
ENGROSSED SUBSTITUTE HOUSE BILL 1169

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Simmons, Taylor, Berry, Bateman, Goodman, Wylie, Santos, and Ormsby)

READ FIRST TIME 02/23/23.

1 AN ACT Relating to legal financial obligations; amending RCW
2 7.68.035, 43.43.7532, 43.43.7541, 7.68.240, 9.92.060, 9.94A.6333,
3 9.94B.040, 9.95.210, 10.01.180, 10.82.090, 13.40.192, and 13.40.200;
4 reenacting and amending RCW 9.94A.760; adding a new section to
5 chapter 7.68 RCW; creating a new section; providing an effective
6 date; and declaring an emergency.

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

8 **PART I**

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

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

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

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

14 (2) The assessment imposed by subsection (1) of this section
15 shall not apply to motor vehicle crimes defined in Title 46 RCW
16 except those defined in the following sections: RCW 46.61.520,
17 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
18 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
19 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
20 46.44.180, 46.10.490(2), and 46.09.470(2).

21 (3) ~~(When))~~ Except as provided in subsection (4) of this
22 section, when any adult person accused of having committed a crime
23 posts bail in superior court pursuant to the provisions of chapter
24 10.19 RCW and such bail is forfeited, there shall be deducted from
25 the proceeds of such forfeited bail a penalty assessment, in addition
26 to any other penalty or fine imposed by law, equal to the assessment
27 which would be applicable under subsection (1) of this section if the
28 person had been convicted of the crime.

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

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

35 (a) The person was a juvenile at the time the penalty assessment
36 was imposed; or

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

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

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

20 (b) Are administered by the county prosecuting attorney either
21 directly through the prosecuting attorney's office or by contract
22 between the county and agencies providing services to victims of
23 crime;

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

27 (d) Assist victims in the restitution and adjudication process;
28 and

29 (e) Assist victims of violent crimes in the preparation and
30 presentation of their claims to the department of labor and
31 industries under this chapter.

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

39 (~~((5))~~) (7) Upon submission to the department of a letter of
40 intent to adopt a comprehensive program, the prosecuting attorney

1 shall retain the money deposited by the county under subsection
2 (~~(4)~~) (6) of this section until such time as the county prosecuting
3 attorney has obtained approval of a program from the department.
4 Approval of the comprehensive plan by the department must be obtained
5 within one year of the date of the letter of intent to adopt a
6 comprehensive program. The county prosecuting attorney shall not make
7 any expenditures from the money deposited under subsection (~~(4)~~)
8 (6) of this section until approval of a comprehensive plan by the
9 department. If a county prosecuting attorney has failed to obtain
10 approval of a program from the department under subsection (~~(4)~~)
11 (6) of this section or failed to obtain approval of a comprehensive
12 program within one year after submission of a letter of intent under
13 this section, the county treasurer shall monthly transmit one hundred
14 percent of the money deposited by the county under subsection (~~(4)~~)
15 (6) of this section to the state treasurer for deposit in the state
16 general fund.

17 (~~(6)~~) (8) County prosecuting attorneys are responsible to make
18 every reasonable effort to insure that the penalty assessments of
19 this chapter are imposed and collected.

20 (~~(7)~~) (9) Every city and town shall transmit monthly one and
21 seventy-five one-hundredths percent of all money, other than money
22 received for parking infractions, retained under RCW 3.50.100 and
23 35.20.220 to the county treasurer for deposit as provided in
24 subsection (~~(4)~~) (6) of this section.

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

27 (1) The state crime victim and witness assistance account is
28 created in the state treasury. The account shall consist of funds
29 appropriated by the legislature for comprehensive crime victim and
30 witness programs under RCW 7.68.035.

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

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

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

1 The state DNA database account is created in the custody of the
2 state treasurer. ~~((All))~~ The account shall consist of funds
3 appropriated by the legislature for operation and maintenance of the
4 DNA database and for distribution to agencies responsible for
5 collection of the biological sample from the offender and all
6 receipts under RCW 43.43.7541 ~~((must be deposited into the account))~~.
7 Expenditures from the account may be used only for creation,
8 operation, and maintenance of the DNA database under RCW 43.43.754
9 and for distribution to agencies responsible for the collection of
10 the biological sample from the offender. Only the chief of the
11 Washington state patrol or the chief's designee may authorize
12 expenditures from the account. The chief of the Washington state
13 patrol or the chief's designee may expend 80 percent of amounts for
14 operation and maintenance of the DNA database and 20 percent for
15 distribution to the agency responsible for the collection of the
16 biological sample from the offender. The account is subject to
17 allotment procedures under chapter 43.88 RCW, but an appropriation is
18 not required for expenditures.

