
HOUSE BILL 2102

State of Washington

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2026 Regular Session

By Representatives Reed, Berry, Mena, Cortes, Street, Scott, Ormsby, Farivar, Macri, Fosse, Hill, and Pollet

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1 AN ACT Relating to legal financial obligations; amending RCW
2 3.50.100, 3.62.020, 3.62.040, 3.66.120, 6.17.020, 9.92.060,
3 9.94A.725, 9.94A.750, 9.94A.753, 9.94A.760, 9.95.210, 10.01.160,
4 10.01.170, 10.01.185, 10.05.140, 10.05.170, 10.64.015, 10.64.120,
5 10.82.070, 10.101.020, 35.20.220, 36.18.016, 36.18.020, 4.56.110,
6 7.68.035, 9.92.070, 9.94A.6333, 9.94B.040, 10.01.090, 10.01.180, and
7 43.79.505; adding new sections to chapter 10.01 RCW; and repealing
8 RCW 3.62.085, 10.46.190, 10.73.160, 10.82.090, and 70.48.390.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 10.01
11 RCW to read as follows:

12 (1) A previously imposed judgment against an offender for any
13 costs, fees, and interest on restitution or other legal financial
14 obligations eliminated or repealed by this act is not enforceable
15 after the effective date of this section. The court shall not accept
16 payments for such costs and fees or for any accrued interest on
17 restitution or nonrestitution legal financial obligations after the
18 effective date of this section. Any such debts shall be considered
19 null and void and satisfied and paid in full. Nothing in this section
20 shall require a clerk to take any action or alter any record except
21 by the lawful order of a judge.

1 (2) Nothing in this section shall prevent a court from granting
2 individual relief at any time in response to a motion. On motion of
3 an offender, the court shall waive all uncollectible portions of the
4 offender's legal financial obligations, including accrued interest on
5 restitution and nonrestitution legal financial obligations. The
6 presiding judge of a superior court or court of limited jurisdiction
7 may authorize an administrative process to waive outstanding debt for
8 any uncollectible legal financial obligation, other than restitution,
9 including accrued interest on restitution and nonrestitution legal
10 financial obligations, imposed against an adult.

11 (3) For the purposes of this section, the clerk of the superior
12 court or court administrator of a court of limited jurisdiction may
13 seek a judicial order to waive outstanding debt for costs and fees,
14 other than restitution, and for accrued interest on restitution and
15 nonrestitution legal financial obligations, in the same manner as the
16 clerk is authorized to seek an extension of jurisdiction under RCW
17 6.17.020 for purposes of collection as allowed under RCW 36.18.190.
18 Any motion filed by a clerk or court administrator under this section
19 does not constitute the practice of law.

20 **Sec. 2.** RCW 3.50.100 and 2018 c 269 s 2 are each amended to read
21 as follows:

22 (1) Costs in civil and criminal actions may be imposed as
23 provided in district court. All fees, costs, fines, forfeitures and
24 other money imposed by any municipal court for the violation of any
25 municipal or town ordinances shall be collected by the court clerk
26 and, together with any other noninterest revenues received by the
27 clerk, shall be deposited with the city or town treasurer as a part
28 of the general fund of the city or town, or deposited in such other
29 fund of the city or town, or deposited in such other funds as may be
30 designated by the laws of the state of Washington.

31 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
32 treasurer shall remit monthly (~~(thirty-two)~~) 32 percent of the
33 noninterest money received under this section, other than for parking
34 infractions, and certain costs to the state treasurer. "Certain
35 costs" as used in this subsection, means those costs awarded to
36 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,
37 or those costs awarded against convicted defendants in criminal
38 actions (~~(under RCW 10.01.160, 10.46.190, or 36.18.040, or other~~
39 ~~similar statutes)) as specifically authorized by statute if such~~

1 costs are specifically designated as costs by the court (~~and are~~
2 ~~awarded for the specific reimbursement of costs incurred by the~~
3 ~~state, county, city, or town in the prosecution of the case,~~
4 ~~including the fees of defense counsel)). Money remitted under this~~

5 subsection to the state treasurer shall be deposited in the state
6 general fund.
7 (3) The balance of the noninterest money received under this
8 section shall be retained by the city and deposited as provided by
9 law.

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

14 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
15 and costs imposed against a defendant in a criminal proceeding shall
16 not accrue interest.

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

25 **Sec. 3.** RCW 3.62.020 and 2018 c 269 s 3 are each amended to read
26 as follows:

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

36 (2) Except as provided in RCW 9A.88.120, 10.99.080,
37 7.84.100(~~(4)~~) (5), and this section, the county treasurer shall
38 remit (~~thirty-two~~) 32 percent of the noninterest money received
39 under subsection (1) of this section except certain costs to the

1 state treasurer. "Certain costs" as used in this subsection, means
2 those costs awarded to prevailing parties in civil actions under RCW
3 4.84.010 or 36.18.040, or those costs awarded against convicted
4 defendants in criminal actions (~~(under RCW 10.01.160, 10.46.190, or~~
5 ~~36.18.040, or other similar statutes)~~) as specifically authorized by
6 statute if such costs are specifically designated as costs by the
7 court (~~(and are awarded for the specific reimbursement of costs~~
8 ~~incurred by the state or county in the prosecution of the case,~~
9 ~~including the fees of defense counsel)~~). With the exception of funds
10 to be transferred to the judicial stabilization trust account under
11 RCW 3.62.060(2), money remitted under this subsection to the state
12 treasurer shall be deposited in the state general fund.

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

19 (4) Except as provided in RCW 7.84.100(~~(+4)~~) (5), all money
20 collected for county parking infractions shall be remitted by the
21 clerk of the district court at least monthly, with the information
22 required under subsection (1) of this section, to the county
23 treasurer for deposit in the county current expense fund.

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

28 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
29 and costs imposed against a defendant in a criminal proceeding shall
30 not accrue interest.

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

1 **Sec. 4.** RCW 3.62.040 and 2018 c 269 s 4 are each amended to read
2 as follows:

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

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

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

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

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

34 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
35 and costs imposed against a defendant in a criminal proceeding shall
36 not accrue interest.

37 (6) Interest retained by the court on penalties, fines, (~~(bail~~
38 ~~forfeitures,)~~) fees, and costs imposed in civil proceedings shall be
39 split (~~(twenty-five)~~) 25 percent to the state treasurer for deposit
40 in the state general fund, (~~(twenty-five)~~) 25 percent to the state

1 treasurer for deposit in the judicial information system account as
2 provided in RCW 2.68.020, (~~(twenty-five)~~) 25 percent to the city
3 general fund, and (~~(twenty-five)~~) 25 percent to the city general fund
4 to fund local courts.

5 **Sec. 5.** RCW 3.66.120 and 2022 c 260 s 1 are each amended to read
6 as follows:

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

14 (2) At any time, including at sentencing, the court (~~(may)~~) shall
15 determine that the offender is not required to pay, or (~~(may)~~) shall
16 relieve the offender of the requirement to pay, full or partial
17 restitution (~~(and accrued interest on restitution)~~) where the entity
18 to whom restitution is owed is an insurer or state agency, except for
19 restitution owed to the department of labor and industries under
20 chapter 7.68 RCW, if the court finds that the offender does not have
21 the current (~~(or likely future)~~) ability to pay. A person does not
22 have the current ability to pay if the person is indigent as defined
23 in (~~(RCW 10.01.160(3))~~) section 14 of this act. For the purposes of
24 this subsection, the terms "insurer" and "state agency" have the same
25 meanings as provided in RCW 9.94A.750(3).

26 (3) All court-ordered restitution obligations may be enforced at
27 any time during the 10-year period following the offender's release
28 from total confinement or within 10 years of entry of the judgment
29 and sentence, whichever period is longer. Prior to the expiration of
30 the initial 10-year period, the court may extend the criminal
31 judgment an additional 10 years for payment of court-ordered
32 restitution only if the court finds that the offender has not made a
33 good faith attempt to pay.

34 (4) The party or entity to whom the court-ordered restitution
35 obligation is owed may utilize any other remedies available to the
36 party or entity to collect the court-ordered financial obligation.

37 (5) Nothing in this section may be construed to deprive the court
38 of the authority to determine whether the offender's failure to pay
39 the legal financial obligation constitutes a violation of a condition

1 of probation or to impose a sanction upon the offender if such a
2 violation is found.

3 **Sec. 6.** RCW 6.17.020 and 2022 c 260 s 5 are each amended to read
4 as follows:

5 (1) Except as provided in subsections (2), (3), and (4) of this
6 section, the party in whose favor a judgment of a court has been or
7 may be filed or rendered, or the assignee or the current holder
8 thereof, may have an execution, garnishment, or other legal process
9 issued for the collection or enforcement of the judgment at any time
10 within 10 years from entry of the judgment or the filing of the
11 judgment in this state.

12 (2) After July 23, 1989, a party who obtains a judgment or order
13 of a court or an administrative order entered as defined in RCW
14 74.20A.020(6) for accrued child support, or the assignee or the
15 current holder thereof, may have an execution, garnishment, or other
16 legal process issued upon that judgment or order at any time within
17 10 years of the 18th birthday of the youngest child named in the
18 order for whom support is ordered.

