
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5564

State of Washington

64th Legislature

2015 Regular Session

By Senate Ways & Means (originally sponsored by Senators O'Ban, Darneille, Miloscia, Hargrove, Kohl-Welles, Fain, Jayapal, Brown, Habib, Dammeier, Frockt, Litzow, Warnick, Hasegawa, and McAuliffe)

1 AN ACT Relating to decreasing the barriers to successful
2 community participation for individuals involved with the juvenile
3 justice system; amending RCW 13.50.260, 13.40.190, 7.68.035,
4 9.08.070, 9.08.072, 9.46.1961, 9.68A.105, 9.68A.106, 9.94A.550,
5 9A.20.021, 9A.50.030, 9A.56.060, 9A.56.085, 9A.88.120, 9A.88.140,
6 10.73.160, 10.82.090, 10.99.080, 13.40.080, 36.18.016, 36.18.020,
7 36.18.040, 43.43.690, 43.43.7541, 46.61.5054, 46.61.5055, 69.50.401,
8 69.50.425, 69.50.430, 69.50.435, and 77.15.420; reenacting and
9 amending RCW 13.50.010, 46.52.130, and 13.40.127; adding a new
10 section to chapter 13.40 RCW; adding a new section to chapter 13.50
11 RCW; creating new sections; and repealing RCW 13.40.145 and
12 13.40.085.

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

14 NEW SECTION. **Sec. 1.** (1) The legislature finds that requiring
15 juvenile offenders to pay all legal financial obligations before
16 being eligible to have a juvenile record automatically sealed
17 disproportionately affects youth based on their socioeconomic status.
18 Juveniles who cannot afford to pay their legal financial obligations
19 cannot seal their juvenile records once they turn eighteen and
20 oftentimes struggle to find employment. By eliminating most
21 nonrestitution legal financial obligations for juveniles convicted of

1 less serious crimes, juvenile offenders will be better able to find
2 employment and focus on making restitution payments to the victim.
3 Requiring a juvenile offender to pay restitution to victims will help
4 juveniles understand the consequences of prior actions and the harm
5 that those actions have caused to others without placing
6 insurmountable burdens on juveniles attempting to become productive
7 members of society. Depending on the juvenile's ability to pay, and
8 upon the consent of the victim, courts should also strongly consider
9 ordering community restitution in lieu of paying restitution where
10 appropriate.

11 (2) Therefore, the legislature intends this legislation to
12 eliminate most nonrestitution legal financial obligations for
13 juvenile offenders while at the same time keeping juvenile offenders
14 accountable and focusing payments that are made on restitution to the
15 victim.

16 **Sec. 2.** RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are
17 each reenacted and amended to read as follows:

18 (1) For purposes of this chapter:

19 (a) "Good faith effort to pay" means a juvenile offender has
20 either (i) paid the principal amount in full; (ii) made at least
21 eighty percent of the value of full monthly payments within the
22 period from disposition or deferred disposition until the time the
23 amount of restitution owed is under review; or (iii) can show good
24 cause why he or she paid an amount less than eighty percent of the
25 value of full monthly payments;

26 (b) "Juvenile justice or care agency" means any of the following:
27 Police, diversion units, court, prosecuting attorney, defense
28 attorney, detention center, attorney general, the legislative
29 children's oversight committee, the office of the family and
30 children's ombuds, the department of social and health services and
31 its contracting agencies, schools; persons or public or private
32 agencies having children committed to their custody; and any
33 placement oversight committee created under RCW 72.05.415;

34 ((b)) (c) "Official juvenile court file" means the legal file
35 of the juvenile court containing the petition or information,
36 motions, memorandums, briefs, findings of the court, and court
37 orders;

1 (~~(c)~~) (d) "Records" means the official juvenile court file, the
2 social file, and records of any other juvenile justice or care agency
3 in the case;

4 (~~(d)~~) (e) "Social file" means the juvenile court file
5 containing the records and reports of the probation counselor.

6 (2) Each petition or information filed with the court may include
7 only one juvenile and each petition or information shall be filed
8 under a separate docket number. The social file shall be filed
9 separately from the official juvenile court file.

10 (3) It is the duty of any juvenile justice or care agency to
11 maintain accurate records. To this end:

12 (a) The agency may never knowingly record inaccurate information.
13 Any information in records maintained by the department of social and
14 health services relating to a petition filed pursuant to chapter
15 13.34 RCW that is found by the court to be false or inaccurate shall
16 be corrected or expunged from such records by the agency;

17 (b) An agency shall take reasonable steps to assure the security
18 of its records and prevent tampering with them; and

19 (c) An agency shall make reasonable efforts to insure the
20 completeness of its records, including action taken by other agencies
21 with respect to matters in its files.

22 (4) Each juvenile justice or care agency shall implement
23 procedures consistent with the provisions of this chapter to
24 facilitate inquiries concerning records.

25 (5) Any person who has reasonable cause to believe information
26 concerning that person is included in the records of a juvenile
27 justice or care agency and who has been denied access to those
28 records by the agency may make a motion to the court for an order
29 authorizing that person to inspect the juvenile justice or care
30 agency record concerning that person. The court shall grant the
31 motion to examine records unless it finds that in the interests of
32 justice or in the best interests of the juvenile the records or parts
33 of them should remain confidential.

34 (6) A juvenile, or his or her parents, or any person who has
35 reasonable cause to believe information concerning that person is
36 included in the records of a juvenile justice or care agency may make
37 a motion to the court challenging the accuracy of any information
38 concerning the moving party in the record or challenging the
39 continued possession of the record by the agency. If the court grants

1 the motion, it shall order the record or information to be corrected
2 or destroyed.

3 (7) The person making a motion under subsection (5) or (6) of
4 this section shall give reasonable notice of the motion to all
5 parties to the original action and to any agency whose records will
6 be affected by the motion.

7 (8) The court may permit inspection of records by, or release of
8 information to, any clinic, hospital, or agency which has the subject
9 person under care or treatment. The court may also permit inspection
10 by or release to individuals or agencies, including juvenile justice
11 advisory committees of county law and justice councils, engaged in
12 legitimate research for educational, scientific, or public purposes.
13 Each person granted permission to inspect juvenile justice or care
14 agency records for research purposes shall present a notarized
15 statement to the court stating that the names of juveniles and
16 parents will remain confidential.

17 (9) The court shall release to the caseload forecast council the
18 records needed for its research and data-gathering functions. Access
19 to caseload forecast data may be permitted by the council for
20 research purposes only if the anonymity of all persons mentioned in
21 the records or information will be preserved.

22 (10) Juvenile detention facilities shall release records to the
23 caseload forecast council upon request. The commission shall not
24 disclose the names of any juveniles or parents mentioned in the
25 records without the named individual's written permission.

26 (11) Requirements in this chapter relating to the court's
27 authority to compel disclosure shall not apply to the legislative
28 children's oversight committee or the office of the family and
29 children's ombuds.

30 (12) For the purpose of research only, the administrative office
31 of the courts shall maintain an electronic research copy of all
32 records in the judicial information system related to juveniles.
33 Access to the research copy is restricted to the Washington state
34 center for court research. The Washington state center for court
35 research shall maintain the confidentiality of all confidential
36 records and shall preserve the anonymity of all persons identified in
37 the research copy. The research copy may not be subject to any
38 records retention schedule and must include records destroyed or
39 removed from the judicial information system pursuant to RCW
40 13.50.270 and 13.50.100(3).

1 (13) The court shall release to the Washington state office of
2 public defense records needed to implement the agency's oversight,
3 technical assistance, and other functions as required by RCW
4 2.70.020. Access to the records used as a basis for oversight,
5 technical assistance, or other agency functions is restricted to the
6 Washington state office of public defense. The Washington state
7 office of public defense shall maintain the confidentiality of all
8 confidential information included in the records.

9 **Sec. 3.** RCW 13.50.260 and 2014 c 175 s 4 are each amended to
10 read as follows:

11 (1)(a) The court shall hold regular sealing hearings. During
12 these regular sealing hearings, the court shall administratively seal
13 an individual's juvenile (~~court~~) record pursuant to the
14 requirements of this subsection unless the court receives an
15 objection to sealing or the court notes a compelling reason not to
16 seal, in which case, the court shall set a contested hearing to be
17 conducted on the record to address sealing. (~~The respondent and his~~
18 ~~or her attorney shall be given at least eighteen days' notice of any~~
19 ~~contested sealing hearing and the opportunity to respond to any~~
20 ~~objections, but the respondent's presence is not required at any~~
21 ~~sealing hearing pursuant to this subsection.)) Although the juvenile
22 record shall be sealed, the social file may be available to any
23 juvenile justice or care agency when an investigation or case
24 involving the juvenile subject of the records is being prosecuted by
25 the juvenile justice or care agency or when the juvenile justice or
26 care agency is assigned the responsibility of supervising the
27 juvenile. The contested hearing shall be set no sooner than eighteen
28 days after notice of the hearing and the opportunity to object has
29 been sent to the juvenile, the victim, and juvenile's attorney. The
30 juvenile respondent's presence is not required at a sealing hearing
31 pursuant to this subsection.~~

32 (b) At the disposition hearing of a juvenile offender, the court
33 shall schedule an administrative sealing hearing to take place during
34 the first regularly scheduled sealing hearing after the latest of the
35 following events that apply:

- 36 (i) The respondent's eighteenth birthday;
37 (ii) Anticipated completion of a respondent's probation, if
38 ordered;

1 (iii) Anticipated release from confinement at the juvenile
2 rehabilitation administration, or the completion of parole, if the
3 respondent is transferred to the juvenile rehabilitation
4 administration.

5 (c) A court shall enter a written order sealing an individual's
6 juvenile court record pursuant to this subsection if:

7 (i) One of the offenses for which the court has entered a
8 disposition is not at the time of commission of the offense:

9 (A) A most serious offense, as defined in RCW 9.94A.030;

10 (B) A sex offense under chapter 9A.44 RCW; or

11 (C) A drug offense, as defined in RCW 9.94A.030; and

12 (ii) The respondent has completed the terms and conditions of
13 disposition, including affirmative conditions and ~~((financial~~
14 ~~obligations))~~ has paid the full amount of restitution owing to the
15 individual victim named in the charging document.

16 (d) Following a contested sealing hearing on the record after an
17 objection is made pursuant to (a) of this subsection, the court shall
18 enter a written order sealing the juvenile court record unless the
19 court determines that sealing is not appropriate.

20 (2) The court shall enter a written order immediately sealing the
21 official juvenile court record upon the acquittal after a fact
22 finding or upon the dismissal of charges with prejudice, subject to
23 the state's right, if any, to appeal the dismissal.

24 (3) If a juvenile court record has not already been sealed
25 pursuant to this section, in any case in which information has been
26 filed pursuant to RCW 13.40.100 or a complaint has been filed with
27 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
28 the person who is the subject of the information or complaint may
29 file a motion with the court to have the court vacate its order and
30 findings, if any, and, subject to RCW 13.50.050(13), order the
31 sealing of the official juvenile court record, the social file, and
32 records of the court and of any other agency in the case.

33 (4)(a) The court shall grant any motion to seal records for class
34 A offenses made pursuant to subsection (3) of this section if:

35 (i) Since the last date of release from confinement, including
36 full-time residential treatment, if any, or entry of disposition, the
37 person has spent five consecutive years in the community without
38 committing any offense or crime that subsequently results in an
39 adjudication or conviction;

1 (ii) No proceeding is pending against the moving party seeking
2 the conviction of a juvenile offense or a criminal offense;

3 (iii) No proceeding is pending seeking the formation of a
4 diversion agreement with that person;

5 (iv) The person is no longer required to register as a sex
6 offender under RCW 9A.44.130 or has been relieved of the duty to
7 register under RCW 9A.44.143 if the person was convicted of a sex
8 offense;

9 (v) The person has not been convicted of rape in the first
10 degree, rape in the second degree, or indecent liberties that was
11 actually committed with forcible compulsion; and

12 (vi) (~~Full restitution has been paid~~) The person has paid the
13 full amount of restitution owing to the individual victim named in
14 the charging document.

15 (b) The court shall grant any motion to seal records for class B,
16 (~~class~~) class C, gross misdemeanor, and misdemeanor offenses and
17 diversions made under subsection (3) of this section if:

18 (i) Since the date of last release from confinement, including
19 full-time residential treatment, if any, entry of disposition, or
20 completion of the diversion agreement, the person has spent two
21 consecutive years in the community without being convicted of any
22 offense or crime;

23 (ii) No proceeding is pending against the moving party seeking
24 the conviction of a juvenile offense or a criminal offense;

25 (iii) No proceeding is pending seeking the formation of a
26 diversion agreement with that person;

27 (iv) The person is no longer required to register as a sex
28 offender under RCW 9A.44.130 or has been relieved of the duty to
29 register under RCW 9A.44.143 if the person was convicted of a sex
30 offense; and

31 (v) (~~Full restitution has been paid~~) The person has paid the
32 full amount of restitution owing to the individual victim named in
33 the charging document.

34 (c) Notwithstanding the requirements in (a) or (b) of this
35 subsection, the court shall grant any motion to seal records of any
36 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
37 2012, if restitution has been paid and the person is eighteen years
38 of age or older at the time of the motion.

1 (5) The person making a motion pursuant to subsection (3) of this
2 section shall give reasonable notice of the motion to the prosecution
3 and to any person or agency whose records are sought to be sealed.

4 (6)(a) If the court enters a written order sealing the juvenile
5 court record pursuant to this section, it shall, subject to RCW
6 13.50.050(13), order sealed the official juvenile court record, the
7 social file, and other records relating to the case as are named in
8 the order. Thereafter, the proceedings in the case shall be treated
9 as if they never occurred, and the subject of the records may reply
10 accordingly to any inquiry about the events, records of which are
11 sealed. Any agency shall reply to any inquiry concerning confidential
12 or sealed records that records are confidential, and no information
13 can be given about the existence or nonexistence of records
14 concerning an individual.

15 (b) In the event the subject of the juvenile records receives a
16 full and unconditional pardon, the proceedings in the matter upon
17 which the pardon has been granted shall be treated as if they never
18 occurred, and the subject of the records may reply accordingly to any
19 inquiry about the events upon which the pardon was received. Any
20 agency shall reply to any inquiry concerning the records pertaining
21 to the events for which the subject received a pardon that records
22 are confidential, and no information can be given about the existence
23 or nonexistence of records concerning an individual. The department
24 of licensing may release information related to records the court has
25 ordered sealed only to the extent necessary to comply with federal
26 law and regulation.

27 (7) Inspection of the files and records included in the order to
28 seal may thereafter be permitted only by order of the court upon
29 motion made by the person who is the subject of the information or
30 complaint, except as otherwise provided in RCW 13.50.010(8) and
31 13.50.050(13).

32 (8)(a) Any adjudication of a juvenile offense or a crime
33 subsequent to sealing has the effect of nullifying a sealing order;
34 however, the court may order the juvenile court record resealed upon
35 disposition of the subsequent matter if the case meets the sealing
36 criteria under this section and the court record has not previously
37 been resealed.

38 (b) Any charging of an adult felony subsequent to the sealing has
39 the effect of nullifying the sealing order.

1 (c) The administrative office of the courts shall ensure that the
2 superior court judicial information system provides prosecutors
3 access to information on the existence of sealed juvenile records.

4 (d) The Washington state patrol shall ensure that the Washington
5 state identification system provides criminal justice agencies access
6 to sealed juvenile records information.

7 (9) If the juvenile court record has been sealed pursuant to this
8 section, the record of an employee is not admissible in an action for
9 liability against the employer based on the former juvenile
10 offender's conduct to show that the employer knew or should have
11 known of the juvenile record of the employee. The record may be
12 admissible, however, if a background check conducted or authorized by
13 the employer contained the information in the sealed record.

14 (10) County clerks may interact or correspond with the
15 respondent, his or her parents, and any holders of potential assets
16 or wages of the respondent for the purposes of collecting an
17 outstanding legal financial obligation after juvenile court records
18 have been sealed pursuant to this section.

19 **Sec. 4.** RCW 46.52.130 and 2012 c 74 s 6 and 2012 c 73 s 1 are
20 each reenacted and amended to read as follows:

21 Upon a proper request, the department may furnish an abstract of
22 a person's driving record as permitted under this section.

23 (1) **Contents of abstract of driving record.** An abstract of a
24 person's driving record, whenever possible, must include:

25 (a) An enumeration of motor vehicle accidents in which the person
26 was driving, including:

27 (i) The total number of vehicles involved;

28 (ii) Whether the vehicles were legally parked or moving;

29 (iii) Whether the vehicles were occupied at the time of the
30 accident; and

31 (iv) Whether the accident resulted in a fatality;

32 (b) Any reported convictions, forfeitures of bail, or findings
33 that an infraction was committed based upon a violation of any motor
34 vehicle law;

35 (c) The status of the person's driving privilege in this state;
36 and

37 (d) Any reports of failure to appear in response to a traffic
38 citation or failure to respond to a notice of infraction served upon
39 the named individual by an arresting officer.

1 (2) **Release of abstract of driving record.** An abstract of a
2 person's driving record may be furnished to the following persons or
3 entities:

4 (a) **Named individuals.** (i) An abstract of the full driving record
5 maintained by the department may be furnished to the individual named
6 in the abstract.

