
ENGROSSED FOURTH SUBSTITUTE HOUSE BILL 1412

State of Washington

67th Legislature

2022 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 02/03/22.

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, 43.43.7541, 43.43.7532,
5 10.01.170, 10.46.190, 9.92.070, 7.68.240, 9.94A.505, 9.94A.777,
6 13.40.192, and 13.40.200; reenacting and amending RCW 36.18.020;
7 adding a new section to chapter 10.01 RCW; adding a new section to
8 chapter 7.68 RCW; adding a new section to chapter 3.66 RCW; creating
9 new sections; and providing an effective date.

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

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

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

20 (2) At any time, including at sentencing, the court may determine
21 that the offender is not required to pay, or may relieve the offender

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

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

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, including at sentencing, the court may determine
26 that the offender is not required to pay, or may relieve the offender
27 of the requirement to pay, full or partial restitution and accrued
28 interest on restitution where the entity to whom restitution is owed
29 is an insurer or state agency, if the court finds that the offender
30 does not have the current or likely future ability to pay. A person
31 does not have the current ability to pay if the person is indigent as
32 defined in RCW 10.01.160(3). For the purposes of this subsection:

33 (i) "Insurer" means any insurer as defined and authorized under
34 Title 48 RCW. "Insurer" does not include an individual self-insurance
35 program or joint self-insurance program.

36 (ii) "Self-insurance" means a formal program of advance funding
37 and management of entity financial exposure to a risk of loss that is
38 not transferred through the purchase of an insurance policy or
39 contract.

1 (iii) "State agency" has the same meaning as provided in RCW
2 42.56.010(1).

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

31 (5) Restitution may be ordered whenever the offender is convicted
32 of an offense which results in injury to any person or damage to or
33 loss of property or as provided in subsection (6) of this section. In
34 addition, restitution may be ordered to pay for an injury, loss, or
35 damage if the offender pleads guilty to a lesser offense or fewer
36 offenses and agrees with the prosecutor's recommendation that the
37 offender be required to pay restitution to a victim of an offense or
38 offenses which are not prosecuted pursuant to a plea agreement.

39 (6) Restitution for the crime of rape of a child in the first,
40 second, or third degree, in which the victim becomes pregnant, shall

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

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

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

1 be distributed proportionately according to each victim's loss when
2 there is more than one victim.

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

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

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

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

32 (3) (a) Except as provided in subsection (6) of this section,
33 restitution ordered by a court pursuant to a criminal conviction
34 shall be based on easily ascertainable damages for injury to or loss
35 of property, actual expenses incurred for treatment for injury to
36 persons, and lost wages resulting from injury. Restitution shall not
37 include reimbursement for damages for mental anguish, pain and
38 suffering, or other intangible losses, but may include the costs of
39 counseling reasonably related to the offense. The amount of

1 restitution shall not exceed double the amount of the offender's gain
2 or the victim's loss from the commission of the crime.

3 (b) At any time, including at sentencing, the court may determine
4 that the offender is not required to pay, or may relieve the offender
5 of the requirement to pay, full or partial restitution and accrued
6 interest on restitution where the entity to whom restitution is owed
7 is an insurer or state agency, if the court finds that the offender
8 does not have the current or likely future ability to pay. A person
9 does not have the current ability to pay if the person is indigent as
10 defined in RCW 10.01.160(3). For the purposes of this subsection, the
11 terms "insurer" and "state agency" have the same meanings as provided
12 in RCW 9.94A.750(3).

13 (4) For the purposes of this section, for an offense committed
14 prior to July 1, 2000, the offender shall remain under the court's
15 jurisdiction for a term of (~~ten~~) 10 years following the offender's
16 release from total confinement or (~~ten~~) 10 years subsequent to the
17 entry of the judgment and sentence, whichever period ends later.
18 Prior to the expiration of the initial (~~ten-year~~) 10-year period,
19 the superior court may extend jurisdiction under the criminal
20 judgment an additional (~~ten~~) 10 years for payment of restitution.
21 For an offense committed on or after July 1, 2000, the offender shall
22 remain under the court's jurisdiction until the obligation is
23 completely satisfied, regardless of the statutory maximum for the
24 crime. The portion of the sentence concerning restitution may be
25 modified as to amount, terms, and conditions during any period of
26 time the offender remains under the court's jurisdiction, regardless
27 of the expiration of the offender's term of community supervision and
28 regardless of the statutory maximum sentence for the crime. The court
29 may not reduce the total amount of restitution ordered because the
30 offender may lack the ability to pay the total amount. The offender's
31 compliance with the restitution shall be supervised by the department
32 only during any period which the department is authorized to
33 supervise the offender in the community under RCW 9.94A.728,
34 9.94A.501, or in which the offender is in confinement in a state
35 correctional institution or a correctional facility pursuant to a
36 transfer agreement with the department, and the department shall
37 supervise the offender's compliance during any such period. The
38 department is responsible for supervision of the offender only during
39 confinement and authorized supervision and not during any subsequent
40 period in which the offender remains under the court's jurisdiction.

1 The county clerk is authorized to collect unpaid restitution at any
2 time the offender remains under the jurisdiction of the court for
3 purposes of his or her legal financial obligations.

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

15 (6) Restitution for the crime of rape of a child in the first,
16 second, or third degree, in which the victim becomes pregnant, shall
17 include: (a) All of the victim's medical expenses that are associated
18 with the rape and resulting pregnancy; and (b) child support for any
19 child born as a result of the rape if child support is ordered
20 pursuant to a civil superior court or administrative order for
21 support for that child. The clerk must forward any restitution
22 payments made on behalf of the victim's child to the Washington state
23 child support registry under chapter 26.23 RCW. Identifying
24 information about the victim and child shall not be included in the
25 order. The offender shall receive a credit against any obligation
26 owing under the administrative or superior court order for support of
27 the victim's child. For the purposes of this subsection, the offender
28 shall remain under the court's jurisdiction until the offender has
29 satisfied support obligations under the superior court or
30 administrative order for the period provided in RCW 4.16.020 or a
31 maximum term of (~~twenty-five~~) 25 years following the offender's
32 release from total confinement or (~~twenty-five~~) 25 years subsequent
33 to the entry of the judgment and sentence, whichever period is
34 longer. The court may not reduce the total amount of restitution
35 ordered because the offender may lack the ability to pay the total
36 amount. The department shall supervise the offender's compliance with
37 the restitution ordered under this subsection.

38 (7) Regardless of the provisions of subsections (1) through (6)
39 of this section, the court shall order restitution in all cases where
40 the victim is entitled to benefits under the crime victims'

1 compensation act, chapter 7.68 RCW. If the court does not order
2 restitution and the victim of the crime has been determined to be
3 entitled to benefits under the crime victims' compensation act, the
4 department of labor and industries, as administrator of the crime
5 victims' compensation program, may petition the court within one year
6 of entry of the judgment and sentence for entry of a restitution
7 order. Upon receipt of a petition from the department of labor and
8 industries, the court shall hold a restitution hearing and shall
9 enter a restitution order.

