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**SUBSTITUTE SENATE BILL 5564**

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**State of Washington****64th Legislature****2015 Regular Session**

**By** Senate Human Services, Mental Health & Housing (originally sponsored by Senators O'Ban, Darneille, Miloscia, Hargrove, Kohl-Welles, Fain, Jayapal, Brown, Habib, Dammeier, Frockt, Litzow, Warnick, Hasegawa, and McAuliffe)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to decreasing the barriers to successful  
2 community participation for individuals involved with the juvenile  
3 justice system; amending RCW 13.50.260, 13.40.190, 9.08.070,  
4 9.08.072, 9.46.1961, 9.68A.105, 9.68A.106, 9.94A.550, 9A.20.021,  
5 9A.50.030, 9A.56.060, 9A.56.085, 9A.88.120, 9A.88.140, 10.73.160,  
6 10.82.090, 10.99.080, 13.40.080, 36.18.016, 36.18.020, 36.18.040,  
7 43.43.690, 43.43.7541, 46.61.5054, 46.61.5055, 69.50.401, 69.50.425,  
8 69.50.430, 69.50.435, and 77.15.420; reenacting and amending RCW  
9 13.40.127; adding a new section to chapter 13.40 RCW; adding a new  
10 section to chapter 13.50 RCW; creating new sections; and repealing  
11 RCW 13.40.145 and 13.40.085.

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

13 NEW SECTION. **Sec. 1.** (1) The legislature finds that requiring  
14 juvenile offenders to pay all legal financial obligations before  
15 being eligible to have a juvenile record automatically sealed  
16 disproportionately affects youth based on their socioeconomic status.  
17 Juveniles who cannot afford to pay their legal financial obligations  
18 cannot seal their juvenile records once they turn eighteen and  
19 oftentimes struggle to find employment. By eliminating most  
20 nonrestitution legal financial obligations for juveniles convicted of  
21 less serious crimes, juvenile offenders will be better able to find

1 employment and focus on making restitution payments to the victim.  
2 Requiring a juvenile offender to pay restitution to victims will help  
3 juveniles understand the consequences of prior actions and the harm  
4 that those actions have caused to others without placing  
5 insurmountable burdens on juveniles attempting to become productive  
6 members of society. Depending on the juvenile's ability to pay, and  
7 upon the consent of the victim, courts should also strongly consider  
8 ordering community restitution in lieu of paying restitution where  
9 appropriate.

10 (2) Therefore, the legislature intends this legislation to  
11 eliminate most nonrestitution legal financial obligations for  
12 juvenile offenders while at the same time keeping juvenile offenders  
13 accountable and focusing payments that are made on restitution to the  
14 victim.

15 **Sec. 2.** RCW 13.50.260 and 2014 c 175 s 4 are each amended to  
16 read as follows:

17 (1)(a) The court shall hold regular sealing hearings. During  
18 these regular sealing hearings, the court shall administratively seal  
19 an individual's juvenile (~~court~~) record pursuant to the  
20 requirements of this subsection unless the court receives an  
21 objection to sealing or the court notes a compelling reason not to  
22 seal, in which case, the court shall set a contested hearing to be  
23 conducted on the record to address sealing. (~~The respondent and his  
24 or her attorney shall be given at least eighteen days' notice of any  
25 contested sealing hearing and the opportunity to respond to any  
26 objections, but the respondent's presence is not required at any  
27 sealing hearing pursuant to this subsection.~~) Although the juvenile  
28 record shall be sealed, the social file may be available to any  
29 juvenile justice or care agency when an investigation or case  
30 involving the juvenile subject of the records is being prosecuted by  
31 the juvenile justice or care agency or when the juvenile justice or  
32 care agency is assigned the responsibility of supervising the  
33 juvenile. The contested hearing shall be set no sooner than eighteen  
34 days after notice of the hearing and the opportunity to object has  
35 been sent to the juvenile, the victim, and juvenile's attorney. At a  
36 contested hearing, the restitution portion of the dispositional order  
37 may be modified as to amount, terms, and conditions for good cause  
38 shown, including ability to pay. The juvenile respondent's presence  
39 is not required at a sealing hearing pursuant to this subsection.

