

SHB 1481 - H AMD 199

By Representative Kagi

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

3 "Sec. 1. RCW 13.50.260 and 2014 c 175 s 4 are each amended to
4 read as follows:

5 (1)(a) The court shall hold regular sealing hearings. During
6 these regular sealing hearings, the court shall administratively seal
7 an individual's juvenile (~~court~~) record pursuant to the
8 requirements of this subsection unless the court receives an
9 objection to sealing or the court notes a compelling reason not to
10 seal, in which case, the court shall set a contested hearing to be
11 conducted on the record to address sealing. (~~The respondent and his
12 or her attorney shall be given at least eighteen days' notice of any
13 contested sealing hearing and the opportunity to respond to any
14 objections, but the respondent's presence is not required at any
15 sealing hearing pursuant to this subsection.~~) Although the juvenile
16 record shall be sealed, the social file may be available to any
17 juvenile justice or care agency when an investigation or case
18 involving the juvenile subject of the records is being prosecuted by
19 the juvenile justice or care agency or when the juvenile justice or
20 care agency is assigned the responsibility of supervising the
21 juvenile. The contested hearing shall be set no sooner than eighteen
22 days after notice of the hearing and the opportunity to object has
23 been sent to the juvenile, the victim, and juvenile's attorney. At a
24 contested hearing, the legal financial obligation except for the
25 restitution portion of the dispositional order may be modified as to
26 amount, terms, and conditions for good cause shown, including ability
27 to pay. The juvenile respondent's presence is not required at a
28 sealing hearing pursuant to this subsection.

29 (b) At the disposition hearing of a juvenile offender, the court
30 shall schedule an administrative sealing hearing to take place during
31 the first regularly scheduled sealing hearing after the latest of the
32 following events that apply:

33 (i) The respondent's eighteenth birthday;

1 (ii) Anticipated completion of a respondent's probation, if
2 ordered;

3 (iii) Anticipated release from confinement at the juvenile
4 rehabilitation administration, or the completion of parole, if the
5 respondent is transferred to the juvenile rehabilitation
6 administration.

7 (c) A court shall enter a written order sealing an individual's
8 juvenile court record pursuant to this subsection if:

9 (i) One of the offenses for which the court has entered a
10 disposition is not at the time of commission of the offense:

11 (A) A most serious offense, as defined in RCW 9.94A.030;

12 (B) A sex offense under chapter 9A.44 RCW; or

13 (C) A drug offense, as defined in RCW 9.94A.030; and

14 (ii) The respondent has completed the terms and conditions of
15 disposition, including affirmative conditions and ~~((financial~~
16 ~~obligations))~~ has paid the full amount of restitution owing to the
17 individual victim named in the charging document.

18 (d) Following a contested sealing hearing on the record after an
19 objection is made pursuant to (a) of this subsection, the court shall
20 enter a written order sealing the juvenile court record unless the
21 court determines that sealing is not appropriate.

22 (2) The court shall enter a written order immediately sealing the
23 official juvenile court record upon the acquittal after a fact
24 finding or upon the dismissal of charges with prejudice, subject to
25 the state's right, if any, to appeal the dismissal.

26 (3) If a juvenile court record has not already been sealed
27 pursuant to this section, in any case in which information has been
28 filed pursuant to RCW 13.40.100 or a complaint has been filed with
29 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
30 the person who is the subject of the information or complaint may
31 file a motion with the court to have the court vacate its order and
32 findings, if any, and, subject to RCW 13.50.050(13), order the
33 sealing of the official juvenile court record, the social file, and
34 records of the court and of any other agency in the case.

35 (4)(a) The court shall grant any motion to seal records for class
36 A offenses made pursuant to subsection (3) of this section if:

37 (i) Since the last date of release from confinement, including
38 full-time residential treatment, if any, or entry of disposition, the
39 person has spent five consecutive years in the community without

1 committing any offense or crime that subsequently results in an
2 adjudication or conviction;

3 (ii) No proceeding is pending against the moving party seeking
4 the conviction of a juvenile offense or a criminal offense;

5 (iii) No proceeding is pending seeking the formation of a
6 diversion agreement with that person;

7 (iv) The person is no longer required to register as a sex
8 offender under RCW 9A.44.130 or has been relieved of the duty to
9 register under RCW 9A.44.143 if the person was convicted of a sex
10 offense;

11 (v) The person has not been convicted of rape in the first
12 degree, rape in the second degree, or indecent liberties that was
13 actually committed with forcible compulsion; and

14 (vi) (~~Full restitution has been paid~~) The person has paid the
15 full amount of restitution owing to the individual victim named in
16 the charging document.

17 (b) The court shall grant any motion to seal records for class B,
18 (~~class~~) class C, gross misdemeanor, and misdemeanor offenses and
19 diversions made under subsection (3) of this section if:

20 (i) Since the date of last release from confinement, including
21 full-time residential treatment, if any, entry of disposition, or
22 completion of the diversion agreement, the person has spent two
23 consecutive years in the community without being convicted of any
24 offense or crime;

25 (ii) No proceeding is pending against the moving party seeking
26 the conviction of a juvenile offense or a criminal offense;

27 (iii) No proceeding is pending seeking the formation of a
28 diversion agreement with that person;

29 (iv) The person is no longer required to register as a sex
30 offender under RCW 9A.44.130 or has been relieved of the duty to
31 register under RCW 9A.44.143 if the person was convicted of a sex
32 offense; and

33 (v) (~~Full restitution has been paid~~) The person has paid the
34 full amount of restitution owing to the individual victim named in
35 the charging document.

36 (c) Notwithstanding the requirements in (a) or (b) of this
37 subsection, the court shall grant any motion to seal records of any
38 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
39 2012, if restitution has been paid and the person is eighteen years
40 of age or older at the time of the motion.

1 (5) The person making a motion pursuant to subsection (3) of this
2 section shall give reasonable notice of the motion to the prosecution
3 and to any person or agency whose records are sought to be sealed.

4 (6)(a) If the court enters a written order sealing the juvenile
5 court record pursuant to this section, it shall, subject to RCW
6 13.50.050(13), order sealed the official juvenile court record, the
7 social file, records of the offense maintained by the department of
8 licensing, and other records relating to the case as are named in the
9 order. Thereafter, the proceedings in the case shall be treated as if
10 they never occurred, and the subject of the records may reply
11 accordingly to any inquiry about the events, records of which are
12 sealed. Any agency shall reply to any inquiry concerning confidential
13 or sealed records that records are confidential, and no information
14 can be given about the existence or nonexistence of records
15 concerning an individual. The department of licensing may furnish
16 records the court has ordered sealed only to the extent necessary to
17 comply with federal law and regulation.

18 (b) In the event the subject of the juvenile records receives a
19 full and unconditional pardon, the proceedings in the matter upon
20 which the pardon has been granted shall be treated as if they never
21 occurred, and the subject of the records may reply accordingly to any
22 inquiry about the events upon which the pardon was received. Any
23 agency shall reply to any inquiry concerning the records pertaining
24 to the events for which the subject received a pardon that records
25 are confidential, and no information can be given about the existence
26 or nonexistence of records concerning an individual.

27 (7) Inspection of the files and records included in the order to
28 seal may thereafter be permitted only by order of the court upon
29 motion made by the person who is the subject of the information or
30 complaint, except as otherwise provided in RCW 13.50.010(8) and
31 13.50.050(13).

32 (8)(a) Any adjudication of a juvenile offense or a crime
33 subsequent to sealing has the effect of nullifying a sealing order;
34 however, the court may order the juvenile court record resealed upon
35 disposition of the subsequent matter if the case meets the sealing
36 criteria under this section and the court record has not previously
37 been resealed.

38 (b) Any charging of an adult felony subsequent to the sealing has
39 the effect of nullifying the sealing order.

1 (c) The administrative office of the courts shall ensure that the
2 superior court judicial information system provides prosecutors
3 access to information on the existence of sealed juvenile records.

4 (d) The Washington state patrol shall ensure that the Washington
5 state identification system provides criminal justice agencies access
6 to sealed juvenile record information only for the purposes of law
7 enforcement employment and concealed pistol license applications.

8 (9) If the juvenile court record has been sealed pursuant to this
9 section, the record of an employee is not admissible in an action for
10 liability against the employer based on the former juvenile
11 offender's conduct to show that the employer knew or should have
12 known of the juvenile record of the employee. The record may be
13 admissible, however, if a background check conducted or authorized by
14 the employer contained the information in the sealed record.

15 NEW SECTION. Sec. 2. A new section is added to chapter 13.40
16 RCW to read as follows:

17 Cities, towns, and counties may not impose any legal financial
18 obligations, fees, fines, or costs associated with juvenile offenses
19 unless there is express statutory authority for those legal financial
20 obligations, fees, fines, or costs.

21 **Sec. 3.** RCW 13.40.190 and 2014 c 175 s 7 are each amended to
22 read as follows:

23 (1)(a) In its dispositional order, the court shall require the
24 respondent to make restitution to any persons who have suffered loss
25 or damage as a result of the offense committed by the respondent. In
26 addition, restitution may be ordered for loss or damage if the
27 offender pleads guilty to a lesser offense or fewer offenses and
28 agrees with the prosecutor's recommendation that the offender be
29 required to pay restitution to a victim of an offense or offenses
30 which, pursuant to a plea agreement, are not prosecuted.

31 (b) Restitution may include the costs of counseling reasonably
32 related to the offense.

33 (c) The payment of restitution shall be in addition to any
34 punishment which is imposed pursuant to the other provisions of this
35 chapter.

36 (d) The court may determine the amount, terms, and conditions of
37 the restitution including a payment plan extending up to ten years if
38 the court determines that the respondent does not have the means to

1 make full restitution over a shorter period. If the court determines
2 that a juvenile has insufficient funds to pay and upon agreement of
3 the victim, the court may order performance of a number of hours of
4 community restitution in lieu of monetary penalty, at the rate of the
5 then state minimum wage per hour. The court shall allow the victim to
6 determine the nature of the community restitution to be completed
7 when it is practicable to do so. For the purposes of this section,
8 the respondent shall remain under the court's jurisdiction for a
9 maximum term of ten years after the respondent's eighteenth birthday
10 and, during this period, the restitution portion of the dispositional
11 order may be modified as to amount, terms, and conditions at any
12 time. Prior to the expiration of the ten-year period, the juvenile
13 court may extend the judgment for the payment of restitution for an
14 additional ten years. If the court grants a respondent's petition
15 pursuant to RCW 13.50.260, the court's jurisdiction under this
16 subsection shall terminate.

17 (e) Nothing in this section shall prevent a respondent from
18 petitioning the court pursuant to RCW 13.50.260 if the respondent has
19 paid the full restitution amount stated in the court's order and has
20 met the statutory criteria.

21 (f) If the respondent participated in the crime with another
22 person or other persons, (~~all such participants shall be jointly and~~
23 ~~severally responsible for the payment of restitution~~) the court may
24 either order joint and several restitution or may divide restitution
25 equally among the respondents. In determining whether restitution
26 should be joint and several or equally divided, the court shall
27 consider the interest and circumstances of the victim or victims, the
28 circumstances of the respondents, and the interest of justice.

29 (g) At any time, the court may determine that the respondent is
30 not required to pay, or may relieve the respondent of the requirement
31 to pay, full or partial restitution to any insurance provider
32 authorized under Title 48 RCW if the respondent reasonably satisfies
33 the court that he or she does not have the means to make full or
34 partial restitution to the insurance provider (~~and could not~~
35 ~~reasonably acquire the means to pay the insurance provider the~~
36 ~~restitution over a ten-year period~~)).

37 (2) Regardless of the provisions of subsection (1) of this
38 section, the court shall order restitution in all cases where the
39 victim is entitled to benefits under the crime victims' compensation
40 act, chapter 7.68 RCW. If the court does not order restitution and

1 the victim of the crime has been determined to be entitled to
2 benefits under the crime victims' compensation act, the department of
3 labor and industries, as administrator of the crime victims'
4 compensation program, may petition the court within one year of entry
5 of the disposition order for entry of a restitution order. Upon
6 receipt of a petition from the department of labor and industries,
7 the court shall hold a restitution hearing and shall enter a
8 restitution order.

9 (3) If an order includes restitution as one of the monetary
10 assessments, the county clerk shall make disbursements to victims
11 named in the order. The restitution to victims named in the order
12 shall be paid prior to any payment for other penalties or monetary
13 assessments. The county clerk shall make restitution disbursements to
14 victims prior to payments to any insurance provider under Title 48
15 RCW.

16 (4) For purposes of this section, "victim" means any person who
17 has sustained emotional, psychological, physical, or financial injury
18 to person or property as a direct result of the offense charged.
19 "Victim" may also include a known parent or guardian of a victim who
20 is a minor child or is not a minor child but is incapacitated,
21 incompetent, disabled, or deceased.

22 (5) A respondent under obligation to pay restitution may petition
23 the court for modification of the restitution order for good cause
24 shown, including inability to pay.

25 **Sec. 4.** RCW 7.68.035 and 2011 c 336 s 246 are each amended to
26 read as follows:

27 (1)~~((a))~~ When any ~~((person))~~ adult is found guilty in any
28 superior court of having committed a crime, except as provided in
29 subsection (2) of this section, there shall be imposed by the court
30 upon such convicted person a penalty assessment. The assessment shall
31 be in addition to any other penalty or fine imposed by law and shall
32 be five hundred dollars for each case or cause of action that
33 includes one or more convictions of a felony or gross misdemeanor and
34 two hundred fifty dollars for any case or cause of action that
35 includes convictions of only one or more misdemeanors.

36 ~~((b) When any juvenile is adjudicated of any offense in any~~
37 ~~juvenile offense disposition under Title 13 RCW, except as provided~~
38 ~~in subsection (2) of this section, there shall be imposed upon the~~
39 ~~juvenile offender a penalty assessment. The assessment shall be in~~

~~1 addition to any other penalty or fine imposed by law and shall be one
2 hundred dollars for each case or cause of action that includes one or
3 more adjudications for a felony or gross misdemeanor and seventy five
4 dollars for each case or cause of action that includes adjudications
5 of only one or more misdemeanors.))~~

6 (2) The assessment imposed by subsection (1) of this section
7 shall not apply to motor vehicle crimes defined in Title 46 RCW
8 except those defined in the following sections: RCW 46.61.520,
9 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
10 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
11 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
12 46.44.180, 46.10.490(2), and 46.09.470(2).

13 (3) When any person accused of having committed a crime posts
14 bail in superior court pursuant to the provisions of chapter 10.19
15 RCW and such bail is forfeited, there shall be deducted from the
16 proceeds of such forfeited bail a penalty assessment, in addition to
17 any other penalty or fine imposed by law, equal to the assessment
18 which would be applicable under subsection (1) of this section if the
19 person had been convicted of the crime.

20 (4) Such penalty assessments shall be paid by the clerk of the
21 superior court to the county treasurer who shall monthly transmit the
22 money as provided in RCW 10.82.070. Each county shall deposit fifty
23 percent of the money it receives per case or cause of action under
24 subsection (1) of this section and retains under RCW 10.82.070, not
25 less than one and seventy-five one-hundredths percent of the
26 remaining money it retains under RCW 10.82.070 and the money it
27 retains under chapter 3.62 RCW, and all money it receives under
28 subsection (7) of this section into a fund maintained exclusively for
29 the support of comprehensive programs to encourage and facilitate
30 testimony by the victims of crimes and witnesses to crimes. A program
31 shall be considered "comprehensive" only after approval of the
32 department upon application by the county prosecuting attorney. The
33 department shall approve as comprehensive only programs which:

34 (a) Provide comprehensive services to victims and witnesses of
35 all types of crime with particular emphasis on serious crimes against
36 persons and property. It is the intent of the legislature to make
37 funds available only to programs which do not restrict services to
38 victims or witnesses of a particular type or types of crime and that
39 such funds supplement, not supplant, existing local funding levels;

1 (b) Are administered by the county prosecuting attorney either
2 directly through the prosecuting attorney's office or by contract
3 between the county and agencies providing services to victims of
4 crime;

5 (c) Make a reasonable effort to inform the known victim or his or
6 her surviving dependents of the existence of this chapter and the
7 procedure for making application for benefits;

8 (d) Assist victims in the restitution and adjudication process;
9 and

10 (e) Assist victims of violent crimes in the preparation and
11 presentation of their claims to the department of labor and
12 industries under this chapter.

