
HOUSE BILL 1970

State of Washington

67th Legislature

2022 Regular Session

By Representatives Young and Leavitt

Read first time 01/13/22. Referred to Committee on Public Safety.

1 AN ACT Relating to eliminating certain supervision-related fees
2 charged to convicted persons; amending RCW 9.94A.74504, 9.94A.760,
3 and 9.95.214; creating a new section; repealing RCW 9.94A.780,
4 72.04A.120, and 72.11.040; and providing an effective date.

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

6 **Sec. 1.** RCW 9.94A.74504 and 2011 1st sp.s. c 40 s 14 are each
7 amended to read as follows:

8 (1) The department may supervise nonfelony offenders transferred
9 to Washington pursuant to RCW 9.94A.745, the interstate compact for
10 adult offender supervision, and shall supervise these offenders
11 according to the provisions of this chapter.

12 (2) The department shall process applications for interstate
13 transfer of felony and nonfelony offenders requesting transfer of
14 supervision out-of-state pursuant to RCW 9.94A.745, the interstate
15 compact for adult offender supervision(~~, and may charge offenders a~~
16 ~~reasonable fee for processing the application.~~

17 ~~(3) The department shall adopt a rule prescribing the amount of~~
18 ~~the interstate transfer application fee)).~~

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

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

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

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

24 (b) Second, proportionally to restitution to insurance or other
25 sources with respect to a loss that has provided compensation to
26 victims;

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

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

30 (3) If the court determines that the offender, at the time of
31 sentencing, has the means to pay for the cost of incarceration, the
32 court may require the offender to pay for the cost of incarceration.
33 The court shall not order the offender to pay the cost of
34 incarceration if the court finds that the offender at the time of
35 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
36 (c). Costs of incarceration ordered by the court shall not exceed a
37 rate of fifty dollars per day of incarceration, if incarcerated in a
38 prison, or the actual cost of incarceration per day of incarceration,
39 if incarcerated in a county jail. In no case may the court require
40 the offender to pay more than one hundred dollars per day for the

1 cost of incarceration. All funds recovered from offenders for the
2 cost of incarceration in the county jail shall be remitted to the
3 county and the costs of incarceration in a prison shall be remitted
4 to the department.

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

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

22 (5) Independent of the department or the county clerk, the party
23 or entity to whom the legal financial obligation is owed shall have
24 the authority to use any other remedies available to the party or
25 entity to collect the legal financial obligation. These remedies
26 include enforcement in the same manner as a judgment in a civil
27 action by the party or entity to whom the legal financial obligation
28 is owed. Restitution collected through civil enforcement must be paid
29 through the registry of the court and must be distributed
30 proportionately according to each victim's loss when there is more
31 than one victim. The judgment and sentence shall identify the party
32 or entity to whom restitution is owed so that the state, party, or
33 entity may enforce the judgment. If restitution is ordered pursuant
34 to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or
35 a victim's child born from the rape, the Washington state child
36 support registry shall be identified as the party to whom payments
37 must be made. Restitution obligations arising from the rape of a
38 child in the first, second, or third degree that result in the
39 pregnancy of the victim may be enforced for the time periods provided
40 under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial

1 obligations for an offense committed prior to July 1, 2000, may be
2 enforced at any time during the ten-year period following the
3 offender's release from total confinement or within ten years of
4 entry of the judgment and sentence, whichever period ends later.
5 Prior to the expiration of the initial ten-year period, the superior
6 court may extend the criminal judgment an additional ten years for
7 payment of legal financial obligations including crime victims'
8 assessments. All other legal financial obligations for an offense
9 committed on or after July 1, 2000, may be enforced at any time the
10 offender remains under the court's jurisdiction. For an offense
11 committed on or after July 1, 2000, the court shall retain
12 jurisdiction over the offender, for purposes of the offender's
13 compliance with payment of the legal financial obligations, until the
14 obligation is completely satisfied, regardless of the statutory
15 maximum for the crime. The department may only supervise the
16 offender's compliance with payment of the legal financial obligations
17 during any period in which the department is authorized to supervise
18 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
19 which the offender is confined in a state correctional institution or
20 a correctional facility pursuant to a transfer agreement with the
21 department, and the department shall supervise the offender's
22 compliance during any such period. The department is not responsible
23 for supervision of the offender during any subsequent period of time
24 the offender remains under the court's jurisdiction. The county clerk
25 is authorized to collect unpaid legal financial obligations at any
26 time the offender remains under the jurisdiction of the court for
27 purposes of his or her legal financial obligations.

28 (6) In order to assist the court in setting a monthly sum that
29 the offender must pay during the period of supervision, the offender
30 is required to report to the department for purposes of preparing a
31 recommendation to the court. When reporting, the offender is
32 required, under oath, to respond truthfully and honestly to all
33 questions concerning present, past, and future earning capabilities
34 and the location and nature of all property or financial assets. The
35 offender is further required to bring all documents requested by the
36 department.

37 (7) After completing the investigation, the department shall make
38 a report to the court on the amount of the monthly payment that the
39 offender should be required to make towards a satisfied legal
40 financial obligation.

1 (8) (a) During the period of supervision, the department may make
2 a recommendation to the court that the offender's monthly payment
3 schedule be modified so as to reflect a change in financial
4 circumstances. If the department sets the monthly payment amount, the
5 department may modify the monthly payment amount without the matter
6 being returned to the court. During the period of supervision, the
7 department may require the offender to report to the department for
8 the purposes of reviewing the appropriateness of the collection
9 schedule for the legal financial obligation. During this reporting,
10 the offender is required under oath to respond truthfully and
11 honestly to all questions concerning earning capabilities and the
12 location and nature of all property or financial assets. The offender
13 shall bring all documents requested by the department in order to
14 prepare the collection schedule.

