

E2SSB 5564 - H COMM AMD

By Committee on Early Learning & Human Services

ADOPTED AND ENGROSSED 4/13/2015

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that requiring
4 juvenile offenders to pay all legal financial obligations before
5 being eligible to have a juvenile record administratively sealed
6 disproportionately affects youth based on their socioeconomic status.
7 Juveniles who cannot afford to pay their legal financial obligations
8 cannot seal their juvenile records once they turn eighteen and
9 oftentimes struggle to find employment. By eliminating most
10 nonrestitution legal financial obligations for juveniles convicted of
11 less serious crimes, juvenile offenders will be better able to find
12 employment and focus on making restitution payments first to the
13 actual victim. This legislation is intended to help juveniles
14 understand the consequences of their actions and the harm that those
15 actions have caused others without placing insurmountable burdens on
16 juveniles attempting to become productive members of society.
17 Depending on the juvenile's ability to pay, and upon the consent of
18 the victim, courts should also strongly consider ordering community
19 restitution in lieu of paying restitution where appropriate.

20 **Sec. 2.** RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are
21 each reenacted and amended to read as follows:

22 (1) For purposes of this chapter:

23 (a) "Good faith effort to pay" means a juvenile offender has
24 either (i) paid the principal amount in full; (ii) made at least
25 eighty percent of the value of full monthly payments within the
26 period from disposition or deferred disposition until the time the
27 amount of restitution owed is under review; or (iii) can show good
28 cause why he or she paid an amount less than eighty percent of the
29 value of full monthly payments;

30 (b) "Juvenile justice or care agency" means any of the following:
31 Police, diversion units, court, prosecuting attorney, defense
32 attorney, detention center, attorney general, the legislative

1 children's oversight committee, the office of the family and
2 children's ombuds, the department of social and health services and
3 its contracting agencies, schools; persons or public or private
4 agencies having children committed to their custody; and any
5 placement oversight committee created under RCW 72.05.415;

6 ~~((b))~~ (c) "Official juvenile court file" means the legal file
7 of the juvenile court containing the petition or information,
8 motions, memorandums, briefs, findings of the court, and court
9 orders;

10 ~~((e))~~ (d) "Records" means the official juvenile court file, the
11 social file, and records of any other juvenile justice or care agency
12 in the case;

13 ~~((d))~~ (e) "Social file" means the juvenile court file
14 containing the records and reports of the probation counselor.

15 (2) Each petition or information filed with the court may include
16 only one juvenile and each petition or information shall be filed
17 under a separate docket number. The social file shall be filed
18 separately from the official juvenile court file.

19 (3) It is the duty of any juvenile justice or care agency to
20 maintain accurate records. To this end:

21 (a) The agency may never knowingly record inaccurate information.
22 Any information in records maintained by the department of social and
23 health services relating to a petition filed pursuant to chapter
24 13.34 RCW that is found by the court to be false or inaccurate shall
25 be corrected or expunged from such records by the agency;

26 (b) An agency shall take reasonable steps to assure the security
27 of its records and prevent tampering with them; and

28 (c) An agency shall make reasonable efforts to insure the
29 completeness of its records, including action taken by other agencies
30 with respect to matters in its files.

31 (4) Each juvenile justice or care agency shall implement
32 procedures consistent with the provisions of this chapter to
33 facilitate inquiries concerning records.

34 (5) Any person who has reasonable cause to believe information
35 concerning that person is included in the records of a juvenile
36 justice or care agency and who has been denied access to those
37 records by the agency may make a motion to the court for an order
38 authorizing that person to inspect the juvenile justice or care
39 agency record concerning that person. The court shall grant the
40 motion to examine records unless it finds that in the interests of

1 justice or in the best interests of the juvenile the records or parts
2 of them should remain confidential.

3 (6) A juvenile, or his or her parents, or any person who has
4 reasonable cause to believe information concerning that person is
5 included in the records of a juvenile justice or care agency may make
6 a motion to the court challenging the accuracy of any information
7 concerning the moving party in the record or challenging the
8 continued possession of the record by the agency. If the court grants
9 the motion, it shall order the record or information to be corrected
10 or destroyed.

11 (7) The person making a motion under subsection (5) or (6) of
12 this section shall give reasonable notice of the motion to all
13 parties to the original action and to any agency whose records will
14 be affected by the motion.

15 (8) The court may permit inspection of records by, or release of
16 information to, any clinic, hospital, or agency which has the subject
17 person under care or treatment. The court may also permit inspection
18 by or release to individuals or agencies, including juvenile justice
19 advisory committees of county law and justice councils, engaged in
20 legitimate research for educational, scientific, or public purposes.
21 Each person granted permission to inspect juvenile justice or care
22 agency records for research purposes shall present a notarized
23 statement to the court stating that the names of juveniles and
24 parents will remain confidential.

25 (9) The court shall release to the caseload forecast council the
26 records needed for its research and data-gathering functions. Access
27 to caseload forecast data may be permitted by the council for
28 research purposes only if the anonymity of all persons mentioned in
29 the records or information will be preserved.

30 (10) Juvenile detention facilities shall release records to the
31 caseload forecast council upon request. The commission shall not
32 disclose the names of any juveniles or parents mentioned in the
33 records without the named individual's written permission.

34 (11) Requirements in this chapter relating to the court's
35 authority to compel disclosure shall not apply to the legislative
36 children's oversight committee or the office of the family and
37 children's ombuds.

38 (12) For the purpose of research only, the administrative office
39 of the courts shall maintain an electronic research copy of all
40 records in the judicial information system related to juveniles.

1 Access to the research copy is restricted to the Washington state
2 center for court research. The Washington state center for court
3 research shall maintain the confidentiality of all confidential
4 records and shall preserve the anonymity of all persons identified in
5 the research copy. The research copy may not be subject to any
6 records retention schedule and must include records destroyed or
7 removed from the judicial information system pursuant to RCW
8 13.50.270 and 13.50.100(3).

9 (13) The court shall release to the Washington state office of
10 public defense records needed to implement the agency's oversight,
11 technical assistance, and other functions as required by RCW
12 2.70.020. Access to the records used as a basis for oversight,
13 technical assistance, or other agency functions is restricted to the
14 Washington state office of public defense. The Washington state
15 office of public defense shall maintain the confidentiality of all
16 confidential information included in the records.

17 **Sec. 3.** RCW 13.50.260 and 2014 c 175 s 4 are each amended to
18 read as follows:

19 (1)(a) The court shall hold regular sealing hearings. During
20 these regular sealing hearings, the court shall administratively seal
21 an individual's juvenile (~~court~~) record pursuant to the
22 requirements of this subsection unless the court receives an
23 objection to sealing or the court notes a compelling reason not to
24 seal, in which case, the court shall set a contested hearing to be
25 conducted on the record to address sealing. (~~The respondent and his~~
26 ~~or her attorney shall be given at least eighteen days' notice of any~~
27 ~~contested sealing hearing and the opportunity to respond to any~~
28 ~~objections, but the respondent's presence is not required at any~~
29 ~~sealing hearing pursuant to this subsection.)) Although the juvenile
30 record shall be sealed, the social file may be available to any
31 juvenile justice or care agency when an investigation or case
32 involving the juvenile subject of the records is being prosecuted by
33 the juvenile justice or care agency or when the juvenile justice or
34 care agency is assigned the responsibility of supervising the
35 juvenile. The contested hearing shall be set no sooner than eighteen
36 days after notice of the hearing and the opportunity to object has
37 been sent to the juvenile, the victim, and juvenile's attorney. The
38 juvenile respondent's presence is not required at a sealing hearing
39 pursuant to this subsection.~~

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

5 (i) The respondent's eighteenth birthday;

6 (ii) Anticipated completion of a respondent's probation, if
7 ordered;

8 (iii) Anticipated release from confinement at the juvenile
9 rehabilitation administration, or the completion of parole, if the
10 respondent is transferred to the juvenile rehabilitation
11 administration.

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

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

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

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

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

19 (ii) The respondent has completed the terms and conditions of
20 disposition, including affirmative conditions and ~~((financial~~
21 ~~obligations))~~ has paid the full amount of restitution owing to the
22 individual victim named in the restitution order, excluding
23 restitution owed to any insurance provider authorized under Title 48
24 RCW.

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

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

33 (3) If a juvenile court record has not already been sealed
34 pursuant to this section, in any case in which information has been
35 filed pursuant to RCW 13.40.100 or a complaint has been filed with
36 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
37 the person who is the subject of the information or complaint may
38 file a motion with the court to have the court vacate its order and
39 findings, if any, and, subject to RCW 13.50.050(13), order the

1 sealing of the official juvenile court record, the social file, and
2 records of the court and of any other agency in the case.

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

5 (i) Since the last date of release from confinement, including
6 full-time residential treatment, if any, or entry of disposition, the
7 person has spent five consecutive years in the community without
8 committing any offense or crime that subsequently results in an
9 adjudication or conviction;

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

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

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

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

21 (vi) (~~Full restitution has been paid~~) The person has paid the
22 full amount of restitution owing to the individual victim named in
23 the restitution order, excluding restitution owed to any insurance
24 provider authorized under Title 48 RCW.

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

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

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

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

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

1 (v) (~~Full restitution has been paid~~) The person has paid the
2 full amount of restitution owing to the individual victim named in
3 the restitution order, excluding restitution owed to any insurance
4 provider authorized under Title 48 RCW.

5 (c) Notwithstanding the requirements in (a) or (b) of this
6 subsection, the court shall grant any motion to seal records of any
7 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
8 2012, if restitution has been paid and the person is eighteen years
9 of age or older at the time of the motion.

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

13 (6)(a) If the court enters a written order sealing the juvenile
14 court record pursuant to this section, it shall, subject to RCW
15 13.50.050(13), order sealed the official juvenile court record, the
16 social file, and other records relating to the case as are named in
17 the order. Thereafter, the proceedings in the case shall be treated
18 as if they never occurred, and the subject of the records may reply
19 accordingly to any inquiry about the events, records of which are
20 sealed. Any agency shall reply to any inquiry concerning confidential
21 or sealed records that records are confidential, and no information
22 can be given about the existence or nonexistence of records
23 concerning an individual.

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

33 (c) Effective July 1, 2019, the department of licensing may
34 release information related to records the court has ordered sealed
35 only to the extent necessary to comply with federal law and
36 regulation.

37 (7) Inspection of the files and records included in the order to
38 seal may thereafter be permitted only by order of the court upon
39 motion made by the person who is the subject of the information or

1 complaint, except as otherwise provided in RCW 13.50.010(8) and
2 13.50.050(13).

3 (8)(a) Any adjudication of a juvenile offense or a crime
4 subsequent to sealing has the effect of nullifying a sealing order;
5 however, the court may order the juvenile court record resealed upon
6 disposition of the subsequent matter if the case meets the sealing
7 criteria under this section and the court record has not previously
8 been resealed.

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

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

14 (d) The Washington state patrol shall ensure that the Washington
15 state identification system provides criminal justice agencies access
16 to sealed juvenile records information.

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

24 (10) County clerks may interact or correspond with the
25 respondent, his or her parents, and any holders of potential assets
26 or wages of the respondent for the purposes of collecting an
27 outstanding legal financial obligation after juvenile court records
28 have been sealed pursuant to this section.

