

CERTIFICATION OF ENROLLMENT

**ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1412**

Chapter 260, Laws of 2022

67th Legislature  
2022 Regular Session

LEGAL FINANCIAL OBLIGATIONS—VARIOUS PROVISIONS

EFFECTIVE DATE: January 1, 2023

Passed by the House March 9, 2022  
Yeas 64 Nays 32

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 3, 2022  
Yeas 38 Nays 11

DENNY HECK

**President of the Senate**

Approved March 31, 2022 4:27 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1412** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

April 1, 2022

**Secretary of State  
State of Washington**

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ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1412

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AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

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

READ FIRST TIME 02/03/22.

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, 9.94A.6333,  
4 9.94B.040, 10.01.180, 3.62.085, 10.01.170, 10.46.190, 9.92.070,  
5 7.68.240, 9.94A.505, and 9.94A.777; reenacting and amending RCW  
6 36.18.020; adding a new section to chapter 10.01 RCW; adding a new  
7 section to chapter 3.66 RCW; creating a new section; and providing an  
8 effective date.

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

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

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

19 (2) At any time, including at sentencing, the court may determine  
20 that the offender is not required to pay, or may relieve the offender  
21 of the requirement to pay, full or partial restitution and accrued

1 interest on restitution where the entity to whom restitution is owed  
2 is an insurer or state agency, except for restitution owed to the  
3 department of labor and industries under chapter 7.68 RCW, if the  
4 court finds that the offender does not have the current or likely  
5 future ability to pay. A person does not have the current ability to  
6 pay if the person is indigent as defined in RCW 10.01.160(3). For the  
7 purposes of this subsection, the terms "insurer" and "state agency"  
8 have the same meanings as provided in RCW 9.94A.750(3).

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

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

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

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

27 This section applies to offenses committed on or before July 1,  
28 1985.

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

1 inability to make restitution payments while in total confinement may  
2 not be the basis for a violation of his or her sentence unless his or  
3 her inability to make payments resulted from a refusal to accept an  
4 employment offer to a class I or class II job or a termination for  
5 cause from such a job.

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

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

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

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

38 (ii) "Self-insurance" means a formal program of advance funding  
39 and management of entity financial exposure to a risk of loss that is

1 not transferred through the purchase of an insurance policy or  
2 contract.

3 (iii) "State agency" has the same meaning as provided in RCW  
4 42.56.010(1).

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

33 (5) Restitution may be ordered whenever the offender is convicted  
34 of an offense which results in injury to any person or damage to or  
35 loss of property or as provided in subsection (6) of this section. In  
36 addition, restitution may be ordered to pay for an injury, loss, or  
37 damage if the offender pleads guilty to a lesser offense or fewer  
38 offenses and agrees with the prosecutor's recommendation that the  
39 offender be required to pay restitution to a victim of an offense or  
40 offenses which are not prosecuted pursuant to a plea agreement.

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

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

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

1 enforcement must be paid through the registry of the court and must  
2 be distributed proportionately according to each victim's loss when  
3 there is more than one victim.

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

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

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

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

33 (3) (a) Except as provided in subsection (6) of this section,  
34 restitution ordered by a court pursuant to a criminal conviction  
35 shall be based on easily ascertainable damages for injury to or loss  
36 of property, actual expenses incurred for treatment for injury to  
37 persons, and lost wages resulting from injury. Restitution shall not  
38 include reimbursement for damages for mental anguish, pain and  
39 suffering, or other intangible losses, but may include the costs of

1 counseling reasonably related to the offense. The amount of  
2 restitution shall not exceed double the amount of the offender's gain  
3 or the victim's loss from the commission of the crime.

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

15 (4) For the purposes of this section, for an offense committed  
16 prior to July 1, 2000, the offender shall remain under the court's  
17 jurisdiction for a term of (~~ten~~) 10 years following the offender's  
18 release from total confinement or (~~ten~~) 10 years subsequent to the  
19 entry of the judgment and sentence, whichever period ends later.  
20 Prior to the expiration of the initial (~~ten-year~~) 10-year period,  
21 the superior court may extend jurisdiction under the criminal  
22 judgment an additional (~~ten~~) 10 years for payment of restitution.  
23 For an offense committed on or after July 1, 2000, the offender shall  
24 remain under the court's jurisdiction until the obligation is  
25 completely satisfied, regardless of the statutory maximum for the  
26 crime. The portion of the sentence concerning restitution may be  
27 modified as to amount, terms, and conditions during any period of  
28 time the offender remains under the court's jurisdiction, regardless  
29 of the expiration of the offender's term of community supervision and  
30 regardless of the statutory maximum sentence for the crime. The court  
31 may not reduce the total amount of restitution ordered because the  
32 offender may lack the ability to pay the total amount. The offender's  
33 compliance with the restitution shall be supervised by the department  
34 only during any period which the department is authorized to  
35 supervise the offender in the community under RCW 9.94A.728,  
36 9.94A.501, or in which the offender is in confinement in a state  
37 correctional institution or a correctional facility pursuant to a  
38 transfer agreement with the department, and the department shall  
39 supervise the offender's compliance during any such period. The  
40 department is responsible for supervision of the offender only during

1 confinement and authorized supervision and not during any subsequent  
2 period in which the offender remains under the court's jurisdiction.  
3 The county clerk is authorized to collect unpaid restitution at any  
4 time the offender remains under the jurisdiction of the court for  
5 purposes of his or her legal financial obligations.

