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**SUBSTITUTE SENATE BILL 6002**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Children & Family Services & Corrections  
(originally sponsored by Senators Stevens and Hargrove)

READ FIRST TIME 03/05/03.

1       AN ACT Relating to collection of offenders' financial obligations;  
2 amending RCW 9.94A.760, 9.94A.750, 9.94A.780, 9.94A.637, and 4.56.100;  
3 reenacting and amending RCW 9.94A.753; adding new sections to chapter  
4 9.94A RCW; adding a new section to chapter 36.23 RCW; adding a new  
5 section to chapter 2.56 RCW; creating a new section; providing  
6 effective dates; and declaring an emergency.

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

8       NEW SECTION. **Sec. 1.** The legislature intends to revise and  
9 improve the processes for billing and collecting legal financial  
10 obligations. The purpose of this act is to respond to suggestions and  
11 requests made by county government officials, and in particular county  
12 clerks, to assume the collection of such obligations in cooperation and  
13 coordination with the department of corrections and the administrative  
14 office for the courts. The legislature undertakes this effort  
15 following a collaboration between local officials, the department of  
16 corrections, and the administrative office for the courts. The intent  
17 of this act is to promote an increased and more efficient collection of  
18 legal financial obligations and, as a result, improve the likelihood

1 that the affected agencies will increase the collections which will  
2 provide additional benefits to all parties and, in particular, crime  
3 victims whose restitution is dependent upon the collections.

4 **Sec. 2.** RCW 9.94A.760 and 2001 c 10 s 3 are each amended to read  
5 as follows:

6 (1) Whenever a person is convicted of a felony, the court may order  
7 the payment of a legal financial obligation as part of the sentence.  
8 The court must on either the judgment and sentence or on a subsequent  
9 order to pay, designate the total amount of a legal financial  
10 obligation and segregate this amount among the separate assessments  
11 made for restitution, costs, fines, and other assessments required by  
12 law. On the same order, the court is also to set a sum that the  
13 offender is required to pay on a monthly basis towards satisfying the  
14 legal financial obligation. If the court fails to set the offender  
15 monthly payment amount, the department shall set the amount. Upon  
16 receipt of an offender's monthly payment, restitution shall be paid  
17 prior to any payments of other monetary obligations. After restitution  
18 is satisfied, the county clerk shall distribute the payment  
19 proportionally among all other fines, costs, and assessments imposed,  
20 unless otherwise ordered by the court.

21 (2) If the court determines that the offender, at the time of  
22 sentencing, has the means to pay for the cost of incarceration, the  
23 court may require the offender to pay for the cost of incarceration at  
24 a rate of fifty dollars per day of incarceration. Payment of other  
25 court-ordered financial obligations, including all legal financial  
26 obligations and costs of supervision shall take precedence over the  
27 payment of the cost of incarceration ordered by the court. All funds  
28 recovered from offenders for the cost of incarceration in the county  
29 jail shall be remitted to the county and the costs of incarceration in  
30 a prison shall be remitted to the department.

31 (3) The court may add to the judgment and sentence or subsequent  
32 order to pay a statement that a notice of payroll deduction is to be  
33 issued immediately. If the court chooses not to order the immediate  
34 issuance of a notice of payroll deduction at sentencing, the court  
35 shall add to the judgment and sentence or subsequent order to pay a  
36 statement that a notice of payroll deduction may be issued or other  
37 income-withholding action may be taken, without further notice to the

1 offender if a monthly court-ordered legal financial obligation payment  
2 is not paid when due, and an amount equal to or greater than the amount  
3 payable for one month is owed.

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

11 (4) Independent of the department or the county clerk, the party or  
12 entity to whom the legal financial obligation is owed shall have the  
13 authority to use any other remedies available to the party or entity to  
14 collect the legal financial obligation. These remedies include  
15 enforcement in the same manner as a judgment in a civil action by the  
16 party or entity to whom the legal financial obligation is owed.  
17 Restitution collected through civil enforcement must be paid through  
18 the registry of the court and must be distributed proportionately  
19 according to each victim's loss when there is more than one victim.  
20 The judgment and sentence shall identify the party or entity to whom  
21 restitution is owed so that the state, party, or entity may enforce the  
22 judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or  
23 9.94A.753(6) to a victim of rape of a child or a victim's child born  
24 from the rape, the Washington state child support registry shall be  
25 identified as the party to whom payments must be made. Restitution  
26 obligations arising from the rape of a child in the first, second, or  
27 third degree that result in the pregnancy of the victim may be enforced  
28 for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).  
29 All other legal financial obligations for an offense committed prior to  
30 July 1, 2000, may be enforced at any time during the ten-year period  
31 following the offender's release from total confinement or within ten  
32 years of entry of the judgment and sentence, whichever period ends  
33 later. Prior to the expiration of the initial ten-year period, the  
34 superior court may extend the criminal judgment an additional ten years  
35 for payment of legal financial obligations including crime victims'  
36 assessments. All other legal financial obligations for an offense  
37 committed on or after July 1, 2000, may be enforced at any time the  
38 offender remains under the court's jurisdiction. For an offense

