
SUBSTITUTE HOUSE BILL 1169

State of Washington

68th Legislature

2023 Regular Session

By House Appropriations (originally sponsored by Representatives Simmons, Taylor, Berry, Bateman, Goodman, Wylie, Santos, and Ormsby)

1 AN ACT Relating to legal financial obligations; amending RCW
2 7.68.035, 43.43.7532, 43.43.7541, 7.68.240, 9.92.060, 9.94A.6333,
3 9.94B.040, 9.95.210, 10.01.180, 10.82.090, 13.40.192, and 13.40.200;
4 reenacting and amending RCW 9.94A.760; adding a new section to
5 chapter 7.68 RCW; creating a new section; providing an effective
6 date; and declaring an emergency.

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

8 **PART I**

9 **Sec. 1.** RCW 7.68.035 and 2018 c 269 s 19 are each amended to
10 read as follows:

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

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

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

14 ~~(2) The assessment imposed by subsection (1) of this section~~
15 ~~shall not apply to motor vehicle crimes defined in Title 46 RCW~~
16 ~~except those defined in the following sections: RCW 46.61.520,~~
17 ~~46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504,~~
18 ~~46.52.101, 46.20.410, 46.52.020, 46.10.495, 46.09.480, 46.61.5249,~~
19 ~~46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010,~~
20 ~~46.44.180, 46.10.490(2), and 46.09.470(2).~~

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

28 ~~(4) Such)) Amounts received by the clerk of the superior court~~
29 ~~for crime victim penalty assessments imposed prior to the effective~~
30 ~~date of this section shall be paid by the clerk of the superior court~~
31 ~~to the county treasurer. Each county shall deposit ((one hundred))~~
32 ~~100 percent of the money it receives per case or cause of action~~
33 ~~((under subsection (1) of this section)) for crime victim penalty~~
34 ~~assessments, not less than ((one and seventy-five one-hundredths))~~
35 ~~1.75 percent of the remaining money it retains under RCW 10.82.070~~
36 ~~and the money it retains under chapter 3.62 RCW, and all money it~~
37 ~~receives under subsection ((7)) (5) of this section into a fund~~
38 ~~maintained exclusively for the support of comprehensive programs to~~
39 ~~encourage and facilitate testimony by the victims of crimes and~~
40 ~~witnesses to crimes as described in subsection (3) of this section.~~

1 (2) Upon motion by a defendant, the court shall waive any crime
2 victim penalty assessment imposed prior to the effective date of this
3 section.

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

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

14 (b) Are administered by the county prosecuting attorney either
15 directly through the prosecuting attorney's office or by contract
16 between the county and agencies providing services to victims of
17 crime;

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

21 (d) Assist victims in the restitution and adjudication process;
22 and

23 (e) Assist victims of violent crimes in the preparation and
24 presentation of their claims to the department of labor and
25 industries under this chapter.

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

33 ~~((+5))~~ (4) Upon submission to the department of a letter of
34 intent to adopt a comprehensive program, the prosecuting attorney
35 shall retain the money deposited by the county under subsection
36 ~~((+4))~~ (1) of this section until such time as the county prosecuting
37 attorney has obtained approval of a program from the department.
38 Approval of the comprehensive plan by the department must be obtained
39 within one year of the date of the letter of intent to adopt a
40 comprehensive program. The county prosecuting attorney shall not make

1 any expenditures from the money deposited under subsection ~~((4))~~
2 (1) of this section until approval of a comprehensive plan by the
3 department. If a county prosecuting attorney has failed to obtain
4 approval of a program from the department under subsection ~~((4))~~
5 (1) of this section or failed to obtain approval of a comprehensive
6 program within one year after submission of a letter of intent under
7 this section, the county treasurer shall monthly transmit one hundred
8 percent of the money deposited by the county under subsection ~~((4))~~
9 (1) of this section to the state treasurer for deposit in the state
10 general fund.

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

14 ~~(7))~~ (5) Every city and town shall transmit monthly ~~((one and~~
15 ~~seventy-five one-hundredths))~~ 1.75 percent of all money, other than
16 money received for parking infractions, retained under RCW 3.50.100
17 and 35.20.220 to the county treasurer for deposit as provided in
18 subsection ~~((4))~~ (1) of this section.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.68 RCW
20 to read as follows:

21 (1) The state crime victim and witness assistance account is
22 created in the state treasury. The account shall consist of funds
23 appropriated by the legislature for comprehensive crime victim and
24 witness programs under RCW 7.68.035.