10 (8) In addition to any sentence that may be imposed, an offender
11 who has been found guilty of an offense involving fraud or other
12 deceptive practice or an organization which has been found guilty of
13 any such offense may be ordered by the sentencing court to give
14 notice of the conviction to the class of persons or to the sector of
15 the public affected by the conviction or financially interested in
16 the subject matter of the offense by mail, by advertising in
17 designated areas or through designated media, or by other appropriate
18 means.

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

31 (10) If a person has caused a victim to lose money or property
32 through the filing of a vehicle report of sale in which the
33 designated buyer had no knowledge of the vehicle transfer or the
34 fraudulent filing of the report of sale, upon conviction or when the
35 offender pleads guilty and agrees with the prosecutor's
36 recommendation that the offender be required to pay restitution to a
37 victim, the court may order the defendant to pay an amount, fixed by
38 the court, not to exceed double the amount of the defendant's gain or
39 victim's loss from the filing of the vehicle report of sale in which
40 the designated buyer had no knowledge of the vehicle transfer or the

1 fraudulent filing of the report of sale. Such an amount may be used
2 to provide restitution to the victim at the order of the court. It is
3 the duty of the prosecuting attorney to investigate the alternative
4 of restitution, and to recommend it to the court, when the
5 prosecuting attorney believes that restitution is appropriate and
6 feasible. If the court orders restitution, the court must make a
7 finding as to the amount of the victim's loss due to the filing of
8 the report of sale in which the designated buyer had no knowledge of
9 the vehicle transfer or the fraudulent filing of the report of sale,
10 and if the record does not contain sufficient evidence to support
11 such finding, the court may conduct a hearing upon the issue. For
12 purposes of this section, "loss" refers to the amount of money or the
13 value of property or services lost.

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

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

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

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

1 (b) Second, proportionally to restitution to insurance or other
2 sources with respect to a loss that has provided compensation to
3 victims;

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

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

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

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

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

39 (5) (a) Independent of the department or the county clerk, the
40 party or entity to whom the legal financial obligation is owed shall

1 have the authority to use any other remedies available to the party
2 or entity to collect the legal financial obligation. These remedies
3 include enforcement in the same manner as a judgment in a civil
4 action by the party or entity to whom the legal financial obligation
5 is owed. Restitution collected through civil enforcement must be paid
6 through the registry of the court and must be distributed
7 proportionately according to each victim's loss when there is more
8 than one victim. The judgment and sentence shall identify the party
9 or entity to whom restitution is owed so that the state, party, or
10 entity may enforce the judgment.

11 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or
12 9.94A.753(6) to a victim of rape of a child or a victim's child born
13 from the rape, the Washington state child support registry shall be
14 identified as the party to whom payments must be made. Restitution
15 obligations arising from the rape of a child in the first, second, or
16 third degree that result in the pregnancy of the victim may be
17 enforced for the time periods provided under RCW 9.94A.750(6) and
18 9.94A.753(6).

19 (c) All other (~~legal financial~~) restitution obligations for an
20 offense committed prior to July 1, 2000, may be enforced at any time
21 during the (~~ten-year~~) 10-year period following the offender's
22 release from total confinement or within (~~ten~~) 10 years of entry of
23 the judgment and sentence, whichever period ends later. Prior to the
24 expiration of the initial (~~ten-year~~) 10-year period, the superior
25 court may extend the criminal judgment an additional (~~ten~~) 10 years
26 for payment of (~~legal financial~~) restitution obligations
27 (~~including crime victims' assessments~~). All other (~~legal~~
28 ~~financial~~) restitution obligations for an offense committed on or
29 after July 1, 2000, may be enforced at any time the offender remains
30 under the court's jurisdiction. For an offense committed on or after
31 July 1, 2000, the court shall retain jurisdiction over the offender,
32 for purposes of the offender's compliance with payment of the (~~legal~~
33 ~~financial~~) restitution obligations, until the obligation is
34 completely satisfied, regardless of the statutory maximum for the
35 crime.

36 (d) All other legal financial obligations other than restitution
37 may be enforced at any time during the 10-year period following the
38 offender's release from total confinement or within 10 years of entry
39 of the judgment and sentence, whichever period ends later. Prior to
40 the expiration of the initial 10-year period, the superior court may

1 extend the criminal judgment an additional 10 years for payment of
2 nonrestitution legal financial obligations only if the court finds
3 that the offender has the current or likely future ability to pay the
4 obligations. A person does not have the current ability to pay if the
5 person is indigent as defined in RCW 10.01.160(3).

6 (e) The department may only supervise the offender's compliance
7 with payment of the legal financial obligations during any period in
8 which the department is authorized to supervise the offender in the
9 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
10 confined in a state correctional institution or a correctional
11 facility pursuant to a transfer agreement with the department, and
12 the department shall supervise the offender's compliance during any
13 such period. The department is not responsible for supervision of the
14 offender during any subsequent period of time the offender remains
15 under the court's jurisdiction. The county clerk is authorized to
16 collect unpaid legal financial obligations at any time the offender
17 remains under the jurisdiction of the court for purposes of his or
18 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) A party who obtains a judgment or order for restitution(~~(7~~
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 filing fee shall be required.

21 (b) A party who obtains a judgment or order for court-ordered
22 legal financial obligations other than restitution, pursuant to a
23 criminal judgment and sentence, or the assignee or the current holder
24 thereof, may execute, garnish, and have legal process issued upon the
25 judgment or order any time within 10 years subsequent to the entry of
26 the judgment and sentence or 10 years following the offender's
27 release from total confinement as provided in chapter 9.94A RCW. The
28 clerk of superior court, or a party designated by the clerk, may seek
29 extension under subsection (3) of this section for purposes of
30 collection as allowed under RCW 36.18.190, only if the court finds
31 that the offender has the current or likely future ability to pay the
32 nonrestitution legal financial obligations. A person does not have
33 the current ability to pay if the person is indigent as defined in
34 RCW 10.01.160(3). No filing fee shall be required for filing a
35 petition for an extension pursuant to this subsection (4)(b).

36 (5) "Court" as used in this section includes but is not limited
37 to the United States supreme court, the United States courts of
38 appeals, the United States district courts, the United States
39 bankruptcy courts, the Washington state supreme court, the court of
40 appeals of the state of Washington, superior courts and district

1 courts of the counties of the state of Washington, and courts of
2 other states and jurisdictions from which judgment has been filed in
3 this state under chapter 6.36 or 6.40 RCW.

