

**E4SHB 1412** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED 03/03/2022**

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, except for restitution owed to the  
17 department of labor and industries under chapter 7.68 RCW, if the  
18 court finds that the offender does not have the current or likely  
19 future ability to pay. A person does not have the current ability to  
20 pay if the person is indigent as defined in RCW 10.01.160(3). For the  
21 purposes of this subsection, the terms "insurer" and "state agency"  
22 have the same meanings as provided in RCW 9.94A.750(3).

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

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

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

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

11       This section applies to offenses committed on or before July 1,  
12 1985.

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

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

38       (3) (a) Except as provided in subsection (6) of this section,  
39 restitution ordered by a court pursuant to a criminal conviction

1 shall be based on easily ascertainable damages for injury to or loss  
2 of property, actual expenses incurred for treatment for injury to  
3 persons, and lost wages resulting from injury. Restitution shall not  
4 include reimbursement for damages for mental anguish, pain and  
5 suffering, or other intangible losses, but may include the costs of  
6 counseling reasonably related to the offense. The amount of  
7 restitution shall not exceed double the amount of the offender's gain  
8 or the victim's loss from the commission of the offense.

9 (b) At any time, including at sentencing, the court may determine  
10 that the offender is not required to pay, or may relieve the offender  
11 of the requirement to pay, full or partial restitution and accrued  
12 interest on restitution where the entity to whom restitution is owed  
13 is an insurer or state agency, except for restitution owed to the  
14 department of labor and industries under chapter 7.68 RCW, if the  
15 court finds that the offender does not have the current or likely  
16 future ability to pay. A person does not have the current ability to  
17 pay if the person is indigent as defined in RCW 10.01.160(3). For the  
18 purposes of this subsection:

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

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

26 (iii) "State agency" has the same meaning as provided in RCW  
27 42.56.010(1).

28 (4) For the purposes of this section, the offender shall remain  
29 under the court's jurisdiction for a term of (~~ten~~) 10 years  
30 following the offender's release from total confinement or (~~ten~~) 10  
31 years subsequent to the entry of the judgment and sentence, whichever  
32 period is longer. Prior to the expiration of the initial (~~ten-year~~)  
33 10-year period, the superior court may extend jurisdiction under the  
34 criminal judgment an additional (~~ten~~) 10 years for payment of  
35 restitution. The portion of the sentence concerning restitution may  
36 be modified as to amount, terms and conditions during either the  
37 initial (~~ten-year~~) 10-year period or subsequent (~~ten-year~~) 10-  
38 year period if the criminal judgment is extended, regardless of the  
39 expiration of the offender's term of community supervision and  
40 regardless of the statutory maximum sentence for the crime. The court

1 may not reduce the total amount of restitution ordered because the  
2 offender may lack the ability to pay the total amount. The offender's  
3 compliance with the restitution shall be supervised by the department  
4 only during any period which the department is authorized to  
5 supervise the offender in the community under RCW 9.94A.728,  
6 9.94A.501, or in which the offender is in confinement in a state  
7 correctional institution or a correctional facility pursuant to a  
8 transfer agreement with the department, and the department shall  
9 supervise the offender's compliance during any such period. The  
10 department is responsible for supervision of the offender only during  
11 confinement and authorized supervision and not during any subsequent  
12 period in which the offender remains under the court's jurisdiction.  
13 The county clerk is authorized to collect unpaid restitution at any  
14 time the offender remains under the jurisdiction of the court for  
15 purposes of his or her legal financial obligations.

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

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

1 confinement or (~~twenty-five~~) 25 years subsequent to the entry of  
2 the judgment and sentence, whichever period is longer. The court may  
3 not reduce the total amount of restitution ordered because the  
4 offender may lack the ability to pay the total amount. The department  
5 shall supervise the offender's compliance with the restitution  
6 ordered under this subsection.

