

E2SHB 1390 - S COMM AMD

By Committee on Law & Justice

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 imposed in a judgment shall bear interest from
7 the date of the judgment until payment, at the rate (~~(applicable to~~
8 ~~civil judgments)~~) of four percent. All nonrestitution interest
9 retained by the court shall be split twenty-five percent to the state
10 treasurer for deposit in the state general fund, twenty-five percent
11 to the state treasurer for deposit in the judicial information system
12 account as provided in RCW 2.68.020, twenty-five percent to the
13 county current expense fund, and twenty-five percent to the county
14 current expense fund to fund local courts.

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

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

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

28 (c) The court may otherwise reduce or waive the interest on the
29 portions of the legal financial obligations that are not restitution
30 if the offender shows that he or she has personally made a good faith
31 effort to pay and that the interest accrual is causing a significant
32 hardship. For purposes of this section, "good faith effort" means
33 that the offender has either (i) paid the principal amount in full;

1 or (ii) made at least fifteen monthly payments within an eighteen-
2 month period, excluding any payments mandatorily deducted by the
3 department of corrections;

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

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

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

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

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

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

1 (4) Penalties, fines, bail forfeitures, fees, and costs may
2 accrue interest at the rate of (~~twelve~~) four percent per annum,
3 upon assignment to a collection agency. Interest may accrue only
4 while the case is in collection status.

5 (5) Interest retained by the court on penalties, fines, bail
6 forfeitures, fees, and costs shall be split twenty-five percent to
7 the state treasurer for deposit in the state general fund, twenty-
8 five percent to the state treasurer for deposit in the judicial
9 information system account as provided in RCW 2.68.020, twenty-five
10 percent to the city general fund, and twenty-five percent to the city
11 general fund to fund local courts.

12 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
13 2012 c 134 s 6 are each reenacted and amended to read as follows:

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

23 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
24 and this section, the county treasurer shall remit thirty-two percent
25 of the noninterest money received under subsection (1) of this
26 section except certain costs to the state treasurer. "Certain costs"
27 as used in this subsection, means those costs awarded to prevailing
28 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
29 costs awarded against convicted defendants in criminal actions under
30 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
31 such costs are specifically designated as costs by the court and are
32 awarded for the specific reimbursement of costs incurred by the state
33 or county in the prosecution of the case, including the fees of
34 defense counsel. With the exception of funds to be transferred to the
35 judicial stabilization trust account under RCW 3.62.060(2), money
36 remitted under this subsection to the state treasurer shall be
37 deposited in the state general fund.

38 (3) The balance of the noninterest money received by the county
39 treasurer under subsection (1) of this section shall be deposited in

1 the county current expense fund. Funds deposited under this
2 subsection that are attributable to the county's portion of a
3 surcharge imposed under RCW 3.62.060(2) must be used to support local
4 trial court and court-related functions.

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

10 (5) Penalties, fines, bail forfeitures, fees, and costs may
11 accrue interest at the rate of (~~twelve~~) four percent per annum,
12 upon assignment to a collection agency. Interest may accrue only
13 while the case is in collection status.

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

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

23 (1) Except as provided in subsection (4) of this section, all
24 costs, fines, forfeitures and penalties assessed and collected, in
25 whole or in part, by district courts because of violations of city
26 ordinances shall be remitted by the clerk of the district court at
27 least monthly directly to the treasurer of the city wherein the
28 violation occurred.

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

1 counsel. Money remitted under this subsection to the state treasurer
2 shall be deposited in the state general fund.

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

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

9 (5) Penalties, fines, bail forfeitures, fees, and costs may
10 accrue interest at the rate of (~~twelve~~) four percent per annum,
11 upon assignment to a collection agency. Interest may accrue only
12 while the case is in collection status.