1 committed on or after July 1, 2000, the court shall retain jurisdiction  
2 over the offender, for purposes of the offender's compliance with  
3 payment of the legal financial obligations, until the obligation is  
4 completely satisfied, regardless of the statutory maximum for the  
5 crime. The department (~~(of corrections shall)~~) may only supervise the  
6 offender's compliance with payment of the legal financial obligations  
7 (~~(for ten years following the entry of the judgment and sentence, or~~  
8 ~~ten years following the offender's release from total confinement,~~  
9 ~~whichever period ends later))~~ during any period in which the department  
10 is authorized to supervise the offender in the community under RCW  
11 9.94A.728 and section 4, chapter . . . (Senate Bill No. 5990), Laws of  
12 2003, or in which the offender is confined in a state correctional  
13 institution or a correctional facility pursuant to a transfer agreement  
14 with the department, and the department shall supervise the offender's  
15 compliance during any such period. The department is not responsible  
16 for supervision of the offender during any subsequent period of time  
17 the offender remains under the court's jurisdiction. The county clerk  
18 is authorized to collect unpaid legal financial obligations at any time  
19 the offender remains under the jurisdiction of the court for purposes  
20 of his or her legal financial obligations.

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

29 (6) After completing the investigation, the department shall make  
30 a report to the court on the amount of the monthly payment that the  
31 offender should be required to make towards a satisfied legal financial  
32 obligation.

33 (7)(a) During the period of supervision, the department may make a  
34 recommendation to the court that the offender's monthly payment  
35 schedule be modified so as to reflect a change in financial  
36 circumstances. If the department sets the monthly payment amount, the  
37 department may modify the monthly payment amount without the matter  
38 being returned to the court. During the period of supervision, the

1 department may require the offender to report to the department for the  
2 purposes of reviewing the appropriateness of the collection schedule  
3 for the legal financial obligation. During this reporting, the  
4 offender is required under oath to respond truthfully and honestly to  
5 all questions concerning earning capabilities and the location and  
6 nature of all property or financial assets. The offender shall bring  
7 all documents requested by the department in order to prepare the  
8 collection schedule.

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

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

36 (9) The department or any obligee of the legal financial obligation  
37 may seek a mandatory wage assignment for the purposes of obtaining  
38 satisfaction for the legal financial obligation pursuant to RCW

1 9.94A.7701. Any party obtaining a wage assignment shall notify the  
2 county clerk. The county clerks shall notify the department, or the  
3 administrative office of the courts, whichever is providing the monthly  
4 billing for the offender.

5 (10) The requirement that the offender pay a monthly sum towards a  
6 legal financial obligation constitutes a condition or requirement of a  
7 sentence and the offender is subject to the penalties for noncompliance  
8 as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

9 (11) The administrative office of the courts shall mail  
10 individualized monthly billings to the address known by the office for  
11 each offender with an unsatisfied legal financial obligation who is not  
12 under supervision by the department. The billing shall direct  
13 payments, other than outstanding cost of supervision assessments under  
14 RCW 9.94A.780, parole assessments under RCW 72.04A.120, and cost of  
15 probation assessments under RCW 9.95.214, to the county clerk, and cost  
16 of supervision, parole, or probation assessments to the department.  
17 The county clerk shall provide the (~~department with individualized~~  
18 ~~monthly billings for each offender with an unsatisfied legal financial~~  
19 ~~obligation and shall provide the department~~) administrative office of  
20 the courts with notice of payments by such offenders no less frequently  
21 than weekly. The county clerks, the administrative office of the  
22 courts, and the department shall maintain agreements to implement this  
23 subsection.

