

**ESHB 1169** - S COMM AMD  
By Committee on Law & Justice

**NOT CONSIDERED 04/12/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART I

4 **Sec. 1.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to  
5 read as follows:

6 (1) ~~((a) When))~~ Except as provided in subsection (4) of this  
7 section, when any adult person is found guilty in any superior court  
8 of having committed a crime, except as provided in subsection (2) of  
9 this section, there shall be imposed by the court upon such convicted  
10 person a penalty assessment. The assessment shall be in addition to  
11 any other penalty or fine imposed by law and shall be five hundred  
12 dollars for each case or cause of action that includes one or more  
13 convictions of a felony or gross misdemeanor and two hundred fifty  
14 dollars for any case or cause of action that includes convictions of  
15 only one or more misdemeanors.

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

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

29 (2) The assessment imposed by subsection (1) of this section  
30 shall not apply to motor vehicle crimes defined in Title 46 RCW  
31 except those defined in the following sections: RCW 46.61.520,

1 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,  
2 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,  
3 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,  
4 46.44.180, 46.10.490(2), and 46.09.470(2).

5 (3) (~~When~~) Except as provided in subsection (4) of this  
6 section, when any adult person accused of having committed a crime  
7 posts bail in superior court pursuant to the provisions of chapter  
8 10.19 RCW and such bail is forfeited, there shall be deducted from  
9 the proceeds of such forfeited bail a penalty assessment, in addition  
10 to any other penalty or fine imposed by law, equal to the assessment  
11 which would be applicable under subsection (1) of this section if the  
12 person had been convicted of the crime.

13 (4) The court shall not impose the penalty assessment under this  
14 section if the court finds that the defendant, at the time of  
15 sentencing, is indigent as defined in RCW 10.01.160(3).

16 (5) Upon motion by a defendant, the court shall waive any crime  
17 victim penalty assessment imposed prior to the effective date of this  
18 section if:

19 (a) The person was a juvenile at the time the penalty assessment  
20 was imposed; or

21 (b) The person does not have the ability to pay the penalty  
22 assessment. A person does not have the ability to pay if the person  
23 is indigent as defined in RCW 10.01.160(3).

24 (6) Such penalty assessments shall be paid by the clerk of the  
25 superior court to the county treasurer. Each county shall deposit one  
26 hundred percent of the money it receives per case or cause of action  
27 under subsection (1) of this section, not less than one and seventy-  
28 five one-hundredths percent of the remaining money it retains under  
29 RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and  
30 all money it receives under subsection (~~(7)~~) (9) of this section  
31 into a fund maintained exclusively for the support of comprehensive  
32 programs to encourage and facilitate testimony by the victims of  
33 crimes and witnesses to crimes. A program shall be considered  
34 "comprehensive" only after approval of the department upon  
35 application by the county prosecuting attorney. The department shall  
36 approve as comprehensive only programs which:

37 (a) Provide comprehensive services to victims and witnesses of  
38 all types of crime with particular emphasis on serious crimes against  
39 persons and property. It is the intent of the legislature to make  
40 funds available only to programs which do not restrict services to

1 victims or witnesses of a particular type or types of crime and that  
2 such funds supplement, not supplant, existing local funding levels;

3 (b) Are administered by the county prosecuting attorney either  
4 directly through the prosecuting attorney's office or by contract  
5 between the county and agencies providing services to victims of  
6 crime;

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

10 (d) Assist victims in the restitution and adjudication process;  
11 and

12 (e) Assist victims of violent crimes in the preparation and  
13 presentation of their claims to the department of labor and  
14 industries under this chapter.

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

22 ~~((+5))~~ (7) Upon submission to the department of a letter of  
23 intent to adopt a comprehensive program, the prosecuting attorney  
24 shall retain the money deposited by the county under subsection  
25 ~~((+4))~~ (6) of this section until such time as the county prosecuting  
26 attorney has obtained approval of a program from the department.  
27 Approval of the comprehensive plan by the department must be obtained  
28 within one year of the date of the letter of intent to adopt a  
29 comprehensive program. The county prosecuting attorney shall not make  
30 any expenditures from the money deposited under subsection ~~((+4))~~  
31 (6) of this section until approval of a comprehensive plan by the  
32 department. If a county prosecuting attorney has failed to obtain  
33 approval of a program from the department under subsection ~~((+4))~~  
34 (6) of this section or failed to obtain approval of a comprehensive  
35 program within one year after submission of a letter of intent under  
36 this section, the county treasurer shall monthly transmit one hundred  
37 percent of the money deposited by the county under subsection ~~((+4))~~  
38 (6) of this section to the state treasurer for deposit in the state  
39 general fund.

1        ~~((+6))~~ (8) County prosecuting attorneys are responsible to make  
2 every reasonable effort to insure that the penalty assessments of  
3 this chapter are imposed and collected.

4        ~~((+7))~~ (9) Every city and town shall transmit monthly one and  
5 seventy-five one-hundredths percent of all money, other than money  
6 received for parking infractions, retained under RCW 3.50.100 and  
7 35.20.220 to the county treasurer for deposit as provided in  
8 subsection ~~((+4))~~ (6) of this section.

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

11        (1) The state crime victim and witness assistance account is  
12 created in the state treasury. The account shall consist of funds  
13 appropriated by the legislature for comprehensive crime victim and  
14 witness programs under RCW 7.68.035.

15        (2) Pursuant to appropriation, each quarter, the state treasurer  
16 must distribute moneys deposited in the state crime victim and  
17 witness assistance account to counties on the basis of each county's  
18 distribution factor under RCW 82.14.310.

19        (3) Counties may expend moneys distributed under this section  
20 only for purposes specified in RCW 7.68.035.

21        **Sec. 3.** RCW 43.43.7532 and 2002 c 289 s 5 are each amended to  
22 read as follows:

23        The state DNA database account is created in the custody of the  
24 state treasurer. ~~((All))~~ The account shall consist of funds  
25 appropriated by the legislature for operation and maintenance of the  
26 DNA database and for distribution to agencies responsible for  
27 collection of the biological sample from the offender and all  
28 receipts under RCW 43.43.7541 ((must be deposited into the account)).  
29 Expenditures from the account may be used only for creation,  
30 operation, and maintenance of the DNA database under RCW 43.43.754  
31 and for distribution to agencies responsible for the collection of  
32 the biological sample from the offender. Only the chief of the  
33 Washington state patrol or the chief's designee may authorize  
34 expenditures from the account. The chief of the Washington state  
35 patrol or the chief's designee may expend 80 percent of amounts for  
36 operation and maintenance of the DNA database and 20 percent for  
37 distribution to the agency responsible for the collection of the  
38 biological sample from the offender. The account is subject to

1 allotment procedures under chapter 43.88 RCW, but an appropriation is  
2 not required for expenditures.

3 **Sec. 4.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to  
4 read as follows:

5 ~~((Every sentence imposed for a crime specified in RCW 43.43.754  
6 must include a fee of one hundred dollars unless the state has  
7 previously collected the offender's DNA as a result of a prior  
8 conviction. The fee is a court-ordered legal financial obligation as  
9 defined in RCW 9.94A.030 and other applicable law. For a sentence  
10 imposed under chapter 9.94A RCW, the fee is payable by the offender  
11 after payment of all other legal financial obligations included in  
12 the sentence has been completed. For all other sentences, the fee is  
13 payable by the offender in the same manner as other assessments  
14 imposed.))~~

15 (1) The clerk of the court shall transmit ((eighty)) 80 percent  
16 of ((the fee)) any amounts collected for fees imposed prior to the  
17 effective date of this section for the collection of an offender's  
18 DNA to the state treasurer for deposit in the state DNA database  
19 account created under RCW 43.43.7532, and shall transmit ((twenty))  
20 20 percent of the fee collected to the agency responsible for  
21 collection of a biological sample from the offender as required under  
22 RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders  
23 if the state has previously collected the juvenile offender's DNA as  
24 a result of a prior conviction.))

25 (2) Upon motion by the offender, the court shall waive any fee  
26 for the collection of the offender's DNA imposed prior to the  
27 effective date of this section.

28 **PART II**

29 **CONFORMING AMENDMENTS**

30 **Sec. 5.** RCW 7.68.240 and 2022 c 260 s 22 are each amended to  
31 read as follows:

32 Upon a showing by any convicted person or the state that five  
33 years have elapsed from the establishment of such escrow account and  
34 further that no actions are pending against such convicted person  
35 pursuant to RCW 7.68.200 through 7.68.280, the department shall  
36 immediately pay over 50 percent of any moneys in the escrow account  
37 to such person or his or her legal representatives and 50 percent of

1 any moneys in the escrow account to the fund under RCW  
2 7.68.035(~~(+4)~~) (6).

3 **Sec. 6.** RCW 9.92.060 and 2022 c 260 s 6 are each amended to read  
4 as follows:

5 (1) Whenever any person is convicted of any crime except murder,  
6 burglary in the first degree, arson in the first degree, robbery,  
7 rape of a child, or rape, the superior court may, in its discretion,  
8 at the time of imposing sentence upon such person, direct that such  
9 sentence be stayed and suspended until otherwise ordered by the  
10 superior court, and, upon such terms as the superior court may  
11 determine, that the sentenced person be placed under the charge of:

12 (a) A community corrections officer employed by the department of  
13 corrections, if the person is subject to supervision under RCW  
14 9.94A.501 or 9.94A.5011; or

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

18 (2) As a condition to suspension of sentence, the superior court  
19 (~~(shall require the payment of the penalty assessment required by RCW~~  
20 ~~7.68.035. In addition, the superior court)~~) may require the convicted  
21 person to make such monetary payments, on such terms as the superior  
22 court deems appropriate under the circumstances, as are necessary:

23 (a) To comply with any order of the court for the payment of family  
24 support; (b) to make restitution to any person or persons who may  
25 have suffered loss or damage by reason of the commission of the crime  
26 in question or when the offender pleads guilty to a lesser offense or  
27 fewer offenses and agrees with the prosecutor's recommendation that  
28 the offender be required to pay restitution to a victim of an offense  
29 or offenses which are not prosecuted pursuant to a plea agreement;  
30 (c) to pay any fine imposed and not suspended and the court or other  
31 costs incurred in the prosecution of the case, including  
32 reimbursement of the state for costs of extradition if return to this  
33 state by extradition was required; and (d) to contribute to a county  
34 or interlocal drug fund.