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

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

22 (1) The chief clerk, under the supervision and direction of the
23 court administrator of the municipal court, shall have the custody
24 and care of the books, papers and records of the court. The chief
25 clerk or a deputy shall be present during the session of the court
26 and has the power to swear all witnesses and jurors, administer oaths
27 and affidavits, and take acknowledgments. The chief clerk shall keep
28 the records of the court and shall issue all process under his or her
29 hand and the seal of the court. The chief clerk shall do and perform
30 all things and have the same powers pertaining to the office as the
31 clerks of the superior courts have in their office. He or she shall
32 receive all fines, penalties, and fees of every kind and keep a full,
33 accurate, and detailed account of the same. The chief clerk shall on
34 each day pay into the city treasury all money received for the city
35 during the day previous, with a detailed account of the same, and
36 taking the treasurer's receipt therefor.

37 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
38 treasurer shall remit monthly thirty-two percent of the noninterest
39 money received under this section, other than for parking infractions

1 and certain costs to the state treasurer. "Certain costs" as used in
2 this subsection, means those costs awarded to prevailing parties in
3 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
4 against convicted defendants in criminal actions under RCW 10.01.160,
5 10.46.190, or 36.18.040, or other similar statutes if such costs are
6 specifically designated as costs by the court and are awarded for the
7 specific reimbursement of costs incurred by the state, county, city,
8 or town in the prosecution of the case, including the fees of defense
9 counsel. Money remitted under this subsection to the state treasurer
10 shall be deposited in the state general fund.

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

14 (4) Penalties, fines, bail forfeitures, fees, and costs may
15 accrue interest at the rate of (~~twelve~~) four percent per annum,
16 upon assignment to a collection agency. Interest may accrue only
17 while the case is in collection status.

18 (5) Interest retained by the court on penalties, fines, bail
19 forfeitures, fees, and costs shall be split twenty-five percent to
20 the state treasurer for deposit in the state general fund, twenty-
21 five percent to the state treasurer for deposit in the judicial
22 information system account as provided in RCW 2.68.020, twenty-five
23 percent to the city general fund, and twenty-five percent to the city
24 general fund to fund local courts.

25 **Sec. 6.** RCW 43.43.7541 and 2015 c 265 s 31 are each amended to
26 read as follows:

27 Every sentence imposed for a crime specified in RCW 43.43.754
28 must include a fee of one hundred dollars unless the state has
29 previously collected the offender's DNA as a result of a prior
30 conviction. The fee is a court-ordered legal financial obligation as
31 defined in RCW 9.94A.030 and other applicable law. For a sentence
32 imposed under chapter 9.94A RCW, the fee is payable by the offender
33 after payment of all other legal financial obligations included in
34 the sentence has been completed. For all other sentences, the fee is
35 payable by the offender in the same manner as other assessments
36 imposed. The clerk of the court shall transmit eighty percent of the
37 fee collected to the state treasurer for deposit in the state DNA
38 database account created under RCW 43.43.7532, and shall transmit
39 twenty percent of the fee collected to the agency responsible for

1 collection of a biological sample from the offender as required under
2 RCW 43.43.754. This fee shall not be imposed on juvenile offenders if
3 the state has previously collected the juvenile offender's DNA as a
4 result of a prior conviction.

5 **Sec. 7.** RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each
6 amended to read as follows:

7 (1) The court may require a defendant to pay costs. Costs may be
8 imposed only upon a convicted defendant, except for costs imposed
9 upon a defendant's entry into a deferred prosecution program, costs
10 imposed upon a defendant for pretrial supervision, or costs imposed
11 upon a defendant for preparing and serving a warrant for failure to
12 appear.

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

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

5 (3) The court shall not order a defendant to pay costs unless the
6 defendant is or will be able to pay them. In determining the amount
7 and method of payment of costs, the court shall take account of the
8 financial resources of the defendant and the nature of the burden
9 that payment of costs will impose. However, this subsection does not
10 create a statutory obligation for the trial court to make an
11 individualized inquiry into a defendant's current and future ability
12 to pay before the court imposes costs. A trial court shall not be
13 required to conduct a case by case analysis and evaluate an
14 individual defendant's circumstances but may use standard language in
15 a judgment and sentence that makes the findings required under this
16 subsection. A defendant may seek modification of the judgment and
17 sentence order in the event the defendant is unable to pay as allowed
18 by law and court rule.

