
HOUSE BILL 1783

State of Washington

65th Legislature

2017 Regular Session

By Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jenkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby, and Pollet

Read first time 01/30/17. Referred to Committee on Judiciary.

1 AN ACT Relating to legal financial obligations; amending RCW
2 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170,
3 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333,
4 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035;
5 reenacting and amending RCW 3.62.020; adding a new section to chapter
6 2.56 RCW; creating a new section; and providing an expiration date.

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

8 **Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to
9 read as follows:

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

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

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

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

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

23 ~~(d) For purposes of (a) through (c) of this subsection, the court~~
24 ~~may reduce or waive interest on legal financial obligations only))~~
25 and as an incentive for the offender to meet his or her other legal
26 financial obligations. The court may grant the motion, establish a
27 payment schedule, and retain jurisdiction over the offender for
28 purposes of reviewing and revising the reduction or waiver of
29 interest.

30 (3) This section only applies to adult offenders.

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

33 (1) Costs in civil and criminal actions may be imposed as
34 provided in district court. All fees, costs, fines, forfeitures and
35 other money imposed by any municipal court for the violation of any
36 municipal or town ordinances shall be collected by the court clerk
37 and, together with any other noninterest revenues received by the
38 clerk, shall be deposited with the city or town treasurer as a part
39 of the general fund of the city or town, or deposited in such other

1 fund of the city or town, or deposited in such other funds as may be
2 designated by the laws of the state of Washington.

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

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

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

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

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

35 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
36 2012 c 134 s 6 are each reenacted and amended to read as follows:

37 (1) Except as provided in subsection (4) of this section, all
38 costs, fees, fines, forfeitures and penalties assessed and collected
39 in whole or in part by district courts, except costs, fines,

1 forfeitures and penalties assessed and collected, in whole or in
2 part, because of the violation of city ordinances, shall be remitted
3 by the clerk of the district court to the county treasurer at least
4 monthly, together with a financial statement as required by the state
5 auditor, noting the information necessary for crediting of such funds
6 as required by law.

7 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
8 and this section, the county treasurer shall remit thirty-two percent
9 of the noninterest money received under subsection (1) of this
10 section except certain costs to the state treasurer. "Certain costs"
11 as used in this subsection, means those costs awarded to prevailing
12 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
13 costs awarded against convicted defendants in criminal actions under
14 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
15 such costs are specifically designated as costs by the court and are
16 awarded for the specific reimbursement of costs incurred by the state
17 or county in the prosecution of the case, including the fees of
18 defense counsel. With the exception of funds to be transferred to the
19 judicial stabilization trust account under RCW 3.62.060(2), money
20 remitted under this subsection to the state treasurer shall be
21 deposited in the state general fund.

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

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

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

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

1 (6) Interest retained by the court on penalties, fines, bail
2 forfeitures, fees, and costs shall be split twenty-five percent to
3 the state treasurer for deposit in the state general fund, twenty-
4 five percent to the state treasurer for deposit in the judicial
5 information system account as provided in RCW 2.68.020, twenty-five
6 percent to the county current expense fund, and twenty-five percent
7 to the county current expense fund to fund local courts.

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

10 (1) Except as provided in subsection (4) of this section, all
11 costs, fines, forfeitures and penalties assessed and collected, in
12 whole or in part, by district courts because of violations of city
13 ordinances shall be remitted by the clerk of the district court at
14 least monthly directly to the treasurer of the city wherein the
15 violation occurred.

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

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

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

35 (5)(a) Except as provided in (b) of this subsection, penalties,
36 fines, ((bail forfeitures,)) fees, and costs may accrue interest at
37 the rate of twelve percent per annum, upon assignment to a collection
38 agency. Interest may accrue only while the case is in collection
39 status.

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

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

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

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

28 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
29 treasurer shall remit monthly thirty-two percent of the noninterest
30 money received under this section, other than for parking infractions
31 and certain costs to the state treasurer. "Certain costs" as used in
32 this subsection, means those costs awarded to prevailing parties in
33 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
34 against convicted defendants in criminal actions under RCW 10.01.160,
35 10.46.190, or 36.18.040, or other similar statutes if such costs are
36 specifically designated as costs by the court and are awarded for the
37 specific reimbursement of costs incurred by the state, county, city,
38 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)(a) Except as provided in (b) of this subsection, penalties,
7 finer, ((bail forfeitures,)) fees, and costs may accrue interest at
8 the rate of twelve percent per annum, upon assignment to a collection
9 agency. Interest may accrue only while the case is in collection
10 status.

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

14 (5) 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 city general fund, and twenty-five percent to the city
20 general fund to fund local courts.

21 **Sec. 6.** RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each
22 amended to read as follows:

23 (1) Except as provided in subsection (3) of this section, the
24 court may require a defendant to pay costs. Costs may be imposed only
25 upon a convicted defendant, except for costs imposed upon a
26 defendant's entry into a deferred prosecution program, costs imposed
27 upon a defendant for pretrial supervision, or costs imposed upon a
28 defendant for preparing and serving a warrant for failure to appear.

