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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1783

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AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By House Appropriations (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby, and Pollet)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to legal financial obligations; amending RCW  
2 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170,  
3 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333,  
4 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035;  
5 reenacting and amending RCW 3.62.020; and creating new sections.

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

7 **Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to  
8 read as follows:

9 (1) Except as provided in subsection (2) of this section,  
10 (~~financial obligations~~) restitution imposed in a judgment shall  
11 bear interest from the date of the judgment until payment, at the  
12 rate applicable to civil judgments. As of the effective date of this  
13 section, no interest shall accrue on nonrestitution legal financial  
14 obligations. All nonrestitution interest retained by the court shall  
15 be split twenty-five percent to the state treasurer for deposit in  
16 the state general fund, twenty-five percent to the state treasurer  
17 for deposit in the judicial information system account as provided in  
18 RCW 2.68.020, twenty-five percent to the county current expense fund,  
19 and twenty-five percent to the county current expense fund to fund  
20 local courts.

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

5 (a) The court shall waive all interest on the portions of the  
6 legal financial obligations that are not restitution that accrued  
7 ~~((during the term of total confinement for the conviction giving rise~~  
8 ~~to the financial obligations, provided the offender shows that the~~  
9 ~~interest creates a hardship for the offender or his or her immediate~~  
10 ~~family)) prior to the effective date of this section;~~

11 (b) The court may reduce interest on the restitution portion of  
12 the legal financial obligations only if the principal has been paid  
13 in full((÷

14 ~~(c) The court may otherwise reduce or waive the interest on the~~  
15 ~~portions of the legal financial obligations that are not restitution~~  
16 ~~if the offender shows that he or she has personally made a good faith~~  
17 ~~effort to pay and that the interest accrual is causing a significant~~  
18 ~~hardship. For purposes of this section, "good faith effort" means~~  
19 ~~that the offender has either (i) paid the principal amount in full;~~  
20 ~~or (ii) made at least fifteen monthly payments within an eighteen-~~  
21 ~~month period, excluding any payments mandatorily deducted by the~~  
22 ~~department of corrections;~~

23 ~~(d) For purposes of (a) through (c) of this subsection, the court~~  
24 ~~may reduce or waive interest on legal financial obligations only))~~  
25 and as an incentive for the offender to meet his or her other legal  
26 financial obligations. The court may grant the motion, establish a  
27 payment schedule, and retain jurisdiction over the offender for  
28 purposes of reviewing and revising the reduction or waiver of  
29 interest.

30 (3) This section only applies to adult offenders.

31 **Sec. 2.** RCW 3.50.100 and 2012 c 136 s 3 are each amended to read  
32 as follows:

33 (1) Costs in civil and criminal actions may be imposed as  
34 provided in district court. All fees, costs, fines, forfeitures and  
35 other money imposed by any municipal court for the violation of any  
36 municipal or town ordinances shall be collected by the court clerk  
37 and, together with any other noninterest revenues received by the  
38 clerk, shall be deposited with the city or town treasurer as a part  
39 of the general fund of the city or town, or deposited in such other

1 fund of the city or town, or deposited in such other funds as may be  
2 designated by the laws of the state of Washington.

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

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

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

25 (b) As of the effective date of this section, penalties, fines,  
26 bail forfeitures, fees, and costs imposed against a defendant in a  
27 criminal proceeding shall not accrue interest.

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

35 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and  
36 2012 c 134 s 6 are each reenacted and amended to read as follows:

37 (1) Except as provided in subsection (4) of this section, all  
38 costs, fees, fines, forfeitures and penalties assessed and collected  
39 in whole or in part by district courts, except costs, fines,

1 forfeitures and penalties assessed and collected, in whole or in  
2 part, because of the violation of city ordinances, shall be remitted  
3 by the clerk of the district court to the county treasurer at least  
4 monthly, together with a financial statement as required by the state  
5 auditor, noting the information necessary for crediting of such funds  
6 as required by law.

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

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

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

33 (5)(a) Except as provided in (b) of this subsection, penalties,  
34 finer, ((bail forfeitures,)) fees, and costs may accrue interest at  
35 the rate of twelve percent per annum, upon assignment to a collection  
36 agency. Interest may accrue only while the case is in collection  
37 status.