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

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

1 Medical or mental health treatment and services a defendant receives
2 at a state hospital or other facility are not a cost of prosecution
3 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
4 43.20B RCW, and any other applicable statute.

5 **Sec. 8.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to
6 read as follows:

7 (1) Whenever a person is convicted in superior court, the court
8 may order the payment of a legal financial obligation as part of the
9 sentence. The court must on either the judgment and sentence or on a
10 subsequent order to pay, designate the total amount of a legal
11 financial obligation and segregate this amount among the separate
12 assessments made for restitution~~((~~7~~))~~ to victims that have not been
13 fully compensated from other sources; restitution to insurance or
14 other sources with respect to a loss that has provided compensation
15 to victims; and costs, fines, and other assessments required by law.
16 ~~((On the same order,))~~ Restitution shall be entered pursuant to the
17 priorities set in the order setting restitution. The court is also to
18 set a sum that the offender is required to pay on a monthly basis
19 towards satisfying the legal financial obligation. If the court fails
20 to set the offender monthly payment amount, the department shall set
21 the amount if the department has active supervision of the offender,
22 otherwise the county clerk shall set the amount.

23 (2) Upon receipt of ~~((an offender's monthly))~~ each payment~~((~~7~~~~
24 ~~restitution shall be paid prior to any payments of other monetary~~
25 ~~obligations. After restitution is satisfied, the county clerk shall~~
26 ~~distribute the payment proportionally among all other fines, costs,~~
27 ~~and assessments imposed, unless otherwise ordered by the court))~~ made
28 by or on behalf of an offender, the payment shall be distributed in
29 the following order of priority until satisfied:

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

32 (b) Second, proportionally to restitution to insurance or other
33 sources with respect to a loss that has provided compensation to
34 victims;

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

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

38 ~~((+2))~~ (3) If the court determines that the offender, at the
39 time of sentencing, has the means to pay for the cost of

1 incarceration, the court may require the offender to pay for the cost
2 of incarceration at a rate of fifty dollars per day of incarceration,
3 if incarcerated in a prison, or the court may require the offender to
4 pay the actual cost of incarceration per day of incarceration, if
5 incarcerated in a county jail. In no case may the court require the
6 offender to pay more than one hundred dollars per day for the cost of
7 incarceration. (~~Payment of other court ordered financial~~
8 ~~obligations, including all legal financial obligations and costs of~~
9 ~~supervision shall take precedence over the payment of the cost of~~
10 ~~incarceration ordered by the court.)) All funds recovered from
11 offenders for the cost of incarceration in the county jail shall be
12 remitted to the county and the costs of incarceration in a prison
13 shall be remitted to the department.~~

14 ((~~3~~)) (4) The court may add to the judgment and sentence or
15 subsequent order to pay a statement that a notice of payroll
16 deduction is to be issued immediately. If the court chooses not to
17 order the immediate issuance of a notice of payroll deduction at
18 sentencing, the court shall add to the judgment and sentence or
19 subsequent order to pay a statement that a notice of payroll
20 deduction may be issued or other income-withholding action may be
21 taken, without further notice to the offender if a monthly court-
22 ordered legal financial obligation payment is not paid when due, and
23 an amount equal to or greater than the amount payable for one month
24 is owed.

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

32 ((~~4~~)) (5) Independent of the department or the county clerk,
33 the party or entity to whom the legal financial obligation is owed
34 shall have the authority to use any other remedies available to the
35 party or entity to collect the legal financial obligation. These
36 remedies include enforcement in the same manner as a judgment in a
37 civil action by the party or entity to whom the legal financial
38 obligation is owed. Restitution collected through civil enforcement
39 must be paid through the registry of the court and must be
40 distributed proportionately according to each victim's loss when

