

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE HOUSE BILL 1189**

Chapter 247, Laws of 1991

52nd Legislature  
1991 Regular Session

MISDEMEANORS--PAYMENT OF COSTS AS CONDITION OF DEFERRED  
PROSECUTION OR FOR EVALUATION OR SUPERVISION SERVICES

EFFECTIVE DATE: 7/28/91

Passed by the House March 6, 1991  
Yeas 97 Nays 0

JOE KING  
Speaker of the  
House of Representatives

Passed by the Senate April 11, 1991  
Yeas 44 Nays 0

JOEL PRITCHARD  
President of the Senate

Approved May 17, 1991

BOOTH GARDNER  
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1189** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON  
Chief Clerk

FILED

May 17, 1991 - 10:19 a.m.

Secretary of State  
State of Washington



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**SUBSTITUTE HOUSE BILL 1189**

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Passed Legislature - 1991 Regular Session

**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Ludwig, Locke, Padden, Riley, Inslee, Paris, Mielke, Scott, H. Myers, R. Meyers and Orr).

Read first time February 19, 1991.

1            AN ACT Relating to misdemeanors; amending RCW 10.05.140, 10.05.170,  
2 10.64.120, and 10.01.160; and declaring an emergency.

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

4            **Sec. 1.** RCW 10.05.140 and 1985 c 352 s 16 are each amended to read  
5 as follows:

6            As a condition of granting a deferred prosecution petition, the  
7 court shall order that the petitioner shall not operate a motor vehicle  
8 upon the public highways without a valid operator's license and proof  
9 of liability insurance. The amount of liability insurance shall be  
10 established by the court at not less than that established by RCW  
11 46.29.490. As a condition of granting a deferred prosecution petition,  
12 the court may order the petitioner to make restitution and to pay costs  
13 as defined in RCW 10.01.160. The court may terminate the deferred  
14 prosecution program upon violation of this section.

1       **Sec. 2.** RCW 10.05.170 and 1985 c 352 s 19 are each amended to read  
2 as follows:

3       As a condition of granting deferred prosecution, the court may  
4 order supervision of the petitioner during the period of deferral and  
5 may levy a monthly assessment upon the petitioner as provided in RCW  
6 10.64.120. In a jurisdiction with a probation department, the court  
7 may appoint the probation department to supervise the petitioner. In  
8 a jurisdiction without a probation department, the court may appoint an  
9 appropriate person or agency to supervise the petitioner. A supervisor  
10 appointed under this section shall be required to do at least the  
11 following:

12       (1) If the charge for which deferral is granted relates to  
13 operation of a motor vehicle, at least once every six months request  
14 from the department of licensing an abstract of the petitioner's  
15 driving record; and

16       (2) At least once every month make contact with the petitioner or  
17 with any agency to which the petitioner has been directed for treatment  
18 as a part of the deferral.

19       **Sec. 3.** RCW 10.64.120 and 1982 c 207 s 4 are each amended to read  
20 as follows:

21       (1) Every judge of a court of limited jurisdiction shall have the  
22 authority to levy ~~((upon each misdemeanor))~~ a monthly assessment not  
23 to exceed fifty dollars for services provided whenever ~~((such))~~ a  
24 person is referred by the court to the ~~((misdemeanant))~~ probation  
25 department for evaluation or supervision services. The assessment may  
26 also be made by a sentencing judge in superior court when such  
27 misdemeanor or gross misdemeanor cases are heard in the superior court.

28       (2) It shall be the responsibility of the ~~((misdemeanant))~~  
29 probation services office to implement local procedures approved by the

1 court of limited jurisdiction to ensure collection and payment of such  
2 fees into the general fund of the city or county treasury.

3 (3) Revenues raised under this section shall be used to fund  
4 programs for ((misdemeanant)) probation services and shall be in  
5 addition to those funds provided in RCW 3.62.050.

6 **Sec. 4.** RCW 10.01.160 and 1987 c 363 s 1 are each amended to read  
7 as follows:

8 (1) The court may require a convicted defendant, or defendant  
9 granted a deferred prosecution under chapter 10.05 RCW, to pay costs.

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

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

26 (4) A defendant who has been sentenced to pay costs and who is not  
27 in contumacious default in the payment thereof may at any time petition  
28 the court which sentenced him for remission of the payment of costs or  
29 of any unpaid portion thereof. If it appears to the satisfaction of

1 the court that payment of the amount due will impose manifest hardship  
2 on the defendant or his immediate family, the court may remit all or  
3 part of the amount due in costs, or modify the method of payment under  
4 RCW 10.01.170.

Passed the House March 6, 1991.

Passed the Senate April 11, 1991.

Approved by the Governor May 17, 1991.

Filed in Office of Secretary of State May 17, 1991.