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

33 (9) After the judgment and sentence or payment order is entered,
34 the department is authorized, for any period of supervision, to
35 collect the legal financial obligation from the offender. Subsequent
36 to any period of supervision or, if the department is not authorized
37 to supervise the offender in the community, the county clerk is
38 authorized to collect unpaid legal financial obligations from the
39 offender. Any amount collected by the department shall be remitted
40 daily to the county clerk for the purpose of disbursements. The

1 department and the county clerks are authorized, but not required, to
2 accept credit cards as payment for a legal financial obligation, and
3 any costs incurred related to accepting credit card payments shall be
4 the responsibility of the offender.

5 (10) The department or any obligee of the legal financial
6 obligation may seek a mandatory wage assignment for the purposes of
7 obtaining satisfaction for the legal financial obligation pursuant to
8 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
9 the county clerk. The county clerks shall notify the department, or
10 the administrative office of the courts, whichever is providing the
11 monthly billing for the offender.

12 (11) The requirement that the offender pay a monthly sum towards
13 a legal financial obligation constitutes a condition or requirement
14 of a sentence and the offender is subject to the penalties for
15 noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.
16 If the court determines that the offender is homeless or a person who
17 is mentally ill, as defined in RCW 71.24.025, failure to pay a legal
18 financial obligation is not willful noncompliance and shall not
19 subject the offender to penalties.

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

23 (b) The billing shall direct payments(~~(, other than outstanding~~
24 ~~cost of supervision assessments under RCW 9.94A.780, parole~~
25 ~~assessments under RCW 72.04A.120, and cost of probation assessments~~
26 ~~under RCW 9.95.214,)) to the county clerk(~~(, and cost of supervision,~~
27 ~~parole, or probation assessments to the department)).~~~~

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

31 (d) The county clerks, the administrative office of the courts,
32 and the department shall maintain agreements to implement this
33 subsection.

34 (13) The department shall arrange for the collection of unpaid
35 legal financial obligations during any period of supervision in the
36 community through the county clerk. The department shall either
37 collect unpaid legal financial obligations or arrange for collections
38 through another entity if the clerk does not assume responsibility or
39 is unable to continue to assume responsibility for collection

1 pursuant to subsection (5) of this section. The costs for collection
2 services shall be paid by the offender.

3 (14) The county clerk may access the records of the employment
4 security department for the purposes of verifying employment or
5 income, seeking any assignment of wages, or performing other duties
6 necessary to the collection of an offender's legal financial
7 obligations.

8 (15) Nothing in this chapter makes the department, the state, the
9 counties, or any state or county employees, agents, or other persons
10 acting on their behalf liable under any circumstances for the payment
11 of these legal financial obligations or for the acts of any offender
12 who is no longer, or was not, subject to supervision by the
13 department for a term of community custody, and who remains under the
14 jurisdiction of the court for payment of legal financial obligations.

15 **Sec. 3.** RCW 9.95.214 and 2011 1st sp.s. c 40 s 11 are each
16 amended to read as follows:

17 Whenever a defendant convicted of a misdemeanor or gross
18 misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210,
19 and the defendant is supervised by a county probation department, the
20 county probation department may assess and collect from the defendant
21 for the duration of the term of supervision a monthly assessment not
22 to exceed one hundred dollars per month. (~~Whenever a defendant~~
23 ~~convicted of a misdemeanor or gross misdemeanor is placed on~~
24 ~~probation under RCW 9.92.060 or 9.95.210, and the defendant is~~
25 ~~supervised by the department of corrections, the department may~~
26 ~~collect supervision intake fees pursuant to RCW 9.94A.780.~~) This
27 assessment shall be paid to the agency supervising the defendant and
28 shall be applied, along with funds appropriated by the legislature,
29 toward the payment or part payment of the cost of supervising the
30 defendant. The county probation department shall suspend such
31 assessment while the defendant is being supervised by another state
32 pursuant to RCW 9.94A.745, the interstate compact for adult offender
33 supervision.

34 NEW SECTION. **Sec. 4.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 9.94A.780 (Offender supervision intake fees) and 2011 1st
37 sp.s. c 40 s 10, 2008 c 231 s 37, 2003 c 379 s 18, 1991 c 104 s 1,
38 1989 c 252 s 8, 1984 c 209 s 15, & 1982 c 207 s 2; and

1 (2) RCW 72.04A.120 (Parolee supervision intake fees) and 2012 c
2 117 s 458, 2011 1st sp.s. c 40 s 12, 1991 c 104 s 2, 1989 c 252 s 20,
3 & 1982 c 207 s 1.

4 NEW SECTION. **Sec. 5.** RCW 72.11.040 (Cost of supervision fund)
5 and 2011 1st sp.s. c 40 s 13, 2005 c 518 s 943, 2003 1st sp.s. c 25 s
6 936, 2001 2nd sp.s. c 7 s 919, 2000 2nd sp.s. c 1 s 914, 1999 c 309 s
7 921, & 1989 c 252 s 26 as now existing or hereafter amended, is
8 repealed effective June 30, 2022.

9 NEW SECTION. **Sec. 6.** The state treasurer shall transfer all
10 residual funds in the cost of supervision fund to the general fund on
11 June 30, 2022.

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