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

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

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

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

30 (1) When restitution is ordered, the court shall determine the  
31 amount of restitution due at the sentencing hearing or within (~~one~~  
32 ~~hundred-eighty~~) 180 days except as provided in subsection (7) of  
33 this section. The court may continue the hearing beyond the (~~one~~  
34 ~~hundred-eighty~~) 180 days for good cause. The court shall then set a  
35 minimum monthly payment that the offender is required to make towards  
36 the restitution that is ordered. The court shall not issue any order  
37 that postpones the commencement of restitution payments until after  
38 the offender is released from total confinement. The court should  
39 take into consideration the total amount of the restitution owed, the

1 offender's present, past, and future ability to pay, as well as any  
2 assets that the offender may have. An offender's inability to make  
3 restitution payments while in total confinement may not be the basis  
4 for a violation of his or her sentence unless his or her inability to  
5 make payments resulted from a refusal to accept an employment offer  
6 to a class I or class II job or a termination for cause from such a  
7 job.

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

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

27 (b) At any time, including at sentencing, the court may determine  
28 that the offender is not required to pay, or may relieve the offender  
29 of the requirement to pay, full or partial restitution and accrued  
30 interest on restitution where the entity to whom restitution is owed  
31 is an insurer or state agency, except for restitution owed to the  
32 department of labor and industries under chapter 7.68 RCW, if the  
33 court finds that the offender does not have the current or likely  
34 future ability to pay. A person does not have the current ability to  
35 pay if the person is indigent as defined in RCW 10.01.160(3). For the  
36 purposes of this subsection, the terms "insurer" and "state agency"  
37 have the same meanings as provided in RCW 9.94A.750(3).

38 (4) For the purposes of this section, for an offense committed  
39 prior to July 1, 2000, the offender shall remain under the court's  
40 jurisdiction for a term of (~~ten~~) 10 years following the offender's

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

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

1 (6) Restitution for the crime of rape of a child in the first,  
2 second, or third degree, in which the victim becomes pregnant, shall  
3 include: (a) All of the victim's medical expenses that are associated  
4 with the rape and resulting pregnancy; and (b) child support for any  
5 child born as a result of the rape if child support is ordered  
6 pursuant to a civil superior court or administrative order for  
7 support for that child. The clerk must forward any restitution  
8 payments made on behalf of the victim's child to the Washington state  
9 child support registry under chapter 26.23 RCW. Identifying  
10 information about the victim and child shall not be included in the  
11 order. The offender shall receive a credit against any obligation  
12 owing under the administrative or superior court order for support of  
13 the victim's child. For the purposes of this subsection, the offender  
14 shall remain under the court's jurisdiction until the offender has  
15 satisfied support obligations under the superior court or  
16 administrative order for the period provided in RCW 4.16.020 or a  
17 maximum term of (~~twenty-five~~) 25 years following the offender's  
18 release from total confinement or (~~twenty-five~~) 25 years subsequent  
19 to the entry of the judgment and sentence, whichever period is  
20 longer. The court may not reduce the total amount of restitution  
21 ordered because the offender may lack the ability to pay the total  
22 amount. The department shall supervise the offender's compliance with  
23 the restitution ordered under this subsection.

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

36 (8) In addition to any sentence that may be imposed, an offender  
37 who has been found guilty of an offense involving fraud or other  
38 deceptive practice or an organization which has been found guilty of  
39 any such offense may be ordered by the sentencing court to give  
40 notice of the conviction to the class of persons or to the sector of



1 the public affected by the conviction or financially interested in  
2 the subject matter of the offense by mail, by advertising in  
3 designated areas or through designated media, or by other appropriate  
4 means.

