
THIRD SUBSTITUTE HOUSE BILL 1412

State of Washington

67th Legislature

2022 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet, and Macri)

READ FIRST TIME 01/18/22.

1 AN ACT Relating to legal financial obligations; amending RCW
2 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060,
3 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 7.68.035,
4 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 36.18.020, 43.43.7541,
5 43.43.7532, 10.01.170, 10.46.190, 9.92.070, 7.68.240, 9.94A.505,
6 9.94A.777, 13.40.192, and 13.40.200; reenacting and amending RCW
7 36.18.020; adding a new section to chapter 10.01 RCW; adding a new
8 section to chapter 7.68 RCW; adding a new section to chapter 3.66
9 RCW; creating a new section; making an appropriation; providing an
10 effective date; and providing an expiration date.

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

12 **Sec. 1.** RCW 3.66.120 and 2001 c 115 s 1 are each amended to read
13 as follows:

14 (1) All court-ordered restitution obligations that are ordered as
15 a result of a conviction for a criminal offense in a court of limited
16 jurisdiction may be enforced in the same manner as a judgment in a
17 civil action by the party or entity to whom the legal financial
18 obligation is owed. The judgment and sentence must identify the party
19 or entity to whom restitution is owed so that the state, party, or
20 entity may enforce the judgment.

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

11 (3) All court-ordered restitution obligations may be enforced at
12 any time during the (~~ten-year~~) 10-year period following the
13 offender's release from total confinement or within (~~ten~~) 10 years
14 of entry of the judgment and sentence, whichever period is longer.
15 Prior to the expiration of the initial (~~ten-year~~) 10-year period,
16 the court may extend the criminal judgment an additional (~~ten~~) 10
17 years for payment of court-ordered restitution only if the court
18 finds that the offender (~~has not made a good faith attempt to pay~~)
19 has the current or likely future ability to pay the restitution
20 obligation. A person does not have the current ability to pay if the
21 person is indigent as defined in RCW 10.01.160(3).

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

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

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

32 This section applies to offenses committed on or before July 1,
33 1985.

34 (1) If restitution is ordered, the court shall determine the
35 amount of restitution due at the sentencing hearing or within (~~one~~
36 ~~hundred eighty~~) 180 days. The court may continue the hearing beyond
37 the (~~one hundred eighty~~) 180 days for good cause. The court shall
38 then set a minimum monthly payment that the offender is required to
39 make towards the restitution that is ordered. The court shall not

1 issue any order that postpones the commencement of restitution
2 payments until after the offender is released from total confinement.
3 The court should take into consideration the total amount of the
4 restitution owed, the offender's present, past, and future ability to
5 pay, as well as any assets that the offender may have. An offender's
6 inability to make restitution payments while in total confinement may
7 not be the basis for a violation of his or her sentence unless his or
8 her inability to make payments resulted from a refusal to accept an
9 employment offer to a class I or class II job or a termination for
10 cause from such a job.

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

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

30 (b) At any time, including at sentencing, the court may determine
31 that the offender is not required to pay, or may relieve the offender
32 of the requirement to pay, full or partial restitution and accrued
33 interest on restitution where the entity to whom restitution is owed
34 is an insurer or state agency, if the court finds that the offender
35 does not have the current or likely future ability to pay. A person
36 does not have the current ability to pay if the person is indigent as
37 defined in RCW 10.01.160(3). For the purposes of this subsection:

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

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

5 (iii) "State agency" has the same meaning as provided in RCW
6 42.56.010(1).

7 (4) For the purposes of this section, the offender shall remain
8 under the court's jurisdiction for a term of (~~ten~~) 10 years
9 following the offender's release from total confinement or (~~ten~~) 10
10 years subsequent to the entry of the judgment and sentence, whichever
11 period is longer. Prior to the expiration of the initial (~~ten-year~~)
12 10-year period, the superior court may extend jurisdiction under the
13 criminal judgment an additional (~~ten~~) 10 years for payment of
14 restitution only if the court finds that the offender has the current
15 or likely future ability to pay the restitution obligation. A person
16 does not have the current ability to pay if the person is indigent as
17 defined in RCW 10.01.160(3). The portion of the sentence concerning
18 restitution may be modified as to amount, terms and conditions during
19 either the initial (~~ten-year~~) 10-year period or subsequent (~~ten-~~
20 ~~year~~) 10-year period if the criminal judgment is extended,
21 regardless of the expiration of the offender's term of community
22 supervision and regardless of the statutory maximum sentence for the
23 crime. The court may not reduce the total amount of restitution
24 ordered because the offender may lack the ability to pay the total
25 amount. The offender's compliance with the restitution shall be
26 supervised by the department only during any period which the
27 department is authorized to supervise the offender in the community
28 under RCW 9.94A.728, 9.94A.501, or in which the offender is in
29 confinement in a state correctional institution or a correctional
30 facility pursuant to a transfer agreement with the department, and
31 the department shall supervise the offender's compliance during any
32 such period. The department is responsible for supervision of the
33 offender only during confinement and authorized supervision and not
34 during any subsequent period in which the offender remains under the
35 court's jurisdiction. The county clerk is authorized to collect
36 unpaid restitution at any time the offender remains under the
37 jurisdiction of the court for purposes of his or her legal financial
38 obligations.

39 (5) Restitution may be ordered whenever the offender is convicted
40 of an offense which results in injury to any person or damage to or

1 loss of property or as provided in subsection (6) of this section. In
2 addition, restitution may be ordered to pay for an injury, loss, or
3 damage if the offender pleads guilty to a lesser offense or fewer
4 offenses and agrees with the prosecutor's recommendation that the
5 offender be required to pay restitution to a victim of an offense or
6 offenses which are not prosecuted pursuant to a plea agreement.

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

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

39 (8) This section does not limit civil remedies or defenses
40 available to the victim or offender including support enforcement

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

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

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

13 (1) When 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 except as provided in subsection (7) of
16 this section. The court may continue the hearing beyond the (~~one~~
17 ~~hundred eighty~~) 180 days for good cause. The court shall then set a
18 minimum monthly payment that the offender is required to make towards
19 the restitution that is ordered. The court shall not issue any order
20 that postpones the commencement of restitution payments until after
21 the offender is released from total confinement. The court should
22 take into consideration the total amount of the restitution owed, the
23 offender's present, past, and future ability to pay, as well as any
24 assets that the offender may have. An offender's inability to make
25 restitution payments while in total confinement may not be the basis
26 for a violation of his or her sentence unless his or her inability to
27 make payments resulted from a refusal to accept an employment offer
28 to a class I or class II job or a termination for cause from such a
29 job.