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

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

31 (1) The clerk of the court shall transmit ((eighty)) 80 percent
32 of ((the fee)) any amounts collected for fees imposed prior to the
33 effective date of this section for the collection of an offender's
34 DNA to the state treasurer for deposit in the state DNA database
35 account created under RCW 43.43.7532, and shall transmit ((twenty))
36 20 percent of the fee collected to the agency responsible for
37 collection of a biological sample from the offender as required under
38 RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders

1 ~~if the state has previously collected the juvenile offender's DNA as~~
2 ~~a result of a prior conviction.))~~

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

6 **PART II**
7 **CONFORMING AMENDMENTS**

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

10 Upon a showing by any convicted person or the state that five
11 years have elapsed from the establishment of such escrow account and
12 further that no actions are pending against such convicted person
13 pursuant to RCW 7.68.200 through 7.68.280, the department shall
14 immediately pay over 50 percent of any moneys in the escrow account
15 to such person or his or her legal representatives and 50 percent of
16 any moneys in the escrow account to the fund under RCW
17 7.68.035(~~(+4)~~) (6).

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

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

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

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

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

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

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

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

36 (5) If restitution to the victim has been ordered under
37 subsection (2)(b) of this section and the superior court has ordered
38 supervision, the officer supervising the probationer shall make a
39 reasonable effort to ascertain whether restitution has been made as
40 ordered. If the superior court has ordered supervision and

1 restitution has not been made, the officer shall inform the
2 prosecutor of that violation of the terms of the suspended sentence
3 not less than three months prior to the termination of the suspended
4 sentence.

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

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

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

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

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

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

23 (i) Convert a term of partial confinement to total confinement;
24 or

25 (ii) Convert community restitution obligation to total or partial
26 confinement;

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

30 (e) If the violation involves a failure to undergo or comply with
31 a mental health status evaluation and/or outpatient mental health
32 treatment, the court shall seek a recommendation from the treatment
33 provider or proposed treatment provider. Enforcement of orders
34 concerning outpatient mental health treatment must reflect the
35 availability of treatment and must pursue the least restrictive means
36 of promoting participation in treatment. If the offender's failure to
37 receive care essential for health and safety presents a risk of
38 serious physical harm or probable harmful consequences, the civil
39 detention and commitment procedures of chapter 71.05 RCW shall be

1 considered in preference to incarceration in a local or state
2 correctional facility.

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

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

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

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

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

27 (e) If the court finds that a failure to pay is willful
28 noncompliance, it may impose the sanctions specified in RCW
29 9.94A.633(1); and

30 (f) If the court finds that the violation was not willful, the
31 court may, and if the court finds that the defendant is indigent as
32 defined in RCW 10.01.160(3), the court shall modify the terms of
33 payment of the legal financial obligations, reduce or waive
34 nonrestitution legal financial obligations, or convert nonrestitution
35 legal financial obligations to community restitution hours, if the
36 jurisdiction operates a community restitution program, at the rate of
37 no less than the state minimum wage established in RCW 49.46.020 for
38 each hour of community restitution. (~~The crime victim penalty
39 assessment under RCW 7.68.035 may not be reduced, waived, or
40 converted to community restitution hours.~~)

1 (4) Any time served in confinement awaiting a hearing on
2 noncompliance shall be credited against any confinement ordered by
3 the court.

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

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

8 (1) Whenever a person is convicted in superior court, the court
9 may order the payment of a legal financial obligation as part of the
10 sentence. The court may not order an offender to pay costs as
11 described in RCW 10.01.160 if the court finds that the offender at
12 the time of sentencing is indigent as defined in RCW 10.01.160(3). An
13 offender being indigent as defined in RCW 10.01.160(3) is not grounds
14 for failing to impose restitution (~~or the crime victim penalty~~
15 ~~assessment under RCW 7.68.035)), subject to RCW 9.94A.750(3) and
16 9.94A.753(3). The court must on either the judgment and sentence or
17 on a subsequent order to pay, designate the total amount of a legal
18 financial obligation and segregate this amount among the separate
19 assessments made for restitution, costs, fines, and other assessments
20 required by law. On the same order, the court is also to set a sum
21 that the offender is required to pay on a monthly basis towards
22 satisfying the legal financial obligation. If the court fails to set
23 the offender monthly payment amount, the department shall set the
24 amount if the department has active supervision of the offender,
25 otherwise the county clerk shall set the amount.~~