7 (ii) Nothing in this section prevents a court from providing a
8 copy of the driver's abstract to the individual named in the
9 abstract, provided that the named individual has a pending or open
10 infraction or criminal case in that court. A pending case includes
11 criminal cases that have not reached a disposition by plea,
12 stipulation, trial, or amended charge. An open infraction or criminal
13 case includes cases on probation, payment agreement or subject to, or
14 in collections. Courts may charge a reasonable fee for the production
15 and copying of the abstract for the individual.

16 (b) **Employers or prospective employers.** (i)(A) An abstract of the
17 full driving record maintained by the department may be furnished to
18 an employer or prospective employer or an agent acting on behalf of
19 an employer or prospective employer of the named individual for
20 purposes related to driving by the individual as a condition of
21 employment or otherwise at the direction of the employer.

22 (B) Release of an abstract of the driving record of an employee
23 or prospective employee requires a statement signed by: (I) The
24 employee or prospective employee that authorizes the release of the
25 record; and (II) the employer attesting that the information is
26 necessary for employment purposes related to driving by the
27 individual as a condition of employment or otherwise at the direction
28 of the employer. If the employer or prospective employer authorizes
29 an agent to obtain this information on their behalf, this must be
30 noted in the statement.

31 (C) Upon request of the person named in the abstract provided
32 under this subsection, and upon that same person furnishing copies of
33 court records ruling that the person was not at fault in a motor
34 vehicle accident, the department must indicate on any abstract
35 provided under this subsection that the person was not at fault in
36 the motor vehicle accident.

37 (ii) In addition to the methods described in (b)(i) of this
38 subsection, the director may enter into a contractual agreement with
39 an employer or its agent for the purpose of reviewing the driving
40 records of existing employees for changes to the record during

1 specified periods of time. The department shall establish a fee for
2 this service, which must be deposited in the highway safety fund. The
3 fee for this service must be set at a level that will not result in a
4 net revenue loss to the state. Any information provided under this
5 subsection must be treated in the same manner and is subject to the
6 same restrictions as driving record abstracts.

7 (c) **Volunteer organizations.** (i) An abstract of the full driving
8 record maintained by the department may be furnished to a volunteer
9 organization or an agent for a volunteer organization for which the
10 named individual has submitted an application for a position that
11 would require driving by the individual at the direction of the
12 volunteer organization.

13 (ii) Release of an abstract of the driving record of a
14 prospective volunteer requires a statement signed by: (A) The
15 prospective volunteer that authorizes the release of the record; and
16 (B) the volunteer organization attesting that the information is
17 necessary for purposes related to driving by the individual at the
18 direction of the volunteer organization. If the volunteer
19 organization authorizes an agent to obtain this information on their
20 behalf, this must be noted in the statement.

21 (d) **Transit authorities.** An abstract of the full driving record
22 maintained by the department may be furnished to an employee or agent
23 of a transit authority checking prospective volunteer vanpool drivers
24 for insurance and risk management needs.

25 (e) **Insurance carriers.** (i) An abstract of the driving record
26 maintained by the department covering the period of not more than the
27 last three years may be furnished to an insurance company or its
28 agent:

29 (A) That has motor vehicle or life insurance in effect covering
30 the named individual;

31 (B) To which the named individual has applied; or

32 (C) That has insurance in effect covering the employer or a
33 prospective employer of the named individual.

34 (ii) The abstract provided to the insurance company must:

35 (A) Not contain any information related to actions committed by
36 law enforcement officers or firefighters, as both terms are defined
37 in RCW 41.26.030, or by Washington state patrol officers, while
38 driving official vehicles in the performance of their occupational
39 duty. This does not apply to any situation where the vehicle was used
40 in the commission of a misdemeanor or felony;

1 (B) Include convictions under RCW 46.61.5249 and 46.61.525,
2 except that the abstract must report the convictions only as
3 negligent driving without reference to whether they are for first or
4 second degree negligent driving; and

5 (C) Exclude any deferred prosecution under RCW 10.05.060, except
6 that if a person is removed from a deferred prosecution under RCW
7 10.05.090, the abstract must show the deferred prosecution as well as
8 the removal.

9 (iii) Any policy of insurance may not be canceled, nonrenewed,
10 denied, or have the rate increased on the basis of information
11 regarding an accident included in the abstract of a driving record,
12 unless the policyholder was determined to be at fault.

13 (iv) Any insurance company or its agent, for underwriting
14 purposes relating to the operation of commercial motor vehicles, may
15 not use any information contained in the abstract relative to any
16 person's operation of motor vehicles while not engaged in such
17 employment. Any insurance company or its agent, for underwriting
18 purposes relating to the operation of noncommercial motor vehicles,
19 may not use any information contained in the abstract relative to any
20 person's operation of commercial motor vehicles.

21 (v) The director may enter into a contractual agreement with an
22 insurance company or its agent for the limited purpose of reviewing
23 the driving records of existing policyholders for changes to the
24 record during specified periods of time. The department shall
25 establish a fee for this service, which must be deposited in the
26 highway safety fund. The fee for this service must be set at a level
27 that will not result in a net revenue loss to the state. Any
28 information provided under this subsection must be treated in the
29 same manner and is subject to the same restrictions as driving record
30 abstracts.

31 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
32 the driving record maintained by the department covering the period
33 of not more than the last five years may be furnished to an alcohol/
34 drug assessment or treatment agency approved by the department of
35 social and health services to which the named individual has applied
36 or been assigned for evaluation or treatment, for purposes of
37 assisting employees in making a determination as to what level of
38 treatment, if any, is appropriate, except that the abstract must:

1 (i) Also include records of alcohol-related offenses, as defined
2 in RCW 46.01.260(2), covering a period of not more than the last ten
3 years; and

4 (ii) Indicate whether an alcohol-related offense was originally
5 charged as a violation of either RCW 46.61.502 or 46.61.504.

6 (g) **City attorneys and county prosecuting attorneys.** An abstract
7 of the full driving record maintained by the department, including
8 whether a recorded violation is an alcohol-related offense, as
9 defined in RCW 46.01.260(2), that was originally charged as a
10 violation of either RCW 46.61.502 or 46.61.504, may be furnished to
11 city attorneys or county prosecuting attorneys. City attorneys and
12 county prosecuting attorneys may provide the driving record to
13 alcohol/drug assessment or treatment agencies approved by the
14 department of social and health services to which the named
15 individual has applied or been assigned for evaluation or treatment.

16 (h) **State colleges, universities, or agencies, or units of local
17 government.** An abstract of the full driving record maintained by the
18 department may be furnished to (i) state colleges, universities, or
19 agencies for employment and risk management purposes or (ii) units of
20 local government authorized to self-insure under RCW 48.62.031 for
21 employment and risk management purposes.

22 (i) **Superintendent of public instruction.** An abstract of the full
23 driving record maintained by the department may be furnished to the
24 superintendent of public instruction for review of public school bus
25 driver records. The superintendent or superintendent's designee may
26 discuss information on the driving record with an authorized
27 representative of the employing school district for employment and
28 risk management purposes.

29 (3) **Release to third parties prohibited.** Any person or entity
30 receiving an abstract of a person's driving record under subsection
31 (2)(b) through (i) of this section shall use the abstract exclusively
32 for his, her, or its own purposes or as otherwise expressly permitted
33 under this section, and shall not divulge any information contained
34 in the abstract to a third party.

35 (4) **Fee.** The director shall collect a thirteen dollar fee for
36 each abstract of a person's driving record furnished by the
37 department. Fifty percent of the fee must be deposited in the highway
38 safety fund, and fifty percent of the fee must be deposited according
39 to RCW 46.68.038.

1 (5) **Violation.** (a) Any negligent violation of this section is a
2 gross misdemeanor.

3 (b) Any intentional violation of this section is a class C
4 felony.

5 (6) The contents of a driving abstract pursuant to this section
6 shall not include any information related to sealed juvenile records
7 unless that information is required by federal law or regulation.

8 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40
9 RCW to read as follows:

10 Cities, towns, and counties may not impose any legal financial
11 obligations, fees, fines, or costs associated with juvenile offenses
12 unless there is express statutory authority for those legal financial
13 obligations, fees, fines, or costs.

14 **Sec. 6.** RCW 13.40.190 and 2014 c 175 s 7 are each amended to
15 read as follows:

16 (1)(a) In its dispositional order, the court shall require the
17 respondent to make restitution to any persons who have suffered loss
18 or damage as a result of the offense committed by the respondent. In
19 addition, restitution may be ordered for loss or damage if the
20 offender pleads guilty to a lesser offense or fewer offenses and
21 agrees with the prosecutor's recommendation that the offender be
22 required to pay restitution to a victim of an offense or offenses
23 which, pursuant to a plea agreement, are not prosecuted.

24 (b) Restitution may include the costs of counseling reasonably
25 related to the offense.

26 (c) The payment of restitution shall be in addition to any
27 punishment which is imposed pursuant to the other provisions of this
28 chapter.

29 (d) The court may determine the amount, terms, and conditions of
30 the restitution including a payment plan extending up to ten years if
31 the court determines that the respondent does not have the means to
32 make full restitution over a shorter period. If the court determines
33 that a juvenile has insufficient funds to pay and upon agreement of
34 the victim, the court may order performance of a number of hours of
35 community restitution in lieu of monetary penalty, at the rate of the
36 then state minimum wage per hour. The court shall allow the victim to
37 determine the nature of the community restitution to be completed
38 when it is practicable to do so. For the purposes of this section,

1 the respondent shall remain under the court's jurisdiction for a
2 maximum term of ten years after the respondent's eighteenth birthday
3 and, during this period, the restitution portion of the dispositional
4 order may be modified as to amount, terms, and conditions at any
5 time. Prior to the expiration of the ten-year period, the juvenile
6 court may extend the judgment for the payment of restitution for an
7 additional ten years. If the court grants a respondent's petition
8 pursuant to RCW 13.50.260, the court's jurisdiction under this
9 subsection shall terminate.

10 (e) Nothing in this section shall prevent a respondent from
11 petitioning the court pursuant to RCW 13.50.260 if the respondent has
12 paid the full restitution amount stated in the court's order and has
13 met the statutory criteria.

14 (f) If the respondent participated in the crime with another
15 person or other persons, (~~all such participants shall be jointly and~~
16 ~~severally responsible for the payment of restitution~~) the court may
17 either order joint and several restitution or may divide restitution
18 equally among the respondents. In determining whether restitution
19 should be joint and several or equally divided, the court shall
20 consider the interest and circumstances of the victim or victims, the
21 circumstances of the respondents, and the interest of justice.

22 (g) At any time, the court may determine that the respondent is
23 not required to pay, or may relieve the respondent of the requirement
24 to pay, full or partial restitution to any insurance provider
25 authorized under Title 48 RCW if the respondent reasonably satisfies
26 the court that he or she does not have the means to make full or
27 partial restitution to the insurance provider (~~and could not~~
28 ~~reasonably acquire the means to pay the insurance provider the~~
29 ~~restitution over a ten-year period~~)).

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

1 the court shall hold a restitution hearing and shall enter a
2 restitution order.

3 (3) If an order includes restitution as one of the monetary
4 assessments, the county clerk shall make disbursements to victims
5 named in the order. The restitution to victims named in the order
6 shall be paid prior to any payment for other penalties or monetary
7 assessments. The county clerk shall make restitution disbursements to
8 victims prior to payments to any insurance provider under Title 48
9 RCW.

10 (4) For purposes of this section, "victim" means any person who
11 has sustained emotional, psychological, physical, or financial injury
12 to person or property as a direct result of the offense charged.
13 "Victim" may also include a known parent or guardian of a victim who
14 is a minor child or is not a minor child but is incapacitated,
15 incompetent, disabled, or deceased.

16 (5) A respondent under obligation to pay restitution may petition
17 the court for modification of the restitution order for good cause
18 shown, including inability to pay.

19 **Sec. 7.** RCW 7.68.035 and 2011 c 336 s 246 are each amended to
20 read as follows:

21 (1)(a) When any person is found guilty in any superior court of
22 having committed a crime, except as provided in subsection (2) of
23 this section, there shall be imposed by the court upon such convicted
24 person a penalty assessment. The assessment shall be in addition to
25 any other penalty or fine imposed by law and shall be five hundred
26 dollars for each case or cause of action that includes one or more
27 convictions of a felony or gross misdemeanor and two hundred fifty
28 dollars for any case or cause of action that includes convictions of
29 only one or more misdemeanors.

30 (b) When any juvenile is adjudicated of any offense in any
31 juvenile offense disposition under Title 13 RCW, except as provided
32 in subsection (2) of this section, there shall be imposed upon the
33 juvenile offender a penalty assessment. The assessment shall be in
34 addition to any other penalty or fine imposed by law and shall be one
35 hundred dollars for each case or cause of action that includes one or
36 more adjudications for a felony or gross misdemeanor and seventy-five
37 dollars for each case or cause of action that includes adjudications
38 of only one or more misdemeanors. This penalty assessment shall be

1 imposed on juvenile offenders only when the crime committed has an
2 actual victim.

3 (2) The assessment imposed by subsection (1) of this section
4 shall not apply to motor vehicle crimes defined in Title 46 RCW
5 except those defined in the following sections: RCW 46.61.520,
6 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
7 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
8 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
9 46.44.180, 46.10.490(2), and 46.09.470(2).

10 (3) When any person accused of having committed a crime posts
11 bail in superior court pursuant to the provisions of chapter 10.19
12 RCW and such bail is forfeited, there shall be deducted from the
13 proceeds of such forfeited bail a penalty assessment, in addition to
14 any other penalty or fine imposed by law, equal to the assessment
15 which would be applicable under subsection (1) of this section if the
16 person had been convicted of the crime.

17 (4) Such penalty assessments shall be paid by the clerk of the
18 superior court to the county treasurer who shall monthly transmit the
19 money as provided in RCW 10.82.070. Each county shall deposit fifty
20 percent of the money it receives per case or cause of action under
21 subsection (1) of this section and retains under RCW 10.82.070, not
22 less than one and seventy-five one-hundredths percent of the
23 remaining money it retains under RCW 10.82.070 and the money it
24 retains under chapter 3.62 RCW, and all money it receives under
25 subsection (7) of this section into a fund maintained exclusively for
26 the support of comprehensive programs to encourage and facilitate
27 testimony by the victims of crimes and witnesses to crimes. A program
28 shall be considered "comprehensive" only after approval of the
29 department upon application by the county prosecuting attorney. The
30 department shall approve as comprehensive only programs which:

31 (a) Provide comprehensive services to victims and witnesses of
32 all types of crime with particular emphasis on serious crimes against
33 persons and property. It is the intent of the legislature to make
34 funds available only to programs which do not restrict services to
35 victims or witnesses of a particular type or types of crime and that
36 such funds supplement, not supplant, existing local funding levels;

37 (b) Are administered by the county prosecuting attorney either
38 directly through the prosecuting attorney's office or by contract
39 between the county and agencies providing services to victims of
40 crime;

1 (c) Make a reasonable effort to inform the known victim or his or
2 her surviving dependents of the existence of this chapter and the
3 procedure for making application for benefits;

4 (d) Assist victims in the restitution and adjudication process;
5 and

6 (e) Assist victims of violent crimes in the preparation and
7 presentation of their claims to the department of labor and
8 industries under this chapter.

9 Before a program in any county west of the Cascade mountains is
10 submitted to the department for approval, it shall be submitted for
11 review and comment to each city within the county with a population
12 of more than one hundred fifty thousand. The department will consider
13 if the county's proposed comprehensive plan meets the needs of crime
14 victims in cases adjudicated in municipal, district or superior
15 courts and of crime victims located within the city and county.

16 (5) Upon submission to the department of a letter of intent to
17 adopt a comprehensive program, the prosecuting attorney shall retain
18 the money deposited by the county under subsection (4) of this
19 section until such time as the county prosecuting attorney has
20 obtained approval of a program from the department. Approval of the
21 comprehensive plan by the department must be obtained within one year
22 of the date of the letter of intent to adopt a comprehensive program.
23 The county prosecuting attorney shall not make any expenditures from
24 the money deposited under subsection (4) of this section until
25 approval of a comprehensive plan by the department. If a county
26 prosecuting attorney has failed to obtain approval of a program from
27 the department under subsection (4) of this section or failed to
28 obtain approval of a comprehensive program within one year after
29 submission of a letter of intent under this section, the county
30 treasurer shall monthly transmit one hundred percent of the money
31 deposited by the county under subsection (4) of this section to the
32 state treasurer for deposit in the state general fund.

33 (6) County prosecuting attorneys are responsible to make every
34 reasonable effort to insure that the penalty assessments of this
35 chapter are imposed and collected.

36 (7) Every city and town shall transmit monthly one and seventy-
37 five one-hundredths percent of all money, other than money received
38 for parking infractions, retained under RCW 3.50.100 and 35.20.220 to
39 the county treasurer for deposit as provided in subsection (4) of
40 this section.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.50
2 RCW to read as follows:

3 (1) Courts and judicial agencies that maintain a database of
4 juvenile records may provide those records, whether sealed or not, to
5 government agencies for the purpose of carrying out research or data
6 gathering functions. This data may also be linked with records from
7 other agencies or research organizations, provided that any agency
8 receiving or using records under this subsection maintain strict
9 confidentiality of the identity of the juveniles who are the subjects
10 of such records.

