
ENGROSSED SUBSTITUTE SENATE BILL 6002

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Children & Family Services & Corrections
(originally sponsored by Senators Stevens and Hargrove)

READ FIRST TIME 03/05/03.

1 AN ACT Relating to collection of offenders' financial obligations;
2 amending RCW 9.94A.760, 9.94A.750, 9.94A.780, 9.94A.637, 4.56.100,
3 72.09.111, and 51.32.040; reenacting and amending RCW 9.94A.753; adding
4 new sections to chapter 9.94A RCW; adding a new section to chapter
5 36.23 RCW; adding a new section to chapter 2.56 RCW; adding a new
6 section to chapter 51.32 RCW; creating a new section; providing
7 effective dates; and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature intends to revise and
10 improve the processes for billing and collecting legal financial
11 obligations. The purpose of this act is to respond to suggestions and
12 requests made by county government officials, and in particular county
13 clerks, to assume the collection of such obligations in cooperation and
14 coordination with the department of corrections and the administrative
15 office for the courts. The legislature undertakes this effort
16 following a collaboration between local officials, the department of
17 corrections, and the administrative office for the courts. The intent
18 of this act is to promote an increased and more efficient collection of
19 legal financial obligations and, as a result, improve the likelihood

1 that the affected agencies will increase the collections which will
2 provide additional benefits to all parties and, in particular, crime
3 victims whose restitution is dependent upon the collections.

4 **Sec. 2.** RCW 9.94A.760 and 2001 c 10 s 3 are each amended to read
5 as follows:

6 (1) Whenever a person is convicted of a felony, the court may order
7 the payment of a legal financial obligation as part of the sentence.
8 The court must on either the judgment and sentence or on a subsequent
9 order to pay, designate the total amount of a legal financial
10 obligation and segregate this amount among the separate assessments
11 made for restitution, costs, fines, and other assessments required by
12 law. On the same order, the court is also to set a sum that the
13 offender is required to pay on a monthly basis towards satisfying the
14 legal financial obligation. If the court fails to set the offender
15 monthly payment amount, the department shall set the amount. Upon
16 receipt of an offender's monthly payment, restitution shall be paid
17 prior to any payments of other monetary obligations. After restitution
18 is satisfied, the county clerk shall distribute the payment
19 proportionally among all other fines, costs, and assessments imposed,
20 unless otherwise ordered by the court.

21 (2) If the court determines that the offender, at the time of
22 sentencing, has the means to pay for the cost of incarceration, the
23 court may require the offender to pay for the cost of incarceration at
24 a rate of fifty dollars per day of incarceration. Payment of other
25 court-ordered financial obligations, including all legal financial
26 obligations and costs of supervision shall take precedence over the
27 payment of the cost of incarceration ordered by the court. All funds
28 recovered from offenders for the cost of incarceration in the county
29 jail shall be remitted to the county and the costs of incarceration in
30 a prison shall be remitted to the department.

31 (3) The court may add to the judgment and sentence or subsequent
32 order to pay a statement that a notice of payroll deduction is to be
33 issued immediately. If the court chooses not to order the immediate
34 issuance of a notice of payroll deduction at sentencing, the court
35 shall add to the judgment and sentence or subsequent order to pay a
36 statement that a notice of payroll deduction may be issued or other
37 income-withholding action may be taken, without further notice to the

1 offender if a monthly court-ordered legal financial obligation payment
2 is not paid when due, and an amount equal to or greater than the amount
3 payable for one month is owed.

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

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

1 committed on or after July 1, 2000, the court shall retain jurisdiction
2 over the offender, for purposes of the offender's compliance with
3 payment of the legal financial obligations, until the obligation is
4 completely satisfied, regardless of the statutory maximum for the
5 crime. The department (~~(of corrections shall)~~) may only supervise the
6 offender's compliance with payment of the legal financial obligations
7 (~~(for ten years following the entry of the judgment and sentence, or~~
8 ~~ten years following the offender's release from total confinement,~~
9 ~~whichever period ends later))~~ during any period in which the department
10 is authorized to supervise the offender in the community under RCW
11 9.94A.728 and section 3, chapter . . . (Senate Bill No. 5990), Laws of
12 2003, or in which the offender is confined in a state correctional
13 institution or a correctional facility pursuant to a transfer agreement
14 with the department, and the department shall supervise the offender's
15 compliance during any such period. The department is not responsible
16 for supervision of the offender during any subsequent period of time
17 the offender remains under the court's jurisdiction. The county clerk
18 is authorized to collect unpaid legal financial obligations at any time
19 the offender remains under the jurisdiction of the court for purposes
20 of his or her legal financial obligations.

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

29 (6) After completing the investigation, the department shall make
30 a report to the court on the amount of the monthly payment that the
31 offender should be required to make towards a satisfied legal financial
32 obligation.

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

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

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

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

36 (9) The department or any obligee of the legal financial obligation
37 may seek a mandatory wage assignment for the purposes of obtaining
38 satisfaction for the legal financial obligation pursuant to RCW

1 9.94A.7701. Any party obtaining a wage assignment shall notify the
2 county clerk. The county clerks shall notify the department, or the
3 administrative office of the courts, whichever is providing the monthly
4 billing for the offender.