38 (b) As of the effective date of this section, penalties, fines,  
39 bail forfeitures, fees, and costs imposed against a defendant in a  
40 criminal proceeding shall not accrue interest.

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

8 **Sec. 4.** RCW 3.62.040 and 2012 c 136 s 5 are each amended to read  
9 as follows:

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

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

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

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

35 (5)(a) Except as provided in (b) of this subsection, penalties,  
36 fines, (~~bail forfeitures,~~) fees, and costs may accrue interest at  
37 the rate of twelve percent per annum, upon assignment to a collection  
38 agency. Interest may accrue only while the case is in collection  
39 status.

1       (b) As of the effective date of this section, penalties, fines,  
2 bail forfeitures, fees, and costs imposed against a defendant in a  
3 criminal proceeding shall not accrue interest.

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

11       **Sec. 5.** RCW 35.20.220 and 2012 c 136 s 7 are each amended to  
12 read as follows:

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

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

1 counsel. Money remitted under this subsection to the state treasurer  
2 shall be deposited in the state general fund.

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

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

11 (b) As of the effective date of this section, penalties, fines,  
12 bail forfeitures, fees, and costs imposed against a defendant in a  
13 criminal proceeding shall not accrue interest.

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

21 **Sec. 6.** RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each  
22 amended to read as follows:

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

29 (2) Costs shall be limited to expenses specially incurred by the  
30 state in prosecuting the defendant or in administering the deferred  
31 prosecution program under chapter 10.05 RCW or pretrial supervision.  
32 They cannot include expenses inherent in providing a constitutionally  
33 guaranteed jury trial or expenditures in connection with the  
34 maintenance and operation of government agencies that must be made by  
35 the public irrespective of specific violations of law. Expenses  
36 incurred for serving of warrants for failure to appear and jury fees  
37 under RCW 10.46.190 may be included in costs the court may require a  
38 defendant to pay. Costs for administering a deferred prosecution may  
39 not exceed two hundred fifty dollars. Costs for administering a

1 pretrial supervision other than a pretrial electronic alcohol  
2 monitoring program, drug monitoring program, or 24/7 sobriety program  
3 may not exceed one hundred fifty dollars. Costs for preparing and  
4 serving a warrant for failure to appear may not exceed one hundred  
5 dollars. Costs of incarceration imposed on a defendant convicted of a  
6 misdemeanor or a gross misdemeanor may not exceed the actual cost of  
7 incarceration. In no case may the court require the offender to pay  
8 more than one hundred dollars per day for the cost of incarceration.  
9 Payment of other court-ordered financial obligations, including all  
10 legal financial obligations and costs of supervision take precedence  
11 over the payment of the cost of incarceration ordered by the court.  
12 All funds received from defendants for the cost of incarceration in  
13 the county or city jail must be remitted for criminal justice  
14 purposes to the county or city that is responsible for the  
15 defendant's jail costs. Costs imposed constitute a judgment against a  
16 defendant and survive a dismissal of the underlying action against  
17 the defendant. However, if the defendant is acquitted on the  
18 underlying action, the costs for preparing and serving a warrant for  
19 failure to appear do not survive the acquittal, and the judgment that  
20 such costs would otherwise constitute shall be vacated.

21 (3) The court shall not order a defendant to pay costs (~~((unless))~~)  
22 if the defendant ((is or will be able to pay them)) at the time of  
23 sentencing is indigent as defined in RCW 10.101.010(3) (a) through  
24 (c). In determining the amount and method of payment of costs for  
25 defendants who are not indigent as defined in RCW 10.101.010(3) (a)  
26 through (c), the court shall take account of the financial resources  
27 of the defendant and the nature of the burden that payment of costs  
28 will impose.

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



1 exists where the defendant is indigent as defined in RCW  
2 10.101.010(3) (a) through (c).

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

21 **Sec. 7.** RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each  
22 amended to read as follows:

23 (1) When a defendant is sentenced to pay ((a)) fines, penalties,  
24 assessments, fees, restitution, or costs, the court may grant  
25 permission for payment to be made within a specified period of time  
26 or in specified installments. If the court finds that the defendant  
27 is indigent as defined in RCW 10.101.010(3) (a) through (c), the  
28 court shall grant permission for payment to be made within a  
29 specified period of time or in specified installments. If no such  
30 permission is included in the sentence the fine or costs shall be  
31 payable forthwith.

