
SUBSTITUTE HOUSE BILL 1412

State of Washington

67th Legislature

2021 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet, and Macri)

READ FIRST TIME 02/12/21.

1 AN ACT Relating to legal financial obligations; amending RCW
2 3.66.120, 9.94A.750, 9.94A.753, 9.94A.760, 6.17.020, 9.92.060,
3 9.95.210, 10.01.160, 10.73.160, 10.64.015, 10.82.090, 7.68.035,
4 9.94A.6333, 9.94B.040, 10.01.180, 3.62.085, 36.18.020, 43.43.7541,
5 3.62.020, 3.62.040, 3.50.100, 35.20.220, 10.01.170, 10.46.190,
6 9.92.070, and 7.68.240; adding a new section to chapter 10.01 RCW;
7 adding a new section to chapter 3.66 RCW; and creating a new section.

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

9 **Sec. 1.** RCW 3.66.120 and 2001 c 115 s 1 are each amended to read
10 as follows:

11 (1) All court-ordered restitution obligations that are ordered as
12 a result of a conviction for a criminal offense in a court of limited
13 jurisdiction may be enforced in the same manner as a judgment in a
14 civil action by the party or entity to whom the legal financial
15 obligation is owed. The judgment and sentence must identify the party
16 or entity to whom restitution is owed so that the state, party, or
17 entity may enforce the judgment.

18 (2) At any time, the court may determine that the offender is not
19 required to pay, or may relieve the offender of the requirement to
20 pay, full or partial restitution and accrued interest on restitution
21 to any insurer or entity that is not an individual if the court finds

1 that the offender does not have the current or likely future ability
2 to make full or partial restitution to the insurer or entity that is
3 not an individual. For the purposes of this subsection, the terms
4 "entity," "individual," and "insurer" have the same meanings as
5 provided in RCW 9.94A.750(3).

6 (3) All court-ordered restitution obligations may be enforced at
7 any time during the (~~ten-year~~) 10-year period following the
8 offender's release from total confinement or within (~~ten~~) 10 years
9 of entry of the judgment and sentence, whichever period is longer.
10 Prior to the expiration of the initial (~~ten-year~~) 10-year period,
11 the court may extend the criminal judgment an additional (~~ten~~) 10
12 years for payment of court-ordered restitution only if the court
13 finds that the offender (~~has not made a good faith attempt to pay~~)
14 has the current or likely future ability to pay the restitution
15 obligation. A person does not have the current ability to pay if the
16 person is indigent as defined in RCW 10.01.160(3).

17 (4) The party or entity to whom the court-ordered restitution
18 obligation is owed may utilize any other remedies available to the
19 party or entity to collect the court-ordered financial obligation.

20 (5) Nothing in this section may be construed to deprive the court
21 of the authority to determine whether the offender's failure to pay
22 the legal financial obligation constitutes a violation of a condition
23 of probation or to impose a sanction upon the offender if such a
24 violation is found.

25 **Sec. 2.** RCW 9.94A.750 and 2018 c 123 s 1 are each amended to
26 read as follows:

27 This section applies to offenses committed on or before July 1,
28 1985.

29 (1) If restitution is ordered, the court shall determine the
30 amount of restitution due at the sentencing hearing or within (~~one~~
31 ~~hundred eighty~~) 180 days. The court may continue the hearing beyond
32 the (~~one hundred eighty~~) 180 days for good cause. The court shall
33 then set a minimum monthly payment that the offender is required to
34 make towards the restitution that is ordered. The court shall not
35 issue any order that postpones the commencement of restitution
36 payments until after the offender is released from total confinement.
37 The court should take into consideration the total amount of the
38 restitution owed, the offender's present, past, and future ability to
39 pay, as well as any assets that the offender may have. An offender's

1 inability to make restitution payments while in total confinement may
2 not be the basis for a violation of his or her sentence unless his or
3 her inability to make payments resulted from a refusal to accept an
4 employment offer to a class I or class II job or a termination for
5 cause from such a job.

6 (2) During the period of supervision, the community corrections
7 officer may examine the offender to determine if there has been a
8 change in circumstances that warrants an amendment of the monthly
9 payment schedule. The community corrections officer may recommend a
10 change to the schedule of payment and shall inform the court of the
11 recommended change and the reasons for the change. The sentencing
12 court may then reset the monthly minimum payments based on the report
13 from the community corrections officer of the change in
14 circumstances.

15 (3) (a) Except as provided in subsection (6) of this section,
16 restitution ordered by a court pursuant to a criminal conviction
17 shall be based on easily ascertainable damages for injury to or loss
18 of property, actual expenses incurred for treatment for injury to
19 persons, and lost wages resulting from injury. Restitution shall not
20 include reimbursement for damages for mental anguish, pain and
21 suffering, or other intangible losses, but may include the costs of
22 counseling reasonably related to the offense. The amount of
23 restitution shall not exceed double the amount of the offender's gain
24 or the victim's loss from the commission of the offense.

25 (b) At any time, the court may determine that the offender is not
26 required to pay, or may relieve the offender of the requirement to
27 pay, full or partial restitution and accrued interest on restitution
28 to any insurer or entity that is not an individual if the court finds
29 that the offender does not have the current or likely future ability
30 to make full or partial restitution to the insurer or entity that is
31 not an individual. For the purposes of this subsection:

32 (i) "Entity" means any business or organization possessing
33 separate and distinct legal rights, such as a corporation, limited
34 liability company, partnership, nonprofit, governmental body, or
35 municipal corporation.

36 (ii) "Individual" means any person who has sustained financial or
37 nonfinancial injury to person or financial damage to property as the
38 direct result of the offender's crime, for which the court has
39 ordered the offender to provide direct compensation, and who has not
40 or will not be compensated by a third party for the losses incurred.

1 (iii) "Insurer" means any insurer as defined and authorized under
2 Title 48 RCW, and any business, corporation, governmental body,
3 municipal corporation, or other organization of more than 50
4 employees or members who are self-insured, or any other organization
5 formed for the purposes of jointly self-insuring or self-funding.

6 (4) For the purposes of this section, the offender shall remain
7 under the court's jurisdiction for a term of (~~ten~~) 10 years
8 following the offender's release from total confinement or (~~ten~~) 10
9 years subsequent to the entry of the judgment and sentence, whichever
10 period is longer. Prior to the expiration of the initial (~~ten-year~~)
11 10-year period, the superior court may extend jurisdiction under the
12 criminal judgment an additional (~~ten~~) 10 years for payment of
13 restitution only if the court finds that the offender has the current
14 or likely future ability to pay the restitution obligation. A person
15 does not have the current ability to pay if the person is indigent as
16 defined in RCW 10.01.160(3). The portion of the sentence concerning
17 restitution may be modified as to amount, terms and conditions during
18 either the initial (~~ten-year~~) 10-year period or subsequent (~~ten-~~
19 ~~year~~) 10-year period if the criminal judgment is extended,
20 regardless of the expiration of the offender's term of community
21 supervision and regardless of the statutory maximum sentence for the
22 crime. The court may not reduce the total amount of restitution
23 ordered because the offender may lack the ability to pay the total
24 amount. The offender's compliance with the restitution shall be
25 supervised by the department only during any period which the
26 department is authorized to supervise the offender in the community
27 under RCW 9.94A.728, 9.94A.501, or in which the offender is in
28 confinement in a state correctional institution or a correctional
29 facility pursuant to a transfer agreement with the department, and
30 the department shall supervise the offender's compliance during any
31 such period. The department is responsible for supervision of the
32 offender only during confinement and authorized supervision and not
33 during any subsequent period in which the offender remains under the
34 court's jurisdiction. The county clerk is authorized to collect
35 unpaid restitution at any time the offender remains under the
36 jurisdiction of the court for purposes of his or her legal financial
37 obligations.

38 (5) Restitution may be ordered whenever the offender is convicted
39 of an offense which results in injury to any person or damage to or
40 loss of property or as provided in subsection (6) of this section. In

1 addition, restitution may be ordered to pay for an injury, loss, or
2 damage if the offender pleads guilty to a lesser offense or fewer
3 offenses and agrees with the prosecutor's recommendation that the
4 offender be required to pay restitution to a victim of an offense or
5 offenses which are not prosecuted pursuant to a plea agreement.

6 (6) Restitution for the crime of rape of a child in the first,
7 second, or third degree, in which the victim becomes pregnant, shall
8 include: (a) All of the victim's medical expenses that are associated
9 with the rape and resulting pregnancy; and (b) child support for any
10 child born as a result of the rape if child support is ordered
11 pursuant to a proceeding in superior court or administrative order
12 for support for that child. The clerk must forward any restitution
13 payments made on behalf of the victim's child to the Washington state
14 child support registry under chapter 26.23 RCW. Identifying
15 information about the victim and child shall not be included in the
16 order. The offender shall receive a credit against any obligation
17 owing under the administrative or superior court order for support of
18 the victim's child. For the purposes of this subsection, the offender
19 shall remain under the court's jurisdiction until the offender has
20 satisfied support obligations under the superior court or
21 administrative order but not longer than a maximum term of (~~twenty-~~
22 ~~five~~) 25 years following the offender's release from total
23 confinement or (~~twenty-five~~) 25 years subsequent to the entry of
24 the judgment and sentence, whichever period is longer. The court may
25 not reduce the total amount of restitution ordered because the
26 offender may lack the ability to pay the total amount. The department
27 shall supervise the offender's compliance with the restitution
28 ordered under this subsection.

29 (7) In addition to any sentence that may be imposed, an offender
30 who has been found guilty of an offense involving fraud or other
31 deceptive practice or an organization which has been found guilty of
32 any such offense may be ordered by the sentencing court to give
33 notice of the conviction to the class of persons or to the sector of
34 the public affected by the conviction or financially interested in
35 the subject matter of the offense by mail, by advertising in
36 designated areas or through designated media, or by other appropriate
37 means.

38 (8) This section does not limit civil remedies or defenses
39 available to the victim or offender including support enforcement
40 remedies for support ordered under subsection (6) of this section for

1 a child born as a result of a rape of a child victim. The court shall
2 identify in the judgment and sentence the victim or victims entitled
3 to restitution and what amount is due each victim. The state or
4 victim may enforce the court-ordered restitution in the same manner
5 as a judgment in a civil action. Restitution collected through civil
6 enforcement must be paid through the registry of the court and must
7 be distributed proportionately according to each victim's loss when
8 there is more than one victim.