1 there is more than one victim. The judgment and sentence shall
2 identify the party or entity to whom restitution is owed so that the
3 state, party, or entity may enforce the judgment. If restitution is
4 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of
5 rape of a child or a victim's child born from the rape, the
6 Washington state child support registry shall be identified as the
7 party to whom payments must be made. Restitution obligations arising
8 from the rape of a child in the first, second, or third degree that
9 result in the pregnancy of the victim may be enforced for the time
10 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other
11 legal financial obligations for an offense committed prior to July 1,
12 2000, may be enforced at any time during the ten-year period
13 following the offender's release from total confinement or within ten
14 years of entry of the judgment and sentence, whichever period ends
15 later. Prior to the expiration of the initial ten-year period, the
16 superior court may extend the criminal judgment an additional ten
17 years for payment of legal financial obligations including crime
18 victims' assessments. All other legal financial obligations for an
19 offense committed on or after July 1, 2000, may be enforced at any
20 time the offender remains under the court's jurisdiction. For an
21 offense committed on or after July 1, 2000, the court shall retain
22 jurisdiction over the offender, for purposes of the offender's
23 compliance with payment of the legal financial obligations, until the
24 obligation is completely satisfied, regardless of the statutory
25 maximum for the crime. The department may only supervise the
26 offender's compliance with payment of the legal financial obligations
27 during any period in which the department is authorized to supervise
28 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
29 which the offender is confined in a state correctional institution or
30 a correctional facility pursuant to a transfer agreement with the
31 department, and the department shall supervise the offender's
32 compliance during any such period. The department is not responsible
33 for supervision of the offender during any subsequent period of time
34 the offender remains under the court's jurisdiction. The county clerk
35 is authorized to collect unpaid legal financial obligations at any
36 time the offender remains under the jurisdiction of the court for
37 purposes of his or her legal financial obligations.

38 ((+5)) (6) In order to assist the court in setting a monthly sum
39 that the offender must pay during the period of supervision, the
40 offender is required to report to the department for purposes of

1 preparing a recommendation to the court. When reporting, the offender
2 is required, under oath, to respond truthfully and honestly to all
3 questions concerning present, past, and future earning capabilities
4 and the location and nature of all property or financial assets. The
5 offender is further required to bring all documents requested by the
6 department.

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

11 ~~((7))~~ (8)(a) During the period of supervision, the department
12 may make a recommendation to the court that the offender's monthly
13 payment schedule be modified so as to reflect a change in financial
14 circumstances. If the department sets the monthly payment amount, the
15 department may modify the monthly payment amount without the matter
16 being returned to the court. During the period of supervision, the
17 department may require the offender to report to the department for
18 the purposes of reviewing the appropriateness of the collection
19 schedule for the legal financial obligation. During this reporting,
20 the offender is required under oath to respond truthfully and
21 honestly to all questions concerning earning capabilities and the
22 location and nature of all property or financial assets. The offender
23 shall bring all documents requested by the department in order to
24 prepare the collection schedule.

25 (b) Subsequent to any period of supervision, or if the department
26 is not authorized to supervise the offender in the community, the
27 county clerk may make a recommendation to the court that the
28 offender's monthly payment schedule be modified so as to reflect a
29 change in financial circumstances. If the county clerk sets the
30 monthly payment amount, or if the department set the monthly payment
31 amount and the department has subsequently turned the collection of
32 the legal financial obligation over to the county clerk, the clerk
33 may modify the monthly payment amount without the matter being
34 returned to the court. During the period of repayment, the county
35 clerk may require the offender to report to the clerk for the purpose
36 of reviewing the appropriateness of the collection schedule for the
37 legal financial obligation. During this reporting, the offender is
38 required under oath to respond truthfully and honestly to all
39 questions concerning earning capabilities and the location and nature
40 of all property or financial assets. The offender shall bring all

1 documents requested by the county clerk in order to prepare the
2 collection schedule.