11 (2) Juvenile records, whether sealed or not, can be provided
12 without personal identifiers to researchers conducting legitimate
13 research for educational, scientific, or public purposes, so long as
14 the data is not used by the recipients of the records to identify an
15 individual with a juvenile record.

16 **Sec. 9.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read
17 as follows:

18 (1) Any person who, with intent to deprive or defraud the owner
19 thereof, does any of the following shall be guilty of a gross
20 misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for
21 adult offenders, a mandatory fine of not less than five hundred
22 dollars per pet animal shall be imposed, except as provided by
23 subsection (2) of this section:

24 (a) Takes, leads away, confines, secretes or converts any pet
25 animal, except in cases in which the value of the pet animal exceeds
26 two hundred fifty dollars;

27 (b) Conceals the identity of any pet animal or its owner by
28 obscuring, altering, or removing from the pet animal any collar, tag,
29 license, tattoo, or other identifying device or mark;

30 (c) Willfully or recklessly kills or injures any pet animal,
31 unless excused by law.

32 (2) Nothing in this section shall prohibit a person from also
33 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
34 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
35 9A.56.170 for possession of stolen property.

36 **Sec. 10.** RCW 9.08.072 and 2003 c 53 s 10 are each amended to
37 read as follows:

1 (1) It is unlawful for any person to receive with intent to sell
2 to a research institution in the state of Washington, or sell or
3 otherwise directly transfer to a research institution in the state of
4 Washington, a pet animal that the person knows or has reason to know
5 has been stolen or fraudulently obtained. This section does not apply
6 to U.S.D.A. licensed dealers.

7 (2) The first conviction under this section is a gross
8 misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for
9 adult offenders, a mandatory fine of not less than five hundred
10 dollars per pet animal shall be imposed.

11 (3) A second or subsequent conviction under this section is a
12 class C felony punishable according to chapter 9A.20 RCW and ~~((by))~~,
13 for adult offenders, a mandatory fine of not less than one thousand
14 dollars per pet animal shall be imposed.

15 (4) Nothing in this section shall prohibit a person from also
16 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
17 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
18 9A.56.170 for possession of stolen property.

19 **Sec. 11.** RCW 9.46.1961 and 2002 c 253 s 2 are each amended to
20 read as follows:

21 (1) A person is guilty of cheating in the first degree if he or
22 she engages in cheating and:

23 (a) Knowingly causes, aids, abets, or conspires with another to
24 engage in cheating; or

25 (b) Holds a license or similar permit issued by the state of
26 Washington to conduct, manage, or act as an employee in an authorized
27 gambling activity.

28 (2) Cheating in the first degree is a class C felony subject to
29 the penalty set forth in RCW 9A.20.021. In addition to any other
30 penalties imposed by law for a conviction of a violation of this
31 section the court may impose an additional penalty of up to twenty
32 thousand dollars on adult offenders.

33 **Sec. 12.** RCW 9.68A.105 and 2013 c 121 s 4 are each amended to
34 read as follows:

35 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
36 9.68A.101, and 9.68A.102, ~~((a person))~~ an adult offender who is
37 either convicted or given a deferred sentence or a deferred
38 prosecution or who has entered into a statutory or nonstatutory

1 diversion agreement as a result of an arrest for violating RCW
2 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
3 municipal ordinance shall be assessed a five thousand dollar fee.

4 (b) The court may not reduce, waive, or suspend payment of all or
5 part of the fee assessed unless it finds, on the record, that the
6 ((person)) adult offender does not have the ability to pay in which
7 case it may reduce the fee by an amount up to two-thirds of the
8 maximum allowable fee.

9 ~~((c) When a minor has been adjudicated a juvenile offender or
10 has entered into a statutory or nonstatutory diversion agreement for
11 an offense which, if committed by an adult, would constitute a
12 violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
13 county or municipal ordinance, the court shall assess the fee under
14 (a) of this subsection. The court may not reduce, waive, or suspend
15 payment of all or part of the fee assessed unless it finds, on the
16 record, that the minor does not have the ability to pay the fee in
17 which case it may reduce the fee by an amount up to two-thirds of the
18 maximum allowable fee.))~~

19 (2) Fees assessed under this section shall be collected by the
20 clerk of the court and remitted to the treasurer of the county where
21 the offense occurred for deposit in the county general fund, except
22 in cases in which the offense occurred in a city or town that
23 provides for its own law enforcement, in which case these amounts
24 shall be remitted to the treasurer of the city or town for deposit in
25 the general fund of the city or town. Revenue from the fees must be
26 used for local efforts to reduce the commercial sale of sex
27 including, but not limited to, increasing enforcement of commercial
28 sex laws.

29 (a) At least fifty percent of the revenue from fees imposed under
30 this section must be spent on prevention, including education
31 programs for offenders, such as john school, and rehabilitative
32 services for victims, such as mental health and substance abuse
33 counseling, parenting skills, training, housing relief, education,
34 vocational training, drop-in centers, and employment counseling.

35 (b) Two percent of the revenue from fees imposed under this
36 section shall be remitted quarterly to the department of commerce,
37 together with a report detailing the fees assessed, the revenue
38 received, and how that revenue was spent.

1 (c) Revenues from these fees are not subject to the distribution
2 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
3 35.20.220.

4 (3) For the purposes of this section:

5 (a) "Statutory or nonstatutory diversion agreement" means an
6 agreement under RCW 13.40.080 or any written agreement between a
7 person accused of an offense listed in subsection (1) of this section
8 and a court, county or city prosecutor, or designee thereof, whereby
9 the person agrees to fulfill certain conditions in lieu of
10 prosecution.

11 (b) "Deferred sentence" means a sentence that will not be carried
12 out if the defendant meets certain requirements, such as complying
13 with the conditions of probation.

14 **Sec. 13.** RCW 9.68A.106 and 2013 c 9 s 1 are each amended to read
15 as follows:

16 (1) In addition to all other penalties under this chapter, ((a
17 ~~person~~)) an adult offender convicted of an offense under RCW
18 9.68A.100, 9.68A.101, or 9.68A.102 shall be assessed an additional
19 fee of five thousand dollars per offense when the court finds that an
20 internet advertisement in which the victim of the crime was described
21 or depicted was instrumental in facilitating the commission of the
22 crime.

23 (2) For purposes of this section, an "internet advertisement"
24 means a statement in electronic media that would be understood by a
25 reasonable person to be an implicit or explicit offer for sexual
26 contact or sexual intercourse, both as defined in chapter 9A.44 RCW,
27 in exchange for something of value.

28 (3) Amounts collected as penalties under this section shall be
29 deposited in the account established under RCW 43.63A.740.

30 **Sec. 14.** RCW 9.94A.550 and 2003 c 53 s 59 are each amended to
31 read as follows:

32 Unless otherwise provided by a statute of this state, on all
33 sentences under this chapter the court may impose fines on adult
34 offenders according to the following ranges:

35	Class A felonies	\$0 - 50,000
36	Class B felonies	\$0 - 20,000
37	Class C felonies	\$0 - 10,000

1 **Sec. 15.** RCW 9A.20.021 and 2011 c 96 s 13 are each amended to
2 read as follows:

3 (1) Felony. Unless a different maximum sentence for a classified
4 felony is specifically established by a statute of this state, no
5 person convicted of a classified felony shall be punished by
6 confinement or fine exceeding the following:

7 (a) For a class A felony, by confinement in a state correctional
8 institution for a term of life imprisonment, or by a fine in an
9 amount fixed by the court of fifty thousand dollars, or by both such
10 confinement and fine;

11 (b) For a class B felony, by confinement in a state correctional
12 institution for a term of ten years, or by a fine in an amount fixed
13 by the court of twenty thousand dollars, or by both such confinement
14 and fine;

15 (c) For a class C felony, by confinement in a state correctional
16 institution for five years, or by a fine in an amount fixed by the
17 court of ten thousand dollars, or by both such confinement and fine.

18 (2) Gross misdemeanor. Every person convicted of a gross
19 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
20 in the county jail for a maximum term fixed by the court of up to
21 three hundred sixty-four days, or by a fine in an amount fixed by the
22 court of not more than five thousand dollars, or by both such
23 imprisonment and fine.

24 (3) Misdemeanor. Every person convicted of a misdemeanor defined
25 in Title 9A RCW shall be punished by imprisonment in the county jail
26 for a maximum term fixed by the court of not more than ninety days,
27 or by a fine in an amount fixed by the court of not more than one
28 thousand dollars, or by both such imprisonment and fine.

29 (4) This section applies to only those crimes committed on or
30 after July 1, 1984.

31 (5) The fines in this section apply to adult offenders only.

32 **Sec. 16.** RCW 9A.50.030 and 1993 c 128 s 4 are each amended to
33 read as follows:

34 (1) A violation of RCW 9A.50.020 is a gross misdemeanor. A person
35 convicted of violating RCW 9A.50.020 shall be punished as follows:

36 ~~((1))~~ (a) For a first offense, a fine of not less than two
37 hundred fifty dollars and a jail term of not less than twenty-four
38 consecutive hours;

1 (~~(+2)~~) (b) For a second offense, a fine of not less than five
2 hundred dollars and a jail term of not less than seven consecutive
3 days; and

4 (~~(+3)~~) (c) For a third or subsequent offense, a fine of not less
5 than one thousand dollars and a jail term of not less than thirty
6 consecutive days.

7 (2) The fines imposed by this section apply to adult offenders
8 only.

9 **Sec. 17.** RCW 9A.56.060 and 2009 c 431 s 10 are each amended to
10 read as follows:

11 (1) Any person who shall with intent to defraud, make, or draw,
12 or utter, or deliver to another person any check, or draft, on a bank
13 or other depository for the payment of money, knowing at the time of
14 such drawing, or delivery, that he or she has not sufficient funds
15 in, or credit with the bank or other depository, to meet the check or
16 draft, in full upon its presentation, is guilty of unlawful issuance
17 of bank check. The word "credit" as used herein shall be construed to
18 mean an arrangement or understanding with the bank or other
19 depository for the payment of such check or draft, and the uttering
20 or delivery of such a check or draft to another person without such
21 fund or credit to meet the same shall be prima facie evidence of an
22 intent to defraud.

23 (2) Any person who shall with intent to defraud, make, or draw,
24 or utter, or deliver to another person any check, or draft on a bank
25 or other depository for the payment of money and who issues a stop-
26 payment order directing the bank or depository on which the check is
27 drawn not to honor the check, and who fails to make payment of money
28 in the amount of the check or draft or otherwise arrange a settlement
29 agreed upon by the holder of the check within twenty days of issuing
30 the check or draft is guilty of unlawful issuance of a bank check.

31 (3) When any series of transactions which constitute unlawful
32 issuance of a bank check would, when considered separately,
33 constitute unlawful issuance of a bank check in an amount of seven
34 hundred fifty dollars or less because of value, and the series of
35 transactions are a part of a common scheme or plan, the transactions
36 may be aggregated in one count and the sum of the value of all of the
37 transactions shall be the value considered in determining whether the
38 unlawful issuance of a bank check is to be punished as a class C
39 felony or a gross misdemeanor.

1 (4) Unlawful issuance of a bank check in an amount greater than
2 seven hundred fifty dollars is a class C felony.

3 (5) Unlawful issuance of a bank check in an amount of seven
4 hundred fifty dollars or less is a gross misdemeanor and shall be
5 punished as follows:

6 (a) The court shall order the defendant to make full restitution;

7 (b) The defendant need not be imprisoned, but the court shall
8 impose a fine of up to one thousand one hundred twenty-five dollars
9 for adult offenders. Of the fine imposed, at least three hundred
10 seventy-five dollars or an amount equal to one hundred fifty percent
11 of the amount of the bank check, whichever is greater, shall not be
12 suspended or deferred. Upon conviction for a second offense within
13 any twelve-month period, the court may not suspend or defer any
14 portion of the fine.

15 **Sec. 18.** RCW 9A.56.085 and 2003 c 53 s 76 are each amended to
16 read as follows:

17 (1) Whenever (~~(a person)~~) an adult offender is convicted of a
18 violation of RCW 9A.56.080 or 9A.56.083, the convicting court shall
19 order the person to pay the amount of two thousand dollars for each
20 animal killed or possessed.

21 (2) For the purpose of this section, the term "convicted"
22 includes a plea of guilty, a finding of guilt regardless of whether
23 the imposition of the sentence is deferred or any part of the penalty
24 is suspended, or the levying of a fine.

25 (3) If two or more persons are convicted of any violation of this
26 section, the amount required under this section shall be imposed upon
27 them jointly and severally.

28 (4) The fine in this section shall be imposed in addition to and
29 regardless of any penalty, including fines or costs, that is provided
30 for any violation of this section. The amount imposed by this section
31 shall be included by the court in any pronouncement of sentence and
32 may not be suspended, waived, modified, or deferred in any respect.
33 Nothing in this section may be construed to abridge or alter
34 alternative rights of action or remedies in equity or under common
35 law or statutory law, criminal or civil.

36 (5) A defaulted payment or any installment payment may be
37 collected by any means authorized by law for the enforcement of
38 orders of the court or collection of a fine or costs, including
39 vacation of a deferral of sentencing or of a suspension of sentence.

1 (6) The two thousand dollars additional penalty shall be remitted
2 by the county treasurer to the state treasurer as provided under RCW
3 10.82.070.

4 **Sec. 19.** RCW 9A.88.120 and 2013 c 121 s 5 are each amended to
5 read as follows:

6 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and
7 9A.88.030, (~~a person~~) an adult offender who is either convicted or
8 given a deferred sentence or a deferred prosecution or who has
9 entered into a statutory or nonstatutory diversion agreement as a
10 result of an arrest for violating RCW 9A.88.010, 9A.88.030, or
11 comparable county or municipal ordinances shall be assessed a fifty
12 dollar fee.

13 (b) In addition to penalties set forth in RCW 9A.88.090, (~~a~~
14 ~~person~~) an adult offender who is either convicted or given a
15 deferred sentence or a deferred prosecution or who has entered into a
16 statutory or nonstatutory diversion agreement as a result of an
17 arrest for violating RCW 9A.88.090 or comparable county or municipal
18 ordinances shall be assessed a fee in the amount of:

19 (i) One thousand five hundred dollars if the defendant has no
20 prior convictions, deferred sentences, deferred prosecutions, or
21 statutory or nonstatutory diversion agreements for this offense;

22 (ii) Two thousand five hundred dollars if the defendant has one
23 prior conviction, deferred sentence, deferred prosecution, or
24 statutory or nonstatutory diversion agreement for this offense; and

25 (iii) Five thousand dollars if the defendant has two or more
26 prior convictions, deferred sentences, deferred prosecutions, or
27 statutory or nonstatutory diversion agreements for this offense.

28 (c) In addition to penalties set forth in RCW 9A.88.110, a person
29 who is either convicted or given a deferred sentence or a deferred
30 prosecution or who has entered into a statutory or nonstatutory
31 diversion agreement as a result of an arrest for violating RCW
32 9A.88.110 or a comparable county or municipal ordinance shall be
33 assessed a fee in the amount of:

34 (i) One thousand five hundred dollars if the defendant has no
35 prior convictions, deferred sentences, deferred prosecutions, or
36 statutory or nonstatutory diversion agreements for this offense;

37 (ii) Two thousand five hundred dollars if the defendant has one
38 prior conviction, deferred sentence, deferred prosecution, or
39 statutory or nonstatutory diversion agreement for this offense; and

1 (iii) Five thousand dollars if the defendant has two or more
2 prior convictions, deferred sentences, deferred prosecutions, or
3 statutory or nonstatutory diversion agreements for this offense.

4 (d) In addition to penalties set forth in RCW 9A.88.070 and
5 9A.88.080, a person who is either convicted or given a deferred
6 sentence or a deferred prosecution or who has entered into a
7 statutory or nonstatutory diversion agreement as a result of an
8 arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county
9 or municipal ordinances shall be assessed a fee in the amount of:

10 (i) Three thousand dollars if the defendant has no prior
11 convictions, deferred sentences, deferred prosecutions, or statutory
12 or nonstatutory diversion agreements for this offense;

13 (ii) Six thousand dollars if the defendant has one prior
14 conviction, deferred sentence, deferred prosecution, or statutory or
15 nonstatutory diversion agreement for this offense; and

16 (iii) Ten thousand dollars if the defendant has two or more prior
17 convictions, deferred sentences, deferred prosecutions, or statutory
18 or nonstatutory diversion agreements for this offense.

19 ~~(2) ((When a minor has been adjudicated a juvenile offender or
20 has entered into a statutory or nonstatutory diversion agreement for
21 an offense which, if committed by an adult, would constitute a
22 violation under this chapter or comparable county or municipal
23 ordinances, the court shall assess the fee as specified under
24 subsection (1) of this section.~~

25 ~~(3))~~ The court shall not reduce, waive, or suspend payment of
26 all or part of the assessed fee in this section unless it finds, on
27 the record, that the offender does not have the ability to pay the
28 fee in which case it may reduce the fee by an amount up to two-thirds
29 of the maximum allowable fee.

