
HOUSE BILL 1412

State of Washington

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2021 Regular Session

By Representatives Simmons, Goodman, Davis, Valdez, Berry, Taylor, Fitzgibbon, Peterson, Ormsby, Harris-Talley, Pollet, and Macri

Read first time 01/28/21. Referred to Committee on Civil Rights & Judiciary.

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

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

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

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

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

1 reasonably satisfies to the court that he or she does not have the
2 means to make full or partial restitution to the insurer or entity
3 that is not an individual. For the purposes of this subsection, the
4 terms "entity," "individual," and "insurer" have the same meanings as
5 provided in RCW 9.94A.750(3).

6 All court-ordered restitution obligations may be enforced at any
7 time during the (~~ten-year~~) 10-year period following the offender's
8 release from total confinement or within (~~ten~~) 10 years of entry of
9 the judgment and sentence, whichever period is longer. Prior to the
10 expiration of the initial (~~ten-year~~) 10-year period, the court may
11 extend the criminal judgment an additional (~~ten~~) 10 years for
12 payment of court-ordered restitution only if the court finds that the
13 offender (~~has not made a good faith attempt to pay~~) willfully
14 failed to pay the restitution obligation, as described in RCW
15 9.94A.6333 and 9.94B.040.

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

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

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

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

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

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

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

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

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

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

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

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

6 (4) For the purposes of this section, the offender shall remain
7 under the court's jurisdiction for a term of (~~ten~~) 10 years
8 following the offender's release from total confinement or (~~ten~~) 10
9 years subsequent to the entry of the judgment and sentence, whichever
10 period is longer. Prior to the expiration of the initial (~~ten-year~~)
11 10-year period, the superior court may extend jurisdiction under the
12 criminal judgment an additional (~~ten~~) 10 years for payment of
13 restitution only if the court finds that the offender has willfully
14 failed to pay the restitution obligation, as described in RCW
15 9.94A.6333 and 9.94B.040. The portion of the sentence concerning
16 restitution may be modified as to amount, terms and conditions during
17 either the initial (~~ten-year~~) 10-year period or subsequent (~~ten-~~
18 ~~year~~) 10-year period if the criminal judgment is extended,
19 regardless of the expiration of the offender's term of community
20 supervision and regardless of the statutory maximum sentence for the
21 crime. The court may not reduce the total amount of restitution
22 ordered because the offender may lack the ability to pay the total
23 amount. The offender's compliance with the restitution shall be
24 supervised by the department only during any period which the
25 department is authorized to supervise the offender in the community
26 under RCW 9.94A.728, 9.94A.501, or in which the offender is in
27 confinement in a state correctional institution or a correctional
28 facility pursuant to a transfer agreement with the department, and
29 the department shall supervise the offender's compliance during any
30 such period. The department is responsible for supervision of the
31 offender only during confinement and authorized supervision and not
32 during any subsequent period in which the offender remains under the
33 court's jurisdiction. The county clerk is authorized to collect
34 unpaid restitution at any time the offender remains under the
35 jurisdiction of the court for purposes of his or her legal financial
36 obligations.

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

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

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

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

37 (8) This section does not limit civil remedies or defenses
38 available to the victim or offender including support enforcement
39 remedies for support ordered under subsection (6) of this section for
40 a child born as a result of a rape of a child victim. The court shall

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

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

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

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

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

37 (3) (a) Except as provided in subsection (6) of this section,
38 restitution ordered by a court pursuant to a criminal conviction
39 shall be based on easily ascertainable damages for injury to or loss

