
HOUSE BILL 2097

State of Washington 64th Legislature 2015 Regular Session

By Representatives Kirby, Rodne, Goodman, and Walkinshaw

Read first time 02/12/15. Referred to Committee on Judiciary.

1 AN ACT Relating to fees in courts of limited jurisdiction; and
2 amending RCW 10.01.160, 3.50.100, and 35.20.030.

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

4 **Sec. 1.** RCW 10.01.160 and 2010 c 54 s 1 are each amended to read
5 as follows:

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

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

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

22 (3) The court shall not order a defendant to pay costs unless the
23 defendant is or will be able to pay them. In determining the amount
24 and method of payment of costs, the court shall take account of the
25 financial resources of the defendant and the nature of the burden
26 that payment of costs will impose.

27 (4) A defendant who has been ordered to pay costs and who is not
28 in contumacious default in the payment thereof may at any time
29 petition the sentencing court for remission of the payment of costs
30 or of any unpaid portion thereof. If it appears to the satisfaction
31 of the court that payment of the amount due will impose manifest
32 hardship on the defendant or the defendant's immediate family, the
33 court may remit all or part of the amount due in costs, or modify the
34 method of payment under RCW 10.01.170.

35 (5) Except for direct costs relating to evaluating and reporting
36 to the court, prosecutor, or defense counsel regarding a defendant's
37 competency to stand trial as provided in RCW 10.77.060, this section
38 shall not apply to costs related to medical or mental health
39 treatment or services a defendant receives while in custody of the
40 secretary of the department of social and health services or other

1 governmental units. This section shall not prevent the secretary of
2 the department of social and health services or other governmental
3 units from imposing liability and seeking reimbursement from a
4 defendant committed to an appropriate facility as provided in RCW
5 10.77.084 while criminal proceedings are stayed. This section shall
6 also not prevent governmental units from imposing liability on
7 defendants for costs related to providing medical or mental health
8 treatment while the defendant is in the governmental unit's custody.
9 Medical or mental health treatment and services a defendant receives
10 at a state hospital or other facility are not a cost of prosecution
11 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
12 43.20B RCW, and any other applicable statute.

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

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

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

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

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

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

15 **Sec. 3.** RCW 35.20.030 and 2011 c 96 s 24 are each amended to
16 read as follows:

17 The municipal court shall have jurisdiction to try violations of
18 all city ordinances and all other actions brought to enforce or
19 recover license penalties or forfeitures declared or given by any
20 such ordinances. It is empowered to forfeit cash bail or bail bonds
21 and issue execution thereon, to hear and determine all causes, civil
22 or criminal, arising under such ordinances, and to pronounce judgment
23 in accordance therewith: PROVIDED, That for a violation of the
24 criminal provisions of an ordinance no greater punishment shall be
25 imposed than a fine of five thousand dollars or imprisonment in the
26 city jail for up to three hundred sixty-four days, or both such fine
27 and imprisonment, but the punishment for any criminal ordinance shall
28 be the same as the punishment provided in state law for the same
29 crime. All civil and criminal proceedings in municipal court, and
30 judgments rendered therein, shall be subject to review in the
31 superior court by writ of review or on appeal: PROVIDED, That an
32 appeal from the court's determination or order in a traffic
33 infraction proceeding may be taken only in accordance with RCW
34 46.63.090(5). Costs and fees in civil and criminal cases may be taxed
35 as provided in district courts. A municipal court participating in
36 the program established by the administrative office of the courts
37 pursuant to RCW 2.56.160 shall have jurisdiction to take
38 recognizance, approve bail, and arraign defendants held within its

1 jurisdiction on warrants issued by any court of limited jurisdiction
2 participating in the program.

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