3 ~~((+8))~~ (9) After the judgment and sentence or payment order is
4 entered, the department is authorized, for any period of supervision,
5 to collect the legal financial obligation from the offender.
6 Subsequent to any period of supervision or, if the department is not
7 authorized to supervise the offender in the community, the county
8 clerk is authorized to collect unpaid legal financial obligations
9 from the offender. Any amount collected by the department shall be
10 remitted daily to the county clerk for the purpose of disbursements.
11 The department and the county clerks are authorized, but not
12 required, to accept credit cards as payment for a legal financial
13 obligation, and any costs incurred related to accepting credit card
14 payments shall be the responsibility of the offender.

15 ~~((+9))~~ (10) The department or any obligee of the legal financial
16 obligation may seek a mandatory wage assignment for the purposes of
17 obtaining satisfaction for the legal financial obligation pursuant to
18 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
19 the county clerk. The county clerks shall notify the department, or
20 the administrative office of the courts, whichever is providing the
21 monthly billing for the offender.

22 ~~((+10))~~ (11) The requirement that the offender pay a monthly sum
23 towards a legal financial obligation constitutes a condition or
24 requirement of a sentence and the offender is subject to the
25 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
26 or 9.94A.740.

27 ~~((+11))~~ (12)(a) The administrative office of the courts shall
28 mail individualized periodic billings to the address known by the
29 office for each offender with an unsatisfied legal financial
30 obligation.

31 (b) The billing shall direct payments, other than outstanding
32 cost of supervision assessments under RCW 9.94A.780, parole
33 assessments under RCW 72.04A.120, and cost of probation assessments
34 under RCW 9.95.214, to the county clerk, and cost of supervision,
35 parole, or probation assessments to the department.

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

1 (d) The county clerks, the administrative office of the courts,
2 and the department shall maintain agreements to implement this
3 subsection.

4 ~~((12))~~ (13) The department shall arrange for the collection of
5 unpaid legal financial obligations during any period of supervision
6 in the community through the county clerk. The department shall
7 either collect unpaid legal financial obligations or arrange for
8 collections through another entity if the clerk does not assume
9 responsibility or is unable to continue to assume responsibility for
10 collection pursuant to subsection ~~((4))~~ (5) of this section. The
11 costs for collection services shall be paid by the offender.

12 ~~((13))~~ (14) The county clerk may access the records of the
13 employment security department for the purposes of verifying
14 employment or income, seeking any assignment of wages, or performing
15 other duties necessary to the collection of an offender's legal
16 financial obligations.

17 ~~((14))~~ (15) Nothing in this chapter makes the department, the
18 state, the counties, or any state or county employees, agents, or
19 other persons acting on their behalf liable under any circumstances
20 for the payment of these legal financial obligations or for the acts
21 of any offender who is no longer, or was not, subject to supervision
22 by the department for a term of community custody, and who remains
23 under the jurisdiction of the court for payment of legal financial
24 obligations.

25 NEW SECTION. **Sec. 9.** Nothing in this act requires the courts to
26 refund or reimburse amounts previously paid towards legal financial
27 obligations or interest on legal financial obligations.

28 NEW SECTION. **Sec. 10.** This act takes effect July 1, 2016."

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29 On page 1, line 1 of the title, after "obligations;" strike the
30 remainder of the title and insert "amending RCW 10.82.090, 3.50.100,
31 3.62.040, 35.20.220, 43.43.7541, 10.01.160, and 9.94A.760; reenacting

1 and amending RCW 3.62.020; creating a new section; and providing an
2 effective date."

EFFECT: (1) As of the effective date of the act, legal financial obligations bear a four percent interest rate. The new provisions dealing with imposing costs at the time of sentencing for indigent defendants are removed. The new provisions regarding sanctioning proceedings and standards for finding an unwillful failure to pay legal financial obligations are removed. The trial court is not required to make an individualized inquiry into the defendant's current or future ability to pay before the court imposes costs. The defendant may seek a modification in the event that he or she is unable to pay as allowed by statute or court rule.

(2) Restitution shall be entered pursuant to priorities set in the order setting restitution.

(3) Upon receipt of any payment made by or on behalf of an offender, payment must be distributed in the following priority until satisfied:

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

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

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

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

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