13 Before a program in any county west of the Cascade mountains is
14 submitted to the department for approval, it shall be submitted for
15 review and comment to each city within the county with a population
16 of more than one hundred fifty thousand. The department will consider
17 if the county's proposed comprehensive plan meets the needs of crime
18 victims in cases adjudicated in municipal, district or superior
19 courts and of crime victims located within the city and county.

20 (5) Upon submission to the department of a letter of intent to
21 adopt a comprehensive program, the prosecuting attorney shall retain
22 the money deposited by the county under subsection (4) of this
23 section until such time as the county prosecuting attorney has
24 obtained approval of a program from the department. Approval of the
25 comprehensive plan by the department must be obtained within one year
26 of the date of the letter of intent to adopt a comprehensive program.
27 The county prosecuting attorney shall not make any expenditures from
28 the money deposited under subsection (4) of this section until
29 approval of a comprehensive plan by the department. If a county
30 prosecuting attorney has failed to obtain approval of a program from
31 the department under subsection (4) of this section or failed to
32 obtain approval of a comprehensive program within one year after
33 submission of a letter of intent under this section, the county
34 treasurer shall monthly transmit one hundred percent of the money
35 deposited by the county under subsection (4) of this section to the
36 state treasurer for deposit in the state general fund.

37 (6) County prosecuting attorneys are responsible to make every
38 reasonable effort to insure that the penalty assessments of this
39 chapter are imposed and collected.

1 (7) Every city and town shall transmit monthly one and seventy-
2 five one-hundredths percent of all money, other than money received
3 for parking infractions, retained under RCW 3.50.100 and 35.20.220 to
4 the county treasurer for deposit as provided in subsection (4) of
5 this section.

6 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.50
7 RCW to read as follows:

8 (1) Courts and judicial agencies that maintain a database of
9 juvenile records may provide those records, whether sealed or not, to
10 government agencies for the purpose of carrying out research or data
11 gathering functions. This data may also be linked with records from
12 other agencies or research organizations, provided that any agency
13 receiving or using records under this subsection maintain strict
14 confidentiality of the identity of the juveniles who are the subjects
15 of such records.

16 (2) Juvenile records, whether sealed or not, can be provided
17 without personal identifiers to researchers conducting legitimate
18 research for educational, scientific, or public purposes, so long as
19 the data is not used by the recipients of the records to identify an
20 individual with a juvenile record.

21 **Sec. 6.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read
22 as follows:

23 (1) Any person who, with intent to deprive or defraud the owner
24 thereof, does any of the following shall be guilty of a gross
25 misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for
26 adult offenders, a mandatory fine of not less than five hundred
27 dollars per pet animal shall be imposed, except as provided by
28 subsection (2) of this section:

29 (a) Takes, leads away, confines, secretes or converts any pet
30 animal, except in cases in which the value of the pet animal exceeds
31 two hundred fifty dollars;

32 (b) Conceals the identity of any pet animal or its owner by
33 obscuring, altering, or removing from the pet animal any collar, tag,
34 license, tattoo, or other identifying device or mark;

35 (c) Willfully or recklessly kills or injures any pet animal,
36 unless excused by law.

37 (2) Nothing in this section shall prohibit a person from also
38 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,

1 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
2 9A.56.170 for possession of stolen property.

3 **Sec. 7.** RCW 9.08.072 and 2003 c 53 s 10 are each amended to read
4 as follows:

5 (1) It is unlawful for any person to receive with intent to sell
6 to a research institution in the state of Washington, or sell or
7 otherwise directly transfer to a research institution in the state of
8 Washington, a pet animal that the person knows or has reason to know
9 has been stolen or fraudulently obtained. This section does not apply
10 to U.S.D.A. licensed dealers.

11 (2) The first conviction under this section is a gross
12 misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for
13 adult offenders, a mandatory fine of not less than five hundred
14 dollars per pet animal shall be imposed.

15 (3) A second or subsequent conviction under this section is a
16 class C felony punishable according to chapter 9A.20 RCW and ~~((by))~~,
17 for adult offenders, a mandatory fine of not less than one thousand
18 dollars per pet animal shall be imposed.

19 (4) Nothing in this section shall prohibit a person from also
20 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
21 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
22 9A.56.170 for possession of stolen property.

23 **Sec. 8.** RCW 9.46.1961 and 2002 c 253 s 2 are each amended to
24 read as follows:

25 (1) A person is guilty of cheating in the first degree if he or
26 she engages in cheating and:

27 (a) Knowingly causes, aids, abets, or conspires with another to
28 engage in cheating; or

29 (b) Holds a license or similar permit issued by the state of
30 Washington to conduct, manage, or act as an employee in an authorized
31 gambling activity.

32 (2) Cheating in the first degree is a class C felony subject to
33 the penalty set forth in RCW 9A.20.021. In addition to any other
34 penalties imposed by law for a conviction of a violation of this
35 section the court may impose an additional penalty of up to twenty
36 thousand dollars on adult offenders.

1 **Sec. 9.** RCW 9.68A.105 and 2013 c 121 s 4 are each amended to
2 read as follows:

3 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
4 9.68A.101, and 9.68A.102, ~~((a person))~~ an adult offender who is
5 either convicted or given a deferred sentence or a deferred
6 prosecution or who has entered into a statutory or nonstatutory
7 diversion agreement as a result of an arrest for violating RCW
8 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
9 municipal ordinance shall be assessed a five thousand dollar fee.

10 (b) The court may not reduce, waive, or suspend payment of all or
11 part of the fee assessed unless it finds, on the record, that the
12 ~~((person))~~ adult offender does not have the ability to pay in which
13 case it may reduce the fee by an amount up to two-thirds of the
14 maximum allowable fee.

15 ~~((c) When a minor has been adjudicated a juvenile offender or
16 has entered into a statutory or nonstatutory diversion agreement for
17 an offense which, if committed by an adult, would constitute a
18 violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable
19 county or municipal ordinance, the court shall assess the fee under
20 (a) of this subsection. The court may not reduce, waive, or suspend
21 payment of all or part of the fee assessed unless it finds, on the
22 record, that the minor does not have the ability to pay the fee in
23 which case it may reduce the fee by an amount up to two-thirds of the
24 maximum allowable fee.))~~

25 (2) Fees assessed under this section shall be collected by the
26 clerk of the court and remitted to the treasurer of the county where
27 the offense occurred for deposit in the county general fund, except
28 in cases in which the offense occurred in a city or town that
29 provides for its own law enforcement, in which case these amounts
30 shall be remitted to the treasurer of the city or town for deposit in
31 the general fund of the city or town. Revenue from the fees must be
32 used for local efforts to reduce the commercial sale of sex
33 including, but not limited to, increasing enforcement of commercial
34 sex laws.

35 (a) At least fifty percent of the revenue from fees imposed under
36 this section must be spent on prevention, including education
37 programs for offenders, such as john school, and rehabilitative
38 services for victims, such as mental health and substance abuse
39 counseling, parenting skills, training, housing relief, education,
40 vocational training, drop-in centers, and employment counseling.

1 (b) Two percent of the revenue from fees imposed under this
2 section shall be remitted quarterly to the department of commerce,
3 together with a report detailing the fees assessed, the revenue
4 received, and how that revenue was spent.

5 (c) Revenues from these fees are not subject to the distribution
6 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
7 35.20.220.

8 (3) For the purposes of this section:

9 (a) "Statutory or nonstatutory diversion agreement" means an
10 agreement under RCW 13.40.080 or any written agreement between a
11 person accused of an offense listed in subsection (1) of this section
12 and a court, county or city prosecutor, or designee thereof, whereby
13 the person agrees to fulfill certain conditions in lieu of
14 prosecution.

15 (b) "Deferred sentence" means a sentence that will not be carried
16 out if the defendant meets certain requirements, such as complying
17 with the conditions of probation.

18 **Sec. 10.** RCW 9.68A.106 and 2013 c 9 s 1 are each amended to read
19 as follows:

20 (1) In addition to all other penalties under this chapter, ((a
21 ~~person~~)) an adult offender convicted of an offense under RCW
22 9.68A.100, 9.68A.101, or 9.68A.102 shall be assessed an additional
23 fee of five thousand dollars per offense when the court finds that an
24 internet advertisement in which the victim of the crime was described
25 or depicted was instrumental in facilitating the commission of the
26 crime.

27 (2) For purposes of this section, an "internet advertisement"
28 means a statement in electronic media that would be understood by a
29 reasonable person to be an implicit or explicit offer for sexual
30 contact or sexual intercourse, both as defined in chapter 9A.44 RCW,
31 in exchange for something of value.

32 (3) Amounts collected as penalties under this section shall be
33 deposited in the account established under RCW 43.63A.740.

34 **Sec. 11.** RCW 9.94A.550 and 2003 c 53 s 59 are each amended to
35 read as follows:

36 Unless otherwise provided by a statute of this state, on all
37 sentences under this chapter the court may impose fines on adult
38 offenders according to the following ranges:

1	Class A felonies	\$0 - 50,000
2	Class B felonies	\$0 - 20,000
3	Class C felonies	\$0 - 10,000

4 [2003 c 53 § 59; 1984 c 209 § 23. Formerly RCW 9.94A.386.]

5 **Sec. 12.** RCW 9A.20.021 and 2011 c 96 s 13 are each amended to
6 read as follows:

7 (1) Felony. Unless a different maximum sentence for a classified
8 felony is specifically established by a statute of this state, no
9 person convicted of a classified felony shall be punished by
10 confinement or fine exceeding the following:

11 (a) For a class A felony, by confinement in a state correctional
12 institution for a term of life imprisonment, or by a fine in an
13 amount fixed by the court of fifty thousand dollars, or by both such
14 confinement and fine;

15 (b) For a class B felony, by confinement in a state correctional
16 institution for a term of ten years, or by a fine in an amount fixed
17 by the court of twenty thousand dollars, or by both such confinement
18 and fine;

19 (c) For a class C felony, by confinement in a state correctional
20 institution for five years, or by a fine in an amount fixed by the
21 court of ten thousand dollars, or by both such confinement and fine.

22 (2) Gross misdemeanor. Every person convicted of a gross
23 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
24 in the county jail for a maximum term fixed by the court of up to
25 three hundred sixty-four days, or by a fine in an amount fixed by the
26 court of not more than five thousand dollars, or by both such
27 imprisonment and fine.

28 (3) Misdemeanor. Every person convicted of a misdemeanor defined
29 in Title 9A RCW shall be punished by imprisonment in the county jail
30 for a maximum term fixed by the court of not more than ninety days,
31 or by a fine in an amount fixed by the court of not more than one
32 thousand dollars, or by both such imprisonment and fine.

33 (4) This section applies to only those crimes committed on or
34 after July 1, 1984.

35 (5) The fines in this section apply to adult offenders only.

1 **Sec. 13.** RCW 9A.50.030 and 1993 c 128 s 4 are each amended to
2 read as follows:

3 (1) A violation of RCW 9A.50.020 is a gross misdemeanor. A person
4 convicted of violating RCW 9A.50.020 shall be punished as follows:

5 (~~(1)~~) (a) For a first offense, a fine of not less than two
6 hundred fifty dollars and a jail term of not less than twenty-four
7 consecutive hours;

8 (~~(2)~~) (b) For a second offense, a fine of not less than five
9 hundred dollars and a jail term of not less than seven consecutive
10 days; and

11 (~~(3)~~) (c) For a third or subsequent offense, a fine of not less
12 than one thousand dollars and a jail term of not less than thirty
13 consecutive days.

14 (2) The fines imposed by this section apply to adult offenders
15 only.

16 **Sec. 14.** RCW 9A.56.060 and 2009 c 431 s 10 are each amended to
17 read as follows:

18 (1) Any person who shall with intent to defraud, make, or draw,
19 or utter, or deliver to another person any check, or draft, on a bank
20 or other depository for the payment of money, knowing at the time of
21 such drawing, or delivery, that he or she has not sufficient funds
22 in, or credit with the bank or other depository, to meet the check or
23 draft, in full upon its presentation, is guilty of unlawful issuance
24 of bank check. The word "credit" as used herein shall be construed to
25 mean an arrangement or understanding with the bank or other
26 depository for the payment of such check or draft, and the uttering
27 or delivery of such a check or draft to another person without such
28 fund or credit to meet the same shall be prima facie evidence of an
29 intent to defraud.

30 (2) Any person who shall with intent to defraud, make, or draw,
31 or utter, or deliver to another person any check, or draft on a bank
32 or other depository for the payment of money and who issues a stop-
33 payment order directing the bank or depository on which the check is
34 drawn not to honor the check, and who fails to make payment of money
35 in the amount of the check or draft or otherwise arrange a settlement
36 agreed upon by the holder of the check within twenty days of issuing
37 the check or draft is guilty of unlawful issuance of a bank check.

38 (3) When any series of transactions which constitute unlawful
39 issuance of a bank check would, when considered separately,

1 constitute unlawful issuance of a bank check in an amount of seven
2 hundred fifty dollars or less because of value, and the series of
3 transactions are a part of a common scheme or plan, the transactions
4 may be aggregated in one count and the sum of the value of all of the
5 transactions shall be the value considered in determining whether the
6 unlawful issuance of a bank check is to be punished as a class C
7 felony or a gross misdemeanor.

8 (4) Unlawful issuance of a bank check in an amount greater than
9 seven hundred fifty dollars is a class C felony.

10 (5) Unlawful issuance of a bank check in an amount of seven
11 hundred fifty dollars or less is a gross misdemeanor and shall be
12 punished as follows:

13 (a) The court shall order the defendant to make full restitution;

14 (b) The defendant need not be imprisoned, but the court shall
15 impose a fine of up to one thousand one hundred twenty-five dollars
16 for adult offenders. Of the fine imposed, at least three hundred
17 seventy-five dollars or an amount equal to one hundred fifty percent
18 of the amount of the bank check, whichever is greater, shall not be
19 suspended or deferred. Upon conviction for a second offense within
20 any twelve-month period, the court may not suspend or defer any
21 portion of the fine.

22 **Sec. 15.** RCW 9A.56.085 and 2003 c 53 s 76 are each amended to
23 read as follows:

24 (1) Whenever ((~~a person~~)) an adult offender is convicted of a
25 violation of RCW 9A.56.080 or 9A.56.083, the convicting court shall
26 order the person to pay the amount of two thousand dollars for each
27 animal killed or possessed.

28 (2) For the purpose of this section, the term "convicted"
29 includes a plea of guilty, a finding of guilt regardless of whether
30 the imposition of the sentence is deferred or any part of the penalty
31 is suspended, or the levying of a fine.

32 (3) If two or more persons are convicted of any violation of this
33 section, the amount required under this section shall be imposed upon
34 them jointly and severally.

35 (4) The fine in this section shall be imposed in addition to and
36 regardless of any penalty, including fines or costs, that is provided
37 for any violation of this section. The amount imposed by this section
38 shall be included by the court in any pronouncement of sentence and
39 may not be suspended, waived, modified, or deferred in any respect.

1 Nothing in this section may be construed to abridge or alter
2 alternative rights of action or remedies in equity or under common
3 law or statutory law, criminal or civil.

4 (5) A defaulted payment or any installment payment may be
5 collected by any means authorized by law for the enforcement of
6 orders of the court or collection of a fine or costs, including
7 vacation of a deferral of sentencing or of a suspension of sentence.

8 (6) The two thousand dollars additional penalty shall be remitted
9 by the county treasurer to the state treasurer as provided under RCW
10 10.82.070.

11 **Sec. 16.** RCW 9A.88.120 and 2013 c 121 s 5 are each amended to
12 read as follows:

13 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and
14 9A.88.030, (~~a person~~) an adult offender who is either convicted or
15 given a deferred sentence or a deferred prosecution or who has
16 entered into a statutory or nonstatutory diversion agreement as a
17 result of an arrest for violating RCW 9A.88.010, 9A.88.030, or
18 comparable county or municipal ordinances shall be assessed a fifty
19 dollar fee.

