

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**

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1412

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 ~~crime 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 ~~((10.101.010(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 ~~((10.101.010(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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