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

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

17 (4) For the purposes of this section, (~~for an offense committed~~
18 ~~prior to July 1, 2000,~~) the offender shall remain under the court's
19 jurisdiction for a term of (~~ten~~) 10 years following the offender's
20 release from total confinement or (~~ten~~) 10 years subsequent to the
21 entry of the judgment and sentence, whichever period ends later.
22 Prior to the expiration of the initial (~~ten-year~~) 10-year period,
23 the superior court may extend jurisdiction under the criminal
24 judgment an additional (~~ten~~) 10 years for payment of restitution
25 only if the court finds that the offender has willfully failed to pay
26 the restitution obligation, as described in RCW 9.94A.6333 and
27 9.94B.040. (~~For an offense committed on or after July 1, 2000, the~~
28 ~~offender shall remain under the court's jurisdiction until the~~
29 ~~obligation is completely satisfied, regardless of the statutory~~
30 ~~maximum for the crime.)~~) The portion of the sentence concerning
31 restitution may be modified as to amount, terms, and conditions
32 during any period of time the offender remains under the court's
33 jurisdiction, regardless of the expiration of the offender's term of
34 community supervision and regardless of the statutory maximum
35 sentence for the crime. The court may not reduce the total amount of
36 restitution ordered because the offender may lack the ability to pay
37 the total amount. The offender's compliance with the restitution
38 shall be supervised by the department only during any period which
39 the department is authorized to supervise the offender in the
40 community under RCW 9.94A.728, 9.94A.501, or in which the offender is

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

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

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

1 longer. The court may not reduce the total amount of restitution
2 ordered because the offender may lack the ability to pay the total
3 amount. The department shall supervise the offender's compliance with
4 the restitution ordered under this subsection.

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

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

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

38 (10) If a person has caused a victim to lose money or property
39 through the filing of a vehicle report of sale in which the
40 designated buyer had no knowledge of the vehicle transfer or the

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

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

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

1 supervision of the offender, otherwise the county clerk shall set the
2 amount.

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

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

8 (b) Second, proportionally to restitution to insurance or other
9 sources with respect to a loss that has provided compensation to
10 victims;

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

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

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

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

39 If a judgment and sentence or subsequent order to pay does not
40 include the statement that a notice of payroll deduction may be

1 issued or other income-withholding action may be taken if a monthly
2 legal financial obligation payment is past due, the department or the
3 county clerk may serve a notice on the offender stating such
4 requirements and authorizations. Service shall be by personal service
5 or any form of mail requiring a return receipt.

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

1 restitution obligation as described in RCW 9.94A.6333 and 9.94B.040.
2 All legal financial obligations other than restitution may be
3 enforced at any time during the five-year period following the
4 offender's release from total confinement or within five years of
5 entry of the judgment and sentence, whichever period ends later. The
6 department may only supervise the offender's compliance with payment
7 of the legal financial obligations during any period in which the
8 department is authorized to supervise the offender in the community
9 under RCW 9.94A.728, 9.94A.501, or in which the offender is confined
10 in a state correctional institution or a correctional facility
11 pursuant to a transfer agreement with the department, and the
12 department shall supervise the offender's compliance during any such
13 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 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~~) only if the court finds
21 that the offender has willfully failed to pay the restitution
22 obligation, as described in RCW 9.94A.6333 and 9.94B.040. No filing
23 fee shall be required for filing a petition for an extension pursuant
24 to this subsection.

25 (5) A party who obtains a judgment or order for a crime victims'
26 assessment, or other court-ordered legal financial obligations other
27 than restitution, pursuant to a criminal judgment and sentence, or
28 the assignee or the current holder thereof, may execute, garnish,
29 and/or have legal process issued upon the judgment or order any time
30 within five years subsequent to the entry of the judgment and
31 sentence or five years following the offender's release from total
32 confinement as provided in chapter 9.94A RCW.

33 (6) "Court" as used in this section includes but is not limited
34 to the United States supreme court, the United States courts of
35 appeals, the United States district courts, the United States
36 bankruptcy courts, the Washington state supreme court, the court of
37 appeals of the state of Washington, superior courts and district
38 courts of the counties of the state of Washington, and courts of
39 other states and jurisdictions from which judgment has been filed in
40 this state under chapter 6.36 or 6.40 RCW.

1 (~~(6)~~) (7) The perfection of any judgment lien and the priority
2 of that judgment lien on property as established by RCW 6.13.090 and
3 chapter 4.56 RCW is not altered by the extension of the judgment
4 pursuant to the provisions of this section and the lien remains in
5 full force and effect and does not have to be rerecorded after it is
6 extended. Continued perfection of a judgment that has been
7 transcribed to other counties and perfected in those counties may be
8 accomplished after extension of the judgment by filing with the clerk
9 of the other counties where the judgment has been filed either a
10 certified copy of the order extending the judgment or a certified
11 copy of the docket of the matter where the judgment was extended.