20 (b) In addition to penalties set forth in RCW 9A.88.090, (~~a
21 person~~) an adult offender who is either convicted or given a
22 deferred sentence or a deferred prosecution or who has entered into a
23 statutory or nonstatutory diversion agreement as a result of an
24 arrest for violating RCW 9A.88.090 or comparable county or municipal
25 ordinances shall be assessed a fee in the amount of:

26 (i) One thousand five hundred dollars if the defendant has no
27 prior convictions, deferred sentences, deferred prosecutions, or
28 statutory or nonstatutory diversion agreements for this offense;

29 (ii) Two thousand five hundred dollars if the defendant has one
30 prior conviction, deferred sentence, deferred prosecution, or
31 statutory or nonstatutory diversion agreement for this offense; and

32 (iii) Five thousand dollars if the defendant has two or more
33 prior convictions, deferred sentences, deferred prosecutions, or
34 statutory or nonstatutory diversion agreements for this offense.

35 (c) In addition to penalties set forth in RCW 9A.88.110, a person
36 who is either convicted or given a deferred sentence or a deferred
37 prosecution or who has entered into a statutory or nonstatutory
38 diversion agreement as a result of an arrest for violating RCW

1 9A.88.110 or a comparable county or municipal ordinance shall be
2 assessed a fee in the amount of:

3 (i) One thousand five hundred dollars if the defendant has no
4 prior convictions, deferred sentences, deferred prosecutions, or
5 statutory or nonstatutory diversion agreements for this offense;

6 (ii) Two thousand five hundred dollars if the defendant has one
7 prior conviction, deferred sentence, deferred prosecution, or
8 statutory or nonstatutory diversion agreement for this offense; and

9 (iii) Five thousand dollars if the defendant has two or more
10 prior convictions, deferred sentences, deferred prosecutions, or
11 statutory or nonstatutory diversion agreements for this offense.

12 (d) In addition to penalties set forth in RCW 9A.88.070 and
13 9A.88.080, a person who is either convicted or given a deferred
14 sentence or a deferred prosecution or who has entered into a
15 statutory or nonstatutory diversion agreement as a result of an
16 arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county
17 or municipal ordinances shall be assessed a fee in the amount of:

18 (i) Three thousand dollars if the defendant has no prior
19 convictions, deferred sentences, deferred prosecutions, or statutory
20 or nonstatutory diversion agreements for this offense;

21 (ii) Six thousand dollars if the defendant has one prior
22 conviction, deferred sentence, deferred prosecution, or statutory or
23 nonstatutory diversion agreement for this offense; and

24 (iii) Ten thousand dollars if the defendant has two or more prior
25 convictions, deferred sentences, deferred prosecutions, or statutory
26 or nonstatutory diversion agreements for this offense.

27 ~~(2) ((When a minor has been adjudicated a juvenile offender or
28 has entered into a statutory or nonstatutory diversion agreement for
29 an offense which, if committed by an adult, would constitute a
30 violation under this chapter or comparable county or municipal
31 ordinances, the court shall assess the fee as specified under
32 subsection (1) of this section.~~

33 ~~(3))~~) The court shall not reduce, waive, or suspend payment of
34 all or part of the assessed fee in this section unless it finds, on
35 the record, that the offender does not have the ability to pay the
36 fee in which case it may reduce the fee by an amount up to two-thirds
37 of the maximum allowable fee.

38 (a) A superior court may, as described in RCW 9.94A.760, set a
39 sum that the offender is required to pay on a monthly basis towards
40 satisfying the fee imposed in this section.

1 (b) A district or municipal court may enter into a payment plan
2 with the defendant, in which the fee assessed in this section is paid
3 through scheduled periodic payments. The court may assess the
4 defendant a reasonable fee for administrative services related to the
5 operation of the payment plan.

6 (~~(4)~~) (3) Fees assessed under this section shall be collected
7 by the clerk of the court and remitted to the treasurer of the county
8 where the offense occurred for deposit in the county general fund,
9 except in cases in which the offense occurred in a city or town that
10 provides for its own law enforcement, in which case these amounts
11 shall be remitted to the treasurer of the city or town for deposit in
12 the general fund of the city or town. Revenue from the fees must be
13 used for local efforts to reduce the commercial sale of sex
14 including, but not limited to, increasing enforcement of commercial
15 sex laws.

16 (a) At least fifty percent of the revenue from fees imposed under
17 this section must be spent on prevention, including education
18 programs for offenders, such as john school, and rehabilitative
19 services for victims, such as mental health and substance abuse
20 counseling, parenting skills, training, housing relief, education,
21 vocational training, drop-in centers, and employment counseling.

22 (b) Two percent of the revenue from fees imposed under this
23 section shall be remitted quarterly to the department of commerce,
24 together with a report detailing the fees assessed, the revenue
25 received, and how that revenue was spent.

26 (c) Revenues from these fees are not subject to the distribution
27 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
28 35.20.220.

29 (~~(5)~~) (4) For the purposes of this section:

30 (a) "Statutory or nonstatutory diversion agreement" means an
31 agreement under RCW 13.40.080 or any written agreement between a
32 person accused of an offense listed in subsection (1) of this section
33 and a court, county, or city prosecutor, or designee thereof, whereby
34 the person agrees to fulfill certain conditions in lieu of
35 prosecution.

36 (b) "Deferred sentence" means a sentence that will not be carried
37 out if the defendant meets certain requirements, such as complying
38 with the conditions of probation.

1 **Sec. 17.** RCW 9A.88.140 and 2013 c 121 s 6 are each amended to
2 read as follows:

3 (1)(a) Upon an arrest for a suspected violation of patronizing a
4 prostitute, promoting prostitution in the first degree, promoting
5 prostitution in the second degree, promoting travel for prostitution,
6 the arresting law enforcement officer may impound the person's
7 vehicle if (i) the motor vehicle was used in the commission of the
8 crime; (ii) the person arrested is the owner of the vehicle or the
9 vehicle is a rental car as defined in RCW 46.04.465; and (iii) either
10 (A) the person arrested has previously been convicted of one of the
11 offenses listed in this subsection or (B) the offense was committed
12 within an area designated under (b) of this subsection.

13 (b) A local governing authority may designate areas within which
14 vehicles are subject to impoundment under this section regardless of
15 whether the person arrested has previously been convicted of any of
16 the offenses listed in (a) of this subsection.

17 (i) The designation must be based on evidence indicating that the
18 area has a disproportionately higher number of arrests for the
19 offenses listed in (a) of this subsection as compared to other areas
20 within the same jurisdiction.

21 (ii) The local governing authority shall post signs at the
22 boundaries of the designated area to indicate that the area has been
23 designated under this subsection.

24 (2) Upon an arrest for a suspected violation of commercial sexual
25 abuse of a minor, promoting commercial sexual abuse of a minor, or
26 promoting travel for commercial sexual abuse of a minor, the
27 arresting law enforcement officer shall impound the person's vehicle
28 if (a) the motor vehicle was used in the commission of the crime; and
29 (b) the person arrested is the owner of the vehicle or the vehicle is
30 a rental car as defined in RCW 46.04.465.

31 (3) Impoundments performed under this section shall be in
32 accordance with chapter 46.55 RCW and the impoundment order must
33 clearly state "prostitution hold."

34 (4)(a) Prior to redeeming the impounded vehicle, and in addition
35 to all applicable impoundment, towing, and storage fees paid to the
36 towing company under chapter 46.55 RCW, ~~((the))~~ an adult owner of
37 ~~((the))~~ an impounded vehicle must pay a fine to the impounding
38 agency. The fine shall be five hundred dollars for the offenses
39 specified in subsection (1) of this section, or two thousand five

1 hundred dollars for the offenses specified in subsection (2) of this
2 section.

3 (b) Upon receipt of the fine paid under (a) of this subsection,
4 the impounding agency shall issue a written receipt to the owner of
5 the impounded vehicle.

6 (c) Fines assessed under this section shall be collected by the
7 clerk of the court and remitted to the treasurer of the county where
8 the offense occurred for deposit in the county general fund, except
9 in cases in which the offense occurred in a city or town that
10 provides for its own law enforcement, in which case these amounts
11 shall be remitted to the treasurer of the city or town for deposit in
12 the general fund of the city or town. Revenue from the fines must be
13 used for local efforts to reduce the commercial sale of sex
14 including, but not limited to, increasing enforcement of commercial
15 sex laws.

16 (i) At least fifty percent of the revenue from fines imposed
17 under this section must be spent on prevention, including education
18 programs for offenders, such as john school, and rehabilitative
19 services for victims, such as mental health and substance abuse
20 counseling, parenting skills, training, housing relief, education,
21 vocational training, drop-in centers, and employment counseling.

22 (ii) Two percent of the revenue from fines imposed under this
23 section shall be remitted quarterly to the department of commerce,
24 together with a report detailing the fees assessed, the revenue
25 received, and how that revenue was spent.

26 (iii) Revenues from these fees are not subject to the
27 distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040,
28 10.82.070, or 35.20.220.

29 (5)(a) In order to redeem a vehicle impounded under this section,
30 the owner must provide the towing company with the written receipt
31 issued under subsection (4)(b) of this section.

32 (b) The written receipt issued under subsection (4)(b) of this
33 section authorizes the towing company to release the impounded
34 vehicle upon payment of all impoundment, towing, and storage fees.

35 (c) A towing company that relies on a forged receipt to release a
36 vehicle impounded under this section is not liable to the impounding
37 authority for any unpaid fine under subsection (4)(a) of this
38 section.

39 (6)(a) In any proceeding under chapter 46.55 RCW to contest the
40 validity of an impoundment under this section where the claimant

1 substantially prevails, the claimant is entitled to a full refund of
2 the impoundment, towing, and storage fees paid under chapter 46.55
3 RCW and the five hundred dollar fine paid under subsection (4) of
4 this section.

5 (b) If the person is found not guilty at trial for a crime listed
6 under subsection (1) of this section, the person is entitled to a
7 full refund of the impoundment, towing, and storage fees paid under
8 chapter 46.55 RCW and the fine paid under subsection (4) of this
9 section.

10 (c) All refunds made under this section shall be paid by the
11 impounding agency.

12 (d) Prior to receiving any refund under this section, the
13 claimant must provide proof of payment.

14 **Sec. 18.** RCW 10.73.160 and 1995 c 275 s 3 are each amended to
15 read as follows:

16 (1) The court of appeals, supreme court, and superior courts may
17 require an adult (~~((or a juvenile))~~) offender convicted of an offense
18 (~~((or the parents or another person legally obligated to support a
19 juvenile offender))~~) to pay appellate costs.

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

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

37 (4) A defendant (~~((or juvenile offender))~~) who has been sentenced
38 to pay costs and who is not in contumacious default in the payment
39 may at any time petition the court that sentenced the defendant or

1 juvenile offender for remission of the payment of costs or of any
2 unpaid portion. If it appears to the satisfaction of the sentencing
3 court that payment of the amount due will impose manifest hardship on
4 the defendant((~~τ~~)) or the defendant's immediate family(~~(, or the~~
5 ~~juvenile offender)~~), the sentencing court may remit all or part of
6 the amount due in costs, or modify the method of payment under RCW
7 10.01.170.

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

19 **Sec. 19.** RCW 10.82.090 and 2011 c 106 s 2 are each amended to
20 read as follows:

21 (1) Except as provided in subsection (2) of this section,
22 financial obligations imposed in a judgment shall bear interest from
23 the date of the judgment until payment, at the rate applicable to
24 civil judgments. All nonrestitution interest retained by the court
25 shall be split twenty-five percent to the state treasurer for deposit
26 in the state general fund, twenty-five percent to the state treasurer
27 for deposit in the judicial information system account as provided in
28 RCW 2.68.020, twenty-five percent to the county current expense fund,
29 and twenty-five percent to the county current expense fund to fund
30 local courts.

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

35 (a) The court shall waive all interest on the portions of the
36 legal financial obligations that are not restitution that accrued
37 during the term of total confinement for the conviction giving rise
38 to the financial obligations, provided the offender shows that the

1 interest creates a hardship for the offender or his or her immediate
2 family;

3 (b) The court may reduce interest on the restitution portion of
4 the legal financial obligations only if the principal has been paid
5 in full;

6 (c) The court may otherwise reduce or waive the interest on the
7 portions of the legal financial obligations that are not restitution
8 if the offender shows that he or she has personally made a good faith
9 effort to pay and that the interest accrual is causing a significant
10 hardship. For purposes of this section, "good faith effort" means
11 that the offender has either (i) paid the principal amount in full;
12 or (ii) made at least fifteen monthly payments within an eighteen-
13 month period, excluding any payments mandatorily deducted by the
14 department of corrections;

15 (d) For purposes of (a) through (c) of this subsection, the court
16 may reduce or waive interest on legal financial obligations only as
17 an incentive for the offender to meet his or her legal financial
18 obligations. The court may grant the motion, establish a payment
19 schedule, and retain jurisdiction over the offender for purposes of
20 reviewing and revising the reduction or waiver of interest.

21 (3) This section only applies to (~~persons convicted as adults or~~
22 ~~adjudicated in juvenile court~~) adult offenders.

23 **Sec. 20.** RCW 10.99.080 and 2004 c 15 s 2 are each amended to
24 read as follows:

25 (1) All superior courts, and courts organized under Title 3 or 35
26 RCW, may impose a penalty assessment not to exceed one hundred
27 dollars on any (~~person~~) adult offender convicted of a crime
28 involving domestic violence. The assessment shall be in addition to,
29 and shall not supersede, any other penalty, restitution, fines, or
30 costs provided by law.

31 (2) Revenue from the assessment shall be used solely for the
32 purposes of establishing and funding domestic violence advocacy and
33 domestic violence prevention and prosecution programs in the city or
34 county of the court imposing the assessment. Revenue from the
35 assessment shall not be used for indigent criminal defense. If the
36 city or county does not have domestic violence advocacy or domestic
37 violence prevention and prosecution programs, cities and counties may
38 use the revenue collected from the assessment to contract with
39 recognized community-based domestic violence program providers.

1 (3) The assessment imposed under this section shall not be
2 subject to any state or local remittance requirements under chapter
3 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

4 (4) For the purposes of this section, "convicted" includes a plea
5 of guilty, a finding of guilt regardless of whether the imposition of
6 the sentence is deferred or any part of the penalty is suspended, or
7 the levying of a fine. For the purposes of this section, "domestic
8 violence" has the same meaning as that term is defined under RCW
9 10.99.020 and includes violations of equivalent local ordinances.

10 (5) When determining whether to impose a penalty assessment under
11 this section, judges are encouraged to solicit input from the victim
12 or representatives for the victim in assessing the ability of the
13 convicted offender to pay the penalty, including information
14 regarding current financial obligations, family circumstances, and
15 ongoing restitution.

16 **Sec. 21.** RCW 13.40.080 and 2014 c 128 s 5 are each amended to
17 read as follows:

18 (1) A diversion agreement shall be a contract between a juvenile
19 accused of an offense and a diversion unit whereby the juvenile
20 agrees to fulfill certain conditions in lieu of prosecution. Such
21 agreements may be entered into only after the prosecutor, or
22 probation counselor pursuant to this chapter, has determined that
23 probable cause exists to believe that a crime has been committed and
24 that the juvenile committed it. Such agreements shall be entered into
25 as expeditiously as possible.

26 (2) A diversion agreement shall be limited to one or more of the
27 following:

28 (a) Community restitution not to exceed one hundred fifty hours,
29 not to be performed during school hours if the juvenile is attending
30 school;

31 (b) Restitution limited to the amount of actual loss incurred by
32 any victim;

33 (c) Attendance at up to ten hours of counseling and/or up to
34 twenty hours of educational or informational sessions at a community
35 agency. The educational or informational sessions may include
36 sessions relating to respect for self, others, and authority; victim
37 awareness; accountability; self-worth; responsibility; work ethics;
38 good citizenship; literacy; and life skills. If an assessment
39 identifies mental health or chemical dependency needs, a youth may

1 access up to thirty hours of counseling. The counseling sessions may
2 include services demonstrated to improve behavioral health and reduce
3 recidivism. For purposes of this section, "community agency" may also
4 mean a community-based nonprofit organization, a physician, a
5 counselor, a school, or a treatment provider, if approved by the
6 diversion unit. The state shall not be liable for costs resulting
7 from the diversion unit exercising the option to permit diversion
8 agreements to mandate attendance at up to thirty hours of counseling
9 and/or up to twenty hours of educational or informational sessions;

10 ~~(d) ((A fine, not to exceed one hundred dollars;~~

11 ~~(e))~~ Requirements to remain during specified hours at home,
12 school, or work, and restrictions on leaving or entering specified
13 geographical areas; and

14 ~~((f))~~ (e) Upon request of any victim or witness, requirements
15 to refrain from any contact with victims or witnesses of offenses
16 committed by the juvenile.