9 **Sec. 3.** RCW 9.94A.753 and 2018 c 123 s 2 are each amended to
10 read as follows:

11 This section applies to offenses committed after July 1, 1985.

12 (1) When restitution is ordered, the court shall determine the
13 amount of restitution due at the sentencing hearing or within (~~one~~
14 ~~hundred eighty~~) 180 days except as provided in subsection (7) of
15 this section. The court may continue the hearing beyond the (~~one~~
16 ~~hundred eighty~~) 180 days for good cause. The court shall then set a
17 minimum monthly payment that the offender is required to make towards
18 the restitution that is ordered. The court shall not issue any order
19 that postpones the commencement of restitution payments until after
20 the offender is released from total confinement. The court should
21 take into consideration the total amount of the restitution owed, the
22 offender's present, past, and future ability to pay, as well as any
23 assets that the offender may have. An offender's inability to make
24 restitution payments while in total confinement may not be the basis
25 for a violation of his or her sentence unless his or her inability to
26 make payments resulted from a refusal to accept an employment offer
27 to a class I or class II job or a termination for cause from such a
28 job.

29 (2) During the period of supervision, the community corrections
30 officer may examine the offender to determine if there has been a
31 change in circumstances that warrants an amendment of the monthly
32 payment schedule. The community corrections officer may recommend a
33 change to the schedule of payment and shall inform the court of the
34 recommended change and the reasons for the change. The sentencing
35 court may then reset the monthly minimum payments based on the report
36 from the community corrections officer of the change in
37 circumstances.

38 (3) (a) Except as provided in subsection (6) of this section,
39 restitution ordered by a court pursuant to a criminal conviction

1 shall be based on easily ascertainable damages for injury to or loss
2 of property, actual expenses incurred for treatment for injury to
3 persons, and lost wages resulting from injury. Restitution shall not
4 include reimbursement for damages for mental anguish, pain and
5 suffering, or other intangible losses, but may include the costs of
6 counseling reasonably related to the offense. The amount of
7 restitution shall not exceed double the amount of the offender's gain
8 or the victim's loss from the commission of the crime.

9 (b) At any time, the court may determine that the offender is not
10 required to pay, or may relieve the offender of the requirement to
11 pay, full or partial restitution and accrued interest on restitution
12 to any insurer or entity that is not an individual if the court finds
13 that the offender does not have the current or likely future ability
14 to make full or partial restitution to the insurer or entity that is
15 not an individual. For the purposes of this subsection, the terms
16 "entity," "individual," and "insurer" have the same meanings as
17 provided in RCW 9.94A.750(3).

18 (4) For the purposes of this section, (~~for an offense committed~~
19 ~~prior to July 1, 2000,~~) the offender shall remain under the court's
20 jurisdiction for a term of (~~ten~~) 10 years following the offender's
21 release from total confinement or (~~ten~~) 10 years subsequent to the
22 entry of the judgment and sentence, whichever period ends later.
23 Prior to the expiration of the initial (~~ten-year~~) 10-year period,
24 the superior court may extend jurisdiction under the criminal
25 judgment an additional (~~ten~~) 10 years for payment of restitution
26 only if the court finds that the offender has the current or likely
27 future ability to pay the restitution obligation. A person does not
28 have the current ability to pay if the person is indigent as defined
29 in RCW 10.01.160(3). (~~For an offense committed on or after July 1,~~
30 ~~2000, the offender shall remain under the court's jurisdiction until~~
31 ~~the obligation is completely satisfied, regardless of the statutory~~
32 ~~maximum for the crime.)) The portion of the sentence concerning
33 restitution may be modified as to amount, terms, and conditions
34 during any period of time the offender remains under the court's
35 jurisdiction, regardless of the expiration of the offender's term of
36 community supervision and regardless of the statutory maximum
37 sentence for the crime. The court may not reduce the total amount of
38 restitution ordered because the offender may lack the ability to pay
39 the total amount. The offender's compliance with the restitution
40 shall be supervised by the department only during any period which~~

1 the department is authorized to supervise the offender in the
2 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
3 in confinement in a state correctional institution or a correctional
4 facility pursuant to a transfer agreement with the department, and
5 the department shall supervise the offender's compliance during any
6 such period. The department is responsible for supervision of the
7 offender only during confinement and authorized supervision and not
8 during any subsequent period in which the offender remains under the
9 court's jurisdiction. The county clerk is authorized to collect
10 unpaid restitution at any time the offender remains under the
11 jurisdiction of the court for purposes of his or her legal financial
12 obligations.

13 (5) Restitution shall be ordered whenever the offender is
14 convicted of an offense which results in injury to any person or
15 damage to or loss of property or as provided in subsection (6) of
16 this section unless extraordinary circumstances exist which make
17 restitution inappropriate in the court's judgment and the court sets
18 forth such circumstances in the record. In addition, restitution
19 shall be ordered to pay for an injury, loss, or damage if the
20 offender pleads guilty to a lesser offense or fewer offenses and
21 agrees with the prosecutor's recommendation that the offender be
22 required to pay restitution to a victim of an offense or offenses
23 which are not prosecuted pursuant to a plea agreement.

24 (6) Restitution for the crime of rape of a child in the first,
25 second, or third degree, in which the victim becomes pregnant, shall
26 include: (a) All of the victim's medical expenses that are associated
27 with the rape and resulting pregnancy; and (b) child support for any
28 child born as a result of the rape if child support is ordered
29 pursuant to a civil superior court or administrative order for
30 support for that child. The clerk must forward any restitution
31 payments made on behalf of the victim's child to the Washington state
32 child support registry under chapter 26.23 RCW. Identifying
33 information about the victim and child shall not be included in the
34 order. The offender shall receive a credit against any obligation
35 owing under the administrative or superior court order for support of
36 the victim's child. For the purposes of this subsection, the offender
37 shall remain under the court's jurisdiction until the offender has
38 satisfied support obligations under the superior court or
39 administrative order for the period provided in RCW 4.16.020 or a
40 maximum term of (~~twenty-five~~) 25 years following the offender's

1 release from total confinement or (~~twenty-five~~) 25 years subsequent
2 to the entry of the judgment and sentence, whichever period is
3 longer. The court may not reduce the total amount of restitution
4 ordered because the offender may lack the ability to pay the total
5 amount. The department shall supervise the offender's compliance with
6 the restitution ordered under this subsection.

7 (7) Regardless of the provisions of subsections (1) through (6)
8 of this section, the court shall order restitution in all cases where
9 the victim is entitled to benefits under the crime victims'
10 compensation act, chapter 7.68 RCW. If the court does not order
11 restitution and the victim of the crime has been determined to be
12 entitled to benefits under the crime victims' compensation act, the
13 department of labor and industries, as administrator of the crime
14 victims' compensation program, may petition the court within one year
15 of entry of the judgment and sentence for entry of a restitution
16 order. Upon receipt of a petition from the department of labor and
17 industries, the court shall hold a restitution hearing and shall
18 enter a restitution order.

19 (8) In addition to any sentence that may be imposed, an offender
20 who has been found guilty of an offense involving fraud or other
21 deceptive practice or an organization which has been found guilty of
22 any such offense may be ordered by the sentencing court to give
23 notice of the conviction to the class of persons or to the sector of
24 the public affected by the conviction or financially interested in
25 the subject matter of the offense by mail, by advertising in
26 designated areas or through designated media, or by other appropriate
27 means.

28 (9) This section does not limit civil remedies or defenses
29 available to the victim, survivors of the victim, or offender
30 including support enforcement remedies for support ordered under
31 subsection (6) of this section for a child born as a result of a rape
32 of a child victim. The court shall identify in the judgment and
33 sentence the victim or victims entitled to restitution and what
34 amount is due each victim. The state or victim may enforce the court-
35 ordered restitution in the same manner as a judgment in a civil
36 action. Restitution collected through civil enforcement must be paid
37 through the registry of the court and must be distributed
38 proportionately according to each victim's loss when there is more
39 than one victim.

1 (10) If a person has caused a victim to lose money or property
2 through the filing of a vehicle report of sale in which the
3 designated buyer had no knowledge of the vehicle transfer or the
4 fraudulent filing of the report of sale, upon conviction or when the
5 offender pleads guilty and agrees with the prosecutor's
6 recommendation that the offender be required to pay restitution to a
7 victim, the court may order the defendant to pay an amount, fixed by
8 the court, not to exceed double the amount of the defendant's gain or
9 victim's loss from the filing of the vehicle report of sale in which
10 the designated buyer had no knowledge of the vehicle transfer or the
11 fraudulent filing of the report of sale. Such an amount may be used
12 to provide restitution to the victim at the order of the court. It is
13 the duty of the prosecuting attorney to investigate the alternative
14 of restitution, and to recommend it to the court, when the
15 prosecuting attorney believes that restitution is appropriate and
16 feasible. If the court orders restitution, the court must make a
17 finding as to the amount of the victim's loss due to the filing of
18 the report of sale in which the designated buyer had no knowledge of
19 the vehicle transfer or the fraudulent filing of the report of sale,
20 and if the record does not contain sufficient evidence to support
21 such finding, the court may conduct a hearing upon the issue. For
22 purposes of this section, "loss" refers to the amount of money or the
23 value of property or services lost.

24 **Sec. 4.** RCW 9.94A.760 and 2018 c 269 s 14 are each amended to
25 read as follows:

26 (1) Whenever a person is convicted in superior court, the court
27 may order the payment of a legal financial obligation as part of the
28 sentence. The court may not order an offender to pay costs as
29 described in RCW 10.01.160 if the court finds that the offender at
30 the time of sentencing is indigent as defined in RCW (~~(10.101.010(3)-~~
31 ~~(a) through (e))~~) 10.01.160(3). An offender being indigent as defined
32 in RCW (~~(10.101.010(3)- (a) through (e))~~) 10.01.160(3) is not grounds
33 for failing to impose restitution or the crime victim penalty
34 assessment under RCW 7.68.035. The court must on either the judgment
35 and sentence or on a subsequent order to pay, designate the total
36 amount of a legal financial obligation and segregate this amount
37 among the separate assessments made for restitution, costs, fines,
38 and other assessments required by law. On the same order, the court
39 is also to set a sum that the offender is required to pay on a

1 monthly basis towards satisfying the legal financial obligation. If
2 the court fails to set the offender monthly payment amount, the
3 department shall set the amount if the department has active
4 supervision of the offender, otherwise the county clerk shall set the
5 amount.

