010
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2487** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2487

Passed Legislature - 2010 Regular Session

State of Washington

61st Legislature

2010 Regular Session

By House Public Safety & Emergency Preparedness (originally sponsored by Representatives Goodman, Rodne, Klippert, Green, Santos, Kessler, Llias, and Kelley)

READ FIRST TIME 01/26/10.

1 AN ACT Relating to increasing costs for administering a deferred
2 prosecution; and amending RCW 10.01.160.

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

4 **Sec. 1.** RCW 10.01.160 and 2008 c 318 s 2 are each amended to read
5 as follows:

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

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

1 defendant to pay. Costs for administering a deferred prosecution
2 (~~(or)~~) may not exceed two hundred fifty dollars. Costs for
3 administering a pretrial supervision may not exceed one hundred fifty
4 dollars. Costs for preparing and serving a warrant for failure to
5 appear may not exceed one hundred dollars. Costs of incarceration
6 imposed on a defendant convicted of a misdemeanor or a gross
7 misdemeanor may not exceed the actual cost of incarceration. In no
8 case may the court require the offender to pay more than one hundred
9 dollars per day for the cost of incarceration. Payment of other court-
10 ordered financial obligations, including all legal financial
11 obligations and costs of supervision take precedence over the payment
12 of the cost of incarceration ordered by the court. All funds received
13 from defendants for the cost of incarceration in the county or city
14 jail must be remitted for criminal justice purposes to the county or
15 city that is responsible for the defendant's jail costs. Costs imposed
16 constitute a judgment against a defendant and survive a dismissal of
17 the underlying action against the defendant. However, if the defendant
18 is acquitted on the underlying action, the costs for preparing and
19 serving a warrant for failure to appear do not survive the acquittal,
20 and the judgment that such costs would otherwise constitute shall be
21 vacated.

22 (3) The court shall not order a defendant to pay costs unless the
23 defendant is or will be able to pay them. In determining the amount
24 and method of payment of costs, the court shall take account of the
25 financial resources of the defendant and the nature of the burden that
26 payment of costs will impose.

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

35 (5) Except for direct costs relating to evaluating and reporting to
36 the court, prosecutor, or defense counsel regarding a defendant's
37 competency to stand trial as provided in RCW 10.77.060, this section
38 shall not apply to costs related to medical or mental health treatment

1 or services a defendant receives while in custody of the secretary of
2 the department of social and health services or other governmental
3 units. This section shall not prevent the secretary of the department
4 of social and health services or other governmental units from imposing
5 liability and seeking reimbursement from a defendant committed to an
6 appropriate facility as provided in RCW 10.77.084 while criminal
7 proceedings are stayed. This section shall also not prevent
8 governmental units from imposing liability on defendants for costs
9 related to providing medical or mental health treatment while the
10 defendant is in the governmental unit's custody. Medical or mental
11 health treatment and services a defendant receives at a state hospital
12 or other facility are not a cost of prosecution and shall be
13 recoverable under RCW 10.77.250 and 70.48.130, chapter 43.20B RCW, and
14 any other applicable statute.

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