29 (2) Costs shall be limited to expenses specially incurred by the
30 state in prosecuting the defendant or in administering the deferred
31 prosecution program under chapter 10.05 RCW or pretrial supervision.
32 They cannot include expenses inherent in providing a constitutionally
33 guaranteed jury trial or expenditures in connection with the
34 maintenance and operation of government agencies that must be made by
35 the public irrespective of specific violations of law. Expenses
36 incurred for serving of warrants for failure to appear and jury fees
37 under RCW 10.46.190 may be included in costs the court may require a
38 defendant to pay. Costs for administering a deferred prosecution may
39 not exceed two hundred fifty dollars. Costs for administering a

1 pretrial supervision other than a pretrial electronic alcohol
2 monitoring program, drug monitoring program, or 24/7 sobriety program
3 may not exceed one hundred fifty dollars. Costs for preparing and
4 serving a warrant for failure to appear may not exceed one hundred
5 dollars. Costs of incarceration imposed on a defendant convicted of a
6 misdemeanor or a gross misdemeanor may not exceed the actual cost of
7 incarceration. In no case may the court require the offender to pay
8 more than one hundred dollars per day for the cost of incarceration.
9 Payment of other court-ordered financial obligations, including all
10 legal financial obligations and costs of supervision take precedence
11 over the payment of the cost of incarceration ordered by the court.
12 All funds received from defendants for the cost of incarceration in
13 the county or city jail must be remitted for criminal justice
14 purposes to the county or city that is responsible for the
15 defendant's jail costs. Costs imposed constitute a judgment against a
16 defendant and survive a dismissal of the underlying action against
17 the defendant. However, if the defendant is acquitted on the
18 underlying action, the costs for preparing and serving a warrant for
19 failure to appear do not survive the acquittal, and the judgment that
20 such costs would otherwise constitute shall be vacated.

21 (3) The court shall not order a defendant to pay costs (~~((unless))~~)
22 if the defendant ((is or will be able to pay them)) at the time of
23 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
24 (c). In determining the amount and method of payment of costs for
25 defendants who are not indigent as defined in RCW 10.101.010(3) (a)
26 through (c), the court shall take account of the financial resources
27 of the defendant and the nature of the burden that payment of costs
28 will impose.

29 (4) A defendant who has been ordered to pay costs and who is not
30 in (~~((contumacious))~~) willful default in the payment thereof may at any
31 time after release from total confinement petition the sentencing
32 court for remission of the payment of costs or of any unpaid portion
33 thereof. If it appears to the satisfaction of the court that payment
34 of the amount due will impose manifest hardship on the defendant or
35 the defendant's immediate family, the court may remit all or part of
36 the amount due in costs, (~~((or))~~) modify the method of payment under
37 RCW 10.01.170, or with the defendant's consent convert the unpaid
38 costs to community restitution hours at the rate of no less than the
39 state minimum wage established in RCW 49.46.020 for each hour of

1 community restitution. Manifest hardship exists where the defendant
2 is indigent as defined in RCW 10.101.010(3) (a) through (c).

3 (5) Except for direct costs relating to evaluating and reporting
4 to the court, prosecutor, or defense counsel regarding a defendant's
5 competency to stand trial as provided in RCW 10.77.060, this section
6 shall not apply to costs related to medical or mental health
7 treatment or services a defendant receives while in custody of the
8 secretary of the department of social and health services or other
9 governmental units. This section shall not prevent the secretary of
10 the department of social and health services or other governmental
11 units from imposing liability and seeking reimbursement from a
12 defendant committed to an appropriate facility as provided in RCW
13 10.77.084 while criminal proceedings are stayed. This section shall
14 also not prevent governmental units from imposing liability on
15 defendants for costs related to providing medical or mental health
16 treatment while the defendant is in the governmental unit's custody.
17 Medical or mental health treatment and services a defendant receives
18 at a state hospital or other facility are not a cost of prosecution
19 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
20 43.20B RCW, and any other applicable statute.

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

23 (1) When a defendant is sentenced to pay ((a)) fines, penalties,
24 assessments, fees, restitution, or costs, the court may grant
25 permission for payment to be made within a specified period of time
26 or in specified installments. If the court finds that the defendant
27 is indigent as defined in RCW 10.101.010(3) (a) through (c), the
28 court shall grant permission for payment to be made within a
29 specified period of time or in specified installments. If no such
30 permission is included in the sentence the fine or costs shall be
31 payable forthwith.

32 (2) An offender's monthly payment shall be applied in the
33 following order of priority until satisfied:

34 (a) First, proportionally to restitution to victims that have not
35 been fully compensated from other sources;

36 (b) Second, proportionally to restitution to insurance or other
37 sources with respect to a loss that has provided compensation to
38 victims;

39 (c) Third, proportionally to crime victims' assessments; and

1 (d) Fourth, proportionally to costs, fines, and other assessments
2 required by law.

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

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

10 (2) When ~~((a))~~ any fine, penalty, assessment, fee, or assessment
11 of costs is imposed on a corporation or unincorporated association,
12 it is the duty of the person authorized to make disbursement from the
13 assets of the corporation or association to pay the ~~((fine or costs))~~
14 obligation from those assets, and his or her failure to do so may be
15 held to be contempt.

