

**E2SHB 1783** - S COMM AMD  
By Committee on Law & Justice

OUT OF ORDER 02/28/2018

1        Strike everything after the enacting clause and insert the  
2 following:

3        "**Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to  
4 read as follows:

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

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

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

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

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

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

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

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

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

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

1 the case, including the fees of defense counsel. Money remitted under  
2 this subsection to the state treasurer shall be deposited in the  
3 state general fund.

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

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

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

18 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and  
19 2012 c 134 s 6 are each reenacted and amended to read as follows:

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

29 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),  
30 and this section, the county treasurer shall remit thirty-two percent  
31 of the noninterest money received under subsection (1) of this  
32 section except certain costs to the state treasurer. "Certain costs"  
33 as used in this subsection, means those costs awarded to prevailing  
34 parties in civil actions under RCW 4.84.010 or 36.18.040, or those  
35 costs awarded against convicted defendants in criminal actions under  
36 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if  
37 such costs are specifically designated as costs by the court and are  
38 awarded for the specific reimbursement of costs incurred by the state  
39 or county in the prosecution of the case, including the fees of

1 defense counsel. With the exception of funds to be transferred to the  
2 judicial stabilization trust account under RCW 3.62.060(2), money  
3 remitted under this subsection to the state treasurer shall be  
4 deposited in the state general fund.

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

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

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

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

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

29 (1) Except as provided in subsection (4) of this section, all  
30 costs, fines, forfeitures and penalties assessed and collected, in  
31 whole or in part, by district courts because of violations of city  
32 ordinances shall be remitted by the clerk of the district court at  
33 least monthly directly to the treasurer of the city wherein the  
34 violation occurred.

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

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

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

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

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

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

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

28 (1) The chief clerk, under the supervision and direction of the  
29 court administrator of the municipal court, shall have the custody  
30 and care of the books, papers and records of the court. The chief  
31 clerk or a deputy shall be present during the session of the court  
32 and has the power to swear all witnesses and jurors, administer oaths  
33 and affidavits, and take acknowledgments. The chief clerk shall keep  
34 the records of the court and shall issue all process under his or her  
35 hand and the seal of the court. The chief clerk shall do and perform  
36 all things and have the same powers pertaining to the office as the  
37 clerks of the superior courts have in their office. He or she shall  
38 receive all fines, penalties, and fees of every kind and keep a full,  
39 accurate, and detailed account of the same. The chief clerk shall on

1 each day pay into the city treasury all money received for the city  
2 during the day previous, with a detailed account of the same, and  
3 taking the treasurer's receipt therefor.

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

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

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

24       (5) Interest retained by the court on penalties, fines, bail  
25 forfeitures, fees, and costs shall be split twenty-five percent to  
26 the state treasurer for deposit in the state general fund, twenty-  
27 five percent to the state treasurer for deposit in the judicial  
28 information system account as provided in RCW 2.68.020, twenty-five  
29 percent to the city general fund, and twenty-five percent to the city  
30 general fund to fund local courts.

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

33       (1) The court may require a defendant to pay costs. Costs may be  
34 imposed only upon a convicted defendant, except for costs imposed  
35 upon a defendant's entry into a deferred prosecution program, costs  
36 imposed upon a defendant for pretrial supervision, or costs imposed  
37 upon a defendant for preparing and serving a warrant for failure to  
38 appear.

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

32       (3) The court shall not order a defendant to pay costs unless the  
33 defendant is or will be able to pay them. In determining the amount  
34 and method of payment of costs, the court shall take account of the  
35 financial resources of the defendant and the nature of the burden  
36 that payment of costs will impose. However, this subsection does not  
37 create a statutory obligation for the trial court to make an  
38 individualized inquiry into a defendant's current and future ability  
39 to pay before the court imposes costs. A trial court shall not be  
40 required to conduct a case by case analysis and evaluate an

1 individual defendant's circumstances but may use standard language in  
2 a judgment and sentence that makes the findings required under this  
3 subsection. A defendant may seek modification of the judgment and  
4 sentence order in the event the defendant is unable to pay as allowed  
5 by law and court rule. This provision is intended to clarify the  
6 obligations of a trial court under this subsection and cure any  
7 ambiguity that might have led to the Washington supreme court's  
8 decision in *State v. Blazina*, Cause No. 89028-5 (March 12, 2015) and  
9 shall be applied retroactively.

