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HOUSE BILL 2457

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State of Washington

69th Legislature

2026 Regular Session

By Representative Davis

Read first time 01/13/26. Referred to Committee on Community Safety.

1 AN ACT Relating to ensuring access to victim services through the  
2 crime victim penalty assessment; amending RCW 7.68.035, 9.92.060,  
3 9.94A.6333, 9.94A.760, 9.94B.040, 9.95.210, and 10.01.180; and  
4 prescribing penalties.

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

6 **Sec. 1.** RCW 7.68.035 and 2023 c 449 s 1 are each amended to read  
7 as follows:

8 (1) (~~Except as provided in subsection (4) of this section,~~  
9 ~~when~~) When any adult person is found guilty in any superior court of  
10 having committed a crime, except as provided in subsection (2) of  
11 this section, there shall be imposed by the court upon such convicted  
12 person a penalty assessment. The assessment shall be in addition to  
13 any other penalty or fine imposed by law and shall be (~~five hundred~~  
14 ~~dollars~~) \$2,000 for each case or cause of action that includes one  
15 or more convictions of a felony or gross misdemeanor and (~~two~~  
16 ~~hundred fifty dollars~~) \$1,000 for any case or cause of action that  
17 includes convictions of only one or more misdemeanors. The court may  
18 impose an additional surcharge on the penalty assessment, as provided  
19 in this section, to ensure the availability of victim support  
20 services and sustainable funding for such services, and to provide

1 the defendant an opportunity to repair the harm the defendant has  
2 caused.

3 (2) The assessment imposed by subsection (1) of this section  
4 shall not apply to motor vehicle crimes defined in Title 46 RCW  
5 except those defined in the following sections: RCW 46.61.520,  
6 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,  
7 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,  
8 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,  
9 46.44.180, 46.10.490(2), and 46.09.470(2).

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

18 (4) (a) The court shall ~~((not))~~ impose the penalty assessment  
19 under this section ~~((if))~~ unless the defendant provides documentary  
20 proof and the court finds, at the sentencing hearing and on the  
21 record, that the defendant, at the time of sentencing, is indigent as  
22 defined in ~~((RCW 10.01.160(3)))~~ this section.

23 (b) Upon motion by the prosecutor that the defendant may possess  
24 substantial financial resources, as defined in this section, the  
25 court shall order the defendant to provide to the court proof of any  
26 and all forms of income prior to the sentencing hearing. The court  
27 shall evaluate the defendant's proof of income at the sentencing  
28 hearing. The court may impose an additional surcharge on the penalty  
29 assessment up to a maximum of \$50,000 if the court finds by a  
30 preponderance of the evidence that the defendant possesses  
31 substantial financial resources. The surcharge should be  
32 proportionate to the severity of the offense and the harm to the  
33 victim and the community.

34 (5) Upon motion by a defendant, the court shall waive any crime  
35 victim penalty assessment imposed prior to July 1, 2023, if:

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

38 (b) The person does not have the ability to pay the penalty  
39 assessment. A person does not have the ability to pay if the person

1 is presently indigent as defined in ((~~RCW 10.01.160(3)~~)) this  
2 section.

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

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

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

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

29 (d) Assist victims in the restitution and adjudication process;  
30 and

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

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

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

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

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

26 (10) For the purposes of this section, a person is "indigent" if  
27 the person is:

28 (a) Receiving one of the following types of public assistance:  
29 Temporary assistance for needy families; aged, blind, or disabled  
30 assistance benefits; medical care services under RCW 74.09.035;  
31 pregnant women assistance benefits; poverty-related veterans'  
32 benefits; food stamps or food stamp benefits transferred  
33 electronically; refugee resettlement benefits; medicaid; or  
34 supplemental security income; or

35 (b) Involuntarily committed to a public mental health facility;  
36 or

37 (c) Ineligible for public assistance programs listed in (a) of  
38 this subsection due solely to the person's immigration status and has  
39 annual income at or below 125 percent of the most current federal

1 poverty level, as determined annually by the United States department  
2 of health and human services.

3 (11) For the purposes of this section, "substantial financial  
4 resources" means having a household income that exceeds 200 percent  
5 of the area median income.