6 (2) Upon receipt of each payment made by or on behalf of an
7 offender, the county clerk shall distribute the payment in the
8 following order of priority until satisfied:

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

11 (b) Second, proportionally to restitution to insurance or other
12 sources with respect to a loss that has provided compensation to
13 victims;

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

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

17 (3) If the court determines that the offender, at the time of
18 sentencing, has the means to pay for the cost of incarceration, the
19 court may require the offender to pay for the cost of incarceration.
20 The court shall not order the offender to pay the cost of
21 incarceration if the court finds that the offender at the time of
22 sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through~~
23 ~~(e))~~) 10.01.160(3). Costs of incarceration ordered by the court shall
24 not exceed a rate of (~~(fifty dollars)~~) \$50 per day of incarceration,
25 if incarcerated in a prison, or the actual cost of incarceration per
26 day of incarceration, if incarcerated in a county jail. In no case
27 may the court require the offender to pay more than (~~(one hundred~~
28 ~~dollars)~~) \$100 per day for the cost of incarceration. All funds
29 recovered from offenders for the cost of incarceration in the county
30 jail shall be remitted to the county and the costs of incarceration
31 in a prison shall be remitted to the department.

32 (4) The court may add to the judgment and sentence or subsequent
33 order to pay a statement that a notice of payroll deduction is to be
34 issued immediately. If the court chooses not to order the immediate
35 issuance of a notice of payroll deduction at sentencing, the court
36 shall add to the judgment and sentence or subsequent order to pay a
37 statement that a notice of payroll deduction may be issued or other
38 income-withholding action may be taken, without further notice to the
39 offender if a monthly court-ordered legal financial obligation

1 payment is not paid when due, and an amount equal to or greater than
2 the amount payable for one month is owed.

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

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

1 ~~compliance with payment of the legal financial obligations, until the~~
2 ~~obligation is completely satisfied, regardless of the statutory~~
3 ~~maximum for the crime)) only if the court finds that the offender has~~
4 ~~the current or likely future ability to pay the obligations. A person~~
5 ~~does not have the current ability to pay if the person is indigent as~~
6 ~~defined in RCW 10.01.160(3).~~ The department may only supervise the
7 offender's compliance with payment of the legal financial obligations
8 during any period in which the department is authorized to supervise
9 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
10 which the offender is confined in a state correctional institution or
11 a correctional facility pursuant to a transfer agreement with the
12 department, and the department shall supervise the offender's
13 compliance during any such period. The department is not responsible
14 for supervision of the offender during any subsequent period of time
15 the offender remains under the court's jurisdiction. The county clerk
16 is authorized to collect unpaid legal financial obligations at any
17 time the offender remains under the jurisdiction of the court for
18 purposes of his or her legal financial obligations.

19 (6) In order to assist the court in setting a monthly sum that
20 the offender must pay during the period of supervision, the offender
21 is required to report to the department for purposes of preparing a
22 recommendation to the court. When reporting, the offender is
23 required, under oath, to respond truthfully and honestly to all
24 questions concerning present, past, and future earning capabilities
25 and the location and nature of all property or financial assets. The
26 offender is further required to bring all documents requested by the
27 department.

28 (7) After completing the investigation, the department shall make
29 a report to the court on the amount of the monthly payment that the
30 offender should be required to make towards a satisfied legal
31 financial obligation.

32 (8) (a) During the period of supervision, the department may make
33 a recommendation to the court that the offender's monthly payment
34 schedule be modified so as to reflect a change in financial
35 circumstances. If the department sets the monthly payment amount, the
36 department may modify the monthly payment amount without the matter
37 being returned to the court. During the period of supervision, the
38 department may require the offender to report to the department for
39 the purposes of reviewing the appropriateness of the collection
40 schedule for the legal financial obligation. During this reporting,

1 the offender is required under oath to respond truthfully and
2 honestly to all questions concerning earning capabilities and the
3 location and nature of all property or financial assets. The offender
4 shall bring all documents requested by the department in order to
5 prepare the collection schedule.

6 (b) Subsequent to any period of supervision, or if the department
7 is not authorized to supervise the offender in the community, the
8 county clerk may make a recommendation to the court that the
9 offender's monthly payment schedule be modified so as to reflect a
10 change in financial circumstances. If the county clerk sets the
11 monthly payment amount, or if the department set the monthly payment
12 amount and the department has subsequently turned the collection of
13 the legal financial obligation over to the county clerk, the clerk
14 may modify the monthly payment amount without the matter being
15 returned to the court. During the period of repayment, the county
16 clerk may require the offender to report to the clerk for the purpose
17 of reviewing the appropriateness of the collection schedule for the
18 legal financial obligation. During this reporting, the offender is
19 required under oath to respond truthfully and honestly to all
20 questions concerning earning capabilities and the location and nature
21 of all property or financial assets. The offender shall bring all
22 documents requested by the county clerk in order to prepare the
23 collection schedule.

24 (9) After the judgment and sentence or payment order is entered,
25 the department is authorized, for any period of supervision, to
26 collect the legal financial obligation from the offender. Subsequent
27 to any period of supervision or, if the department is not authorized
28 to supervise the offender in the community, the county clerk is
29 authorized to collect unpaid legal financial obligations from the
30 offender. Any amount collected by the department shall be remitted
31 daily to the county clerk for the purpose of disbursements. The
32 department and the county clerks are authorized, but not required, to
33 accept credit cards as payment for a legal financial obligation, and
34 any costs incurred related to accepting credit card payments shall be
35 the responsibility of the offender.

36 (10) The department or any obligee of the legal financial
37 obligation may seek a mandatory wage assignment for the purposes of
38 obtaining satisfaction for the legal financial obligation pursuant to
39 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
40 the county clerk. The county clerks shall notify the department, or

1 the administrative office of the courts, whichever is providing the
2 monthly billing for the offender.

3 (11) The requirement that the offender pay a monthly sum towards
4 a legal financial obligation constitutes a condition or requirement
5 of a sentence and the offender is subject to the penalties for
6 noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.
7 If the court determines that the offender is homeless or a person who
8 is mentally ill, as defined in RCW 71.24.025, failure to pay a legal
9 financial obligation is not willful noncompliance and shall not
10 subject the offender to penalties.

11 (12)(a) The administrative office of the courts shall mail
12 individualized periodic billings to the address known by the office
13 for each offender with an unsatisfied legal financial obligation.

14 (b) The billing shall direct payments, other than outstanding
15 cost of supervision assessments under RCW 9.94A.780, parole
16 assessments under RCW 72.04A.120, and cost of probation assessments
17 under RCW 9.95.214, to the county clerk, and cost of supervision,
18 parole, or probation assessments to the department.

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

22 (d) The county clerks, the administrative office of the courts,
23 and the department shall maintain agreements to implement this
24 subsection.

25 (13) The department shall arrange for the collection of unpaid
26 legal financial obligations during any period of supervision in the
27 community through the county clerk. The department shall either
28 collect unpaid legal financial obligations or arrange for collections
29 through another entity if the clerk does not assume responsibility or
30 is unable to continue to assume responsibility for collection
31 pursuant to subsection (5) of this section. The costs for collection
32 services shall be paid by the offender.

33 (14) The county clerk may access the records of the employment
34 security department for the purposes of verifying employment or
35 income, seeking any assignment of wages, or performing other duties
36 necessary to the collection of an offender's legal financial
37 obligations.

38 (15) Nothing in this chapter makes the department, the state, the
39 counties, or any state or county employees, agents, or other persons
40 acting on their behalf liable under any circumstances for the payment

1 of these legal financial obligations or for the acts of any offender
2 who is no longer, or was not, subject to supervision by the
3 department for a term of community custody, and who remains under the
4 jurisdiction of the court for payment of legal financial obligations.

5 **Sec. 5.** RCW 6.17.020 and 2002 c 261 s 1 are each amended to read
6 as follows:

7 (1) Except as provided in subsections (2), (3), and (4) of this
8 section, the party in whose favor a judgment of a court has been or
9 may be filed or rendered, or the assignee or the current holder
10 thereof, may have an execution, garnishment, or other legal process
11 issued for the collection or enforcement of the judgment at any time
12 within (~~ten~~) 10 years from entry of the judgment or the filing of
13 the judgment in this state.

14 (2) After July 23, 1989, a party who obtains a judgment or order
15 of a court or an administrative order entered as defined in RCW
16 74.20A.020(6) for accrued child support, or the assignee or the
17 current holder thereof, may have an execution, garnishment, or other
18 legal process issued upon that judgment or order at any time within
19 (~~ten~~) 10 years of the (~~eighteenth~~) 18th birthday of the youngest
20 child named in the order for whom support is ordered.

21 (3) After June 9, 1994, a party in whose favor a judgment has
22 been filed as a foreign judgment or rendered pursuant to subsection
23 (1) or (4) of this section, or the assignee or the current holder
24 thereof, may, within (~~ninety~~) 90 days before the expiration of the
25 original (~~ten-year~~) 10-year period, apply to the court that
26 rendered the judgment or to the court where the judgment was filed as
27 a foreign judgment for an order granting an additional (~~ten~~) 10
28 years during which an execution, garnishment, or other legal process
29 may be issued. If a district court judgment of this state is
30 transcribed to a superior court of this state, the original district
31 court judgment shall not be extended and any petition under this
32 section to extend the judgment that has been transcribed to superior
33 court shall be filed in the superior court within (~~ninety~~) 90 days
34 before the expiration of the (~~ten-year~~) 10-year period of the date
35 the transcript of the district court judgment was filed in the
36 superior court of this state. The petitioner shall pay to the court a
37 filing fee equal to the filing fee for filing the first or initial
38 paper in a civil action in the court, except in the case of district
39 court judgments transcribed to superior court, where the filing fee

1 shall be the fee for filing the first or initial paper in a civil
2 action in the superior court where the judgment was transcribed. The
3 order granting the application shall contain an updated judgment
4 summary as provided in RCW 4.64.030. The filing fee required under
5 this subsection shall be included in the judgment summary and shall
6 be a recoverable cost. The application shall be granted as a matter
7 of right, subject to review only for timeliness, factual issues of
8 full or partial satisfaction, or errors in calculating the judgment
9 summary amounts.