10 (4) A defendant who has been ordered to pay costs and who is not  
11 in ((~~contumacious~~)) willful default in the payment thereof may at any  
12 time after release from total confinement petition the sentencing  
13 court for remission of the payment of costs or of any unpaid portion  
14 thereof. If it appears to the satisfaction of the court that payment  
15 of the amount due will impose manifest hardship on the defendant or  
16 the defendant's immediate family, the court may remit all or part of  
17 the amount due in costs, ((or)) modify the method of payment under  
18 RCW 10.01.170, or with the defendant's consent convert the unpaid  
19 costs to community restitution hours, if the jurisdiction operates a  
20 community restitution program, at the rate of no less than the state  
21 minimum wage established in RCW 49.46.020 for each hour of community  
22 restitution. Manifest hardship exists where the defendant is indigent  
23 as defined in RCW 10.101.010(3) (a) through (c).

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

1 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter  
2 43.20B RCW, and any other applicable statute.

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

5       (1) When a defendant is sentenced to pay ((a)) fines, penalties,  
6 assessments, fees, restitution, or costs, the court may grant  
7 permission for payment to be made within a specified period of time  
8 or in specified installments. If no such permission is included in  
9 the sentence the fine or costs shall be payable forthwith.

10       (2) An offender's monthly payment shall be applied in the  
11 following order of priority until satisfied:

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

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

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

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

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

22       (1) A defendant sentenced to pay ((a)) any fine, penalty,  
23 assessment, fee, or costs who willfully defaults in the payment  
24 thereof or of any installment is in contempt of court as provided in  
25 chapter 7.21 RCW. The court may issue a warrant of arrest for his or  
26 her appearance.

27       (2) When ((a)) any fine, penalty, assessment, fee, or assessment  
28 of costs is imposed on a corporation or unincorporated association,  
29 it is the duty of the person authorized to make disbursement from the  
30 assets of the corporation or association to pay the ((~~fine or costs~~))  
31 obligation from those assets, and his or her failure to do so may be  
32 held to be contempt.

33       (3)(a) The court shall not sanction a defendant for contempt  
34 based on failure to pay fines, penalties, assessments, fees, or costs  
35 unless the court finds, after a hearing and on the record, that the  
36 failure to pay is willful. A failure to pay is willful if the  
37 defendant has the current ability to pay but refuses to do so.

1       (b) In determining whether the defendant has the current ability  
2 to pay, the court shall inquire into and consider: (i) The  
3 defendant's income and assets; (ii) the defendant's basic living  
4 costs as defined by RCW 10.101.010 and other liabilities including  
5 child support and other legal financial obligations; and (iii) the  
6 defendant's bona fide efforts to acquire additional resources. A  
7 defendant who is indigent as defined by RCW 10.101.010(3) (a) through  
8 (c) is presumed to lack the current ability to pay.

9       (c) If the court determines that the defendant is homeless or a  
10 person who is mentally ill, as defined in RCW 71.24.025, failure to  
11 pay a legal financial obligation is not willful contempt and shall  
12 not subject the defendant to penalties.

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

24       ((4))) (5) If it appears to the satisfaction of the court that  
25 the default in the payment of ((a)) any fine, penalty, assessment,  
26 fee, or costs is not willful contempt, the court may enter an order:  
27 (a) Allowing the defendant additional time for payment(( )); (b)  
28 reducing the amount thereof or of each installment (( )); (c)  
29 revoking the fine, penalty, assessment, fee, or costs or the unpaid  
30 portion thereof in whole or in part; or (d) with the defendant's  
31 consent converting the unpaid fine, penalty, assessment, fee, or  
32 costs to community restitution hours, if the jurisdiction operates a  
33 community restitution program, at the rate of no less than the state  
34 minimum wage established in RCW 49.46.020 for each hour of community  
35 restitution. The crime victim penalty assessment under RCW 7.68.035  
36 may not be reduced, revoked, or converted to community restitution  
37 hours.