5 (10) The requirement that the offender pay a monthly sum towards a
6 legal financial obligation constitutes a condition or requirement of a
7 sentence and the offender is subject to the penalties for noncompliance
8 as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

9 (11)(a) Until January 1, 2004, the department shall mail
10 individualized monthly billings to the address known by the department
11 for each offender with an unsatisfied legal financial obligation.

12 (b) Beginning January 1, 2004, the administrative office of the
13 courts shall mail individualized monthly billings to the address known
14 by the office for each offender with an unsatisfied legal financial
15 obligation.

16 (c) The billing shall direct payments, other than outstanding cost
17 of supervision assessments under RCW 9.94A.780, parole assessments
18 under RCW 72.04A.120, and cost of probation assessments under RCW
19 9.95.214, to the county clerk, and cost of supervision, parole, or
20 probation assessments to the department.

21 (d) The county clerk shall provide the ~~((department—with~~
22 ~~individualized monthly billings for each offender with an unsatisfied~~
23 ~~legal financial obligation and shall provide the department))~~
24 administrative office of the courts with notice of payments by such
25 offenders no less frequently than weekly.

26 (e) The county clerks, the administrative office of the courts, and
27 the department shall maintain agreements to implement this subsection.

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

36 (13) Nothing in this chapter makes the department, the state, the
37 counties, or any ~~((of its))~~ state or county employees, agents, or other
38 persons acting on their behalf liable under any circumstances for the

1 payment of these legal financial obligations or for the acts of any
2 offender who is no longer, or was not, subject to supervision by the
3 department for a term of community custody, community placement, or
4 community supervision, and who remains under the jurisdiction of the
5 court for payment of legal financial obligations.

6 **Sec. 3.** RCW 9.94A.750 and 2000 c 28 s 32 are each amended to read
7 as follows:

8 This section applies to offenses committed on or before July 1,
9 1985.

10 (1) If restitution is ordered, the court shall determine the amount
11 of restitution due at the sentencing hearing or within one hundred
12 eighty days. The court may continue the hearing beyond the one hundred
13 eighty days for good cause. The court shall then set a minimum monthly
14 payment that the offender is required to make towards the restitution
15 that is ordered. The court should take into consideration the total
16 amount of the restitution owed, the offender's present, past, and
17 future ability to pay, as well as any assets that the offender may
18 have.

19 (2) During the period of supervision, the community corrections
20 officer may examine the offender to determine if there has been a
21 change in circumstances that warrants an amendment of the monthly
22 payment schedule. The community corrections officer may recommend a
23 change to the schedule of payment and shall inform the court of the
24 recommended change and the reasons for the change. The sentencing
25 court may then reset the monthly minimum payments based on the report
26 from the community corrections officer of the change in circumstances.

27 (3) Except as provided in subsection (6) of this section,
28 restitution ordered by a court pursuant to a criminal conviction shall
29 be based on easily ascertainable damages for injury to or loss of
30 property, actual expenses incurred for treatment for injury to persons,
31 and lost wages resulting from injury. Restitution shall not include
32 reimbursement for damages for mental anguish, pain and suffering, or
33 other intangible losses, but may include the costs of counseling
34 reasonably related to the offense. The amount of restitution shall not
35 exceed double the amount of the offender's gain or the victim's loss
36 from the commission of the offense.

1 (4) For the purposes of this section, the offender shall remain
2 under the court's jurisdiction for a term of ten years following the
3 offender's release from total confinement or ten years subsequent to
4 the entry of the judgment and sentence, whichever period is longer.
5 Prior to the expiration of the initial ten-year period, the superior
6 court may extend jurisdiction under the criminal judgment an additional
7 ten years for payment of restitution. (~~(If jurisdiction under the~~
8 ~~criminal judgment is extended, the department is not responsible for~~
9 ~~supervision of the offender during the subsequent period.)) The
10 portion of the sentence concerning restitution may be modified as to
11 amount, terms and conditions during either the initial ten-year period
12 or subsequent ten-year period if the criminal judgment is extended,
13 regardless of the expiration of the offender's term of community
14 supervision and regardless of the statutory maximum sentence for the
15 crime. The court may not reduce the total amount of restitution
16 ordered because the offender may lack the ability to pay the total
17 amount. The offender's compliance with the restitution shall be
18 supervised by the department only during any period which the
19 department is authorized to supervise the offender in the community
20 under RCW 9.94A.728, section 3, chapter . . . (Senate Bill No. 5990),
21 Laws of 2003, or in which the offender is in confinement in a state
22 correctional institution or a correctional facility pursuant to a
23 transfer agreement with the department, and the department shall
24 supervise the offender's compliance during any such period. The
25 department is responsible for supervision of the offender only during
26 confinement and authorized supervision and not during any subsequent
27 period in which the offender remains under the court's jurisdiction.
28 The county clerk is authorized to collect unpaid restitution at any
29 time the offender remains under the jurisdiction of the court for
30 purposes of his or her legal financial obligations.~~

31 (5) Restitution may be ordered whenever the offender is convicted
32 of an offense which results in injury to any person or damage to or
33 loss of property or as provided in subsection (6) of this section. In
34 addition, restitution may be ordered to pay for an injury, loss, or
35 damage if the offender pleads guilty to a lesser offense or fewer
36 offenses and agrees with the prosecutor's recommendation that the
37 offender be required to pay restitution to a victim of an offense or
38 offenses which are not prosecuted pursuant to a plea agreement.