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

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

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

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

29 (1) Whenever any person is convicted of any crime except murder,
30 burglary in the first degree, arson in the first degree, robbery,
31 rape of a child, or rape, the superior court may, in its discretion,
32 at the time of imposing sentence upon such person, direct that such
33 sentence be stayed and suspended until otherwise ordered by the
34 superior court, and, upon such terms as the superior court may
35 determine, that the sentenced person be placed under the charge of:

36 (a) A community corrections officer employed by the department of
37 corrections, if the person is subject to supervision under RCW
38 9.94A.501 or 9.94A.5011; or

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

4 (2) As a condition to suspension of sentence, the superior court
5 (~~shall require the payment of the penalty assessment required by RCW~~
6 ~~7.68.035. In addition, the superior court~~) may require the convicted
7 person to make such monetary payments, on such terms as the superior
8 court deems appropriate under the circumstances, as are necessary:

9 (a) To comply with any order of the court for the payment of family
10 support; (b) to make restitution to any person or persons who may
11 have suffered loss or damage by reason of the commission of the crime
12 in question or when the offender pleads guilty to a lesser offense or
13 fewer offenses and agrees with the prosecutor's recommendation that
14 the offender be required to pay restitution to a victim of an offense
15 or offenses which are not prosecuted pursuant to a plea agreement;
16 (c) to pay any fine imposed and not suspended and the court or other
17 costs incurred in the prosecution of the case, including
18 reimbursement of the state for costs of extradition if return to this
19 state by extradition was required; and (d) to contribute to a county
20 or interlocal drug fund.

21 (3) At any time, including at sentencing, the court may determine
22 that the offender is not required to pay, or may relieve the offender
23 of the requirement to pay, full or partial restitution and accrued
24 interest on restitution where the entity to whom restitution is owed
25 is an insurer or a state agency, if the court finds that the offender
26 does not have the current or likely future ability to pay. A person
27 does not have the current ability to pay if the person is indigent as
28 defined in RCW 10.01.160(3). For the purposes of this subsection, the
29 terms "insurer" and "state agency" have the same meanings as provided
30 in RCW 9.94A.750(3).

31 (4) As a condition of the suspended sentence, the superior court
32 may order the probationer to report to the secretary of corrections
33 or such officer as the secretary may designate and as a condition of
34 the probation to follow the instructions of the secretary. If the
35 county legislative authority has elected to assume responsibility for
36 the supervision of superior court misdemeanor probationers within
37 its jurisdiction, the superior court misdemeanor probationer shall
38 report to a probation officer employed or contracted for by the
39 county. In cases where a superior court misdemeanor probationer is
40 sentenced in one county, but resides within another county, there

1 must be provisions for the probationer to report to the agency having
2 supervision responsibility for the probationer's county of residence.

3 ~~((4))~~ (5) If restitution to the victim has been ordered under
4 subsection (2)(b) of this section and the superior court has ordered
5 supervision, the officer supervising the probationer shall make a
6 reasonable effort to ascertain whether restitution has been made as
7 ordered. If the superior court has ordered supervision and
8 restitution has not been made, the officer shall inform the
9 prosecutor of that violation of the terms of the suspended sentence
10 not less than three months prior to the termination of the suspended
11 sentence.

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

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

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

36 (2) In the order granting probation and as a condition thereof,
37 the superior court may in its discretion imprison the defendant in
38 the county jail for a period not exceeding one year and may fine the
39 defendant any sum not exceeding the statutory limit for the offense

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

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

35 (4) At any time, including at sentencing, the court may determine
36 that the offender is not required to pay, or may relieve the offender
37 of the requirement to pay, full or partial restitution and accrued
38 interest on restitution where the entity to whom restitution is owed
39 is an insurer or a state agency, if the court finds that the offender
40 does not have the current or likely future ability to pay. A person

1 does not have the current ability to pay if the person is indigent as
2 defined in RCW 10.01.160(3). For the purposes of this subsection, the
3 terms "insurer" and "state agency" have the same meanings as provided
4 in RCW 9.94A.750(3).

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

17 ~~((5))~~ (6) If the probationer has been ordered to make
18 restitution and the superior court has ordered supervision, the
19 officer supervising the probationer shall make a reasonable effort to
20 ascertain whether restitution has been made. If the superior court
21 has ordered supervision and restitution has not been made as ordered,
22 the officer shall inform the prosecutor of that violation of the
23 terms of probation not less than three months prior to the
24 termination of the probation period. The secretary of corrections
25 will promulgate rules and regulations for the conduct of the person
26 during the term of probation. For defendants found guilty in district
27 court, like functions as the secretary performs in regard to
28 probation may be performed by probation officers employed for that
29 purpose by the county legislative authority of the county wherein the
30 court is located.

31 ~~((6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply
32 to sentences imposed under this section.

33 ~~((7))~~ (8) For purposes of this section, "domestic violence"
34 means the same as in RCW 10.99.020.

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

37 A defendant who has been ordered to pay fines and who has not
38 willfully failed to pay the obligation, as described in RCW
39 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the

1 sentencing court for remission of the payment of fines or of any
2 unpaid portion thereof. If it appears to the satisfaction of the
3 court that payment of the amount due will impose manifest hardship on
4 the defendant or the defendant's immediate family, the court may
5 remit all or part of the amount due in fines, modify the method of
6 payment under RCW 10.01.170, or convert the unpaid amounts to
7 community restitution hours, if the jurisdiction operates a community
8 restitution program, at the rate of no less than the state minimum
9 wage established in RCW 49.46.020 for each hour of community
10 restitution. Manifest hardship exists where the defendant is indigent
11 as defined in RCW 10.01.160(3).

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

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

20 (2) Costs shall be limited to expenses specially incurred by the
21 state in prosecuting the defendant or in administering the deferred
22 prosecution program under chapter 10.05 RCW or pretrial supervision.
23 They cannot include expenses inherent in providing a constitutionally
24 guaranteed jury trial or expenditures in connection with the
25 maintenance and operation of government agencies that must be made by
26 the public irrespective of specific violations of law. Expenses
27 incurred for serving of warrants for failure to appear and jury fees
28 under RCW 10.46.190 may be included in costs the court may require a
29 defendant to pay. Costs for administering a deferred prosecution may
30 not exceed (~~two hundred fifty dollars~~) \$250. Costs for
31 administering a pretrial supervision other than a pretrial electronic
32 alcohol monitoring program, drug monitoring program, or 24/7 sobriety
33 program may not exceed (~~one hundred fifty dollars~~) \$150. Costs for
34 preparing and serving a warrant for failure to appear may not exceed
35 (~~one hundred dollars~~) \$100. Costs of incarceration imposed on a
36 defendant convicted of a misdemeanor or a gross misdemeanor may not
37 exceed the actual cost of incarceration. In no case may the court
38 require the offender to pay more than (~~one hundred dollars~~) \$100
39 per day for the cost of incarceration. Payment of other court-ordered

1 financial obligations, including all legal financial obligations and
2 costs of supervision take precedence over the payment of the cost of
3 incarceration ordered by the court. All funds received from
4 defendants for the cost of incarceration in the county or city jail
5 must be remitted for criminal justice purposes to the county or city
6 that is responsible for the defendant's jail costs. Costs imposed
7 constitute a judgment against a defendant and survive a dismissal of
8 the underlying action against the defendant. However, if the
9 defendant is acquitted on the underlying action, the costs for
10 preparing and serving a warrant for failure to appear do not survive
11 the acquittal, and the judgment that such costs would otherwise
12 constitute shall be vacated.

