
SUBSTITUTE SENATE BILL 5592

State of Washington

67th Legislature

2022 Regular Session

By Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators C. Wilson, Dhingra, and Hasegawa; by request of Office of Financial Management)

READ FIRST TIME 01/21/22.

1 AN ACT Relating to eliminating the cost of supervision
2 assessments charged to offenders; amending RCW 9.94A.74504,
3 9.94A.760, 9.95.214, 9.94A.703, 9.94A.703, 9.94A.704, 9.94B.050,
4 9.95.204, and 36.18.016; creating a new section; repealing RCW
5 9.94A.780, 72.04A.120, and 72.11.040; providing effective dates; and
6 providing an expiration date.

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

8 **Sec. 1.** RCW 9.94A.74504 and 2011 1st sp.s. c 40 s 14 are each
9 amended to read as follows:

10 (1) The department may supervise nonfelony offenders transferred
11 to Washington pursuant to RCW 9.94A.745, the interstate compact for
12 adult offender supervision, and shall supervise these offenders
13 according to the provisions of this chapter.

14 (2) The department shall process applications for interstate
15 transfer of felony and nonfelony offenders requesting transfer of
16 supervision out-of-state pursuant to RCW 9.94A.745, the interstate
17 compact for adult offender supervision (~~, and may charge offenders a~~
18 ~~reasonable fee for processing the application.~~

19 ~~(3) The department shall adopt a rule prescribing the amount of~~
20 ~~the interstate transfer application fee).~~

1 **Sec. 2.** RCW 9.94A.760 and 2018 c 269 s 14 are each amended to
2 read as follows:

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

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

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

26 (b) Second, proportionally to restitution to insurance or other
27 sources with respect to a loss that has provided compensation to
28 victims;

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

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

32 (3) If the court determines that the offender, at the time of
33 sentencing, has the means to pay for the cost of incarceration, the
34 court may require the offender to pay for the cost of incarceration.
35 The court shall not order the offender to pay the cost of
36 incarceration if the court finds that the offender at the time of
37 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
38 (c). Costs of incarceration ordered by the court shall not exceed a
39 rate of (~~fifty dollars~~) \$50 per day of incarceration, if
40 incarcerated in a prison, or the actual cost of incarceration per day

1 of incarceration, if incarcerated in a county jail. In no case may
2 the court require the offender to pay more than (~~one hundred~~
3 ~~dollars~~) \$100 per day for the cost of incarceration. All funds
4 recovered from offenders for the cost of incarceration in the county
5 jail shall be remitted to the county and the costs of incarceration
6 in a prison shall be remitted to the department.

7 (4) The court may add to the judgment and sentence or subsequent
8 order to pay a statement that a notice of payroll deduction is to be
9 issued immediately. If the court chooses not to order the immediate
10 issuance of a notice of payroll deduction at sentencing, the court
11 shall add to the judgment and sentence or subsequent order to pay a
12 statement that a notice of payroll deduction may be issued or other
13 income-withholding action may be taken, without further notice to the
14 offender if a monthly court-ordered legal financial obligation
15 payment is not paid when due, and an amount equal to or greater than
16 the amount payable for one month is owed.

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

24 (5) Independent of the department or the county clerk, the party
25 or entity to whom the legal financial obligation is owed shall have
26 the authority to use any other remedies available to the party or
27 entity to collect the legal financial obligation. These remedies
28 include enforcement in the same manner as a judgment in a civil
29 action by the party or entity to whom the legal financial obligation
30 is owed. Restitution collected through civil enforcement must be paid
31 through the registry of the court and must be distributed
32 proportionately according to each victim's loss when there is more
33 than one victim. The judgment and sentence shall identify the party
34 or entity to whom restitution is owed so that the state, party, or
35 entity may enforce the judgment. If restitution is ordered pursuant
36 to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of rape of a child or
37 a victim's child born from the rape, the Washington state child
38 support registry shall be identified as the party to whom payments
39 must be made. Restitution obligations arising from the rape of a
40 child in the first, second, or third degree that result in the

1 pregnancy of the victim may be enforced for the time periods provided
2 under RCW 9.94A.750(6) and 9.94A.753(6). All other legal financial
3 obligations for an offense committed prior to July 1, 2000, may be
4 enforced at any time during the (~~ten~~) 10-year period following the
5 offender's release from total confinement or within (~~ten~~) 10 years
6 of entry of the judgment and sentence, whichever period ends later.
7 Prior to the expiration of the initial (~~ten~~) 10-year period, the
8 superior court may extend the criminal judgment an additional (~~ten~~)
9 10 years for payment of legal financial obligations including crime
10 victims' assessments. All other legal financial obligations for an
11 offense committed on or after July 1, 2000, may be enforced at any
12 time the offender remains under the court's jurisdiction. For an
13 offense committed on or after July 1, 2000, the court shall retain
14 jurisdiction over the offender, for purposes of the offender's
15 compliance with payment of the legal financial obligations, until the
16 obligation is completely satisfied, regardless of the statutory
17 maximum for the crime. The department may only supervise the
18 offender's compliance with payment of the legal financial obligations
19 during any period in which the department is authorized to supervise
20 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
21 which the offender is confined in a state correctional institution or
22 a correctional facility pursuant to a transfer agreement with the
23 department, and the department shall supervise the offender's
24 compliance during any such period. The department is not responsible
25 for supervision of the offender during any subsequent period of time
26 the offender remains under the court's jurisdiction. The county clerk
27 is authorized to collect unpaid legal financial obligations at any
28 time the offender remains under the jurisdiction of the court for
29 purposes of his or her legal financial obligations.