1 (6) Restitution for the crime of rape of a child in the first,
2 second, or third degree, in which the victim becomes pregnant, shall
3 include: (a) All of the victim's medical expenses that are associated
4 with the rape and resulting pregnancy; and (b) child support for any
5 child born as a result of the rape if child support is ordered pursuant
6 to a proceeding in superior court or administrative order for support
7 for that child. The clerk must forward any restitution payments made
8 on behalf of the victim's child to the Washington state child support
9 registry under chapter 26.23 RCW. Identifying information about the
10 victim and child shall not be included in the order. The offender
11 shall receive a credit against any obligation owing under the
12 administrative or superior court order for support of the victim's
13 child. For the purposes of this subsection, the offender shall remain
14 under the court's jurisdiction until the offender has satisfied support
15 obligations under the superior court or administrative order but not
16 longer than a maximum term of twenty-five years following the
17 offender's release from total confinement or twenty-five years
18 subsequent to the entry of the judgment and sentence, whichever period
19 is longer. The court may not reduce the total amount of restitution
20 ordered because the offender may lack the ability to pay the total
21 amount. The department shall supervise the offender's compliance with
22 the restitution ordered under this subsection.

23 (7) In addition to any sentence that may be imposed, an offender
24 who has been found guilty of an offense involving fraud or other
25 deceptive practice or an organization which has been found guilty of
26 any such offense may be ordered by the sentencing court to give notice
27 of the conviction to the class of persons or to the sector of the
28 public affected by the conviction or financially interested in the
29 subject matter of the offense by mail, by advertising in designated
30 areas or through designated media, or by other appropriate means.

31 (8) This section does not limit civil remedies or defenses
32 available to the victim or offender including support enforcement
33 remedies for support ordered under subsection (6) of this section for
34 a child born as a result of a rape of a child victim. The court shall
35 identify in the judgment and sentence the victim or victims entitled to
36 restitution and what amount is due each victim. The state or victim
37 may enforce the court-ordered restitution in the same manner as a
38 judgment in a civil action. Restitution collected through civil

1 enforcement must be paid through the registry of the court and must be
2 distributed proportionately according to each victim's loss when there
3 is more than one victim.

4 **Sec. 4.** RCW 9.94A.753 and 2000 c 226 s 3 and 2000 c 28 s 33 are
5 each reenacted and amended to read as follows:

6 This section applies to offenses committed after July 1, 1985.

7 (1) When restitution is ordered, the court shall determine the
8 amount of restitution due at the sentencing hearing or within one
9 hundred eighty days except as provided in subsection (7) of this
10 section. The court may continue the hearing beyond the one hundred
11 eighty days for good cause. The court shall then set a minimum monthly
12 payment that the offender is required to make towards the restitution
13 that is ordered. The court should take into consideration the total
14 amount of the restitution owed, the offender's present, past, and
15 future ability to pay, as well as any assets that the offender may
16 have.

17 (2) During the period of supervision, the community corrections
18 officer may examine the offender to determine if there has been a
19 change in circumstances that warrants an amendment of the monthly
20 payment schedule. The community corrections officer may recommend a
21 change to the schedule of payment and shall inform the court of the
22 recommended change and the reasons for the change. The sentencing
23 court may then reset the monthly minimum payments based on the report
24 from the community corrections officer of the change in circumstances.

25 (3) Except as provided in subsection (6) of this section,
26 restitution ordered by a court pursuant to a criminal conviction shall
27 be based on easily ascertainable damages for injury to or loss of
28 property, actual expenses incurred for treatment for injury to persons,
29 and lost wages resulting from injury. Restitution shall not include
30 reimbursement for damages for mental anguish, pain and suffering, or
31 other intangible losses, but may include the costs of counseling
32 reasonably related to the offense. The amount of restitution shall not
33 exceed double the amount of the offender's gain or the victim's loss
34 from the commission of the crime.