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

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

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

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

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

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

27       (b) Second, proportionally to restitution to insurance or other  
28 sources with respect to a loss that has provided compensation to  
29 victims;

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

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

33       (3) If the court determines that the offender, at the time of  
34 sentencing, has the means to pay for the cost of incarceration, the  
35 court may require the offender to pay for the cost of incarceration.  
36 The court shall not order the offender to pay the cost of  
37 incarceration if the court finds that the offender at the time of  
38 sentencing is indigent as defined in RCW (~~(10.101.010(3)-~~ ~~(a) through~~  
39 ~~(e))~~) 10.01.160(3). Costs of incarceration ordered by the court shall  
40 not exceed a rate of (~~(fifty dollars)~~) \$50 per day of incarceration,

1 if incarcerated in a prison, or the actual cost of incarceration per  
2 day of incarceration, if incarcerated in a county jail. In no case  
3 may the court require the offender to pay more than (~~one hundred~~  
4 ~~dollars~~) \$100 per day for the cost of incarceration. All funds  
5 recovered from offenders for the cost of incarceration in the county  
6 jail shall be remitted to the county and the costs of incarceration  
7 in a prison shall be remitted to the department.

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

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

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

37 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or  
38 9.94A.753(6) to a victim of rape of a child or a victim's child born  
39 from the rape, the Washington state child support registry shall be  
40 identified as the party to whom payments must be made. Restitution

1 obligations arising from the rape of a child in the first, second, or  
2 third degree that result in the pregnancy of the victim may be  
3 enforced for the time periods provided under RCW 9.94A.750(6) and  
4 9.94A.753(6).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (1) Except as provided in subsections (2), (3), and (4) of this  
35 section, the party in whose favor a judgment of a court has been or  
36 may be filed or rendered, or the assignee or the current holder  
37 thereof, may have an execution, garnishment, or other legal process  
38 issued for the collection or enforcement of the judgment at any time

1 within (~~ten~~) 10 years from entry of the judgment or the filing of  
2 the judgment in this state.

3 (2) After July 23, 1989, a party who obtains a judgment or order  
4 of a court or an administrative order entered as defined in RCW  
5 74.20A.020(6) for accrued child support, or the assignee or the  
6 current holder thereof, may have an execution, garnishment, or other  
7 legal process issued upon that judgment or order at any time within  
8 (~~ten~~) 10 years of the (~~eighteenth~~) 18th birthday of the youngest  
9 child named in the order for whom support is ordered.

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

38 (4) (a) A party who obtains a judgment or order for restitution(~~(7~~  
39 ~~crime victims' assessment, or other court-ordered legal financial~~  
40 ~~obligations))~~) pursuant to a criminal judgment and sentence, or the



1 assignee or the current holder thereof, may execute, garnish, and/or  
2 have legal process issued upon the judgment or order any time within  
3 (~~(ten)~~) 10 years subsequent to the entry of the judgment and sentence  
4 or (~~(ten)~~) 10 years following the offender's release from total  
5 confinement as provided in chapter 9.94A RCW. The clerk of superior  
6 court, or a party designated by the clerk, may seek extension under  
7 subsection (3) of this section for purposes of collection as allowed  
8 under RCW 36.18.190, provided that no filing fee shall be required.

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

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

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

1 the order extending the judgment or a certified copy of the docket of  
2 the matter where the judgment was extended.

3 (7) Except as ordered in RCW 4.16.020 (2) or (3), chapter 9.94A  
4 RCW, or chapter 13.40 RCW, no judgment is enforceable for a period  
5 exceeding (~~twenty~~) 20 years from the date of entry in the  
6 originating court. Nothing in this section may be interpreted to  
7 extend the expiration date of a foreign judgment beyond the  
8 expiration date under the laws of the jurisdiction where the judgment  
9 originated.

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

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

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

24 (a) A community corrections officer employed by the department of  
25 corrections, if the person is subject to supervision under RCW  
26 9.94A.501 or 9.94A.5011; or

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

30 (2) As a condition to suspension of sentence, the superior court  
31 shall require the payment of the penalty assessment required by RCW  
32 7.68.035. In addition, the superior court may require the convicted  
33 person to make such monetary payments, on such terms as the superior  
34 court deems appropriate under the circumstances, as are necessary:

35 (a) To comply with any order of the court for the payment of family  
36 support; (b) to make restitution to any person or persons who may  
37 have suffered loss or damage by reason of the commission of the crime  
38 in question or when the offender pleads guilty to a lesser offense or  
39 fewer offenses and agrees with the prosecutor's recommendation that

1 the offender be required to pay restitution to a victim of an offense  
2 or offenses which are not prosecuted pursuant to a plea agreement;  
3 (c) to pay any fine imposed and not suspended and the court or other  
4 costs incurred in the prosecution of the case, including  
5 reimbursement of the state for costs of extradition if return to this  
6 state by extradition was required; and (d) to contribute to a county  
7 or interlocal drug fund.

