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SECOND SUBSTITUTE HOUSE BILL 1412

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State of Washington

67th Legislature

2021 Regular Session

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

READ FIRST TIME 02/22/21.

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 10.01.170, 10.46.190, 9.92.070, and 7.68.240; adding a new section to  
6 chapter 10.01 RCW; adding a new section to chapter 3.66 RCW; and  
7 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,  
11 crime victims' assessment, or other court-ordered legal financial  
12 obligations pursuant to a criminal judgment and sentence, or the  
13 assignee or the current holder thereof, may execute, garnish, and/or  
14 have legal process issued upon the judgment or order any time within  
15 ~~((ten))~~ 10 years subsequent to the entry of the judgment and sentence  
16 or ~~((ten))~~ 10 years following the offender's release from total  
17 confinement as provided in chapter 9.94A RCW. The clerk of superior  
18 court, or a party designated by the clerk, may seek extension under  
19 subsection (3) of this section for purposes of collection as allowed  
20 under RCW 36.18.190, ~~((provided that no))~~ only if the court finds  
21 that the offender has the current or likely future ability to pay the  
22 legal financial obligations. A person does not have the current  
23 ability to pay if the person is indigent as defined in RCW  
24 10.01.160(3). No filing fee shall be required for filing a petition  
25 for an extension pursuant to this subsection.

26 (5) "Court" as used in this section includes but is not limited  
27 to the United States supreme court, the United States courts of  
28 appeals, the United States district courts, the United States  
29 bankruptcy courts, the Washington state supreme court, the court of  
30 appeals of the state of Washington, superior courts and district  
31 courts of the counties of the state of Washington, and courts of  
32 other states and jurisdictions from which judgment has been filed in  
33 this state under chapter 6.36 or 6.40 RCW.

34 (6) The perfection of any judgment lien and the priority of that  
35 judgment lien on property as established by RCW 6.13.090 and chapter  
36 4.56 RCW is not altered by the extension of the judgment pursuant to  
37 the provisions of this section and the lien remains in full force and  
38 effect and does not have to be rerecorded after it is extended.  
39 Continued perfection of a judgment that has been transcribed to other  
40 counties and perfected in those counties may be accomplished after

1 extension of the judgment by filing with the clerk of the other  
2 counties where the judgment has been filed either a certified copy of  
3 the order extending the judgment or a certified copy of the docket of  
4 the matter where the judgment was extended.

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

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

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

19 (1) Whenever any person is convicted of any crime except murder,  
20 burglary in the first degree, arson in the first degree, robbery,  
21 rape of a child, or rape, the superior court may, in its discretion,  
22 at the time of imposing sentence upon such person, direct that such  
23 sentence be stayed and suspended until otherwise ordered by the  
24 superior court, and, upon such terms as the superior court may  
25 determine, that the sentenced person be placed under the charge of:

26 (a) A community corrections officer employed by the department of  
27 corrections, if the person is subject to supervision under RCW  
28 9.94A.501 or 9.94A.5011; or

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

32 (2) As a condition to suspension of sentence, the superior court  
33 shall require the payment of the penalty assessment required by RCW  
34 7.68.035. In addition, the superior court may require the convicted  
35 person to make such monetary payments, on such terms as the superior  
36 court deems appropriate under the circumstances, as are necessary:

37 (a) To comply with any order of the court for the payment of family  
38 support; (b) to make restitution to any person or persons who may  
39 have suffered loss or damage by reason of the commission of the crime

1 in question or when the offender pleads guilty to a lesser offense or  
2 fewer offenses and agrees with the prosecutor's recommendation that  
3 the offender be required to pay restitution to a victim of an offense  
4 or offenses which are not prosecuted pursuant to a plea agreement;  
5 (c) to pay any fine imposed and not suspended and the court or other  
6 costs incurred in the prosecution of the case, including  
7 reimbursement of the state for costs of extradition if return to this  
8 state by extradition was required; and (d) to contribute to a county  
9 or interlocal drug fund.

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

19 (4) As a condition of the suspended sentence, the superior court  
20 may order the probationer to report to the secretary of corrections  
21 or such officer as the secretary may designate and as a condition of  
22 the probation to follow the instructions of the secretary. If the  
23 county legislative authority has elected to assume responsibility for  
24 the supervision of superior court misdemeanor probationers within  
25 its jurisdiction, the superior court misdemeanor probationer shall  
26 report to a probation officer employed or contracted for by the  
27 county. In cases where a superior court misdemeanor probationer is  
28 sentenced in one county, but resides within another county, there  
29 must be provisions for the probationer to report to the agency having  
30 supervision responsibility for the probationer's county of residence.

31 ~~((4))~~ (5) If restitution to the victim has been ordered under  
32 subsection (2)(b) of this section and the superior court has ordered  
33 supervision, the officer supervising the probationer shall make a  
34 reasonable effort to ascertain whether restitution has been made as  
35 ordered. If the superior court has ordered supervision and  
36 restitution has not been made, the officer shall inform the  
37 prosecutor of that violation of the terms of the suspended sentence  
38 not less than three months prior to the termination of the suspended  
39 sentence.

