
SUBSTITUTE HOUSE BILL 1632

State of Washington 62nd Legislature 2011 Regular Session

By House Public Safety & Emergency Preparedness (originally sponsored by Representatives Hope, Hurst, and Armstrong; by request of Department of Corrections)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the cost of supervision; amending RCW 9.94A.780,
2 9.95.214, 72.04A.120, 72.11.040, and 9.94A.74504; providing an
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 9.94A.780 and 2008 c 231 s 37 are each amended to read
6 as follows:

7 (1) Whenever a punishment imposed under this chapter requires
8 supervision services to be provided, the offender shall pay to the
9 department of corrections the ~~((monthly assessment))~~ supervision intake
10 fee, prescribed under subsection (2) of this section, ~~((which shall be~~
11 ~~for the duration of the terms of supervision and))~~ which shall be
12 considered as payment or part payment of the cost of ~~((providing))~~
13 establishing supervision to the offender. The department may exempt or
14 defer a person from the payment of all or any part of the
15 ~~((assessment))~~ intake fee based upon any of the following factors:

16 (a) The offender has diligently attempted but has been unable to
17 obtain employment that provides the offender sufficient income to make
18 such a payment~~((s))~~.

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

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

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

8 (e) The offender is responsible for the support of dependents and
9 the payment of the ((assessment)) intake fee constitutes an undue
10 hardship on the offender.

11 (f) Other extenuating circumstances as determined by the
12 department.

13 (2) The department of corrections shall adopt a rule prescribing
14 the amount of the assessment. The ((department may, if it finds it
15 appropriate, prescribe a schedule of assessments that shall vary in
16 accordance with the intensity or cost of the supervision. The
17 department may not prescribe any assessment that is less than ten
18 dollars nor more than fifty dollars)) supervision intake fee shall be
19 imposed after the determination of eligibility for supervision has been
20 completed. For offenders whose crime was committed on or after July 1,
21 2011, the intake fee prescribed shall be not less than four hundred
22 dollars or more than six hundred dollars, and shall be assessed for
23 each judgment and sentence imposed by the superior court in which
24 supervision by the department is required.

25 (3) For offenders whose offense date was before July 1, 2011, the
26 monthly rate shall be converted to a one-time fee. The amount due
27 shall be based upon the most recent monthly fee amount by the months of
28 supervision left to serve, but in no case shall exceed six hundred
29 dollars.

30 (4) Nothing in this act shall affect the amount or dates payments
31 are due for any prior balances owed by an offender for the cost of
32 supervision.

33 ((+3)) (5) All amounts required to be paid under this section
34 shall be collected by the department of corrections and deposited by
35 the department in the dedicated fund established pursuant to RCW
36 72.11.040.

37 ((+4)) (6) This section shall not apply to probation services

1 provided under an interstate compact pursuant to chapter 9.95 RCW or to
2 probation services provided for persons placed on probation prior to
3 June 10, 1982.

4 ~~((+5))~~ (7) If a county clerk assumes responsibility for collection
5 of unpaid legal financial obligations under RCW 9.94A.760, or under any
6 agreement with the department under that section, whether before or
7 after the completion of any period of community custody, the clerk may
8 impose a monthly or annual assessment for the cost of collections. The
9 amount of the assessment shall not exceed the actual cost of
10 collections. The county clerk may exempt or defer payment of all or
11 part of the assessment based upon any of the factors listed in
12 subsection (1) of this section. The offender shall pay the assessment
13 under this subsection to the county clerk who shall apply it to the
14 cost of collecting legal financial obligations under RCW 9.94A.760.

15 **Sec. 2.** RCW 9.95.214 and 2005 c 400 s 3 are each amended to read
16 as follows:

17 Whenever a defendant convicted of a misdemeanor or gross
18 misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and
19 the defendant is supervised by ~~((the department of corrections or))~~ a
20 county probation department, the ~~((department or))~~ county probation
21 department may assess and collect from the defendant for the duration
22 of the term of supervision a monthly assessment not to exceed one
23 hundred dollars per month. Whenever a defendant convicted of a
24 misdemeanor or gross misdemeanor is placed on probation under RCW
25 9.92.060 or 9.95.210, and the defendant is supervised by the department
26 of corrections, the department may collect supervision intake fees
27 pursuant to RCW 9.94A.780. This assessment shall be paid to the agency
28 supervising the defendant and shall be applied, along with funds
29 appropriated by the legislature, toward the payment or part payment of
30 the cost of supervising the defendant. The ~~((department or))~~ county
31 probation department shall suspend such assessment while the defendant
32 is being supervised by another state pursuant to RCW 9.94A.745, the
33 interstate compact for adult offender supervision.

34 **Sec. 3.** RCW 72.04A.120 and 1991 c 104 s 2 are each amended to read
35 as follows:

36 (1) Any person placed on parole shall be required to pay the

1 ((monthly assessment)) supervision intake fee, prescribed under
2 ((subsection (2) of this section, which shall be for the duration of
3 the parole and which shall be considered as payment or part payment of
4 the cost of providing parole supervision to the parolee)) RCW
5 9.94A.780(3). The department may exempt a person from the payment of
6 all or any part of the assessment based upon any of the following
7 factors:

8 (a) The offender has diligently attempted but has been unable to
9 obtain employment which provides the offender sufficient income to make
10 such payments.

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

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

16 (d) The offender's age prevents him from obtaining employment.

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

20 (f) Other extenuating circumstances as determined by the
21 department.

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

28 (3) Payment of the assessed amount shall constitute a condition of
29 parole for purposes of the application of RCW 72.04A.090.

30 (4) All amounts required to be paid under this section shall be
31 collected by the department of corrections and deposited by the
32 department in the dedicated fund established pursuant to RCW 72.11.040.

33 ((5) This section shall not apply to parole services provided
34 under an interstate compact pursuant to chapter 9.95 RCW or to parole
35 services provided for offenders paroled before June 10, 1982.))

36 **Sec. 4.** RCW 72.11.040 and 2005 c 518 s 943 are each amended to
37 read as follows:

1 The cost of supervision fund is created in the custody of the state
2 treasurer. All receipts from assessments made under RCW 9.94A.780,
3 9.94A.74504, and 72.04A.120 shall be deposited into the fund.
4 Expenditures from the fund may be used only to support the collection
5 of legal financial obligations. (~~During the 2005-2007 biennium, funds~~
6 ~~from the account may also be used for costs associated with the~~
7 ~~department's supervision of the offenders in the community.)) Only the
8 secretary of the department of corrections or the secretary's designee
9 may authorize expenditures from the fund. The fund is subject to
10 allotment procedures under chapter 43.88 RCW, but no appropriation is
11 required for expenditures.~~

12 **Sec. 5.** RCW 9.94A.74504 and 2005 c 400 s 1 are each amended to
13 read as follows:

14 (1) The department may supervise nonfelony offenders transferred to
15 Washington pursuant to RCW 9.94A.745, the interstate compact for adult
16 offender supervision, and shall supervise these offenders according to
17 the provisions of this chapter.

18 (2) The department shall process applications for interstate
19 transfer of felony and nonfelony offenders requesting transfer of
20 supervision out-of-state pursuant to RCW 9.94A.745, the interstate
21 compact for adult offender supervision, and may charge offenders a
22 reasonable fee for processing the application.

23 (3) The department shall adopt a rule prescribing the amount of the
24 interstate transfer application fee.

25 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 July 1, 2011.

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