35 (3) At any time, including at sentencing, the court may determine  
36 that the offender is not required to pay, or may relieve the offender  
37 of the requirement to pay, full or partial restitution and accrued  
38 interest on restitution where the entity to whom restitution is owed  
39 is an insurer or a state agency, except for restitution owed to the

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

7 (4) As a condition of the suspended sentence, the superior court  
8 may order the probationer to report to the secretary of corrections  
9 or such officer as the secretary may designate and as a condition of  
10 the probation to follow the instructions of the secretary. If the  
11 county legislative authority has elected to assume responsibility for  
12 the supervision of superior court misdemeanor probationers within  
13 its jurisdiction, the superior court misdemeanor probationer shall  
14 report to a probation officer employed or contracted for by the  
15 county. In cases where a superior court misdemeanor probationer is  
16 sentenced in one county, but resides within another county, there  
17 must be provisions for the probationer to report to the agency having  
18 supervision responsibility for the probationer's county of residence.

19 (5) If restitution to the victim has been ordered under  
20 subsection (2)(b) of this section and the superior court has ordered  
21 supervision, the officer supervising the probationer shall make a  
22 reasonable effort to ascertain whether restitution has been made as  
23 ordered. If the superior court has ordered supervision and  
24 restitution has not been made, the officer shall inform the  
25 prosecutor of that violation of the terms of the suspended sentence  
26 not less than three months prior to the termination of the suspended  
27 sentence.

28 **Sec. 7.** RCW 9.94A.6333 and 2022 c 260 s 13 are each amended to  
29 read as follows:

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

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

37 (a) The court, upon the motion of the state, or upon its own  
38 motion, shall require the offender to show cause why the offender

1 should not be punished for the noncompliance. The court may issue a  
2 summons or a warrant of arrest for the offender's appearance;

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

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

8 (i) Convert a term of partial confinement to total confinement;  
9 or

10 (ii) Convert community restitution obligation to total or partial  
11 confinement;

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

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

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

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

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

35 (c) The court may not sanction the offender for failure to pay  
36 legal financial obligations unless the court finds, after a hearing  
37 and on the record, that the failure to pay is willful. A failure to  
38 pay is willful if the offender has the current ability to pay but  
39 refuses to do so. In determining whether the offender has the current  
40 ability to pay, the court shall inquire into and consider: (i) The



1 offender's income and assets; (ii) the offender's basic living costs  
2 as defined by RCW 10.101.010 and other liabilities including child  
3 support and other legal financial obligations; and (iii) the  
4 offender's bona fide efforts to acquire additional resources. An  
5 offender who is indigent as defined (~~(by [in])~~) in RCW 10.01.160(3)  
6 is presumed to lack the current ability to pay;

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

11 (e) If the court finds that a failure to pay is willful  
12 noncompliance, it may impose the sanctions specified in RCW  
13 9.94A.633(1); and

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

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

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

30 **Sec. 8.** RCW 9.94A.760 and 2022 c 260 s 4 and 2022 c 29 s 4 are  
31 each reenacted and amended to read as follows:

32 (1) Whenever a person is convicted in superior court, the court  
33 may order the payment of a legal financial obligation as part of the  
34 sentence. The court may not order an offender to pay costs as  
35 described in RCW 10.01.160 if the court finds that the offender at  
36 the time of sentencing is indigent as defined in RCW 10.01.160(3). An  
37 offender being indigent as defined in RCW 10.01.160(3) is not grounds  
38 for failing to impose restitution (~~(or the crime victim penalty  
39 assessment under RCW 7.68.035)~~), subject to RCW 9.94A.750(3) and

1 9.94A.753(3). The court must on either the judgment and sentence or  
2 on a subsequent order to pay, designate the total amount of a legal  
3 financial obligation and segregate this amount among the separate  
4 assessments made for restitution, costs, fines, and other assessments  
5 required by law. On the same order, the court is also to set a sum  
6 that the offender is required to pay on a monthly basis towards  
7 satisfying the legal financial obligation. If the court fails to set  
8 the offender monthly payment amount, the department shall set the  
9 amount if the department has active supervision of the offender,  
10 otherwise the county clerk shall set the amount.

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

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

16 (b) Second, proportionally to restitution to insurance or other  
17 sources with respect to a loss that has provided compensation to  
18 victims;

19 (c) Third, proportionally to crime victims' assessments that have  
20 not been waived under RCW 7.68.035; and

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

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

37 (4) The court may add to the judgment and sentence or subsequent  
38 order to pay a statement that a notice of payroll deduction is to be  
39 issued immediately. If the court chooses not to order the immediate  
40 issuance of a notice of payroll deduction at sentencing, the court

1 shall add to the judgment and sentence or subsequent order to pay a  
2 statement that a notice of payroll deduction may be issued or other  
3 income-withholding action may be taken, without further notice to the  
4 offender if a monthly court-ordered legal financial obligation  
5 payment is not paid when due, and an amount equal to or greater than  
6 the amount payable for one month is owed.

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

14 (5)(a) Independent of the department or the county clerk, the  
15 party or entity to whom the legal financial obligation is owed shall  
16 have the authority to use any other remedies available to the party  
17 or entity to collect the legal financial obligation. These remedies  
18 include enforcement in the same manner as a judgment in a civil  
19 action by the party or entity to whom the legal financial obligation  
20 is owed. Restitution collected through civil enforcement must be paid  
21 through the registry of the court and must be distributed  
22 proportionately according to each victim's loss when there is more  
23 than one victim. The judgment and sentence shall identify the party  
24 or entity to whom restitution is owed so that the state, party, or  
25 entity may enforce the judgment.

26 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or  
27 9.94A.753(6) to a victim of rape of a child or a victim's child born  
28 from the rape, the Washington state child support registry shall be  
29 identified as the party to whom payments must be made. Restitution  
30 obligations arising from the rape of a child in the first, second, or  
31 third degree that result in the pregnancy of the victim may be  
32 enforced for the time periods provided under RCW 9.94A.750(6) and  
33 9.94A.753(6).

34 (c) All other restitution obligations for an offense committed  
35 prior to July 1, 2000, may be enforced at any time during the 10-year  
36 period following the offender's release from total confinement or  
37 within 10 years of entry of the judgment and sentence, whichever  
38 period ends later. Prior to the expiration of the initial 10-year  
39 period, the superior court may extend the criminal judgment an  
40 additional 10 years for payment of restitution obligations. All other

1 restitution obligations for an offense committed on or after July 1,  
2 2000, may be enforced at any time the offender remains under the  
3 court's jurisdiction. For an offense committed on or after July 1,  
4 2000, the court shall retain jurisdiction over the offender, for  
5 purposes of the offender's compliance with payment of the restitution  
6 obligations, until the obligation is completely satisfied, regardless  
7 of the statutory maximum for the crime.

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

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

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

1 (7) After completing the investigation, the department shall make  
2 a report to the court on the amount of the monthly payment that the  
3 offender should be required to make towards a satisfied legal  
4 financial obligation.

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

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

37 (9) After the judgment and sentence or payment order is entered,  
38 the department is authorized, for any period of supervision, to  
39 collect the legal financial obligation from the offender. Subsequent  
40 to any period of supervision or, if the department is not authorized

1 to supervise the offender in the community, the county clerk is  
2 authorized to collect unpaid legal financial obligations from the  
3 offender. Any amount collected by the department shall be remitted  
4 daily to the county clerk for the purpose of disbursements. The  
5 department and the county clerks are authorized, but not required, to  
6 accept credit cards as payment for a legal financial obligation, and  
7 any costs incurred related to accepting credit card payments shall be  
8 the responsibility of the offender.

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

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

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

27 (b) The billing shall direct payments to the county clerk.

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

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

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

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

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

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

15 **Sec. 9.** RCW 9.94B.040 and 2022 c 260 s 14 are each amended to  
16 read as follows:

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

20 (2) In cases where conditions from a second or later sentence of  
21 community supervision begin prior to the term of the second or later  
22 sentence, the court shall treat a violation of such conditions as a  
23 violation of the sentence of community supervision currently being  
24 served.

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

28 (a)(i) Following the violation, if the offender and the  
29 department make a stipulated agreement, the department may impose  
30 sanctions such as work release, home detention with electronic  
31 monitoring, work crew, community restitution, inpatient treatment,  
32 daily reporting, curfew, educational or counseling sessions,  
33 supervision enhanced through electronic monitoring, jail time, or  
34 other sanctions available in the community.

35 (ii) Within 72 hours of signing the stipulated agreement, the  
36 department shall submit a report to the court and the prosecuting  
37 attorney outlining the violation or violations, and sanctions  
38 imposed. Within 15 days of receipt of the report, if the court is not  
39 satisfied with the sanctions, the court may schedule a hearing and

1 may modify the department's sanctions. If this occurs, the offender  
2 may withdraw from the stipulated agreement.