1 (b) At the disposition hearing of a juvenile offender, the court  
2 shall schedule an administrative sealing hearing to take place during  
3 the first regularly scheduled sealing hearing after the latest of the  
4 following events that apply:

5 (i) The respondent's eighteenth birthday;

6 (ii) Anticipated completion of a respondent's probation, if  
7 ordered;

8 (iii) Anticipated release from confinement at the juvenile  
9 rehabilitation administration, or the completion of parole, if the  
10 respondent is transferred to the juvenile rehabilitation  
11 administration.

12 (c) A court shall enter a written order sealing an individual's  
13 juvenile court record pursuant to this subsection if:

14 (i) One of the offenses for which the court has entered a  
15 disposition is not at the time of commission of the offense:

16 (A) A most serious offense, as defined in RCW 9.94A.030;

17 (B) A sex offense under chapter 9A.44 RCW; or

18 (C) A drug offense, as defined in RCW 9.94A.030; and

19 (ii) The respondent has completed the terms and conditions of  
20 disposition, including affirmative conditions and ~~((financial~~  
21 ~~obligations))~~ has paid the full amount of restitution.

22 (d) Following a contested sealing hearing on the record after an  
23 objection is made pursuant to (a) of this subsection, the court shall  
24 enter a written order sealing the juvenile court record unless the  
25 court determines that sealing is not appropriate.

26 (2) The court shall enter a written order immediately sealing the  
27 official juvenile court record upon the acquittal after a fact  
28 finding or upon the dismissal of charges with prejudice, subject to  
29 the state's right, if any, to appeal the dismissal.

30 (3) If a juvenile court record has not already been sealed  
31 pursuant to this section, in any case in which information has been  
32 filed pursuant to RCW 13.40.100 or a complaint has been filed with  
33 the prosecutor and referred for diversion pursuant to RCW 13.40.070,  
34 the person who is the subject of the information or complaint may  
35 file a motion with the court to have the court vacate its order and  
36 findings, if any, and, subject to RCW 13.50.050(13), order the  
37 sealing of the official juvenile court record, the social file, and  
38 records of the court and of any other agency in the case.

39 (4)(a) The court shall grant any motion to seal records for class  
40 A offenses made pursuant to subsection (3) of this section if:

1 (i) Since the last date of release from confinement, including  
2 full-time residential treatment, if any, or entry of disposition, the  
3 person has spent five consecutive years in the community without  
4 committing any offense or crime that subsequently results in an  
5 adjudication or conviction;

6 (ii) No proceeding is pending against the moving party seeking  
7 the conviction of a juvenile offense or a criminal offense;

8 (iii) No proceeding is pending seeking the formation of a  
9 diversion agreement with that person;

10 (iv) The person is no longer required to register as a sex  
11 offender under RCW 9A.44.130 or has been relieved of the duty to  
12 register under RCW 9A.44.143 if the person was convicted of a sex  
13 offense;

14 (v) The person has not been convicted of rape in the first  
15 degree, rape in the second degree, or indecent liberties that was  
16 actually committed with forcible compulsion; and

17 (vi) Full restitution has been paid.

18 (b) The court shall grant any motion to seal records for class B,  
19 (~~(class)~~) class C, gross misdemeanor, and misdemeanor offenses and  
20 diversions made under subsection (3) of this section if:

21 (i) Since the date of last release from confinement, including  
22 full-time residential treatment, if any, entry of disposition, or  
23 completion of the diversion agreement, the person has spent two  
24 consecutive years in the community without being convicted of any  
25 offense or crime;

26 (ii) No proceeding is pending against the moving party seeking  
27 the conviction of a juvenile offense or a criminal offense;

28 (iii) No proceeding is pending seeking the formation of a  
29 diversion agreement with that person;

30 (iv) The person is no longer required to register as a sex  
31 offender under RCW 9A.44.130 or has been relieved of the duty to  
32 register under RCW 9A.44.143 if the person was convicted of a sex  
33 offense; and

34 (v) Full restitution has been paid.

35 (c) Notwithstanding the requirements in (a) or (b) of this  
36 subsection, the court shall grant any motion to seal records of any  
37 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,  
38 2012, if restitution has been paid and the person is eighteen years  
39 of age or older at the time of the motion.