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

28 (4) A defendant who has been ordered to pay costs and who (~~is~~
29 ~~not in contumacious default in the payment thereof~~) has not
30 willfully failed to pay the obligation, as described in RCW
31 9.94A.6333, 9.94B.040, and 10.01.180, may at any time (~~after release~~
32 ~~from total confinement~~) petition the sentencing court for remission
33 of the payment of costs or of any unpaid portion thereof. If it
34 appears to the satisfaction of the court that payment of the amount
35 due will impose manifest hardship on the defendant or the defendant's
36 immediate family, the court may remit all or part of the amount due
37 in costs, modify the method of payment under RCW 10.01.170, or
38 convert the unpaid costs to community restitution hours, if the
39 jurisdiction operates a community restitution program, at the rate of
40 no less than the state minimum wage established in RCW 49.46.020 for

1 each hour of community restitution. Manifest hardship exists where
2 the defendant is indigent as defined in (~~RCW 10.101.010(3) (a)~~
3 ~~through (e)~~) subsection (3) of this section.

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

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

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

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

35 (3) Costs, including recoupment of fees for court-appointed
36 counsel, shall be requested in accordance with the procedures
37 contained in Title 14 of the rules of appellate procedure and in
38 Title 9 of the rules for appeal of decisions of courts of limited

1 jurisdiction. An award of costs shall become part of the trial court
2 judgment and sentence.

3 (4) A defendant who has been sentenced to pay costs and who (~~is~~
4 ~~not in contumacious default in the payment~~) has not willfully failed
5 to pay the obligation, as described in RCW 9.94A.6333, 9.94B.040, and
6 10.01.180, may at any time (~~after release from total confinement~~)
7 petition the court that sentenced the defendant or juvenile offender
8 for remission of the payment of costs or of any unpaid portion. If it
9 appears to the satisfaction of the sentencing court that payment of
10 the amount due will impose manifest hardship on the defendant or the
11 defendant's immediate family, the sentencing court may remit all or
12 part of the amount due in costs, modify the method of payment under
13 RCW 10.01.170, or convert the unpaid costs to community restitution
14 hours, if the jurisdiction operates a community restitution program,
15 at the rate of no less than the state minimum wage established in RCW
16 49.46.020 for each hour of community restitution. Manifest hardship
17 exists where the defendant or juvenile offender is indigent as
18 defined in RCW (~~10.101.010(3) (a) through (e)~~) 10.01.160(3).

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

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

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

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

3 (1) Except as provided in subsections (2) and (3) of this section
4 and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a
5 judgment shall bear interest from the date of the judgment until
6 payment, at the rate applicable to civil judgments. As of June 7,
7 2018, no interest shall accrue on nonrestitution legal financial
8 obligations. All nonrestitution interest retained by the court shall
9 be split (~~((twenty-five))~~) 25 percent to the state treasurer for
10 deposit in the state general fund, (~~((twenty-five))~~) 25 percent to the
11 state treasurer for deposit in the judicial information system
12 account as provided in RCW 2.68.020, (~~((twenty-five))~~) 25 percent to
13 the county current expense fund, and (~~((twenty-five))~~) 25 percent to
14 the county current expense fund to fund local courts.

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

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

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

37 (b) The court may waive or reduce interest on the restitution
38 portion of the legal financial obligations only if the principal has
39 been paid in full (~~((and as an incentive for the offender to meet his~~
40 ~~or her other legal financial obligations))~~), except as provided in (c)

1 of this subsection. The court may grant the motion, establish a
2 payment schedule, and retain jurisdiction over the offender for
3 purposes of reviewing and revising the reduction or waiver of
4 interest;

5 (c) The court may, following the offender's release from total
6 confinement, waive or reduce interest on restitution that accrued
7 during the offender's period of incarceration if the court finds that
8 the offender does not have the current or likely future ability to
9 pay. A person does not have the current ability to pay if the person
10 is indigent as defined in RCW 10.01.160(3). The prosecuting attorney
11 shall make reasonable efforts to notify the victim entitled to
12 restitution of the date and place of the hearing. The court shall
13 also consider the victim's input, if any, as it relates to any
14 financial hardship caused to the victim if interest is reduced or
15 waived.

16 ~~((3))~~ (4) This section only applies to adult offenders.

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

19 ~~(1) ((a) When any person is found guilty in any superior court of~~
20 ~~having committed a crime, except as provided in subsection (2) of~~
21 ~~this section, there shall be imposed by the court upon such convicted~~
22 ~~person a penalty assessment. The assessment shall be in addition to~~
23 ~~any other penalty or fine imposed by law and shall be five hundred~~
24 ~~dollars for each case or cause of action that includes one or more~~
25 ~~convictions of a felony or gross misdemeanor and two hundred fifty~~
26 ~~dollars for any case or cause of action that includes convictions of~~
27 ~~only one or more misdemeanors.~~

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

34 ~~(c) When any juvenile is adjudicated of an offense which has a~~
35 ~~victim, and which is not a most serious offense as defined in RCW~~
36 ~~9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall~~
37 ~~order up to seven hours of community restitution, unless the court~~
38 ~~finds that such an order is not practicable for the offender. This~~

1 community restitution must be imposed consecutively to any other
2 community restitution the court imposes for the offense.

3 ~~(2) The assessment imposed by subsection (1) of this section
4 shall not apply to motor vehicle crimes defined in Title 46 RCW
5 except those defined in the following sections: RCW 46.61.520,
6 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
7 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
8 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
9 46.44.180, 46.10.490(2), and 46.09.470(2).~~

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

17 ~~(4) Such))~~ Amounts received by the clerk of the superior court
18 for crime victim penalty assessments imposed prior to the effective
19 date of this section shall be paid by the clerk of the superior court
20 to the county treasurer. Each county shall deposit ~~((one hundred))~~
21 100 percent of the money it receives per case or cause of action
22 ~~((under subsection (1) of this section))~~ for crime victim penalty
23 assessments, not less than ~~((one and seventy-five one-hundredths))~~
24 1.75 percent of the remaining money it retains under RCW 10.82.070
25 and the money it retains under chapter 3.62 RCW, and all money it
26 receives under subsection ~~((7))~~ (5) of this section into a fund
27 maintained exclusively for the support of comprehensive programs to
28 encourage and facilitate testimony by the victims of crimes and
29 witnesses to crimes as described in subsection (3) of this section.