19 (3) After June 9, 1994, a party in whose favor a judgment has
20 been filed as a foreign judgment or rendered pursuant to subsection
21 (1) or (4) of this section, or the assignee or the current holder
22 thereof, may, within 90 days before the expiration of the original
23 10-year period, apply to the court that rendered the judgment or to
24 the court where the judgment was filed as a foreign judgment for an
25 order granting an additional 10 years during which an execution,
26 garnishment, or other legal process may be issued. If a district
27 court judgment of this state is transcribed to a superior court of
28 this state, the original district court judgment shall not be
29 extended and any petition under this section to extend the judgment
30 that has been transcribed to superior court shall be filed in the
31 superior court within 90 days before the expiration of the 10-year
32 period of the date the transcript of the district court judgment was
33 filed in the superior court of this state. The petitioner shall pay
34 to the court a filing fee equal to the filing fee for filing the
35 first or initial paper in a civil action in the court, except in the
36 case of district court judgments transcribed to superior court, where
37 the filing fee shall be the fee for filing the first or initial paper
38 in a civil action in the superior court where the judgment was
39 transcribed. The order granting the application shall contain an

1 updated judgment summary as provided in RCW 4.64.030. The filing fee
2 required under this subsection shall be included in the judgment
3 summary and shall be a recoverable cost. The application shall be
4 granted as a matter of right, subject to review only for timeliness,
5 factual issues of full or partial satisfaction, or errors in
6 calculating the judgment summary amounts.

7 (4) (a) A party who obtains a judgment or order for restitution
8 pursuant to a criminal judgment and sentence, or the assignee or the
9 current holder thereof, may execute, garnish, and/or have legal
10 process issued upon the judgment or order any time within 10 years
11 subsequent to the entry of the judgment and sentence or 10 years
12 following the offender's release from total confinement as provided
13 in chapter 9.94A RCW. The clerk of (~~(the)~~) the superior court, or a
14 party designated by the clerk, may seek extension under subsection
15 (3) of this section for purposes of collection as allowed under RCW
16 36.18.190, provided that no filing fee shall be required.

17 (b) A party who obtains a judgment or order for court-ordered
18 legal financial obligations other than restitution, pursuant to a
19 criminal judgment and sentence, or the assignee or the current holder
20 thereof, may execute, garnish, and have legal process issued upon the
21 judgment or order any time within 10 years subsequent to the entry of
22 the judgment and sentence or 10 years following the offender's
23 release from total confinement as provided in chapter 9.94A RCW. The
24 clerk of (~~(the)~~) the superior court, or a party designated by the
25 clerk, may seek extension under subsection (3) of this section for
26 purposes of collection as allowed under RCW 36.18.190, only if the
27 court finds that the offender has the current (~~(or likely future)~~)
28 ability to pay the nonrestitution legal financial obligations. A
29 person does not have the current ability to pay if the person is
30 indigent as defined in (~~(RCW 10.01.160(3))~~) section 14 of this act.
31 No filing fee shall be required for filing a petition for an
32 extension pursuant to this subsection (4) (b).

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

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

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

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

23 **Sec. 7.** RCW 9.92.060 and 2023 c 449 s 7 are each amended to read
24 as follows:

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

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

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

38 (2) As a condition to suspension of sentence, the superior court
39 may require the convicted person to make such monetary payments, on

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

15 (3) At any time, including at sentencing, the court (~~may~~) shall
16 determine that the offender is not required to pay, or (~~may~~) shall
17 relieve the offender of the requirement to pay, full or partial
18 restitution (~~and accrued interest on restitution~~) where the entity
19 to whom restitution is owed is an insurer or a state agency, except
20 for restitution owed to the department of labor and industries under
21 chapter 7.68 RCW, if the court finds that the offender does not have
22 the current (~~or likely future~~) ability to pay. A person does not
23 have the current ability to pay if the person is indigent as defined
24 in (~~RCW 10.01.160(3)~~) section 14 of this act. For the purposes of
25 this subsection, the terms "insurer" and "state agency" have the same
26 meanings as provided in RCW 9.94A.750(3).

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

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

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

8 **Sec. 8.** RCW 9.94A.725 and 2000 c 28 s 27 are each amended to
9 read as follows:

10 Participation in a work crew is conditioned upon the offender's
11 acceptance into the program, abstinence from alcohol and controlled
12 substances as demonstrated by urinalysis and breathalyzer monitoring,
13 (~~with the cost of monitoring to be paid by the offender, unless~~
14 ~~indigent,~~) and (~~upon~~) compliance with the rules of the program,
15 which rules require the offender to work to the best of his or her
16 abilities and provide the program with accurate, verified residence
17 information. Work crew may be imposed simultaneously with electronic
18 home detention.

19 Where work crew is imposed as part of a sentence of nine months
20 or more, the offender must serve a minimum of thirty days of total
21 confinement before being eligible for work crew.

22 Work crew tasks shall be performed for a minimum of thirty-five
23 hours per week. Only those offenders sentenced to a facility operated
24 or utilized under contract by a county or the state, or sanctioned
25 under RCW 9.94A.737, are eligible to participate on a work crew.
26 Offenders sentenced for a sex offense are not eligible for the work
27 crew program.

28 An offender who has successfully completed four weeks of work
29 crew at thirty-five hours per week shall thereafter receive credit
30 toward the work crew sentence for hours worked at approved, verified
31 employment. Such employment credit may be earned for up to twenty-
32 four hours actual employment per week provided, however, that every
33 such offender shall continue active participation in work crew
34 projects according to a schedule approved by a work crew supervisor
35 until the work crew sentence has been served.

36 The hours served as part of a work crew sentence may include
37 substance abuse counseling and/or job skills training.

38 The civic improvement tasks performed by offenders on work crew
39 shall be unskilled labor for the benefit of the community as

1 determined by the head of the county executive branch or his or her
2 designee. Civic improvement tasks shall not be done on private
3 property unless it is owned or operated by a nonprofit entity, except
4 that, for emergency purposes only, work crews may perform snow
5 removal on any private property. The civic improvement tasks shall
6 have minimal negative impact on existing private industries or the
7 labor force in the county where the service or labor is performed.
8 The civic improvement tasks shall not affect employment opportunities
9 for people with developmental disabilities contracted through
10 sheltered workshops as defined in RCW 82.04.385. In case any dispute
11 arises as to a civic improvement task having more than minimum
12 negative impact on existing private industries or labor force in the
13 county where their service or labor is performed, the matter shall be
14 referred by an interested party, as defined in RCW 39.12.010(4), for
15 arbitration to the director of the department of labor and industries
16 of the state.

17 ~~((Whenever an offender receives credit against a work crew
18 sentence for hours of approved, verified employment, the offender
19 shall pay to the agency administering the program the monthly
20 assessment of an amount not less than ten dollars per month nor more
21 than fifty dollars per month. This assessment shall be considered
22 payment of the costs of providing the work crew program to an
23 offender. The court may exempt a person from the payment of all or
24 any part of the assessment based upon any of the following factors:~~

25 ~~(1) The offender has diligently attempted but has been unable to
26 obtain employment that provides the offender sufficient income to
27 make such payment.~~

28 ~~(2) The offender is a student in a school, college, university,
29 or a course of vocational or technical training designed to fit the
30 student for gainful employment.~~

31 ~~(3) The offender has an employment handicap, as determined by an
32 examination acceptable to or ordered by the court.~~

33 ~~(4) The offender is responsible for the support of dependents and
34 the payment of the assessment constitutes an undue hardship.~~

35 ~~(5) Other extenuating circumstances as determined by the court.))~~

36 No fees or assessments shall be charged to an offender for
37 participation in a work crew or for the costs of urinalysis and
38 breathalyzer monitoring.

1 **Sec. 9.** RCW 9.94A.750 and 2022 c 260 s 2 are each amended to
2 read as follows:

3 This section applies to offenses committed on or before July 1,
4 1985.

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

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

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

39 (b) At any time, including at sentencing, the court (~~may~~) shall
40 determine that the offender is not required to pay, or (~~may~~) shall

1 relieve the offender of the requirement to pay, full or partial
2 restitution (~~(and accrued interest on restitution)~~) where the entity
3 to whom restitution is owed is an insurer or state agency, except for
4 restitution owed to the department of labor and industries under
5 chapter 7.68 RCW, if the court finds that the offender does not have
6 the current (~~(or likely future)~~) ability to pay. A person does not
7 have the current ability to pay if the person is indigent as defined
8 in (~~(RCW 10.01.160(3))~~) section 14 of this act. For the purposes of
9 this subsection:

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

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

17 (iii) "State agency" has the same meaning as provided in RCW
18 42.56.010(1).

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

1 confinement and authorized supervision and not during any subsequent
2 period in which the offender remains under the court's jurisdiction.
3 The county clerk is authorized to collect unpaid restitution at any
4 time the offender remains under the jurisdiction of the court for
5 purposes of his or her legal financial obligations.