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

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

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

21 (4) For the purposes of this section, (~~for an offense committed~~
22 ~~prior to July 1, 2000,~~) the offender shall remain under the court's
23 jurisdiction for a term of (~~ten~~) 10 years following the offender's
24 release from total confinement or (~~ten~~) 10 years subsequent to the
25 entry of the judgment and sentence, whichever period ends later.
26 Prior to the expiration of the initial (~~ten-year~~) 10-year period,
27 the superior court may extend jurisdiction under the criminal
28 judgment an additional (~~ten~~) 10 years for payment of restitution
29 only if the court finds that the offender has the current or likely
30 future ability to pay the restitution obligation. A person does not
31 have the current ability to pay if the person is indigent as defined
32 in RCW 10.01.160(3). (~~For an offense committed on or after July 1,~~
33 ~~2000, the offender shall remain under the court's jurisdiction until~~
34 ~~the obligation is completely satisfied, regardless of the statutory~~
35 ~~maximum for the crime.)) The portion of the sentence concerning~~
36 restitution may be modified as to amount, terms, and conditions
37 during any period of time the offender remains under the court's
38 jurisdiction, regardless of the expiration of the offender's term of
39 community supervision and regardless of the statutory maximum
40 sentence for the crime. The court may not reduce the total amount of

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

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

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

1 satisfied support obligations under the superior court or
2 administrative order for the period provided in RCW 4.16.020 or a
3 maximum term of (~~twenty-five~~) 25 years following the offender's
4 release from total confinement or (~~twenty-five~~) 25 years subsequent
5 to the entry of the judgment and sentence, whichever period is
6 longer. The court may not reduce the total amount of restitution
7 ordered because the offender may lack the ability to pay the total
8 amount. The department shall supervise the offender's compliance with
9 the restitution ordered under this subsection.

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

22 (8) In addition to any sentence that may be imposed, an offender
23 who has been found guilty of an offense involving fraud or other
24 deceptive practice or an organization which has been found guilty of
25 any such offense may be ordered by the sentencing court to give
26 notice of the conviction to the class of persons or to the sector of
27 the public affected by the conviction or financially interested in
28 the subject matter of the offense by mail, by advertising in
29 designated areas or through designated media, or by other appropriate
30 means.

31 (9) This section does not limit civil remedies or defenses
32 available to the victim, survivors of the victim, or offender
33 including support enforcement remedies for support ordered under
34 subsection (6) of this section for a child born as a result of a rape
35 of a child victim. The court shall identify in the judgment and
36 sentence the victim or victims entitled to restitution and what
37 amount is due each victim. The state or victim may enforce the court-
38 ordered restitution in the same manner as a judgment in a civil
39 action. Restitution collected through civil enforcement must be paid
40 through the registry of the court and must be distributed

1 proportionately according to each victim's loss when there is more
2 than one victim.

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

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

28 (1) Whenever a person is convicted in superior court, the court
29 may order the payment of a legal financial obligation as part of the
30 sentence. The court may not order an offender to pay costs as
31 described in RCW 10.01.160 if the court finds that the offender at
32 the time of sentencing is indigent as defined in RCW (~~(10.101.010(3)~~
33 ~~(a) through (e))~~) 10.01.160(3). An offender being indigent as defined
34 in RCW (~~(10.101.010(3) (a) through (e))~~) 10.01.160(3) is not grounds
35 for failing to impose restitution (~~(or the crime victim penalty~~
36 ~~assessment under RCW 7.68.035)~~). The court must on either the
37 judgment and sentence or on a subsequent order to pay, designate the
38 total amount of a legal financial obligation and segregate this
39 amount among the separate assessments made for restitution, costs,

1 fines, and other assessments required by law. On the same order, the
2 court is also to set a sum that the offender is required to pay on a
3 monthly basis towards satisfying the legal financial obligation. If
4 the court fails to set the offender monthly payment amount, the
5 department shall set the amount if the department has active
6 supervision of the offender, otherwise the county clerk shall set the
7 amount.

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

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

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

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

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

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

34 (4) The court may add to the judgment and sentence or subsequent
35 order to pay a statement that a notice of payroll deduction is to be
36 issued immediately. If the court chooses not to order the immediate
37 issuance of a notice of payroll deduction at sentencing, the court
38 shall add to the judgment and sentence or subsequent order to pay a
39 statement that a notice of payroll deduction may be issued or other
40 income-withholding action may be taken, without further notice to the

1 offender if a monthly court-ordered legal financial obligation
2 payment is not paid when due, and an amount equal to or greater than
3 the amount payable for one month is owed.

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

11 (5) Independent of the department or the county clerk, the party
12 or entity to whom the legal financial obligation is owed shall have
13 the authority to use any other remedies available to the party or
14 entity to collect the legal financial obligation. These remedies
15 include enforcement in the same manner as a judgment in a civil
16 action by the party or entity to whom the legal financial obligation
17 is owed. Restitution collected through civil enforcement must be paid
18 through the registry of the court and must be distributed
19 proportionately according to each victim's loss when there is more
20 than one victim. The judgment and sentence shall identify the party
21 or entity to whom restitution is owed so that the state, party, or
22 entity may enforce the judgment. If restitution is ordered pursuant
23 to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or
24 a victim's child born from the rape, the Washington state child
25 support registry shall be identified as the party to whom payments
26 must be made. Restitution obligations arising from the rape of a
27 child in the first, second, or third degree that result in the
28 pregnancy of the victim may be enforced for the time periods provided
29 under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial
30 obligations (~~((for an offense committed prior to July 1, 2000,))~~) may
31 be enforced at any time during the ten-year period following the
32 offender's release from total confinement or within (~~((ten))~~) 10 years
33 of entry of the judgment and sentence, whichever period ends later.
34 Prior to the expiration of the initial (~~((ten-year))~~) 10-year period,
35 the superior court may extend the criminal judgment an additional
36 (~~((ten))~~) 10 years for payment of legal financial obligations including
37 crime victims' assessments(~~((All other legal financial obligations~~
38 ~~for an offense committed on or after July 1, 2000, may be enforced at~~
39 ~~any time the offender remains under the court's jurisdiction. For an~~
40 ~~offense committed on or after July 1, 2000, the court shall retain~~

1 ~~jurisdiction over the offender, for purposes of the offender's~~
2 ~~compliance with payment of the legal financial obligations, until the~~
3 ~~obligation is completely satisfied, regardless of the statutory~~
4 ~~maximum for the crime)) only if the court finds that the offender has~~
5 ~~the current or likely future ability to pay the obligations. A person~~
6 ~~does not have the current ability to pay if the person is indigent as~~
7 ~~defined in RCW 10.01.160(3).~~ The department may only supervise the
8 offender's compliance with payment of the legal financial obligations
9 during any period in which the department is authorized to supervise
10 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
11 which the offender is confined in a state correctional institution or
12 a correctional facility pursuant to a transfer agreement with the
13 department, and the department shall supervise the offender's
14 compliance during any such period. The department is not responsible
15 for supervision of the offender during any subsequent period of time
16 the offender remains under the court's jurisdiction. The county clerk
17 is authorized to collect unpaid legal financial obligations at any
18 time the offender remains under the jurisdiction of the court for
19 purposes of his or her legal financial obligations.

