

E2SHB 1783 - S COMM AMD

By Committee on Law & Justice

ADOPTED 03/01/2018

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 (~~financial obligations~~) restitution imposed in a judgment shall
7 bear interest from the date of the judgment until payment, at the
8 rate applicable to civil judgments. As of the effective date of this
9 section, no interest shall accrue on nonrestitution legal financial
10 obligations. All nonrestitution interest retained by the court shall
11 be split twenty-five percent to the state treasurer for deposit in
12 the state general fund, twenty-five percent to the state treasurer
13 for deposit in the judicial information system account as provided in
14 RCW 2.68.020, twenty-five percent to the county current expense fund,
15 and twenty-five percent to the county current expense fund to fund
16 local courts.

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

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

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

30 ~~(c) The court may otherwise reduce or waive the interest on the~~
31 ~~portions of the legal financial obligations that are not restitution~~
32 ~~if the offender shows that he or she has personally made a good faith~~

1 ~~effort to pay and that the interest accrual is causing a significant~~
2 ~~hardship. For purposes of this section, "good faith effort" means~~
3 ~~that the offender has either (i) paid the principal amount in full;~~
4 ~~or (ii) made at least fifteen monthly payments within an eighteen-~~
5 ~~month period, excluding any payments mandatorily deducted by the~~
6 ~~department of corrections;~~

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

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

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

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

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

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

4 (4)(a) Except as provided in (b) of this subsection, penalties,
5 finances, ((bail forfeitures,)) fees, and costs may accrue interest at
6 the rate of twelve percent per annum, upon assignment to a collection
7 agency. Interest may accrue only while the case is in collection
8 status.

9 (b) As of the effective date of this section, penalties, fines,
10 bail forfeitures, fees, and costs imposed against a defendant in a
11 criminal proceeding shall not accrue interest.

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

19 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
20 2012 c 134 s 6 are each reenacted and amended to read as follows:

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

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

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

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

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

17 (5)(a) Except as provided in (b) of this subsection, penalties,
18 finer, ((bail forfeitures,)) fees, and costs may accrue interest at
19 the rate of twelve percent per annum, upon assignment to a collection
20 agency. Interest may accrue only while the case is in collection
21 status.

22 (b) As of the effective date of this section, penalties, fines,
23 bail forfeitures, fees, and costs imposed against a defendant in a
24 criminal proceeding shall not accrue interest.

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

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

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

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

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

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

20 (5)(a) Except as provided in (b) of this subsection, penalties,
21 finances, (~~bail forfeitures,~~) fees, and costs may accrue interest at
22 the rate of twelve percent per annum, upon assignment to a collection
23 agency. Interest may accrue only while the case is in collection
24 status.

25 (b) As of the effective date of this section, penalties, fines,
26 bail forfeitures, fees, and costs imposed against a defendant in a
27 criminal proceeding shall not accrue interest.

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

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

37 (1) The chief clerk, under the supervision and direction of the
38 court administrator of the municipal court, shall have the custody
39 and care of the books, papers and records of the court. The chief

1 clerk or a deputy shall be present during the session of the court
2 and has the power to swear all witnesses and jurors, administer oaths
3 and affidavits, and take acknowledgments. The chief clerk shall keep
4 the records of the court and shall issue all process under his or her
5 hand and the seal of the court. The chief clerk shall do and perform
6 all things and have the same powers pertaining to the office as the
7 clerks of the superior courts have in their office. He or she shall
8 receive all fines, penalties, and fees of every kind and keep a full,
9 accurate, and detailed account of the same. The chief clerk shall on
10 each day pay into the city treasury all money received for the city
11 during the day previous, with a detailed account of the same, and
12 taking the treasurer's receipt therefor.

13 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
14 treasurer shall remit monthly thirty-two percent of the noninterest
15 money received under this section, other than for parking infractions
16 and certain costs to the state treasurer. "Certain costs" as used in
17 this subsection, means those costs awarded to prevailing parties in
18 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
19 against convicted defendants in criminal actions under RCW 10.01.160,
20 10.46.190, or 36.18.040, or other similar statutes if such costs are
21 specifically designated as costs by the court and are awarded for the
22 specific reimbursement of costs incurred by the state, county, city,
23 or town in the prosecution of the case, including the fees of defense
24 counsel. Money remitted under this subsection to the state treasurer
25 shall be deposited in the state general fund.

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

29 (4)(a) Except as provided in (b) of this subsection, penalties,
30 fines, ((bail forfeitures,)) fees, and costs may accrue interest at
31 the rate of twelve percent per annum, upon assignment to a collection
32 agency. Interest may accrue only while the case is in collection
33 status.

34 (b) As of the effective date of this section, penalties, fines,
35 bail forfeitures, fees, and costs imposed against a defendant in a
36 criminal proceeding shall not accrue interest.