24 (12) The department may arrange for the collection of unpaid legal  
25 financial obligations during any period of supervision in the community  
26 through the county clerk, or through another entity if the clerk does  
27 not assume responsibility for collection. The costs for collection  
28 services shall be paid by the offender.

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

1       **Sec. 3.** RCW 9.94A.750 and 2000 c 28 s 32 are each amended to read  
2 as follows:

3       This section applies to offenses committed on or before July 1,  
4 1985.

5       (1) If restitution is ordered, the court shall determine the amount  
6 of restitution due at the sentencing hearing or within one hundred  
7 eighty days. The court may continue the hearing beyond the one hundred  
8 eighty days for good cause. The court shall then set a minimum monthly  
9 payment that the offender is required to make towards the restitution  
10 that is ordered. The court should take into consideration the total  
11 amount of the restitution owed, the offender's present, past, and  
12 future ability to pay, as well as any assets that the offender may  
13 have.

14       (2) During the period of supervision, the community corrections  
15 officer may examine the offender to determine if there has been a  
16 change in circumstances that warrants an amendment of the monthly  
17 payment schedule. The community corrections officer may recommend a  
18 change to the schedule of payment and shall inform the court of the  
19 recommended change and the reasons for the change. The sentencing  
20 court may then reset the monthly minimum payments based on the report  
21 from the community corrections officer of the change in circumstances.

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

32       (4) For the purposes of this section, the offender shall remain  
33 under the court's jurisdiction for a term of ten years following the  
34 offender's release from total confinement or ten years subsequent to  
35 the entry of the judgment and sentence, whichever period is longer.  
36 Prior to the expiration of the initial ten-year period, the superior  
37 court may extend jurisdiction under the criminal judgment an additional  
38 ten years for payment of restitution. (~~If jurisdiction under the~~

1 ~~criminal judgment is extended, the department is not responsible for~~  
2 ~~supervision of the offender during the subsequent period.))~~ The  
3 portion of the sentence concerning restitution may be modified as to  
4 amount, terms and conditions during either the initial ten-year period  
5 or subsequent ten-year period if the criminal judgment is extended,  
6 regardless of the expiration of the offender's term of community  
7 supervision and regardless of the statutory maximum sentence for the  
8 crime. The court may not reduce the total amount of restitution  
9 ordered because the offender may lack the ability to pay the total  
10 amount. The offender's compliance with the restitution shall be  
11 supervised by the department only during any period which the  
12 department is authorized to supervise the offender in the community  
13 under RCW 9.94A.728, section 4, chapter . . . (Senate Bill No. 5990),  
14 Laws of 2003, or in which the offender is in confinement in a state  
15 correctional institution or a correctional facility pursuant to a  
16 transfer agreement with the department, and the department shall  
17 supervise the offender's compliance during any such period. The  
18 department is responsible for supervision of the offender only during  
19 confinement and authorized supervision and not during any subsequent  
20 period in which the offender remains under the court's jurisdiction.  
21 The county clerk is authorized to collect unpaid restitution at any  
22 time the offender remains under the jurisdiction of the court for  
23 purposes of his or her legal financial obligations.

24 (5) Restitution may be ordered whenever the offender is convicted  
25 of an offense which results in injury to any person or damage to or  
26 loss of property or as provided in subsection (6) of this section. In  
27 addition, restitution may be ordered to pay for an injury, loss, or  
28 damage if the offender pleads guilty to a lesser offense or fewer  
29 offenses and agrees with the prosecutor's recommendation that the  
30 offender be required to pay restitution to a victim of an offense or  
31 offenses which are not prosecuted pursuant to a plea agreement.

32 (6) Restitution for the crime of rape of a child in the first,  
33 second, or third degree, in which the victim becomes pregnant, shall  
34 include: (a) All of the victim's medical expenses that are associated  
35 with the rape and resulting pregnancy; and (b) child support for any  
36 child born as a result of the rape if child support is ordered pursuant  
37 to a proceeding in superior court or administrative order for support  
38 for that child. The clerk must forward any restitution payments made



1 on behalf of the victim's child to the Washington state child support  
2 registry under chapter 26.23 RCW. Identifying information about the  
3 victim and child shall not be included in the order. The offender  
4 shall receive a credit against any obligation owing under the  
5 administrative or superior court order for support of the victim's  
6 child. For the purposes of this subsection, the offender shall remain  
7 under the court's jurisdiction until the offender has satisfied support  
8 obligations under the superior court or administrative order but not  
9 longer than a maximum term of twenty-five years following the  
10 offender's release from total confinement or twenty-five years  
11 subsequent to the entry of the judgment and sentence, whichever period  
12 is longer. The court may not reduce the total amount of restitution  
13 ordered because the offender may lack the ability to pay the total  
14 amount. The department shall supervise the offender's compliance with  
15 the restitution ordered under this subsection.