17 (3) Notwithstanding the provisions of subsection (2) of this
18 section, youth courts are not limited to the conditions imposed by
19 subsection (2) of this section in imposing sanctions on juveniles
20 pursuant to RCW 13.40.630.

21 (4) In assessing periods of community restitution to be performed
22 and restitution to be paid by a juvenile who has entered into a
23 diversion agreement, the court officer to whom this task is assigned
24 shall consult with the juvenile's custodial parent or parents or
25 guardian. To the extent possible, the court officer shall advise the
26 victims of the juvenile offender of the diversion process, offer
27 victim impact letter forms and restitution claim forms, and involve
28 members of the community. Such members of the community shall meet
29 with the juvenile and advise the court officer as to the terms of the
30 diversion agreement and shall supervise the juvenile in carrying out
31 its terms.

32 (5)(a) A diversion agreement may not exceed a period of six
33 months and may include a period extending beyond the eighteenth
34 birthday of the divertee.

35 (b) If additional time is necessary for the juvenile to complete
36 restitution to a victim, the time period limitations of this
37 subsection may be extended by an additional six months.

38 (c) If the juvenile has not paid the full amount of restitution
39 by the end of the additional six-month period, then the juvenile
40 shall be referred to the juvenile court for entry of ~~((an))~~ a civil

1 order establishing the amount of restitution still owed to the
2 victim. In this order, the court shall also determine the terms and
3 conditions of the restitution, including a payment plan extending up
4 to ten years if the court determines that the juvenile does not have
5 the means to make full restitution over a shorter period. For the
6 purposes of this subsection (5)(c), the juvenile shall remain under
7 the court's jurisdiction for a maximum term of ten years after the
8 juvenile's eighteenth birthday. Prior to the expiration of the
9 initial ten-year period, the juvenile court may extend the judgment
10 for restitution an additional ten years. The court may relieve the
11 juvenile of the requirement to pay full or partial restitution if the
12 juvenile reasonably satisfies the court that he or she does not have
13 the means to make full or partial restitution and could not
14 reasonably acquire the means to pay the restitution over a ten-year
15 period. If the court relieves the juvenile of the requirement to pay
16 full or partial restitution, the court may order an amount of
17 community restitution that the court deems appropriate. The county
18 clerk shall make disbursements to victims named in the order. The
19 restitution to victims named in the order shall be paid prior to any
20 payment for other penalties or monetary assessments. A juvenile under
21 obligation to pay restitution may petition the court for modification
22 of the restitution order.

23 (6) The juvenile shall retain the right to be referred to the
24 court at any time prior to the signing of the diversion agreement.

25 (7) Divertees and potential divertees shall be afforded due
26 process in all contacts with a diversion unit regardless of whether
27 the juveniles are accepted for diversion or whether the diversion
28 program is successfully completed. Such due process shall include,
29 but not be limited to, the following:

30 (a) A written diversion agreement shall be executed stating all
31 conditions in clearly understandable language;

32 (b) Violation of the terms of the agreement shall be the only
33 grounds for termination;

34 (c) No diverttee may be terminated from a diversion program
35 without being given a court hearing, which hearing shall be preceded
36 by:

37 (i) Written notice of alleged violations of the conditions of the
38 diversion program; and

39 (ii) Disclosure of all evidence to be offered against the
40 diverttee;

1 (d) The hearing shall be conducted by the juvenile court and
2 shall include:

3 (i) Opportunity to be heard in person and to present evidence;

4 (ii) The right to confront and cross-examine all adverse
5 witnesses;

6 (iii) A written statement by the court as to the evidence relied
7 on and the reasons for termination, should that be the decision; and

8 (iv) Demonstration by evidence that the divertee has
9 substantially violated the terms of his or her diversion agreement;

10 (e) The prosecutor may file an information on the offense for
11 which the divertee was diverted:

12 (i) In juvenile court if the divertee is under eighteen years of
13 age; or

14 (ii) In superior court or the appropriate court of limited
15 jurisdiction if the divertee is eighteen years of age or older.

16 (8) The diversion unit shall, subject to available funds, be
17 responsible for providing interpreters when juveniles need
18 interpreters to effectively communicate during diversion unit
19 hearings or negotiations.

20 (9) The diversion unit shall be responsible for advising a
21 divertee of his or her rights as provided in this chapter.

22 (10) The diversion unit may refer a juvenile to a restorative
23 justice program, community-based counseling, or treatment programs.

24 (11) The right to counsel shall inure prior to the initial
25 interview for purposes of advising the juvenile as to whether he or
26 she desires to participate in the diversion process or to appear in
27 the juvenile court. The juvenile may be represented by counsel at any
28 critical stage of the diversion process, including intake interviews
29 and termination hearings. The juvenile shall be fully advised at the
30 intake of his or her right to an attorney and of the relevant
31 services an attorney can provide. For the purpose of this section,
32 intake interviews mean all interviews regarding the diversion
33 agreement process.

34 The juvenile shall be advised that a diversion agreement shall
35 constitute a part of the juvenile's criminal history as defined by
36 RCW 13.40.020(~~(7)~~) (8). A signed acknowledgment of such advisement
37 shall be obtained from the juvenile, and the document shall be
38 maintained by the diversion unit together with the diversion
39 agreement, and a copy of both documents shall be delivered to the
40 prosecutor if requested by the prosecutor. The supreme court shall

1 promulgate rules setting forth the content of such advisement in
2 simple language.

3 (12) When a juvenile enters into a diversion agreement, the
4 juvenile court may receive only the following information for
5 dispositional purposes:

- 6 (a) The fact that a charge or charges were made;
- 7 (b) The fact that a diversion agreement was entered into;
- 8 (c) The juvenile's obligations under such agreement;
- 9 (d) Whether the alleged offender performed his or her obligations
10 under such agreement; and
- 11 (e) The facts of the alleged offense.

12 (13) A diversion unit may refuse to enter into a diversion
13 agreement with a juvenile. When a diversion unit refuses to enter a
14 diversion agreement with a juvenile, it shall immediately refer such
15 juvenile to the court for action and shall forward to the court the
16 criminal complaint and a detailed statement of its reasons for
17 refusing to enter into a diversion agreement. The diversion unit
18 shall also immediately refer the case to the prosecuting attorney for
19 action if such juvenile violates the terms of the diversion
20 agreement.

21 (14) A diversion unit may, in instances where it determines that
22 the act or omission of an act for which a juvenile has been referred
23 to it involved no victim, or where it determines that the juvenile
24 referred to it has no prior criminal history and is alleged to have
25 committed an illegal act involving no threat of or instance of actual
26 physical harm and involving not more than fifty dollars in property
27 loss or damage and that there is no loss outstanding to the person or
28 firm suffering such damage or loss, counsel and release or release
29 such a juvenile without entering into a diversion agreement. A
30 diversion unit's authority to counsel and release a juvenile under
31 this subsection includes the authority to refer the juvenile to
32 community-based counseling or treatment programs or a restorative
33 justice program. Any juvenile released under this subsection shall be
34 advised that the act or omission of any act for which he or she had
35 been referred shall constitute a part of the juvenile's criminal
36 history as defined by RCW 13.40.020(~~(+7)~~) (8). A signed
37 acknowledgment of such advisement shall be obtained from the
38 juvenile, and the document shall be maintained by the unit, and a
39 copy of the document shall be delivered to the prosecutor if
40 requested by the prosecutor. The supreme court shall promulgate rules

1 setting forth the content of such advisement in simple language. A
2 juvenile determined to be eligible by a diversion unit for release as
3 provided in this subsection shall retain the same right to counsel
4 and right to have his or her case referred to the court for formal
5 action as any other juvenile referred to the unit.

6 (15) A diversion unit may supervise the fulfillment of a
7 diversion agreement entered into before the juvenile's eighteenth
8 birthday and which includes a period extending beyond the divertee's
9 eighteenth birthday.

10 (16) If ~~((a-fine))~~ restitution required by a diversion agreement
11 cannot reasonably be paid due to a change of circumstance, the
12 diversion agreement may be modified at the request of the divertee
13 and with the concurrence of the diversion unit to convert ~~((an))~~
14 unpaid ~~((fine))~~ restitution into community restitution. The
15 modification of the diversion agreement shall be in writing and
16 signed by the divertee and the diversion unit. The number of hours of
17 community restitution in lieu of a monetary penalty shall be
18 converted at the rate of the prevailing state minimum wage per hour.

19 ~~((17) Fines imposed under this section shall be collected and
20 paid into the county general fund in accordance with procedures
21 established by the juvenile court administrator under RCW 13.04.040
22 and may be used only for juvenile services. In the expenditure of
23 funds for juvenile services, there shall be a maintenance of effort
24 whereby counties exhaust existing resources before using amounts
25 collected under this section.))~~

26 **Sec. 22.** RCW 13.40.127 and 2014 c 175 s 6 and 2014 c 117 s 2 are
27 each reenacted and amended to read as follows:

28 (1) A juvenile is eligible for deferred disposition unless he or
29 she:

- 30 (a) Is charged with a sex or violent offense;
- 31 (b) Has a criminal history which includes any felony;
- 32 (c) Has a prior deferred disposition or deferred adjudication; or
- 33 (d) Has two or more adjudications.

34 (2) The juvenile court may, upon motion at least fourteen days
35 before commencement of trial and, after consulting the juvenile's
36 custodial parent or parents or guardian and with the consent of the
37 juvenile, continue the case for disposition for a period not to
38 exceed one year from the date the juvenile is found guilty. The court
39 shall consider whether the offender and the community will benefit

1 from a deferred disposition before deferring the disposition. The
2 court may waive the fourteen-day period anytime before the
3 commencement of trial for good cause.

4 (3) Any juvenile who agrees to a deferral of disposition shall:

5 (a) Stipulate to the admissibility of the facts contained in the
6 written police report;

7 (b) Acknowledge that the report will be entered and used to
8 support a finding of guilt and to impose a disposition if the
9 juvenile fails to comply with terms of supervision;

10 (c) Waive the following rights to: (i) A speedy disposition; and
11 (ii) call and confront witnesses; and

12 (d) Acknowledge the direct consequences of being found guilty and
13 the direct consequences that will happen if an order of disposition
14 is entered.

15 The adjudicatory hearing shall be limited to a reading of the
16 court's record.

17 (4) Following the stipulation, acknowledgment, waiver, and entry
18 of a finding or plea of guilt, the court shall defer entry of an
19 order of disposition of the juvenile.

20 (5) Any juvenile granted a deferral of disposition under this
21 section shall be placed under community supervision. The court may
22 impose any conditions of supervision that it deems appropriate
23 including posting a probation bond. Payment of restitution under RCW
24 13.40.190 shall be a condition of community supervision under this
25 section.

26 The court may require a juvenile offender convicted of animal
27 cruelty in the first degree to submit to a mental health evaluation
28 to determine if the offender would benefit from treatment and such
29 intervention would promote the safety of the community. After
30 consideration of the results of the evaluation, as a condition of
31 community supervision, the court may order the offender to attend
32 treatment to address issues pertinent to the offense.

33 The court may require the juvenile to undergo a mental health or
34 substance abuse assessment, or both. If the assessment identifies a
35 need for treatment, conditions of supervision may include treatment
36 for the assessed need that has been demonstrated to improve
37 behavioral health and reduce recidivism.

38 The court shall require a juvenile granted a deferral of
39 disposition for unlawful possession of a firearm in violation of RCW
40 9.41.040 to participate in a qualifying program as described in RCW

1 13.40.193(2)(b), when available, unless the court makes a written
2 finding based on the outcome of the juvenile court risk assessment
3 that participation in a qualifying program would not be appropriate.

4 (6) A parent who signed for a probation bond has the right to
5 notify the counselor if the juvenile fails to comply with the bond or
6 conditions of supervision. The counselor shall notify the court and
7 surety of any failure to comply. A surety shall notify the court of
8 the juvenile's failure to comply with the probation bond. The state
9 shall bear the burden to prove, by a preponderance of the evidence,
10 that the juvenile has failed to comply with the terms of community
11 supervision.

12 (7)(a) Anytime prior to the conclusion of the period of
13 supervision, the prosecutor or the juvenile's juvenile court
14 community supervision counselor may file a motion with the court
15 requesting the court revoke the deferred disposition based on the
16 juvenile's lack of compliance or treat the juvenile's lack of
17 compliance as a violation pursuant to RCW 13.40.200.

18 (b) If the court finds the juvenile failed to comply with the
19 terms of the deferred disposition, the court may:

20 (i) Revoke the deferred disposition and enter an order of
21 disposition; or

22 (ii) Impose sanctions for the violation pursuant to RCW
23 13.40.200.

24 (8) At any time following deferral of disposition the court may,
25 following a hearing, continue supervision for an additional one-year
26 period for good cause.

27 (9)(a) At the conclusion of the period of supervision, the court
28 shall determine whether the juvenile is entitled to dismissal of the
29 deferred disposition only when the court finds:

30 (i) The deferred disposition has not been previously revoked;

31 (ii) The juvenile has completed the terms of supervision;

32 (iii) There are no pending motions concerning lack of compliance
33 pursuant to subsection (7) of this section; and

34 (iv) The juvenile has either paid the full amount of restitution,
35 or, made a good faith effort to pay the full amount of restitution
36 during the period of supervision.

37 (b) If the court finds the juvenile is entitled to dismissal of
38 the deferred disposition pursuant to (a) of this subsection, the
39 juvenile's conviction shall be vacated and the court shall dismiss
40 the case with prejudice, except that a conviction under RCW 16.52.205

1 shall not be vacated. Whenever a case is dismissed with restitution
2 still owing, the court shall enter a restitution order pursuant to
3 RCW ((~~13.40.190~~)) 7.80.130 for any unpaid restitution. Jurisdiction
4 to enforce payment and modify terms of the restitution order shall be
5 the same as those set forth in RCW ((~~13.40.190~~)) 7.80.130.

6 (c) If the court finds the juvenile is not entitled to dismissal
7 of the deferred disposition pursuant to (a) of this subsection, the
8 court shall revoke the deferred disposition and enter an order of
9 disposition. A deferred disposition shall remain a conviction unless
10 the case is dismissed and the conviction is vacated pursuant to (b)
11 of this subsection or sealed pursuant to RCW 13.50.260.

12 (10)(a)(i) Any time the court vacates a conviction pursuant to
13 subsection (9) of this section, if the juvenile is eighteen years of
14 age or older and the full amount of restitution ((~~ordered~~)) owing to
15 the individual victim named in the charging document has been paid,
16 the court shall enter a written order sealing the case.

17 (ii) Any time the court vacates a conviction pursuant to
18 subsection (9) of this section, if the juvenile is not eighteen years
19 of age or older and full restitution ordered has been paid, the court
20 shall schedule an administrative sealing hearing to take place no
21 later than thirty days after the respondent's eighteenth birthday, at
22 which time the court shall enter a written order sealing the case.
23 The respondent's presence at the administrative sealing hearing is
24 not required.

25 (iii) Any deferred disposition vacated prior to June 7, 2012, is
26 not subject to sealing under this subsection.

27 (b) Nothing in this subsection shall preclude a juvenile from
28 petitioning the court to have the records of his or her deferred
29 dispositions sealed under RCW 13.50.260.

30 (c) Records sealed under this provision shall have the same legal
31 status as records sealed under RCW 13.50.260.

32 **Sec. 23.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to
33 read as follows:

34 (1) Revenue collected under this section is not subject to
35 division under RCW 36.18.025 or 27.24.070.