37 (5) Interest retained by the court on penalties, fines, bail
38 forfeitures, fees, and costs shall be split twenty-five percent to
39 the state treasurer for deposit in the state general fund, twenty-
40 five percent to the state treasurer for deposit in the judicial

1 information system account as provided in RCW 2.68.020, twenty-five
2 percent to the city general fund, and twenty-five percent to the city
3 general fund to fund local courts.

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

6 (1) Except as provided in subsection (3) of this section, the
7 court may require a defendant to pay costs. Costs may be imposed only
8 upon a convicted defendant, except for costs imposed upon a
9 defendant's entry into a deferred prosecution program, costs imposed
10 upon a defendant for pretrial supervision, or costs imposed upon a
11 defendant for preparing and serving a warrant for failure to appear.

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

1 underlying action, the costs for preparing and serving a warrant for
2 failure to appear do not survive the acquittal, and the judgment that
3 such costs would otherwise constitute shall be vacated.

4 (3) The court shall not order a defendant to pay costs (~~(unless)~~)
5 if the defendant ((is or will be able to pay them)) at the time of
6 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
7 (c). In determining the amount and method of payment of costs for
8 defendants who are not indigent as defined in RCW 10.101.010(3) (a)
9 through (c), the court shall take account of the financial resources
10 of the defendant and the nature of the burden that payment of costs
11 will impose.

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

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

1 at a state hospital or other facility are not a cost of prosecution
2 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
3 43.20B RCW, and any other applicable statute.

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

6 (1) When a defendant is sentenced to pay ((a)) fines, penalties,
7 assessments, fees, restitution, or costs, the court may grant
8 permission for payment to be made within a specified period of time
9 or in specified installments. If the court finds that the defendant
10 is indigent as defined in RCW 10.101.010(3) (a) through (c), the
11 court shall grant permission for payment to be made within a
12 specified period of time or in specified installments. If no such
13 permission is included in the sentence the fine or costs shall be
14 payable forthwith.

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

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

19 (b) Second, proportionally to restitution to insurance or other
20 sources with respect to a loss that has provided compensation to
21 victims;

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

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

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

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

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

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

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

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

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

29 ((+4)) (5) If it appears to the satisfaction of the court that
30 the default in the payment of ((a)) any fine, penalty, assessment,
31 fee, or costs is not willful contempt, the court may, and if the
32 defendant is indigent as defined in RCW 10.101.010(3) (a) through
33 (c), the court shall enter an order: (a) Allowing the defendant
34 additional time for payment((7)); (b) reducing the amount thereof or
35 of each installment ((€)); (c) revoking the fine, penalty,
36 assessment, fee, or costs or the unpaid portion thereof in whole or
37 in part; or (d) converting the unpaid fine, penalty, assessment, fee,
38 or costs to community restitution hours, if the jurisdiction operates
39 a community restitution program, at the rate of no less than the
40 state minimum wage established in RCW 49.46.020 for each hour of

1 community restitution. The crime victim penalty assessment under RCW
2 7.68.035 may not be reduced, revoked, or converted to community
3 restitution hours.

4 ~~((+5))~~ (6) A default in the payment of ~~((a))~~ any fine, penalty,
5 assessment, fee, or costs or any installment thereof may be collected
6 by any means authorized by law for the enforcement of a judgment. The
7 levy of execution for the collection of ((a)) any fine, penalty,
8 assessment, fee, or costs shall not discharge a defendant committed
9 to imprisonment for contempt until the amount ~~((of the fine or~~
10 costs)) has actually been collected.

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

13 Every person convicted of a crime or held to bail to keep the
14 peace ~~((shall))~~ may be liable to all the costs of the proceedings
15 against him or her, including, when tried by a jury in the superior
16 court or before a committing magistrate, a jury fee as provided for
17 in civil actions for which judgment shall be rendered and collected.
18 The court shall not order a defendant to pay costs, as described in
19 RCW 10.01.160, if the court finds that the person at the time of
20 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
21 (c). The jury fee, when collected for a case tried by the superior
22 court, shall be paid to the clerk and applied as the jury fee in
23 civil cases is applied.

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

26 When the defendant is found guilty, the court shall render
27 judgment accordingly, and the defendant ~~((shall))~~ may be liable for
28 all costs, unless the court or jury trying the cause expressly find
29 otherwise. The court shall not order a defendant to pay costs, as
30 described in RCW 10.01.160, if the court finds that the person at the
31 time of sentencing is indigent as defined in RCW 10.101.010(3) (a)
32 through (c).

