
HOUSE BILL 1390

State of Washington

64th Legislature

2015 Regular Session

By Representatives Goodman, Holy, Jenkins, Kagi, Moscoso, Ormsby, and Pollet

Read first time 01/19/15. Referred to Committee on Judiciary.

1 AN ACT Relating to legal financial obligations; amending RCW
2 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170,
3 10.01.180, 10.46.190, 10.64.015, 9.92.070, 9.94A.6333, 9.94A.760,
4 9.94B.040, 3.62.085, 36.18.020, and 43.43.7541; and reenacting and
5 amending RCW 3.62.020.

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

7 **Sec. 1.** RCW 10.82.090 and 2011 c 106 s 2 are each amended to
8 read as follows:

9 (1) Except as provided in subsection (2) of this section,
10 (~~financial obligations~~) restitution imposed in a judgment shall
11 bear interest from the date of the judgment until payment, at the
12 rate applicable to civil judgments. As of the effective date of this
13 section, no interest shall accrue on nonrestitution legal financial
14 obligations. All nonrestitution interest retained by the court shall
15 be split twenty-five percent to the state treasurer for deposit in
16 the state general fund, twenty-five percent to the state treasurer
17 for deposit in the judicial information system account as provided in
18 RCW 2.68.020, twenty-five percent to the county current expense fund,
19 and twenty-five percent to the county current expense fund to fund
20 local courts.

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

5 (a) The court shall waive the interest on the portions of the
6 legal financial obligations that are not restitution that accrued
7 prior to the effective date of this section;

8 (b) The court shall waive all interest on the restitution
9 portion(~~s~~) of the legal financial obligations (~~that are not~~
10 ~~restitution~~) that accrued during the term of total confinement for
11 the conviction giving rise to the financial obligations(~~, provided~~
12 ~~the offender shows that the interest creates a hardship for the~~
13 ~~offender or his or her immediate family~~);

14 (~~(b)~~) (c) The court may reduce interest on the restitution
15 portion of the legal financial obligations only if the principal has
16 been paid in full and as an incentive for the offender to meet his or
17 her other legal financial obligations;

18 (~~(c) The court may otherwise reduce or waive the interest on the~~
19 ~~portions of the legal financial obligations that are not restitution~~
20 ~~if the offender shows that he or she has personally made a good faith~~
21 ~~effort to pay and that the interest accrual is causing a significant~~
22 ~~hardship. For purposes of this section, "good faith effort" means~~
23 ~~that the offender has either (i) paid the principal amount in full;~~
24 ~~or (ii) made at least fifteen monthly payments within an eighteen-~~
25 ~~month period, excluding any payments mandatorily deducted by the~~
26 ~~department of corrections;~~)

27 (d) (~~For purposes of (a) through (c) of this subsection, the~~
28 ~~court may reduce or waive interest on legal financial obligations~~
29 ~~only as an incentive for the offender to meet his or her legal~~
30 ~~financial obligations.~~) The court may grant the motion, establish a
31 payment schedule, and retain jurisdiction over the offender for
32 purposes of reviewing and revising the reduction or waiver of
33 interest.

34 (3) This section applies to persons convicted as adults or
35 adjudicated in juvenile court.

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

38 (1) Costs in civil and criminal actions may be imposed as
39 provided in district court. All fees, costs, fines, forfeitures and

1 other money imposed by any municipal court for the violation of any
2 municipal or town ordinances shall be collected by the court clerk
3 and, together with any other noninterest revenues received by the
4 clerk, shall be deposited with the city or town treasurer as a part
5 of the general fund of the city or town, or deposited in such other
6 fund of the city or town, or deposited in such other funds as may be
7 designated by the laws of the state of Washington.

8 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
9 treasurer shall remit monthly thirty-two percent of the noninterest
10 money received under this section, other than for parking
11 infractions, and certain costs to the state treasurer. "Certain
12 costs" as used in this subsection, means those costs awarded to
13 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
14 or those costs awarded against convicted defendants in criminal
15 actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other
16 similar statutes if such costs are specifically designated as costs
17 by the court and are awarded for the specific reimbursement of costs
18 incurred by the state, county, city, or town in the prosecution of
19 the case, including the fees of defense counsel. Money remitted under
20 this subsection to the state treasurer shall be deposited in the
21 state general fund.

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

25 (4)(a) Except as provided in (b) of this subsection, penalties,
26 finer, ((bail forfeitures,)) fees, and costs may accrue interest at
27 the rate of twelve percent per annum, upon assignment to a collection
28 agency. Interest may accrue only while the case is in collection
29 status.

30 (b) As of the effective date of this section, penalties, fines,
31 bail forfeitures, fees, and costs imposed against a defendant in a
32 criminal proceeding shall not accrue interest.

33 (5) Interest retained by the court on penalties, fines, bail
34 forfeitures, fees, and costs shall be split twenty-five percent to
35 the state treasurer for deposit in the state general fund, twenty-
36 five percent to the state treasurer for deposit in the judicial
37 information system account as provided in RCW 2.68.020, twenty-five
38 percent to the city general fund, and twenty-five percent to the city
39 general fund to fund local courts.