29 (11) Persons and agencies that obtain sealed juvenile records
30 information pursuant to this section may communicate about this
31 information with the respondent, but may not disseminate or be
32 compelled to release the information to any person or agency not
33 specifically granted access to sealed juvenile records in this
34 section.

35 **Sec. 4.** RCW 46.52.130 and 2012 c 74 s 6 and 2012 c 73 s 1 are
36 each reenacted and amended to read as follows:

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

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

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

5 (i) The total number of vehicles involved;

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

7 (iii) Whether the vehicles were occupied at the time of the
8 accident; and

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

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

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

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

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

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

24 (ii) Nothing in this section prevents a court from providing a
25 copy of the driver's abstract to the individual named in the
26 abstract, provided that the named individual has a pending or open
27 infraction or criminal case in that court. A pending case includes
28 criminal cases that have not reached a disposition by plea,
29 stipulation, trial, or amended charge. An open infraction or criminal
30 case includes cases on probation, payment agreement or subject to, or
31 in collections. Courts may charge a reasonable fee for the production
32 and copying of the abstract for the individual.

33 (b) **Employers or prospective employers.** (i)(A) An abstract of the
34 full driving record maintained by the department may be furnished to
35 an employer or prospective employer or an agent acting on behalf of
36 an employer or prospective employer of the named individual for
37 purposes related to driving by the individual as a condition of
38 employment or otherwise at the direction of the employer.

39 (B) Release of an abstract of the driving record of an employee
40 or prospective employee requires a statement signed by: (I) The

1 employee or prospective employee that authorizes the release of the
2 record; and (II) the employer attesting that the information is
3 necessary for employment purposes related to driving by the
4 individual as a condition of employment or otherwise at the direction
5 of the employer. If the employer or prospective employer authorizes
6 an agent to obtain this information on their behalf, this must be
7 noted in the statement. The statement must also note that any
8 information contained in the abstract related to an adjudication that
9 is subject to a court order sealing the juvenile record of an
10 employee or prospective employee may not be used by the employer or
11 prospective employer, or an agent authorized to obtain this
12 information on their behalf, unless required by federal regulation or
13 law. The employer or prospective employer must afford the employee or
14 prospective employee an opportunity to demonstrate that an
15 adjudication contained in the abstract is subject to a court order
16 sealing the juvenile record.

17 (C) Upon request of the person named in the abstract provided
18 under this subsection, and upon that same person furnishing copies of
19 court records ruling that the person was not at fault in a motor
20 vehicle accident, the department must indicate on any abstract
21 provided under this subsection that the person was not at fault in
22 the motor vehicle accident.

23 (D) No employer or prospective employer, nor any agent of an
24 employer or prospective employer, may use information contained in
25 the abstract related to an adjudication that is subject to a court
26 order sealing the juvenile record of an employee or prospective
27 employee for any purpose unless required by federal regulation or
28 law. The employee or prospective employee must furnish a copy of the
29 court order sealing the juvenile record to the employer or
30 prospective employer, or the agent of the employer or prospective
31 employer, as may be required to ensure the application of this
32 subsection.

33 (ii) In addition to the methods described in (b)(i) of this
34 subsection, the director may enter into a contractual agreement with
35 an employer or its agent for the purpose of reviewing the driving
36 records of existing employees for changes to the record during
37 specified periods of time. The department shall establish a fee for
38 this service, which must be deposited in the highway safety fund. The
39 fee for this service must be set at a level that will not result in a
40 net revenue loss to the state. Any information provided under this

1 subsection must be treated in the same manner and is subject to the
2 same restrictions as driving record abstracts.

3 (c) **Volunteer organizations.** (i) An abstract of the full driving
4 record maintained by the department may be furnished to a volunteer
5 organization or an agent for a volunteer organization for which the
6 named individual has submitted an application for a position that
7 would require driving by the individual at the direction of the
8 volunteer organization.

9 (ii) Release of an abstract of the driving record of a
10 prospective volunteer requires a statement signed by: (A) The
11 prospective volunteer that authorizes the release of the record; and
12 (B) the volunteer organization attesting that the information is
13 necessary for purposes related to driving by the individual at the
14 direction of the volunteer organization. If the volunteer
15 organization authorizes an agent to obtain this information on their
16 behalf, this must be noted in the statement.

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

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

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

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

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

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

31 (A) Not contain any information related to actions committed by
32 law enforcement officers or firefighters, as both terms are defined
33 in RCW 41.26.030, or by Washington state patrol officers, while
34 driving official vehicles in the performance of their occupational
35 duty. This does not apply to any situation where the vehicle was used
36 in the commission of a misdemeanor or felony;

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

1 (C) Exclude any deferred prosecution under RCW 10.05.060, except
2 that if a person is removed from a deferred prosecution under RCW
3 10.05.090, the abstract must show the deferred prosecution as well as
4 the removal.

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

9 (iv) Any insurance company or its agent, for underwriting
10 purposes relating to the operation of commercial motor vehicles, may
11 not use any information contained in the abstract relative to any
12 person's operation of motor vehicles while not engaged in such
13 employment. Any insurance company or its agent, for underwriting
14 purposes relating to the operation of noncommercial motor vehicles,
15 may not use any information contained in the abstract relative to any
16 person's operation of commercial motor vehicles.

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

27 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
28 the driving record maintained by the department covering the period
29 of not more than the last five years may be furnished to an alcohol/
30 drug assessment or treatment agency approved by the department of
31 social and health services to which the named individual has applied
32 or been assigned for evaluation or treatment, for purposes of
33 assisting employees in making a determination as to what level of
34 treatment, if any, is appropriate, except that the abstract must:

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

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

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

11 (h) **State colleges, universities, or agencies, or units of local**
12 **government.** An abstract of the full driving record maintained by the
13 department may be furnished to (i) state colleges, universities, or
14 agencies for employment and risk management purposes or (ii) units of
15 local government authorized to self-insure under RCW 48.62.031 for
16 employment and risk management purposes.

17 (i) **Superintendent of public instruction.** An abstract of the full
18 driving record maintained by the department may be furnished to the
19 superintendent of public instruction for review of public school bus
20 driver records. The superintendent or superintendent's designee may
21 discuss information on the driving record with an authorized
22 representative of the employing school district for employment and
23 risk management purposes.

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

30 (4) **Fee.** The director shall collect a thirteen dollar fee for
31 each abstract of a person's driving record furnished by the
32 department. Fifty percent of the fee must be deposited in the highway
33 safety fund, and fifty percent of the fee must be deposited according
34 to RCW 46.68.038.

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

37 (b) Any intentional violation of this section is a class C
38 felony.

39 (6) Effective July 1, 2019, the contents of a driving abstract
40 pursuant to this section shall not include any information related to

1 sealed juvenile records unless that information is required by
2 federal law or regulation.

3 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40
4 RCW to read as follows:

5 Cities, towns, and counties may not impose any legal financial
6 obligations, fees, fines, or costs associated with juvenile offenses
7 unless there is express statutory authority for those legal financial
8 obligations, fees, fines, or costs.

9 **Sec. 6.** RCW 13.40.190 and 2014 c 175 s 7 are each amended to
10 read as follows:

11 (1)(a) In its dispositional order, the court shall require the
12 respondent to make restitution to any persons who have suffered loss
13 or damage as a result of the offense committed by the respondent. In
14 addition, restitution may be ordered for loss or damage if the
15 offender pleads guilty to a lesser offense or fewer offenses and
16 agrees with the prosecutor's recommendation that the offender be
17 required to pay restitution to a victim of an offense or offenses
18 which, pursuant to a plea agreement, are not prosecuted.

19 (b) Restitution may include the costs of counseling reasonably
20 related to the offense.

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

24 (d) The court may determine the amount, terms, and conditions of
25 the restitution including a payment plan extending up to ten years if
26 the court determines that the respondent does not have the means to
27 make full restitution over a shorter period. If the court determines
28 that a juvenile has insufficient funds to pay and upon agreement of
29 the victim, the court may order performance of a number of hours of
30 community restitution in lieu of monetary penalty, at the rate of the
31 then state minimum wage per hour. The court shall allow the victim to
32 determine the nature of the community restitution to be completed
33 when it is practicable and appropriate to do so. For the purposes of
34 this section, the respondent shall remain under the court's
35 jurisdiction for a maximum term of ten years after the respondent's
36 eighteenth birthday and, during this period, the restitution portion
37 of the dispositional order may be modified as to amount, terms, and
38 conditions at any time. Prior to the expiration of the ten-year

1 period, the juvenile court may extend the judgment for the payment of
2 restitution for an additional ten years. If the court grants a
3 respondent's petition pursuant to RCW 13.50.260, the court's
4 jurisdiction under this subsection shall terminate.

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

9 (f) If the respondent participated in the crime with another
10 person or other persons, (~~all such participants shall be jointly and~~
11 ~~severally responsible for the payment of restitution~~) the court may
12 either order joint and several restitution or may divide restitution
13 equally among the respondents. In determining whether restitution
14 should be joint and several or equally divided, the court shall
15 consider the interest and circumstances of the victim or victims, the
16 circumstances of the respondents, and the interest of justice.

17 (g) At any time, the court may determine that the respondent is
18 not required to pay, or may relieve the respondent of the requirement
19 to pay, full or partial restitution to any insurance provider
20 authorized under Title 48 RCW if the respondent reasonably satisfies
21 the court that he or she does not have the means to make full or
22 partial restitution to the insurance provider (~~and could not~~
23 ~~reasonably acquire the means to pay the insurance provider the~~
24 ~~restitution over a ten-year period~~)).

25 (2) Regardless of the provisions of subsection (1) of this
26 section, the court shall order restitution in all cases where the
27 victim is entitled to benefits under the crime victims' compensation
28 act, chapter 7.68 RCW. If the court does not order restitution and
29 the victim of the crime has been determined to be entitled to
30 benefits under the crime victims' compensation act, the department of
31 labor and industries, as administrator of the crime victims'
32 compensation program, may petition the court within one year of entry
33 of the disposition order for entry of a restitution order. Upon
34 receipt of a petition from the department of labor and industries,
35 the court shall hold a restitution hearing and shall enter a
36 restitution order.

37 (3) If an order includes restitution as one of the monetary
38 assessments, the county clerk shall make disbursements to victims
39 named in the order. The restitution to victims named in the order
40 shall be paid prior to any payment for other penalties or monetary

1 assessments. The county clerk shall make restitution disbursements to
2 victims prior to payments to any insurance provider under Title 48
3 RCW.

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

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

13 **Sec. 7.** RCW 13.40.192 and 1997 c 121 s 7 are each amended to
14 read as follows:

15 (1) If a juvenile is ordered to pay legal financial obligations,
16 including fines, penalty assessments, attorneys' fees, court costs,
17 and restitution, the money judgment remains enforceable for a period
18 of ten years. When the juvenile reaches the age of eighteen years or
19 at the conclusion of juvenile court jurisdiction, whichever occurs
20 later, the superior court clerk must docket the remaining balance of
21 the juvenile's legal financial obligations in the same manner as
22 other judgments for the payment of money. The judgment remains valid
23 and enforceable until ten years from the date of its imposition. The
24 clerk of the superior court may seek extension of the judgment for
25 legal financial obligations, including crime victims' assessments, in
26 the same manner as RCW 6.17.020 for purposes of collection as allowed
27 under RCW 36.18.190.

