

**4SHB 1412 - H AMD 880**

By Representative MacEwen

**ADOPTED 02/10/2022**

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

3 **"Sec. 1.** RCW 3.66.120 and 2001 c 115 s 1 are each amended to  
4 read as follows:

5 (1) All court-ordered restitution obligations that are ordered as  
6 a result of a conviction for a criminal offense in a court of limited  
7 jurisdiction may be enforced in the same manner as a judgment in a  
8 civil action by the party or entity to whom the legal financial  
9 obligation is owed. The judgment and sentence must identify the party  
10 or entity to whom restitution is owed so that the state, party, or  
11 entity may enforce the judgment.

12 (2) At any time, including at sentencing, the court may determine  
13 that the offender is not required to pay, or may relieve the offender  
14 of the requirement to pay, full or partial restitution and accrued  
15 interest on restitution where the entity to whom restitution is owed  
16 is an insurer or state agency, if the court finds that the offender  
17 does not have the current or likely future ability to pay. A person  
18 does not have the current ability to pay if the person is indigent as  
19 defined in RCW 10.01.160(3). For the purposes of this subsection, the  
20 terms "insurer" and "state agency" have the same meanings as provided  
21 in RCW 9.94A.750(3).

22 (3) All court-ordered restitution obligations may be enforced at  
23 any time during the ((~~ten-year~~)) 10-year period following the  
24 offender's release from total confinement or within ((~~ten~~)) 10 years  
25 of entry of the judgment and sentence, whichever period is longer.  
26 Prior to the expiration of the initial ((~~ten-year~~)) 10-year period,  
27 the court may extend the criminal judgment an additional ((~~ten~~)) 10  
28 years for payment of court-ordered restitution only if the court  
29 finds that the offender has not made a good faith attempt to pay.

30 (4) The party or entity to whom the court-ordered restitution  
31 obligation is owed may utilize any other remedies available to the  
32 party or entity to collect the court-ordered financial obligation.

1       (5) Nothing in this section may be construed to deprive the court  
2 of the authority to determine whether the offender's failure to pay  
3 the legal financial obligation constitutes a violation of a condition  
4 of probation or to impose a sanction upon the offender if such a  
5 violation is found.

6       **Sec. 2.** RCW 9.94A.750 and 2018 c 123 s 1 are each amended to  
7 read as follows:

8       This section applies to offenses committed on or before July 1,  
9 1985.

10       (1) If restitution is ordered, the court shall determine the  
11 amount of restitution due at the sentencing hearing or within (~~one~~  
12 ~~hundred eighty~~) 180 days. The court may continue the hearing beyond  
13 the (~~one hundred eighty~~) 180 days for good cause. The court shall  
14 then set a minimum monthly payment that the offender is required to  
15 make towards the restitution that is ordered. The court shall not  
16 issue any order that postpones the commencement of restitution  
17 payments until after the offender is released from total confinement.  
18 The court should take into consideration the total amount of the  
19 restitution owed, the offender's present, past, and future ability to  
20 pay, as well as any assets that the offender may have. An offender's  
21 inability to make restitution payments while in total confinement may  
22 not be the basis for a violation of his or her sentence unless his or  
23 her inability to make payments resulted from a refusal to accept an  
24 employment offer to a class I or class II job or a termination for  
25 cause from such a job.

26       (2) During the period of supervision, the community corrections  
27 officer may examine the offender to determine if there has been a  
28 change in circumstances that warrants an amendment of the monthly  
29 payment schedule. The community corrections officer may recommend a  
30 change to the schedule of payment and shall inform the court of the  
31 recommended change and the reasons for the change. The sentencing  
32 court may then reset the monthly minimum payments based on the report  
33 from the community corrections officer of the change in  
34 circumstances.

35       (3) (a) Except as provided in subsection (6) of this section,  
36 restitution ordered by a court pursuant to a criminal conviction  
37 shall be based on easily ascertainable damages for injury to or loss  
38 of property, actual expenses incurred for treatment for injury to  
39 persons, and lost wages resulting from injury. Restitution shall not

1 include reimbursement for damages for mental anguish, pain and  
2 suffering, or other intangible losses, but may include the costs of  
3 counseling reasonably related to the offense. The amount of  
4 restitution shall not exceed double the amount of the offender's gain  
5 or the victim's loss from the commission of the offense.

6 (b) At any time, including at sentencing, the court may determine  
7 that the offender is not required to pay, or may relieve the offender  
8 of the requirement to pay, full or partial restitution and accrued  
9 interest on restitution where the entity to whom restitution is owed  
10 is an insurer or state agency, if the court finds that the offender  
11 does not have the current or likely future ability to pay. A person  
12 does not have the current ability to pay if the person is indigent as  
13 defined in RCW 10.01.160(3). For the purposes of this subsection:

14 (i) "Insurer" means any insurer as defined and authorized under  
15 Title 48 RCW. "Insurer" does not include an individual self-insurance  
16 program or joint self-insurance program.

17 (ii) "Self-insurance" means a formal program of advance funding  
18 and management of entity financial exposure to a risk of loss that is  
19 not transferred through the purchase of an insurance policy or  
20 contract.

21 (iii) "State agency" has the same meaning as provided in RCW  
22 42.56.010(1).

23 (4) For the purposes of this section, the offender shall remain  
24 under the court's jurisdiction for a term of (~~ten~~) 10 years  
25 following the offender's release from total confinement or (~~ten~~) 10  
26 years subsequent to the entry of the judgment and sentence, whichever  
27 period is longer. Prior to the expiration of the initial (~~ten-year~~)  
28 10-year period, the superior court may extend jurisdiction under the  
29 criminal judgment an additional (~~ten~~) 10 years for payment of  
30 restitution. The portion of the sentence concerning restitution may  
31 be modified as to amount, terms and conditions during either the  
32 initial (~~ten-year~~) 10-year period or subsequent (~~ten-year~~) 10-  
33 year period if the criminal judgment is extended, regardless of the  
34 expiration of the offender's term of community supervision and  
35 regardless of the statutory maximum sentence for the crime. The court  
36 may not reduce the total amount of restitution ordered because the  
37 offender may lack the ability to pay the total amount. The offender's  
38 compliance with the restitution shall be supervised by the department  
39 only during any period which the department is authorized to  
40 supervise the offender in the community under RCW 9.94A.728,

1 9.94A.501, or in which the offender is in confinement in a state  
2 correctional institution or a correctional facility pursuant to a  
3 transfer agreement with the department, and the department shall  
4 supervise the offender's compliance during any such period. The  
5 department is responsible for supervision of the offender only during  
6 confinement and authorized supervision and not during any subsequent  
7 period in which the offender remains under the court's jurisdiction.  
8 The county clerk is authorized to collect unpaid restitution at any  
9 time the offender remains under the jurisdiction of the court for  
10 purposes of his or her legal financial obligations.

11 (5) Restitution may be ordered whenever the offender is convicted  
12 of an offense which results in injury to any person or damage to or  
13 loss of property or as provided in subsection (6) of this section. In  
14 addition, restitution may be ordered to pay for an injury, loss, or  
15 damage if the offender pleads guilty to a lesser offense or fewer  
16 offenses and agrees with the prosecutor's recommendation that the  
17 offender be required to pay restitution to a victim of an offense or  
18 offenses which are not prosecuted pursuant to a plea agreement.

19 (6) Restitution for the crime of rape of a child in the first,  
20 second, or third degree, in which the victim becomes pregnant, shall  
21 include: (a) All of the victim's medical expenses that are associated  
22 with the rape and resulting pregnancy; and (b) child support for any  
23 child born as a result of the rape if child support is ordered  
24 pursuant to a proceeding in superior court or administrative order  
25 for support for that child. The clerk must forward any restitution  
26 payments made on behalf of the victim's child to the Washington state  
27 child support registry under chapter 26.23 RCW. Identifying  
28 information about the victim and child shall not be included in the  
29 order. The offender shall receive a credit against any obligation  
30 owing under the administrative or superior court order for support of  
31 the victim's child. For the purposes of this subsection, the offender  
32 shall remain under the court's jurisdiction until the offender has  
33 satisfied support obligations under the superior court or  
34 administrative order but not longer than a maximum term of (~~twenty-~~  
35 ~~five~~) 25 years following the offender's release from total  
36 confinement or (~~twenty-five~~) 25 years subsequent to the entry of  
37 the judgment and sentence, whichever period is longer. The court may  
38 not reduce the total amount of restitution ordered because the  
39 offender may lack the ability to pay the total amount. The department

1 shall supervise the offender's compliance with the restitution  
2 ordered under this subsection.

3 (7) In addition to any sentence that may be imposed, an offender  
4 who has been found guilty of an offense involving fraud or other  
5 deceptive practice or an organization which has been found guilty of  
6 any such offense may be ordered by the sentencing court to give  
7 notice of the conviction to the class of persons or to the sector of  
8 the public affected by the conviction or financially interested in  
9 the subject matter of the offense by mail, by advertising in  
10 designated areas or through designated media, or by other appropriate  
11 means.

12 (8) This section does not limit civil remedies or defenses  
13 available to the victim or offender including support enforcement  
14 remedies for support ordered under subsection (6) of this section for  
15 a child born as a result of a rape of a child victim. The court shall  
16 identify in the judgment and sentence the victim or victims entitled  
17 to restitution and what amount is due each victim. The state or  
18 victim may enforce the court-ordered restitution in the same manner  
19 as a judgment in a civil action. Restitution collected through civil  
20 enforcement must be paid through the registry of the court and must  
21 be distributed proportionately according to each victim's loss when  
22 there is more than one victim.

23 **Sec. 3.** RCW 9.94A.753 and 2018 c 123 s 2 are each amended to  
24 read as follows:

25 This section applies to offenses committed after July 1, 1985.

26 (1) When restitution is ordered, the court shall determine the  
27 amount of restitution due at the sentencing hearing or within (~~one~~  
28 ~~hundred eighty~~) 180 days except as provided in subsection (7) of  
29 this section. The court may continue the hearing beyond the (~~one~~  
30 ~~hundred eighty~~) 180 days for good cause. The court shall then set a  
31 minimum monthly payment that the offender is required to make towards  
32 the restitution that is ordered. The court shall not issue any order  
33 that postpones the commencement of restitution payments until after  
34 the offender is released from total confinement. The court should  
35 take into consideration the total amount of the restitution owed, the  
36 offender's present, past, and future ability to pay, as well as any  
37 assets that the offender may have. An offender's inability to make  
38 restitution payments while in total confinement may not be the basis  
39 for a violation of his or her sentence unless his or her inability to

1 make payments resulted from a refusal to accept an employment offer  
2 to a class I or class II job or a termination for cause from such a  
3 job.

4 (2) During the period of supervision, the community corrections  
5 officer may examine the offender to determine if there has been a  
6 change in circumstances that warrants an amendment of the monthly  
7 payment schedule. The community corrections officer may recommend a  
8 change to the schedule of payment and shall inform the court of the  
9 recommended change and the reasons for the change. The sentencing  
10 court may then reset the monthly minimum payments based on the report  
11 from the community corrections officer of the change in  
12 circumstances.