10 (4) A party who obtains a judgment or order for restitution(~~(crime victims' assessment, or other court-ordered legal financial~~
11 ~~obligations))~~ pursuant to a criminal judgment and sentence, or the
12 assignee or the current holder thereof, may execute, garnish, and/or
13 have legal process issued upon the judgment or order any time within
14 (~~ten~~) 10 years subsequent to the entry of the judgment and sentence
15 or (~~ten~~) 10 years following the offender's release from total
16 confinement as provided in chapter 9.94A RCW. The clerk of superior
17 court, or a party designated by the clerk, may seek extension under
18 subsection (3) of this section for purposes of collection as allowed
19 under RCW 36.18.190, (~~provided that no~~) only if the court finds
20 that the offender has the current or likely future ability to pay the
21 restitution obligation. A person does not have the current ability to
22 pay if the person is indigent as defined in RCW 10.01.160(3). No
23 filing fee shall be required for filing a petition for an extension
24 pursuant to this subsection.

25
26 (5) A party who obtains a judgment or order for a crime victims'
27 assessment, or other court-ordered legal financial obligations other
28 than restitution, pursuant to a criminal judgment and sentence, or
29 the assignee or the current holder thereof, may execute, garnish,
30 and/or have legal process issued upon the judgment or order any time
31 within five years subsequent to the entry of the judgment and
32 sentence or five years following the offender's release from total
33 confinement as provided in chapter 9.94A RCW. Prior to the expiration
34 of the initial five-year period, the superior court may extend the
35 criminal judgment an additional five years for payment of
36 nonrestitution legal financial obligations only if the court finds
37 that the offender has the current or likely future ability to pay the
38 obligations. A person does not have the current ability to pay if the
39 person is indigent as defined in RCW 10.01.160(3).

1 (6) "Court" as used in this section includes but is not limited
2 to the United States supreme court, the United States courts of
3 appeals, the United States district courts, the United States
4 bankruptcy courts, the Washington state supreme court, the court of
5 appeals of the state of Washington, superior courts and district
6 courts of the counties of the state of Washington, and courts of
7 other states and jurisdictions from which judgment has been filed in
8 this state under chapter 6.36 or 6.40 RCW.

9 ~~((6))~~ (7) The perfection of any judgment lien and the priority
10 of that judgment lien on property as established by RCW 6.13.090 and
11 chapter 4.56 RCW is not altered by the extension of the judgment
12 pursuant to the provisions of this section and the lien remains in
13 full force and effect and does not have to be rerecorded after it is
14 extended. Continued perfection of a judgment that has been
15 transcribed to other counties and perfected in those counties may be
16 accomplished after extension of the judgment by filing with the clerk
17 of the other counties where the judgment has been filed either a
18 certified copy of the order extending the judgment or a certified
19 copy of the docket of the matter where the judgment was extended.

20 ~~((7))~~ (8) Except as ordered in RCW 4.16.020 (2) or (3), chapter
21 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a
22 period exceeding ~~((twenty))~~ 20 years from the date of entry in the
23 originating court. Nothing in this section may be interpreted to
24 extend the expiration date of a foreign judgment beyond the
25 expiration date under the laws of the jurisdiction where the judgment
26 originated.

27 ~~((8))~~ (9) The chapter 261, Laws of 2002 amendments to this
28 section apply to all judgments currently in effect on June 13, 2002,
29 to all judgments extended after June 9, 1994, unless the judgment has
30 been satisfied, vacated, and/or quashed, and to all judgments filed
31 or rendered, or both, after June 13, 2002.

32 **Sec. 6.** RCW 9.92.060 and 2011 1st sp.s. c 40 s 5 are each
33 amended to read as follows:

34 (1) Whenever any person is convicted of any crime except murder,
35 burglary in the first degree, arson in the first degree, robbery,
36 rape of a child, or rape, the superior court may, in its discretion,
37 at the time of imposing sentence upon such person, direct that such
38 sentence be stayed and suspended until otherwise ordered by the

1 superior court, and, upon such terms as the superior court may
2 determine, that the sentenced person be placed under the charge of:

3 (a) A community corrections officer employed by the department of
4 corrections, if the person is subject to supervision under RCW
5 9.94A.501 or 9.94A.5011; or

6 (b) A probation officer employed or contracted for by the county,
7 if the county has elected to assume responsibility for the
8 supervision of superior court misdemeanor probationers.

9 (2) As a condition to suspension of sentence, the superior court
10 shall require the payment of the penalty assessment required by RCW
11 7.68.035. In addition, the superior court may require the convicted
12 person to make such monetary payments, on such terms as the superior
13 court deems appropriate under the circumstances, as are necessary:

14 (a) To comply with any order of the court for the payment of family
15 support; (b) to make restitution to any person or persons who may
16 have suffered loss or damage by reason of the commission of the crime
17 in question or when the offender pleads guilty to a lesser offense or
18 fewer offenses and agrees with the prosecutor's recommendation that
19 the offender be required to pay restitution to a victim of an offense
20 or offenses which are not prosecuted pursuant to a plea agreement;

21 (c) to pay any fine imposed and not suspended and the court or other
22 costs incurred in the prosecution of the case, including
23 reimbursement of the state for costs of extradition if return to this
24 state by extradition was required; and (d) to contribute to a county
25 or interlocal drug fund.

26 (3) At any time, the court may determine that the offender is not
27 required to pay, or may relieve the offender of the requirement to
28 pay, full or partial restitution and accrued interest on restitution
29 to any insurer or entity that is not an individual if the court finds
30 that the offender does not have the current or likely future ability
31 to make full or partial restitution to the insurer or entity that is
32 not an individual. For the purposes of this subsection, the terms
33 "entity," "individual," and "insurer" have the same meanings as
34 provided in RCW 9.94A.750(3).

35 (4) As a condition of the suspended sentence, the superior court
36 may order the probationer to report to the secretary of corrections
37 or such officer as the secretary may designate and as a condition of
38 the probation to follow the instructions of the secretary. If the
39 county legislative authority has elected to assume responsibility for
40 the supervision of superior court misdemeanor probationers within

1 its jurisdiction, the superior court misdemeanor probationer shall
2 report to a probation officer employed or contracted for by the
3 county. In cases where a superior court misdemeanor probationer is
4 sentenced in one county, but resides within another county, there
5 must be provisions for the probationer to report to the agency having
6 supervision responsibility for the probationer's county of residence.

7 ~~((4))~~ (5) If restitution to the victim has been ordered under
8 subsection (2)(b) of this section and the superior court has ordered
9 supervision, the officer supervising the probationer shall make a
10 reasonable effort to ascertain whether restitution has been made as
11 ordered. If the superior court has ordered supervision and
12 restitution has not been made, the officer shall inform the
13 prosecutor of that violation of the terms of the suspended sentence
14 not less than three months prior to the termination of the suspended
15 sentence.

16 **Sec. 7.** RCW 9.95.210 and 2019 c 263 s 302 are each amended to
17 read as follows:

18 (1)(a) Except as provided in (b) of this subsection in granting
19 probation, the superior court may suspend the imposition or the
20 execution of the sentence and may direct that the suspension may
21 continue upon such conditions and for such time as it shall
22 designate, not exceeding the maximum term of sentence or two years,
23 whichever is longer.

24 (b) For a defendant sentenced for a domestic violence offense, or
25 under RCW 46.61.5055, the superior court may suspend the imposition
26 or the execution of the sentence and may direct that the suspension
27 continue upon such conditions and for such time as the court shall
28 designate, not to exceed five years. The court shall have continuing
29 jurisdiction and authority to suspend the execution of all or any
30 part of the sentence upon stated terms, including installment payment
31 of fines. A defendant who has been sentenced, and who then fails to
32 appear for any hearing to address the defendant's compliance with the
33 terms of probation when ordered to do so by the court shall have the
34 term of probation tolled until such time as the defendant makes his
35 or her presence known to the court on the record. Any time before
36 entering an order terminating probation, the court may modify or
37 revoke its order suspending the imposition or execution of the
38 sentence if the defendant violates or fails to carry out any of the
39 conditions of the suspended sentence.

1 (2) In the order granting probation and as a condition thereof,
2 the superior court may in its discretion imprison the defendant in
3 the county jail for a period not exceeding one year and may fine the
4 defendant any sum not exceeding the statutory limit for the offense
5 committed, and court costs. As a condition of probation, the superior
6 court shall require the payment of the penalty assessment required by
7 RCW 7.68.035. The superior court may also require the defendant to
8 make such monetary payments, on such terms as it deems appropriate
9 under the circumstances, as are necessary: (a) To comply with any
10 order of the court for the payment of family support; (b) to make
11 restitution to any person or persons who may have suffered loss or
12 damage by reason of the commission of the crime in question or when
13 the offender pleads guilty to a lesser offense or fewer offenses and
14 agrees with the prosecutor's recommendation that the offender be
15 required to pay restitution to a victim of an offense or offenses
16 which are not prosecuted pursuant to a plea agreement; (c) to pay
17 such fine as may be imposed and court costs, including reimbursement
18 of the state for costs of extradition if return to this state by
19 extradition was required; (d) following consideration of the
20 financial condition of the person subject to possible electronic
21 monitoring, to pay for the costs of electronic monitoring if that
22 monitoring was required by the court as a condition of release from
23 custody or as a condition of probation; (e) to contribute to a county
24 or interlocal drug fund; and (f) to make restitution to a public
25 agency for the costs of an emergency response under RCW 38.52.430,
26 and may require bonds for the faithful observance of any and all
27 conditions imposed in the probation.

28 (3) The superior court shall order restitution in all cases where
29 the victim is entitled to benefits under the crime victims'
30 compensation act, chapter 7.68 RCW. If the superior court does not
31 order restitution and the victim of the crime has been determined to
32 be entitled to benefits under the crime victims' compensation act,
33 the department of labor and industries, as administrator of the crime
34 victims' compensation program, may petition the superior court within
35 one year of imposition of the sentence for entry of a restitution
36 order. Upon receipt of a petition from the department of labor and
37 industries, the superior court shall hold a restitution hearing and
38 shall enter a restitution order.