28 (2) A respondent under obligation to pay legal financial
29 obligations other than restitution, the victim penalty assessment set
30 forth in RCW 7.68.035, or the crime laboratory analysis fee set forth
31 in RCW 43.43.690 may petition the court for modification or relief
32 from those legal financial obligations and interest accrued on those
33 obligations for good cause shown, including inability to pay. The
34 court shall consider factors such as, but not limited to
35 incarceration and a respondent's other debts, including restitution,
36 when determining a respondent's ability to pay.

37 **Sec. 8.** RCW 7.68.035 and 2011 c 336 s 246 are each amended to
38 read as follows:

1 (1)(a) When any person is found guilty in any superior court of
2 having committed a crime, except as provided in subsection (2) of
3 this section, there shall be imposed by the court upon such convicted
4 person a penalty assessment. The assessment shall be in addition to
5 any other penalty or fine imposed by law and shall be five hundred
6 dollars for each case or cause of action that includes one or more
7 convictions of a felony or gross misdemeanor and two hundred fifty
8 dollars for any case or cause of action that includes convictions of
9 only one or more misdemeanors.

10 (b) When any juvenile is adjudicated of ~~((any offense in any~~
11 ~~juvenile offense disposition under Title 13 RCW, except as provided~~
12 ~~in subsection (2) of this section))~~ an offense that is a most serious
13 offense as defined in RCW 9.94A.030, or a sex offense under chapter
14 9A.44 RCW, there shall be imposed upon the juvenile offender a
15 penalty assessment. The assessment shall be in addition to any other
16 penalty or fine imposed by law and shall be one hundred dollars for
17 each case or cause of action ~~((that includes one or more~~
18 ~~adjudications for a felony or gross misdemeanor and seventy five~~
19 ~~dollars for each case or cause of action that includes adjudications~~
20 ~~of only one or more misdemeanors))~~.

21 (c) When any juvenile is adjudicated of an offense which has a
22 victim, and which is not a most serious offense as defined in RCW
23 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall
24 order up to seven hours of community restitution, unless the court
25 finds that such an order is not practicable for the offender. This
26 community restitution must be imposed consecutively to any other
27 community restitution the court imposes for the offense.

28 (2) The assessment imposed by subsection (1) of this section
29 shall not apply to motor vehicle crimes defined in Title 46 RCW
30 except those defined in the following sections: RCW 46.61.520,
31 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
32 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
33 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
34 46.44.180, 46.10.490(2), and 46.09.470(2).

35 (3) When any person accused of having committed a crime posts
36 bail in superior court pursuant to the provisions of chapter 10.19
37 RCW and such bail is forfeited, there shall be deducted from the
38 proceeds of such forfeited bail a penalty assessment, in addition to
39 any other penalty or fine imposed by law, equal to the assessment

1 which would be applicable under subsection (1) of this section if the
2 person had been convicted of the crime.

3 (4) Such penalty assessments shall be paid by the clerk of the
4 superior court to the county treasurer who shall monthly transmit the
5 money as provided in RCW 10.82.070. Each county shall deposit fifty
6 percent of the money it receives per case or cause of action under
7 subsection (1) of this section and retains under RCW 10.82.070, not
8 less than one and seventy-five one-hundredths percent of the
9 remaining money it retains under RCW 10.82.070 and the money it
10 retains under chapter 3.62 RCW, and all money it receives under
11 subsection (7) of this section into a fund maintained exclusively for
12 the support of comprehensive programs to encourage and facilitate
13 testimony by the victims of crimes and witnesses to crimes. A program
14 shall be considered "comprehensive" only after approval of the
15 department upon application by the county prosecuting attorney. The
16 department shall approve as comprehensive only programs which:

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

23 (b) Are administered by the county prosecuting attorney either
24 directly through the prosecuting attorney's office or by contract
25 between the county and agencies providing services to victims of
26 crime;

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

30 (d) Assist victims in the restitution and adjudication process;
31 and

32 (e) Assist victims of violent crimes in the preparation and
33 presentation of their claims to the department of labor and
34 industries under this chapter.

35 Before a program in any county west of the Cascade mountains is
36 submitted to the department for approval, it shall be submitted for
37 review and comment to each city within the county with a population
38 of more than one hundred fifty thousand. The department will consider
39 if the county's proposed comprehensive plan meets the needs of crime

1 victims in cases adjudicated in municipal, district or superior
2 courts and of crime victims located within the city and county.

3 (5) Upon submission to the department of a letter of intent to
4 adopt a comprehensive program, the prosecuting attorney shall retain
5 the money deposited by the county under subsection (4) of this
6 section until such time as the county prosecuting attorney has
7 obtained approval of a program from the department. Approval of the
8 comprehensive plan by the department must be obtained within one year
9 of the date of the letter of intent to adopt a comprehensive program.
10 The county prosecuting attorney shall not make any expenditures from
11 the money deposited under subsection (4) of this section until
12 approval of a comprehensive plan by the department. If a county
13 prosecuting attorney has failed to obtain approval of a program from
14 the department under subsection (4) of this section or failed to
15 obtain approval of a comprehensive program within one year after
16 submission of a letter of intent under this section, the county
17 treasurer shall monthly transmit one hundred percent of the money
18 deposited by the county under subsection (4) of this section to the
19 state treasurer for deposit in the state general fund.

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

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

28 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.50
29 RCW to read as follows:

30 (1) Courts and judicial agencies that maintain a database of
31 juvenile records may provide those records, whether sealed or not, to
32 government agencies for the purpose of carrying out research or data
33 gathering functions. This data may also be linked with records from
34 other agencies or research organizations, provided that any agency
35 receiving or using records under this subsection maintain strict
36 confidentiality of the identity of the juveniles who are the subjects
37 of such records.

38 (2) Juvenile records, whether sealed or not, can be provided
39 without personal identifiers to researchers conducting legitimate

1 research for educational, scientific, or public purposes, so long as
2 the data is not used by the recipients of the records to identify an
3 individual with a juvenile record.

4 **Sec. 10.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read
5 as follows:

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

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

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

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

20 (2) Nothing in this section shall prohibit a person from also
21 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
22 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
23 9A.56.170 for possession of stolen property.

24 **Sec. 11.** RCW 9.08.072 and 2003 c 53 s 10 are each amended to
25 read as follows:

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

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

36 (3) A second or subsequent conviction under this section is a
37 class C felony punishable according to chapter 9A.20 RCW and ~~((by))~~,

1 for adult offenders, a mandatory fine of not less than one thousand
2 dollars per pet animal shall be imposed.

3 (4) Nothing in this section shall prohibit a person from also
4 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
5 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
6 9A.56.170 for possession of stolen property.

7 **Sec. 12.** RCW 9.46.1961 and 2002 c 253 s 2 are each amended to
8 read as follows:

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

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

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

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

21 **Sec. 13.** RCW 9.68A.105 and 2013 c 121 s 4 are each amended to
22 read as follows:

23 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
24 9.68A.101, and 9.68A.102, ~~((a person))~~ an adult offender who is
25 either convicted or given a deferred sentence or a deferred
26 prosecution or who has entered into a statutory or nonstatutory
27 diversion agreement as a result of an arrest for violating RCW
28 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
29 municipal ordinance shall be assessed a five thousand dollar fee.

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

35 ~~((c) When a minor has been adjudicated a juvenile offender or
36 has entered into a statutory or nonstatutory diversion agreement for
37 an offense which, if committed by an adult, would constitute a
38 violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable~~

1 ~~county or municipal ordinance, the court shall assess the fee under~~
2 ~~(a) of this subsection. The court may not reduce, waive, or suspend~~
3 ~~payment of all or part of the fee assessed unless it finds, on the~~
4 ~~record, that the minor does not have the ability to pay the fee in~~
5 ~~which case it may reduce the fee by an amount up to two-thirds of the~~
6 ~~maximum allowable fee.)~~)

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

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

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

27 (c) Revenues from these fees are not subject to the distribution
28 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
29 35.20.220.

30 (3) For the purposes of this section:

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

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

1 **Sec. 14.** RCW 9.68A.106 and 2013 c 9 s 1 are each amended to read
2 as follows:

3 (1) In addition to all other penalties under this chapter, ((a
4 ~~person~~) an adult offender convicted of an offense under RCW
5 9.68A.100, 9.68A.101, or 9.68A.102 shall be assessed an additional
6 fee of five thousand dollars per offense when the court finds that an
7 internet advertisement in which the victim of the crime was described
8 or depicted was instrumental in facilitating the commission of the
9 crime.

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

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

17 **Sec. 15.** RCW 9.94A.550 and 2003 c 53 s 59 are each amended to
18 read as follows:

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

22	Class A felonies	\$0 - 50,000
23	Class B felonies	\$0 - 20,000
24	Class C felonies	\$0 - 10,000

25 [2003 c 53 § 59; 1984 c 209 § 23. Formerly RCW 9.94A.386.]

26 **Sec. 16.** RCW 9A.20.021 and 2011 c 96 s 13 are each amended to
27 read as follows:

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

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

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

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

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

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

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

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

22 **Sec. 17.** RCW 9A.50.030 and 1993 c 128 s 4 are each amended to
23 read as follows:

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

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

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

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

35 (2) The fines imposed by this section apply to adult offenders
36 only.

37 **Sec. 18.** RCW 9A.56.060 and 2009 c 431 s 10 are each amended to
38 read as follows:

1 (1) Any person who shall with intent to defraud, make, or draw,
2 or utter, or deliver to another person any check, or draft, on a bank
3 or other depository for the payment of money, knowing at the time of
4 such drawing, or delivery, that he or she has not sufficient funds
5 in, or credit with the bank or other depository, to meet the check or
6 draft, in full upon its presentation, is guilty of unlawful issuance
7 of bank check. The word "credit" as used herein shall be construed to
8 mean an arrangement or understanding with the bank or other
9 depository for the payment of such check or draft, and the uttering
10 or delivery of such a check or draft to another person without such
11 fund or credit to meet the same shall be prima facie evidence of an
12 intent to defraud.

13 (2) Any person who shall with intent to defraud, make, or draw,
14 or utter, or deliver to another person any check, or draft on a bank
15 or other depository for the payment of money and who issues a stop-
16 payment order directing the bank or depository on which the check is
17 drawn not to honor the check, and who fails to make payment of money
18 in the amount of the check or draft or otherwise arrange a settlement
19 agreed upon by the holder of the check within twenty days of issuing
20 the check or draft is guilty of unlawful issuance of a bank check.

21 (3) When any series of transactions which constitute unlawful
22 issuance of a bank check would, when considered separately,
23 constitute unlawful issuance of a bank check in an amount of seven
24 hundred fifty dollars or less because of value, and the series of
25 transactions are a part of a common scheme or plan, the transactions
26 may be aggregated in one count and the sum of the value of all of the
27 transactions shall be the value considered in determining whether the
28 unlawful issuance of a bank check is to be punished as a class C
29 felony or a gross misdemeanor.

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

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

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

36 (b) The defendant need not be imprisoned, but the court shall
37 impose a fine of up to one thousand one hundred twenty-five dollars
38 for adult offenders. Of the fine imposed, at least three hundred
39 seventy-five dollars or an amount equal to one hundred fifty percent
40 of the amount of the bank check, whichever is greater, shall not be

1 suspended or deferred. Upon conviction for a second offense within
2 any twelve-month period, the court may not suspend or defer any
3 portion of the fine.