6 (5) Restitution shall be ordered whenever the offender is  
7 convicted of an offense which results in injury to any person or  
8 damage to or loss of property or as provided in subsection (6) of  
9 this section unless extraordinary circumstances exist which make  
10 restitution inappropriate in the court's judgment and the court sets  
11 forth such circumstances in the record. In addition, restitution  
12 shall be ordered to pay for an injury, loss, or damage if the  
13 offender pleads guilty to a lesser offense or fewer offenses and  
14 agrees with the prosecutor's recommendation that the offender be  
15 required to pay restitution to a victim of an offense or offenses  
16 which are not prosecuted pursuant to a plea agreement.

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

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

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

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

34 (10) If a person has caused a victim to lose money or property  
35 through the filing of a vehicle report of sale in which the  
36 designated buyer had no knowledge of the vehicle transfer or the  
37 fraudulent filing of the report of sale, upon conviction or when the  
38 offender pleads guilty and agrees with the prosecutor's  
39 recommendation that the offender be required to pay restitution to a  
40 victim, the court may order the defendant to pay an amount, fixed by

1 the court, not to exceed double the amount of the defendant's gain or  
2 victim's loss from the filing of the vehicle report of sale in which  
3 the designated buyer had no knowledge of the vehicle transfer or the  
4 fraudulent filing of the report of sale. Such an amount may be used  
5 to provide restitution to the victim at the order of the court. It is  
6 the duty of the prosecuting attorney to investigate the alternative  
7 of restitution, and to recommend it to the court, when the  
8 prosecuting attorney believes that restitution is appropriate and  
9 feasible. If the court orders restitution, the court must make a  
10 finding as to the amount of the victim's loss due to the filing of  
11 the report of sale in which the designated buyer had no knowledge of  
12 the vehicle transfer or the fraudulent filing of the report of sale,  
13 and if the record does not contain sufficient evidence to support  
14 such finding, the court may conduct a hearing upon the issue. For  
15 purposes of this section, "loss" refers to the amount of money or the  
16 value of property or services lost.

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

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

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

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

6 (b) Second, proportionally to restitution to insurance or other  
7 sources with respect to a loss that has provided compensation to  
8 victims;

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

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

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

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

37 If a judgment and sentence or subsequent order to pay does not  
38 include the statement that a notice of payroll deduction may be  
39 issued or other income-withholding action may be taken if a monthly  
40 legal financial obligation payment is past due, the department or the

1 county clerk may serve a notice on the offender stating such  
2 requirements and authorizations. Service shall be by personal service  
3 or any form of mail requiring a return receipt.

4 (5) (a) Independent of the department or the county clerk, the  
5 party or entity to whom the legal financial obligation is owed shall  
6 have the authority to use any other remedies available to the party  
7 or entity to collect the legal financial obligation. These remedies  
8 include enforcement in the same manner as a judgment in a civil  
9 action by the party or entity to whom the legal financial obligation  
10 is owed. Restitution collected through civil enforcement must be paid  
11 through the registry of the court and must be distributed  
12 proportionately according to each victim's loss when there is more  
13 than one victim. The judgment and sentence shall identify the party  
14 or entity to whom restitution is owed so that the state, party, or  
15 entity may enforce the judgment.

16 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or  
17 9.94A.753(6) to a victim of rape of a child or a victim's child born  
18 from the rape, the Washington state child support registry shall be  
19 identified as the party to whom payments must be made. Restitution  
20 obligations arising from the rape of a child in the first, second, or  
21 third degree that result in the pregnancy of the victim may be  
22 enforced for the time periods provided under RCW 9.94A.750(6) and  
23 9.94A.753(6).

24 (c) All other ~~((legal—financial))~~ restitution obligations for an  
25 offense committed prior to July 1, 2000, may be enforced at any time  
26 during the ~~((ten—year))~~ 10-year period following the offender's  
27 release from total confinement or within ~~((ten))~~ 10 years of entry of  
28 the judgment and sentence, whichever period ends later. Prior to the  
29 expiration of the initial ~~((ten—year))~~ 10-year period, the superior  
30 court may extend the criminal judgment an additional ~~((ten))~~ 10 years  
31 for payment of ~~((legal—financial))~~ restitution obligations  
32 ~~((including—crime—victims'—assessments))~~. All other ~~((legal—~~  
33 ~~financial))~~ restitution obligations for an offense committed on or  
34 after July 1, 2000, may be enforced at any time the offender remains  
35 under the court's jurisdiction. For an offense committed on or after  
36 July 1, 2000, the court shall retain jurisdiction over the offender,  
37 for purposes of the offender's compliance with payment of the ~~((legal—~~  
38 ~~financial))~~ restitution obligations, until the obligation is  
39 completely satisfied, regardless of the statutory maximum for the  
40 crime.