8 (3) At any time, including at sentencing, the court may determine  
9 that the offender is not required to pay, or may relieve the offender  
10 of the requirement to pay, full or partial restitution and accrued  
11 interest on restitution where the entity to whom restitution is owed  
12 is an insurer or a state agency, except for restitution owed to the  
13 department of labor and industries under chapter 7.68 RCW, if the  
14 court finds that the offender does not have the current or likely  
15 future ability to pay. A person does not have the current ability to  
16 pay if the person is indigent as defined in RCW 10.01.160(3). For the  
17 purposes of this subsection, the terms "insurer" and "state agency"  
18 have the same meanings as provided in RCW 9.94A.750(3).

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

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

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

3       (1) (a) Except as provided in (b) of this subsection in granting  
4 probation, the superior court may suspend the imposition or the  
5 execution of the sentence and may direct that the suspension may  
6 continue upon such conditions and for such time as it shall  
7 designate, not exceeding the maximum term of sentence or two years,  
8 whichever is longer.

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

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

1 such fine as may be imposed and court costs, including reimbursement  
2 of the state for costs of extradition if return to this state by  
3 extradition was required; (d) following consideration of the  
4 financial condition of the person subject to possible electronic  
5 monitoring, to pay for the costs of electronic monitoring if that  
6 monitoring was required by the court as a condition of release from  
7 custody or as a condition of probation; (e) to contribute to a county  
8 or interlocal drug fund; and (f) to make restitution to a public  
9 agency for the costs of an emergency response under RCW 38.52.430,  
10 and may require bonds for the faithful observance of any and all  
11 conditions imposed in the probation.

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

23 (4) 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 a state agency, except for restitution owed to the  
28 department of labor and industries under chapter 7.68 RCW, if the  
29 court finds that the offender does not have the current or likely  
30 future ability to pay. A person does not have the current ability to  
31 pay if the person is indigent as defined in RCW 10.01.160(3). For the  
32 purposes of this subsection, the terms "insurer" and "state agency"  
33 have the same meanings as provided in RCW 9.94A.750(3).

34 (5) In granting probation, the superior court may order the  
35 probationer to report to the secretary of corrections or such officer  
36 as the secretary may designate and as a condition of the probation to  
37 follow the instructions of the secretary for up to twelve months. If  
38 the county legislative authority has elected to assume responsibility  
39 for the supervision of superior court misdemeanor probationers  
40 within its jurisdiction, the superior court misdemeanor probationer

1 shall report to a probation officer employed or contracted for by the  
2 county. In cases where a superior court misdemeanant probationer is  
3 sentenced in one county, but resides within another county, there  
4 must be provisions for the probationer to report to the agency having  
5 supervision responsibility for the probationer's county of residence.

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

20 ~~((6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply  
21 to sentences imposed under this section.

22 ~~((7))~~ (8) For purposes of this section, "domestic violence"  
23 means the same as in RCW 10.99.020.

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

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

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

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

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

1 (3) The court shall not order a defendant to pay costs if the  
2 defendant at the time of sentencing is indigent (~~(as defined in RCW~~  
3 ~~10.101.010(3) (a) through (e))~~). In determining the amount and method  
4 of payment of costs for defendants who are not indigent (~~(as defined~~  
5 ~~in RCW 10.101.010(3) (a) through (e))~~), the court shall take account  
6 of the financial resources of the defendant and the nature of the  
7 burden that payment of costs will impose. For the purposes of this  
8 section, a defendant is "indigent" if the defendant: (a) Meets the  
9 criteria defined in RCW 10.101.010(3) (a) through (c); (b) is  
10 homeless or mentally ill as defined in RCW 71.24.025; (c) has  
11 household income above 125 percent of the federal poverty guidelines  
12 and has recurring basic living costs, as defined in RCW 10.101.010,  
13 that render the defendant without the financial ability to pay; or  
14 (d) has other compelling circumstances that exist that demonstrate an  
15 inability to pay.