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

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

36 (7) In addition to any sentence that may be imposed, an offender
37 who has been found guilty of an offense involving fraud or other
38 deceptive practice or an organization which has been found guilty of
39 any such offense may be ordered by the sentencing court to give
40 notice of the conviction to the class of persons or to the sector of

1 the public affected by the conviction or financially interested in
2 the subject matter of the offense by mail, by advertising in
3 designated areas or through designated media, or by other appropriate
4 means.

5 (8) This section does not limit civil remedies or defenses
6 available to the victim or offender including support enforcement
7 remedies for support ordered under subsection (6) of this section for
8 a child born as a result of a rape of a child victim. The court shall
9 identify in the judgment and sentence the victim or victims entitled
10 to restitution and what amount is due each victim. The state or
11 victim may enforce the court-ordered restitution in the same manner
12 as a judgment in a civil action. Restitution collected through civil
13 enforcement must be paid through the registry of the court and must
14 be distributed proportionately according to each victim's loss when
15 there is more than one victim.

16 **Sec. 10.** RCW 9.94A.753 and 2022 c 260 s 3 are each amended to
17 read as follows:

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

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

35 (2) During the period of supervision, the community corrections
36 officer may examine the offender to determine if there has been a
37 change in circumstances that warrants an amendment of the monthly
38 payment schedule. The community corrections officer may recommend a
39 change to the schedule of payment and shall inform the court of the

1 recommended change and the reasons for the change. The sentencing
2 court may then reset the monthly minimum payments based on the report
3 from the community corrections officer of the change in
4 circumstances.

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

15 (b) At any time, including at sentencing, the court ~~((may))~~ shall
16 determine that the offender is not required to pay, or ~~((may))~~ shall
17 relieve the offender of the requirement to pay, full or partial
18 restitution ~~((and accrued interest on restitution))~~ where the entity
19 to whom restitution is owed is an insurer or state agency, except for
20 restitution owed to the department of labor and industries under
21 chapter 7.68 RCW, if the court finds that the offender does not have
22 the current ~~((or likely future))~~ ability to pay. A person does not
23 have the current ability to pay if the person is indigent as defined
24 in ~~((RCW 10.01.160(3)))~~ section 14 of this act. For the purposes of
25 this subsection, the terms "insurer" and "state agency" have the same
26 meanings as provided in RCW 9.94A.750(3).

27 (4) For the purposes of this section, for an offense committed
28 prior to July 1, 2000, the offender shall remain under the court's
29 jurisdiction for a term of 10 years following the offender's release
30 from total confinement or 10 years subsequent to the entry of the
31 judgment and sentence, whichever period ends later. Prior to the
32 expiration of the initial 10-year period, the superior court may
33 extend jurisdiction under the criminal judgment an additional 10
34 years for payment of restitution. For an offense committed on or
35 after July 1, 2000, the offender shall remain under the court's
36 jurisdiction until the obligation is completely satisfied, regardless
37 of the statutory maximum for the crime. The portion of the sentence
38 concerning restitution may be modified as to amount, terms, and
39 conditions during any period of time the offender remains under the
40 court's jurisdiction, regardless of the expiration of the offender's

1 term of community supervision and regardless of the statutory maximum
2 sentence for the crime. The court may not reduce the total amount of
3 restitution ordered because the offender may lack the ability to pay
4 the total amount. The offender's compliance with the restitution
5 shall be supervised by the department only during any period which
6 the department is authorized to supervise the offender in the
7 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
8 in confinement in a state correctional institution or a correctional
9 facility pursuant to a transfer agreement with the department, and
10 the department shall supervise the offender's compliance during any
11 such period. The department is responsible for supervision of the
12 offender only during confinement and authorized supervision and not
13 during any subsequent period in which the offender remains under the
14 court's jurisdiction. The county clerk is authorized to collect
15 unpaid restitution at any time the offender remains under the
16 jurisdiction of the court for purposes of his or her legal financial
17 obligations.

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

29 (6) Restitution for the crime of rape of a child in the first,
30 second, or third degree, in which the victim becomes pregnant, shall
31 include: (a) All of the victim's medical expenses that are associated
32 with the rape and resulting pregnancy; and (b) child support for any
33 child born as a result of the rape if child support is ordered
34 pursuant to a civil superior court or administrative order for
35 support for that child. The clerk must forward any restitution
36 payments made on behalf of the victim's child to the Washington state
37 child support registry under chapter 26.23 RCW. Identifying
38 information about the victim and child shall not be included in the
39 order. The offender shall receive a credit against any obligation
40 owing under the administrative or superior court order for support of

1 the victim's child. For the purposes of this subsection, the offender
2 shall remain under the court's jurisdiction until the offender has
3 satisfied support obligations under the superior court or
4 administrative order for the period provided in RCW 4.16.020 or a
5 maximum term of 25 years following the offender's release from total
6 confinement or 25 years subsequent to the entry of the judgment and
7 sentence, whichever period is longer. The court may not reduce the
8 total amount of restitution ordered because the offender may lack the
9 ability to pay the total amount. The department shall supervise the
10 offender's compliance with the restitution ordered under this
11 subsection.

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

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

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

1 action. Restitution collected through civil enforcement must be paid
2 through the registry of the court and must be distributed
3 proportionately according to each victim's loss when there is more
4 than one victim.

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

28 **Sec. 11.** RCW 9.94A.760 and 2023 c 449 s 9 are each amended to
29 read as follows:

30 (1) Whenever a person is convicted in superior court, the court
31 may order the payment of a legal financial obligation as part of the
32 sentence. The court may not order an offender to pay costs (~~as~~
33 ~~described in RCW 10.01.160 if the court finds that the offender at~~
34 ~~the time of sentencing is indigent as defined in RCW 10.01.160(3))~~
35 except as specifically authorized by statute. An offender being
36 indigent as defined in (~~RCW 10.01.160(3))~~ section 14 of this act is
37 not grounds for failing to impose restitution, subject to RCW
38 9.94A.750(3) and 9.94A.753(3). The court must on either the judgment
39 and sentence or on a subsequent order to pay, designate the total

1 amount of a legal financial obligation and segregate this amount
2 among the separate assessments made for restitution, costs, fines,
3 and other assessments required by law. On the same order, the court
4 is also to set a sum that the offender is required to pay on a
5 monthly basis towards satisfying the legal financial obligation. If
6 the court fails to set the offender monthly payment amount, the
7 department shall set the amount if the department has active
8 supervision of the offender, otherwise the county clerk shall set the
9 amount.

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

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

15 (b) Second, proportionally to restitution to insurance or other
16 sources with respect to a loss that has provided compensation to
17 victims;

18 (c) Third, proportionally to crime victims' assessments that have
19 not been waived under RCW 7.68.035; and

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

22 ~~(3) ((If the court determines that the offender, at the time of~~
23 ~~sentencing, has the means to pay for the cost of incarceration, the~~
24 ~~court may require the offender to pay for the cost of incarceration.~~
25 ~~The court shall not order the offender to pay the cost of~~
26 ~~incarceration if the court finds that the offender at the time of~~
27 ~~sentencing is indigent as defined in RCW 10.01.160(3). Costs of~~
28 ~~incarceration ordered by the court shall not exceed a rate of \$50 per~~
29 ~~day of incarceration, if incarcerated in a prison, or the actual cost~~
30 ~~of incarceration per day of incarceration, if incarcerated in a~~
31 ~~county jail. In no case may the court require the offender to pay~~
32 ~~more than \$100 per day for the cost of incarceration. All funds~~
33 ~~recovered from offenders for the cost of incarceration in the county~~
34 ~~jail shall be remitted to the county and the costs of incarceration~~
35 ~~in a prison shall be remitted to the department.~~

36 ~~(4))~~ The court may add to the judgment and sentence or
37 subsequent order to pay a statement that a notice of payroll
38 deduction is to be issued immediately. If the court chooses not to
39 order the immediate issuance of a notice of payroll deduction at
40 sentencing, the court shall add to the judgment and sentence or

1 subsequent order to pay a statement that a notice of payroll
2 deduction may be issued or other income-withholding action may be
3 taken, without further notice to the offender if a monthly court-
4 ordered legal financial obligation payment is not paid when due, and
5 an amount equal to or greater than the amount payable for one month
6 is owed.

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

14 ~~((+5))~~ (4)(a) Independent of the department or the county clerk,
15 the party or entity to whom the legal financial obligation is owed
16 shall have the authority to use any other remedies available to the
17 party or entity to collect the legal financial obligation. These
18 remedies include enforcement in the same manner as a judgment in a
19 civil action by the party or entity to whom the legal financial
20 obligation is owed. Restitution collected through civil enforcement
21 must be paid through the registry of the court and must be
22 distributed proportionately according to each victim's loss when
23 there is more than one victim. The judgment and sentence shall
24 identify the party or entity to whom restitution is owed so that the
25 state, party, or entity may enforce the judgment.

26 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or
27 9.94A.753(6) to a victim of rape of a child or a victim's child born
28 from the rape, the Washington state child support registry shall be
29 identified as the party to whom payments must be made. Restitution
30 obligations arising from the rape of a child in the first, second, or
31 third degree that result in the pregnancy of the victim may be
32 enforced for the time periods provided under RCW 9.94A.750(6) and
33 9.94A.753(6).