4 **Sec. 19.** RCW 9A.56.085 and 2003 c 53 s 76 are each amended to
5 read as follows:

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

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

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

17 (4) The fine in this section shall be imposed in addition to and
18 regardless of any penalty, including fines or costs, that is provided
19 for any violation of this section. The amount imposed by this section
20 shall be included by the court in any pronouncement of sentence and
21 may not be suspended, waived, modified, or deferred in any respect.
22 Nothing in this section may be construed to abridge or alter
23 alternative rights of action or remedies in equity or under common
24 law or statutory law, criminal or civil.

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

29 (6) The two thousand dollars additional penalty shall be remitted
30 by the county treasurer to the state treasurer as provided under RCW
31 10.82.070.

32 **Sec. 20.** RCW 9A.88.120 and 2013 c 121 s 5 are each amended to
33 read as follows:

34 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and
35 9A.88.030, ((~~a person~~)) an adult offender who is either convicted or
36 given a deferred sentence or a deferred prosecution or who has
37 entered into a statutory or nonstatutory diversion agreement as a
38 result of an arrest for violating RCW 9A.88.010, 9A.88.030, or

1 comparable county or municipal ordinances shall be assessed a fifty
2 dollar fee.

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

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

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

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

18 (c) In addition to penalties set forth in RCW 9A.88.110, a person
19 who is either convicted or given a deferred sentence or a deferred
20 prosecution or who has entered into a statutory or nonstatutory
21 diversion agreement as a result of an arrest for violating RCW
22 9A.88.110 or a comparable county or municipal ordinance shall be
23 assessed a fee in the amount of:

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

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

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

33 (d) In addition to penalties set forth in RCW 9A.88.070 and
34 9A.88.080, a person who is either convicted or given a deferred
35 sentence or a deferred prosecution or who has entered into a
36 statutory or nonstatutory diversion agreement as a result of an
37 arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county
38 or municipal ordinances shall be assessed a fee in the amount of:

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

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

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

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

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

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

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

29 ~~((4))~~) (3) Fees assessed under this section shall be collected
30 by the clerk of the court and remitted to the treasurer of the county
31 where the offense occurred for deposit in the county general fund,
32 except in cases in which the offense occurred in a city or town that
33 provides for its own law enforcement, in which case these amounts
34 shall be remitted to the treasurer of the city or town for deposit in
35 the general fund of the city or town. Revenue from the fees must be
36 used for local efforts to reduce the commercial sale of sex
37 including, but not limited to, increasing enforcement of commercial
38 sex laws.

39 (a) At least fifty percent of the revenue from fees imposed under
40 this section must be spent on prevention, including education

1 programs for offenders, such as john school, and rehabilitative
2 services for victims, such as mental health and substance abuse
3 counseling, parenting skills, training, housing relief, education,
4 vocational training, drop-in centers, and employment counseling.

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

9 (c) Revenues from these fees are not subject to the distribution
10 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
11 35.20.220.

12 (~~(+5)~~) (4) For the purposes of this section:

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

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

22 **Sec. 21.** RCW 9A.88.140 and 2013 c 121 s 6 are each amended to
23 read as follows:

24 (1)(a) Upon an arrest for a suspected violation of patronizing a
25 prostitute, promoting prostitution in the first degree, promoting
26 prostitution in the second degree, promoting travel for prostitution,
27 the arresting law enforcement officer may impound the person's
28 vehicle if (i) the motor vehicle was used in the commission of the
29 crime; (ii) the person arrested is the owner of the vehicle or the
30 vehicle is a rental car as defined in RCW 46.04.465; and (iii) either
31 (A) the person arrested has previously been convicted of one of the
32 offenses listed in this subsection or (B) the offense was committed
33 within an area designated under (b) of this subsection.

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

38 (i) The designation must be based on evidence indicating that the
39 area has a disproportionately higher number of arrests for the

1 offenses listed in (a) of this subsection as compared to other areas
2 within the same jurisdiction.

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

6 (2) Upon an arrest for a suspected violation of commercial sexual
7 abuse of a minor, promoting commercial sexual abuse of a minor, or
8 promoting travel for commercial sexual abuse of a minor, the
9 arresting law enforcement officer shall impound the person's vehicle
10 if (a) the motor vehicle was used in the commission of the crime; and
11 (b) the person arrested is the owner of the vehicle or the vehicle is
12 a rental car as defined in RCW 46.04.465.

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

16 (4)(a) Prior to redeeming the impounded vehicle, and in addition
17 to all applicable impoundment, towing, and storage fees paid to the
18 towing company under chapter 46.55 RCW, (~~the~~) an adult owner of
19 (~~the~~) an impounded vehicle must pay a fine to the impounding
20 agency. The fine shall be five hundred dollars for the offenses
21 specified in subsection (1) of this section, or two thousand five
22 hundred dollars for the offenses specified in subsection (2) of this
23 section.

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

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

37 (i) At least fifty percent of the revenue from fines imposed
38 under this section must be spent on prevention, including education
39 programs for offenders, such as john school, and rehabilitative
40 services for victims, such as mental health and substance abuse

1 counseling, parenting skills, training, housing relief, education,
2 vocational training, drop-in centers, and employment counseling.

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

7 (iii) Revenues from these fees are not subject to the
8 distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040,
9 10.82.070, or 35.20.220.

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

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

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

20 (6)(a) In any proceeding under chapter 46.55 RCW to contest the
21 validity of an impoundment under this section where the claimant
22 substantially prevails, the claimant is entitled to a full refund of
23 the impoundment, towing, and storage fees paid under chapter 46.55
24 RCW and the five hundred dollar fine paid under subsection (4) of
25 this section.

26 (b) If the person is found not guilty at trial for a crime listed
27 under subsection (1) of this section, the person is entitled to a
28 full refund of the impoundment, towing, and storage fees paid under
29 chapter 46.55 RCW and the fine paid under subsection (4) of this
30 section.

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

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

35 **Sec. 22.** RCW 10.73.160 and 1995 c 275 s 3 are each amended to
36 read as follows:

37 (1) The court of appeals, supreme court, and superior courts may
38 require an adult (~~or a juvenile~~) offender convicted of an offense

1 (~~or the parents or another person legally obligated to support a~~
2 ~~juvenile offender~~) to pay appellate costs.

3 (2) Appellate costs are limited to expenses specifically incurred
4 by the state in prosecuting or defending an appeal or collateral
5 attack from a criminal conviction (~~or sentence or a juvenile~~
6 ~~offender conviction or disposition~~). Appellate costs shall not
7 include expenditures to maintain and operate government agencies that
8 must be made irrespective of specific violations of the law. Expenses
9 incurred for producing a verbatim report of proceedings and clerk's
10 papers may be included in costs the court may require a convicted
11 defendant (~~or juvenile offender~~) to pay.

12 (3) Costs, including recoupment of fees for court-appointed
13 counsel, shall be requested in accordance with the procedures
14 contained in Title 14 of the rules of appellate procedure and in
15 Title 9 of the rules for appeal of decisions of courts of limited
16 jurisdiction. An award of costs shall become part of the trial court
17 judgment and sentence. (~~An award of costs in juvenile cases shall~~
18 ~~also become part of any order previously entered in the trial court~~
19 ~~pursuant to RCW 13.40.145.~~)

20 (4) A defendant (~~or juvenile offender~~) who has been sentenced
21 to pay costs and who is not in contumacious default in the payment
22 may at any time petition the court that sentenced the defendant or
23 juvenile offender for remission of the payment of costs or of any
24 unpaid portion. If it appears to the satisfaction of the sentencing
25 court that payment of the amount due will impose manifest hardship on
26 the defendant((~~τ~~)) or the defendant's immediate family((~~τ~~, ~~or the~~
27 ~~juvenile offender~~)), the sentencing court may remit all or part of
28 the amount due in costs, or modify the method of payment under RCW
29 10.01.170.

30 (5) The parents or another person legally obligated to support a
31 juvenile offender who has been ordered to pay appellate costs
32 (~~pursuant to RCW 13.40.145~~) and who is not in contumacious default
33 in the payment may at any time petition the court that sentenced the
34 juvenile offender for remission of the payment of costs or of any
35 unpaid portion. If it appears to the satisfaction of the sentencing
36 court that payment of the amount due will impose manifest hardship on
37 the parents or another person legally obligated to support a juvenile
38 offender or on their immediate families, the sentencing court may
39 remit all or part of the amount due in costs, or may modify the
40 method of payment.

1 **Sec. 23.** RCW 10.82.090 and 2011 c 106 s 2 are each amended to
2 read as follows:

3 (1) Except as provided in subsection (2) of this section,
4 financial obligations imposed in a judgment shall bear interest from
5 the date of the judgment until payment, at the rate applicable to
6 civil judgments. All nonrestitution interest retained by the court
7 shall be split twenty-five percent to the state treasurer for deposit
8 in the state general fund, twenty-five percent to the state treasurer
9 for deposit in the judicial information system account as provided in
10 RCW 2.68.020, twenty-five percent to the county current expense fund,
11 and twenty-five percent to the county current expense fund to fund
12 local courts.

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

17 (a) The court shall waive all interest on the portions of the
18 legal financial obligations that are not restitution that accrued
19 during the term of total confinement for the conviction giving rise
20 to the financial obligations, provided the offender shows that the
21 interest creates a hardship for the offender or his or her immediate
22 family;

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

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

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

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

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

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

11 (2) Revenue from the assessment shall be used solely for the
12 purposes of establishing and funding domestic violence advocacy and
13 domestic violence prevention and prosecution programs in the city or
14 county of the court imposing the assessment. Revenue from the
15 assessment shall not be used for indigent criminal defense. If the
16 city or county does not have domestic violence advocacy or domestic
17 violence prevention and prosecution programs, cities and counties may
18 use the revenue collected from the assessment to contract with
19 recognized community-based domestic violence program providers.

20 (3) The assessment imposed under this section shall not be
21 subject to any state or local remittance requirements under chapter
22 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

23 (4) For the purposes of this section, "convicted" includes a plea
24 of guilty, a finding of guilt regardless of whether the imposition of
25 the sentence is deferred or any part of the penalty is suspended, or
26 the levying of a fine. For the purposes of this section, "domestic
27 violence" has the same meaning as that term is defined under RCW
28 10.99.020 and includes violations of equivalent local ordinances.

29 (5) When determining whether to impose a penalty assessment under
30 this section, judges are encouraged to solicit input from the victim
31 or representatives for the victim in assessing the ability of the
32 convicted offender to pay the penalty, including information
33 regarding current financial obligations, family circumstances, and
34 ongoing restitution.

35 **Sec. 25.** RCW 13.40.080 and 2014 c 128 s 5 are each amended to
36 read as follows:

37 (1) A diversion agreement shall be a contract between a juvenile
38 accused of an offense and a diversion unit whereby the juvenile

1 agrees to fulfill certain conditions in lieu of prosecution. Such
2 agreements may be entered into only after the prosecutor, or
3 probation counselor pursuant to this chapter, has determined that
4 probable cause exists to believe that a crime has been committed and
5 that the juvenile committed it. Such agreements shall be entered into
6 as expeditiously as possible.

