

E2SHB 1783 - S COMM AMD

By Committee on Law & Justice

OUT OF ORDER 02/28/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 10.82.090 and 2015 c 265 s 23 are each amended to
4 read as follows:

5 (1) Except as provided in subsection (2) of this section,
6 restitution financial obligations imposed in a judgment shall bear
7 interest from the date of the judgment until payment, at the rate
8 ((~~applicable to civil judgments~~)) of four percent. Except as provided
9 in subsection (2) of this section, nonrestitution financial
10 obligations imposed in a judgment shall bear interest from the date
11 of release from full or partial custody until payment, at the rate of
12 four percent. All nonrestitution interest retained by the court shall
13 be split twenty-five percent to the state treasurer for deposit in
14 the state general fund, twenty-five percent to the state treasurer
15 for deposit in the judicial information system account as provided in
16 RCW 2.68.020, twenty-five percent to the county current expense fund,
17 and twenty-five percent to the county current expense fund to fund
18 local courts.

19 (2) The court may, on motion by the offender, following the
20 offender's release from total confinement, reduce or waive the
21 interest on legal financial obligations levied as a result of a
22 criminal conviction as follows:

23 (a) The court shall waive all interest on the portions of the
24 legal financial obligations that are not restitution ((~~that accrued~~
25 during the term of total confinement)) for the conviction giving rise
26 to the financial obligations, provided the offender shows that the
27 interest creates a hardship for the offender or his or her immediate
28 family;

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

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

10 (d) For purposes of (a) through (c) of this subsection, the court
11 may reduce or waive interest on legal financial obligations only as
12 an incentive for the offender to meet his or her other legal
13 financial obligations. The court may grant the motion, establish a
14 payment schedule, and retain jurisdiction over the offender for
15 purposes of reviewing and revising the reduction or waiver of
16 interest.

17 (3) This section only applies to adult offenders.

18 **Sec. 2.** RCW 3.50.100 and 2012 c 136 s 3 are each amended to read
19 as follows:

20 (1) Costs in civil and criminal actions may be imposed as
21 provided in district court. All fees, costs, fines, forfeitures and
22 other money imposed by any municipal court for the violation of any
23 municipal or town ordinances shall be collected by the court clerk
24 and, together with any other noninterest revenues received by the
25 clerk, shall be deposited with the city or town treasurer as a part
26 of the general fund of the city or town, or deposited in such other
27 fund of the city or town, or deposited in such other funds as may be
28 designated by the laws of the state of Washington.

29 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
30 treasurer shall remit monthly thirty-two percent of the noninterest
31 money received under this section, other than for parking
32 infractions, and certain costs to the state treasurer. "Certain
33 costs" as used in this subsection, means those costs awarded to
34 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
35 or those costs awarded against convicted defendants in criminal
36 actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other
37 similar statutes if such costs are specifically designated as costs
38 by the court and are awarded for the specific reimbursement of costs
39 incurred by the state, county, city, or town in the prosecution of

1 the case, including the fees of defense counsel. Money remitted under
2 this subsection to the state treasurer shall be deposited in the
3 state general fund.

4 (3) The balance of the noninterest money received under this
5 section shall be retained by the city and deposited as provided by
6 law.

7 (4) Penalties, fines, bail forfeitures, fees, and costs may
8 accrue interest at the rate of (~~twelve~~) four percent per annum,
9 upon assignment to a collection agency. Interest may accrue only
10 while the case is in collection status.

11 (5) Interest retained by the court on penalties, fines, bail
12 forfeitures, fees, and costs shall be split twenty-five percent to
13 the state treasurer for deposit in the state general fund, twenty-
14 five percent to the state treasurer for deposit in the judicial
15 information system account as provided in RCW 2.68.020, twenty-five
16 percent to the city general fund, and twenty-five percent to the city
17 general fund to fund local courts.

18 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
19 2012 c 134 s 6 are each reenacted and amended to read as follows:

20 (1) Except as provided in subsection (4) of this section, all
21 costs, fees, fines, forfeitures and penalties assessed and collected
22 in whole or in part by district courts, except costs, fines,
23 forfeitures and penalties assessed and collected, in whole or in
24 part, because of the violation of city ordinances, shall be remitted
25 by the clerk of the district court to the county treasurer at least
26 monthly, together with a financial statement as required by the state
27 auditor, noting the information necessary for crediting of such funds
28 as required by law.

29 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
30 and this section, the county treasurer shall remit thirty-two percent
31 of the noninterest money received under subsection (1) of this
32 section except certain costs to the state treasurer. "Certain costs"
33 as used in this subsection, means those costs awarded to prevailing
34 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
35 costs awarded against convicted defendants in criminal actions under
36 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
37 such costs are specifically designated as costs by the court and are
38 awarded for the specific reimbursement of costs incurred by the state
39 or county in the prosecution of the case, including the fees of

1 defense counsel. With the exception of funds to be transferred to the
2 judicial stabilization trust account under RCW 3.62.060(2), money
3 remitted under this subsection to the state treasurer shall be
4 deposited in the state general fund.

5 (3) The balance of the noninterest money received by the county
6 treasurer under subsection (1) of this section shall be deposited in
7 the county current expense fund. Funds deposited under this
8 subsection that are attributable to the county's portion of a
9 surcharge imposed under RCW 3.62.060(2) must be used to support local
10 trial court and court-related functions.

11 (4) Except as provided in RCW 7.84.100(4), all money collected
12 for county parking infractions shall be remitted by the clerk of the
13 district court at least monthly, with the information required under
14 subsection (1) of this section, to the county treasurer for deposit
15 in the county current expense fund.

16 (5) Penalties, fines, bail forfeitures, fees, and costs may
17 accrue interest at the rate of (~~twelve~~) four percent per annum,
18 upon assignment to a collection agency. Interest may accrue only
19 while the case is in collection status.

20 (6) Interest retained by the court on penalties, fines, bail
21 forfeitures, fees, and costs shall be split twenty-five percent to
22 the state treasurer for deposit in the state general fund, twenty-
23 five percent to the state treasurer for deposit in the judicial
24 information system account as provided in RCW 2.68.020, twenty-five
25 percent to the county current expense fund, and twenty-five percent
26 to the county current expense fund to fund local courts.

27 **Sec. 4.** RCW 3.62.040 and 2012 c 136 s 5 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (4) of this section, all
30 costs, fines, forfeitures and penalties assessed and collected, in
31 whole or in part, by district courts because of violations of city
32 ordinances shall be remitted by the clerk of the district court at
33 least monthly directly to the treasurer of the city wherein the
34 violation occurred.