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

3       (1) (a) Except as provided in (b) of this subsection in granting  
4 probation, the superior court may suspend the imposition or the  
5 execution of the sentence and may direct that the suspension may  
6 continue upon such conditions and for such time as it shall  
7 designate, not exceeding the maximum term of sentence or two years,  
8 whichever is longer.

9       (b) For a defendant sentenced for a domestic violence offense, or  
10 under RCW 46.61.5055, the superior court may suspend the imposition  
11 or the execution of the sentence and may direct that the suspension  
12 continue upon such conditions and for such time as the court shall  
13 designate, not to exceed five years. The court shall have continuing  
14 jurisdiction and authority to suspend the execution of all or any  
15 part of the sentence upon stated terms, including installment payment  
16 of fines. A defendant who has been sentenced, and who then fails to  
17 appear for any hearing to address the defendant's compliance with the  
18 terms of probation when ordered to do so by the court shall have the  
19 term of probation tolled until such time as the defendant makes his  
20 or her presence known to the court on the record. Any time before  
21 entering an order terminating probation, the court may modify or  
22 revoke its order suspending the imposition or execution of the  
23 sentence if the defendant violates or fails to carry out any of the  
24 conditions of the suspended sentence.

25       (2) In the order granting probation and as a condition thereof,  
26 the superior court may in its discretion imprison the defendant in  
27 the county jail for a period not exceeding one year and may fine the  
28 defendant any sum not exceeding the statutory limit for the offense  
29 committed, and court costs. As a condition of probation, the superior  
30 court shall require the payment of the penalty assessment required by  
31 RCW 7.68.035. The superior court may also require the defendant to  
32 make such monetary payments, on such terms as it deems appropriate  
33 under the circumstances, as are necessary: (a) To comply with any  
34 order of the court for the payment of family support; (b) to make  
35 restitution to any person or persons who may have suffered loss or  
36 damage by reason of the commission of the crime in question or when  
37 the offender pleads guilty to a lesser offense or fewer offenses and  
38 agrees with the prosecutor's recommendation that the offender be  
39 required to pay restitution to a victim of an offense or offenses  
40 which are not prosecuted pursuant to a plea agreement; (c) to pay

1 such fine as may be imposed and court costs, including reimbursement  
2 of the state for costs of extradition if return to this state by  
3 extradition was required; (d) following consideration of the  
4 financial condition of the person subject to possible electronic  
5 monitoring, to pay for the costs of electronic monitoring if that  
6 monitoring was required by the court as a condition of release from  
7 custody or as a condition of probation; (e) to contribute to a county  
8 or interlocal drug fund; and (f) to make restitution to a public  
9 agency for the costs of an emergency response under RCW 38.52.430,  
10 and may require bonds for the faithful observance of any and all  
11 conditions imposed in the probation.

12 (3) The superior court shall order restitution in all cases where  
13 the victim is entitled to benefits under the crime victims'  
14 compensation act, chapter 7.68 RCW. If the superior court does not  
15 order restitution and the victim of the crime has been determined to  
16 be entitled to benefits under the crime victims' compensation act,  
17 the department of labor and industries, as administrator of the crime  
18 victims' compensation program, may petition the superior court within  
19 one year of imposition of the sentence for entry of a restitution  
20 order. Upon receipt of a petition from the department of labor and  
21 industries, the superior court shall hold a restitution hearing and  
22 shall enter a restitution order.

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

32 (5) In granting probation, the superior court may order the  
33 probationer to report to the secretary of corrections or such officer  
34 as the secretary may designate and as a condition of the probation to  
35 follow the instructions of the secretary for up to twelve months. If  
36 the county legislative authority has elected to assume responsibility  
37 for the supervision of superior court misdemeanor probationers  
38 within its jurisdiction, the superior court misdemeanor probationer  
39 shall report to a probation officer employed or contracted for by the  
40 county. In cases where a superior court misdemeanor probationer is

1 sentenced in one county, but resides within another county, there  
2 must be provisions for the probationer to report to the agency having  
3 supervision responsibility for the probationer's county of residence.

4 ~~((+5))~~ (6) If the probationer has been ordered to make  
5 restitution and the superior court has ordered supervision, the  
6 officer supervising the probationer shall make a reasonable effort to  
7 ascertain whether restitution has been made. If the superior court  
8 has ordered supervision and restitution has not been made as ordered,  
9 the officer shall inform the prosecutor of that violation of the  
10 terms of probation not less than three months prior to the  
11 termination of the probation period. The secretary of corrections  
12 will promulgate rules and regulations for the conduct of the person  
13 during the term of probation. For defendants found guilty in district  
14 court, like functions as the secretary performs in regard to  
15 probation may be performed by probation officers employed for that  
16 purpose by the county legislative authority of the county wherein the  
17 court is located.

18 ~~((+6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply  
19 to sentences imposed under this section.

