

2SHB 1390 - H AMD 165

By Representative Goodman

ADOPTED AS AMENDED 3/9/2015

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

3 "Sec. 1. RCW 10.82.090 and 2011 c 106 s 2 are each amended to
4 read as follows:

5 (1) Except as provided in subsection (2) of this section,
6 (~~financial obligations~~) restitution imposed in a judgment shall
7 bear interest from the date of the judgment until payment, at the
8 rate applicable to civil judgments. As of the effective date of this
9 section, no interest shall accrue on nonrestitution legal financial
10 obligations. All nonrestitution interest retained by the court shall
11 be split twenty-five percent to the state treasurer for deposit in
12 the state general fund, twenty-five percent to the state treasurer
13 for deposit in the judicial information system account as provided in
14 RCW 2.68.020, twenty-five percent to the county current expense fund,
15 and twenty-five percent to the county current expense fund to fund
16 local courts.

17 (2) The court may, on motion by the offender, following the
18 offender's release from total confinement, reduce or waive the
19 interest on legal financial obligations levied as a result of a
20 criminal conviction as follows:

21 (a) The court shall waive all interest on the portions of the
22 legal financial obligations that are not restitution that accrued
23 (~~during the term of total confinement for the conviction giving rise~~
24 ~~to the financial obligations, provided the offender shows that the~~
25 ~~interest creates a hardship for the offender or his or her immediate~~
26 ~~family)) prior to the effective date of this section;~~

27 (b) The court may reduce interest on the restitution portion of
28 the legal financial obligations only if the principal has been paid
29 in full(÷

30 ~~(c) The court may otherwise reduce or waive the interest on the~~
31 ~~portions of the legal financial obligations that are not restitution~~
32 ~~if the offender shows that he or she has personally made a good faith~~
33 ~~effort to pay and that the interest accrual is causing a significant~~

1 hardship. For purposes of this section, "good faith effort" means
2 that the offender has either (i) paid the principal amount in full;
3 or (ii) made at least fifteen monthly payments within an eighteen-
4 month period, excluding any payments mandatorily deducted by the
5 department of corrections;

6 ~~(d) For purposes of (a) through (c) of this subsection, the court~~
7 ~~may reduce or waive interest on legal financial obligations only))~~
8 and as an incentive for the offender to meet his or her other legal
9 financial obligations(~~(-)~~);

10 (c) The court may grant the motion, establish a payment schedule,
11 and retain jurisdiction over the offender for purposes of reviewing
12 and revising the reduction or waiver of interest.

13 (3) This section applies to persons convicted as adults or
14 adjudicated in juvenile court.

15 **Sec. 2.** RCW 3.50.100 and 2012 c 136 s 3 are each amended to read
16 as follows:

17 (1) Costs in civil and criminal actions may be imposed as
18 provided in district court. All fees, costs, fines, forfeitures and
19 other money imposed by any municipal court for the violation of any
20 municipal or town ordinances shall be collected by the court clerk
21 and, together with any other noninterest revenues received by the
22 clerk, shall be deposited with the city or town treasurer as a part
23 of the general fund of the city or town, or deposited in such other
24 fund of the city or town, or deposited in such other funds as may be
25 designated by the laws of the state of Washington.

26 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
27 treasurer shall remit monthly thirty-two percent of the noninterest
28 money received under this section, other than for parking
29 infractions, and certain costs to the state treasurer. "Certain
30 costs" as used in this subsection, means those costs awarded to
31 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
32 or those costs awarded against convicted defendants in criminal
33 actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other
34 similar statutes if such costs are specifically designated as costs
35 by the court and are awarded for the specific reimbursement of costs
36 incurred by the state, county, city, or town in the prosecution of
37 the case, including the fees of defense counsel. Money remitted under
38 this subsection to the state treasurer shall be deposited in the
39 state general fund.

1 (3) The balance of the noninterest money received under this
2 section shall be retained by the city and deposited as provided by
3 law.

4 (4)(a) Except as provided in (b) of this subsection, penalties,
5 finances, ((bail forfeitures,)) fees, and costs may accrue interest at
6 the rate of twelve percent per annum, upon assignment to a collection
7 agency. Interest may accrue only while the case is in collection
8 status.

9 (b) As of the effective date of this section, penalties, fines,
10 bail forfeitures, fees, and costs imposed against a defendant in a
11 criminal proceeding shall not accrue interest.

12 (5) Interest retained by the court on penalties, fines, bail
13 forfeitures, fees, and costs shall be split twenty-five percent to
14 the state treasurer for deposit in the state general fund, twenty-
15 five percent to the state treasurer for deposit in the judicial
16 information system account as provided in RCW 2.68.020, twenty-five
17 percent to the city general fund, and twenty-five percent to the city
18 general fund to fund local courts.

19 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
20 2012 c 134 s 6 are each reenacted and amended to read as follows:

21 (1) Except as provided in subsection (4) of this section, all
22 costs, fees, fines, forfeitures and penalties assessed and collected
23 in whole or in part by district courts, except costs, fines,
24 forfeitures and penalties assessed and collected, in whole or in
25 part, because of the violation of city ordinances, shall be remitted
26 by the clerk of the district court to the county treasurer at least
27 monthly, together with a financial statement as required by the state
28 auditor, noting the information necessary for crediting of such funds
29 as required by law.

30 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
31 and this section, the county treasurer shall remit thirty-two percent
32 of the noninterest money received under subsection (1) of this
33 section except certain costs to the state treasurer. "Certain costs"
34 as used in this subsection, means those costs awarded to prevailing
35 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
36 costs awarded against convicted defendants in criminal actions under
37 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
38 such costs are specifically designated as costs by the court and are
39 awarded for the specific reimbursement of costs incurred by the state

1 or county in the prosecution of the case, including the fees of
2 defense counsel. With the exception of funds to be transferred to the
3 judicial stabilization trust account under RCW 3.62.060(2), money
4 remitted under this subsection to the state treasurer shall be
5 deposited in the state general fund.

6 (3) The balance of the noninterest money received by the county
7 treasurer under subsection (1) of this section shall be deposited in
8 the county current expense fund. Funds deposited under this
9 subsection that are attributable to the county's portion of a
10 surcharge imposed under RCW 3.62.060(2) must be used to support local
11 trial court and court-related functions.

12 (4) Except as provided in RCW 7.84.100(4), all money collected
13 for county parking infractions shall be remitted by the clerk of the
14 district court at least monthly, with the information required under
15 subsection (1) of this section, to the county treasurer for deposit
16 in the county current expense fund.

17 (5)(a) Except as provided in (b) of this subsection, penalties,
18 finer, ((bail forfeitures,)) fees, and costs may accrue interest at
19 the rate of twelve percent per annum, upon assignment to a collection
20 agency. Interest may accrue only while the case is in collection
21 status.