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

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

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

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

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

3 **Sec. 8.** RCW 10.01.180 and 2010 c 8 s 1006 are each amended to  
4 read as follows:

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

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

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

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

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

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

1 period. A person committed for nonpayment of ((a)) any fine, penalty,  
2 assessment, fee, or costs shall be given credit toward payment for  
3 each day of imprisonment at the rate specified in the commitment  
4 order.

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

20 ((+5)) (6) A default in the payment of ((a)) any fine, penalty,  
21 assessment, fee, or costs or any installment thereof may be collected  
22 by any means authorized by law for the enforcement of a judgment. The  
23 levy of execution for the collection of ((a)) any fine, penalty,  
24 assessment, fee, or costs shall not discharge a defendant committed  
25 to imprisonment for contempt until the amount ((of the fine or

26 costs)) has actually been collected.

27 **Sec. 9.** RCW 10.46.190 and 2005 c 457 s 12 are each amended to  
28 read as follows:

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

1       **Sec. 10.** RCW 10.64.015 and Code 1881 s 1104 are each amended to  
2 read as follows:

3       When the defendant is found guilty, the court shall render  
4 judgment accordingly, and the defendant (~~shall~~) may be liable for  
5 all costs, unless the court or jury trying the cause expressly find  
6 otherwise. The court shall not order a defendant to pay costs, as  
7 described in RCW 10.01.160, if the court finds that the person at the  
8 time of sentencing is indigent as defined in RCW 10.101.010(3) (a)  
9 through (c).

10       **Sec. 11.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read  
11 as follows:

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

27       **Sec. 12.** RCW 10.73.160 and 2015 c 265 s 22 are each amended to  
28 read as follows:

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

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

1 papers may be included in costs the court may require a convicted  
2 defendant to pay.

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

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

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

34 **Sec. 13.** RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to  
35 read as follows:

36 (1) If an offender violates any condition or requirement of a  
37 sentence, and the offender is not being supervised by the department,  
38 the court may modify its order of judgment and sentence and impose  
39 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; (~~or~~

17 ~~(iii) Convert monetary obligations, except restitution and the~~  
18 ~~crime victim penalty assessment, to community restitution hours at~~  
19 ~~the rate of the state minimum wage as established in RCW 49.46.020~~  
20 ~~for each hour of community restitution;))~~

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

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

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

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

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

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

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

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

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

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

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

38 ((+4)) (5) Nothing in this section prohibits the filing of  
39 escape charges if appropriate.

1       **Sec. 14.** RCW 9.94A.760 and 2011 c 106 s 3 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 ~~((an offender's monthly))~~ each payment~~((~~  
22 ~~restitution shall be paid prior to any payments of other monetary~~  
23 ~~obligations. After restitution is satisfied))~~ made by or on behalf of  
24 an offender, the county clerk shall distribute the payment  
25 ~~((proportionally among all other fines, costs, and assessments~~  
26 ~~imposed, unless otherwise ordered by the court))~~ in the following  
27 order of priority until satisfied:

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

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

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

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

36       ~~((2))~~ (3) If the court determines that the offender, at the  
37 time of sentencing, has the means to pay for the cost of  
38 incarceration, the court may require the offender to pay for the cost  
39 of incarceration ~~((at))~~. The court shall not order the offender to  
40 pay the cost of incarceration if the court finds that the offender at



1 the time of sentencing is indigent as defined in RCW 10.101.010(3)  
2 (a) through (c). Costs of incarceration ordered by the court shall  
3 not exceed a rate of fifty dollars per day of incarceration, if  
4 incarcerated in a prison, or the ~~((court may require the offender to~~  
5 ~~pay the))~~ actual cost of incarceration per day of incarceration, if  
6 incarcerated in a county jail. In no case may the court require the  
7 offender to pay more than one hundred dollars per day for the cost of  
8 incarceration. ~~((Payment of other court ordered financial~~  
9 ~~obligations, including all legal financial obligations and costs of~~  
10 ~~supervision shall take precedence over the payment of the cost of~~  
11 ~~incarceration ordered by the court.))~~ All funds recovered from  
12 offenders for the cost of incarceration in the county jail shall be  
13 remitted to the county and the costs of incarceration in a prison  
14 shall be remitted to the department.