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

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

35 **Sec. 4.** RCW 9.94A.753 and 2000 c 226 s 3 and 2000 c 28 s 33 are  
36 each reenacted and amended to read as follows:

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

1 (1) When restitution is ordered, the court shall determine the  
2 amount of restitution due at the sentencing hearing or within one  
3 hundred eighty days except as provided in subsection (7) of this  
4 section. The court may continue the hearing beyond the one hundred  
5 eighty days for good cause. The court shall then set a minimum monthly  
6 payment that the offender is required to make towards the restitution  
7 that is ordered. The court should take into consideration the total  
8 amount of the restitution owed, the offender's present, past, and  
9 future ability to pay, as well as any assets that the offender may  
10 have.

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

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

29 (4) For the purposes of this section, for an offense committed  
30 prior to July 1, 2000, the offender shall remain under the court's  
31 jurisdiction for a term of ten years following the offender's release  
32 from total confinement or ten years subsequent to the entry of the  
33 judgment and sentence, whichever period ends later. Prior to the  
34 expiration of the initial ten-year period, the superior court may  
35 extend jurisdiction under the criminal judgment an additional ten years  
36 for payment of restitution. For an offense committed on or after July  
37 1, 2000, the offender shall remain under the court's jurisdiction until  
38 the obligation is completely satisfied, regardless of the statutory

1 maximum for the crime. The portion of the sentence concerning  
2 restitution may be modified as to amount, terms, and conditions during  
3 any period of time the offender remains under the court's jurisdiction,  
4 regardless of the expiration of the offender's term of community  
5 supervision and regardless of the statutory maximum sentence for the  
6 crime. The court may not reduce the total amount of restitution  
7 ordered because the offender may lack the ability to pay the total  
8 amount. The offender's compliance with the restitution shall be  
9 supervised by the department (~~for ten years following the entry of the~~  
10 ~~judgment and sentence or ten years following the offender's release~~  
11 ~~from total confinement. The department is not responsible for~~  
12 ~~supervision of the offender during any subsequent period of time the~~  
13 ~~offender remains under the court's jurisdiction)) only during any  
14 period which the department is authorized to supervise the offender in  
15 the community under RCW 9.94A.728, section 4, chapter . . . (Senate  
16 Bill No. 5990), Laws of 2003, or in which the offender is in  
17 confinement in a state correctional institution or a correctional  
18 facility pursuant to a transfer agreement with the department, and the  
19 department shall supervise the offender's compliance during any such  
20 period. The department is responsible for supervision of the offender  
21 only during confinement and authorized supervision and not during any  
22 subsequent period in which the offender remains under the court's  
23 jurisdiction. The county clerk is authorized to collect unpaid  
24 restitution at any time the offender remains under the jurisdiction of  
25 the court for purposes of his or her legal financial obligations.~~

26 (5) Restitution shall be ordered whenever the offender is convicted  
27 of an offense which results in injury to any person or damage to or  
28 loss of property or as provided in subsection (6) of this section  
29 unless extraordinary circumstances exist which make restitution  
30 inappropriate in the court's judgment and the court sets forth such  
31 circumstances in the record. In addition, restitution shall be ordered  
32 to pay for an injury, loss, or damage if the offender pleads guilty to  
33 a lesser offense or fewer offenses and agrees with the prosecutor's  
34 recommendation that the offender be required to pay restitution to a  
35 victim of an offense or offenses which are not prosecuted pursuant to  
36 a plea agreement.