13 (3) (a) Except as provided in subsection (6) of this section,  
14 restitution ordered by a court pursuant to a criminal conviction  
15 shall be based on easily ascertainable damages for injury to or loss  
16 of property, actual expenses incurred for treatment for injury to  
17 persons, and lost wages resulting from injury. Restitution shall not  
18 include reimbursement for damages for mental anguish, pain and  
19 suffering, or other intangible losses, but may include the costs of  
20 counseling reasonably related to the offense. The amount of  
21 restitution shall not exceed double the amount of the offender's gain  
22 or the victim's loss from the commission of the crime.

23 (b) At any time, including at sentencing, the court may determine  
24 that the offender is not required to pay, or may relieve the offender  
25 of the requirement to pay, full or partial restitution and accrued  
26 interest on restitution where the entity to whom restitution is owed  
27 is an insurer or state agency, if the court finds that the offender  
28 does not have the current or likely future ability to pay. A person  
29 does not have the current ability to pay if the person is indigent as  
30 defined in RCW 10.01.160(3). For the purposes of this subsection, the  
31 terms "insurer" and "state agency" have the same meanings as provided  
32 in RCW 9.94A.750(3).

33 (4) For the purposes of this section, for an offense committed  
34 prior to July 1, 2000, the offender shall remain under the court's  
35 jurisdiction for a term of (~~ten~~) 10 years following the offender's  
36 release from total confinement or (~~ten~~) 10 years subsequent to the  
37 entry of the judgment and sentence, whichever period ends later.  
38 Prior to the expiration of the initial (~~ten-year~~) 10-year period,  
39 the superior court may extend jurisdiction under the criminal  
40 judgment an additional (~~ten~~) 10 years for payment of restitution.

1 For an offense committed on or after July 1, 2000, the offender shall  
2 remain under the court's jurisdiction until the obligation is  
3 completely satisfied, regardless of the statutory maximum for the  
4 crime. The portion of the sentence concerning restitution may be  
5 modified as to amount, terms, and conditions during any period of  
6 time the offender remains under the court's jurisdiction, regardless  
7 of the expiration of the offender's term of community supervision and  
8 regardless of the statutory maximum sentence for the crime. The court  
9 may not reduce the total amount of restitution ordered because the  
10 offender may lack the ability to pay the total amount. The offender's  
11 compliance with the restitution shall be supervised by the department  
12 only during any period which the department is authorized to  
13 supervise the offender in the community under RCW 9.94A.728,  
14 9.94A.501, or in which the offender is in confinement in a state  
15 correctional institution or a correctional facility pursuant to a  
16 transfer agreement with the department, and the department shall  
17 supervise the offender's compliance during any such period. The  
18 department is responsible for supervision of the offender only during  
19 confinement and authorized supervision and not during any subsequent  
20 period in which the offender remains under the court's jurisdiction.  
21 The county clerk is authorized to collect unpaid restitution at any  
22 time the offender remains under the jurisdiction of the court for  
23 purposes of his or her legal financial obligations.

24 (5) Restitution shall be ordered whenever the offender is  
25 convicted of an offense which results in injury to any person or  
26 damage to or loss of property or as provided in subsection (6) of  
27 this section unless extraordinary circumstances exist which make  
28 restitution inappropriate in the court's judgment and the court sets  
29 forth such circumstances in the record. In addition, restitution  
30 shall be ordered to pay for an injury, loss, or damage if the  
31 offender pleads guilty to a lesser offense or fewer offenses and  
32 agrees with the prosecutor's recommendation that the offender be  
33 required to pay restitution to a victim of an offense or offenses  
34 which are not prosecuted pursuant to a plea agreement.

35 (6) Restitution for the crime of rape of a child in the first,  
36 second, or third degree, in which the victim becomes pregnant, shall  
37 include: (a) All of the victim's medical expenses that are associated  
38 with the rape and resulting pregnancy; and (b) child support for any  
39 child born as a result of the rape if child support is ordered  
40 pursuant to a civil superior court or administrative order for

1 support for that child. The clerk must forward any restitution  
2 payments made on behalf of the victim's child to the Washington state  
3 child support registry under chapter 26.23 RCW. Identifying  
4 information about the victim and child shall not be included in the  
5 order. The offender shall receive a credit against any obligation  
6 owing under the administrative or superior court order for support of  
7 the victim's child. For the purposes of this subsection, the offender  
8 shall remain under the court's jurisdiction until the offender has  
9 satisfied support obligations under the superior court or  
10 administrative order for the period provided in RCW 4.16.020 or a  
11 maximum term of (~~twenty-five~~) 25 years following the offender's  
12 release from total confinement or (~~twenty-five~~) 25 years subsequent  
13 to the entry of the judgment and sentence, whichever period is  
14 longer. The court may not reduce the total amount of restitution  
15 ordered because the offender may lack the ability to pay the total  
16 amount. The department shall supervise the offender's compliance with  
17 the restitution ordered under this subsection.

18 (7) Regardless of the provisions of subsections (1) through (6)  
19 of this section, the court shall order restitution in all cases where  
20 the victim is entitled to benefits under the crime victims'  
21 compensation act, chapter 7.68 RCW. If the court does not order  
22 restitution and the victim of the crime has been determined to be  
23 entitled to benefits under the crime victims' compensation act, the  
24 department of labor and industries, as administrator of the crime  
25 victims' compensation program, may petition the court within one year  
26 of entry of the judgment and sentence for entry of a restitution  
27 order. Upon receipt of a petition from the department of labor and  
28 industries, the court shall hold a restitution hearing and shall  
29 enter a restitution order.

30 (8) In addition to any sentence that may be imposed, an offender  
31 who has been found guilty of an offense involving fraud or other  
32 deceptive practice or an organization which has been found guilty of  
33 any such offense may be ordered by the sentencing court to give  
34 notice of the conviction to the class of persons or to the sector of  
35 the public affected by the conviction or financially interested in  
36 the subject matter of the offense by mail, by advertising in  
37 designated areas or through designated media, or by other appropriate  
38 means.

39 (9) This section does not limit civil remedies or defenses  
40 available to the victim, survivors of the victim, or offender



1 including support enforcement remedies for support ordered under  
2 subsection (6) of this section for a child born as a result of a rape  
3 of a child victim. The court shall identify in the judgment and  
4 sentence the victim or victims entitled to restitution and what  
5 amount is due each victim. The state or victim may enforce the court-  
6 ordered restitution in the same manner as a judgment in a civil  
7 action. Restitution collected through civil enforcement must be paid  
8 through the registry of the court and must be distributed  
9 proportionately according to each victim's loss when there is more  
10 than one victim.

11 (10) If a person has caused a victim to lose money or property  
12 through the filing of a vehicle report of sale in which the  
13 designated buyer had no knowledge of the vehicle transfer or the  
14 fraudulent filing of the report of sale, upon conviction or when the  
15 offender pleads guilty and agrees with the prosecutor's  
16 recommendation that the offender be required to pay restitution to a  
17 victim, the court may order the defendant to pay an amount, fixed by  
18 the court, not to exceed double the amount of the defendant's gain or  
19 victim's loss from the filing of the vehicle report of sale in which  
20 the designated buyer had no knowledge of the vehicle transfer or the  
21 fraudulent filing of the report of sale. Such an amount may be used  
22 to provide restitution to the victim at the order of the court. It is  
23 the duty of the prosecuting attorney to investigate the alternative  
24 of restitution, and to recommend it to the court, when the  
25 prosecuting attorney believes that restitution is appropriate and  
26 feasible. If the court orders restitution, the court must make a  
27 finding as to the amount of the victim's loss due to the filing of  
28 the report of sale in which the designated buyer had no knowledge of  
29 the vehicle transfer or the fraudulent filing of the report of sale,  
30 and if the record does not contain sufficient evidence to support  
31 such finding, the court may conduct a hearing upon the issue. For  
32 purposes of this section, "loss" refers to the amount of money or the  
33 value of property or services lost.

34 **Sec. 4.** RCW 9.94A.760 and 2018 c 269 s 14 are each amended to  
35 read as follows:

36 (1) Whenever a person is convicted in superior court, the court  
37 may order the payment of a legal financial obligation as part of the  
38 sentence. The court may not order an offender to pay costs as  
39 described in RCW 10.01.160 if the court finds that the offender at

1 the time of sentencing is indigent as defined in RCW (~~(10.101.010(3)-~~  
2 ~~(a) through (e))~~) 10.01.160(3). An offender being indigent as defined  
3 in RCW (~~(10.101.010(3)- (a) through (e))~~) 10.01.160(3) is not grounds  
4 for failing to impose restitution (~~(or the crime victim penalty~~  
5 ~~assessment under RCW 7.68.035)~~). The court must on either the  
6 judgment and sentence or on a subsequent order to pay, designate the  
7 total amount of a legal financial obligation and segregate this  
8 amount among the separate assessments made for restitution, costs,  
9 fines, and other assessments required by law. On the same order, the  
10 court is also to set a sum that the offender is required to pay on a  
11 monthly basis towards satisfying the legal financial obligation. If  
12 the court fails to set the offender monthly payment amount, the  
13 department shall set the amount if the department has active  
14 supervision of the offender, otherwise the county clerk shall set the  
15 amount.

16 (2) Upon receipt of each payment made by or on behalf of an  
17 offender, the county clerk shall distribute the payment in the  
18 following order of priority until satisfied:

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

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

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

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

27 (3) If the court determines that the offender, at the time of  
28 sentencing, has the means to pay for the cost of incarceration, the  
29 court may require the offender to pay for the cost of incarceration.  
30 The court shall not order the offender to pay the cost of  
31 incarceration if the court finds that the offender at the time of  
32 sentencing is indigent as defined in RCW (~~(10.101.010(3)- (a) through~~  
33 ~~(e))~~) 10.01.160(3). Costs of incarceration ordered by the court shall  
34 not exceed a rate of (~~(fifty dollars)~~) \$50 per day of incarceration,  
35 if incarcerated in a prison, or the actual cost of incarceration per  
36 day of incarceration, if incarcerated in a county jail. In no case  
37 may the court require the offender to pay more than (~~(one hundred~~  
38 ~~dollars)~~) \$100 per day for the cost of incarceration. All funds  
39 recovered from offenders for the cost of incarceration in the county

1 jail shall be remitted to the county and the costs of incarceration  
2 in a prison shall be remitted to the department.

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

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

20 (5) (a) Independent of the department or the county clerk, the  
21 party or entity to whom the legal financial obligation is owed shall  
22 have the authority to use any other remedies available to the party  
23 or entity to collect the legal financial obligation. These remedies  
24 include enforcement in the same manner as a judgment in a civil  
25 action by the party or entity to whom the legal financial obligation  
26 is owed. Restitution collected through civil enforcement must be paid  
27 through the registry of the court and must be distributed  
28 proportionately according to each victim's loss when there is more  
29 than one victim. The judgment and sentence shall identify the party  
30 or entity to whom restitution is owed so that the state, party, or  
31 entity may enforce the judgment.