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

11       (e) The department may only supervise the offender's compliance  
12 with payment of the legal financial obligations during any period in  
13 which the department is authorized to supervise the offender in the  
14 community under RCW 9.94A.728, 9.94A.501, or in which the offender is  
15 confined in a state correctional institution or a correctional  
16 facility pursuant to a transfer agreement with the department, and  
17 the department shall supervise the offender's compliance during any  
18 such period. The department is not responsible for supervision of the  
19 offender during any subsequent period of time the offender remains  
20 under the court's jurisdiction. The county clerk is authorized to  
21 collect unpaid legal financial obligations at any time the offender  
22 remains under the jurisdiction of the court for purposes of his or  
23 her legal financial obligations.

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

33       (7) After completing the investigation, the department shall make  
34 a report to the court on the amount of the monthly payment that the  
35 offender should be required to make towards a satisfied legal  
36 financial obligation.

37       (8) (a) During the period of supervision, the department may make  
38 a recommendation to the court that the offender's monthly payment  
39 schedule be modified so as to reflect a change in financial  
40 circumstances. If the department sets the monthly payment amount, the

1 department may modify the monthly payment amount without the matter  
2 being returned to the court. During the period of supervision, the  
3 department may require the offender to report to the department for  
4 the purposes of reviewing the appropriateness of the collection  
5 schedule for the legal financial obligation. During this reporting,  
6 the offender is required under oath to respond truthfully and  
7 honestly to all questions concerning earning capabilities and the  
8 location and nature of all property or financial assets. The offender  
9 shall bring all documents requested by the department in order to  
10 prepare the collection schedule.

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

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

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

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

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

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

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

27 (d) The county clerks, the administrative office of the courts,  
28 and the department shall maintain agreements to implement this  
29 subsection.

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

38 (14) The county clerk may access the records of the employment  
39 security department for the purposes of verifying employment or  
40 income, seeking any assignment of wages, or performing other duties

1 necessary to the collection of an offender's legal financial  
2 obligations.

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

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

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

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

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

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

15 (4) (a) A party who obtains a judgment or order for restitution(~~(7~~  
16 ~~erime victims' assessment, or other court-ordered legal financial~~  
17 ~~obligations))~~ pursuant to a criminal judgment and sentence, or the  
18 assignee or the current holder thereof, may execute, garnish, and/or  
19 have legal process issued upon the judgment or order any time within  
20 (~~(ten))~~ 10 years subsequent to the entry of the judgment and sentence  
21 or (~~(ten))~~ 10 years following the offender's release from total  
22 confinement as provided in chapter 9.94A RCW. The clerk of superior  
23 court, or a party designated by the clerk, may seek extension under  
24 subsection (3) of this section for purposes of collection as allowed  
25 under RCW 36.18.190, provided that no filing fee shall be required.

26 (b) A party who obtains a judgment or order for court-ordered  
27 legal financial obligations other than restitution, pursuant to a  
28 criminal judgment and sentence, or the assignee or the current holder  
29 thereof, may execute, garnish, and have legal process issued upon the  
30 judgment or order any time within 10 years subsequent to the entry of  
31 the judgment and sentence or 10 years following the offender's  
32 release from total confinement as provided in chapter 9.94A RCW. The  
33 clerk of superior court, or a party designated by the clerk, may seek  
34 extension under subsection (3) of this section for purposes of  
35 collection as allowed under RCW 36.18.190, only if the court finds  
36 that the offender has the current or likely future ability to pay the  
37 nonrestitution legal financial obligations. A person does not have  
38 the current ability to pay if the person is indigent as defined in  
39 RCW 10.01.160(3). No filing fee shall be required for filing a  
40 petition for an extension pursuant to this subsection (4) (b).

1 (5) "Court" as used in this section includes but is not limited  
2 to the United States supreme court, the United States courts of  
3 appeals, the United States district courts, the United States  
4 bankruptcy courts, the Washington state supreme court, the court of  
5 appeals of the state of Washington, superior courts and district  
6 courts of the counties of the state of Washington, and courts of  
7 other states and jurisdictions from which judgment has been filed in  
8 this state under chapter 6.36 or 6.40 RCW.

9 (6) The perfection of any judgment lien and the priority of that  
10 judgment lien on property as established by RCW 6.13.090 and chapter  
11 4.56 RCW is not altered by the extension of the judgment pursuant to  
12 the provisions of this section and the lien remains in full force and  
13 effect and does not have to be rerecorded after it is extended.  
14 Continued perfection of a judgment that has been transcribed to other  
15 counties and perfected in those counties may be accomplished after  
16 extension of the judgment by filing with the clerk of the other  
17 counties where the judgment has been filed either a certified copy of  
18 the order extending the judgment or a certified copy of the docket of  
19 the matter where the judgment was extended.

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

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

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

34 (1) Whenever any person is convicted of any crime except murder,  
35 burglary in the first degree, arson in the first degree, robbery,  
36 rape of a child, or rape, the superior court may, in its discretion,  
37 at the time of imposing sentence upon such person, direct that such  
38 sentence be stayed and suspended until otherwise ordered by the

1 superior court, and, upon such terms as the superior court may  
2 determine, that the sentenced person be placed under the charge of:

3 (a) A community corrections officer employed by the department of  
4 corrections, if the person is subject to supervision under RCW  
5 9.94A.501 or 9.94A.5011; or

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

9 (2) As a condition to suspension of sentence, the superior court  
10 shall require the payment of the penalty assessment required by RCW  
11 7.68.035. In addition, the superior court may require the convicted  
12 person to make such monetary payments, on such terms as the superior  
13 court deems appropriate under the circumstances, as are necessary:

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

21 (c) to pay any fine imposed and not suspended and the court or other  
22 costs incurred in the prosecution of the case, including  
23 reimbursement of the state for costs of extradition if return to this  
24 state by extradition was required; and (d) to contribute to a county  
25 or interlocal drug fund.