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

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



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

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

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

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

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

29 (4) A defendant who has been sentenced to pay costs and who (~~is~~  
30 ~~not in contumacious default in the payment~~) has not willfully failed  
31 to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and  
32 10.01.180, may at any time (~~after release from total confinement~~)  
33 petition the court that sentenced the defendant or juvenile offender  
34 for remission of the payment of costs or of any unpaid portion. If it  
35 appears to the satisfaction of the sentencing court that payment of  
36 the amount due will impose manifest hardship on the defendant or the  
37 defendant's immediate family, the sentencing court may remit all or  
38 part of the amount due in costs, modify the method of payment under  
39 RCW 10.01.170, or convert the unpaid costs to community restitution

1 hours, if the jurisdiction operates a community restitution program,  
2 at the rate of no less than the state minimum wage established in RCW  
3 49.46.020 for each hour of community restitution. Manifest hardship  
4 exists where the defendant or juvenile offender is indigent as  
5 defined in RCW (~~(10.101.010(3) (a) through (e))~~) 10.01.160(3).

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

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

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

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

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

1       (2) The court may elect not to impose interest on any restitution  
2 the court orders. Before determining not to impose interest on  
3 restitution, the court shall inquire into and consider the following  
4 factors: (a) Whether the offender is indigent as defined in RCW  
5 10.101.010(3) or general rule 34; (b) the offender's available funds,  
6 as defined in RCW 10.101.010(2), and other liabilities including  
7 child support and other legal financial obligations; (c) whether the  
8 offender is homeless; and (d) whether the offender is mentally ill,  
9 as defined in RCW 71.24.025. The court shall also consider the  
10 victim's input, if any, as it relates to any financial hardship  
11 caused to the victim if interest is not imposed. The court may also  
12 consider any other information that the court believes, in the  
13 interest of justice, relates to not imposing interest on restitution.  
14 After consideration of these factors, the court may waive the  
15 imposition of restitution interest.

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

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

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

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

1 financial hardship caused to the victim if interest is reduced or  
2 waived.

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

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

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

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

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

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

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

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

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

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

29 (e) If the violation involves a failure to undergo or comply with  
30 a mental health status evaluation and/or outpatient mental health  
31 treatment, the court shall seek a recommendation from the treatment  
32 provider or proposed treatment provider. Enforcement of orders  
33 concerning outpatient mental health treatment must reflect the  
34 availability of treatment and must pursue the least restrictive means  
35 of promoting participation in treatment. If the offender's failure to  
36 receive care essential for health and safety presents a risk of  
37 serious physical harm or probable harmful consequences, the civil  
38 detention and commitment procedures of chapter 71.05 RCW shall be

1 considered in preference to incarceration in a local or state  
2 correctional facility.

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

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

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

11 (c) The court may not sanction the offender for failure to pay  
12 legal financial obligations unless the court finds, after a hearing  
13 and on the record, that the failure to pay is willful. A failure to  
14 pay is willful if the offender has the current ability to pay but  
15 refuses to do so. In determining whether the offender has the current  
16 ability to pay, the court shall inquire into and consider: (i) The  
17 offender's income and assets; (ii) the offender's basic living costs  
18 as defined by RCW 10.101.010 and other liabilities including child  
19 support and other legal financial obligations; and (iii) the  
20 offender's bona fide efforts to acquire additional resources. An  
21 offender who is indigent as defined by RCW (~~10.101.010(3) (a)~~  
22 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to  
23 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 a failure to pay is willful  
29 noncompliance, it may impose the sanctions specified in RCW  
30 9.94A.633(1); and

