

**SSB 6100** - H COMM AMD  
By By Committee on Judiciary

**ADOPTED 4/4/2007**

1 On page 2, after line 11, add the following:

2 "Sec. 3. RCW 10.01.160 and 2005 c 263 s 2 are each amended to  
3 read as follows:

4 (1) The court may require a defendant to pay costs. Costs may  
5 be imposed only upon a convicted defendant, except for costs  
6 imposed upon a defendant's entry into a deferred prosecution  
7 program, costs imposed upon a defendant for pretrial supervision,  
8 or costs imposed upon a defendant for preparing and serving a  
9 warrant for failure to appear.

10 (2) Costs shall be limited to expenses specially incurred by  
11 the state in prosecuting the defendant or in administering the  
12 deferred prosecution program under chapter 10.05 RCW or pretrial  
13 supervision. They cannot include expenses inherent in providing a  
14 constitutionally guaranteed jury trial or expenditures in  
15 connection with the maintenance and operation of government  
16 agencies that must be made by the public irrespective of specific  
17 violations of law. Expenses incurred for serving of warrants for  
18 failure to appear and jury fees under RCW 10.46.190 may be included  
19 in costs the court may require a defendant to pay. Costs for  
20 administering a deferred prosecution or pretrial supervision may  
21 not exceed one hundred fifty dollars. Costs for preparing and  
22 serving a warrant for failure to appear may not exceed one hundred  
23 dollars. Costs of incarceration imposed on a defendant convicted  
24 of a misdemeanor or a gross misdemeanor may not exceed the actual  
25 cost of incarceration. In no case may the court require the  
26 offender to pay more than one hundred dollars per day for the cost  
27 of incarceration. Payment of other court-ordered financial  
28 obligations, including all legal financial obligations and costs of  
29 supervision take precedence over the payment of the cost of  
30 incarceration ordered by the court. All funds received from

1 defendants for the cost of incarceration in the county or city jail  
2 must be remitted for criminal justice purposes to the county or  
3 city that is responsible for the defendant's jail costs. Costs  
4 imposed constitute a judgment against a defendant and survive a  
5 dismissal of the underlying action against the defendant. However,  
6 if the defendant is acquitted on the underlying action, the costs  
7 for preparing and serving a warrant for failure to appear do not  
8 survive the acquittal, and the judgment that such costs would  
9 otherwise constitute shall be vacated.

10 (3) The court shall not (~~sentence~~) order a defendant to pay  
11 costs unless the defendant is or will be able to pay them. In  
12 determining the amount and method of payment of costs, the court  
13 shall take account of the financial resources of the defendant and  
14 the nature of the burden that payment of costs will impose.

15 (4) A defendant who has been (~~sentenced~~) ordered to pay costs  
16 and who is not in contumacious default in the payment thereof may  
17 at any time petition the sentencing court for remission of the  
18 payment of costs or of any unpaid portion thereof. If it appears  
19 to the satisfaction of the court that payment of the amount due  
20 will impose manifest hardship on the defendant or the defendant's  
21 immediate family, the court may remit all or part of the amount due  
22 in costs, or modify the method of payment under RCW 10.01.170."

23 Correct the title.

**EFFECT:** Clarifies that payments of costs of pretrial supervision are not prohibited by the act. Restores a provision inadvertently dropped in the drafting of the substitute bill.