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

37 (4) As a condition of the suspended sentence, the superior court  
38 may order the probationer to report to the secretary of corrections  
39 or such officer as the secretary may designate and as a condition of  
40 the probation to follow the instructions of the secretary. If the

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

9 ~~((4))~~ (5) If restitution to the victim has been ordered under  
10 subsection (2)(b) of this section and the superior court has ordered  
11 supervision, the officer supervising the probationer shall make a  
12 reasonable effort to ascertain whether restitution has been made as  
13 ordered. If the superior court has ordered supervision and  
14 restitution has not been made, the officer shall inform the  
15 prosecutor of that violation of the terms of the suspended sentence  
16 not less than three months prior to the termination of the suspended  
17 sentence.

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

20 (1)(a) Except as provided in (b) of this subsection in granting  
21 probation, the superior court may suspend the imposition or the  
22 execution of the sentence and may direct that the suspension may  
23 continue upon such conditions and for such time as it shall  
24 designate, not exceeding the maximum term of sentence or two years,  
25 whichever is longer.

26 (b) For a defendant sentenced for a domestic violence offense, or  
27 under RCW 46.61.5055, the superior court may suspend the imposition  
28 or the execution of the sentence and may direct that the suspension  
29 continue upon such conditions and for such time as the court shall  
30 designate, not to exceed five years. The court shall have continuing  
31 jurisdiction and authority to suspend the execution of all or any  
32 part of the sentence upon stated terms, including installment payment  
33 of fines. A defendant who has been sentenced, and who then fails to  
34 appear for any hearing to address the defendant's compliance with the  
35 terms of probation when ordered to do so by the court shall have the  
36 term of probation tolled until such time as the defendant makes his  
37 or her presence known to the court on the record. Any time before  
38 entering an order terminating probation, the court may modify or  
39 revoke its order suspending the imposition or execution of the

1 sentence if the defendant violates or fails to carry out any of the  
2 conditions of the suspended sentence.

3 (2) In the order granting probation and as a condition thereof,  
4 the superior court may in its discretion imprison the defendant in  
5 the county jail for a period not exceeding one year and may fine the  
6 defendant any sum not exceeding the statutory limit for the offense  
7 committed, and court costs. As a condition of probation, the superior  
8 court shall require the payment of the penalty assessment required by  
9 RCW 7.68.035. The superior court may also require the defendant to  
10 make such monetary payments, on such terms as it deems appropriate  
11 under the circumstances, as are necessary: (a) To comply with any  
12 order of the court for the payment of family support; (b) to make  
13 restitution to any person or persons who may have suffered loss or  
14 damage by reason of the commission of the crime in question or when  
15 the offender pleads guilty to a lesser offense or fewer offenses and  
16 agrees with the prosecutor's recommendation that the offender be  
17 required to pay restitution to a victim of an offense or offenses  
18 which are not prosecuted pursuant to a plea agreement; (c) to pay  
19 such fine as may be imposed and court costs, including reimbursement  
20 of the state for costs of extradition if return to this state by  
21 extradition was required; (d) following consideration of the  
22 financial condition of the person subject to possible electronic  
23 monitoring, to pay for the costs of electronic monitoring if that  
24 monitoring was required by the court as a condition of release from  
25 custody or as a condition of probation; (e) to contribute to a county  
26 or interlocal drug fund; and (f) to make restitution to a public  
27 agency for the costs of an emergency response under RCW 38.52.430,  
28 and may require bonds for the faithful observance of any and all  
29 conditions imposed in the probation.

30 (3) The superior court shall order restitution in all cases where  
31 the victim is entitled to benefits under the crime victims'  
32 compensation act, chapter 7.68 RCW. If the superior court does not  
33 order restitution and the victim of the crime has been determined to  
34 be entitled to benefits under the crime victims' compensation act,  
35 the department of labor and industries, as administrator of the crime  
36 victims' compensation program, may petition the superior court within  
37 one year of imposition of the sentence for entry of a restitution  
38 order. Upon receipt of a petition from the department of labor and  
39 industries, the superior court shall hold a restitution hearing and  
40 shall enter a restitution order.

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

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

24           ~~((+5))~~ (6) If the probationer has been ordered to make  
25 restitution and the superior court has ordered supervision, the  
26 officer supervising the probationer shall make a reasonable effort to  
27 ascertain whether restitution has been made. If the superior court  
28 has ordered supervision and restitution has not been made as ordered,  
29 the officer shall inform the prosecutor of that violation of the  
30 terms of probation not less than three months prior to the  
31 termination of the probation period. The secretary of corrections  
32 will promulgate rules and regulations for the conduct of the person  
33 during the term of probation. For defendants found guilty in district  
34 court, like functions as the secretary performs in regard to  
35 probation may be performed by probation officers employed for that  
36 purpose by the county legislative authority of the county wherein the  
37 court is located.

38           ~~((+6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply  
39 to sentences imposed under this section.

1           (~~(7)~~) (8) For purposes of this section, "domestic violence"  
2 means the same as in RCW 10.99.020.