30 (2) Upon motion by a defendant, the court may waive or reduce any
31 crime victim penalty assessment imposed prior to the effective date
32 of this section if the court finds that the defendant is indigent as
33 defined in RCW 10.01.160(3) and does not have the current or likely
34 future ability to pay.

35 (3) A crime victim and witness program shall be considered
36 "comprehensive" only after approval of the department upon
37 application by the county prosecuting attorney. The department shall
38 approve as comprehensive only programs which:

39 (a) Provide comprehensive services to victims and witnesses of
40 all types of crime with particular emphasis on serious crimes against

1 persons and property. It is the intent of the legislature to make
2 funds available only to programs which do not restrict services to
3 victims or witnesses of a particular type or types of crime and that
4 such funds supplement, not supplant, existing local funding levels;

5 (b) Are administered by the county prosecuting attorney either
6 directly through the prosecuting attorney's office or by contract
7 between the county and agencies providing services to victims of
8 crime;

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

12 (d) Assist victims in the restitution and adjudication process;
13 and

14 (e) Assist victims of violent crimes in the preparation and
15 presentation of their claims to the department of labor and
16 industries under this chapter.

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

24 ~~((5))~~ (4) Upon submission to the department of a letter of
25 intent to adopt a comprehensive program, the prosecuting attorney
26 shall retain the money deposited by the county under subsection
27 ~~((4))~~ (1) of this section until such time as the county prosecuting
28 attorney has obtained approval of a program from the department.
29 Approval of the comprehensive plan by the department must be obtained
30 within one year of the date of the letter of intent to adopt a
31 comprehensive program. The county prosecuting attorney shall not make
32 any expenditures from the money deposited under subsection ~~((4))~~
33 (1) of this section until approval of a comprehensive plan by the
34 department. If a county prosecuting attorney has failed to obtain
35 approval of a program from the department under subsection ~~((4))~~
36 (1) of this section or failed to obtain approval of a comprehensive
37 program within one year after submission of a letter of intent under
38 this section, the county treasurer shall monthly transmit one hundred
39 percent of the money deposited by the county under subsection ~~((4))~~

1 (1) of this section to the state treasurer for deposit in the state
2 general fund.

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

6 ~~(7))~~ (5) Every city and town shall transmit monthly ~~((one and~~
7 ~~seventy-five one-hundredths))~~ 1.75 percent of all money, other than
8 money received for parking infractions, retained under RCW 3.50.100
9 and 35.20.220 to the county treasurer for deposit as provided in
10 subsection ~~((4))~~ (1) of this section.

11 NEW SECTION. Sec. 14. A new section is added to chapter 7.68
12 RCW to read as follows:

13 (1) The state crime victim and witness assistance account is
14 created in the state treasury.

15 (2) On January 1, 2023, and April 1, 2023, the state treasurer
16 must transfer into the account from the general fund the sum of
17 \$975,000. Beginning with fiscal year 2024, the state treasurer must
18 transfer into the account from the general fund the sum of
19 \$3,900,000, divided into four equal quarterly deposits. Each fiscal
20 year thereafter, the state treasurer must increase the total transfer
21 by the fiscal growth factor, as defined in RCW 43.135.060.

22 (3) Pursuant to appropriation, each quarter, the state treasurer
23 must distribute moneys deposited in the state crime victim and
24 witness assistance account to counties on the basis of each county's
25 distribution factor under RCW 82.14.310.

26 (4) Counties may expend moneys distributed under this section
27 only for purposes specified in RCW 7.68.035.

28 Sec. 15. RCW 9.94A.6333 and 2018 c 269 s 13 are each amended to
29 read as follows:

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

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

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

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

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

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

8 (i) Convert a term of partial confinement to total confinement;
9 or

10 (ii) Convert community restitution obligation to total or partial
11 confinement;

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

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

27 (3) If an offender fails to pay legal financial obligations as a
28 requirement of a sentence the following provisions 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) The court may not sanction the offender for failure to pay
36 legal financial obligations unless the court finds, after a hearing
37 and on the record, that the failure to pay is willful. A failure to
38 pay is willful if the offender has the current ability to pay but
39 refuses to do so. In determining whether the offender has the current
40 ability to pay, the court shall inquire into and consider: (i) The

1 offender's income and assets; (ii) the offender's basic living costs
2 as defined by RCW 10.101.010 and other liabilities including child
3 support and other legal financial obligations; and (iii) the
4 offender's bona fide efforts to acquire additional resources. An
5 offender who is indigent as defined by RCW (~~10.101.010(3) (a)~~
6 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to
7 pay;

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

12 (e) If the court finds that a failure to pay is willful
13 noncompliance, it may impose the sanctions specified in RCW
14 9.94A.633(1); and

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

27 (4) Any time served in confinement awaiting a hearing on
28 noncompliance shall be credited against any confinement ordered by
29 the court.

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

32 **Sec. 16.** RCW 9.94B.040 and 2018 c 269 s 15 are each amended to
33 read as follows:

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

37 (2) In cases where conditions from a second or later sentence of
38 community supervision begin prior to the term of the second or later
39 sentence, the court shall treat a violation of such conditions as a

1 violation of the sentence of community supervision currently being
2 served.

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

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

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

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

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

31 (c) The state has the burden of showing noncompliance by a
32 preponderance of the evidence. If the court finds that the violation
33 has occurred, it may order the offender to be confined for a period
34 not to exceed (~~sixty~~) 60 days for each violation, and may (i)
35 convert a term of partial confinement to total confinement, (ii)
36 convert community restitution obligation to total or partial
37 confinement, or (iii) order one or more of the penalties authorized
38 in (a)(i) of this subsection. Any time served in confinement awaiting
39 a hearing on noncompliance shall be credited against any confinement
40 order by the court;

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

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

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

18 (a) The department and the offender may enter into a stipulated
19 agreement that the failure to pay was willful noncompliance,
20 according to the provisions and requirements of subsection (3)(a) of
21 this section;

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

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

1 ((~~10.101.010(3) (a) through (e)~~)) 10.01.160(3) is presumed to lack
2 the current ability to pay;

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

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

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

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

29 (6) An offender under community placement or community
30 supervision who is civilly detained under chapter 71.05 RCW, and
31 subsequently discharged or conditionally released to the community,
32 shall be under the supervision of the department of corrections for
33 the duration of his or her period of community placement or community
34 supervision. During any period of inpatient mental health treatment
35 that falls within the period of community placement or community
36 supervision, the inpatient treatment provider and the supervising
37 community corrections officer shall notify each other about the
38 offender's discharge, release, and legal status, and shall share
39 other relevant information.