16 (3)~~(a)~~ The court shall not sanction a defendant for contempt
17 based on failure to pay fines, penalties, assessments, fees, or costs
18 unless the court finds, after a hearing and on the record, that the
19 failure to pay is willful. A failure to pay is willful if the
20 defendant has the current ability to pay but refuses to do so.

21 (b) In determining whether the defendant has the current ability
22 to pay, the court shall inquire into and consider: (i) The
23 defendant's income and assets; (ii) the defendant's basic living
24 costs as defined by RCW 10.101.010 and other liabilities including
25 child support and other legal financial obligations; and (iii) the
26 defendant's bona fide efforts to acquire additional resources. A
27 defendant who is indigent as defined by RCW 10.101.010(3) (a) through
28 (c) is presumed to lack the current ability to pay.

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

33 (4) If a term of imprisonment for contempt for nonpayment of
34 ~~((a))~~ any fine, penalty, assessment, fee, or costs is ordered, the
35 term of imprisonment shall be set forth in the commitment order, and
36 shall not exceed one day for each twenty-five dollars of the ~~((fine~~
37 ~~or costs))~~ amount ordered, thirty days if the ~~((fine or assessment))~~
38 amount ordered of costs was imposed upon conviction of a violation or
39 misdemeanor, or one year in any other case, whichever is the shorter

1 period. A person committed for nonpayment of ((a)) any fine, penalty,
2 assessment, fee, or costs shall be given credit toward payment for
3 each day of imprisonment at the rate specified in the commitment
4 order.

5 ((+4)) (5) If it appears to the satisfaction of the court that
6 the default in the payment of ((a)) any fine, penalty, assessment,
7 fee, or costs is not willful contempt, the court may, and if the
8 defendant is indigent as defined in RCW 10.101.010(3) (a) through
9 (c), the court shall enter an order: (a) Allowing the defendant
10 additional time for payment((7)); (b) reducing the amount thereof or
11 of each installment ((e)); (c) revoking the fine, penalty,
12 assessment, fee, or costs or the unpaid portion thereof in whole or
13 in part; or (d) with the defendant's consent converting the unpaid
14 fine, penalty, assessment, fee, or costs to community restitution
15 hours at the rate of no less than the state minimum wage established
16 in RCW 49.46.020 for each hour of community restitution. The crime
17 victim penalty assessment under RCW 7.68.035 may not be reduced,
18 revoked, or converted to community restitution hours.

19 ((+5)) (6) A default in the payment of ((a)) any fine, penalty,
20 assessment, fee, or costs or any installment thereof may be collected
21 by any means authorized by law for the enforcement of a judgment. The
22 levy of execution for the collection of ((a)) any fine, penalty,
23 assessment, fee, or costs shall not discharge a defendant committed
24 to imprisonment for contempt until the amount ((of the fine or
25 ~~costs~~)) has actually been collected.

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

28 Every person convicted of a crime or held to bail to keep the
29 peace ((shall)) may be liable to all the costs of the proceedings
30 against him or her, including, when tried by a jury in the superior
31 court or before a committing magistrate, a jury fee as provided for
32 in civil actions for which judgment shall be rendered and collected.
33 The court shall not order a defendant to pay costs, as described in
34 RCW 10.01.160, if the court finds that the person at the time of
35 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
36 (c). The jury fee, when collected for a case tried by the superior
37 court, shall be paid to the clerk and applied as the jury fee in
38 civil cases is applied.

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

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

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

12 Hereafter whenever any judge of any superior court or a district
13 or municipal judge shall sentence any person to pay any fin
14 es, penalties, assessments, fees, and costs, the judge may, in the
15 judge's discretion, provide that such fin
16 es, penalties, assessments,
17 fees, and costs may be paid in certain designated installments, or
18 within certain designated period or periods(~~;~~~~and~~). If the court
19 finds that the defendant is indigent as defined in RCW 10.101.010(3)
20 (a) through (c), the court shall allow for payment in certain
21 designated installments or within certain designated periods. If such
22 fin
23 es, penalties, assessments, fees, and costs shall be paid by the
24 defendant in accordance with such order no commitment or imprisonment
25 of the defendant shall be made for failure to pay such fine or costs.
26 PROVIDED, that the provisions of this section shall not apply to any
sentence given for the violation of any of the liquor laws of this
state.

27 **Sec. 12.** RCW 10.73.160 and 2015 c 265 s 22 are each amended to
28 read as follows:

29 (1) Except as provided in subsection (4) of this section, the
30 court of appeals, supreme court, and superior courts may require an
31 adult offender convicted of an offense to pay appellate costs.

32 (2) Appellate costs are limited to expenses specifically incurred
33 by the state in prosecuting or defending an appeal or collateral
34 attack from a criminal conviction. Appellate costs shall not include
35 expenditures to maintain and operate government agencies that must be
36 made irrespective of specific violations of the law. Expenses
37 incurred for producing a verbatim report of proceedings and clerk's

1 papers may be included in costs the court may require a convicted
2 defendant to pay.