35 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
36 treasurer shall remit monthly thirty-two percent of the noninterest
37 money received under this section, other than for parking infractions
38 and certain costs, to the state treasurer. "Certain costs" as used in
39 this subsection, means those costs awarded to prevailing parties in

1 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
2 against convicted defendants in criminal actions under RCW 10.01.160,
3 10.46.190, or 36.18.040, or other similar statutes if such costs are
4 specifically designated as costs by the court and are awarded for the
5 specific reimbursement of costs incurred by the state, county, city,
6 or town in the prosecution of the case, including the fees of defense
7 counsel. Money remitted under this subsection to the state treasurer
8 shall be deposited in the state general fund.

9 (3) The balance of the noninterest money received under this
10 section shall be retained by the city and deposited as provided by
11 law.

12 (4) All money collected for city parking infractions shall be
13 remitted by the clerk of the district court at least monthly to the
14 city treasurer for deposit in the city's general fund.

15 (5) Penalties, fines, bail forfeitures, fees, and costs may
16 accrue interest at the rate of (~~twelve~~) four percent per annum,
17 upon assignment to a collection agency. Interest may accrue only
18 while the case is in collection status.

19 (6) Interest retained by the court on penalties, fines, bail
20 forfeitures, fees, and costs shall be split twenty-five percent to
21 the state treasurer for deposit in the state general fund, twenty-
22 five percent to the state treasurer for deposit in the judicial
23 information system account as provided in RCW 2.68.020, twenty-five
24 percent to the city general fund, and twenty-five percent to the city
25 general fund to fund local courts.

26 **Sec. 5.** RCW 35.20.220 and 2012 c 136 s 7 are each amended to
27 read as follows:

28 (1) The chief clerk, under the supervision and direction of the
29 court administrator of the municipal court, shall have the custody
30 and care of the books, papers and records of the court. The chief
31 clerk or a deputy shall be present during the session of the court
32 and has the power to swear all witnesses and jurors, administer oaths
33 and affidavits, and take acknowledgments. The chief clerk shall keep
34 the records of the court and shall issue all process under his or her
35 hand and the seal of the court. The chief clerk shall do and perform
36 all things and have the same powers pertaining to the office as the
37 clerks of the superior courts have in their office. He or she shall
38 receive all fines, penalties, and fees of every kind and keep a full,
39 accurate, and detailed account of the same. The chief clerk shall on

1 each day pay into the city treasury all money received for the city
2 during the day previous, with a detailed account of the same, and
3 taking the treasurer's receipt therefor.

4 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
5 treasurer shall remit monthly thirty-two percent of the noninterest
6 money received under this section, other than for parking infractions
7 and certain costs to the state treasurer. "Certain costs" as used in
8 this subsection, means those costs awarded to prevailing parties in
9 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
10 against convicted defendants in criminal actions under RCW 10.01.160,
11 10.46.190, or 36.18.040, or other similar statutes if such costs are
12 specifically designated as costs by the court and are awarded for the
13 specific reimbursement of costs incurred by the state, county, city,
14 or town in the prosecution of the case, including the fees of defense
15 counsel. Money remitted under this subsection to the state treasurer
16 shall be deposited in the state general fund.

17 (3) The balance of the noninterest money received under this
18 section shall be retained by the city and deposited as provided by
19 law.

20 (4) Penalties, fines, bail forfeitures, fees, and costs may
21 accrue interest at the rate of (~~twelve~~) four percent per annum,
22 upon assignment to a collection agency. Interest may accrue only
23 while the case is in collection status.

24 (5) Interest retained by the court on penalties, fines, bail
25 forfeitures, fees, and costs shall be split twenty-five percent to
26 the state treasurer for deposit in the state general fund, twenty-
27 five percent to the state treasurer for deposit in the judicial
28 information system account as provided in RCW 2.68.020, twenty-five
29 percent to the city general fund, and twenty-five percent to the city
30 general fund to fund local courts.

31 **Sec. 6.** RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each
32 amended to read as follows:

33 (1) The court may require a defendant to pay costs. Costs may be
34 imposed only upon a convicted defendant, except for costs imposed
35 upon a defendant's entry into a deferred prosecution program, costs
36 imposed upon a defendant for pretrial supervision, or costs imposed
37 upon a defendant for preparing and serving a warrant for failure to
38 appear.

1 (2) Costs shall be limited to expenses specially incurred by the
2 state in prosecuting the defendant or in administering the deferred
3 prosecution program under chapter 10.05 RCW or pretrial supervision.
4 They cannot include expenses inherent in providing a constitutionally
5 guaranteed jury trial or expenditures in connection with the
6 maintenance and operation of government agencies that must be made by
7 the public irrespective of specific violations of law. Expenses
8 incurred for serving of warrants for failure to appear and jury fees
9 under RCW 10.46.190 may be included in costs the court may require a
10 defendant to pay. Costs for administering a deferred prosecution may
11 not exceed two hundred fifty dollars. Costs for administering a
12 pretrial supervision other than a pretrial electronic alcohol
13 monitoring program, drug monitoring program, or 24/7 sobriety program
14 may not exceed one hundred fifty dollars. Costs for preparing and
15 serving a warrant for failure to appear may not exceed one hundred
16 dollars. Costs of incarceration imposed on a defendant convicted of a
17 misdemeanor or a gross misdemeanor may not exceed the actual cost of
18 incarceration. In no case may the court require the offender to pay
19 more than one hundred dollars per day for the cost of incarceration.
20 Payment of other court-ordered financial obligations, including all
21 legal financial obligations and costs of supervision take precedence
22 over the payment of the cost of incarceration ordered by the court.
23 All funds received from defendants for the cost of incarceration in
24 the county or city jail must be remitted for criminal justice
25 purposes to the county or city that is responsible for the
26 defendant's jail costs. Costs imposed constitute a judgment against a
27 defendant and survive a dismissal of the underlying action against
28 the defendant. However, if the defendant is acquitted on the
29 underlying action, the costs for preparing and serving a warrant for
30 failure to appear do not survive the acquittal, and the judgment that
31 such costs would otherwise constitute shall be vacated.