1 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
2 2012 c 134 s 6 are each reenacted and amended to read as follows:

3 (1) Except as provided in subsection (4) of this section, all
4 costs, fees, fines, forfeitures and penalties assessed and collected
5 in whole or in part by district courts, except costs, fines,
6 forfeitures and penalties assessed and collected, in whole or in
7 part, because of the violation of city ordinances, shall be remitted
8 by the clerk of the district court to the county treasurer at least
9 monthly, together with a financial statement as required by the state
10 auditor, noting the information necessary for crediting of such funds
11 as required by law.

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

27 (3) The balance of the noninterest money received by the county
28 treasurer under subsection (1) of this section shall be deposited in
29 the county current expense fund. Funds deposited under this
30 subsection that are attributable to the county's portion of a
31 surcharge imposed under RCW 3.62.060(2) must be used to support local
32 trial court and court-related functions.

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

38 (5)(a) Except as provided in (b) of this subsection, penalties,
39 fines, ((bail forfeitures,)) fees, and costs may accrue interest at
40 the rate of twelve percent per annum, upon assignment to a collection

1 agency. Interest may accrue only while the case is in collection
2 status.

3 (b) As of the effective date of this section, penalties, fines,
4 bail forfeitures, fees, and costs imposed against a defendant in a
5 criminal proceeding shall not accrue interest.

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

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

15 (1) Except as provided in subsection (4) of this section, all
16 costs, fines, forfeitures and penalties assessed and collected, in
17 whole or in part, by district courts because of violations of city
18 ordinances shall be remitted by the clerk of the district court at
19 least monthly directly to the treasurer of the city wherein the
20 violation occurred.

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

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

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

1 (5)(a) Except as provided in (b) of this subsection, penalties,
2 fines, (~~(bail forfeitures,~~) fees, and costs may accrue interest at
3 the rate of twelve percent per annum, upon assignment to a collection
4 agency. Interest may accrue only while the case is in collection
5 status.

6 **(b) As of the effective date of this section, penalties, fines,**
7 **bail forfeitures, fees, and costs imposed against a defendant in a**
8 **criminal proceeding shall not accrue interest.**

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

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

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

33 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
34 treasurer shall remit monthly thirty-two percent of the noninterest
35 money received under this section, other than for parking infractions
36 and certain costs to the state treasurer. "Certain costs" as used in
37 this subsection, means those costs awarded to prevailing parties in
38 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
39 against convicted defendants in criminal actions under RCW 10.01.160,

1 10.46.190, or 36.18.040, or other similar statutes if such costs are
2 specifically designated as costs by the court and are awarded for the
3 specific reimbursement of costs incurred by the state, county, city,
4 or town in the prosecution of the case, including the fees of defense
5 counsel. Money remitted under this subsection to the state treasurer
6 shall be deposited in the state general fund.

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

10 (4)(a) Except as provided in (b) of this subsection, penalties,
11 finances, ((bail forfeitures,)) fees, and costs may accrue interest at
12 the rate of twelve percent per annum, upon assignment to a collection
13 agency. Interest may accrue only while the case is in collection
14 status.

15 (b) As of the effective date of this section, penalties, fines,
16 bail forfeitures, fees, and costs imposed against a defendant in a
17 criminal proceeding shall not accrue interest.

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 10.01.160 and 2010 c 54 s 1 are each amended to read
26 as follows:

27 (1) Except as provided in subsection (3) of this section, the
28 court may require a defendant to pay costs. Costs may be imposed only
29 upon a convicted defendant, except for costs imposed upon a
30 defendant's entry into a deferred prosecution program, costs imposed
31 upon a defendant for pretrial supervision, or costs imposed upon a
32 defendant for preparing and serving a warrant for failure to appear.

33 (2) Costs shall be limited to expenses specially incurred by the
34 state in prosecuting the defendant or in administering the deferred
35 prosecution program under chapter 10.05 RCW or pretrial supervision.
36 They cannot include expenses inherent in providing a constitutionally
37 guaranteed jury trial or expenditures in connection with the
38 maintenance and operation of government agencies that must be made by
39 the public irrespective of specific violations of law. Expenses

1 incurred for serving of warrants for failure to appear and jury fees
2 under RCW 10.46.190 may be included in costs the court may require a
3 defendant to pay. Costs for administering a deferred prosecution may
4 not exceed two hundred fifty dollars. Costs for administering a
5 pretrial supervision may not exceed one hundred fifty dollars. Costs
6 for preparing and serving a warrant for failure to appear may not
7 exceed one hundred dollars. Costs of incarceration imposed on a
8 defendant convicted of a misdemeanor or a gross misdemeanor may not
9 exceed the actual cost of incarceration. In no case may the court
10 require the offender to pay more than one hundred dollars per day for
11 the cost of incarceration. Payment of other court-ordered financial
12 obligations, including all legal financial obligations and costs of
13 supervision take precedence over the payment of the cost of
14 incarceration ordered by the court. All funds received from
15 defendants for the cost of incarceration in the county or city jail
16 must be remitted for criminal justice purposes to the county or city
17 that is responsible for the defendant's jail costs. Costs imposed
18 constitute a judgment against a defendant and survive a dismissal of
19 the underlying action against the defendant. However, if the
20 defendant is acquitted on the underlying action, the costs for
21 preparing and serving a warrant for failure to appear do not survive
22 the acquittal, and the judgment that such costs would otherwise
23 constitute shall be vacated.