34 (c) All other restitution obligations for an offense committed
35 prior to July 1, 2000, may be enforced at any time during the 10-year
36 period following the offender's release from total confinement or
37 within 10 years of entry of the judgment and sentence, whichever
38 period ends later. Prior to the expiration of the initial 10-year
39 period, the superior court may extend the criminal judgment an
40 additional 10 years for payment of restitution obligations. All other

1 restitution obligations for an offense committed on or after July 1,
2 2000, may be enforced at any time the offender remains under the
3 court's jurisdiction. For an offense committed on or after July 1,
4 2000, the court shall retain jurisdiction over the offender, for
5 purposes of the offender's compliance with payment of the restitution
6 obligations, until the obligation is completely satisfied, regardless
7 of the statutory maximum for the crime.

8 (d) All other legal financial obligations other than restitution
9 may be enforced at any time during the 10-year period following the
10 offender's release from total confinement or within 10 years of entry
11 of the judgment and sentence, whichever period ends later. Prior to
12 the expiration of the initial 10-year period, the superior court may
13 extend the criminal judgment an additional 10 years for payment of
14 nonrestitution legal financial obligations only if the court finds
15 that the offender has the current (~~or likely future~~) ability to pay
16 the obligations. A person does not have the current ability to pay if
17 the person is indigent as defined in (~~RCW 10.01.160(3)~~) section 14
18 of this act.

19 (e) The department may only supervise the offender's compliance
20 with payment of the legal financial obligations during any period in
21 which the department is authorized to supervise the offender in the
22 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
23 confined in a state correctional institution or a correctional
24 facility pursuant to a transfer agreement with the department, and
25 the department shall supervise the offender's compliance during any
26 such period. The department is not responsible for supervision of the
27 offender during any subsequent period of time the offender remains
28 under the court's jurisdiction. The county clerk is authorized to
29 collect unpaid legal financial obligations at any time the offender
30 remains under the jurisdiction of the court for purposes of his or
31 her legal financial obligations.

32 (~~(+6)~~) (5) In order to assist the court in setting a monthly sum
33 that the offender must pay during the period of supervision, the
34 offender is required to report to the department for purposes of
35 preparing a recommendation to the court. When reporting, the offender
36 is required, under oath, to respond truthfully and honestly to all
37 questions concerning present, past, and future earning capabilities
38 and the location and nature of all property or financial assets. The
39 offender is further required to bring all documents requested by the
40 department.

1 (~~(7)~~) (6) After completing the investigation, the department
2 shall make a report to the court on the amount of the monthly payment
3 that the offender should be required to make towards a satisfied
4 legal financial obligation.

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

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

37 (~~(9)~~) (8) After the judgment and sentence or payment order is
38 entered, the department is authorized, for any period of supervision,
39 to collect the legal financial obligation from the offender.
40 Subsequent to any period of supervision or, if the department is not

1 authorized to supervise the offender in the community, the county
2 clerk is authorized to collect unpaid legal financial obligations
3 from the offender. Any amount collected by the department shall be
4 remitted daily to the county clerk for the purpose of disbursements.
5 The department and the county clerks are authorized, but not
6 required, to accept credit cards as payment for a legal financial
7 obligation(~~(, and any costs incurred related to accepting credit card~~
8 ~~payments shall be the responsibility of the offender)~~).

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

16 ~~((11))~~ (10) The requirement that the offender pay a monthly sum
17 towards a legal financial obligation constitutes a condition or
18 requirement of a sentence and the offender is subject to the
19 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
20 or 9.94A.740. If the court determines that the offender is homeless
21 or a person who is mentally ill, as defined in RCW 71.24.025, failure
22 to pay a legal financial obligation is not willful noncompliance and
23 shall not subject the offender to penalties.

24 ~~((12))~~ (11)(a) The administrative office of the courts shall
25 mail individualized periodic billings to the address known by the
26 office for each offender with an unsatisfied legal financial
27 obligation.

28 (b) The billing shall direct payments to the county clerk.

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

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

35 ~~((13))~~ (12) The department shall arrange for the collection of
36 unpaid legal financial obligations during any period of supervision
37 in the community through the county clerk. The department shall
38 either collect unpaid legal financial obligations or arrange for
39 collections through another entity if the clerk does not assume
40 responsibility or is unable to continue to assume responsibility for

1 collection pursuant to subsection (~~(5)~~) (4) of this section. The
2 costs for collection services shall be paid by the offender.

3 (~~(14)~~) (13) The county clerk may access the records of the
4 employment security department for the purposes of verifying
5 employment or income, seeking any assignment of wages, or performing
6 other duties necessary to the collection of an offender's legal
7 financial obligations.

8 (~~(15)~~) (14) Nothing in this chapter makes the department, the
9 state, the counties, or any state or county employees, agents, or
10 other persons acting on their behalf liable under any circumstances
11 for the payment of these legal financial obligations or for the acts
12 of any offender who is no longer, or was not, subject to supervision
13 by the department for a term of community custody, and who remains
14 under the jurisdiction of the court for payment of legal financial
15 obligations.

16 **Sec. 12.** RCW 9.95.210 and 2023 c 449 s 11 are each amended to
17 read as follows:

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

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

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

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

39 (4) At any time, including at sentencing, the court (~~may~~) shall
40 determine that the offender is not required to pay, or (~~may~~) shall

1 relieve the offender of the requirement to pay, full or partial
2 restitution (~~((and accrued interest on restitution))~~) where the entity
3 to whom restitution is owed is an insurer or a state agency, except
4 for restitution owed to the department of labor and industries under
5 chapter 7.68 RCW, if the court finds that the offender does not have
6 the current (~~((or likely future))~~) ability to pay. A person does not
7 have the current ability to pay if the person is indigent as defined
8 in (~~((RCW 10.01.160(3))~~) section 14 of this act. For the purposes of
9 this subsection, the terms "insurer" and "state agency" have the same
10 meanings as provided in RCW 9.94A.750(3).

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

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

37 (7) The provisions of RCW 9.94A.501 and 9.94A.5011 apply to
38 sentences imposed under this section.

39 (8) For purposes of this section, "domestic violence" means the
40 same as in RCW 10.99.020.

1 **Sec. 13.** RCW 10.01.160 and 2022 c 260 s 9 are each amended to
2 read as follows:

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

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

39 ~~(3) The court shall not order a defendant to pay costs if the~~
40 ~~defendant at the time of sentencing is indigent. In determining the~~

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

12 (4) A defendant who has been ordered to pay costs and who has not
13 willfully failed to pay the obligation, as described in RCW
14 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the
15 sentencing court for remission of the payment of costs or of any
16 unpaid portion thereof. If it appears to the satisfaction of the
17 court that payment of the amount due will impose manifest hardship on
18 the defendant or the defendant's immediate family, the court may
19 remit all or part of the amount due in costs, modify the method of
20 payment under RCW 10.01.170, or convert the unpaid costs to community
21 restitution hours, if the jurisdiction operates a community
22 restitution program, at the rate of no less than the state minimum
23 wage established in RCW 49.46.020 for each hour of community
24 restitution. Manifest hardship exists where the defendant is indigent
25 as defined in subsection (3) of this section.

26 (5) Except for direct costs relating to evaluating and reporting
27 to the court, prosecutor, or defense counsel regarding a defendant's
28 competency to stand trial as provided in RCW 10.77.060, this)) The
29 court shall not order a defendant to pay costs except as specifically
30 authorized by statute. "Costs" means any amount, whether designated a
31 fee, assessment, or cost, that is imposed for the costs associated
32 with a defendant's arrest, prosecution, detention, or supervision in
33 connection with a criminal offense.

34 (2) This section shall not apply to costs related to medical or
35 mental health treatment or services a defendant receives while in
36 custody of the secretary of the department of social and health
37 services or other governmental units. This section shall not prevent
38 the secretary of the department of social and health services or
39 other governmental units from imposing liability and seeking
40 reimbursement from a defendant committed to an appropriate facility

1 as provided in RCW 10.77.635 while criminal proceedings are stayed.
2 This section shall also not prevent governmental units from imposing
3 liability on defendants for costs related to providing medical or
4 mental health treatment while the defendant is in the governmental
5 unit's custody. Medical or mental health treatment and services a
6 defendant receives at a state hospital or other facility are not a
7 cost of prosecution and shall be recoverable under RCW 10.77.129 and
8 70.48.130, chapter 43.20B RCW, and any other applicable statute.

9 NEW SECTION. **Sec. 14.** A new section is added to chapter 10.01
10 RCW to read as follows:

11 For the purposes of this chapter, a defendant is "indigent" if
12 the defendant: (1) Meets the criteria defined in RCW 10.101.010(3)
13 (a) or (b); (2) is homeless or mentally ill as defined in RCW
14 71.24.025; (3) has household income of 200 percent or less of the
15 federal poverty level; (4) has household income above 200 percent of
16 the federal poverty levels and has recurring basic living costs, as
17 defined in RCW 10.101.010, that render the defendant without the
18 financial ability to pay; or (5) has other compelling circumstances
19 that exist that demonstrate an inability to pay.