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

9 (a) Community restitution not to exceed one hundred fifty hours,
10 not to be performed during school hours if the juvenile is attending
11 school;

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

14 (c) Attendance at up to ten hours of counseling and/or up to
15 twenty hours of educational or informational sessions at a community
16 agency. The educational or informational sessions may include
17 sessions relating to respect for self, others, and authority; victim
18 awareness; accountability; self-worth; responsibility; work ethics;
19 good citizenship; literacy; and life skills. If an assessment
20 identifies mental health or chemical dependency needs, a youth may
21 access up to thirty hours of counseling. The counseling sessions may
22 include services demonstrated to improve behavioral health and reduce
23 recidivism. For purposes of this section, "community agency" may also
24 mean a community-based nonprofit organization, a physician, a
25 counselor, a school, or a treatment provider, if approved by the
26 diversion unit. The state shall not be liable for costs resulting
27 from the diversion unit exercising the option to permit diversion
28 agreements to mandate attendance at up to thirty hours of counseling
29 and/or up to twenty hours of educational or informational sessions;

30 ~~((A fine, not to exceed one hundred dollars;~~
31 ~~(+))~~) Requirements to remain during specified hours at home,
32 school, or work, and restrictions on leaving or entering specified
33 geographical areas; and

34 ~~((+))~~) (e) Upon request of any victim or witness, requirements
35 to refrain from any contact with victims or witnesses of offenses
36 committed by the juvenile.

37 (3) Notwithstanding the provisions of subsection (2) of this
38 section, youth courts are not limited to the conditions imposed by
39 subsection (2) of this section in imposing sanctions on juveniles
40 pursuant to RCW 13.40.630.

1 (4) In assessing periods of community restitution to be performed
2 and restitution to be paid by a juvenile who has entered into a
3 diversion agreement, the court officer to whom this task is assigned
4 shall consult with the juvenile's custodial parent or parents or
5 guardian. To the extent possible, the court officer shall advise the
6 victims of the juvenile offender of the diversion process, offer
7 victim impact letter forms and restitution claim forms, and involve
8 members of the community. Such members of the community shall meet
9 with the juvenile and advise the court officer as to the terms of the
10 diversion agreement and shall supervise the juvenile in carrying out
11 its terms.

12 (5)(a) A diversion agreement may not exceed a period of six
13 months and may include a period extending beyond the eighteenth
14 birthday of the divertee.

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

18 (c) If the juvenile has not paid the full amount of restitution
19 by the end of the additional six-month period, then the juvenile
20 shall be referred to the juvenile court for entry of ~~((an))~~ a civil
21 order establishing the amount of restitution still owed to the
22 victim. In this order, the court shall also determine the terms and
23 conditions of the restitution, including a payment plan extending up
24 to ten years if the court determines that the juvenile does not have
25 the means to make full restitution over a shorter period. For the
26 purposes of this subsection (5)(c), the juvenile shall remain under
27 the court's jurisdiction for a maximum term of ten years after the
28 juvenile's eighteenth birthday. Prior to the expiration of the
29 initial ten-year period, the juvenile court may extend the judgment
30 for restitution an additional ten years. The court may relieve the
31 juvenile of the requirement to pay full or partial restitution if the
32 juvenile reasonably satisfies the court that he or she does not have
33 the means to make full or partial restitution and could not
34 reasonably acquire the means to pay the restitution over a ten-year
35 period. If the court relieves the juvenile of the requirement to pay
36 full or partial restitution, the court may order an amount of
37 community restitution that the court deems appropriate. The county
38 clerk shall make disbursements to victims named in the order. The
39 restitution to victims named in the order shall be paid prior to any
40 payment for other penalties or monetary assessments. A juvenile under

1 obligation to pay restitution may petition the court for modification
2 of the restitution order.

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

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

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

12 (b) Violation of the terms of the agreement shall be the only
13 grounds for termination;

14 (c) No diverttee may be terminated from a diversion program
15 without being given a court hearing, which hearing shall be preceded
16 by:

17 (i) Written notice of alleged violations of the conditions of the
18 diversion program; and

19 (ii) Disclosure of all evidence to be offered against the
20 diverttee;

21 (d) The hearing shall be conducted by the juvenile court and
22 shall include:

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

24 (ii) The right to confront and cross-examine all adverse
25 witnesses;

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

28 (iv) Demonstration by evidence that the diverttee has
29 substantially violated the terms of his or her diversion agreement;

30 (e) The prosecutor may file an information on the offense for
31 which the diverttee was diverted:

32 (i) In juvenile court if the diverttee is under eighteen years of
33 age; or

34 (ii) In superior court or the appropriate court of limited
35 jurisdiction if the diverttee is eighteen years of age or older.

36 (8) The diversion unit shall, subject to available funds, be
37 responsible for providing interpreters when juveniles need
38 interpreters to effectively communicate during diversion unit
39 hearings or negotiations.

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

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

5 (11) The right to counsel shall inure prior to the initial
6 interview for purposes of advising the juvenile as to whether he or
7 she desires to participate in the diversion process or to appear in
8 the juvenile court. The juvenile may be represented by counsel at any
9 critical stage of the diversion process, including intake interviews
10 and termination hearings. The juvenile shall be fully advised at the
11 intake of his or her right to an attorney and of the relevant
12 services an attorney can provide. For the purpose of this section,
13 intake interviews mean all interviews regarding the diversion
14 agreement process.

15 The juvenile shall be advised that a diversion agreement shall
16 constitute a part of the juvenile's criminal history as defined by
17 RCW 13.40.020(~~(7)~~) (8). A signed acknowledgment of such advisement
18 shall be obtained from the juvenile, and the document shall be
19 maintained by the diversion unit together with the diversion
20 agreement, and a copy of both documents shall be delivered to the
21 prosecutor if requested by the prosecutor. The supreme court shall
22 promulgate rules setting forth the content of such advisement in
23 simple language.

24 (12) When a juvenile enters into a diversion agreement, the
25 juvenile court may receive only the following information for
26 dispositional purposes:

- 27 (a) The fact that a charge or charges were made;
28 (b) The fact that a diversion agreement was entered into;
29 (c) The juvenile's obligations under such agreement;
30 (d) Whether the alleged offender performed his or her obligations
31 under such agreement; and
32 (e) The facts of the alleged offense.

33 (13) A diversion unit may refuse to enter into a diversion
34 agreement with a juvenile. When a diversion unit refuses to enter a
35 diversion agreement with a juvenile, it shall immediately refer such
36 juvenile to the court for action and shall forward to the court the
37 criminal complaint and a detailed statement of its reasons for
38 refusing to enter into a diversion agreement. The diversion unit
39 shall also immediately refer the case to the prosecuting attorney for

1 action if such juvenile violates the terms of the diversion
2 agreement.

3 (14) A diversion unit may, in instances where it determines that
4 the act or omission of an act for which a juvenile has been referred
5 to it involved no victim, or where it determines that the juvenile
6 referred to it has no prior criminal history and is alleged to have
7 committed an illegal act involving no threat of or instance of actual
8 physical harm and involving not more than fifty dollars in property
9 loss or damage and that there is no loss outstanding to the person or
10 firm suffering such damage or loss, counsel and release or release
11 such a juvenile without entering into a diversion agreement. A
12 diversion unit's authority to counsel and release a juvenile under
13 this subsection includes the authority to refer the juvenile to
14 community-based counseling or treatment programs or a restorative
15 justice program. Any juvenile released under this subsection shall be
16 advised that the act or omission of any act for which he or she had
17 been referred shall constitute a part of the juvenile's criminal
18 history as defined by RCW 13.40.020(~~(+7)~~) (8). A signed
19 acknowledgment of such advisement shall be obtained from the
20 juvenile, and the document shall be maintained by the unit, and a
21 copy of the document shall be delivered to the prosecutor if
22 requested by the prosecutor. The supreme court shall promulgate rules
23 setting forth the content of such advisement in simple language. A
24 juvenile determined to be eligible by a diversion unit for release as
25 provided in this subsection shall retain the same right to counsel
26 and right to have his or her case referred to the court for formal
27 action as any other juvenile referred to the unit.

28 (15) A diversion unit may supervise the fulfillment of a
29 diversion agreement entered into before the juvenile's eighteenth
30 birthday and which includes a period extending beyond the divertee's
31 eighteenth birthday.

32 (16) If (~~(a-fine)~~) restitution required by a diversion agreement
33 cannot reasonably be paid due to a change of circumstance, the
34 diversion agreement may be modified at the request of the divertee
35 and with the concurrence of the diversion unit to convert (~~(an)~~)
36 unpaid (~~(fine)~~) restitution into community restitution. The
37 modification of the diversion agreement shall be in writing and
38 signed by the divertee and the diversion unit. The number of hours of
39 community restitution in lieu of a monetary penalty shall be
40 converted at the rate of the prevailing state minimum wage per hour.

1 (~~((17) Fines imposed under this section shall be collected and~~
2 ~~paid into the county general fund in accordance with procedures~~
3 ~~established by the juvenile court administrator under RCW 13.04.040~~
4 ~~and may be used only for juvenile services. In the expenditure of~~
5 ~~funds for juvenile services, there shall be a maintenance of effort~~
6 ~~whereby counties exhaust existing resources before using amounts~~
7 ~~collected under this section.))~~)

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

10 (1) A juvenile is eligible for deferred disposition unless he or
11 she:

- 12 (a) Is charged with a sex or violent offense;
- 13 (b) Has a criminal history which includes any felony;
- 14 (c) Has a prior deferred disposition or deferred adjudication; or
- 15 (d) Has two or more adjudications.

16 (2) The juvenile court may, upon motion at least fourteen days
17 before commencement of trial and, after consulting the juvenile's
18 custodial parent or parents or guardian and with the consent of the
19 juvenile, continue the case for disposition for a period not to
20 exceed one year from the date the juvenile is found guilty. The court
21 shall consider whether the offender and the community will benefit
22 from a deferred disposition before deferring the disposition. The
23 court may waive the fourteen-day period anytime before the
24 commencement of trial for good cause.

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

26 (a) Stipulate to the admissibility of the facts contained in the
27 written police report;

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

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

33 (d) Acknowledge the direct consequences of being found guilty and
34 the direct consequences that will happen if an order of disposition
35 is entered.

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

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

4 (5) Any juvenile granted a deferral of disposition under this
5 section shall be placed under community supervision. The court may
6 impose any conditions of supervision that it deems appropriate
7 including posting a probation bond. Payment of restitution under RCW
8 13.40.190 shall be a condition of community supervision under this
9 section.

10 The court may require a juvenile offender convicted of animal
11 cruelty in the first degree to submit to a mental health evaluation
12 to determine if the offender would benefit from treatment and such
13 intervention would promote the safety of the community. After
14 consideration of the results of the evaluation, as a condition of
15 community supervision, the court may order the offender to attend
16 treatment to address issues pertinent to the offense.

17 The court may require the juvenile to undergo a mental health or
18 substance abuse assessment, or both. If the assessment identifies a
19 need for treatment, conditions of supervision may include treatment
20 for the assessed need that has been demonstrated to improve
21 behavioral health and reduce recidivism.

22 The court shall require a juvenile granted a deferral of
23 disposition for unlawful possession of a firearm in violation of RCW
24 9.41.040 to participate in a qualifying program as described in RCW
25 13.40.193(2)(b), when available, unless the court makes a written
26 finding based on the outcome of the juvenile court risk assessment
27 that participation in a qualifying program would not be appropriate.