30 (6) In order to assist the court in setting a monthly sum that
31 the offender must pay during the period of supervision, the offender
32 is required to report to the department for purposes of preparing a
33 recommendation to the court. When reporting, the offender is
34 required, under oath, to respond truthfully and honestly to all
35 questions concerning present, past, and future earning capabilities
36 and the location and nature of all property or financial assets. The
37 offender is further required to bring all documents requested by the
38 department.

39 (7) After completing the investigation, the department shall make
40 a report to the court on the amount of the monthly payment that the

1 offender should be required to make towards a satisfied legal
2 financial obligation.

3 (8) (a) During the period of supervision, the department may make
4 a recommendation to the court that the offender's monthly payment
5 schedule be modified so as to reflect a change in financial
6 circumstances. If the department sets the monthly payment amount, the
7 department may modify the monthly payment amount without the matter
8 being returned to the court. During the period of supervision, the
9 department may require the offender to report to the department for
10 the purposes of reviewing the appropriateness of the collection
11 schedule for the legal financial obligation. During this reporting,
12 the offender is required under oath to respond truthfully and
13 honestly to all questions concerning earning capabilities and the
14 location and nature of all property or financial assets. The offender
15 shall bring all documents requested by the department in order to
16 prepare the collection schedule.

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

35 (9) After the judgment and sentence or payment order is entered,
36 the department is authorized, for any period of supervision, to
37 collect the legal financial obligation from the offender. Subsequent
38 to any period of supervision or, if the department is not authorized
39 to supervise the offender in the community, the county clerk is
40 authorized to collect unpaid legal financial obligations from the

1 offender. Any amount collected by the department shall be remitted
2 daily to the county clerk for the purpose of disbursements. The
3 department and the county clerks are authorized, but not required, to
4 accept credit cards as payment for a legal financial obligation, and
5 any costs incurred related to accepting credit card payments shall be
6 the responsibility of the offender.

7 (10) The department or any obligee of the legal financial
8 obligation may seek a mandatory wage assignment for the purposes of
9 obtaining satisfaction for the legal financial obligation pursuant to
10 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
11 the county clerk. The county clerks shall notify the department, or
12 the administrative office of the courts, whichever is providing the
13 monthly billing for the offender.

14 (11) The requirement that the offender pay a monthly sum towards
15 a legal financial obligation constitutes a condition or requirement
16 of a sentence and the offender is subject to the penalties for
17 noncompliance as provided in RCW 9.94B.040, 9.94A.737, or 9.94A.740.
18 If the court determines that the offender is homeless or a person who
19 is mentally ill, as defined in RCW 71.24.025, failure to pay a legal
20 financial obligation is not willful noncompliance and shall not
21 subject the offender to penalties.

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

25 (b) The billing shall direct payments(~~(, other than outstanding~~
26 ~~cost of supervision assessments under RCW 9.94A.780, parole~~
27 ~~assessments under RCW 72.04A.120, and cost of probation assessments~~
28 ~~under RCW 9.95.214,)) to the county clerk(~~(, and cost of supervision,~~
29 ~~parole, or probation assessments to the department))~~).~~

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

33 (d) The county clerks, the administrative office of the courts,
34 and the department shall maintain agreements to implement this
35 subsection.

36 (13) The department shall arrange for the collection of unpaid
37 legal financial obligations during any period of supervision in the
38 community through the county clerk. The department shall either
39 collect unpaid legal financial obligations or arrange for collections
40 through another entity if the clerk does not assume responsibility or

1 is unable to continue to assume responsibility for collection
2 pursuant to subsection (5) of this section. The costs for collection
3 services shall be paid by the offender.

4 (14) The county clerk may access the records of the employment
5 security department for the purposes of verifying employment or
6 income, seeking any assignment of wages, or performing other duties
7 necessary to the collection of an offender's legal financial
8 obligations.