20 ~~((+7))~~ (8) For purposes of this section, "domestic violence"  
21 means the same as in RCW 10.99.020.

22 NEW SECTION. **Sec. 8.** A new section is added to chapter 10.01  
23 RCW to read as follows:

24 A defendant who has been ordered to pay fines and who has not  
25 willfully failed to pay the obligation, as described in RCW  
26 9.94A.6333 and 9.94B.040, may at any time petition the sentencing  
27 court for remission of the payment of fines or of any unpaid portion  
28 thereof. If it appears to the satisfaction of the court that payment  
29 of the amount due will impose manifest hardship on the defendant or  
30 the defendant's immediate family, the court may remit all or part of  
31 the amount due in fines, modify the method of payment under RCW  
32 10.01.170, or convert the unpaid amounts to community restitution  
33 hours, if the jurisdiction operates a community restitution program,  
34 at the rate of no less than the state minimum wage established in RCW  
35 49.46.020 for each hour of community restitution. Manifest hardship  
36 exists where the defendant is indigent as defined in RCW  
37 10.01.160(3).

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

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

9       (2) Costs shall be limited to expenses specially incurred by the  
10 state in prosecuting the defendant or in administering the deferred  
11 prosecution program under chapter 10.05 RCW or pretrial supervision.  
12 They cannot include expenses inherent in providing a constitutionally  
13 guaranteed jury trial or expenditures in connection with the  
14 maintenance and operation of government agencies that must be made by  
15 the public irrespective of specific violations of law. Expenses  
16 incurred for serving of warrants for failure to appear and jury fees  
17 under RCW 10.46.190 may be included in costs the court may require a  
18 defendant to pay. Costs for administering a deferred prosecution may  
19 not exceed (~~two hundred fifty dollars~~) \$250. Costs for  
20 administering a pretrial supervision other than a pretrial electronic  
21 alcohol monitoring program, drug monitoring program, or 24/7 sobriety  
22 program may not exceed (~~one hundred fifty dollars~~) \$150. Costs for  
23 preparing and serving a warrant for failure to appear may not exceed  
24 (~~one hundred dollars~~) \$100. Costs of incarceration imposed on a  
25 defendant convicted of a misdemeanor or a gross misdemeanor may not  
26 exceed the actual cost of incarceration. In no case may the court  
27 require the offender to pay more than (~~one hundred dollars~~) \$100  
28 per day for the cost of incarceration. Payment of other court-ordered  
29 financial obligations, including all legal financial obligations and  
30 costs of supervision take precedence over the payment of the cost of  
31 incarceration ordered by the court. All funds received from  
32 defendants for the cost of incarceration in the county or city jail  
33 must be remitted for criminal justice purposes to the county or city  
34 that is responsible for the defendant's jail costs. Costs imposed  
35 constitute a judgment against a defendant and survive a dismissal of  
36 the underlying action against the defendant. However, if the  
37 defendant is acquitted on the underlying action, the costs for  
38 preparing and serving a warrant for failure to appear do not survive  
39 the acquittal, and the judgment that such costs would otherwise  
40 constitute shall be vacated.

1 (3) The court shall not order a defendant to pay costs if the  
2 defendant at the time of sentencing is indigent (~~(as defined in RCW~~  
3 ~~10.101.010(3) (a) through (e))~~). In determining the amount and method  
4 of payment of costs for defendants who are not indigent (~~(as defined~~  
5 ~~in RCW 10.101.010(3) (a) through (e))~~), the court shall take account  
6 of the financial resources of the defendant and the nature of the  
7 burden that payment of costs will impose. For the purposes of this  
8 section, a defendant is "indigent" if the defendant: (a) Meets the  
9 criteria defined in RCW 10.101.010(3) (a) through (c); (b) is  
10 homeless or mentally ill as defined in RCW 71.24.025; (c) has  
11 household income above 125 percent of the federal poverty guidelines  
12 and has recurring basic living costs, as defined in RCW 10.101.010,  
13 that render the defendant without the financial ability to pay; or  
14 (d) has other compelling circumstances that exist that demonstrate an  
15 inability to pay.

16 (4) A defendant who has been ordered to pay costs and who (~~is~~  
17 ~~not in contumacious default in the payment thereof~~) has not  
18 willfully failed to pay the obligation, as described in RCW  
19 9.94A.6333 and 9.94B.040, may at any time (~~(after release from total~~  
20 ~~confinement)~~) petition the sentencing court for remission of the  
21 payment of costs or of any unpaid portion thereof. If it appears to  
22 the satisfaction of the court that payment of the amount due will  
23 impose manifest hardship on the defendant or the defendant's  
24 immediate family, the court may remit all or part of the amount due  
25 in costs, modify the method of payment under RCW 10.01.170, or  
26 convert the unpaid costs to community restitution hours, if the  
27 jurisdiction operates a community restitution program, at the rate of  
28 no less than the state minimum wage established in RCW 49.46.020 for  
29 each hour of community restitution. Manifest hardship exists where  
30 the defendant is indigent as defined in (~~(RCW 10.101.010(3) (a)~~  
31 ~~through (e))~~) subsection (3) of this section.