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

35 Hereafter whenever any judge of any superior court or a district
36 or municipal judge shall sentence any person to pay any fines,
37 penalties, assessments, fees, and costs, the judge may, in the

1 judge's discretion, provide that such fines, penalties, assessments,
2 fees, and costs may be paid in certain designated installments, or
3 within certain designated period or periods(~~(; and)~~). If the court
4 finds that the defendant is indigent as defined in RCW 10.101.010(3)
5 (a) through (c), the court shall allow for payment in certain
6 designated installments or within certain designated periods. If such
7 fines, penalties, assessments, fees, and costs shall be paid by the
8 defendant in accordance with such order no commitment or imprisonment
9 of the defendant shall be made for failure to pay such fine or costs.
10 PROVIDED, that the provisions of this section shall not apply to any
11 sentence given for the violation of any of the liquor laws of this
12 state.

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

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

18 (2) Appellate costs are limited to expenses specifically incurred
19 by the state in prosecuting or defending an appeal or collateral
20 attack from a criminal conviction. Appellate costs shall not include
21 expenditures to maintain and operate government agencies that must be
22 made irrespective of specific violations of the law. Expenses
23 incurred for producing a verbatim report of proceedings and clerk's
24 papers may be included in costs the court may require a convicted
25 defendant to pay.

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

32 (4) A defendant who has been sentenced to pay costs and who is
33 not in contumacious default in the payment may at any time after
34 release from total confinement petition the court that sentenced the
35 defendant or juvenile offender for remission of the payment of costs
36 or of any unpaid portion. If it appears to the satisfaction of the
37 sentencing court that payment of the amount due will impose manifest
38 hardship on the defendant or the defendant's immediate family, the
39 sentencing court may remit all or part of the amount due in costs,

1 (~~or~~) modify the method of payment under RCW 10.01.170, or convert
2 the unpaid costs to community restitution hours, if the jurisdiction
3 operates a community restitution program, at the rate of no less than
4 the state minimum wage established in RCW 49.46.020 for each hour of
5 community restitution. Manifest hardship exists where the defendant
6 or juvenile offender is indigent as defined in RCW 10.101.010(3) (a)
7 through (c).

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

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

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

24 (2) If an offender fails to comply with any of the nonfinancial
25 conditions or requirements of a sentence the following provisions
26 apply:

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

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

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

36 (i) Convert a term of partial confinement to total confinement;
37 or

38 (ii) Convert community restitution obligation to total or partial
39 confinement; (~~or~~

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

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 a mental health status evaluation and/or outpatient mental health
11 treatment, the court shall seek a recommendation from 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 (3) If an offender fails to pay legal financial obligations as a
22 requirement of a sentence the following provisions apply:

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

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

29 (c) The court may not sanction the offender for failure to pay
30 legal financial obligations unless the court finds, after a hearing
31 and on the record, that the failure to pay is willful. A failure to
32 pay is willful if the offender has the current ability to pay but
33 refuses to do so. In determining whether the offender has the current
34 ability to pay, the court shall inquire into and consider: (i) The
35 offender's income and assets; (ii) the offender's basic living costs
36 as defined by RCW 10.101.010 and other liabilities including child
37 support and other legal financial obligations; and (iii) the
38 offender's bona fide efforts to acquire additional resources. An
39 offender who is indigent as defined by RCW 10.101.010(3) (a) through
40 (c) is presumed to lack the current ability to pay;

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

5 (e) If the court finds that a failure to pay is willful
6 noncompliance, it may impose the sanctions specified in RCW
7 9.94A.633(1); and

8 (f) If the court finds that the violation was not willful, the
9 court may, and if the court finds that the defendant is indigent as
10 defined in RCW 10.101.010(3) (a) through (c), the court shall modify
11 the terms of payment of the legal financial obligations, reduce or
12 waive nonrestitution legal financial obligations, or convert
13 nonrestitution legal financial obligations to community restitution
14 hours, if the jurisdiction operates a community restitution program,
15 at the rate of no less than the state minimum wage established in RCW
16 49.46.020 for each hour of community restitution. The crime victim
17 penalty assessment under RCW 7.68.035 may not be reduced, waived, or
18 converted to community restitution hours.

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

22 ~~((+4))~~ (5) Nothing in this section prohibits the filing of
23 escape charges if appropriate.

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

26 (1) Whenever a person is convicted in superior court, the court
27 may order the payment of a legal financial obligation as part of the
28 sentence. The court may not order an offender to pay costs as
29 described in RCW 10.01.160 if the court finds that the offender at
30 the time of sentencing is indigent as defined in RCW 10.101.010(3)
31 (a) through (c). An offender being indigent as defined in RCW
32 10.101.010(3) (a) through (c) is not grounds for failing to impose
33 restitution or the crime victim penalty assessment under RCW
34 7.68.035. The court must on either the judgment and sentence or on a
35 subsequent order to pay, designate the total amount of a legal
36 financial obligation and segregate this amount among the separate
37 assessments made for restitution, costs, fines, and other assessments
38 required by law. On the same order, the court is also to set a sum
39 that the offender is required to pay on a monthly basis towards

1 satisfying the legal financial obligation. If the court fails to set
2 the offender monthly payment amount, the department shall set the
3 amount if the department has active supervision of the offender,
4 otherwise the county clerk shall set the amount.