35 (4) For the purposes of this section, for an offense committed
36 prior to July 1, 2000, the offender shall remain under the court's
37 jurisdiction for a term of ten years following the offender's release

1 from total confinement or ten years subsequent to the entry of the
2 judgment and sentence, whichever period ends later. Prior to the
3 expiration of the initial ten-year period, the superior court may
4 extend jurisdiction under the criminal judgment an additional ten years
5 for payment of restitution. For an offense committed on or after July
6 1, 2000, the offender shall remain under the court's jurisdiction until
7 the obligation is completely satisfied, regardless of the statutory
8 maximum for the crime. The portion of the sentence concerning
9 restitution may be modified as to amount, terms, and conditions during
10 any period of time the offender remains under the court's jurisdiction,
11 regardless of the expiration of the offender's term of community
12 supervision and regardless of the statutory maximum sentence for the
13 crime. The court may not reduce the total amount of restitution
14 ordered because the offender may lack the ability to pay the total
15 amount. The offender's compliance with the restitution shall be
16 supervised by the department (~~((for ten years following the entry of the
17 judgment and sentence or ten years following the offender's release
18 from total confinement. The department is not responsible for
19 supervision of the offender during any subsequent period of time the
20 offender remains under the court's jurisdiction))~~) only during any
21 period which the department is authorized to supervise the offender in
22 the community under RCW 9.94A.728, section 3, chapter . . . (Senate
23 Bill No. 5990), Laws of 2003, or in which the offender is in
24 confinement in a state correctional institution or a correctional
25 facility pursuant to a transfer agreement with the department, and the
26 department shall supervise the offender's compliance during any such
27 period. The department is responsible for supervision of the offender
28 only during confinement and authorized supervision and not during any
29 subsequent period in which the offender remains under the court's
30 jurisdiction. The county clerk is authorized to collect unpaid
31 restitution at any time the offender remains under the jurisdiction of
32 the court for purposes of his or her legal financial obligations.

33 (5) Restitution shall be ordered whenever the offender is convicted
34 of an offense which results in injury to any person or damage to or
35 loss of property or as provided in subsection (6) of this section
36 unless extraordinary circumstances exist which make restitution
37 inappropriate in the court's judgment and the court sets forth such
38 circumstances in the record. In addition, restitution shall be ordered

1 to pay for an injury, loss, or damage if the offender pleads guilty to
2 a lesser offense or fewer offenses and agrees with the prosecutor's
3 recommendation that the offender be required to pay restitution to a
4 victim of an offense or offenses which are not prosecuted pursuant to
5 a plea agreement.

6 (6) Restitution for the crime of rape of a child in the first,
7 second, or third degree, in which the victim becomes pregnant, shall
8 include: (a) All of the victim's medical expenses that are associated
9 with the rape and resulting pregnancy; and (b) child support for any
10 child born as a result of the rape if child support is ordered pursuant
11 to a civil superior court or administrative order for support for that
12 child. The clerk must forward any restitution payments made on behalf
13 of the victim's child to the Washington state child support registry
14 under chapter 26.23 RCW. Identifying information about the victim and
15 child shall not be included in the order. The offender shall receive
16 a credit against any obligation owing under the administrative or
17 superior court order for support of the victim's child. For the
18 purposes of this subsection, the offender shall remain under the
19 court's jurisdiction until the offender has satisfied support
20 obligations under the superior court or administrative order for the
21 period provided in RCW 4.16.020 or a maximum term of twenty-five years
22 following the offender's release from total confinement or twenty-five
23 years subsequent to the entry of the judgment and sentence, whichever
24 period is longer. The court may not reduce the total amount of
25 restitution ordered because the offender may lack the ability to pay
26 the total amount. The department shall supervise the offender's
27 compliance with the restitution ordered under this subsection.

28 (7) Regardless of the provisions of subsections (1) through (6) of
29 this section, the court shall order restitution in all cases where the
30 victim is entitled to benefits under the crime victims' compensation
31 act, chapter 7.68 RCW. If the court does not order restitution and the
32 victim of the crime has been determined to be entitled to benefits
33 under the crime victims' compensation act, the department of labor and
34 industries, as administrator of the crime victims' compensation
35 program, may petition the court within one year of entry of the
36 judgment and sentence for entry of a restitution order. Upon receipt
37 of a petition from the department of labor and industries, the court
38 shall hold a restitution hearing and shall enter a restitution order.

1 (8) In addition to any sentence that may be imposed, an offender
2 who has been found guilty of an offense involving fraud or other
3 deceptive practice or an organization which has been found guilty of
4 any such offense may be ordered by the sentencing court to give notice
5 of the conviction to the class of persons or to the sector of the
6 public affected by the conviction or financially interested in the
7 subject matter of the offense by mail, by advertising in designated
8 areas or through designated media, or by other appropriate means.

9 (9) This section does not limit civil remedies or defenses
10 available to the victim, survivors of the victim, or offender including
11 support enforcement remedies for support ordered under subsection (6)
12 of this section for a child born as a result of a rape of a child
13 victim. The court shall identify in the judgment and sentence the
14 victim or victims entitled to restitution and what amount is due each
15 victim. The state or victim may enforce the court-ordered restitution
16 in the same manner as a judgment in a civil action. Restitution
17 collected through civil enforcement must be paid through the registry
18 of the court and must be distributed proportionately according to each
19 victim's loss when there is more than one victim.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW
21 to read as follows:

22 If an offender with an unsatisfied legal financial obligation is
23 not subject to supervision by the department for a term of community
24 placement, community custody, or community supervision, or has not
25 completed payment of all legal financial obligations included in the
26 sentence at the expiration of his or her term of community placement,
27 community custody, or community supervision, the department shall
28 notify the administrative office of the courts of the termination of
29 the offender's supervision and provide information to the
30 administrative office of the courts to enable the county clerk to
31 monitor payment of the remaining obligations. The county clerk is
32 authorized to monitor payment after such notification. The secretary
33 of corrections and the administrator for the courts shall enter into an
34 interagency agreement to facilitate the electronic transfer of
35 information about offenders, unpaid obligations, and payees to carry
36 out the purposes of this section.