37 (6) Restitution for the crime of rape of a child in the first,  
38 second, or third degree, in which the victim becomes pregnant, shall

1 include: (a) All of the victim's medical expenses that are associated  
2 with the rape and resulting pregnancy; and (b) child support for any  
3 child born as a result of the rape if child support is ordered pursuant  
4 to a civil superior court or administrative order for support for that  
5 child. The clerk must forward any restitution payments made on behalf  
6 of the victim's child to the Washington state child support registry  
7 under chapter 26.23 RCW. Identifying information about the victim and  
8 child shall not be included in the order. The offender shall receive  
9 a credit against any obligation owing under the administrative or  
10 superior court order for support of the victim's child. For the  
11 purposes of this subsection, the offender shall remain under the  
12 court's jurisdiction until the offender has satisfied support  
13 obligations under the superior court or administrative order for the  
14 period provided in RCW 4.16.020 or a maximum term of twenty-five years  
15 following the offender's release from total confinement or twenty-five  
16 years subsequent to the entry of the judgment and sentence, whichever  
17 period is longer. The court may not reduce the total amount of  
18 restitution ordered because the offender may lack the ability to pay  
19 the total amount. The department shall supervise the offender's  
20 compliance with the restitution ordered under this subsection.

21 (7) Regardless of the provisions of subsections (1) through (6) of  
22 this section, the court shall order restitution in all cases where the  
23 victim is entitled to benefits under the crime victims' compensation  
24 act, chapter 7.68 RCW. If the court does not order restitution and the  
25 victim of the crime has been determined to be entitled to benefits  
26 under the crime victims' compensation act, the department of labor and  
27 industries, as administrator of the crime victims' compensation  
28 program, may petition the court within one year of entry of the  
29 judgment and sentence for entry of a restitution order. Upon receipt  
30 of a petition from the department of labor and industries, the court  
31 shall hold a restitution hearing and shall enter a restitution order.

32 (8) In addition to any sentence that may be imposed, an offender  
33 who has been found guilty of an offense involving fraud or other  
34 deceptive practice or an organization which has been found guilty of  
35 any such offense may be ordered by the sentencing court to give notice  
36 of the conviction to the class of persons or to the sector of the  
37 public affected by the conviction or financially interested in the

1 subject matter of the offense by mail, by advertising in designated  
2 areas or through designated media, or by other appropriate means.

3 (9) This section does not limit civil remedies or defenses  
4 available to the victim, survivors of the victim, or offender including  
5 support enforcement remedies for support ordered under subsection (6)  
6 of this section for a child born as a result of a rape of a child  
7 victim. The court shall identify in the judgment and sentence the  
8 victim or victims entitled to restitution and what amount is due each  
9 victim. The state or victim may enforce the court-ordered restitution  
10 in the same manner as a judgment in a civil action. Restitution  
11 collected through civil enforcement must be paid through the registry  
12 of the court and must be distributed proportionately according to each  
13 victim's loss when there is more than one victim.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW  
15 to read as follows:

16 If an offender with an unsatisfied legal financial obligation is  
17 not subject to supervision by the department for a term of community  
18 placement, community custody, or community supervision, or has not  
19 completed payment of all legal financial obligations included in the  
20 sentence at the expiration of his or her term of community placement,  
21 community custody, or community supervision, the department shall  
22 notify the administrative office of the courts of the termination of  
23 the offender's supervision and provide information to the  
24 administrative office of the courts to enable the county clerk to  
25 monitor payment of the remaining obligations. The county clerk is  
26 authorized to monitor payment after such notification. The secretary  
27 of corrections and the administrator for the courts shall enter into an  
28 interagency agreement to facilitate the electronic transfer of  
29 information about offenders, unpaid obligations, and payees to carry  
30 out the purposes of this section.

31 **Sec. 6.** RCW 9.94A.780 and 1991 c 104 s 1 are each amended to read  
32 as follows:

33 (1) Whenever a punishment imposed under this chapter requires  
34 supervision services to be provided, the offender shall pay to the  
35 department of corrections the monthly assessment, prescribed under  
36 subsection (2) of this section, which shall be for the duration of the

1 terms of supervision and which shall be considered as payment or part  
2 payment of the cost of providing supervision to the offender. The  
3 department may exempt or defer a person from the payment of all or any  
4 part of the assessment based upon any of the following factors:

5 (a) The offender has diligently attempted but has been unable to  
6 obtain employment that provides the offender sufficient income to make  
7 such payments.

8 (b) The offender is a student in a school, college, university, or  
9 a course of vocational or technical training designed to fit the  
10 student for gainful employment.

11 (c) The offender has an employment handicap, as determined by an  
12 examination acceptable to or ordered by the department.

13 (d) The offender's age prevents him or her from obtaining  
14 employment.