1 (5) The person making a motion pursuant to subsection (3) of this  
2 section shall give reasonable notice of the motion to the prosecution  
3 and to any person or agency whose records are sought to be sealed.

4 (6)(a) If the court enters a written order sealing the juvenile  
5 court record pursuant to this section, it shall, subject to RCW  
6 13.50.050(13), order sealed the official juvenile court record, the  
7 social file, records of the offense maintained by the department of  
8 licensing, and other records relating to the case as are named in the  
9 order. Thereafter, the proceedings in the case shall be treated as if  
10 they never occurred, and the subject of the records may reply  
11 accordingly to any inquiry about the events, records of which are  
12 sealed. Any agency shall reply to any inquiry concerning confidential  
13 or sealed records that records are confidential, and no information  
14 can be given about the existence or nonexistence of records  
15 concerning an individual.

16 (b) In the event the subject of the juvenile records receives a  
17 full and unconditional pardon, the proceedings in the matter upon  
18 which the pardon has been granted shall be treated as if they never  
19 occurred, and the subject of the records may reply accordingly to any  
20 inquiry about the events upon which the pardon was received. Any  
21 agency shall reply to any inquiry concerning the records pertaining  
22 to the events for which the subject received a pardon that records  
23 are confidential, and no information can be given about the existence  
24 or nonexistence of records concerning an individual.

25 (7) Inspection of the files and records included in the order to  
26 seal may thereafter be permitted only by order of the court upon  
27 motion made by the person who is the subject of the information or  
28 complaint, except as otherwise provided in RCW 13.50.010(8) and  
29 13.50.050(13).

30 (8)(a) Any adjudication of a juvenile offense or a crime  
31 subsequent to sealing has the effect of nullifying a sealing order;  
32 however, the court may order the juvenile court record resealed upon  
33 disposition of the subsequent matter if the case meets the sealing  
34 criteria under this section and the court record has not previously  
35 been resealed.

36 (b) Any charging of an adult felony subsequent to the sealing has  
37 the effect of nullifying the sealing order.

38 (c) The administrative office of the courts shall ensure that the  
39 superior court judicial information system provides prosecutors and

1 law enforcement access to information on the existence of sealed  
2 juvenile records.

3 (9) If the juvenile court record has been sealed pursuant to this  
4 section, the record of an employee is not admissible in an action for  
5 liability against the employer based on the former juvenile  
6 offender's conduct to show that the employer knew or should have  
7 known of the juvenile record of the employee. The record may be  
8 admissible, however, if a background check conducted or authorized by  
9 the employer contained the information in the sealed record.

10 NEW SECTION. Sec. 3. A new section is added to chapter 13.40  
11 RCW to read as follows:

12 Cities, towns, and counties may not impose any legal financial  
13 obligations, fees, fines, or costs associated with juvenile offenses  
14 unless there is express statutory authority for those legal financial  
15 obligations, fees, fines, or costs.

16 **Sec. 4.** RCW 13.40.190 and 2014 c 175 s 7 are each amended to  
17 read as follows:

18 (1)(a) In its dispositional order, the court shall require the  
19 respondent to make restitution to any persons who have suffered loss  
20 or damage as a result of the offense committed by the respondent. In  
21 addition, restitution may be ordered for loss or damage if the  
22 offender pleads guilty to a lesser offense or fewer offenses and  
23 agrees with the prosecutor's recommendation that the offender be  
24 required to pay restitution to a victim of an offense or offenses  
25 which, pursuant to a plea agreement, are not prosecuted.

26 (b) Restitution may include the costs of counseling reasonably  
27 related to the offense.

28 (c) The payment of restitution shall be in addition to any  
29 punishment which is imposed pursuant to the other provisions of this  
30 chapter.