1 **Sec. 6.** RCW 9.94A.780 and 1991 c 104 s 1 are each amended to read
2 as follows:

3 (1) Whenever a punishment imposed under this chapter requires
4 supervision services to be provided, the offender shall pay to the
5 department of corrections the monthly assessment, prescribed under
6 subsection (2) of this section, which shall be for the duration of the
7 terms of supervision and which shall be considered as payment or part
8 payment of the cost of providing supervision to the offender. The
9 department may exempt or defer a person from the payment of all or any
10 part of the assessment based upon any of the following factors:

11 (a) The offender has diligently attempted but has been unable to
12 obtain employment that provides the offender sufficient income to make
13 such payments.

14 (b) The offender is a student in a school, college, university, or
15 a course of vocational or technical training designed to fit the
16 student for gainful employment.

17 (c) The offender has an employment handicap, as determined by an
18 examination acceptable to or ordered by the department.

19 (d) The offender's age prevents him or her from obtaining
20 employment.

21 (e) The offender is responsible for the support of dependents and
22 the payment of the assessment constitutes an undue hardship on the
23 offender.

24 (f) Other extenuating circumstances as determined by the
25 department.

26 (2) The department of corrections shall adopt a rule prescribing
27 the amount of the assessment. The department may, if it finds it
28 appropriate, prescribe a schedule of assessments that shall vary in
29 accordance with the intensity or cost of the supervision. The
30 department may not prescribe any assessment that is less than ten
31 dollars nor more than fifty dollars.

32 (3) All amounts required to be paid under this section shall be
33 collected by the department of corrections and deposited by the
34 department in the dedicated fund established pursuant to RCW 72.11.040.

35 (4) This section shall not apply to probation services provided
36 under an interstate compact pursuant to chapter 9.95 RCW or to
37 probation services provided for persons placed on probation prior to
38 June 10, 1982.

1 (5) If a county clerk assumes responsibility for collection of
2 unpaid legal financial obligations under RCW 9.94A.760, or under any
3 agreement with the department under that section, whether before or
4 after the completion of any period of community placement, community
5 custody, or community supervision, the clerk may impose a monthly or
6 annual assessment for the cost of collections. The amount of the
7 assessment shall not exceed the actual cost of collections. The county
8 clerk may exempt or defer payment of all or part of the assessment
9 based upon any of the factors listed in subsection (1) of this section.
10 The offender shall pay the assessment under this subsection to the
11 county clerk who shall apply it to the cost of collecting legal
12 financial obligations under RCW 9.94A.760.

13 **Sec. 7.** RCW 9.94A.637 and 2002 c 16 s 2 are each amended to read
14 as follows:

15 (1)(a) When an offender has completed all requirements of the
16 sentence, including any and all legal financial obligations, and while
17 under the custody and supervision of the department, the secretary or
18 the secretary's designee shall notify the sentencing court, which shall
19 discharge the offender and provide the offender with a certificate of
20 discharge by issuing the certificate to the offender in person or by
21 mailing the certificate to the offender's last known address.

22 (b)(i) When an offender has reached the end of his or her
23 supervision with the department and has completed all the requirements
24 of the sentence except his or her legal financial obligations, the
25 secretary's designee shall provide the county clerk with a notice that
26 the offender has completed all nonfinancial requirements of the
27 sentence.

28 (ii) When the department has provided the county clerk with notice
29 that an offender has completed all the requirements of the sentence and
30 the offender subsequently satisfies all legal financial obligations
31 under the sentence, the county clerk shall notify the sentencing court,
32 including the notice from the department, which shall discharge the
33 offender and provide the offender with a certificate of discharge by
34 issuing the certificate to the offender in person or by mailing the
35 certificate to the offender's last known address.

36 (2) The court shall send a copy of every signed certificate of
37 discharge to the auditor for the county in which the court resides and

1 to the department. The department shall create and maintain a data
2 base containing the names of all felons who have been issued
3 certificates of discharge, the date of discharge, and the date of
4 conviction and offense.

5 (3) An offender who is not convicted of a violent offense or a sex
6 offense and is sentenced to a term involving community supervision may
7 be considered for a discharge of sentence by the sentencing court prior
8 to the completion of community supervision, provided that the offender
9 has completed at least one-half of the term of community supervision
10 and has met all other sentence requirements.

11 (4) Except as provided in subsection (5) of this section, the
12 discharge shall have the effect of restoring all civil rights lost by
13 operation of law upon conviction, and the certificate of discharge
14 shall so state. Nothing in this section prohibits the use of an
15 offender's prior record for purposes of determining sentences for later
16 offenses as provided in this chapter. Nothing in this section affects
17 or prevents use of the offender's prior conviction in a later criminal
18 prosecution either as an element of an offense or for impeachment
19 purposes. A certificate of discharge is not based on a finding of
20 rehabilitation.