15 ~~((+3))~~ (4) The court may add to the judgment and sentence or  
16 subsequent order to pay a statement that a notice of payroll  
17 deduction is to be issued immediately. If the court chooses not to  
18 order the immediate issuance of a notice of payroll deduction at  
19 sentencing, the court shall add to the judgment and sentence or  
20 subsequent order to pay a statement that a notice of payroll  
21 deduction may be issued or other income-withholding action may be  
22 taken, without further notice to the offender if a monthly court-  
23 ordered legal financial obligation payment is not paid when due, and  
24 an amount equal to or greater than the amount payable for one month  
25 is owed.

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

33 ~~((+4))~~ (5) Independent of the department or the county clerk,  
34 the party or entity to whom the legal financial obligation is owed  
35 shall have the authority to use any other remedies available to the  
36 party or entity to collect the legal financial obligation. These  
37 remedies include enforcement in the same manner as a judgment in a  
38 civil action by the party or entity to whom the legal financial  
39 obligation is owed. Restitution collected through civil enforcement  
40 must be paid through the registry of the court and must be

1 distributed proportionately according to each victim's loss when  
2 there is more than one victim. The judgment and sentence shall  
3 identify the party or entity to whom restitution is owed so that the  
4 state, party, or entity may enforce the judgment. If restitution is  
5 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of  
6 rape of a child or a victim's child born from the rape, the  
7 Washington state child support registry shall be identified as the  
8 party to whom payments must be made. Restitution obligations arising  
9 from the rape of a child in the first, second, or third degree that  
10 result in the pregnancy of the victim may be enforced for the time  
11 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other  
12 legal financial obligations for an offense committed prior to July 1,  
13 2000, may be enforced at any time during the ten-year period  
14 following the offender's release from total confinement or within ten  
15 years of entry of the judgment and sentence, whichever period ends  
16 later. Prior to the expiration of the initial ten-year period, the  
17 superior court may extend the criminal judgment an additional ten  
18 years for payment of legal financial obligations including crime  
19 victims' assessments. All other legal financial obligations for an  
20 offense committed on or after July 1, 2000, may be enforced at any  
21 time the offender remains under the court's jurisdiction. For an  
22 offense committed on or after July 1, 2000, the court shall retain  
23 jurisdiction over the offender, for purposes of the offender's  
24 compliance with payment of the legal financial obligations, until the  
25 obligation is completely satisfied, regardless of the statutory  
26 maximum for the crime. The department may only supervise the  
27 offender's compliance with payment of the legal financial obligations  
28 during any period in which the department is authorized to supervise  
29 the offender in the community under RCW 9.94A.728, 9.94A.501, or in  
30 which the offender is confined in a state correctional institution or  
31 a correctional facility pursuant to a transfer agreement with the  
32 department, and the department shall supervise the offender's  
33 compliance during any such period. The department is not responsible  
34 for supervision of the offender during any subsequent period of time  
35 the offender remains under the court's jurisdiction. The county clerk  
36 is authorized to collect unpaid legal financial obligations at any  
37 time the offender remains under the jurisdiction of the court for  
38 purposes of his or her legal financial obligations.

39 ((+5)) (6) In order to assist the court in setting a monthly sum  
40 that the offender must pay during the period of supervision, the

1 offender is required to report to the department for purposes of  
2 preparing a recommendation to the court. When reporting, the offender  
3 is required, under oath, to respond truthfully and honestly to all  
4 questions concerning present, past, and future earning capabilities  
5 and the location and nature of all property or financial assets. The  
6 offender is further required to bring all documents requested by the  
7 department.

8 ((+6+)) (7) After completing the investigation, the department  
9 shall make a report to the court on the amount of the monthly payment  
10 that the offender should be required to make towards a satisfied  
11 legal financial obligation.