3 (3) Costs, including recoupment of fees for court-appointed
4 counsel, shall be requested in accordance with the procedures
5 contained in Title 14 of the rules of appellate procedure and in
6 Title 9 of the rules for appeal of decisions of courts of limited
7 jurisdiction. An award of costs shall become part of the trial court
8 judgment and sentence.

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

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

27 ~~((+5))~~ (6) The parents or another person legally obligated to
28 support a juvenile offender who has been ordered to pay appellate
29 costs and who is not in ~~((contumacious))~~ willful default in the
30 payment may at any time petition the court that sentenced the
31 juvenile offender for remission of the payment of costs or of any
32 unpaid portion. If it appears to the satisfaction of the sentencing
33 court that payment of the amount due will impose manifest hardship on
34 the parents or another person legally obligated to support a juvenile
35 offender or on their immediate families, the sentencing court may
36 remit all or part of the amount due in costs, or may modify the
37 method of payment.

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

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

5 (2) If an offender fails to comply with any of the nonfinancial
6 conditions or requirements of a sentence the following provisions
7 apply:

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

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

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

17 (i) Convert a term of partial confinement to total confinement;
18 or

19 (ii) Convert community restitution obligation to total or partial
20 confinement; ((or

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

25 (d) If the court finds that the violation was not willful, the
26 court may modify its previous order regarding ((~~payment of legal~~
27 ~~financial obligations and regarding~~)) community restitution
28 obligations; and

29 (e) If the violation involves a failure to undergo or comply with
30 a mental health status evaluation and/or outpatient mental health
31 treatment, the court shall seek a recommendation from the treatment
32 provider or proposed treatment provider. Enforcement of orders
33 concerning outpatient mental health treatment must reflect the
34 availability of treatment and must pursue the least restrictive means
35 of promoting participation in treatment. If the offender's failure to
36 receive care essential for health and safety presents a risk of
37 serious physical harm or probable harmful consequences, the civil
38 detention and commitment procedures of chapter 71.05 RCW shall be
39 considered in preference to incarceration in a local or state
40 correctional facility.

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

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

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

9 (c) The court may not sanction the offender for failure to pay
10 legal financial obligations unless the court finds, after a hearing
11 and on the record, that the failure to pay is willful. A failure to
12 pay is willful if the offender has the current ability to pay but
13 refuses to do so. In determining whether the offender has the current
14 ability to pay, the court shall inquire into and consider: (i) The
15 offender's income and assets; (ii) the offender's basic living costs
16 as defined by RCW 10.101.010 and other liabilities including child
17 support and other legal financial obligations; and (iii) the
18 offender's bona fide efforts to acquire additional resources. An
19 offender who is indigent as defined by RCW 10.101.010(3) (a) through
20 (c) is presumed to lack the current ability to pay;

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

25 (e) If the court finds that a failure to pay is willful
26 noncompliance, it may impose the sanctions specified in RCW
27 9.94A.633(1); and

28 (f) If the court finds that the violation was not willful, the
29 court may, and if the court finds that the defendant is indigent as
30 defined in RCW 10.101.010(3) (a) through (c), the court shall modify
31 the terms of payment of the legal financial obligations, reduce or
32 waive nonrestitution legal financial obligations, or with the
33 defendant's consent convert nonrestitution legal financial
34 obligations to community restitution hours at the rate of no less
35 than the state minimum wage established in RCW 49.46.020 for each
36 hour of community restitution. The crime victim penalty assessment
37 under RCW 7.68.035 may not be reduced, waived, or converted to
38 community restitution hours.

1 (4) Any time served in confinement awaiting a hearing on
2 noncompliance shall be credited against any confinement ordered by
3 the court.

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

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

8 (1) Whenever a person is convicted in superior court, the court
9 may order the payment of a legal financial obligation as part of the
10 sentence. The court may not order an offender to pay costs as
11 described in RCW 10.01.160 if the court finds that the offender at
12 the time of sentencing is indigent as defined in RCW 10.101.010(3)
13 (a) through (c). An offender being indigent as defined in RCW
14 10.101.010(3) (a) through (c) is not grounds for failing to impose
15 restitution or the crime victim penalty assessment under RCW
16 7.68.035. The court must on either the judgment and sentence or on a
17 subsequent order to pay, designate the total amount of a legal
18 financial obligation and segregate this amount among the separate
19 assessments made for restitution, costs, fines, and other assessments
20 required by law. On the same order, the court is also to set a sum
21 that the offender is required to pay on a monthly basis towards
22 satisfying the legal financial obligation. If the court fails to set
23 the offender monthly payment amount, the department shall set the
24 amount if the department has active supervision of the offender,
25 otherwise the county clerk shall set the amount.