39 (4) At any time, the court may determine that the offender is not
40 required to pay, or may relieve the offender of the requirement to

1 pay, full or partial restitution and accrued interest on restitution
2 to any insurer or entity that is not an individual if the court finds
3 that the offender does not have the current or likely future ability
4 to make full or partial restitution to the insurer or entity that is
5 not an individual. For the purposes of this subsection, the terms
6 "entity," "individual," and "insurer" have the same meanings as
7 provided in RCW 9.94A.750(3).

8 (5) In granting probation, the superior court may order the
9 probationer to report to the secretary of corrections or such officer
10 as the secretary may designate and as a condition of the probation to
11 follow the instructions of the secretary for up to twelve months. If
12 the county legislative authority has elected to assume responsibility
13 for the supervision of superior court misdemeanor probationers
14 within its jurisdiction, the superior court misdemeanor probationer
15 shall report to a probation officer employed or contracted for by the
16 county. In cases where a superior court misdemeanor probationer is
17 sentenced in one county, but resides within another county, there
18 must be provisions for the probationer to report to the agency having
19 supervision responsibility for the probationer's county of residence.

20 ~~((+5))~~ (6) If the probationer has been ordered to make
21 restitution and the superior court has ordered supervision, the
22 officer supervising the probationer shall make a reasonable effort to
23 ascertain whether restitution has been made. If the superior court
24 has ordered supervision and restitution has not been made as ordered,
25 the officer shall inform the prosecutor of that violation of the
26 terms of probation not less than three months prior to the
27 termination of the probation period. The secretary of corrections
28 will promulgate rules and regulations for the conduct of the person
29 during the term of probation. For defendants found guilty in district
30 court, like functions as the secretary performs in regard to
31 probation may be performed by probation officers employed for that
32 purpose by the county legislative authority of the county wherein the
33 court is located.

34 ~~((+6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply
35 to sentences imposed under this section.

36 ~~((+7))~~ (8) For purposes of this section, "domestic violence"
37 means the same as in RCW 10.99.020.

38 NEW SECTION. Sec. 8. A new section is added to chapter 10.01
39 RCW to read as follows:

1 A defendant who has been ordered to pay fines and who has not
2 willfully failed to pay the obligation, as described in RCW
3 9.94A.6333 and 9.94B.040, may at any time petition the sentencing
4 court for remission of the payment of fines or of any unpaid portion
5 thereof. If it appears to the satisfaction of the court that payment
6 of the amount due will impose manifest hardship on the defendant or
7 the defendant's immediate family, the court may remit all or part of
8 the amount due in fines, modify the method of payment under RCW
9 10.01.170, or convert the unpaid amounts to community restitution
10 hours, if the jurisdiction operates a community restitution program,
11 at the rate of no less than the state minimum wage established in RCW
12 49.46.020 for each hour of community restitution. Manifest hardship
13 exists where the defendant is indigent as defined in RCW
14 10.01.160(3).

15 **Sec. 9.** RCW 10.01.160 and 2018 c 269 s 6 are each amended to
16 read as follows:

17 (1) Except as provided in subsection (3) of this section, the
18 court may require a defendant to pay costs. Costs may be imposed only
19 upon a convicted defendant, except for costs imposed upon a
20 defendant's entry into a deferred prosecution program, costs imposed
21 upon a defendant for pretrial supervision, or costs imposed upon a
22 defendant for preparing and serving a warrant for failure to appear.

23 (2) Costs shall be limited to expenses specially incurred by the
24 state in prosecuting the defendant or in administering the deferred
25 prosecution program under chapter 10.05 RCW or pretrial supervision.
26 They cannot include expenses inherent in providing a constitutionally
27 guaranteed jury trial or expenditures in connection with the
28 maintenance and operation of government agencies that must be made by
29 the public irrespective of specific violations of law. Expenses
30 incurred for serving of warrants for failure to appear and jury fees
31 under RCW 10.46.190 may be included in costs the court may require a
32 defendant to pay. Costs for administering a deferred prosecution may
33 not exceed (~~two hundred fifty dollars~~) \$250. Costs for
34 administering a pretrial supervision other than a pretrial electronic
35 alcohol monitoring program, drug monitoring program, or 24/7 sobriety
36 program may not exceed (~~one hundred fifty dollars~~) \$150. Costs for
37 preparing and serving a warrant for failure to appear may not exceed
38 (~~one hundred dollars~~) \$100. Costs of incarceration imposed on a
39 defendant convicted of a misdemeanor or a gross misdemeanor may not

1 exceed the actual cost of incarceration. In no case may the court
2 require the offender to pay more than (~~one hundred dollars~~) \$100
3 per day for the cost of incarceration. Payment of other court-ordered
4 financial obligations, including all legal financial obligations and
5 costs of supervision take precedence over the payment of the cost of
6 incarceration ordered by the court. All funds received from
7 defendants for the cost of incarceration in the county or city jail
8 must be remitted for criminal justice purposes to the county or city
9 that is responsible for the defendant's jail costs. Costs imposed
10 constitute a judgment against a defendant and survive a dismissal of
11 the underlying action against the defendant. However, if the
12 defendant is acquitted on the underlying action, the costs for
13 preparing and serving a warrant for failure to appear do not survive
14 the acquittal, and the judgment that such costs would otherwise
15 constitute shall be vacated.

16 (3) The court shall not order a defendant to pay costs if the
17 defendant at the time of sentencing is indigent (~~as defined in RCW~~
18 ~~10.101.010(3) (a) through (e)~~). In determining the amount and method
19 of payment of costs for defendants who are not indigent (~~as defined~~
20 ~~in RCW 10.101.010(3) (a) through (e)~~), the court shall take account
21 of the financial resources of the defendant and the nature of the
22 burden that payment of costs will impose. For the purposes of this
23 section, a defendant is "indigent" if the defendant: (a) Meets the
24 criteria defined in RCW 10.101.010(3) (a) through (c); (b) is
25 homeless or mentally ill as defined in RCW 71.24.025; (c) has
26 household income above 125 percent of the federal poverty guidelines
27 and has recurring basic living costs, as defined in RCW 10.101.010,
28 that render the defendant without the financial ability to pay; or
29 (d) has other compelling circumstances that exist that demonstrate an
30 inability to pay.

31 (4) A defendant who has been ordered to pay costs and who (~~is~~
32 ~~not in contumacious default in the payment thereof~~) has not
33 willfully failed to pay the obligation, as described in RCW
34 9.94A.6333 and 9.94B.040, may at any time (~~after release from total~~
35 ~~confinement~~) petition the sentencing court for remission of the
36 payment of costs or of any unpaid portion thereof. If it appears to
37 the satisfaction of the court that payment of the amount due will
38 impose manifest hardship on the defendant or the defendant's
39 immediate family, the court may remit all or part of the amount due
40 in costs, modify the method of payment under RCW 10.01.170, or

1 convert the unpaid costs to community restitution hours, if the
2 jurisdiction operates a community restitution program, at the rate of
3 no less than the state minimum wage established in RCW 49.46.020 for
4 each hour of community restitution. Manifest hardship exists where
5 the defendant is indigent as defined in ~~((RCW 10.101.010(3) (a)~~
6 ~~through (e)))~~ subsection (3) of this section.

7 (5) Except for direct costs relating to evaluating and reporting
8 to the court, prosecutor, or defense counsel regarding a defendant's
9 competency to stand trial as provided in RCW 10.77.060, this section
10 shall not apply to costs related to medical or mental health
11 treatment or services a defendant receives while in custody of the
12 secretary of the department of social and health services or other
13 governmental units. This section shall not prevent the secretary of
14 the department of social and health services or other governmental
15 units from imposing liability and seeking reimbursement from a
16 defendant committed to an appropriate facility as provided in RCW
17 10.77.084 while criminal proceedings are stayed. This section shall
18 also not prevent governmental units from imposing liability on
19 defendants for costs related to providing medical or mental health
20 treatment while the defendant is in the governmental unit's custody.
21 Medical or mental health treatment and services a defendant receives
22 at a state hospital or other facility are not a cost of prosecution
23 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
24 43.20B RCW, and any other applicable statute.

25 **Sec. 10.** RCW 10.73.160 and 2018 c 269 s 12 are each amended to
26 read as follows:

27 (1) The court of appeals, supreme court, and superior courts may
28 require an adult offender convicted of an offense to pay appellate
29 costs.

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

38 (3) Costs, including recoupment of fees for court-appointed
39 counsel, shall be requested in accordance with the procedures

1 contained in Title 14 of the rules of appellate procedure and in
2 Title 9 of the rules for appeal of decisions of courts of limited
3 jurisdiction. An award of costs shall become part of the trial court
4 judgment and sentence.

5 (4) A defendant who has been sentenced to pay costs and who (~~is~~
6 ~~not in contumacious default in the payment~~) has not willfully failed
7 to pay the obligation, as described in RCW 9.94A.6333 and 9.94B.040,
8 may at any time (~~after release from total confinement~~) petition the
9 court that sentenced the defendant or juvenile offender for remission
10 of the payment of costs or of any unpaid portion. If it appears to
11 the satisfaction of the sentencing court that payment of the amount
12 due will impose manifest hardship on the defendant or the defendant's
13 immediate family, the sentencing court may remit all or part of the
14 amount due in costs, modify the method of payment under RCW
15 10.01.170, or convert the unpaid costs to community restitution
16 hours, if the jurisdiction operates a community restitution program,
17 at the rate of no less than the state minimum wage established in RCW
18 49.46.020 for each hour of community restitution. Manifest hardship
19 exists where the defendant or juvenile offender is indigent as
20 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3).

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

31 **Sec. 11.** RCW 10.64.015 and 2018 c 269 s 10 are each amended to
32 read as follows:

33 When the defendant is found guilty, the court shall render
34 judgment accordingly, and the defendant may be liable for all costs,
35 unless the court or jury trying the cause expressly find otherwise.
36 The court shall not order a defendant to pay costs, as described in
37 RCW 10.01.160, if the court finds that the person at the time of
38 sentencing is indigent as defined in RCW (~~10.101.010(3) (a) through~~
39 ~~(e)~~) 10.01.160(3).