22 (b) As of the effective date of this section, penalties, fines,
23 bail forfeitures, fees, and costs imposed against a defendant in a
24 criminal proceeding shall not accrue interest.

25 (6) Interest retained by the court on penalties, fines, bail
26 forfeitures, fees, and costs shall be split twenty-five percent to
27 the state treasurer for deposit in the state general fund, twenty-
28 five percent to the state treasurer for deposit in the judicial
29 information system account as provided in RCW 2.68.020, twenty-five
30 percent to the county current expense fund, and twenty-five percent
31 to the county current expense fund to fund local courts.

32 **Sec. 4.** RCW 3.62.040 and 2012 c 136 s 5 are each amended to read
33 as follows:

34 (1) Except as provided in subsection (4) of this section, all
35 costs, fines, forfeitures and penalties assessed and collected, in
36 whole or in part, by district courts because of violations of city
37 ordinances shall be remitted by the clerk of the district court at
38 least monthly directly to the treasurer of the city wherein the
39 violation occurred.

1 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
2 treasurer shall remit monthly thirty-two percent of the noninterest
3 money received under this section, other than for parking infractions
4 and certain costs, to the state treasurer. "Certain costs" as used in
5 this subsection, means those costs awarded to prevailing parties in
6 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
7 against convicted defendants in criminal actions under RCW 10.01.160,
8 10.46.190, or 36.18.040, or other similar statutes if such costs are
9 specifically designated as costs by the court and are awarded for the
10 specific reimbursement of costs incurred by the state, county, city,
11 or town in the prosecution of the case, including the fees of defense
12 counsel. Money remitted under this subsection to the state treasurer
13 shall be deposited in the state general fund.

14 (3) The balance of the noninterest money received under this
15 section shall be retained by the city and deposited as provided by
16 law.

17 (4) All money collected for city parking infractions shall be
18 remitted by the clerk of the district court at least monthly to the
19 city treasurer for deposit in the city's general fund.

20 (5)(a) Except as provided in (b) of this subsection, penalties,
21 finances, ((bail forfeitures,)) fees, and costs may accrue interest at
22 the rate of twelve percent per annum, upon assignment to a collection
23 agency. Interest may accrue only while the case is in collection
24 status.

25 (b) As of the effective date of this section, penalties, fines,
26 bail forfeitures, fees, and costs imposed against a defendant in a
27 criminal proceeding shall not accrue interest.

28 (6) Interest retained by the court on penalties, fines, bail
29 forfeitures, fees, and costs shall be split twenty-five percent to
30 the state treasurer for deposit in the state general fund, twenty-
31 five percent to the state treasurer for deposit in the judicial
32 information system account as provided in RCW 2.68.020, twenty-five
33 percent to the city general fund, and twenty-five percent to the city
34 general fund to fund local courts.

35 **Sec. 5.** RCW 35.20.220 and 2012 c 136 s 7 are each amended to
36 read as follows:

37 (1) The chief clerk, under the supervision and direction of the
38 court administrator of the municipal court, shall have the custody
39 and care of the books, papers and records of the court. The chief

1 clerk or a deputy shall be present during the session of the court
2 and has the power to swear all witnesses and jurors, administer oaths
3 and affidavits, and take acknowledgments. The chief clerk shall keep
4 the records of the court and shall issue all process under his or her
5 hand and the seal of the court. The chief clerk shall do and perform
6 all things and have the same powers pertaining to the office as the
7 clerks of the superior courts have in their office. He or she shall
8 receive all fines, penalties, and fees of every kind and keep a full,
9 accurate, and detailed account of the same. The chief clerk shall on
10 each day pay into the city treasury all money received for the city
11 during the day previous, with a detailed account of the same, and
12 taking the treasurer's receipt therefor.

13 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
14 treasurer shall remit monthly thirty-two percent of the noninterest
15 money received under this section, other than for parking infractions
16 and certain costs to the state treasurer. "Certain costs" as used in
17 this subsection, means those costs awarded to prevailing parties in
18 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
19 against convicted defendants in criminal actions under RCW 10.01.160,
20 10.46.190, or 36.18.040, or other similar statutes if such costs are
21 specifically designated as costs by the court and are awarded for the
22 specific reimbursement of costs incurred by the state, county, city,
23 or town in the prosecution of the case, including the fees of defense
24 counsel. Money remitted under this subsection to the state treasurer
25 shall be deposited in the state general fund.

26 (3) The balance of the noninterest money received under this
27 section shall be retained by the city and deposited as provided by
28 law.

29 (4)(a) Except as provided in (b) of this subsection, penalties,
30 fines, (~~bail forfeitures,~~) fees, and costs may accrue interest at
31 the rate of twelve percent per annum, upon assignment to a collection
32 agency. Interest may accrue only while the case is in collection
33 status.

34 (b) As of the effective date of this section, penalties, fines,
35 bail forfeitures, fees, and costs imposed against a defendant in a
36 criminal proceeding shall not accrue interest.

37 (5) Interest retained by the court on penalties, fines, bail
38 forfeitures, fees, and costs shall be split twenty-five percent to
39 the state treasurer for deposit in the state general fund, twenty-
40 five percent to the state treasurer for deposit in the judicial

1 information system account as provided in RCW 2.68.020, twenty-five
2 percent to the city general fund, and twenty-five percent to the city
3 general fund to fund local courts.

4 **Sec. 6.** RCW 10.01.160 and 2010 c 54 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (3) of this section, the
7 court may require a defendant to pay costs. Costs may be imposed only
8 upon a convicted defendant, except for costs imposed upon a
9 defendant's entry into a deferred prosecution program, costs imposed
10 upon a defendant for pretrial supervision, or costs imposed upon a
11 defendant for preparing and serving a warrant for failure to appear.

12 (2) Costs shall be limited to expenses specially incurred by the
13 state in prosecuting the defendant or in administering the deferred
14 prosecution program under chapter 10.05 RCW or pretrial supervision.
15 They cannot include expenses inherent in providing a constitutionally
16 guaranteed jury trial or expenditures in connection with the
17 maintenance and operation of government agencies that must be made by
18 the public irrespective of specific violations of law. Expenses
19 incurred for serving of warrants for failure to appear and jury fees
20 under RCW 10.46.190 may be included in costs the court may require a
21 defendant to pay. Costs for administering a deferred prosecution may
22 not exceed two hundred fifty dollars. Costs for administering a
23 pretrial supervision may not exceed one hundred fifty dollars. Costs
24 for preparing and serving a warrant for failure to appear may not
25 exceed one hundred dollars. Costs of incarceration imposed on a
26 defendant convicted of a misdemeanor or a gross misdemeanor may not
27 exceed the actual cost of incarceration. In no case may the court
28 require the offender to pay more than one hundred dollars per day for
29 the cost of incarceration. Payment of other court-ordered financial
30 obligations, including all legal financial obligations and costs of
31 supervision take precedence over the payment of the cost of
32 incarceration ordered by the court. All funds received from
33 defendants for the cost of incarceration in the county or city jail
34 must be remitted for criminal justice purposes to the county or city
35 that is responsible for the defendant's jail costs. Costs imposed
36 constitute a judgment against a defendant and survive a dismissal of
37 the underlying action against the defendant. However, if the
38 defendant is acquitted on the underlying action, the costs for
39 preparing and serving a warrant for failure to appear do not survive

1 the acquittal, and the judgment that such costs would otherwise
2 constitute shall be vacated.