32 (3) The court shall not order a defendant to pay costs unless the
33 defendant is or will be able to pay them. In determining the amount
34 and method of payment of costs, the court shall take account of the
35 financial resources of the defendant and the nature of the burden
36 that payment of costs will impose. However, this subsection does not
37 create a statutory obligation for the trial court to make an
38 individualized inquiry into a defendant's current and future ability
39 to pay before the court imposes costs. A trial court shall not be
40 required to conduct a case by case analysis and evaluate an

1 individual defendant's circumstances but may use standard language in
2 a judgment and sentence that makes the findings required under this
3 subsection. A defendant may seek modification of the judgment and
4 sentence order in the event the defendant is unable to pay as allowed
5 by law and court rule. This provision is intended to clarify the
6 obligations of a trial court under this subsection and cure any
7 ambiguity that might have led to the Washington supreme court's
8 decision in *State v. Blazina*, Cause No. 89028-5 (March 12, 2015) and
9 shall be applied retroactively.

10 (4) A defendant who has been ordered to pay costs and who is not
11 in (~~contumacious~~) willful default in the payment thereof may at any
12 time after release from total confinement petition the sentencing
13 court for remission of the payment of costs or of any unpaid portion
14 thereof. If it appears to the satisfaction of the court that payment
15 of the amount due will impose manifest hardship on the defendant or
16 the defendant's immediate family, the court may remit all or part of
17 the amount due in costs, (~~or~~) modify the method of payment under
18 RCW 10.01.170, or with the defendant's consent convert the unpaid
19 costs to community restitution hours, if the jurisdiction operates a
20 community restitution program, at the rate of no less than the state
21 minimum wage established in RCW 49.46.020 for each hour of community
22 restitution. Manifest hardship exists where the defendant is indigent
23 as defined in RCW 10.101.010(3) (a) through (c).

24 (5) Except for direct costs relating to evaluating and reporting
25 to the court, prosecutor, or defense counsel regarding a defendant's
26 competency to stand trial as provided in RCW 10.77.060, this section
27 shall not apply to costs related to medical or mental health
28 treatment or services a defendant receives while in custody of the
29 secretary of the department of social and health services or other
30 governmental units. This section shall not prevent the secretary of
31 the department of social and health services or other governmental
32 units from imposing liability and seeking reimbursement from a
33 defendant committed to an appropriate facility as provided in RCW
34 10.77.084 while criminal proceedings are stayed. This section shall
35 also not prevent governmental units from imposing liability on
36 defendants for costs related to providing medical or mental health
37 treatment while the defendant is in the governmental unit's custody.
38 Medical or mental health treatment and services a defendant receives
39 at a state hospital or other facility are not a cost of prosecution

1 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
2 43.20B RCW, and any other applicable statute.

3 **Sec. 7.** RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each
4 amended to read as follows:

5 (1) When a defendant is sentenced to pay ((a)) fines, penalties,
6 assessments, fees, restitution, or costs, the court may grant
7 permission for payment to be made within a specified period of time
8 or in specified installments. If no such permission is included in
9 the sentence the fine or costs shall be payable forthwith.

10 (2) An offender's monthly payment shall be applied in the
11 following order of priority until satisfied:

12 (a) First, proportionally to restitution to victims that have not
13 been fully compensated from other sources;

14 (b) Second, proportionally to restitution to insurance or other
15 sources with respect to a loss that has provided compensation to
16 victims;

17 (c) Third, proportionally to crime victims' assessments; and

18 (d) Fourth, proportionally to costs, fines, and other assessments
19 required by law.

20 **Sec. 8.** RCW 10.01.180 and 2010 c 8 s 1006 are each amended to
21 read as follows:

22 (1) A defendant sentenced to pay ((a)) any fine, penalty,
23 assessment, fee, or costs who willfully defaults in the payment
24 thereof or of any installment is in contempt of court as provided in
25 chapter 7.21 RCW. The court may issue a warrant of arrest for his or
26 her appearance.

27 (2) When ((a)) any fine, penalty, assessment, fee, or assessment
28 of costs is imposed on a corporation or unincorporated association,
29 it is the duty of the person authorized to make disbursement from the
30 assets of the corporation or association to pay the ((fine or costs))
31 obligation from those assets, and his or her failure to do so may be
32 held to be contempt.

33 (3)(a) The court shall not sanction a defendant for contempt
34 based on failure to pay fines, penalties, assessments, fees, or costs
35 unless the court finds, after a hearing and on the record, that the
36 failure to pay is willful. A failure to pay is willful if the
37 defendant has the current ability to pay but refuses to do so.

1 (b) In determining whether the defendant has the current ability
2 to pay, the court shall inquire into and consider: (i) The
3 defendant's income and assets; (ii) the defendant's basic living
4 costs as defined by RCW 10.101.010 and other liabilities including
5 child support and other legal financial obligations; and (iii) the
6 defendant's bona fide efforts to acquire additional resources. A
7 defendant who is indigent as defined by RCW 10.101.010(3) (a) through
8 (c) is presumed to lack the current ability to pay.

9 (c) If the court determines that the defendant is homeless or a
10 person who is mentally ill, as defined in RCW 71.24.025, failure to
11 pay a legal financial obligation is not willful contempt and shall
12 not subject the defendant to penalties.

13 (4) If a term of imprisonment for contempt for nonpayment of
14 ((a)) any fine, penalty, assessment, fee, or costs is ordered, the
15 term of imprisonment shall be set forth in the commitment order, and
16 shall not exceed one day for each twenty-five dollars of the ((fine
17 or costs)) amount ordered, thirty days if the ((fine or assessment))
18 amount ordered of costs was imposed upon conviction of a violation or
19 misdemeanor, or one year in any other case, whichever is the shorter
20 period. A person committed for nonpayment of ((a)) any fine, penalty,
21 assessment, fee, or costs shall be given credit toward payment for
22 each day of imprisonment at the rate specified in the commitment
23 order.

24 ((+4)) (5) If it appears to the satisfaction of the court that
25 the default in the payment of ((a)) any fine, penalty, assessment,
26 fee, or costs is not willful contempt, the court may enter an order:
27 (a) Allowing the defendant additional time for payment((τ)); (b)
28 reducing the amount thereof or of each installment ((ø×)); (c)
29 revoking the fine, penalty, assessment, fee, or costs or the unpaid
30 portion thereof in whole or in part; or (d) with the defendant's
31 consent converting the unpaid fine, penalty, assessment, fee, or
32 costs to community restitution hours, if the jurisdiction operates a
33 community restitution program, at the rate of no less than the state
34 minimum wage established in RCW 49.46.020 for each hour of community
35 restitution. The crime victim penalty assessment under RCW 7.68.035
36 may not be reduced, revoked, or converted to community restitution
37 hours.

38 ((+5)) (6) A default in the payment of ((a)) any fine, penalty,
39 assessment, fee, or costs or any installment thereof may be collected
40 by any means authorized by law for the enforcement of a judgment. The

1 levy of execution for the collection of ((a)) any fine, penalty,
2 assessment, fee, or costs shall not discharge a defendant committed
3 to imprisonment for contempt until the amount ((of the fine or
4 ~~costs~~)) has actually been collected.