30 (a) A superior court may, as described in RCW 9.94A.760, set a
31 sum that the offender is required to pay on a monthly basis towards
32 satisfying the fee imposed in this section.

33 (b) A district or municipal court may enter into a payment plan
34 with the defendant, in which the fee assessed in this section is paid
35 through scheduled periodic payments. The court may assess the
36 defendant a reasonable fee for administrative services related to the
37 operation of the payment plan.

38 ~~((4))~~ (3) Fees assessed under this section shall be collected
39 by the clerk of the court and remitted to the treasurer of the county
40 where the offense occurred for deposit in the county general fund,

1 except in cases in which the offense occurred in a city or town that
2 provides for its own law enforcement, in which case these amounts
3 shall be remitted to the treasurer of the city or town for deposit in
4 the general fund of the city or town. Revenue from the fees must be
5 used for local efforts to reduce the commercial sale of sex
6 including, but not limited to, increasing enforcement of commercial
7 sex laws.

8 (a) At least fifty percent of the revenue from fees imposed under
9 this section must be spent on prevention, including education
10 programs for offenders, such as john school, and rehabilitative
11 services for victims, such as mental health and substance abuse
12 counseling, parenting skills, training, housing relief, education,
13 vocational training, drop-in centers, and employment counseling.

14 (b) Two percent of the revenue from fees imposed under this
15 section shall be remitted quarterly to the department of commerce,
16 together with a report detailing the fees assessed, the revenue
17 received, and how that revenue was spent.

18 (c) Revenues from these fees are not subject to the distribution
19 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
20 35.20.220.

21 ((+5+)) (4) For the purposes of this section:

22 (a) "Statutory or nonstatutory diversion agreement" means an
23 agreement under RCW 13.40.080 or any written agreement between a
24 person accused of an offense listed in subsection (1) of this section
25 and a court, county, or city prosecutor, or designee thereof, whereby
26 the person agrees to fulfill certain conditions in lieu of
27 prosecution.

28 (b) "Deferred sentence" means a sentence that will not be carried
29 out if the defendant meets certain requirements, such as complying
30 with the conditions of probation.

31 **Sec. 20.** RCW 9A.88.140 and 2013 c 121 s 6 are each amended to
32 read as follows:

33 (1)(a) Upon an arrest for a suspected violation of patronizing a
34 prostitute, promoting prostitution in the first degree, promoting
35 prostitution in the second degree, promoting travel for prostitution,
36 the arresting law enforcement officer may impound the person's
37 vehicle if (i) the motor vehicle was used in the commission of the
38 crime; (ii) the person arrested is the owner of the vehicle or the
39 vehicle is a rental car as defined in RCW 46.04.465; and (iii) either

1 (A) the person arrested has previously been convicted of one of the
2 offenses listed in this subsection or (B) the offense was committed
3 within an area designated under (b) of this subsection.

4 (b) A local governing authority may designate areas within which
5 vehicles are subject to impoundment under this section regardless of
6 whether the person arrested has previously been convicted of any of
7 the offenses listed in (a) of this subsection.

8 (i) The designation must be based on evidence indicating that the
9 area has a disproportionately higher number of arrests for the
10 offenses listed in (a) of this subsection as compared to other areas
11 within the same jurisdiction.

12 (ii) The local governing authority shall post signs at the
13 boundaries of the designated area to indicate that the area has been
14 designated under this subsection.

15 (2) Upon an arrest for a suspected violation of commercial sexual
16 abuse of a minor, promoting commercial sexual abuse of a minor, or
17 promoting travel for commercial sexual abuse of a minor, the
18 arresting law enforcement officer shall impound the person's vehicle
19 if (a) the motor vehicle was used in the commission of the crime; and
20 (b) the person arrested is the owner of the vehicle or the vehicle is
21 a rental car as defined in RCW 46.04.465.

22 (3) Impoundments performed under this section shall be in
23 accordance with chapter 46.55 RCW and the impoundment order must
24 clearly state "prostitution hold."

25 (4)(a) Prior to redeeming the impounded vehicle, and in addition
26 to all applicable impoundment, towing, and storage fees paid to the
27 towing company under chapter 46.55 RCW, ~~((the))~~ an adult owner of
28 ~~((the))~~ an impounded vehicle must pay a fine to the impounding
29 agency. The fine shall be five hundred dollars for the offenses
30 specified in subsection (1) of this section, or two thousand five
31 hundred dollars for the offenses specified in subsection (2) of this
32 section.

33 (b) Upon receipt of the fine paid under (a) of this subsection,
34 the impounding agency shall issue a written receipt to the owner of
35 the impounded vehicle.

36 (c) Fines assessed under this section shall be collected by the
37 clerk of the court and remitted to the treasurer of the county where
38 the offense occurred for deposit in the county general fund, except
39 in cases in which the offense occurred in a city or town that
40 provides for its own law enforcement, in which case these amounts

1 shall be remitted to the treasurer of the city or town for deposit in
2 the general fund of the city or town. Revenue from the fines must be
3 used for local efforts to reduce the commercial sale of sex
4 including, but not limited to, increasing enforcement of commercial
5 sex laws.

6 (i) At least fifty percent of the revenue from fines imposed
7 under this section must be spent on prevention, including education
8 programs for offenders, such as john school, and rehabilitative
9 services for victims, such as mental health and substance abuse
10 counseling, parenting skills, training, housing relief, education,
11 vocational training, drop-in centers, and employment counseling.

12 (ii) Two percent of the revenue from fines imposed under this
13 section shall be remitted quarterly to the department of commerce,
14 together with a report detailing the fees assessed, the revenue
15 received, and how that revenue was spent.

16 (iii) Revenues from these fees are not subject to the
17 distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040,
18 10.82.070, or 35.20.220.

19 (5)(a) In order to redeem a vehicle impounded under this section,
20 the owner must provide the towing company with the written receipt
21 issued under subsection (4)(b) of this section.

22 (b) The written receipt issued under subsection (4)(b) of this
23 section authorizes the towing company to release the impounded
24 vehicle upon payment of all impoundment, towing, and storage fees.

25 (c) A towing company that relies on a forged receipt to release a
26 vehicle impounded under this section is not liable to the impounding
27 authority for any unpaid fine under subsection (4)(a) of this
28 section.

29 (6)(a) In any proceeding under chapter 46.55 RCW to contest the
30 validity of an impoundment under this section where the claimant
31 substantially prevails, the claimant is entitled to a full refund of
32 the impoundment, towing, and storage fees paid under chapter 46.55
33 RCW and the five hundred dollar fine paid under subsection (4) of
34 this section.

35 (b) If the person is found not guilty at trial for a crime listed
36 under subsection (1) of this section, the person is entitled to a
37 full refund of the impoundment, towing, and storage fees paid under
38 chapter 46.55 RCW and the fine paid under subsection (4) of this
39 section.

1 (c) All refunds made under this section shall be paid by the
2 impounding agency.

3 (d) Prior to receiving any refund under this section, the
4 claimant must provide proof of payment.

5 **Sec. 21.** RCW 10.73.160 and 1995 c 275 s 3 are each amended to
6 read as follows:

7 (1) The court of appeals, supreme court, and superior courts may
8 require an adult (~~(or a juvenile)~~) offender convicted of an offense
9 (~~(or the parents or another person legally obligated to support a~~
10 ~~juvenile offender)~~) to pay appellate costs.

11 (2) Appellate costs are limited to expenses specifically incurred
12 by the state in prosecuting or defending an appeal or collateral
13 attack from a criminal conviction (~~(or sentence or a juvenile~~
14 ~~offender conviction or disposition)~~). Appellate costs shall not
15 include expenditures to maintain and operate government agencies that
16 must be made irrespective of specific violations of the law. Expenses
17 incurred for producing a verbatim report of proceedings and clerk's
18 papers may be included in costs the court may require a convicted
19 defendant (~~(or juvenile offender)~~) to pay.

20 (3) Costs, including recoupment of fees for court-appointed
21 counsel, shall be requested in accordance with the procedures
22 contained in Title 14 of the rules of appellate procedure and in
23 Title 9 of the rules for appeal of decisions of courts of limited
24 jurisdiction. An award of costs shall become part of the trial court
25 judgment and sentence. (~~(An award of costs in juvenile cases shall~~
26 ~~also become part of any order previously entered in the trial court~~
27 ~~pursuant to RCW 13.40.145.)~~)

28 (4) A defendant (~~(or juvenile offender)~~) who has been sentenced
29 to pay costs and who is not in contumacious default in the payment
30 may at any time petition the court that sentenced the defendant or
31 juvenile offender for remission of the payment of costs or of any
32 unpaid portion. If it appears to the satisfaction of the sentencing
33 court that payment of the amount due will impose manifest hardship on
34 the defendant(~~(r)~~) or the defendant's immediate family(~~(, or the~~
35 ~~juvenile offender)~~), the sentencing court may remit all or part of
36 the amount due in costs, or modify the method of payment under RCW
37 10.01.170.

38 (5) The parents or another person legally obligated to support a
39 juvenile offender who has been ordered to pay appellate costs

1 ((~~pursuant to RCW 13.40.145~~)) and who is not in contumacious default
2 in the payment may at any time petition the court that sentenced the
3 juvenile offender for remission of the payment of costs or of any
4 unpaid portion. If it appears to the satisfaction of the sentencing
5 court that payment of the amount due will impose manifest hardship on
6 the parents or another person legally obligated to support a juvenile
7 offender or on their immediate families, the sentencing court may
8 remit all or part of the amount due in costs, or may modify the
9 method of payment.

10 **Sec. 22.** RCW 10.82.090 and 2011 c 106 s 2 are each amended to
11 read as follows:

12 (1) Except as provided in subsection (2) of this section,
13 financial obligations imposed in a judgment shall bear interest from
14 the date of the judgment until payment, at the rate applicable to
15 civil judgments. All nonrestitution interest retained by the court
16 shall be split twenty-five percent to the state treasurer for deposit
17 in the state general fund, twenty-five percent to the state treasurer
18 for deposit in the judicial information system account as provided in
19 RCW 2.68.020, twenty-five percent to the county current expense fund,
20 and twenty-five percent to the county current expense fund to fund
21 local courts.

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

26 (a) The court shall waive all interest on the portions of the
27 legal financial obligations that are not restitution that accrued
28 during the term of total confinement for the conviction giving rise
29 to the financial obligations, provided the offender shows that the
30 interest creates a hardship for the offender or his or her immediate
31 family;

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

35 (c) The court may otherwise reduce or waive the interest on the
36 portions of the legal financial obligations that are not restitution
37 if the offender shows that he or she has personally made a good faith
38 effort to pay and that the interest accrual is causing a significant
39 hardship. For purposes of this section, "good faith effort" means

1 that the offender has either (i) paid the principal amount in full;
2 or (ii) made at least fifteen monthly payments within an eighteen-
3 month period, excluding any payments mandatorily deducted by the
4 department of corrections;

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

11 (3) This section only applies to (~~persons convicted as adults or~~
12 ~~adjudicated in juvenile court~~) adult offenders.

13 **Sec. 23.** RCW 10.99.080 and 2004 c 15 s 2 are each amended to
14 read as follows:

15 (1) All superior courts, and courts organized under Title 3 or 35
16 RCW, may impose a penalty assessment not to exceed one hundred
17 dollars on any (~~person~~) adult offender convicted of a crime
18 involving domestic violence. The assessment shall be in addition to,
19 and shall not supersede, any other penalty, restitution, fines, or
20 costs provided by law.

21 (2) Revenue from the assessment shall be used solely for the
22 purposes of establishing and funding domestic violence advocacy and
23 domestic violence prevention and prosecution programs in the city or
24 county of the court imposing the assessment. Revenue from the
25 assessment shall not be used for indigent criminal defense. If the
26 city or county does not have domestic violence advocacy or domestic
27 violence prevention and prosecution programs, cities and counties may
28 use the revenue collected from the assessment to contract with
29 recognized community-based domestic violence program providers.

30 (3) The assessment imposed under this section shall not be
31 subject to any state or local remittance requirements under chapter
32 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

33 (4) For the purposes of this section, "convicted" includes a plea
34 of guilty, a finding of guilt regardless of whether the imposition of
35 the sentence is deferred or any part of the penalty is suspended, or
36 the levying of a fine. For the purposes of this section, "domestic
37 violence" has the same meaning as that term is defined under RCW
38 10.99.020 and includes violations of equivalent local ordinances.

1 (5) When determining whether to impose a penalty assessment under
2 this section, judges are encouraged to solicit input from the victim
3 or representatives for the victim in assessing the ability of the
4 convicted offender to pay the penalty, including information
5 regarding current financial obligations, family circumstances, and
6 ongoing restitution.

7 **Sec. 24.** RCW 13.40.080 and 2014 c 128 s 5 are each amended to
8 read as follows:

9 (1) A diversion agreement shall be a contract between a juvenile
10 accused of an offense and a diversion unit whereby the juvenile
11 agrees to fulfill certain conditions in lieu of prosecution. Such
12 agreements may be entered into only after the prosecutor, or
13 probation counselor pursuant to this chapter, has determined that
14 probable cause exists to believe that a crime has been committed and
15 that the juvenile committed it. Such agreements shall be entered into
16 as expeditiously as possible.

17 (2) A diversion agreement shall be limited to one or more of the
18 following:

19 (a) Community restitution not to exceed one hundred fifty hours,
20 not to be performed during school hours if the juvenile is attending
21 school;

22 (b) Restitution limited to the amount of actual loss incurred by
23 any victim;

24 (c) Attendance at up to ten hours of counseling and/or up to
25 twenty hours of educational or informational sessions at a community
26 agency. The educational or informational sessions may include
27 sessions relating to respect for self, others, and authority; victim
28 awareness; accountability; self-worth; responsibility; work ethics;
29 good citizenship; literacy; and life skills. If an assessment
30 identifies mental health or chemical dependency needs, a youth may
31 access up to thirty hours of counseling. The counseling sessions may
32 include services demonstrated to improve behavioral health and reduce
33 recidivism. For purposes of this section, "community agency" may also
34 mean a community-based nonprofit organization, a physician, a
35 counselor, a school, or a treatment provider, if approved by the
36 diversion unit. The state shall not be liable for costs resulting
37 from the diversion unit exercising the option to permit diversion
38 agreements to mandate attendance at up to thirty hours of counseling
39 and/or up to twenty hours of educational or informational sessions;

1 (d) (~~A fine, not to exceed one hundred dollars;~~
2 ~~(e)~~) Requirements to remain during specified hours at home,
3 school, or work, and restrictions on leaving or entering specified
4 geographical areas; and

5 (~~(f)~~) (e) Upon request of any victim or witness, requirements
6 to refrain from any contact with victims or witnesses of offenses
7 committed by the juvenile.

8 (3) Notwithstanding the provisions of subsection (2) of this
9 section, youth courts are not limited to the conditions imposed by
10 subsection (2) of this section in imposing sanctions on juveniles
11 pursuant to RCW 13.40.630.

12 (4) In assessing periods of community restitution to be performed
13 and restitution to be paid by a juvenile who has entered into a
14 diversion agreement, the court officer to whom this task is assigned
15 shall consult with the juvenile's custodial parent or parents or
16 guardian. To the extent possible, the court officer shall advise the
17 victims of the juvenile offender of the diversion process, offer
18 victim impact letter forms and restitution claim forms, and involve
19 members of the community. Such members of the community shall meet
20 with the juvenile and advise the court officer as to the terms of the
21 diversion agreement and shall supervise the juvenile in carrying out
22 its terms.

23 (5)(a) A diversion agreement may not exceed a period of six
24 months and may include a period extending beyond the eighteenth
25 birthday of the diverttee.

26 (b) If additional time is necessary for the juvenile to complete
27 restitution to a victim, the time period limitations of this
28 subsection may be extended by an additional six months.

29 (c) If the juvenile has not paid the full amount of restitution
30 by the end of the additional six-month period, then the juvenile
31 shall be referred to the juvenile court for entry of (~~(an)~~) a civil
32 order establishing the amount of restitution still owed to the
33 victim. In this order, the court shall also determine the terms and
34 conditions of the restitution, including a payment plan extending up
35 to ten years if the court determines that the juvenile does not have
36 the means to make full restitution over a shorter period. For the
37 purposes of this subsection (5)(c), the juvenile shall remain under
38 the court's jurisdiction for a maximum term of ten years after the
39 juvenile's eighteenth birthday. Prior to the expiration of the
40 initial ten-year period, the juvenile court may extend the judgment

1 for restitution an additional ten years. The court may relieve the
2 juvenile of the requirement to pay full or partial restitution if the
3 juvenile reasonably satisfies the court that he or she does not have
4 the means to make full or partial restitution and could not
5 reasonably acquire the means to pay the restitution over a ten-year
6 period. If the court relieves the juvenile of the requirement to pay
7 full or partial restitution, the court may order an amount of
8 community restitution that the court deems appropriate. The county
9 clerk shall make disbursements to victims named in the order. The
10 restitution to victims named in the order shall be paid prior to any
11 payment for other penalties or monetary assessments. A juvenile under
12 obligation to pay restitution may petition the court for modification
13 of the restitution order.