32 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or  
33 9.94A.753(6) to a victim of rape of a child or a victim's child born  
34 from the rape, the Washington state child support registry shall be  
35 identified as the party to whom payments must be made. Restitution  
36 obligations arising from the rape of a child in the first, second, or  
37 third degree that result in the pregnancy of the victim may be  
38 enforced for the time periods provided under RCW 9.94A.750(6) and  
39 9.94A.753(6).

1       (c) All other (~~legal-financial~~) restitution obligations for an  
2 offense committed prior to July 1, 2000, may be enforced at any time  
3 during the (~~ten-year~~) 10-year period following the offender's  
4 release from total confinement or within (~~ten~~) 10 years of entry of  
5 the judgment and sentence, whichever period ends later. Prior to the  
6 expiration of the initial (~~ten-year~~) 10-year period, the superior  
7 court may extend the criminal judgment an additional (~~ten~~) 10 years  
8 for payment of (~~legal-financial~~) restitution obligations  
9 (~~including-crime-victims'-assessments~~). All other (~~legal-~~  
10 ~~financial~~) restitution obligations for an offense committed on or  
11 after July 1, 2000, may be enforced at any time the offender remains  
12 under the court's jurisdiction. For an offense committed on or after  
13 July 1, 2000, the court shall retain jurisdiction over the offender,  
14 for purposes of the offender's compliance with payment of the (~~legal-~~  
15 ~~financial~~) restitution obligations, until the obligation is  
16 completely satisfied, regardless of the statutory maximum for the  
17 crime.

18       (d) All other legal financial obligations other than restitution  
19 may be enforced at any time during the 10-year period following the  
20 offender's release from total confinement or within 10 years of entry  
21 of the judgment and sentence, whichever period ends later. Prior to  
22 the expiration of the initial 10-year period, the superior court may  
23 extend the criminal judgment an additional 10 years for payment of  
24 nonrestitution legal financial obligations only if the court finds  
25 that the offender has the current or likely future ability to pay the  
26 obligations. A person does not have the current ability to pay if the  
27 person is indigent as defined in RCW 10.01.160(3).

28       (e) The department may only supervise the offender's compliance  
29 with payment of the legal financial obligations during any period in  
30 which the department is authorized to supervise the offender in the  
31 community under RCW 9.94A.728, 9.94A.501, or in which the offender is  
32 confined in a state correctional institution or a correctional  
33 facility pursuant to a transfer agreement with the department, and  
34 the department shall supervise the offender's compliance during any  
35 such period. The department is not responsible for supervision of the  
36 offender during any subsequent period of time the offender remains  
37 under the court's jurisdiction. The county clerk is authorized to  
38 collect unpaid legal financial obligations at any time the offender  
39 remains under the jurisdiction of the court for purposes of his or  
40 her legal financial obligations.

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

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

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

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

1 required under oath to respond truthfully and honestly to all  
2 questions concerning earning capabilities and the location and nature  
3 of all property or financial assets. The offender shall bring all  
4 documents requested by the county clerk in order to prepare the  
5 collection schedule.

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

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

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

33 (12)(a) The administrative office of the courts shall mail  
34 individualized periodic billings to the address known by the office  
35 for each offender with an unsatisfied legal financial obligation.

36 (b) The billing shall direct payments, other than outstanding  
37 cost of supervision assessments under RCW 9.94A.780, parole  
38 assessments under RCW 72.04A.120, and cost of probation assessments  
39 under RCW 9.95.214, to the county clerk, and cost of supervision,  
40 parole, or probation assessments to the department.

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

4 (d) The county clerks, the administrative office of the courts,  
5 and the department shall maintain agreements to implement this  
6 subsection.

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

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

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

27 **Sec. 5.** RCW 6.17.020 and 2002 c 261 s 1 are each amended to read  
28 as follows:

29 (1) Except as provided in subsections (2), (3), and (4) of this  
30 section, the party in whose favor a judgment of a court has been or  
31 may be filed or rendered, or the assignee or the current holder  
32 thereof, may have an execution, garnishment, or other legal process  
33 issued for the collection or enforcement of the judgment at any time  
34 within (~~ten~~) 10 years from entry of the judgment or the filing of  
35 the judgment in this state.

36 (2) After July 23, 1989, a party who obtains a judgment or order  
37 of a court or an administrative order entered as defined in RCW  
38 74.20A.020(6) for accrued child support, or the assignee or the  
39 current holder thereof, may have an execution, garnishment, or other

1 legal process issued upon that judgment or order at any time within  
2 ~~((ten))~~ 10 years of the ~~((eighteenth))~~ 18th birthday of the youngest  
3 child named in the order for whom support is ordered.

4 (3) After June 9, 1994, a party in whose favor a judgment has  
5 been filed as a foreign judgment or rendered pursuant to subsection  
6 (1) or (4) of this section, or the assignee or the current holder  
7 thereof, may, within ~~((ninety))~~ 90 days before the expiration of the  
8 original ~~((ten-year))~~ 10-year period, apply to the court that  
9 rendered the judgment or to the court where the judgment was filed as  
10 a foreign judgment for an order granting an additional ~~((ten))~~ 10  
11 years during which an execution, garnishment, or other legal process  
12 may be issued. If a district court judgment of this state is  
13 transcribed to a superior court of this state, the original district  
14 court judgment shall not be extended and any petition under this  
15 section to extend the judgment that has been transcribed to superior  
16 court shall be filed in the superior court within ~~((ninety))~~ 90 days  
17 before the expiration of the ~~((ten-year))~~ 10-year period of the date  
18 the transcript of the district court judgment was filed in the  
19 superior court of this state. The petitioner shall pay to the court a  
20 filing fee equal to the filing fee for filing the first or initial  
21 paper in a civil action in the court, except in the case of district  
22 court judgments transcribed to superior court, where the filing fee  
23 shall be the fee for filing the first or initial paper in a civil  
24 action in the superior court where the judgment was transcribed. The  
25 order granting the application shall contain an updated judgment  
26 summary as provided in RCW 4.64.030. The filing fee required under  
27 this subsection shall be included in the judgment summary and shall  
28 be a recoverable cost. The application shall be granted as a matter  
29 of right, subject to review only for timeliness, factual issues of  
30 full or partial satisfaction, or errors in calculating the judgment  
31 summary amounts.

32 (4) (a) A party who obtains a judgment or order for restitution ~~((7~~  
33 ~~crime victims' assessment, or other court-ordered legal financial~~  
34 ~~obligations))~~ pursuant to a criminal judgment and sentence, or the  
35 assignee or the current holder thereof, may execute, garnish, and/or  
36 have legal process issued upon the judgment or order any time within  
37 ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence  
38 or ~~((ten))~~ 10 years following the offender's release from total  
39 confinement as provided in chapter 9.94A RCW. The clerk of superior  
40 court, or a party designated by the clerk, may seek extension under



1 subsection (3) of this section for purposes of collection as allowed  
2 under RCW 36.18.190, provided that no filing fee shall be required.

3 (b) A party who obtains a judgment or order for court-ordered  
4 legal financial obligations other than restitution, pursuant to a  
5 criminal judgment and sentence, or the assignee or the current holder  
6 thereof, may execute, garnish, and have legal process issued upon the  
7 judgment or order any time within 10 years subsequent to the entry of  
8 the judgment and sentence or 10 years following the offender's  
9 release from total confinement as provided in chapter 9.94A RCW. The  
10 clerk of superior court, or a party designated by the clerk, may seek  
11 extension under subsection (3) of this section for purposes of  
12 collection as allowed under RCW 36.18.190, only if the court finds  
13 that the offender has the current or likely future ability to pay the  
14 nonrestitution legal financial obligations. A person does not have  
15 the current ability to pay if the person is indigent as defined in  
16 RCW 10.01.160(3). No filing fee shall be required for filing a  
17 petition for an extension pursuant to this subsection (4)(b).

18 (5) "Court" as used in this section includes but is not limited  
19 to the United States supreme court, the United States courts of  
20 appeals, the United States district courts, the United States  
21 bankruptcy courts, the Washington state supreme court, the court of  
22 appeals of the state of Washington, superior courts and district  
23 courts of the counties of the state of Washington, and courts of  
24 other states and jurisdictions from which judgment has been filed in  
25 this state under chapter 6.36 or 6.40 RCW.

26 (6) The perfection of any judgment lien and the priority of that  
27 judgment lien on property as established by RCW 6.13.090 and chapter  
28 4.56 RCW is not altered by the extension of the judgment pursuant to  
29 the provisions of this section and the lien remains in full force and  
30 effect and does not have to be rerecorded after it is extended.  
31 Continued perfection of a judgment that has been transcribed to other  
32 counties and perfected in those counties may be accomplished after  
33 extension of the judgment by filing with the clerk of the other  
34 counties where the judgment has been filed either a certified copy of  
35 the order extending the judgment or a certified copy of the docket of  
36 the matter where the judgment was extended.

37 (7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A  
38 RCW, or chapter 13.40 RCW, no judgment is enforceable for a period  
39 exceeding (~~twenty~~) 20 years from the date of entry in the  
40 originating court. Nothing in this section may be interpreted to

1 extend the expiration date of a foreign judgment beyond the  
2 expiration date under the laws of the jurisdiction where the judgment  
3 originated.

4 (8) The chapter 261, Laws of 2002 amendments to this section  
5 apply to all judgments currently in effect on June 13, 2002, to all  
6 judgments extended after June 9, 1994, unless the judgment has been  
7 satisfied, vacated, and/or quashed, and to all judgments filed or  
8 rendered, or both, after June 13, 2002.

9 **Sec. 6.** RCW 9.92.060 and 2011 1st sp.s. c 40 s 5 are each  
10 amended to read as follows:

11 (1) Whenever any person is convicted of any crime except murder,  
12 burglary in the first degree, arson in the first degree, robbery,  
13 rape of a child, or rape, the superior court may, in its discretion,  
14 at the time of imposing sentence upon such person, direct that such  
15 sentence be stayed and suspended until otherwise ordered by the  
16 superior court, and, upon such terms as the superior court may  
17 determine, that the sentenced person be placed under the charge of:

18 (a) A community corrections officer employed by the department of  
19 corrections, if the person is subject to supervision under RCW  
20 9.94A.501 or 9.94A.5011; or

21 (b) A probation officer employed or contracted for by the county,  
22 if the county has elected to assume responsibility for the  
23 supervision of superior court misdemeanor probationers.