31 (f) If the court finds that the violation was not willful, the  
32 court may, and if the court finds that the defendant is indigent as  
33 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3), the  
34 court shall modify the terms of payment of the legal financial  
35 obligations, reduce or waive nonrestitution legal financial  
36 obligations, or convert nonrestitution legal financial obligations to  
37 community restitution hours, if the jurisdiction operates a community  
38 restitution program, at the rate of no less than the state minimum  
39 wage established in RCW 49.46.020 for each hour of community  
40 restitution. The crime victim penalty assessment under RCW 7.68.035

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

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

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

8 **Sec. 14.** RCW 9.94B.040 and 2018 c 269 s 15 are each amended to  
9 read as follows:

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

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

18 (3) If an offender fails to comply with any of the nonfinancial  
19 requirements or conditions of a sentence the following provisions  
20 apply:

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

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

35 (iii) If the offender fails to comply with the sanction  
36 administratively imposed by the department, the court may take action  
37 regarding the original noncompliance. Offender failure to comply with  
38 the sanction administratively imposed by the department may be  
39 considered an additional violation;

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

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

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

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

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

34 (a) The department and the offender may enter into a stipulated  
35 agreement that the failure to pay was willful noncompliance,  
36 according to the provisions and requirements of subsection (3)(a) of  
37 this section;

38 (b) In the absence of a stipulated agreement, or where the court  
39 is not satisfied with the department's sanctions as provided in a  
40 stipulated agreement under (a) of this subsection, the court, upon

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

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

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

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

28 (f) If the court finds that the violation was not willful, the  
29 court may, and if the court finds that the defendant is indigent as  
30 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3), the  
31 court shall modify the terms of payment of the legal financial  
32 obligations, reduce or waive nonrestitution legal financial  
33 obligations, or convert nonrestitution legal financial obligations to  
34 community restitution hours, if the jurisdiction operates a community  
35 restitution program, at the rate of no less than the state minimum  
36 wage established in RCW 49.46.020 for each hour of community  
37 restitution. The crime victim penalty assessment under RCW 7.68.035  
38 may not be reduced, waived, or converted to community restitution  
39 hours.



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

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

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

19 **Sec. 15.** RCW 10.01.180 and 2018 c 269 s 8 are each amended to  
20 read as follows:

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

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

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

36 (b) In determining whether the defendant has the current ability  
37 to pay, the court shall inquire into and consider: (i) The  
38 defendant's income and assets; (ii) the defendant's basic living  
39 costs as defined by RCW 10.101.010 and other liabilities including

1 child support and other legal financial obligations; and (iii) the  
2 defendant's bona fide efforts to acquire additional resources. A  
3 defendant who is indigent as defined by RCW (~~(10.101.010(3) (a)~~  
4 ~~through (e))~~) 10.01.160(3) is presumed to lack the current ability to  
5 pay.

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

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

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

35 (6) A default in the payment of any fine, penalty, assessment,  
36 fee, or costs or any installment thereof may be collected by any  
37 means authorized by law for the enforcement of a judgment. The levy  
38 of execution for the collection of any fine, penalty, assessment,  
39 fee, or costs shall not discharge a defendant committed to

1 imprisonment for contempt until the amount has actually been  
2 collected.

3 **Sec. 16.** RCW 3.62.085 and 2018 c 269 s 16 are each amended to  
4 read as follows:

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

12 **Sec. 17.** RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146  
13 are each reenacted and amended to read as follows:

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

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

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

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

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

3 (d) For filing of a petition for an antiharassment protection  
4 order under RCW 7.105.100 a filing fee of (~~fifty three dollars~~)  
5 \$53.

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

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

12 (g) For filing any petition to contest a will admitted to probate  
13 or a petition to admit a will which has been rejected, or a petition  
14 objecting to a written agreement or memorandum as provided in RCW  
15 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)  
16 \$200.