20 (6) In order to assist the court in setting a monthly sum that
21 the offender must pay during the period of supervision, the offender
22 is required to report to the department for purposes of preparing a
23 recommendation to the court. When reporting, the offender is
24 required, under oath, to respond truthfully and honestly to all
25 questions concerning present, past, and future earning capabilities
26 and the location and nature of all property or financial assets. The
27 offender is further required to bring all documents requested by the
28 department.

29 (7) After completing the investigation, the department shall make
30 a report to the court on the amount of the monthly payment that the
31 offender should be required to make towards a satisfied legal
32 financial obligation.

33 (8) (a) During the period of supervision, the department may make
34 a recommendation to the court that the offender's monthly payment
35 schedule be modified so as to reflect a change in financial
36 circumstances. If the department sets the monthly payment amount, the
37 department may modify the monthly payment amount without the matter
38 being returned to the court. During the period of supervision, the
39 department may require the offender to report to the department for
40 the purposes of reviewing the appropriateness of the collection

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

7 (b) Subsequent to any period of supervision, or if the department
8 is not authorized to supervise the offender in the community, the
9 county clerk may make a recommendation to the court that the
10 offender's monthly payment schedule be modified so as to reflect a
11 change in financial circumstances. If the county clerk sets the
12 monthly payment amount, or if the department set the monthly payment
13 amount and the department has subsequently turned the collection of
14 the legal financial obligation over to the county clerk, the clerk
15 may modify the monthly payment amount without the matter being
16 returned to the court. During the period of repayment, the county
17 clerk may require the offender to report to the clerk for the purpose
18 of reviewing the appropriateness of the collection schedule for the
19 legal financial obligation. During this reporting, the offender is
20 required under oath to respond truthfully and honestly to all
21 questions concerning earning capabilities and the location and nature
22 of all property or financial assets. The offender shall bring all
23 documents requested by the county clerk in order to prepare the
24 collection schedule.

25 (9) After the judgment and sentence or payment order is entered,
26 the department is authorized, for any period of supervision, to
27 collect the legal financial obligation from the offender. Subsequent
28 to any period of supervision or, if the department is not authorized
29 to supervise the offender in the community, the county clerk is
30 authorized to collect unpaid legal financial obligations from the
31 offender. Any amount collected by the department shall be remitted
32 daily to the county clerk for the purpose of disbursements. The
33 department and the county clerks are authorized, but not required, to
34 accept credit cards as payment for a legal financial obligation, and
35 any costs incurred related to accepting credit card payments shall be
36 the responsibility of the offender.

37 (10) The department or any obligee of the legal financial
38 obligation may seek a mandatory wage assignment for the purposes of
39 obtaining satisfaction for the legal financial obligation pursuant to
40 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify

1 the county clerk. The county clerks shall notify the department, or
2 the administrative office of the courts, whichever is providing the
3 monthly billing for the offender.

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

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

15 (b) The billing shall direct payments, other than outstanding
16 cost of supervision assessments under RCW 9.94A.780, parole
17 assessments under RCW 72.04A.120, and cost of probation assessments
18 under RCW 9.95.214, to the county clerk, and cost of supervision,
19 parole, or probation assessments to the department.

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

23 (d) The county clerks, the administrative office of the courts,
24 and the department shall maintain agreements to implement this
25 subsection.

26 (13) The department shall arrange for the collection of unpaid
27 legal financial obligations during any period of supervision in the
28 community through the county clerk. The department shall either
29 collect unpaid legal financial obligations or arrange for collections
30 through another entity if the clerk does not assume responsibility or
31 is unable to continue to assume responsibility for collection
32 pursuant to subsection (5) of this section. The costs for collection
33 services shall be paid by the offender.

34 (14) The county clerk may access the records of the employment
35 security department for the purposes of verifying employment or
36 income, seeking any assignment of wages, or performing other duties
37 necessary to the collection of an offender's legal financial
38 obligations.

39 (15) Nothing in this chapter makes the department, the state, the
40 counties, or any state or county employees, agents, or other persons

1 acting on their behalf liable under any circumstances for the payment
2 of these legal financial obligations or for the acts of any offender
3 who is no longer, or was not, subject to supervision by the
4 department for a term of community custody, and who remains under the
5 jurisdiction of the court for payment of legal financial obligations.

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

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

15 (2) After July 23, 1989, a party who obtains a judgment or order
16 of a court or an administrative order entered as defined in RCW
17 74.20A.020(6) for accrued child support, or the assignee or the
18 current holder thereof, may have an execution, garnishment, or other
19 legal process issued upon that judgment or order at any time within
20 (~~(ten)~~) 10 years of the (~~(eighteenth)~~) 18th birthday of the youngest
21 child named in the order for whom support is ordered.

22 (3) After June 9, 1994, a party in whose favor a judgment has
23 been filed as a foreign judgment or rendered pursuant to subsection
24 (1) or (4) of this section, or the assignee or the current holder
25 thereof, may, within (~~(ninety)~~) 90 days before the expiration of the
26 original (~~(ten-year)~~) 10-year period, apply to the court that
27 rendered the judgment or to the court where the judgment was filed as
28 a foreign judgment for an order granting an additional (~~(ten)~~) 10
29 years during which an execution, garnishment, or other legal process
30 may be issued. If a district court judgment of this state is
31 transcribed to a superior court of this state, the original district
32 court judgment shall not be extended and any petition under this
33 section to extend the judgment that has been transcribed to superior
34 court shall be filed in the superior court within (~~(ninety)~~) 90 days
35 before the expiration of the (~~(ten-year)~~) 10-year period of the date
36 the transcript of the district court judgment was filed in the
37 superior court of this state. The petitioner shall pay to the court a
38 filing fee equal to the filing fee for filing the first or initial
39 paper in a civil action in the court, except in the case of district

1 court judgments transcribed to superior court, where the filing fee
2 shall be the fee for filing the first or initial paper in a civil
3 action in the superior court where the judgment was transcribed. The
4 order granting the application shall contain an updated judgment
5 summary as provided in RCW 4.64.030. The filing fee required under
6 this subsection shall be included in the judgment summary and shall
7 be a recoverable cost. The application shall be granted as a matter
8 of right, subject to review only for timeliness, factual issues of
9 full or partial satisfaction, or errors in calculating the judgment
10 summary amounts.