31 (d) The court may determine the amount, terms, and conditions of  
32 the restitution including a payment plan extending up to ten years if  
33 the court determines that the respondent does not have the means to  
34 make full restitution over a shorter period. If the court determines  
35 that a juvenile has insufficient funds to pay and upon agreement of  
36 the victim, the court may order performance of a number of hours of  
37 community restitution in lieu of monetary penalty, at the rate of the  
38 then state minimum wage per hour. The court shall allow the victim to

1 determine the nature of the community restitution to be completed  
2 when it is practicable to do so. For the purposes of this section,  
3 the respondent shall remain under the court's jurisdiction for a  
4 maximum term of ten years after the respondent's eighteenth birthday  
5 and, during this period, the restitution portion of the dispositional  
6 order may be modified as to amount, terms, and conditions at any time  
7 for good cause shown, including inability to pay. Prior to the  
8 expiration of the ten-year period, the juvenile court may extend the  
9 judgment for the payment of restitution for an additional ten years.  
10 If the court grants a respondent's petition pursuant to RCW  
11 13.50.260, the court's jurisdiction under this subsection shall  
12 terminate.

13 (e) Nothing in this section shall prevent a respondent from  
14 petitioning the court pursuant to RCW 13.50.260 if the respondent has  
15 paid the full restitution amount stated in the court's order and has  
16 met the statutory criteria.

17 (f) If the respondent participated in the crime with another  
18 person or other persons, (~~all such participants shall be jointly and~~  
19 ~~severally responsible for the payment of restitution~~) the court may  
20 either order joint and several restitution or may divide restitution  
21 equally among the respondents. In determining whether restitution  
22 should be joint and several or equally divided, the court shall  
23 consider the interest and circumstances of the victim or victims, the  
24 circumstances of the respondents, and the interest of justice.

25 (g) At any time, the court may determine that the respondent is  
26 not required to pay, or may relieve the respondent of the requirement  
27 to pay, full or partial restitution to any insurance provider  
28 authorized under Title 48 RCW if the respondent reasonably satisfies  
29 the court that he or she does not have the means to make full or  
30 partial restitution to the insurance provider and could not  
31 reasonably acquire the means to pay the insurance provider the  
32 restitution over a ten-year period.

33 (2) Regardless of the provisions of subsection (1) of this  
34 section, the court shall order restitution in all cases where the  
35 victim is entitled to benefits under the crime victims' compensation  
36 act, chapter 7.68 RCW. If the court does not order restitution and  
37 the victim of the crime has been determined to be entitled to  
38 benefits under the crime victims' compensation act, the department of  
39 labor and industries, as administrator of the crime victims'  
40 compensation program, may petition the court within one year of entry

1 of the disposition order for entry of a restitution order. Upon  
2 receipt of a petition from the department of labor and industries,  
3 the court shall hold a restitution hearing and shall enter a  
4 restitution order.

5 (3) If an order includes restitution as one of the monetary  
6 assessments, the county clerk shall make disbursements to victims  
7 named in the order. The restitution to victims named in the order  
8 shall be paid prior to any payment for other penalties or monetary  
9 assessments. The county clerk shall make restitution disbursements to  
10 victims prior to payments to any insurance provider under Title 48  
11 RCW.

12 (4) For purposes of this section, "victim" means any person who  
13 has sustained emotional, psychological, physical, or financial injury  
14 to person or property as a direct result of the offense charged.  
15 "Victim" may also include a known parent or guardian of a victim who  
16 is a minor child or is not a minor child but is incapacitated,  
17 incompetent, disabled, or deceased.

18 (5) A respondent under obligation to pay restitution may petition  
19 the court for modification of or relief from the restitution order.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.50  
21 RCW to read as follows:

22 (1) Courts and judicial agencies that maintain a database of  
23 juvenile records may provide those records, whether sealed or not, to  
24 government agencies for the purpose of carrying out research or data  
25 gathering functions. This data may also be linked with records from  
26 other agencies or research organizations, provided that any agency  
27 receiving or using records under this subsection maintain strict  
28 confidentiality of the identity of the juveniles who are the subjects  
29 of such records.

30 (2) Juvenile records, whether sealed or not, can be provided  
31 without personal identifiers to researchers conducting legitimate  
32 research for educational, scientific, or public purposes, so long as  
33 the data is not used by the recipients of the records to identify an  
34 individual with a juvenile record.