3 (3) The court shall not order a defendant to pay costs (~~((unless))~~)
4 if the defendant ((is or will be able to pay them)) at the time of
5 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
6 (c). In determining the amount and method of payment of costs for
7 defendants who are not indigent as defined in RCW 10.101.010(3) (a)
8 through (c), the court shall take account of the financial resources
9 of the defendant and the nature of the burden that payment of costs
10 will impose.

11 (4) A defendant who has been ordered to pay costs and who is not
12 in (~~((contumacious))~~) willful default in the payment thereof may at any
13 time after release from total confinement petition the sentencing
14 court for remission of the payment of costs or of any unpaid portion
15 thereof. If it appears to the satisfaction of the court that payment
16 of the amount due will impose manifest hardship on the defendant or
17 the defendant's immediate family, the court may remit all or part of
18 the amount due in costs, (~~((or))~~) modify the method of payment under
19 RCW 10.01.170, or with the defendant's consent convert the unpaid
20 costs to community restitution hours at the rate of no less than the
21 state minimum wage established in RCW 49.46.020 for each hour of
22 community restitution. Manifest hardship exists where the defendant
23 is indigent as defined in RCW 10.101.010(3) (a) through (c) and the
24 defendant's indigency is unlikely to end in the future.

25 (5) Except for direct costs relating to evaluating and reporting
26 to the court, prosecutor, or defense counsel regarding a defendant's
27 competency to stand trial as provided in RCW 10.77.060, this section
28 shall not apply to costs related to medical or mental health
29 treatment or services a defendant receives while in custody of the
30 secretary of the department of social and health services or other
31 governmental units. This section shall not prevent the secretary of
32 the department of social and health services or other governmental
33 units from imposing liability and seeking reimbursement from a
34 defendant committed to an appropriate facility as provided in RCW
35 10.77.084 while criminal proceedings are stayed. This section shall
36 also not prevent governmental units from imposing liability on
37 defendants for costs related to providing medical or mental health
38 treatment while the defendant is in the governmental unit's custody.
39 Medical or mental health treatment and services a defendant receives
40 at a state hospital or other facility are not a cost of prosecution

1 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
2 43.20B RCW, and any other applicable statute.

3 **Sec. 7.** RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each
4 amended to read as follows:

5 (1) When a defendant is sentenced to pay ((a)) fines, penalties,
6 assessments, fees, restitution, or costs, the court may grant
7 permission for payment to be made within a specified period of time
8 or in specified installments. If the court finds that the defendant
9 is indigent as defined in RCW 10.101.010(3) (a) through (c), the
10 court shall grant permission for payment to be made within a
11 specified period of time or in specified installments. If no such
12 permission is included in the sentence the fine or costs shall be
13 payable forthwith.

14 (2) An offender's monthly payment shall be applied to the
15 principal on restitution obligations in all cases within a
16 jurisdiction prior to payment of any other monetary obligations.
17 After restitution is satisfied, payment shall be distributed
18 proportionally among all other fines, costs other than costs of
19 incarceration, fees, penalties, and assessments imposed, unless
20 otherwise ordered by the court. Costs of incarceration shall be paid
21 after all other fines, costs, fees, penalties, and assessments are
22 satisfied. After the principal on all legal financial obligations is
23 satisfied, payment shall be distributed to interest.

24 **Sec. 8.** RCW 10.01.180 and 2010 c 8 s 1006 are each amended to
25 read as follows:

26 (1) A defendant sentenced to pay ((a)) any fine, penalty,
27 assessment, fee, or costs who willfully defaults in the payment
28 thereof or of any installment is in contempt of court as provided in
29 chapter 7.21 RCW. The court may issue a warrant of arrest for his or
30 her appearance.

31 (2) When ((a)) any fine, penalty, assessment, fee, or assessment
32 of costs is imposed on a corporation or unincorporated association,
33 it is the duty of the person authorized to make disbursement from the
34 assets of the corporation or association to pay the ((fine or costs))
35 obligation from those assets, and his or her failure to do so may be
36 held to be contempt.

37 (3)(a) The court shall not sanction a defendant for contempt
38 based on failure to pay fines, penalties, assessments, fees, or costs

1 unless the court finds, after a hearing and on the record, that the
2 failure to pay is willful. A failure to pay is willful if the
3 defendant has the current ability to pay but refuses to do so.

4 (b) In determining whether the defendant has the current ability
5 to pay, the court shall inquire into and consider: (i) The
6 defendant's income and assets; (ii) the defendant's basic living
7 costs as defined by RCW 10.101.010 and other liabilities including
8 child support and other legal financial obligations; and (iii) the
9 defendant's bona fide efforts to acquire additional resources. A
10 defendant who is indigent as defined by RCW 10.101.010(3) (a) through
11 (c) is presumed to lack the current ability to pay.

12 (c) If the court determines that the defendant is homeless or a
13 person who is mentally ill, as defined in RCW 71.24.025, failure to
14 pay a legal financial obligation is not willful contempt and shall
15 not subject the defendant to penalties.

16 (4) If a term of imprisonment for contempt for nonpayment of
17 ((a)) any fine, penalty, assessment, fee, or costs is ordered, the
18 term of imprisonment shall be set forth in the commitment order, and
19 shall not exceed one day for each twenty-five dollars of the ((fine
20 or costs)) amount ordered, thirty days if the ((fine or assessment))
21 amount ordered of costs was imposed upon conviction of a violation or
22 misdemeanor, or one year in any other case, whichever is the shorter
23 period. A person committed for nonpayment of ((a)) any fine, penalty,
24 assessment, fee, or costs shall be given credit toward payment for
25 each day of imprisonment at the rate specified in the commitment
26 order.

27 ((+4)) (5) If it appears to the satisfaction of the court that
28 the default in the payment of ((a)) any fine, penalty, assessment,
29 fee, or costs is not willful contempt, the court may, and if the
30 defendant is indigent as defined in RCW 10.101.010(3) (a) through
31 (c), the court shall enter an order: (a) Allowing the defendant
32 additional time for payment((7)); (b) reducing the amount thereof or
33 of each installment ((€)); (c) revoking the fine, penalty,
34 assessment, fee, or costs or the unpaid portion thereof in whole or
35 in part; or (d) with the defendant's consent converting the unpaid
36 fine, penalty, assessment, fee, or costs to community restitution
37 hours at the rate of no less than the state minimum wage established
38 in RCW 49.46.020 for each hour of community restitution. The crime
39 victim penalty assessment under RCW 7.68.035 may not be reduced,
40 revoked, or converted to community restitution hours.