15 (e) The offender is responsible for the support of dependents and  
16 the payment of the assessment constitutes an undue hardship on the  
17 offender.

18 (f) Other extenuating circumstances as determined by the  
19 department.

20 (2) The department of corrections shall adopt a rule prescribing  
21 the amount of the assessment. The department may, if it finds it  
22 appropriate, prescribe a schedule of assessments that shall vary in  
23 accordance with the intensity or cost of the supervision. The  
24 department may not prescribe any assessment that is less than ten  
25 dollars nor more than fifty dollars.

26 (3) All amounts required to be paid under this section shall be  
27 collected by the department of corrections and deposited by the  
28 department in the dedicated fund established pursuant to RCW 72.11.040.

29 (4) This section shall not apply to probation services provided  
30 under an interstate compact pursuant to chapter 9.95 RCW or to  
31 probation services provided for persons placed on probation prior to  
32 June 10, 1982.

33 (5) If a county clerk assumes responsibility for collection of  
34 unpaid legal financial obligations under RCW 9.94A.760, or under any  
35 agreement with the department under that section, whether before or  
36 after the completion of any period of community placement, community  
37 custody, or community supervision, the clerk may impose a monthly or  
38 annual assessment for the cost of collections. The amount of the

1 assessment shall not exceed the actual cost of collections. The county  
2 clerk may exempt or defer payment of all or part of the assessment  
3 based upon any of the factors listed in subsection (1) of this section.  
4 The offender shall pay the assessment under this subsection to the  
5 county clerk who shall apply it to the cost of collecting legal  
6 financial obligations under RCW 9.94A.760.

7 **Sec. 7.** RCW 9.94A.637 and 2002 c 16 s 2 are each amended to read  
8 as follows:

9 (1)(a) When an offender has completed all requirements of the  
10 sentence, including any and all legal financial obligations, and while  
11 under the custody and supervision of the department, the secretary or  
12 the secretary's designee shall notify the sentencing court, which shall  
13 discharge the offender and provide the offender with a certificate of  
14 discharge by issuing the certificate to the offender in person or by  
15 mailing the certificate to the offender's last known address.

16 (b)(i) When an offender has reached the end of his or her  
17 supervision with the department and has completed all the requirements  
18 of the sentence except his or her legal financial obligations, the  
19 secretary's designee shall provide the county clerk with a notice that  
20 the offender has completed all nonfinancial requirements of the  
21 sentence.

22 (ii) When the department has provided the county clerk with notice  
23 that an offender has completed all the requirements of the sentence and  
24 the offender subsequently satisfies all legal financial obligations  
25 under the sentence, the county clerk shall notify the sentencing court,  
26 including the notice from the department, which shall discharge the  
27 offender and provide the offender with a certificate of discharge by  
28 issuing the certificate to the offender in person or by mailing the  
29 certificate to the offender's last known address.

30 (2) The court shall send a copy of every signed certificate of  
31 discharge to the auditor for the county in which the court resides and  
32 to the department. The department shall create and maintain a data  
33 base containing the names of all felons who have been issued  
34 certificates of discharge, the date of discharge, and the date of  
35 conviction and offense.

36 (3) An offender who is not convicted of a violent offense or a sex  
37 offense and is sentenced to a term involving community supervision may

1 be considered for a discharge of sentence by the sentencing court prior  
2 to the completion of community supervision, provided that the offender  
3 has completed at least one-half of the term of community supervision  
4 and has met all other sentence requirements.

5 (4) Except as provided in subsection (5) of this section, the  
6 discharge shall have the effect of restoring all civil rights lost by  
7 operation of law upon conviction, and the certificate of discharge  
8 shall so state. Nothing in this section prohibits the use of an  
9 offender's prior record for purposes of determining sentences for later  
10 offenses as provided in this chapter. Nothing in this section affects  
11 or prevents use of the offender's prior conviction in a later criminal  
12 prosecution either as an element of an offense or for impeachment  
13 purposes. A certificate of discharge is not based on a finding of  
14 rehabilitation.

15 (5) Unless otherwise ordered by the sentencing court, a certificate  
16 of discharge shall not terminate the offender's obligation to comply  
17 with an order issued under chapter 10.99 RCW that excludes or prohibits  
18 the offender from having contact with a specified person or coming  
19 within a set distance of any specified location that was contained in  
20 the judgment and sentence. An offender who violates such an order  
21 after a certificate of discharge has been issued shall be subject to  
22 prosecution according to the chapter under which the order was  
23 originally issued.