5 (2) Upon receipt of ((an offender's monthly)) each payment((~~-~~
6 restitution shall be paid prior to any payments of other monetary
7 obligations. After restitution is satisfied)) made by or on behalf of
8 an offender, the county clerk shall distribute the payment
9 ((proportionally among all other fines, costs, and assessments
10 imposed, unless otherwise ordered by the court)) in the following
11 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 ((+2)) (3) If the court determines that the offender, at the
21 time of sentencing, has the means to pay for the cost of
22 incarceration, the court may require the offender to pay for the cost
23 of incarceration ((at)). The court shall not order the offender to
24 pay the cost of incarceration if the court finds that the offender at
25 the time of sentencing is indigent as defined in RCW 10.101.010(3)
26 (a) through (c). Costs of incarceration ordered by the court shall
27 not exceed a rate of fifty dollars per day of incarceration, if
28 incarcerated in a prison, or the ((court may require the offender to
29 pay the)) actual cost of incarceration per day of incarceration, if
30 incarcerated in a county jail. In no case may the court require the
31 offender to pay more than one hundred dollars per day for the cost of
32 incarceration. ((Payment of other court ordered financial
33 obligations, including all legal financial obligations and costs of
34 supervision shall take precedence over the payment of the cost of
35 incarceration ordered by the court.)) All funds recovered from
36 offenders for the cost of incarceration in the county jail shall be
37 remitted to the county and the costs of incarceration in a prison
38 shall be remitted to the department.

39 ((+3)) (4) The court may add to the judgment and sentence or
40 subsequent order to pay a statement that a notice of payroll

1 deduction is to be issued immediately. If the court chooses not to
2 order the immediate issuance of a notice of payroll deduction at
3 sentencing, the court shall add to the judgment and sentence or
4 subsequent order to pay a statement that a notice of payroll
5 deduction may be issued or other income-withholding action may be
6 taken, without further notice to the offender if a monthly court-
7 ordered legal financial obligation payment is not paid when due, and
8 an amount equal to or greater than the amount payable for one month
9 is owed.

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

17 ~~((4))~~ (5) Independent of the department or the county clerk,
18 the party or entity to whom the legal financial obligation is owed
19 shall have the authority to use any other remedies available to the
20 party or entity to collect the legal financial obligation. These
21 remedies include enforcement in the same manner as a judgment in a
22 civil action by the party or entity to whom the legal financial
23 obligation is owed. Restitution collected through civil enforcement
24 must be paid through the registry of the court and must be
25 distributed proportionately according to each victim's loss when
26 there is more than one victim. The judgment and sentence shall
27 identify the party or entity to whom restitution is owed so that the
28 state, party, or entity may enforce the judgment. If restitution is
29 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of
30 rape of a child or a victim's child born from the rape, the
31 Washington state child support registry shall be identified as the
32 party to whom payments must be made. Restitution obligations arising
33 from the rape of a child in the first, second, or third degree that
34 result in the pregnancy of the victim may be enforced for the time
35 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other
36 legal financial obligations for an offense committed prior to July 1,
37 2000, may be enforced at any time during the ten-year period
38 following the offender's release from total confinement or within ten
39 years of entry of the judgment and sentence, whichever period ends
40 later. Prior to the expiration of the initial ten-year period, the

1 superior court may extend the criminal judgment an additional ten
2 years for payment of legal financial obligations including crime
3 victims' assessments. All other legal financial obligations for an
4 offense committed on or after July 1, 2000, may be enforced at any
5 time the offender remains under the court's jurisdiction. For an
6 offense committed on or after July 1, 2000, the court shall retain
7 jurisdiction over the offender, for purposes of the offender's
8 compliance with payment of the legal financial obligations, until the
9 obligation is completely satisfied, regardless of the statutory
10 maximum for the crime. The department may only supervise the
11 offender's compliance with payment of the legal financial obligations
12 during any period in which the department is authorized to supervise
13 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
14 which the offender is confined in a state correctional institution or
15 a correctional facility pursuant to a transfer agreement with the
16 department, and the department shall supervise the offender's
17 compliance during any such period. The department is not responsible
18 for supervision of the offender during any subsequent period of time
19 the offender remains under the court's jurisdiction. The county clerk
20 is authorized to collect unpaid legal financial obligations at any
21 time the offender remains under the jurisdiction of the court for
22 purposes of his or her legal financial obligations.