3 (iii) If the offender fails to comply with the sanction  
4 administratively imposed by the department, the court may take action  
5 regarding the original noncompliance. Offender failure to comply with  
6 the sanction administratively imposed by the department may be  
7 considered an additional violation;

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

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

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

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

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



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

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

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

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

30 (e) If the court finds that the failure to pay is willful  
31 noncompliance, the court may order the offender to be confined for a  
32 period not to exceed 60 days for each violation or order one or more  
33 of the penalties authorized in subsection (3)(a)(i) of this section;  
34 and

35 (f) If the court finds that the violation was not willful, the  
36 court may, and if the court finds that the defendant is indigent as  
37 defined in RCW 10.01.160(3), the court shall modify the terms of  
38 payment of the legal financial obligations, reduce or waive  
39 nonrestitution legal financial obligations, or convert nonrestitution  
40 legal financial obligations to community restitution hours, if the

1 jurisdiction operates a community restitution program, at the rate of  
2 no less than the state minimum wage established in RCW 49.46.020 for  
3 each hour of community restitution. (~~The crime victim penalty~~  
4 ~~assessment under RCW 7.68.035 may not be reduced, waived, or~~  
5 ~~converted to community restitution hours.))~~

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

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

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

24 **Sec. 10.** RCW 9.95.210 and 2022 c 260 s 7 are each amended to  
25 read as follows:

26 (1)(a) Except as provided in (b) of this subsection in granting  
27 probation, the superior court may suspend the imposition or the  
28 execution of the sentence and may direct that the suspension may  
29 continue upon such conditions and for such time as it shall  
30 designate, not exceeding the maximum term of sentence or two years,  
31 whichever is longer.

32 (b) For a defendant sentenced for a domestic violence offense, or  
33 under RCW 46.61.5055, the superior court may suspend the imposition  
34 or the execution of the sentence and may direct that the suspension  
35 continue upon such conditions and for such time as the court shall  
36 designate, not to exceed five years. The court shall have continuing  
37 jurisdiction and authority to suspend the execution of all or any  
38 part of the sentence upon stated terms, including installment payment  
39 of fines. A defendant who has been sentenced, and who then fails to

1 appear for any hearing to address the defendant's compliance with the  
2 terms of probation when ordered to do so by the court shall have the  
3 term of probation tolled until such time as the defendant makes his  
4 or her presence known to the court on the record. Any time before  
5 entering an order terminating probation, the court may modify or  
6 revoke its order suspending the imposition or execution of the  
7 sentence if the defendant violates or fails to carry out any of the  
8 conditions of the suspended sentence.

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

36 (3) The superior court shall order restitution in all cases where  
37 the victim is entitled to benefits under the crime victims'  
38 compensation act, chapter 7.68 RCW. If the superior court does not  
39 order restitution and the victim of the crime has been determined to  
40 be entitled to benefits under the crime victims' compensation act,

1 the department of labor and industries, as administrator of the crime  
2 victims' compensation program, may petition the superior court within  
3 one year of imposition of the sentence for entry of a restitution  
4 order. Upon receipt of a petition from the department of labor and  
5 industries, the superior court shall hold a restitution hearing and  
6 shall enter a restitution order.

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

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

30 (6) If the probationer has been ordered to make restitution and  
31 the superior court has ordered supervision, the officer supervising  
32 the probationer shall make a reasonable effort to ascertain whether  
33 restitution has been made. If the superior court has ordered  
34 supervision and restitution has not been made as ordered, the officer  
35 shall inform the prosecutor of that violation of the terms of  
36 probation not less than three months prior to the termination of the  
37 probation period. The secretary of corrections will promulgate rules  
38 and regulations for the conduct of the person during the term of  
39 probation. For defendants found guilty in district court, like  
40 functions as the secretary performs in regard to probation may be

1 performed by probation officers employed for that purpose by the  
2 county legislative authority of the county wherein the court is  
3 located.

4 (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to  
5 sentences imposed under this section.

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

8 **Sec. 11.** RCW 10.01.180 and 2022 c 260 s 15 are each amended to  
9 read as follows:

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

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

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

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

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

37 (4) If a term of imprisonment for contempt for nonpayment of any  
38 fine, penalty, assessment, fee, or costs is ordered, the term of  
39 imprisonment shall be set forth in the commitment order, and shall

1 not exceed one day for each \$25 of the amount ordered, 30 days if the  
2 amount ordered of costs was imposed upon conviction of a violation or  
3 misdemeanor, or one year in any other case, whichever is the shorter  
4 period. A person committed for nonpayment of any fine, penalty,  
5 assessment, fee, or costs shall be given credit toward payment for  
6 each day of imprisonment at the rate specified in the commitment  
7 order.

8 (5) If it appears to the satisfaction of the court that the  
9 default in the payment of any fine, penalty, assessment, fee, or  
10 costs is not willful contempt, the court may, and if the defendant is  
11 indigent as defined in RCW 10.01.160(3), the court shall enter an  
12 order: (a) Allowing the defendant additional time for payment; (b)  
13 reducing the amount thereof or of each installment; (c) revoking the  
14 fine, penalty, assessment, fee, or costs or the unpaid portion  
15 thereof in whole or in part; or (d) converting the unpaid fine,  
16 penalty, assessment, fee, or costs to community restitution hours, if  
17 the jurisdiction operates a community restitution program, at the  
18 rate of no less than the state minimum wage established in RCW  
19 49.46.020 for each hour of community restitution. (~~The crime victim~~  
20 ~~penalty assessment under RCW 7.68.035 may not be reduced, revoked, or~~  
21 ~~converted to community restitution hours.))~~

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

29 **Sec. 12.** RCW 10.82.090 and 2022 c 260 s 12 are each amended to  
30 read as follows:

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

1 percent to the county current expense fund, and 25 percent to the  
2 county current expense fund to fund local courts.

3 (2) The court may elect not to impose interest on any restitution  
4 the court orders. Before determining not to impose interest on  
5 restitution, the court shall inquire into and consider the following  
6 factors: (a) Whether the offender is indigent as defined in RCW  
7 (~~10.101.010(3)~~) 10.01.160(3) or general rule 34; (b) the offender's  
8 available funds, as defined in RCW 10.101.010(2), and other  
9 liabilities including child support and other legal financial  
10 obligations; (c) whether the offender is homeless; and (d) whether  
11 the offender is mentally ill, as defined in RCW 71.24.025. The court  
12 shall also consider the victim's input, if any, as it relates to any  
13 financial hardship caused to the victim if interest is not imposed.  
14 The court may also consider any other information that the court  
15 believes, in the interest of justice, relates to not imposing  
16 interest on restitution. After consideration of these factors, the  
17 court may waive the imposition of restitution interest.

18 (3) The court may, on motion by the offender, reduce or waive the  
19 interest on legal financial obligations levied as a result of a  
20 criminal conviction as follows:

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

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

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

1 (4) This section only applies to adult offenders.

2 NEW SECTION. **Sec. 13.** A new section is added to chapter 13.40  
3 RCW to read as follows:

4 No fine, administrative fee, cost, or surcharge may be imposed or  
5 collected by the court or any agent of the court against any juvenile  
6 or a juvenile's parent or guardian, or other person having custody of  
7 the juvenile, in connection with any juvenile offender proceeding  
8 including, but not limited to, fees for diversion, DNA sampling, or  
9 victims' penalty assessments.

10 **Sec. 14.** RCW 13.40.020 and 2021 c 328 s 5 and 2021 c 206 s 3 are  
11 each reenacted and amended to read as follows:

12 For the purposes of this chapter:

13 (1) "Assessment" means an individualized examination of a child  
14 to determine the child's psychosocial needs and problems, including  
15 the type and extent of any mental health, substance abuse, or co-  
16 occurring mental health and substance abuse disorders, and  
17 recommendations for treatment. "Assessment" includes, but is not  
18 limited to, drug and alcohol evaluations, psychological and  
19 psychiatric evaluations, records review, clinical interview, and  
20 administration of a formal test or instrument;

21 (2) "Community-based rehabilitation" means one or more of the  
22 following: Employment; attendance of information classes; literacy  
23 classes; counseling, outpatient substance abuse treatment programs,  
24 outpatient mental health programs, anger management classes,  
25 education or outpatient treatment programs to prevent animal cruelty,  
26 or other services including, when appropriate, restorative justice  
27 programs; or attendance at school or other educational programs  
28 appropriate for the juvenile as determined by the school district.  
29 Placement in community-based rehabilitation programs is subject to  
30 available funds;

31 (3) "Community-based sanctions" may include (~~one or more of the~~  
32 ~~following:~~

33 ~~(a) A fine, not to exceed \$500;~~

34 ~~(b) Community))~~ community restitution not to exceed 150 hours of  
35 community restitution;

36 (4) "Community restitution" means compulsory service, without  
37 compensation, performed for the benefit of the community by the  
38 offender as punishment for committing an offense. Community



1 restitution may be performed through public or private organizations  
2 or through work crews;

3 (5) "Community supervision" means an order of disposition by the  
4 court of an adjudicated youth not committed to the department or an  
5 order granting a deferred disposition. A community supervision order  
6 for a single offense may be for a period of up to two years for a sex  
7 offense as defined by RCW 9.94A.030 and up to one year for other  
8 offenses. As a mandatory condition of any term of community  
9 supervision, the court shall order the juvenile to refrain from  
10 committing new offenses. As a mandatory condition of community  
11 supervision, the court shall order the juvenile to comply with the  
12 mandatory school attendance provisions of chapter 28A.225 RCW and to  
13 inform the school of the existence of this requirement. Community  
14 supervision is an individualized program comprised of one or more of  
15 the following:

16 (a) Community-based sanctions;

17 (b) Community-based rehabilitation;

18 (c) Monitoring and reporting requirements;

19 (d) Posting of a probation bond;

20 (e) Residential treatment, where substance abuse, mental health,  
21 and/or co-occurring disorders have been identified in an assessment  
22 by a qualified mental health professional, psychologist,  
23 psychiatrist, co-occurring disorder specialist, or substance use  
24 disorder professional and a funded bed is available. If a child  
25 agrees to voluntary placement in a state-funded long-term evaluation  
26 and treatment facility, the case must follow the existing placement  
27 procedure including consideration of less restrictive treatment  
28 options and medical necessity.

