

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6065**

53rd Legislature  
1994 Regular Session

Passed by the Senate March 8, 1994  
YEAS 47 NAYS 0

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**President of the Senate**

Passed by the House March 1, 1994  
YEAS 97 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6065** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 6065

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AS AMENDED BY THE HOUSE

Passed Legislature - 1994 Regular Session

State of Washington                      53rd Legislature                      1994 Regular Session

By Senators Ludwig, Nelson, Wojahn, Fraser, Snyder, Bauer and A. Smith

Read first time 01/11/94. Referred to Committee on Law & Justice.

1            AN ACT Relating to imposition of costs; and amending RCW 10.01.160.

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

3            **Sec. 1.** RCW 10.01.160 and 1991 c 247 s 4 are each amended to read  
4 as follows:

5            (1) The court may require a ((convicted)) defendant((, or defendant  
6 granted a deferred prosecution under chapter 10.05 RCW,)) to pay costs.  
7 Costs may be imposed only upon a convicted defendant, except for costs  
8 imposed upon a defendant's entry into a deferred prosecution program or  
9 costs imposed upon a defendant for preparing and serving a warrant for  
10 failure to appear.

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

1 for administering a deferred prosecution may not exceed one hundred  
2 fifty dollars. Costs for preparing and serving a warrant for failure  
3 to appear may not exceed one hundred dollars. Costs imposed constitute  
4 a judgment against a defendant and survive a dismissal of the  
5 underlying action against the defendant. However, if the defendant is  
6 acquitted on the underlying action, the costs for preparing and serving  
7 a warrant for failure to appear do not survive the acquittal, and the  
8 judgment that such costs would otherwise constitute shall be vacated.

9 (3) The court shall not sentence a defendant to pay costs unless  
10 the defendant is or will be able to pay them. In determining the  
11 amount and method of payment of costs, the court shall take account of  
12 the financial resources of the defendant and the nature of the burden  
13 that payment of costs will impose.

14 (4) A defendant who has been sentenced to pay costs and who is not  
15 in contumacious default in the payment thereof may at any time petition  
16 the sentencing court (~~((which sentenced him))~~) for remission of the  
17 payment of costs or of any unpaid portion thereof. If it appears to  
18 the satisfaction of the court that payment of the amount due will  
19 impose manifest hardship on the defendant or (~~((his))~~) the defendant's  
20 immediate family, the court may remit all or part of the amount due in  
21 costs, or modify the method of payment under RCW 10.01.170.

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