11 (4) A party who obtains a judgment or order for restitution,
12 crime victims' assessment, or other court-ordered legal financial
13 obligations pursuant to a criminal judgment and sentence, or the
14 assignee or the current holder thereof, may execute, garnish, and/or
15 have legal process issued upon the judgment or order any time within
16 ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence
17 or ~~((ten))~~ 10 years following the offender's release from total
18 confinement as provided in chapter 9.94A RCW. The clerk of superior
19 court, or a party designated by the clerk, may seek extension under
20 subsection (3) of this section for purposes of collection as allowed
21 under RCW 36.18.190, ~~((provided that no))~~ only if the court finds
22 that the offender has the current or likely future ability to pay the
23 legal financial obligations. A person does not have the current
24 ability to pay if the person is indigent as defined in RCW
25 10.01.160(3). No filing fee shall be required for filing a petition
26 for an extension pursuant to this subsection.

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

35 (6) The perfection of any judgment lien and the priority of that
36 judgment lien on property as established by RCW 6.13.090 and chapter
37 4.56 RCW is not altered by the extension of the judgment pursuant to
38 the provisions of this section and the lien remains in full force and
39 effect and does not have to be rerecorded after it is extended.
40 Continued perfection of a judgment that has been transcribed to other

1 counties and perfected in those counties may be accomplished after
2 extension of the judgment by filing with the clerk of the other
3 counties where the judgment has been filed either a certified copy of
4 the order extending the judgment or a certified copy of the docket of
5 the matter where the judgment was extended.

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

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

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

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

27 (a) A community corrections officer employed by the department of
28 corrections, if the person is subject to supervision under RCW
29 9.94A.501 or 9.94A.5011; or

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

33 (2) As a condition to suspension of sentence, the superior court
34 (~~shall require the payment of the penalty assessment required by RCW~~
35 ~~7.68.035. In addition, the superior court~~) may require the convicted
36 person to make such monetary payments, on such terms as the superior
37 court deems appropriate under the circumstances, as are necessary:

38 (a) To comply with any order of the court for the payment of family
39 support; (b) to make restitution to any person or persons who may

1 have suffered loss or damage by reason of the commission of the crime
2 in question or when the offender pleads guilty to a lesser offense or
3 fewer offenses and agrees with the prosecutor's recommendation that
4 the offender be required to pay restitution to a victim of an offense
5 or offenses which are not prosecuted pursuant to a plea agreement;
6 (c) to pay any fine imposed and not suspended and the court or other
7 costs incurred in the prosecution of the case, including
8 reimbursement of the state for costs of extradition if return to this
9 state by extradition was required; and (d) to contribute to a county
10 or interlocal drug fund.

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

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

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

1 not less than three months prior to the termination of the suspended
2 sentence.

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

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

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

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

1 and agrees with the prosecutor's recommendation that the offender be
2 required to pay restitution to a victim of an offense or offenses
3 which are not prosecuted pursuant to a plea agreement; (c) to pay
4 such fine as may be imposed and court costs, including reimbursement
5 of the state for costs of extradition if return to this state by
6 extradition was required; (d) following consideration of the
7 financial condition of the person subject to possible electronic
8 monitoring, to pay for the costs of electronic monitoring if that
9 monitoring was required by the court as a condition of release from
10 custody or as a condition of probation; (e) to contribute to a county
11 or interlocal drug fund; and (f) to make restitution to a public
12 agency for the costs of an emergency response under RCW 38.52.430,
13 and may require bonds for the faithful observance of any and all
14 conditions imposed in the probation.

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

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

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

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

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

22 ~~((+6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply
23 to sentences imposed under this section.

24 ~~((+7))~~ (8) For purposes of this section, "domestic violence"
25 means the same as in RCW 10.99.020.

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

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

1 exists where the defendant is indigent as defined in RCW
2 10.01.160(3).

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

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

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

1 preparing and serving a warrant for failure to appear do not survive
2 the acquittal, and the judgment that such costs would otherwise
3 constitute shall be vacated.

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

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

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

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

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

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

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

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

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

1 immediate family, the sentencing court may remit all or part of the
2 amount due in costs, modify the method of payment under RCW
3 10.01.170, or convert the unpaid costs to community restitution
4 hours, if the jurisdiction operates a community restitution program,
5 at the rate of no less than the state minimum wage established in RCW
6 49.46.020 for each hour of community restitution. Manifest hardship
7 exists where the defendant or juvenile offender is indigent as
8 defined in RCW (~~(10.01.010(3) (a) through (e))~~) 10.01.160(3).

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

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

21 When the defendant is found guilty, the court shall render
22 judgment accordingly, and the defendant may be liable for all costs,
23 unless the court or jury trying the cause expressly find otherwise.
24 The court shall not order a defendant to pay costs, as described in
25 RCW 10.01.160, if the court finds that the person at the time of
26 sentencing is indigent as defined in RCW (~~(10.01.010(3) (a) through~~
27 ~~(e))~~) 10.01.160(3).

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

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

1 account as provided in RCW 2.68.020, (~~twenty-five~~) 25 percent to
2 the county current expense fund, and (~~twenty-five~~) 25 percent to
3 the county current expense fund to fund local courts.

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

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

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

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

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

1 restitution of the date and place of the hearing. The court shall
2 also consider the victim's input, if any, as it relates to any
3 financial hardship caused to the victim if interest is reduced or
4 waived.

5 ((3)) (4) This section only applies to adult offenders.

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

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

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

23 ~~(c) When any juvenile is adjudicated of an offense which has a~~
24 ~~victim, and which is not a most serious offense as defined in RCW~~
25 ~~9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall~~
26 ~~order up to seven hours of community restitution, unless the court~~
27 ~~finds that such an order is not practicable for the offender. This~~
28 ~~community restitution must be imposed consecutively to any other~~
29 ~~community restitution the court imposes for the offense.~~

30 ~~(2) The assessment imposed by subsection (1) of this section~~
31 ~~shall not apply to motor vehicle crimes defined in Title 46 RCW~~
32 ~~except those defined in the following sections: RCW 46.61.520,~~
33 ~~46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,~~
34 ~~46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,~~
35 ~~46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,~~
36 ~~46.44.180, 46.10.490(2), and 46.09.470(2).~~

37 ~~(3) When any person accused of having committed a crime posts~~
38 ~~bail in superior court pursuant to the provisions of chapter 10.19~~
39 ~~RCW and such bail is forfeited, there shall be deducted from the~~

1 ~~proceeds of such forfeited bail a penalty assessment, in addition to~~
2 ~~any other penalty or fine imposed by law, equal to the assessment~~
3 ~~which would be applicable under subsection (1) of this section if the~~
4 ~~person had been convicted of the crime.~~

5 ~~(4) Such~~) Amounts received by the clerk of the superior court
6 for crime victim penalty assessments imposed prior to the effective
7 date of this section shall be paid by the clerk of the superior court
8 to the county treasurer. Each county shall deposit ~~((one hundred))~~
9 100 percent of the money it receives per case or cause of action
10 ~~((under subsection (1) of this section))~~ for crime victim penalty
11 assessments, not less than ~~((one and seventy-five one-hundredths))~~
12 1.75 percent of the remaining money it retains under RCW 10.82.070
13 and the money it retains under chapter 3.62 RCW, and all money it
14 receives under subsection ~~((7))~~ (5) of this section into a fund
15 maintained exclusively for the support of comprehensive programs to
16 encourage and facilitate testimony by the victims of crimes and
17 witnesses to crimes as described in subsection (3) of this section.