29 (i) A court may order residential treatment after consideration  
30 and findings regarding whether:

31 (A) The referral is necessary to rehabilitate the child;

32 (B) The referral is necessary to protect the public or the child;

33 (C) The referral is in the child's best interest;

34 (D) The child has been given the opportunity to engage in less  
35 restrictive treatment and has been unable or unwilling to comply; and

36 (E) Inpatient treatment is the least restrictive action  
37 consistent with the child's needs and circumstances.

38 (ii) In any case where a court orders a child to inpatient  
39 treatment under this section, the court must hold a review hearing no  
40 later than 60 days after the youth begins inpatient treatment, and

1 every 30 days thereafter, as long as the youth is in inpatient  
2 treatment;

3 (6) "Community transition services" means a therapeutic and  
4 supportive community-based custody option in which:

5 (a) A person serves a portion of their term of confinement  
6 residing in the community, outside of department institutions and  
7 community facilities;

8 (b) The department supervises the person in part through the use  
9 of technology that is capable of determining or identifying the  
10 monitored person's presence or absence at a particular location;

11 (c) The department provides access to developmentally  
12 appropriate, trauma-informed, racial equity-based, and culturally  
13 relevant programs to promote successful reentry; and

14 (d) The department prioritizes the delivery of available  
15 programming from individuals who share characteristics with the  
16 individual being served related to: Race, ethnicity, sexual identity,  
17 and gender identity;

18 (7) "Confinement" means physical custody by the department of  
19 children, youth, and families in a facility operated by or pursuant  
20 to a contract with the state, or physical custody in a detention  
21 facility operated by or pursuant to a contract with any county. The  
22 county may operate or contract with vendors to operate county  
23 detention facilities. The department may operate or contract to  
24 operate detention facilities for juveniles committed to the  
25 department. Pretrial confinement or confinement of less than 31 days  
26 imposed as part of a disposition or modification order may be served  
27 consecutively or intermittently, in the discretion of the court;

28 (8) "Court," when used without further qualification, means the  
29 juvenile court judge(s) or commissioner(s);

30 (9) "Criminal history" includes all criminal complaints against  
31 the respondent for which, prior to the commission of a current  
32 offense:

33 (a) The allegations were found correct by a court. If a  
34 respondent is convicted of two or more charges arising out of the  
35 same course of conduct, only the highest charge from among these  
36 shall count as an offense for the purposes of this chapter; or

37 (b) The criminal complaint was diverted by a prosecutor pursuant  
38 to the provisions of this chapter on agreement of the respondent and  
39 after an advisement to the respondent that the criminal complaint  
40 would be considered as part of the respondent's criminal history. A

1 successfully completed deferred adjudication that was entered before  
2 July 1, 1998, or a deferred disposition shall not be considered part  
3 of the respondent's criminal history;

4 (10) "Custodial interrogation" means express questioning or other  
5 actions or words by a law enforcement officer which are reasonably  
6 likely to elicit an incriminating response from an individual and  
7 occurs when reasonable individuals in the same circumstances would  
8 consider themselves in custody;

9 (11) "Department" means the department of children, youth, and  
10 families;

11 (12) "Detention facility" means a county facility, paid for by  
12 the county, for the physical confinement of a juvenile alleged to  
13 have committed an offense or an adjudicated offender subject to a  
14 disposition or modification order. "Detention facility" includes  
15 county group homes, inpatient substance abuse programs, juvenile  
16 basic training camps, and electronic monitoring;

17 (13) "Diversion unit" means any probation counselor who enters  
18 into a diversion agreement with an alleged youthful offender, or any  
19 other person, community accountability board, youth court under the  
20 supervision of the juvenile court, or other entity with whom the  
21 juvenile court administrator has contracted to arrange and supervise  
22 such agreements pursuant to RCW 13.40.080, or any person, community  
23 accountability board, or other entity specially funded by the  
24 legislature to arrange and supervise diversion agreements in  
25 accordance with the requirements of this chapter. For purposes of  
26 this subsection, "community accountability board" means a board  
27 comprised of members of the local community in which the juvenile  
28 offender resides. The superior court shall appoint the members. The  
29 boards shall consist of at least three and not more than seven  
30 members. If possible, the board should include a variety of  
31 representatives from the community, such as a law enforcement  
32 officer, teacher or school administrator, high school student,  
33 parent, and business owner, and should represent the cultural  
34 diversity of the local community;

35 (14) "Foster care" means temporary physical care in a foster  
36 family home or group care facility as defined in RCW 74.15.020 and  
37 licensed by the department, or other legally authorized care;

38 (15) "Institution" means a juvenile facility established pursuant  
39 to chapters 72.05 and 72.16 through 72.20 RCW;

1 (16) "Intensive supervision program" means a parole program that  
2 requires intensive supervision and monitoring, offers an array of  
3 individualized treatment and transitional services, and emphasizes  
4 community involvement and support in order to reduce the likelihood a  
5 juvenile offender will commit further offenses;

6 (17) "Juvenile," "youth," and "child" mean any individual who is  
7 under the chronological age of 18 years and who has not been  
8 previously transferred to adult court pursuant to RCW 13.40.110,  
9 unless the individual was convicted of a lesser charge or acquitted  
10 of the charge for which he or she was previously transferred pursuant  
11 to RCW 13.40.110 or who is not otherwise under adult court  
12 jurisdiction;

13 (18) "Juvenile offender" means any juvenile who has been found by  
14 the juvenile court to have committed an offense, including a person  
15 18 years of age or older over whom jurisdiction has been extended  
16 under RCW 13.40.300;

17 (19) "Labor" means the period of time before a birth during which  
18 contractions are of sufficient frequency, intensity, and duration to  
19 bring about effacement and progressive dilation of the cervix;

20 (20) "Local sanctions" means one or more of the following: (a)  
21 0-30 days of confinement; (b) 0-12 months of community supervision;  
22 or (c) 0-150 hours of community restitution(~~(; or (d) \$0-\$500 fine)~~);

23 (21) "Manifest injustice" means a disposition that would either  
24 impose an excessive penalty on the juvenile or would impose a  
25 serious, and clear danger to society in light of the purposes of this  
26 chapter;

27 (22) "Monitoring and reporting requirements" means one or more of  
28 the following: Curfews; requirements to remain at home, school, work,  
29 or court-ordered treatment programs during specified hours;  
30 restrictions from leaving or entering specified geographical areas;  
31 requirements to report to the probation officer as directed and to  
32 remain under the probation officer's supervision; and other  
33 conditions or limitations as the court may require which may not  
34 include confinement;

35 (23) "Offense" means an act designated a violation or a crime if  
36 committed by an adult under the law of this state, under any  
37 ordinance of any city or county of this state, under any federal law,  
38 or under the law of another state if the act occurred in that state;

39 (24) "Physical restraint" means the use of any bodily force or  
40 physical intervention to control a juvenile offender or limit a

1 juvenile offender's freedom of movement in a way that does not  
2 involve a mechanical restraint. Physical restraint does not include  
3 momentary periods of minimal physical restriction by direct person-  
4 to-person contact, without the aid of mechanical restraint,  
5 accomplished with limited force and designed to:

6 (a) Prevent a juvenile offender from completing an act that would  
7 result in potential bodily harm to self or others or damage property;

8 (b) Remove a disruptive juvenile offender who is unwilling to  
9 leave the area voluntarily; or

10 (c) Guide a juvenile offender from one location to another;

11 (25) "Postpartum recovery" means (a) the entire period a woman or  
12 youth is in the hospital, birthing center, or clinic after giving  
13 birth and (b) an additional time period, if any, a treating physician  
14 determines is necessary for healing after the youth leaves the  
15 hospital, birthing center, or clinic;

16 (26) "Probation bond" means a bond, posted with sufficient  
17 security by a surety justified and approved by the court, to secure  
18 the offender's appearance at required court proceedings and  
19 compliance with court-ordered community supervision or conditions of  
20 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
21 a deposit of cash or posting of other collateral in lieu of a bond if  
22 approved by the court;

23 (27) "Respondent" means a juvenile who is alleged or proven to  
24 have committed an offense;

25 (28) "Restitution" means financial reimbursement by the offender  
26 to the victim, and shall be limited to easily ascertainable damages  
27 for injury to or loss of property, actual expenses incurred for  
28 medical treatment for physical injury to persons, lost wages  
29 resulting from physical injury, and costs of the victim's counseling  
30 reasonably related to the offense. Restitution shall not include  
31 reimbursement for damages for mental anguish, pain and suffering, or  
32 other intangible losses. Nothing in this chapter shall limit or  
33 replace civil remedies or defenses available to the victim or  
34 offender;

35 (29) "Restorative justice" means practices, policies, and  
36 programs informed by and sensitive to the needs of crime victims that  
37 are designed to encourage offenders to accept responsibility for  
38 repairing the harm caused by their offense by providing safe and  
39 supportive opportunities for voluntary participation and

1 communication between the victim, the offender, their families, and  
2 relevant community members;

3 (30) "Restraints" means anything used to control the movement of  
4 a person's body or limbs and includes:

5 (a) Physical restraint; or

6 (b) Mechanical device including but not limited to: Metal  
7 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
8 hospital-type restraints, tasers, or batons;