6 **Sec. 2.** RCW 9.92.060 and 2023 c 449 s 7 are each amended to read  
7 as follows:

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

15 (a) A community corrections officer employed by the department of  
16 corrections, if the person is subject to supervision under RCW  
17 9.94A.501 or 9.94A.5011; or

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

21 (2) As a condition to suspension of sentence, the superior court  
22 shall require the payment of the crime victim penalty assessment  
23 imposed and not waived under RCW 7.68.035, and the penalty assessment  
24 surcharge, if imposed under RCW 7.68.035. In addition, the superior  
25 court may require the convicted person to make such monetary  
26 payments, on such terms as the superior court deems appropriate under  
27 the circumstances, as are necessary: (a) To comply with any order of  
28 the court for the payment of family support; (b) to make restitution  
29 to any person or persons who may have suffered loss or damage by  
30 reason of the commission of the crime in question or when the  
31 offender pleads guilty to a lesser offense or fewer offenses and  
32 agrees with the prosecutor's recommendation that the offender be  
33 required to pay restitution to a victim of an offense or offenses  
34 which are not prosecuted pursuant to a plea agreement; (c) to pay any  
35 fine imposed and not suspended and the court or other costs incurred  
36 in the prosecution of the case, including reimbursement of the state  
37 for costs of extradition if return to this state by extradition was  
38 required; and (d) to contribute to a county or interlocal drug fund.

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

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

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

33 **Sec. 3.** RCW 9.94A.6333 and 2023 c 449 s 8 are each amended to  
34 read as follows:

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

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

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

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

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

13 (i) Convert a term of partial confinement to total confinement;  
14 or

15 (ii) Convert community restitution obligation to total or partial  
16 confinement;

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

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

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

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

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

1 (c) The court may not sanction the offender for failure to pay  
2 legal financial obligations unless the court finds, after a hearing  
3 and on the record, that the failure to pay is willful. A failure to  
4 pay is willful if the offender has the current ability to pay but  
5 refuses to do so. In determining whether the offender has the current  
6 ability to pay, the court shall inquire into and consider: (i) The  
7 offender's income and assets; (ii) the offender's basic living costs  
8 as defined by RCW 10.101.010 and other liabilities including child  
9 support and other legal financial obligations; and (iii) the  
10 offender's bona fide efforts to acquire additional resources. ((An))  
11 For legal financial obligations other than the crime victim penalty  
12 assessment under RCW 7.68.035, an offender who is indigent as defined  
13 in RCW 10.01.160(3) is presumed to lack the current ability to pay.  
14 For crime victim penalty assessment imposed under RCW 7.68.035, an  
15 offender who is indigent as defined in RCW 7.68.035 is presumed to  
16 lack the current ability to pay;

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

21 (e) If the court finds that a failure to pay is willful  
22 noncompliance, it may impose the sanctions specified in RCW  
23 9.94A.633(1); and

24 (f) ((If)) Except as otherwise provided in this subsection, if  
25 the court finds that the violation was not willful, the court may,  
26 and if the court finds that the defendant is indigent as defined in  
27 RCW 10.01.160(3), the court shall modify the terms of payment of the  
28 legal financial obligations, reduce or waive nonrestitution legal  
29 financial obligations, or convert nonrestitution legal financial  
30 obligations to community restitution hours, if the jurisdiction  
31 operates a community restitution program, at the rate of no less than  
32 the state minimum wage established in RCW 49.46.020 for each hour of  
33 community restitution. The crime victim penalty assessment and the  
34 penalty assessment surcharge under RCW 7.68.035 may not be reduced,  
35 waived, or converted to community restitution hours except as  
36 authorized under RCW 7.68.035(5).

37 (4) Any time served in confinement awaiting a hearing on  
38 noncompliance shall be credited against any confinement ordered by  
39 the court.

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

3 **Sec. 4.** RCW 9.94A.760 and 2023 c 449 s 9 are each amended to  
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

1 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or  
2 9.94A.753(6) to a victim of rape of a child or a victim's child born  
3 from the rape, the Washington state child support registry shall be  
4 identified as the party to whom payments must be made. Restitution  
5 obligations arising from the rape of a child in the first, second, or  
6 third degree that result in the pregnancy of the victim may be  
7 enforced for the time periods provided under RCW 9.94A.750(6) and  
8 9.94A.753(6).