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

16 **Sec. 3.** RCW 9.95.214 and 2011 1st sp.s. c 40 s 11 are each
17 amended to read as follows:

18 Whenever a defendant convicted of a misdemeanor or gross
19 misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210,
20 and the defendant is supervised by a county probation department, the
21 county probation department may assess and collect from the defendant
22 for the duration of the term of supervision a monthly assessment not
23 to exceed (~~(one hundred dollars)~~) \$100 per month. (~~(Whenever a~~
24 ~~defendant convicted of a misdemeanor or gross misdemeanor is placed~~
25 ~~on probation under RCW 9.92.060 or 9.95.210, and the defendant is~~
26 ~~supervised by the department of corrections, the department may~~
27 ~~collect supervision intake fees pursuant to RCW 9.94A.780.)~~) This
28 assessment shall be paid to the agency supervising the defendant and
29 shall be applied, along with funds appropriated by the legislature,
30 toward the payment or part payment of the cost of supervising the
31 defendant. The county probation department shall suspend such
32 assessment while the defendant is being supervised by another state
33 pursuant to RCW 9.94A.745, the interstate compact for adult offender
34 supervision.

35 **Sec. 4.** RCW 9.94A.703 and 2018 c 201 s 9004 are each amended to
36 read as follows:

1 When a court sentences a person to a term of community custody,
2 the court shall impose conditions of community custody as provided in
3 this section.

4 (1) **Mandatory conditions.** As part of any term of community
5 custody, the court shall:

6 (a) Require the offender to inform the department of court-
7 ordered treatment upon request by the department;

8 (b) Require the offender to comply with any conditions imposed by
9 the department under RCW 9.94A.704;

10 (c) If the offender was sentenced under RCW 9.94A.507 for an
11 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
12 was under (~~eighteen~~) 18 years of age at the time of the offense,
13 prohibit the offender from residing in a community protection zone;

14 (d) If the offender was sentenced under RCW 9A.36.120, prohibit
15 the offender from serving in any paid or volunteer capacity where he
16 or she has control or supervision of minors under the age of
17 (~~thirteen~~) 13.

18 (2) **Waivable conditions.** Unless waived by the court, as part of
19 any term of community custody, the court shall order an offender to:

20 (a) Report to and be available for contact with the assigned
21 community corrections officer as directed;

22 (b) Work at department-approved education, employment, or
23 community restitution, or any combination thereof;

24 (c) Refrain from possessing or consuming controlled substances
25 except pursuant to lawfully issued prescriptions; and

26 (d) (~~Pay supervision fees as determined by the department; and~~
27 ~~(e)~~) Obtain prior approval of the department for the offender's
28 residence location and living arrangements.

29 (3) **Discretionary conditions.** As part of any term of community
30 custody, the court may order an offender to:

31 (a) Remain within, or outside of, a specified geographical
32 boundary;

33 (b) Refrain from direct or indirect contact with the victim of
34 the crime or a specified class of individuals;

35 (c) Participate in crime-related treatment or counseling
36 services;

37 (d) Participate in rehabilitative programs or otherwise perform
38 affirmative conduct reasonably related to the circumstances of the
39 offense, the offender's risk of reoffending, or the safety of the
40 community;

1 (e) Refrain from possessing or consuming alcohol; or

2 (f) Comply with any crime-related prohibitions.

3 (4) **Special conditions.**

4 (a) In sentencing an offender convicted of a crime of domestic
5 violence, as defined in RCW 10.99.020, if the offender has a minor
6 child, or if the victim of the offense for which the offender was
7 convicted has a minor child, the court may order the offender to
8 participate in a domestic violence perpetrator program approved under
9 RCW 26.50.150.

10 (b) (i) In sentencing an offender convicted of an alcohol or drug-
11 related traffic offense, the court shall require the offender to
12 complete a diagnostic evaluation by a substance use disorder
13 treatment program approved by the department of social and health
14 services or a qualified probation department, defined under RCW
15 46.61.516, that has been approved by the department of social and
16 health services. If the offense was pursuant to chapter 46.61 RCW,
17 the report shall be forwarded to the department of licensing. If the
18 offender is found to have an alcohol or drug problem that requires
19 treatment, the offender shall complete treatment in an approved
20 substance use disorder treatment program as defined in chapter 71.24
21 RCW. If the offender is found not to have an alcohol or drug problem
22 that requires treatment, the offender shall complete a course in an
23 alcohol and drug information school licensed or certified by the
24 department of health under chapter 70.96A RCW. The offender shall pay
25 all costs for any evaluation, education, or treatment required by
26 this section, unless the offender is eligible for an existing program
27 offered or approved by the department of social and health services.

28 (ii) For purposes of this section, "alcohol or drug-related
29 traffic offense" means the following: Driving while under the
30 influence as defined by RCW 46.61.502, actual physical control while
31 under the influence as defined by RCW 46.61.504, vehicular homicide
32 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by
33 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW
34 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

35 (iii) This subsection (4)(b) does not require the department of
36 social and health services to add new treatment or assessment
37 facilities nor affect its use of existing programs and facilities
38 authorized by law.

1 **Sec. 5.** RCW 9.94A.703 and 2021 c 215 s 104 are each amended to
2 read as follows:

3 When a court sentences a person to a term of community custody,
4 the court shall impose conditions of community custody as provided in
5 this section.