24 (2) As a condition to suspension of sentence, the superior court  
25 (~~shall require the payment of the penalty assessment required by RCW~~  
26 ~~7.68.035. In addition, the superior court~~) may require the convicted  
27 person to make such monetary payments, on such terms as the superior  
28 court deems appropriate under the circumstances, as are necessary:

29 (a) To comply with any order of the court for the payment of family  
30 support; (b) to make restitution to any person or persons who may  
31 have suffered loss or damage by reason of the commission of the crime  
32 in question or when the offender pleads guilty to a lesser offense or  
33 fewer offenses and agrees with the prosecutor's recommendation that  
34 the offender be required to pay restitution to a victim of an offense  
35 or offenses which are not prosecuted pursuant to a plea agreement;

36 (c) to pay any fine imposed and not suspended and the court or other  
37 costs incurred in the prosecution of the case, including  
38 reimbursement of the state for costs of extradition if return to this

1 state by extradition was required; and (d) to contribute to a county  
2 or interlocal drug fund.

3 (3) At any time, including at sentencing, the court may determine  
4 that the offender is not required to pay, or may relieve the offender  
5 of the requirement to pay, full or partial restitution and accrued  
6 interest on restitution where the entity to whom restitution is owed  
7 is an insurer or a state agency, if the court finds that the offender  
8 does not have the current or likely future ability to pay. A person  
9 does not have the current ability to pay if the person is indigent as  
10 defined in RCW 10.01.160(3). For the purposes of this subsection, the  
11 terms "insurer" and "state agency" have the same meanings as provided  
12 in RCW 9.94A.750(3).

13 (4) As a condition of the suspended sentence, the superior court  
14 may order the probationer to report to the secretary of corrections  
15 or such officer as the secretary may designate and as a condition of  
16 the probation to follow the instructions of the secretary. If the  
17 county legislative authority has elected to assume responsibility for  
18 the supervision of superior court misdemeanor probationers within  
19 its jurisdiction, the superior court misdemeanor probationer shall  
20 report to a probation officer employed or contracted for by the  
21 county. In cases where a superior court misdemeanor probationer is  
22 sentenced in one county, but resides within another county, there  
23 must be provisions for the probationer to report to the agency having  
24 supervision responsibility for the probationer's county of residence.

25 ~~((4))~~ (5) If restitution to the victim has been ordered under  
26 subsection (2)(b) of this section and the superior court has ordered  
27 supervision, the officer supervising the probationer shall make a  
28 reasonable effort to ascertain whether restitution has been made as  
29 ordered. If the superior court has ordered supervision and  
30 restitution has not been made, the officer shall inform the  
31 prosecutor of that violation of the terms of the suspended sentence  
32 not less than three months prior to the termination of the suspended  
33 sentence.

34 **Sec. 7.** RCW 9.95.210 and 2019 c 263 s 302 are each amended to  
35 read as follows:

36 (1)(a) Except as provided in (b) of this subsection in granting  
37 probation, the superior court may suspend the imposition or the  
38 execution of the sentence and may direct that the suspension may  
39 continue upon such conditions and for such time as it shall

1 designate, not exceeding the maximum term of sentence or two years,  
2 whichever is longer.

3 (b) For a defendant sentenced for a domestic violence offense, or  
4 under RCW 46.61.5055, the superior court may suspend the imposition  
5 or the execution of the sentence and may direct that the suspension  
6 continue upon such conditions and for such time as the court shall  
7 designate, not to exceed five years. The court shall have continuing  
8 jurisdiction and authority to suspend the execution of all or any  
9 part of the sentence upon stated terms, including installment payment  
10 of fines. A defendant who has been sentenced, and who then fails to  
11 appear for any hearing to address the defendant's compliance with the  
12 terms of probation when ordered to do so by the court shall have the  
13 term of probation tolled until such time as the defendant makes his  
14 or her presence known to the court on the record. Any time before  
15 entering an order terminating probation, the court may modify or  
16 revoke its order suspending the imposition or execution of the  
17 sentence if the defendant violates or fails to carry out any of the  
18 conditions of the suspended sentence.

19 (2) In the order granting probation and as a condition thereof,  
20 the superior court may in its discretion imprison the defendant in  
21 the county jail for a period not exceeding one year and may fine the  
22 defendant any sum not exceeding the statutory limit for the offense  
23 committed, and court costs. As a condition of probation, the superior  
24 court (~~((shall require the payment of the penalty assessment required  
25 by RCW 7.68.035. The superior court))~~) may ((also)) require the  
26 defendant to make such monetary payments, on such terms as it deems  
27 appropriate under the circumstances, as are necessary: (a) To comply  
28 with any order of the court for the payment of family support; (b) to  
29 make restitution to any person or persons who may have suffered loss  
30 or damage by reason of the commission of the crime in question or  
31 when the offender pleads guilty to a lesser offense or fewer offenses  
32 and agrees with the prosecutor's recommendation that the offender be  
33 required to pay restitution to a victim of an offense or offenses  
34 which are not prosecuted pursuant to a plea agreement; (c) to pay  
35 such fine as may be imposed and court costs, including reimbursement  
36 of the state for costs of extradition if return to this state by  
37 extradition was required; (d) following consideration of the  
38 financial condition of the person subject to possible electronic  
39 monitoring, to pay for the costs of electronic monitoring if that  
40 monitoring was required by the court as a condition of release from

1 custody or as a condition of probation; (e) to contribute to a county  
2 or interlocal drug fund; and (f) to make restitution to a public  
3 agency for the costs of an emergency response under RCW 38.52.430,  
4 and may require bonds for the faithful observance of any and all  
5 conditions imposed in the probation.

6 (3) The superior court shall order restitution in all cases where  
7 the victim is entitled to benefits under the crime victims'  
8 compensation act, chapter 7.68 RCW. If the superior court does not  
9 order restitution and the victim of the crime has been determined to  
10 be entitled to benefits under the crime victims' compensation act,  
11 the department of labor and industries, as administrator of the crime  
12 victims' compensation program, may petition the superior court within  
13 one year of imposition of the sentence for entry of a restitution  
14 order. Upon receipt of a petition from the department of labor and  
15 industries, the superior court shall hold a restitution hearing and  
16 shall enter a restitution order.

17 (4) At any time, including at sentencing, the court may determine  
18 that the offender is not required to pay, or may relieve the offender  
19 of the requirement to pay, full or partial restitution and accrued  
20 interest on restitution where the entity to whom restitution is owed  
21 is an insurer or a state agency, if the court finds that the offender  
22 does not have the current or likely future ability to pay. A person  
23 does not have the current ability to pay if the person is indigent as  
24 defined in RCW 10.01.160(3). For the purposes of this subsection, the  
25 terms "insurer" and "state agency" have the same meanings as provided  
26 in RCW 9.94A.750(3).

27 (5) In granting probation, the superior court may order the  
28 probationer to report to the secretary of corrections or such officer  
29 as the secretary may designate and as a condition of the probation to  
30 follow the instructions of the secretary for up to twelve months. If  
31 the county legislative authority has elected to assume responsibility  
32 for the supervision of superior court misdemeanor probationers  
33 within its jurisdiction, the superior court misdemeanor probationer  
34 shall report to a probation officer employed or contracted for by the  
35 county. In cases where a superior court misdemeanor probationer is  
36 sentenced in one county, but resides within another county, there  
37 must be provisions for the probationer to report to the agency having  
38 supervision responsibility for the probationer's county of residence.

39 ~~((5))~~ (6) If the probationer has been ordered to make  
40 restitution and the superior court has ordered supervision, the

1 officer supervising the probationer shall make a reasonable effort to  
2 ascertain whether restitution has been made. If the superior court  
3 has ordered supervision and restitution has not been made as ordered,  
4 the officer shall inform the prosecutor of that violation of the  
5 terms of probation not less than three months prior to the  
6 termination of the probation period. The secretary of corrections  
7 will promulgate rules and regulations for the conduct of the person  
8 during the term of probation. For defendants found guilty in district  
9 court, like functions as the secretary performs in regard to  
10 probation may be performed by probation officers employed for that  
11 purpose by the county legislative authority of the county wherein the  
12 court is located.

13 ~~((6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply  
14 to sentences imposed under this section.

15 ~~((7))~~ (8) For purposes of this section, "domestic violence"  
16 means the same as in RCW 10.99.020.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 10.01  
18 RCW to read as follows:

19 A defendant who has been ordered to pay fines and who has not  
20 willfully failed to pay the obligation, as described in RCW  
21 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the  
22 sentencing court for remission of the payment of fines or of any  
23 unpaid portion thereof. If it appears to the satisfaction of the  
24 court that payment of the amount due will impose manifest hardship on  
25 the defendant or the defendant's immediate family, the court may  
26 remit all or part of the amount due in fines, modify the method of  
27 payment under RCW 10.01.170, or convert the unpaid amounts to  
28 community restitution hours, if the jurisdiction operates a community  
29 restitution program, at the rate of no less than the state minimum  
30 wage established in RCW 49.46.020 for each hour of community  
31 restitution. Manifest hardship exists where the defendant is indigent  
32 as defined in RCW 10.01.160(3).

33 **Sec. 9.** RCW 10.01.160 and 2018 c 269 s 6 are each amended to  
34 read as follows:

35 (1) Except as provided in subsection (3) of this section, the  
36 court may require a defendant to pay costs. Costs may be imposed only  
37 upon a convicted defendant, except for costs imposed upon a  
38 defendant's entry into a deferred prosecution program, costs imposed

1 upon a defendant for pretrial supervision, or costs imposed upon a  
2 defendant for preparing and serving a warrant for failure to appear.

3 (2) Costs shall be limited to expenses specially incurred by the  
4 state in prosecuting the defendant or in administering the deferred  
5 prosecution program under chapter 10.05 RCW or pretrial supervision.  
6 They cannot include expenses inherent in providing a constitutionally  
7 guaranteed jury trial or expenditures in connection with the  
8 maintenance and operation of government agencies that must be made by  
9 the public irrespective of specific violations of law. Expenses  
10 incurred for serving of warrants for failure to appear and jury fees  
11 under RCW 10.46.190 may be included in costs the court may require a  
12 defendant to pay. Costs for administering a deferred prosecution may  
13 not exceed (~~two hundred fifty dollars~~) \$250. Costs for  
14 administering a pretrial supervision other than a pretrial electronic  
15 alcohol monitoring program, drug monitoring program, or 24/7 sobriety  
16 program may not exceed (~~one hundred fifty dollars~~) \$150. Costs for  
17 preparing and serving a warrant for failure to appear may not exceed  
18 (~~one hundred dollars~~) \$100. Costs of incarceration imposed on a  
19 defendant convicted of a misdemeanor or a gross misdemeanor may not  
20 exceed the actual cost of incarceration. In no case may the court  
21 require the offender to pay more than (~~one hundred dollars~~) \$100  
22 per day for the cost of incarceration. Payment of other court-ordered  
23 financial obligations, including all legal financial obligations and  
24 costs of supervision take precedence over the payment of the cost of  
25 incarceration ordered by the court. All funds received from  
26 defendants for the cost of incarceration in the county or city jail  
27 must be remitted for criminal justice purposes to the county or city  
28 that is responsible for the defendant's jail costs. Costs imposed  
29 constitute a judgment against a defendant and survive a dismissal of  
30 the underlying action against the defendant. However, if the  
31 defendant is acquitted on the underlying action, the costs for  
32 preparing and serving a warrant for failure to appear do not survive  
33 the acquittal, and the judgment that such costs would otherwise  
34 constitute shall be vacated.