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

26 (b) Subsequent to any period of supervision, or if the department  
27 is not authorized to supervise the offender in the community, the  
28 county clerk may make a recommendation to the court that the  
29 offender's monthly payment schedule be modified so as to reflect a  
30 change in financial circumstances. If the county clerk sets the  
31 monthly payment amount, or if the department set the monthly payment  
32 amount and the department has subsequently turned the collection of  
33 the legal financial obligation over to the county clerk, the clerk  
34 may modify the monthly payment amount without the matter being  
35 returned to the court. During the period of repayment, the county  
36 clerk may require the offender to report to the clerk for the purpose  
37 of reviewing the appropriateness of the collection schedule for the  
38 legal financial obligation. During this reporting, the offender is  
39 required under oath to respond truthfully and honestly to all  
40 questions concerning earning capabilities and the location and nature

1 of all property or financial assets. The offender shall bring all  
2 documents requested by the county clerk in order to prepare the  
3 collection schedule.

4 ~~((+8))~~ (9) After the judgment and sentence or payment order is  
5 entered, the department is authorized, for any period of supervision,  
6 to collect the legal financial obligation from the offender.  
7 Subsequent to any period of supervision or, if the department is not  
8 authorized to supervise the offender in the community, the county  
9 clerk is authorized to collect unpaid legal financial obligations  
10 from the offender. Any amount collected by the department shall be  
11 remitted daily to the county clerk for the purpose of disbursements.  
12 The department and the county clerks are authorized, but not  
13 required, to accept credit cards as payment for a legal financial  
14 obligation, and any costs incurred related to accepting credit card  
15 payments shall be the responsibility of the offender.

16 ~~((+9))~~ (10) The department or any obligee of the legal financial  
17 obligation may seek a mandatory wage assignment for the purposes of  
18 obtaining satisfaction for the legal financial obligation pursuant to  
19 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify  
20 the county clerk. The county clerks shall notify the department, or  
21 the administrative office of the courts, whichever is providing the  
22 monthly billing for the offender.

23 ~~((+10))~~ (11) The requirement that the offender pay a monthly sum  
24 towards a legal financial obligation constitutes a condition or  
25 requirement of a sentence and the offender is subject to the  
26 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,  
27 or 9.94A.740. If the court determines that the offender is homeless  
28 or a person who is mentally ill, as defined in RCW 71.24.025, failure  
29 to pay a legal financial obligation is not willful noncompliance and  
30 shall not subject the offender to penalties.

31 ~~((+11))~~ (12)(a) The administrative office of the courts shall  
32 mail individualized periodic billings to the address known by the  
33 office for each offender with an unsatisfied legal financial  
34 obligation.

35 (b) The billing shall direct payments, other than outstanding  
36 cost of supervision assessments under RCW 9.94A.780, parole  
37 assessments under RCW 72.04A.120, and cost of probation assessments  
38 under RCW 9.95.214, to the county clerk, and cost of supervision,  
39 parole, or probation assessments to the department.

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

4 (d) The county clerks, the administrative office of the courts,  
5 and the department shall maintain agreements to implement this  
6 subsection.

7 (~~(12)~~) (13) The department shall arrange for the collection of  
8 unpaid legal financial obligations during any period of supervision  
9 in the community through the county clerk. The department shall  
10 either collect unpaid legal financial obligations or arrange for  
11 collections through another entity if the clerk does not assume  
12 responsibility or is unable to continue to assume responsibility for  
13 collection pursuant to subsection (~~(4)~~) (5) of this section. The  
14 costs for collection services shall be paid by the offender.

15 (~~(13)~~) (14) The county clerk may access the records of the  
16 employment security department for the purposes of verifying  
17 employment or income, seeking any assignment of wages, or performing  
18 other duties necessary to the collection of an offender's legal  
19 financial obligations.

20 (~~(14)~~) (15) Nothing in this chapter makes the department, the  
21 state, the counties, or any state or county employees, agents, or  
22 other persons acting on their behalf liable under any circumstances  
23 for the payment of these legal financial obligations or for the acts  
24 of any offender who is no longer, or was not, subject to supervision  
25 by the department for a term of community custody, and who remains  
26 under the jurisdiction of the court for payment of legal financial  
27 obligations.

28 **Sec. 15.** RCW 9.94B.040 and 2002 c 175 s 8 are each amended to  
29 read as follows:

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

33 (2) In cases where conditions from a second or later sentence of  
34 community supervision begin prior to the term of the second or later  
35 sentence, the court shall treat a violation of such conditions as a  
36 violation of the sentence of community supervision currently being  
37 served.