1 (~~(5)~~) (6) A default in the payment of (~~(a)~~) any fine, penalty,
2 assessment, fee, or costs or any installment thereof may be collected
3 by any means authorized by law for the enforcement of a judgment. The
4 levy of execution for the collection of (~~(a)~~) any fine, penalty,
5 assessment, fee, or costs shall not discharge a defendant committed
6 to imprisonment for contempt until the amount (~~(of the fine or~~
7 ~~costs)~~) has actually been collected.

8 **Sec. 9.** RCW 10.46.190 and 2005 c 457 s 12 are each amended to
9 read as follows:

10 Every person convicted of a crime or held to bail to keep the
11 peace (~~(shall)~~) may be liable to all the costs of the proceedings
12 against him or her, including, when tried by a jury in the superior
13 court or before a committing magistrate, a jury fee as provided for
14 in civil actions for which judgment shall be rendered and collected.
15 The court shall not order a defendant to pay costs, as described in
16 RCW 10.01.160, if the court finds that the person at the time of
17 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
18 (c). The jury fee, when collected for a case tried by the superior
19 court, shall be paid to the clerk and applied as the jury fee in
20 civil cases is applied.

21 **Sec. 10.** RCW 10.64.015 and Code 1881 s 1104 are each amended to
22 read as follows:

23 When the defendant is found guilty, the court shall render
24 judgment accordingly, and the defendant (~~(shall)~~) may be liable for
25 all costs, unless the court or jury trying the cause expressly find
26 otherwise. The court shall not order a defendant to pay costs, as
27 described in RCW 10.01.160, if the court finds that the person at the
28 time of sentencing is indigent as defined in RCW 10.101.010(3) (a)
29 through (c).

30 **Sec. 11.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read
31 as follows:

32 Hereafter whenever any judge of any superior court or a district
33 or municipal judge shall sentence any person to pay any fines,
34 penalties, assessments, fees, and costs, the judge may, in the
35 judge's discretion, provide that such fines, penalties, assessments,
36 fees, and costs may be paid in certain designated installments, or
37 within certain designated period or periods(~~(; and)~~). If the court

1 finds that the defendant is indigent as defined in RCW 10.101.010(3)
2 (a) through (c), the court shall allow for payment in certain
3 designated installments or within certain designated periods. If such
4 finer, penalties, assessments, fees, and costs shall be paid by the
5 defendant in accordance with such order no commitment or imprisonment
6 of the defendant shall be made for failure to pay such fine or costs.
7 PROVIDED, that the provisions of this section shall not apply to any
8 sentence given for the violation of any of the liquor laws of this
9 state.

10 **Sec. 12.** RCW 10.73.160 and 1995 c 275 s 3 are each amended to
11 read as follows:

12 (1) Except as provided in subsection (4) of this section, the
13 court of appeals, supreme court, and superior courts may require an
14 adult or a juvenile convicted of an offense or the parents or another
15 person legally obligated to support a juvenile offender to pay
16 appellate costs.

17 (2) Appellate costs are limited to expenses specifically incurred
18 by the state in prosecuting or defending an appeal or collateral
19 attack from a criminal conviction or sentence or a juvenile offender
20 conviction or disposition. Appellate costs shall not include
21 expenditures to maintain and operate government agencies that must be
22 made irrespective of specific violations of the law. Expenses
23 incurred for producing a verbatim report of proceedings and clerk's
24 papers may be included in costs the court may require a convicted
25 defendant or juvenile offender to pay.

26 (3) Costs, including recoupment of fees for court-appointed
27 counsel, shall be requested in accordance with the procedures
28 contained in Title 14 of the rules of appellate procedure and in
29 Title 9 of the rules for appeal of decisions of courts of limited
30 jurisdiction. An award of costs shall become part of the trial court
31 judgment and sentence. An award of costs in juvenile cases shall also
32 become part of any order previously entered in the trial court
33 pursuant to RCW 13.40.145.

34 (4) The court shall not order a defendant to pay appellate costs
35 if the defendant is indigent as defined in RCW 10.101.010(3) (a)
36 through (c) at the time the request for appellate costs is made.

37 (5) A defendant or juvenile offender who has been sentenced to
38 pay costs and who is not in (~~contumacious~~) willful default in the
39 payment may at any time after release from total confinement petition

1 the court that sentenced the defendant or juvenile offender for
2 remission of the payment of costs or of any unpaid portion. If it
3 appears to the satisfaction of the sentencing court that payment of
4 the amount due will impose manifest hardship on the defendant, the
5 defendant's immediate family, or the juvenile offender, the
6 sentencing court may remit all or part of the amount due in costs,
7 ~~((or))~~ modify the method of payment under RCW 10.01.170, or with the
8 defendant's or juvenile offender's consent convert the unpaid costs
9 to community restitution hours at the rate of no less than the state
10 minimum wage established in RCW 49.46.020 for each hour of community
11 restitution. Manifest hardship exists where the defendant or juvenile
12 offender is indigent as defined in RCW 10.101.010(3) (a) through (c)
13 and the indigency is unlikely to end in the future.

14 ~~((+5))~~ (6) The parents or another person legally obligated to
15 support a juvenile offender who has been ordered to pay appellate
16 costs pursuant to RCW 13.40.145 and who is not in ~~((contumacious))~~
17 willful default in the payment may at any time petition the court
18 that sentenced the juvenile offender for remission of the payment of
19 costs or of any unpaid portion. If it appears to the satisfaction of
20 the sentencing court that payment of the amount due will impose
21 manifest hardship on the parents or another person legally obligated
22 to support a juvenile offender or on their immediate families, the
23 sentencing court may remit all or part of the amount due in costs, or
24 may modify the method of payment.

25 **Sec. 13.** RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to
26 read as follows:

27 (1) If an offender violates any condition or requirement of a
28 sentence, and the offender is not being supervised by the department,
29 the court may modify its order of judgment and sentence and impose
30 further punishment in accordance with this section.