14 (6) The juvenile shall retain the right to be referred to the
15 court at any time prior to the signing of the diversion agreement.

16 (7) Divertees and potential divertees shall be afforded due
17 process in all contacts with a diversion unit regardless of whether
18 the juveniles are accepted for diversion or whether the diversion
19 program is successfully completed. Such due process shall include,
20 but not be limited to, the following:

21 (a) A written diversion agreement shall be executed stating all
22 conditions in clearly understandable language;

23 (b) Violation of the terms of the agreement shall be the only
24 grounds for termination;

25 (c) No diverttee may be terminated from a diversion program
26 without being given a court hearing, which hearing shall be preceded
27 by:

28 (i) Written notice of alleged violations of the conditions of the
29 diversion program; and

30 (ii) Disclosure of all evidence to be offered against the
31 diverttee;

32 (d) The hearing shall be conducted by the juvenile court and
33 shall include:

34 (i) Opportunity to be heard in person and to present evidence;

35 (ii) The right to confront and cross-examine all adverse
36 witnesses;

37 (iii) A written statement by the court as to the evidence relied
38 on and the reasons for termination, should that be the decision; and

39 (iv) Demonstration by evidence that the diverttee has
40 substantially violated the terms of his or her diversion agreement;

1 (e) The prosecutor may file an information on the offense for
2 which the divertee was diverted:

3 (i) In juvenile court if the divertee is under eighteen years of
4 age; or

5 (ii) In superior court or the appropriate court of limited
6 jurisdiction if the divertee is eighteen years of age or older.

7 (8) The diversion unit shall, subject to available funds, be
8 responsible for providing interpreters when juveniles need
9 interpreters to effectively communicate during diversion unit
10 hearings or negotiations.

11 (9) The diversion unit shall be responsible for advising a
12 divertee of his or her rights as provided in this chapter.

13 (10) The diversion unit may refer a juvenile to a restorative
14 justice program, community-based counseling, or treatment programs.

15 (11) The right to counsel shall inure prior to the initial
16 interview for purposes of advising the juvenile as to whether he or
17 she desires to participate in the diversion process or to appear in
18 the juvenile court. The juvenile may be represented by counsel at any
19 critical stage of the diversion process, including intake interviews
20 and termination hearings. The juvenile shall be fully advised at the
21 intake of his or her right to an attorney and of the relevant
22 services an attorney can provide. For the purpose of this section,
23 intake interviews mean all interviews regarding the diversion
24 agreement process.

25 The juvenile shall be advised that a diversion agreement shall
26 constitute a part of the juvenile's criminal history as defined by
27 RCW 13.40.020(~~(7)~~) (8). A signed acknowledgment of such advisement
28 shall be obtained from the juvenile, and the document shall be
29 maintained by the diversion unit together with the diversion
30 agreement, and a copy of both documents shall be delivered to the
31 prosecutor if requested by the prosecutor. The supreme court shall
32 promulgate rules setting forth the content of such advisement in
33 simple language.

34 (12) When a juvenile enters into a diversion agreement, the
35 juvenile court may receive only the following information for
36 dispositional purposes:

37 (a) The fact that a charge or charges were made;

38 (b) The fact that a diversion agreement was entered into;

39 (c) The juvenile's obligations under such agreement;

1 (d) Whether the alleged offender performed his or her obligations
2 under such agreement; and

3 (e) The facts of the alleged offense.

4 (13) A diversion unit may refuse to enter into a diversion
5 agreement with a juvenile. When a diversion unit refuses to enter a
6 diversion agreement with a juvenile, it shall immediately refer such
7 juvenile to the court for action and shall forward to the court the
8 criminal complaint and a detailed statement of its reasons for
9 refusing to enter into a diversion agreement. The diversion unit
10 shall also immediately refer the case to the prosecuting attorney for
11 action if such juvenile violates the terms of the diversion
12 agreement.

13 (14) A diversion unit may, in instances where it determines that
14 the act or omission of an act for which a juvenile has been referred
15 to it involved no victim, or where it determines that the juvenile
16 referred to it has no prior criminal history and is alleged to have
17 committed an illegal act involving no threat of or instance of actual
18 physical harm and involving not more than fifty dollars in property
19 loss or damage and that there is no loss outstanding to the person or
20 firm suffering such damage or loss, counsel and release or release
21 such a juvenile without entering into a diversion agreement. A
22 diversion unit's authority to counsel and release a juvenile under
23 this subsection includes the authority to refer the juvenile to
24 community-based counseling or treatment programs or a restorative
25 justice program. Any juvenile released under this subsection shall be
26 advised that the act or omission of any act for which he or she had
27 been referred shall constitute a part of the juvenile's criminal
28 history as defined by RCW 13.40.020(~~(+7)~~) (8). A signed
29 acknowledgment of such advisement shall be obtained from the
30 juvenile, and the document shall be maintained by the unit, and a
31 copy of the document shall be delivered to the prosecutor if
32 requested by the prosecutor. The supreme court shall promulgate rules
33 setting forth the content of such advisement in simple language. A
34 juvenile determined to be eligible by a diversion unit for release as
35 provided in this subsection shall retain the same right to counsel
36 and right to have his or her case referred to the court for formal
37 action as any other juvenile referred to the unit.

38 (15) A diversion unit may supervise the fulfillment of a
39 diversion agreement entered into before the juvenile's eighteenth

1 birthday and which includes a period extending beyond the divertee's
2 eighteenth birthday.

3 (16) If (~~(a fine)~~) restitution required by a diversion agreement
4 cannot reasonably be paid due to a change of circumstance, the
5 diversion agreement may be modified at the request of the divertee
6 and with the concurrence of the diversion unit to convert (~~(an)~~)
7 unpaid (~~(fine)~~) restitution into community restitution. The
8 modification of the diversion agreement shall be in writing and
9 signed by the divertee and the diversion unit. The number of hours of
10 community restitution in lieu of a monetary penalty shall be
11 converted at the rate of the prevailing state minimum wage per hour.

12 (~~((17) Fines imposed under this section shall be collected and
13 paid into the county general fund in accordance with procedures
14 established by the juvenile court administrator under RCW 13.04.040
15 and may be used only for juvenile services. In the expenditure of
16 funds for juvenile services, there shall be a maintenance of effort
17 whereby counties exhaust existing resources before using amounts
18 collected under this section.))~~)

19 **Sec. 25.** RCW 13.40.127 and 2014 c 175 s 6 and 2014 c 117 s 2 are
20 each reenacted and amended to read as follows:

21 (1) A juvenile is eligible for deferred disposition unless he or
22 she:

- 23 (a) Is charged with a sex or violent offense;
- 24 (b) Has a criminal history which includes any felony;
- 25 (c) Has a prior deferred disposition or deferred adjudication; or
- 26 (d) Has two or more adjudications.

27 (2) The juvenile court may, upon motion at least fourteen days
28 before commencement of trial and, after consulting the juvenile's
29 custodial parent or parents or guardian and with the consent of the
30 juvenile, continue the case for disposition for a period not to
31 exceed one year from the date the juvenile is found guilty. The court
32 shall consider whether the offender and the community will benefit
33 from a deferred disposition before deferring the disposition. The
34 court may waive the fourteen-day period anytime before the
35 commencement of trial for good cause.

36 (3) Any juvenile who agrees to a deferral of disposition shall:

- 37 (a) Stipulate to the admissibility of the facts contained in the
38 written police report;

1 (b) Acknowledge that the report will be entered and used to
2 support a finding of guilt and to impose a disposition if the
3 juvenile fails to comply with terms of supervision;

4 (c) Waive the following rights to: (i) A speedy disposition; and
5 (ii) call and confront witnesses; and

6 (d) Acknowledge the direct consequences of being found guilty and
7 the direct consequences that will happen if an order of disposition
8 is entered.

9 The adjudicatory hearing shall be limited to a reading of the
10 court's record.

11 (4) Following the stipulation, acknowledgment, waiver, and entry
12 of a finding or plea of guilt, the court shall defer entry of an
13 order of disposition of the juvenile.

14 (5) Any juvenile granted a deferral of disposition under this
15 section shall be placed under community supervision. The court may
16 impose any conditions of supervision that it deems appropriate
17 including posting a probation bond. Payment of restitution under RCW
18 13.40.190 shall be a condition of community supervision under this
19 section.

20 The court may require a juvenile offender convicted of animal
21 cruelty in the first degree to submit to a mental health evaluation
22 to determine if the offender would benefit from treatment and such
23 intervention would promote the safety of the community. After
24 consideration of the results of the evaluation, as a condition of
25 community supervision, the court may order the offender to attend
26 treatment to address issues pertinent to the offense.

27 The court may require the juvenile to undergo a mental health or
28 substance abuse assessment, or both. If the assessment identifies a
29 need for treatment, conditions of supervision may include treatment
30 for the assessed need that has been demonstrated to improve
31 behavioral health and reduce recidivism.

32 The court shall require a juvenile granted a deferral of
33 disposition for unlawful possession of a firearm in violation of RCW
34 9.41.040 to participate in a qualifying program as described in RCW
35 13.40.193(2)(b), when available, unless the court makes a written
36 finding based on the outcome of the juvenile court risk assessment
37 that participation in a qualifying program would not be appropriate.

38 (6) A parent who signed for a probation bond has the right to
39 notify the counselor if the juvenile fails to comply with the bond or
40 conditions of supervision. The counselor shall notify the court and

1 surety of any failure to comply. A surety shall notify the court of
2 the juvenile's failure to comply with the probation bond. The state
3 shall bear the burden to prove, by a preponderance of the evidence,
4 that the juvenile has failed to comply with the terms of community
5 supervision.

6 (7)(a) Anytime prior to the conclusion of the period of
7 supervision, the prosecutor or the juvenile's juvenile court
8 community supervision counselor may file a motion with the court
9 requesting the court revoke the deferred disposition based on the
10 juvenile's lack of compliance or treat the juvenile's lack of
11 compliance as a violation pursuant to RCW 13.40.200.

12 (b) If the court finds the juvenile failed to comply with the
13 terms of the deferred disposition, the court may:

14 (i) Revoke the deferred disposition and enter an order of
15 disposition; or

16 (ii) Impose sanctions for the violation pursuant to RCW
17 13.40.200.

18 (8) At any time following deferral of disposition the court may,
19 following a hearing, continue supervision for an additional one-year
20 period for good cause.

21 (9)(a) At the conclusion of the period of supervision, the court
22 shall determine whether the juvenile is entitled to dismissal of the
23 deferred disposition only when the court finds:

24 (i) The deferred disposition has not been previously revoked;

25 (ii) The juvenile has completed the terms of supervision;

26 (iii) There are no pending motions concerning lack of compliance
27 pursuant to subsection (7) of this section; and

28 (iv) The juvenile has either paid the full amount of restitution,
29 or, made a good faith effort to pay the full amount of restitution
30 during the period of supervision.

31 (b) If the court finds the juvenile is entitled to dismissal of
32 the deferred disposition pursuant to (a) of this subsection, the
33 juvenile's conviction shall be vacated and the court shall dismiss
34 the case with prejudice, except that a conviction under RCW 16.52.205
35 shall not be vacated. Whenever a case is dismissed with restitution
36 still owing, the court shall enter a restitution order pursuant to
37 RCW (~~(13.40.190)~~) 7.80.130 for any unpaid restitution. Jurisdiction
38 to enforce payment and modify terms of the restitution order shall be
39 the same as those set forth in RCW (~~(13.40.190)~~) 7.80.130.

1 (c) If the court finds the juvenile is not entitled to dismissal
2 of the deferred disposition pursuant to (a) of this subsection, the
3 court shall revoke the deferred disposition and enter an order of
4 disposition. A deferred disposition shall remain a conviction unless
5 the case is dismissed and the conviction is vacated pursuant to (b)
6 of this subsection or sealed pursuant to RCW 13.50.260.

7 (10)(a)(i) Any time the court vacates a conviction pursuant to
8 subsection (9) of this section, if the juvenile is eighteen years of
9 age or older and the full amount of restitution (~~ordered~~) owing to
10 the individual victim named in the charging document has been paid,
11 the court shall enter a written order sealing the case.

12 (ii) Any time the court vacates a conviction pursuant to
13 subsection (9) of this section, if the juvenile is not eighteen years
14 of age or older and full restitution ordered has been paid, the court
15 shall schedule an administrative sealing hearing to take place no
16 later than thirty days after the respondent's eighteenth birthday, at
17 which time the court shall enter a written order sealing the case.
18 The respondent's presence at the administrative sealing hearing is
19 not required.

20 (iii) Any deferred disposition vacated prior to June 7, 2012, is
21 not subject to sealing under this subsection.

22 (b) Nothing in this subsection shall preclude a juvenile from
23 petitioning the court to have the records of his or her deferred
24 dispositions sealed under RCW 13.50.260.

25 (c) Records sealed under this provision shall have the same legal
26 status as records sealed under RCW 13.50.260.

27 **Sec. 26.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to
28 read as follows:

29 (1) Revenue collected under this section is not subject to
30 division under RCW 36.18.025 or 27.24.070.

31 (2)(a) For the filing of a petition for modification of a decree
32 of dissolution or paternity, within the same case as the original
33 action, and any party filing a counterclaim, cross-claim, or third-
34 party claim in any such action, a fee of thirty-six dollars must be
35 paid.

36 (b) The party filing the first or initial petition for
37 dissolution, legal separation, or declaration concerning the validity
38 of marriage shall pay, at the time and in addition to the filing fee
39 required under RCW 36.18.020, a fee of thirty dollars. The clerk of

1 the superior court shall transmit monthly twenty-four dollars of the
2 thirty dollar fee collected under this subsection to the state
3 treasury for deposit in the domestic violence prevention account. The
4 remaining six dollars shall be retained by the county for the purpose
5 of supporting community-based services within the county for victims
6 of domestic violence, except for five percent of the six dollars,
7 which may be retained by the court for administrative purposes.

8 (3)(a) The party making a demand for a jury of six in a civil
9 action shall pay, at the time, a fee of one hundred twenty-five
10 dollars; if the demand is for a jury of twelve, a fee of two hundred
11 fifty dollars. If, after the party demands a jury of six and pays the
12 required fee, any other party to the action requests a jury of
13 twelve, an additional one hundred twenty-five dollar fee will be
14 required of the party demanding the increased number of jurors.

15 (b) Upon conviction in criminal cases a jury demand charge of one
16 hundred twenty-five dollars for a jury of six, or two hundred fifty
17 dollars for a jury of twelve may be imposed as costs under RCW
18 10.46.190.

19 (4) For preparing a certified copy of an instrument on file or of
20 record in the clerk's office, for the first page or portion of the
21 first page, a fee of five dollars, and for each additional page or
22 portion of a page, a fee of one dollar must be charged. For
23 authenticating or exemplifying an instrument, a fee of two dollars
24 for each additional seal affixed must be charged. For preparing a
25 copy of an instrument on file or of record in the clerk's office
26 without a seal, a fee of fifty cents per page must be charged. When
27 copying a document without a seal or file that is in an electronic
28 format, a fee of twenty-five cents per page must be charged. For
29 copies made on a compact disc, an additional fee of twenty dollars
30 for each compact disc must be charged.

31 (5) For executing a certificate, with or without a seal, a fee of
32 two dollars must be charged.

33 (6) For a garnishee defendant named in an affidavit for
34 garnishment and for a writ of attachment, a fee of twenty dollars
35 must be charged.

36 (7) For filing a supplemental proceeding, a fee of twenty dollars
37 must be charged.

38 (8) For approving a bond, including justification on the bond, in
39 other than civil actions and probate proceedings, a fee of two
40 dollars must be charged.

1 (9) For the issuance of a certificate of qualification and a
2 certified copy of letters of administration, letters testamentary, or
3 letters of guardianship, there must be a fee of five dollars.

4 (10) For the preparation of a passport application, the clerk may
5 collect an execution fee as authorized by the federal government.

6 (11) For clerk's services such as performing historical searches,
7 compiling statistical reports, and conducting exceptional record
8 searches, the clerk may collect a fee not to exceed thirty dollars
9 per hour.

10 (12) For processing ex parte orders, the clerk may collect a fee
11 of thirty dollars.

12 (13) For duplicated recordings of court's proceedings there must
13 be a fee of ten dollars for each audio tape and twenty-five dollars
14 for each video tape or other electronic storage medium.

15 (14) For registration of land titles, Torrens Act, under RCW
16 65.12.780, a fee of twenty dollars must be charged.

17 (15) For the issuance of extension of judgment under RCW 6.17.020
18 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
19 When the extension of judgment is at the request of the clerk, the
20 two hundred dollar charge may be imposed as court costs under RCW
21 10.46.190.

22 (16) A facilitator surcharge of up to twenty dollars must be
23 charged as authorized under RCW 26.12.240.

24 (17) For filing (~~(a water rights statement)~~) an adjudication
25 claim under RCW 90.03.180, a fee of twenty-five dollars must be
26 charged.

27 (18) For filing a claim of frivolous lien under RCW 60.04.081, a
28 fee of thirty-five dollars must be charged.

29 (19) For preparation of a change of venue, a fee of twenty
30 dollars must be charged by the originating court in addition to the
31 per page charges in subsection (4) of this section.