26 (2) Upon receipt of (~~(an offender's monthly)~~) each payment(~~(~~
27 ~~restitution shall be paid prior to any payments of other monetary~~
28 ~~obligations. After restitution is satisfied)~~) made by or on behalf of
29 an offender, the county clerk shall distribute the payment
30 (~~(proportionally among all other fines, costs, and assessments~~
31 ~~imposed, unless otherwise ordered by the court)~~) in the following
32 order of priority until satisfied:

33 (a) First, proportionally to restitution to victims that have not
34 been fully compensated from other sources;

35 (b) Second, proportionally to restitution to insurance or other
36 sources with respect to a loss that has provided compensation to
37 victims;

38 (c) Third, proportionally to crime victims' assessments; and

1 (d) Fourth, proportionally to costs, fines, and other assessments
2 required by law.

3 ~~((+2))~~ (3) If the court determines that the offender, at the
4 time of sentencing, has the means to pay for the cost of
5 incarceration, the court may require the offender to pay for the cost
6 of incarceration ((at)). The court shall not order the offender to
7 pay the cost of incarceration if the court finds that the offender at
8 the time of sentencing is indigent as defined in RCW 10.101.010(3)
9 (a) through (c). Costs of incarceration ordered by the court shall
10 not exceed a rate of fifty dollars per day of incarceration, if
11 incarcerated in a prison, or the ~~((court may require the offender to~~
12 ~~pay the))~~ actual cost of incarceration per day of incarceration, if
13 incarcerated in a county jail. In no case may the court require the
14 offender to pay more than one hundred dollars per day for the cost of
15 incarceration. ~~((Payment of other court ordered financial~~
16 ~~obligations, including all legal financial obligations and costs of~~
17 ~~supervision shall take precedence over the payment of the cost of~~
18 ~~incarceration ordered by the court.))~~ All funds recovered from
19 offenders for the cost of incarceration in the county jail shall be
20 remitted to the county and the costs of incarceration in a prison
21 shall be remitted to the department.

22 ~~((+3))~~ (4) The court may add to the judgment and sentence or
23 subsequent order to pay a statement that a notice of payroll
24 deduction is to be issued immediately. If the court chooses not to
25 order the immediate issuance of a notice of payroll deduction at
26 sentencing, the court shall add to the judgment and sentence or
27 subsequent order to pay a statement that a notice of payroll
28 deduction may be issued or other income-withholding action may be
29 taken, without further notice to the offender if a monthly court-
30 ordered legal financial obligation payment is not paid when due, and
31 an amount equal to or greater than the amount payable for one month
32 is owed.

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

1 (~~(4)~~) (5) Independent of the department or the county clerk,
2 the party or entity to whom the legal financial obligation is owed
3 shall have the authority to use any other remedies available to the
4 party or entity to collect the legal financial obligation. These
5 remedies include enforcement in the same manner as a judgment in a
6 civil action by the party or entity to whom the legal financial
7 obligation is owed. Restitution collected through civil enforcement
8 must be paid through the registry of the court and must be
9 distributed proportionately according to each victim's loss when
10 there is more than one victim. The judgment and sentence shall
11 identify the party or entity to whom restitution is owed so that the
12 state, party, or entity may enforce the judgment. If restitution is
13 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of
14 rape of a child or a victim's child born from the rape, the
15 Washington state child support registry shall be identified as the
16 party to whom payments must be made. Restitution obligations arising
17 from the rape of a child in the first, second, or third degree that
18 result in the pregnancy of the victim may be enforced for the time
19 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other
20 legal financial obligations for an offense committed prior to July 1,
21 2000, may be enforced at any time during the ten-year period
22 following the offender's release from total confinement or within ten
23 years of entry of the judgment and sentence, whichever period ends
24 later. Prior to the expiration of the initial ten-year period, the
25 superior court may extend the criminal judgment an additional ten
26 years for payment of legal financial obligations including crime
27 victims' assessments. All other legal financial obligations for an
28 offense committed on or after July 1, 2000, may be enforced at any
29 time the offender remains under the court's jurisdiction. For an
30 offense committed on or after July 1, 2000, the court shall retain
31 jurisdiction over the offender, for purposes of the offender's
32 compliance with payment of the legal financial obligations, until the
33 obligation is completely satisfied, regardless of the statutory
34 maximum for the crime. The department may only supervise the
35 offender's compliance with payment of the legal financial obligations
36 during any period in which the department is authorized to supervise
37 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
38 which the offender is confined in a state correctional institution or
39 a correctional facility pursuant to a transfer agreement with the
40 department, and the department shall supervise the offender's

1 compliance during any such period. The department is not responsible
2 for supervision of the offender during any subsequent period of time
3 the offender remains under the court's jurisdiction. The county clerk
4 is authorized to collect unpaid legal financial obligations at any
5 time the offender remains under the jurisdiction of the court for
6 purposes of his or her legal financial obligations.

7 ~~((+5))~~ (6) In order to assist the court in setting a monthly sum
8 that the offender must pay during the period of supervision, the
9 offender is required to report to the department for purposes of
10 preparing a recommendation to the court. When reporting, the offender
11 is required, under oath, to respond truthfully and honestly to all
12 questions concerning present, past, and future earning capabilities
13 and the location and nature of all property or financial assets. The
14 offender is further required to bring all documents requested by the
15 department.