35 (3) The court shall not order a defendant to pay costs if the  
36 defendant at the time of sentencing is indigent (~~as defined in RCW~~  
37 ~~10.101.010(3) (a) through (e)~~). In determining the amount and method  
38 of payment of costs for defendants who are not indigent (~~as defined~~  
39 ~~in RCW 10.101.010(3) (a) through (e)~~), the court shall take account  
40 of the financial resources of the defendant and the nature of the

1 burden that payment of costs will impose. For the purposes of this  
2 section, a defendant is "indigent" if the defendant: (a) Meets the  
3 criteria defined in RCW 10.101.010(3) (a) through (c); (b) is  
4 homeless or mentally ill as defined in RCW 71.24.025; (c) has  
5 household income above 125 percent of the federal poverty guidelines  
6 and has recurring basic living costs, as defined in RCW 10.101.010,  
7 that render the defendant without the financial ability to pay; or  
8 (d) has other compelling circumstances that exist that demonstrate an  
9 inability to pay.

10 (4) A defendant who has been ordered to pay costs and who (~~is~~  
11 ~~not in contemptuous default in the payment thereof~~) has not  
12 willfully failed to pay the obligation, as described in RCW  
13 9.94A.6333, 9.94B.040, and 10.01.180, may at any time ((after release  
14 ~~from total confinement~~)) petition the sentencing court for remission  
15 of the payment of costs or of any unpaid portion thereof. If it  
16 appears to the satisfaction of the court that payment of the amount  
17 due will impose manifest hardship on the defendant or the defendant's  
18 immediate family, the court may remit all or part of the amount due  
19 in costs, modify the method of payment under RCW 10.01.170, or  
20 convert the unpaid costs to community restitution hours, if the  
21 jurisdiction operates a community restitution program, at the rate of  
22 no less than the state minimum wage established in RCW 49.46.020 for  
23 each hour of community restitution. Manifest hardship exists where  
24 the defendant is indigent as defined in ((~~RCW 10.101.010(3) (a)~~  
25 ~~through (c)~~)) subsection (3) of this section.

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



1 at a state hospital or other facility are not a cost of prosecution  
2 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter  
3 43.20B RCW, and any other applicable statute.

4 **Sec. 10.** RCW 10.73.160 and 2018 c 269 s 12 are each amended to  
5 read as follows:

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

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

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

23 (4) A defendant who has been sentenced to pay costs and who (~~is~~  
24 ~~not in contumacious default in the payment~~) has not willfully failed  
25 to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and  
26 10.01.180, may at any time (~~after release from total confinement~~)  
27 petition the court that sentenced the defendant or juvenile offender  
28 for remission of the payment of costs or of any unpaid portion. If it  
29 appears to the satisfaction of the sentencing court that payment of  
30 the amount due will impose manifest hardship on the defendant or the  
31 defendant's immediate family, the sentencing court may remit all or  
32 part of the amount due in costs, modify the method of payment under  
33 RCW 10.01.170, or convert the unpaid costs to community restitution  
34 hours, if the jurisdiction operates a community restitution program,  
35 at the rate of no less than the state minimum wage established in RCW  
36 49.46.020 for each hour of community restitution. Manifest hardship  
37 exists where the defendant or juvenile offender is indigent as  
38 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3).

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

11 **Sec. 11.** RCW 10.64.015 and 2018 c 269 s 10 are each amended to  
12 read as follows:

13 When the defendant is found guilty, the court shall render  
14 judgment accordingly, and the defendant may be liable for all costs,  
15 unless the court or jury trying the cause expressly find otherwise.  
16 The court shall not order a defendant to pay costs, as described in  
17 RCW 10.01.160, if the court finds that the person at the time of  
18 sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through~~  
19 ~~(e))~~) 10.01.160(3).

20 **Sec. 12.** RCW 10.82.090 and 2018 c 269 s 1 are each amended to  
21 read as follows:

22 (1) Except as provided in subsections (2) and (3) of this section  
23 and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a  
24 judgment shall bear interest from the date of the judgment until  
25 payment, at the rate applicable to civil judgments. As of June 7,  
26 2018, no interest shall accrue on nonrestitution legal financial  
27 obligations. All nonrestitution interest retained by the court shall  
28 be split (~~(twenty-five)~~) 25 percent to the state treasurer for  
29 deposit in the state general fund, (~~(twenty-five)~~) 25 percent to the  
30 state treasurer for deposit in the judicial information system  
31 account as provided in RCW 2.68.020, (~~(twenty-five)~~) 25 percent to  
32 the county current expense fund, and (~~(twenty-five)~~) 25 percent to  
33 the county current expense fund to fund local courts.

34 (2) The court may elect not to impose interest on any restitution  
35 the court orders. Before determining not to impose interest on  
36 restitution, the court shall inquire into and consider the following  
37 factors: (a) Whether the offender is indigent as defined in RCW  
38 10.101.010(3) or general rule 34; (b) the offender's available funds,

1 as defined in RCW 10.101.010(2), and other liabilities including  
2 child support and other legal financial obligations; (c) whether the  
3 offender is homeless; and (d) whether the offender is mentally ill,  
4 as defined in RCW 71.24.025. The court shall also consider the  
5 victim's input, if any, as it relates to any financial hardship  
6 caused to the victim if interest is not imposed. The court may also  
7 consider any other information that the court believes, in the  
8 interest of justice, relates to not imposing interest on restitution.  
9 After consideration of these factors, the court may waive the  
10 imposition of restitution interest.

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

15 (a) The court shall waive all interest on the portions of the  
16 legal financial obligations that are not restitution that accrued  
17 prior to June 7, 2018;

18 (b) The court may waive or reduce interest on the restitution  
19 portion of the legal financial obligations only if the principal has  
20 been paid in full (~~and as an incentive for the offender to meet his~~  
21 ~~or her other legal financial obligations~~), except as provided in (c)  
22 of this subsection. The court may grant the motion, establish a  
23 payment schedule, and retain jurisdiction over the offender for  
24 purposes of reviewing and revising the reduction or waiver of  
25 interest;

26 (c) The court may, following the offender's release from total  
27 confinement, waive or reduce interest on restitution that accrued  
28 during the offender's period of incarceration if the court finds that  
29 the offender does not have the current or likely future ability to  
30 pay. A person does not have the current ability to pay if the person  
31 is indigent as defined in RCW 10.01.160(3). The prosecuting attorney  
32 shall make reasonable efforts to notify the victim entitled to  
33 restitution of the date and place of the hearing. The court shall  
34 also consider the victim's input, if any, as it relates to any  
35 financial hardship caused to the victim if interest is reduced or  
36 waived.

37 ~~((3))~~ (4) This section only applies to adult offenders.

38 **Sec. 13.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to  
39 read as follows:

1           ~~(1) ((a) When any person is found guilty in any superior court of~~  
2 ~~having committed a crime, except as provided in subsection (2) of~~  
3 ~~this section, there shall be imposed by the court upon such convicted~~  
4 ~~person a penalty assessment. The assessment shall be in addition to~~  
5 ~~any other penalty or fine imposed by law and shall be five hundred~~  
6 ~~dollars for each case or cause of action that includes one or more~~  
7 ~~convictions of a felony or gross misdemeanor and two hundred fifty~~  
8 ~~dollars for any case or cause of action that includes convictions of~~  
9 ~~only one or more misdemeanors.~~

10           ~~(b) When any juvenile is adjudicated of an offense that is a most~~  
11 ~~serious offense as defined in RCW 9.94A.030, or a sex offense under~~  
12 ~~chapter 9A.44 RCW, there shall be imposed upon the juvenile offender~~  
13 ~~a penalty assessment. The assessment shall be in addition to any~~  
14 ~~other penalty or fine imposed by law and shall be one hundred dollars~~  
15 ~~for each case or cause of action.~~

16           ~~(c) When any juvenile is adjudicated of an offense which has a~~  
17 ~~victim, and which is not a most serious offense as defined in RCW~~  
18 ~~9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall~~  
19 ~~order up to seven hours of community restitution, unless the court~~  
20 ~~finds that such an order is not practicable for the offender. This~~  
21 ~~community restitution must be imposed consecutively to any other~~  
22 ~~community restitution the court imposes for the offense.~~

23           ~~(2) The assessment imposed by subsection (1) of this section~~  
24 ~~shall not apply to motor vehicle crimes defined in Title 46 RCW~~  
25 ~~except those defined in the following sections: RCW 46.61.520,~~  
26 ~~46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,~~  
27 ~~46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,~~  
28 ~~46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,~~  
29 ~~46.44.180, 46.10.490(2), and 46.09.470(2).~~

30           ~~(3) When any person accused of having committed a crime posts~~  
31 ~~bail in superior court pursuant to the provisions of chapter 10.19~~  
32 ~~RCW and such bail is forfeited, there shall be deducted from the~~  
33 ~~proceeds of such forfeited bail a penalty assessment, in addition to~~  
34 ~~any other penalty or fine imposed by law, equal to the assessment~~  
35 ~~which would be applicable under subsection (1) of this section if the~~  
36 ~~person had been convicted of the crime.~~

37           ~~(4) Such)) Amounts received by the clerk of the superior court~~  
38 ~~for crime victim penalty assessments imposed prior to the effective~~  
39 ~~date of this section shall be paid by the clerk of the superior court~~  
40 ~~to the county treasurer. Each county shall deposit ((one hundred))~~

1 100 percent of the money it receives per case or cause of action  
2 (~~under subsection (1) of this section~~) for crime victim penalty  
3 assessments, not less than (~~one and seventy-five one-hundredths~~)  
4 1.75 percent of the remaining money it retains under RCW 10.82.070  
5 and the money it retains under chapter 3.62 RCW, and all money it  
6 receives under subsection (~~(+7)~~) (5) of this section into a fund  
7 maintained exclusively for the support of comprehensive programs to  
8 encourage and facilitate testimony by the victims of crimes and  
9 witnesses to crimes as described in subsection (3) of this section.

10 (2) Upon motion by a defendant, the court may waive or reduce any  
11 crime victim penalty assessment imposed prior to the effective date  
12 of this section if the court finds that the defendant is indigent as  
13 defined in RCW 10.01.160(3) and does not have the current or likely  
14 future ability to pay.

15 (3) A crime victim and witness program shall be considered  
16 "comprehensive" only after approval of the department upon  
17 application by the county prosecuting attorney. The department shall  
18 approve as comprehensive only programs which:

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

25 (b) Are administered by the county prosecuting attorney either  
26 directly through the prosecuting attorney's office or by contract  
27 between the county and agencies providing services to victims of  
28 crime;

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

32 (d) Assist victims in the restitution and adjudication process;  
33 and

34 (e) Assist victims of violent crimes in the preparation and  
35 presentation of their claims to the department of labor and  
36 industries under this chapter.