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

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

31 (b) Second, proportionally to restitution to insurance or other
32 sources with respect to a loss that has provided compensation to
33 victims;

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

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

38 (3) If the court determines that the offender, at the time of
39 sentencing, has the means to pay for the cost of incarceration, the

1 court may require the offender to pay for the cost of incarceration.
2 The court shall not order the offender to pay the cost of
3 incarceration if the court finds that the offender at the time of
4 sentencing is indigent as defined in RCW 10.01.160(3). Costs of
5 incarceration ordered by the court shall not exceed a rate of \$50 per
6 day of incarceration, if incarcerated in a prison, or the actual cost
7 of incarceration per day of incarceration, if incarcerated in a
8 county jail. In no case may the court require the offender to pay
9 more than \$100 per day for the cost of incarceration. All funds
10 recovered from offenders for the cost of incarceration in the county
11 jail shall be remitted to the county and the costs of incarceration
12 in a prison shall be remitted to the department.

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

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

30 (5)(a) Independent of the department or the county clerk, the
31 party or entity to whom the legal financial obligation is owed shall
32 have the authority to use any other remedies available to the party
33 or entity to collect the legal financial obligation. These remedies
34 include enforcement in the same manner as a judgment in a civil
35 action by the party or entity to whom the legal financial obligation
36 is owed. Restitution collected through civil enforcement must be paid
37 through the registry of the court and must be distributed
38 proportionately according to each victim's loss when there is more
39 than one victim. The judgment and sentence shall identify the party

1 or entity to whom restitution is owed so that the state, party, or
2 entity may enforce the judgment.

3 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or
4 9.94A.753(6) to a victim of rape of a child or a victim's child born
5 from the rape, the Washington state child support registry shall be
6 identified as the party to whom payments must be made. Restitution
7 obligations arising from the rape of a child in the first, second, or
8 third degree that result in the pregnancy of the victim may be
9 enforced for the time periods provided under RCW 9.94A.750(6) and
10 9.94A.753(6).

11 (c) All other restitution obligations for an offense committed
12 prior to July 1, 2000, may be enforced at any time during the 10-year
13 period following the offender's release from total confinement or
14 within 10 years of entry of the judgment and sentence, whichever
15 period ends later. Prior to the expiration of the initial 10-year
16 period, the superior court may extend the criminal judgment an
17 additional 10 years for payment of restitution obligations. All other
18 restitution obligations for an offense committed on or after July 1,
19 2000, may be enforced at any time the offender remains under the
20 court's jurisdiction. For an offense committed on or after July 1,
21 2000, the court shall retain jurisdiction over the offender, for
22 purposes of the offender's compliance with payment of the restitution
23 obligations, until the obligation is completely satisfied, regardless
24 of the statutory maximum for the crime.

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

35 (e) The department may only supervise the offender's compliance
36 with payment of the legal financial obligations during any period in
37 which the department is authorized to supervise the offender in the
38 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
39 confined in a state correctional institution or a correctional
40 facility pursuant to a transfer agreement with the department, and

1 the department shall supervise the offender's compliance during any
2 such period. The department is not responsible for supervision of the
3 offender during any subsequent period of time the offender remains
4 under the court's jurisdiction. The county clerk is authorized to
5 collect unpaid legal financial obligations at any time the offender
6 remains under the jurisdiction of the court for purposes of his or
7 her legal financial obligations.

8 (6) In order to assist the court in setting a monthly sum that
9 the offender must pay during the period of supervision, the offender
10 is required to report to the department for purposes of preparing a
11 recommendation to the court. When reporting, the offender is
12 required, under oath, to respond truthfully and honestly to all
13 questions concerning present, past, and future earning capabilities
14 and the location and nature of all property or financial assets. The
15 offender is further required to bring all documents requested by the
16 department.

17 (7) After completing the investigation, the department shall make
18 a report to the court on the amount of the monthly payment that the
19 offender should be required to make towards a satisfied legal
20 financial obligation.

21 (8) (a) During the period of supervision, the department may make
22 a recommendation to the court that the offender's monthly payment
23 schedule be modified so as to reflect a change in financial
24 circumstances. If the department sets the monthly payment amount, the
25 department may modify the monthly payment amount without the matter
26 being returned to the court. During the period of supervision, the
27 department may require the offender to report to the department for
28 the purposes of reviewing the appropriateness of the collection
29 schedule for the legal financial obligation. During this reporting,
30 the offender is required under oath to respond truthfully and
31 honestly to all questions concerning earning capabilities and the
32 location and nature of all property or financial assets. The offender
33 shall bring all documents requested by the department in order to
34 prepare the collection schedule.