28 (6) A parent who signed for a probation bond has the right to
29 notify the counselor if the juvenile fails to comply with the bond or
30 conditions of supervision. The counselor shall notify the court and
31 surety of any failure to comply. A surety shall notify the court of
32 the juvenile's failure to comply with the probation bond. The state
33 shall bear the burden to prove, by a preponderance of the evidence,
34 that the juvenile has failed to comply with the terms of community
35 supervision.

36 (7)(a) Anytime prior to the conclusion of the period of
37 supervision, the prosecutor or the juvenile's juvenile court
38 community supervision counselor may file a motion with the court
39 requesting the court revoke the deferred disposition based on the

1 juvenile's lack of compliance or treat the juvenile's lack of
2 compliance as a violation pursuant to RCW 13.40.200.

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

5 (i) Revoke the deferred disposition and enter an order of
6 disposition; or

7 (ii) Impose sanctions for the violation pursuant to RCW
8 13.40.200.

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

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

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

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

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

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

22 (b) If the court finds the juvenile is entitled to dismissal of
23 the deferred disposition pursuant to (a) of this subsection, the
24 juvenile's conviction shall be vacated and the court shall dismiss
25 the case with prejudice, except that a conviction under RCW 16.52.205
26 shall not be vacated. Whenever a case is dismissed with restitution
27 still owing, the court shall enter a restitution order pursuant to
28 RCW (~~(13.40.190)~~) 7.80.130 for any unpaid restitution. Jurisdiction
29 to enforce payment and modify terms of the restitution order shall be
30 the same as those set forth in RCW (~~(13.40.190)~~) 7.80.130.

31 (c) If the court finds the juvenile is not entitled to dismissal
32 of the deferred disposition pursuant to (a) of this subsection, the
33 court shall revoke the deferred disposition and enter an order of
34 disposition. A deferred disposition shall remain a conviction unless
35 the case is dismissed and the conviction is vacated pursuant to (b)
36 of this subsection or sealed pursuant to RCW 13.50.260.

37 (10)(a)(i) Any time the court vacates a conviction pursuant to
38 subsection (9) of this section, if the juvenile is eighteen years of
39 age or older and the full amount of restitution (~~(ordered)~~) owing to
40 the individual victim named in the restitution order, excluding

1 restitution owed to any insurance provider authorized under Title 48
2 RCW has been paid, the court shall enter a written order sealing the
3 case.

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

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

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

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

19 **Sec. 27.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to
20 read as follows:

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

23 (2)(a) For the filing of a petition for modification of a decree
24 of dissolution or paternity, within the same case as the original
25 action, and any party filing a counterclaim, cross-claim, or third-
26 party claim in any such action, a fee of thirty-six dollars must be
27 paid.

28 (b) The party filing the first or initial petition for
29 dissolution, legal separation, or declaration concerning the validity
30 of marriage shall pay, at the time and in addition to the filing fee
31 required under RCW 36.18.020, a fee of thirty dollars. The clerk of
32 the superior court shall transmit monthly twenty-four dollars of the
33 thirty dollar fee collected under this subsection to the state
34 treasury for deposit in the domestic violence prevention account. The
35 remaining six dollars shall be retained by the county for the purpose
36 of supporting community-based services within the county for victims
37 of domestic violence, except for five percent of the six dollars,
38 which may be retained by the court for administrative purposes.

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

8 (b) Upon conviction in criminal cases a jury demand charge of one
9 hundred twenty-five dollars for a jury of six, or two hundred fifty
10 dollars for a jury of twelve may be imposed as costs under RCW
11 10.46.190.

12 (4) For preparing a certified copy of an instrument on file or of
13 record in the clerk's office, for the first page or portion of the
14 first page, a fee of five dollars, and for each additional page or
15 portion of a page, a fee of one dollar must be charged. For
16 authenticating or exemplifying an instrument, a fee of two dollars
17 for each additional seal affixed must be charged. For preparing a
18 copy of an instrument on file or of record in the clerk's office
19 without a seal, a fee of fifty cents per page must be charged. When
20 copying a document without a seal or file that is in an electronic
21 format, a fee of twenty-five cents per page must be charged. For
22 copies made on a compact disc, an additional fee of twenty dollars
23 for each compact disc must be charged.

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

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

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

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

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

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

39 (11) For clerk's services such as performing historical searches,
40 compiling statistical reports, and conducting exceptional record

1 searches, the clerk may collect a fee not to exceed thirty dollars
2 per hour.

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

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

8 (14) For registration of land titles, Torrens Act, under RCW
9 65.12.780, a fee of twenty dollars must be charged.

10 (15) For the issuance of extension of judgment under RCW 6.17.020
11 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
12 When the extension of judgment is at the request of the clerk, the
13 two hundred dollar charge may be imposed as court costs under RCW
14 10.46.190.

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

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

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

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

25 (20) A service fee of five dollars for the first page and one
26 dollar for each additional page must be charged for receiving faxed
27 documents, pursuant to Washington state rules of court, general rule
28 17.

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

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

34 (23) Investment service charge and earnings under RCW 36.48.090
35 must be charged.

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

38 (25) For filing a request for mandatory arbitration, a filing fee
39 may be assessed against the party filing a statement of arbitrability
40 not to exceed two hundred twenty dollars as established by authority

1 of local ordinance. This charge shall be used solely to offset the
2 cost of the mandatory arbitration program.

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

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

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

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

18 (30) A surcharge of up to twenty dollars may be charged in
19 dissolution and legal separation actions as authorized by RCW
20 26.12.260.

21 The revenue to counties from the fees established in this section
22 shall be deemed to be complete reimbursement from the state for the
23 state's share of benefits paid to the superior court judges of the
24 state prior to July 24, 2005, and no claim shall lie against the
25 state for such benefits.

26 **Sec. 28.** RCW 36.18.020 and 2013 2nd sp.s. c 7 s 3 are each
27 amended to read as follows:

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

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

34 (a) In addition to any other fee required by law, the party
35 filing the first or initial document in any civil action, including,
36 but not limited to an action for restitution, adoption, or change of
37 name, and any party filing a counterclaim, cross-claim, or third-
38 party claim in any such civil action, shall pay, at the time the
39 document is filed, a fee of two hundred dollars except, in an

1 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
2 the plaintiff shall pay a case initiating filing fee of forty-five
3 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
4 violation of the compulsory attendance laws where the petitioner
5 shall not pay a filing fee. The forty-five dollar filing fee under
6 this subsection for an unlawful detainer action shall not include an
7 order to show cause or any other order or judgment except a default
8 order or default judgment in an unlawful detainer action.

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

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

15 (d) For filing of a petition for unlawful harassment under RCW
16 10.14.040 a filing fee of fifty-three dollars.

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

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

22 (g) For filing any petition to contest a will admitted to probate
23 or a petition to admit a will which has been rejected, or a petition
24 objecting to a written agreement or memorandum as provided in RCW
25 11.96A.220, there shall be paid a fee of two hundred dollars.

26 (h) Upon conviction or plea of guilty, upon failure to prosecute
27 an appeal from a court of limited jurisdiction as provided by law, or
28 upon affirmance of a conviction by a court of limited jurisdiction,
29 ((a)) an adult defendant in a criminal case shall be liable for a fee
30 of two hundred dollars.

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

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

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

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

10 (b) On filing fees required to be collected under subsection
11 (2)(b) of this section, a surcharge of thirty dollars must be
12 collected.

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

16 **Sec. 29.** RCW 36.18.040 and 1992 c 164 s 1 are each amended to
17 read as follows:

18 (1) Sheriffs shall collect the following fees for their official
19 services:

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

24 (b) For making a return, besides mileage actually traveled, seven
25 dollars;

26 (c) For levying each writ of attachment or writ of execution upon
27 real or personal property, besides mileage, thirty dollars per hour;

28 (d) For filing copy of writ of attachment or writ of execution
29 with auditor, ten dollars plus auditor's filing fee;

30 (e) For serving writ of possession or restitution without aid of
31 the county, besides mileage, twenty-five dollars;

32 (f) For serving writ of possession or restitution with aid of the
33 county, besides mileage, forty dollars plus thirty dollars for each
34 hour after one hour;

35 (g) For serving an arrest warrant in any action or proceeding,
36 besides mileage, thirty dollars;

37 (h) For executing any other writ or process in a civil action or
38 proceeding, besides mileage, thirty dollars per hour;

1 (i) For each mile actually and necessarily traveled in going to
2 or returning from any place of service, or attempted service, thirty-
3 five cents;

4 (j) For making a deed to lands sold upon execution or order of
5 sale or other decree of court, to be paid by the purchaser, thirty
6 dollars;

7 (k) For making copies of papers when sufficient copies are not
8 furnished, one dollar for first page and fifty cents per each
9 additional page;

10 (l) For the service of any other document and supporting papers
11 for which no other fee is provided for herein, twelve dollars;

12 (m) For posting a notice of sale, or postponement, ten dollars
13 besides mileage;

14 (n) For certificate or bill of sale of property, or certificate
15 of redemption, thirty dollars;

16 (o) For conducting a sale of property, thirty dollars per hour
17 spent at a sheriff's sale;

18 (p) For notarizing documents, five dollars for each document;

19 (q) For fingerprinting for noncriminal purposes, ten dollars for
20 each person for up to two sets, three dollars for each additional
21 set;

22 (r) For mailing required by statute, whether regular, certified,
23 or registered, the actual cost of postage;

24 (s) For an internal criminal history records check, ten dollars;

25 (t) For the reproduction of audio, visual, or photographic
26 material, to include magnetic microfilming, the actual cost including
27 personnel time.

28 (2) Fees allowable under this section may be recovered by the
29 prevailing party incurring the same as court costs. Nothing contained
30 in this section permits the expenditure of public funds to defray
31 costs of private litigation. Such costs shall be borne by the party
32 seeking action by the sheriff, and may be recovered from the proceeds
33 of any subsequent judicial sale, or may be added to any judgment upon
34 proper application to the court entering the judgment.

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

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

1 **Sec. 30.** RCW 43.43.690 and 1992 c 129 s 2 are each amended to
2 read as follows:

3 (1) When (~~a person~~) an adult offender has been adjudged guilty
4 of violating any criminal statute of this state and a crime
5 laboratory analysis was performed by a state crime laboratory, in
6 addition to any other disposition, penalty, or fine imposed, the
7 court shall levy a crime laboratory analysis fee of one hundred
8 dollars for each offense for which the person was convicted. Upon a
9 verified petition by the person assessed the fee, the court may
10 suspend payment of all or part of the fee if it finds that the person
11 does not have the ability to pay the fee.

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

21 ~~(3))~~) All crime laboratory analysis fees assessed under this
22 section shall be collected by the clerk of the court and forwarded to
23 the state general fund, to be used only for crime laboratories. The
24 clerk may retain five dollars to defray the costs of collecting the
25 fees.

26 **Sec. 31.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to
27 read as follows:

28 Every sentence imposed for a crime specified in RCW 43.43.754
29 must include a fee of one hundred dollars. The fee is a court-ordered
30 legal financial obligation as defined in RCW 9.94A.030 and other
31 applicable law. For a sentence imposed under chapter 9.94A RCW, the
32 fee is payable by the offender after payment of all other legal
33 financial obligations included in the sentence has been completed.
34 For all other sentences, the fee is payable by the offender in the
35 same manner as other assessments imposed. The clerk of the court
36 shall transmit eighty percent of the fee collected to the state
37 treasurer for deposit in the state DNA database account created under
38 RCW 43.43.7532, and shall transmit twenty percent of the fee
39 collected to the agency responsible for collection of a biological

1 sample from the offender as required under RCW 43.43.754. This fee
2 shall not be imposed on juvenile offenders if the state has
3 previously collected the juvenile offender's DNA as a result of a
4 prior conviction.