24 (3) The court shall not order a defendant to pay costs (~~((unless))~~)
25 if the defendant ((is or will be able to pay them)) at the time of
26 sentencing is indigent as defined in RCW 10.101.010. In determining
27 the amount and method of payment of costs, the court shall take
28 account of the financial resources of the defendant and the nature of
29 the burden that payment of costs will impose.

30 (4) A defendant who has been ordered to pay costs and who is not
31 in contumacious default in the payment thereof may at any time
32 petition the sentencing court for remission of the payment of costs
33 or of any unpaid portion thereof. If it appears to the satisfaction
34 of the court that payment of the amount due will impose manifest
35 hardship on the defendant or the defendant's immediate family, the
36 court may remit all or part of the amount due in costs, (~~((or))~~) modify
37 the method of payment under RCW 10.01.170, or with the defendant's
38 consent convert the unpaid costs to community restitution hours at
39 the rate of no less than the state minimum wage established in RCW
40 49.46.020 for each hour of community restitution.

1 (5) Except for direct costs relating to evaluating and reporting
2 to the court, prosecutor, or defense counsel regarding a defendant's
3 competency to stand trial as provided in RCW 10.77.060, this section
4 shall not apply to costs related to medical or mental health
5 treatment or services a defendant receives while in custody of the
6 secretary of the department of social and health services or other
7 governmental units. This section shall not prevent the secretary of
8 the department of social and health services or other governmental
9 units from imposing liability and seeking reimbursement from a
10 defendant committed to an appropriate facility as provided in RCW
11 10.77.084 while criminal proceedings are stayed. This section shall
12 also not prevent governmental units from imposing liability on
13 defendants for costs related to providing medical or mental health
14 treatment while the defendant is in the governmental unit's custody.
15 Medical or mental health treatment and services a defendant receives
16 at a state hospital or other facility are not a cost of prosecution
17 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
18 43.20B RCW, and any other applicable statute.

19 **Sec. 7.** RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each
20 amended to read as follows:

21 (1) When a defendant is sentenced to pay ((a)) fines, penalties,
22 assessments, fees, restitution, or costs, the court may grant
23 permission for payment to be made within a specified period of time
24 or in specified installments. If the court finds that the defendant
25 is indigent, the court shall grant permission for payment to be made
26 within a specified period of time or in specified installments. If no
27 such permission is included in the sentence the fine or costs shall
28 be payable forthwith.

29 (2) An offender's monthly payment shall be applied to the
30 principal on restitution obligations in all cases within a
31 jurisdiction prior to payment of any other monetary obligations.
32 After restitution is satisfied, payment shall be distributed
33 proportionally among all other fines, costs other than costs of
34 incarceration, fees, penalties, and assessments imposed, unless
35 otherwise ordered by the court. Costs of incarceration shall be paid
36 after all other fines, costs, fees, penalties, and assessments are
37 satisfied. After the principal on all legal financial obligations is
38 satisfied, payment shall be distributed to interest.

1 **Sec. 8.** RCW 10.01.180 and 2010 c 8 s 1006 are each amended to
2 read as follows:

3 (1) A defendant sentenced to pay ~~((a))~~ any fine, penalty,
4 assessment, fee, or costs who defaults in the payment thereof or of
5 any installment is in contempt of court as provided in chapter 7.21
6 RCW. The court may issue a warrant of arrest for his or her
7 appearance.

8 (2) When ~~((a))~~ any fine, penalty, assessment, fee, or assessment
9 of costs is imposed on a corporation or unincorporated association,
10 it is the duty of the person authorized to make disbursement from the
11 assets of the corporation or association to pay the ~~((fine or costs))~~
12 obligation from those assets, and his or her failure to do so may be
13 held to be contempt.

14 (3) If a term of imprisonment for contempt for nonpayment of
15 ~~((a))~~ any fine, penalty, assessment, fee, or costs is ordered, the
16 term of imprisonment shall be set forth in the commitment order, and
17 shall not exceed one day for each twenty-five dollars of the ~~((fine~~
18 ~~or costs))~~ amount ordered, thirty days if the ~~((fine or assessment))~~
19 amount ordered of costs was imposed upon conviction of a violation or
20 misdemeanor, or one year in any other case, whichever is the shorter
21 period. A person committed for nonpayment of ~~((a))~~ any fine, penalty,
22 assessment, fee, or costs shall be given credit toward payment for
23 each day of imprisonment at the rate specified in the commitment
24 order.

25 (4) If it appears to the satisfaction of the court that the
26 default in the payment of ~~((a))~~ any fine, penalty, assessment, fee,
27 or costs is not contempt, the court may, and if the defendant is
28 indigent as defined in RCW 10.101.010 the court shall, enter an
29 order: (a) Allowing the defendant additional time for payment((7));
30 (b) reducing the amount thereof or of each installment ((8)); (c)
31 revoking the fine, penalty, assessment, fee, or costs or the unpaid
32 portion thereof in whole or in part; or (d) with the defendant's
33 consent converting the unpaid fine, penalty, assessment, fee, or
34 costs to community restitution hours at the rate of no less than the
35 state minimum wage established in RCW 49.46.020 for each hour of
36 community restitution. The crime victim penalty assessment under RCW
37 7.68.035 may not be reduced, revoked, or converted to community
38 restitution hours.