5 **Sec. 9.** RCW 10.46.190 and 2005 c 457 s 12 are each amended to
6 read as follows:

7 Every person convicted of a crime or held to bail to keep the
8 peace ((shall)) may be liable to all the costs of the proceedings
9 against him or her, including, when tried by a jury in the superior
10 court or before a committing magistrate, a jury fee as provided for
11 in civil actions for which judgment shall be rendered and collected.
12 The jury fee, when collected for a case tried by the superior court,
13 shall be paid to the clerk and applied as the jury fee in civil cases
14 is applied.

15 **Sec. 10.** RCW 10.64.015 and Code 1881 s 1104 are each amended to
16 read as follows:

17 When the defendant is found guilty, the court shall render
18 judgment accordingly, and the defendant ((shall)) may be liable for
19 all costs, unless the court or jury trying the cause expressly find
20 otherwise.

21 **Sec. 11.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read
22 as follows:

23 Hereafter whenever any judge of any superior court or a district
24 or municipal judge shall sentence any person to pay any fines,
25 penalties, assessments, fees, and costs, the judge may, in the
26 judge's discretion, provide that such fines, penalties, assessments,
27 fees, and costs may be paid in certain designated installments, or
28 within certain designated period or periods; and if such fines,
29 penalties, assessments, fees, and costs shall be paid by the
30 defendant in accordance with such order no commitment or imprisonment
31 of the defendant shall be made for failure to pay such fine or costs.
32 PROVIDED, that the provisions of this section shall not apply to any
33 sentence given for the violation of any of the liquor laws of this
34 state.

35 **Sec. 12.** RCW 10.73.160 and 2015 c 265 s 22 are each amended to
36 read as follows:

1 (1) The court of appeals, supreme court, and superior courts may
2 require an adult offender convicted of an offense to pay appellate
3 costs.

4 (2) Appellate costs are limited to expenses specifically incurred
5 by the state in prosecuting or defending an appeal or collateral
6 attack from a criminal conviction. Appellate costs shall not include
7 expenditures to maintain and operate government agencies that must be
8 made irrespective of specific violations of the law. Expenses
9 incurred for producing a verbatim report of proceedings and clerk's
10 papers may be included in costs the court may require a convicted
11 defendant to pay.

12 (3) Costs, including recoupment of fees for court-appointed
13 counsel, shall be requested in accordance with the procedures
14 contained in Title 14 of the rules of appellate procedure and in
15 Title 9 of the rules for appeal of decisions of courts of limited
16 jurisdiction. An award of costs shall become part of the trial court
17 judgment and sentence.

18 (4) A defendant who has been sentenced to pay costs and who is
19 not in ~~((contumacious))~~ willful default in the payment may at any
20 time after release from total confinement petition the court that
21 sentenced the defendant or juvenile offender for remission of the
22 payment of costs or of any unpaid portion. If it appears to the
23 satisfaction of the sentencing court that payment of the amount due
24 will impose manifest hardship on the defendant or the defendant's
25 immediate family, the sentencing court may remit all or part of the
26 amount due in costs, ~~((or))~~ modify the method of payment under RCW
27 10.01.170, or with the defendant's consent convert the unpaid costs
28 to community restitution hours, if the jurisdiction operates a
29 community restitution program, at the rate of no less than the state
30 minimum wage established in RCW 49.46.020 for each hour of community
31 restitution. Manifest hardship exists where the defendant or juvenile
32 offender is indigent as defined in RCW 10.101.010(3) (a) through (c).

33 (5) The parents or another person legally obligated to support a
34 juvenile offender who has been ordered to pay appellate costs and who
35 is not in ~~((contumacious))~~ willful default in the payment may at any
36 time petition the court that sentenced the juvenile offender for
37 remission of the payment of costs or of any unpaid portion. If it
38 appears to the satisfaction of the sentencing court that payment of
39 the amount due will impose manifest hardship on the parents or
40 another person legally obligated to support a juvenile offender or on

1 their immediate families, the sentencing court may remit all or part
2 of the amount due in costs, or may modify the method of payment.

3 **Sec. 13.** RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to
4 read as follows:

5 (1) If an offender violates any condition or requirement of a
6 sentence, and the offender is not being supervised by the department,
7 the court may modify its order of judgment and sentence and impose
8 further punishment in accordance with this section.

9 (2) If an offender fails to comply with any of the nonfinancial
10 conditions or requirements of a sentence the following provisions
11 apply:

12 (a) The court, upon the motion of the state, or upon its own
13 motion, shall require the offender to show cause why the offender
14 should not be punished for the noncompliance. The court may issue a
15 summons or a warrant of arrest for the offender's appearance;

16 (b) The state has the burden of showing noncompliance by a
17 preponderance of the evidence;

18 (c) If the court finds that a violation has been proved, it may
19 impose the sanctions specified in RCW 9.94A.633(1). Alternatively,
20 the court may:

21 (i) Convert a term of partial confinement to total confinement;
22 or

23 (ii) Convert community restitution obligation to total or partial
24 confinement; (~~or~~

25 ~~(iii) Convert monetary obligations, except restitution and the~~
26 ~~crime victim penalty assessment, to community restitution hours at~~
27 ~~the rate of the state minimum wage as established in RCW 49.46.020~~
28 ~~for each hour of community restitution;))~~

29 (d) If the court finds that the violation was not willful, the
30 court may modify its previous order regarding (~~payment of legal~~
31 ~~financial obligations and regarding~~) community restitution
32 obligations; and

33 (e) If the violation involves a failure to undergo or comply with
34 a mental health status evaluation and/or outpatient mental health
35 treatment, the court shall seek a recommendation from the treatment
36 provider or proposed treatment provider. Enforcement of orders
37 concerning outpatient mental health treatment must reflect the
38 availability of treatment and must pursue the least restrictive means
39 of promoting participation in treatment. If the offender's failure to

1 receive care essential for health and safety presents a risk of
2 serious physical harm or probable harmful consequences, the civil
3 detention and commitment procedures of chapter 71.05 RCW shall be
4 considered in preference to incarceration in a local or state
5 correctional facility.