38       ((5))) (6) A default in the payment of ((a)) any fine, penalty,  
39 assessment, fee, or costs or any installment thereof may be collected  
40 by any means authorized by law for the enforcement of a judgment. The

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

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

7       Every person convicted of a crime or held to bail to keep the  
8 peace ((shall)) may be liable to all the costs of the proceedings  
9 against him or her, including, when tried by a jury in the superior  
10 court or before a committing magistrate, a jury fee as provided for  
11 in civil actions for which judgment shall be rendered and collected.  
12 The jury fee, when collected for a case tried by the superior court,  
13 shall be paid to the clerk and applied as the jury fee in civil cases  
14 is applied.

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

17       When the defendant is found guilty, the court shall render  
18 judgment accordingly, and the defendant ((shall)) may be liable for  
19 all costs, unless the court or jury trying the cause expressly find  
20 otherwise.

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

23       Hereafter whenever any judge of any superior court or a district  
24 or municipal judge shall sentence any person to pay any fines,  
25 penalties, assessments, fees, and costs, the judge may, in the  
26 judge's discretion, provide that such fines, penalties, assessments,  
27 fees, and costs may be paid in certain designated installments, or  
28 within certain designated period or periods; and if such fines,  
29 penalties, assessments, fees, and costs shall be paid by the  
30 defendant in accordance with such order no commitment or imprisonment  
31 of the defendant shall be made for failure to pay such fine or costs.  
32 PROVIDED, that the provisions of this section shall not apply to any  
33 sentence given for the violation of any of the liquor laws of this  
34 state.

35       **Sec. 12.** RCW 10.73.160 and 2015 c 265 s 22 are each amended to  
36 read as follows:

1       (1) The court of appeals, supreme court, and superior courts may  
2 require an adult offender convicted of an offense to pay appellate  
3 costs.

4       (2) Appellate costs are limited to expenses specifically incurred  
5 by the state in prosecuting or defending an appeal or collateral  
6 attack from a criminal conviction. Appellate costs shall not include  
7 expenditures to maintain and operate government agencies that must be  
8 made irrespective of specific violations of the law. Expenses  
9 incurred for producing a verbatim report of proceedings and clerk's  
10 papers may be included in costs the court may require a convicted  
11 defendant to pay.

12      (3) Costs, including recoupment of fees for court-appointed  
13 counsel, shall be requested in accordance with the procedures  
14 contained in Title 14 of the rules of appellate procedure and in  
15 Title 9 of the rules for appeal of decisions of courts of limited  
16 jurisdiction. An award of costs shall become part of the trial court  
17 judgment and sentence.

18      (4) A defendant who has been sentenced to pay costs and who is  
19 not in ((eontumacious)) willful default in the payment may at any  
20 time after release from total confinement petition the court that  
21 sentenced the defendant or juvenile offender for remission of the  
22 payment of costs or of any unpaid portion. If it appears to the  
23 satisfaction of the sentencing court that payment of the amount due  
24 will impose manifest hardship on the defendant or the defendant's  
25 immediate family, the sentencing court may remit all or part of the  
26 amount due in costs, ((or)) modify the method of payment under RCW  
27 10.01.170, or with the defendant's consent convert the unpaid costs  
28 to community restitution hours, if the jurisdiction operates a  
29 community restitution program, at the rate of no less than the state  
30 minimum wage established in RCW 49.46.020 for each hour of community  
31 restitution. Manifest hardship exists where the defendant or juvenile  
32 offender is indigent as defined in RCW 10.101.010(3) (a) through (c).

33      (5) The parents or another person legally obligated to support a  
34 juvenile offender who has been ordered to pay appellate costs and who  
35 is not in ((eontumacious)) willful default in the payment may at any  
36 time petition the court that sentenced the juvenile offender for  
37 remission of the payment of costs or of any unpaid portion. If it  
38 appears to the satisfaction of the sentencing court that payment of  
39 the amount due will impose manifest hardship on the parents or  
40 another person legally obligated to support a juvenile offender or on

1 their immediate families, the sentencing court may remit all or part  
2 of the amount due in costs, or may modify the method of payment.