39 (5) A default in the payment of ~~((a))~~ any fine, penalty,
40 assessment, fee, or costs or any installment thereof may be collected

1 by any means authorized by law for the enforcement of a judgment. The
2 levy of execution for the collection of ((a)) any fine, penalty,
3 assessment, fee, or costs shall not discharge a defendant committed
4 to imprisonment for contempt until the amount ((of the fine or
5 costs)) has actually been collected.

6 **Sec. 9.** RCW 10.46.190 and 2005 c 457 s 12 are each amended to
7 read as follows:

8 Every person convicted of a crime or held to bail to keep the
9 peace ((shall)) may be liable to all the costs of the proceedings
10 against him or her, including, when tried by a jury in the superior
11 court or before a committing magistrate, a jury fee as provided for
12 in civil actions for which judgment shall be rendered and collected.
13 The court shall not order a defendant to pay costs if the court finds
14 that the person at the time of sentencing is indigent as defined in
15 RCW 10.101.010. The jury fee, when collected for a case tried by the
16 superior court, shall be paid to the clerk and applied as the jury
17 fee in civil cases is applied.

18 **Sec. 10.** RCW 10.64.015 and Code 1881 s 1104 are each amended to
19 read as follows:

20 When the defendant is found guilty, the court shall render
21 judgment accordingly, and the defendant ((shall)) may be liable for
22 all costs, unless the court or jury trying the cause expressly find
23 otherwise. The court shall not order a defendant to pay costs if the
24 court finds that the person at the time of sentencing is indigent as
25 defined in RCW 10.101.010.

26 **Sec. 11.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read
27 as follows:

28 Hereafter whenever any judge of any superior court or a district
29 or municipal judge shall sentence any person to pay any finer,
30 penalties, assessments, fees, and costs, the judge may, in the
31 judge's discretion, provide that such finer, penalties, assessments,
32 fees, and costs may be paid in certain designated installments, or
33 within certain designated period or periods((; and)). If the court
34 finds that the defendant is indigent as defined in RCW 10.101.010,
35 the court shall allow for payment in certain designated installments
36 or within certain designated periods. If such finer, penalties,
37 assessments, fees, and costs shall be paid by the defendant in

1 accordance with such order no commitment or imprisonment of the
2 defendant shall be made for failure to pay such fine or costs.
3 PROVIDED, that the provisions of this section shall not apply to any
4 sentence given for the violation of any of the liquor laws of this
5 state.

6 **Sec. 12.** RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to
7 read as follows:

8 (1) If an offender violates any condition or requirement of a
9 sentence, and the offender is not being supervised by the department,
10 the court may modify its order of judgment and sentence and impose
11 further punishment in accordance with this section.

12 (2) If an offender fails to comply with any of the conditions or
13 requirements of a sentence the following provisions apply:

14 (a) The court, upon the motion of the state, or upon its own
15 motion, shall require the offender to show cause why the offender
16 should not be punished for the noncompliance. The court may issue a
17 summons or a warrant of arrest for the offender's appearance;

18 (b) The state has the burden of showing noncompliance by a
19 preponderance of the evidence;

20 (c) If the court finds that a violation has been proved, it may
21 impose the sanctions specified in RCW 9.94A.633(1). Alternatively,
22 the court may:

23 (i) Convert a term of partial confinement to total confinement;

24 (ii) Convert community restitution obligation to total or partial
25 confinement; or

26 (iii) Convert monetary obligations, except restitution and the
27 crime victim penalty assessment, to community restitution hours at
28 the rate of the state minimum wage as established in RCW 49.46.020
29 for each hour of community restitution;

30 (d) If the court determines that the offender is homeless or a
31 person who is mentally ill, as defined in RCW 71.24.025, failure to
32 pay a legal financial obligation is not willful noncompliance and
33 shall not subject the offender to penalties;

34 (e) If the court finds that the violation was not willful, the
35 court may modify its previous order regarding payment of legal
36 financial obligations and regarding community restitution
37 obligations; (~~and~~

38 (~~e~~)) (f) If the violation involves failure to pay legal
39 financial obligations and the court finds that the violation was not

1 willful, the court may, and if the court finds that the defendant is
2 indigent as defined in RCW 10.101.010 the court shall, modify the
3 terms of payment of the legal financial obligations, reduce or waive
4 nonrestitution legal financial obligations, or with the defendant's
5 consent convert nonrestitution legal financial obligations to
6 community restitution hours at the rate of no less than the state
7 minimum wage established in RCW 49.46.020 for each hour of community
8 restitution. The crime victim penalty assessment under RCW 7.68.035
9 may not be reduced, waived, or converted to community restitution
10 hours; and

11 (g) If the violation involves a failure to undergo or comply with
12 a mental health status evaluation and/or outpatient mental health
13 treatment, the court shall seek a recommendation from the treatment
14 provider or proposed treatment provider. Enforcement of orders
15 concerning outpatient mental health treatment must reflect the
16 availability of treatment and must pursue the least restrictive means
17 of promoting participation in treatment. If the offender's failure to
18 receive care essential for health and safety presents a risk of
19 serious physical harm or probable harmful consequences, the civil
20 detention and commitment procedures of chapter 71.05 RCW shall be
21 considered in preference to incarceration in a local or state
22 correctional facility.