12 (~~(7)~~) (8) Except as ordered in RCW 4.16.020 (2) or (3), chapter
13 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for a
14 period exceeding (~~(twenty)~~) 20 years from the date of entry in the
15 originating court. Nothing in this section may be interpreted to
16 extend the expiration date of a foreign judgment beyond the
17 expiration date under the laws of the jurisdiction where the judgment
18 originated.

19 (~~(8)~~) (9) The chapter 261, Laws of 2002 amendments to this
20 section apply to all judgments currently in effect on June 13, 2002,
21 to all judgments extended after June 9, 1994, unless the judgment has
22 been satisfied, vacated, and/or quashed, and to all judgments filed
23 or rendered, or both, after June 13, 2002.

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

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

33 (a) A community corrections officer employed by the department of
34 corrections, if the person is subject to supervision under RCW
35 9.94A.501 or 9.94A.5011; or

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

1 (2) As a condition to suspension of sentence, the superior court
2 shall require the payment of the penalty assessment required by RCW
3 7.68.035. In addition, the superior court may require the convicted
4 person to make such monetary payments, on such terms as the superior
5 court deems appropriate under the circumstances, as are necessary:
6 (a) To comply with any order of the court for the payment of family
7 support; (b) to make restitution to any person or persons who may
8 have suffered loss or damage by reason of the commission of the crime
9 in question or when the offender pleads guilty to a lesser offense or
10 fewer offenses and agrees with the prosecutor's recommendation that
11 the offender be required to pay restitution to a victim of an offense
12 or offenses which are not prosecuted pursuant to a plea agreement;
13 (c) to pay any fine imposed and not suspended and the court or other
14 costs incurred in the prosecution of the case, including
15 reimbursement of the state for costs of extradition if return to this
16 state by extradition was required; and (d) to contribute to a county
17 or interlocal drug fund.

18 (3) At any time, the court may determine that the offender is not
19 required to pay, or may relieve the offender of the requirement to
20 pay, full or partial restitution and accrued interest on restitution
21 to any insurer or entity that is not an individual if the offender
22 reasonably satisfies to the court that he or she does not have the
23 means to make full or partial restitution to the insurer or entity
24 that is not an individual. For the purposes of this subsection, the
25 terms "entity," "individual," and "insurer" have the same meanings as
26 provided in RCW 9.94A.750(3).

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

39 ~~((4))~~ (5) If restitution to the victim has been ordered under
40 subsection (2)(b) of this section and the superior court has ordered

1 supervision, the officer supervising the probationer shall make a
2 reasonable effort to ascertain whether restitution has been made as
3 ordered. If the superior court has ordered supervision and
4 restitution has not been made, the officer shall inform the
5 prosecutor of that violation of the terms of the suspended sentence
6 not less than three months prior to the termination of the suspended
7 sentence.

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

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

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

32 (2) In the order granting probation and as a condition thereof,
33 the superior court may in its discretion imprison the defendant in
34 the county jail for a period not exceeding one year and may fine the
35 defendant any sum not exceeding the statutory limit for the offense
36 committed, and court costs. As a condition of probation, the superior
37 court shall require the payment of the penalty assessment required by
38 RCW 7.68.035. The superior court may also require the defendant to
39 make such monetary payments, on such terms as it deems appropriate

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

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

31 (4) At any time, the court may determine that the offender is not
32 required to pay, or may relieve the offender of the requirement to
33 pay, full or partial restitution and accrued interest on restitution
34 to any insurer or entity that is not an individual if the offender
35 reasonably satisfies to the court that he or she does not have the
36 means to make full or partial restitution to the insurer or entity
37 that is not an individual. For the purposes of this subsection, the
38 terms "entity," "individual," and "insurer" have the same meanings as
39 provided in RCW 9.94A.750(3).