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

5           A defendant who has been ordered to pay fines and who has not  
6 willfully failed to pay the obligation, as described in RCW  
7 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the  
8 sentencing court for remission of the payment of fines or of any  
9 unpaid portion thereof. If it appears to the satisfaction of the  
10 court that payment of the amount due will impose manifest hardship on  
11 the defendant or the defendant's immediate family, the court may  
12 remit all or part of the amount due in fines, modify the method of  
13 payment under RCW 10.01.170, or convert the unpaid amounts to  
14 community restitution hours, if the jurisdiction operates a community  
15 restitution program, at the rate of no less than the state minimum  
16 wage established in RCW 49.46.020 for each hour of community  
17 restitution. Manifest hardship exists where the defendant is indigent  
18 as defined in RCW 10.01.160(3).

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

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

27           (2) Costs shall be limited to expenses specially incurred by the  
28 state in prosecuting the defendant or in administering the deferred  
29 prosecution program under chapter 10.05 RCW or pretrial supervision.  
30 They cannot include expenses inherent in providing a constitutionally  
31 guaranteed jury trial or expenditures in connection with the  
32 maintenance and operation of government agencies that must be made by  
33 the public irrespective of specific violations of law. Expenses  
34 incurred for serving of warrants for failure to appear and jury fees  
35 under RCW 10.46.190 may be included in costs the court may require a  
36 defendant to pay. Costs for administering a deferred prosecution may  
37 not exceed (~~(two hundred fifty dollars)~~) \$250. Costs for  
38 administering a pretrial supervision other than a pretrial electronic

1 alcohol monitoring program, drug monitoring program, or 24/7 sobriety  
2 program may not exceed (~~one hundred fifty dollars~~) \$150. Costs for  
3 preparing and serving a warrant for failure to appear may not exceed  
4 (~~one hundred dollars~~) \$100. Costs of incarceration imposed on a  
5 defendant convicted of a misdemeanor or a gross misdemeanor may not  
6 exceed the actual cost of incarceration. In no case may the court  
7 require the offender to pay more than (~~one hundred dollars~~) \$100  
8 per day for the cost of incarceration. Payment of other court-ordered  
9 financial obligations, including all legal financial obligations and  
10 costs of supervision take precedence over the payment of the cost of  
11 incarceration ordered by the court. All funds received from  
12 defendants for the cost of incarceration in the county or city jail  
13 must be remitted for criminal justice purposes to the county or city  
14 that is responsible for the defendant's jail costs. Costs imposed  
15 constitute a judgment against a defendant and survive a dismissal of  
16 the underlying action against the defendant. However, if the  
17 defendant is acquitted on the underlying action, the costs for  
18 preparing and serving a warrant for failure to appear do not survive  
19 the acquittal, and the judgment that such costs would otherwise  
20 constitute shall be vacated.

21 (3) The court shall not order a defendant to pay costs if the  
22 defendant at the time of sentencing is indigent (~~as defined in RCW~~  
23 ~~10.101.010(3) (a) through (e)~~). In determining the amount and method  
24 of payment of costs for defendants who are not indigent (~~as defined~~  
25 ~~in RCW 10.101.010(3) (a) through (e)~~), the court shall take account  
26 of the financial resources of the defendant and the nature of the  
27 burden that payment of costs will impose. For the purposes of this  
28 section, a defendant is "indigent" if the defendant: (a) Meets the  
29 criteria defined in RCW 10.101.010(3) (a) through (c); (b) is  
30 homeless or mentally ill as defined in RCW 71.24.025; (c) has  
31 household income above 125 percent of the federal poverty guidelines  
32 and has recurring basic living costs, as defined in RCW 10.101.010,  
33 that render the defendant without the financial ability to pay; or  
34 (d) has other compelling circumstances that exist that demonstrate an  
35 inability to pay.

36 (4) A defendant who has been ordered to pay costs and who (~~is~~  
37 ~~not in contumacious default in the payment thereof~~) has not  
38 willfully failed to pay the obligation, as described in RCW  
39 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~after release~~  
40 from total confinement) petition the sentencing court for remission

1 of the payment of costs or of any unpaid portion thereof. If it  
2 appears to the satisfaction of the court that payment of the amount  
3 due will impose manifest hardship on the defendant or the defendant's  
4 immediate family, the court may remit all or part of the amount due  
5 in costs, modify the method of payment under RCW 10.01.170, or  
6 convert the unpaid costs to community restitution hours, if the  
7 jurisdiction operates a community restitution program, at the rate of  
8 no less than the state minimum wage established in RCW 49.46.020 for  
9 each hour of community restitution. Manifest hardship exists where  
10 the defendant is indigent as defined in ~~((RCW 10.101.010(3) (a)~~  
11 ~~through (e))~~ subsection (3) of this section.