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

29 (3) Counties may expend moneys distributed under this section
30 only for purposes specified in RCW 7.68.035.

31 **Sec. 3.** RCW 43.43.7532 and 2002 c 289 s 5 are each amended to
32 read as follows:

33 The state DNA database account is created in the custody of the
34 state treasurer. ~~((All))~~ The account shall consist of funds
35 appropriated by the legislature for operation and maintenance of the
36 DNA database and for distribution to agencies responsible for
37 collection of the biological sample from the offender and all
38 receipts under RCW 43.43.7541 ~~((must be deposited into the account)).~~

1 Expenditures from the account may be used only for creation,
2 operation, and maintenance of the DNA database under RCW 43.43.754
3 and for distribution to agencies responsible for the collection of
4 the biological sample from the offender. Only the chief of the
5 Washington state patrol or the chief's designee may authorize
6 expenditures from the account. The chief of the Washington state
7 patrol or the chief's designee may expend 80 percent of amounts for
8 operation and maintenance of the DNA database and 20 percent for
9 distribution to the agency responsible for the collection of the
10 biological sample from the offender. The account is subject to
11 allotment procedures under chapter 43.88 RCW, but an appropriation is
12 not required for expenditures.

13 **Sec. 4.** RCW 43.43.7541 and 2018 c 269 s 18 are each amended to
14 read as follows:

15 ~~((Every sentence imposed for a crime specified in RCW 43.43.754~~
16 ~~must include a fee of one hundred dollars unless the state has~~
17 ~~previously collected the offender's DNA as a result of a prior~~
18 ~~conviction. The fee is a court-ordered legal financial obligation as~~
19 ~~defined in RCW 9.94A.030 and other applicable law. For a sentence~~
20 ~~imposed under chapter 9.94A RCW, the fee is payable by the offender~~
21 ~~after payment of all other legal financial obligations included in~~
22 ~~the sentence has been completed. For all other sentences, the fee is~~
23 ~~payable by the offender in the same manner as other assessments~~
24 ~~imposed.))~~

25 (1) The clerk of the court shall transmit ((eighty)) 80 percent
26 of ((the fee)) any amounts collected for fees imposed prior to the
27 effective date of this section for the collection of an offender's
28 DNA to the state treasurer for deposit in the state DNA database
29 account created under RCW 43.43.7532, and shall transmit ((twenty))
30 20 percent of the fee collected to the agency responsible for
31 collection of a biological sample from the offender as required under
32 RCW 43.43.754. ((This fee shall not be imposed on juvenile offenders
33 if the state has previously collected the juvenile offender's DNA as
34 a result of a prior conviction.))

35 (2) Upon motion by the offender, the court shall waive any fee
36 for the collection of the offender's DNA imposed prior to the
37 effective date of this section.

1 **CONFORMING AMENDMENTS**

2 **Sec. 5.** RCW 7.68.240 and 2022 c 260 s 22 are each amended to
3 read as follows:

4 Upon a showing by any convicted person or the state that five
5 years have elapsed from the establishment of such escrow account and
6 further that no actions are pending against such convicted person
7 pursuant to RCW 7.68.200 through 7.68.280, the department shall
8 immediately pay over 50 percent of any moneys in the escrow account
9 to such person or his or her legal representatives and 50 percent of
10 any moneys in the escrow account to the fund under RCW
11 7.68.035(~~((4))~~) (1).

12 **Sec. 6.** RCW 9.92.060 and 2022 c 260 s 6 are each amended to read
13 as follows:

14 (1) Whenever any person is convicted of any crime except murder,
15 burglary in the first degree, arson in the first degree, robbery,
16 rape of a child, or rape, the superior court may, in its discretion,
17 at the time of imposing sentence upon such person, direct that such
18 sentence be stayed and suspended until otherwise ordered by the
19 superior court, and, upon such terms as the superior court may
20 determine, that the sentenced person be placed under the charge of:

21 (a) A community corrections officer employed by the department of
22 corrections, if the person is subject to supervision under RCW
23 9.94A.501 or 9.94A.5011; or

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

27 (2) As a condition to suspension of sentence, the superior court
28 (~~((shall require the payment of the penalty assessment required by RCW~~
29 ~~7.68.035. In addition, the superior court))~~) may require the convicted