20 **Sec. 15.** RCW 10.01.170 and 2022 c 260 s 19 are each amended to
21 read as follows:

22 (1) When a defendant is sentenced to pay fines, penalties,
23 assessments, fees, restitution, or costs, the court may grant
24 permission for payment to be made within a specified period of time
25 or in specified installments. If the court finds that the defendant
26 is indigent as defined in (~~RCW 10.01.160(3)~~) section 14 of this
27 act, the court shall grant permission for payment to be made within a
28 specified period of time or in specified installments. If no such
29 permission is included in the sentence the fine or costs shall be
30 payable forthwith.

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

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

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

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

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

3 (3) No additional fee, penalty, or assessment may be charged for
4 a defendant to pay legal financial obligations over a period of time
5 or in installments.

6 **Sec. 16.** RCW 10.01.185 and 2022 c 260 s 8 are each amended to
7 read as follows:

8 A defendant who has been ordered to pay fines and who has not
9 willfully failed to pay the obligation, as described in RCW
10 9.94A.6333, 9.94B.040, and 10.01.180, may at any time petition the
11 sentencing court for remission of the payment of fines or of any
12 unpaid portion thereof. If it appears to the satisfaction of the
13 court that payment of the amount due will impose manifest hardship on
14 the defendant or the defendant's immediate family, the court (~~may~~)
15 shall remit all or part of the amount due in fines, modify the method
16 of payment under RCW 10.01.170, or convert the unpaid amounts to
17 community restitution hours, if the jurisdiction operates a community
18 restitution program, at the rate of no less than the state minimum
19 wage established in RCW 49.46.020 for each hour of community
20 restitution. Manifest hardship exists where the defendant is indigent
21 as defined in (~~(RCW 10.01.160(3))~~) section 14 of this act.

22 **Sec. 17.** RCW 10.05.140 and 2024 c 306 s 21 are each amended to
23 read as follows:

24 (1) As a condition of granting a deferred prosecution petition
25 for a violation of RCW 46.61.502 or 46.61.504, the court shall order
26 that the petitioner shall not operate a motor vehicle upon the public
27 highways without a valid operator's license and proof of liability
28 insurance. The amount of liability insurance shall be established by
29 the court at not less than that established by RCW 46.29.490. As a
30 condition of granting a deferred prosecution petition on any
31 substance use disorder-based case, the court shall also order the
32 installation of an ignition interlock under RCW 46.20.720. The
33 required periods of use of the interlock shall be not less than the
34 periods provided for in RCW 46.20.720. As a condition of granting a
35 deferred prosecution petition, the court may order the petitioner to
36 make restitution (~~and~~). The court may not order the petitioner
37 to pay costs as defined in RCW 10.01.160 except as specifically
38 authorized by statute. To help ensure continued sobriety and reduce

1 the likelihood of reoffense, the court may order reasonable
2 conditions during the period of the deferred prosecution including,
3 but not limited to, attendance at self-help recovery support groups
4 for substance use disorder, complete abstinence from alcohol and all
5 nonprescribed mind-altering drugs, periodic urinalysis or breath
6 analysis, and maintaining law-abiding behavior. The court may
7 terminate the deferred prosecution upon violation of the deferred
8 prosecution order.

9 (2) As a condition of granting a deferred prosecution petition
10 for a case involving a domestic violence behavior problem:

11 (a) The court shall order the petitioner not to possess firearms
12 and order the petitioner to surrender firearms under RCW 9.41.800;
13 and

14 (b) The court may order the petitioner to make restitution
15 ~~((and)).~~ The court may not order the petitioner to pay costs as
16 defined in RCW 10.01.160 except as specifically authorized by
17 statute. In addition, to help ensure continued sobriety and reduce
18 the likelihood of reoffense in co-occurring domestic violence and
19 substance use disorder or mental health disorder cases, the court may
20 order reasonable conditions during the period of the deferred
21 prosecution including, but not limited to, attendance at self-help
22 recovery support groups for substance use disorder, complete
23 abstinence from alcohol and all nonprescribed mind-altering drugs,
24 periodic urinalysis or breath analysis, and maintaining law-abiding
25 behavior. The court may terminate the deferred prosecution upon
26 violation of the deferred prosecution order.

27 **Sec. 18.** RCW 10.05.170 and 2024 c 306 s 25 are each amended to
28 read as follows:

29 As a condition of granting deferred prosecution, the court may
30 order supervision of the petitioner during the period of deferral
31 ~~((and may levy a monthly assessment upon the petitioner as provided~~
32 ~~in RCW 10.64.120)).~~ The court may not charge a fee or assessment in
33 connection with the deferred prosecution. In a jurisdiction with a
34 probation department, the court may appoint the probation department
35 to supervise the petitioner. In a jurisdiction without a probation
36 department, the court may appoint an appropriate person or agency to
37 supervise the petitioner. A supervisor appointed under this section
38 shall be required to do at least the following:

1 (1) If the charge for which deferral is granted relates to
2 operation of a motor vehicle, at least once every three months
3 request an abstract of the petitioner's driving record;

4 (2) At least once every month make contact with the petitioner
5 until treatment is completed;

6 (3) Review the petitioner's criminal history at a minimum of
7 every 90 days until the end of the deferral period; and

8 (4) Report known violations of supervision or law and
9 noncompliance with conditions of the deferred prosecution to the
10 court within five business days or as soon as practicable.

11 **Sec. 19.** RCW 10.64.015 and 2022 c 260 s 11 are each amended to
12 read as follows:

13 When the defendant is found guilty, the court shall render
14 judgment accordingly(~~(, and the defendant may be liable for all~~
15 ~~costs, unless the court or jury trying the cause expressly find~~
16 ~~otherwise))~~). The court shall not order a defendant to pay costs, as
17 ~~((described))~~ defined in RCW 10.01.160, except as specifically
18 authorized by statute. The court shall not order a defendant to pay
19 costs if the court finds that the person at the time of sentencing is
20 indigent as defined in ~~((RCW 10.01.160(3))~~) section 14 of this act.

21 **Sec. 20.** RCW 10.64.120 and 2021 c 41 s 4 are each amended to
22 read as follows:

23 ~~(1) ((Every judge of a court of limited jurisdiction shall have~~
24 ~~the authority to levy upon a person a monthly assessment not to~~
25 ~~exceed one hundred dollars for services provided whenever the person~~
26 ~~is referred by the court to the misdemeanor probation department for~~
27 ~~evaluation or supervision services. The assessment may also be made~~
28 ~~by a judge in superior court when such misdemeanor or gross~~
29 ~~misdemeanor cases are heard in the superior court. Nothing in this~~
30 ~~subsection prevents contracting jurisdictions under RCW 39.34.180(6)~~
31 ~~from agreeing to the division of moneys received for probation~~
32 ~~supervision services.~~

33 ~~(2) For the purposes of this section the)~~ The administrative
34 office of the courts shall define a probation department and adopt
35 rules for the qualifications of probation officers based on
36 occupational and educational requirements developed by an oversight
37 committee. This oversight committee shall include a representative
38 from the district and municipal court judges' association, the

1 misdemeanor corrections association, the administrative office of
2 the courts, and associations of cities and counties. The oversight
3 committee shall consider qualifications that provide the training and
4 education necessary to (a) conduct presentencing and postsentencing
5 background investigations, including sentencing recommendations to
6 the court regarding jail terms, alternatives to incarceration, and
7 conditions of release; and (b) provide ongoing supervision and
8 assessment of offenders' needs and the risk they pose to the
9 community.

10 ~~((3) It shall be the responsibility of the probation services~~
11 ~~office to implement local procedures approved by the court of limited~~
12 ~~jurisdiction to ensure collection and payment of such fees into the~~
13 ~~general fund of the city or county treasury.~~

14 ~~(4) Revenues raised under this section shall be used to fund~~
15 ~~programs for probation services and shall be in addition to those~~
16 ~~funds provided in RCW 3.62.050.~~

17 ~~(5) Assessments and fees levied upon a probationer under this~~
18 ~~section must be suspended while the probationer is being supervised~~
19 ~~by another state under RCW 9.94A.745, the interstate compact for~~
20 ~~adult offender supervision.)~~ (2) Probation departments may not levy
21 fees or assessments related to any misdemeanor or felony evaluation
22 or supervision services.

23 **Sec. 21.** RCW 10.82.070 and 2012 c 136 s 6 are each amended to
24 read as follows:

25 (1) All sums of money derived from costs, fines, penalties, and
26 forfeitures imposed or collected, in whole or in part, by a superior
27 court for violation of orders of injunction, mandamus and other like
28 writs, for contempt of court, or for breach of the penal laws shall
29 be paid in cash by the person collecting the same, within twenty days
30 after the collection, to the county treasurer of the county in which
31 the same have accrued.

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

1 ~~10.01.160, 10.46.190, or 36.18.040, or other similar statutes))~~ as
2 specifically authorized by statute if such costs are specifically
3 designated as costs by the court (~~and are awarded for the specific~~
4 ~~reimbursement of costs incurred by the state or county in the~~
5 ~~prosecution of the case, including the fees of defense counsel)).~~
6 Costs or assessments awarded to dedicated accounts, state or local,
7 are not subject to this state allocation or to RCW 7.68.035.