36 (2)(a) For the filing of a petition for modification of a decree
37 of dissolution or paternity, within the same case as the original
38 action, and any party filing a counterclaim, cross-claim, or third-

1 party claim in any such action, a fee of thirty-six dollars must be
2 paid.

3 (b) The party filing the first or initial petition for
4 dissolution, legal separation, or declaration concerning the validity
5 of marriage shall pay, at the time and in addition to the filing fee
6 required under RCW 36.18.020, a fee of thirty dollars. The clerk of
7 the superior court shall transmit monthly twenty-four dollars of the
8 thirty dollar fee collected under this subsection to the state
9 treasury for deposit in the domestic violence prevention account. The
10 remaining six dollars shall be retained by the county for the purpose
11 of supporting community-based services within the county for victims
12 of domestic violence, except for five percent of the six dollars,
13 which may be retained by the court for administrative purposes.

14 (3)(a) The party making a demand for a jury of six in a civil
15 action shall pay, at the time, a fee of one hundred twenty-five
16 dollars; if the demand is for a jury of twelve, a fee of two hundred
17 fifty dollars. If, after the party demands a jury of six and pays the
18 required fee, any other party to the action requests a jury of
19 twelve, an additional one hundred twenty-five dollar fee will be
20 required of the party demanding the increased number of jurors.

21 (b) Upon conviction in criminal cases a jury demand charge of one
22 hundred twenty-five dollars for a jury of six, or two hundred fifty
23 dollars for a jury of twelve may be imposed as costs under RCW
24 10.46.190.

25 (4) For preparing a certified copy of an instrument on file or of
26 record in the clerk's office, for the first page or portion of the
27 first page, a fee of five dollars, and for each additional page or
28 portion of a page, a fee of one dollar must be charged. For
29 authenticating or exemplifying an instrument, a fee of two dollars
30 for each additional seal affixed must be charged. For preparing a
31 copy of an instrument on file or of record in the clerk's office
32 without a seal, a fee of fifty cents per page must be charged. When
33 copying a document without a seal or file that is in an electronic
34 format, a fee of twenty-five cents per page must be charged. For
35 copies made on a compact disc, an additional fee of twenty dollars
36 for each compact disc must be charged.

37 (5) For executing a certificate, with or without a seal, a fee of
38 two dollars must be charged.

1 (6) For a garnishee defendant named in an affidavit for
2 garnishment and for a writ of attachment, a fee of twenty dollars
3 must be charged.

4 (7) For filing a supplemental proceeding, a fee of twenty dollars
5 must be charged.

6 (8) For approving a bond, including justification on the bond, in
7 other than civil actions and probate proceedings, a fee of two
8 dollars must be charged.

9 (9) For the issuance of a certificate of qualification and a
10 certified copy of letters of administration, letters testamentary, or
11 letters of guardianship, there must be a fee of five dollars.

12 (10) For the preparation of a passport application, the clerk may
13 collect an execution fee as authorized by the federal government.

14 (11) For clerk's services such as performing historical searches,
15 compiling statistical reports, and conducting exceptional record
16 searches, the clerk may collect a fee not to exceed thirty dollars
17 per hour.

18 (12) For processing ex parte orders, the clerk may collect a fee
19 of thirty dollars.

20 (13) For duplicated recordings of court's proceedings there must
21 be a fee of ten dollars for each audio tape and twenty-five dollars
22 for each video tape or other electronic storage medium.

23 (14) For registration of land titles, Torrens Act, under RCW
24 65.12.780, a fee of twenty dollars must be charged.

25 (15) For the issuance of extension of judgment under RCW 6.17.020
26 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
27 When the extension of judgment is at the request of the clerk, the
28 two hundred dollar charge may be imposed as court costs under RCW
29 10.46.190.

30 (16) A facilitator surcharge of up to twenty dollars must be
31 charged as authorized under RCW 26.12.240.

32 (17) For filing (~~a water rights statement~~) an adjudication
33 claim under RCW 90.03.180, a fee of twenty-five dollars must be
34 charged.

35 (18) For filing a claim of frivolous lien under RCW 60.04.081, a
36 fee of thirty-five dollars must be charged.

37 (19) For preparation of a change of venue, a fee of twenty
38 dollars must be charged by the originating court in addition to the
39 per page charges in subsection (4) of this section.

1 (20) A service fee of five dollars for the first page and one
2 dollar for each additional page must be charged for receiving faxed
3 documents, pursuant to Washington state rules of court, general rule
4 17.

5 (21) For preparation of clerk's papers under RAP 9.7, a fee of
6 fifty cents per page must be charged.

7 (22) For copies and reports produced at the local level as
8 permitted by RCW 2.68.020 and supreme court policy, a variable fee
9 must be charged.

10 (23) Investment service charge and earnings under RCW 36.48.090
11 must be charged.

12 (24) Costs for nonstatutory services rendered by clerk by
13 authority of local ordinance or policy must be charged.

14 (25) For filing a request for mandatory arbitration, a filing fee
15 may be assessed against the party filing a statement of arbitrability
16 not to exceed two hundred twenty dollars as established by authority
17 of local ordinance. This charge shall be used solely to offset the
18 cost of the mandatory arbitration program.

19 (26) For filing a request for trial de novo of an arbitration
20 award, a fee not to exceed two hundred fifty dollars as established
21 by authority of local ordinance must be charged.

22 (27) A public agency may not charge a fee to a law enforcement
23 agency, for preparation, copying, or mailing of certified copies of
24 the judgment and sentence, information, affidavit of probable cause,
25 and/or the notice of requirement to register, of a sex offender
26 convicted in a Washington court, when such records are necessary for
27 risk assessment, preparation of a case for failure to register, or
28 maintenance of a sex offender's registration file.

29 (28) For the filing of a will or codicil under the provisions of
30 chapter 11.12 RCW, a fee of twenty dollars must be charged.

31 (29) For the collection of an adult offender's unpaid legal
32 financial obligations, the clerk may impose an annual fee of up to
33 one hundred dollars, pursuant to RCW 9.94A.780.

34 (30) A surcharge of up to twenty dollars may be charged in
35 dissolution and legal separation actions as authorized by RCW
36 26.12.260.

37 The revenue to counties from the fees established in this section
38 shall be deemed to be complete reimbursement from the state for the
39 state's share of benefits paid to the superior court judges of the

1 state prior to July 24, 2005, and no claim shall lie against the
2 state for such benefits.

3 **Sec. 24.** 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,
6 ((a)) an adult defendant in a criminal case shall be liable for a fee
7 of two hundred dollars.

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

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

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

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

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

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

32 **Sec. 25.** RCW 36.18.040 and 1992 c 164 s 1 are each amended to
33 read as follows:

34 (1) Sheriffs shall collect the following fees for their official
35 services:

36 (a) For service of each summons and complaint, notice and
37 complaint, summons and petition, and notice of small claim on one
38 defendant at any location, ten dollars, and on two or more defendants
39 at the same residence, twelve dollars, besides mileage;

- 1 (b) For making a return, besides mileage actually traveled, seven
2 dollars;
- 3 (c) For levying each writ of attachment or writ of execution upon
4 real or personal property, besides mileage, thirty dollars per hour;
- 5 (d) For filing copy of writ of attachment or writ of execution
6 with auditor, ten dollars plus auditor's filing fee;
- 7 (e) For serving writ of possession or restitution without aid of
8 the county, besides mileage, twenty-five dollars;
- 9 (f) For serving writ of possession or restitution with aid of the
10 county, besides mileage, forty dollars plus thirty dollars for each
11 hour after one hour;
- 12 (g) For serving an arrest warrant in any action or proceeding,
13 besides mileage, thirty dollars;
- 14 (h) For executing any other writ or process in a civil action or
15 proceeding, besides mileage, thirty dollars per hour;
- 16 (i) For each mile actually and necessarily traveled in going to
17 or returning from any place of service, or attempted service, thirty-
18 five cents;
- 19 (j) For making a deed to lands sold upon execution or order of
20 sale or other decree of court, to be paid by the purchaser, thirty
21 dollars;
- 22 (k) For making copies of papers when sufficient copies are not
23 furnished, one dollar for first page and fifty cents per each
24 additional page;
- 25 (l) For the service of any other document and supporting papers
26 for which no other fee is provided for herein, twelve dollars;
- 27 (m) For posting a notice of sale, or postponement, ten dollars
28 besides mileage;
- 29 (n) For certificate or bill of sale of property, or certificate
30 of redemption, thirty dollars;
- 31 (o) For conducting a sale of property, thirty dollars per hour
32 spent at a sheriff's sale;
- 33 (p) For notarizing documents, five dollars for each document;
- 34 (q) For fingerprinting for noncriminal purposes, ten dollars for
35 each person for up to two sets, three dollars for each additional
36 set;
- 37 (r) For mailing required by statute, whether regular, certified,
38 or registered, the actual cost of postage;
- 39 (s) For an internal criminal history records check, ten dollars;

1 (t) For the reproduction of audio, visual, or photographic
2 material, to include magnetic microfilming, the actual cost including
3 personnel time.

4 (2) Fees allowable under this section may be recovered by the
5 prevailing party incurring the same as court costs. Nothing contained
6 in this section permits the expenditure of public funds to defray
7 costs of private litigation. Such costs shall be borne by the party
8 seeking action by the sheriff, and may be recovered from the proceeds
9 of any subsequent judicial sale, or may be added to any judgment upon
10 proper application to the court entering the judgment.

11 (3) Notwithstanding subsection (1) of this section, a county
12 legislative authority may set the amounts of fees that shall be
13 collected by the sheriff under subsection (1) of this section to
14 cover the costs of administration and operation.

15 (4) The fines imposed by this section do not apply to juvenile
16 offenders.

17 **Sec. 26.** RCW 43.43.690 and 1992 c 129 s 2 are each amended to
18 read as follows:

19 (1) When ~~((a person))~~ an adult offender has been adjudged guilty
20 of violating any criminal statute of this state and a crime
21 laboratory analysis was performed by a state crime laboratory, in
22 addition to any other disposition, penalty, or fine imposed, the
23 court shall levy a crime laboratory analysis fee of one hundred
24 dollars for each offense for which the person was convicted. Upon a
25 verified petition by the person assessed the fee, the court may
26 suspend payment of all or part of the fee if it finds that the person
27 does not have the ability to pay the fee.

28 ~~(2) ((When a minor has been adjudicated a juvenile offender for~~
29 ~~an offense which, if committed by an adult, would constitute a~~
30 ~~violation of any criminal statute of this state and a crime~~
31 ~~laboratory analysis was performed, in addition to any other~~
32 ~~disposition imposed, the court shall assess a crime laboratory~~
33 ~~analysis fee of one hundred dollars for each adjudication. Upon a~~
34 ~~verified petition by a minor assessed the fee, the court may suspend~~
35 ~~payment of all or part of the fee [if] it finds that the minor does~~
36 ~~not have the ability to pay the fee.~~

37 ~~(3))~~ All crime laboratory analysis fees assessed under this
38 section shall be collected by the clerk of the court and forwarded to
39 the state general fund, to be used only for crime laboratories. The

1 clerk may retain five dollars to defray the costs of collecting the
2 fees.

3 **Sec. 27.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to
4 read as follows:

5 Every sentence imposed for a crime specified in RCW 43.43.754
6 must include a fee of one hundred dollars. The fee is a court-ordered
7 legal financial obligation as defined in RCW 9.94A.030 and other
8 applicable law. For a sentence imposed under chapter 9.94A RCW, the
9 fee is payable by the offender after payment of all other legal
10 financial obligations included in the sentence has been completed.
11 For all other sentences, the fee is payable by the offender in the
12 same manner as other assessments imposed. The clerk of the court
13 shall transmit eighty percent of the fee collected to the state
14 treasurer for deposit in the state DNA database account created under
15 RCW 43.43.7532, and shall transmit twenty percent of the fee
16 collected to the agency responsible for collection of a biological
17 sample from the offender as required under RCW 43.43.754. This fee
18 shall not be imposed on juvenile offenders if the state has
19 previously collected the juvenile offender's DNA as a result of a
20 prior conviction.

21 **Sec. 28.** RCW 46.52.130 and 2012 c 74 s 6 and 2012 c 73 s 1 are
22 each reenacted and amended to read as follows:

23 Upon a proper request, the department may furnish an abstract of
24 a person's driving record as permitted under this section.

25 (1) **Contents of abstract of driving record.** An abstract of a
26 person's driving record, whenever possible, must include:

27 (a) An enumeration of motor vehicle accidents in which the person
28 was driving, including:

29 (i) The total number of vehicles involved;

30 (ii) Whether the vehicles were legally parked or moving;

31 (iii) Whether the vehicles were occupied at the time of the
32 accident; and

33 (iv) Whether the accident resulted in a fatality;

34 (b) Any reported convictions, forfeitures of bail, or findings
35 that an infraction was committed based upon a violation of any motor
36 vehicle law;

37 (c) The status of the person's driving privilege in this state;
38 and

1 (d) Any reports of failure to appear in response to a traffic
2 citation or failure to respond to a notice of infraction served upon
3 the named individual by an arresting officer.

4 (2) **Release of abstract of driving record.** An abstract of a
5 person's driving record may be furnished to the following persons or
6 entities:

7 (a) **Named individuals.** (i) An abstract of the full driving record
8 maintained by the department may be furnished to the individual named
9 in the abstract.

10 (ii) Nothing in this section prevents a court from providing a
11 copy of the driver's abstract to the individual named in the
12 abstract, provided that the named individual has a pending or open
13 infraction or criminal case in that court. A pending case includes
14 criminal cases that have not reached a disposition by plea,
15 stipulation, trial, or amended charge. An open infraction or criminal
16 case includes cases on probation, payment agreement or subject to, or
17 in collections. Courts may charge a reasonable fee for the production
18 and copying of the abstract for the individual.

19 (b) **Employers or prospective employers.** (i)(A) An abstract of the
20 full driving record maintained by the department may be furnished to
21 an employer or prospective employer or an agent acting on behalf of
22 an employer or prospective employer of the named individual for
23 purposes related to driving by the individual as a condition of
24 employment or otherwise at the direction of the employer.

25 (B) Release of an abstract of the driving record of an employee
26 or prospective employee requires a statement signed by: (I) The
27 employee or prospective employee that authorizes the release of the
28 record; and (II) the employer attesting that the information is
29 necessary for employment purposes related to driving by the
30 individual as a condition of employment or otherwise at the direction
31 of the employer. If the employer or prospective employer authorizes
32 an agent to obtain this information on their behalf, this must be
33 noted in the statement.

34 (C) Upon request of the person named in the abstract provided
35 under this subsection, and upon that same person furnishing copies of
36 court records ruling that the person was not at fault in a motor
37 vehicle accident, the department must indicate on any abstract
38 provided under this subsection that the person was not at fault in
39 the motor vehicle accident.

1 (ii) In addition to the methods described in (b)(i) of this
2 subsection, the director may enter into a contractual agreement with
3 an employer or its agent for the purpose of reviewing the driving
4 records of existing employees for changes to the record during
5 specified periods of time. The department shall establish a fee for
6 this service, which must be deposited in the highway safety fund. The
7 fee for this service must be set at a level that will not result in a
8 net revenue loss to the state. Any information provided under this
9 subsection must be treated in the same manner and is subject to the
10 same restrictions as driving record abstracts.

11 (c) **Volunteer organizations.** (i) An abstract of the full driving
12 record maintained by the department may be furnished to a volunteer
13 organization or an agent for a volunteer organization for which the
14 named individual has submitted an application for a position that
15 would require driving by the individual at the direction of the
16 volunteer organization.

17 (ii) Release of an abstract of the driving record of a
18 prospective volunteer requires a statement signed by: (A) The
19 prospective volunteer that authorizes the release of the record; and
20 (B) the volunteer organization attesting that the information is
21 necessary for purposes related to driving by the individual at the
22 direction of the volunteer organization. If the volunteer
23 organization authorizes an agent to obtain this information on their
24 behalf, this must be noted in the statement.

25 (d) **Transit authorities.** An abstract of the full driving record
26 maintained by the department may be furnished to an employee or agent
27 of a transit authority checking prospective volunteer vanpool drivers
28 for insurance and risk management needs.