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



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

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

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

15 (2) Appellate costs are limited to expenses specifically incurred  
16 by the state in prosecuting or defending an appeal or collateral  
17 attack from a criminal conviction. Appellate costs shall not include  
18 expenditures to maintain and operate government agencies that must be  
19 made irrespective of specific violations of the law. Expenses  
20 incurred for producing a verbatim report of proceedings and clerk's  
21 papers may be included in costs the court may require a convicted  
22 defendant to pay.

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

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

1 hours, if the jurisdiction operates a community restitution program,  
2 at the rate of no less than the state minimum wage established in RCW  
3 49.46.020 for each hour of community restitution. Manifest hardship  
4 exists where the defendant or juvenile offender is indigent as  
5 defined in RCW (~~(10.101.010(3) (a) through (e))~~) 10.01.160(3).

6 (5) The parents or another person legally obligated to support a  
7 juvenile offender who has been ordered to pay appellate costs and who  
8 is not in contumacious default in the payment may at any time  
9 petition the court that sentenced the 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 parents or another person  
13 legally obligated to support a juvenile offender or on their  
14 immediate families, the sentencing court may remit all or part of the  
15 amount due in costs, or may modify the method of payment.

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

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

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

27 (1) Except as provided in subsections (2) and (3) of this section  
28 and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a  
29 judgment shall bear interest from the date of the judgment or the  
30 offender's date of release from total confinement, whichever is  
31 later, until payment, at the rate applicable to civil judgments. As  
32 of June 7, 2018, no interest shall accrue on nonrestitution legal  
33 financial obligations. All nonrestitution interest retained by the  
34 court shall be split (~~(twenty-five)~~) 25 percent to the state  
35 treasurer for deposit in the state general fund, (~~(twenty-five)~~) 25  
36 percent to the state treasurer for deposit in the judicial  
37 information system account as provided in RCW 2.68.020, (~~(twenty-~~  
38 ~~five)~~) 25 percent to the county current expense fund, and (~~(twenty-~~

1 five)) 25 percent to the county current expense fund to fund local  
2 courts.

3 (2) The court may elect not to impose interest on any restitution  
4 the court orders. Before determining not to impose interest on  
5 restitution, the court shall inquire into and consider the following  
6 factors: (a) Whether the offender is indigent as defined in RCW  
7 10.101.010(3) or general rule 34; (b) the offender's available funds,  
8 as defined in RCW 10.101.010(2), and other liabilities including  
9 child support and other legal financial obligations; (c) whether the  
10 offender is homeless; and (d) whether the offender is mentally ill,  
11 as defined in RCW 71.24.025. The court shall also consider the  
12 victim's input, if any, as it relates to any financial hardship  
13 caused to the victim if interest is not imposed. The court may also  
14 consider any other information that the court believes, in the  
15 interest of justice, relates to not imposing interest on restitution.  
16 After consideration of these factors, the court may waive the  
17 imposition of restitution interest.

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

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

25 (b) The court may waive or reduce interest on the restitution  
26 portion of the legal financial obligations only if the principal has  
27 been paid in full (~~and as an incentive for the offender to meet his~~  
28 ~~or her other legal financial obligations~~). The court may grant the  
29 motion, establish a payment schedule, and retain jurisdiction over  
30 the offender for purposes of reviewing and revising the reduction or  
31 waiver of interest.

32 (~~(3)~~) (4) This section only applies to adult offenders.

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

35 (1)(a) When any person is found guilty in any superior court of  
36 having committed a crime, except as provided in subsections (2) and  
37 (3) of this section, there shall be imposed by the court upon such  
38 convicted person a penalty assessment. The assessment shall be in  
39 addition to any other penalty or fine imposed by law and shall be

1 ((five hundred dollars)) \$500 for each case or cause of action that  
2 includes one or more convictions of a felony or gross misdemeanor and  
3 ((two hundred fifty dollars)) \$250 for any case or cause of action  
4 that includes convictions of only one or more misdemeanors.

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

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

18 (2) The assessment imposed by subsection (1) of this section  
19 shall not apply to motor vehicle crimes defined in Title 46 RCW  
20 except those defined in the following sections: RCW 46.61.520,  
21 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,  
22 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,  
23 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,  
24 46.44.180, 46.10.490(2), and 46.09.470(2).

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

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

36 ((+4)) (5) Such penalty assessments shall be paid by the clerk  
37 of the superior court to the county treasurer. Each county shall  
38 deposit ((one hundred)) 100 percent of the money it receives per case  
39 or cause of action under subsection (1) of this section, not less  
40 than one and seventy-five one-hundredths percent of the remaining

1 money it retains under RCW 10.82.070 and the money it retains under  
2 chapter 3.62 RCW, and all money it receives under subsection (~~(7)~~)  
3 (8) of this section into a fund maintained exclusively for the  
4 support of comprehensive programs to encourage and facilitate  
5 testimony by the victims of crimes and witnesses to crimes. A program  
6 shall be considered "comprehensive" only after approval of the  
7 department upon application by the county prosecuting attorney. The  
8 department shall approve as comprehensive only programs which:

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

15 (b) Are administered by the county prosecuting attorney either  
16 directly through the prosecuting attorney's office or by contract  
17 between the county and agencies providing services to victims of  
18 crime;

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

22 (d) Assist victims in the restitution and adjudication process;  
23 and

24 (e) Assist victims of violent crimes in the preparation and  
25 presentation of their claims to the department of labor and  
26 industries under this chapter.