30 person to make such monetary payments, on such terms as the superior
31 court deems appropriate under the circumstances, as are necessary:

32 (a) To comply with any order of the court for the payment of family
33 support; (b) to make restitution to any person or persons who may
34 have suffered loss or damage by reason of the commission of the crime
35 in question or when the offender pleads guilty to a lesser offense or
36 fewer offenses and agrees with the prosecutor's recommendation that
37 the offender be required to pay restitution to a victim of an offense
38 or offenses which are not prosecuted pursuant to a plea agreement;

1 (c) to pay any fine imposed and not suspended and the court or other
2 costs incurred in the prosecution of the case, including
3 reimbursement of the state for costs of extradition if return to this
4 state by extradition was required; and (d) to contribute to a county
5 or interlocal drug fund.

6 (3) At any time, including at sentencing, the court may determine
7 that the offender is not required to pay, or may relieve the offender
8 of the requirement to pay, full or partial restitution and accrued
9 interest on restitution where the entity to whom restitution is owed
10 is an insurer or a state agency, except for restitution owed to the
11 department of labor and industries under chapter 7.68 RCW, if the
12 court finds that the offender does not have the current or likely
13 future ability to pay. A person does not have the current ability to
14 pay if the person is indigent as defined in RCW 10.01.160(3). For the
15 purposes of this subsection, the terms "insurer" and "state agency"
16 have the same meanings as provided in RCW 9.94A.750(3).

17 (4) As a condition of the suspended sentence, the superior court
18 may order the probationer to report to the secretary of corrections
19 or such officer as the secretary may designate and as a condition of
20 the probation to follow the instructions of the secretary. If the
21 county legislative authority has elected to assume responsibility for
22 the supervision of superior court misdemeanor probationers within
23 its jurisdiction, the superior court misdemeanor probationer shall
24 report to a probation officer employed or contracted for by the
25 county. In cases where a superior court misdemeanor probationer is
26 sentenced in one county, but resides within another county, there
27 must be provisions for the probationer to report to the agency having
28 supervision responsibility for the probationer's county of residence.

29 (5) If restitution to the victim has been ordered under
30 subsection (2)(b) of this section and the superior court has ordered
31 supervision, the officer supervising the probationer shall make a
32 reasonable effort to ascertain whether restitution has been made as
33 ordered. If the superior court has ordered supervision and
34 restitution has not been made, the officer shall inform the
35 prosecutor of that violation of the terms of the suspended sentence
36 not less than three months prior to the termination of the suspended
37 sentence.

38 **Sec. 7.** RCW 9.94A.6333 and 2022 c 260 s 13 are each amended to
39 read as follows:

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

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

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

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

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

17 (i) Convert a term of partial confinement to total confinement;
18 or

19 (ii) Convert community restitution obligation to total or partial
20 confinement;

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 8.** RCW 9.94A.760 and 2022 c 260 s 4 and 2022 c 29 s 4 are
2 each reenacted and amended to read as follows:

3 (1) Whenever a person is convicted in superior court, the court
4 may order the payment of a legal financial obligation as part of the
5 sentence. The court may not order an offender to pay costs as
6 described in RCW 10.01.160 if the court finds that the offender at
7 the time of sentencing is indigent as defined in RCW 10.01.160(3). An
8 offender being indigent as defined in RCW 10.01.160(3) is not grounds
9 for failing to impose restitution (~~(or the crime victim penalty~~
10 ~~assessment under RCW 7.68.035)), subject to RCW 9.94A.750(3) and~~
11 9.94A.753(3). The court must on either the judgment and sentence or
12 on a subsequent order to pay, designate the total amount of a legal
13 financial obligation and segregate this amount among the separate
14 assessments made for restitution, costs, fines, and other assessments
15 required by law. On the same order, the court is also to set a sum
16 that the offender is required to pay on a monthly basis towards
17 satisfying the legal financial obligation. If the court fails to set
18 the offender monthly payment amount, the department shall set the
19 amount if the department has active supervision of the offender,
20 otherwise the county clerk shall set the amount.