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

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

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

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

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

29 (c) The state has the burden of showing noncompliance by a  
30 preponderance of the evidence. If the court finds that the violation  
31 has occurred, it may order the offender to be confined for a period  
32 not to exceed sixty days for each violation, and may (i) convert a  
33 term of partial confinement to total confinement, (ii) convert  
34 community restitution obligation to total or partial confinement, or  
35 ~~(iii) ((convert monetary obligations, except restitution and the~~  
36 ~~crime victim penalty assessment, to community restitution hours at~~  
37 ~~the rate of the state minimum wage as established in RCW 49.46.020~~  
38 ~~for each hour of community restitution, or (iv))~~) order one or more  
39 of the penalties authorized in (a)(i) of this subsection. Any time

1 served in confinement awaiting a hearing on noncompliance shall be  
2 credited against any confinement order by the court;

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

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

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

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

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

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

1 liabilities including child support and other legal financial  
2 obligations; and (iii) the offender's bona fide efforts to acquire  
3 additional resources. An offender who is indigent as defined by RCW  
4 10.101.010(3) (a) through (c) is presumed to lack the current ability  
5 to pay;

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

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

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

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

31 ~~((+5))~~ (6) An offender under community placement or community  
32 supervision who is civilly detained under chapter 71.05 RCW, and  
33 subsequently discharged or conditionally released to the community,  
34 shall be under the supervision of the department of corrections for  
35 the duration of his or her period of community placement or community  
36 supervision. During any period of inpatient mental health treatment  
37 that falls within the period of community placement or community  
38 supervision, the inpatient treatment provider and the supervising  
39 community corrections officer shall notify each other about the



1 offender's discharge, release, and legal status, and shall share  
2 other relevant information.

3 ~~((+6))~~ (7) Nothing in this section prohibits the filing of  
4 escape charges if appropriate.

5 **Sec. 16.** RCW 3.62.085 and 2005 c 457 s 10 are each amended to  
6 read as follows:

7 Upon conviction or a plea of guilty in any court organized under  
8 this title or Title 35 RCW, a defendant in a criminal case is liable  
9 for a fee of forty-three dollars, except this fee shall not be  
10 imposed on a defendant who is indigent as defined in RCW  
11 10.101.010(3) (a) through (c). This fee shall be subject to division  
12 with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2),  
13 3.62.040(2), and 35.20.220(2).

14 **Sec. 17.** RCW 36.18.020 and 2017 3rd sp.s. c 2 s 3 are each  
15 amended to read as follows:

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

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

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

36 (b) Any party, except a defendant in a criminal case, filing the  
37 first or initial document on an appeal from a court of limited

1 jurisdiction or any party on any civil appeal, shall pay, when the  
2 document is filed, a fee of two hundred dollars.

3 (c) For filing of a petition for judicial review as required  
4 under RCW 34.05.514 a filing fee of two hundred dollars.

5 (d) For filing of a petition for unlawful harassment under RCW  
6 10.14.040 a filing fee of fifty-three dollars.

7 (e) For filing the notice of debt due for the compensation of a  
8 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

9 (f) In probate proceedings, the party instituting such  
10 proceedings, shall pay at the time of filing the first document  
11 therein, a fee of two hundred dollars.

12 (g) For filing any petition to contest a will admitted to probate  
13 or a petition to admit a will which has been rejected, or a petition  
14 objecting to a written agreement or memorandum as provided in RCW  
15 11.96A.220, there shall be paid a fee of two hundred dollars.

16 (h) Upon conviction or plea of guilty, upon failure to prosecute  
17 an appeal from a court of limited jurisdiction as provided by law, or  
18 upon affirmance of a conviction by a court of limited jurisdiction,  
19 an adult defendant in a criminal case shall be liable for a fee of  
20 two hundred dollars, except this fee shall not be imposed on a  
21 defendant who is indigent as defined in RCW 10.101.010(3) (a) through  
22 (c).