3       **Sec. 13.** RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to  
4 read as follows:

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

9           (2) If an offender fails to comply with any of the nonfinancial  
10 conditions or requirements of a sentence the following provisions  
11 apply:

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

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

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

21           (i) Convert a term of partial confinement to total confinement;  
22 or

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

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

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

33           (e) If the violation involves a failure to undergo or comply with  
34 a mental health status evaluation and/or outpatient mental health  
35 treatment, the court shall seek a recommendation from the treatment  
36 provider or proposed treatment provider. Enforcement of orders  
37 concerning outpatient mental health treatment must reflect the  
38 availability of treatment and must pursue the least restrictive means  
39 of promoting participation in treatment. If the offender's failure to

receive care essential for health and safety presents a risk of serious physical harm or probable harmful consequences, the civil detention and commitment procedures of chapter 71.05 RCW shall be considered in preference to incarceration in a local or state correctional facility.

(3) If an offender fails to pay legal financial obligations as a requirement of a sentence the following provisions apply:

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

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

(c) The court may not sanction the offender for failure to pay legal financial obligations unless the court finds, after a hearing and on the record, that the failure to pay is willful. A failure to pay is willful if the offender has the current ability to pay but refuses to do so. In determining whether the offender has the current ability to pay, the court shall inquire into and consider: (i) The offender's income and assets; (ii) the offender's basic living costs as defined by RCW 10.101.010 and other liabilities including child support and other legal financial obligations; and (iii) the offender's bona fide efforts to acquire additional resources. An offender who is indigent as defined by RCW 10.101.010(3) (a) through (c) is presumed to lack the current ability to pay;

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

(e) If the court finds that a failure to pay is willful noncompliance, it may impose the sanctions specified in RCW 9.94A.633(1); and

(f) If the court finds that the violation was not willful, the court may modify the terms of payment of the legal financial obligations, reduce or waive nonrestitution legal financial obligations, or with the defendant's consent convert nonrestitution legal financial obligations to community restitution hours, if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. The crime victim penalty

1 assessment under RCW 7.68.035 may not be reduced, waived, or  
2 converted to community restitution hours.

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

6 ((+4)) (5) Nothing in this section prohibits the filing of  
7 escape charges if appropriate.

8 **Sec. 14.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to  
9 read as follows:

10 (1) Whenever a person is convicted in superior court, the court  
11 may order the payment of a legal financial obligation as part of the  
12 sentence. The court may not order an offender to pay costs as  
13 described in RCW 10.01.160 if the court finds that the offender at  
14 the time of sentencing is indigent as defined in RCW 10.101.010(3)  
15 (a) through (c). An offender being indigent as defined in RCW  
16 10.101.010(3) (a) through (c) is not grounds for failing to impose  
17 restitution or the crime victim penalty assessment under RCW  
18 7.68.035. The court must on either the judgment and sentence or on a  
19 subsequent order to pay, designate the total amount of a legal  
20 financial obligation and segregate this amount among the separate  
21 assessments made for restitution, costs, fines, and other assessments  
22 required by law. On the same order, the court is also to set a sum  
23 that the offender is required to pay on a monthly basis towards  
24 satisfying the legal financial obligation. If the court fails to set  
25 the offender monthly payment amount, the department shall set the  
26 amount if the department has active supervision of the offender,  
27 otherwise the county clerk shall set the amount.

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

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

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

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

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

4         ((+2))) (3) If the court determines that the offender, at the  
5 time of sentencing, has the means to pay for the cost of  
6 incarceration, the court may require the offender to pay for the cost  
7 of incarceration ((at)). Costs of incarceration ordered by the court  
8 shall not exceed a rate of fifty dollars per day of incarceration, if  
9 incarcerated in a prison, or the ((court may require the offender to  
pay the)) actual cost of incarceration per day of incarceration, if  
10 incarcerated in a county jail. In no case may the court require the  
11 offender to pay more than one hundred dollars per day for the cost of  
12 incarceration. ((Payment of other court-ordered financial  
13 obligations, including all legal financial obligations and costs of  
14 supervision shall take precedence over the payment of the cost of  
15 incarceration ordered by the court.)) All funds recovered from  
16 offenders for the cost of incarceration in the county jail shall be  
17 remitted to the county and the costs of incarceration in a prison  
18 shall be remitted to the department.

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

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

37         ((+4))) (5) Independent of the department or the county clerk,  
38 the party or entity to whom the legal financial obligation is owed  
39 shall have the authority to use any other remedies available to the

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

1 is authorized to collect unpaid legal financial obligations at any  
2 time the offender remains under the jurisdiction of the court for  
3 purposes of his or her legal financial obligations.