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

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

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

29 (c) Third, proportionally to crime victims' assessments imposed
30 prior to the effective date of this section that have not been waived
31 under RCW 7.68.035; and

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

34 (3) If the court determines that the offender, at the time of
35 sentencing, has the means to pay for the cost of incarceration, the
36 court may require the offender to pay for the cost of incarceration.
37 The court shall not order the offender to pay the cost of
38 incarceration if the court finds that the offender at the time of
39 sentencing is indigent as defined in RCW 10.01.160(3). Costs of
40 incarceration ordered by the court shall not exceed a rate of \$50 per

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

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

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

25 (5) (a) Independent of the department or the county clerk, the
26 party or entity to whom the legal financial obligation is owed shall
27 have the authority to use any other remedies available to the party
28 or entity to collect the legal financial obligation. These remedies
29 include enforcement in the same manner as a judgment in a civil
30 action by the party or entity to whom the legal financial obligation
31 is owed. Restitution collected through civil enforcement must be paid
32 through the registry of the court and must be distributed
33 proportionately according to each victim's loss when there is more
34 than one victim. The judgment and sentence shall identify the party
35 or entity to whom restitution is owed so that the state, party, or
36 entity may enforce the judgment.

37 (b) If restitution is ordered pursuant to RCW 9.94A.750(6) or
38 9.94A.753(6) to a victim of rape of a child or a victim's child born
39 from the rape, the Washington state child support registry shall be
40 identified as the party to whom payments must be made. Restitution

1 obligations arising from the rape of a child in the first, second, or
2 third degree that result in the pregnancy of the victim may be
3 enforced for the time periods provided under RCW 9.94A.750(6) and
4 9.94A.753(6).

5 (c) All other restitution obligations for an offense committed
6 prior to July 1, 2000, may be enforced at any time during the 10-year
7 period following the offender's release from total confinement or
8 within 10 years of entry of the judgment and sentence, whichever
9 period ends later. Prior to the expiration of the initial 10-year
10 period, the superior court may extend the criminal judgment an
11 additional 10 years for payment of restitution obligations. All other
12 restitution obligations for an offense committed on or after July 1,
13 2000, may be enforced at any time the offender remains under the
14 court's jurisdiction. For an offense committed on or after July 1,
15 2000, the court shall retain jurisdiction over the offender, for
16 purposes of the offender's compliance with payment of the restitution
17 obligations, until the obligation is completely satisfied, regardless
18 of the statutory maximum for the crime.

19 (d) All other legal financial obligations other than restitution
20 may be enforced at any time during the 10-year period following the
21 offender's release from total confinement or within 10 years of entry
22 of the judgment and sentence, whichever period ends later. Prior to
23 the expiration of the initial 10-year period, the superior court may
24 extend the criminal judgment an additional 10 years for payment of
25 nonrestitution legal financial obligations only if the court finds
26 that the offender has the current or likely future ability to pay the
27 obligations. A person does not have the current ability to pay if the
28 person is indigent as defined in RCW 10.01.160(3).

29 (e) The department may only supervise the offender's compliance
30 with payment of the legal financial obligations during any period in
31 which the department is authorized to supervise the offender in the
32 community under RCW 9.94A.728, 9.94A.501, or in which the offender is
33 confined in a state correctional institution or a correctional
34 facility pursuant to a transfer agreement with the department, and
35 the department shall supervise the offender's compliance during any
36 such period. The department is not responsible for supervision of the
37 offender during any subsequent period of time the offender remains
38 under the court's jurisdiction. The county clerk is authorized to
39 collect unpaid legal financial obligations at any time the offender

1 remains under the jurisdiction of the court for purposes of his or
2 her legal financial obligations.

3 (6) In order to assist the court in setting a monthly sum that
4 the offender must pay during the period of supervision, the offender
5 is required to report to the department for purposes of preparing a
6 recommendation to the court. When reporting, the offender is
7 required, under oath, to respond truthfully and honestly to all
8 questions concerning present, past, and future earning capabilities
9 and the location and nature of all property or financial assets. The
10 offender is further required to bring all documents requested by the
11 department.

12 (7) After completing the investigation, the department shall make
13 a report to the court on the amount of the monthly payment that the
14 offender should be required to make towards a satisfied legal
15 financial obligation.

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

30 (b) Subsequent to any period of supervision, or if the department
31 is not authorized to supervise the offender in the community, the
32 county clerk may make a recommendation to the court that the
33 offender's monthly payment schedule be modified so as to reflect a
34 change in financial circumstances. If the county clerk sets the
35 monthly payment amount, or if the department set the monthly payment
36 amount and the department has subsequently turned the collection of
37 the legal financial obligation over to the county clerk, the clerk
38 may modify the monthly payment amount without the matter being
39 returned to the court. During the period of repayment, the county
40 clerk may require the offender to report to the clerk for the purpose

1 of reviewing the appropriateness of the collection schedule for the
2 legal financial obligation. During this reporting, the offender is
3 required under oath to respond truthfully and honestly to all
4 questions concerning earning capabilities and the location and nature
5 of all property or financial assets. The offender shall bring all
6 documents requested by the county clerk in order to prepare the
7 collection schedule.