5 **Sec. 32.** RCW 46.61.5054 and 2011 c 293 s 12 are each amended to
6 read as follows:

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

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

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

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

31 (a) Forty percent shall be subject to distribution under RCW
32 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

33 (b) The remainder of the fee shall be forwarded to the state
34 treasurer who shall, through June 30, 1997, deposit: Fifty percent in
35 the death investigations' account to be used solely for funding the
36 state toxicology laboratory blood or breath testing programs; and
37 fifty percent in the state patrol highway account to be used solely
38 for funding activities to increase the conviction rate and decrease
39 the incidence of persons driving under the influence of alcohol or

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

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

19 (a) DUI courts; and

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

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

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

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

29 (1) **No prior offenses in seven years.** Except as provided in RCW
30 46.61.502(6) or 46.61.504(6), a person who is convicted of a
31 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
32 within seven years shall be punished as follows:

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

38 (i) By imprisonment for not less than one day nor more than three
39 hundred sixty-four days. Twenty-four consecutive hours of the

1 imprisonment may not be suspended unless the court finds that the
2 imposition of this mandatory minimum sentence would impose a
3 substantial risk to the offender's physical or mental well-being.
4 Whenever the mandatory minimum sentence is suspended, the court shall
5 state in writing the reason for granting the suspension and the facts
6 upon which the suspension is based. In lieu of the mandatory minimum
7 term of imprisonment required under this subsection (1)(a)(i), the
8 court may order not less than fifteen days of electronic home
9 monitoring. The offender shall pay the cost of electronic home
10 monitoring. The county or municipality in which the penalty is being
11 imposed shall determine the cost. The court may also require the
12 offender's electronic home monitoring device or other separate
13 alcohol monitoring device to include an alcohol detection
14 breathalyzer, and the court may restrict the amount of alcohol the
15 offender may consume during the time the offender is on electronic
16 home monitoring; and

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

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

26 (i) By imprisonment for not less than two days nor more than
27 three hundred sixty-four days. Forty-eight consecutive hours of the
28 imprisonment may not be suspended unless the court finds that the
29 imposition of this mandatory minimum sentence would impose a
30 substantial risk to the offender's physical or mental well-being.
31 Whenever the mandatory minimum sentence is suspended, the court shall
32 state in writing the reason for granting the suspension and the facts
33 upon which the suspension is based. In lieu of the mandatory minimum
34 term of imprisonment required under this subsection (1)(b)(i), the
35 court may order not less than thirty days of electronic home
36 monitoring. The offender shall pay the cost of electronic home
37 monitoring. The county or municipality in which the penalty is being
38 imposed shall determine the cost. The court may also require the
39 offender's electronic home monitoring device to include an alcohol
40 detection breathalyzer or other separate alcohol monitoring device,

1 and the court may restrict the amount of alcohol the offender may
2 consume during the time the offender is on electronic home
3 monitoring; and

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

7 (2) **One prior offense in seven years.** Except as provided in RCW
8 46.61.502(6) or 46.61.504(6), a person who is convicted of a
9 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
10 within seven years shall be punished as follows:

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

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

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

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

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

28 (ii) By a fine of not less than seven hundred fifty dollars nor
29 more than five thousand dollars. Seven hundred fifty dollars of the
30 fine may not be suspended unless the court finds the offender to be
31 indigent.

32 (3) **Two or three prior offenses in seven years.** Except as
33 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is
34 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has
35 two or three prior offenses within seven years shall be punished as
36 follows:

37 (a) **Penalty for alcohol concentration less than 0.15.** In the case
38 of a person whose alcohol concentration was less than 0.15, or for
39 whom for reasons other than the person's refusal to take a test

1 offered pursuant to RCW 46.20.308 there is no test result indicating
2 the person's alcohol concentration:

3 (i) By imprisonment for not less than ninety days nor more than
4 three hundred sixty-four days, if available in that county or city, a
5 six-month period of 24/7 sobriety program monitoring pursuant to RCW
6 36.28A.300 through 36.28A.390, and one hundred twenty days of
7 electronic home monitoring. In lieu of the mandatory minimum term of
8 one hundred twenty days of electronic home monitoring, the court may
9 order at least an additional eight days in jail. The court shall
10 order an expanded alcohol assessment and treatment, if deemed
11 appropriate by the assessment. The offender shall pay for the cost of
12 the electronic monitoring. The county or municipality where the
13 penalty is being imposed shall determine the cost. The court may also
14 require the offender's electronic home monitoring device include an
15 alcohol detection breathalyzer or other separate alcohol monitoring
16 device, and may restrict the amount of alcohol the offender may
17 consume during the time the offender is on electronic home
18 monitoring. Ninety days of imprisonment and one hundred twenty days
19 of electronic home monitoring may not be suspended unless the court
20 finds that the imposition of this mandatory minimum sentence would
21 impose a substantial risk to the offender's physical or mental well-
22 being. Whenever the mandatory minimum sentence is suspended, the
23 court shall state in writing the reason for granting the suspension
24 and the facts upon which the suspension is based; and

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

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

33 (i) By imprisonment for not less than one hundred twenty days nor
34 more than three hundred sixty-four days, if available in that county
35 or city, a six-month period of 24/7 sobriety program monitoring
36 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty
37 days of electronic home monitoring. In lieu of the mandatory minimum
38 term of one hundred fifty days of electronic home monitoring, the
39 court may order at least an additional ten days in jail. The offender
40 shall pay for the cost of the electronic monitoring. The court shall

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

15 (ii) By a fine of not less than one thousand five hundred dollars
16 nor more than five thousand dollars. One thousand five hundred
17 dollars of the fine may not be suspended unless the court finds the
18 offender to be indigent.

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

22 (a) The person has four or more prior offenses within ten years;
23 or

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

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

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

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

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

32 (5) **Monitoring.**

33 (a) **Ignition interlock device.** The court shall require any person
34 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
35 equivalent local ordinance to comply with the rules and requirements
36 of the department regarding the installation and use of a functioning
37 ignition interlock device installed on all motor vehicles operated by
38 the person.

39 (b) **Monitoring devices.** If the court orders that a person refrain
40 from consuming any alcohol, the court may order the person to submit

1 to alcohol monitoring through an alcohol detection breathalyzer
2 device, transdermal sensor device, or other technology designed to
3 detect alcohol in a person's system. The person shall pay for the
4 cost of the monitoring, unless the court specifies that the cost of
5 monitoring will be paid with funds that are available from an
6 alternative source identified by the court. The county or
7 municipality where the penalty is being imposed shall determine the
8 cost.

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

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

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

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

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

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

29 (b) In any case in which the person has no prior offenses within
30 seven years, and except as provided in RCW 46.61.502(6) or
31 46.61.504(6), order an additional twenty-four hours of imprisonment
32 and a fine of not less than one thousand dollars and not more than
33 five thousand dollars. One thousand dollars of the fine may not be
34 suspended unless the court finds the offender to be indigent;

35 (c) In any case in which the person has one prior offense within
36 seven years, and except as provided in RCW 46.61.502(6) or
37 46.61.504(6), order an additional five days of imprisonment and a
38 fine of not less than two thousand dollars and not more than five
39 thousand dollars. One thousand dollars of the fine may not be
40 suspended unless the court finds the offender to be indigent;

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

8 (7) **Other items courts must consider while setting penalties.** In
9 exercising its discretion in setting penalties within the limits
10 allowed by this section, the court shall particularly consider the
11 following:

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

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

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

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

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

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

29 (a) **Penalty for alcohol concentration less than 0.15.** If the
30 person's alcohol concentration was less than 0.15, or if for reasons
31 other than the person's refusal to take a test offered under RCW
32 46.20.308 there is no test result indicating the person's alcohol
33 concentration:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (10) **Probation of driving privilege.** After expiration of any
37 period of suspension, revocation, or denial of the offender's
38 license, permit, or privilege to drive required by this section, the
39 department shall place the offender's driving privilege in
40 probationary status pursuant to RCW 46.20.355.

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

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

29 (c) For each incident involving a violation of a mandatory
30 condition of probation imposed under this subsection, the license,
31 permit, or privilege to drive of the person shall be suspended by the
32 court for thirty days or, if such license, permit, or privilege to
33 drive already is suspended, revoked, or denied at the time the
34 finding of probation violation is made, the suspension, revocation,
35 or denial then in effect shall be extended by thirty days. The court
36 shall notify the department of any suspension, revocation, or denial
37 or any extension of a suspension, revocation, or denial imposed under
38 this subsection.

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

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

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

8 (c) The court determines that there is reason to believe that the
9 offender would violate the conditions of the electronic home
10 monitoring penalty.

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

18 Whenever the combination of jail time and electronic home
19 monitoring or alternative sentence would exceed three hundred sixty-
20 four days, the offender shall serve the jail portion of the sentence
21 first, and the electronic home monitoring or alternative portion of
22 the sentence shall be reduced so that the combination does not exceed
23 three hundred sixty-four days.

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

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

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

32 (i) A conviction for a violation of RCW 46.61.502 or an
33 equivalent local ordinance;

34 (ii) A conviction for a violation of RCW 46.61.504 or an
35 equivalent local ordinance;

36 (iii) A conviction for a violation of RCW 46.25.110 or an
37 equivalent local ordinance;

38 (iv) A conviction for a violation of RCW 79A.60.040 or an
39 equivalent local ordinance;

1 (v) A conviction for a violation of RCW 47.68.220 or an
2 equivalent local ordinance;

3 (vi) A conviction for a violation of RCW 46.09.470(2) or an
4 equivalent local ordinance;

5 (vii) A conviction for a violation of RCW 46.10.490(2) or an
6 equivalent local ordinance;

7 (viii) A conviction for a violation of RCW 46.61.520 committed
8 while under the influence of intoxicating liquor or any drug, or a
9 conviction for a violation of RCW 46.61.520 committed in a reckless
10 manner or with the disregard for the safety of others if the
11 conviction is the result of a charge that was originally filed as a
12 violation of RCW 46.61.520 committed while under the influence of
13 intoxicating liquor or any drug;

14 (ix) A conviction for a violation of RCW 46.61.522 committed
15 while under the influence of intoxicating liquor or any drug, or a
16 conviction for a violation of RCW 46.61.522 committed in a reckless
17 manner or with the disregard for the safety of others if the
18 conviction is the result of a charge that was originally filed as a
19 violation of RCW 46.61.522 committed while under the influence of
20 intoxicating liquor or any drug;

21 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
22 9A.36.050 or an equivalent local ordinance, if the conviction is the
23 result of a charge that was originally filed as a violation of RCW
24 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
25 46.61.520 or 46.61.522;

26 (xi) An out-of-state conviction for a violation that would have
27 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this
28 subsection if committed in this state;

29 (xii) A deferred prosecution under chapter 10.05 RCW granted in a
30 prosecution for a violation of RCW 46.61.502, 46.61.504, or an
31 equivalent local ordinance;

32 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
33 a prosecution for a violation of RCW 46.61.5249, or an equivalent
34 local ordinance, if the charge under which the deferred prosecution
35 was granted was originally filed as a violation of RCW 46.61.502 or
36 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
37 46.61.522;

38 (xiv) A deferred prosecution granted in another state for a
39 violation of driving or having physical control of a vehicle while
40 under the influence of intoxicating liquor or any drug if the out-of-

1 state deferred prosecution is equivalent to the deferred prosecution
2 under chapter 10.05 RCW, including a requirement that the defendant
3 participate in a chemical dependency treatment program; or

4 (xv) A deferred sentence imposed in a prosecution for a violation
5 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
6 ordinance, if the charge under which the deferred sentence was
7 imposed was originally filed as a violation of RCW 46.61.502 or
8 46.61.504, or an equivalent local ordinance, or a violation of RCW
9 46.61.520 or 46.61.522;

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

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

16 (c) "Within seven years" means that the arrest for a prior
17 offense occurred within seven years before or after the arrest for
18 the current offense; and

19 (d) "Within ten years" means that the arrest for a prior offense
20 occurred within ten years before or after the arrest for the current
21 offense.