32 (20) A service fee of five dollars for the first page and one
33 dollar for each additional page must be charged for receiving faxed
34 documents, pursuant to Washington state rules of court, general rule
35 17.

36 (21) For preparation of clerk's papers under RAP 9.7, a fee of
37 fifty cents per page must be charged.

38 (22) For copies and reports produced at the local level as
39 permitted by RCW 2.68.020 and supreme court policy, a variable fee
40 must be charged.

1 (23) Investment service charge and earnings under RCW 36.48.090
2 must be charged.

3 (24) Costs for nonstatutory services rendered by clerk by
4 authority of local ordinance or policy must be charged.

5 (25) For filing a request for mandatory arbitration, a filing fee
6 may be assessed against the party filing a statement of arbitrability
7 not to exceed two hundred twenty dollars as established by authority
8 of local ordinance. This charge shall be used solely to offset the
9 cost of the mandatory arbitration program.

10 (26) For filing a request for trial de novo of an arbitration
11 award, a fee not to exceed two hundred fifty dollars as established
12 by authority of local ordinance must be charged.

13 (27) A public agency may not charge a fee to a law enforcement
14 agency, for preparation, copying, or mailing of certified copies of
15 the judgment and sentence, information, affidavit of probable cause,
16 and/or the notice of requirement to register, of a sex offender
17 convicted in a Washington court, when such records are necessary for
18 risk assessment, preparation of a case for failure to register, or
19 maintenance of a sex offender's registration file.

20 (28) For the filing of a will or codicil under the provisions of
21 chapter 11.12 RCW, a fee of twenty dollars must be charged.

22 (29) For the collection of an adult offender's unpaid legal
23 financial obligations, the clerk may impose an annual fee of up to
24 one hundred dollars, pursuant to RCW 9.94A.780.

25 (30) A surcharge of up to twenty dollars may be charged in
26 dissolution and legal separation actions as authorized by RCW
27 26.12.260.

28 The revenue to counties from the fees established in this section
29 shall be deemed to be complete reimbursement from the state for the
30 state's share of benefits paid to the superior court judges of the
31 state prior to July 24, 2005, and no claim shall lie against the
32 state for such benefits.

33 **Sec. 27.** RCW 36.18.020 and 2013 2nd sp.s. c 7 s 3 are each
34 amended to read as follows:

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

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

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

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

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

23 (d) For filing of a petition for unlawful harassment under RCW
24 10.14.040 a filing fee of fifty-three dollars.

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

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

30 (g) For filing any petition to contest a will admitted to probate
31 or a petition to admit a will which has been rejected, or a petition
32 objecting to a written agreement or memorandum as provided in RCW
33 11.96A.220, there shall be paid a fee of two hundred dollars.

34 (h) Upon conviction or plea of guilty, upon failure to prosecute
35 an appeal from a court of limited jurisdiction as provided by law, or
36 upon affirmance of a conviction by a court of limited jurisdiction,
37 ((a)) an adult defendant in a criminal case shall be liable for a fee
38 of two hundred dollars.

39 (i) With the exception of demands for jury hereafter made and
40 garnishments hereafter issued, civil actions and probate proceedings

1 filed prior to midnight, July 1, 1972, shall be completed and
2 governed by the fee schedule in effect as of January 1, 1972.
3 However, no fee shall be assessed if an order of dismissal on the
4 clerk's record be filed as provided by rule of the supreme court.

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

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

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

17 (b) On filing fees required to be collected under subsection
18 (2)(b) of this section, a surcharge of thirty dollars must be
19 collected.

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

23 **Sec. 28.** RCW 36.18.040 and 1992 c 164 s 1 are each amended to
24 read as follows:

25 (1) Sheriffs shall collect the following fees for their official
26 services:

27 (a) For service of each summons and complaint, notice and
28 complaint, summons and petition, and notice of small claim on one
29 defendant at any location, ten dollars, and on two or more defendants
30 at the same residence, twelve dollars, besides mileage;

31 (b) For making a return, besides mileage actually traveled, seven
32 dollars;

33 (c) For levying each writ of attachment or writ of execution upon
34 real or personal property, besides mileage, thirty dollars per hour;

35 (d) For filing copy of writ of attachment or writ of execution
36 with auditor, ten dollars plus auditor's filing fee;

37 (e) For serving writ of possession or restitution without aid of
38 the county, besides mileage, twenty-five dollars;

1 (f) For serving writ of possession or restitution with aid of the
2 county, besides mileage, forty dollars plus thirty dollars for each
3 hour after one hour;

4 (g) For serving an arrest warrant in any action or proceeding,
5 besides mileage, thirty dollars;

6 (h) For executing any other writ or process in a civil action or
7 proceeding, besides mileage, thirty dollars per hour;

8 (i) For each mile actually and necessarily traveled in going to
9 or returning from any place of service, or attempted service, thirty-
10 five cents;

11 (j) For making a deed to lands sold upon execution or order of
12 sale or other decree of court, to be paid by the purchaser, thirty
13 dollars;

14 (k) For making copies of papers when sufficient copies are not
15 furnished, one dollar for first page and fifty cents per each
16 additional page;

17 (l) For the service of any other document and supporting papers
18 for which no other fee is provided for herein, twelve dollars;

19 (m) For posting a notice of sale, or postponement, ten dollars
20 besides mileage;

21 (n) For certificate or bill of sale of property, or certificate
22 of redemption, thirty dollars;

23 (o) For conducting a sale of property, thirty dollars per hour
24 spent at a sheriff's sale;

25 (p) For notarizing documents, five dollars for each document;

26 (q) For fingerprinting for noncriminal purposes, ten dollars for
27 each person for up to two sets, three dollars for each additional
28 set;

29 (r) For mailing required by statute, whether regular, certified,
30 or registered, the actual cost of postage;

31 (s) For an internal criminal history records check, ten dollars;

32 (t) For the reproduction of audio, visual, or photographic
33 material, to include magnetic microfilming, the actual cost including
34 personnel time.

35 (2) Fees allowable under this section may be recovered by the
36 prevailing party incurring the same as court costs. Nothing contained
37 in this section permits the expenditure of public funds to defray
38 costs of private litigation. Such costs shall be borne by the party
39 seeking action by the sheriff, and may be recovered from the proceeds

1 of any subsequent judicial sale, or may be added to any judgment upon
2 proper application to the court entering the judgment.

3 (3) Notwithstanding subsection (1) of this section, a county
4 legislative authority may set the amounts of fees that shall be
5 collected by the sheriff under subsection (1) of this section to
6 cover the costs of administration and operation.

7 (4) The fines imposed by this section do not apply to juvenile
8 offenders.

9 **Sec. 29.** RCW 43.43.690 and 1992 c 129 s 2 are each amended to
10 read as follows:

11 (1) When (~~a person~~) an adult offender has been adjudged guilty
12 of violating any criminal statute of this state and a crime
13 laboratory analysis was performed by a state crime laboratory, in
14 addition to any other disposition, penalty, or fine imposed, the
15 court shall levy a crime laboratory analysis fee of one hundred
16 dollars for each offense for which the person was convicted. Upon a
17 verified petition by the person assessed the fee, the court may
18 suspend payment of all or part of the fee if it finds that the person
19 does not have the ability to pay the fee.

20 (~~2) (When a minor has been adjudicated a juvenile offender for~~
21 ~~an offense which, if committed by an adult, would constitute a~~
22 ~~violation of any criminal statute of this state and a crime~~
23 ~~laboratory analysis was performed, in addition to any other~~
24 ~~disposition imposed, the court shall assess a crime laboratory~~
25 ~~analysis fee of one hundred dollars for each adjudication. Upon a~~
26 ~~verified petition by a minor assessed the fee, the court may suspend~~
27 ~~payment of all or part of the fee [if] it finds that the minor does~~
28 ~~not have the ability to pay the fee.~~

29 (~~3~~)) All crime laboratory analysis fees assessed under this
30 section shall be collected by the clerk of the court and forwarded to
31 the state general fund, to be used only for crime laboratories. The
32 clerk may retain five dollars to defray the costs of collecting the
33 fees.

34 **Sec. 30.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to
35 read as follows:

36 Every sentence imposed for a crime specified in RCW 43.43.754
37 must include a fee of one hundred dollars. The fee is a court-ordered
38 legal financial obligation as defined in RCW 9.94A.030 and other

1 applicable law. For a sentence imposed under chapter 9.94A RCW, the
2 fee is payable by the offender after payment of all other legal
3 financial obligations included in the sentence has been completed.
4 For all other sentences, the fee is payable by the offender in the
5 same manner as other assessments imposed. The clerk of the court
6 shall transmit eighty percent of the fee collected to the state
7 treasurer for deposit in the state DNA database account created under
8 RCW 43.43.7532, and shall transmit twenty percent of the fee
9 collected to the agency responsible for collection of a biological
10 sample from the offender as required under RCW 43.43.754. This fee
11 shall not be imposed on juvenile offenders if the state has
12 previously collected the juvenile offender's DNA as a result of a
13 prior conviction.

14 **Sec. 31.** RCW 46.61.5054 and 2011 c 293 s 12 are each amended to
15 read as follows:

16 (1)(a) In addition to penalties set forth in RCW 46.61.5051
17 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055
18 thereafter, a two hundred dollar fee shall be assessed to a person
19 who is either convicted, sentenced to a lesser charge, or given
20 deferred prosecution, as a result of an arrest for violating RCW
21 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the
22 purpose of funding the Washington state toxicology laboratory and the
23 Washington state patrol for grants and activities to increase the
24 conviction rate and decrease the incidence of persons driving under
25 the influence of alcohol or drugs.

26 (b) Upon a verified petition by the person assessed the fee, the
27 court may suspend payment of all or part of the fee if it finds that
28 the person does not have the ability to pay.

29 ~~((c) When a minor has been adjudicated a juvenile offender for~~
30 ~~an offense which, if committed by an adult, would constitute a~~
31 ~~violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the~~
32 ~~court shall assess the two hundred dollar fee under (a) of this~~
33 ~~subsection. Upon a verified petition by a minor assessed the fee, the~~
34 ~~court may suspend payment of all or part of the fee if it finds that~~
35 ~~the minor does not have the ability to pay the fee.))~~

36 (2) The fee assessed under subsection (1) of this section shall
37 be collected by the clerk of the court and, subject to subsection (4)
38 of this section, one hundred seventy-five dollars of the fee must be
39 distributed as follows:

1 (a) Forty percent shall be subject to distribution under RCW
2 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

3 (b) The remainder of the fee shall be forwarded to the state
4 treasurer who shall, through June 30, 1997, deposit: Fifty percent in
5 the death investigations' account to be used solely for funding the
6 state toxicology laboratory blood or breath testing programs; and
7 fifty percent in the state patrol highway account to be used solely
8 for funding activities to increase the conviction rate and decrease
9 the incidence of persons driving under the influence of alcohol or
10 drugs. Effective July 1, 1997, the remainder of the fee shall be
11 forwarded to the state treasurer who shall deposit: Fifteen percent
12 in the death investigations' account to be used solely for funding
13 the state toxicology laboratory blood or breath testing programs; and
14 eighty-five percent in the state patrol highway account to be used
15 solely for funding activities to increase the conviction rate and
16 decrease the incidence of persons driving under the influence of
17 alcohol or drugs.

18 (3) Twenty-five dollars of the fee assessed under subsection (1)
19 of this section must be distributed to the highway safety (~~account~~
20 ~~{fund}~~) fund to be used solely for funding Washington traffic safety
21 commission grants to reduce statewide collisions caused by persons
22 driving under the influence of alcohol or drugs. Grants awarded under
23 this subsection may be for projects that encourage collaboration with
24 other community, governmental, and private organizations, and that
25 utilize innovative approaches based on best practices or proven
26 strategies supported by research or rigorous evaluation. Grants
27 recipients may include, for example:

28 (a) DUI courts; and

29 (b) Jurisdictions implementing the victim impact panel registries
30 under RCW 46.61.5152 and 10.01.230.

31 (4) If the court has suspended payment of part of the fee
32 pursuant to subsection (1)(b) (~~(e)~~) of this section, amounts
33 collected shall be distributed proportionately.

34 (5) This section applies to any offense committed on or after
35 July 1, 1993, and only to adult offenders.

36 **Sec. 32.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to
37 read as follows:

38 (1) **No prior offenses in seven years.** Except as provided in RCW
39 46.61.502(6) or 46.61.504(6), a person who is convicted of a

1 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
2 within seven years shall be punished as follows:

3 (a) **Penalty for alcohol concentration less than 0.15.** In the case
4 of a person whose alcohol concentration was less than 0.15, or for
5 whom for reasons other than the person's refusal to take a test
6 offered pursuant to RCW 46.20.308 there is no test result indicating
7 the person's alcohol concentration:

8 (i) By imprisonment for not less than one day nor more than three
9 hundred sixty-four days. Twenty-four consecutive hours of the
10 imprisonment may not be suspended unless the court finds that the
11 imposition of this mandatory minimum sentence would impose a
12 substantial risk to the offender's physical or mental well-being.
13 Whenever the mandatory minimum sentence is suspended, the court shall
14 state in writing the reason for granting the suspension and the facts
15 upon which the suspension is based. In lieu of the mandatory minimum
16 term of imprisonment required under this subsection (1)(a)(i), the
17 court may order not less than fifteen days of electronic home
18 monitoring. The offender shall pay the cost of electronic home
19 monitoring. The county or municipality in which the penalty is being
20 imposed shall determine the cost. The court may also require the
21 offender's electronic home monitoring device or other separate
22 alcohol monitoring device to include an alcohol detection
23 breathalyzer, and the court may restrict the amount of alcohol the
24 offender may consume during the time the offender is on electronic
25 home monitoring; and

26 (ii) By a fine of not less than three hundred fifty dollars nor
27 more than five thousand dollars. Three hundred fifty dollars of the
28 fine may not be suspended unless the court finds the offender to be
29 indigent; or

30 (b) **Penalty for alcohol concentration at least 0.15.** In the case
31 of a person whose alcohol concentration was at least 0.15, or for
32 whom by reason of the person's refusal to take a test offered
33 pursuant to RCW 46.20.308 there is no test result indicating the
34 person's alcohol concentration:

35 (i) By imprisonment for not less than two days nor more than
36 three hundred sixty-four days. Forty-eight consecutive hours of the
37 imprisonment may not be suspended unless the court finds that the
38 imposition of this mandatory minimum sentence would impose a
39 substantial risk to the offender's physical or mental well-being.
40 Whenever the mandatory minimum sentence is suspended, the court shall

1 state in writing the reason for granting the suspension and the facts
2 upon which the suspension is based. In lieu of the mandatory minimum
3 term of imprisonment required under this subsection (1)(b)(i), the
4 court may order not less than thirty days of electronic home
5 monitoring. The offender shall pay the cost of electronic home
6 monitoring. The county or municipality in which the penalty is being
7 imposed shall determine the cost. The court may also require the
8 offender's electronic home monitoring device to include an alcohol
9 detection breathalyzer or other separate alcohol monitoring device,
10 and the court may restrict the amount of alcohol the offender may
11 consume during the time the offender is on electronic home
12 monitoring; and

13 (ii) By a fine of not less than five hundred dollars nor more
14 than five thousand dollars. Five hundred dollars of the fine may not
15 be suspended unless the court finds the offender to be indigent.

16 (2) **One prior offense in seven years.** Except as provided in RCW
17 46.61.502(6) or 46.61.504(6), a person who is convicted of a
18 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
19 within seven years shall be punished as follows:

20 (a) **Penalty for alcohol concentration less than 0.15.** In the case
21 of a person whose alcohol concentration was less than 0.15, or for
22 whom for reasons other than the person's refusal to take a test
23 offered pursuant to RCW 46.20.308 there is no test result indicating
24 the person's alcohol concentration:

25 (i) By imprisonment for not less than thirty days nor more than
26 three hundred sixty-four days and sixty days of electronic home
27 monitoring. In lieu of the mandatory minimum term of sixty days
28 electronic home monitoring, the court may order at least an
29 additional four days in jail or, if available in that county or city,
30 a six-month period of 24/7 sobriety program monitoring pursuant to
31 RCW 36.28A.300 through 36.28A.390, and the court shall order an
32 expanded alcohol assessment and treatment, if deemed appropriate by
33 the assessment. The offender shall pay for the cost of the electronic
34 monitoring. The county or municipality where the penalty is being
35 imposed shall determine the cost. The court may also require the
36 offender's electronic home monitoring device include an alcohol
37 detection breathalyzer or other separate alcohol monitoring device,
38 and may restrict the amount of alcohol the offender may consume
39 during the time the offender is on electronic home monitoring. Thirty
40 days of imprisonment and sixty days of electronic home monitoring may

1 not be suspended unless the court finds that the imposition of this
2 mandatory minimum sentence would impose a substantial risk to the
3 offender's physical or mental well-being. Whenever the mandatory
4 minimum sentence is suspended, the court shall state in writing the
5 reason for granting the suspension and the facts upon which the
6 suspension is based; and

7 (ii) By a fine of not less than five hundred dollars nor more
8 than five thousand dollars. Five hundred dollars of the fine may not
9 be suspended unless the court finds the offender to be indigent; or

10 (b) **Penalty for alcohol concentration at least 0.15.** In the case
11 of a person whose alcohol concentration was at least 0.15, or for
12 whom by reason of the person's refusal to take a test offered
13 pursuant to RCW 46.20.308 there is no test result indicating the
14 person's alcohol concentration:

15 (i) By imprisonment for not less than forty-five days nor more
16 than three hundred sixty-four days and ninety days of electronic home
17 monitoring. In lieu of the mandatory minimum term of ninety days
18 electronic home monitoring, the court may order at least an
19 additional six days in jail or, if available in that county or city,
20 a six-month period of 24/7 sobriety program monitoring pursuant to
21 RCW 36.28A.300 through 36.28A.390, and the court shall order an
22 expanded alcohol assessment and treatment, if deemed appropriate by
23 the assessment. The offender shall pay for the cost of the electronic
24 monitoring. The county or municipality where the penalty is being
25 imposed shall determine the cost. The court may also require the
26 offender's electronic home monitoring device include an alcohol
27 detection breathalyzer or other separate alcohol monitoring device,
28 and may restrict the amount of alcohol the offender may consume
29 during the time the offender is on electronic home monitoring. Forty-
30 five days of imprisonment and ninety days of electronic home
31 monitoring may not be suspended unless the court finds that the
32 imposition of this mandatory minimum sentence would impose a
33 substantial risk to the offender's physical or mental well-being.
34 Whenever the mandatory minimum sentence is suspended, the court shall
35 state in writing the reason for granting the suspension and the facts
36 upon which the suspension is based; and

37 (ii) By a fine of not less than seven hundred fifty dollars nor
38 more than five thousand dollars. Seven hundred fifty dollars of the
39 fine may not be suspended unless the court finds the offender to be
40 indigent.