9 (31) "Risk assessment tool" means the statistically valid tool  
10 used by the department to inform release or placement decisions  
11 related to security level, release within the sentencing range,  
12 community facility eligibility, community transition services  
13 eligibility, and parole. The "risk assessment tool" is used by the  
14 department to predict the likelihood of successful reentry and future  
15 criminal behavior;

16 (32) "Screening" means a process that is designed to identify a  
17 child who is at risk of having mental health, substance abuse, or co-  
18 occurring mental health and substance abuse disorders that warrant  
19 immediate attention, intervention, or more comprehensive assessment.  
20 A screening may be undertaken with or without the administration of a  
21 formal instrument;

22 (33) "Secretary" means the secretary of the department;

23 (34) "Services" means services which provide alternatives to  
24 incarceration for those juveniles who have pleaded or been  
25 adjudicated guilty of an offense or have signed a diversion agreement  
26 pursuant to this chapter;

27 (35) "Sex offense" means an offense defined as a sex offense in  
28 RCW 9.94A.030;

29 (36) "Sexual motivation" means that one of the purposes for which  
30 the respondent committed the offense was for the purpose of the  
31 respondent's sexual gratification;

32 (37) "Surety" means an entity licensed under state insurance laws  
33 or by the state department of licensing, to write corporate,  
34 property, or probation bonds within the state, and justified and  
35 approved by the superior court of the county having jurisdiction of  
36 the case;

37 (38) "Transportation" means the conveying, by any means, of an  
38 incarcerated pregnant youth from the institution or detention  
39 facility to another location from the moment she leaves the  
40 institution or detention facility to the time of arrival at the other

1 location, and includes the escorting of the pregnant incarcerated  
2 youth from the institution or detention facility to a transport  
3 vehicle and from the vehicle to the other location;

4 (39) "Violation" means an act or omission, which if committed by  
5 an adult, must be proven beyond a reasonable doubt, and is punishable  
6 by sanctions which do not include incarceration;

7 (40) "Violent offense" means a violent offense as defined in RCW  
8 9.94A.030;

9 (41) "Youth court" means a diversion unit under the supervision  
10 of the juvenile court.

11 **Sec. 15.** RCW 13.40.020 and 2021 c 328 s 5 are each amended to  
12 read as follows:

13 For the purposes of this chapter:

14 (1) "Assessment" means an individualized examination of a child  
15 to determine the child's psychosocial needs and problems, including  
16 the type and extent of any mental health, substance abuse, or co-  
17 occurring mental health and substance abuse disorders, and  
18 recommendations for treatment. "Assessment" includes, but is not  
19 limited to, drug and alcohol evaluations, psychological and  
20 psychiatric evaluations, records review, clinical interview, and  
21 administration of a formal test or instrument;

22 (2) "Community-based rehabilitation" means one or more of the  
23 following: Employment; attendance of information classes; literacy  
24 classes; counseling, outpatient substance abuse treatment programs,  
25 outpatient mental health programs, anger management classes,  
26 education or outpatient treatment programs to prevent animal cruelty,  
27 or other services including, when appropriate, restorative justice  
28 programs; or attendance at school or other educational programs  
29 appropriate for the juvenile as determined by the school district.  
30 Placement in community-based rehabilitation programs is subject to  
31 available funds;

32 (3) "Community-based sanctions" may include (~~one or more of the~~  
33 ~~following:~~

34 ~~(a) A fine, not to exceed \$500;~~

35 ~~(b) Community))~~ community restitution not to exceed 150 hours of  
36 community restitution;

37 (4) "Community restitution" means compulsory service, without  
38 compensation, performed for the benefit of the community by the  
39 offender as punishment for committing an offense. Community

1 restitution may be performed through public or private organizations  
2 or through work crews;

3 (5) "Community supervision" means an order of disposition by the  
4 court of an adjudicated youth not committed to the department or an  
5 order granting a deferred disposition. A community supervision order  
6 for a single offense may be for a period of up to two years for a sex  
7 offense as defined by RCW 9.94A.030 and up to one year for other  
8 offenses. As a mandatory condition of any term of community  
9 supervision, the court shall order the juvenile to refrain from  
10 committing new offenses. As a mandatory condition of community  
11 supervision, the court shall order the juvenile to comply with the  
12 mandatory school attendance provisions of chapter 28A.225 RCW and to  
13 inform the school of the existence of this requirement. Community  
14 supervision is an individualized program comprised of one or more of  
15 the following:

16 (a) Community-based sanctions;

17 (b) Community-based rehabilitation;

18 (c) Monitoring and reporting requirements;

19 (d) Posting of a probation bond;

20 (e) Residential treatment, where substance abuse, mental health,  
21 and/or co-occurring disorders have been identified in an assessment  
22 by a qualified mental health professional, psychologist,  
23 psychiatrist, co-occurring disorder specialist, or substance use  
24 disorder professional and a funded bed is available. If a child  
25 agrees to voluntary placement in a state-funded long-term evaluation  
26 and treatment facility, the case must follow the existing placement  
27 procedure including consideration of less restrictive treatment  
28 options and medical necessity.

29 (i) A court may order residential treatment after consideration  
30 and findings regarding whether:

31 (A) The referral is necessary to rehabilitate the child;

32 (B) The referral is necessary to protect the public or the child;

33 (C) The referral is in the child's best interest;

34 (D) The child has been given the opportunity to engage in less  
35 restrictive treatment and has been unable or unwilling to comply; and

36 (E) Inpatient treatment is the least restrictive action  
37 consistent with the child's needs and circumstances.

38 (ii) In any case where a court orders a child to inpatient  
39 treatment under this section, the court must hold a review hearing no  
40 later than 60 days after the youth begins inpatient treatment, and



1 every 30 days thereafter, as long as the youth is in inpatient  
2 treatment;

3 (6) "Confinement" means physical custody by the department of  
4 children, youth, and families in a facility operated by or pursuant  
5 to a contract with the state, or physical custody in a detention  
6 facility operated by or pursuant to a contract with any county. The  
7 county may operate or contract with vendors to operate county  
8 detention facilities. The department may operate or contract to  
9 operate detention facilities for juveniles committed to the  
10 department. Pretrial confinement or confinement of less than 31 days  
11 imposed as part of a disposition or modification order may be served  
12 consecutively or intermittently, in the discretion of the court;

13 (7) "Court," when used without further qualification, means the  
14 juvenile court judge(s) or commissioner(s);

15 (8) "Criminal history" includes all criminal complaints against  
16 the respondent for which, prior to the commission of a current  
17 offense:

18 (a) The allegations were found correct by a court. If a  
19 respondent is convicted of two or more charges arising out of the  
20 same course of conduct, only the highest charge from among these  
21 shall count as an offense for the purposes of this chapter; or

22 (b) The criminal complaint was diverted by a prosecutor pursuant  
23 to the provisions of this chapter on agreement of the respondent and  
24 after an advisement to the respondent that the criminal complaint  
25 would be considered as part of the respondent's criminal history. A  
26 successfully completed deferred adjudication that was entered before  
27 July 1, 1998, or a deferred disposition shall not be considered part  
28 of the respondent's criminal history;

29 (9) "Custodial interrogation" means express questioning or other  
30 actions or words by a law enforcement officer which are reasonably  
31 likely to elicit an incriminating response from an individual and  
32 occurs when reasonable individuals in the same circumstances would  
33 consider themselves in custody;

34 (10) "Department" means the department of children, youth, and  
35 families;

36 (11) "Detention facility" means a county facility, paid for by  
37 the county, for the physical confinement of a juvenile alleged to  
38 have committed an offense or an adjudicated offender subject to a  
39 disposition or modification order. "Detention facility" includes

1 county group homes, inpatient substance abuse programs, juvenile  
2 basic training camps, and electronic monitoring;

3 (12) "Diversion unit" means any probation counselor who enters  
4 into a diversion agreement with an alleged youthful offender, or any  
5 other person, community accountability board, youth court under the  
6 supervision of the juvenile court, or other entity with whom the  
7 juvenile court administrator has contracted to arrange and supervise  
8 such agreements pursuant to RCW 13.40.080, or any person, community  
9 accountability board, or other entity specially funded by the  
10 legislature to arrange and supervise diversion agreements in  
11 accordance with the requirements of this chapter. For purposes of  
12 this subsection, "community accountability board" means a board  
13 comprised of members of the local community in which the juvenile  
14 offender resides. The superior court shall appoint the members. The  
15 boards shall consist of at least three and not more than seven  
16 members. If possible, the board should include a variety of  
17 representatives from the community, such as a law enforcement  
18 officer, teacher or school administrator, high school student,  
19 parent, and business owner, and should represent the cultural  
20 diversity of the local community;

21 (13) "Foster care" means temporary physical care in a foster  
22 family home or group care facility as defined in RCW 74.15.020 and  
23 licensed by the department, or other legally authorized care;

24 (14) "Institution" means a juvenile facility established pursuant  
25 to chapters 72.05 and 72.16 through 72.20 RCW;

26 (15) "Intensive supervision program" means a parole program that  
27 requires intensive supervision and monitoring, offers an array of  
28 individualized treatment and transitional services, and emphasizes  
29 community involvement and support in order to reduce the likelihood a  
30 juvenile offender will commit further offenses;

31 (16) "Juvenile," "youth," and "child" mean any individual who is  
32 under the chronological age of 18 years and who has not been  
33 previously transferred to adult court pursuant to RCW 13.40.110,  
34 unless the individual was convicted of a lesser charge or acquitted  
35 of the charge for which he or she was previously transferred pursuant  
36 to RCW 13.40.110 or who is not otherwise under adult court  
37 jurisdiction;

38 (17) "Juvenile offender" means any juvenile who has been found by  
39 the juvenile court to have committed an offense, including a person