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

3 **Sec. 17.** RCW 10.01.180 and 2018 c 269 s 8 are each amended to
4 read as follows:

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

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

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

20 (b) In determining whether the defendant has the current ability
21 to pay, the court shall inquire into and consider: (i) The
22 defendant's income and assets; (ii) the defendant's basic living
23 costs as defined by RCW 10.101.010 and other liabilities including
24 child support and other legal financial obligations; and (iii) the
25 defendant's bona fide efforts to acquire additional resources. A
26 defendant who is indigent as defined by RCW (~~10.101.010(3)(a)~~
27 ~~through (e)~~) 10.01.160(3) is presumed to lack the current ability to
28 pay.

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

33 (4) If a term of imprisonment for contempt for nonpayment of any
34 fine, penalty, assessment, fee, or costs is ordered, the term of
35 imprisonment shall be set forth in the commitment order, and shall
36 not exceed one day for each (~~twenty-five dollars~~) \$25 of the amount
37 ordered, (~~thirty~~) 30 days if the amount ordered of costs was
38 imposed upon conviction of a violation or misdemeanor, or one year in
39 any other case, whichever is the shorter period. A person committed

1 for nonpayment of any fine, penalty, assessment, fee, or costs shall
2 be given credit toward payment for each day of imprisonment at the
3 rate specified in the commitment order.

4 (5) If it appears to the satisfaction of the court that the
5 default in the payment of any fine, penalty, assessment, fee, or
6 costs is not willful contempt, the court may, and if the defendant is
7 indigent as defined in RCW ~~((10.101.010(3) — (a) through (e)))~~
8 10.01.160(3), the court shall enter an order: (a) Allowing the
9 defendant additional time for payment; (b) reducing the amount
10 thereof or of each installment; (c) revoking the fine, penalty,
11 assessment, fee, or costs or the unpaid portion thereof in whole or
12 in part; or (d) converting the unpaid fine, penalty, assessment, fee,
13 or costs to community restitution hours, if the jurisdiction operates
14 a community restitution program, at the rate of no less than the
15 state minimum wage established in RCW 49.46.020 for each hour of
16 community restitution. ~~((The crime victim penalty assessment under
17 RCW 7.68.035 may not be reduced, revoked, or converted to community
18 restitution hours.))~~

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

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

28 Upon conviction or a plea of guilty in any court organized under
29 this title or Title 35 RCW, a defendant in a criminal case is liable
30 for a fee of ~~((forty-three dollars))~~ \$43, except this fee shall not
31 be imposed on a defendant who is indigent as defined in RCW
32 ~~((10.101.010(3) — (a) through (e)))~~ 10.01.160(3). This fee shall be
33 subject to division with the state under RCW 3.46.120(2),
34 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

35 **Sec. 19.** RCW 36.18.020 and 2021 c 303 s 3 and 2021 c 215 s 146
36 are each reenacted and amended to read as follows:

37 (1) Revenue collected under this section is subject to division
38 with the state under RCW 36.18.025 and with the county or regional

1 law library fund under RCW 27.24.070, except as provided in
2 subsection (5) of this section.

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

5 (a) In addition to any other fee required by law, the party
6 filing the first or initial document in any civil action, including,
7 but not limited to an action for restitution, adoption, or change of
8 name, and any party filing a counterclaim, cross-claim, or third-
9 party claim in any such civil action, shall pay, at the time the
10 document is filed, a fee of (~~two hundred dollars~~) \$200 except, in
11 an unlawful detainer action under chapter 59.18 or 59.20 RCW for
12 which the plaintiff shall pay a case initiating filing fee of
13 (~~forty-five dollars~~) \$45, or in proceedings filed under RCW
14 28A.225.030 alleging a violation of the compulsory attendance laws
15 where the petitioner shall not pay a filing fee. The (~~forty-five~~
16 ~~dollar~~) \$45 filing fee under this subsection for an unlawful
17 detainer action shall not include an order to show cause or any other
18 order or judgment except a default order or default judgment in an
19 unlawful detainer action.

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

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

26 (d) For filing of a petition for an antiharassment protection
27 order under RCW 7.105.100 a filing fee of (~~fifty-three dollars~~)
28 \$53.

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

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

35 (g) For filing any petition to contest a will admitted to probate
36 or a petition to admit a will which has been rejected, or a petition
37 objecting to a written agreement or memorandum as provided in RCW
38 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)
39 \$200.

1 (h) Upon conviction or plea of guilty, upon failure to prosecute
2 an appeal from a court of limited jurisdiction as provided by law, or
3 upon affirmance of a conviction by a court of limited jurisdiction,
4 an adult defendant in a criminal case shall be liable for a fee of
5 two hundred dollars, except this fee shall not be imposed on a
6 defendant who is indigent as defined in RCW (~~10.01.010(3)(a)~~
7 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court
8 may waive or reduce any fee previously imposed under this subsection
9 if the court finds that the defendant is indigent as defined in RCW
10 10.01.160(3).

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

17 (3) No fee shall be collected when a petition for relinquishment
18 of parental rights is filed pursuant to RCW 26.33.080 or for forms
19 and instructional brochures provided under RCW 7.105.115.

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

23 (5)(a) In addition to the fees required to be collected under
24 this section, clerks of the superior courts must collect surcharges
25 as provided in this subsection (5) of which (~~seventy-five~~) 75
26 percent must be remitted to the state treasurer for deposit in the
27 judicial stabilization trust account and (~~twenty-five~~) 25 percent
28 must be retained by the county.

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

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

36 **Sec. 20.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to
37 read as follows:

38 (~~Every sentence imposed for a crime specified in RCW 43.43.754~~
39 ~~must include a fee of one hundred dollars unless the state has~~

1 ~~previously collected the offender's DNA as a result of a prior~~
2 ~~conviction. The fee is a court-ordered legal financial obligation as~~
3 ~~defined in RCW 9.94A.030 and other applicable law. For a sentence~~
4 ~~imposed under chapter 9.94A RCW, the fee is payable by the offender~~
5 ~~after payment of all other legal financial obligations included in~~
6 ~~the sentence has been completed. For all other sentences, the fee is~~
7 ~~payable by the offender in the same manner as other assessments~~
8 ~~imposed.)~~)

9 (1) The clerk of the court shall transmit ((eighty)) 80 percent
10 of ((the fee)) any amounts collected for fees imposed prior to the
11 effective date of this section for the collection of an offender's
12 DNA to the state treasurer for deposit in the state DNA database
13 account created under RCW 43.43.7532, and shall transmit ((twenty))
14 20 percent of the fee collected to the agency responsible for
15 collection of a biological sample from the offender as required under
16 RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders
17 if the state has previously collected the juvenile offender's DNA as
18 a result of a prior conviction.))

19 (2) Upon motion by the offender, the court shall waive all but
20 one previously imposed fee for the collection of the offender's DNA.

