

2SHB 3076 - S AMD TO WM S5234.1 253

By Senators Brandland and Hargrove

ADOPTED 3/03/2010

1 On page 2, line 27, after "purposes of", insert "sections one
2 through four"

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4 On page2, line 29, after "act," strike "this act is" and insert
5 "sections one through four of this act are"

6
7 On page 2, after line 26, insert the following:

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9 "NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A
10 RCW to read as follows:

11 (1) Before imposing any legal financial obligations upon a
12 defendant who suffers from a mental health condition, other than
13 restitution or the victim penalty assessment under RCW 7.68.035, a
14 judge must first determine that the defendant, under the terms of this
15 section, has the means to pay such additional sums.

16 (2) For the purposes of this section, a defendant suffers from a
17 mental health condition when the defendant has been diagnosed with a
18 mental disorder that prevents the defendant from participating in
19 gainful employment, as evidenced by a determination of mental
20 disability as the basis for the defendant's enrollment in a public
21 assistance program, a record of involuntary hospitalization, or by
22 competent expert evaluation."

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24
25 Renumber the sections consecutively and correct any internal
26 references accordingly.

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5 On page 3, line 2 of the title amendment, after "chapter", insert

6 "9.94 RCW and chapter"

EFFECT: Waiver of the victim penalty assessment and restitution is disallowed for a defendant who suffers from a mental health condition. Before any other legal financial obligations may be imposed, the court must determine whether the defendant has the ability to pay.

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