29 (e) **Insurance carriers.** (i) An abstract of the driving record
30 maintained by the department covering the period of not more than the
31 last three years may be furnished to an insurance company or its
32 agent:

33 (A) That has motor vehicle or life insurance in effect covering
34 the named individual;

35 (B) To which the named individual has applied; or

36 (C) That has insurance in effect covering the employer or a
37 prospective employer of the named individual.

38 (ii) The abstract provided to the insurance company must:

39 (A) Not contain any information related to actions committed by
40 law enforcement officers or firefighters, as both terms are defined

1 in RCW 41.26.030, or by Washington state patrol officers, while
2 driving official vehicles in the performance of their occupational
3 duty. This does not apply to any situation where the vehicle was used
4 in the commission of a misdemeanor or felony;

5 (B) Include convictions under RCW 46.61.5249 and 46.61.525,
6 except that the abstract must report the convictions only as
7 negligent driving without reference to whether they are for first or
8 second degree negligent driving; and

9 (C) Exclude any deferred prosecution under RCW 10.05.060, except
10 that if a person is removed from a deferred prosecution under RCW
11 10.05.090, the abstract must show the deferred prosecution as well as
12 the removal.

13 (iii) Any policy of insurance may not be canceled, nonrenewed,
14 denied, or have the rate increased on the basis of information
15 regarding an accident included in the abstract of a driving record,
16 unless the policyholder was determined to be at fault.

17 (iv) Any insurance company or its agent, for underwriting
18 purposes relating to the operation of commercial motor vehicles, may
19 not use any information contained in the abstract relative to any
20 person's operation of motor vehicles while not engaged in such
21 employment. Any insurance company or its agent, for underwriting
22 purposes relating to the operation of noncommercial motor vehicles,
23 may not use any information contained in the abstract relative to any
24 person's operation of commercial motor vehicles.

25 (v) The director may enter into a contractual agreement with an
26 insurance company or its agent for the limited purpose of reviewing
27 the driving records of existing policyholders for changes to the
28 record during specified periods of time. The department shall
29 establish a fee for this service, which must be deposited in the
30 highway safety fund. The fee for this service must be set at a level
31 that will not result in a net revenue loss to the state. Any
32 information provided under this subsection must be treated in the
33 same manner and is subject to the same restrictions as driving record
34 abstracts.

35 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
36 the driving record maintained by the department covering the period
37 of not more than the last five years may be furnished to an alcohol/
38 drug assessment or treatment agency approved by the department of
39 social and health services to which the named individual has applied
40 or been assigned for evaluation or treatment, for purposes of

1 assisting employees in making a determination as to what level of
2 treatment, if any, is appropriate, except that the abstract must:

3 (i) Also include records of alcohol-related offenses, as defined
4 in RCW 46.01.260(2), covering a period of not more than the last ten
5 years; and

6 (ii) Indicate whether an alcohol-related offense was originally
7 charged as a violation of either RCW 46.61.502 or 46.61.504.

8 (g) **City attorneys and county prosecuting attorneys.** An abstract
9 of the full driving record maintained by the department, including
10 whether a recorded violation is an alcohol-related offense, as
11 defined in RCW 46.01.260(2), that was originally charged as a
12 violation of either RCW 46.61.502 or 46.61.504, may be furnished to
13 city attorneys or county prosecuting attorneys. City attorneys and
14 county prosecuting attorneys may provide the driving record to
15 alcohol/drug assessment or treatment agencies approved by the
16 department of social and health services to which the named
17 individual has applied or been assigned for evaluation or treatment.

18 (h) **State colleges, universities, or agencies, or units of local
19 government.** An abstract of the full driving record maintained by the
20 department may be furnished to (i) state colleges, universities, or
21 agencies for employment and risk management purposes or (ii) units of
22 local government authorized to self-insure under RCW 48.62.031 for
23 employment and risk management purposes.

24 (i) **Superintendent of public instruction.** An abstract of the full
25 driving record maintained by the department may be furnished to the
26 superintendent of public instruction for review of public school bus
27 driver records. The superintendent or superintendent's designee may
28 discuss information on the driving record with an authorized
29 representative of the employing school district for employment and
30 risk management purposes.

31 (3) **Release to third parties prohibited.** Any person or entity
32 receiving an abstract of a person's driving record under subsection
33 (2)(b) through (i) of this section shall use the abstract exclusively
34 for his, her, or its own purposes or as otherwise expressly permitted
35 under this section, and shall not divulge any information contained
36 in the abstract to a third party.

37 (4) **Fee.** The director shall collect a thirteen dollar fee for
38 each abstract of a person's driving record furnished by the
39 department. Fifty percent of the fee must be deposited in the highway

1 safety fund, and fifty percent of the fee must be deposited according
2 to RCW 46.68.038.

3 (5) **Violation.** (a) Any negligent violation of this section is a
4 gross misdemeanor.

5 (b) Any intentional violation of this section is a class C
6 felony.

7 (6) The contents of a driving abstract pursuant to this section
8 shall not include any information related to sealed juvenile records
9 unless that information is required by federal law or regulation.

10 **Sec. 29.** RCW 46.61.5054 and 2011 c 293 s 12 are each amended to
11 read as follows:

12 (1)(a) In addition to penalties set forth in RCW 46.61.5051
13 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055
14 thereafter, a two hundred dollar fee shall be assessed to a person
15 who is either convicted, sentenced to a lesser charge, or given
16 deferred prosecution, as a result of an arrest for violating RCW
17 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the
18 purpose of funding the Washington state toxicology laboratory and the
19 Washington state patrol for grants and activities to increase the
20 conviction rate and decrease the incidence of persons driving under
21 the influence of alcohol or drugs.

22 (b) Upon a verified petition by the person assessed the fee, the
23 court may suspend payment of all or part of the fee if it finds that
24 the person does not have the ability to pay.

25 ~~((c) When a minor has been adjudicated a juvenile offender for~~
26 ~~an offense which, if committed by an adult, would constitute a~~
27 ~~violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the~~
28 ~~court shall assess the two hundred dollar fee under (a) of this~~
29 ~~subsection. Upon a verified petition by a minor assessed the fee, the~~
30 ~~court may suspend payment of all or part of the fee if it finds that~~
31 ~~the minor does not have the ability to pay the fee.))~~

32 (2) The fee assessed under subsection (1) of this section shall
33 be collected by the clerk of the court and, subject to subsection (4)
34 of this section, one hundred seventy-five dollars of the fee must be
35 distributed as follows:

36 (a) Forty percent shall be subject to distribution under RCW
37 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

38 (b) The remainder of the fee shall be forwarded to the state
39 treasurer who shall, through June 30, 1997, deposit: Fifty percent in

1 the death investigations' account to be used solely for funding the
2 state toxicology laboratory blood or breath testing programs; and
3 fifty percent in the state patrol highway account to be used solely
4 for funding activities to increase the conviction rate and decrease
5 the incidence of persons driving under the influence of alcohol or
6 drugs. Effective July 1, 1997, the remainder of the fee shall be
7 forwarded to the state treasurer who shall deposit: Fifteen percent
8 in the death investigations' account to be used solely for funding
9 the state toxicology laboratory blood or breath testing programs; and
10 eighty-five percent in the state patrol highway account to be used
11 solely for funding activities to increase the conviction rate and
12 decrease the incidence of persons driving under the influence of
13 alcohol or drugs.

14 (3) Twenty-five dollars of the fee assessed under subsection (1)
15 of this section must be distributed to the highway safety (~~account~~
16 ~~{fund}~~) fund to be used solely for funding Washington traffic safety
17 commission grants to reduce statewide collisions caused by persons
18 driving under the influence of alcohol or drugs. Grants awarded under
19 this subsection may be for projects that encourage collaboration with
20 other community, governmental, and private organizations, and that
21 utilize innovative approaches based on best practices or proven
22 strategies supported by research or rigorous evaluation. Grants
23 recipients may include, for example:

24 (a) DUI courts; and

25 (b) Jurisdictions implementing the victim impact panel registries
26 under RCW 46.61.5152 and 10.01.230.

27 (4) If the court has suspended payment of part of the fee
28 pursuant to subsection (1)(b) (~~(e)~~) of this section, amounts
29 collected shall be distributed proportionately.

30 (5) This section applies to any offense committed on or after
31 July 1, 1993, and only to adult offenders.

32 **Sec. 30.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to
33 read as follows:

34 (1) **No prior offenses in seven years.** Except as provided in RCW
35 46.61.502(6) or 46.61.504(6), a person who is convicted of a
36 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
37 within seven years shall be punished as follows:

38 (a) **Penalty for alcohol concentration less than 0.15.** In the case
39 of a person whose alcohol concentration was less than 0.15, or for

1 whom for reasons other than the person's refusal to take a test
2 offered pursuant to RCW 46.20.308 there is no test result indicating
3 the person's alcohol concentration:

4 (i) By imprisonment for not less than one day nor more than three
5 hundred sixty-four days. Twenty-four consecutive hours of the
6 imprisonment may not be suspended unless the court finds that the
7 imposition of this mandatory minimum sentence would impose a
8 substantial risk to the offender's physical or mental well-being.
9 Whenever the mandatory minimum sentence is suspended, the court shall
10 state in writing the reason for granting the suspension and the facts
11 upon which the suspension is based. In lieu of the mandatory minimum
12 term of imprisonment required under this subsection (1)(a)(i), the
13 court may order not less than fifteen days of electronic home
14 monitoring. The offender shall pay the cost of electronic home
15 monitoring. The county or municipality in which the penalty is being
16 imposed shall determine the cost. The court may also require the
17 offender's electronic home monitoring device or other separate
18 alcohol monitoring device to include an alcohol detection
19 breathalyzer, and the court may restrict the amount of alcohol the
20 offender may consume during the time the offender is on electronic
21 home monitoring; and

22 (ii) By a fine of not less than three hundred fifty dollars nor
23 more than five thousand dollars. Three hundred fifty dollars of the
24 fine may not be suspended unless the court finds the offender to be
25 indigent; or

26 (b) **Penalty for alcohol concentration at least 0.15.** In the case
27 of a person whose alcohol concentration was at least 0.15, or for
28 whom by reason of the person's refusal to take a test offered
29 pursuant to RCW 46.20.308 there is no test result indicating the
30 person's alcohol concentration:

31 (i) By imprisonment for not less than two days nor more than
32 three hundred sixty-four days. Forty-eight consecutive hours of the
33 imprisonment may not be suspended unless the court finds that the
34 imposition of this mandatory minimum sentence would impose a
35 substantial risk to the offender's physical or mental well-being.
36 Whenever the mandatory minimum sentence is suspended, the court shall
37 state in writing the reason for granting the suspension and the facts
38 upon which the suspension is based. In lieu of the mandatory minimum
39 term of imprisonment required under this subsection (1)(b)(i), the
40 court may order not less than thirty days of electronic home

1 monitoring. The offender shall pay the cost of electronic home
2 monitoring. The county or municipality in which the penalty is being
3 imposed shall determine the cost. The court may also require the
4 offender's electronic home monitoring device to include an alcohol
5 detection breathalyzer or other separate alcohol monitoring device,
6 and the court may restrict the amount of alcohol the offender may
7 consume during the time the offender is on electronic home
8 monitoring; and

9 (ii) By a fine of not less than five hundred dollars nor more
10 than five thousand dollars. Five hundred dollars of the fine may not
11 be suspended unless the court finds the offender to be indigent.

12 (2) **One prior offense in seven years.** Except as provided in RCW
13 46.61.502(6) or 46.61.504(6), a person who is convicted of a
14 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
15 within seven years shall be punished as follows:

16 (a) **Penalty for alcohol concentration less than 0.15.** In the case
17 of a person whose alcohol concentration was less than 0.15, or for
18 whom for reasons other than the person's refusal to take a test
19 offered pursuant to RCW 46.20.308 there is no test result indicating
20 the person's alcohol concentration:

21 (i) By imprisonment for not less than thirty days nor more than
22 three hundred sixty-four days and sixty days of electronic home
23 monitoring. In lieu of the mandatory minimum term of sixty days
24 electronic home monitoring, the court may order at least an
25 additional four days in jail or, if available in that county or city,
26 a six-month period of 24/7 sobriety program monitoring pursuant to
27 RCW 36.28A.300 through 36.28A.390, and the court shall order an
28 expanded alcohol assessment and treatment, if deemed appropriate by
29 the assessment. The offender shall pay for the cost of the electronic
30 monitoring. The county or municipality where the penalty is being
31 imposed shall determine the cost. The court may also require the
32 offender's electronic home monitoring device include an alcohol
33 detection breathalyzer or other separate alcohol monitoring device,
34 and may restrict the amount of alcohol the offender may consume
35 during the time the offender is on electronic home monitoring. Thirty
36 days of imprisonment and sixty days of electronic home monitoring may
37 not be suspended unless the court finds that the imposition of this
38 mandatory minimum sentence would impose a substantial risk to the
39 offender's physical or mental well-being. Whenever the mandatory
40 minimum sentence is suspended, the court shall state in writing the

1 reason for granting the suspension and the facts upon which the
2 suspension is based; and

3 (ii) By a fine of not less than five hundred dollars nor more
4 than five thousand dollars. Five hundred dollars of the fine may not
5 be suspended unless the court finds the offender to be indigent; or

6 (b) **Penalty for alcohol concentration at least 0.15.** In the case
7 of a person whose alcohol concentration was at least 0.15, or for
8 whom by reason of the person's refusal to take a test offered
9 pursuant to RCW 46.20.308 there is no test result indicating the
10 person's alcohol concentration:

11 (i) By imprisonment for not less than forty-five days nor more
12 than three hundred sixty-four days and ninety days of electronic home
13 monitoring. In lieu of the mandatory minimum term of ninety days
14 electronic home monitoring, the court may order at least an
15 additional six days in jail or, if available in that county or city,
16 a six-month period of 24/7 sobriety program monitoring pursuant to
17 RCW 36.28A.300 through 36.28A.390, and the court shall order an
18 expanded alcohol assessment and treatment, if deemed appropriate by
19 the assessment. The offender shall pay for the cost of the electronic
20 monitoring. The county or municipality where the penalty is being
21 imposed shall determine the cost. The court may also require the
22 offender's electronic home monitoring device include an alcohol
23 detection breathalyzer or other separate alcohol monitoring device,
24 and may restrict the amount of alcohol the offender may consume
25 during the time the offender is on electronic home monitoring. Forty-
26 five days of imprisonment and ninety days of electronic home
27 monitoring may not be suspended unless the court finds that the
28 imposition of this mandatory minimum sentence would impose a
29 substantial risk to the offender's physical or mental well-being.
30 Whenever the mandatory minimum sentence is suspended, the court shall
31 state in writing the reason for granting the suspension and the facts
32 upon which the suspension is based; and

33 (ii) By a fine of not less than seven hundred fifty dollars nor
34 more than five thousand dollars. Seven hundred fifty dollars of the
35 fine may not be suspended unless the court finds the offender to be
36 indigent.