6 (1) **Mandatory conditions.** As part of any term of community
7 custody, the court shall:

8 (a) Require the offender to inform the department of court-
9 ordered treatment upon request by the department;

10 (b) Require the offender to comply with any conditions imposed by
11 the department under RCW 9.94A.704;

12 (c) If the offender was sentenced under RCW 9.94A.507 for an
13 offense listed in RCW 9.94A.507(1)(a), and the victim of the offense
14 was under (~~eighteen~~) 18 years of age at the time of the offense,
15 prohibit the offender from residing in a community protection zone;

16 (d) If the offender was sentenced under RCW 9A.36.120, prohibit
17 the offender from serving in any paid or volunteer capacity where he
18 or she has control or supervision of minors under the age of
19 (~~thirteen~~) 13.

20 (2) **Waivable conditions.** Unless waived by the court, as part of
21 any term of community custody, the court shall order an offender to:

22 (a) Report to and be available for contact with the assigned
23 community corrections officer as directed;

24 (b) Work at department-approved education, employment, or
25 community restitution, or any combination thereof;

26 (c) Refrain from possessing or consuming controlled substances
27 except pursuant to lawfully issued prescriptions; and

28 (d) (~~Pay supervision fees as determined by the department; and~~
29 ~~e~~) Obtain prior approval of the department for the offender's
30 residence location and living arrangements.

31 (3) **Discretionary conditions.** As part of any term of community
32 custody, the court may order an offender to:

33 (a) Remain within, or outside of, a specified geographical
34 boundary;

35 (b) Refrain from direct or indirect contact with the victim of
36 the crime or a specified class of individuals;

37 (c) Participate in crime-related treatment or counseling
38 services;

39 (d) Participate in rehabilitative programs or otherwise perform
40 affirmative conduct reasonably related to the circumstances of the

1 offense, the offender's risk of reoffending, or the safety of the
2 community;

3 (e) Refrain from possessing or consuming alcohol; or

4 (f) Comply with any crime-related prohibitions.

5 (4) **Special conditions.**

6 (a) In sentencing an offender convicted of a crime of domestic
7 violence, as defined in RCW 10.99.020, if the offender has a minor
8 child, or if the victim of the offense for which the offender was
9 convicted has a minor child, the court may order the offender to
10 participate in a domestic violence perpetrator program approved under
11 RCW 43.20A.735.

12 (b) (i) In sentencing an offender convicted of an alcohol or drug-
13 related traffic offense, the court shall require the offender to
14 complete a diagnostic evaluation by a substance use disorder
15 treatment program approved by the department of social and health
16 services or a qualified probation department, defined under RCW
17 46.61.516, that has been approved by the department of social and
18 health services. If the offense was pursuant to chapter 46.61 RCW,
19 the report shall be forwarded to the department of licensing. If the
20 offender is found to have an alcohol or drug problem that requires
21 treatment, the offender shall complete treatment in an approved
22 substance use disorder treatment program as defined in chapter 71.24
23 RCW. If the offender is found not to have an alcohol or drug problem
24 that requires treatment, the offender shall complete a course in an
25 alcohol and drug information school licensed or certified by the
26 department of health under chapter 70.96A RCW. The offender shall pay
27 all costs for any evaluation, education, or treatment required by
28 this section, unless the offender is eligible for an existing program
29 offered or approved by the department of social and health services.

30 (ii) For purposes of this section, "alcohol or drug-related
31 traffic offense" means the following: Driving while under the
32 influence as defined by RCW 46.61.502, actual physical control while
33 under the influence as defined by RCW 46.61.504, vehicular homicide
34 as defined by RCW 46.61.520(1)(a), vehicular assault as defined by
35 RCW 46.61.522(1)(b), homicide by watercraft as defined by RCW
36 79A.60.050, or assault by watercraft as defined by RCW 79A.60.060.

37 (iii) This subsection (4)(b) does not require the department of
38 social and health services to add new treatment or assessment
39 facilities nor affect its use of existing programs and facilities
40 authorized by law.

1 **Sec. 6.** RCW 9.94A.704 and 2019 c 263 s 601 are each amended to
2 read as follows:

3 (1) Every person who is sentenced to a period of community
4 custody shall report to and be placed under the supervision of the
5 department, subject to RCW 9.94A.501.

6 (2) (a) The department shall assess the offender's risk of
7 reoffense and may establish and modify additional conditions of
8 community custody based upon the risk to community safety.

9 (b) Within the funds available for community custody, the
10 department shall determine conditions on the basis of risk to
11 community safety, and shall supervise offenders during community
12 custody on the basis of risk to community safety and conditions
13 imposed by the court. The secretary shall adopt rules to implement
14 the provisions of this subsection (2) (b).

15 (3) If the offender is supervised by the department, the
16 department shall at a minimum instruct the offender to:

17 (a) Report as directed to a community corrections officer;

18 (b) Remain within prescribed geographical boundaries;

19 (c) Notify the community corrections officer of any change in the
20 offender's address or employment; and

21 (d) ~~((Pay the supervision fee assessment; and~~

22 ~~(e)))~~ Disclose the fact of supervision to any mental health,
23 chemical dependency, or domestic violence treatment provider, as
24 required by RCW 9.94A.722.