23 (3) Any time served in confinement awaiting a hearing on
24 noncompliance shall be credited against any confinement ordered by
25 the court.

26 (4) Nothing in this section prohibits the filing of escape
27 charges if appropriate.

28 **Sec. 13.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to
29 read as follows:

30 (1) Whenever a person is convicted in superior court, the court
31 may order the payment of a legal financial obligation as part of the
32 sentence. The court may not order an offender to pay costs as
33 described in RCW 10.01.160 if the court finds that the offender at
34 the time of sentencing is indigent as defined in RCW 10.101.010. The
35 court must on either the judgment and sentence or on a subsequent
36 order to pay, designate the total amount of a legal financial
37 obligation and segregate this amount among the separate assessments
38 made for restitution, costs, fines, and other assessments required by
39 law. On the same order, the court is also to set a sum that the

1 offender is required to pay on a monthly basis towards satisfying the
2 legal financial obligation. If the court fails to set the offender
3 monthly payment amount, the department shall set the amount if the
4 department has active supervision of the offender, otherwise the
5 county clerk shall set the amount. Upon receipt of an offender's
6 monthly payment, restitution shall be paid prior to any payments of
7 other monetary obligations. After restitution is satisfied, the
8 county clerk shall distribute the payment proportionally among all
9 other fines, costs, and assessments imposed, unless otherwise ordered
10 by the court.

11 (2) An offender's monthly payment shall be applied to the
12 principal on restitution obligations in all cases within a
13 jurisdiction prior to payment of any other monetary obligations.
14 After restitution is satisfied, payment shall be distributed
15 proportionally among all other fines, costs other than costs of
16 incarceration, fees, penalties, and assessments imposed, unless
17 otherwise ordered by the court. Costs of incarceration shall be paid
18 after all other fines, costs, fees, penalties, and assessments are
19 satisfied. After the principal on all legal financial obligations is
20 satisfied, payment shall be distributed to interest.

21 (3) 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
24 ((at)). The court shall not order the offender to pay the cost of
25 incarceration if the court finds that the offender at the time of
26 sentencing is indigent as defined in RCW 10.101.010. Costs of
27 incarceration ordered by the court shall not exceed a rate of fifty
28 dollars per day of incarceration, if incarcerated in a prison, or the
29 ((court may require the offender to pay the)) actual cost of
30 incarceration per day of incarceration, if incarcerated in a county
31 jail. In no case may the court require the offender to pay more than
32 one hundred dollars per day for the cost of incarceration. Payment of
33 other court-ordered financial obligations, including all legal
34 financial obligations and costs of supervision shall take precedence
35 over the payment of the cost of incarceration ordered by the court.
36 All funds recovered from offenders for the cost of incarceration in
37 the county jail shall be remitted to the county and the costs of
38 incarceration in a prison shall be remitted to the department.

39 ((+3)) (4) The court may add to the judgment and sentence or
40 subsequent order to pay a statement that a notice of payroll

1 deduction is to be issued immediately. If the court chooses not to
2 order the immediate issuance of a notice of payroll deduction at
3 sentencing, the court shall add to the judgment and sentence or
4 subsequent order to pay a statement that a notice of payroll
5 deduction may be issued or other income-withholding action may be
6 taken, without further notice to the offender if a monthly court-
7 ordered legal financial obligation payment is not paid when due, and
8 an amount equal to or greater than the amount payable for one month
9 is owed.

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

17 ~~((4))~~ (5) Independent of the department or the county clerk,
18 the party or entity to whom the legal financial obligation is owed
19 shall have the authority to use any other remedies available to the
20 party or entity to collect the legal financial obligation. These
21 remedies include enforcement in the same manner as a judgment in a
22 civil action by the party or entity to whom the legal financial
23 obligation is owed. Restitution collected through civil enforcement
24 must be paid through the registry of the court and must be
25 distributed proportionately according to each victim's loss when
26 there is more than one victim. The judgment and sentence shall
27 identify the party or entity to whom restitution is owed so that the
28 state, party, or entity may enforce the judgment. If restitution is
29 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of
30 rape of a child or a victim's child born from the rape, the
31 Washington state child support registry shall be identified as the
32 party to whom payments must be made. Restitution obligations arising
33 from the rape of a child in the first, second, or third degree that
34 result in the pregnancy of the victim may be enforced for the time
35 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other
36 legal financial obligations for an offense committed prior to July 1,
37 2000, may be enforced at any time during the ten-year period
38 following the offender's release from total confinement or within ten
39 years of entry of the judgment and sentence, whichever period ends
40 later. Prior to the expiration of the initial ten-year period, the