1 **Sec. 12.** RCW 10.82.090 and 2018 c 269 s 1 are each amended to
2 read as follows:

3 (1) Except as provided in subsections (2) and (3) of this section
4 and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a
5 judgment shall bear interest from the date of the judgment or the
6 offender's date of release from total confinement, whichever is
7 later, until payment, at the rate applicable to civil judgments. As
8 of June 7, 2018, no interest shall accrue on nonrestitution legal
9 financial obligations. All nonrestitution interest that is
10 outstanding on the effective date of this section, and that accrued
11 prior to June 7, 2018, shall be automatically waived without motion
12 of the defendant. All nonrestitution interest retained by the court
13 shall be split (~~((twenty-five))~~) 25 percent to the state treasurer for
14 deposit in the state general fund, (~~((twenty-five))~~) 25 percent to the
15 state treasurer for deposit in the judicial information system
16 account as provided in RCW 2.68.020, (~~((twenty-five))~~) 25 percent to
17 the county current expense fund, and (~~((twenty-five))~~) 25 percent to
18 the county current expense fund to fund local courts.

19 (2) The court may elect not to impose interest on any restitution
20 the court orders. Before determining not to impose interest on
21 restitution, the court shall inquire into and consider the following
22 factors: (a) Whether the offender is indigent as defined in RCW
23 10.101.010(3) or general rule 34; (b) the offender's available funds,
24 as defined in RCW 10.101.010(2), and other liabilities including
25 child support and other legal financial obligations; (c) whether the
26 offender is homeless; and (d) whether the offender is mentally ill,
27 as defined in RCW 71.24.025. The court shall also consider the
28 victim's input, if any, as it relates to any financial hardship
29 caused to the victim if interest is not imposed. The court may also
30 consider any other information that the court believes, in the
31 interest of justice, relates to not imposing interest on restitution.
32 After consideration of these factors, the court may waive the
33 imposition of restitution interest.

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

38 ~~(a) The court shall waive all interest on the portions of the~~
39 ~~legal financial obligations that are not restitution that accrued~~
40 ~~prior to June 7, 2018;~~

1 ~~(b) The court may~~) waive or reduce interest on the restitution
2 portion of the legal financial obligations only if the principal has
3 been paid in full (~~and as an incentive for the offender to meet his~~
4 ~~or her other legal financial obligations~~). The court may grant the
5 motion, establish a payment schedule, and retain jurisdiction over
6 the offender for purposes of reviewing and revising the reduction or
7 waiver of interest.

8 ~~((3))~~ (4) This section only applies to adult offenders.

9 **Sec. 13.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to
10 read as follows:

11 (1)(a) When any person is found guilty in any superior court of
12 having committed a crime, except as provided in subsections (2) and
13 (3) of this section, there shall be imposed by the court upon such
14 convicted person a penalty assessment. The assessment shall be in
15 addition to any other penalty or fine imposed by law and shall be
16 (~~five hundred dollars~~) \$500 for each case or cause of action that
17 includes one or more convictions of a felony or gross misdemeanor and
18 (~~two hundred fifty dollars~~) \$250 for any case or cause of action
19 that includes convictions of only one or more misdemeanors.

20 (b) When any juvenile is adjudicated of an offense that is a most
21 serious offense as defined in RCW 9.94A.030, or a sex offense under
22 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender
23 a penalty assessment. The assessment shall be in addition to any
24 other penalty or fine imposed by law and shall be (~~one hundred~~
25 ~~dollars~~) \$100 for each case or cause of action.

26 (c) When any juvenile is adjudicated of an offense which has a
27 victim, and which is not a most serious offense as defined in RCW
28 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall
29 order up to seven hours of community restitution, unless the court
30 finds that such an order is not practicable for the offender. This
31 community restitution must be imposed consecutively to any other
32 community restitution the court imposes for the offense.

33 (2) The assessment imposed by subsection (1) of this section
34 shall not apply to motor vehicle crimes defined in Title 46 RCW
35 except those defined in the following sections: RCW 46.61.520,
36 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
37 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
38 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
39 46.44.180, 46.10.490(2), and 46.09.470(2).

1 (3) Upon motion by the defendant, the court may waive or reduce
2 the assessment imposed by subsection (1) of this section if the court
3 finds that the defendant is indigent as defined in RCW 10.01.160(3)
4 and does not have the current or likely future ability to pay.

5 (4) When any person accused of having committed a crime posts
6 bail in superior court pursuant to the provisions of chapter 10.19
7 RCW and such bail is forfeited, there shall be deducted from the
8 proceeds of such forfeited bail a penalty assessment, in addition to
9 any other penalty or fine imposed by law, equal to the assessment
10 which would be applicable under subsection (1) of this section if the
11 person had been convicted of the crime.

12 (~~(4)~~) (5) Such penalty assessments shall be paid by the clerk
13 of the superior court to the county treasurer. Each county shall
14 deposit (~~(one hundred)~~) 100 percent of the money it receives per case
15 or cause of action under subsection (1) of this section, not less
16 than one and seventy-five one-hundredths percent of the remaining
17 money it retains under RCW 10.82.070 and the money it retains under
18 chapter 3.62 RCW, and all money it receives under subsection (~~(7)~~)
19 (8) of this section into a fund maintained exclusively for the
20 support of comprehensive programs to encourage and facilitate
21 testimony by the victims of crimes and witnesses to crimes. A program
22 shall be considered "comprehensive" only after approval of the
23 department upon application by the county prosecuting attorney. The
24 department shall approve as comprehensive only programs which:

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

31 (b) Are administered by the county prosecuting attorney either
32 directly through the prosecuting attorney's office or by contract
33 between the county and agencies providing services to victims of
34 crime;

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

38 (d) Assist victims in the restitution and adjudication process;
39 and

1 (e) Assist victims of violent crimes in the preparation and
2 presentation of their claims to the department of labor and
3 industries under this chapter.

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

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

29 ~~((+6))~~ (7) County prosecuting attorneys are responsible to make
30 every reasonable effort to insure that the penalty assessments of
31 this chapter are imposed and collected.

32 ~~((+7))~~ (8) Every city and town shall transmit monthly one and
33 seventy-five one-hundredths percent of all money, other than money
34 received for parking infractions, retained under RCW 3.50.100 and
35 35.20.220 to the county treasurer for deposit as provided in
36 subsection ~~((+4))~~ (5) of this section.

37 **Sec. 14.** RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to
38 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;

21 (d) If the court finds that the violation was not willful, the
22 court may modify its previous order regarding community restitution
23 obligations; and

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

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

38 (a) The court, upon the motion of the state, or upon its own
39 motion, shall require the offender to show cause why the offender

1 should not be punished for the noncompliance. The court may issue a
2 summons or a warrant of arrest for the offender's appearance;

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

5 (c) The court may not sanction the offender for failure to pay
6 legal financial obligations unless the court finds, after a hearing
7 and on the record, that the failure to pay is willful. A failure to
8 pay is willful if the offender has the current ability to pay but
9 refuses to do so. In determining whether the offender has the current
10 ability to pay, the court shall inquire into and consider: (i) The
11 offender's income and assets; (ii) the offender's basic living costs
12 as defined by RCW 10.101.010 and other liabilities including child
13 support and other legal financial obligations; and (iii) the
14 offender's bona fide efforts to acquire additional resources. An
15 offender who is indigent as defined by RCW (~~10.101.010(3) (a)~~
16 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to
17 pay;

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

22 (e) If the court finds that a failure to pay is willful
23 noncompliance, it may impose the sanctions specified in RCW
24 9.94A.633(1); and

25 (f) If the court finds that the violation was not willful, the
26 court may, and if the court finds that the defendant is indigent as
27 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3), the
28 court shall modify the terms of payment of the legal financial
29 obligations, reduce or waive nonrestitution legal financial
30 obligations, or convert nonrestitution legal financial obligations to
31 community restitution hours, if the jurisdiction operates a community
32 restitution program, at the rate of no less than the state minimum
33 wage established in RCW 49.46.020 for each hour of community
34 restitution. (~~The crime victim penalty assessment under RCW 7.68.035~~
35 ~~may not be reduced, waived, or converted to community restitution~~
36 ~~hours.~~)

37 (4) Any time served in confinement awaiting a hearing on
38 noncompliance shall be credited against any confinement ordered by
39 the court.

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

3 **Sec. 15.** RCW 9.94B.040 and 2018 c 269 s 15 are each amended to
4 read as follows:

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

8 (2) In cases where conditions from a second or later sentence of
9 community supervision begin prior to the term of the second or later
10 sentence, the court shall treat a violation of such conditions as a
11 violation of the sentence of community supervision currently being
12 served.

13 (3) If an offender fails to comply with any of the nonfinancial
14 requirements or conditions of a sentence the following provisions
15 apply:

16 (a) (i) Following the violation, if the offender and the
17 department make a stipulated agreement, the department may impose
18 sanctions such as work release, home detention with electronic
19 monitoring, work crew, community restitution, inpatient treatment,
20 daily reporting, curfew, educational or counseling sessions,
21 supervision enhanced through electronic monitoring, jail time, or
22 other sanctions available in the community.

23 (ii) Within (~~seventy-two~~) 72 hours of signing the stipulated
24 agreement, the department shall submit a report to the court and the
25 prosecuting attorney outlining the violation or violations, and
26 sanctions imposed. Within (~~fifteen~~) 15 days of receipt of the
27 report, if the court is not satisfied with the sanctions, the court
28 may schedule a hearing and may modify the department's sanctions. If
29 this occurs, the offender may withdraw from the stipulated agreement.