6 (3) If an offender fails to pay legal financial obligations as a
7 requirement of a sentence the following provisions apply:

8 (a) The court, upon the motion of the state, or upon its own
9 motion, shall require the offender to show cause why the offender
10 should not be punished for the noncompliance. The court may issue a
11 summons or a warrant of arrest for the offender's appearance;

12 (b) The state has the burden of showing noncompliance by a
13 preponderance of the evidence;

14 (c) The court may not sanction the offender for failure to pay
15 legal financial obligations unless the court finds, after a hearing
16 and on the record, that the failure to pay is willful. A failure to
17 pay is willful if the offender has the current ability to pay but
18 refuses to do so. In determining whether the offender has the current
19 ability to pay, the court shall inquire into and consider: (i) The
20 offender's income and assets; (ii) the offender's basic living costs
21 as defined by RCW 10.101.010 and other liabilities including child
22 support and other legal financial obligations; and (iii) the
23 offender's bona fide efforts to acquire additional resources. An
24 offender who is indigent as defined by RCW 10.101.010(3) (a) through
25 (c) is presumed to lack the current ability to pay;

26 (d) If the court determines that the offender is homeless or a
27 person who is mentally ill, as defined in RCW 71.24.025, failure to
28 pay a legal financial obligation is not willful noncompliance and
29 shall not subject the offender to penalties;

30 (e) If the court finds that a failure to pay is willful
31 noncompliance, it may impose the sanctions specified in RCW
32 9.94A.633(1); and

33 (f) If the court finds that the violation was not willful, the
34 court may modify the terms of payment of the legal financial
35 obligations, reduce or waive nonrestitution legal financial
36 obligations, or with the defendant's consent convert nonrestitution
37 legal financial obligations to community restitution hours, if the
38 jurisdiction operates a community restitution program, at the rate of
39 no less than the state minimum wage established in RCW 49.46.020 for
40 each hour of community restitution. The crime victim penalty

1 assessment under RCW 7.68.035 may not be reduced, waived, or
2 converted to community restitution hours.

3 (4) Any time served in confinement awaiting a hearing on
4 noncompliance shall be credited against any confinement ordered by
5 the court.

6 ~~((4))~~ (5) Nothing in this section prohibits the filing of
7 escape charges if appropriate.

8 **Sec. 14.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to
9 read as follows:

10 (1) Whenever a person is convicted in superior court, the court
11 may order the payment of a legal financial obligation as part of the
12 sentence. The court may not order an offender to pay costs as
13 described in RCW 10.01.160 if the court finds that the offender at
14 the time of sentencing is indigent as defined in RCW 10.101.010(3)
15 (a) through (c). An offender being indigent as defined in RCW
16 10.101.010(3) (a) through (c) is not grounds for failing to impose
17 restitution or the crime victim penalty assessment under RCW
18 7.68.035. The court must on either the judgment and sentence or on a
19 subsequent order to pay, designate the total amount of a legal
20 financial obligation and segregate this amount among the separate
21 assessments made for restitution, costs, fines, and other assessments
22 required by law. On the same order, the court is also to set a sum
23 that the offender is required to pay on a monthly basis towards
24 satisfying the legal financial obligation. If the court fails to set
25 the offender monthly payment amount, the department shall set the
26 amount if the department has active supervision of the offender,
27 otherwise the county clerk shall set the amount.

28 (2) Upon receipt of ((an offender's monthly)) each payment((
29 restitution shall be paid prior to any payments of other monetary
30 obligations. After restitution is satisfied)) made by or on behalf of
31 an offender, the county clerk shall distribute the payment
32 ((proportionally among all other fines, costs, and assessments
33 imposed, unless otherwise ordered by the court)) in the following
34 order of priority until satisfied:

35 (a) First, proportionally to restitution to victims that have not
36 been fully compensated from other sources;

37 (b) Second, proportionally to restitution to insurance or other
38 sources with respect to a loss that has provided compensation to
39 victims;

1 (c) Third, proportionally to crime victims' assessments; and

2 (d) Fourth, proportionally to costs, fines, and other assessments
3 required by law.

4 ~~((+2))~~ (3) If the court determines that the offender, at the
5 time of sentencing, has the means to pay for the cost of
6 incarceration, the court may require the offender to pay for the cost
7 of incarceration ~~((at))~~. Costs of incarceration ordered by the court
8 shall not exceed a rate of fifty dollars per day of incarceration, if
9 incarcerated in a prison, or the ~~((court may require the offender to~~
10 ~~pay the))~~ actual cost of incarceration per day of incarceration, if
11 incarcerated in a county jail. In no case may the court require the
12 offender to pay more than one hundred dollars per day for the cost of
13 incarceration. ~~((Payment of other court ordered financial~~
14 ~~obligations, including all legal financial obligations and costs of~~
15 ~~supervision shall take precedence over the payment of the cost of~~
16 ~~incarceration ordered by the court.))~~ All funds recovered from
17 offenders for the cost of incarceration in the county jail shall be
18 remitted to the county and the costs of incarceration in a prison
19 shall be remitted to the department.

20 ~~((+3))~~ (4) The court may add to the judgment and sentence or
21 subsequent order to pay a statement that a notice of payroll
22 deduction is to be issued immediately. If the court chooses not to
23 order the immediate issuance of a notice of payroll deduction at
24 sentencing, the court shall add to the judgment and sentence or
25 subsequent order to pay a statement that a notice of payroll
26 deduction may be issued or other income-withholding action may be
27 taken, without further notice to the offender if a monthly court-
28 ordered legal financial obligation payment is not paid when due, and
29 an amount equal to or greater than the amount payable for one month
30 is owed.

31 If a judgment and sentence or subsequent order to pay does not
32 include the statement that a notice of payroll deduction may be
33 issued or other income-withholding action may be taken if a monthly
34 legal financial obligation payment is past due, the department or the
35 county clerk may serve a notice on the offender stating such
36 requirements and authorizations. Service shall be by personal service
37 or any form of mail requiring a return receipt.