23 ~~((+5))~~ (6) In order to assist the court in setting a monthly sum
24 that the offender must pay during the period of supervision, the
25 offender is required to report to the department for purposes of
26 preparing a recommendation to the court. When reporting, the offender
27 is required, under oath, to respond truthfully and honestly to all
28 questions concerning present, past, and future earning capabilities
29 and the location and nature of all property or financial assets. The
30 offender is further required to bring all documents requested by the
31 department.

32 ~~((+6))~~ (7) After completing the investigation, the department
33 shall make a report to the court on the amount of the monthly payment
34 that the offender should be required to make towards a satisfied
35 legal financial obligation.

36 ~~((+7))~~ (8)(a) During the period of supervision, the department
37 may make a recommendation to the court that the offender's monthly
38 payment schedule be modified so as to reflect a change in financial
39 circumstances. If the department sets the monthly payment amount, the
40 department may modify the monthly payment amount without the matter

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

10 (b) Subsequent to any period of supervision, or if the department
11 is not authorized to supervise the offender in the community, the
12 county clerk may make a recommendation to the court that the
13 offender's monthly payment schedule be modified so as to reflect a
14 change in financial circumstances. If the county clerk sets the
15 monthly payment amount, or if the department set the monthly payment
16 amount and the department has subsequently turned the collection of
17 the legal financial obligation over to the county clerk, the clerk
18 may modify the monthly payment amount without the matter being
19 returned to the court. During the period of repayment, the county
20 clerk may require the offender to report to the clerk for the purpose
21 of reviewing the appropriateness of the collection schedule for the
22 legal financial obligation. During this reporting, the offender is
23 required under oath to respond truthfully and honestly to all
24 questions concerning earning capabilities and the location and nature
25 of all property or financial assets. The offender shall bring all
26 documents requested by the county clerk in order to prepare the
27 collection schedule.

28 ((+8)) (9) After the judgment and sentence or payment order is
29 entered, the department is authorized, for any period of supervision,
30 to collect the legal financial obligation from the offender.
31 Subsequent to any period of supervision or, if the department is not
32 authorized to supervise the offender in the community, the county
33 clerk is authorized to collect unpaid legal financial obligations
34 from the offender. Any amount collected by the department shall be
35 remitted daily to the county clerk for the purpose of disbursements.
36 The department and the county clerks are authorized, but not
37 required, to accept credit cards as payment for a legal financial
38 obligation, and any costs incurred related to accepting credit card
39 payments shall be the responsibility of the offender.

1 (~~(9)~~) (10) The department or any obligee of the legal financial
2 obligation may seek a mandatory wage assignment for the purposes of
3 obtaining satisfaction for the legal financial obligation pursuant to
4 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
5 the county clerk. The county clerks shall notify the department, or
6 the administrative office of the courts, whichever is providing the
7 monthly billing for the offender.

8 (~~(10)~~) (11) The requirement that the offender pay a monthly sum
9 towards a legal financial obligation constitutes a condition or
10 requirement of a sentence and the offender is subject to the
11 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
12 or 9.94A.740. If the court determines that the offender is homeless
13 or a person who is mentally ill, as defined in RCW 71.24.025, failure
14 to pay a legal financial obligation is not willful noncompliance and
15 shall not subject the offender to penalties.

16 (~~(11)~~) (12)(a) The administrative office of the courts shall
17 mail individualized periodic billings to the address known by the
18 office for each offender with an unsatisfied legal financial
19 obligation.

20 (b) The billing shall direct payments, other than outstanding
21 cost of supervision assessments under RCW 9.94A.780, parole
22 assessments under RCW 72.04A.120, and cost of probation assessments
23 under RCW 9.95.214, to the county clerk, and cost of supervision,
24 parole, or probation assessments to the department.

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

28 (d) The county clerks, the administrative office of the courts,
29 and the department shall maintain agreements to implement this
30 subsection.

31 (~~(12)~~) (13) The department shall arrange for the collection of
32 unpaid legal financial obligations during any period of supervision
33 in the community through the county clerk. The department shall
34 either collect unpaid legal financial obligations or arrange for
35 collections through another entity if the clerk does not assume
36 responsibility or is unable to continue to assume responsibility for
37 collection pursuant to subsection (~~(4)~~) (5) of this section. The
38 costs for collection services shall be paid by the offender.

39 (~~(13)~~) (14) The county clerk may access the records of the
40 employment security department for the purposes of verifying

1 employment or income, seeking any assignment of wages, or performing
2 other duties necessary to the collection of an offender's legal
3 financial obligations.

4 ((+14)) (15) Nothing in this chapter makes the department, the
5 state, the counties, or any state or county employees, agents, or
6 other persons acting on their behalf liable under any circumstances
7 for the payment of these legal financial obligations or for the acts
8 of any offender who is no longer, or was not, subject to supervision
9 by the department for a term of community custody, and who remains
10 under the jurisdiction of the court for payment of legal financial
11 obligations.