37 Before a program in any county west of the Cascade mountains is  
38 submitted to the department for approval, it shall be submitted for  
39 review and comment to each city within the county with a population  
40 of more than one hundred fifty thousand. The department will consider

1 if the county's proposed comprehensive plan meets the needs of crime  
2 victims in cases adjudicated in municipal, district or superior  
3 courts and of crime victims located within the city and county.

4 ~~((+5))~~ (4) Upon submission to the department of a letter of  
5 intent to adopt a comprehensive program, the prosecuting attorney  
6 shall retain the money deposited by the county under subsection  
7 ~~((+4))~~ (1) of this section until such time as the county prosecuting  
8 attorney has obtained approval of a program from the department.  
9 Approval of the comprehensive plan by the department must be obtained  
10 within one year of the date of the letter of intent to adopt a  
11 comprehensive program. The county prosecuting attorney shall not make  
12 any expenditures from the money deposited under subsection ~~((+4))~~  
13 (1) of this section until approval of a comprehensive plan by the  
14 department. If a county prosecuting attorney has failed to obtain  
15 approval of a program from the department under subsection ~~((+4))~~  
16 (1) of this section or failed to obtain approval of a comprehensive  
17 program within one year after submission of a letter of intent under  
18 this section, the county treasurer shall monthly transmit one hundred  
19 percent of the money deposited by the county under subsection ~~((+4))~~  
20 (1) of this section to the state treasurer for deposit in the state  
21 general fund.

22 ~~((+6) County prosecuting attorneys are responsible to make every  
23 reasonable effort to insure that the penalty assessments of this  
24 chapter are imposed and collected.~~

25 ~~(+7))~~ (5) Every city and town shall transmit monthly ~~((one and  
26 seventy-five one-hundredths))~~ 1.75 percent of all money, other than  
27 money received for parking infractions, retained under RCW 3.50.100  
28 and 35.20.220 to the county treasurer for deposit as provided in  
29 subsection ~~((+4))~~ (1) of this section.

30 NEW SECTION. **Sec. 14.** A new section is added to chapter 7.68  
31 RCW to read as follows:

32 (1) The state crime victim and witness assistance account is  
33 created in the state treasury.

34 (2) On January 1, 2023, and April 1, 2023, the state treasurer  
35 must transfer into the account from the general fund the sum of  
36 \$975,000. Beginning with fiscal year 2024, the state treasurer must  
37 transfer into the account from the general fund the sum of  
38 \$3,900,000, divided into four equal quarterly deposits. Each fiscal

1 year thereafter, the state treasurer must increase the total transfer  
2 by the fiscal growth factor, as defined in RCW 43.135.060.

3 (3) Pursuant to appropriation, each quarter, the state treasurer  
4 must distribute moneys deposited in the state crime victim and  
5 witness assistance account to counties on the basis of each county's  
6 distribution factor under RCW 82.14.310.

7 (4) Counties may expend moneys distributed under this section  
8 only for purposes specified in RCW 7.68.035.

9 **Sec. 15.** RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to  
10 read as follows:

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

15 (2) If an offender fails to comply with any of the nonfinancial  
16 conditions or requirements of a sentence the following provisions  
17 apply:

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

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

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

27 (i) Convert a term of partial confinement to total confinement;  
28 or

29 (ii) Convert community restitution obligation to total or partial  
30 confinement;

31 (d) If the court finds that the violation was not willful, the  
32 court may modify its previous order regarding community restitution  
33 obligations; and

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

1 of promoting participation in treatment. If the offender's failure to  
2 receive care essential for health and safety presents a risk of  
3 serious physical harm or probable harmful consequences, the civil  
4 detention and commitment procedures of chapter 71.05 RCW shall be  
5 considered in preference to incarceration in a local or state  
6 correctional facility.

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

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

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

15 (c) The court may not sanction the offender for failure to pay  
16 legal financial obligations unless the court finds, after a hearing  
17 and on the record, that the failure to pay is willful. A failure to  
18 pay is willful if the offender has the current ability to pay but  
19 refuses to do so. In determining whether the offender has the current  
20 ability to pay, the court shall inquire into and consider: (i) The  
21 offender's income and assets; (ii) the offender's basic living costs  
22 as defined by RCW 10.101.010 and other liabilities including child  
23 support and other legal financial obligations; and (iii) the  
24 offender's bona fide efforts to acquire additional resources. An  
25 offender who is indigent as defined by RCW (~~10.101.010(3) (a)~~  
26 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to  
27 pay;

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

32 (e) If the court finds that a failure to pay is willful  
33 noncompliance, it may impose the sanctions specified in RCW  
34 9.94A.633(1); and

35 (f) If the court finds that the violation was not willful, the  
36 court may, and if the court finds that the defendant is indigent as  
37 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3), the  
38 court shall modify the terms of payment of the legal financial  
39 obligations, reduce or waive nonrestitution legal financial  
40 obligations, or convert nonrestitution legal financial obligations to



1 community restitution hours, if the jurisdiction operates a community  
2 restitution program, at the rate of no less than the state minimum  
3 wage established in RCW 49.46.020 for each hour of community  
4 restitution. (~~The crime victim penalty assessment under RCW 7.68.035~~  
5 ~~may not be reduced, waived, or converted to community restitution~~  
6 ~~hours.~~)

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

10 (5) Nothing in this section prohibits the filing of escape  
11 charges if appropriate.

12 **Sec. 16.** RCW 9.94B.040 and 2018 c 269 s 15 are each amended to  
13 read as follows:

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

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

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

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

32 (ii) Within (~~seventy-two~~) 72 hours of signing the stipulated  
33 agreement, the department shall submit a report to the court and the  
34 prosecuting attorney outlining the violation or violations, and  
35 sanctions imposed. Within (~~fifteen~~) 15 days of receipt of the  
36 report, if the court is not satisfied with the sanctions, the court  
37 may schedule a hearing and may modify the department's sanctions. If  
38 this occurs, the offender may withdraw from the stipulated agreement.

1 (iii) If the offender fails to comply with the sanction  
2 administratively imposed by the department, the court may take action  
3 regarding the original noncompliance. Offender failure to comply with  
4 the sanction administratively imposed by the department may be  
5 considered an additional violation;

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

12 (c) The state has the burden of showing noncompliance by a  
13 preponderance of the evidence. If the court finds that the violation  
14 has occurred, it may order the offender to be confined for a period  
15 not to exceed (~~sixty~~) 60 days for each violation, and may (i)  
16 convert a term of partial confinement to total confinement, (ii)  
17 convert community restitution obligation to total or partial  
18 confinement, or (iii) order one or more of the penalties authorized  
19 in (a)(i) of this subsection. Any time served in confinement awaiting  
20 a hearing on noncompliance shall be credited against any confinement  
21 order by the court;

22 (d) If the court finds that the violation was not willful, the  
23 court may modify its previous order regarding community restitution  
24 obligations; and

25 (e) If the violation involves a failure to undergo or comply with  
26 mental status evaluation and/or outpatient mental health treatment,  
27 the community corrections officer shall consult with the treatment  
28 provider or proposed treatment provider. Enforcement of orders  
29 concerning outpatient mental health treatment must reflect the  
30 availability of treatment and must pursue the least restrictive means  
31 of promoting participation in treatment. If the offender's failure to  
32 receive care essential for health and safety presents a risk of  
33 serious physical harm or probable harmful consequences, the civil  
34 detention and commitment procedures of chapter 71.05 RCW shall be  
35 considered in preference to incarceration in a local or state  
36 correctional facility.

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

39 (a) The department and the offender may enter into a stipulated  
40 agreement that the failure to pay was willful noncompliance,

1 according to the provisions and requirements of subsection (3)(a) of  
2 this section;

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

10 (c) The state has the burden of showing noncompliance by a  
11 preponderance of the evidence. The court may not sanction the  
12 offender for failure to pay legal financial obligations unless the  
13 court finds, after a hearing and on the record, that the failure to  
14 pay is willful. A failure to pay is willful if the offender has the  
15 current ability to pay but refuses to do so. In determining whether  
16 the offender has the current ability to pay, the court shall inquire  
17 into and consider: (i) The offender's income and assets; (ii) the  
18 offender's basic living costs as defined by RCW 10.101.010 and other  
19 liabilities including child support and other legal financial  
20 obligations; and (iii) the offender's bona fide efforts to acquire  
21 additional resources. An offender who is indigent as defined by RCW  
22 (~~10.101.010(3) (a) through (e)~~) 10.01.160(3) is presumed to lack  
23 the current ability to pay;

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

28 (e) If the court finds that the failure to pay is willful  
29 noncompliance, the court may order the offender to be confined for a  
30 period not to exceed (~~sixty~~) 60 days for each violation or order  
31 one or more of the penalties authorized in subsection (3)(a)(i) of  
32 this section; and

33 (f) If the court finds that the violation was not willful, the  
34 court may, and if the court finds that the defendant is indigent as  
35 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3), the  
36 court shall modify the terms of payment of the legal financial  
37 obligations, reduce or waive nonrestitution legal financial  
38 obligations, or convert nonrestitution legal financial obligations to  
39 community restitution hours, if the jurisdiction operates a community  
40 restitution program, at the rate of no less than the state minimum

1 wage established in RCW 49.46.020 for each hour of community  
2 restitution. (~~The crime victim penalty assessment under RCW 7.68.035~~  
3 ~~may not be reduced, waived, or converted to community restitution~~  
4 ~~hours.~~)

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

10 (6) An offender under community placement or community  
11 supervision who is civilly detained under chapter 71.05 RCW, and  
12 subsequently discharged or conditionally released to the community,  
13 shall be under the supervision of the department of corrections for  
14 the duration of his or her period of community placement or community  
15 supervision. During any period of inpatient mental health treatment  
16 that falls within the period of community placement or community  
17 supervision, the inpatient treatment provider and the supervising  
18 community corrections officer shall notify each other about the  
19 offender's discharge, release, and legal status, and shall share  
20 other relevant information.

21 (7) Nothing in this section prohibits the filing of escape  
22 charges if appropriate.

23 **Sec. 17.** RCW 10.01.180 and 2018 c 269 s 8 are each amended to  
24 read as follows:

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

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

35 (3) (a) The court shall not sanction a defendant for contempt  
36 based on failure to pay fines, penalties, assessments, fees, or costs  
37 unless the court finds, after a hearing and on the record, that the  
38 failure to pay is willful. A failure to pay is willful if the  
39 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)~~  
8 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to  
9 pay.

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

14 (4) If a term of imprisonment for contempt for nonpayment of any  
15 fine, penalty, assessment, fee, or costs is ordered, the term of  
16 imprisonment shall be set forth in the commitment order, and shall  
17 not exceed one day for each (~~twenty-five dollars~~) \$25 of the amount  
18 ordered, (~~thirty~~) 30 days if the amount ordered of costs was  
19 imposed upon conviction of a violation or misdemeanor, or one year in  
20 any other case, whichever is the shorter period. A person committed  
21 for nonpayment of any fine, penalty, assessment, fee, or costs shall  
22 be given credit toward payment for each day of imprisonment at the  
23 rate specified in the commitment order.