35 **Sec. 6.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read  
36 as follows:

37 (1) Any person who, with intent to deprive or defraud the owner  
38 thereof, does any of the following shall be guilty of a gross

1 misdemeanor punishable according to chapter 9A.20 RCW and ((~~by~~)), for  
2 adult offenders, a mandatory fine of not less than five hundred  
3 dollars per pet animal shall be imposed, except as provided by  
4 subsection (2) of this section:

5 (a) Takes, leads away, confines, secretes or converts any pet  
6 animal, except in cases in which the value of the pet animal exceeds  
7 two hundred fifty dollars;

8 (b) Conceals the identity of any pet animal or its owner by  
9 obscuring, altering, or removing from the pet animal any collar, tag,  
10 license, tattoo, or other identifying device or mark;

11 (c) Willfully or recklessly kills or injures any pet animal,  
12 unless excused by law.

13 (2) Nothing in this section shall prohibit a person from also  
14 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,  
15 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or  
16 9A.56.170 for possession of stolen property.

17 **Sec. 7.** RCW 9.08.072 and 2003 c 53 s 10 are each amended to read  
18 as follows:

19 (1) It is unlawful for any person to receive with intent to sell  
20 to a research institution in the state of Washington, or sell or  
21 otherwise directly transfer to a research institution in the state of  
22 Washington, a pet animal that the person knows or has reason to know  
23 has been stolen or fraudulently obtained. This section does not apply  
24 to U.S.D.A. licensed dealers.

25 (2) The first conviction under this section is a gross  
26 misdemeanor punishable according to chapter 9A.20 RCW and ((~~by~~)), for  
27 adult offenders, a mandatory fine of not less than five hundred  
28 dollars per pet animal shall be imposed.

29 (3) A second or subsequent conviction under this section is a  
30 class C felony punishable according to chapter 9A.20 RCW and ((~~by~~)),  
31 for adult offenders, a mandatory fine of not less than one thousand  
32 dollars per pet animal shall be imposed.

33 (4) Nothing in this section shall prohibit a person from also  
34 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,  
35 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or  
36 9A.56.170 for possession of stolen property.

37 **Sec. 8.** RCW 9.46.1961 and 2002 c 253 s 2 are each amended to  
38 read as follows:

1 (1) A person is guilty of cheating in the first degree if he or  
2 she engages in cheating and:

3 (a) Knowingly causes, aids, abets, or conspires with another to  
4 engage in cheating; or

5 (b) Holds a license or similar permit issued by the state of  
6 Washington to conduct, manage, or act as an employee in an authorized  
7 gambling activity.

8 (2) Cheating in the first degree is a class C felony subject to  
9 the penalty set forth in RCW 9A.20.021. In addition to any other  
10 penalties imposed by law for a conviction of a violation of this  
11 section the court may impose an additional penalty of up to twenty  
12 thousand dollars on adult offenders.

13 **Sec. 9.** RCW 9.68A.105 and 2013 c 121 s 4 are each amended to  
14 read as follows:

15 (1)(a) In addition to penalties set forth in RCW 9.68A.100,  
16 9.68A.101, and 9.68A.102, (~~(a person)~~) an adult offender who is  
17 either convicted or given a deferred sentence or a deferred  
18 prosecution or who has entered into a statutory or nonstatutory  
19 diversion agreement as a result of an arrest for violating RCW  
20 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or  
21 municipal ordinance shall be assessed a five thousand dollar fee.

22 (b) The court may not reduce, waive, or suspend payment of all or  
23 part of the fee assessed unless it finds, on the record, that the  
24 (~~person~~) adult offender does not have the ability to pay in which  
25 case it may reduce the fee by an amount up to two-thirds of the  
26 maximum allowable fee.

27 (~~((c) When a minor has been adjudicated a juvenile offender or  
28 has entered into a statutory or nonstatutory diversion agreement for  
29 an offense which, if committed by an adult, would constitute a  
30 violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable  
31 county or municipal ordinance, the court shall assess the fee under  
32 (a) of this subsection. The court may not reduce, waive, or suspend  
33 payment of all or part of the fee assessed unless it finds, on the  
34 record, that the minor does not have the ability to pay the fee in  
35 which case it may reduce the fee by an amount up to two-thirds of the  
36 maximum allowable fee.))~~)

37 (2) Fees assessed under this section shall be collected by the  
38 clerk of the court and remitted to the treasurer of the county where  
39 the offense occurred for deposit in the county general fund, except

1 in cases in which the offense occurred in a city or town that  
2 provides for its own law enforcement, in which case these amounts  
3 shall be remitted to the treasurer of the city or town for deposit in  
4 the general fund of the city or town. Revenue from the fees must be  
5 used for local efforts to reduce the commercial sale of sex  
6 including, but not limited to, increasing enforcement of commercial  
7 sex laws.