1 (3) **Two or three prior offenses in seven years.** Except as
2 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is
3 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has
4 two or three prior offenses within seven years shall be punished as
5 follows:

6 (a) **Penalty for alcohol concentration less than 0.15.** In the case
7 of a person whose alcohol concentration was less than 0.15, or for
8 whom for reasons other than the person's refusal to take a test
9 offered pursuant to RCW 46.20.308 there is no test result indicating
10 the person's alcohol concentration:

11 (i) By imprisonment for not less than ninety days nor more than
12 three hundred sixty-four days, if available in that county or city, a
13 six-month period of 24/7 sobriety program monitoring pursuant to RCW
14 36.28A.300 through 36.28A.390, and one hundred twenty days of
15 electronic home monitoring. In lieu of the mandatory minimum term of
16 one hundred twenty days of electronic home monitoring, the court may
17 order at least an additional eight days in jail. The court shall
18 order an expanded alcohol assessment and treatment, if deemed
19 appropriate by the assessment. The offender shall pay for the cost of
20 the electronic monitoring. The county or municipality where the
21 penalty is being imposed shall determine the cost. The court may also
22 require the offender's electronic home monitoring device include an
23 alcohol detection breathalyzer or other separate alcohol monitoring
24 device, and may restrict the amount of alcohol the offender may
25 consume during the time the offender is on electronic home
26 monitoring. Ninety days of imprisonment and one hundred twenty days
27 of electronic home monitoring may not be suspended unless the court
28 finds that the imposition of this mandatory minimum sentence would
29 impose a substantial risk to the offender's physical or mental well-
30 being. Whenever the mandatory minimum sentence is suspended, the
31 court shall state in writing the reason for granting the suspension
32 and the facts upon which the suspension is based; and

33 (ii) By a fine of not less than one thousand dollars nor more
34 than five thousand dollars. One thousand dollars of the fine may not
35 be suspended unless the court finds the offender to be indigent; or

36 (b) **Penalty for alcohol concentration at least 0.15.** In the case
37 of a person whose alcohol concentration was at least 0.15, or for
38 whom by reason of the person's refusal to take a test offered
39 pursuant to RCW 46.20.308 there is no test result indicating the
40 person's alcohol concentration:

1 (i) By imprisonment for not less than one hundred twenty days nor
2 more than three hundred sixty-four days, if available in that county
3 or city, a six-month period of 24/7 sobriety program monitoring
4 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty
5 days of electronic home monitoring. In lieu of the mandatory minimum
6 term of one hundred fifty days of electronic home monitoring, the
7 court may order at least an additional ten days in jail. The offender
8 shall pay for the cost of the electronic monitoring. The court shall
9 order an expanded alcohol assessment and treatment, if deemed
10 appropriate by the assessment. The county or municipality where the
11 penalty is being imposed shall determine the cost. The court may also
12 require the offender's electronic home monitoring device include an
13 alcohol detection breathalyzer or other separate alcohol monitoring
14 device, and may restrict the amount of alcohol the offender may
15 consume during the time the offender is on electronic home
16 monitoring. One hundred twenty days of imprisonment and one hundred
17 fifty days of electronic home monitoring may not be suspended unless
18 the court finds that the imposition of this mandatory minimum
19 sentence would impose a substantial risk to the offender's physical
20 or mental well-being. Whenever the mandatory minimum sentence is
21 suspended, the court shall state in writing the reason for granting
22 the suspension and the facts upon which the suspension is based; and

23 (ii) By a fine of not less than one thousand five hundred dollars
24 nor more than five thousand dollars. One thousand five hundred
25 dollars of the fine may not be suspended unless the court finds the
26 offender to be indigent.

27 (4) **Four or more prior offenses in ten years.** A person who is
28 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be
29 punished under chapter 9.94A RCW if:

30 (a) The person has four or more prior offenses within ten years;
31 or

32 (b) The person has ever previously been convicted of:

33 (i) A violation of RCW 46.61.520 committed while under the
34 influence of intoxicating liquor or any drug;

35 (ii) A violation of RCW 46.61.522 committed while under the
36 influence of intoxicating liquor or any drug;

37 (iii) An out-of-state offense comparable to the offense specified
38 in (b)(i) or (ii) of this subsection; or

39 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

40 (5) **Monitoring.**

1 (a) **Ignition interlock device.** The court shall require any person
2 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
3 equivalent local ordinance to comply with the rules and requirements
4 of the department regarding the installation and use of a functioning
5 ignition interlock device installed on all motor vehicles operated by
6 the person.

7 (b) **Monitoring devices.** If the court orders that a person refrain
8 from consuming any alcohol, the court may order the person to submit
9 to alcohol monitoring through an alcohol detection breathalyzer
10 device, transdermal sensor device, or other technology designed to
11 detect alcohol in a person's system. The person shall pay for the
12 cost of the monitoring, unless the court specifies that the cost of
13 monitoring will be paid with funds that are available from an
14 alternative source identified by the court. The county or
15 municipality where the penalty is being imposed shall determine the
16 cost.

17 (c) **Ignition interlock device substituted for 24/7 sobriety**
18 **program monitoring.** In any county or city where a 24/7 sobriety
19 program is available and verified by the Washington association of
20 sheriffs and police chiefs, the court shall:

21 (i) Order the person to install and use a functioning ignition
22 interlock or other device in lieu of such period of 24/7 sobriety
23 program monitoring;

24 (ii) Order the person to a period of 24/7 sobriety program
25 monitoring pursuant to subsections (1) through (3) of this section;
26 or

27 (iii) Order the person to install and use a functioning ignition
28 interlock or other device in addition to a period of 24/7 sobriety
29 program monitoring pursuant to subsections (1) through (3) of this
30 section.

31 (6) **Penalty for having a minor passenger in vehicle.** If a person
32 who is convicted of a violation of RCW 46.61.502 or 46.61.504
33 committed the offense while a passenger under the age of sixteen was
34 in the vehicle, the court shall:

35 (a) Order the use of an ignition interlock or other device for an
36 additional six months;

37 (b) In any case in which the person has no prior offenses within
38 seven years, and except as provided in RCW 46.61.502(6) or
39 46.61.504(6), order an additional twenty-four hours of imprisonment
40 and a fine of not less than one thousand dollars and not more than

1 five thousand dollars. One thousand dollars of the fine may not be
2 suspended unless the court finds the offender to be indigent;

3 (c) In any case in which the person has one prior offense within
4 seven years, and except as provided in RCW 46.61.502(6) or
5 46.61.504(6), order an additional five days of imprisonment and a
6 fine of not less than two thousand dollars and not more than five
7 thousand dollars. One thousand dollars of the fine may not be
8 suspended unless the court finds the offender to be indigent;

9 (d) In any case in which the person has two or three prior
10 offenses within seven years, and except as provided in RCW
11 46.61.502(6) or 46.61.504(6), order an additional ten days of
12 imprisonment and a fine of not less than three thousand dollars and
13 not more than ten thousand dollars. One thousand dollars of the fine
14 may not be suspended unless the court finds the offender to be
15 indigent.

16 (7) **Other items courts must consider while setting penalties.** In
17 exercising its discretion in setting penalties within the limits
18 allowed by this section, the court shall particularly consider the
19 following:

20 (a) Whether the person's driving at the time of the offense was
21 responsible for injury or damage to another or another's property;

22 (b) Whether at the time of the offense the person was driving or
23 in physical control of a vehicle with one or more passengers;

24 (c) Whether the driver was driving in the opposite direction of
25 the normal flow of traffic on a multiple lane highway, as defined by
26 RCW 46.04.350, with a posted speed limit of forty-five miles per hour
27 or greater; and

28 (d) Whether a child passenger under the age of sixteen was an
29 occupant in the driver's vehicle.

30 (8) **Treatment and information school.** An offender punishable
31 under this section is subject to the alcohol assessment and treatment
32 provisions of RCW 46.61.5056.

33 (9) **Driver's license privileges of the defendant.** The license,
34 permit, or nonresident privilege of a person convicted of driving or
35 being in physical control of a motor vehicle while under the
36 influence of intoxicating liquor or drugs must:

37 (a) **Penalty for alcohol concentration less than 0.15.** If the
38 person's alcohol concentration was less than 0.15, or if for reasons
39 other than the person's refusal to take a test offered under RCW

1 46.20.308 there is no test result indicating the person's alcohol
2 concentration:

3 (i) Where there has been no prior offense within seven years, be
4 suspended or denied by the department for ninety days;

5 (ii) Where there has been one prior offense within seven years,
6 be revoked or denied by the department for two years; or

7 (iii) Where there have been two or more prior offenses within
8 seven years, be revoked or denied by the department for three years;

9 (b) **Penalty for alcohol concentration at least 0.15.** If the
10 person's alcohol concentration was at least 0.15:

11 (i) Where there has been no prior offense within seven years, be
12 revoked or denied by the department for one year;

13 (ii) Where there has been one prior offense within seven years,
14 be revoked or denied by the department for nine hundred days; or

15 (iii) Where there have been two or more prior offenses within
16 seven years, be revoked or denied by the department for four years;
17 or

18 (c) **Penalty for refusing to take test.** If by reason of the
19 person's refusal to take a test offered under RCW 46.20.308, there is
20 no test result indicating the person's alcohol concentration:

21 (i) Where there have been no prior offenses within seven years,
22 be revoked or denied by the department for two years;

23 (ii) Where there has been one prior offense within seven years,
24 be revoked or denied by the department for three years; or

25 (iii) Where there have been two or more previous offenses within
26 seven years, be revoked or denied by the department for four years.

27 The department shall grant credit on a day-for-day basis for any
28 portion of a suspension, revocation, or denial already served under
29 this subsection for a suspension, revocation, or denial imposed under
30 RCW 46.20.3101 arising out of the same incident.

31 Upon its own motion or upon motion by a person, a court may find,
32 on the record, that notice to the department under RCW 46.20.270 has
33 been delayed for three years or more as a result of a clerical or
34 court error. If so, the court may order that the person's license,
35 permit, or nonresident privilege shall not be revoked, suspended, or
36 denied for that offense. The court shall send notice of the finding
37 and order to the department and to the person. Upon receipt of the
38 notice from the court, the department shall not revoke, suspend, or
39 deny the license, permit, or nonresident privilege of the person for
40 that offense.

1 For purposes of this subsection (9), the department shall refer
2 to the driver's record maintained under RCW 46.52.120 when
3 determining the existence of prior offenses.

4 (10) **Probation of driving privilege.** After expiration of any
5 period of suspension, revocation, or denial of the offender's
6 license, permit, or privilege to drive required by this section, the
7 department shall place the offender's driving privilege in
8 probationary status pursuant to RCW 46.20.355.

9 (11) **Conditions of probation.** (a) In addition to any
10 nonsuspendable and nondeferrable jail sentence required by this
11 section, whenever the court imposes up to three hundred sixty-four
12 days in jail, the court shall also suspend but shall not defer a
13 period of confinement for a period not exceeding five years. The
14 court shall impose conditions of probation that include: (i) Not
15 driving a motor vehicle within this state without a valid license to
16 drive and proof of liability insurance or other financial
17 responsibility for the future pursuant to RCW 46.30.020; (ii) not
18 driving or being in physical control of a motor vehicle within this
19 state while having an alcohol concentration of 0.08 or more or a THC
20 concentration of 5.00 nanograms per milliliter of whole blood or
21 higher, within two hours after driving; and (iii) not refusing to
22 submit to a test of his or her breath or blood to determine alcohol
23 or drug concentration upon request of a law enforcement officer who
24 has reasonable grounds to believe the person was driving or was in
25 actual physical control of a motor vehicle within this state while
26 under the influence of intoxicating liquor or drug. The court may
27 impose conditions of probation that include nonrepetition,
28 installation of an ignition interlock device on the probationer's
29 motor vehicle, alcohol or drug treatment, supervised probation, or
30 other conditions that may be appropriate. The sentence may be imposed
31 in whole or in part upon violation of a condition of probation during
32 the suspension period.

33 (b) For each violation of mandatory conditions of probation under
34 (a)(i), (ii), or (iii) of this subsection, the court shall order the
35 convicted person to be confined for thirty days, which shall not be
36 suspended or deferred.

37 (c) For each incident involving a violation of a mandatory
38 condition of probation imposed under this subsection, the license,
39 permit, or privilege to drive of the person shall be suspended by the
40 court for thirty days or, if such license, permit, or privilege to

1 drive already is suspended, revoked, or denied at the time the
2 finding of probation violation is made, the suspension, revocation,
3 or denial then in effect shall be extended by thirty days. The court
4 shall notify the department of any suspension, revocation, or denial
5 or any extension of a suspension, revocation, or denial imposed under
6 this subsection.

7 (12) **Waiver of electronic home monitoring.** A court may waive the
8 electronic home monitoring requirements of this chapter when:

9 (a) The offender does not have a dwelling, telephone service, or
10 any other necessity to operate an electronic home monitoring system.
11 However, if a court determines that an alcohol monitoring device
12 utilizing wireless reporting technology is reasonably available, the
13 court may require the person to obtain such a device during the
14 period of required electronic home monitoring;

15 (b) The offender does not reside in the state of Washington; or

16 (c) The court determines that there is reason to believe that the
17 offender would violate the conditions of the electronic home
18 monitoring penalty.

19 Whenever the mandatory minimum term of electronic home monitoring
20 is waived, the court shall state in writing the reason for granting
21 the waiver and the facts upon which the waiver is based, and shall
22 impose an alternative sentence with similar punitive consequences.
23 The alternative sentence may include, but is not limited to, use of
24 an ignition interlock device, the 24/7 sobriety program monitoring,
25 additional jail time, work crew, or work camp.

26 Whenever the combination of jail time and electronic home
27 monitoring or alternative sentence would exceed three hundred sixty-
28 four days, the offender shall serve the jail portion of the sentence
29 first, and the electronic home monitoring or alternative portion of
30 the sentence shall be reduced so that the combination does not exceed
31 three hundred sixty-four days.

32 (13) **Extraordinary medical placement.** An offender serving a
33 sentence under this section, whether or not a mandatory minimum term
34 has expired, may be granted an extraordinary medical placement by the
35 jail administrator subject to the standards and limitations set forth
36 in RCW 9.94A.728(3).