38 ~~((+4))~~ (5) Independent of the department or the county clerk,
39 the party or entity to whom the legal financial obligation is owed
40 shall have the authority to use any other remedies available to the

1 party or entity to collect the legal financial obligation. These
2 remedies include enforcement in the same manner as a judgment in a
3 civil action by the party or entity to whom the legal financial
4 obligation is owed. Restitution collected through civil enforcement
5 must be paid through the registry of the court and must be
6 distributed proportionately according to each victim's loss when
7 there is more than one victim. The judgment and sentence shall
8 identify the party or entity to whom restitution is owed so that the
9 state, party, or entity may enforce the judgment. If restitution is
10 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of
11 rape of a child or a victim's child born from the rape, the
12 Washington state child support registry shall be identified as the
13 party to whom payments must be made. Restitution obligations arising
14 from the rape of a child in the first, second, or third degree that
15 result in the pregnancy of the victim may be enforced for the time
16 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other
17 legal financial obligations for an offense committed prior to July 1,
18 2000, may be enforced at any time during the ten-year period
19 following the offender's release from total confinement or within ten
20 years of entry of the judgment and sentence, whichever period ends
21 later. Prior to the expiration of the initial ten-year period, the
22 superior court may extend the criminal judgment an additional ten
23 years for payment of legal financial obligations including crime
24 victims' assessments. All other legal financial obligations for an
25 offense committed on or after July 1, 2000, may be enforced at any
26 time the offender remains under the court's jurisdiction. For an
27 offense committed on or after July 1, 2000, the court shall retain
28 jurisdiction over the offender, for purposes of the offender's
29 compliance with payment of the legal financial obligations, until the
30 obligation is completely satisfied, regardless of the statutory
31 maximum for the crime. The department may only supervise the
32 offender's compliance with payment of the legal financial obligations
33 during any period in which the department is authorized to supervise
34 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
35 which the offender is confined in a state correctional institution or
36 a correctional facility pursuant to a transfer agreement with the
37 department, and the department shall supervise the offender's
38 compliance during any such period. The department is not responsible
39 for supervision of the offender during any subsequent period of time
40 the offender remains under the court's jurisdiction. The county clerk

1 is authorized to collect unpaid legal financial obligations at any
2 time the offender remains under the jurisdiction of the court for
3 purposes of his or her legal financial obligations.

4 ~~((+5))~~ (6) In order to assist the court in setting a monthly sum
5 that the offender must pay during the period of supervision, the
6 offender is required to report to the department for purposes of
7 preparing a recommendation to the court. When reporting, the offender
8 is required, under oath, to respond truthfully and honestly to all
9 questions concerning present, past, and future earning capabilities
10 and the location and nature of all property or financial assets. The
11 offender is further required to bring all documents requested by the
12 department.

13 ~~((+6))~~ (7) After completing the investigation, the department
14 shall make a report to the court on the amount of the monthly payment
15 that the offender should be required to make towards a satisfied
16 legal financial obligation.

17 ~~((+7))~~ (8)(a) During the period of supervision, the department
18 may make a recommendation to the court that the offender's monthly
19 payment schedule be modified so as to reflect a change in financial
20 circumstances. If the department sets the monthly payment amount, the
21 department may modify the monthly payment amount without the matter
22 being returned to the court. During the period of supervision, the
23 department may require the offender to report to the department for
24 the purposes of reviewing the appropriateness of the collection
25 schedule for the legal financial obligation. During this reporting,
26 the offender is required under oath to respond truthfully and
27 honestly to all questions concerning earning capabilities and the
28 location and nature of all property or financial assets. The offender
29 shall bring all documents requested by the department in order to
30 prepare the collection schedule.

31 (b) Subsequent to any period of supervision, or if the department
32 is not authorized to supervise the offender in the community, the
33 county clerk may make a recommendation to the court that the
34 offender's monthly payment schedule be modified so as to reflect a
35 change in financial circumstances. If the county clerk sets the
36 monthly payment amount, or if the department set the monthly payment
37 amount and the department has subsequently turned the collection of
38 the legal financial obligation over to the county clerk, the clerk
39 may modify the monthly payment amount without the matter being
40 returned to the court. During the period of repayment, the county

1 clerk may require the offender to report to the clerk for the purpose
2 of reviewing the appropriateness of the collection schedule for the
3 legal financial obligation. During this reporting, the offender is
4 required under oath to respond truthfully and honestly to all
5 questions concerning earning capabilities and the location and nature
6 of all property or financial assets. The offender shall bring all
7 documents requested by the county clerk in order to prepare the
8 collection schedule.

9 ~~((+8))~~ (9) After the judgment and sentence or payment order is
10 entered, the department is authorized, for any period of supervision,
11 to collect the legal financial obligation from the offender.
12 Subsequent to any period of supervision or, if the department is not
13 authorized to supervise the offender in the community, the county
14 clerk is authorized to collect unpaid legal financial obligations
15 from the offender. Any amount collected by the department shall be
16 remitted daily to the county clerk for the purpose of disbursements.
17 The department and the county clerks are authorized, but not
18 required, to accept credit cards as payment for a legal financial
19 obligation, and any costs incurred related to accepting credit card
20 payments shall be the responsibility of the offender.

21 ~~((+9))~~ (10) The department or any obligee of the legal financial
22 obligation may seek a mandatory wage assignment for the purposes of
23 obtaining satisfaction for the legal financial obligation pursuant to
24 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
25 the county clerk. The county clerks shall notify the department, or
26 the administrative office of the courts, whichever is providing the
27 monthly billing for the offender.

28 ~~((+10))~~ (11) The requirement that the offender pay a monthly sum
29 towards a legal financial obligation constitutes a condition or
30 requirement of a sentence and the offender is subject to the
31 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
32 or 9.94A.740. If the court determines that the offender is homeless
33 or a person who is mentally ill, as defined in RCW 71.24.025, failure
34 to pay a legal financial obligation is not willful noncompliance and
35 shall not subject the offender to penalties.

36 ~~((+11))~~ (12)(a) The administrative office of the courts shall
37 mail individualized periodic billings to the address known by the
38 office for each offender with an unsatisfied legal financial
39 obligation.

1 (b) The billing shall direct payments, other than outstanding
2 cost of supervision assessments under RCW 9.94A.780, parole
3 assessments under RCW 72.04A.120, and cost of probation assessments
4 under RCW 9.95.214, to the county clerk, and cost of supervision,
5 parole, or probation assessments to the department.

6 (c) The county clerk shall provide the administrative office of
7 the courts with notice of payments by such offenders no less
8 frequently than weekly.

9 (d) The county clerks, the administrative office of the courts,
10 and the department shall maintain agreements to implement this
11 subsection.

12 (~~(12)~~) (13) The department shall arrange for the collection of
13 unpaid legal financial obligations during any period of supervision
14 in the community through the county clerk. The department shall
15 either collect unpaid legal financial obligations or arrange for
16 collections through another entity if the clerk does not assume
17 responsibility or is unable to continue to assume responsibility for
18 collection pursuant to subsection (~~(4)~~) (5) of this section. The
19 costs for collection services shall be paid by the offender.

20 (~~(13)~~) (14) The county clerk may access the records of the
21 employment security department for the purposes of verifying
22 employment or income, seeking any assignment of wages, or performing
23 other duties necessary to the collection of an offender's legal
24 financial obligations.