8 (a) At least fifty percent of the revenue from fees imposed under  
9 this section must be spent on prevention, including education  
10 programs for offenders, such as john school, and rehabilitative  
11 services for victims, such as mental health and substance abuse  
12 counseling, parenting skills, training, housing relief, education,  
13 vocational training, drop-in centers, and employment counseling.

14 (b) Two percent of the revenue from fees imposed under this  
15 section shall be remitted quarterly to the department of commerce,  
16 together with a report detailing the fees assessed, the revenue  
17 received, and how that revenue was spent.

18 (c) Revenues from these fees are not subject to the distribution  
19 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
20 35.20.220.

21 (3) For the purposes of this section:

22 (a) "Statutory or nonstatutory diversion agreement" means an  
23 agreement under RCW 13.40.080 or any written agreement between a  
24 person accused of an offense listed in subsection (1) of this section  
25 and a court, county or city prosecutor, or designee thereof, whereby  
26 the person agrees to fulfill certain conditions in lieu of  
27 prosecution.

28 (b) "Deferred sentence" means a sentence that will not be carried  
29 out if the defendant meets certain requirements, such as complying  
30 with the conditions of probation.

31 **Sec. 10.** RCW 9.68A.106 and 2013 c 9 s 1 are each amended to read  
32 as follows:

33 (1) In addition to all other penalties under this chapter, ((a  
34 ~~person~~)) an adult offender convicted of an offense under RCW  
35 9.68A.100, 9.68A.101, or 9.68A.102 shall be assessed an additional  
36 fee of five thousand dollars per offense when the court finds that an  
37 internet advertisement in which the victim of the crime was described  
38 or depicted was instrumental in facilitating the commission of the  
39 crime.

1 (2) For purposes of this section, an "internet advertisement"  
2 means a statement in electronic media that would be understood by a  
3 reasonable person to be an implicit or explicit offer for sexual  
4 contact or sexual intercourse, both as defined in chapter 9A.44 RCW,  
5 in exchange for something of value.

6 (3) Amounts collected as penalties under this section shall be  
7 deposited in the account established under RCW 43.63A.740.

8 **Sec. 11.** RCW 9.94A.550 and 2003 c 53 s 59 are each amended to  
9 read as follows:

10 Unless otherwise provided by a statute of this state, on all  
11 sentences under this chapter the court may impose fines on adult  
12 offenders according to the following ranges:

13	Class A felonies	\$0 - 50,000
14	Class B felonies	\$0 - 20,000
15	Class C felonies	\$0 - 10,000

16 **Sec. 12.** RCW 9A.20.021 and 2011 c 96 s 13 are each amended to  
17 read as follows:

18 (1) Felony. Unless a different maximum sentence for a classified  
19 felony is specifically established by a statute of this state, no  
20 person convicted of a classified felony shall be punished by  
21 confinement or fine exceeding the following:

22 (a) For a class A felony, by confinement in a state correctional  
23 institution for a term of life imprisonment, or by a fine in an  
24 amount fixed by the court of fifty thousand dollars, or by both such  
25 confinement and fine;

26 (b) For a class B felony, by confinement in a state correctional  
27 institution for a term of ten years, or by a fine in an amount fixed  
28 by the court of twenty thousand dollars, or by both such confinement  
29 and fine;

30 (c) For a class C felony, by confinement in a state correctional  
31 institution for five years, or by a fine in an amount fixed by the  
32 court of ten thousand dollars, or by both such confinement and fine.

33 (2) Gross misdemeanor. Every person convicted of a gross  
34 misdemeanor defined in Title 9A RCW shall be punished by imprisonment  
35 in the county jail for a maximum term fixed by the court of up to  
36 three hundred sixty-four days, or by a fine in an amount fixed by the

1 court of not more than five thousand dollars, or by both such  
2 imprisonment and fine.