31 (2) If an offender fails to comply with any of the nonfinancial
32 conditions or requirements of a sentence the following provisions
33 apply:

34 (a) The court, upon the motion of the state, or upon its own
35 motion, shall require the offender to show cause why the offender
36 should not be punished for the noncompliance. The court may issue a
37 summons or a warrant of arrest for the offender's appearance;

38 (b) The state has the burden of showing noncompliance by a
39 preponderance of the evidence;

1 (c) If the court finds that a violation has been proved, it may
2 impose the sanctions specified in RCW 9.94A.633(1). Alternatively,
3 the court may:

4 (i) Convert a term of partial confinement to total confinement;
5 or

6 (ii) Convert community restitution obligation to total or partial
7 confinement; (~~or~~

8 ~~(iii) Convert monetary obligations, except restitution and the~~
9 ~~crime victim penalty assessment, to community restitution hours at~~
10 ~~the rate of the state minimum wage as established in RCW 49.46.020~~
11 ~~for each hour of community restitution;))~~

12 (d) If the court finds that the violation was not willful, the
13 court may modify its previous order regarding (~~payment of legal~~
14 ~~financial obligations and regarding~~) community restitution
15 obligations; and

16 (e) If the violation involves a failure to undergo or comply with
17 a mental health status evaluation and/or outpatient mental health
18 treatment, the court shall seek a recommendation from the treatment
19 provider or proposed treatment provider. Enforcement of orders
20 concerning outpatient mental health treatment must reflect the
21 availability of treatment and must pursue the least restrictive means
22 of promoting participation in treatment. If the offender's failure to
23 receive care essential for health and safety presents a risk of
24 serious physical harm or probable harmful consequences, the civil
25 detention and commitment procedures of chapter 71.05 RCW shall be
26 considered in preference to incarceration in a local or state
27 correctional facility.

28 (3) If an offender fails to pay legal financial obligations as a
29 requirement of a sentence the following provisions apply:

30 (a) The court, upon the motion of the state, or upon its own
31 motion, shall require the offender to show cause why the offender
32 should not be punished for the noncompliance. The court may issue a
33 summons or a warrant of arrest for the offender's appearance;

34 (b) The state has the burden of showing noncompliance by a
35 preponderance of the evidence;

36 (c) The court may not sanction the offender for failure to pay
37 legal financial obligations unless the court finds, after a hearing
38 and on the record, that the failure to pay is willful. A failure to
39 pay is willful if the offender has the current ability to pay but
40 refuses to do so. In determining whether the offender has the current

1 ability to pay, the court shall inquire into and consider: (i) The
2 offender's income and assets; (ii) the offender's basic living costs
3 as defined by RCW 10.101.010 and other liabilities including child
4 support and other legal financial obligations; and (iii) the
5 offender's bona fide efforts to acquire additional resources. An
6 offender who is indigent as defined by RCW 10.101.010(3) (a) through
7 (c) is presumed to lack the current ability to pay;

8 (d) If the court determines that the offender is homeless or a
9 person who is mentally ill, as defined in RCW 71.24.025, failure to
10 pay a legal financial obligation is not willful noncompliance and
11 shall not subject the offender to penalties;

12 (e) If the court finds that a failure to pay is willful
13 noncompliance, it may impose the sanctions specified in RCW
14 9.94A.633(1); and

15 (f) If the court finds that the violation was not willful, the
16 court may, and if the court finds that the defendant is indigent as
17 defined in RCW 10.101.010(3) (a) through (c), the court shall modify
18 the terms of payment of the legal financial obligations, reduce or
19 waive nonrestitution legal financial obligations, or with the
20 defendant's consent convert nonrestitution legal financial
21 obligations to community restitution hours at the rate of no less
22 than the state minimum wage established in RCW 49.46.020 for each
23 hour of community restitution. The crime victim penalty assessment
24 under RCW 7.68.035 may not be reduced, waived, or converted to
25 community restitution hours.

26 (4) Any time served in confinement awaiting a hearing on
27 noncompliance shall be credited against any confinement ordered by
28 the court.

29 ((+4)) (5) Nothing in this section prohibits the filing of
30 escape charges if appropriate.

31 **Sec. 14.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to
32 read as follows:

33 (1) Whenever a person is convicted in superior court, the court
34 may order the payment of a legal financial obligation as part of the
35 sentence. The court may not order an offender to pay costs as
36 described in RCW 10.01.160 if the court finds that the offender at
37 the time of sentencing is indigent as defined in RCW 10.101.010(3)
38 (a) through (c). An offender being indigent as defined in RCW
39 10.101.010(3) (a) through (c) is not grounds for failing to impose

1 restitution or the crime victim penalty assessment under RCW
2 7.68.035. The court must on either the judgment and sentence or on a
3 subsequent order to pay, designate the total amount of a legal
4 financial obligation and segregate this amount among the separate
5 assessments made for restitution, costs, fines, and other assessments
6 required by law. On the same order, the court is also to set a sum
7 that the offender is required to pay on a monthly basis towards
8 satisfying the legal financial obligation. If the court fails to set
9 the offender monthly payment amount, the department shall set the
10 amount if the department has active supervision of the offender,
11 otherwise the county clerk shall set the amount. Upon receipt of an
12 offender's monthly payment, (~~restitution shall be paid prior to any~~
13 ~~payments of other monetary obligations. After restitution is~~
14 ~~satisfied,~~) the county clerk shall distribute the payment
15 (~~proportionally among all other fines, costs, and assessments~~
16 ~~imposed~~) in accordance with subsection (2) of this section, unless
17 otherwise ordered by the court.

18 (2) An offender's monthly payment shall be applied to the
19 principal on restitution obligations in all cases within a
20 jurisdiction prior to payment of any other monetary obligations.
21 After restitution is satisfied, payment shall be distributed
22 proportionally among all other fines, costs other than costs of
23 incarceration, fees, penalties, and assessments imposed, unless
24 otherwise ordered by the court. Costs of incarceration shall be paid
25 after all other fines, costs, fees, penalties, and assessments are
26 satisfied. After the principal on all legal financial obligations is
27 satisfied, payment shall be distributed to interest.

28 (3) If the court determines that the offender, at the time of
29 sentencing, has the means to pay for the cost of incarceration, the
30 court may require the offender to pay for the cost of incarceration
31 (~~at~~). The court shall not order the offender to pay the cost of
32 incarceration if the court finds that the offender at the time of
33 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
34 (c). Costs of incarceration ordered by the court shall not exceed a
35 rate of fifty dollars per day of incarceration, if incarcerated in a
36 prison, or the (~~court may require the offender to pay the~~) actual
37 cost of incarceration per day of incarceration, if incarcerated in a
38 county jail. In no case may the court require the offender to pay
39 more than one hundred dollars per day for the cost of incarceration.
40 Payment of other court-ordered financial obligations, including all

1 legal financial obligations and costs of supervision shall take
2 precedence over the payment of the cost of incarceration ordered by
3 the court. All funds recovered from offenders for the cost of
4 incarceration in the county jail shall be remitted to the county and
5 the costs of incarceration in a prison shall be remitted to the
6 department.

7 ~~((3))~~ (4) The court may add to the judgment and sentence or
8 subsequent order to pay a statement that a notice of payroll
9 deduction is to be issued immediately. If the court chooses not to
10 order the immediate issuance of a notice of payroll deduction at
11 sentencing, the court shall add to the judgment and sentence or
12 subsequent order to pay a statement that a notice of payroll
13 deduction may be issued or other income-withholding action may be
14 taken, without further notice to the offender if a monthly court-
15 ordered legal financial obligation payment is not paid when due, and
16 an amount equal to or greater than the amount payable for one month
17 is owed.