24 (5) If it appears to the satisfaction of the court that the  
25 default in the payment of any fine, penalty, assessment, fee, or  
26 costs is not willful contempt, the court may, and if the defendant is  
27 indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~)  
28 10.01.160(3), the court shall enter an order: (a) Allowing the  
29 defendant additional time for payment; (b) reducing the amount  
30 thereof or of each installment; (c) revoking the fine, penalty,  
31 assessment, fee, or costs or the unpaid portion thereof in whole or  
32 in part; or (d) converting the unpaid fine, penalty, assessment, fee,  
33 or costs to community restitution hours, if the jurisdiction operates  
34 a community restitution program, at the rate of no less than the  
35 state minimum wage established in RCW 49.46.020 for each hour of  
36 community restitution. (~~The crime victim penalty assessment under~~  
37 ~~RCW 7.68.035 may not be reduced, revoked, or converted to community~~  
38 ~~restitution hours.~~)

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

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

6 **Sec. 18.** RCW 3.62.085 and 2018 c 269 s 16 are each amended to  
7 read as follows:

8 Upon conviction or a plea of guilty in any court organized under  
9 this title or Title 35 RCW, a defendant in a criminal case is liable  
10 for a fee of (~~forty-three dollars~~) \$43, except this fee shall not  
11 be imposed on a defendant who is indigent as defined in RCW  
12 (~~10.101.010(3) (a) through (c)~~) 10.01.160(3). This fee shall be  
13 subject to division with the state under RCW 3.46.120(2),  
14 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

15 **Sec. 19.** RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146  
16 are each reenacted and amended to read as follows:

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

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

23 (a) In addition to any other fee required by law, the party  
24 filing the first or initial document in any civil action, including,  
25 but not limited to an action for restitution, adoption, or change of  
26 name, and any party filing a counterclaim, cross-claim, or third-  
27 party claim in any such civil action, shall pay, at the time the  
28 document is filed, a fee of (~~two hundred dollars~~) \$200 except, in  
29 an unlawful detainer action under chapter 59.18 or 59.20 RCW for  
30 which the plaintiff shall pay a case initiating filing fee of  
31 (~~forty-five dollars~~) \$45, or in proceedings filed under RCW  
32 28A.225.030 alleging a violation of the compulsory attendance laws  
33 where the petitioner shall not pay a filing fee. The (~~forty-five~~  
34 ~~dollar~~) \$45 filing fee under this subsection for an unlawful  
35 detainer action shall not include an order to show cause or any other  
36 order or judgment except a default order or default judgment in an  
37 unlawful detainer action.

1 (b) Any party, except a defendant in a criminal case, filing the  
2 first or initial document on an appeal from a court of limited  
3 jurisdiction or any party on any civil appeal, shall pay, when the  
4 document is filed, a fee of (~~two hundred dollars~~) \$200.

5 (c) For filing of a petition for judicial review as required  
6 under RCW 34.05.514 a filing fee of (~~two hundred dollars~~) \$200.

7 (d) For filing of a petition for an antiharassment protection  
8 order under RCW 7.105.100 a filing fee of (~~fifty three dollars~~)  
9 \$53.

10 (e) For filing the notice of debt due for the compensation of a  
11 crime victim under RCW 7.68.120(2)(a) a fee of (~~two hundred~~  
12 ~~dollars~~) \$200.

13 (f) In probate proceedings, the party instituting such  
14 proceedings, shall pay at the time of filing the first document  
15 therein, a fee of (~~two hundred dollars~~) \$200.

16 (g) For filing any petition to contest a will admitted to probate  
17 or a petition to admit a will which has been rejected, or a petition  
18 objecting to a written agreement or memorandum as provided in RCW  
19 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)  
20 \$200.

21 (h) Upon conviction or plea of guilty, upon failure to prosecute  
22 an appeal from a court of limited jurisdiction as provided by law, or  
23 upon affirmance of a conviction by a court of limited jurisdiction,  
24 an adult defendant in a criminal case shall be liable for a fee of  
25 two hundred dollars, except this fee shall not be imposed on a  
26 defendant who is indigent as defined in RCW (~~10.101.010(3) (a)~~  
27 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court  
28 may waive or reduce any fee previously imposed under this subsection  
29 if the court finds that the defendant is indigent as defined in RCW  
30 10.01.160(3).

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

37 (3) No fee shall be collected when a petition for relinquishment  
38 of parental rights is filed pursuant to RCW 26.33.080 or for forms  
39 and instructional brochures provided under RCW 7.105.115.

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

4 (5)(a) In addition to the fees required to be collected under  
5 this section, clerks of the superior courts must collect surcharges  
6 as provided in this subsection (5) of which (~~seventy-five~~) 75  
7 percent must be remitted to the state treasurer for deposit in the  
8 judicial stabilization trust account and (~~twenty-five~~) 25 percent  
9 must be retained by the county.

10 (b) On filing fees required to be collected under subsection  
11 (2)(b) of this section, a surcharge of (~~thirty dollars~~) \$30 must be  
12 collected.

13 (c) On all filing fees required to be collected under this  
14 section, except for fees required under subsection (2)(b), (d), and  
15 (h) of this section, a surcharge of (~~forty dollars~~) \$40 must be  
16 collected.

17 **Sec. 20.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to  
18 read as follows:

19 (~~Every sentence imposed for a crime specified in RCW 43.43.754  
20 must include a fee of one hundred dollars unless the state has  
21 previously collected the offender's DNA as a result of a prior  
22 conviction. The fee is a court-ordered legal financial obligation as  
23 defined in RCW 9.94A.030 and other applicable law. For a sentence  
24 imposed under chapter 9.94A RCW, the fee is payable by the offender  
25 after payment of all other legal financial obligations included in  
26 the sentence has been completed. For all other sentences, the fee is  
27 payable by the offender in the same manner as other assessments  
28 imposed.))~~)

29 (1) The clerk of the court shall transmit (~~eighty~~) 80 percent  
30 of (~~the fee~~) any amounts collected for fees imposed prior to the  
31 effective date of this section for the collection of an offender's  
32 DNA to the state treasurer for deposit in the state DNA database  
33 account created under RCW 43.43.7532, and shall transmit (~~twenty~~)  
34 20 percent of the fee collected to the agency responsible for  
35 collection of a biological sample from the offender as required under  
36 RCW 43.43.754. (~~This fee shall not be imposed on juvenile offenders~~  
37 ~~if the state has previously collected the juvenile offender's DNA as~~  
38 ~~a result of a prior conviction.))~~)



1       (2) Upon motion by the offender, the court shall waive all but  
2 one previously imposed fee for the collection of the offender's DNA.

3       (3) For fiscal year 2023, the legislature must appropriate the  
4 sum of \$300,000 for deposit into the state DNA database account under  
5 RCW 43.43.7532, and for fiscal year 2024 the legislature must  
6 appropriate \$600,000 for deposit into the account. Each fiscal year  
7 after 2024, the legislature must increase the total appropriation by  
8 the fiscal growth factor, as defined in RCW 43.135.060. Of amounts so  
9 appropriated, the Washington state patrol may expend 80 percent for  
10 operation and maintenance of the DNA database under RCW 43.43.754 and  
11 20 percent for distribution to the agency responsible for the  
12 collection of the biological sample from the offender.

13       **Sec. 21.** RCW 43.43.7532 and 2002 c 289 s 5 are each amended to  
14 read as follows:

15       The state DNA database account is created in the custody of the  
16 state treasurer. All receipts under RCW 43.43.7541 must be deposited  
17 into the account. Expenditures from the account may be used only for  
18 creation, operation, and maintenance of the DNA database under RCW  
19 43.43.754 and for distribution to agencies responsible for the  
20 collection of the biological sample from the offender. Only the chief  
21 of the Washington state patrol or the chief's designee may authorize  
22 expenditures from the account. The account is subject to allotment  
23 procedures under chapter 43.88 RCW, but an appropriation is not  
24 required for expenditures.

25       NEW SECTION.   **Sec. 22.** A new section is added to chapter 3.66  
26 RCW to read as follows:

27       "Legal financial obligation" means a sum of money that is ordered  
28 by a district or municipal court of the state of Washington for legal  
29 financial obligations which may include restitution to the victim,  
30 court costs, county or interlocal drug funds, court-appointed  
31 attorneys' fees, and costs of defense, fines, and any other financial  
32 obligation that is assessed to the offender as a result of a  
33 conviction. Legal financial obligations may also include payment to a  
34 public agency of the expense of an emergency response to the incident  
35 resulting in the conviction, subject to RCW 38.52.430.

36       **Sec. 23.** RCW 10.01.170 and 2018 c 269 s 7 are each amended to  
37 read as follows:

1 (1) When a defendant is sentenced to pay fines, penalties,  
2 assessments, fees, restitution, or costs, the court may grant  
3 permission for payment to be made within a specified period of time  
4 or in specified installments. If the court finds that the defendant  
5 is indigent as defined in RCW (~~(10.101.010(3) (a) through (e))~~)  
6 10.01.160(3), the court shall grant permission for payment to be made  
7 within a specified period of time or in specified installments. If no  
8 such permission is included in the sentence the fine or costs shall  
9 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. 24.** RCW 10.46.190 and 2018 c 269 s 9 are each amended to  
21 read as follows:

22 Every person convicted of a crime or held to bail to keep the  
23 peace may be liable to all the costs of the proceedings against him  
24 or her, including, when tried by a jury in the superior court or  
25 before a committing magistrate, a jury fee as provided for in civil  
26 actions for which judgment shall be rendered and collected. The court  
27 shall not order a defendant to pay costs, as described in RCW  
28 10.01.160, if the court finds that the person at the time of  
29 sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through~~  
30 ~~(e))~~) 10.01.160(3). The jury fee, when collected for a case tried by  
31 the superior court, shall be paid to the clerk and applied as the  
32 jury fee in civil cases is applied.

33 **Sec. 25.** RCW 9.92.070 and 2018 c 269 s 11 are each amended to  
34 read as follows:

35 Hereafter whenever any judge of any superior court or a district  
36 or municipal judge shall sentence any person to pay any fines,  
37 penalties, assessments, fees, and costs, the judge may, in the  
38 judge's discretion, provide that such fines, penalties, assessments,

1 fees, and costs may be paid in certain designated installments, or  
2 within certain designated period or periods. If the court finds that  
3 the defendant is indigent as defined in RCW (~~(10.01.010(3)(a)~~  
4 ~~through (e))~~) 10.01.160(3), the court shall allow for payment in  
5 certain designated installments or within certain designated periods.  
6 If such fines, penalties, assessments, fees, and costs shall be paid  
7 by the defendant in accordance with such order no commitment or  
8 imprisonment of the defendant shall be made for failure to pay such  
9 fine or costs. PROVIDED, that the provisions of this section shall  
10 not apply to any sentence given for the violation of any of the  
11 liquor laws of this state.