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

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

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

33 (b) Are administered by the county prosecuting attorney either
34 directly through the prosecuting attorney's office or by contract
35 between the county and agencies providing services to victims of
36 crime;

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

1 (d) Assist victims in the restitution and adjudication process;
2 and

3 (e) Assist victims of violent crimes in the preparation and
4 presentation of their claims to the department of labor and
5 industries under this chapter.

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

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

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

34 ~~(7))~~ (5) Every city and town shall transmit monthly ~~((one and
35 seventy-five one-hundredths))~~ 1.75 percent of all money, other than
36 money received for parking infractions, retained under RCW 3.50.100
37 and 35.20.220 to the county treasurer for deposit as provided in
38 subsection ~~((4))~~ (1) of this section.

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

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

5 (2) Beginning with fiscal year 2023, the state treasurer must
6 transfer into the account from the general fund the sum of
7 \$3,900,000, divided into four equal quarterly deposits. Each fiscal
8 year thereafter, the state treasurer must increase the total transfer
9 by the fiscal growth factor, as defined in RCW 43.135.060.

10 (3) Each quarter, the treasurer must distribute moneys deposited
11 in the state crime victim and witness assistance account to counties
12 on the basis of each county's distribution factor under RCW
13 82.14.310.

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

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

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

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

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

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

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

34 (i) Convert a term of partial confinement to total confinement;
35 or

36 (ii) Convert community restitution obligation to total or partial
37 confinement;

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

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

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

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

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

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

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

1 (e) If the court finds that a failure to pay is willful
2 noncompliance, it may impose the sanctions specified in RCW
3 9.94A.633(1); and

4 (f) If the court finds that the violation was not willful, the
5 court may, and if the court finds that the defendant is indigent as
6 defined in RCW ~~((10.101.010(3) (a) through (c)))~~ 10.01.160(3), the
7 court shall modify the terms of payment of the legal financial
8 obligations, reduce or waive nonrestitution legal financial
9 obligations, or convert nonrestitution legal financial obligations to
10 community restitution hours, if the jurisdiction operates a community
11 restitution program, at the rate of no less than the state minimum
12 wage established in RCW 49.46.020 for each hour of community
13 restitution. ~~((The crime victim penalty assessment under RCW 7.68.035
14 may not be reduced, waived, or converted to community restitution
15 hours.))~~

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

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

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

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

26 (2) In cases where conditions from a second or later sentence of
27 community supervision begin prior to the term of the second or later
28 sentence, the court shall treat a violation of such conditions as a
29 violation of the sentence of community supervision currently being
30 served.

31 (3) If an offender fails to comply with any of the nonfinancial
32 requirements or conditions of a sentence the following provisions
33 apply:

34 (a)(i) Following the violation, if the offender and the
35 department make a stipulated agreement, the department may impose
36 sanctions such as work release, home detention with electronic
37 monitoring, work crew, community restitution, inpatient treatment,
38 daily reporting, curfew, educational or counseling sessions,

1 supervision enhanced through electronic monitoring, jail time, or
2 other sanctions available in the community.

3 (ii) Within (~~seventy-two~~) 72 hours of signing the stipulated
4 agreement, the department shall submit a report to the court and the
5 prosecuting attorney outlining the violation or violations, and
6 sanctions imposed. Within (~~fifteen~~) 15 days of receipt of the
7 report, if the court is not satisfied with the sanctions, the court
8 may schedule a hearing and may modify the department's sanctions. If
9 this occurs, the offender may withdraw from the stipulated agreement.

10 (iii) If the offender fails to comply with the sanction
11 administratively imposed by the department, the court may take action
12 regarding the original noncompliance. Offender failure to comply with
13 the sanction administratively imposed by the department may be
14 considered an additional violation;

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

21 (c) The state has the burden of showing noncompliance by a
22 preponderance of the evidence. If the court finds that the violation
23 has occurred, it may order the offender to be confined for a period
24 not to exceed (~~sixty~~) 60 days for each violation, and may (i)
25 convert a term of partial confinement to total confinement, (ii)
26 convert community restitution obligation to total or partial
27 confinement, or (iii) order one or more of the penalties authorized
28 in (a)(i) of this subsection. Any time served in confinement awaiting
29 a hearing on noncompliance shall be credited against any confinement
30 order by the court;

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

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

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

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

8 (a) The department and the offender may enter into a stipulated
9 agreement that the failure to pay was willful noncompliance,
10 according to the provisions and requirements of subsection (3)(a) of
11 this section;

12 (b) In the absence of a stipulated agreement, or where the court
13 is not satisfied with the department's sanctions as provided in a
14 stipulated agreement under (a) of this subsection, the court, upon
15 the motion of the state, or upon its own motion, shall require the
16 offender to show cause why the offender should not be punished for
17 the noncompliance. The court may issue a summons or a warrant of
18 arrest for the offender's appearance;

19 (c) The state has the burden of showing noncompliance by a
20 preponderance of the evidence. The court may not sanction the
21 offender for failure to pay legal financial obligations unless the
22 court finds, after a hearing and on the record, that the failure to
23 pay is willful. A failure to pay is willful if the offender has the
24 current ability to pay but refuses to do so. In determining whether
25 the offender has the current ability to pay, the court shall inquire
26 into and consider: (i) The offender's income and assets; (ii) the
27 offender's basic living costs as defined by RCW 10.101.010 and other
28 liabilities including child support and other legal financial
29 obligations; and (iii) the offender's bona fide efforts to acquire
30 additional resources. An offender who is indigent as defined by RCW
31 (~~10.101.010(3) (a) through (e)~~) 10.01.160(3) is presumed to lack
32 the current ability to pay;

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

37 (e) If the court finds that the failure to pay is willful
38 noncompliance, the court may order the offender to be confined for a
39 period not to exceed (~~sixty~~) 60 days for each violation or order

1 one or more of the penalties authorized in subsection (3)(a)(i) of
2 this section; and

3 (f) If the court finds that the violation was not willful, the
4 court may, and if the court finds that the defendant is indigent as
5 defined in RCW ~~((10.101.010(3) — (a) through (e)))~~ 10.01.160(3), the
6 court shall modify the terms of payment of the legal financial
7 obligations, reduce or waive nonrestitution legal financial
8 obligations, or convert nonrestitution legal financial obligations to
9 community restitution hours, if the jurisdiction operates a community
10 restitution program, at the rate of no less than the state minimum
11 wage established in RCW 49.46.020 for each hour of community
12 restitution. ~~((The crime victim penalty assessment under RCW 7.68.035
13 may not be reduced, waived, or converted to community restitution
14 hours.))~~

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

20 (6) An offender under community placement or community
21 supervision who is civilly detained under chapter 71.05 RCW, and
22 subsequently discharged or conditionally released to the community,
23 shall be under the supervision of the department of corrections for
24 the duration of his or her period of community placement or community
25 supervision. During any period of inpatient mental health treatment
26 that falls within the period of community placement or community
27 supervision, the inpatient treatment provider and the supervising
28 community corrections officer shall notify each other about the
29 offender's discharge, release, and legal status, and shall share
30 other relevant information.