25 (~~(14)~~) (15) Nothing in this chapter makes the department, the
26 state, the counties, or any state or county employees, agents, or
27 other persons acting on their behalf liable under any circumstances
28 for the payment of these legal financial obligations or for the acts
29 of any offender who is no longer, or was not, subject to supervision
30 by the department for a term of community custody, and who remains
31 under the jurisdiction of the court for payment of legal financial
32 obligations.

33 **Sec. 15.** RCW 9.94B.040 and 2002 c 175 s 8 are each amended to
34 read as follows:

35 (1) If an offender violates any condition or requirement of a
36 sentence, the court may modify its order of judgment and sentence and
37 impose further punishment in accordance with this section.

38 (2) In cases where conditions from a second or later sentence of
39 community supervision begin prior to the term of the second or later

1 sentence, the court shall treat a violation of such conditions as a
2 violation of the sentence of community supervision currently being
3 served.

4 (3) If an offender fails to comply with any of the nonfinancial
5 requirements or conditions of a sentence the following provisions
6 apply:

7 (a)(i) Following the violation, if the offender and the
8 department make a stipulated agreement, the department may impose
9 sanctions such as work release, home detention with electronic
10 monitoring, work crew, community restitution, inpatient treatment,
11 daily reporting, curfew, educational or counseling sessions,
12 supervision enhanced through electronic monitoring, jail time, or
13 other sanctions available in the community.

14 (ii) Within seventy-two hours of signing the stipulated
15 agreement, the department shall submit a report to the court and the
16 prosecuting attorney outlining the violation or violations, and
17 sanctions imposed. Within fifteen days of receipt of the report, if
18 the court is not satisfied with the sanctions, the court may schedule
19 a hearing and may modify the department's sanctions. If this occurs,
20 the offender may withdraw from the stipulated agreement.

21 (iii) If the offender fails to comply with the sanction
22 administratively imposed by the department, the court may take action
23 regarding the original noncompliance. Offender failure to comply with
24 the sanction administratively imposed by the department may be
25 considered an additional violation;

26 (b) In the absence of a stipulated agreement, or where the court
27 is not satisfied with the department's sanctions as provided in (a)
28 of this subsection, the court, upon the motion of the state, or upon
29 its own motion, shall require the offender to show cause why the
30 offender should not be punished for the noncompliance. The court may
31 issue a summons or a warrant of arrest for the offender's appearance;

32 (c) The state has the burden of showing noncompliance by a
33 preponderance of the evidence. If the court finds that the violation
34 has occurred, it may order the offender to be confined for a period
35 not to exceed sixty days for each violation, and may (i) convert a
36 term of partial confinement to total confinement, (ii) convert
37 community restitution obligation to total or partial confinement, or
38 ~~(iii) ((convert monetary obligations, except restitution and the~~
39 ~~crime victim penalty assessment, to community restitution hours at~~
40 ~~the rate of the state minimum wage as established in RCW 49.46.020~~

1 ~~for each hour of community restitution, or (iv))~~ order one or more
2 of the penalties authorized in (a)(i) of this subsection. Any time
3 served in confinement awaiting a hearing on noncompliance shall be
4 credited against any confinement order by the court;

5 (d) If the court finds that the violation was not willful, the
6 court may modify its previous order regarding (~~payment of legal~~
7 ~~financial obligations and regarding~~) community restitution
8 obligations; and

9 (e) If the violation involves a failure to undergo or comply with
10 mental status evaluation and/or outpatient mental health treatment,
11 the community corrections officer shall consult with the treatment
12 provider or proposed treatment provider. Enforcement of orders
13 concerning outpatient mental health treatment must reflect the
14 availability of treatment and must pursue the least restrictive means
15 of promoting participation in treatment. If the offender's failure to
16 receive care essential for health and safety presents a risk of
17 serious physical harm or probable harmful consequences, the civil
18 detention and commitment procedures of chapter 71.05 RCW shall be
19 considered in preference to incarceration in a local or state
20 correctional facility.

21 (4) If the violation involves failure to pay legal financial
22 obligations, the following provisions apply:

23 (a) The department and the offender may enter into a stipulated
24 agreement that the failure to pay was willful noncompliance,
25 according to the provisions and requirements of subsection (3)(a) of
26 this section;

27 (b) In the absence of a stipulated agreement, or where the court
28 is not satisfied with the department's sanctions as provided in a
29 stipulated agreement under (a) of this subsection, the court, upon
30 the motion of the state, or upon its own motion, shall require the
31 offender to show cause why the offender should not be punished for
32 the noncompliance. The court may issue a summons or a warrant of
33 arrest for the offender's appearance;

34 (c) The state has the burden of showing noncompliance by a
35 preponderance of the evidence. The court may not sanction the
36 offender for failure to pay legal financial obligations unless the
37 court finds, after a hearing and on the record, that the failure to
38 pay is willful. A failure to pay is willful if the offender has the
39 current ability to pay but refuses to do so. In determining whether
40 the offender has the current ability to pay, the court shall inquire

1 into and consider: (i) The offender's income and assets; (ii) the
2 offender's basic living costs as defined by RCW 10.101.010 and other
3 liabilities including child support and other legal financial
4 obligations; and (iii) the offender's bona fide efforts to acquire
5 additional resources. An offender who is indigent as defined by RCW
6 10.101.010(3) (a) through (c) is presumed to lack the current ability
7 to pay;

8 (d) If the court determines that the offender is homeless or a
9 person who is mentally ill, as defined in RCW 71.24.025, failure to
10 pay a legal financial obligation is not willful noncompliance and
11 shall not subject the offender to penalties;

12 (e) If the court finds that the failure to pay is willful
13 noncompliance, the court may order the offender to be confined for a
14 period not to exceed sixty days for each violation or order one or
15 more of the penalties authorized in subsection (3)(a)(i) of this
16 section; and

17 (f) If the court finds that the violation was not willful, the
18 court may modify the terms of payment of the legal financial
19 obligations, reduce or waive nonrestitution legal financial
20 obligations, or convert nonrestitution legal financial obligations to
21 community restitution hours, if the jurisdiction operates a community
22 restitution program, at the rate of no less than the state minimum
23 wage established in RCW 49.46.020 for each hour of community
24 restitution. The crime victim penalty assessment under RCW 7.68.035
25 may not be reduced, waived, or converted to community restitution
26 hours.

27 (5) The community corrections officer may obtain information from
28 the offender's mental health treatment provider on the offender's
29 status with respect to evaluation, application for services,
30 registration for services, and compliance with the supervision plan,
31 without the offender's consent, as described under RCW 71.05.630.