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

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

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

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

39 (5)(a) In addition to the fees required to be collected under  
40 this section, clerks of the superior courts must collect surcharges

1 as provided in this subsection (5) of which (~~seventy-five~~) 75  
2 percent must be remitted to the state treasurer for deposit in the  
3 judicial stabilization trust account and (~~twenty-five~~) 25 percent  
4 must be retained by the county.

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

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

12 NEW SECTION. **Sec. 18.** A new section is added to chapter 3.66  
13 RCW to read as follows:

14 "Legal financial obligation" means a sum of money that is ordered  
15 by a district or municipal court of the state of Washington for legal  
16 financial obligations which may include restitution to the victim,  
17 court costs, county or interlocal drug funds, court-appointed  
18 attorneys' fees, and costs of defense, fines, and any other financial  
19 obligation that is assessed to the offender as a result of a  
20 conviction. Legal financial obligations may also include payment to a  
21 public agency of the expense of an emergency response to the incident  
22 resulting in the conviction, subject to RCW 38.52.430.

23 **Sec. 19.** RCW 10.01.170 and 2018 c 269 s 7 are each amended to  
24 read as follows:

25 (1) When a defendant is sentenced to pay fines, penalties,  
26 assessments, fees, restitution, or costs, the court may grant  
27 permission for payment to be made within a specified period of time  
28 or in specified installments. If the court finds that the defendant  
29 is indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~)  
30 10.01.160(3), the court shall grant permission for payment to be made  
31 within a specified period of time or in specified installments. If no  
32 such permission is included in the sentence the fine or costs shall  
33 be payable forthwith.

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

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

1 (b) Second, proportionally to restitution to insurance or other  
2 sources with respect to a loss that has provided compensation to  
3 victims;

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

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

7 **Sec. 20.** RCW 10.46.190 and 2018 c 269 s 9 are each amended to  
8 read as follows:

9 Every person convicted of a crime or held to bail to keep the  
10 peace may be liable to all the costs of the proceedings against him  
11 or her, including, when tried by a jury in the superior court or  
12 before a committing magistrate, a jury fee as provided for in civil  
13 actions for which judgment shall be rendered and collected. The court  
14 shall not order a defendant to pay costs, as described in RCW  
15 10.01.160, if the court finds that the person at the time of  
16 sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through~~  
17 ~~(e))~~) 10.01.160(3). The jury fee, when collected for a case tried by  
18 the superior court, shall be paid to the clerk and applied as the  
19 jury fee in civil cases is applied.

20 **Sec. 21.** RCW 9.92.070 and 2018 c 269 s 11 are each amended to  
21 read as follows:

22 Hereafter whenever any judge of any superior court or a district  
23 or municipal judge shall sentence any person to pay any fines,  
24 penalties, assessments, fees, and costs, the judge may, in the  
25 judge's discretion, provide that such fines, penalties, assessments,  
26 fees, and costs may be paid in certain designated installments, or  
27 within certain designated period or periods. If the court finds that  
28 the defendant is indigent as defined in RCW (~~(10.101.010(3) (a)~~  
29 ~~through (e))~~) 10.01.160(3), the court shall allow for payment in  
30 certain designated installments or within certain designated periods.  
31 If such fines, penalties, assessments, fees, and costs shall be paid  
32 by the defendant in accordance with such order no commitment or  
33 imprisonment of the defendant shall be made for failure to pay such  
34 fine or costs. PROVIDED, that the provisions of this section shall  
35 not apply to any sentence given for the violation of any of the  
36 liquor laws of this state.

1       **Sec. 22.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to  
2 read as follows:

3       Upon a showing by any convicted person or the state that five  
4 years have elapsed from the establishment of such escrow account and  
5 further that no actions are pending against such convicted person  
6 pursuant to RCW 7.68.200 through 7.68.280, the department shall  
7 immediately pay over (~~(fifty)~~) 50 percent of any moneys in the escrow  
8 account to such person or his or her legal representatives and  
9 (~~(fifty)~~) 50 percent of any moneys in the escrow account to the fund  
10 under RCW 7.68.035(4).