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

34 (~~(5)~~) (6) Upon submission to the department of a letter of  
35 intent to adopt a comprehensive program, the prosecuting attorney  
36 shall retain the money deposited by the county under subsection  
37 (~~(4)~~) (5) of this section until such time as the county prosecuting  
38 attorney has obtained approval of a program from the department.  
39 Approval of the comprehensive plan by the department must be obtained  
40 within one year of the date of the letter of intent to adopt a

1 comprehensive program. The county prosecuting attorney shall not make  
2 any expenditures from the money deposited under subsection ~~((4))~~  
3 (5) of this section until approval of a comprehensive plan by the  
4 department. If a county prosecuting attorney has failed to obtain  
5 approval of a program from the department under subsection ~~((4))~~  
6 (5) of this section or failed to obtain approval of a comprehensive  
7 program within one year after submission of a letter of intent under  
8 this section, the county treasurer shall monthly transmit one hundred  
9 percent of the money deposited by the county under subsection ~~((4))~~  
10 (5) of this section to the state treasurer for deposit in the state  
11 general fund.

12 ~~((6))~~ (7) County prosecuting attorneys are responsible to make  
13 every reasonable effort to insure that the penalty assessments of  
14 this chapter are imposed and collected.

15 ~~((7))~~ (8) Every city and town shall transmit monthly one and  
16 seventy-five one-hundredths percent of all money, other than money  
17 received for parking infractions, retained under RCW 3.50.100 and  
18 35.20.220 to the county treasurer for deposit as provided in  
19 subsection ~~((4))~~ (5) of this section.

20 **Sec. 14.** RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to  
21 read as follows:

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

26 (2) If an offender fails to comply with any of the nonfinancial  
27 conditions or requirements of a sentence the following provisions  
28 apply:

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

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

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

38 (i) Convert a term of partial confinement to total confinement;  
39 or

1 (ii) Convert community restitution obligation to total or partial  
2 confinement;

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

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

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

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

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

26 (c) The court may not sanction the offender for failure to pay  
27 legal financial obligations unless the court finds, after a hearing  
28 and on the record, that the failure to pay is willful. A failure to  
29 pay is willful if the offender has the current ability to pay but  
30 refuses to do so. In determining whether the offender has the current  
31 ability to pay, the court shall inquire into and consider: (i) The  
32 offender's income and assets; (ii) the offender's basic living costs  
33 as defined by RCW 10.101.010 and other liabilities including child  
34 support and other legal financial obligations; and (iii) the  
35 offender's bona fide efforts to acquire additional resources. An  
36 offender who is indigent as defined by RCW (~~10.101.010(3)---(a)~~  
37 ~~through (c)~~) 10.01.160(3) is presumed to lack the current ability to  
38 pay;

39 (d) If the court determines that the offender is homeless or a  
40 person who is mentally ill, as defined in RCW 71.24.025, failure to

1 pay a legal financial obligation is not willful noncompliance and  
2 shall not subject the offender to penalties;

3 (e) If the court finds that a failure to pay is willful  
4 noncompliance, it may impose the sanctions specified in RCW  
5 9.94A.633(1); and

6 (f) If the court finds that the violation was not willful, the  
7 court may, and if the court finds that the defendant is indigent as  
8 defined in RCW ~~((10.101.010(3) (a) through (c)))~~ 10.01.160(3), the  
9 court shall modify the terms of payment of the legal financial  
10 obligations, reduce or waive nonrestitution legal financial  
11 obligations, or convert nonrestitution legal financial obligations to  
12 community restitution hours, if the jurisdiction operates a community  
13 restitution program, at the rate of no less than the state minimum  
14 wage established in RCW 49.46.020 for each hour of community  
15 restitution. ~~((The crime victim penalty assessment under RCW 7.68.035  
16 may not be reduced, waived, or converted to community restitution  
17 hours.))~~

18 (4) Any time served in confinement awaiting a hearing on  
19 noncompliance shall be credited against any confinement ordered by  
20 the court.

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

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

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

28 (2) In cases where conditions from a second or later sentence of  
29 community supervision begin prior to the term of the second or later  
30 sentence, the court shall treat a violation of such conditions as a  
31 violation of the sentence of community supervision currently being  
32 served.