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

23 (d) All other legal financial obligations other than restitution  
24 may be enforced at any time during the 10-year period following the  
25 offender's release from total confinement or within 10 years of entry  
26 of the judgment and sentence, whichever period ends later. Prior to  
27 the expiration of the initial 10-year period, the superior court may  
28 extend the criminal judgment an additional 10 years for payment of  
29 nonrestitution legal financial obligations only if the court finds  
30 that the offender has the current or likely future ability to pay the  
31 obligations. ((A)) For legal financial obligations other than the  
32 crime victim penalty assessment under RCW 7.68.035, a person does not  
33 have the current ability to pay if the person is indigent as defined  
34 in RCW 10.01.160(3). For the crime victim penalty assessment under  
35 RCW 7.68.035, a person does not have the current ability to pay if  
36 the person is indigent as defined in RCW 7.68.035.

37 (e) The department may only supervise the offender's compliance  
38 with payment of the legal financial obligations during any period in  
39 which the department is authorized to supervise the offender in the  
40 community under RCW 9.94A.728, 9.94A.501, or in which the offender is

1 confined in a state correctional institution or a correctional  
2 facility pursuant to a transfer agreement with the department, and  
3 the department shall supervise the offender's compliance during any  
4 such period. The department is not responsible for supervision of the  
5 offender during any subsequent period of time the offender remains  
6 under the court's jurisdiction. The county clerk is authorized to  
7 collect unpaid legal financial obligations at any time the offender  
8 remains under the jurisdiction of the court for purposes of his or  
9 her legal financial obligations.

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

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

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

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

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

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

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

34 (11) The requirement that the offender pay a monthly sum towards  
35 a legal financial obligation constitutes a condition or requirement  
36 of a sentence and the offender is subject to the penalties for  
37 noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.  
38 If the court determines that the offender is homeless or a person who  
39 is mentally ill, as defined in RCW 71.24.025, failure to pay a legal

1 financial obligation is not willful noncompliance and shall not  
2 subject the offender to penalties.

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

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

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

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

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

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

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

33 **Sec. 5.** RCW 9.94B.040 and 2023 c 449 s 10 are each amended to  
34 read as follows:

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

38 (2) In cases where conditions from a second or later sentence of  
39 community supervision begin prior to the term of the second or later

1 sentence, the court shall treat a violation of such conditions as a  
2 violation of the sentence of community supervision currently being  
3 served.

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

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

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

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

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

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

1 noncompliance shall be credited against any confinement order by the  
2 court;

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

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

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

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

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

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

1 obligations; and (iii) the offender's bona fide efforts to acquire  
2 additional resources. (~~An~~) For legal financial obligations other  
3 than the crime victim penalty assessment under RCW 7.68.035, an  
4 offender who is indigent as defined in RCW 10.01.160(3) is presumed  
5 to lack the current ability to pay. For the crime victim penalty  
6 assessment under RCW 7.68.035, an offender who is indigent as defined  
7 in RCW 7.68.035 is presumed to lack the current ability to pay;

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

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

17 (f) (~~If~~) Except as otherwise provided in this subsection, if  
18 the court finds that the violation was not willful, the court may,  
19 and if the court finds that the defendant is indigent as defined in  
20 RCW 10.01.160(3), the court shall modify the terms of payment of the  
21 legal financial obligations, reduce or waive nonrestitution legal  
22 financial obligations, or convert nonrestitution legal financial  
23 obligations to community restitution hours, if the jurisdiction  
24 operates a community restitution program, at the rate of no less than  
25 the state minimum wage established in RCW 49.46.020 for each hour of  
26 community restitution. The crime victim penalty assessment and the  
27 penalty assessment surcharge under RCW 7.68.035 may not be reduced,  
28 waived, or converted to community restitution hours except as  
29 authorized under RCW 7.68.035(5).

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

35 (6) An offender under community placement or community  
36 supervision who is civilly detained under chapter 71.05 RCW, and  
37 subsequently discharged or conditionally released to the community,  
38 shall be under the supervision of the department of corrections for  
39 the duration of his or her period of community placement or community  
40 supervision. During any period of inpatient mental health treatment

1 that falls within the period of community placement or community  
2 supervision, the inpatient treatment provider and the supervising  
3 community corrections officer shall notify each other about the  
4 offender's discharge, release, and legal status, and shall share  
5 other relevant information.

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

8 **Sec. 6.** RCW 9.95.210 and 2023 c 449 s 11 are each amended to  
9 read as follows:

10 (1)(a) Except as provided in (b) of this subsection in granting  
11 probation, the superior court may suspend the imposition or the  
12 execution of the sentence and may direct that the suspension may  
13 continue upon such conditions and for such time as it shall  
14 designate, not exceeding the maximum term of sentence or two years,  
15 whichever is longer.