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

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

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

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

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

12 (b) In determining whether the defendant has the current ability
13 to pay, the court shall inquire into and consider: (i) The
14 defendant's income and assets; (ii) the defendant's basic living
15 costs as defined by RCW 10.101.010 and other liabilities including
16 child support and other legal financial obligations; and (iii) the
17 defendant's bona fide efforts to acquire additional resources. A
18 defendant who is indigent as defined by RCW (~~10.101.010(3)(a)~~
19 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to
20 pay.

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

25 (4) If a term of imprisonment for contempt for nonpayment of any
26 fine, penalty, assessment, fee, or costs is ordered, the term of
27 imprisonment shall be set forth in the commitment order, and shall
28 not exceed one day for each (~~twenty-five dollars~~) \$25 of the amount
29 ordered, (~~thirty~~) 30 days if the amount ordered of costs was
30 imposed upon conviction of a violation or misdemeanor, or one year in
31 any other case, whichever is the shorter period. A person committed
32 for nonpayment of any fine, penalty, assessment, fee, or costs shall
33 be given credit toward payment for each day of imprisonment at the
34 rate specified in the commitment order.

35 (5) If it appears to the satisfaction of the court that the
36 default in the payment of any fine, penalty, assessment, fee, or
37 costs is not willful contempt, the court may, and if the defendant is
38 indigent as defined in RCW (~~10.101.010(3)(a) through (e)~~)
39 10.01.160(3), the court shall enter an order: (a) Allowing the
40 defendant additional time for payment; (b) reducing the amount

1 thereof or of each installment; (c) revoking the fine, penalty,
2 assessment, fee, or costs or the unpaid portion thereof in whole or
3 in part; or (d) converting the unpaid fine, penalty, assessment, fee,
4 or costs to community restitution hours, if the jurisdiction operates
5 a community restitution program, at the rate of no less than the
6 state minimum wage established in RCW 49.46.020 for each hour of
7 community restitution. (~~The crime victim penalty assessment under~~
8 ~~RCW 7.68.035 may not be reduced, revoked, or converted to community~~
9 ~~restitution hours.~~)

10 (6) A default in the payment of any fine, penalty, assessment,
11 fee, or costs or any installment thereof may be collected by any
12 means authorized by law for the enforcement of a judgment. The levy
13 of execution for the collection of any fine, penalty, assessment,
14 fee, or costs shall not discharge a defendant committed to
15 imprisonment for contempt until the amount has actually been
16 collected.

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

19 Upon conviction or a plea of guilty in any court organized under
20 this title or Title 35 RCW, a defendant in a criminal case is liable
21 for a fee of (~~forty-three dollars~~) \$43, except this fee shall not
22 be imposed on a defendant who is indigent as defined in RCW
23 (~~10.101.010(3) (a) through (c)~~) 10.01.160(3). This fee shall be
24 subject to division with the state under RCW 3.46.120(2),
25 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

26 **Sec. 19.** RCW 36.18.020 and 2021 c 303 s 3 are each amended to
27 read as follows:

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

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

34 (a) In addition to any other fee required by law, the party
35 filing the first or initial document in any civil action, including,
36 but not limited to an action for restitution, adoption, or change of
37 name, and any party filing a counterclaim, cross-claim, or third-
38 party claim in any such civil action, shall pay, at the time the

1 document is filed, a fee of (~~two hundred dollars~~) \$200 except, in
2 an unlawful detainer action under chapter 59.18 or 59.20 RCW for
3 which the plaintiff shall pay a case initiating filing fee of
4 (~~forty-five dollars~~) \$45, or in proceedings filed under RCW
5 28A.225.030 alleging a violation of the compulsory attendance laws
6 where the petitioner shall not pay a filing fee. The (~~forty-five~~
7 ~~dollar~~) \$45 filing fee under this subsection for an unlawful
8 detainer action shall not include an order to show cause or any other
9 order or judgment except a default order or default judgment in an
10 unlawful detainer action.

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

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

17 (d) For filing of a petition for unlawful harassment under RCW
18 10.14.040 a filing fee of (~~fifty-three dollars~~) \$53.

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

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

25 (g) For filing any petition to contest a will admitted to probate
26 or a petition to admit a will which has been rejected, or a petition
27 objecting to a written agreement or memorandum as provided in RCW
28 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)
29 \$200.

30 (h) Upon conviction or plea of guilty, upon failure to prosecute
31 an appeal from a court of limited jurisdiction as provided by law, or
32 upon affirmance of a conviction by a court of limited jurisdiction,
33 an adult defendant in a criminal case shall be liable for a fee of
34 two hundred dollars, except this fee shall not be imposed on a
35 defendant who is indigent as defined in RCW (~~10.101.010(3)(a)~~
36 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court
37 may waive or reduce any fee previously imposed under this subsection
38 if the court finds that the defendant is indigent as defined in RCW
39 10.01.160(3).

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

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

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

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

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

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

26 **Sec. 20.** RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146
27 are each reenacted and amended to read as follows:

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

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

34 (a) In addition to any other fee required by law, the party
35 filing the first or initial document in any civil action, including,
36 but not limited to an action for restitution, adoption, or change of
37 name, and any party filing a counterclaim, cross-claim, or third-
38 party claim in any such civil action, shall pay, at the time the
39 document is filed, a fee of (~~two hundred dollars~~) \$200 except, in

1 an unlawful detainer action under chapter 59.18 or 59.20 RCW for
2 which the plaintiff shall pay a case initiating filing fee of
3 (~~forty-five dollars~~) \$45, or in proceedings filed under RCW
4 28A.225.030 alleging a violation of the compulsory attendance laws
5 where the petitioner shall not pay a filing fee. The (~~forty-five~~
6 ~~dollar~~) \$45 filing fee under this subsection for an unlawful
7 detainer action shall not include an order to show cause or any other
8 order or judgment except a default order or default judgment in an
9 unlawful detainer action.