35 (b) Subsequent to any period of supervision, or if the department
36 is not authorized to supervise the offender in the community, the
37 county clerk may make a recommendation to the court that the
38 offender's monthly payment schedule be modified so as to reflect a
39 change in financial circumstances. If the county clerk sets the
40 monthly payment amount, or if the department set the monthly payment

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

13 (9) After the judgment and sentence or payment order is entered,
14 the department is authorized, for any period of supervision, to
15 collect the legal financial obligation from the offender. Subsequent
16 to any period of supervision or, if the department is not authorized
17 to supervise the offender in the community, the county clerk is
18 authorized to collect unpaid legal financial obligations from the
19 offender. Any amount collected by the department shall be remitted
20 daily to the county clerk for the purpose of disbursements. The
21 department and the county clerks are authorized, but not required, to
22 accept credit cards as payment for a legal financial obligation, and
23 any costs incurred related to accepting credit card payments shall be
24 the responsibility of the offender.

25 (10) The department or any obligee of the legal financial
26 obligation may seek a mandatory wage assignment for the purposes of
27 obtaining satisfaction for the legal financial obligation pursuant to
28 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
29 the county clerk. The county clerks shall notify the department, or
30 the administrative office of the courts, whichever is providing the
31 monthly billing for the offender.

32 (11) The requirement that the offender pay a monthly sum towards
33 a legal financial obligation constitutes a condition or requirement
34 of a sentence and the offender is subject to the penalties for
35 noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.
36 If the court determines that the offender is homeless or a person who
37 is mentally ill, as defined in RCW 71.24.025, failure to pay a legal
38 financial obligation is not willful noncompliance and shall not
39 subject the offender to penalties.

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

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

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

8 (d) The county clerks, the administrative office of the courts,
9 and the department shall maintain agreements to implement this
10 subsection.

11 (13) The department shall arrange for the collection of unpaid
12 legal financial obligations during any period of supervision in the
13 community through the county clerk. The department shall either
14 collect unpaid legal financial obligations or arrange for collections
15 through another entity if the clerk does not assume responsibility or
16 is unable to continue to assume responsibility for collection
17 pursuant to subsection (5) of this section. The costs for collection
18 services shall be paid by the offender.

19 (14) The county clerk may access the records of the employment
20 security department for the purposes of verifying employment or
21 income, seeking any assignment of wages, or performing other duties
22 necessary to the collection of an offender's legal financial
23 obligations.

24 (15) Nothing in this chapter makes the department, the state, the
25 counties, or any state or county employees, agents, or other persons
26 acting on their behalf liable under any circumstances for the payment
27 of these legal financial obligations or for the acts of any offender
28 who is no longer, or was not, subject to supervision by the
29 department for a term of community custody, and who remains under the
30 jurisdiction of the court for payment of legal financial obligations.

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

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

36 (2) In cases where conditions from a second or later sentence of
37 community supervision begin prior to the term of the second or later
38 sentence, the court shall treat a violation of such conditions as a

1 violation of the sentence of community supervision currently being
2 served.

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~in~~) in RCW 10.01.160(3) is presumed to lack the current ability to
2 pay;

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

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

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

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

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

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

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

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

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

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

1 such fine as may be imposed and court costs, including reimbursement
2 of the state for costs of extradition if return to this state by
3 extradition was required; (d) following consideration of the
4 financial condition of the person subject to possible electronic
5 monitoring, to pay for the costs of electronic monitoring if that
6 monitoring was required by the court as a condition of release from
7 custody or as a condition of probation; (e) to contribute to a county
8 or interlocal drug fund; and (f) to make restitution to a public
9 agency for the costs of an emergency response under RCW 38.52.430,
10 and may require bonds for the faithful observance of any and all
11 conditions imposed in the probation.

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

23 (4) At any time, including at sentencing, the court may determine
24 that the offender is not required to pay, or may relieve the offender
25 of the requirement to pay, full or partial restitution and accrued
26 interest on restitution where the entity to whom restitution is owed
27 is an insurer or a state agency, except for restitution owed to the
28 department of labor and industries under chapter 7.68 RCW, if the
29 court finds that the offender does not have the current or likely
30 future ability to pay. A person does not have the current ability to
31 pay if the person is indigent as defined in RCW 10.01.160(3). For the
32 purposes of this subsection, the terms "insurer" and "state agency"
33 have the same meanings as provided in RCW 9.94A.750(3).