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

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

17 (2) In cases where conditions from a second or later sentence of
18 community supervision begin prior to the term of the second or later
19 sentence, the court shall treat a violation of such conditions as a
20 violation of the sentence of community supervision currently being
21 served.

22 (3) If an offender fails to comply with any of the nonfinancial
23 requirements or conditions of a sentence the following provisions
24 apply:

25 (a)(i) Following the violation, if the offender and the
26 department make a stipulated agreement, the department may impose
27 sanctions such as work release, home detention with electronic
28 monitoring, work crew, community restitution, inpatient treatment,
29 daily reporting, curfew, educational or counseling sessions,
30 supervision enhanced through electronic monitoring, jail time, or
31 other sanctions available in the community.

32 (ii) Within seventy-two hours of signing the stipulated
33 agreement, the department shall submit a report to the court and the
34 prosecuting attorney outlining the violation or violations, and
35 sanctions imposed. Within fifteen days of receipt of the report, if
36 the court is not satisfied with the sanctions, the court may schedule
37 a hearing and may modify the department's sanctions. If this occurs,
38 the offender may withdraw from the stipulated agreement.

1 (iii) If the offender fails to comply with the sanction
2 administratively imposed by the department, the court may take action
3 regarding the original noncompliance. Offender failure to comply with
4 the sanction administratively imposed by the department may be
5 considered an additional violation;

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

12 (c) The state has the burden of showing noncompliance by a
13 preponderance of the evidence. If the court finds that the violation
14 has occurred, it may order the offender to be confined for a period
15 not to exceed sixty days for each violation, and may (i) convert a
16 term of partial confinement to total confinement, (ii) convert
17 community restitution obligation to total or partial confinement, or
18 (iii) (~~convert monetary obligations, except restitution and the~~
19 ~~crime victim penalty assessment, to community restitution hours at~~
20 ~~the rate of the state minimum wage as established in RCW 49.46.020~~
21 ~~for each hour of community restitution, or (iv)) order one or more
22 of the penalties authorized in (a)(i) of this subsection. Any time
23 served in confinement awaiting a hearing on noncompliance shall be
24 credited against any confinement order by the court;~~

25 (d) If the court finds that the violation was not willful, the
26 court may modify its previous order regarding (~~payment of legal~~
27 ~~financial obligations and regarding~~) community restitution
28 obligations; and

29 (e) If the violation involves a failure to undergo or comply with
30 mental status evaluation and/or outpatient mental health treatment,
31 the community corrections officer shall consult with the treatment
32 provider or proposed treatment provider. Enforcement of orders
33 concerning outpatient mental health treatment must reflect the
34 availability of treatment and must pursue the least restrictive means
35 of promoting participation in treatment. If the offender's failure to
36 receive care essential for health and safety presents a risk of
37 serious physical harm or probable harmful consequences, the civil
38 detention and commitment procedures of chapter 71.05 RCW shall be
39 considered in preference to incarceration in a local or state
40 correctional facility.

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

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

7 (b) In the absence of a stipulated agreement, or where the court
8 is not satisfied with the department's sanctions as provided in a
9 stipulated agreement under (a) of this subsection, the court, upon
10 the motion of the state, or upon its own motion, shall require the
11 offender to show cause why the offender should not be punished for
12 the noncompliance. The court may issue a summons or a warrant of
13 arrest for the offender's appearance;

14 (c) The state has the burden of showing noncompliance by a
15 preponderance of the evidence. The court may not sanction the
16 offender for failure to pay legal financial obligations unless the
17 court finds, after a hearing and on the record, that the failure to
18 pay is willful. A failure to pay is willful if the offender has the
19 current ability to pay but refuses to do so. In determining whether
20 the offender has the current ability to pay, the court shall inquire
21 into and consider: (i) The offender's income and assets; (ii) the
22 offender's basic living costs as defined by RCW 10.101.010 and other
23 liabilities including child support and other legal financial
24 obligations; and (iii) the offender's bona fide efforts to acquire
25 additional resources. An offender who is indigent as defined by RCW
26 10.101.010(3) (a) through (c) is presumed to lack the current ability
27 to pay;

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

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

37 (f) If the court finds that the violation was not willful, the
38 court may, and if the court finds that the defendant is indigent as
39 defined in RCW 10.101.010(3) (a) through (c), the court shall modify
40 the terms of payment of the legal financial obligations, reduce or

1 waive nonrestitution legal financial obligations, or convert
2 nonrestitution legal financial obligations to community restitution
3 hours, if the jurisdiction operates a community restitution program,
4 at the rate of no less than the state minimum wage established in RCW
5 49.46.020 for each hour of community restitution. The crime victim
6 penalty assessment under RCW 7.68.035 may not be reduced, waived, or
7 converted to community restitution hours.