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

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

16 (d) For filing of a petition for an antiharassment protection
17 order under RCW 7.105.100 a filing fee of (~~fifty-three dollars~~)
18 \$53.

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

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

25 (g) For filing any petition to contest a will admitted to probate
26 or a petition to admit a will which has been rejected, or a petition
27 objecting to a written agreement or memorandum as provided in RCW
28 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)
29 \$200.

30 (h) Upon conviction or plea of guilty, upon failure to prosecute
31 an appeal from a court of limited jurisdiction as provided by law, or
32 upon affirmance of a conviction by a court of limited jurisdiction,
33 an adult defendant in a criminal case shall be liable for a fee of
34 two hundred dollars, except this fee shall not be imposed on a
35 defendant who is indigent as defined in RCW (~~10.101.010(3)(a)~~
36 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court
37 may waive or reduce any fee previously imposed under this subsection
38 if the court finds that the defendant is indigent as defined in RCW
39 10.01.160(3).

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

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

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

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

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

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

26 **Sec. 21.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to
27 read as follows:

28 (~~Every sentence imposed for a crime specified in RCW 43.43.754~~
29 ~~must include a fee of one hundred dollars unless the state has~~
30 ~~previously collected the offender's DNA as a result of a prior~~
31 ~~conviction. The fee is a court-ordered legal financial obligation as~~
32 ~~defined in RCW 9.94A.030 and other applicable law. For a sentence~~
33 ~~imposed under chapter 9.94A RCW, the fee is payable by the offender~~
34 ~~after payment of all other legal financial obligations included in~~
35 ~~the sentence has been completed. For all other sentences, the fee is~~
36 ~~payable by the offender in the same manner as other assessments~~
37 ~~imposed.))~~

38 (1) The clerk of the court shall transmit (~~eighty~~) 80 percent
39 of (~~the fee~~) any amounts collected for fees imposed prior to the

1 effective date of this section for the collection of an offender's
2 DNA to the state treasurer for deposit in the state DNA database
3 account created under RCW 43.43.7532, and shall transmit ((twenty))
4 20 percent of the fee collected to the agency responsible for
5 collection of a biological sample from the offender as required under
6 RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders
7 if the state has previously collected the juvenile offender's DNA as
8 a result of a prior conviction.))

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

11 (3) Beginning July 1, 2022, the legislature must appropriate the
12 sum of \$600,000 for deposit into the state DNA database account under
13 RCW 43.43.7532. Each fiscal year thereafter, the legislature must
14 increase the total appropriation by the fiscal growth factor, as
15 defined in RCW 43.135.060. Of amounts so appropriated, the Washington
16 state patrol may expend 80 percent for operation and maintenance of
17 the DNA database under RCW 43.43.754 and 20 percent for distribution
18 to the agency responsible for the collection of the biological sample
19 from the offender.

20 NEW SECTION. Sec. 22. The sum of \$600,000, or as much thereof
21 as may be necessary, is appropriated for the fiscal year ending June
22 30, 2023, from the state general fund to the Washington state patrol
23 and is provided solely for deposit in the state DNA database account
24 created under RCW 43.43.7532 for the operation and maintenance of the
25 DNA database, and for distribution to agencies responsible for
26 collection of biological samples under RCW 43.43.754.

27 **Sec. 23.** RCW 43.43.7532 and 2002 c 289 s 5 are each amended to
28 read as follows:

29 The state DNA database account is created in the custody of the
30 state treasurer. All receipts under RCW 43.43.7541 must be deposited
31 into the account. Expenditures from the account may be used only for
32 creation, operation, and maintenance of the DNA database under RCW
33 43.43.754 and for distribution to agencies responsible for the
34 collection of the biological sample from the offender. Only the chief
35 of the Washington state patrol or the chief's designee may authorize
36 expenditures from the account. The account is subject to allotment
37 procedures under chapter 43.88 RCW, but an appropriation is not
38 required for expenditures.

1 NEW SECTION. **Sec. 24.** A new section is added to chapter 3.66
2 RCW to read as follows:

3 "Legal financial obligation" means a sum of money that is ordered
4 by a district or municipal court of the state of Washington for legal
5 financial obligations which may include restitution to the victim,
6 court costs, county or interlocal drug funds, court-appointed
7 attorneys' fees, and costs of defense, fines, and any other financial
8 obligation that is assessed to the offender as a result of a
9 conviction. Legal financial obligations may also include payment to a
10 public agency of the expense of an emergency response to the incident
11 resulting in the conviction, subject to RCW 38.52.430.

12 **Sec. 25.** RCW 10.01.170 and 2018 c 269 s 7 are each amended to
13 read as follows:

14 (1) When a defendant is sentenced to pay fines, penalties,
15 assessments, fees, restitution, or costs, the court may grant
16 permission for payment to be made within a specified period of time
17 or in specified installments. If the court finds that the defendant
18 is indigent as defined in RCW (~~10.101.010(3) (a) through (e)~~)
19 10.01.160(3), the court shall grant permission for payment to be made
20 within a specified period of time or in specified installments. If no
21 such permission is included in the sentence the fine or costs shall
22 be payable forthwith.

23 (2) An offender's monthly payment shall be applied 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 **Sec. 26.** RCW 10.46.190 and 2018 c 269 s 9 are each amended to
34 read as follows:

35 Every person convicted of a crime or held to bail to keep the
36 peace may be liable to all the costs of the proceedings against him
37 or her, including, when tried by a jury in the superior court or
38 before a committing magistrate, a jury fee as provided for in civil

1 actions for which judgment shall be rendered and collected. The court
2 shall not order a defendant to pay costs, as described in RCW
3 10.01.160, if the court finds that the person at the time of
4 sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through~~
5 ~~(e))~~) 10.01.160(3). The jury fee, when collected for a case tried by
6 the superior court, shall be paid to the clerk and applied as the
7 jury fee in civil cases is applied.

8 **Sec. 27.** RCW 9.92.070 and 2018 c 269 s 11 are each amended to
9 read as follows:

10 Hereafter whenever any judge of any superior court or a district
11 or municipal judge shall sentence any person to pay any fines,
12 penalties, assessments, fees, and costs, the judge may, in the
13 judge's discretion, provide that such fines, penalties, assessments,
14 fees, and costs may be paid in certain designated installments, or
15 within certain designated period or periods. If the court finds that
16 the defendant is indigent as defined in RCW (~~(10.101.010(3) (a)~~
17 ~~through (e))~~) 10.01.160(3), the court shall allow for payment in
18 certain designated installments or within certain designated periods.
19 If such fines, penalties, assessments, fees, and costs shall be paid
20 by the defendant in accordance with such order no commitment or
21 imprisonment of the defendant shall be made for failure to pay such
22 fine or costs. PROVIDED, that the provisions of this section shall
23 not apply to any sentence given for the violation of any of the
24 liquor laws of this state.