33 (3) If an offender fails to comply with any of the nonfinancial  
34 requirements or conditions of a sentence the following provisions  
35 apply:

36 (a)(i) Following the violation, if the offender and the  
37 department make a stipulated agreement, the department may impose  
38 sanctions such as work release, home detention with electronic  
39 monitoring, work crew, community restitution, inpatient treatment,



1 daily reporting, curfew, educational or counseling sessions,  
2 supervision enhanced through electronic monitoring, jail time, or  
3 other sanctions available in the community.

4 (ii) Within (~~seventy-two~~) 72 hours of signing the stipulated  
5 agreement, the department shall submit a report to the court and the  
6 prosecuting attorney outlining the violation or violations, and  
7 sanctions imposed. Within (~~fifteen~~) 15 days of receipt of the  
8 report, if the court is not satisfied with the sanctions, the court  
9 may schedule a hearing and may modify the department's sanctions. If  
10 this occurs, the offender may withdraw from the stipulated agreement.

11 (iii) If the offender fails to comply with the sanction  
12 administratively imposed by the department, the court may take action  
13 regarding the original noncompliance. Offender failure to comply with  
14 the sanction administratively imposed by the department may be  
15 considered an additional violation;

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

22 (c) The state has the burden of showing noncompliance by a  
23 preponderance of the evidence. If the court finds that the violation  
24 has occurred, it may order the offender to be confined for a period  
25 not to exceed (~~sixty~~) 60 days for each violation, and may (i)  
26 convert a term of partial confinement to total confinement, (ii)  
27 convert community restitution obligation to total or partial  
28 confinement, or (iii) order one or more of the penalties authorized  
29 in (a)(i) of this subsection. Any time served in confinement awaiting  
30 a hearing on noncompliance shall be credited against any confinement  
31 order by the court;

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

35 (e) If the violation involves a failure to undergo or comply with  
36 mental status evaluation and/or outpatient mental health treatment,  
37 the community corrections officer shall consult with the treatment  
38 provider or proposed treatment provider. Enforcement of orders  
39 concerning outpatient mental health treatment must reflect the  
40 availability of treatment and must pursue the least restrictive means

1 of promoting participation in treatment. If the offender's failure to  
2 receive care essential for health and safety presents a risk of  
3 serious physical harm or probable harmful consequences, the civil  
4 detention and commitment procedures of chapter 71.05 RCW shall be  
5 considered in preference to incarceration in a local or state  
6 correctional facility.

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

9 (a) The department and the offender may enter into a stipulated  
10 agreement that the failure to pay was willful noncompliance,  
11 according to the provisions and requirements of subsection (3)(a) of  
12 this section;

13 (b) In the absence of a stipulated agreement, or where the court  
14 is not satisfied with the department's sanctions as provided in a  
15 stipulated agreement under (a) of this subsection, the court, upon  
16 the motion of the state, or upon its own motion, shall require the  
17 offender to show cause why the offender should not be punished for  
18 the noncompliance. The court may issue a summons or a warrant of  
19 arrest for the offender's appearance;

20 (c) The state has the burden of showing noncompliance by a  
21 preponderance of the evidence. The court may not sanction the  
22 offender for failure to pay legal financial obligations unless the  
23 court finds, after a hearing and on the record, that the failure to  
24 pay is willful. A failure to pay is willful if the offender has the  
25 current ability to pay but refuses to do so. In determining whether  
26 the offender has the current ability to pay, the court shall inquire  
27 into and consider: (i) The offender's income and assets; (ii) the  
28 offender's basic living costs as defined by RCW 10.101.010 and other  
29 liabilities including child support and other legal financial  
30 obligations; and (iii) the offender's bona fide efforts to acquire  
31 additional resources. An offender who is indigent as defined by RCW  
32 (~~10.101.010(3) (a) through (c)~~) 10.01.160(3) is presumed to lack  
33 the current ability to pay;

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

38 (e) If the court finds that the failure to pay is willful  
39 noncompliance, the court may order the offender to be confined for a  
40 period not to exceed (~~sixty~~) 60 days for each violation or order

1 one or more of the penalties authorized in subsection (3)(a)(i) of  
2 this section; and

3 (f) If the court finds that the violation was not willful, the  
4 court may, and if the court finds that the defendant is indigent as  
5 defined in RCW ~~((10.101.010(3) — (a) through (e)))~~ 10.01.160(3), the  
6 court shall modify the terms of payment of the legal financial  
7 obligations, reduce or waive nonrestitution legal financial  
8 obligations, or convert nonrestitution legal financial obligations to  
9 community restitution hours, if the jurisdiction operates a community  
10 restitution program, at the rate of no less than the state minimum  
11 wage established in RCW 49.46.020 for each hour of community  
12 restitution. ~~((The crime victim penalty assessment under RCW 7.68.035  
13 may not be reduced, waived, or converted to community restitution  
14 hours.))~~

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

20 (6) An offender under community placement or community  
21 supervision who is civilly detained under chapter 71.05 RCW, and  
22 subsequently discharged or conditionally released to the community,  
23 shall be under the supervision of the department of corrections for  
24 the duration of his or her period of community placement or community  
25 supervision. During any period of inpatient mental health treatment  
26 that falls within the period of community placement or community  
27 supervision, the inpatient treatment provider and the supervising  
28 community corrections officer shall notify each other about the  
29 offender's discharge, release, and legal status, and shall share  
30 other relevant information.