1 superior court may extend the criminal judgment an additional ten
2 years for payment of legal financial obligations including crime
3 victims' assessments. All other legal financial obligations for an
4 offense committed on or after July 1, 2000, may be enforced at any
5 time the offender remains under the court's jurisdiction. For an
6 offense committed on or after July 1, 2000, the court shall retain
7 jurisdiction over the offender, for purposes of the offender's
8 compliance with payment of the legal financial obligations, until the
9 obligation is completely satisfied, regardless of the statutory
10 maximum for the crime. The department may only supervise the
11 offender's compliance with payment of the legal financial obligations
12 during any period in which the department is authorized to supervise
13 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
14 which the offender is confined in a state correctional institution or
15 a correctional facility pursuant to a transfer agreement with the
16 department, and the department shall supervise the offender's
17 compliance during any such period. The department is not responsible
18 for supervision of the offender during any subsequent period of time
19 the offender remains under the court's jurisdiction. The county clerk
20 is authorized to collect unpaid legal financial obligations at any
21 time the offender remains under the jurisdiction of the court for
22 purposes of his or her legal financial obligations.

23 ~~((+5))~~ (6) In order to assist the court in setting a monthly sum
24 that the offender must pay during the period of supervision, the
25 offender is required to report to the department for purposes of
26 preparing a recommendation to the court. When reporting, the offender
27 is required, under oath, to respond truthfully and honestly to all
28 questions concerning present, past, and future earning capabilities
29 and the location and nature of all property or financial assets. The
30 offender is further required to bring all documents requested by the
31 department.

32 ~~((+6))~~ (7) After completing the investigation, the department
33 shall make a report to the court on the amount of the monthly payment
34 that the offender should be required to make towards a satisfied
35 legal financial obligation.

36 ~~((+7))~~ (8)(a) During the period of supervision, the department
37 may make a recommendation to the court that the offender's monthly
38 payment schedule be modified so as to reflect a change in financial
39 circumstances. If the department sets the monthly payment amount, the
40 department may modify the monthly payment amount without the matter

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

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

28 ((+8)) (9) After the judgment and sentence or payment order is
29 entered, the department is authorized, for any period of supervision,
30 to collect the legal financial obligation from the offender.
31 Subsequent to any period of supervision or, if the department is not
32 authorized to supervise the offender in the community, the county
33 clerk is authorized to collect unpaid legal financial obligations
34 from the offender. Any amount collected by the department shall be
35 remitted daily to the county clerk for the purpose of disbursements.
36 The department and the county clerks are authorized, but not
37 required, to accept credit cards as payment for a legal financial
38 obligation, and any costs incurred related to accepting credit card
39 payments shall be the responsibility of the offender.

1 (~~(9)~~) (10) The department or any obligee of the legal financial
2 obligation may seek a mandatory wage assignment for the purposes of
3 obtaining satisfaction for the legal financial obligation pursuant to
4 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
5 the county clerk. The county clerks shall notify the department, or
6 the administrative office of the courts, whichever is providing the
7 monthly billing for the offender.

8 (~~(10)~~) (11) The requirement that the offender pay a monthly sum
9 towards a legal financial obligation constitutes a condition or
10 requirement of a sentence and the offender is subject to the
11 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
12 or 9.94A.740. If the court determines that the offender is homeless
13 or a person who is mentally ill, as defined in RCW 71.24.025, failure
14 to pay a legal financial obligation is not willful noncompliance and
15 shall not subject the offender to penalties.

16 (~~(11)~~) (12)(a) The administrative office of the courts shall
17 mail individualized periodic billings to the address known by the
18 office for each offender with an unsatisfied legal financial
19 obligation.

20 (b) The billing shall direct payments, other than outstanding
21 cost of supervision assessments under RCW 9.94A.780, parole
22 assessments under RCW 72.04A.120, and cost of probation assessments
23 under RCW 9.95.214, to the county clerk, and cost of supervision,
24 parole, or probation assessments to the department.

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

28 (d) The county clerks, the administrative office of the courts,
29 and the department shall maintain agreements to implement this
30 subsection.

31 (~~(12)~~) (13) The department shall arrange for the collection of
32 unpaid legal financial obligations during any period of supervision
33 in the community through the county clerk. The department shall
34 either collect unpaid legal financial obligations or arrange for
35 collections through another entity if the clerk does not assume
36 responsibility or is unable to continue to assume responsibility for
37 collection pursuant to subsection (~~(4)~~) (5) of this section. The
38 costs for collection services shall be paid by the offender.

39 (~~(13)~~) (14) The county clerk may access the records of the
40 employment security department for the purposes of verifying

1 employment or income, seeking any assignment of wages, or performing
2 other duties necessary to the collection of an offender's legal
3 financial obligations.

4 ~~((14))~~ (15) Nothing in this chapter makes the department, the
5 state, the counties, or any state or county employees, agents, or
6 other persons acting on their behalf liable under any circumstances
7 for the payment of these legal financial obligations or for the acts
8 of any offender who is no longer, or was not, subject to supervision
9 by the department for a term of community custody, and who remains
10 under the jurisdiction of the court for payment of legal financial
11 obligations.