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

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

27 ~~((6))~~ (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply
28 to sentences imposed under this section.

29 ~~((7))~~ (8) For purposes of this section, "domestic violence"
30 means the same as in RCW 10.99.020.

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

33 A defendant who has been ordered to pay fines and who has not
34 willfully failed to pay the obligation, as described in RCW
35 9.94A.6333 and 9.94B.040, may at any time petition the sentencing
36 court for remission of the payment of fines or of any unpaid portion
37 thereof. If it appears to the satisfaction of the court that payment
38 of the amount due will impose manifest hardship on the defendant or
39 the defendant's immediate family, the court may remit all or part of

1 the amount due in fines, modify the method of payment under RCW
2 10.01.170, or convert the unpaid amounts to community restitution
3 hours, if the jurisdiction operates a community restitution program,
4 at the rate of no less than the state minimum wage established in RCW
5 49.46.020 for each hour of community restitution. Manifest hardship
6 exists where the defendant is indigent as defined in RCW
7 10.01.160(3).

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

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

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

1 must be remitted for criminal justice purposes to the county or city
2 that is responsible for the defendant's jail costs. Costs imposed
3 constitute a judgment against a defendant and survive a dismissal of
4 the underlying action against the defendant. However, if the
5 defendant is acquitted on the underlying action, the costs for
6 preparing and serving a warrant for failure to appear do not survive
7 the acquittal, and the judgment that such costs would otherwise
8 constitute shall be vacated.

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

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

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

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

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

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

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

38 (4) A defendant who has been sentenced to pay costs and who (~~is~~
39 ~~not in contumacious default in the payment~~) has not willfully failed

1 to pay the obligation, as described in RCW 9.94A.6333 and 9.94B.040,
2 may at any time (~~(after release from total confinement)~~) petition the
3 court that sentenced the defendant or juvenile offender for remission
4 of the payment of costs or of any unpaid portion. If it appears to
5 the satisfaction of the sentencing court that payment of the amount
6 due will impose manifest hardship on the defendant or the defendant's
7 immediate family, the sentencing court may remit all or part of the
8 amount due in costs, modify the method of payment under RCW
9 10.01.170, or convert the unpaid costs to community restitution
10 hours, if the jurisdiction operates a community restitution program,
11 at the rate of no less than the state minimum wage established in RCW
12 49.46.020 for each hour of community restitution. Manifest hardship
13 exists where the defendant or juvenile offender is indigent as
14 defined in RCW (~~(10.101.010(3) (a) through (e))~~) 10.01.160(3).

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

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

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

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

36 (1) Except as provided in subsections (2) and (3) of this section
37 and RCW 3.50.100, 3.62.020, and 35.20.220, restitution imposed in a
38 judgment shall bear interest from the date of the judgment or the

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

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

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

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

35 (b) The court may wave or reduce interest on the restitution
36 portion of the legal financial obligations only if the principal has
37 been paid in full (~~((and as an incentive for the offender to meet his~~
38 ~~or her other legal financial obligations))~~). The court may grant the
39 motion, establish a payment schedule, and retain jurisdiction over

1 the offender for purposes of reviewing and revising the reduction or
2 waiver of interest.

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

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

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

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

21 (c) When any juvenile is adjudicated of an offense which has a
22 victim, and which is not a most serious offense as defined in RCW
23 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall
24 order up to seven hours of community restitution, unless the court
25 finds that such an order is not practicable for the offender. This
26 community restitution must be imposed consecutively to any other
27 community restitution the court imposes for the offense.

28 (2) The assessment imposed by subsection (1) of this section
29 shall not apply to motor vehicle crimes defined in Title 46 RCW
30 except those defined in the following sections: RCW 46.61.520,
31 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
32 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
33 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
34 46.44.180, 46.10.490(2), and 46.09.470(2).

35 (3) Upon motion by the defendant, the court may waive or reduce
36 the assessment imposed by subsection (1) of this section if the court
37 finds that the defendant is indigent as defined in RCW 10.01.160(3)
38 and lacks the likely future ability to pay.