21 (3) For fiscal year 2023, the legislature must appropriate the
22 sum of \$300,000 for deposit into the state DNA database account under
23 RCW 43.43.7532, and for fiscal year 2024 the legislature must
24 appropriate \$600,000 for deposit into the account. Each fiscal year
25 after 2024, the legislature must increase the total appropriation by
26 the fiscal growth factor, as defined in RCW 43.135.060. Of amounts so
27 appropriated, the Washington state patrol may expend 80 percent for
28 operation and maintenance of the DNA database under RCW 43.43.754 and
29 20 percent for distribution to the agency responsible for the
30 collection of the biological sample from the offender.

31 **Sec. 21.** RCW 43.43.7532 and 2002 c 289 s 5 are each amended to
32 read as follows:

33 The state DNA database account is created in the custody of the
34 state treasurer. All receipts under RCW 43.43.7541 must be deposited
35 into the account. Expenditures from the account may be used only for
36 creation, operation, and maintenance of the DNA database under RCW
37 43.43.754 and for distribution to agencies responsible for the
38 collection of the biological sample from the offender. Only the chief
39 of the Washington state patrol or the chief's designee may authorize

1 expenditures from the account. The account is subject to allotment
2 procedures under chapter 43.88 RCW, but an appropriation is not
3 required for expenditures.

4 NEW SECTION. **Sec. 22.** A new section is added to chapter 3.66
5 RCW to read as follows:

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

15 **Sec. 23.** RCW 10.01.170 and 2018 c 269 s 7 are each amended to
16 read as follows:

17 (1) When a defendant is sentenced to pay fines, penalties,
18 assessments, fees, restitution, or costs, the court may grant
19 permission for payment to be made within a specified period of time
20 or in specified installments. If the court finds that the defendant
21 is indigent as defined in RCW (~~10.01.010(3) (a) through (e)~~)
22 10.01.160(3), the court shall grant permission for payment to be made
23 within a specified period of time or in specified installments. If no
24 such permission is included in the sentence the fine or costs shall
25 be payable forthwith.

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

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

30 (b) Second, proportionally to restitution to insurance or other
31 sources with respect to a loss that has provided compensation to
32 victims;

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

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

36 **Sec. 24.** RCW 10.46.190 and 2018 c 269 s 9 are each amended to
37 read as follows:

1 Every person convicted of a crime or held to bail to keep the
2 peace may be liable to all the costs of the proceedings against him
3 or her, including, when tried by a jury in the superior court or
4 before a committing magistrate, a jury fee as provided for in civil
5 actions for which judgment shall be rendered and collected. The court
6 shall not order a defendant to pay costs, as described in RCW
7 10.01.160, if the court finds that the person at the time of
8 sentencing is indigent as defined in RCW (~~(10.01.010(3) (a) through~~
9 ~~(e))~~) 10.01.160(3). The jury fee, when collected for a case tried by
10 the superior court, shall be paid to the clerk and applied as the
11 jury fee in civil cases is applied.

12 **Sec. 25.** RCW 9.92.070 and 2018 c 269 s 11 are each amended to
13 read as follows:

14 Hereafter whenever any judge of any superior court or a district
15 or municipal judge shall sentence any person to pay any fines,
16 penalties, assessments, fees, and costs, the judge may, in the
17 judge's discretion, provide that such fines, penalties, assessments,
18 fees, and costs may be paid in certain designated installments, or
19 within certain designated period or periods. If the court finds that
20 the defendant is indigent as defined in RCW (~~(10.01.010(3) (a)~~
21 ~~through (e))~~) 10.01.160(3), the court shall allow for payment in
22 certain designated installments or within certain designated periods.
23 If such fines, penalties, assessments, fees, and costs shall be paid
24 by the defendant in accordance with such order no commitment or
25 imprisonment of the defendant shall be made for failure to pay such
26 fine or costs. PROVIDED, that the provisions of this section shall
27 not apply to any sentence given for the violation of any of the
28 liquor laws of this state.

29 **Sec. 26.** RCW 7.68.240 and 2011 c 336 s 249 are each amended to
30 read as follows:

31 Upon a showing by any convicted person or the state that five
32 years have elapsed from the establishment of such escrow account and
33 further that no actions are pending against such convicted person
34 pursuant to RCW 7.68.200 through 7.68.280, the department shall
35 immediately pay over (~~(fifty)~~) 50 percent of any moneys in the escrow
36 account to such person or his or her legal representatives and
37 (~~(fifty)~~) 50 percent of any moneys in the escrow account to the fund
38 under RCW 7.68.035 (~~((4))~~) (1).

1 **Sec. 27.** RCW 9.94A.505 and 2021 c 242 s 3 are each amended to
2 read as follows:

3 (1) When a person is convicted of a felony, the court shall
4 impose punishment as provided in this chapter.

5 (2)(a) The court shall impose a sentence as provided in the
6 following sections and as applicable in the case:

7 (i) Unless another term of confinement applies, a sentence within
8 the standard sentence range established in RCW 9.94A.510 or
9 9.94A.517;

10 (ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

11 (iii) RCW 9.94A.570, relating to persistent offenders;

12 (iv) RCW 9.94A.540, relating to mandatory minimum terms;

13 (v) RCW 9.94A.650, relating to the first-time offender waiver;

14 (vi) RCW 9.94A.660, relating to the drug offender sentencing
15 alternative;

16 (vii) RCW 9.94A.670, relating to the special sex offender
17 sentencing alternative;

18 (viii) RCW 9.94A.655, relating to the parenting sentencing
19 alternative;

20 (ix) RCW 9.94A.695, relating to the mental health sentencing
21 alternative;

22 (x) RCW 9.94A.507, relating to certain sex offenses;

23 (xi) RCW 9.94A.535, relating to exceptional sentences;

24 (xii) RCW 9.94A.589, relating to consecutive and concurrent
25 sentences;

26 (xiii) RCW 9.94A.603, relating to felony driving while under the
27 influence of intoxicating liquor or any drug and felony physical
28 control of a vehicle while under the influence of intoxicating liquor
29 or any drug;

30 (xiv) RCW 9.94A.711, relating to the theft or taking of a motor
31 vehicle.

32 (b) If a standard sentence range has not been established for the
33 offender's crime, the court shall impose a determinate sentence which
34 may include not more than one year of confinement; community
35 restitution work; a term of community custody under RCW 9.94A.702 not
36 to exceed one year; and/or other legal financial obligations. The
37 court may impose a sentence which provides more than one year of
38 confinement and a community custody term under RCW 9.94A.701 if the
39 court finds reasons justifying an exceptional sentence as provided in
40 RCW 9.94A.535.

1 (3) If the court imposes a sentence requiring confinement of
2 ((~~thirty~~)) 30 days or less, the court may, in its discretion, specify
3 that the sentence be served on consecutive or intermittent days. A
4 sentence requiring more than ((~~thirty~~)) 30 days of confinement shall
5 be served on consecutive days. Local jail administrators may schedule
6 court-ordered intermittent sentences as space permits.