30 (iii) If the offender fails to comply with the sanction
31 administratively imposed by the department, the court may take action
32 regarding the original noncompliance. Offender failure to comply with
33 the sanction administratively imposed by the department may be
34 considered an additional violation;

35 (b) In the absence of a stipulated agreement, or where the court
36 is not satisfied with the department's sanctions as provided in (a)
37 of this subsection, the court, upon the motion of the state, or upon
38 its own motion, shall require the offender to show cause why the

1 offender should not be punished for the noncompliance. The court may
2 issue a summons or a warrant of arrest for the offender's appearance;

3 (c) The state has the burden of showing noncompliance by a
4 preponderance of the evidence. If the court finds that the violation
5 has occurred, it may order the offender to be confined for a period
6 not to exceed (~~sixty~~) 60 days for each violation, and may (i)
7 convert a term of partial confinement to total confinement, (ii)
8 convert community restitution obligation to total or partial
9 confinement, or (iii) order one or more of the penalties authorized
10 in (a)(i) of this subsection. Any time served in confinement awaiting
11 a hearing on noncompliance shall be credited against any confinement
12 order by the court;

13 (d) If the court finds that the violation was not willful, the
14 court may modify its previous order regarding community restitution
15 obligations; and

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

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

30 (a) The department and the offender may enter into a stipulated
31 agreement that the failure to pay was willful noncompliance,
32 according to the provisions and requirements of subsection (3)(a) of
33 this section;

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

1 (c) The state has the burden of showing noncompliance by a
2 preponderance of the evidence. The court may not sanction the
3 offender for failure to pay legal financial obligations unless the
4 court finds, after a hearing and on the record, that the failure to
5 pay is willful. A failure to pay is willful if the offender has the
6 current ability to pay but refuses to do so. In determining whether
7 the offender has the current ability to pay, the court shall inquire
8 into and consider: (i) The offender's income and assets; (ii) the
9 offender's basic living costs as defined by RCW 10.101.010 and other
10 liabilities including child support and other legal financial
11 obligations; and (iii) the offender's bona fide efforts to acquire
12 additional resources. An offender who is indigent as defined by RCW
13 (~~10.101.010(3) (a) through (e)~~) 10.01.160(3) is presumed to lack
14 the current ability to pay;

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

19 (e) If the court finds that the failure to pay is willful
20 noncompliance, the court may order the offender to be confined for a
21 period not to exceed (~~sixty~~) 60 days for each violation or order
22 one or more of the penalties authorized in subsection (3)(a)(i) of
23 this section; and

24 (f) If the court finds that the violation was not willful, the
25 court may, and if the court finds that the defendant is indigent as
26 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3), the
27 court shall modify the terms of payment of the legal financial
28 obligations, reduce or waive nonrestitution legal financial
29 obligations, or convert nonrestitution legal financial obligations to
30 community restitution hours, if the jurisdiction operates a community
31 restitution program, at the rate of no less than the state minimum
32 wage established in RCW 49.46.020 for each hour of community
33 restitution. (~~The crime victim penalty assessment under RCW 7.68.035
34 may not be reduced, waived, or converted to community restitution
35 hours.~~)

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

1 (6) An offender under community placement or community
2 supervision who is civilly detained under chapter 71.05 RCW, and
3 subsequently discharged or conditionally released to the community,
4 shall be under the supervision of the department of corrections for
5 the duration of his or her period of community placement or community
6 supervision. During any period of inpatient mental health treatment
7 that falls within the period of community placement or community
8 supervision, the inpatient treatment provider and the supervising
9 community corrections officer shall notify each other about the
10 offender's discharge, release, and legal status, and shall share
11 other relevant information.

12 (7) Nothing in this section prohibits the filing of escape
13 charges if appropriate.

14 **Sec. 16.** RCW 10.01.180 and 2018 c 269 s 8 are each amended to
15 read as follows:

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

20 (2) When any fine, penalty, assessment, fee, or assessment of
21 costs is imposed on a corporation or unincorporated association, it
22 is the duty of the person authorized to make disbursement from the
23 assets of the corporation or association to pay the obligation from
24 those assets, and his or her failure to do so may be held to be
25 contempt.

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

31 (b) In determining whether the defendant has the current ability
32 to pay, the court shall inquire into and consider: (i) The
33 defendant's income and assets; (ii) the defendant's basic living
34 costs as defined by RCW 10.101.010 and other liabilities including
35 child support and other legal financial obligations; and (iii) the
36 defendant's bona fide efforts to acquire additional resources. A
37 defendant who is indigent as defined by RCW (~~10.101.010(3)(a)~~
38 ~~through (c)~~) 10.01.160(3) is presumed to lack the current ability to
39 pay.

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

5 (4) If a term of imprisonment for contempt for nonpayment of any
6 fine, penalty, assessment, fee, or costs is ordered, the term of
7 imprisonment shall be set forth in the commitment order, and shall
8 not exceed one day for each (~~(twenty-five dollars)~~) \$25 of the amount
9 ordered, (~~(thirty)~~) 30 days if the amount ordered of costs was
10 imposed upon conviction of a violation or misdemeanor, or one year in
11 any other case, whichever is the shorter period. A person committed
12 for nonpayment of any fine, penalty, assessment, fee, or costs shall
13 be given credit toward payment for each day of imprisonment at the
14 rate specified in the commitment order.

15 (5) If it appears to the satisfaction of the court that the
16 default in the payment of any fine, penalty, assessment, fee, or
17 costs is not willful contempt, the court may, and if the defendant is
18 indigent as defined in RCW (~~(10.101.010(3) — (a) through (e))~~)
19 10.01.160(3), the court shall enter an order: (a) Allowing the
20 defendant additional time for payment; (b) reducing the amount
21 thereof or of each installment; (c) revoking the fine, penalty,
22 assessment, fee, or costs or the unpaid portion thereof in whole or
23 in part; or (d) converting the unpaid fine, penalty, assessment, fee,
24 or costs to community restitution hours, if the jurisdiction operates
25 a community restitution program, at the rate of no less than the
26 state minimum wage established in RCW 49.46.020 for each hour of
27 community restitution. (~~(The crime victim penalty assessment under~~
28 ~~RCW 7.68.035 may not be reduced, revoked, or converted to community~~
29 ~~restitution hours.)~~)

30 (6) A default in the payment of any fine, penalty, assessment,
31 fee, or costs or any installment thereof may be collected by any
32 means authorized by law for the enforcement of a judgment. The levy
33 of execution for the collection of any fine, penalty, assessment,
34 fee, or costs shall not discharge a defendant committed to
35 imprisonment for contempt until the amount has actually been
36 collected.

37 **Sec. 17.** RCW 3.62.085 and 2018 c 269 s 16 are each amended to
38 read as follows:

1 Upon conviction or a plea of guilty in any court organized under
2 this title or Title 35 RCW, a defendant in a criminal case is liable
3 for a fee of (~~forty-three dollars~~) \$43, except this fee shall not
4 be imposed on a defendant who is indigent as defined in RCW
5 (~~10.101.010(3) (a) through (e)~~) 10.01.160(3). This fee shall be
6 subject to division with the state under RCW 3.46.120(2),
7 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

8 **Sec. 18.** RCW 36.18.020 and 2018 c 269 s 17 are each amended to
9 read as follows:

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

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

16 (a) In addition to any other fee required by law, the party
17 filing the first or initial document in any civil action, including,
18 but not limited to an action for restitution, adoption, or change of
19 name, and any party filing a counterclaim, cross-claim, or third-
20 party claim in any such civil action, shall pay, at the time the
21 document is filed, a fee of (~~two hundred dollars~~) \$200 except, in
22 an unlawful detainer action under chapter 59.18 or 59.20 RCW for
23 which the plaintiff shall pay a case initiating filing fee of
24 (~~forty-five dollars~~) \$45, or in proceedings filed under RCW
25 28A.225.030 alleging a violation of the compulsory attendance laws
26 where the petitioner shall not pay a filing fee. The (~~forty-five~~
27 ~~dollar~~) \$45 filing fee under this subsection for an unlawful
28 detainer action shall not include an order to show cause or any other
29 order or judgment except a default order or default judgment in an
30 unlawful detainer action.

31 (b) Any party, except a defendant in a criminal case, filing the
32 first or initial document on an appeal from a court of limited
33 jurisdiction or any party on any civil appeal, shall pay, when the
34 document is filed, a fee of (~~two hundred dollars~~) \$200.

35 (c) For filing of a petition for judicial review as required
36 under RCW 34.05.514 a filing fee of (~~two hundred dollars~~) \$200.

37 (d) For filing of a petition for unlawful harassment under RCW
38 10.14.040 a filing fee of (~~fifty-three dollars~~) \$53.

1 (e) For filing the notice of debt due for the compensation of a
2 crime victim under RCW 7.68.120(2)(a) a fee of (~~two hundred~~
3 ~~dollars~~) \$200.

4 (f) In probate proceedings, the party instituting such
5 proceedings, shall pay at the time of filing the first document
6 therein, a fee of (~~two hundred dollars~~) \$200.

7 (g) For filing any petition to contest a will admitted to probate
8 or a petition to admit a will which has been rejected, or a petition
9 objecting to a written agreement or memorandum as provided in RCW
10 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)
11 \$200.

12 (h) Upon conviction or plea of guilty, upon failure to prosecute
13 an appeal from a court of limited jurisdiction as provided by law, or
14 upon affirmance of a conviction by a court of limited jurisdiction,
15 an adult defendant in a criminal case shall be liable for a fee of
16 two hundred dollars, except this fee shall not be imposed on a
17 defendant who is indigent as defined in RCW (~~10.01.010(3)(a)~~
18 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court
19 may waive or reduce any fee previously imposed under this subsection
20 if the court finds that the defendant is indigent as defined in RCW
21 10.01.160(3).

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

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

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

34 (5)(a) Until July 1, 2021, in addition to the fees required to be
35 collected under this section, clerks of the superior courts must
36 collect surcharges as provided in this subsection (5) of which
37 (~~seventy-five~~) 75 percent must be remitted to the state treasurer
38 for deposit in the judicial stabilization trust account and (~~twenty-~~
39 ~~five~~) 25 percent must be retained by the county.

1 (b) On filing fees required to be collected under subsection
2 (2)(b) of this section, a surcharge of (~~thirty dollars~~) \$30 must be
3 collected.

4 (c) On all filing fees required to be collected under this
5 section, except for fees required under subsection (2)(b), (d), and
6 (h) of this section, a surcharge of (~~forty dollars~~) \$40 must be
7 collected.

8 **Sec. 19.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to
9 read as follows:

10 (1) Every sentence imposed for a crime specified in RCW 43.43.754
11 must include a fee of (~~one hundred dollars~~) \$100 unless the state
12 has previously collected the offender's DNA as a result of a prior
13 conviction. The fee is a court-ordered legal financial obligation as
14 defined in RCW 9.94A.030 and other applicable law. For a sentence
15 imposed under chapter 9.94A RCW, the fee is payable by the offender
16 after payment of all other legal financial obligations included in
17 the sentence has been completed. For all other sentences, the fee is
18 payable by the offender in the same manner as other assessments
19 imposed.