18 If a judgment and sentence or subsequent order to pay does not
19 include the statement that a notice of payroll deduction may be
20 issued or other income-withholding action may be taken if a monthly
21 legal financial obligation payment is past due, the department or the
22 county clerk may serve a notice on the offender stating such
23 requirements and authorizations. Service shall be by personal service
24 or any form of mail requiring a return receipt.

25 ~~((4))~~ (5) Independent of the department or the county clerk,
26 the party or entity to whom the legal financial obligation is owed
27 shall have the authority to use any other remedies available to the
28 party or entity to collect the legal financial obligation. These
29 remedies include enforcement in the same manner as a judgment in a
30 civil action by the party or entity to whom the legal financial
31 obligation is owed. Restitution collected through civil enforcement
32 must be paid through the registry of the court and must be
33 distributed proportionately according to each victim's loss when
34 there is more than one victim. The judgment and sentence shall
35 identify the party or entity to whom restitution is owed so that the
36 state, party, or entity may enforce the judgment. If restitution is
37 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of
38 rape of a child or a victim's child born from the rape, the
39 Washington state child support registry shall be identified as the
40 party to whom payments must be made. Restitution obligations arising

1 from the rape of a child in the first, second, or third degree that
2 result in the pregnancy of the victim may be enforced for the time
3 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other
4 legal financial obligations for an offense committed prior to July 1,
5 2000, may be enforced at any time during the ten-year period
6 following the offender's release from total confinement or within ten
7 years of entry of the judgment and sentence, whichever period ends
8 later. Prior to the expiration of the initial ten-year period, the
9 superior court may extend the criminal judgment an additional ten
10 years for payment of legal financial obligations including crime
11 victims' assessments. All other legal financial obligations for an
12 offense committed on or after July 1, 2000, may be enforced at any
13 time the offender remains under the court's jurisdiction. For an
14 offense committed on or after July 1, 2000, the court shall retain
15 jurisdiction over the offender, for purposes of the offender's
16 compliance with payment of the legal financial obligations, until the
17 obligation is completely satisfied, regardless of the statutory
18 maximum for the crime. The department may only supervise the
19 offender's compliance with payment of the legal financial obligations
20 during any period in which the department is authorized to supervise
21 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
22 which the offender is confined in a state correctional institution or
23 a correctional facility pursuant to a transfer agreement with the
24 department, and the department shall supervise the offender's
25 compliance during any such period. The department is not responsible
26 for supervision of the offender during any subsequent period of time
27 the offender remains under the court's jurisdiction. The county clerk
28 is authorized to collect unpaid legal financial obligations at any
29 time the offender remains under the jurisdiction of the court for
30 purposes of his or her legal financial obligations.

31 ((+5)) (6) In order to assist the court in setting a monthly sum
32 that the offender must pay during the period of supervision, the
33 offender is required to report to the department for purposes of
34 preparing a recommendation to the court. When reporting, the offender
35 is required, under oath, to respond truthfully and honestly to all
36 questions concerning present, past, and future earning capabilities
37 and the location and nature of all property or financial assets. The
38 offender is further required to bring all documents requested by the
39 department.

1 (~~(6)~~) (7) After completing the investigation, the department
2 shall make a report to the court on the amount of the monthly payment
3 that the offender should be required to make towards a satisfied
4 legal financial obligation.

5 (~~(7)~~) (8)(a) During the period of supervision, the department
6 may make a recommendation to the court that the offender's monthly
7 payment schedule be modified so as to reflect a change in financial
8 circumstances. If the department sets the monthly payment amount, the
9 department may modify the monthly payment amount without the matter
10 being returned to the court. During the period of supervision, the
11 department may require the offender to report to the department for
12 the purposes of reviewing the appropriateness of the collection
13 schedule for the legal financial obligation. During this reporting,
14 the offender is required under oath to respond truthfully and
15 honestly to all questions concerning earning capabilities and the
16 location and nature of all property or financial assets. The offender
17 shall bring all documents requested by the department in order to
18 prepare the collection schedule.

19 (b) Subsequent to any period of supervision, or if the department
20 is not authorized to supervise the offender in the community, the
21 county clerk may make a recommendation to the court that the
22 offender's monthly payment schedule be modified so as to reflect a
23 change in financial circumstances. If the county clerk sets the
24 monthly payment amount, or if the department set the monthly payment
25 amount and the department has subsequently turned the collection of
26 the legal financial obligation over to the county clerk, the clerk
27 may modify the monthly payment amount without the matter being
28 returned to the court. During the period of repayment, the county
29 clerk may require the offender to report to the clerk for the purpose
30 of reviewing the appropriateness of the collection schedule for the
31 legal financial obligation. During this reporting, the offender is
32 required under oath to respond truthfully and honestly to all
33 questions concerning earning capabilities and the location and nature
34 of all property or financial assets. The offender shall bring all
35 documents requested by the county clerk in order to prepare the
36 collection schedule.

37 (~~(8)~~) (9) After the judgment and sentence or payment order is
38 entered, the department is authorized, for any period of supervision,
39 to collect the legal financial obligation from the offender.
40 Subsequent to any period of supervision or, if the department is not

1 authorized to supervise the offender in the community, the county
2 clerk is authorized to collect unpaid legal financial obligations
3 from the offender. Any amount collected by the department shall be
4 remitted daily to the county clerk for the purpose of disbursements.
5 The department and the county clerks are authorized, but not
6 required, to accept credit cards as payment for a legal financial
7 obligation, and any costs incurred related to accepting credit card
8 payments shall be the responsibility of the offender.

9 ~~((9))~~ (10) The department or any obligee of the legal financial
10 obligation may seek a mandatory wage assignment for the purposes of
11 obtaining satisfaction for the legal financial obligation pursuant to
12 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
13 the county clerk. The county clerks shall notify the department, or
14 the administrative office of the courts, whichever is providing the
15 monthly billing for the offender.

16 ~~((10))~~ (11) The requirement that the offender pay a monthly sum
17 towards a legal financial obligation constitutes a condition or
18 requirement of a sentence and the offender is subject to the
19 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
20 or 9.94A.740. If the court determines that the offender is homeless
21 or a person who is mentally ill, as defined in RCW 71.24.025, failure
22 to pay a legal financial obligation is not willful noncompliance and
23 shall not subject the offender to penalties.

24 ~~((11))~~ (12)(a) The administrative office of the courts shall
25 mail individualized periodic billings to the address known by the
26 office for each offender with an unsatisfied legal financial
27 obligation.