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

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

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

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

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

12 (b) In determining whether the defendant has the current ability  
13 to pay, the court shall inquire into and consider: (i) The  
14 defendant's income and assets; (ii) the defendant's basic living  
15 costs as defined by RCW 10.101.010 and other liabilities including  
16 child support and other legal financial obligations; and (iii) the  
17 defendant's bona fide efforts to acquire additional resources. A  
18 defendant who is indigent as defined by RCW (~~(10.101.010(3)---(a)~~  
19 ~~through---(e))~~) 10.01.160(3) is presumed to lack the current ability to  
20 pay.

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

25 (4) If a term of imprisonment for contempt for nonpayment of any  
26 fine, penalty, assessment, fee, or costs is ordered, the term of  
27 imprisonment shall be set forth in the commitment order, and shall  
28 not exceed one day for each (~~(twenty-five dollars)~~) \$25 of the amount  
29 ordered, (~~(thirty)~~) 30 days if the amount ordered of costs was  
30 imposed upon conviction of a violation or misdemeanor, or one year in  
31 any other case, whichever is the shorter period. A person committed  
32 for nonpayment of any fine, penalty, assessment, fee, or costs shall  
33 be given credit toward payment for each day of imprisonment at the  
34 rate specified in the commitment order.

35 (5) If it appears to the satisfaction of the court that the  
36 default in the payment of any fine, penalty, assessment, fee, or  
37 costs is not willful contempt, the court may, and if the defendant is  
38 indigent as defined in RCW (~~(10.101.010(3)---(a) through---(e))~~)  
39 10.01.160(3), the court shall enter an order: (a) Allowing the  
40 defendant additional time for payment; (b) reducing the amount

1 thereof or of each installment; (c) revoking the fine, penalty,  
2 assessment, fee, or costs or the unpaid portion thereof in whole or  
3 in part; or (d) converting the unpaid fine, penalty, assessment, fee,  
4 or costs to community restitution hours, if the jurisdiction operates  
5 a community restitution program, at the rate of no less than the  
6 state minimum wage established in RCW 49.46.020 for each hour of  
7 community restitution. (~~The crime victim penalty assessment under~~  
8 ~~RCW 7.68.035 may not be reduced, revoked, or converted to community~~  
9 ~~restitution hours.~~)

10 (6) A default in the payment of any fine, penalty, assessment,  
11 fee, or costs or any installment thereof may be collected by any  
12 means authorized by law for the enforcement of a judgment. The levy  
13 of execution for the collection of any fine, penalty, assessment,  
14 fee, or costs shall not discharge a defendant committed to  
15 imprisonment for contempt until the amount has actually been  
16 collected.

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

19 Upon conviction or a plea of guilty in any court organized under  
20 this title or Title 35 RCW, a defendant in a criminal case is liable  
21 for a fee of (~~forty-three dollars~~) \$43, except this fee shall not  
22 be imposed on a defendant who is indigent as defined in RCW  
23 (~~10.101.010(3) (a) through (c)~~) 10.01.160(3). This fee shall be  
24 subject to division with the state under RCW 3.46.120(2),  
25 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

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

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

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

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

1 document is filed, a fee of (~~two hundred dollars~~) \$200 except, in  
2 an unlawful detainer action under chapter 59.18 or 59.20 RCW for  
3 which the plaintiff shall pay a case initiating filing fee of  
4 (~~forty-five dollars~~) \$45, or in proceedings filed under RCW  
5 28A.225.030 alleging a violation of the compulsory attendance laws  
6 where the petitioner shall not pay a filing fee. The (~~forty-five~~  
7 ~~dollar~~) \$45 filing fee under this subsection for an unlawful  
8 detainer action shall not include an order to show cause or any other  
9 order or judgment except a default order or default judgment in an  
10 unlawful detainer action.

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

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

17 (d) For filing of a petition for unlawful harassment under RCW  
18 10.14.040 a filing fee of (~~fifty-three dollars~~) \$53.

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

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

25 (g) For filing any petition to contest a will admitted to probate  
26 or a petition to admit a will which has been rejected, or a petition  
27 objecting to a written agreement or memorandum as provided in RCW  
28 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)  
29 \$200.

30 (h) Upon conviction or plea of guilty, upon failure to prosecute  
31 an appeal from a court of limited jurisdiction as provided by law, or  
32 upon affirmance of a conviction by a court of limited jurisdiction,  
33 an adult defendant in a criminal case shall be liable for a fee of  
34 two hundred dollars, except this fee shall not be imposed on a  
35 defendant who is indigent as defined in RCW (~~10.101.010(3)(a)~~  
36 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court  
37 may waive or reduce any fee previously imposed under this subsection  
38 if the court finds that the defendant is indigent as defined in RCW  
39 10.01.160(3).