12 (5) Except for direct costs relating to evaluating and reporting  
13 to the court, prosecutor, or defense counsel regarding a defendant's  
14 competency to stand trial as provided in RCW 10.77.060, this section  
15 shall not apply to costs related to medical or mental health  
16 treatment or services a defendant receives while in custody of the  
17 secretary of the department of social and health services or other  
18 governmental units. This section shall not prevent the secretary of  
19 the department of social and health services or other governmental  
20 units from imposing liability and seeking reimbursement from a  
21 defendant committed to an appropriate facility as provided in RCW  
22 10.77.084 while criminal proceedings are stayed. This section shall  
23 also not prevent governmental units from imposing liability on  
24 defendants for costs related to providing medical or mental health  
25 treatment while the defendant is in the governmental unit's custody.  
26 Medical or mental health treatment and services a defendant receives  
27 at a state hospital or other facility are not a cost of prosecution  
28 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter  
29 43.20B RCW, and any other applicable statute.

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

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

35 (2) Appellate costs are limited to expenses specifically incurred  
36 by the state in prosecuting or defending an appeal or collateral  
37 attack from a criminal conviction. Appellate costs shall not include  
38 expenditures to maintain and operate government agencies that must be  
39 made irrespective of specific violations of the law. Expenses

1 incurred for producing a verbatim report of proceedings and clerk's  
2 papers may be included in costs the court may require a convicted  
3 defendant to pay.

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

10 (4) A defendant who has been sentenced to pay costs and who (~~is~~  
11 ~~not in contumacious default in the payment~~) has not willfully failed  
12 to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and  
13 10.01.180, may at any time (~~after release from total confinement~~)  
14 petition the court that sentenced the defendant or juvenile offender  
15 for remission of the payment of costs or of any unpaid portion. If it  
16 appears to the satisfaction of the sentencing court that payment of  
17 the amount due will impose manifest hardship on the defendant or the  
18 defendant's immediate family, the sentencing court may remit all or  
19 part of the amount due in costs, modify the method of payment under  
20 RCW 10.01.170, or convert the unpaid costs to community restitution  
21 hours, if the jurisdiction operates a community restitution program,  
22 at the rate of no less than the state minimum wage established in RCW  
23 49.46.020 for each hour of community restitution. Manifest hardship  
24 exists where the defendant or juvenile offender is indigent as  
25 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3).

26 (5) The parents or another person legally obligated to support a  
27 juvenile offender who has been ordered to pay appellate costs and who  
28 is not in contumacious default in the payment may at any time  
29 petition the court that sentenced the juvenile offender for remission  
30 of the payment of costs or of any unpaid portion. If it appears to  
31 the satisfaction of the sentencing court that payment of the amount  
32 due will impose manifest hardship on the parents or another person  
33 legally obligated to support a juvenile offender or on their  
34 immediate families, the sentencing court may remit all or part of the  
35 amount due in costs, or may modify the method of payment.

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

38 When the defendant is found guilty, the court shall render  
39 judgment accordingly, and the defendant may be liable for all costs,

1 unless the court or jury trying the cause expressly find otherwise.  
2 The court shall not order a defendant to pay costs, as described in  
3 RCW 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).

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

8 (1) Except as provided in subsections (2) and (3) of this section  
9 and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a  
10 judgment shall bear interest from the date of the judgment until  
11 payment, at the rate applicable to civil judgments. As of June 7,  
12 2018, no interest shall accrue on nonrestitution legal financial  
13 obligations. All nonrestitution interest retained by the court shall  
14 be split (~~(twenty-five)~~) 25 percent to the state treasurer for  
15 deposit in the state general fund, (~~(twenty-five)~~) 25 percent to the  
16 state treasurer for deposit in the judicial information system  
17 account as provided in RCW 2.68.020, (~~(twenty-five)~~) 25 percent to  
18 the county current expense fund, and (~~(twenty-five)~~) 25 percent to  
19 the county current expense fund to fund local courts.

20 (2) The court may elect not to impose interest on any restitution  
21 the court orders. Before determining not to impose interest on  
22 restitution, the court shall inquire into and consider the following  
23 factors: (a) Whether the offender is indigent as defined in RCW  
24 10.101.010(3) or general rule 34; (b) the offender's available funds,  
25 as defined in RCW 10.101.010(2), and other liabilities including  
26 child support and other legal financial obligations; (c) whether the  
27 offender is homeless; and (d) whether the offender is mentally ill,  
28 as defined in RCW 71.24.025. The court shall also consider the  
29 victim's input, if any, as it relates to any financial hardship  
30 caused to the victim if interest is not imposed. The court may also  
31 consider any other information that the court believes, in the  
32 interest of justice, relates to not imposing interest on restitution.  
33 After consideration of these factors, the court may waive the  
34 imposition of restitution interest.

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

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

4 (b) The court may waive or reduce interest on the restitution  
5 portion of the legal financial obligations only if the principal has  
6 been paid in full (~~and as an incentive for the offender to meet his~~  
7 ~~or her other legal financial obligations~~), except as provided in (c)  
8 of this subsection. The court may grant the motion, establish a  
9 payment schedule, and retain jurisdiction over the offender for  
10 purposes of reviewing and revising the reduction or waiver of  
11 interest;

12 (c) The court may, following the offender's release from total  
13 confinement, waive or reduce interest on restitution that accrued  
14 during the offender's period of incarceration if the court finds that  
15 the offender does not have the current or likely future ability to  
16 pay. A person does not have the current ability to pay if the person  
17 is indigent as defined in RCW 10.01.160(3). The prosecuting attorney  
18 shall make reasonable efforts to notify the victim entitled to  
19 restitution of the date and place of the hearing. The court shall  
20 also consider the victim's input, if any, as it relates to any  
21 financial hardship caused to the victim if interest is reduced or  
22 waived.