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

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

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

27 (b) Are administered by the county prosecuting attorney either
28 directly through the prosecuting attorney's office or by contract
29 between the county and agencies providing services to victims of
30 crime;

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

34 (d) Assist victims in the restitution and adjudication process;
35 and

36 (e) Assist victims of violent crimes in the preparation and
37 presentation of their claims to the department of labor and
38 industries under this chapter.

39 Before a program in any county west of the Cascade mountains is
40 submitted to the department for approval, it shall be submitted for

1 review and comment to each city within the county with a population
2 of more than one hundred fifty thousand. The department will consider
3 if the county's proposed comprehensive plan meets the needs of crime
4 victims in cases adjudicated in municipal, district or superior
5 courts and of crime victims located within the city and county.

6 ~~((+5))~~ (6) Upon submission to the department of a letter of
7 intent to adopt a comprehensive program, the prosecuting attorney
8 shall retain the money deposited by the county under subsection
9 ~~((+4))~~ (5) of this section until such time as the county prosecuting
10 attorney has obtained approval of a program from the department.
11 Approval of the comprehensive plan by the department must be obtained
12 within one year of the date of the letter of intent to adopt a
13 comprehensive program. The county prosecuting attorney shall not make
14 any expenditures from the money deposited under subsection ~~((+4))~~
15 (5) of this section until approval of a comprehensive plan by the
16 department. If a county prosecuting attorney has failed to obtain
17 approval of a program from the department under subsection ~~((+4))~~
18 (5) of this section or failed to obtain approval of a comprehensive
19 program within one year after submission of a letter of intent under
20 this section, the county treasurer shall monthly transmit one hundred
21 percent of the money deposited by the county under subsection ~~((+4))~~
22 (5) of this section to the state treasurer for deposit in the state
23 general fund.

24 ~~((+6))~~ (7) County prosecuting attorneys are responsible to make
25 every reasonable effort to insure that the penalty assessments of
26 this chapter are imposed and collected.

27 ~~((+7))~~ (8) Every city and town shall transmit monthly one and
28 seventy-five one-hundredths percent of all money, other than money
29 received for parking infractions, retained under RCW 3.50.100 and
30 35.20.220 to the county treasurer for deposit as provided in
31 subsection ~~((+4))~~ (5) of this section.

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

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

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

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

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

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

13 (i) Convert a term of partial confinement to total confinement;
14 or

15 (ii) Convert community restitution obligation to total or partial
16 confinement;

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

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

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

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

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

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

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

18 (e) If the court finds that a failure to pay is willful
19 noncompliance, it may impose the sanctions specified in RCW
20 9.94A.633(1); and

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

33 (4) Any time served in confinement awaiting a hearing on
34 noncompliance shall be credited against any confinement ordered by
35 the court.

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

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

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

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

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

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

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

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

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

37 (c) The state has the burden of showing noncompliance by a
38 preponderance of the evidence. If the court finds that the violation
39 has occurred, it may order the offender to be confined for a period
40 not to exceed (~~sixty~~) 60 days for each violation, and may (i)

1 convert a term of partial confinement to total confinement, (ii)
2 convert community restitution obligation to total or partial
3 confinement, or (iii) order one or more of the penalties authorized
4 in (a)(i) of this subsection. Any time served in confinement awaiting
5 a hearing on noncompliance shall be credited against any confinement
6 order by the court;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (4) If a term of imprisonment for contempt for nonpayment of any
39 fine, penalty, assessment, fee, or costs is ordered, the term of

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

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

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

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

33 Upon conviction or a plea of guilty in any court organized under
34 this title or Title 35 RCW, a defendant in a criminal case is liable
35 for a fee of (~~forty-three dollars~~) \$43, except this fee shall not
36 be imposed on a defendant who is indigent as defined in RCW
37 (~~10.101.010(3) (a) through (e)~~) 10.01.160(3). This fee shall be
38 subject to division with the state under RCW 3.46.120(2),
39 3.50.100(2), 3.62.020(2), 3.62.040(2), and 35.20.220(2).