8 (3) All fees, fines, forfeitures and penalties collected or
9 assessed by a district court because of the violation of a state law
10 shall be remitted as provided in chapter 3.62 RCW as now exists or is
11 later amended. All fees, fines, forfeitures, and penalties collected
12 or assessed by a superior court in cases on appeal from a lower court
13 shall be remitted to the municipal or district court from which the
14 cases were appealed.

15 **Sec. 22.** RCW 10.101.020 and 1997 c 41 s 5 are each amended to
16 read as follows:

17 (1) A determination of indigency shall be made for all persons
18 wishing the appointment of counsel in criminal, juvenile, involuntary
19 commitment, and dependency cases, and any other case where the right
20 to counsel attaches. The court or its designee shall determine
21 whether the person is indigent pursuant to the standards set forth in
22 this chapter.

23 (2) In making the determination of indigency, the court shall
24 also consider the anticipated length and complexity of the
25 proceedings and the usual and customary charges of an attorney in the
26 community for rendering services, and any other circumstances
27 presented to the court which are relevant to the issue of indigency.
28 The appointment of counsel shall not be denied to the person because
29 the person's friends or relatives, other than a spouse who was not
30 the victim of any offense or offenses allegedly committed by the
31 person, have resources adequate to retain counsel, or because the
32 person has posted or is capable of posting bond.

33 (3) The determination of indigency shall be made upon the
34 defendant's initial contact with the court or at the earliest time
35 circumstances permit. The court or its designee shall keep a written
36 record of the determination of indigency. Any information given by
37 the accused under this (~~section or sections~~) chapter shall be
38 confidential and shall not be available for use by the prosecution in
39 the pending case.

1 (4) If a determination of eligibility cannot be made before the
2 time when the first services are to be rendered, the court shall
3 appoint an attorney on a provisional basis. If the court subsequently
4 determines that the person receiving the services is ineligible, the
5 court shall notify the person of the termination of services, subject
6 to court-ordered reinstatement.

7 ~~(5) ((All persons determined to be indigent and able to
8 contribute, shall be required to execute a promissory note at the
9 time counsel is appointed. The person shall be informed whether
10 payment shall be made in the form of a lump sum payment or periodic
11 payments. The payment and payment schedule must be set forth in
12 writing. The person receiving the appointment of counsel shall also
13 sign an affidavit swearing under penalty of perjury that all income
14 and assets reported are complete and accurate. In addition, the
15 person must swear in the affidavit to immediately report any change
16 in financial status to the court.~~

17 ~~(6))~~ The office or individual charged by the court to make the
18 determination of indigency shall provide a written report and opinion
19 as to indigency on a form prescribed by the office of public defense,
20 based on information obtained from the defendant and subject to
21 verification. The form shall include information necessary to provide
22 a basis for making a determination with respect to indigency as
23 provided by this chapter.

24 (6) A defendant who is indigent shall not be charged costs or
25 fees for court-appointed counsel.

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

28 (1) The chief clerk, under the supervision and direction of the
29 court administrator of the municipal court, shall have the custody
30 and care of the books, papers and records of the court. The chief
31 clerk or a deputy shall be present during the session of the court
32 and has the power to swear all witnesses and jurors, administer oaths
33 and affidavits, and take acknowledgments. The chief clerk shall keep
34 the records of the court and shall issue all process under his or her
35 hand and the seal of the court. The chief clerk shall do and perform
36 all things and have the same powers pertaining to the office as the
37 clerks of the superior courts have in their office. He or she shall
38 receive all fines, penalties, and fees of every kind and keep a full,
39 accurate, and detailed account of the same. The chief clerk shall on

1 each day pay into the city treasury all money received for the city
2 during the day previous, with a detailed account of the same, and
3 taking the treasurer's receipt therefor.

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

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

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

25 (b) As of June 7, 2018, penalties, fines, bail forfeitures, fees,
26 and costs imposed against a defendant in a criminal proceeding shall
27 not accrue interest.

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

36 **Sec. 24.** RCW 36.18.016 and 2022 c 29 s 12 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 \$36 must be paid.

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

21 (3) ~~((a))~~ The party making a demand for a jury of six in a civil
22 action shall pay, at the time, a fee of \$125; if the demand is for a
23 jury of 12, a fee of \$250. If, after the party demands a jury of six
24 and pays the required fee, any other party to the action requests a
25 jury of 12, an additional \$125 fee will be required of the party
26 demanding the increased number of jurors.

27 ~~((b) Upon conviction in criminal cases a jury demand charge of
28 \$125 for a jury of six, or \$250 for a jury of 12 may be imposed as
29 costs under RCW 10.46.190.))~~

30 (4) For preparing a certified copy of an instrument on file or of
31 record in the clerk's office, for the first page or portion of the
32 first page, a fee of five dollars, and for each additional page or
33 portion of a page, a fee of one dollar must be charged. For
34 authenticating or exemplifying an instrument, a fee of two dollars
35 for each additional seal affixed must be charged. For preparing a
36 copy of an instrument on file or of record in the clerk's office
37 without a seal, a fee of 50 cents per page must be charged. When
38 copying a document without a seal or file that is in an electronic
39 format, a fee of 25 cents per page must be charged. For copies made

1 on a compact disc, an additional fee of \$20 for each compact disc
2 must be charged.

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

5 (6) For a garnishee defendant named in an affidavit for
6 garnishment and for a writ of attachment, a fee of \$20 must be
7 charged.

8 (7) For filing a supplemental proceeding, a fee of \$20 must be
9 charged.

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

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

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

18 (11) For clerk's services such as performing historical searches,
19 compiling statistical reports, and conducting exceptional record
20 searches, the clerk may collect a fee not to exceed \$30 per hour.

21 (12) For processing ex parte orders, the clerk may collect a fee
22 of \$30.

23 (13) For duplicated recordings of court's proceedings there must
24 be a fee of \$10 for each audiotape and \$25 for each video or other
25 electronic storage medium.

26 (14) For registration of land titles, Torrens Act, under RCW
27 65.12.780, a fee of \$20 must be charged.

28 (15) For the issuance of extension of judgment under RCW 6.17.020
29 and chapter 9.94A RCW, a fee of \$200 must be charged. When the
30 extension of judgment is at the request of the clerk, the \$200 charge
31 may be imposed as court costs (~~under RCW 10.46.190~~). This charge
32 may not be imposed in criminal cases except as provided in RCW
33 6.17.020.

34 (16) A facilitator surcharge of up to \$20 must be charged as
35 authorized under RCW 26.12.240.

36 (17) For filing an adjudication claim under RCW 90.03.180, a fee
37 of \$25 must be charged.

38 (18) For filing a claim of frivolous lien under RCW 60.04.081 or
39 60.90.130 or filing an action to release a lien under RCW 60.90.090
40 and 60.90.140, a fee of \$35 must be charged.

1 (19) For preparation of a change of venue, a fee of \$20 must be
2 charged by the originating court in addition to the per page charges
3 in subsection (4) of this section.

4 (20) A service fee of five dollars for the first page and one
5 dollar for each additional page must be charged for receiving faxed
6 documents, pursuant to Washington state rules of court, general rule
7 17.

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

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

13 (23) Investment service charge and earnings under RCW 36.48.090
14 must be charged.

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

17 (25) For filing a request for civil arbitration, a filing fee may
18 be assessed against the party filing a statement of arbitrability not
19 to exceed \$250 as established by authority of local ordinance. \$220
20 of this charge shall be used to offset the cost of the civil
21 arbitration program. \$30 of each fee collected under this subsection
22 must be used for indigent defense services.

23 (26) For filing a request for trial de novo of a civil
24 arbitration award, a fee not to exceed \$400 as established by
25 authority of local ordinance must be charged.

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

33 (28) For the filing of a will or codicil under the provisions of
34 chapter 11.12 RCW, a fee of \$20 must be charged.

35 (29) A surcharge of up to \$20 may be charged in dissolution and
36 legal separation actions as authorized by RCW 26.12.260.

37 The revenue to counties from the fees established in this section
38 shall be deemed to be complete reimbursement from the state for the
39 state's share of benefits paid to the superior court judges of the

1 state prior to July 24, 2005, and no claim shall lie against the
2 state for such benefits.

3 **Sec. 25.** RCW 36.18.020 and 2025 c 357 s 1 are each amended to
4 read as follows:

5 (1) Revenue collected under this section is subject to division
6 with the state under RCW 36.18.025 and with the county or regional
7 law library fund under RCW 27.24.070, except as provided in
8 subsections ~~((+5+))~~ (6) and ~~((+6+))~~ (7) of this section.

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

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

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

29 (c) For filing of a petition for judicial review as required
30 under RCW 34.05.514 a filing fee of \$200.

31 (d) For filing of a petition for an antiharassment protection
32 order under RCW 7.105.100 a filing fee of \$53.

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

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

38 (g) For filing any petition to contest a will admitted to probate
39 or a petition to admit a will which has been rejected, or a petition

1 objecting to a written agreement or memorandum as provided in RCW
2 11.96A.220, there shall be paid a fee of \$200.

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

12 ~~(i))~~ No fee shall be assessed if an order of dismissal on the
13 clerk's record be filed as provided by rule of the supreme court.