12 **Sec. 14.** RCW 9.94B.040 and 2002 c 175 s 8 are each amended to
13 read as follows:

14 (1) If an offender violates any condition or requirement of a
15 sentence, the court may modify its order of judgment and sentence and
16 impose further punishment in accordance with this section.

17 (2) In cases where conditions from a second or later sentence of
18 community supervision begin prior to the term of the second or later
19 sentence, the court shall treat a violation of such conditions as a
20 violation of the sentence of community supervision currently being
21 served.

22 (3) If an offender fails to comply with any of the requirements
23 or conditions of a sentence the following provisions apply:

24 (a)(i) Following the violation, if the offender and the
25 department make a stipulated agreement, the department may impose
26 sanctions such as work release, home detention with electronic
27 monitoring, work crew, community restitution, inpatient treatment,
28 daily reporting, curfew, educational or counseling sessions,
29 supervision enhanced through electronic monitoring, jail time, or
30 other sanctions available in the community.

31 (ii) Within seventy-two hours of signing the stipulated
32 agreement, the department shall submit a report to the court and the
33 prosecuting attorney outlining the violation or violations, and
34 sanctions imposed. Within fifteen days of receipt of the report, if
35 the court is not satisfied with the sanctions, the court may schedule
36 a hearing and may modify the department's sanctions. If this occurs,
37 the offender may withdraw from the stipulated agreement.

38 (iii) If the offender fails to comply with the sanction
39 administratively imposed by the department, the court may take action

1 regarding the original noncompliance. Offender failure to comply with
2 the sanction administratively imposed by the department may be
3 considered an additional violation;

4 (b) In the absence of a stipulated agreement, or where the court
5 is not satisfied with the department's sanctions as provided in (a)
6 of this subsection, the court, upon the motion of the state, or upon
7 its own motion, shall require the offender to show cause why the
8 offender should not be punished for the noncompliance. The court may
9 issue a summons or a warrant of arrest for the offender's appearance;

10 (c) The state has the burden of showing noncompliance by a
11 preponderance of the evidence. If the court finds that the violation
12 has occurred, it may order the offender to be confined for a period
13 not to exceed sixty days for each violation, and may (i) convert a
14 term of partial confinement to total confinement, (ii) convert
15 community restitution obligation to total or partial confinement,
16 (iii) convert monetary obligations, except restitution and the crime
17 victim penalty assessment, to community restitution hours at the rate
18 of the state minimum wage as established in RCW 49.46.020 for each
19 hour of community restitution, or (iv) order one or more of the
20 penalties authorized in (a)(i) of this subsection. Any time served in
21 confinement awaiting a hearing on noncompliance shall be credited
22 against any confinement order by the court;

23 (d) If the court determines that the offender is homeless or a
24 person who is mentally ill, as defined in RCW 71.24.025, failure to
25 pay a legal financial obligation is not willful noncompliance and
26 shall not subject the offender to penalties;

27 (e) If the court finds that the violation was not willful, the
28 court may modify its previous order regarding payment of legal
29 financial obligations and regarding community restitution
30 obligations; (~~and~~

31 ~~(e)~~) (f) If the violation involves failure to pay legal
32 financial obligations and the court finds that the violation was not
33 willful, the court may, and if the court finds that the defendant is
34 indigent as defined in RCW 10.101.010 the court shall, modify the
35 terms of payment of the legal financial obligations, reduce or waive
36 nonrestitution legal financial obligations, or with the defendant's
37 consent convert nonrestitution legal financial obligations to
38 community restitution hours at the rate of no less than the state
39 minimum wage established in RCW 49.46.020 for each hour of community
40 restitution. The crime victim penalty assessment under RCW 7.68.035

1 may not be reduced, waived, or converted to community restitution
2 hours; and

3 (g) If the violation involves a failure to undergo or comply with
4 mental status evaluation and/or outpatient mental health treatment,
5 the community corrections officer shall consult with the treatment
6 provider or proposed treatment provider. Enforcement of orders
7 concerning outpatient mental health treatment must reflect the
8 availability of treatment and must pursue the least restrictive means
9 of promoting participation in treatment. If the offender's failure to
10 receive care essential for health and safety presents a risk of
11 serious physical harm or probable harmful consequences, the civil
12 detention and commitment procedures of chapter 71.05 RCW shall be
13 considered in preference to incarceration in a local or state
14 correctional facility.

15 (4) The community corrections officer may obtain information from
16 the offender's mental health treatment provider on the offender's
17 status with respect to evaluation, application for services,
18 registration for services, and compliance with the supervision plan,
19 without the offender's consent, as described under RCW 71.05.630.

20 (5) An offender under community placement or community
21 supervision who is civilly detained under chapter 71.05 RCW, and
22 subsequently discharged or conditionally released to the community,
23 shall be under the supervision of the department of corrections for
24 the duration of his or her period of community placement or community
25 supervision. During any period of inpatient mental health treatment
26 that falls within the period of community placement or community
27 supervision, the inpatient treatment provider and the supervising
28 community corrections officer shall notify each other about the
29 offender's discharge, release, and legal status, and shall share
30 other relevant information.

31 (6) Nothing in this section prohibits the filing of escape
32 charges if appropriate.