25 (4) The department may require the offender to participate in
26 rehabilitative programs, or otherwise perform affirmative conduct,
27 and to obey all laws.

28 (5) If the offender was sentenced pursuant to a conviction for a
29 sex offense or domestic violence, the department may:

30 (a) Require the offender to refrain from direct or indirect
31 contact with the victim of the crime or immediate family member of
32 the victim of the crime. If a victim or an immediate family member of
33 a victim has requested that the offender not contact him or her after
34 notice as provided in RCW 72.09.340, the department shall require the
35 offender to refrain from contact with the requestor. Where the victim
36 is a minor, the parent or guardian of the victim may make a request
37 on the victim's behalf. This subsection is not intended to reduce the
38 preexisting authority of the department to impose no-contact
39 conditions regardless of the offender's crime and regardless of who

1 is protected by the no-contact condition, where such condition is
2 based on risk to community safety.

3 (b) Impose electronic monitoring. Within the resources made
4 available by the department for this purpose, the department shall
5 carry out any electronic monitoring using the most appropriate
6 technology given the individual circumstances of the offender. As
7 used in this section, "electronic monitoring" has the same meaning as
8 in RCW 9.94A.030.

9 (6) The department may not impose conditions that are contrary to
10 those ordered by the court and may not contravene or decrease court-
11 imposed conditions.

12 (7)(a) The department shall notify the offender in writing of any
13 additional conditions or modifications.

14 (b) By the close of the next business day after receiving notice
15 of a condition imposed or modified by the department, an offender may
16 request an administrative review under rules adopted by the
17 department. The condition shall remain in effect unless the reviewing
18 officer finds that it is not reasonably related to the crime of
19 conviction, the offender's risk of reoffending, or the safety of the
20 community.

21 (8) The department shall notify the offender in writing upon
22 community custody intake of the department's violation process.

23 (9) The department may require offenders to pay for special
24 services rendered including electronic monitoring, day reporting, and
25 telephone reporting, dependent on the offender's ability to pay. The
26 department may pay for these services for offenders who are not able
27 to pay.

28 (10)(a) When an offender on community custody is under the
29 authority of the board, the department shall assess the offender's
30 risk of recidivism and shall recommend to the board any additional or
31 modified conditions based upon the offender's risk to community
32 safety and may recommend affirmative conduct or electronic monitoring
33 consistent with subsections (4) through (6) of this section.

34 (b) The board may impose conditions in addition to court-ordered
35 conditions. The board must consider and may impose department-
36 recommended conditions. The board must impose a condition requiring
37 the offender to refrain from contact with the victim or immediate
38 family member of the victim as provided in subsection (5)(a) of this
39 section.

1 (c) By the close of the next business day, after receiving notice
2 of a condition imposed by the board or the department, an offender
3 may request an administrative hearing under rules adopted by the
4 board. The condition shall remain in effect unless the hearing
5 examiner finds that it is not reasonably related to any of the
6 following:

- 7 (i) The crime of conviction;
- 8 (ii) The offender's risk of reoffending;
- 9 (iii) The safety of the community;
- 10 (iv) The offender's risk of domestic violence reoffense.

11 (d) If the department finds that an emergency exists requiring
12 the immediate imposition of additional conditions in order to prevent
13 the offender from committing a crime, the department may impose such
14 conditions. The department may not impose conditions that are
15 contrary to those set by the board or the court and may not
16 contravene or decrease court-imposed or board-imposed conditions.
17 Conditions imposed under this subsection shall take effect
18 immediately after notice to the offender by personal service, but
19 shall not remain in effect longer than seven working days unless
20 approved by the board.

21 (11) In setting, modifying, and enforcing conditions of community
22 custody, the department shall be deemed to be performing a
23 quasi-judicial function.

24 **Sec. 7.** RCW 9.94B.050 and 2020 c 276 s 2 are each amended to
25 read as follows:

26 When a court sentences an offender to a term of total confinement
27 in the custody of the department for any of the offenses specified in
28 this section, the court shall also sentence the offender to a term of
29 community placement as provided in this section. Except as provided
30 in RCW 9.94A.501, the department shall supervise any sentence of
31 community placement imposed under this section.

32 (1) The court shall order a one-year term of community placement
33 for the following:

34 (a) A sex offense or a serious violent offense committed after
35 July 1, 1988, but before July 1, 1990; or

36 (b) An offense committed on or after July 1, 1988, but before
37 July 25, 1999, that is:

- 38 (i) Assault in the second degree;
- 39 (ii) Assault of a child in the second degree;

1 (iii) A crime against persons where it is determined in
2 accordance with RCW 9.94A.825 that the offender or an accomplice was
3 armed with a deadly weapon at the time of commission; or

4 (iv) A felony offense under chapter 69.50 or 69.52 RCW not
5 sentenced under RCW 9.94A.660.