23 ~~((3))~~ (4) This section only applies to adult offenders.

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

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

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

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

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

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

4 (i) Convert a term of partial confinement to total confinement;  
5 or

6 (ii) Convert community restitution obligation to total or partial  
7 confinement;

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

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

23 (3) If an offender fails to pay legal financial obligations as a  
24 requirement of a sentence the following provisions 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) The court may not sanction the offender for failure to pay  
32 legal financial obligations unless the court finds, after a hearing  
33 and on the record, that the failure to pay is willful. A failure to  
34 pay is willful if the offender has the current ability to pay but  
35 refuses to do so. In determining whether the offender has the current  
36 ability to pay, the court shall inquire into and consider: (i) The  
37 offender's income and assets; (ii) the offender's basic living costs  
38 as defined by RCW 10.101.010 and other liabilities including child  
39 support and other legal financial obligations; and (iii) the  
40 offender's bona fide efforts to acquire additional resources. An

1 offender who is indigent as defined by RCW (~~10.101.010(3) (a)~~  
2 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to  
3 pay;

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

8 (e) If the court finds that a failure to pay is willful  
9 noncompliance, it may impose the sanctions specified in RCW  
10 9.94A.633(1); and

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

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

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

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

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

33 (2) In cases where conditions from a second or later sentence of  
34 community supervision begin prior to the term of the second or later  
35 sentence, the court shall treat a violation of such conditions as a  
36 violation of the sentence of community supervision currently being  
37 served.

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

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

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

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

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

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

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 mental status evaluation and/or outpatient mental health treatment,  
6 the community corrections officer shall consult with 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 (4) If the violation involves failure to pay legal financial  
17 obligations, the following provisions apply:

18 (a) The department and the offender may enter into a stipulated  
19 agreement that the failure to pay was willful noncompliance,  
20 according to the provisions and requirements of subsection (3)(a) of  
21 this section;

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

29 (c) The state has the burden of showing noncompliance by a  
30 preponderance of the evidence. The court may not sanction the  
31 offender for failure to pay legal financial obligations unless the  
32 court finds, after a hearing and on the record, that the failure to  
33 pay is willful. A failure to pay is willful if the offender has the  
34 current ability to pay but refuses to do so. In determining whether  
35 the offender has the current ability to pay, the court shall inquire  
36 into and consider: (i) The offender's income and assets; (ii) the  
37 offender's basic living costs as defined by RCW 10.101.010 and other  
38 liabilities including child support and other legal financial  
39 obligations; and (iii) the offender's bona fide efforts to acquire  
40 additional resources. An offender who is indigent as defined by RCW

1 ((~~10.101.010(3) (a) through (e)~~)) 10.01.160(3) is presumed to lack  
2 the current ability to pay;

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

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

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

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

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

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

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

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

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

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

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

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

33 (4) If a term of imprisonment for contempt for nonpayment of any  
34 fine, penalty, assessment, fee, or costs is ordered, the term of  
35 imprisonment shall be set forth in the commitment order, and shall  
36 not exceed one day for each (~~twenty-five dollars~~) \$25 of the amount  
37 ordered, (~~thirty~~) 30 days if the amount ordered of costs was  
38 imposed upon conviction of a violation or misdemeanor, or one year in  
39 any other case, whichever is the shorter period. A person committed

1 for nonpayment of any fine, penalty, assessment, fee, or costs shall  
2 be given credit toward payment for each day of imprisonment at the  
3 rate specified in the commitment order.

4 (5) If it appears to the satisfaction of the court that the  
5 default in the payment of any fine, penalty, assessment, fee, or  
6 costs is not willful contempt, the court may, and if the defendant is  
7 indigent as defined in RCW (~~(10.01.010(3) — (a) through (e))~~)  
8 10.01.160(3), the court shall enter an order: (a) Allowing the  
9 defendant additional time for payment; (b) reducing the amount  
10 thereof or of each installment; (c) revoking the fine, penalty,  
11 assessment, fee, or costs or the unpaid portion thereof in whole or  
12 in part; or (d) converting the unpaid fine, penalty, assessment, fee,  
13 or costs to community restitution hours, if the jurisdiction operates  
14 a community restitution program, at the rate of no less than the  
15 state minimum wage established in RCW 49.46.020 for each hour of  
16 community restitution. The crime victim penalty assessment under RCW  
17 7.68.035 may not be reduced, revoked, or converted to community  
18 restitution hours.

19 (6) A default in the payment of any fine, penalty, assessment,  
20 fee, or costs or any installment thereof may be collected by any  
21 means authorized by law for the enforcement of a judgment. The levy  
22 of execution for the collection of any fine, penalty, assessment,  
23 fee, or costs shall not discharge a defendant committed to  
24 imprisonment for contempt until the amount has actually been  
25 collected.

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

28 Upon conviction or a plea of guilty in any court organized under  
29 this title or Title 35 RCW, a defendant in a criminal case is liable  
30 for a fee of (~~(forty-three dollars)~~) \$43, except this fee shall not  
31 be imposed on a defendant who is indigent as defined in RCW  
32 (~~(10.01.010(3) — (a) through (e))~~) 10.01.160(3). This fee shall be  
33 subject to division with the state under RCW 3.46.120(2),  
34 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

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

37 (1) Revenue collected under this section is subject to division  
38 with the state under RCW 36.18.025 and with the county or regional

1 law library fund under RCW 27.24.070, except as provided in  
2 subsection (5) of this section.