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

32 (2) In the order granting probation and as a condition thereof,  
33 the superior court may in its discretion imprison the defendant in  
34 the county jail for a period not exceeding one year and may fine the  
35 defendant any sum not exceeding the statutory limit for the offense  
36 committed, and court costs. As a condition of probation, the superior  
37 court shall require the payment of the crime victim penalty  
38 assessment imposed and not waived under RCW 7.68.035, and the penalty  
39 assessment surcharge, if imposed under RCW 7.68.035. In addition, the

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

21 (3) The superior court shall order restitution in all cases where  
22 the victim is entitled to benefits under the crime victims'  
23 compensation act, chapter 7.68 RCW. If the superior court does not  
24 order restitution and the victim of the crime has been determined to  
25 be entitled to benefits under the crime victims' compensation act,  
26 the department of labor and industries, as administrator of the crime  
27 victims' compensation program, may petition the superior court within  
28 one year of imposition of the sentence for entry of a restitution  
29 order. Upon receipt of a petition from the department of labor and  
30 industries, the superior court shall hold a restitution hearing and  
31 shall enter a restitution order.

32 (4) At any time, including at sentencing, the court may determine  
33 that the offender is not required to pay, or may relieve the offender  
34 of the requirement to pay, full or partial restitution and accrued  
35 interest on restitution where the entity to whom restitution is owed  
36 is an insurer or a state agency, except for restitution owed to the  
37 department of labor and industries under chapter 7.68 RCW, if the  
38 court finds that the offender does not have the current or likely  
39 future ability to pay. A person does not have the current ability to  
40 pay if the person is indigent as defined in RCW 10.01.160(3). For the

1 purposes of this subsection, the terms "insurer" and "state agency"  
2 have the same meanings as provided in RCW 9.94A.750(3).

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

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

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

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

33 **Sec. 7.** RCW 10.01.180 and 2023 c 449 s 12 are each amended to  
34 read as follows:

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

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

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

12 (b) In determining whether the defendant has the current ability  
13 to pay, the court shall inquire into and consider: (i) The  
14 defendant's income and assets; (ii) the defendant's basic living  
15 costs as defined by RCW 10.101.010 and other liabilities including  
16 child support and other legal financial obligations; and (iii) the  
17 defendant's bona fide efforts to acquire additional resources. ((A))  
18 For legal financial obligations other than the crime victim penalty  
19 assessment under RCW 7.68.035, a defendant who is indigent as defined  
20 in RCW 10.01.160(3) is presumed to lack the current ability to pay.  
21 For the crime victim penalty assessment imposed under RCW 7.68.035,  
22 an offender who is indigent as defined in RCW 7.68.035 is presumed to  
23 lack the current ability to pay.

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

28 (4) If a term of imprisonment for contempt for nonpayment of any  
29 fine, penalty, assessment, fee, or costs is ordered, the term of  
30 imprisonment shall be set forth in the commitment order, and shall  
31 not exceed one day for each \$25 of the amount ordered, 30 days if the  
32 amount ordered of costs was imposed upon conviction of a violation or  
33 misdemeanor, or one year in any other case, whichever is the shorter  
34 period. A person committed for nonpayment of any fine, penalty,  
35 assessment, fee, or costs shall be given credit toward payment for  
36 each day of imprisonment at the rate specified in the commitment  
37 order.

38 ((1f)) Except as otherwise provided in this subsection, if it  
39 appears to the satisfaction of the court that the default in the  
40 payment of any fine, penalty, assessment, fee, or costs is not

1 willful contempt, the court may, and if the defendant is indigent as  
2 defined in RCW 10.01.160(3), the court shall enter an order: (a)  
3 Allowing the defendant additional time for payment; (b) reducing the  
4 amount thereof or of each installment; (c) revoking the fine,  
5 penalty, assessment, fee, or costs or the unpaid portion thereof in  
6 whole or in part; or (d) converting the unpaid fine, penalty,  
7 assessment, fee, or costs to community restitution hours, if the  
8 jurisdiction operates a community restitution program, at the rate of  
9 no less than the state minimum wage established in RCW 49.46.020 for  
10 each hour of community restitution. The crime victim penalty  
11 assessment and the penalty assessment surcharge under RCW 7.68.035  
12 may not be reduced, waived, or converted to community restitution  
13 hours except as authorized under RCW 7.68.035(5).

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

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