6 (2) The court shall sentence the offender to a term of community
7 placement of two years or up to the period of earned release awarded
8 pursuant to RCW 9.94A.728, whichever is longer, for:

9 (a) An offense categorized as a sex offense committed on or after
10 July 1, 1990, but before June 6, 1996, including those sex offenses
11 also included in other offense categories;

12 (b) A serious violent offense other than a sex offense committed
13 on or after July 1, 1990, but before July 1, 2000; or

14 (c) A vehicular homicide or vehicular assault committed on or
15 after July 1, 1990, but before July 1, 2000.

16 (3) The community placement ordered under this section shall
17 begin either upon completion of the term of confinement or at such
18 time as the offender is transferred to community custody in lieu of
19 earned release. When the court sentences an offender to the statutory
20 maximum sentence then the community placement portion of the sentence
21 shall consist entirely of the community custody to which the offender
22 may become eligible. Any period of community custody actually served
23 shall be credited against the community placement portion of the
24 sentence. The community placement shall run concurrently to any
25 period of probation, parole, community supervision, community
26 placement, or community custody previously imposed by any court in
27 any jurisdiction, unless the court pronouncing the current sentence
28 expressly orders that they be served consecutively to each other.

29 (4) Unless a condition is waived by the court, the terms of any
30 community placement imposed under this section shall include the
31 following conditions:

32 (a) The offender shall report to and be available for contact
33 with the assigned community corrections officer as directed;

34 (b) The offender shall work at department-approved education,
35 employment, or community restitution, or any combination thereof;

36 (c) The offender shall not possess or consume controlled
37 substances except pursuant to lawfully issued prescriptions; and

38 ~~(d) ((The offender shall pay supervision fees as determined by~~
39 ~~the department; and~~

1 ~~(e))~~) The residence location and living arrangements shall be
2 subject to the prior approval of the department during the period of
3 community placement.

4 (5) As a part of any terms of community placement imposed under
5 this section, the court may also order one or more of the following
6 special conditions:

7 (a) The offender shall remain within, or outside of, a specified
8 geographical boundary;

9 (b) The offender shall not have direct or indirect contact with
10 the victim of the crime or a specified class of individuals;

11 (c) The offender shall participate in crime-related treatment or
12 counseling services;

13 (d) The offender shall not consume alcohol; or

14 (e) The offender shall comply with any crime-related
15 prohibitions.

16 (6) An offender convicted of a felony sex offense against a minor
17 victim after June 6, 1996, shall comply with any terms and conditions
18 of community placement imposed by the department relating to contact
19 between the sex offender and a minor victim or a child of similar age
20 or circumstance as a previous victim.

21 (7) Prior to or during community placement, upon recommendation
22 of the department, the sentencing court may remove or modify any
23 conditions of community placement so as not to be more restrictive.

24 **Sec. 8.** RCW 9.95.204 and 2011 1st sp.s. c 40 s 6 are each
25 amended to read as follows:

26 (1) When a superior court places a defendant convicted of a
27 misdemeanor or gross misdemeanor on probation and orders supervision
28 under RCW 9.92.060 or 9.95.210, the department of corrections has
29 responsibility for supervision of defendants pursuant to RCW
30 9.94A.501 and 9.94A.5011.

31 (2) A county legislative authority may assume responsibility for
32 the supervision of defendants within its jurisdiction who have been
33 convicted of a misdemeanor or gross misdemeanor and sentenced to
34 probation by a superior court. If a county legislative authority
35 chooses to assume responsibility for defendants supervised by the
36 department, the assumption of responsibility shall be made by
37 contract with the department of corrections on a biennial basis.

38 (3) The state of Washington, the department of corrections and
39 its employees, community corrections officers, and volunteers who

1 assist community corrections officers are not liable for any harm
2 caused by the actions of a superior court misdemeanor probationer
3 who is under the supervision of a county. A county, its probation
4 department and employees, probation officers, and volunteers who
5 assist probation officers are not liable for any harm caused by the
6 actions of a superior court misdemeanor probationer who is under the
7 supervision of the department of corrections.

8 (4) The state of Washington, the department of corrections and
9 its employees, community corrections officers, any county providing
10 supervision services pursuant to this section and its employees,
11 probation officers, and volunteers who assist community corrections
12 officers and probation officers in the superior court misdemeanor
13 probation program are not liable for civil damages resulting from any
14 act or omission in the rendering of superior court misdemeanor
15 probation activities unless the act or omission constitutes gross
16 negligence. For purposes of this section, "volunteers" is defined
17 according to RCW 51.12.035.

18 (5) (a) If a misdemeanor probationer requests permission to
19 travel or transfer to another state, the assigned probation officer
20 employed or contracted for by the county shall determine whether such
21 request is subject to RCW 9.94A.745, the interstate compact for adult
22 offender supervision. If such request is subject to the compact, the
23 probation officer shall:

24 (i) Notify the department of corrections of the probationer's
25 request;

26 (ii) Provide the department of corrections with the supporting
27 documentation it requests for processing an application for transfer;

28 ~~(iii) ((Notify the probationer of the fee due to the department
29 of corrections for processing an application under the compact;~~

30 ~~(iv))~~ Cease supervision of the probationer while another state
31 supervises the probationer pursuant to the compact; and

32 ~~((v))~~ (iv) Resume supervision if the probationer returns to
33 this state before the term of probation expires.