4 ((+5))) (6) In order to assist the court in setting a monthly sum  
5 that the offender must pay during the period of supervision, the  
6 offender is required to report to the department for purposes of  
7 preparing a recommendation to the court. When reporting, the offender  
8 is required, under oath, to respond truthfully and honestly to all  
9 questions concerning present, past, and future earning capabilities  
10 and the location and nature of all property or financial assets. The  
11 offender is further required to bring all documents requested by the  
12 department.

13 ((+6))) (7) After completing the investigation, the department  
14 shall make a report to the court on the amount of the monthly payment  
15 that the offender should be required to make towards a satisfied  
16 legal financial obligation.

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

31 (b) Subsequent to any period of supervision, or if the department  
32 is not authorized to supervise the offender in the community, the  
33 county clerk may make a recommendation to the court that the  
34 offender's monthly payment schedule be modified so as to reflect a  
35 change in financial circumstances. If the county clerk sets the  
36 monthly payment amount, or if the department set the monthly payment  
37 amount and the department has subsequently turned the collection of  
38 the legal financial obligation over to the county clerk, the clerk  
39 may modify the monthly payment amount without the matter being  
40 returned to the court. During the period of repayment, the county

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

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

21 ((+9)) (10) The department or any obligee of the legal financial  
22 obligation may seek a mandatory wage assignment for the purposes of  
23 obtaining satisfaction for the legal financial obligation pursuant to  
24 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify  
25 the county clerk. The county clerks shall notify the department, or  
26 the administrative office of the courts, whichever is providing the  
27 monthly billing for the offender.

28 ((+10)) (11) The requirement that the offender pay a monthly sum  
29 towards a legal financial obligation constitutes a condition or  
30 requirement of a sentence and the offender is subject to the  
31 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,  
32 or 9.94A.740. If the court determines that the offender is homeless  
or a person who is mentally ill, as defined in RCW 71.24.025, failure  
to pay a legal financial obligation is not willful noncompliance and  
shall not subject the offender to penalties.

36 ((+11)) (12)(a) The administrative office of the courts shall  
37 mail individualized periodic billings to the address known by the  
38 office for each offender with an unsatisfied legal financial  
39 obligation.

1       (b) The billing shall direct payments, other than outstanding  
2 cost of supervision assessments under RCW 9.94A.780, parole  
3 assessments under RCW 72.04A.120, and cost of probation assessments  
4 under RCW 9.95.214, to the county clerk, and cost of supervision,  
5 parole, or probation assessments to the department.

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

9       (d) The county clerks, the administrative office of the courts,  
10 and the department shall maintain agreements to implement this  
11 subsection.

12      ((+12))) (13) The department shall arrange for the collection of  
13 unpaid legal financial obligations during any period of supervision  
14 in the community through the county clerk. The department shall  
15 either collect unpaid legal financial obligations or arrange for  
16 collections through another entity if the clerk does not assume  
17 responsibility or is unable to continue to assume responsibility for  
18 collection pursuant to subsection ((+4)) (5) of this section. The  
19 costs for collection services shall be paid by the offender.

20      ((+13))) (14) The county clerk may access the records of the  
21 employment security department for the purposes of verifying  
22 employment or income, seeking any assignment of wages, or performing  
23 other duties necessary to the collection of an offender's legal  
24 financial obligations.

25      ((+14))) (15) Nothing in this chapter makes the department, the  
26 state, the counties, or any state or county employees, agents, or  
27 other persons acting on their behalf liable under any circumstances  
28 for the payment of these legal financial obligations or for the acts  
29 of any offender who is no longer, or was not, subject to supervision  
30 by the department for a term of community custody, and who remains  
31 under the jurisdiction of the court for payment of legal financial  
32 obligations.

33       **Sec. 15.** RCW 9.94B.040 and 2002 c 175 s 8 are each amended to  
34 read as follows:

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

38       (2) In cases where conditions from a second or later sentence of  
39 community supervision begin prior to the term of the second or later

1 sentence, the court shall treat a violation of such conditions as a  
2 violation of the sentence of community supervision currently being  
3 served.

4 (3) If an offender fails to comply with any of the nonfinancial  
5 requirements or conditions of a sentence the following provisions  
6 apply:

7 (a)(i) Following the violation, if the offender and the  
8 department make a stipulated agreement, the department may impose  
9 sanctions such as work release, home detention with electronic  
10 monitoring, work crew, community restitution, inpatient treatment,  
11 daily reporting, curfew, educational or counseling sessions,  
12 supervision enhanced through electronic monitoring, jail time, or  
13 other sanctions available in the community.