16 ~~((+6))~~ (7) After completing the investigation, the department
17 shall make a report to the court on the amount of the monthly payment
18 that the offender should be required to make towards a satisfied
19 legal financial obligation.

20 ~~((+7))~~ (8)(a) During the period of supervision, the department
21 may make a recommendation to the court that the offender's monthly
22 payment schedule be modified so as to reflect a change in financial
23 circumstances. If the department sets the monthly payment amount, the
24 department may modify the monthly payment amount without the matter
25 being returned to the court. During the period of supervision, the
26 department may require the offender to report to the department for
27 the purposes of reviewing the appropriateness of the collection
28 schedule for the legal financial obligation. During this reporting,
29 the offender is required under oath to respond truthfully and
30 honestly to all questions concerning earning capabilities and the
31 location and nature of all property or financial assets. The offender
32 shall bring all documents requested by the department in order to
33 prepare the collection schedule.

34 (b) Subsequent to any period of supervision, or if the department
35 is not authorized to supervise the offender in the community, the
36 county clerk may make a recommendation to the court that the
37 offender's monthly payment schedule be modified so as to reflect a
38 change in financial circumstances. If the county clerk sets the
39 monthly payment amount, or if the department set the monthly payment
40 amount and the department has subsequently turned the collection of

1 the legal financial obligation over to the county clerk, the clerk
2 may modify the monthly payment amount without the matter being
3 returned to the court. During the period of repayment, the county
4 clerk may require the offender to report to the clerk for the purpose
5 of reviewing the appropriateness of the collection schedule for the
6 legal financial obligation. During this reporting, the offender is
7 required under oath to respond truthfully and honestly to all
8 questions concerning earning capabilities and the location and nature
9 of all property or financial assets. The offender shall bring all
10 documents requested by the county clerk in order to prepare the
11 collection schedule.

12 ~~((+8))~~ (9) After the judgment and sentence or payment order is
13 entered, the department is authorized, for any period of supervision,
14 to collect the legal financial obligation from the offender.
15 Subsequent to any period of supervision or, if the department is not
16 authorized to supervise the offender in the community, the county
17 clerk is authorized to collect unpaid legal financial obligations
18 from the offender. Any amount collected by the department shall be
19 remitted daily to the county clerk for the purpose of disbursements.
20 The department and the county clerks are authorized, but not
21 required, to accept credit cards as payment for a legal financial
22 obligation, and any costs incurred related to accepting credit card
23 payments shall be the responsibility of the offender.

24 ~~((+9))~~ (10) The department or any obligee of the legal financial
25 obligation may seek a mandatory wage assignment for the purposes of
26 obtaining satisfaction for the legal financial obligation pursuant to
27 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
28 the county clerk. The county clerks shall notify the department, or
29 the administrative office of the courts, whichever is providing the
30 monthly billing for the offender.

31 ~~((+10))~~ (11) The requirement that the offender pay a monthly sum
32 towards a legal financial obligation constitutes a condition or
33 requirement of a sentence and the offender is subject to the
34 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
35 or 9.94A.740. If the court determines that the offender is homeless
36 or a person who is mentally ill, as defined in RCW 71.24.025, failure
37 to pay a legal financial obligation is not willful noncompliance and
38 shall not subject the offender to penalties.

39 ~~((+11))~~ (12)(a) The administrative office of the courts shall
40 mail individualized periodic billings to the address known by the

1 office for each offender with an unsatisfied legal financial
2 obligation.

3 (b) The billing shall direct payments, other than outstanding
4 cost of supervision assessments under RCW 9.94A.780, parole
5 assessments under RCW 72.04A.120, and cost of probation assessments
6 under RCW 9.95.214, to the county clerk, and cost of supervision,
7 parole, or probation assessments to the department.

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

11 (d) The county clerks, the administrative office of the courts,
12 and the department shall maintain agreements to implement this
13 subsection.

14 ~~((12))~~ (13) The department shall arrange for the collection of
15 unpaid legal financial obligations during any period of supervision
16 in the community through the county clerk. The department shall
17 either collect unpaid legal financial obligations or arrange for
18 collections through another entity if the clerk does not assume
19 responsibility or is unable to continue to assume responsibility for
20 collection pursuant to subsection ~~((4))~~ (5) of this section. The
21 costs for collection services shall be paid by the offender.

22 ~~((13))~~ (14) The county clerk may access the records of the
23 employment security department for the purposes of verifying
24 employment or income, seeking any assignment of wages, or performing
25 other duties necessary to the collection of an offender's legal
26 financial obligations.

27 ~~((14))~~ (15) Nothing in this chapter makes the department, the
28 state, the counties, or any state or county employees, agents, or
29 other persons acting on their behalf liable under any circumstances
30 for the payment of these legal financial obligations or for the acts
31 of any offender who is no longer, or was not, subject to supervision
32 by the department for a term of community custody, and who remains
33 under the jurisdiction of the court for payment of legal financial
34 obligations.

