

**SB 6709** - S AMD 175

By Senator Brandland

1       Strike everything after the enacting clause and insert the  
2 following:

3       "NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW  
4 to read as follows:

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

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

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17       On page 1, line 1 of the title, after "obligations;" strike the  
18 remainder of the title and insert "and adding a new section to chapter  
19 9.94A RCW."

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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