14 (ii) Within seventy-two hours of signing the stipulated  
15 agreement, the department shall submit a report to the court and the  
16 prosecuting attorney outlining the violation or violations, and  
17 sanctions imposed. Within fifteen days of receipt of the report, if  
18 the court is not satisfied with the sanctions, the court may schedule  
19 a hearing and may modify the department's sanctions. If this occurs,  
20 the offender may withdraw from the stipulated agreement.

21 (iii) If the offender fails to comply with the sanction  
22 administratively imposed by the department, the court may take action  
23 regarding the original noncompliance. Offender failure to comply with  
24 the sanction administratively imposed by the department may be  
25 considered an additional violation;

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

32 (c) The state has the burden of showing noncompliance by a  
33 preponderance of the evidence. If the court finds that the violation  
34 has occurred, it may order the offender to be confined for a period  
35 not to exceed sixty days for each violation, and may (i) convert a  
36 term of partial confinement to total confinement, (ii) convert  
37 community restitution obligation to total or partial confinement, or  
38 (iii) ~~((convert monetary obligations, except restitution and the~~  
39 ~~crime victim penalty assessment, to community restitution hours at~~  
40 ~~the rate of the state minimum wage as established in RCW 49.46.020~~

1       for each hour of community restitution, or (iv))) order one or more  
2       of the penalties authorized in (a)(i) of this subsection. Any time  
3       served in confinement awaiting a hearing on noncompliance shall be  
4       credited against any confinement order by the court;

5           (d) If the court finds that the violation was not willful, the  
6       court may modify its previous order regarding ((~~payment of legal~~  
7       financial obligations and regarding)) community restitution  
8       obligations; and

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

21           (4) If the violation involves failure to pay legal financial  
22       obligations, the following provisions apply:

23           (a) The department and the offender may enter into a stipulated  
24       agreement that the failure to pay was willful noncompliance,  
25       according to the provisions and requirements of subsection (3)(a) of  
26       this section;

27           (b) In the absence of a stipulated agreement, or where the court  
28       is not satisfied with the department's sanctions as provided in a  
29       stipulated agreement under (a) of this subsection, the court, upon  
30       the motion of the state, or upon its own motion, shall require the  
31       offender to show cause why the offender should not be punished for  
32       the noncompliance. The court may issue a summons or a warrant of  
33       arrest for the offender's appearance;

34           (c) The state has the burden of showing noncompliance by a  
35       preponderance of the evidence. The court may not sanction the  
36       offender for failure to pay legal financial obligations unless the  
37       court finds, after a hearing and on the record, that the failure to  
38       pay is willful. A failure to pay is willful if the offender has the  
39       current ability to pay but refuses to do so. In determining whether  
40       the offender has the current ability to pay, the court shall inquire

1 into and consider: (i) The offender's income and assets; (ii) the  
2 offender's basic living costs as defined by RCW 10.101.010 and other  
3 liabilities including child support and other legal financial  
4 obligations; and (iii) the offender's bona fide efforts to acquire  
5 additional resources. An offender who is indigent as defined by RCW  
6 10.101.010(3) (a) through (c) is presumed to lack the current ability  
7 to pay;

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

12 (e) If the court finds that the failure to pay is willful  
13 noncompliance, the court may order the offender to be confined for a  
14 period not to exceed sixty days for each violation or order one or  
15 more of the penalties authorized in subsection (3)(a)(i) of this  
16 section; and

17 (f) If the court finds that the violation was not willful, the  
18 court may modify the terms of payment of the legal financial  
19 obligations, reduce or waive nonrestitution legal financial  
20 obligations, or convert nonrestitution legal financial obligations to  
21 community restitution hours, if the jurisdiction operates a community  
22 restitution program, at the rate of no less than the state minimum  
23 wage established in RCW 49.46.020 for each hour of community  
24 restitution. The crime victim penalty assessment under RCW 7.68.035  
25 may not be reduced, waived, or converted to community restitution  
26 hours.