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

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

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

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

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

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

7 **Sec. 18.** RCW 43.43.7541 and 2015 c 265 s 31 are each amended to  
8 read as follows:

9 Every sentence imposed for a crime specified in RCW 43.43.754  
10 must include a fee of one hundred dollars unless the state has  
11 previously collected the offender's DNA as a result of a prior  
12 conviction. The fee is a court-ordered legal financial obligation as  
13 defined in RCW 9.94A.030 and other applicable law. For a sentence  
14 imposed under chapter 9.94A RCW, the fee is payable by the offender  
15 after payment of all other legal financial obligations included in  
16 the sentence has been completed. For all other sentences, the fee is  
17 payable by the offender in the same manner as other assessments  
18 imposed. The clerk of the court shall transmit eighty percent of the  
19 fee collected to the state treasurer for deposit in the state DNA  
20 database account created under RCW 43.43.7532, and shall transmit  
21 twenty percent of the fee collected to the agency responsible for  
22 collection of a biological sample from the offender as required under  
23 RCW 43.43.754. This fee shall not be imposed on juvenile offenders if  
24 the state has previously collected the juvenile offender's DNA as a  
25 result of a prior conviction.

26 **Sec. 19.** RCW 7.68.035 and 2015 c 265 s 8 are each amended to  
27 read as follows:

28 (1)(a) When any person is found guilty in any superior court of  
29 having committed a crime, except as provided in subsection (2) of  
30 this section, there shall be imposed by the court upon such convicted  
31 person a penalty assessment. The assessment shall be in addition to  
32 any other penalty or fine imposed by law and shall be five hundred  
33 dollars for each case or cause of action that includes one or more  
34 convictions of a felony or gross misdemeanor and two hundred fifty  
35 dollars for any case or cause of action that includes convictions of  
36 only one or more misdemeanors.

37 (b) When any juvenile is adjudicated of an offense that is a most  
38 serious offense as defined in RCW 9.94A.030, or a sex offense under

1 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender  
2 a penalty assessment. The assessment shall be in addition to any  
3 other penalty or fine imposed by law and shall be one hundred dollars  
4 for each case or cause of action.

5 (c) When any juvenile is adjudicated of an offense which has a  
6 victim, and which is not a most serious offense as defined in RCW  
7 9.94A.030 or a sex offense under chapter 9A.44 RCW, the court shall  
8 order up to seven hours of community restitution, unless the court  
9 finds that such an order is not practicable for the offender. This  
10 community restitution must be imposed consecutively to any other  
11 community restitution the court imposes for the offense.

12 (2) The assessment imposed by subsection (1) of this section  
13 shall not apply to motor vehicle crimes defined in Title 46 RCW  
14 except those defined in the following sections: RCW 46.61.520,  
15 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,  
16 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,  
17 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,  
18 46.44.180, 46.10.490(2), and 46.09.470(2).

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

26 (4) Such penalty assessments shall be paid by the clerk of the  
27 superior court to the county treasurer (~~(who shall monthly transmit~~  
28 ~~the money as provided in RCW 10.82.070)~~). Each county shall deposit  
29 (~~(fifty)~~) one hundred percent of the money it receives per case or  
30 cause of action under subsection (1) of this section (~~(and retains~~  
31 ~~under RCW 10.82.070)~~), not less than one and seventy-five one-  
32 hundredths percent of the remaining money it retains under RCW  
33 10.82.070 and the money it retains under chapter 3.62 RCW, and all  
34 money it receives under subsection (7) of this section into a fund  
35 maintained exclusively for the support of comprehensive programs to  
36 encourage and facilitate testimony by the victims of crimes and  
37 witnesses to crimes. A program shall be considered "comprehensive"  
38 only after approval of the department upon application by the county  
39 prosecuting attorney. The department shall approve as comprehensive  
40 only programs which:

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

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

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

14 (d) Assist victims in the restitution and adjudication process;  
15 and

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

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

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

1 deposited by the county under subsection (4) of this section to the  
2 state treasurer for deposit in the state general fund.

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

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

11 NEW SECTION. **Sec. 20.** Nothing in this act requires the courts  
12 to refund or reimburse amounts previously paid towards legal  
13 financial obligations or interest on legal financial obligations.

14 NEW SECTION. **Sec. 21.** If specific funding for the purposes of  
15 this act, referencing this act by bill or chapter number, is not  
16 provided by June 30, 2018, in the omnibus appropriations act, this  
17 act is null and void.

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