

**E2SHB 1390** - S COMM AMD  
By Committee on Ways & Means

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

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

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

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

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

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

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

1 month period, excluding any payments mandatorily deducted by the  
2 department of corrections;

3 (d) For purposes of (a) through (c) of this subsection, the court  
4 may reduce or waive interest on legal financial obligations only as  
5 an incentive for the offender to meet his or her other legal  
6 financial obligations.

7 The court may grant the motion, establish a payment schedule, and  
8 retain jurisdiction over the offender for purposes of reviewing and  
9 revising the reduction or waiver of interest.

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

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

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

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

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

1 (4) Penalties, fines, bail forfeitures, fees, and costs may  
2 accrue interest at the rate of (~~twelve~~) six percent per annum, upon  
3 assignment to a collection agency. Interest may accrue only while the  
4 case is in collection status.

5 (5) Interest retained by the court on penalties, fines, bail  
6 forfeitures, fees, and costs shall be split twenty-five percent to  
7 the state treasurer for deposit in the state general fund, twenty-  
8 five percent to the state treasurer for deposit in the judicial  
9 information system account as provided in RCW 2.68.020, twenty-five  
10 percent to the city general fund, and twenty-five percent to the city  
11 general fund to fund local courts.

12 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and  
13 2012 c 134 s 6 are each reenacted and amended to read as follows:

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

23 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),  
24 and this section, the county treasurer shall remit thirty-two percent  
25 of the noninterest money received under subsection (1) of this  
26 section except certain costs to the state treasurer. "Certain costs"  
27 as used in this subsection, means those costs awarded to prevailing  
28 parties in civil actions under RCW 4.84.010 or 36.18.040, or those  
29 costs awarded against convicted defendants in criminal actions under  
30 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if  
31 such costs are specifically designated as costs by the court and are  
32 awarded for the specific reimbursement of costs incurred by the state  
33 or county in the prosecution of the case, including the fees of  
34 defense counsel. With the exception of funds to be transferred to the  
35 judicial stabilization trust account under RCW 3.62.060(2), money  
36 remitted under this subsection to the state treasurer shall be  
37 deposited in the state general fund.

38 (3) The balance of the noninterest money received by the county  
39 treasurer under subsection (1) of this section shall be deposited in

1 the county current expense fund. Funds deposited under this  
2 subsection that are attributable to the county's portion of a  
3 surcharge imposed under RCW 3.62.060(2) must be used to support local  
4 trial court and court-related functions.

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

10 (5) Penalties, fines, bail forfeitures, fees, and costs may  
11 accrue interest at the rate of (~~twelve~~) six percent per annum, upon  
12 assignment to a collection agency. Interest may accrue only while the  
13 case is in collection status.

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

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

23 (1) Except as provided in subsection (4) of this section, all  
24 costs, fines, forfeitures and penalties assessed and collected, in  
25 whole or in part, by district courts because of violations of city  
26 ordinances shall be remitted by the clerk of the district court at  
27 least monthly directly to the treasurer of the city wherein the  
28 violation occurred.

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

1 counsel. Money remitted under this subsection to the state treasurer  
2 shall be deposited in the state general fund.

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

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

9 (5) Penalties, fines, bail forfeitures, fees, and costs may  
10 accrue interest at the rate of (~~twelve~~) six percent per annum, upon  
11 assignment to a collection agency. Interest may accrue only while the  
12 case is in collection status.

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

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

22 (1) The chief clerk, under the supervision and direction of the  
23 court administrator of the municipal court, shall have the custody  
24 and care of the books, papers and records of the court. The chief  
25 clerk or a deputy shall be present during the session of the court  
26 and has the power to swear all witnesses and jurors, administer oaths  
27 and affidavits, and take acknowledgments. The chief clerk shall keep  
28 the records of the court and shall issue all process under his or her  
29 hand and the seal of the court. The chief clerk shall do and perform  
30 all things and have the same powers pertaining to the office as the  
31 clerks of the superior courts have in their office. He or she shall  
32 receive all fines, penalties, and fees of every kind and keep a full,  
33 accurate, and detailed account of the same. The chief clerk shall on  
34 each day pay into the city treasury all money received for the city  
35 during the day previous, with a detailed account of the same, and  
36 taking the treasurer's receipt therefor.