28 (b) The billing shall direct payments, other than outstanding
29 cost of supervision assessments under RCW 9.94A.780, parole
30 assessments under RCW 72.04A.120, and cost of probation assessments
31 under RCW 9.95.214, to the county clerk, and cost of supervision,
32 parole, or probation assessments to the department.

33 (c) The county clerk shall provide the administrative office of
34 the courts with notice of payments by such offenders no less
35 frequently than weekly.

36 (d) The county clerks, the administrative office of the courts,
37 and the department shall maintain agreements to implement this
38 subsection.

39 ~~((12))~~ (13) The department shall arrange for the collection of
40 unpaid legal financial obligations during any period of supervision

1 in the community through the county clerk. The department shall
2 either collect unpaid legal financial obligations or arrange for
3 collections through another entity if the clerk does not assume
4 responsibility or is unable to continue to assume responsibility for
5 collection pursuant to subsection ~~((4))~~ (5) of this section. The
6 costs for collection services shall be paid by the offender.

7 ~~((13))~~ (14) The county clerk may access the records of the
8 employment security department for the purposes of verifying
9 employment or income, seeking any assignment of wages, or performing
10 other duties necessary to the collection of an offender's legal
11 financial obligations.

12 ~~((14))~~ (15) Nothing in this chapter makes the department, the
13 state, the counties, or any state or county employees, agents, or
14 other persons acting on their behalf liable under any circumstances
15 for the payment of these legal financial obligations or for the acts
16 of any offender who is no longer, or was not, subject to supervision
17 by the department for a term of community custody, and who remains
18 under the jurisdiction of the court for payment of legal financial
19 obligations.

20 **Sec. 15.** RCW 9.94B.040 and 2002 c 175 s 8 are each amended to
21 read as follows:

22 (1) If an offender violates any condition or requirement of a
23 sentence, the court may modify its order of judgment and sentence and
24 impose further punishment in accordance with this section.

25 (2) In cases where conditions from a second or later sentence of
26 community supervision begin prior to the term of the second or later
27 sentence, the court shall treat a violation of such conditions as a
28 violation of the sentence of community supervision currently being
29 served.

30 (3) If an offender fails to comply with any of the nonfinancial
31 requirements or conditions of a sentence the following provisions
32 apply:

33 (a)(i) Following the violation, if the offender and the
34 department make a stipulated agreement, the department may impose
35 sanctions such as work release, home detention with electronic
36 monitoring, work crew, community restitution, inpatient treatment,
37 daily reporting, curfew, educational or counseling sessions,
38 supervision enhanced through electronic monitoring, jail time, or
39 other sanctions available in the community.

1 (ii) Within seventy-two hours of signing the stipulated
2 agreement, the department shall submit a report to the court and the
3 prosecuting attorney outlining the violation or violations, and
4 sanctions imposed. Within fifteen days of receipt of the report, if
5 the court is not satisfied with the sanctions, the court may schedule
6 a hearing and may modify the department's sanctions. If this occurs,
7 the offender may withdraw from the stipulated agreement.

8 (iii) If the offender fails to comply with the sanction
9 administratively imposed by the department, the court may take action
10 regarding the original noncompliance. Offender failure to comply with
11 the sanction administratively imposed by the department may be
12 considered an additional violation;

13 (b) In the absence of a stipulated agreement, or where the court
14 is not satisfied with the department's sanctions as provided in (a)
15 of this subsection, the court, upon the motion of the state, or upon
16 its own motion, shall require the offender to show cause why the
17 offender should not be punished for the noncompliance. The court may
18 issue a summons or a warrant of arrest for the offender's appearance;

19 (c) The state has the burden of showing noncompliance by a
20 preponderance of the evidence. If the court finds that the violation
21 has occurred, it may order the offender to be confined for a period
22 not to exceed sixty days for each violation, and may (i) convert a
23 term of partial confinement to total confinement, (ii) convert
24 community restitution obligation to total or partial confinement, or
25 ~~(iii) ((convert monetary obligations, except restitution and the~~
26 ~~crime victim penalty assessment, to community restitution hours at~~
27 ~~the rate of the state minimum wage as established in RCW 49.46.020~~
28 ~~for each hour of community restitution, or (iv))~~) order one or more
29 of the penalties authorized in (a)(i) of this subsection. Any time
30 served in confinement awaiting a hearing on noncompliance shall be
31 credited against any confinement order by the court;

32 (d) If the court finds that the violation was not willful, the
33 court may modify its previous order regarding ~~((payment of legal~~
34 ~~financial obligations and regarding))~~ community restitution
35 obligations; and

36 (e) If the violation involves a failure to undergo or comply with
37 mental status evaluation and/or outpatient mental health treatment,
38 the community corrections officer shall consult with the treatment
39 provider or proposed treatment provider. Enforcement of orders
40 concerning outpatient mental health treatment must reflect the

1 availability of treatment and must pursue the least restrictive means
2 of promoting participation in treatment. If the offender's failure to
3 receive care essential for health and safety presents a risk of
4 serious physical harm or probable harmful consequences, the civil
5 detention and commitment procedures of chapter 71.05 RCW shall be
6 considered in preference to incarceration in a local or state
7 correctional facility.

8 (4) If the violation involves failure to pay legal financial
9 obligations, the following provisions apply:

10 (a) The department and the offender may enter into a stipulated
11 agreement that the failure to pay was willful noncompliance,
12 according to the provisions and requirements of subsection (3)(a) of
13 this section;

14 (b) In the absence of a stipulated agreement, or where the court
15 is not satisfied with the department's sanctions as provided in a
16 stipulated agreement under (a) of this subsection, the court, upon
17 the motion of the state, or upon its own motion, shall require the
18 offender to show cause why the offender should not be punished for
19 the noncompliance. The court may issue a summons or a warrant of
20 arrest for the offender's appearance;

21 (c) The state has the burden of showing noncompliance by a
22 preponderance of the evidence. The court may not sanction the
23 offender for failure to pay legal financial obligations unless the
24 court finds, after a hearing and on the record, that the failure to
25 pay is willful. A failure to pay is willful if the offender has the
26 current ability to pay but refuses to do so. In determining whether
27 the offender has the current ability to pay, the court shall inquire
28 into and consider: (i) The offender's income and assets; (ii) the
29 offender's basic living costs as defined by RCW 10.101.010 and other
30 liabilities including child support and other legal financial
31 obligations; and (iii) the offender's bona fide efforts to acquire
32 additional resources. An offender who is indigent as defined by RCW
33 10.101.010(3) (a) through (c) is presumed to lack the current ability
34 to pay;

35 (d) If the court determines that the offender is homeless or a
36 person who is mentally ill, as defined in RCW 71.24.025, failure to
37 pay a legal financial obligation is not willful noncompliance and
38 shall not subject the offender to penalties;

39 (e) If the court finds that the failure to pay is willful
40 noncompliance, the court may order the offender to be confined for a

1 period not to exceed sixty days for each violation or order one or
2 more of the penalties authorized in subsection (3)(a)(i) of this
3 section; and

4 (f) If the court finds that the violation was not willful, the
5 court may, and if the court finds that the defendant is indigent as
6 defined in RCW 10.101.010(3) (a) through (c), the court shall modify
7 the terms of payment of the legal financial obligations, reduce or
8 waive nonrestitution legal financial obligations, or with the
9 defendant's consent convert nonrestitution legal financial
10 obligations to community restitution hours at the rate of no less
11 than the state minimum wage established in RCW 49.46.020 for each
12 hour of community restitution. The crime victim penalty assessment
13 under RCW 7.68.035 may not be reduced, waived, or converted to
14 community restitution hours.