27 (5) The community corrections officer may obtain information from  
28 the offender's mental health treatment provider on the offender's  
29 status with respect to evaluation, application for services,  
30 registration for services, and compliance with the supervision plan,  
31 without the offender's consent, as described under RCW 71.05.630.

32 ((5)) (6) An offender under community placement or community  
33 supervision who is civilly detained under chapter 71.05 RCW, and  
34 subsequently discharged or conditionally released to the community,  
35 shall be under the supervision of the department of corrections for  
36 the duration of his or her period of community placement or community  
37 supervision. During any period of inpatient mental health treatment  
38 that falls within the period of community placement or community  
39 supervision, the inpatient treatment provider and the supervising  
40 community corrections officer shall notify each other about the

1 offender's discharge, release, and legal status, and shall share  
2 other relevant information.

3 ((+6))) (7) Nothing in this section prohibits the filing of  
4 escape charges if appropriate.

5 **Sec. 16.** RCW 3.62.085 and 2005 c 457 s 10 are each amended to  
6 read as follows:

7 Upon conviction or a plea of guilty in any court organized under  
8 this title or Title 35 RCW, a defendant in a criminal case is liable  
9 for a fee of forty-three dollars, except the court may decline to  
10 impose costs on a defendant who is indigent as defined in RCW  
11 10.101.010(3) (a) through (c). This fee shall be subject to division  
12 with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2),  
13 3.62.040(2), and 35.20.220(2).

14 **Sec. 17.** RCW 36.18.020 and 2015 c 265 s 28 are each amended to  
15 read as follows:

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

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

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

36 (b) Any party, except a defendant in a criminal case, filing the  
37 first or initial document on an appeal from a court of limited

jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of two hundred dollars.

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

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

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

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

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

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of two hundred dollars, except the court may decline to impose costs on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

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

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

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

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

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

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

7       **Sec. 18.** RCW 43.43.7541 and 2015 c 265 s 31 are each amended to  
8 read as follows:

9       Every sentence imposed for a crime specified in RCW 43.43.754  
10 must include a fee of one hundred dollars unless the state has  
11 previously collected the offender's DNA as a result of a prior  
12 conviction. The fee is a court-ordered legal financial obligation as  
13 defined in RCW 9.94A.030 and other applicable law. For a sentence  
14 imposed under chapter 9.94A RCW, the fee is payable by the offender  
15 after payment of all other legal financial obligations included in  
16 the sentence has been completed. For all other sentences, the fee is  
17 payable by the offender in the same manner as other assessments  
18 imposed. The clerk of the court shall transmit eighty percent of the  
19 fee collected to the state treasurer for deposit in the state DNA  
20 database account created under RCW 43.43.7532, and shall transmit  
21 twenty percent of the fee collected to the agency responsible for  
22 collection of a biological sample from the offender as required under  
23 RCW 43.43.754. This fee shall not be imposed on juvenile offenders if  
24 the state has previously collected the juvenile offender's DNA as a  
25 result of a prior conviction.

26       **Sec. 19.** RCW 7.68.035 and 2015 c 265 s 8 are each amended to  
27 read as follows:

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

37       (b) When any juvenile is adjudicated of an offense that is a most  
38 serious offense as defined in RCW 9.94A.030, or a sex offense under

1 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender  
2 a penalty assessment. The assessment shall be in addition to any  
3 other penalty or fine imposed by law and shall be one hundred dollars  
4 for each case or cause of action.

5 (c) When any juvenile is adjudicated of an offense which has a  
6 victim, and which is not a most serious offense as defined in RCW  
7 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall  
8 order up to seven hours of community restitution, unless the court  
9 finds that such an order is not practicable for the offender. This  
10 community restitution must be imposed consecutively to any other  
11 community restitution the court imposes for the offense.

12 (2) The assessment imposed by subsection (1) of this section  
13 shall not apply to motor vehicle crimes defined in Title 46 RCW  
14 except those defined in the following sections: RCW 46.61.520,  
15 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,  
16 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,  
17 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,  
18 46.44.180, 46.10.490(2), and 46.09.470(2).