33 **Sec. 15.** RCW 3.62.085 and 2005 c 457 s 10 are each amended to
34 read as follows:

35 Upon conviction or a plea of guilty in any court organized under
36 this title or Title 35 RCW, a defendant in a criminal case is liable
37 for a fee of forty-three dollars, except this shall not be imposed on
38 a defendant who is indigent as defined in RCW 10.101.010. This fee

1 shall be subject to division with the state under RCW 3.46.120(2),
2 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

3 **Sec. 16.** RCW 36.18.020 and 2013 2nd sp.s. c 7 s 3 are each
4 amended to read as follows:

5 (1) Revenue collected under this section is subject to division
6 with the state under RCW 36.18.025 and with the county or regional
7 law library fund under RCW 27.24.070, except as provided in
8 subsection (5) of this section.

9 (2) Clerks of superior courts shall collect the following fees
10 for their official services:

11 (a) In addition to any other fee required by law, the party
12 filing the first or initial document in any civil action, including,
13 but not limited to an action for restitution, adoption, or change of
14 name, and any party filing a counterclaim, cross-claim, or third-
15 party claim in any such civil action, shall pay, at the time the
16 document is filed, a fee of two hundred dollars except, in an
17 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
18 the plaintiff shall pay a case initiating filing fee of forty-five
19 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
20 violation of the compulsory attendance laws where the petitioner
21 shall not pay a filing fee. The forty-five dollar filing fee under
22 this subsection for an unlawful detainer action shall not include an
23 order to show cause or any other order or judgment except a default
24 order or default judgment in an unlawful detainer action.

25 (b) Any party, except a defendant in a criminal case, filing the
26 first or initial document on an appeal from a court of limited
27 jurisdiction or any party on any civil appeal, shall pay, when the
28 document is filed, a fee of two hundred dollars.

29 (c) For filing of a petition for judicial review as required
30 under RCW 34.05.514 a filing fee of two hundred dollars.

31 (d) For filing of a petition for unlawful harassment under RCW
32 10.14.040 a filing fee of fifty-three dollars.

33 (e) For filing the notice of debt due for the compensation of a
34 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

35 (f) In probate proceedings, the party instituting such
36 proceedings, shall pay at the time of filing the first document
37 therein, a fee of two hundred dollars.

38 (g) For filing any petition to contest a will admitted to probate
39 or a petition to admit a will which has been rejected, or a petition

1 objecting to a written agreement or memorandum as provided in RCW
2 11.96A.220, there shall be paid a fee of two hundred dollars.

3 (h) Upon conviction or plea of guilty, upon failure to prosecute
4 an appeal from a court of limited jurisdiction as provided by law, or
5 upon affirmance of a conviction by a court of limited jurisdiction, a
6 defendant in a criminal case shall be liable for a fee of two hundred
7 dollars, except this fee shall not be imposed on a defendant who is
8 indigent as defined in RCW 10.101.010.

9 (i) With the exception of demands for jury hereafter made and
10 garnishments hereafter issued, civil actions and probate proceedings
11 filed prior to midnight, July 1, 1972, shall be completed and
12 governed by the fee schedule in effect as of January 1, 1972.
13 However, no fee shall be assessed if an order of dismissal on the
14 clerk's record be filed as provided by rule of the supreme court.

15 (3) No fee shall be collected when a petition for relinquishment
16 of parental rights is filed pursuant to RCW 26.33.080 or for forms
17 and instructional brochures provided under RCW 26.50.030.

18 (4) No fee shall be collected when an abstract of judgment is
19 filed by the county clerk of another county for the purposes of
20 collection of legal financial obligations.

21 (5)(a) Until July 1, 2017, in addition to the fees required to be
22 collected under this section, clerks of the superior courts must
23 collect surcharges as provided in this subsection (5) of which
24 seventy-five percent must be remitted to the state treasurer for
25 deposit in the judicial stabilization trust account and twenty-five
26 percent must be retained by the county.

27 (b) On filing fees required to be collected under subsection
28 (2)(b) of this section, a surcharge of thirty dollars must be
29 collected.

30 (c) On all filing fees required to be collected under this
31 section, except for fees required under subsection (2)(b), (d), and
32 (h) of this section, a surcharge of forty dollars must be collected.

33 **Sec. 17.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to
34 read as follows:

35 Every sentence imposed for a crime specified in RCW 43.43.754
36 must include a fee of one hundred dollars unless the state has
37 previously collected the offender's DNA as a result of a prior
38 conviction. The fee is a court-ordered legal financial obligation as
39 defined in RCW 9.94A.030 and other applicable law. For a sentence

1 imposed under chapter 9.94A RCW, the fee is payable by the offender
2 after payment of all other legal financial obligations included in
3 the sentence has been completed. For all other sentences, the fee is
4 payable by the offender in the same manner as other assessments
5 imposed. The clerk of the court shall transmit eighty percent of the
6 fee collected to the state treasurer for deposit in the state DNA
7 database account created under RCW 43.43.7532, and shall transmit
8 twenty percent of the fee collected to the agency responsible for
9 collection of a biological sample from the offender as required under
10 RCW 43.43.754.

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