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

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

1 (2) In cases where conditions from a second or later sentence of
2 community supervision begin prior to the term of the second or later
3 sentence, the court shall treat a violation of such conditions as a
4 violation of the sentence of community supervision currently being
5 served.

6 (3) If an offender fails to comply with any of the nonfinancial
7 requirements or conditions of a sentence the following provisions
8 apply:

9 (a)(i) Following the violation, if the offender and the
10 department make a stipulated agreement, the department may impose
11 sanctions such as work release, home detention with electronic
12 monitoring, work crew, community restitution, inpatient treatment,
13 daily reporting, curfew, educational or counseling sessions,
14 supervision enhanced through electronic monitoring, jail time, or
15 other sanctions available in the community.

16 (ii) Within seventy-two hours of signing the stipulated
17 agreement, the department shall submit a report to the court and the
18 prosecuting attorney outlining the violation or violations, and
19 sanctions imposed. Within fifteen days of receipt of the report, if
20 the court is not satisfied with the sanctions, the court may schedule
21 a hearing and may modify the department's sanctions. If this occurs,
22 the offender may withdraw from the stipulated agreement.

23 (iii) If the offender fails to comply with the sanction
24 administratively imposed by the department, the court may take action
25 regarding the original noncompliance. Offender failure to comply with
26 the sanction administratively imposed by the department may be
27 considered an additional violation;

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

34 (c) The state has the burden of showing noncompliance by a
35 preponderance of the evidence. If the court finds that the violation
36 has occurred, it may order the offender to be confined for a period
37 not to exceed sixty days for each violation, and may (i) convert a
38 term of partial confinement to total confinement, (ii) convert
39 community restitution obligation to total or partial confinement, or
40 (iii) (~~convert monetary obligations, except restitution and the~~

1 ~~crime victim penalty assessment, to community restitution hours at~~
2 ~~the rate of the state minimum wage as established in RCW 49.46.020~~
3 ~~for each hour of community restitution, or (iv))~~ order one or more
4 of the penalties authorized in (a)(i) of this subsection. Any time
5 served in confinement awaiting a hearing on noncompliance shall be
6 credited against any confinement order by the court;

7 (d) If the court finds that the violation was not willful, the
8 court may modify its previous order regarding (~~payment of legal~~
9 ~~financial obligations and regarding~~) community restitution
10 obligations; and

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

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

25 (a) The department and the offender may enter into a stipulated
26 agreement that the failure to pay was willful noncompliance,
27 according to the provisions and requirements of subsection (3)(a) of
28 this section;

29 (b) In the absence of a stipulated agreement, or where the court
30 is not satisfied with the department's sanctions as provided in a
31 stipulated agreement under (a) of this subsection, the court, upon
32 the motion of the state, or upon its own motion, shall require the
33 offender to show cause why the offender should not be punished for
34 the noncompliance. The court may issue a summons or a warrant of
35 arrest for the offender's appearance;

36 (c) The state has the burden of showing noncompliance by a
37 preponderance of the evidence. The court may not sanction the
38 offender for failure to pay legal financial obligations unless the
39 court finds, after a hearing and on the record, that the failure to
40 pay is willful. A failure to pay is willful if the offender has the

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

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

14 (e) If the court finds that the failure to pay is willful
15 noncompliance, the court may order the offender to be confined for a
16 period not to exceed sixty days for each violation or order one or
17 more of the penalties authorized in subsection (3)(a)(i) of this
18 section; and

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

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

35 ~~((+5))~~ (6) An offender under community placement or community
36 supervision who is civilly detained under chapter 71.05 RCW, and
37 subsequently discharged or conditionally released to the community,
38 shall be under the supervision of the department of corrections for
39 the duration of his or her period of community placement or community
40 supervision. During any period of inpatient mental health treatment

1 that falls within the period of community placement or community
2 supervision, the inpatient treatment provider and the supervising
3 community corrections officer shall notify each other about the
4 offender's discharge, release, and legal status, and shall share
5 other relevant information.

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

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

10 Upon conviction or a plea of guilty in any court organized under
11 this title or Title 35 RCW, a defendant in a criminal case is liable
12 for a fee of forty-three dollars, except this fee shall not be
13 imposed on a defendant who is indigent as defined in RCW
14 10.101.010(3) (a) through (c). This fee shall be subject to division
15 with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2),
16 3.62.040(2), and 35.20.220(2).

17 **Sec. 17.** RCW 36.18.020 and 2015 c 265 s 28 are each amended to
18 read as follows:

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

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

25 (a) In addition to any other fee required by law, the party
26 filing the first or initial document in any civil action, including,
27 but not limited to an action for restitution, adoption, or change of
28 name, and any party filing a counterclaim, cross-claim, or third-
29 party claim in any such civil action, shall pay, at the time the
30 document is filed, a fee of two hundred dollars except, in an
31 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
32 the plaintiff shall pay a case initiating filing fee of forty-five
33 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
34 violation of the compulsory attendance laws where the petitioner
35 shall not pay a filing fee. The forty-five dollar filing fee under
36 this subsection for an unlawful detainer action shall not include an
37 order to show cause or any other order or judgment except a default
38 order or default judgment in an unlawful detainer action.