1 18 years of age or older over whom jurisdiction has been extended  
2 under RCW 13.40.300;

3 (18) "Labor" means the period of time before a birth during which  
4 contractions are of sufficient frequency, intensity, and duration to  
5 bring about effacement and progressive dilation of the cervix;

6 (19) "Local sanctions" means one or more of the following: (a)  
7 0-30 days of confinement; (b) 0-12 months of community supervision;  
8 or (c) 0-150 hours of community restitution(~~(; or (d) \$0-\$500 fine)~~);

9 (20) "Manifest injustice" means a disposition that would either  
10 impose an excessive penalty on the juvenile or would impose a  
11 serious, and clear danger to society in light of the purposes of this  
12 chapter;

13 (21) "Monitoring and reporting requirements" means one or more of  
14 the following: Curfews; requirements to remain at home, school, work,  
15 or court-ordered treatment programs during specified hours;  
16 restrictions from leaving or entering specified geographical areas;  
17 requirements to report to the probation officer as directed and to  
18 remain under the probation officer's supervision; and other  
19 conditions or limitations as the court may require which may not  
20 include confinement;

21 (22) "Offense" means an act designated a violation or a crime if  
22 committed by an adult under the law of this state, under any  
23 ordinance of any city or county of this state, under any federal law,  
24 or under the law of another state if the act occurred in that state;

25 (23) "Physical restraint" means the use of any bodily force or  
26 physical intervention to control a juvenile offender or limit a  
27 juvenile offender's freedom of movement in a way that does not  
28 involve a mechanical restraint. Physical restraint does not include  
29 momentary periods of minimal physical restriction by direct person-  
30 to-person contact, without the aid of mechanical restraint,  
31 accomplished with limited force and designed to:

32 (a) Prevent a juvenile offender from completing an act that would  
33 result in potential bodily harm to self or others or damage property;

34 (b) Remove a disruptive juvenile offender who is unwilling to  
35 leave the area voluntarily; or

36 (c) Guide a juvenile offender from one location to another;

37 (24) "Postpartum recovery" means (a) the entire period a woman or  
38 youth is in the hospital, birthing center, or clinic after giving  
39 birth and (b) an additional time period, if any, a treating physician

1 determines is necessary for healing after the youth leaves the  
2 hospital, birthing center, or clinic;

3 (25) "Probation bond" means a bond, posted with sufficient  
4 security by a surety justified and approved by the court, to secure  
5 the offender's appearance at required court proceedings and  
6 compliance with court-ordered community supervision or conditions of  
7 release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means  
8 a deposit of cash or posting of other collateral in lieu of a bond if  
9 approved by the court;

10 (26) "Respondent" means a juvenile who is alleged or proven to  
11 have committed an offense;

12 (27) "Restitution" means financial reimbursement by the offender  
13 to the victim, and shall be limited to easily ascertainable damages  
14 for injury to or loss of property, actual expenses incurred for  
15 medical treatment for physical injury to persons, lost wages  
16 resulting from physical injury, and costs of the victim's counseling  
17 reasonably related to the offense. Restitution shall not include  
18 reimbursement for damages for mental anguish, pain and suffering, or  
19 other intangible losses. Nothing in this chapter shall limit or  
20 replace civil remedies or defenses available to the victim or  
21 offender;

22 (28) "Restorative justice" means practices, policies, and  
23 programs informed by and sensitive to the needs of crime victims that  
24 are designed to encourage offenders to accept responsibility for  
25 repairing the harm caused by their offense by providing safe and  
26 supportive opportunities for voluntary participation and  
27 communication between the victim, the offender, their families, and  
28 relevant community members;

29 (29) "Restraints" means anything used to control the movement of  
30 a person's body or limbs and includes:

31 (a) Physical restraint; or

32 (b) Mechanical device including but not limited to: Metal  
33 handcuffs, plastic ties, ankle restraints, leather cuffs, other  
34 hospital-type restraints, tasers, or batons;

35 (30) "Screening" means a process that is designed to identify a  
36 child who is at risk of having mental health, substance abuse, or co-  
37 occurring mental health and substance abuse disorders that warrant  
38 immediate attention, intervention, or more comprehensive assessment.  
39 A screening may be undertaken with or without the administration of a  
40 formal instrument;

- 1 (31) "Secretary" means the secretary of the department;
- 2 (32) "Services" means services which provide alternatives to  
3 incarceration for those juveniles who have pleaded or been  
4 adjudicated guilty of an offense or have signed a diversion agreement  
5 pursuant to this chapter;
- 6 (33) "Sex offense" means an offense defined as a sex offense in  
7 RCW 9.94A.030;
- 8 (34) "Sexual motivation" means that one of the purposes for which  
9 the respondent committed the offense was for the purpose of the  
10 respondent's sexual gratification;
- 11 (35) "Surety" means an entity licensed under state insurance laws  
12 or by the state department of licensing, to write corporate,  
13 property, or probation bonds within the state, and justified and  
14 approved by the superior court of the county having jurisdiction of  
15 the case;
- 16 (36) "Transportation" means the conveying, by any means, of an  
17 incarcerated pregnant youth from the institution or detention  
18 facility to another location from the moment she leaves the  
19 institution or detention facility to the time of arrival at the other  
20 location, and includes the escorting of the pregnant incarcerated  
21 youth from the institution or detention facility to a transport  
22 vehicle and from the vehicle to the other location;
- 23 (37) "Violation" means an act or omission, which if committed by  
24 an adult, must be proven beyond a reasonable doubt, and is punishable  
25 by sanctions which do not include incarceration;
- 26 (38) "Violent offense" means a violent offense as defined in RCW  
27 9.94A.030;
- 28 (39) "Youth court" means a diversion unit under the supervision  
29 of the juvenile court.

30 **Sec. 16.** RCW 13.40.162 and 2020 c 249 s 1 are each amended to  
31 read as follows:

32 (1) A juvenile offender is eligible for the special sex offender  
33 disposition alternative when:

34 (a) The offender is found to have committed a sex offense, other  
35 than a sex offense that is also a serious violent offense as defined  
36 by RCW 9.94A.030, and the offender has no history of a prior sex  
37 offense; or

1 (b) The offender is found to have committed assault in the fourth  
2 degree with sexual motivation, and the offender has no history of a  
3 prior sex offense.

4 (2) If the court finds the offender is eligible for this  
5 alternative, the court, on its own motion or the motion of the state  
6 or the respondent, may order an examination to determine whether the  
7 respondent is amenable to treatment.

8 (a) The report of the examination shall include at a minimum the  
9 following:

10 (i) The respondent's version of the facts and the official  
11 version of the facts;

12 (ii) The respondent's offense history;

13 (iii) An assessment of problems in addition to alleged deviant  
14 behaviors;

15 (iv) The respondent's social, educational, and employment  
16 situation;

17 (v) Other evaluation measures used.

18 The report shall set forth the sources of the evaluator's  
19 information.

20 (b) The examiner shall assess and report regarding the  
21 respondent's amenability to treatment and relative risk to the  
22 community. A proposed treatment plan shall be provided and shall  
23 include, at a minimum:

24 (i) The frequency and type of contact between the offender and  
25 therapist;

26 (ii) Specific issues to be addressed in the treatment and  
27 description of planned treatment modalities;

28 (iii) Monitoring plans, including any requirements regarding  
29 living conditions, lifestyle requirements, and monitoring by family  
30 members, legal guardians, or others;

31 (iv) Anticipated length of treatment; and

32 (v) Recommended crime-related prohibitions.

33 (c) ~~((The))~~ For good cause shown, the court on its own motion may  
34 order, or on a motion by the state shall order, a second examination  
35 regarding the offender's amenability to treatment. The evaluator  
36 shall be selected by the party making the motion. ~~((The defendant  
37 shall pay the cost of any second examination ordered unless the court  
38 finds the defendant to be indigent in which case the state shall pay  
39 the cost.))~~

1 (3) After receipt of reports of the examination, the court shall  
2 then consider whether the offender and the community will benefit  
3 from use of this special sex offender disposition alternative and  
4 consider the victim's opinion whether the offender should receive a  
5 treatment disposition under this section. If the court determines  
6 that this special sex offender disposition alternative is  
7 appropriate, then the court shall impose a determinate disposition  
8 within the standard range for the offense, or if the court concludes,  
9 and enters reasons for its conclusions, that such disposition would  
10 cause a manifest injustice, the court shall impose a disposition  
11 under option D, and the court may suspend the execution of the  
12 disposition and place the offender on community supervision for at  
13 least two years.

14 (4) As a condition of the suspended disposition, the court may  
15 impose the conditions of community supervision and other conditions,  
16 including up to (~~thirty~~) 30 days of confinement and requirements  
17 that the offender do any one or more of the following:

18 (a) Devote time to a specific education, employment, or  
19 occupation;

20 (b) Undergo available outpatient sex offender treatment for up to  
21 two years, or inpatient sex offender treatment not to exceed the  
22 standard range of confinement for that offense. A community mental  
23 health center may not be used for such treatment unless it has an  
24 appropriate program designed for sex offender treatment. The  
25 respondent shall not change sex offender treatment providers or  
26 treatment conditions without first notifying the prosecutor, the  
27 probation counselor, and the court, and shall not change providers  
28 without court approval after a hearing if the prosecutor or probation  
29 counselor object to the change;

30 (c) Remain within prescribed geographical boundaries and notify  
31 the court or the probation counselor prior to any change in the  
32 offender's address, educational program, or employment;

33 (d) Report to the prosecutor and the probation counselor prior to  
34 any change in a sex offender treatment provider. This change shall  
35 have prior approval by the court;

36 (e) Report as directed to the court and a probation counselor;

37 (f) Pay (~~all court-ordered legal financial obligations,~~  
38 ~~perform~~) restitution and perform community restitution, or any  
39 combination thereof;

1 (g) Make restitution to the victim for the cost of any counseling  
2 reasonably related to the offense; or

3 (h) Comply with the conditions of any court-ordered probation  
4 bond.