12 **Sec. 26.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to  
13 read as follows:

14 Upon a showing by any convicted person or the state that five  
15 years have elapsed from the establishment of such escrow account and  
16 further that no actions are pending against such convicted person  
17 pursuant to RCW 7.68.200 through 7.68.280, the department shall  
18 immediately pay over (~~(fifty)~~) 50 percent of any moneys in the escrow  
19 account to such person or his or her legal representatives and  
20 (~~(fifty)~~) 50 percent of any moneys in the escrow account to the fund  
21 under RCW 7.68.035(~~(+4)~~) (1).

22 **Sec. 27.** RCW 9.94A.505 and 2021 c 242 s 3 are each amended to  
23 read as follows:

24 (1) When a person is convicted of a felony, the court shall  
25 impose punishment as provided in this chapter.

26 (2)(a) The court shall impose a sentence as provided in the  
27 following sections and as applicable in the case:

28 (i) Unless another term of confinement applies, a sentence within  
29 the standard sentence range established in RCW 9.94A.510 or  
30 9.94A.517;

31 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

32 (iii) RCW 9.94A.570, relating to persistent offenders;

33 (iv) RCW 9.94A.540, relating to mandatory minimum terms;

34 (v) RCW 9.94A.650, relating to the first-time offender waiver;

35 (vi) RCW 9.94A.660, relating to the drug offender sentencing  
36 alternative;

37 (vii) RCW 9.94A.670, relating to the special sex offender  
38 sentencing alternative;

1 (viii) RCW 9.94A.655, relating to the parenting sentencing  
2 alternative;

3 (ix) RCW 9.94A.695, relating to the mental health sentencing  
4 alternative;

5 (x) RCW 9.94A.507, relating to certain sex offenses;

6 (xi) RCW 9.94A.535, relating to exceptional sentences;

7 (xii) RCW 9.94A.589, relating to consecutive and concurrent  
8 sentences;

9 (xiii) RCW 9.94A.603, relating to felony driving while under the  
10 influence of intoxicating liquor or any drug and felony physical  
11 control of a vehicle while under the influence of intoxicating liquor  
12 or any drug;

13 (xiv) RCW 9.94A.711, relating to the theft or taking of a motor  
14 vehicle.

15 (b) If a standard sentence range has not been established for the  
16 offender's crime, the court shall impose a determinate sentence which  
17 may include not more than one year of confinement; community  
18 restitution work; a term of community custody under RCW 9.94A.702 not  
19 to exceed one year; and/or other legal financial obligations. The  
20 court may impose a sentence which provides more than one year of  
21 confinement and a community custody term under RCW 9.94A.701 if the  
22 court finds reasons justifying an exceptional sentence as provided in  
23 RCW 9.94A.535.

24 (3) If the court imposes a sentence requiring confinement of  
25 (~~(thirty)~~) 30 days or less, the court may, in its discretion, specify  
26 that the sentence be served on consecutive or intermittent days. A  
27 sentence requiring more than (~~(thirty)~~) 30 days of confinement shall  
28 be served on consecutive days. Local jail administrators may schedule  
29 court-ordered intermittent sentences as space permits.

30 (4) If a sentence imposed includes payment of a legal financial  
31 obligation, it shall be imposed as provided in RCW 9.94A.750,  
32 9.94A.753, and 9.94A.760 (~~(, and 43.43.7541)~~).

33 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a  
34 court may not impose a sentence providing for a term of confinement  
35 or community custody that exceeds the statutory maximum for the crime  
36 as provided in chapter 9A.20 RCW.

37 (6) The sentencing court shall give the offender credit for all  
38 confinement time served before the sentencing if that confinement was  
39 solely in regard to the offense for which the offender is being  
40 sentenced.

1 (7) The sentencing court shall not give the offender credit for  
2 any time the offender was required to comply with an electronic  
3 monitoring program prior to sentencing if the offender was convicted  
4 of one of the following offenses:

5 (a) A violent offense;

6 (b) Any sex offense;

7 (c) Any drug offense;

8 (d) Reckless burning in the first or second degree as defined in  
9 RCW 9A.48.040 or 9A.48.050;

10 (e) Assault in the third degree as defined in RCW 9A.36.031;

11 (f) Assault of a child in the third degree;

12 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or

13 (h) Harassment as defined in RCW 9A.46.020.

14 (8) The court shall order restitution as provided in RCW  
15 9.94A.750 and 9.94A.753.

16 (9) As a part of any sentence, the court may impose and enforce  
17 crime-related prohibitions and affirmative conditions as provided in  
18 this chapter. "Crime-related prohibitions" may include a prohibition  
19 on the use or possession of alcohol or controlled substances if the  
20 court finds that any chemical dependency or substance abuse  
21 contributed to the offense.

22 (10) In any sentence of partial confinement, the court may  
23 require the offender to serve the partial confinement in work  
24 release, in a program of home detention, on work crew, or in a  
25 combined program of work crew and home detention.

26 **Sec. 28.** RCW 9.94A.777 and 2010 c 280 s 6 are each amended to  
27 read as follows:

28 (1) Before imposing any legal financial obligations upon a  
29 defendant who suffers from a mental health condition, other than  
30 restitution (~~or the victim penalty assessment under RCW 7.68.035~~),  
31 a judge must first determine that the defendant, under the terms of  
32 this section, has the means to pay such additional sums.

33 (2) For the purposes of this section, a defendant suffers from a  
34 mental health condition when the defendant has been diagnosed with a  
35 mental disorder that prevents the defendant from participating in  
36 gainful employment, as evidenced by a determination of mental  
37 disability as the basis for the defendant's enrollment in a public  
38 assistance program, a record of involuntary hospitalization, or by  
39 competent expert evaluation.

1       **Sec. 29.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to  
2 read as follows:

3       (1) If a juvenile is ordered to pay legal financial obligations,  
4 including fines, penalty assessments, attorneys' fees, court costs,  
5 and restitution, the money judgment remains enforceable for a period  
6 of ~~((ten))~~ 10 years. When the juvenile reaches the age of  
7 ~~((eighteen))~~ 18 years or at the conclusion of juvenile court  
8 jurisdiction, whichever occurs later, the superior court clerk must  
9 docket the remaining balance of the juvenile's legal financial  
10 obligations in the same manner as other judgments for the payment of  
11 money. The judgment remains valid and enforceable until ~~((ten))~~ 10  
12 years from the date of its imposition. The clerk of the superior  
13 court may seek extension of the judgment for legal financial  
14 obligations ~~((, including crime victims' assessments,))~~ in the same  
15 manner as RCW 6.17.020 for purposes of collection as allowed under  
16 RCW 36.18.190.

17       (2) A respondent under obligation to pay legal financial  
18 obligations other than restitution ~~((, the victim penalty assessment  
19 set forth in RCW 7.68.035,))~~ or the crime laboratory analysis fee set  
20 forth in RCW 43.43.690 may petition the court for modification or  
21 relief from those legal financial obligations and interest accrued on  
22 those obligations for good cause shown, including inability to pay.  
23 The court shall consider factors such as, but not limited to  
24 incarceration and a respondent's other debts, including restitution,  
25 when determining a respondent's ability to pay.

26       **Sec. 30.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to  
27 read as follows:

28       (1) When a respondent fails to comply with an order of  
29 restitution, community supervision, penalty assessments, or  
30 confinement of less than ~~((thirty))~~ 30 days, the court upon motion of  
31 the prosecutor or its own motion, may modify the order after a  
32 hearing on the violation.

33       (2) The hearing shall afford the respondent the same due process  
34 of law as would be afforded an adult probationer. The court may issue  
35 a summons or a warrant to compel the respondent's appearance. The  
36 state shall have the burden of proving by a preponderance of the  
37 evidence the fact of the violation. The respondent shall have the  
38 burden of showing that the violation was not a willful refusal to  
39 comply with the terms of the order. If a respondent has failed to pay

1 a fine, penalty assessments, or restitution or to perform community  
2 restitution hours, as required by the court, it shall be the  
3 respondent's burden to show that he or she did not have the means and  
4 could not reasonably have acquired the means to pay the fine, penalty  
5 assessments, or restitution or perform community restitution.

6 (3) If the court finds that a respondent has willfully violated  
7 the terms of an order pursuant to subsections (1) and (2) of this  
8 section, it may impose a penalty of up to (~~thirty~~) 30 days'  
9 confinement. Penalties for multiple violations occurring prior to the  
10 hearing shall not be aggregated to exceed (~~thirty~~) 30 days'  
11 confinement. Regardless of the number of times a respondent is  
12 brought to court for violations of the terms of a single disposition  
13 order, the combined total number of days spent by the respondent in  
14 detention shall never exceed the maximum term to which an adult could  
15 be sentenced for the underlying offense.

16 (4) If a respondent has been ordered to pay a fine or monetary  
17 penalty and due to a change of circumstance cannot reasonably comply  
18 with the order, the court, upon motion of the respondent, may order  
19 that the unpaid fine or monetary penalty be converted to community  
20 restitution (~~(unless the monetary penalty is the crime victim penalty~~  
21 ~~assessment, which cannot be converted, waived, or otherwise modified,~~  
22 ~~except for schedule of payment)). The number of hours of community  
23 restitution in lieu of a monetary penalty or fine shall be converted  
24 at the rate of the prevailing state minimum wage per hour. The  
25 monetary penalties or fines collected shall be deposited in the  
26 county general fund. A failure to comply with an order under this  
27 subsection shall be deemed a failure to comply with an order of  
28 community supervision and may be proceeded against as provided in  
29 this section.~~

30 (5) When a respondent has willfully violated the terms of a  
31 probation bond, the court may modify, revoke, or retain the probation  
32 bond as provided in RCW 13.40.054.

33 NEW SECTION. **Sec. 31.** Nothing in this act requires the courts  
34 to refund or reimburse amounts previously paid towards legal  
35 financial obligations or interest on legal financial obligations.

36 NEW SECTION. **Sec. 32.** This act takes effect January 1, 2023.

1        NEW SECTION.    **Sec. 33.**    If specific funding for the purposes of  
2 this act, referencing this act by bill or chapter number, is not  
3 provided by June 30, 2022, in the omnibus appropriations act, this  
4 act is null and void."

5        Correct the title.

EFFECT: Reverts back to current law regarding the time period for enforcement of restitution obligations: (1) For restitution ordered in superior court for an offense committed on or after July 1, 2000, the person remains under the court's jurisdiction until the obligation is completely satisfied, regardless of the statutory maximum for the offense; (2) for crimes committed prior to July 1, 2000, restitution judgments in superior court may be enforced for 10 years following release from total confinement or 10 years after entry of the judgment and sentence, whichever is longer, and may be extended for an additional 10-year period; and (3) restitution judgments entered in a court of limited jurisdiction may be extended beyond the initial 10-year enforcement period only if the court finds the offender has not made a good faith attempt to pay.

--- END ---