37 (14) **Definitions.** For purposes of this section and RCW 46.61.502
38 and 46.61.504:

39 (a) A "prior offense" means any of the following:

- 1 (i) A conviction for a violation of RCW 46.61.502 or an
2 equivalent local ordinance;
- 3 (ii) A conviction for a violation of RCW 46.61.504 or an
4 equivalent local ordinance;
- 5 (iii) A conviction for a violation of RCW 46.25.110 or an
6 equivalent local ordinance;
- 7 (iv) A conviction for a violation of RCW 79A.60.040 or an
8 equivalent local ordinance;
- 9 (v) A conviction for a violation of RCW 47.68.220 or an
10 equivalent local ordinance;
- 11 (vi) A conviction for a violation of RCW 46.09.470(2) or an
12 equivalent local ordinance;
- 13 (vii) A conviction for a violation of RCW 46.10.490(2) or an
14 equivalent local ordinance;
- 15 (viii) A conviction for a violation of RCW 46.61.520 committed
16 while under the influence of intoxicating liquor or any drug, or a
17 conviction for a violation of RCW 46.61.520 committed in a reckless
18 manner or with the disregard for the safety of others if the
19 conviction is the result of a charge that was originally filed as a
20 violation of RCW 46.61.520 committed while under the influence of
21 intoxicating liquor or any drug;
- 22 (ix) A conviction for a violation of RCW 46.61.522 committed
23 while under the influence of intoxicating liquor or any drug, or a
24 conviction for a violation of RCW 46.61.522 committed in a reckless
25 manner or with the disregard for the safety of others if the
26 conviction is the result of a charge that was originally filed as a
27 violation of RCW 46.61.522 committed while under the influence of
28 intoxicating liquor or any drug;
- 29 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
30 9A.36.050 or an equivalent local ordinance, if the conviction is the
31 result of a charge that was originally filed as a violation of RCW
32 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
33 46.61.520 or 46.61.522;
- 34 (xi) An out-of-state conviction for a violation that would have
35 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this
36 subsection if committed in this state;
- 37 (xii) A deferred prosecution under chapter 10.05 RCW granted in a
38 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
39 equivalent local ordinance;

1 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
2 a prosecution for a violation of RCW 46.61.5249, or an equivalent
3 local ordinance, if the charge under which the deferred prosecution
4 was granted was originally filed as a violation of RCW 46.61.502 or
5 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
6 46.61.522;

7 (xiv) A deferred prosecution granted in another state for a
8 violation of driving or having physical control of a vehicle while
9 under the influence of intoxicating liquor or any drug if the out-of-
10 state deferred prosecution is equivalent to the deferred prosecution
11 under chapter 10.05 RCW, including a requirement that the defendant
12 participate in a chemical dependency treatment program; or

13 (xv) A deferred sentence imposed in a prosecution for a violation
14 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
15 ordinance, if the charge under which the deferred sentence was
16 imposed was originally filed as a violation of RCW 46.61.502 or
17 46.61.504, or an equivalent local ordinance, or a violation of RCW
18 46.61.520 or 46.61.522;

19 If a deferred prosecution is revoked based on a subsequent
20 conviction for an offense listed in this subsection (14)(a), the
21 subsequent conviction shall not be treated as a prior offense of the
22 revoked deferred prosecution for the purposes of sentencing;

23 (b) "Treatment" means alcohol or drug treatment approved by the
24 department of social and health services;

25 (c) "Within seven years" means that the arrest for a prior
26 offense occurred within seven years before or after the arrest for
27 the current offense; and

28 (d) "Within ten years" means that the arrest for a prior offense
29 occurred within ten years before or after the arrest for the current
30 offense.

31 (15) All fines imposed by this section apply to adult offenders
32 only.

33 **Sec. 33.** RCW 69.50.401 and 2013 c 3 s 19 are each amended to
34 read as follows:

35 (1) Except as authorized by this chapter, it is unlawful for any
36 person to manufacture, deliver, or possess with intent to manufacture
37 or deliver, a controlled substance.

38 (2) Any person who violates this section with respect to:

1 (a) A controlled substance classified in Schedule I or II which
2 is a narcotic drug or flunitrazepam, including its salts, isomers,
3 and salts of isomers, classified in Schedule IV, is guilty of a class
4 B felony and upon conviction may be imprisoned for not more than ten
5 years, or (i) fined not more than twenty-five thousand dollars if the
6 crime involved less than two kilograms of the drug, or both such
7 imprisonment and fine; or (ii) if the crime involved two or more
8 kilograms of the drug, then fined not more than one hundred thousand
9 dollars for the first two kilograms and not more than fifty dollars
10 for each gram in excess of two kilograms, or both such imprisonment
11 and fine;

12 (b) Amphetamine, including its salts, isomers, and salts of
13 isomers, or methamphetamine, including its salts, isomers, and salts
14 of isomers, is guilty of a class B felony and upon conviction may be
15 imprisoned for not more than ten years, or (i) fined not more than
16 twenty-five thousand dollars if the crime involved less than two
17 kilograms of the drug, or both such imprisonment and fine; or (ii) if
18 the crime involved two or more kilograms of the drug, then fined not
19 more than one hundred thousand dollars for the first two kilograms
20 and not more than fifty dollars for each gram in excess of two
21 kilograms, or both such imprisonment and fine. Three thousand dollars
22 of the fine may not be suspended. As collected, the first three
23 thousand dollars of the fine must be deposited with the law
24 enforcement agency having responsibility for cleanup of laboratories,
25 sites, or substances used in the manufacture of the methamphetamine,
26 including its salts, isomers, and salts of isomers. The fine moneys
27 deposited with that law enforcement agency must be used for such
28 clean-up cost;

29 (c) Any other controlled substance classified in Schedule I, II,
30 or III, is guilty of a class C felony punishable according to chapter
31 9A.20 RCW;

32 (d) A substance classified in Schedule IV, except flunitrazepam,
33 including its salts, isomers, and salts of isomers, is guilty of a
34 class C felony punishable according to chapter 9A.20 RCW; or

35 (e) A substance classified in Schedule V, is guilty of a class C
36 felony punishable according to chapter 9A.20 RCW.

37 (3) The production, manufacture, processing, packaging, delivery,
38 distribution, sale, or possession of marijuana in compliance with the
39 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not

1 constitute a violation of this section, this chapter, or any other
2 provision of Washington state law.

3 (4) The fines in this section apply to adult offenders only.

4 **Sec. 34.** RCW 69.50.425 and 2002 c 175 s 44 are each amended to
5 read as follows:

6 A person who is convicted of a misdemeanor violation of any
7 provision of this chapter shall be punished by imprisonment for not
8 less than twenty-four consecutive hours, and adult offenders shall be
9 punished by a fine of not less than two hundred fifty dollars. On a
10 second or subsequent conviction, the fine shall not be less than five
11 hundred dollars for adult offenders. These fines shall be in addition
12 to any other fine or penalty imposed on adult offenders. Unless the
13 court finds that the imposition of the minimum imprisonment will pose
14 a substantial risk to the defendant's physical or mental well-being
15 or that local jail facilities are in an overcrowded condition, the
16 minimum term of imprisonment shall not be suspended or deferred. If
17 the court finds such risk or overcrowding exists, it shall sentence
18 the defendant to a minimum of forty hours of community restitution.
19 If a minimum term of imprisonment is suspended or deferred, the court
20 shall state in writing the reason for granting the suspension or
21 deferral and the facts upon which the suspension or deferral is
22 based. Unless the court finds the person to be indigent, the minimum
23 fine shall not be suspended or deferred.

24 **Sec. 35.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to
25 read as follows:

26 (1) Every (~~person~~) adult offender convicted of a felony
27 violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402,
28 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be
29 fined one thousand dollars in addition to any other fine or penalty
30 imposed. Unless the court finds the (~~person~~) adult offender to be
31 indigent, this additional fine shall not be suspended or deferred by
32 the court.

33 (2) On a second or subsequent conviction for violation of any of
34 the laws listed in subsection (1) of this section, the (~~person~~)
35 adult offender shall be fined two thousand dollars in addition to any
36 other fine or penalty imposed. Unless the court finds the (~~person~~)
37 adult offender to be indigent, this additional fine shall not be
38 suspended or deferred by the court.

1 **Sec. 36.** RCW 69.50.435 and 2003 c 53 s 346 are each amended to
2 read as follows:

3 (1) Any person who violates RCW 69.50.401 by manufacturing,
4 selling, delivering, or possessing with the intent to manufacture,
5 sell, or deliver a controlled substance listed under RCW 69.50.401 or
6 who violates RCW 69.50.410 by selling for profit any controlled
7 substance or counterfeit substance classified in schedule I, RCW
8 69.50.204, except leaves and flowering tops of marihuana to a person:

9 (a) In a school;

10 (b) On a school bus;

11 (c) Within one thousand feet of a school bus route stop
12 designated by the school district;

13 (d) Within one thousand feet of the perimeter of the school
14 grounds;

15 (e) In a public park;

16 (f) In a public housing project designated by a local governing
17 authority as a drug-free zone;

18 (g) On a public transit vehicle;

19 (h) In a public transit stop shelter;

20 (i) At a civic center designated as a drug-free zone by the local
21 governing authority; or

22 (j) Within one thousand feet of the perimeter of a facility
23 designated under (i) of this subsection, if the local governing
24 authority specifically designates the one thousand foot perimeter
25 may be punished by a fine of up to twice the fine otherwise
26 authorized by this chapter, but not including twice the fine
27 authorized by RCW 69.50.406, or by imprisonment of up to twice the
28 imprisonment otherwise authorized by this chapter, but not including
29 twice the imprisonment authorized by RCW 69.50.406, or by both such
30 fine and imprisonment. The provisions of this section shall not
31 operate to more than double the fine or imprisonment otherwise
32 authorized by this chapter for an offense.

33 (2) It is not a defense to a prosecution for a violation of this
34 section that the person was unaware that the prohibited conduct took
35 place while in a school or school bus or within one thousand feet of
36 the school or school bus route stop, in a public park, in a public
37 housing project designated by a local governing authority as a drug-
38 free zone, on a public transit vehicle, in a public transit stop
39 shelter, at a civic center designated as a drug-free zone by the
40 local governing authority, or within one thousand feet of the

1 perimeter of a facility designated under subsection (1)(i) of this
2 section, if the local governing authority specifically designates the
3 one thousand foot perimeter.

4 (3) It is not a defense to a prosecution for a violation of this
5 section or any other prosecution under this chapter that persons
6 under the age of eighteen were not present in the school, the school
7 bus, the public park, the public housing project designated by a
8 local governing authority as a drug-free zone, or the public transit
9 vehicle, or at the school bus route stop, the public transit vehicle
10 stop shelter, at a civic center designated as a drug-free zone by the
11 local governing authority, or within one thousand feet of the
12 perimeter of a facility designated under subsection (1)(i) of this
13 section, if the local governing authority specifically designates the
14 one thousand foot perimeter at the time of the offense or that school
15 was not in session.

16 (4) It is an affirmative defense to a prosecution for a violation
17 of this section that the prohibited conduct took place entirely
18 within a private residence, that no person under eighteen years of
19 age or younger was present in such private residence at any time
20 during the commission of the offense, and that the prohibited conduct
21 did not involve delivering, manufacturing, selling, or possessing
22 with the intent to manufacture, sell, or deliver any controlled
23 substance in RCW 69.50.401 for profit. The affirmative defense
24 established in this section shall be proved by the defendant by a
25 preponderance of the evidence. This section shall not be construed to
26 establish an affirmative defense with respect to a prosecution for an
27 offense defined in any other section of this chapter.

28 (5) In a prosecution under this section, a map produced or
29 reproduced by any municipality, school district, county, transit
30 authority engineer, or public housing authority for the purpose of
31 depicting the location and boundaries of the area on or within one
32 thousand feet of any property used for a school, school bus route
33 stop, public park, public housing project designated by a local
34 governing authority as a drug-free zone, public transit vehicle stop
35 shelter, or a civic center designated as a drug-free zone by a local
36 governing authority, or a true copy of such a map, shall under proper
37 authentication, be admissible and shall constitute prima facie
38 evidence of the location and boundaries of those areas if the
39 governing body of the municipality, school district, county, or
40 transit authority has adopted a resolution or ordinance approving the

1 map as the official location and record of the location and
2 boundaries of the area on or within one thousand feet of the school,
3 school bus route stop, public park, public housing project designated
4 by a local governing authority as a drug-free zone, public transit
5 vehicle stop shelter, or civic center designated as a drug-free zone
6 by a local governing authority. Any map approved under this section
7 or a true copy of the map shall be filed with the clerk of the
8 municipality or county, and shall be maintained as an official record
9 of the municipality or county. This section shall not be construed as
10 precluding the prosecution from introducing or relying upon any other
11 evidence or testimony to establish any element of the offense. This
12 section shall not be construed as precluding the use or admissibility
13 of any map or diagram other than the one which has been approved by
14 the governing body of a municipality, school district, county,
15 transit authority, or public housing authority if the map or diagram
16 is otherwise admissible under court rule.

17 (6) As used in this section the following terms have the meanings
18 indicated unless the context clearly requires otherwise:

19 (a) "School" has the meaning under RCW 28A.150.010 or
20 28A.150.020. The term "school" also includes a private school
21 approved under RCW 28A.195.010;

22 (b) "School bus" means a school bus as defined by the
23 superintendent of public instruction by rule which is owned and
24 operated by any school district and all school buses which are
25 privately owned and operated under contract or otherwise with any
26 school district in the state for the transportation of students. The
27 term does not include buses operated by common carriers in the urban
28 transportation of students such as transportation of students through
29 a municipal transportation system;

30 (c) "School bus route stop" means a school bus stop as designated
31 by a school district;

32 (d) "Public park" means land, including any facilities or
33 improvements on the land, that is operated as a park by the state or
34 a local government;

35 (e) "Public transit vehicle" means any motor vehicle, streetcar,
36 train, trolley vehicle, or any other device, vessel, or vehicle which
37 is owned or operated by a transit authority and which is used for the
38 purpose of carrying passengers on a regular schedule;

39 (f) "Transit authority" means a city, county, or state
40 transportation system, transportation authority, public

1 transportation benefit area, public transit authority, or
2 metropolitan municipal corporation within the state that operates
3 public transit vehicles;

4 (g) "Stop shelter" means a passenger shelter designated by a
5 transit authority;

6 (h) "Civic center" means a publicly owned or publicly operated
7 place or facility used for recreational, educational, or cultural
8 activities;

9 (i) "Public housing project" means the same as "housing project"
10 as defined in RCW 35.82.020.

11 (7) The fines imposed by this section apply to adult offenders
12 only.

13 **Sec. 37.** RCW 77.15.420 and 2014 c 48 s 16 are each amended to
14 read as follows:

15 (1) If (~~a person~~) an adult offender is convicted of violating
16 RCW 77.15.410 and that violation results in the death of wildlife
17 listed in this section, the court shall require payment of the
18 following amounts for each animal taken or possessed. This shall be a
19 criminal wildlife penalty assessment that shall be paid to the clerk
20 of the court and distributed each month to the state treasurer for
21 deposit in the fish and wildlife enforcement reward account created
22 in RCW 77.15.425.

- 23 (a) Moose, mountain sheep, mountain
- 24 goat, and all wildlife species
- 25 classified as endangered by
- 26 rule of the commission, except
- 27 for mountain caribou and
- 28 grizzly bear as listed under (d)
- 29 of this subsection. \$4,000
- 30 (b) Elk, deer, black bear, and cougar. . \$2,000
- 31 (c) Trophy animal elk and deer. \$6,000
- 32 (d) Mountain caribou, grizzly bear, and
- 33 trophy animal mountain
- 34 sheep. \$12,000

35 (2)(a) For the purpose of this section a "trophy animal" is:
36 (i) A buck deer with four or more antler points on both sides,
37 not including eyeguards;

1 (ii) A bull elk with five or more antler points on both sides,
2 not including eyeguards; or

3 (iii) A mountain sheep with a horn curl of three-quarter curl or
4 greater.

5 (b) For purposes of this subsection, "eyeguard" means an antler
6 protrusion on the main beam of the antler closest to the eye of the
7 animal.

8 (3) If two or more persons are convicted of illegally possessing
9 wildlife in subsection (1) of this section, the criminal wildlife
10 penalty assessment shall be imposed on them jointly and severally.

11 (4) The criminal wildlife penalty assessment shall be imposed
12 regardless of and in addition to any sentence, fines, or costs
13 otherwise provided for violating any provision of this title. The
14 criminal wildlife penalty assessment shall be included by the court
15 in any pronouncement of sentence and may not be suspended, waived,
16 modified, or deferred in any respect. This section may not be
17 construed to abridge or alter alternative rights of action or
18 remedies in equity or under common law or statutory law, criminal or
19 civil.

20 (5) A defaulted criminal wildlife penalty assessment may be
21 collected by any means authorized by law for the enforcement of
22 orders of the court or collection of a fine or costs, including but
23 not limited to vacation of a deferral of sentencing or vacation of a
24 suspension of sentence.

25 (6) A person assessed a criminal wildlife penalty assessment
26 under this section shall have his or her hunting license revoked and
27 all hunting privileges suspended until the penalty assessment is paid
28 through the registry of the court in which the penalty assessment was
29 assessed.

30 (7) The criminal wildlife penalty assessments provided in
31 subsection (1) of this section shall be doubled in the following
32 instances:

33 (a) When a person is convicted of spotlighting big game under RCW
34 77.15.450;

35 (b) When a person commits a violation that requires payment of a
36 wildlife penalty assessment within five years of a prior gross
37 misdemeanor or felony conviction under this title;

38 (c) When the trier of fact determines that the person took or
39 possessed the animal in question with the intent of bartering,

1 selling, or otherwise deriving economic profit from the animal or the
2 animal's parts; or

3 (d) When the trier of fact determines that the person took the
4 animal under the supervision of a licensed guide.

5 NEW SECTION. **Sec. 38.** This act applies to any juvenile offender
6 cases filed after the effective date of this section.

7 NEW SECTION. **Sec. 39.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 13.40.145 (Payment of fees for legal services by publicly
10 funded counsel—Hearing—Order or decree—Entering and enforcing
11 judgments) and 1997 c 121 s 6, 1995 c 275 s 4, & 1984 c 86 s 1; and

12 (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by
13 parent or legal guardian) and 1993 c 171 s 1.

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