32 ~~((+5))~~ (6) An offender under community placement or community
33 supervision who is civilly detained under chapter 71.05 RCW, and
34 subsequently discharged or conditionally released to the community,
35 shall be under the supervision of the department of corrections for
36 the duration of his or her period of community placement or community
37 supervision. During any period of inpatient mental health treatment
38 that falls within the period of community placement or community
39 supervision, the inpatient treatment provider and the supervising
40 community corrections officer shall notify each other about the

1 offender's discharge, release, and legal status, and shall share
2 other relevant information.

3 ~~((+6+))~~ (7) Nothing in this section prohibits the filing of
4 escape charges if appropriate.

5 **Sec. 16.** RCW 3.62.085 and 2005 c 457 s 10 are each amended to
6 read as follows:

7 Upon conviction or a plea of guilty in any court organized under
8 this title or Title 35 RCW, a defendant in a criminal case is liable
9 for a fee of forty-three dollars, except the court may decline to
10 impose costs on a defendant who is indigent as defined in RCW
11 10.101.010(3) (a) through (c). This fee shall be subject to division
12 with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2),
13 3.62.040(2), and 35.20.220(2).

14 **Sec. 17.** RCW 36.18.020 and 2015 c 265 s 28 are each amended to
15 read as follows:

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

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

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

36 (b) Any party, except a defendant in a criminal case, filing the
37 first or initial document on an appeal from a court of limited

1 jurisdiction or any party on any civil appeal, shall pay, when the
2 document is filed, a fee of two hundred dollars.

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

5 (d) For filing of a petition for unlawful harassment under RCW
6 10.14.040 a filing fee of fifty-three dollars.

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

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

12 (g) For filing any petition to contest a will admitted to probate
13 or a petition to admit a will which has been rejected, or a petition
14 objecting to a written agreement or memorandum as provided in RCW
15 11.96A.220, there shall be paid a fee of two hundred dollars.

16 (h) Upon conviction or plea of guilty, upon failure to prosecute
17 an appeal from a court of limited jurisdiction as provided by law, or
18 upon affirmance of a conviction by a court of limited jurisdiction,
19 an adult defendant in a criminal case shall be liable for a fee of
20 two hundred dollars, except the court may decline to impose costs on
21 a defendant who is indigent as defined in RCW 10.101.010(3) (a)
22 through (c).

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

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

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

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

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

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

7 **Sec. 18.** RCW 43.43.7541 and 2015 c 265 s 31 are each amended to
8 read as follows:

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

26 **Sec. 19.** RCW 7.68.035 and 2015 c 265 s 8 are each amended to
27 read as follows:

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

37 (b) When any juvenile is adjudicated of an offense that is a most
38 serious offense as defined in RCW 9.94A.030, or a sex offense under

1 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender
2 a penalty assessment. The assessment shall be in addition to any
3 other penalty or fine imposed by law and shall be one hundred dollars
4 for each case or cause of action.

5 (c) When any juvenile is adjudicated of an offense which has a
6 victim, and which is not a most serious offense as defined in RCW
7 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall
8 order up to seven hours of community restitution, unless the court
9 finds that such an order is not practicable for the offender. This
10 community restitution must be imposed consecutively to any other
11 community restitution the court imposes for the offense.

12 (2) The assessment imposed by subsection (1) of this section
13 shall not apply to motor vehicle crimes defined in Title 46 RCW
14 except those defined in the following sections: RCW 46.61.520,
15 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
16 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
17 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
18 46.44.180, 46.10.490(2), and 46.09.470(2).

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

26 (4) Such penalty assessments shall be paid by the clerk of the
27 superior court to the county treasurer (~~(who shall monthly transmit~~
28 ~~the money as provided in RCW 10.82.070)~~). Each county shall deposit
29 (~~(fifty)~~) one hundred percent of the money it receives per case or
30 cause of action under subsection (1) of this section (~~(and retains~~
31 ~~under RCW 10.82.070)~~), not less than one and seventy-five one-
32 hundredths percent of the remaining money it retains under RCW
33 10.82.070 and the money it retains under chapter 3.62 RCW, and all
34 money it receives under subsection (7) of this section into a fund
35 maintained exclusively for the support of comprehensive programs to
36 encourage and facilitate testimony by the victims of crimes and
37 witnesses to crimes. A program shall be considered "comprehensive"
38 only after approval of the department upon application by the county
39 prosecuting attorney. The department shall approve as comprehensive
40 only programs which:

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

7 (b) Are administered by the county prosecuting attorney either
8 directly through the prosecuting attorney's office or by contract
9 between the county and agencies providing services to victims of
10 crime;

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

14 (d) Assist victims in the restitution and adjudication process;
15 and

16 (e) Assist victims of violent crimes in the preparation and
17 presentation of their claims to the department of labor and
18 industries under this chapter.

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

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

1 deposited by the county under subsection (4) of this section to the
2 state treasurer for deposit in the state general fund.

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

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

11 NEW SECTION. **Sec. 20.** A new section is added to chapter 9.94A
12 RCW to read as follows:

13 Upon the release of an offender from partial or total
14 confinement, the department must inform the offender, in writing,
15 regarding the amount of legal financial obligation owed, the interest
16 rate, when and how interest will accrue, and the methods and process
17 to avoid the payment of interest on the nonrestitution portion of the
18 legal financial obligation.

19 NEW SECTION. **Sec. 21.** Nothing in this act requires the courts
20 to refund or reimburse amounts previously paid towards legal
21 financial obligations or interest on legal financial obligations.

22 NEW SECTION. **Sec. 22.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2017, in the omnibus appropriations act, this
25 act is null and void."

E2SHB 1783 - S COMM AMD
By Committee on Law & Justice

OUT OF ORDER 02/28/2018

26 On page 1, line 1 of the title, after "obligations;" strike the
27 remainder of the title and insert "amending RCW 10.82.090, 3.50.100,
28 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190,
29 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040,
30 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and

1 amending RCW 3.62.020; adding a new section to chapter 9.94A RCW; and
2 creating new sections."

EFFECT: (1) As of the effective date of the act, legal financial obligations bear a four percent interest rate. Interest accrues on nonrestitution legal financial obligations from the date of release.

(2) The new provisions mandating the waiver of costs for indigent defendants are removed. The court may exercise discretion in consideration of the facts.

(3) Conversion of costs to community restitution hours requires consent of the defendant.

(4) The trial court is not required to make an individualized inquiry into the defendant's current or future ability to pay before the court imposes costs, and this provision is a clarification and applies retroactively. The defendant may seek a modification in the event that he or she is unable to pay as allowed by statute or court rule.

(5) Requires the department of corrections to inform all offenders about the new liberal waiver of interest provisions under the law.

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