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

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

7 (d) For filing of a petition for unlawful harassment under RCW
8 10.14.040 a filing fee of fifty-three dollars.

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

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

14 (g) For filing any petition to contest a will admitted to probate
15 or a petition to admit a will which has been rejected, or a petition
16 objecting to a written agreement or memorandum as provided in RCW
17 11.96A.220, there shall be paid a fee of two hundred dollars.

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

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

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

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

37 (5)(a) Until July 1, 2017, in addition to the fees required to be
38 collected under this section, clerks of the superior courts must
39 collect surcharges as provided in this subsection (5) of which
40 seventy-five percent must be remitted to the state treasurer for

1 deposit in the judicial stabilization trust account and twenty-five
2 percent must be retained by the county.

3 (b) On filing fees required to be collected under subsection
4 (2)(b) of this section, a surcharge of thirty dollars must be
5 collected.

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

9 **Sec. 18.** RCW 43.43.7541 and 2015 c 265 s 31 are each amended to
10 read as follows:

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

28 **Sec. 19.** RCW 7.68.035 and 2015 c 265 s 8 are each amended to
29 read as follows:

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

1 (b) When any juvenile is adjudicated of an offense that is a most
2 serious offense as defined in RCW 9.94A.030, or a sex offense under
3 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender
4 a penalty assessment. The assessment shall be in addition to any
5 other penalty or fine imposed by law and shall be one hundred dollars
6 for each case or cause of action.

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

14 (2) The assessment imposed by subsection (1) of this section
15 shall not apply to motor vehicle crimes defined in Title 46 RCW
16 except those defined in the following sections: RCW 46.61.520,
17 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
18 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
19 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
20 46.44.180, 46.10.490(2), and 46.09.470(2).

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

28 (4) Such penalty assessments shall be paid by the clerk of the
29 superior court to the county treasurer (~~(who shall monthly transmit~~
30 ~~the money as provided in RCW 10.82.070)~~). Each county shall deposit
31 (~~(fifty)~~) one hundred percent of the money it receives per case or
32 cause of action under subsection (1) of this section (~~(and retains~~
33 ~~under RCW 10.82.070)~~), not less than one and seventy-five one-
34 hundredths percent of the remaining money it retains under RCW
35 10.82.070 and the money it retains under chapter 3.62 RCW, and all
36 money it receives under subsection (7) of this section into a fund
37 maintained exclusively for the support of comprehensive programs to
38 encourage and facilitate testimony by the victims of crimes and
39 witnesses to crimes. A program shall be considered "comprehensive"
40 only after approval of the department upon application by the county

1 prosecuting attorney. The department shall approve as comprehensive
2 only programs which:

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

9 (b) Are administered by the county prosecuting attorney either
10 directly through the prosecuting attorney's office or by contract
11 between the county and agencies providing services to victims of
12 crime;

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

16 (d) Assist victims in the restitution and adjudication process;
17 and

18 (e) Assist victims of violent crimes in the preparation and
19 presentation of their claims to the department of labor and
20 industries under this chapter.

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

28 (5) Upon submission to the department of a letter of intent to
29 adopt a comprehensive program, the prosecuting attorney shall retain
30 the money deposited by the county under subsection (4) of this
31 section until such time as the county prosecuting attorney has
32 obtained approval of a program from the department. Approval of the
33 comprehensive plan by the department must be obtained within one year
34 of the date of the letter of intent to adopt a comprehensive program.
35 The county prosecuting attorney shall not make any expenditures from
36 the money deposited under subsection (4) of this section until
37 approval of a comprehensive plan by the department. If a county
38 prosecuting attorney has failed to obtain approval of a program from
39 the department under subsection (4) of this section or failed to
40 obtain approval of a comprehensive program within one year after

1 submission of a letter of intent under this section, the county
2 treasurer shall monthly transmit one hundred percent of the money
3 deposited by the county under subsection (4) of this section to the
4 state treasurer for deposit in the state general fund.

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

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

13 NEW SECTION. **Sec. 20.** A new section is added to chapter 2.56
14 RCW to read as follows:

15 (1) The administrative office of the courts shall conduct a study
16 and report on the effectiveness of the reform measures of this act in
17 encouraging offenders to pay their legal financial obligations. The
18 report shall include the following information compared with
19 historical legal financial obligation collection data: The amount and
20 percentage of legal financial obligations that are paid, the
21 percentage of offenders making payments towards legal financial
22 obligations, the percentage of offenders who satisfy their legal
23 financial obligations in full, the amount and percentage of
24 restitution obligations paid to victims, and the percentage of
25 victims who receive full restitution payments. The administrative
26 office of the courts shall report preliminary findings of the study
27 to the appropriate committees of the legislature by December 1, 2018,
28 and a final report by December 1, 2021.

29 (2) This section expires July 1, 2022.

30 NEW SECTION. **Sec. 21.** Nothing in this act requires the courts
31 to refund or reimburse amounts previously paid towards legal
32 financial obligations or interest on legal financial obligations.

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