34 (b) The probationer shall receive credit for time served while
35 being supervised by another state.

36 **Sec. 9.** RCW 36.18.016 and 2021 c 102 s 17 are each amended to
37 read as follows:

38 (1) Revenue collected under this section is not subject to
39 division under RCW 36.18.025 or 27.24.070.

1 (2) (a) For the filing of a petition for modification of a decree
2 of dissolution or paternity, within the same case as the original
3 action, and any party filing a counterclaim, cross-claim, or third-
4 party claim in any such action, a fee of (~~thirty-six dollars~~) \$36
5 must be paid.

6 (b) The party filing the first or initial petition for
7 dissolution, legal separation, or declaration concerning the validity
8 of marriage shall pay, at the time and in addition to the filing fee
9 required under RCW 36.18.020, a fee of (~~fifty-four dollars~~) \$54.
10 The clerk of the superior court shall transmit monthly (~~forty-eight~~
11 ~~dollars~~) \$48 of the (~~fifty-four dollar~~) \$54 fee collected under
12 this subsection to the state treasury for deposit in the domestic
13 violence prevention account. The remaining six dollars shall be
14 retained by the county for the purpose of supporting community-based
15 domestic violence services within the county, except for five percent
16 of the six dollars, which may be retained by the court for
17 administrative purposes. On or before December 15th of each year, the
18 county shall report to the department of social and health services
19 revenues associated with this section and community-based domestic
20 violence services expenditures. The department of social and health
21 services shall develop a reporting form to be utilized by counties
22 for uniform reporting purposes.

23 (3) (a) The party making a demand for a jury of six in a civil
24 action shall pay, at the time, a fee of (~~one hundred twenty-five~~
25 ~~dollars~~) \$125; if the demand is for a jury of (~~twelve~~) 12, a fee
26 of (~~two hundred fifty dollars~~) \$250. If, after the party demands a
27 jury of six and pays the required fee, any other party to the action
28 requests a jury of (~~twelve~~) 12, an additional (~~one hundred twenty-~~
29 ~~five dollar~~) \$125 fee will be required of the party demanding the
30 increased number of jurors.

31 (b) Upon conviction in criminal cases a jury demand charge of
32 (~~one hundred twenty-five dollars~~) \$125 for a jury of six, or (~~two~~
33 ~~hundred fifty dollars~~) \$250 for a jury of (~~twelve~~) 12 may be
34 imposed as costs under RCW 10.46.190.

35 (4) For preparing a certified copy of an instrument on file or of
36 record in the clerk's office, for the first page or portion of the
37 first page, a fee of five dollars, and for each additional page or
38 portion of a page, a fee of one dollar must be charged. For
39 authenticating or exemplifying an instrument, a fee of two dollars
40 for each additional seal affixed must be charged. For preparing a

1 copy of an instrument on file or of record in the clerk's office
2 without a seal, a fee of (~~fifty~~) 50 cents per page must be charged.
3 When copying a document without a seal or file that is in an
4 electronic format, a fee of (~~twenty-five~~) 25 cents per page must be
5 charged. For copies made on a compact disc, an additional fee of
6 (~~twenty-dollars~~) \$20 for each compact disc must be charged.

7 (5) For executing a certificate, with or without a seal, a fee of
8 two dollars must be charged.

9 (6) For a garnishee defendant named in an affidavit for
10 garnishment and for a writ of attachment, a fee of (~~twenty-dollars~~)
11 \$20 must be charged.

12 (7) For filing a supplemental proceeding, a fee of (~~twenty~~
13 ~~dollars~~) \$20 must be charged.

14 (8) For approving a bond, including justification on the bond, in
15 other than civil actions and probate proceedings, a fee of two
16 dollars must be charged.

17 (9) For the issuance of a certificate of qualification and a
18 certified copy of letters of administration, letters testamentary, or
19 letters of guardianship, there must be a fee of five dollars.

20 (10) For the preparation of a passport application, the clerk may
21 collect an execution fee as authorized by the federal government.

22 (11) For clerk's services such as performing historical searches,
23 compiling statistical reports, and conducting exceptional record
24 searches, the clerk may collect a fee not to exceed (~~thirty~~
25 ~~dollars~~) \$30 per hour.

26 (12) For processing ex parte orders, the clerk may collect a fee
27 of (~~thirty-dollars~~) \$30.

28 (13) For duplicated recordings of court's proceedings there must
29 be a fee of (~~ten-dollars~~) \$10 for each audiotape and (~~twenty-five~~
30 ~~dollars~~) \$25 for each video or other electronic storage medium.

31 (14) For registration of land titles, Torrens Act, under RCW
32 65.12.780, a fee of (~~twenty-dollars~~) \$20 must be charged.