21 (5) Unless otherwise ordered by the sentencing court, a certificate
22 of discharge shall not terminate the offender's obligation to comply
23 with an order issued under chapter 10.99 RCW that excludes or prohibits
24 the offender from having contact with a specified person or coming
25 within a set distance of any specified location that was contained in
26 the judgment and sentence. An offender who violates such an order
27 after a certificate of discharge has been issued shall be subject to
28 prosecution according to the chapter under which the order was
29 originally issued.

30 (6) Upon release from custody, the offender may apply to the
31 department for counseling and help in adjusting to the community. This
32 voluntary help may be provided for up to one year following the release
33 from custody.

34 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.23 RCW
35 to read as follows:

36 The Washington association of county officials, in consultation
37 with county clerks, shall determine a funding formula for allocation of

1 moneys to counties for purposes of collecting legal financial
2 obligations, and report this formula to the legislature and the
3 administrative office of the courts by September 1, 2003. The
4 Washington association of county officials shall report on the amounts
5 of legal financial obligations collected by the county clerks to the
6 appropriate committees of the legislature no later than December 1,
7 2004, and annually thereafter.

8 NEW SECTION. **Sec. 9.** A new section is added to chapter 2.56 RCW
9 to read as follows:

10 By October 1, 2003, and annually thereafter, the administrative
11 office of the courts shall distribute such funds to counties for county
12 clerk collection budgets as are appropriated by the legislature for
13 this purpose, using the funding formula recommended by the Washington
14 association of county officials. The administrative office of the
15 courts shall not deduct any amount for indirect or direct costs, and
16 shall distribute the entire amount appropriated by the legislature to
17 the counties for county clerk collection budgets. The administrative
18 office of the courts shall report on the amounts distributed to
19 counties to the appropriate committees of the legislature no later than
20 December 1, 2003, and annually thereafter.

21 The administrative office of the courts may expend for the purposes
22 of billing for legal financial obligations, such funds as are
23 appropriated for the legislature for this purpose.

24 NEW SECTION. **Sec. 10.** A new section is added to chapter 9.94A RCW
25 to read as follows:

26 Notwithstanding any other provision of state law, monthly payment
27 or starting dates set by the court or the department before or after
28 the effective date of this section shall not be construed as a
29 limitation on the due date or amount of legal financial obligations,
30 which may be immediately collected by civil means. Monthly payments
31 and commencement dates are to be construed to be applicable solely as
32 a limitation upon the deprivation of an offender's liberty for
33 nonpayment.

34 **Sec. 11.** RCW 4.56.100 and 1997 c 358 s 4 are each amended to read
35 as follows:

1 (1) When any judgment for the payment of money only shall have been
2 paid or satisfied, the clerk of the court in which such judgment was
3 rendered shall note upon the record in the execution docket
4 satisfaction thereof giving the date of such satisfaction upon either
5 the payment to such clerk of the amount of such judgment, costs and
6 interest and any accrued costs by reason of the issuance of any
7 execution, or the filing with such clerk of a satisfaction entitled in
8 such action and identifying the same executed by the judgment creditor
9 or his or her attorney of record in such action or his or her assignee
10 acknowledged as deeds are acknowledged. The clerk has the authority to
11 note the satisfaction of judgments for criminal and juvenile legal
12 financial obligations when the clerk's record indicates payment in full
13 or as directed by the court. Every satisfaction of judgment and every
14 partial satisfaction of judgment which provides for the payment of
15 money shall clearly designate the judgment creditor and his or her
16 attorney if any, the judgment debtor, the amount or type of
17 satisfaction, whether the satisfaction is full or partial, the cause
18 number, and the date of entry of the judgment. A certificate by such
19 clerk of the entry of such satisfaction by him or her may be filed in
20 the office of the clerk of any county in which an abstract of such
21 judgment has been filed. When so satisfied by the clerk or the filing
22 of such certificate the lien of such judgment shall be discharged.

23 (2) The department of social and health services shall file a
24 satisfaction of judgment for welfare fraud conviction if a person does
25 not pay money through the clerk as required under subsection (1) of
26 this section.

27 ~~((3) The department of corrections shall file a satisfaction of
28 judgment if a person does not pay money through the clerk's office as
29 required under subsection (1) of this section.))~~

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

32 The provisions of this act apply to all offenders currently, or in
33 the future, subject to sentences with unsatisfied legal financial
34 obligations. The provisions of this act do not change the amount of
35 any legal financial obligation or the maximum term for which any
36 offender is, or may be, under the jurisdiction of the court for
37 collection of legal financial obligations.