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

26 (4) Such penalty assessments shall be paid by the clerk of the  
27 superior court to the county treasurer ((~~who shall monthly transmit~~  
28 ~~the money as provided in RCW 10.82.070~~)). Each county shall deposit  
29 ((fifty)) one hundred percent of the money it receives per case or  
30 cause of action under subsection (1) of this section ((~~and retains~~  
31 ~~under RCW 10.82.070~~)), not less than one and seventy-five one-  
32 hundredths percent of the remaining money it retains under RCW  
33 10.82.070 and the money it retains under chapter 3.62 RCW, and all  
34 money it receives under subsection (7) of this section into a fund  
35 maintained exclusively for the support of comprehensive programs to  
36 encourage and facilitate testimony by the victims of crimes and  
37 witnesses to crimes. A program shall be considered "comprehensive"  
38 only after approval of the department upon application by the county  
39 prosecuting attorney. The department shall approve as comprehensive  
40 only programs which:

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

7       (b) Are administered by the county prosecuting attorney either  
8 directly through the prosecuting attorney's office or by contract  
9 between the county and agencies providing services to victims of  
10 crime;

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

14      (d) Assist victims in the restitution and adjudication process;  
15 and

16      (e) Assist victims of violent crimes in the preparation and  
17 presentation of their claims to the department of labor and  
18 industries under this chapter.

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

26      (5) Upon submission to the department of a letter of intent to  
27 adopt a comprehensive program, the prosecuting attorney shall retain  
28 the money deposited by the county under subsection (4) of this  
29 section until such time as the county prosecuting attorney has  
30 obtained approval of a program from the department. Approval of the  
31 comprehensive plan by the department must be obtained within one year  
32 of the date of the letter of intent to adopt a comprehensive program.  
33 The county prosecuting attorney shall not make any expenditures from  
34 the money deposited under subsection (4) of this section until  
35 approval of a comprehensive plan by the department. If a county  
36 prosecuting attorney has failed to obtain approval of a program from  
37 the department under subsection (4) of this section or failed to  
38 obtain approval of a comprehensive program within one year after  
39 submission of a letter of intent under this section, the county  
40 treasurer shall monthly transmit one hundred percent of the money

1 deposited by the county under subsection (4) of this section to the  
2 state treasurer for deposit in the state general fund.

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

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

11       NEW SECTION.   **Sec. 20.** A new section is added to chapter 9.94A  
12 RCW to read as follows:

13       Upon the release of an offender from partial or total  
14 confinement, the department must inform the offender, in writing,  
15 regarding the amount of legal financial obligation owed, the interest  
16 rate, when and how interest will accrue, and the methods and process  
17 to avoid the payment of interest on the nonrestitution portion of the  
18 legal financial obligation.

19       NEW SECTION.   **Sec. 21.** Nothing in this act requires the courts  
20 to refund or reimburse amounts previously paid towards legal  
21 financial obligations or interest on legal financial obligations.

22       NEW SECTION.   **Sec. 22.** If specific funding for the purposes of  
23 this act, referencing this act by bill or chapter number, is not  
24 provided by June 30, 2017, in the omnibus appropriations act, this  
25 act is null and void."

**E2SHB 1783 - S COMM AMD**  
By Committee on Law & Justice

**OUT OF ORDER 02/28/2018**

26       On page 1, line 1 of the title, after "obligations;" strike the  
27 remainder of the title and insert "amending RCW 10.82.090, 3.50.100,  
28 3.62.040, 35.20.220, 10.01.160, 10.01.170, 10.01.180, 10.46.190,  
29 10.64.015, 9.92.070, 10.73.160, 9.94A.6333, 9.94A.760, 9.94B.040,  
30 3.62.085, 36.18.020, 43.43.7541, and 7.68.035; reenacting and

1 amending RCW 3.62.020; adding a new section to chapter 9.94A RCW; and  
2 creating new sections."

EFFECT: (1) As of the effective date of the act, legal financial obligations bear a four percent interest rate. Interest accrues on nonrestitution legal financial obligations from the date of release.

(2) The new provisions mandating the waiver of costs for indigent defendants are removed. The court may exercise discretion in consideration of the facts.

(3) Conversion of costs to community restitution hours requires consent of the defendant.

(4) The trial court is not required to make an individualized inquiry into the defendant's current or future ability to pay before the court imposes costs, and this provision is a clarification and applies retroactively. The defendant may seek a modification in the event that he or she is unable to pay as allowed by statute or court rule.

(5) Requires the department of corrections to inform all offenders about the new liberal waiver of interest provisions under the law.

--- END ---