14 (3) No filing fee shall be charged or collected in a criminal
15 case.

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

19 ~~((4))~~ (5) No fee shall be collected when an abstract of
20 judgment is filed by the county clerk of another county for the
21 purposes of collection of legal financial obligations.

22 ~~((5))~~ (6)(a) In addition to the fees required to be collected
23 under this section, clerks of the superior courts must collect the
24 following surcharges ~~((as provided in this subsection (5))~~ of which
25 75 percent must be remitted to the state treasurer for deposit in the
26 judicial stabilization trust account and 25 percent must be retained
27 by the county.

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

30 (c) On all filing fees required to be collected under this
31 section, except for fees required under subsection (2)(b) ~~((7))~~ and
32 (d) ~~((, and (h))~~ of this section, a surcharge of \$40 must be
33 collected.

34 ~~((6))~~ (7) On filing fees required to be collected under
35 subsection (2)(a), (b), (c), (e), (f), and (g) of this section, a
36 surcharge of \$50 must be collected and \$45 of such surcharge must be
37 transmitted by the county treasurer to the state treasurer to be
38 deposited in the following manner: \$20 in the Washington state legacy
39 project, state library, and archives account and \$25 in the judicial
40 stabilization trust account. The remaining funds must be retained by

1 the county to be used for the county clerk's office operations,
2 including administering the surcharge.

3 **Sec. 26.** RCW 4.56.110 and 2019 c 371 s 1 are each amended to
4 read as follows:

5 Interest on judgments shall accrue as follows:

6 (1) Judgments founded on written contracts, providing for the
7 payment of interest until paid at a specified rate, shall bear
8 interest at the rate specified in the contracts: PROVIDED, That said
9 interest rate is set forth in the judgment.

10 (2) All judgments for unpaid child support that have accrued
11 under a superior court order or an order entered under the
12 administrative procedure act shall bear interest at the rate of
13 twelve percent.

14 (3)(a) Judgments founded on the tortious conduct of a "public
15 agency" as defined in RCW 42.30.020 shall bear interest from the date
16 of entry at two percentage points above the equivalent coupon issue
17 yield, as published by the board of governors of the federal reserve
18 system, of the average bill rate for twenty-six week treasury bills
19 as determined at the first bill market auction conducted during the
20 calendar month immediately preceding the date of entry. In any case
21 where a court is directed on review to enter judgment on a verdict or
22 in any case where a judgment entered on a verdict is wholly or partly
23 affirmed on review, interest on the judgment or on that portion of
24 the judgment affirmed shall date back to and shall accrue from the
25 date the verdict was rendered.

26 (b) Except as provided in (a) of this subsection, judgments
27 founded on the tortious conduct of individuals or other entities,
28 whether acting in their personal or representative capacities, shall
29 bear interest from the date of entry at two percentage points above
30 the prime rate, as published by the board of governors of the federal
31 reserve system on the first business day of the calendar month
32 immediately preceding the date of entry. In any case where a court is
33 directed on review to enter judgment on a verdict or in any case
34 where a judgment entered on a verdict is wholly or partly affirmed on
35 review, interest on the judgment or on that portion of the judgment
36 affirmed shall date back to and shall accrue from the date the
37 verdict was rendered.

38 (4) Except as provided under subsection (1) of this section,
39 judgments for unpaid private student loan debt, as defined in RCW

1 6.01.060, shall bear interest from the date of entry at two
2 percentage points above the prime rate, as published by the board of
3 governors of the federal reserve system on the first business day of
4 the calendar month immediately preceding the date of entry.

5 (5) Except as provided under subsection (1) of this section,
6 judgments for unpaid consumer debt, as defined in RCW 6.01.060, shall
7 bear interest from the date of entry at a rate of nine percent.

8 (6) Except as provided under subsections (1) through (5) of this
9 section, judgments shall bear interest from the date of entry at the
10 maximum rate permitted under RCW 19.52.020 on the date of entry
11 thereof. In any case where a court is directed on review to enter
12 judgment on a verdict or in any case where a judgment entered on a
13 verdict is wholly or partly affirmed on review, interest on the
14 judgment or on that portion of the judgment affirmed shall date back
15 to and shall accrue from the date the verdict was rendered. The
16 method for determining an interest rate prescribed by this subsection
17 is also the method for determining the "rate applicable to civil
18 judgments" for purposes of RCW (~~(10.82.090)~~) 10.01.090.

19 **Sec. 27.** RCW 7.68.035 and 2023 c 449 s 1 are each amended to
20 read as follows:

21 (1) Except as provided in subsection (4) of this section, when
22 any adult person is found guilty in any superior court of having
23 committed a crime, except as provided in subsection (2) of this
24 section, there shall be imposed by the court upon such convicted
25 person a penalty assessment. The assessment shall be in addition to
26 any other penalty or fine imposed by law and shall be five hundred
27 dollars for each case or cause of action that includes one or more
28 convictions of a felony or gross misdemeanor and two hundred fifty
29 dollars for any case or cause of action that includes convictions of
30 only one or more misdemeanors.

31 (2) The assessment imposed by subsection (1) of this section
32 shall not apply to motor vehicle crimes defined in Title 46 RCW
33 except those defined in the following sections: RCW 46.61.520,
34 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,
35 46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,
36 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,
37 46.44.180, 46.10.490(2), and 46.09.470(2).

38 (3) Except as provided in subsection (4) of this section, when
39 any adult person accused of having committed a crime posts bail in

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

7 (4) The court shall not impose the penalty assessment under this
8 section if the court finds that the defendant, at the time of
9 sentencing, is indigent as defined in (~~RCW 10.01.160(3)~~) section 14
10 of this act.

11 (5) Upon motion by a defendant, the court shall waive any crime
12 victim penalty assessment imposed prior to July 1, 2023, if:

13 (a) The person was a juvenile at the time the penalty assessment
14 was imposed; or

15 (b) The person does not have the ability to pay the penalty
16 assessment. A person does not have the ability to pay if the person
17 is indigent as defined in (~~RCW 10.01.160(3)~~) section 14 of this
18 act.

19 (6) Such penalty assessments shall be paid by the clerk of the
20 superior court to the county treasurer. Each county shall deposit one
21 hundred percent of the money it receives per case or cause of action
22 under subsection (1) of this section, not less than one and seventy-
23 five one-hundredths percent of the remaining money it retains under
24 RCW 10.82.070 and the money it retains under chapter 3.62 RCW, and
25 all money it receives under subsection (9) of this section into a
26 fund maintained exclusively for the support of comprehensive programs
27 to encourage and facilitate testimony by the victims of crimes and
28 witnesses to crimes. A program shall be considered "comprehensive"
29 only after approval of the department upon application by the county
30 prosecuting attorney. The department shall approve as comprehensive
31 only programs which:

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

38 (b) Are administered by the county prosecuting attorney either
39 directly through the prosecuting attorney's office or by contract

1 between the county and agencies providing services to victims of
2 crime;

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

6 (d) Assist victims in the restitution and adjudication process;
7 and

8 (e) Assist victims of violent crimes in the preparation and
9 presentation of their claims to the department of labor and
10 industries under this chapter.

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

18 (7) Upon submission to the department of a letter of intent to
19 adopt a comprehensive program, the prosecuting attorney shall retain
20 the money deposited by the county under subsection (6) of this
21 section until such time as the county prosecuting attorney has
22 obtained approval of a program from the department. Approval of the
23 comprehensive plan by the department must be obtained within one year
24 of the date of the letter of intent to adopt a comprehensive program.
25 The county prosecuting attorney shall not make any expenditures from
26 the money deposited under subsection (6) of this section until
27 approval of a comprehensive plan by the department. If a county
28 prosecuting attorney has failed to obtain approval of a program from
29 the department under subsection (6) of this section or failed to
30 obtain approval of a comprehensive program within one year after
31 submission of a letter of intent under this section, the county
32 treasurer shall monthly transmit one hundred percent of the money
33 deposited by the county under subsection (6) of this section to the
34 state treasurer for deposit in the state general fund.

35 (8) County prosecuting attorneys are responsible to make every
36 reasonable effort to insure that the penalty assessments of this
37 chapter are imposed and collected.

38 (9) Every city and town shall transmit monthly one and seventy-
39 five one-hundredths percent of all money, other than money received
40 for parking infractions, retained under RCW 3.50.100 and 35.20.220 to

1 the county treasurer for deposit as provided in subsection (6) of
2 this section.

3 **Sec. 28.** RCW 9.92.070 and 2022 c 260 s 21 are each amended to
4 read as follows:

5 Hereafter whenever any judge of any superior court or a district
6 or municipal judge shall sentence any person to pay any fines,
7 penalties, assessments, fees, and costs, the judge may, in the
8 judge's discretion, provide that such fines, penalties, assessments,
9 fees, and costs may be paid in certain designated installments, or
10 within certain designated period or periods. If the court finds that
11 the defendant is indigent as defined in (~~RCW 10.01.160(3)~~) section
12 14 of this act, the court shall allow for payment in certain
13 designated installments or within certain designated periods. If such
14 fines, penalties, assessments, fees, and costs shall be paid by the
15 defendant in accordance with such order no commitment or imprisonment
16 of the defendant shall be made for failure to pay such fine or costs.
17 PROVIDED, that the provisions of this section shall not apply to any
18 sentence given for the violation of any of the liquor laws of this
19 state.