1 **Sec. 13.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read
2 as follows:

3 (1) The secretary shall deduct taxes and legal financial
4 obligations from the gross wages (~~((or))~~), gratuities, or workers'
5 compensation benefits payable directly to the inmate under chapter
6 51.32 RCW, of each inmate working in correctional industries work
7 programs, (~~((taxes and legal financial obligations))~~) or otherwise
8 receiving such wages, gratuities, or benefits. The secretary shall
9 develop a formula for the distribution of offender wages (~~((and))~~),
10 gratuities, and benefits. The formula shall not reduce the inmate
11 account below the indigency level, as defined in RCW 72.09.015.

12 (a) The formula shall include the following minimum deductions from
13 class I gross wages and from all others earning at least minimum wage:

14 (i) Five percent to the public safety and education account for the
15 purpose of crime victims' compensation;

16 (ii) Ten percent to a department personal inmate savings account;

17 (iii) Twenty percent to the department to contribute to the cost of
18 incarceration; and

19 (iv) Twenty percent for payment of legal financial obligations for
20 all inmates who have legal financial obligations owing in any
21 Washington state superior court.

22 (b) The formula shall include the following minimum deductions from
23 class II gross gratuities:

24 (i) Five percent to the public safety and education account for the
25 purpose of crime victims' compensation;

26 (ii) Ten percent to a department personal inmate savings account;

27 (iii) Fifteen percent to the department to contribute to the cost
28 of incarceration; and

29 (iv) Twenty percent for payment of legal financial obligations for
30 all inmates who have legal financial obligations owing in any
31 Washington state superior court.

32 (c) The formula shall include the following minimum deductions from
33 any workers' compensation benefits paid pursuant to RCW 51.32.080:

34 (i) Five percent to the public safety and education account for the
35 purpose of crime victims' compensation;

36 (ii) Ten percent to a department personal inmate savings account;

37 (iii) Twenty percent to the department to contribute to the cost of
38 incarceration; and

1 (iv) An amount equal to any legal financial obligations owed by the
2 inmate established by an order of any Washington state superior court
3 up to the total amount of the award.

4 (d) The formula shall include the following minimum deduction from
5 class IV gross gratuities: Five percent to the department to
6 contribute to the cost of incarceration.

7 ~~((d))~~ (e) The formula shall include the following minimum
8 deductions from class III gratuities: Five percent for the purpose of
9 crime victims' compensation.

10 (2) Any person sentenced to life imprisonment without possibility
11 of release or parole under chapter 10.95 RCW or sentenced to death
12 shall be exempt from the requirement under subsection (1)(a)(ii)
13 ~~((or)), (b)(ii) ((of this subsection)), or (c)(ii).~~

14 (3) The department personal inmate savings account, together with
15 any accrued interest, shall only be available to an inmate at the time
16 of his or her release from confinement, unless the secretary determines
17 that an emergency exists for the inmate, at which time the funds can be
18 made available to the inmate in an amount determined by the secretary.
19 The management of classes I, II, and IV correctional industries may
20 establish an incentive payment for offender workers based on
21 productivity criteria. This incentive shall be paid separately from
22 the hourly wage/gratuity rate and shall not be subject to the specified
23 deduction for cost of incarceration.

24 (4) In the event that the offender worker's wages ~~((or))~~ gratuity
25 or workers' compensation benefit is subject to garnishment for support
26 enforcement, the crime victims' compensation, savings, and cost of
27 incarceration deductions shall be calculated on the net wages after
28 taxes, legal financial obligations, and garnishment.

29 ~~((2))~~ (5) The department shall explore other methods of
30 recovering a portion of the cost of the inmate's incarceration and for
31 encouraging participation in work programs, including development of
32 incentive programs that offer inmates benefits and amenities paid for
33 only from wages earned while working in a correctional industries work
34 program.

35 ~~((3))~~ (6) The department shall develop the necessary
36 administrative structure to recover inmates' wages and keep records of
37 the amount inmates pay for the costs of incarceration and amenities.
38 All funds deducted from inmate wages under subsection (1) of this

1 section for the purpose of contributions to the cost of incarceration
2 shall be deposited in a dedicated fund with the department and shall be
3 used only for the purpose of enhancing and maintaining correctional
4 industries work programs.

5 ~~((4))~~ (7) The expansion of inmate employment in class I and class
6 II correctional industries shall be implemented according to the
7 following schedule:

8 (a) Not later than June 30, 1995, the secretary shall achieve a net
9 increase of at least two hundred in the number of inmates employed in
10 class I or class II correctional industries work programs above the
11 number so employed on June 30, 1994;

12 (b) Not later than June 30, 1996, the secretary shall achieve a net
13 increase of at least four hundred in the number of inmates employed in
14 class I or class II correctional industries work programs above the
15 number so employed on June 30, 1994;

16 (c) Not later than June 30, 1997, the secretary shall achieve a net
17 increase of at least six hundred in the number of inmates employed in
18 class I or class II correctional industries work programs above the
19 number so employed on June 30, 1994;

20 (d) Not later than June 30, 1998, the secretary shall achieve a net
21 increase of at least nine hundred in the number of inmates employed in
22 class I or class II correctional industries work programs above the
23 number so employed on June 30, 1994;

24 (e) Not later than June 30, 1999, the secretary shall achieve a net
25 increase of at least one thousand two hundred in the number of inmates
26 employed in class I or class II correctional industries work programs
27 above the number so employed on June 30, 1994;

28 (f) Not later than June 30, 2000, the secretary shall achieve a net
29 increase of at least one thousand five hundred in the number of inmates
30 employed in class I or class II correctional industries work programs
31 above the number so employed on June 30, 1994.