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

13 ~~((+5))~~ (6) An offender under community placement or community
14 supervision who is civilly detained under chapter 71.05 RCW, and
15 subsequently discharged or conditionally released to the community,
16 shall be under the supervision of the department of corrections for
17 the duration of his or her period of community placement or community
18 supervision. During any period of inpatient mental health treatment
19 that falls within the period of community placement or community
20 supervision, the inpatient treatment provider and the supervising
21 community corrections officer shall notify each other about the
22 offender's discharge, release, and legal status, and shall share
23 other relevant information.

24 ~~((+6))~~ (7) Nothing in this section prohibits the filing of
25 escape charges if appropriate.

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

28 Upon conviction or a plea of guilty in any court organized under
29 this title or Title 35 RCW, a defendant in a criminal case is liable
30 for a fee of forty-three dollars, except this fee shall not be
31 imposed on a defendant who is indigent as defined in RCW
32 10.101.010(3) (a) through (c). This fee shall be subject to division
33 with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2),
34 3.62.040(2), and 35.20.220(2).

35 **Sec. 17.** RCW 36.18.020 and 2017 3rd sp.s. c 2 s 3 are each
36 amended to read as follows:

37 (1) Revenue collected under this section is subject to division
38 with the state under RCW 36.18.025 and with the county or regional

1 law library fund under RCW 27.24.070, except as provided in
2 subsection (5) of this section.

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

5 (a) In addition to any other fee required by law, the party
6 filing the first or initial document in any civil action, including,
7 but not limited to an action for restitution, adoption, or change of
8 name, and any party filing a counterclaim, cross-claim, or third-
9 party claim in any such civil action, shall pay, at the time the
10 document is filed, a fee of two hundred dollars except, in an
11 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
12 the plaintiff shall pay a case initiating filing fee of forty-five
13 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
14 violation of the compulsory attendance laws where the petitioner
15 shall not pay a filing fee. The forty-five dollar filing fee under
16 this subsection for an unlawful detainer action shall not include an
17 order to show cause or any other order or judgment except a default
18 order or default judgment in an unlawful detainer action.

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

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

25 (d) For filing of a petition for unlawful harassment under RCW
26 10.14.040 a filing fee of fifty-three dollars.

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

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

32 (g) For filing any petition to contest a will admitted to probate
33 or a petition to admit a will which has been rejected, or a petition
34 objecting to a written agreement or memorandum as provided in RCW
35 11.96A.220, there shall be paid a fee of two hundred dollars.

36 (h) Upon conviction or plea of guilty, upon failure to prosecute
37 an appeal from a court of limited jurisdiction as provided by law, or
38 upon affirmance of a conviction by a court of limited jurisdiction,
39 an adult defendant in a criminal case shall be liable for a fee of
40 two hundred dollars, except this fee shall not be imposed on a

1 defendant who is indigent as defined in RCW 10.101.010(3) (a) through
2 (c).

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

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

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

15 (5)(a) Until July 1, 2021, in addition to the fees required to be
16 collected under this section, clerks of the superior courts must
17 collect surcharges as provided in this subsection (5) of which
18 seventy-five percent must be remitted to the state treasurer for
19 deposit in the judicial stabilization trust account and twenty-five
20 percent must be retained by the county.

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

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

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

29 Every sentence imposed for a crime specified in RCW 43.43.754
30 must include a fee of one hundred dollars unless the state has
31 previously collected the offender's DNA as a result of a prior
32 conviction. The fee is a court-ordered legal financial obligation as
33 defined in RCW 9.94A.030 and other applicable law. For a sentence
34 imposed under chapter 9.94A RCW, the fee is payable by the offender
35 after payment of all other legal financial obligations included in
36 the sentence has been completed. For all other sentences, the fee is
37 payable by the offender in the same manner as other assessments
38 imposed. The clerk of the court shall transmit eighty percent of the
39 fee collected to the state treasurer for deposit in the state DNA

1 database account created under RCW 43.43.7532, and shall transmit
2 twenty percent of the fee collected to the agency responsible for
3 collection of a biological sample from the offender as required under
4 RCW 43.43.754. This fee shall not be imposed on juvenile offenders if
5 the state has previously collected the juvenile offender's DNA as a
6 result of a prior conviction.

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

9 (1)(a) When any person is found guilty in any superior court of
10 having committed a crime, except as provided in subsection (2) of
11 this section, there shall be imposed by the court upon such convicted
12 person a penalty assessment. The assessment shall be in addition to
13 any other penalty or fine imposed by law and shall be five hundred
14 dollars for each case or cause of action that includes one or more
15 convictions of a felony or gross misdemeanor and two hundred fifty
16 dollars for any case or cause of action that includes convictions of
17 only one or more misdemeanors.