24 (6) Upon release from custody, the offender may apply to the  
25 department for counseling and help in adjusting to the community. This  
26 voluntary help may be provided for up to one year following the release  
27 from custody.

28 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.23 RCW  
29 to read as follows:

30 The Washington association of county officials, in consultation  
31 with county clerks, shall determine a funding formula for allocation of  
32 moneys to counties for purposes of collecting legal financial  
33 obligations, and report this formula to the legislature and the  
34 administrative office of the courts by September 1, 2003. The  
35 Washington association of county officials shall report on the amounts  
36 of legal financial obligations collected by the county clerks to the



1 appropriate committees of the legislature no later than December 1,  
2 2004, and annually thereafter.

3 NEW SECTION. **Sec. 9.** A new section is added to chapter 2.56 RCW  
4 to read as follows:

5 By October 1, 2003, and annually thereafter, the administrative  
6 office of the courts shall distribute such funds to counties for county  
7 clerk collection budgets as are appropriated by the legislature for  
8 this purpose, using the funding formula recommended by the Washington  
9 association of county officials. The administrative office of the  
10 courts shall not deduct any amount for indirect or direct costs, and  
11 shall distribute the entire amount appropriated by the legislature to  
12 the counties for county clerk collection budgets. The administrative  
13 office of the courts shall report on the amounts distributed to  
14 counties to the appropriate committees of the legislature no later than  
15 December 1, 2003, and annually thereafter.

16 The administrative office of the courts may expend for the purposes  
17 of billing for legal financial obligations, such funds as are  
18 appropriated for the legislature for this purpose.

19 **Sec. 10.** RCW 4.56.100 and 1997 c 358 s 4 are each amended to read  
20 as follows:

21 (1) When any judgment for the payment of money only shall have been  
22 paid or satisfied, the clerk of the court in which such judgment was  
23 rendered shall note upon the record in the execution docket  
24 satisfaction thereof giving the date of such satisfaction upon either  
25 the payment to such clerk of the amount of such judgment, costs and  
26 interest and any accrued costs by reason of the issuance of any  
27 execution, or the filing with such clerk of a satisfaction entitled in  
28 such action and identifying the same executed by the judgment creditor  
29 or his or her attorney of record in such action or his or her assignee  
30 acknowledged as deeds are acknowledged. The clerk has the authority to  
31 note the satisfaction of judgments for criminal and juvenile legal  
32 financial obligations when the clerk's record indicates payment in full  
33 or as directed by the court. Every satisfaction of judgment and every  
34 partial satisfaction of judgment which provides for the payment of  
35 money shall clearly designate the judgment creditor and his or her  
36 attorney if any, the judgment debtor, the amount or type of

1 satisfaction, whether the satisfaction is full or partial, the cause  
2 number, and the date of entry of the judgment. A certificate by such  
3 clerk of the entry of such satisfaction by him or her may be filed in  
4 the office of the clerk of any county in which an abstract of such  
5 judgment has been filed. When so satisfied by the clerk or the filing  
6 of such certificate the lien of such judgment shall be discharged.

7 (2) The department of social and health services shall file a  
8 satisfaction of judgment for welfare fraud conviction if a person does  
9 not pay money through the clerk as required under subsection (1) of  
10 this section.

11 ~~((3) The department of corrections shall file a satisfaction of  
12 judgment if a person does not pay money through the clerk's office as  
13 required under subsection (1) of this section.))~~

14 NEW SECTION. **Sec. 11.** A new section is added to chapter 9.94A RCW  
15 to read as follows:

16 The provisions of this act apply to all offenders currently, or in  
17 the future, subject to sentences with unsatisfied legal financial  
18 obligations. The provisions of this act do not change the amount of  
19 any legal financial obligation or the maximum term for which any  
20 offender is, or may be, under the jurisdiction of the court for  
21 collection of legal financial obligations.

22 NEW SECTION. **Sec. 12.** If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 remainder of the act or the application of the provision to other  
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 13.** (1) Section 8 of this act is necessary for  
27 the immediate preservation of the public peace, health, or safety, or  
28 support of the state government and its existing public institutions,  
29 and takes effect July 1, 2003.

30 (2) Sections 1 through 7 and 9 through 12 of this act take effect  
31 October 1, 2003.

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