33 (15) For the issuance of extension of judgment under RCW 6.17.020
34 and chapter 9.94A RCW, a fee of (~~two-hundred-dollars~~) \$200 must be
35 charged. When the extension of judgment is at the request of the
36 clerk, the (~~two-hundred-dollar~~) \$200 charge may be imposed as court
37 costs under RCW 10.46.190.

38 (16) A facilitator surcharge of up to (~~twenty-dollars~~) \$20 must
39 be charged as authorized under RCW 26.12.240.

1 (17) For filing an adjudication claim under RCW 90.03.180, a fee
2 of (~~twenty-five dollars~~) \$25 must be charged.

3 (18) For filing a claim of frivolous lien under RCW 60.04.081 or
4 60.90.130 or filing an action to release a lien under RCW 60.90.090
5 and 60.90.140, a fee of (~~thirty-five dollars~~) \$35 must be charged.

6 (19) For preparation of a change of venue, a fee of (~~twenty
7 dollars~~) \$20 must be charged by the originating court in addition to
8 the per page charges in subsection (4) of this section.

9 (20) A service fee of five dollars for the first page and one
10 dollar for each additional page must be charged for receiving faxed
11 documents, pursuant to Washington state rules of court, general rule
12 17.

13 (21) For preparation of clerk's papers under RAP 9.7, a fee of
14 (~~fifty~~) 50 cents per page must be charged.

15 (22) For copies and reports produced at the local level as
16 permitted by RCW 2.68.020 and supreme court policy, a variable fee
17 must be charged.

18 (23) Investment service charge and earnings under RCW 36.48.090
19 must be charged.

20 (24) Costs for nonstatutory services rendered by clerk by
21 authority of local ordinance or policy must be charged.

22 (25) For filing a request for civil arbitration, a filing fee may
23 be assessed against the party filing a statement of arbitrability not
24 to exceed (~~two hundred fifty dollars~~) \$250 as established by
25 authority of local ordinance. (~~Two hundred twenty dollars~~) \$220 of
26 this charge shall be used to offset the cost of the civil arbitration
27 program. (~~Thirty dollars~~) \$30 of each fee collected under this
28 subsection must be used for indigent defense services.

29 (26) For filing a request for trial de novo of a civil
30 arbitration award, a fee not to exceed (~~four hundred dollars~~) \$400
31 as established by authority of local ordinance must be charged.

32 (27) A public agency may not charge a fee to a law enforcement
33 agency, for preparation, copying, or mailing of certified copies of
34 the judgment and sentence, information, affidavit of probable cause,
35 and/or the notice of requirement to register, of a sex offender
36 convicted in a Washington court, when such records are necessary for
37 risk assessment, preparation of a case for failure to register, or
38 maintenance of a sex offender's registration file.

39 (28) For the filing of a will or codicil under the provisions of
40 chapter 11.12 RCW, a fee of (~~twenty dollars~~) \$20 must be charged.

1 (29) (~~For the collection of an adult offender's unpaid legal~~
2 ~~financial obligations, the clerk may impose an annual fee of up to~~
3 ~~one hundred dollars, pursuant to RCW 9.94A.780.~~

4 ~~(30))~~ A surcharge of up to (~~twenty dollars~~) \$20 may be charged
5 in dissolution and legal separation actions as authorized by RCW
6 26.12.260.

7 The revenue to counties from the fees established in this section
8 shall be deemed to be complete reimbursement from the state for the
9 state's share of benefits paid to the superior court judges of the
10 state prior to July 24, 2005, and no claim shall lie against the
11 state for such benefits.

12 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 9.94A.780 (Offender supervision intake fees) and 2011 1st
15 sp.s. c 40 s 10, 2008 c 231 s 37, 2003 c 379 s 18, 1991 c 104 s 1,
16 1989 c 252 s 8, 1984 c 209 s 15, & 1982 c 207 s 2; and

17 (2) RCW 72.04A.120 (Parolee supervision intake fees) and 2012 c
18 117 s 458, 2011 1st sp.s. c 40 s 12, 1991 c 104 s 2, 1989 c 252 s 20,
19 & 1982 c 207 s 1.

20 NEW SECTION. **Sec. 11.** RCW 72.11.040 (Cost of supervision fund)
21 and 2011 1st sp.s. c 40 s 13, 2005 c 518 s 943, 2003 1st sp.s. c 25 s
22 936, 2001 2nd sp.s. c 7 s 919, 2000 2nd sp.s. c 1 s 914, 1999 c 309 s
23 921, & 1989 c 252 s 26, as now existing or hereafter amended, is
24 repealed effective June 30, 2022.

25 NEW SECTION. **Sec. 12.** The state treasurer shall transfer all
26 residual funds in the cost of supervision fund to the general fund on
27 June 30, 2022.

28 NEW SECTION. **Sec. 13.** Section 4 of this act expires July 1,
29 2022.

30 NEW SECTION. **Sec. 14.** Section 5 of this act takes effect July
31 1, 2022.

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