37 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city  
38 treasurer shall remit monthly thirty-two percent of the noninterest  
39 money received under this section, other than for parking infractions

1 and certain costs to the state treasurer. "Certain costs" as used in  
2 this subsection, means those costs awarded to prevailing parties in  
3 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded  
4 against convicted defendants in criminal actions under RCW 10.01.160,  
5 10.46.190, or 36.18.040, or other similar statutes if such costs are  
6 specifically designated as costs by the court and are awarded for the  
7 specific reimbursement of costs incurred by the state, county, city,  
8 or town in the prosecution of the case, including the fees of defense  
9 counsel. Money remitted under this subsection to the state treasurer  
10 shall be deposited in the state general fund.

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

14 (4) Penalties, fines, bail forfeitures, fees, and costs may  
15 accrue interest at the rate of (~~twelve~~) six percent per annum, upon  
16 assignment to a collection agency. Interest may accrue only while the  
17 case is in collection status.

18 (5) Interest retained by the court on penalties, fines, bail  
19 forfeitures, fees, and costs shall be split twenty-five percent to  
20 the state treasurer for deposit in the state general fund, twenty-  
21 five percent to the state treasurer for deposit in the judicial  
22 information system account as provided in RCW 2.68.020, twenty-five  
23 percent to the city general fund, and twenty-five percent to the city  
24 general fund to fund local courts.

25 **Sec. 6.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to  
26 read as follows:

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

1 collection of a biological sample from the offender as required under  
2 RCW 43.43.754.

3 **Sec. 7.** RCW 10.01.160 and 2010 c 54 s 1 are each amended to read  
4 as follows:

5 (1) The court may require a defendant to pay costs. Costs may be  
6 imposed only upon a convicted defendant, except for costs imposed  
7 upon a defendant's entry into a deferred prosecution program, costs  
8 imposed upon a defendant for pretrial supervision, or costs imposed  
9 upon a defendant for preparing and serving a warrant for failure to  
10 appear.

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

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

3 (3) The court shall not order a defendant to pay costs unless the  
4 defendant is or will be able to pay them. In determining the amount  
5 and method of payment of costs, the court shall take account of the  
6 financial resources of the defendant and the nature of the burden  
7 that payment of costs will impose. However, this subsection does not  
8 create a statutory obligation for the trial court to make an  
9 individualized inquiry into a defendant's current and future ability  
10 to pay before the court imposes costs. A trial court shall not be  
11 required to conduct a case by case analysis and evaluate an  
12 individual defendant's circumstances but may use standard language in  
13 a judgment and sentence that makes the findings required under this  
14 subsection. A defendant may seek modification of the judgment and  
15 sentence order in the event the defendant is unable to pay as allowed  
16 by law and court rule. This provision is intended to clarify the  
17 obligations of a trial court under this subsection and cure any  
18 ambiguity that might have led to the Washington supreme court's  
19 decision in *State v. Blazina*, Cause No. 89028-5 (March 12, 2015) and  
20 shall be applied retroactively.

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

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



1 defendants for costs related to providing medical or mental health  
2 treatment while the defendant is in the governmental unit's custody.  
3 Medical or mental health treatment and services a defendant receives  
4 at a state hospital or other facility are not a cost of prosecution  
5 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter  
6 43.20B RCW, and any other applicable statute.

7 NEW SECTION. **Sec. 8.** Nothing in this act requires the courts to  
8 refund or reimburse amounts previously paid towards legal financial  
9 obligations or interest on legal financial obligations."

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10 On page 1, line 1 of the title, after "obligations;" strike the  
11 remainder of the title and insert "amending RCW 10.82.090, 3.50.100,  
12 3.62.040, 35.20.220, 43.43.7541, and 10.01.160; reenacting and  
13 amending RCW 3.62.020; and creating a new section."

EFFECT: As of the effective date of the act, legal financial obligations bear a six percent interest rate. The new provisions dealing with imposing costs at the time of sentencing for indigent defendants are removed. The new provisions regarding sanctioning proceedings and standards for finding an unwillful failure to pay legal financial obligations are removed. The trial court is not required to make an individualized inquiry into the defendant's current or future ability to pay before the court imposes costs, and this provision is a clarification and applies retroactively. The defendant may seek a modification in the event that he or she is unable to pay as allowed by statute or court rule.

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