7 (4) If a sentence imposed includes payment of a legal financial
8 obligation, it shall be imposed as provided in RCW 9.94A.750,
9 9.94A.753, and 9.94A.760 (~~(, and 43.43.7541)~~).

10 (5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a
11 court may not impose a sentence providing for a term of confinement
12 or community custody that exceeds the statutory maximum for the crime
13 as provided in chapter 9A.20 RCW.

14 (6) The sentencing court shall give the offender credit for all
15 confinement time served before the sentencing if that confinement was
16 solely in regard to the offense for which the offender is being
17 sentenced.

18 (7) The sentencing court shall not give the offender credit for
19 any time the offender was required to comply with an electronic
20 monitoring program prior to sentencing if the offender was convicted
21 of one of the following offenses:

22 (a) A violent offense;

23 (b) Any sex offense;

24 (c) Any drug offense;

25 (d) Reckless burning in the first or second degree as defined in
26 RCW 9A.48.040 or 9A.48.050;

27 (e) Assault in the third degree as defined in RCW 9A.36.031;

28 (f) Assault of a child in the third degree;

29 (g) Unlawful imprisonment as defined in RCW 9A.40.040; or

30 (h) Harassment as defined in RCW 9A.46.020.

31 (8) The court shall order restitution as provided in RCW
32 9.94A.750 and 9.94A.753.

33 (9) As a part of any sentence, the court may impose and enforce
34 crime-related prohibitions and affirmative conditions as provided in
35 this chapter. "Crime-related prohibitions" may include a prohibition
36 on the use or possession of alcohol or controlled substances if the
37 court finds that any chemical dependency or substance abuse
38 contributed to the offense.

39 (10) In any sentence of partial confinement, the court may
40 require the offender to serve the partial confinement in work

1 release, in a program of home detention, on work crew, or in a
2 combined program of work crew and home detention.

3 **Sec. 28.** RCW 9.94A.777 and 2010 c 280 s 6 are each amended to
4 read as follows:

5 (1) Before imposing any legal financial obligations upon a
6 defendant who suffers from a mental health condition, other than
7 restitution (~~(or the victim penalty assessment under RCW 7.68.035)~~),
8 a judge must first determine that the defendant, under the terms of
9 this section, has the means to pay such additional sums.

10 (2) For the purposes of this section, a defendant suffers from a
11 mental health condition when the defendant has been diagnosed with a
12 mental disorder that prevents the defendant from participating in
13 gainful employment, as evidenced by a determination of mental
14 disability as the basis for the defendant's enrollment in a public
15 assistance program, a record of involuntary hospitalization, or by
16 competent expert evaluation.

17 **Sec. 29.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to
18 read as follows:

19 (1) If a juvenile is ordered to pay legal financial obligations,
20 including fines, penalty assessments, attorneys' fees, court costs,
21 and restitution, the money judgment remains enforceable for a period
22 of (~~(ten)~~) 10 years. When the juvenile reaches the age of
23 (~~(eighteen)~~) 18 years or at the conclusion of juvenile court
24 jurisdiction, whichever occurs later, the superior court clerk must
25 docket the remaining balance of the juvenile's legal financial
26 obligations in the same manner as other judgments for the payment of
27 money. The judgment remains valid and enforceable until (~~(ten)~~) 10
28 years from the date of its imposition. The clerk of the superior
29 court may seek extension of the judgment for legal financial
30 obligations (~~(, including crime victims' assessments,)~~) in the same
31 manner as RCW 6.17.020 for purposes of collection as allowed under
32 RCW 36.18.190.

33 (2) A respondent under obligation to pay legal financial
34 obligations other than restitution (~~(, the victim penalty assessment~~
35 ~~set forth in RCW 7.68.035,)~~) or the crime laboratory analysis fee set
36 forth in RCW 43.43.690 may petition the court for modification or
37 relief from those legal financial obligations and interest accrued on
38 those obligations for good cause shown, including inability to pay.

1 The court shall consider factors such as, but not limited to
2 incarceration and a respondent's other debts, including restitution,
3 when determining a respondent's ability to pay.

4 **Sec. 30.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to
5 read as follows:

6 (1) When a respondent fails to comply with an order of
7 restitution, community supervision, penalty assessments, or
8 confinement of less than (~~thirty~~) 30 days, the court upon motion of
9 the prosecutor or its own motion, may modify the order after a
10 hearing on the violation.

11 (2) The hearing shall afford the respondent the same due process
12 of law as would be afforded an adult probationer. The court may issue
13 a summons or a warrant to compel the respondent's appearance. The
14 state shall have the burden of proving by a preponderance of the
15 evidence the fact of the violation. The respondent shall have the
16 burden of showing that the violation was not a willful refusal to
17 comply with the terms of the order. If a respondent has failed to pay
18 a fine, penalty assessments, or restitution or to perform community
19 restitution hours, as required by the court, it shall be the
20 respondent's burden to show that he or she did not have the means and
21 could not reasonably have acquired the means to pay the fine, penalty
22 assessments, or restitution or perform community restitution.

23 (3) If the court finds that a respondent has willfully violated
24 the terms of an order pursuant to subsections (1) and (2) of this
25 section, it may impose a penalty of up to (~~thirty~~) 30 days'
26 confinement. Penalties for multiple violations occurring prior to the
27 hearing shall not be aggregated to exceed (~~thirty~~) 30 days'
28 confinement. Regardless of the number of times a respondent is
29 brought to court for violations of the terms of a single disposition
30 order, the combined total number of days spent by the respondent in
31 detention shall never exceed the maximum term to which an adult could
32 be sentenced for the underlying offense.

33 (4) If a respondent has been ordered to pay a fine or monetary
34 penalty and due to a change of circumstance cannot reasonably comply
35 with the order, the court, upon motion of the respondent, may order
36 that the unpaid fine or monetary penalty be converted to community
37 restitution (~~(unless the monetary penalty is the crime victim penalty~~
38 ~~assessment, which cannot be converted, waived, or otherwise modified,~~
39 ~~except for schedule of payment)). The number of hours of community~~

1 restitution in lieu of a monetary penalty or fine shall be converted
2 at the rate of the prevailing state minimum wage per hour. The
3 monetary penalties or fines collected shall be deposited in the
4 county general fund. A failure to comply with an order under this
5 subsection shall be deemed a failure to comply with an order of
6 community supervision and may be proceeded against as provided in
7 this section.

8 (5) When a respondent has willfully violated the terms of a
9 probation bond, the court may modify, revoke, or retain the probation
10 bond as provided in RCW 13.40.054.

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

14 NEW SECTION. **Sec. 32.** This act takes effect January 1, 2023.

15 NEW SECTION. **Sec. 33.** If specific funding for the purposes of
16 this act, referencing this act by bill or chapter number, is not
17 provided by June 30, 2022, in the omnibus appropriations act, this
18 act is null and void.

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