25 **Sec. 28.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to
26 read as follows:

27 Upon a showing by any convicted person or the state that five
28 years have elapsed from the establishment of such escrow account and
29 further that no actions are pending against such convicted person
30 pursuant to RCW 7.68.200 through 7.68.280, the department shall
31 immediately pay over (~~(fifty)~~) 50 percent of any moneys in the escrow
32 account to such person or his or her legal representatives and
33 (~~(fifty)~~) 50 percent of any moneys in the escrow account to the fund
34 under RCW 7.68.035 (~~((+4))~~) (1).

35 **Sec. 29.** RCW 9.94A.505 and 2021 c 242 s 3 are each amended to
36 read as follows:

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

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

5 (i) Unless another term of confinement applies, a sentence within
6 the standard sentence range established in RCW 9.94A.510 or
7 9.94A.517;

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

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

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

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

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

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

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

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

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

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

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

24 (xiii) RCW 9.94A.603, relating to felony driving while under the
25 influence of intoxicating liquor or any drug and felony physical
26 control of a vehicle while under the influence of intoxicating liquor
27 or any drug;

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

30 (b) If a standard sentence range has not been established for the
31 offender's crime, the court shall impose a determinate sentence which
32 may include not more than one year of confinement; community
33 restitution work; a term of community custody under RCW 9.94A.702 not
34 to exceed one year; and/or other legal financial obligations. The
35 court may impose a sentence which provides more than one year of
36 confinement and a community custody term under RCW 9.94A.701 if the
37 court finds reasons justifying an exceptional sentence as provided in
38 RCW 9.94A.535.

39 (3) If the court imposes a sentence requiring confinement of
40 (~~thirty~~) 30 days or less, the court may, in its discretion, specify

1 that the sentence be served on consecutive or intermittent days. A
2 sentence requiring more than (~~thirty~~) 30 days of confinement shall
3 be served on consecutive days. Local jail administrators may schedule
4 court-ordered intermittent sentences as space permits.

5 (4) If a sentence imposed includes payment of a legal financial
6 obligation, it shall be imposed as provided in RCW 9.94A.750,
7 9.94A.753, and 9.94A.760 (~~, and 43.43.7541~~).

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

12 (6) The sentencing court shall give the offender credit for all
13 confinement time served before the sentencing if that confinement was
14 solely in regard to the offense for which the offender is being
15 sentenced.

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

20 (a) A violent offense;

21 (b) Any sex offense;

22 (c) Any drug offense;

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

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

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

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

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

29 (8) The court shall order restitution as provided in RCW
30 9.94A.750 and 9.94A.753.

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

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

1 **Sec. 30.** RCW 9.94A.777 and 2010 c 280 s 6 are each amended to
2 read as follows:

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

8 (2) For the purposes of this section, a defendant suffers from a
9 mental health condition when the defendant has been diagnosed with a
10 mental disorder that prevents the defendant from participating in
11 gainful employment, as evidenced by a determination of mental
12 disability as the basis for the defendant's enrollment in a public
13 assistance program, a record of involuntary hospitalization, or by
14 competent expert evaluation.

15 **Sec. 31.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to
16 read as follows:

17 (1) If a juvenile is ordered to pay legal financial obligations,
18 including fines, penalty assessments, attorneys' fees, court costs,
19 and restitution, the money judgment remains enforceable for a period
20 of (~~((ten))~~) 10 years. When the juvenile reaches the age of
21 (~~((eighteen))~~) 18 years or at the conclusion of juvenile court
22 jurisdiction, whichever occurs later, the superior court clerk must
23 docket the remaining balance of the juvenile's legal financial
24 obligations in the same manner as other judgments for the payment of
25 money. The judgment remains valid and enforceable until (~~((ten))~~) 10
26 years from the date of its imposition. The clerk of the superior
27 court may seek extension of the judgment for legal financial
28 obligations(~~((, including crime victims' assessments,))~~) in the same
29 manner as RCW 6.17.020 for purposes of collection as allowed under
30 RCW 36.18.190.

31 (2) A respondent under obligation to pay legal financial
32 obligations other than restitution(~~((, the victim penalty assessment~~
33 ~~set forth in RCW 7.68.035,))~~) or the crime laboratory analysis fee set
34 forth in RCW 43.43.690 may petition the court for modification or
35 relief from those legal financial obligations and interest accrued on
36 those obligations for good cause shown, including inability to pay.
37 The court shall consider factors such as, but not limited to
38 incarceration and a respondent's other debts, including restitution,
39 when determining a respondent's ability to pay.

1 **Sec. 32.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to
2 read as follows:

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

8 (2) The hearing shall afford the respondent the same due process
9 of law as would be afforded an adult probationer. The court may issue
10 a summons or a warrant to compel the respondent's appearance. The
11 state shall have the burden of proving by a preponderance of the
12 evidence the fact of the violation. The respondent shall have the
13 burden of showing that the violation was not a willful refusal to
14 comply with the terms of the order. If a respondent has failed to pay
15 a fine, penalty assessments, or restitution or to perform community
16 restitution hours, as required by the court, it shall be the
17 respondent's burden to show that he or she did not have the means and
18 could not reasonably have acquired the means to pay the fine, penalty
19 assessments, or restitution or perform community restitution.

20 (3) If the court finds that a respondent has willfully violated
21 the terms of an order pursuant to subsections (1) and (2) of this
22 section, it may impose a penalty of up to (~~thirty~~) 30 days'
23 confinement. Penalties for multiple violations occurring prior to the
24 hearing shall not be aggregated to exceed (~~thirty~~) 30 days'
25 confinement. Regardless of the number of times a respondent is
26 brought to court for violations of the terms of a single disposition
27 order, the combined total number of days spent by the respondent in
28 detention shall never exceed the maximum term to which an adult could
29 be sentenced for the underlying offense.

30 (4) If a respondent has been ordered to pay a fine or monetary
31 penalty and due to a change of circumstance cannot reasonably comply
32 with the order, the court, upon motion of the respondent, may order
33 that the unpaid fine or monetary penalty be converted to community
34 restitution (~~(unless the monetary penalty is the crime victim penalty~~
35 ~~assessment, which cannot be converted, waived, or otherwise modified,~~
36 ~~except for schedule of payment)). The number of hours of community
37 restitution in lieu of a monetary penalty or fine shall be converted
38 at the rate of the prevailing state minimum wage per hour. The
39 monetary penalties or fines collected shall be deposited in the
40 county general fund. A failure to comply with an order under this~~

1 subsection shall be deemed a failure to comply with an order of
2 community supervision and may be proceeded against as provided in
3 this section.

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

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

10 NEW SECTION. **Sec. 34.** Section 19 of this act expires July 1,
11 2022.

12 NEW SECTION. **Sec. 35.** Section 20 of this act takes effect July
13 1, 2022.

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