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

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

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

17       (i) Unless another term of confinement applies, a sentence within  
18 the standard sentence range established in RCW 9.94A.510 or  
19 9.94A.517;

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

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

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

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

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

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

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

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

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

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

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

36       (xiii) RCW 9.94A.603, relating to felony driving while under the  
37 influence of intoxicating liquor or any drug and felony physical  
38 control of a vehicle while under the influence of intoxicating liquor  
39 or any drug;

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

3 (b) If a standard sentence range has not been established for the  
4 offender's crime, the court shall impose a determinate sentence which  
5 may include not more than one year of confinement; community  
6 restitution work; a term of community custody under RCW 9.94A.702 not  
7 to exceed one year; and/or other legal financial obligations. The  
8 court may impose a sentence which provides more than one year of  
9 confinement and a community custody term under RCW 9.94A.701 if the  
10 court finds reasons justifying an exceptional sentence as provided in  
11 RCW 9.94A.535.

12 (3) If the court imposes a sentence requiring confinement of  
13 ((~~thirty~~)) 30 days or less, the court may, in its discretion, specify  
14 that the sentence be served on consecutive or intermittent days. A  
15 sentence requiring more than ((~~thirty~~)) 30 days of confinement shall  
16 be served on consecutive days. Local jail administrators may schedule  
17 court-ordered intermittent sentences as space permits.

18 (4) If a sentence imposed includes payment of a legal financial  
19 obligation, it shall be imposed as provided in RCW 9.94A.750,  
20 9.94A.753, and 9.94A.760 ((, and ~~43.43.7541~~)).

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

25 (6) The sentencing court shall give the offender credit for all  
26 confinement time served before the sentencing if that confinement was  
27 solely in regard to the offense for which the offender is being  
28 sentenced.

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

33 (a) A violent offense;

34 (b) Any sex offense;

35 (c) Any drug offense;

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

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

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

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



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

2 (8) The court shall order restitution as provided in RCW  
3 9.94A.750 and 9.94A.753.

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

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

14 **Sec. 24.** RCW 9.94A.777 and 2010 c 280 s 6 are each amended to  
15 read as follows:

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

21 (2) For the purposes of this section, a defendant suffers from a  
22 mental health condition when the defendant has been diagnosed with a  
23 mental disorder that prevents the defendant from participating in  
24 gainful employment, as evidenced by a determination of mental  
25 disability as the basis for the defendant's enrollment in a public  
26 assistance program, a record of involuntary hospitalization, or by  
27 competent expert evaluation.

28 NEW SECTION. **Sec. 25.** Nothing in this act requires the courts  
29 to refund or reimburse amounts previously paid towards legal  
30 financial obligations or interest on legal financial obligations.

31 NEW SECTION. **Sec. 26.** This act takes effect January 1, 2023."

**E4SHB 1412** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED 03/03/2022**

1        On page 1, line 1 of the title, after "obligations;" strike the  
2 remainder of the title and insert "amending RCW 3.66.120, 9.94A.750,  
3 9.94A.753, 9.94A.760, 6.17.020, 9.92.060, 9.95.210, 10.01.160,  
4 10.73.160, 10.64.015, 10.82.090, 9.94A.6333, 9.94B.040, 10.01.180,  
5 3.62.085, 10.01.170, 10.46.190, 9.92.070, 7.68.240, 9.94A.505, and  
6 9.94A.777; reenacting and amending RCW 36.18.020; adding a new  
7 section to chapter 10.01 RCW; adding a new section to chapter 3.66  
8 RCW; creating a new section; and providing an effective date."

EFFECT: (1) Corrects statutory references to the definition of  
"fiscal growth factor."

(2) Excepts restitution owed to the Department of Labor and  
Industries for the Crime Victims Compensation Program from being  
waived or reduced by a court.

(3) Restores provisions eliminating the crime victim penalty  
assessment and DNA collection fee. Removes provisions creating the  
crime victims and witness assistance account, providing  
appropriations to the DNA collection account, and creating the null  
and void clause.

--- END ---