
SENATE BILL 6134

State of Washington 64th Legislature 2015 2nd Special Session

By Senator Padden

Read first time 06/15/15. Referred to Committee on Law & Justice.

1 AN ACT Relating to exempting pretrial electronic alcohol
2 monitoring programs from statutory limitations on pretrial
3 supervision costs; and amending RCW 10.01.160.

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

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

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

13 (2) Costs shall be limited to expenses specially incurred by the
14 state in prosecuting the defendant or in administering the deferred
15 prosecution program under chapter 10.05 RCW or pretrial supervision.
16 They cannot include expenses inherent in providing a constitutionally
17 guaranteed jury trial or expenditures in connection with the
18 maintenance and operation of government agencies that must be made by
19 the public irrespective of specific violations of law. Expenses
20 incurred for serving of warrants for failure to appear and jury fees
21 under RCW 10.46.190 may be included in costs the court may require a

1 defendant to pay. Costs for administering a deferred prosecution may
2 not exceed two hundred fifty dollars. Costs for administering a
3 pretrial supervision other than a pretrial electronic alcohol
4 monitoring program may not exceed one hundred fifty dollars. Costs
5 for preparing and serving a warrant for failure to appear may not
6 exceed one hundred dollars. Costs of incarceration imposed on a
7 defendant convicted of a misdemeanor or a gross misdemeanor may not
8 exceed the actual cost of incarceration. In no case may the court
9 require the offender to pay more than one hundred dollars per day for
10 the cost of incarceration. Payment of other court-ordered financial
11 obligations, including all legal financial obligations and costs of
12 supervision take precedence over the payment of the cost of
13 incarceration ordered by the court. All funds received from
14 defendants for the cost of incarceration in the county or city jail
15 must be remitted for criminal justice purposes to the county or city
16 that is responsible for the defendant's jail costs. Costs imposed
17 constitute a judgment against a defendant and survive a dismissal of
18 the underlying action against the defendant. However, if the
19 defendant is acquitted on the underlying action, the costs for
20 preparing and serving a warrant for failure to appear do not survive
21 the acquittal, and the judgment that such costs would otherwise
22 constitute shall be vacated.

23 (3) The court shall not order a defendant to pay costs unless the
24 defendant is or will be able to pay them. In determining the amount
25 and method of payment of costs, the court shall take account of the
26 financial resources of the defendant and the nature of the burden
27 that payment of costs will impose.

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

36 (5) Except for direct costs relating to evaluating and reporting
37 to the court, prosecutor, or defense counsel regarding a defendant's
38 competency to stand trial as provided in RCW 10.77.060, this section
39 shall not apply to costs related to medical or mental health
40 treatment or services a defendant receives while in custody of the

1 secretary of the department of social and health services or other
2 governmental units. This section shall not prevent the secretary of
3 the department of social and health services or other governmental
4 units from imposing liability and seeking reimbursement from a
5 defendant committed to an appropriate facility as provided in RCW
6 10.77.084 while criminal proceedings are stayed. This section shall
7 also not prevent governmental units from imposing liability on
8 defendants for costs related to providing medical or mental health
9 treatment while the defendant is in the governmental unit's custody.
10 Medical or mental health treatment and services a defendant receives
11 at a state hospital or other facility are not a cost of prosecution
12 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
13 43.20B RCW, and any other applicable statute.

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