20 **Sec. 29.** RCW 9.94A.6333 and 2023 c 449 s 8 are each amended to
21 read as follows:

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

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

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

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

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

1 (i) Convert a term of partial confinement to total confinement;

2 or

3 (ii) Convert community restitution obligation to total or partial
4 confinement;

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

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

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

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

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

28 (c) The court may not sanction the offender for failure to pay
29 legal financial obligations unless the court finds, after a hearing
30 and on the record, that the failure to pay is willful. A failure to
31 pay is willful if the offender has the current ability to pay but
32 refuses to do so. In determining whether the offender has the current
33 ability to pay, the court shall inquire into and consider: (i) The
34 offender's income and assets; (ii) the offender's basic living costs
35 as defined by RCW 10.101.010 and other liabilities including child
36 support and other legal financial obligations; and (iii) the
37 offender's bona fide efforts to acquire additional resources. An
38 offender who is indigent as defined in ((RCW 10.01.160(3))) section
39 14 of this act is presumed to lack the current ability to pay;

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

5 (e) If the court finds that a failure to pay is willful
6 noncompliance, it may impose the sanctions specified in RCW
7 9.94A.633(1); and

8 (f) If the court finds that the violation was not willful, the
9 court may, and if the court finds that the defendant is indigent as
10 defined in (~~RCW 10.01.160(3)~~) section 14 of this act, the court
11 shall modify the terms of payment of the legal financial obligations,
12 reduce or waive nonrestitution legal financial obligations, or
13 convert nonrestitution legal financial obligations to community
14 restitution hours, if the jurisdiction operates a community
15 restitution program, at the rate of no less than the state minimum
16 wage established in RCW 49.46.020 for each hour of community
17 restitution.

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

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

23 **Sec. 30.** RCW 9.94B.040 and 2023 c 449 s 10 are each amended to
24 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (c) The state has the burden of showing noncompliance by a
21 preponderance of the evidence. The court may not sanction the
22 offender for failure to pay legal financial obligations unless the
23 court finds, after a hearing and on the record, that the failure to
24 pay is willful. A failure to pay is willful if the offender has the
25 current ability to pay but refuses to do so. In determining whether
26 the offender has the current ability to pay, the court shall inquire
27 into and consider: (i) The offender's income and assets; (ii) the
28 offender's basic living costs as defined by RCW 10.101.010 and other
29 liabilities including child support and other legal financial
30 obligations; and (iii) the offender's bona fide efforts to acquire
31 additional resources. An offender who is indigent as defined in ((RCW
32 ~~10.01.160(3)~~)) section 14 of this act is presumed to lack the current
33 ability to pay;

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

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

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

3 (f) If the court finds that the violation was not willful, the
4 court may, and if the court finds that the defendant is indigent as
5 defined in (~~RCW 10.01.160(3)~~) section 14 of this act, the court
6 shall modify the terms of payment of the legal financial obligations,
7 reduce or waive nonrestitution legal financial obligations, or
8 convert nonrestitution legal financial obligations to community
9 restitution hours, if the jurisdiction operates a community
10 restitution program, at the rate of no less than the state minimum
11 wage established in RCW 49.46.020 for each hour of community
12 restitution.

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

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

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

31 **Sec. 31.** RCW 10.01.090 and 2019 c 211 s 4 are each amended to
32 read as follows:

33 (1) An entity convicted of an offense may be ordered to pay legal
34 financial obligations, including restitution, crime victims'
35 assessments, costs, fines, penalties, and other assessments
36 authorized or required by law. Legal financial obligations imposed
37 upon an entity shall be entered and docketed by the clerk, or
38 district or municipal court as a judgment against the entity, and it
39 shall be of the same force and effect and be enforced against such

1 entity in the same manner as a judgment in a civil action.
2 Notwithstanding any other provisions pertaining to legal financial
3 obligations, all legal financial obligations imposed in a judgment
4 against an entity under this section bear interest from the date of
5 the judgment until payment at the rate applicable to civil judgments
6 under RCW 4.56.110. When an entity is ordered to pay restitution,
7 payments to the clerk must be distributed to restitution prior to all
8 other obligations.

9 (2) Except as otherwise provided under subsection (1) of this
10 section, payments on legal financial obligations must be collected
11 and distributed according to the requirements under RCW 3.50.100,
12 3.62.020, 3.62.040, 9.92.070, 9.94A.760, (~~(10.01.160,)~~) 10.01.170,
13 10.01.180, (~~(10.46.190, 10.64.015, 10.73.160, 10.82.090,)~~) 35.20.220,
14 and any other sections applicable to legal financial obligations
15 imposed as a result of a criminal conviction.

16 (3) For the purposes of this section, "entity" has the same
17 meaning as provided in RCW 9A.08.030.

18 **Sec. 32.** RCW 10.01.180 and 2023 c 449 s 12 are each amended to
19 read as follows:

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

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

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

35 (b) In determining whether the defendant has the current ability
36 to pay, the court shall inquire into and consider: (i) The
37 defendant's income and assets; (ii) the defendant's basic living
38 costs as defined by RCW 10.101.010 and other liabilities including
39 child support and other legal financial obligations; and (iii) the

1 defendant's bona fide efforts to acquire additional resources. A
2 defendant who is indigent as defined in ((~~RCW 10.01.160(3)~~)) section
3 14 of this act is presumed to lack the current ability to pay.

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

8 (4) If a term of imprisonment for contempt for nonpayment of any
9 fine, penalty, assessment, fee, or costs is ordered, the term of
10 imprisonment shall be set forth in the commitment order, and shall
11 not exceed one day for each \$25 of the amount ordered, 30 days if the
12 amount ordered of costs was imposed upon conviction of a violation or
13 misdemeanor, or one year in any other case, whichever is the shorter
14 period. A person committed for nonpayment of any fine, penalty,
15 assessment, fee, or costs shall be given credit toward payment for
16 each day of imprisonment at the rate specified in the commitment
17 order.

18 (5) If it appears to the satisfaction of the court that the
19 default in the payment of any fine, penalty, assessment, fee, or
20 costs is not willful contempt, the court may, and if the defendant is
21 indigent as defined in ((~~RCW 10.01.160(3)~~)) section 14 of this act,
22 the court shall enter an order: (a) Allowing the defendant additional
23 time for payment; (b) reducing the amount thereof or of each
24 installment; (c) revoking the fine, penalty, assessment, fee, or
25 costs or the unpaid portion thereof in whole or in part; or (d)
26 converting the unpaid fine, penalty, assessment, fee, or costs to
27 community restitution hours, if the jurisdiction operates a community
28 restitution program, at the rate of no less than the state minimum
29 wage established in RCW 49.46.020 for each hour of community
30 restitution.

31 (6) A default in the payment of any fine, penalty, assessment,
32 fee, or costs or any installment thereof may be collected by any
33 means authorized by law for the enforcement of a judgment. The levy
34 of execution for the collection of any fine, penalty, assessment,
35 fee, or costs shall not discharge a defendant committed to
36 imprisonment for contempt until the amount has actually been
37 collected.

38 **Sec. 33.** RCW 43.79.505 and 2022 c 297 s 956 are each amended to
39 read as follows:

1 The judicial stabilization trust account is created within the
2 state treasury, subject to appropriation. All receipts from the
3 surcharges authorized by RCW 3.62.060(2), 12.40.020, 36.18.018(4),
4 and 36.18.020(~~(5)~~) (6) shall be deposited in this account. Moneys
5 in the account may be spent only after appropriation.

6 Expenditures from the account may be used only for the support of
7 judicial branch agencies and, for the 2021-2023 fiscal biennium, for
8 expenditures to address state and local costs related to the *State v.*
9 *Blake* decision.

10 NEW SECTION. **Sec. 34.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 3.62.085 (Fee for conviction or plea of guilty) and 2022
13 c 260 s 16, 2018 c 269 s 16, & 2005 c 457 s 10;

14 (2) RCW 10.46.190 (Liability of convicted person for costs—Jury
15 fee) and 2022 c 260 s 20, 2018 c 269 s 9, 2005 c 457 s 12, 1977 ex.s.
16 c 248 s 1, 1977 ex.s. c 53 s 1, 1961 c 304 s 8, Code 1881 s 2105, &
17 1869 p 418 s 3;

18 (3) RCW 10.73.160 (Court fees and costs) and 2022 c 260 s 10,
19 2018 c 269 s 12, 2015 c 265 s 22, & 1995 c 275 s 3;

20 (4) RCW 10.82.090 (Interest on judgments—Disposition of
21 nonrestitution interest) and 2023 c 449 s 13, 2022 c 260 s 12, 2018 c
22 269 s 1, 2015 c 265 s 23, 2011 c 106 s 2, 2009 c 479 s 14, 2004 c 121
23 s 1, 1995 c 291 s 7, & 1989 c 276 s 3; and

24 (5) RCW 70.48.390 (Fee payable by person being booked) and 2003 c
25 99 s 1 & 1999 c 325 s 3.

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