

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6100

Chapter 367, Laws of 2007

60th Legislature
2007 Regular Session

CHARITABLE DONATIONS--CRIMINAL CHARGES

EFFECTIVE DATE: 07/22/07

Passed by the Senate April 17, 2007
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 4, 2007
YEAS 94 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved May 8, 2007, 3:56 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6100** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 10, 2007

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6100

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Kline and Brandland)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to charitable donations; amending RCW 10.01.160;
2 adding a new section to chapter 10.01 RCW; and adding a new section to
3 chapter 46.63 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.01 RCW
6 to read as follows:

7 A city attorney, county prosecutor, or other prosecuting authority
8 may not dismiss, amend, or agree not to file a criminal charge in
9 exchange for a contribution, donation, or payment to any person,
10 corporation, or organization. This does not prohibit:

11 (1) Contribution, donation, or payment to any specific fund
12 authorized by state statute;

13 (2) The collection of costs associated with actual supervision,
14 treatment, or collection of restitution under agreements to defer or
15 divert; or

16 (3) Dismissal following payment that is authorized by any other
17 statute.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.63 RCW
2 to read as follows:

3 A city attorney, county prosecutor, or other prosecuting authority
4 may not dismiss, amend, or agree not to file an infraction in exchange
5 for a contribution, donation, or payment to any person, corporation, or
6 organization. This does not prohibit:

7 (1) Contribution, donation, or payment to any specific fund
8 authorized by state statute;

9 (2) The collection of costs associated with actual supervision,
10 treatment, or collection of restitution under agreements to defer or
11 divert; or

12 (3) Dismissal following payment that is authorized by any other
13 statute.

14 **Sec. 3.** RCW 10.01.160 and 2005 c 263 s 2 are each amended to read
15 as follows:

16 (1) The court may require a defendant to pay costs. Costs may be
17 imposed only upon a convicted defendant, except for costs imposed upon
18 a defendant's entry into a deferred prosecution program, costs imposed
19 upon a defendant for pretrial supervision, or costs imposed upon a
20 defendant for preparing and serving a warrant for failure to appear.

21 (2) Costs shall be limited to expenses specially incurred by the
22 state in prosecuting the defendant or in administering the deferred
23 prosecution program under chapter 10.05 RCW or pretrial supervision.
24 They cannot include expenses inherent in providing a constitutionally
25 guaranteed jury trial or expenditures in connection with the
26 maintenance and operation of government agencies that must be made by
27 the public irrespective of specific violations of law. Expenses
28 incurred for serving of warrants for failure to appear and jury fees
29 under RCW 10.46.190 may be included in costs the court may require a
30 defendant to pay. Costs for administering a deferred prosecution or
31 pretrial supervision may not exceed one hundred fifty dollars. Costs
32 for preparing and serving a warrant for failure to appear may not
33 exceed one hundred dollars. Costs of incarceration imposed on a
34 defendant convicted of a misdemeanor or a gross misdemeanor may not
35 exceed the actual cost of incarceration. In no case may the court
36 require the offender to pay more than one hundred dollars per day for
37 the cost of incarceration. Payment of other court-ordered financial

1 obligations, including all legal financial obligations and costs of
2 supervision take precedence over the payment of the cost of
3 incarceration ordered by the court. All funds received from defendants
4 for the cost of incarceration in the county or city jail must be
5 remitted for criminal justice purposes to the county or city that is
6 responsible for the defendant's jail costs. Costs imposed constitute
7 a judgment against a defendant and survive a dismissal of the
8 underlying action against the defendant. However, if the defendant is
9 acquitted on the underlying action, the costs for preparing and serving
10 a warrant for failure to appear do not survive the acquittal, and the
11 judgment that such costs would otherwise constitute shall be vacated.

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

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

Passed by the Senate April 17, 2007.

Passed by the House April 4, 2007.

Approved by the Governor May 8, 2007.

Filed in Office of Secretary of State May 10, 2007.