22 (15) All fines imposed by this section apply to adult offenders
23 only.

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

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

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

30 (a) A controlled substance classified in Schedule I or II which
31 is a narcotic drug or flunitrazepam, including its salts, isomers,
32 and salts of isomers, classified in Schedule IV, is guilty of a class
33 B felony and upon conviction may be imprisoned for not more than ten
34 years, or (i) fined not more than twenty-five thousand dollars if the
35 crime involved less than two kilograms of the drug, or both such
36 imprisonment and fine; or (ii) if the crime involved two or more
37 kilograms of the drug, then fined not more than one hundred thousand
38 dollars for the first two kilograms and not more than fifty dollars

1 for each gram in excess of two kilograms, or both such imprisonment
2 and fine;

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

20 (c) Any other controlled substance classified in Schedule I, II,
21 or III, is guilty of a class C felony punishable according to chapter
22 9A.20 RCW;

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

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

28 (3) The production, manufacture, processing, packaging, delivery,
29 distribution, sale, or possession of marijuana in compliance with the
30 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not
31 constitute a violation of this section, this chapter, or any other
32 provision of Washington state law.

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

34 **Sec. 35.** RCW 69.50.425 and 2002 c 175 s 44 are each amended to
35 read as follows:

36 A person who is convicted of a misdemeanor violation of any
37 provision of this chapter shall be punished by imprisonment for not
38 less than twenty-four consecutive hours, and adult offenders shall be
39 punished by a fine of not less than two hundred fifty dollars. On a

1 second or subsequent conviction, the fine shall not be less than five
2 hundred dollars for adult offenders. These fines shall be in addition
3 to any other fine or penalty imposed on adult offenders. Unless the
4 court finds that the imposition of the minimum imprisonment will pose
5 a substantial risk to the defendant's physical or mental well-being
6 or that local jail facilities are in an overcrowded condition, the
7 minimum term of imprisonment shall not be suspended or deferred. If
8 the court finds such risk or overcrowding exists, it shall sentence
9 the defendant to a minimum of forty hours of community restitution.
10 If a minimum term of imprisonment is suspended or deferred, the court
11 shall state in writing the reason for granting the suspension or
12 deferral and the facts upon which the suspension or deferral is
13 based. Unless the court finds the person to be indigent, the minimum
14 fine shall not be suspended or deferred.

15 **Sec. 36.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to
16 read as follows:

17 (1) Every (~~person~~) adult offender convicted of a felony
18 violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402,
19 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be
20 fined one thousand dollars in addition to any other fine or penalty
21 imposed. Unless the court finds the (~~person~~) adult offender to be
22 indigent, this additional fine shall not be suspended or deferred by
23 the court.

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

30 **Sec. 37.** RCW 69.50.435 and 2003 c 53 s 346 are each amended to
31 read as follows:

32 (1) Any person who violates RCW 69.50.401 by manufacturing,
33 selling, delivering, or possessing with the intent to manufacture,
34 sell, or deliver a controlled substance listed under RCW 69.50.401 or
35 who violates RCW 69.50.410 by selling for profit any controlled
36 substance or counterfeit substance classified in schedule I, RCW
37 69.50.204, except leaves and flowering tops of marihuana to a person:

38 (a) In a school;

- 1 (b) On a school bus;
- 2 (c) Within one thousand feet of a school bus route stop
3 designated by the school district;
- 4 (d) Within one thousand feet of the perimeter of the school
5 grounds;
- 6 (e) In a public park;
- 7 (f) In a public housing project designated by a local governing
8 authority as a drug-free zone;
- 9 (g) On a public transit vehicle;
- 10 (h) In a public transit stop shelter;
- 11 (i) At a civic center designated as a drug-free zone by the local
12 governing authority; or
- 13 (j) Within one thousand feet of the perimeter of a facility
14 designated under (i) of this subsection, if the local governing
15 authority specifically designates the one thousand foot perimeter
16 may be punished by a fine of up to twice the fine otherwise
17 authorized by this chapter, but not including twice the fine
18 authorized by RCW 69.50.406, or by imprisonment of up to twice the
19 imprisonment otherwise authorized by this chapter, but not including
20 twice the imprisonment authorized by RCW 69.50.406, or by both such
21 fine and imprisonment. The provisions of this section shall not
22 operate to more than double the fine or imprisonment otherwise
23 authorized by this chapter for an offense.

24 (2) It is not a defense to a prosecution for a violation of this
25 section that the person was unaware that the prohibited conduct took
26 place while in a school or school bus or within one thousand feet of
27 the school or school bus route stop, in a public park, in a public
28 housing project designated by a local governing authority as a drug-
29 free zone, on a public transit vehicle, in a public transit stop
30 shelter, at a civic center designated as a drug-free zone by the
31 local governing authority, or within one thousand feet of the
32 perimeter of a facility designated under subsection (1)(i) of this
33 section, if the local governing authority specifically designates the
34 one thousand foot perimeter.

35 (3) It is not a defense to a prosecution for a violation of this
36 section or any other prosecution under this chapter that persons
37 under the age of eighteen were not present in the school, the school
38 bus, the public park, the public housing project designated by a
39 local governing authority as a drug-free zone, or the public transit
40 vehicle, or at the school bus route stop, the public transit vehicle

1 stop shelter, at a civic center designated as a drug-free zone by the
2 local governing authority, or within one thousand feet of the
3 perimeter of a facility designated under subsection (1)(i) of this
4 section, if the local governing authority specifically designates the
5 one thousand foot perimeter at the time of the offense or that school
6 was not in session.

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

19 (5) In a prosecution under this section, a map produced or
20 reproduced by any municipality, school district, county, transit
21 authority engineer, or public housing authority for the purpose of
22 depicting the location and boundaries of the area on or within one
23 thousand feet of any property used for a school, school bus route
24 stop, public park, public housing project designated by a local
25 governing authority as a drug-free zone, public transit vehicle stop
26 shelter, or a civic center designated as a drug-free zone by a local
27 governing authority, or a true copy of such a map, shall under proper
28 authentication, be admissible and shall constitute prima facie
29 evidence of the location and boundaries of those areas if the
30 governing body of the municipality, school district, county, or
31 transit authority has adopted a resolution or ordinance approving the
32 map as the official location and record of the location and
33 boundaries of the area on or within one thousand feet of the school,
34 school bus route stop, public park, public housing project designated
35 by a local governing authority as a drug-free zone, public transit
36 vehicle stop shelter, or civic center designated as a drug-free zone
37 by a local governing authority. Any map approved under this section
38 or a true copy of the map shall be filed with the clerk of the
39 municipality or county, and shall be maintained as an official record
40 of the municipality or county. This section shall not be construed as

1 precluding the prosecution from introducing or relying upon any other
2 evidence or testimony to establish any element of the offense. This
3 section shall not be construed as precluding the use or admissibility
4 of any map or diagram other than the one which has been approved by
5 the governing body of a municipality, school district, county,
6 transit authority, or public housing authority if the map or diagram
7 is otherwise admissible under court rule.

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

10 (a) "School" has the meaning under RCW 28A.150.010 or
11 28A.150.020. The term "school" also includes a private school
12 approved under RCW 28A.195.010;

13 (b) "School bus" means a school bus as defined by the
14 superintendent of public instruction by rule which is owned and
15 operated by any school district and all school buses which are
16 privately owned and operated under contract or otherwise with any
17 school district in the state for the transportation of students. The
18 term does not include buses operated by common carriers in the urban
19 transportation of students such as transportation of students through
20 a municipal transportation system;

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

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

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

30 (f) "Transit authority" means a city, county, or state
31 transportation system, transportation authority, public
32 transportation benefit area, public transit authority, or
33 metropolitan municipal corporation within the state that operates
34 public transit vehicles;

35 (g) "Stop shelter" means a passenger shelter designated by a
36 transit authority;

37 (h) "Civic center" means a publicly owned or publicly operated
38 place or facility used for recreational, educational, or cultural
39 activities;

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

3 (7) The fines imposed by this section apply to adult offenders
4 only.

5 **Sec. 38.** RCW 77.15.420 and 2014 c 48 s 16 are each amended to
6 read as follows:

7 (1) If (~~a person~~) an adult offender is convicted of violating
8 RCW 77.15.410 and that violation results in the death of wildlife
9 listed in this section, the court shall require payment of the
10 following amounts for each animal taken or possessed. This shall be a
11 criminal wildlife penalty assessment that shall be paid to the clerk
12 of the court and distributed each month to the state treasurer for
13 deposit in the fish and wildlife enforcement reward account created
14 in RCW 77.15.425.

15	(a) Moose, mountain sheep, mountain	
16	goat, and all wildlife species	
17	classified as endangered by	
18	rule of the commission, except	
19	for mountain caribou and	
20	grizzly bear as listed under (d)	
21	of this subsection.	\$4,000
22	(b) Elk, deer, black bear, and cougar. .	\$2,000
23	(c) Trophy animal elk and deer.	\$6,000
24	(d) Mountain caribou, grizzly bear, and	
25	trophy animal mountain	
26	sheep.	\$12,000

27 (2)(a) For the purpose of this section a "trophy animal" is:

28 (i) A buck deer with four or more antler points on both sides,
29 not including eyeguards;

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

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

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

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

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

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

18 (6) A person assessed a criminal wildlife penalty assessment
19 under this section shall have his or her hunting license revoked and
20 all hunting privileges suspended until the penalty assessment is paid
21 through the registry of the court in which the penalty assessment was
22 assessed.

23 (7) The criminal wildlife penalty assessments provided in
24 subsection (1) of this section shall be doubled in the following
25 instances:

26 (a) When a person is convicted of spotlighting big game under RCW
27 77.15.450;

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

31 (c) When the trier of fact determines that the person took or
32 possessed the animal in question with the intent of bartering,
33 selling, or otherwise deriving economic profit from the animal or the
34 animal's parts; or

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

37 NEW SECTION. **Sec. 39.** The following acts or parts of acts are
38 each repealed:

1 (1) RCW 13.40.145 (Payment of fees for legal services by publicly
2 funded counsel—Hearing—Order or decree—Entering and enforcing
3 judgments) and 1997 c 121 s 6, 1995 c 275 s 4, & 1984 c 86 s 1; and
4 (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by
5 parent or legal guardian) and 1993 c 171 s 1."

6 Correct the title.

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