
HOUSE BILL 1632

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Hope, Hurst, and Armstrong; by request of Department of Corrections

Read first time 01/27/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the cost of supervision; and amending RCW
2 9.94A.780, 9.95.214, 72.04A.120, 72.11.040, and 9.94A.74504.

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

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

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

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

18 (b) The offender is a student in a school, college, university, or

1 a course of vocational or technical training designed to fit the
2 student for gainful employment.

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

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

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

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

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

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

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

32 ~~((+3))~~ (5) All amounts required to be paid under this section
33 shall be collected by the department of corrections and deposited by
34 the department in the dedicated fund established pursuant to RCW
35 72.11.040.

36 ~~((+4))~~ (6) This section shall not apply to probation services
37 provided under an interstate compact pursuant to chapter 9.95 RCW or to

1 probation services provided for persons placed on probation prior to
2 June 10, 1982.

3 ((+5)) (7) If a county clerk assumes responsibility for collection
4 of unpaid legal financial obligations under RCW 9.94A.760, or under any
5 agreement with the department under that section, whether before or
6 after the completion of any period of community custody, the clerk may
7 impose a monthly or annual assessment for the cost of collections. The
8 amount of the assessment shall not exceed the actual cost of
9 collections. The county clerk may exempt or defer payment of all or
10 part of the assessment based upon any of the factors listed in
11 subsection (1) of this section. The offender shall pay the assessment
12 under this subsection to the county clerk who shall apply it to the
13 cost of collecting legal financial obligations under RCW 9.94A.760.

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

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

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

35 (1) Any person placed on parole shall be required to pay the
36 ~~((monthly assessment))~~ supervision intake fee, prescribed under

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

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

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

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

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

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

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

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

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

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

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

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

37 The cost of supervision fund is created in the custody of the state

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

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

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

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

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

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