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

5 (a) In addition to any other fee required by law, the party  
6 filing the first or initial document in any civil action, including,  
7 but not limited to an action for restitution, adoption, or change of  
8 name, and any party filing a counterclaim, cross-claim, or third-  
9 party claim in any such civil action, shall pay, at the time the  
10 document is filed, a fee of (~~two hundred dollars~~) \$200 except, in  
11 an unlawful detainer action under chapter 59.18 or 59.20 RCW for  
12 which the plaintiff shall pay a case initiating filing fee of  
13 (~~forty-five dollars~~) \$45, or in proceedings filed under RCW  
14 28A.225.030 alleging a violation of the compulsory attendance laws  
15 where the petitioner shall not pay a filing fee. The (~~forty-five~~  
16 ~~dollar~~) \$45 filing fee under this subsection for an unlawful  
17 detainer action shall not include an order to show cause or any other  
18 order or judgment except a default order or default judgment in an  
19 unlawful detainer action.

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

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

26 (d) For filing of a petition for an antiharassment protection  
27 order under RCW 7.105.100 a filing fee of (~~fifty-three dollars~~)  
28 \$53.

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

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

35 (g) For filing any petition to contest a will admitted to probate  
36 or a petition to admit a will which has been rejected, or a petition  
37 objecting to a written agreement or memorandum as provided in RCW  
38 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)  
39 \$200.

1 (h) Upon conviction or plea of guilty, upon failure to prosecute  
2 an appeal from a court of limited jurisdiction as provided by law, or  
3 upon affirmance of a conviction by a court of limited jurisdiction,  
4 an adult defendant in a criminal case shall be liable for a fee of  
5 two hundred dollars, except this fee shall not be imposed on a  
6 defendant who is indigent as defined in RCW (~~10.01.010(3)(a)~~  
7 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court  
8 may waive or reduce any fee previously imposed under this subsection  
9 if the court finds that the defendant is indigent as defined in RCW  
10 10.01.160(3).

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

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

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

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

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

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

36 NEW SECTION. Sec. 18. A new section is added to chapter 3.66  
37 RCW to read as follows:

38 "Legal financial obligation" means a sum of money that is ordered  
39 by a district or municipal court of the state of Washington for legal

1 financial obligations which may include restitution to the victim,  
2 court costs, county or interlocal drug funds, court-appointed  
3 attorneys' fees, and costs of defense, fines, and any other financial  
4 obligation that is assessed to the offender as a result of a  
5 conviction. Legal financial obligations may also include payment to a  
6 public agency of the expense of an emergency response to the incident  
7 resulting in the conviction, subject to RCW 38.52.430.

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

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

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

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

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

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

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

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

31 Every person convicted of a crime or held to bail to keep the  
32 peace may be liable to all the costs of the proceedings against him  
33 or her, including, when tried by a jury in the superior court or  
34 before a committing magistrate, a jury fee as provided for in civil  
35 actions for which judgment shall be rendered and collected. The court  
36 shall not order a defendant to pay costs, as described in RCW  
37 10.01.160, if the court finds that the person at the time of  
38 sentencing is indigent as defined in RCW ~~((10.101.010(3) (a) through~~

1 ~~(e))~~ 10.01.160(3). The jury fee, when collected for a case tried by  
2 the superior court, shall be paid to the clerk and applied as the  
3 jury fee in civil cases is applied.

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

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

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

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

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

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

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

1 (i) Unless another term of confinement applies, a sentence within  
2 the standard sentence range established in RCW 9.94A.510 or  
3 9.94A.517;

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

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

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

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

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

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

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

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

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

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

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

20 (xiii) RCW 9.94A.603, relating to felony driving while under the  
21 influence of intoxicating liquor or any drug and felony physical  
22 control of a vehicle while under the influence of intoxicating liquor  
23 or any drug;

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

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

35 (3) If the court imposes a sentence requiring confinement of  
36 (~~thirty~~) 30 days or less, the court may, in its discretion, specify  
37 that the sentence be served on consecutive or intermittent days. A  
38 sentence requiring more than (~~thirty~~) 30 days of confinement shall  
39 be served on consecutive days. Local jail administrators may schedule  
40 court-ordered intermittent sentences as space permits.

1 (4) If a sentence imposed includes payment of a legal financial  
2 obligation, it shall be imposed as provided in RCW 9.94A.750,  
3 9.94A.753, and 9.94A.760 (~~, and 43.43.7541~~).

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

8 (6) The sentencing court shall give the offender credit for all  
9 confinement time served before the sentencing if that confinement was  
10 solely in regard to the offense for which the offender is being  
11 sentenced.

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

16 (a) A violent offense;

17 (b) Any sex offense;

18 (c) Any drug offense;

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

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

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

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

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

25 (8) The court shall order restitution as provided in RCW  
26 9.94A.750 and 9.94A.753.

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

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

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

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

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

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

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

Passed by the House March 9, 2022.

Passed by the Senate March 3, 2022.

Approved by the Governor March 31, 2022.

Filed in Office of Secretary of State April 1, 2022.

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