15 (5) The community corrections officer may obtain information from
16 the offender's mental health treatment provider on the offender's
17 status with respect to evaluation, application for services,
18 registration for services, and compliance with the supervision plan,
19 without the offender's consent, as described under RCW 71.05.630.

20 ~~((+5))~~ (6) An offender under community placement or community
21 supervision who is civilly detained under chapter 71.05 RCW, and
22 subsequently discharged or conditionally released to the community,
23 shall be under the supervision of the department of corrections for
24 the duration of his or her period of community placement or community
25 supervision. During any period of inpatient mental health treatment
26 that falls within the period of community placement or community
27 supervision, the inpatient treatment provider and the supervising
28 community corrections officer shall notify each other about the
29 offender's discharge, release, and legal status, and shall share
30 other relevant information.

31 ~~((+6))~~ (7) Nothing in this section prohibits the filing of
32 escape charges if appropriate.

33 **Sec. 16.** RCW 3.62.085 and 2005 c 457 s 10 are each amended to
34 read as follows:

35 Upon conviction or a plea of guilty in any court organized under
36 this title or Title 35 RCW, a defendant in a criminal case is liable
37 for a fee of forty-three dollars, except this fee shall not be
38 imposed on a defendant who is indigent as defined in RCW
39 10.101.010(3) (a) through (c). This fee shall be subject to division

1 with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2),
2 3.62.040(2), and 35.20.220(2).

3 **Sec. 17.** RCW 36.18.020 and 2013 2nd sp.s. c 7 s 3 are each
4 amended to read as follows:

5 (1) Revenue collected under this section is subject to division
6 with the state under RCW 36.18.025 and with the county or regional
7 law library fund under RCW 27.24.070, except as provided in
8 subsection (5) of this section.

9 (2) Clerks of superior courts shall collect the following fees
10 for their official services:

11 (a) In addition to any other fee required by law, the party
12 filing the first or initial document in any civil action, including,
13 but not limited to an action for restitution, adoption, or change of
14 name, and any party filing a counterclaim, cross-claim, or third-
15 party claim in any such civil action, shall pay, at the time the
16 document is filed, a fee of two hundred dollars except, in an
17 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
18 the plaintiff shall pay a case initiating filing fee of forty-five
19 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
20 violation of the compulsory attendance laws where the petitioner
21 shall not pay a filing fee. The forty-five dollar filing fee under
22 this subsection for an unlawful detainer action shall not include an
23 order to show cause or any other order or judgment except a default
24 order or default judgment in an unlawful detainer action.

25 (b) Any party, except a defendant in a criminal case, filing the
26 first or initial document on an appeal from a court of limited
27 jurisdiction or any party on any civil appeal, shall pay, when the
28 document is filed, a fee of two hundred dollars.

29 (c) For filing of a petition for judicial review as required
30 under RCW 34.05.514 a filing fee of two hundred dollars.

31 (d) For filing of a petition for unlawful harassment under RCW
32 10.14.040 a filing fee of fifty-three dollars.

33 (e) For filing the notice of debt due for the compensation of a
34 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

35 (f) In probate proceedings, the party instituting such
36 proceedings, shall pay at the time of filing the first document
37 therein, a fee of two hundred dollars.

38 (g) For filing any petition to contest a will admitted to probate
39 or a petition to admit a will which has been rejected, or a petition

1 objecting to a written agreement or memorandum as provided in RCW
2 11.96A.220, there shall be paid a fee of two hundred dollars.

3 (h) Upon conviction or plea of guilty, upon failure to prosecute
4 an appeal from a court of limited jurisdiction as provided by law, or
5 upon affirmance of a conviction by a court of limited jurisdiction, a
6 defendant in a criminal case shall be liable for a fee of two hundred
7 dollars, except this fee shall not be imposed on a defendant who is
8 indigent as defined in RCW 10.101.010(3) (a) through (c).

9 (i) With the exception of demands for jury hereafter made and
10 garnishments hereafter issued, civil actions and probate proceedings
11 filed prior to midnight, July 1, 1972, shall be completed and
12 governed by the fee schedule in effect as of January 1, 1972.
13 However, no fee shall be assessed if an order of dismissal on the
14 clerk's record be filed as provided by rule of the supreme court.

15 (3) No fee shall be collected when a petition for relinquishment
16 of parental rights is filed pursuant to RCW 26.33.080 or for forms
17 and instructional brochures provided under RCW 26.50.030.

18 (4) No fee shall be collected when an abstract of judgment is
19 filed by the county clerk of another county for the purposes of
20 collection of legal financial obligations.

21 (5)(a) Until July 1, 2017, in addition to the fees required to be
22 collected under this section, clerks of the superior courts must
23 collect surcharges as provided in this subsection (5) of which
24 seventy-five percent must be remitted to the state treasurer for
25 deposit in the judicial stabilization trust account and twenty-five
26 percent must be retained by the county.

27 (b) On filing fees required to be collected under subsection
28 (2)(b) of this section, a surcharge of thirty dollars must be
29 collected.

30 (c) On all filing fees required to be collected under this
31 section, except for fees required under subsection (2)(b), (d), and
32 (h) of this section, a surcharge of forty dollars must be collected.

33 **Sec. 18.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to
34 read as follows:

35 Every sentence imposed for a crime specified in RCW 43.43.754
36 must include a fee of one hundred dollars unless the state has
37 previously collected the offender's DNA as a result of a prior
38 conviction. The fee is a court-ordered legal financial obligation as
39 defined in RCW 9.94A.030 and other applicable law. For a sentence

1 imposed under chapter 9.94A RCW, the fee is payable by the offender
2 after payment of all other legal financial obligations included in
3 the sentence has been completed. For all other sentences, the fee is
4 payable by the offender in the same manner as other assessments
5 imposed. The clerk of the court shall transmit eighty percent of the
6 fee collected to the state treasurer for deposit in the state DNA
7 database account created under RCW 43.43.7532, and shall transmit
8 twenty percent of the fee collected to the agency responsible for
9 collection of a biological sample from the offender as required under
10 RCW 43.43.754."

11 Correct the title.

--- END ---