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

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

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

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

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

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

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

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

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

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

27 **Sec. 9.** RCW 9.94B.040 and 2022 c 260 s 14 are each amended to
28 read as follows:

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

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

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

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

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

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

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

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

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

39 (e) If the violation involves a failure to undergo or comply with
40 mental status evaluation and/or outpatient mental health treatment,

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

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

13 (a) The department and the offender may enter into a stipulated
14 agreement that the failure to pay was willful noncompliance,
15 according to the provisions and requirements of subsection (3)(a) of
16 this section;

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

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

38 (d) If the court determines that the offender is homeless or a
39 person who is mentally ill, as defined in RCW 71.24.025, failure to

1 pay a legal financial obligation is not willful noncompliance and
2 shall not subject the offender to penalties;

3 (e) If the court finds that the failure to pay is willful
4 noncompliance, the court may order the offender to be confined for a
5 period not to exceed 60 days for each violation or order one or more
6 of the penalties authorized in subsection (3)(a)(i) of this section;
7 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), the court shall modify the terms of
11 payment of the legal financial obligations, reduce or waive
12 nonrestitution legal financial obligations, or convert nonrestitution
13 legal financial obligations to community restitution hours, if the
14 jurisdiction operates a community restitution program, at the rate of
15 no less than the state minimum wage established in RCW 49.46.020 for
16 each hour of community restitution. (~~The crime victim penalty
17 assessment under RCW 7.68.035 may not be reduced, waived, or
18 converted to community restitution hours.~~)

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

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

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

37 **Sec. 10.** RCW 9.95.210 and 2022 c 260 s 7 are each amended to
38 read as follows:

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

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

23 (2) In the order granting probation and as a condition thereof,
24 the superior court may in its discretion imprison the defendant in
25 the county jail for a period not exceeding one year and may fine the
26 defendant any sum not exceeding the statutory limit for the offense
27 committed, and court costs. As a condition of probation, the superior
28 court (~~((shall require the payment of the penalty assessment required
29 by RCW 7.68.035. The superior court))~~) may ((also)) require the
30 defendant to make such monetary payments, on such terms as it deems
31 appropriate under the circumstances, as are necessary: (a) To comply
32 with any order of the court for the payment of family support; (b) to
33 make restitution to any person or persons who may have suffered loss
34 or damage by reason of the commission of the crime in question or
35 when the offender pleads guilty to a lesser offense or fewer offenses
36 and agrees with the prosecutor's recommendation that the offender be
37 required to pay restitution to a victim of an offense or offenses
38 which are not prosecuted pursuant to a plea agreement; (c) to pay
39 such fine as may be imposed and court costs, including reimbursement
40 of the state for costs of extradition if return to this state by

1 extradition was required; (d) following consideration of the
2 financial condition of the person subject to possible electronic
3 monitoring, to pay for the costs of electronic monitoring if that
4 monitoring was required by the court as a condition of release from
5 custody or as a condition of probation; (e) to contribute to a county
6 or interlocal drug fund; and (f) to make restitution to a public
7 agency for the costs of an emergency response under RCW 38.52.430,
8 and may require bonds for the faithful observance of any and all
9 conditions imposed in the probation.

10 (3) The superior court shall order restitution in all cases where
11 the victim is entitled to benefits under the crime victims'
12 compensation act, chapter 7.68 RCW. If the superior court does not
13 order restitution and the victim of the crime has been determined to
14 be entitled to benefits under the crime victims' compensation act,
15 the department of labor and industries, as administrator of the crime
16 victims' compensation program, may petition the superior court within
17 one year of imposition of the sentence for entry of a restitution
18 order. Upon receipt of a petition from the department of labor and
19 industries, the superior court shall hold a restitution hearing and
20 shall enter a restitution order.