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

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

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

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

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

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

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

28 (1) Every sentence imposed for a crime specified in RCW 43.43.754  
29 must include a fee of (~~one hundred dollars~~) \$100 unless the state  
30 has previously collected the offender's DNA as a result of a prior  
31 conviction. The fee is a court-ordered legal financial obligation as  
32 defined in RCW 9.94A.030 and other applicable law. For a sentence  
33 imposed under chapter 9.94A RCW, the fee is payable by the offender  
34 after payment of all other legal financial obligations included in  
35 the sentence has been completed. For all other sentences, the fee is  
36 payable by the offender in the same manner as other assessments  
37 imposed.

38 (2) The clerk of the court shall transmit (~~eighty~~) 80 percent  
39 of the fee collected to the state treasurer for deposit in the state

1 DNA database account created under RCW 43.43.7532, and shall transmit  
2 ((twenty)) 20 percent of the fee collected to the agency responsible  
3 for collection of a biological sample from the offender as required  
4 under RCW 43.43.754. ((This))

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

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

10 NEW SECTION. Sec. 20. A new section is added to chapter 3.66  
11 RCW to read as follows:

12 "Legal financial obligation" means a sum of money that is ordered  
13 by a district or municipal court of the state of Washington for legal  
14 financial obligations which may include restitution to the victim,  
15 court costs, county or interlocal drug funds, court-appointed  
16 attorneys' fees, and costs of defense, fines, and any other financial  
17 obligation that is assessed to the offender as a result of a  
18 conviction. Legal financial obligations may also include payment to a  
19 public agency of the expense of an emergency response to the incident  
20 resulting in the conviction, subject to RCW 38.52.430.

21 **Sec. 21.** RCW 10.01.170 and 2018 c 269 s 7 are each amended to  
22 read as follows:

23 (1) When a defendant is sentenced to pay fines, penalties,  
24 assessments, fees, restitution, or costs, the court may grant  
25 permission for payment to be made within a specified period of time  
26 or in specified installments. If the court finds that the defendant  
27 is indigent as defined in RCW ((10.01.010(3) (a) through (e))  
28 10.01.160(3), the court shall grant permission for payment to be made  
29 within a specified period of time or in specified installments. If no  
30 such permission is included in the sentence the fine or costs shall  
31 be payable forthwith.

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

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

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



1 (c) Third, proportionally to crime victims' assessments; and  
2 (d) Fourth, proportionally to costs, fines, and other assessments  
3 required by law.

4 **Sec. 22.** RCW 10.46.190 and 2018 c 269 s 9 are each amended to  
5 read as follows:

6 Every person convicted of a crime or held to bail to keep the  
7 peace may be liable to all the costs of the proceedings against him  
8 or her, including, when tried by a jury in the superior court or  
9 before a committing magistrate, a jury fee as provided for in civil  
10 actions for which judgment shall be rendered and collected. The court  
11 shall not order a defendant to pay costs, as described in RCW  
12 10.01.160, if the court finds that the person at the time of  
13 sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through~~  
14 ~~(e))~~) 10.01.160(3). The jury fee, when collected for a case tried by  
15 the superior court, shall be paid to the clerk and applied as the  
16 jury fee in civil cases is applied.

17 **Sec. 23.** RCW 9.92.070 and 2018 c 269 s 11 are each amended to  
18 read as follows:

19 Hereafter whenever any judge of any superior court or a district  
20 or municipal judge shall sentence any person to pay any fines,  
21 penalties, assessments, fees, and costs, the judge may, in the  
22 judge's discretion, provide that such fines, penalties, assessments,  
23 fees, and costs may be paid in certain designated installments, or  
24 within certain designated period or periods. If the court finds that  
25 the defendant is indigent as defined in RCW (~~(10.101.010(3) (a)~~  
26 ~~through (e))~~) 10.01.160(3), the court shall allow for payment in  
27 certain designated installments or within certain designated periods.  
28 If such fines, penalties, assessments, fees, and costs shall be paid  
29 by the defendant in accordance with such order no commitment or  
30 imprisonment of the defendant shall be made for failure to pay such  
31 fine or costs. PROVIDED, that the provisions of this section shall  
32 not apply to any sentence given for the violation of any of the  
33 liquor laws of this state.

34 **Sec. 24.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to  
35 read as follows:

36 Upon a showing by any convicted person or the state that five  
37 years have elapsed from the establishment of such escrow account and

1 further that no actions are pending against such convicted person  
2 pursuant to RCW 7.68.200 through 7.68.280, the department shall  
3 immediately pay over (~~(fifty)~~) 50 percent of any moneys in the escrow  
4 account to such person or his or her legal representatives and  
5 (~~(fifty)~~) 50 percent of any moneys in the escrow account to the fund  
6 under RCW 7.68.035(~~(+4)~~) (5).

7 NEW SECTION. **Sec. 25.** Nothing in this act requires the courts  
8 to refund or reimburse amounts previously paid towards legal  
9 financial obligations or interest on legal financial obligations.

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