18 (b) When any juvenile is adjudicated of an offense that is a most
19 serious offense as defined in RCW 9.94A.030, or a sex offense under
20 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender
21 a penalty assessment. The assessment shall be in addition to any
22 other penalty or fine imposed by law and shall be one hundred dollars
23 for each case or cause of action.

24 (c) When any juvenile is adjudicated of an offense which has a
25 victim, and which is not a most serious offense as defined in RCW
26 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall
27 order up to seven hours of community restitution, unless the court
28 finds that such an order is not practicable for the offender. This
29 community restitution must be imposed consecutively to any other
30 community restitution the court imposes for the offense.

31 (2) The assessment imposed by subsection (1) of this section
32 shall not apply to motor vehicle crimes defined in Title 46 RCW
33 except those defined in the following sections: RCW 46.61.520,
34 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
35 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
36 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
37 46.44.180, 46.10.490(2), and 46.09.470(2).

38 (3) When any person accused of having committed a crime posts
39 bail in superior court pursuant to the provisions of chapter 10.19

1 RCW and such bail is forfeited, there shall be deducted from the
2 proceeds of such forfeited bail a penalty assessment, in addition to
3 any other penalty or fine imposed by law, equal to the assessment
4 which would be applicable under subsection (1) of this section if the
5 person had been convicted of the crime.

6 (4) Such penalty assessments shall be paid by the clerk of the
7 superior court to the county treasurer (~~(who shall monthly transmit~~
8 ~~the money as provided in RCW 10.82.070)~~). Each county shall deposit
9 (~~(fifty)~~) one hundred percent of the money it receives per case or
10 cause of action under subsection (1) of this section (~~(and retains~~
11 ~~under RCW 10.82.070)~~), not less than one and seventy-five one-
12 hundredths percent of the remaining money it retains under RCW
13 10.82.070 and the money it retains under chapter 3.62 RCW, and all
14 money it receives under subsection (7) of this section into a fund
15 maintained exclusively for the support of comprehensive programs to
16 encourage and facilitate testimony by the victims of crimes and
17 witnesses to crimes. A program shall be considered "comprehensive"
18 only after approval of the department upon application by the county
19 prosecuting attorney. The department shall approve as comprehensive
20 only programs which:

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

27 (b) Are administered by the county prosecuting attorney either
28 directly through the prosecuting attorney's office or by contract
29 between the county and agencies providing services to victims of
30 crime;

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

34 (d) Assist victims in the restitution and adjudication process;
35 and

36 (e) Assist victims of violent crimes in the preparation and
37 presentation of their claims to the department of labor and
38 industries under this chapter.

39 Before a program in any county west of the Cascade mountains is
40 submitted to the department for approval, it shall be submitted for

1 review and comment to each city within the county with a population
2 of more than one hundred fifty thousand. The department will consider
3 if the county's proposed comprehensive plan meets the needs of crime
4 victims in cases adjudicated in municipal, district or superior
5 courts and of crime victims located within the city and county.

6 (5) Upon submission to the department of a letter of intent to
7 adopt a comprehensive program, the prosecuting attorney shall retain
8 the money deposited by the county under subsection (4) of this
9 section until such time as the county prosecuting attorney has
10 obtained approval of a program from the department. Approval of the
11 comprehensive plan by the department must be obtained within one year
12 of the date of the letter of intent to adopt a comprehensive program.
13 The county prosecuting attorney shall not make any expenditures from
14 the money deposited under subsection (4) of this section until
15 approval of a comprehensive plan by the department. If a county
16 prosecuting attorney has failed to obtain approval of a program from
17 the department under subsection (4) of this section or failed to
18 obtain approval of a comprehensive program within one year after
19 submission of a letter of intent under this section, the county
20 treasurer shall monthly transmit one hundred percent of the money
21 deposited by the county under subsection (4) of this section to the
22 state treasurer for deposit in the state general fund.

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

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

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

34 NEW SECTION. **Sec. 21.** If specific funding for the purposes of
35 this act, referencing this act by bill or chapter number, is not
36 provided by June 30, 2018, in the omnibus appropriations act, this
37 act is null and void."

ADOPTED 03/01/2018

1 On page 1, line 1 of the title, after "obligations;" strike the
2 remainder of the title and insert "amending RCW 10.82.090, 3.50.100,
3 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190,
4 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040,
5 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and
6 amending RCW 3.62.020; and creating new sections."

EFFECT: Makes a technical amendment to update section 17 (RCW 36.18.020) which was amended by other legislation in 2017, so that the bill amends the current version of the statute.

Updates the date in the null and void section from 2017 to 2018.

Restores "contumacious" when describing whether a petitioner for the remission of payment of costs is in contumacious default for those payments. Merriam Webster defines "contumacious" to mean stubbornly disobedient.

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