37 (3) **Two or three prior offenses in seven years.** Except as
38 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is
39 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has

1 two or three prior offenses within seven years shall be punished as
2 follows:

3 (a) **Penalty for alcohol concentration less than 0.15.** In the case
4 of a person whose alcohol concentration was less than 0.15, or for
5 whom for reasons other than the person's refusal to take a test
6 offered pursuant to RCW 46.20.308 there is no test result indicating
7 the person's alcohol concentration:

8 (i) By imprisonment for not less than ninety days nor more than
9 three hundred sixty-four days, if available in that county or city, a
10 six-month period of 24/7 sobriety program monitoring pursuant to RCW
11 36.28A.300 through 36.28A.390, and one hundred twenty days of
12 electronic home monitoring. In lieu of the mandatory minimum term of
13 one hundred twenty days of electronic home monitoring, the court may
14 order at least an additional eight days in jail. The court shall
15 order an expanded alcohol assessment and treatment, if deemed
16 appropriate by the assessment. The offender shall pay for the cost of
17 the electronic monitoring. The county or municipality where the
18 penalty is being imposed shall determine the cost. The court may also
19 require the offender's electronic home monitoring device include an
20 alcohol detection breathalyzer or other separate alcohol monitoring
21 device, and may restrict the amount of alcohol the offender may
22 consume during the time the offender is on electronic home
23 monitoring. Ninety days of imprisonment and one hundred twenty days
24 of electronic home monitoring may not be suspended unless the court
25 finds that the imposition of this mandatory minimum sentence would
26 impose a substantial risk to the offender's physical or mental well-
27 being. Whenever the mandatory minimum sentence is suspended, the
28 court shall state in writing the reason for granting the suspension
29 and the facts upon which the suspension is based; and

30 (ii) By a fine of not less than one thousand dollars nor more
31 than five thousand dollars. One thousand dollars of the fine may not
32 be suspended unless the court finds the offender to be indigent; or

33 (b) **Penalty for alcohol concentration at least 0.15.** In the case
34 of a person whose alcohol concentration was at least 0.15, or for
35 whom by reason of the person's refusal to take a test offered
36 pursuant to RCW 46.20.308 there is no test result indicating the
37 person's alcohol concentration:

38 (i) By imprisonment for not less than one hundred twenty days nor
39 more than three hundred sixty-four days, if available in that county
40 or city, a six-month period of 24/7 sobriety program monitoring

1 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty
2 days of electronic home monitoring. In lieu of the mandatory minimum
3 term of one hundred fifty days of electronic home monitoring, the
4 court may order at least an additional ten days in jail. The offender
5 shall pay for the cost of the electronic monitoring. The court shall
6 order an expanded alcohol assessment and treatment, if deemed
7 appropriate by the assessment. The county or municipality where the
8 penalty is being imposed shall determine the cost. The court may also
9 require the offender's electronic home monitoring device include an
10 alcohol detection breathalyzer or other separate alcohol monitoring
11 device, and may restrict the amount of alcohol the offender may
12 consume during the time the offender is on electronic home
13 monitoring. One hundred twenty days of imprisonment and one hundred
14 fifty days of electronic home monitoring may not be suspended unless
15 the court finds that the imposition of this mandatory minimum
16 sentence would impose a substantial risk to the offender's physical
17 or mental well-being. Whenever the mandatory minimum sentence is
18 suspended, the court shall state in writing the reason for granting
19 the suspension and the facts upon which the suspension is based; and

20 (ii) By a fine of not less than one thousand five hundred dollars
21 nor more than five thousand dollars. One thousand five hundred
22 dollars of the fine may not be suspended unless the court finds the
23 offender to be indigent.

24 (4) **Four or more prior offenses in ten years.** A person who is
25 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be
26 punished under chapter 9.94A RCW if:

27 (a) The person has four or more prior offenses within ten years;
28 or

29 (b) The person has ever previously been convicted of:

30 (i) A violation of RCW 46.61.520 committed while under the
31 influence of intoxicating liquor or any drug;

32 (ii) A violation of RCW 46.61.522 committed while under the
33 influence of intoxicating liquor or any drug;

34 (iii) An out-of-state offense comparable to the offense specified
35 in (b)(i) or (ii) of this subsection; or

36 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

37 (5) **Monitoring.**

38 (a) **Ignition interlock device.** The court shall require any person
39 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
40 equivalent local ordinance to comply with the rules and requirements

1 of the department regarding the installation and use of a functioning
2 ignition interlock device installed on all motor vehicles operated by
3 the person.

4 (b) **Monitoring devices.** If the court orders that a person refrain
5 from consuming any alcohol, the court may order the person to submit
6 to alcohol monitoring through an alcohol detection breathalyzer
7 device, transdermal sensor device, or other technology designed to
8 detect alcohol in a person's system. The person shall pay for the
9 cost of the monitoring, unless the court specifies that the cost of
10 monitoring will be paid with funds that are available from an
11 alternative source identified by the court. The county or
12 municipality where the penalty is being imposed shall determine the
13 cost.

14 (c) **Ignition interlock device substituted for 24/7 sobriety**
15 **program monitoring.** In any county or city where a 24/7 sobriety
16 program is available and verified by the Washington association of
17 sheriffs and police chiefs, the court shall:

18 (i) Order the person to install and use a functioning ignition
19 interlock or other device in lieu of such period of 24/7 sobriety
20 program monitoring;

21 (ii) Order the person to a period of 24/7 sobriety program
22 monitoring pursuant to subsections (1) through (3) of this section;
23 or

24 (iii) Order the person to install and use a functioning ignition
25 interlock or other device in addition to a period of 24/7 sobriety
26 program monitoring pursuant to subsections (1) through (3) of this
27 section.

28 (6) **Penalty for having a minor passenger in vehicle.** If a person
29 who is convicted of a violation of RCW 46.61.502 or 46.61.504
30 committed the offense while a passenger under the age of sixteen was
31 in the vehicle, the court shall:

32 (a) Order the use of an ignition interlock or other device for an
33 additional six months;

34 (b) In any case in which the person has no prior offenses within
35 seven years, and except as provided in RCW 46.61.502(6) or
36 46.61.504(6), order an additional twenty-four hours of imprisonment
37 and a fine of not less than one thousand dollars and not more than
38 five thousand dollars. One thousand dollars of the fine may not be
39 suspended unless the court finds the offender to be indigent;

1 (c) In any case in which the person has one prior offense within
2 seven years, and except as provided in RCW 46.61.502(6) or
3 46.61.504(6), order an additional five days of imprisonment and a
4 fine of not less than two thousand dollars and not more than five
5 thousand dollars. One thousand dollars of the fine may not be
6 suspended unless the court finds the offender to be indigent;

7 (d) In any case in which the person has two or three prior
8 offenses within seven years, and except as provided in RCW
9 46.61.502(6) or 46.61.504(6), order an additional ten days of
10 imprisonment and a fine of not less than three thousand dollars and
11 not more than ten thousand dollars. One thousand dollars of the fine
12 may not be suspended unless the court finds the offender to be
13 indigent.

14 (7) **Other items courts must consider while setting penalties.** In
15 exercising its discretion in setting penalties within the limits
16 allowed by this section, the court shall particularly consider the
17 following:

18 (a) Whether the person's driving at the time of the offense was
19 responsible for injury or damage to another or another's property;

20 (b) Whether at the time of the offense the person was driving or
21 in physical control of a vehicle with one or more passengers;

22 (c) Whether the driver was driving in the opposite direction of
23 the normal flow of traffic on a multiple lane highway, as defined by
24 RCW 46.04.350, with a posted speed limit of forty-five miles per hour
25 or greater; and

26 (d) Whether a child passenger under the age of sixteen was an
27 occupant in the driver's vehicle.

28 (8) **Treatment and information school.** An offender punishable
29 under this section is subject to the alcohol assessment and treatment
30 provisions of RCW 46.61.5056.

31 (9) **Driver's license privileges of the defendant.** The license,
32 permit, or nonresident privilege of a person convicted of driving or
33 being in physical control of a motor vehicle while under the
34 influence of intoxicating liquor or drugs must:

35 (a) **Penalty for alcohol concentration less than 0.15.** If the
36 person's alcohol concentration was less than 0.15, or if for reasons
37 other than the person's refusal to take a test offered under RCW
38 46.20.308 there is no test result indicating the person's alcohol
39 concentration:

1 (i) Where there has been no prior offense within seven years, be
2 suspended or denied by the department for ninety days;

3 (ii) Where there has been one prior offense within seven years,
4 be revoked or denied by the department for two years; or

5 (iii) Where there have been two or more prior offenses within
6 seven years, be revoked or denied by the department for three years;

7 (b) **Penalty for alcohol concentration at least 0.15.** If the
8 person's alcohol concentration was at least 0.15:

9 (i) Where there has been no prior offense within seven years, be
10 revoked or denied by the department for one year;

11 (ii) Where there has been one prior offense within seven years,
12 be revoked or denied by the department for nine hundred days; or

13 (iii) Where there have been two or more prior offenses within
14 seven years, be revoked or denied by the department for four years;
15 or

16 (c) **Penalty for refusing to take test.** If by reason of the
17 person's refusal to take a test offered under RCW 46.20.308, there is
18 no test result indicating the person's alcohol concentration:

19 (i) Where there have been no prior offenses within seven years,
20 be revoked or denied by the department for two years;

21 (ii) Where there has been one prior offense within seven years,
22 be revoked or denied by the department for three years; or

23 (iii) Where there have been two or more previous offenses within
24 seven years, be revoked or denied by the department for four years.

25 The department shall grant credit on a day-for-day basis for any
26 portion of a suspension, revocation, or denial already served under
27 this subsection for a suspension, revocation, or denial imposed under
28 RCW 46.20.3101 arising out of the same incident.

29 Upon its own motion or upon motion by a person, a court may find,
30 on the record, that notice to the department under RCW 46.20.270 has
31 been delayed for three years or more as a result of a clerical or
32 court error. If so, the court may order that the person's license,
33 permit, or nonresident privilege shall not be revoked, suspended, or
34 denied for that offense. The court shall send notice of the finding
35 and order to the department and to the person. Upon receipt of the
36 notice from the court, the department shall not revoke, suspend, or
37 deny the license, permit, or nonresident privilege of the person for
38 that offense.

1 For purposes of this subsection (9), the department shall refer
2 to the driver's record maintained under RCW 46.52.120 when
3 determining the existence of prior offenses.

4 (10) **Probation of driving privilege.** After expiration of any
5 period of suspension, revocation, or denial of the offender's
6 license, permit, or privilege to drive required by this section, the
7 department shall place the offender's driving privilege in
8 probationary status pursuant to RCW 46.20.355.

9 (11) **Conditions of probation.** (a) In addition to any
10 nonsuspendable and nondeferrable jail sentence required by this
11 section, whenever the court imposes up to three hundred sixty-four
12 days in jail, the court shall also suspend but shall not defer a
13 period of confinement for a period not exceeding five years. The
14 court shall impose conditions of probation that include: (i) Not
15 driving a motor vehicle within this state without a valid license to
16 drive and proof of liability insurance or other financial
17 responsibility for the future pursuant to RCW 46.30.020; (ii) not
18 driving or being in physical control of a motor vehicle within this
19 state while having an alcohol concentration of 0.08 or more or a THC
20 concentration of 5.00 nanograms per milliliter of whole blood or
21 higher, within two hours after driving; and (iii) not refusing to
22 submit to a test of his or her breath or blood to determine alcohol
23 or drug concentration upon request of a law enforcement officer who
24 has reasonable grounds to believe the person was driving or was in
25 actual physical control of a motor vehicle within this state while
26 under the influence of intoxicating liquor or drug. The court may
27 impose conditions of probation that include nonrepetition,
28 installation of an ignition interlock device on the probationer's
29 motor vehicle, alcohol or drug treatment, supervised probation, or
30 other conditions that may be appropriate. The sentence may be imposed
31 in whole or in part upon violation of a condition of probation during
32 the suspension period.

33 (b) For each violation of mandatory conditions of probation under
34 (a)(i), (ii), or (iii) of this subsection, the court shall order the
35 convicted person to be confined for thirty days, which shall not be
36 suspended or deferred.

37 (c) For each incident involving a violation of a mandatory
38 condition of probation imposed under this subsection, the license,
39 permit, or privilege to drive of the person shall be suspended by the
40 court for thirty days or, if such license, permit, or privilege to

1 drive already is suspended, revoked, or denied at the time the
2 finding of probation violation is made, the suspension, revocation,
3 or denial then in effect shall be extended by thirty days. The court
4 shall notify the department of any suspension, revocation, or denial
5 or any extension of a suspension, revocation, or denial imposed under
6 this subsection.

7 (12) **Waiver of electronic home monitoring.** A court may waive the
8 electronic home monitoring requirements of this chapter when:

9 (a) The offender does not have a dwelling, telephone service, or
10 any other necessity to operate an electronic home monitoring system.
11 However, if a court determines that an alcohol monitoring device
12 utilizing wireless reporting technology is reasonably available, the
13 court may require the person to obtain such a device during the
14 period of required electronic home monitoring;

15 (b) The offender does not reside in the state of Washington; or

16 (c) The court determines that there is reason to believe that the
17 offender would violate the conditions of the electronic home
18 monitoring penalty.

19 Whenever the mandatory minimum term of electronic home monitoring
20 is waived, the court shall state in writing the reason for granting
21 the waiver and the facts upon which the waiver is based, and shall
22 impose an alternative sentence with similar punitive consequences.
23 The alternative sentence may include, but is not limited to, use of
24 an ignition interlock device, the 24/7 sobriety program monitoring,
25 additional jail time, work crew, or work camp.

26 Whenever the combination of jail time and electronic home
27 monitoring or alternative sentence would exceed three hundred sixty-
28 four days, the offender shall serve the jail portion of the sentence
29 first, and the electronic home monitoring or alternative portion of
30 the sentence shall be reduced so that the combination does not exceed
31 three hundred sixty-four days.

32 (13) **Extraordinary medical placement.** An offender serving a
33 sentence under this section, whether or not a mandatory minimum term
34 has expired, may be granted an extraordinary medical placement by the
35 jail administrator subject to the standards and limitations set forth
36 in RCW 9.94A.728(3).

37 (14) **Definitions.** For purposes of this section and RCW 46.61.502
38 and 46.61.504:

39 (a) A "prior offense" means any of the following:

- 1 (i) A conviction for a violation of RCW 46.61.502 or an
2 equivalent local ordinance;
- 3 (ii) A conviction for a violation of RCW 46.61.504 or an
4 equivalent local ordinance;
- 5 (iii) A conviction for a violation of RCW 46.25.110 or an
6 equivalent local ordinance;
- 7 (iv) A conviction for a violation of RCW 79A.60.040 or an
8 equivalent local ordinance;
- 9 (v) A conviction for a violation of RCW 47.68.220 or an
10 equivalent local ordinance;
- 11 (vi) A conviction for a violation of RCW 46.09.470(2) or an
12 equivalent local ordinance;
- 13 (vii) A conviction for a violation of RCW 46.10.490(2) or an
14 equivalent local ordinance;
- 15 (viii) A conviction for a violation of RCW 46.61.520 committed
16 while under the influence of intoxicating liquor or any drug, or a
17 conviction for a violation of RCW 46.61.520 committed in a reckless
18 manner or with the disregard for the safety of others if the
19 conviction is the result of a charge that was originally filed as a
20 violation of RCW 46.61.520 committed while under the influence of
21 intoxicating liquor or any drug;
- 22 (ix) A conviction for a violation of RCW 46.61.522 committed
23 while under the influence of intoxicating liquor or any drug, or a
24 conviction for a violation of RCW 46.61.522 committed in a reckless
25 manner or with the disregard for the safety of others if the
26 conviction is the result of a charge that was originally filed as a
27 violation of RCW 46.61.522 committed while under the influence of
28 intoxicating liquor or any drug;
- 29 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
30 9A.36.050 or an equivalent local ordinance, if the conviction is the
31 result of a charge that was originally filed as a violation of RCW
32 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
33 46.61.520 or 46.61.522;
- 34 (xi) An out-of-state conviction for a violation that would have
35 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this
36 subsection if committed in this state;
- 37 (xii) A deferred prosecution under chapter 10.05 RCW granted in a
38 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
39 equivalent local ordinance;

1 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
2 a prosecution for a violation of RCW 46.61.5249, or an equivalent
3 local ordinance, if the charge under which the deferred prosecution
4 was granted was originally filed as a violation of RCW 46.61.502 or
5 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
6 46.61.522;

7 (xiv) A deferred prosecution granted in another state for a
8 violation of driving or having physical control of a vehicle while
9 under the influence of intoxicating liquor or any drug if the out-of-
10 state deferred prosecution is equivalent to the deferred prosecution
11 under chapter 10.05 RCW, including a requirement that the defendant
12 participate in a chemical dependency treatment program; or

13 (xv) A deferred sentence imposed in a prosecution for a violation
14 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
15 ordinance, if the charge under which the deferred sentence was
16 imposed was originally filed as a violation of RCW 46.61.502 or
17 46.61.504, or an equivalent local ordinance, or a violation of RCW
18 46.61.520 or 46.61.522;

19 If a deferred prosecution is revoked based on a subsequent
20 conviction for an offense listed in this subsection (14)(a), the
21 subsequent conviction shall not be treated as a prior offense of the
22 revoked deferred prosecution for the purposes of sentencing;

23 (b) "Treatment" means alcohol or drug treatment approved by the
24 department of social and health services;

25 (c) "Within seven years" means that the arrest for a prior
26 offense occurred within seven years before or after the arrest for
27 the current offense; and

28 (d) "Within ten years" means that the arrest for a prior offense
29 occurred within ten years before or after the arrest for the current
30 offense.