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

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

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

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

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

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

30 (d) For filing of a petition for unlawful harassment under RCW
31 10.14.040 a filing fee of (~~fifty-three dollars~~) \$53.

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

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

38 (g) For filing any petition to contest a will admitted to probate
39 or a petition to admit a will which has been rejected, or a petition
40 objecting to a written agreement or memorandum as provided in RCW

1 11.96A.220, there shall be paid a fee of (~~two hundred dollars~~)
2 \$200.

3 (h) Upon conviction or plea of guilty, upon failure to prosecute
4 an appeal from a court of limited jurisdiction as provided by law, or
5 upon affirmance of a conviction by a court of limited jurisdiction,
6 an adult defendant in a criminal case shall be liable for a fee of
7 two hundred dollars, except this fee shall not be imposed on a
8 defendant who is indigent as defined in RCW (~~10.101.010(3)(a)~~
9 ~~through (e)~~) 10.01.160(3). Upon motion by the defendant, the court
10 may waive or reduce any fee previously imposed under this subsection
11 if the court finds that the defendant is indigent as defined in RCW
12 10.01.160(3).

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) Except as provided in subsection (4) of this section, all
25 costs, fees, fines, forfeitures and penalties assessed and collected
26 in whole or in part by district courts, except costs, fines,
27 forfeitures and penalties assessed and collected, in whole or in
28 part, because of the violation of city ordinances, shall be remitted
29 by the clerk of the district court to the county treasurer at least
30 monthly, together with a financial statement as required by the state
31 auditor, noting the information necessary for crediting of such funds
32 as required by law.

33 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
34 and this section, the county treasurer shall remit (~~thirty-two~~) 32
35 percent of the noninterest money received under subsection (1) of
36 this section except certain costs to the state treasurer. "Certain
37 costs" as used in this subsection, means those costs awarded to
38 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
39 or those costs awarded against convicted defendants in criminal

1 actions under RCW 10.01.160, 10.46.190, or 36.18.040, or other
2 similar statutes if such costs are specifically designated as costs
3 by the court and are awarded for the specific reimbursement of costs
4 incurred by the state or county in the prosecution of the case,
5 including the fees of defense counsel. With the exception of funds to
6 be transferred to the judicial stabilization trust account under RCW
7 3.62.060(2), money remitted under this subsection to the state
8 treasurer shall be deposited in the state general fund.

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

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

20 (5)(a) Except as provided in (b) of this subsection, penalties,
21 fines, fees, and costs may accrue interest at the rate of (~~twelve~~)
22 12 percent per annum, upon assignment to a collection agency.
23 Interest may accrue only while the case is in collection status.

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

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

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

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

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

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

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

27 (5)(a) Except as provided in (b) of this subsection, penalties,
28 fines, fees, and costs may accrue interest at the rate of (~~(twelve)~~)
29 12 percent per annum, upon assignment to a collection agency.
30 Interest may accrue only while the case is in collection status.

31 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
32 and costs imposed against a defendant in a criminal proceeding shall
33 not accrue interest. All nonrestitution interest that accrued prior
34 to June 7, 2018, shall be automatically waived without motion of the
35 defendant.

36 (6) Interest retained by the court on penalties, fines, bail
37 forfeitures, fees, and costs shall be split (~~(twenty-five)~~) 25
38 percent to the state treasurer for deposit in the state general fund,
39 (~~(twenty-five)~~) 25 percent to the state treasurer for deposit in the
40 judicial information system account as provided in RCW 2.68.020,

1 ((~~twenty-five~~)) 25 percent to the city general fund, and ((~~twenty-~~
2 ~~five~~)) 25 percent to the city general fund to fund local courts.

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

5 (1) Costs in civil and criminal actions may be imposed as
6 provided in district court. All fees, costs, fines, forfeitures and
7 other money imposed by any municipal court for the violation of any
8 municipal or town ordinances shall be collected by the court clerk
9 and, together with any other noninterest revenues received by the
10 clerk, shall be deposited with the city or town treasurer as a part
11 of the general fund of the city or town, or deposited in such other
12 fund of the city or town, or deposited in such other funds as may be
13 designated by the laws of the state of Washington.