5 (5) If the court orders (~~twenty-four~~) 24 hour, continuous  
6 monitoring of the offender while on probation, the court shall  
7 include the basis for this condition in its findings.

8 (6) (a) The court must order the offender not to attend the public  
9 or approved private elementary, middle, or high school attended by  
10 the victim or the victim's siblings.

11 (b) The parents or legal guardians of the offender are  
12 responsible for transportation or other costs associated with the  
13 offender's change of school that would otherwise be paid by the  
14 school district.

15 (c) The court shall send notice of the disposition and  
16 restriction on attending the same school as the victim or victim's  
17 siblings to the public or approved private school the juvenile will  
18 attend, if known, or if unknown, to the approved private schools and  
19 the public school district board of directors of the district in  
20 which the juvenile resides or intends to reside. This notice must be  
21 sent at the earliest possible date but not later than (~~ten~~) 10  
22 calendar days after entry of the disposition.

23 (7) For offenders required to register under RCW 9A.44.130, at  
24 the end of the supervision ordered under this disposition  
25 alternative, there is a presumption that the offender is sufficiently  
26 rehabilitated to warrant removal from the central registry of sex  
27 offenders. The court shall relieve the offender's duty to register  
28 unless the court finds that the offender is not sufficiently  
29 rehabilitated to warrant removal and may consider the following  
30 factors:

31 (a) The nature of the offense committed, including the number of  
32 victims and the length of the offense history;

33 (b) Any subsequent criminal history of the juvenile;

34 (c) The juvenile's compliance with supervision requirements;

35 (d) The length of time since the charged incident occurred;

36 (e) Any input from community corrections officers, juvenile  
37 parole or probation officers, law enforcement, or treatment  
38 providers;

39 (f) The juvenile's participation in sex offender treatment;



1 (g) The juvenile's participation in other treatment and  
2 rehabilitative programs;

3 (h) The juvenile's stability in employment and housing;

4 (i) The juvenile's community and personal support system;

5 (j) Any risk assessments or evaluations prepared by a qualified  
6 professional related to the juvenile;

7 (k) Any updated polygraph examination completed by the juvenile;

8 (l) Any input of the victim; and

9 (m) Any other factors the court may consider relevant.

10 (8) (a) The sex offender treatment provider shall submit quarterly  
11 reports on the respondent's progress in treatment to the court and  
12 the parties. The reports shall reference the treatment plan and  
13 include at a minimum the following: Dates of attendance, respondent's  
14 compliance with requirements, treatment activities, the respondent's  
15 relative progress in treatment, and any other material specified by  
16 the court at the time of the disposition.

17 (b) At the time of the disposition, the court may set treatment  
18 review hearings as the court considers appropriate.

19 (c) Except as provided in this subsection, examinations and  
20 treatment ordered pursuant to this subsection shall be conducted by  
21 qualified professionals as described under (d) of this subsection,  
22 certified sex offender treatment providers, or certified affiliate  
23 sex offender treatment providers under chapter 18.155 RCW.

24 (d) A sex offender therapist who examines or treats a juvenile  
25 sex offender pursuant to this subsection does not have to be  
26 certified by the department of health pursuant to chapter 18.155 RCW  
27 if the therapist is a professional licensed under chapter 18.225 or  
28 18.83 RCW and the treatment employed is evidence-based for sex  
29 offender treatment, or if the court finds that: (i) The offender has  
30 already moved to another state or plans to move to another state for  
31 reasons other than circumventing the certification requirements; (ii)  
32 no certified sex offender treatment providers or certified affiliate  
33 sex offender treatment providers are available for treatment within a  
34 reasonable geographical distance of the offender's home; and (iii)  
35 the evaluation and treatment plan comply with this subsection and the  
36 rules adopted by the department of health.

37 (9) (a) If the offender violates any condition of the disposition  
38 or the court finds that the respondent is failing to make  
39 satisfactory progress in treatment, the court may revoke the  
40 suspension and order execution of the disposition or the court may

1 impose a penalty of up to (~~thirty~~) 30 days confinement for  
2 violating conditions of the disposition.

3 (b) The court may order both execution of the disposition and up  
4 to (~~thirty~~) 30 days confinement for the violation of the conditions  
5 of the disposition.

6 (c) The court shall give credit for any confinement time  
7 previously served if that confinement was for the offense for which  
8 the suspension is being revoked.

9 (10) For purposes of this section, "victim" means any person who  
10 has sustained emotional, psychological, physical, or financial injury  
11 to person or property as a direct result of the crime charged.  
12 "Victim" may also include a known parent or guardian of a victim who  
13 is a minor child unless the parent or guardian is the perpetrator of  
14 the offense.

15 (11) The respondent or the parent, guardian, or other person  
16 having custody of the respondent shall not be required to pay the  
17 cost of any evaluation or treatment of the respondent ordered under  
18 this section.

19 (12) A disposition entered under this section is not appealable  
20 under RCW 13.40.230.

21 **Sec. 17.** RCW 13.40.165 and 2019 c 325 s 5007 are each amended to  
22 read as follows:

23 (1) The purpose of this disposition alternative is to ensure that  
24 successful treatment options to reduce recidivism are available to  
25 eligible youth, pursuant to RCW 71.24.615. It is also the purpose of  
26 the disposition alternative to assure that minors in need of  
27 substance use disorder, mental health, and/or co-occurring disorder  
28 treatment receive an appropriate continuum of culturally relevant  
29 care and treatment, including prevention and early intervention,  
30 self-directed care, parent-directed care, and residential treatment.  
31 To facilitate the continuum of care and treatment to minors in out-  
32 of-home placements, all divisions of the department that provide  
33 these services to minors shall jointly plan and deliver these  
34 services. It is also the purpose of the disposition alternative to  
35 protect the rights of minors against needless hospitalization and  
36 deprivations of liberty and to enable treatment decisions to be made  
37 in response to clinical needs and in accordance with sound  
38 professional judgment. The mental health, substance abuse, and co-

1 occurring disorder treatment providers shall, to the extent possible,  
2 offer services that involve minors' parents, guardians, and family.

3 (2) The court must consider eligibility for the substance use  
4 disorder or mental health disposition alternative when a juvenile  
5 offender is subject to a standard range disposition of local  
6 sanctions or 15 to 36 weeks of confinement and has not committed an  
7 A- or B+ offense, other than a first time B+ offense under chapter  
8 69.50 RCW. The court, on its own motion or the motion of the state or  
9 the respondent if the evidence shows that the offender may be  
10 chemically dependent, substance abusing, or has significant mental  
11 health or co-occurring disorders may order an examination by a  
12 substance use disorder counselor from a substance use disorder  
13 treatment facility approved under chapter 70.96A RCW or a mental  
14 health professional as defined in chapter 71.34 RCW to determine if  
15 the youth is chemically dependent, substance abusing, or suffers from  
16 significant mental health or co-occurring disorders. (~~The offender  
17 shall pay the cost of any examination ordered under this subsection  
18 unless the court finds that the offender is indigent and no third  
19 party insurance coverage is available, in which case the state shall  
20 pay the cost.~~) The state shall pay the cost of any examination  
21 ordered under this subsection unless third-party insurance coverage  
22 is available.

23 (3) The report of the examination shall include at a minimum the  
24 following: The respondent's version of the facts and the official  
25 version of the facts, the respondent's offense history, an assessment  
26 of drug-alcohol problems, mental health diagnoses, previous treatment  
27 attempts, the respondent's social, educational, and employment  
28 situation, and other evaluation measures used. The report shall set  
29 forth the sources of the examiner's information.

30 (4) The examiner shall assess and report regarding the  
31 respondent's relative risk to the community. A proposed treatment  
32 plan shall be provided and shall include, at a minimum:

33 (a) Whether inpatient and/or outpatient treatment is recommended;

34 (b) Availability of appropriate treatment;

35 (c) Monitoring plans, including any requirements regarding living  
36 conditions, lifestyle requirements, and monitoring by family members,  
37 legal guardians, or others;

38 (d) Anticipated length of treatment; and

39 (e) Recommended crime-related prohibitions.

1 (5) The court on its own motion may order, or on a motion by the  
2 state or the respondent shall order, a second examination. The  
3 evaluator shall be selected by the party making the motion. The  
4 requesting party shall pay the cost of any examination ordered under  
5 this subsection unless the requesting party is the offender (~~and the~~  
6 ~~court finds that the offender is indigent and no third party~~  
7 ~~insurance coverage is available~~), in which case the state shall pay  
8 the cost if no third-party insurance coverage is available.

9 (6) (a) After receipt of reports of the examination, the court  
10 shall then consider whether the offender and the community will  
11 benefit from use of this disposition alternative and consider the  
12 victim's opinion whether the offender should receive a treatment  
13 disposition under this section.