31 (15) All fines imposed by this section apply to adult offenders
32 only.

33 **Sec. 31.** RCW 69.50.401 and 2013 c 3 s 19 are each amended to
34 read as follows:

35 (1) Except as authorized by this chapter, it is unlawful for any
36 person to manufacture, deliver, or possess with intent to manufacture
37 or deliver, a controlled substance.

38 (2) Any person who violates this section with respect to:

1 (a) A controlled substance classified in Schedule I or II which
2 is a narcotic drug or flunitrazepam, including its salts, isomers,
3 and salts of isomers, classified in Schedule IV, is guilty of a class
4 B felony and upon conviction may be imprisoned for not more than ten
5 years, or (i) fined not more than twenty-five thousand dollars if the
6 crime involved less than two kilograms of the drug, or both such
7 imprisonment and fine; or (ii) if the crime involved two or more
8 kilograms of the drug, then fined not more than one hundred thousand
9 dollars for the first two kilograms and not more than fifty dollars
10 for each gram in excess of two kilograms, or both such imprisonment
11 and fine;

12 (b) Amphetamine, including its salts, isomers, and salts of
13 isomers, or methamphetamine, including its salts, isomers, and salts
14 of isomers, is guilty of a class B felony and upon conviction may be
15 imprisoned for not more than ten years, or (i) fined not more than
16 twenty-five thousand dollars if the crime involved less than two
17 kilograms of the drug, or both such imprisonment and fine; or (ii) if
18 the crime involved two or more kilograms of the drug, then fined not
19 more than one hundred thousand dollars for the first two kilograms
20 and not more than fifty dollars for each gram in excess of two
21 kilograms, or both such imprisonment and fine. Three thousand dollars
22 of the fine may not be suspended. As collected, the first three
23 thousand dollars of the fine must be deposited with the law
24 enforcement agency having responsibility for cleanup of laboratories,
25 sites, or substances used in the manufacture of the methamphetamine,
26 including its salts, isomers, and salts of isomers. The fine moneys
27 deposited with that law enforcement agency must be used for such
28 clean-up cost;

29 (c) Any other controlled substance classified in Schedule I, II,
30 or III, is guilty of a class C felony punishable according to chapter
31 9A.20 RCW;

32 (d) A substance classified in Schedule IV, except flunitrazepam,
33 including its salts, isomers, and salts of isomers, is guilty of a
34 class C felony punishable according to chapter 9A.20 RCW; or

35 (e) A substance classified in Schedule V, is guilty of a class C
36 felony punishable according to chapter 9A.20 RCW.

37 (3) The production, manufacture, processing, packaging, delivery,
38 distribution, sale, or possession of marijuana in compliance with the
39 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not

1 constitute a violation of this section, this chapter, or any other
2 provision of Washington state law.

3 (4) The fines in this section apply to adult offenders only.

4 **Sec. 32.** RCW 69.50.425 and 2002 c 175 s 44 are each amended to
5 read as follows:

6 A person who is convicted of a misdemeanor violation of any
7 provision of this chapter shall be punished by imprisonment for not
8 less than twenty-four consecutive hours, and adult offenders shall be
9 punished by a fine of not less than two hundred fifty dollars. On a
10 second or subsequent conviction, the fine shall not be less than five
11 hundred dollars for adult offenders. These fines shall be in addition
12 to any other fine or penalty imposed on adult offenders. Unless the
13 court finds that the imposition of the minimum imprisonment will pose
14 a substantial risk to the defendant's physical or mental well-being
15 or that local jail facilities are in an overcrowded condition, the
16 minimum term of imprisonment shall not be suspended or deferred. If
17 the court finds such risk or overcrowding exists, it shall sentence
18 the defendant to a minimum of forty hours of community restitution.
19 If a minimum term of imprisonment is suspended or deferred, the court
20 shall state in writing the reason for granting the suspension or
21 deferral and the facts upon which the suspension or deferral is
22 based. Unless the court finds the person to be indigent, the minimum
23 fine shall not be suspended or deferred.

24 **Sec. 33.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to
25 read as follows:

26 (1) Every (~~person~~) adult offender convicted of a felony
27 violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402,
28 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be
29 fined one thousand dollars in addition to any other fine or penalty
30 imposed. Unless the court finds the (~~person~~) adult offender to be
31 indigent, this additional fine shall not be suspended or deferred by
32 the court.

33 (2) On a second or subsequent conviction for violation of any of
34 the laws listed in subsection (1) of this section, the (~~person~~)
35 adult offender shall be fined two thousand dollars in addition to any
36 other fine or penalty imposed. Unless the court finds the (~~person~~)
37 adult offender to be indigent, this additional fine shall not be
38 suspended or deferred by the court.

1 **Sec. 34.** RCW 69.50.435 and 2003 c 53 s 346 are each amended to
2 read as follows:

3 (1) Any person who violates RCW 69.50.401 by manufacturing,
4 selling, delivering, or possessing with the intent to manufacture,
5 sell, or deliver a controlled substance listed under RCW 69.50.401 or
6 who violates RCW 69.50.410 by selling for profit any controlled
7 substance or counterfeit substance classified in schedule I, RCW
8 69.50.204, except leaves and flowering tops of marihuana to a person:

9 (a) In a school;

10 (b) On a school bus;

11 (c) Within one thousand feet of a school bus route stop
12 designated by the school district;

13 (d) Within one thousand feet of the perimeter of the school
14 grounds;

15 (e) In a public park;

16 (f) In a public housing project designated by a local governing
17 authority as a drug-free zone;

18 (g) On a public transit vehicle;

19 (h) In a public transit stop shelter;

20 (i) At a civic center designated as a drug-free zone by the local
21 governing authority; or

22 (j) Within one thousand feet of the perimeter of a facility
23 designated under (i) of this subsection, if the local governing
24 authority specifically designates the one thousand foot perimeter
25 may be punished by a fine of up to twice the fine otherwise
26 authorized by this chapter, but not including twice the fine
27 authorized by RCW 69.50.406, or by imprisonment of up to twice the
28 imprisonment otherwise authorized by this chapter, but not including
29 twice the imprisonment authorized by RCW 69.50.406, or by both such
30 fine and imprisonment. The provisions of this section shall not
31 operate to more than double the fine or imprisonment otherwise
32 authorized by this chapter for an offense.

33 (2) It is not a defense to a prosecution for a violation of this
34 section that the person was unaware that the prohibited conduct took
35 place while in a school or school bus or within one thousand feet of
36 the school or school bus route stop, in a public park, in a public
37 housing project designated by a local governing authority as a drug-
38 free zone, on a public transit vehicle, in a public transit stop
39 shelter, at a civic center designated as a drug-free zone by the
40 local governing authority, or within one thousand feet of the

1 perimeter of a facility designated under subsection (1)(i) of this
2 section, if the local governing authority specifically designates the
3 one thousand foot perimeter.

4 (3) It is not a defense to a prosecution for a violation of this
5 section or any other prosecution under this chapter that persons
6 under the age of eighteen were not present in the school, the school
7 bus, the public park, the public housing project designated by a
8 local governing authority as a drug-free zone, or the public transit
9 vehicle, or at the school bus route stop, the public transit vehicle
10 stop shelter, at a civic center designated as a drug-free zone by the
11 local governing authority, or within one thousand feet of the
12 perimeter of a facility designated under subsection (1)(i) of this
13 section, if the local governing authority specifically designates the
14 one thousand foot perimeter at the time of the offense or that school
15 was not in session.

16 (4) It is an affirmative defense to a prosecution for a violation
17 of this section that the prohibited conduct took place entirely
18 within a private residence, that no person under eighteen years of
19 age or younger was present in such private residence at any time
20 during the commission of the offense, and that the prohibited conduct
21 did not involve delivering, manufacturing, selling, or possessing
22 with the intent to manufacture, sell, or deliver any controlled
23 substance in RCW 69.50.401 for profit. The affirmative defense
24 established in this section shall be proved by the defendant by a
25 preponderance of the evidence. This section shall not be construed to
26 establish an affirmative defense with respect to a prosecution for an
27 offense defined in any other section of this chapter.

28 (5) In a prosecution under this section, a map produced or
29 reproduced by any municipality, school district, county, transit
30 authority engineer, or public housing authority for the purpose of
31 depicting the location and boundaries of the area on or within one
32 thousand feet of any property used for a school, school bus route
33 stop, public park, public housing project designated by a local
34 governing authority as a drug-free zone, public transit vehicle stop
35 shelter, or a civic center designated as a drug-free zone by a local
36 governing authority, or a true copy of such a map, shall under proper
37 authentication, be admissible and shall constitute prima facie
38 evidence of the location and boundaries of those areas if the
39 governing body of the municipality, school district, county, or
40 transit authority has adopted a resolution or ordinance approving the

1 map as the official location and record of the location and
2 boundaries of the area on or within one thousand feet of the school,
3 school bus route stop, public park, public housing project designated
4 by a local governing authority as a drug-free zone, public transit
5 vehicle stop shelter, or civic center designated as a drug-free zone
6 by a local governing authority. Any map approved under this section
7 or a true copy of the map shall be filed with the clerk of the
8 municipality or county, and shall be maintained as an official record
9 of the municipality or county. This section shall not be construed as
10 precluding the prosecution from introducing or relying upon any other
11 evidence or testimony to establish any element of the offense. This
12 section shall not be construed as precluding the use or admissibility
13 of any map or diagram other than the one which has been approved by
14 the governing body of a municipality, school district, county,
15 transit authority, or public housing authority if the map or diagram
16 is otherwise admissible under court rule.

17 (6) As used in this section the following terms have the meanings
18 indicated unless the context clearly requires otherwise:

19 (a) "School" has the meaning under RCW 28A.150.010 or
20 28A.150.020. The term "school" also includes a private school
21 approved under RCW 28A.195.010;

22 (b) "School bus" means a school bus as defined by the
23 superintendent of public instruction by rule which is owned and
24 operated by any school district and all school buses which are
25 privately owned and operated under contract or otherwise with any
26 school district in the state for the transportation of students. The
27 term does not include buses operated by common carriers in the urban
28 transportation of students such as transportation of students through
29 a municipal transportation system;

30 (c) "School bus route stop" means a school bus stop as designated
31 by a school district;

32 (d) "Public park" means land, including any facilities or
33 improvements on the land, that is operated as a park by the state or
34 a local government;

35 (e) "Public transit vehicle" means any motor vehicle, streetcar,
36 train, trolley vehicle, or any other device, vessel, or vehicle which
37 is owned or operated by a transit authority and which is used for the
38 purpose of carrying passengers on a regular schedule;

39 (f) "Transit authority" means a city, county, or state
40 transportation system, transportation authority, public

1 transportation benefit area, public transit authority, or
2 metropolitan municipal corporation within the state that operates
3 public transit vehicles;

4 (g) "Stop shelter" means a passenger shelter designated by a
5 transit authority;

6 (h) "Civic center" means a publicly owned or publicly operated
7 place or facility used for recreational, educational, or cultural
8 activities;

9 (i) "Public housing project" means the same as "housing project"
10 as defined in RCW 35.82.020.

11 (7) The fines imposed by this section apply to adult offenders
12 only.

13 **Sec. 35.** RCW 77.15.420 and 2014 c 48 s 16 are each amended to
14 read as follows:

15 (1) If (~~a person~~) an adult offender is convicted of violating
16 RCW 77.15.410 and that violation results in the death of wildlife
17 listed in this section, the court shall require payment of the
18 following amounts for each animal taken or possessed. This shall be a
19 criminal wildlife penalty assessment that shall be paid to the clerk
20 of the court and distributed each month to the state treasurer for
21 deposit in the fish and wildlife enforcement reward account created
22 in RCW 77.15.425.

- | | | |
|----|--|----------|
| 23 | (a) Moose, mountain sheep, mountain | |
| 24 | goat, and all wildlife species | |
| 25 | classified as endangered by | |
| 26 | rule of the commission, except | |
| 27 | for mountain caribou and | |
| 28 | grizzly bear as listed under (d) | |
| 29 | of this subsection. | \$4,000 |
| 30 | (b) Elk, deer, black bear, and cougar. . | \$2,000 |
| 31 | (c) Trophy animal elk and deer. | \$6,000 |
| 32 | (d) Mountain caribou, grizzly bear, and | |
| 33 | trophy animal mountain | |
| 34 | sheep. | \$12,000 |

35 (2)(a) For the purpose of this section a "trophy animal" is:
36 (i) A buck deer with four or more antler points on both sides,
37 not including eyeguards;

1 (ii) A bull elk with five or more antler points on both sides,
2 not including eyeguards; or

3 (iii) A mountain sheep with a horn curl of three-quarter curl or
4 greater.

5 (b) For purposes of this subsection, "eyeguard" means an antler
6 protrusion on the main beam of the antler closest to the eye of the
7 animal.

8 (3) If two or more persons are convicted of illegally possessing
9 wildlife in subsection (1) of this section, the criminal wildlife
10 penalty assessment shall be imposed on them jointly and severally.

11 (4) The criminal wildlife penalty assessment shall be imposed
12 regardless of and in addition to any sentence, fines, or costs
13 otherwise provided for violating any provision of this title. The
14 criminal wildlife penalty assessment shall be included by the court
15 in any pronouncement of sentence and may not be suspended, waived,
16 modified, or deferred in any respect. This section may not be
17 construed to abridge or alter alternative rights of action or
18 remedies in equity or under common law or statutory law, criminal or
19 civil.

20 (5) A defaulted criminal wildlife penalty assessment may be
21 collected by any means authorized by law for the enforcement of
22 orders of the court or collection of a fine or costs, including but
23 not limited to vacation of a deferral of sentencing or vacation of a
24 suspension of sentence.

25 (6) A person assessed a criminal wildlife penalty assessment
26 under this section shall have his or her hunting license revoked and
27 all hunting privileges suspended until the penalty assessment is paid
28 through the registry of the court in which the penalty assessment was
29 assessed.

30 (7) The criminal wildlife penalty assessments provided in
31 subsection (1) of this section shall be doubled in the following
32 instances:

33 (a) When a person is convicted of spotlighting big game under RCW
34 77.15.450;

35 (b) When a person commits a violation that requires payment of a
36 wildlife penalty assessment within five years of a prior gross
37 misdemeanor or felony conviction under this title;

38 (c) When the trier of fact determines that the person took or
39 possessed the animal in question with the intent of bartering,

1 selling, or otherwise deriving economic profit from the animal or the
2 animal's parts; or

3 (d) When the trier of fact determines that the person took the
4 animal under the supervision of a licensed guide.

5 NEW SECTION. **Sec. 36.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 13.40.145 (Payment of fees for legal services by publicly
8 funded counsel—Hearing—Order or decree—Entering and enforcing
9 judgments) and 1997 c 121 s 6, 1995 c 275 s 4, & 1984 c 86 s 1; and

10 (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by
11 parent or legal guardian) and 1993 c 171 s 1."

12 Correct the title.

EFFECT: Makes the following changes to the underlying substitute
bill:

Limits modification of legal financial obligations during
contested sealing hearings to obligations other than restitution.

Limits the sealing of juvenile records to cases where the
individual has paid the full amount of restitution owing to the
victim named in the charging document.

Allows the Department of Licensing to furnish sealed juvenile
records only to the extent necessary to comply with federal law and
regulation.

Requires that the Washington State Patrol include access to
sealed juvenile record information in the Washington State
Identification System for criminal justice agencies only for the
purposes of law enforcement employment and concealed pistol license
applications.

Requires that courts allow the victim to determine the nature of
the community restitution to be completed when it is practicable to
do so after converting restitution to community service.

Removes the requirement that courts consider whether an
individual could acquire the means to pay an insurance provider
restitution over a ten-year period when considering modification of
restitution associated with a juvenile offense.

--- END ---