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

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

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

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

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

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

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

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

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

4 (4) (a) Except as provided in (b) of this subsection, penalties,
5 fines, fees, and costs may accrue interest at the rate of (~~twelve~~)
6 12 percent per annum, upon assignment to a collection agency.
7 Interest may accrue only while the case is in collection status.

8 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
9 and costs imposed against a defendant in a criminal proceeding shall
10 not accrue interest. All nonrestitution interest that accrued prior
11 to June 7, 2018, shall be automatically waived without motion of the
12 defendant.

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

20 NEW SECTION. **Sec. 24.** A new section is added to chapter 3.66
21 RCW to read as follows:

22 "Legal financial obligation" means a sum of money that is ordered
23 by a district or municipal court of the state of Washington for legal
24 financial obligations which may include restitution to the victim,
25 statutorily imposed crime victims' compensation fees as assessed
26 pursuant to RCW 7.68.035, court costs, county or interlocal drug
27 funds, court-appointed attorneys' fees, and costs of defense, fines,
28 and any other financial obligation that is assessed to the offender
29 as a result of a conviction. Upon conviction for vehicular assault
30 while under the influence of intoxicating liquor or any drug, RCW
31 46.61.522(1)(b), legal financial obligations may also include payment
32 to a public agency of the expense of an emergency response to the
33 incident resulting in the conviction, subject to RCW 38.52.430.

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

36 (1) When a defendant is sentenced to pay fines, penalties,
37 assessments, fees, restitution, or costs, the court may grant
38 permission for payment to be made within a specified period of time

1 or in specified installments. If the court finds that the defendant
2 is indigent as defined in RCW (~~(10.101.010(3) (a) through (e))~~)
3 10.01.160(3), the court shall grant permission for payment to be made
4 within a specified period of time or in specified installments. If no
5 such permission is included in the sentence the fine or costs shall
6 be payable forthwith.

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

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

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

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

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

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

19 Every person convicted of a crime or held to bail to keep the
20 peace may be liable to all the costs of the proceedings against him
21 or her, including, when tried by a jury in the superior court or
22 before a committing magistrate, a jury fee as provided for in civil
23 actions for which judgment shall be rendered and collected. The court
24 shall not order a defendant to pay costs, as described in RCW
25 10.01.160, if the court finds that the person at the time of
26 sentencing is indigent as defined in RCW (~~(10.101.010(3) (a) through~~
27 ~~(e))~~) 10.01.160(3). The jury fee, when collected for a case tried by
28 the superior court, shall be paid to the clerk and applied as the
29 jury fee in civil cases is applied.

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

32 Hereafter whenever any judge of any superior court or a district
33 or municipal judge shall sentence any person to pay any fines,
34 penalties, assessments, fees, and costs, the judge may, in the
35 judge's discretion, provide that such fines, penalties, assessments,
36 fees, and costs may be paid in certain designated installments, or
37 within certain designated period or periods. If the court finds that
38 the defendant is indigent as defined in RCW (~~(10.101.010(3) (a)~~

1 ~~through (e))~~ 10.01.160(3), the court shall allow for payment in
2 certain designated installments or within certain designated periods.
3 If such fines, penalties, assessments, fees, and costs shall be paid
4 by the defendant in accordance with such order no commitment or
5 imprisonment of the defendant shall be made for failure to pay such
6 fine or costs. PROVIDED, that the provisions of this section shall
7 not apply to any sentence given for the violation of any of the
8 liquor laws of this state.

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

11 Upon a showing by any convicted person or the state that five
12 years have elapsed from the establishment of such escrow account and
13 further that no actions are pending against such convicted person
14 pursuant to RCW 7.68.200 through 7.68.280, the department shall
15 immediately pay over (~~fifty~~) 50 percent of any moneys in the escrow
16 account to such person or his or her legal representatives and
17 (~~fifty~~) 50 percent of any moneys in the escrow account to the fund
18 under RCW 7.68.035(~~(+4)~~) (5).

--- END ---