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

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

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

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

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

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

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

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

36 (3)(a) The court shall not sanction a defendant for contempt
37 based on failure to pay fines, penalties, assessments, fees, or costs
38 unless the court finds, after a hearing and on the record, that the

1 failure to pay is willful. A failure to pay is willful if the
2 defendant has the current ability to pay but refuses to do so.

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

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

15 (4) If a term of imprisonment for contempt for nonpayment of any
16 fine, penalty, assessment, fee, or costs is ordered, the term of
17 imprisonment shall be set forth in the commitment order, and shall
18 not exceed one day for each \$25 of the amount ordered, 30 days if the
19 amount ordered of costs was imposed upon conviction of a violation or
20 misdemeanor, or one year in any other case, whichever is the shorter
21 period. A person committed for nonpayment of any fine, penalty,
22 assessment, fee, or costs shall be given credit toward payment for
23 each day of imprisonment at the rate specified in the commitment
24 order.

25 (5) If it appears to the satisfaction of the court that the
26 default in the payment of any fine, penalty, assessment, fee, or
27 costs is not willful contempt, the court may, and if the defendant is
28 indigent as defined in RCW 10.01.160(3), the court shall enter an
29 order: (a) Allowing the defendant additional time for payment; (b)
30 reducing the amount thereof or of each installment; (c) revoking the
31 fine, penalty, assessment, fee, or costs or the unpaid portion
32 thereof in whole or in part; or (d) converting the unpaid fine,
33 penalty, assessment, fee, or costs to community restitution hours, if
34 the jurisdiction operates a community restitution program, at the
35 rate of no less than the state minimum wage established in RCW
36 49.46.020 for each hour of community restitution. (~~(The crime victim
37 penalty assessment under RCW 7.68.035 may not be reduced, revoked, or
38 converted to community restitution hours.)~~)

39 (6) A default in the payment of any fine, penalty, assessment,
40 fee, or costs or any installment thereof may be collected by any

1 means authorized by law for the enforcement of a judgment. The levy
2 of execution for the collection of any fine, penalty, assessment,
3 fee, or costs shall not discharge a defendant committed to
4 imprisonment for contempt until the amount has actually been
5 collected.

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

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

19 (2) The court may elect not to impose interest on any restitution
20 the court orders. Before determining not to impose interest on
21 restitution, the court shall inquire into and consider the following
22 factors: (a) Whether the offender is indigent as defined in RCW
23 (~~(10.101.010(3))~~) 10.01.160(3) or general rule 34; (b) the offender's
24 available funds, as defined in RCW 10.101.010(2), and other
25 liabilities including child support and other legal financial
26 obligations; (c) whether the offender is homeless; and (d) whether
27 the offender is mentally ill, as defined in RCW 71.24.025. The court
28 shall also consider the victim's input, if any, as it relates to any
29 financial hardship caused to the victim if interest is not imposed.
30 The court may also consider any other information that the court
31 believes, in the interest of justice, relates to not imposing
32 interest on restitution. After consideration of these factors, the
33 court may waive the imposition of restitution interest.

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

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

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

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

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

19 **Sec. 13.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to
20 read as follows:

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

35 (2) A respondent under obligation to pay legal financial
36 obligations other than restitution ~~((, the victim penalty assessment
37 set forth in RCW 7.68.035, or the crime laboratory analysis fee set
38 forth in RCW 43.43.690))~~ may petition the court for modification or
39 relief from those legal financial obligations and interest accrued on

1 those obligations for good cause shown, including inability to pay.
2 The court shall consider factors such as, but not limited to
3 incarceration and a respondent's other debts, including restitution,
4 when determining a respondent's ability to pay.

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

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

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

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

34 (4) If a respondent has been ordered to pay a fine or monetary
35 penalty and due to a change of circumstance cannot reasonably comply
36 with the order, the court, upon motion of the respondent, may order
37 that the unpaid fine or monetary penalty be converted to community
38 restitution (~~unless the monetary penalty is the crime victim penalty~~
39 ~~assessment, which cannot be converted, waived, or otherwise modified,~~

1 ~~except for schedule of payment~~)). The number of hours of community
2 restitution in lieu of a monetary penalty or fine shall be converted
3 at the rate of the prevailing state minimum wage per hour. The
4 monetary penalties or fines collected shall be deposited in the
5 county general fund. A failure to comply with an order under this
6 subsection shall be deemed a failure to comply with an order of
7 community supervision and may be proceeded against as provided in
8 this section.

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

12 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2023, in the omnibus appropriations act, this
15 act is null and void.

16 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
17 preservation of the public peace, health, or safety, or support of
18 the state government and its existing public institutions, and takes
19 effect July 1, 2023.

--- END ---