32 ~~((5))~~ (8) It shall be in the discretion of the secretary to
33 apportion the inmates between class I and class II depending on
34 available contracts and resources.

35 NEW SECTION. **Sec. 14.** A new section is added to chapter 51.32 RCW
36 to read as follows:

37 If the department of labor and industries has received notice that

1 an injured worker entitled to benefits payable under this chapter is in
2 the custody of the department of corrections pursuant to a conviction
3 and sentence, the department shall send all such benefits to the worker
4 in care of the department of corrections, except those benefits payable
5 to a beneficiary as provided in RCW 51.32.040 (3)(c) and (4). Failure
6 of the department to send such benefits to the department of
7 corrections shall not result in liability to any party for either
8 department.

9 **Sec. 15.** RCW 51.32.040 and 1999 c 185 s 1 are each amended to read
10 as follows:

11 (1) Except as provided in RCW 43.20B.720 (~~and~~), 72.09.111,
12 74.20A.260, and section 14 of this act, no money paid or payable under
13 this title shall, before the issuance and delivery of the check or
14 warrant, be assigned, charged, or taken in execution, attached,
15 garnished, or pass or be paid to any other person by operation of law,
16 any form of voluntary assignment, or power of attorney. Any such
17 assignment or charge is void unless the transfer is to a financial
18 institution at the request of a worker or other beneficiary and made in
19 accordance with RCW 51.32.045.

20 (2)(a) If any worker suffers (i) a permanent partial injury and
21 dies from some other cause than the accident which produced the injury
22 before he or she receives payment of the award for the permanent
23 partial injury or (ii) any other injury before he or she receives
24 payment of any monthly installment covering any period of time before
25 his or her death, the amount of the permanent partial disability award
26 or the monthly payment, or both, shall be paid to the surviving spouse
27 or the child or children if there is no surviving spouse. If there is
28 no surviving spouse and no child or children, the award or the amount
29 of the monthly payment shall be paid by the department or self-insurer
30 and distributed consistent with the terms of the decedent's will or, if
31 the decedent dies intestate, consistent with the terms of RCW
32 11.04.015.

33 (b) If any worker suffers an injury and dies from it before he or
34 she receives payment of any monthly installment covering time loss for
35 any period of time before his or her death, the amount of the monthly
36 payment shall be paid to the surviving spouse or the child or children
37 if there is no surviving spouse. If there is no surviving spouse and

1 no child or children, the amount of the monthly payment shall be paid
2 by the department or self-insurer and distributed consistent with the
3 terms of the decedent's will or, if the decedent dies intestate,
4 consistent with the terms of RCW 11.04.015.

5 (c) Any application for compensation under this subsection (2)
6 shall be filed with the department or self-insuring employer within one
7 year of the date of death. The department or self-insurer may satisfy
8 its responsibilities under this subsection (2) by sending any payment
9 due in the name of the decedent and to the last known address of the
10 decedent.

11 (3)(a) Any worker or beneficiary receiving benefits under this
12 title who is subsequently confined in, or who subsequently becomes
13 eligible for benefits under this title while confined in, any
14 institution under conviction and sentence shall have all payments of
15 the compensation canceled during the period of confinement. After
16 discharge from the institution, payment of benefits due afterward shall
17 be paid if the worker or beneficiary would, except for the provisions
18 of this subsection (3), otherwise be entitled to them.

19 (b) If any prisoner is injured in the course of his or her
20 employment while participating in a work or training release program
21 authorized by chapter 72.65 RCW and is subject to the provisions of
22 this title, he or she is entitled to payments under this title, subject
23 to the requirements of chapter 72.65 RCW, unless his or her
24 participation in the program has been canceled, or unless he or she is
25 returned to a state correctional institution, as defined in RCW
26 72.65.010(3), as a result of revocation of parole or new sentence.

27 (c) If the confined worker has any beneficiaries during the
28 confinement period during which benefits are canceled under (a) or (b)
29 of this subsection, they shall be paid directly the monthly benefits
30 which would have been paid to the worker for himself or herself and the
31 worker's beneficiaries had the worker not been confined.

32 (4) Any lump sum benefits to which a worker would otherwise be
33 entitled but for the provisions of this section shall be paid on a
34 monthly basis to his or her beneficiaries.

35 NEW SECTION. **Sec. 16.** If any provision of this act or its
36 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

3 NEW SECTION. **Sec. 17.** (1) Section 8 of this act is necessary for
4 the immediate preservation of the public peace, health, or safety, or
5 support of the state government and its existing public institutions,
6 and takes effect July 1, 2003.

7 (2) Sections 1 through 7 and 9 through 16 of this act take effect
8 October 1, 2003.

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