14 (b) If the court determines that this disposition alternative is  
15 appropriate, then the court shall impose the standard range for the  
16 offense, or if the court concludes, and enters reasons for its  
17 conclusion, that such disposition would effectuate a manifest  
18 injustice, the court shall impose a disposition above the standard  
19 range as indicated in option D of RCW 13.40.0357 if the disposition  
20 is an increase from the standard range and the confinement of the  
21 offender does not exceed a maximum of (~~fifty-two~~) 52 weeks, suspend  
22 execution of the disposition, and place the offender on community  
23 supervision for up to one year. As a condition of the suspended  
24 disposition, the court shall require the offender to undergo  
25 available outpatient drug/alcohol, mental health, or co-occurring  
26 disorder treatment and/or inpatient mental health or drug/alcohol  
27 treatment. The court shall only order inpatient treatment under this  
28 section if a funded bed is available. If the inpatient treatment is  
29 longer than (~~ninety~~) 90 days, the court shall hold a review hearing  
30 every (~~thirty~~) 30 days beyond the initial (~~ninety~~) 90 days. The  
31 respondent may appear telephonically at these review hearings if in  
32 compliance with treatment. As a condition of the suspended  
33 disposition, the court may impose conditions of community supervision  
34 and other sanctions, including up to (~~thirty~~) 30 days of  
35 confinement, (~~one hundred fifty~~) 150 hours of community  
36 restitution, and payment of (~~legal financial obligations and~~)  
37 restitution.

38 (7) The mental health/co-occurring disorder/drug/alcohol  
39 treatment provider shall submit monthly reports on the respondent's  
40 progress in treatment to the court and the parties. The reports shall

1 reference the treatment plan and include at a minimum the following:  
2 Dates of attendance, respondent's compliance with requirements,  
3 treatment activities, the respondent's relative progress in  
4 treatment, and any other material specified by the court at the time  
5 of the disposition.

6 At the time of the disposition, the court may set treatment  
7 review hearings as the court considers appropriate.

8 If the offender violates any condition of the disposition or the  
9 court finds that the respondent is failing to make satisfactory  
10 progress in treatment, the court may impose sanctions pursuant to RCW  
11 13.40.200 or revoke the suspension and order execution of the  
12 disposition. The court shall give credit for any confinement time  
13 previously served if that confinement was for the offense for which  
14 the suspension is being revoked.

15 (8) For purposes of this section, "victim" means any person who  
16 has sustained emotional, psychological, physical, or financial injury  
17 to person or property as a direct result of the offense charged.  
18 "Victim" may also include a known parent or guardian of a victim who  
19 is a minor child or is not a minor child but is incapacitated,  
20 incompetent, disabled, or deceased.

21 (9) Whenever a juvenile offender is entitled to credit for time  
22 spent in detention prior to a dispositional order, the dispositional  
23 order shall specifically state the number of days of credit for time  
24 served.

25 (10) In no case shall the term of confinement imposed by the  
26 court at disposition exceed that to which an adult could be subjected  
27 for the same offense.

28 (11) A disposition under this section is not appealable under RCW  
29 13.40.230.

30 (12) Subject to funds appropriated for this specific purpose, the  
31 costs incurred by the juvenile courts for the mental health,  
32 substance use disorder, and/or co-occurring disorder evaluations,  
33 treatment, and costs of supervision required under this section shall  
34 be paid by the health care authority.

35 (13) A juvenile, or the parent, guardian, or other person having  
36 custody of the juvenile shall not be required to pay the cost of any  
37 evaluation or treatment ordered under this section.

38 **Sec. 18.** RCW 13.40.180 and 2012 c 177 s 3 are each amended to  
39 read as follows:

1 (1) Where a disposition in a single disposition order is imposed  
2 on a youth for two or more offenses, the terms shall run  
3 consecutively, subject to the following limitations:

4 (a) Where the offenses were committed through a single act or  
5 omission, omission, or through an act or omission which in itself  
6 constituted one of the offenses and also was an element of the other,  
7 the aggregate of all the terms shall not exceed (~~one hundred fifty~~)  
8 150 percent of the term imposed for the most serious offense;

9 (b) The aggregate of all consecutive terms shall not exceed three  
10 hundred percent of the term imposed for the most serious offense; and

11 (c) The aggregate of all consecutive terms of community  
12 supervision shall not exceed two years in length, or require any  
13 payment of (~~more than two hundred dollars in~~) fines or the  
14 performance of more than (~~two hundred~~) 200 hours of community  
15 restitution.

16 (2) Where disposition in separate disposition orders is imposed  
17 on a youth, the periods of community supervision contained in  
18 separate orders, if any, shall run concurrently. All other terms  
19 contained in separate disposition orders shall run consecutively.

20 **Sec. 19.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to  
21 read as follows:

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

36 (2) A (~~respondent under obligation to pay~~) judgment against a  
37 juvenile for any legal financial obligation(~~s~~) other than  
38 restitution(~~, the victim penalty assessment set forth in RCW~~  
39 ~~7.68.035, or the crime laboratory analysis fee set forth in RCW~~

1 ~~43.43.690~~ may petition the court for modification or relief from  
2 those legal financial obligations and interest accrued on those  
3 obligations for good cause shown, including inability to pay. The  
4 court shall consider factors such as, but not limited to  
5 incarceration and a respondent's other debts, including restitution,  
6 when determining a respondent's ability to pay)) including, but not  
7 limited to, fines, penalty assessments, attorneys' fees, court costs,  
8 and other administrative fees, is not enforceable after the effective  
9 date of this section. The superior court clerk shall not accept  
10 payments from a respondent who was ordered to pay legal financial  
11 obligations, including fines, penalty assessments, attorneys' fees,  
12 and court costs after the effective date of this section.

13 **Sec. 20.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to  
14 read as follows:

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

20 (2) The hearing shall afford the respondent the same due process  
21 of law as would be afforded an adult probationer. The court may issue  
22 a summons or a warrant to compel the respondent's appearance. The  
23 state shall have the burden of proving by a preponderance of the  
24 evidence the fact of the violation. The respondent shall have the  
25 burden of showing that the violation was not a willful refusal to  
26 comply with the terms of the order. If a respondent has failed to pay  
27 (~~a fine, penalty assessments, or~~) restitution or to perform  
28 community restitution hours, as required by the court, it shall be  
29 the respondent's burden to show that he or she did not have the means  
30 and could not reasonably have acquired the means to pay the (~~fine,~~  
31 ~~penalty assessments, or~~) restitution or to perform community  
32 restitution.

33 (3) If the court finds that a respondent has willfully violated  
34 the terms of an order pursuant to subsections (1) and (2) of this  
35 section, it may impose a penalty of up to (~~thirty~~) 30 days'  
36 confinement. Penalties for multiple violations occurring prior to the  
37 hearing shall not be aggregated to exceed (~~thirty~~) 30 days'  
38 confinement. Regardless of the number of times a respondent is  
39 brought to court for violations of the terms of a single disposition

1 order, the combined total number of days spent by the respondent in  
2 detention shall never exceed the maximum term to which an adult could  
3 be sentenced for the underlying offense.

4 ~~(4) ((If a respondent has been ordered to pay a fine or monetary  
5 penalty and due to a change of circumstance cannot reasonably comply  
6 with the order, the court, upon motion of the respondent, may order  
7 that the unpaid fine or monetary penalty be converted to community  
8 restitution unless the monetary penalty is the crime victim penalty  
9 assessment, which cannot be converted, waived, or otherwise modified,  
10 except for schedule of payment. The number of hours of community  
11 restitution in lieu of a monetary penalty or fine shall be converted  
12 at the rate of the prevailing state minimum wage per hour. The  
13 monetary penalties or fines collected shall be deposited in the  
14 county general fund. A failure to comply with an order under this  
15 subsection shall be deemed a failure to comply with an order of  
16 community supervision and may be proceeded against as provided in  
17 this section.~~

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

21 NEW SECTION. **Sec. 21.** Nothing in this act requires a court to  
22 refund or reimburse amounts previously paid towards legal financial  
23 obligations, interests on legal financial obligations, or any other  
24 costs.

25 NEW SECTION. **Sec. 22.** The following acts or parts of acts are  
26 each repealed:

- 27 (1) RCW 13.40.056 (Nonrefundable bail fee) and 1995 c 395 s 9;  
28 (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by  
29 parent or legal guardian) and 1993 c 171 s 1;  
30 (3) RCW 13.40.198 (Penalty assessments—Jurisdiction of court) and  
31 2000 c 71 s 1; and  
32 (4) RCW 13.40.640 (Youth court nonrefundable fee) and 2002 c 237  
33 s 15.

34 NEW SECTION. **Sec. 23.** Section 14 of this act takes effect when  
35 section 3, chapter 206, Laws of 2021 takes effect.



1        NEW SECTION.    **Sec. 24.**    Section 15 of this act expires when  
2 section 14 of this act takes effect.

3        NEW SECTION.    **Sec. 25.**    If specific funding for the purposes of  
4 this act, referencing this act by bill or chapter number, is not  
5 provided by June 30, 2023, in the omnibus appropriations act, this  
6 act is null and void.

7        NEW SECTION.    **Sec. 26.**    Except for section 14 of this act, this  
8 act is necessary for the immediate preservation of the public peace,  
9 health, or safety, or support of the state government and its  
10 existing public institutions, and takes effect July 1, 2023."

**ESHB 1169** - S COMM AMD  
By Committee on Law & Justice

**NOT CONSIDERED 04/12/2023**

11        On page 1, line 1 of the title, after "obligations;" strike the  
12 remainder of the title and insert "amending RCW 7.68.035, 43.43.7532,  
13 43.43.7541, 7.68.240, 9.92.060, 9.94A.6333, 9.94B.040, 9.95.210,  
14 10.01.180, 10.82.090, 13.40.020, 13.40.162, 13.40.165, 13.40.180,  
15 13.40.192, and 13.40.200; reenacting and amending RCW 9.94A.760 and  
16 13.40.020; adding a new section to chapter 7.68 RCW; adding a new  
17 section to chapter 13.40 RCW; creating new sections; repealing RCW  
18 13.40.056, 13.40.085, 13.40.198, and 13.40.640; providing an  
19 effective date; providing a contingent effective date; providing a  
20 contingent expiration date; and declaring an emergency."

--- END ---