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

32 (5) In granting probation, the superior court may order the
33 probationer to report to the secretary of corrections or such officer
34 as the secretary may designate and as a condition of the probation to
35 follow the instructions of the secretary for up to twelve months. If
36 the county legislative authority has elected to assume responsibility
37 for the supervision of superior court misdemeanor probationers
38 within its jurisdiction, the superior court misdemeanor probationer
39 shall report to a probation officer employed or contracted for by the
40 county. In cases where a superior court misdemeanor probationer is

1 sentenced in one county, but resides within another county, there
2 must be provisions for the probationer to report to the agency having
3 supervision responsibility for the probationer's county of residence.

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

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

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

22 **Sec. 11.** RCW 10.01.180 and 2022 c 260 s 15 are each amended to
23 read as follows:

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

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

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

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

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

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

23 (5) If it appears to the satisfaction of the court that the
24 default in the payment of any fine, penalty, assessment, fee, or
25 costs is not willful contempt, the court may, and if the defendant is
26 indigent as defined in RCW 10.01.160(3), the court shall enter an
27 order: (a) Allowing the defendant additional time for payment; (b)
28 reducing the amount thereof or of each installment; (c) revoking the
29 fine, penalty, assessment, fee, or costs or the unpaid portion
30 thereof in whole or in part; or (d) converting the unpaid fine,
31 penalty, assessment, fee, or costs to community restitution hours, if
32 the jurisdiction operates a community restitution program, at the
33 rate of no less than the state minimum wage established in RCW
34 49.46.020 for each hour of community restitution. (~~(The crime victim
35 penalty assessment under RCW 7.68.035 may not be reduced, revoked, or
36 converted to community restitution hours.)~~)

37 (6) A default in the payment of any fine, penalty, assessment,
38 fee, or costs or any installment thereof may be collected by any
39 means authorized by law for the enforcement of a judgment. The levy
40 of execution for the collection of any fine, penalty, assessment,

1 fee, or costs shall not discharge a defendant committed to
2 imprisonment for contempt until the amount has actually been
3 collected.

4 **Sec. 12.** RCW 10.82.090 and 2022 c 260 s 12 are each amended to
5 read as follows:

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

17 (2) The court may elect not to impose interest on any restitution
18 the court orders. Before determining not to impose interest on
19 restitution, the court shall inquire into and consider the following
20 factors: (a) Whether the offender is indigent as defined in RCW
21 (~~(10.101.010(3))~~) 10.01.160(3) or general rule 34; (b) the offender's
22 available funds, as defined in RCW 10.101.010(2), and other
23 liabilities including child support and other legal financial
24 obligations; (c) whether the offender is homeless; and (d) whether
25 the offender is mentally ill, as defined in RCW 71.24.025. The court
26 shall also consider the victim's input, if any, as it relates to any
27 financial hardship caused to the victim if interest is not imposed.
28 The court may also consider any other information that the court
29 believes, in the interest of justice, relates to not imposing
30 interest on restitution. After consideration of these factors, the
31 court may waive the imposition of restitution interest.

32 (3) The court may, on motion by the offender, reduce or waive the
33 interest on legal financial obligations levied as a result of a
34 criminal conviction as follows:

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

38 (b) The court may waive or reduce interest on the restitution
39 portion of the legal financial obligations only if the principal has

1 been paid in full, except as provided in (c) of this subsection. The
2 court may grant the motion, establish a payment schedule, and retain
3 jurisdiction over the offender for purposes of reviewing and revising
4 the reduction or waiver of interest;

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

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

17 **Sec. 13.** RCW 13.40.192 and 2015 c 265 s 7 are each amended to
18 read as follows:

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

33 (2) A respondent under obligation to pay legal financial
34 obligations other than restitution ~~((, the victim penalty assessment
35 set forth in RCW 7.68.035, or the crime laboratory analysis fee set
36 forth in RCW 43.43.690))~~ may petition the court for modification or
37 relief from those legal financial obligations and interest accrued on
38 those obligations for good cause shown, including inability to pay.
39 The court shall consider factors such as, but not limited to

1 incarceration and a respondent's other debts, including restitution,
2 when determining a respondent's ability to pay.

3 **Sec. 14.** RCW 13.40.200 and 2004 c 120 s 7 are each amended to
4 read as follows:

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

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

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

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

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

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

10 NEW SECTION. **Sec. 15.** If specific funding for the purposes of
11 this act, referencing this act by bill or chapter number, is not
12 provided by June 30, 2023, in the omnibus appropriations act, this
13 act is null and void.

14 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and takes
17 effect July 1, 2023.

--- END ---