20 (2) The clerk of the court shall transmit (~~eighty~~) 80 percent
21 of the fee collected to the state treasurer for deposit in the state
22 DNA database account created under RCW 43.43.7532, and shall transmit
23 (~~twenty~~) 20 percent of the fee collected to the agency responsible
24 for collection of a biological sample from the offender as required
25 under RCW 43.43.754. (~~This~~)

26 (3) The fee required in this section shall not be imposed on
27 juvenile offenders if the state has previously collected the juvenile
28 offender's DNA as a result of a prior conviction.

29 (4) Upon motion by the offender, the court shall waive all but
30 one previously imposed fee under this section.

31 **Sec. 20.** RCW 3.62.020 and 2018 c 269 s 3 are each amended to
32 read as follows:

33 (1) Except as provided in subsection (4) of this section, all
34 costs, fees, fines, forfeitures and penalties assessed and collected
35 in whole or in part by district courts, except costs, fines,
36 forfeitures and penalties assessed and collected, in whole or in
37 part, because of the violation of city ordinances, shall be remitted
38 by the clerk of the district court to the county treasurer at least

1 monthly, together with a financial statement as required by the state
2 auditor, noting the information necessary for crediting of such funds
3 as required by law.

4 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
5 and this section, the county treasurer shall remit (~~(thirty-two)~~) 32
6 percent of the noninterest money received under subsection (1) of
7 this section except certain costs to the state treasurer. "Certain
8 costs" as used in this subsection, means those costs awarded to
9 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
10 or those costs awarded against convicted defendants in criminal
11 actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other
12 similar statutes if such costs are specifically designated as costs
13 by the court and are awarded for the specific reimbursement of costs
14 incurred by the state or county in the prosecution of the case,
15 including the fees of defense counsel. With the exception of funds to
16 be transferred to the judicial stabilization trust account under RCW
17 3.62.060(2), money remitted under this subsection to the state
18 treasurer shall be deposited in the state general fund.

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

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

30 (5)(a) Except as provided in (b) of this subsection, penalties,
31 fines, fees, and costs may accrue interest at the rate of (~~(twelve)~~)
32 12 percent per annum, upon assignment to a collection agency.
33 Interest may accrue only while the case is in collection status.

34 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
35 and costs imposed against a defendant in a criminal proceeding shall
36 not accrue interest. All nonrestitution interest that is outstanding
37 on the effective date of this section, and that accrued prior to June
38 7, 2018, shall be automatically waived without motion of the
39 defendant.

1 (6) Interest retained by the court on penalties, fines, bail
2 forfeitures, fees, and costs shall be split (~~(twenty-five)~~) 25
3 percent to the state treasurer for deposit in the state general fund,
4 (~~(twenty-five)~~) 25 percent to the state treasurer for deposit in the
5 judicial information system account as provided in RCW 2.68.020,
6 (~~(twenty-five)~~) 25 percent to the county current expense fund, and
7 (~~(twenty-five)~~) 25 percent to the county current expense fund to fund
8 local courts.

9 **Sec. 21.** RCW 3.62.040 and 2018 c 269 s 4 are each amended to
10 read as follows:

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

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

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

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

37 (5)(a) Except as provided in (b) of this subsection, penalties,
38 fines, fees, and costs may accrue interest at the rate of (~~(twelve)~~)

1 12 percent per annum, upon assignment to a collection agency.
2 Interest may accrue only while the case is in collection status.

3 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
4 and costs imposed against a defendant in a criminal proceeding shall
5 not accrue interest. All nonrestitution interest that is outstanding
6 on the effective date of this section, and that accrued prior to June
7 7, 2018, shall be automatically waived without motion of the
8 defendant.

9 (6) Interest retained by the court on penalties, fines, bail
10 forfeitures, fees, and costs shall be split (~~(twenty-five)~~) 25
11 percent to the state treasurer for deposit in the state general fund,
12 (~~(twenty-five)~~) 25 percent to the state treasurer for deposit in the
13 judicial information system account as provided in RCW 2.68.020,
14 (~~(twenty-five)~~) 25 percent to the city general fund, and (~~(twenty-~~
15 ~~five)~~) 25 percent to the city general fund to fund local courts.

16 **Sec. 22.** RCW 3.50.100 and 2018 c 269 s 2 are each amended to
17 read as follows:

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

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

1 this subsection to the state treasurer shall be deposited in the
2 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 fines, fees, and costs may accrue interest at the rate of (~~twelve~~)
8 12 percent per annum, upon assignment to a collection agency.
9 Interest may accrue only while the case is in collection status.

10 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
11 and costs imposed against a defendant in a criminal proceeding shall
12 not accrue interest. All nonrestitution interest that is outstanding
13 on the effective date of this section, and that accrued prior to June
14 7, 2018, shall be automatically waived without motion of the
15 defendant.

16 (5) Interest retained by the court on penalties, fines, bail
17 forfeitures, fees, and costs shall be split (~~twenty-five~~) 25
18 percent to the state treasurer for deposit in the state general fund,
19 (~~twenty-five~~) 25 percent to the state treasurer for deposit in the
20 judicial information system account as provided in RCW 2.68.020,
21 (~~twenty-five~~) 25 percent to the city general fund, and (~~twenty-~~
22 ~~five~~) 25 percent to the city general fund to fund local courts.

23 **Sec. 23.** RCW 35.20.220 and 2018 c 269 s 5 are each amended to
24 read as follows:

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

1 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
2 treasurer shall remit monthly (~~(thirty-two)~~) 32 percent of the
3 noninterest money received under this section, other than for parking
4 infractions and certain costs to the state treasurer. "Certain costs"
5 as used in this subsection, means those costs awarded to prevailing
6 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
7 costs awarded against convicted defendants in criminal actions under
8 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
9 such costs are specifically designated as costs by the court and are
10 awarded for the specific reimbursement of costs incurred by the
11 state, county, city, or town in the prosecution of the case,
12 including the fees of defense counsel. Money remitted under this
13 subsection to the state treasurer shall be deposited in the state
14 general fund.

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

18 (4)(a) Except as provided in (b) of this subsection, penalties,
19 fines, fees, and costs may accrue interest at the rate of (~~(twelve)~~)
20 12 percent per annum, upon assignment to a collection agency.
21 Interest may accrue only while the case is in collection status.

22 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
23 and costs imposed against a defendant in a criminal proceeding shall
24 not accrue interest. All nonrestitution interest that is outstanding
25 on the effective date of this section, and that accrued prior to June
26 7, 2018, shall be automatically waived without motion of the
27 defendant.

28 (5) Interest retained by the court on penalties, fines, bail
29 forfeitures, fees, and costs shall be split (~~(twenty-five)~~) 25
30 percent to the state treasurer for deposit in the state general fund,
31 (~~(twenty-five)~~) 25 percent to the state treasurer for deposit in the
32 judicial information system account as provided in RCW 2.68.020,
33 (~~(twenty-five)~~) 25 percent to the city general fund, and (~~(twenty-~~
34 ~~five)~~) 25 percent to the city general fund to fund local courts.

35 NEW SECTION. Sec. 24. A new section is added to chapter 3.66
36 RCW to read as follows:

37 "Legal financial obligation" means a sum of money that is ordered
38 by a district or municipal court of the state of Washington for legal
39 financial obligations which may include restitution to the victim,

1 court costs, county or interlocal drug funds, court-appointed
2 attorneys' fees, and costs of defense, fines, and any other financial
3 obligation that is assessed to the offender as a result of a
4 conviction. Legal financial obligations may also include payment to a
5 public agency of the expense of an emergency response to the incident
6 resulting in the conviction, subject to RCW 38.52.430.

7 **Sec. 25.** RCW 10.01.170 and 2018 c 269 s 7 are each amended to
8 read as follows:

9 (1) When a defendant is sentenced to pay fines, penalties,
10 assessments, fees, restitution, or costs, the court may grant
11 permission for payment to be made within a specified period of time
12 or in specified installments. If the court finds that the defendant
13 is indigent as defined in RCW (~~(10.101.010(3) (a) through (e))~~)
14 10.01.160(3), the court shall grant permission for payment to be made
15 within a specified period of time or in specified installments. If no
16 such permission is included in the sentence the fine or costs shall
17 be payable forthwith.

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

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

22 (b) Second, proportionally to restitution to insurance or other
23 sources with respect to a loss that has provided compensation to
24 victims;

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

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

28 **Sec. 26.** RCW 10.46.190 and 2018 c 269 s 9 are each amended to
29 read as follows:

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

1 the superior court, shall be paid to the clerk and applied as the
2 jury fee in civil cases is applied.

3 **Sec. 27.** RCW 9.92.070 and 2018 c 269 s 11 are each amended to
4 read as follows:

5 Hereafter whenever any judge of any superior court or a district
6 or municipal judge shall sentence any person to pay any fines,
7 penalties, assessments, fees, and costs, the judge may, in the
8 judge's discretion, provide that such fines, penalties, assessments,
9 fees, and costs may be paid in certain designated installments, or
10 within certain designated period or periods. If the court finds that
11 the defendant is indigent as defined in RCW (~~(10.101.010(3)---(a)~~
12 ~~through---(e))~~) 10.01.160(3), the court shall allow for payment in
13 certain designated installments or within certain designated periods.
14 If such fines, penalties, assessments, fees, and costs shall be paid
15 by the defendant in accordance with such order no commitment or
16 imprisonment of the defendant shall be made for failure to pay such
17 fine or costs. PROVIDED, that the provisions of this section shall
18 not apply to any sentence given for the violation of any of the
19 liquor laws of this state.

20 **Sec. 28.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to
21 read as follows:

22 Upon a showing by any convicted person or the state that five
23 years have elapsed from the establishment of such escrow account and
24 further that no actions are pending against such convicted person
25 pursuant to RCW 7.68.200 through 7.68.280, the department shall
26 immediately pay over (~~(fifty)~~) 50 percent of any moneys in the escrow
27 account to such person or his or her legal representatives and
28 (~~(fifty)~~) 50 percent of any moneys in the escrow account to the fund
29 under RCW 7.68.035(~~(4)~~) (5).

30 NEW SECTION. **Sec. 29.** 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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