3 (3) Misdemeanor. Every person convicted of a misdemeanor defined  
4 in Title 9A RCW shall be punished by imprisonment in the county jail  
5 for a maximum term fixed by the court of not more than ninety days,  
6 or by a fine in an amount fixed by the court of not more than one  
7 thousand dollars, or by both such imprisonment and fine.

8 (4) This section applies to only those crimes committed on or  
9 after July 1, 1984.

10 (5) The fines in this section apply to adult offenders only.

11 **Sec. 13.** RCW 9A.50.030 and 1993 c 128 s 4 are each amended to  
12 read as follows:

13 (1) A violation of RCW 9A.50.020 is a gross misdemeanor. A person  
14 convicted of violating RCW 9A.50.020 shall be punished as follows:

15 ~~((+1))~~ (a) For a first offense, a fine of not less than two  
16 hundred fifty dollars and a jail term of not less than twenty-four  
17 consecutive hours;

18 ~~((+2))~~ (b) For a second offense, a fine of not less than five  
19 hundred dollars and a jail term of not less than seven consecutive  
20 days; and

21 ~~((+3))~~ (c) For a third or subsequent offense, a fine of not less  
22 than one thousand dollars and a jail term of not less than thirty  
23 consecutive days.

24 (2) The fines imposed by this section apply to adult offenders  
25 only.

26 **Sec. 14.** RCW 9A.56.060 and 2009 c 431 s 10 are each amended to  
27 read as follows:

28 (1) Any person who shall with intent to defraud, make, or draw,  
29 or utter, or deliver to another person any check, or draft, on a bank  
30 or other depository for the payment of money, knowing at the time of  
31 such drawing, or delivery, that he or she has not sufficient funds  
32 in, or credit with the bank or other depository, to meet the check or  
33 draft, in full upon its presentation, is guilty of unlawful issuance  
34 of bank check. The word "credit" as used herein shall be construed to  
35 mean an arrangement or understanding with the bank or other  
36 depository for the payment of such check or draft, and the uttering  
37 or delivery of such a check or draft to another person without such

1 fund or credit to meet the same shall be prima facie evidence of an  
2 intent to defraud.

3 (2) Any person who shall with intent to defraud, make, or draw,  
4 or utter, or deliver to another person any check, or draft on a bank  
5 or other depository for the payment of money and who issues a stop-  
6 payment order directing the bank or depository on which the check is  
7 drawn not to honor the check, and who fails to make payment of money  
8 in the amount of the check or draft or otherwise arrange a settlement  
9 agreed upon by the holder of the check within twenty days of issuing  
10 the check or draft is guilty of unlawful issuance of a bank check.

11 (3) When any series of transactions which constitute unlawful  
12 issuance of a bank check would, when considered separately,  
13 constitute unlawful issuance of a bank check in an amount of seven  
14 hundred fifty dollars or less because of value, and the series of  
15 transactions are a part of a common scheme or plan, the transactions  
16 may be aggregated in one count and the sum of the value of all of the  
17 transactions shall be the value considered in determining whether the  
18 unlawful issuance of a bank check is to be punished as a class C  
19 felony or a gross misdemeanor.

20 (4) Unlawful issuance of a bank check in an amount greater than  
21 seven hundred fifty dollars is a class C felony.

22 (5) Unlawful issuance of a bank check in an amount of seven  
23 hundred fifty dollars or less is a gross misdemeanor and shall be  
24 punished as follows:

25 (a) The court shall order the defendant to make full restitution;

26 (b) The defendant need not be imprisoned, but the court shall  
27 impose a fine of up to one thousand one hundred twenty-five dollars  
28 for adult offenders. Of the fine imposed, at least three hundred  
29 seventy-five dollars or an amount equal to one hundred fifty percent  
30 of the amount of the bank check, whichever is greater, shall not be  
31 suspended or deferred. Upon conviction for a second offense within  
32 any twelve-month period, the court may not suspend or defer any  
33 portion of the fine.

34 **Sec. 15.** RCW 9A.56.085 and 2003 c 53 s 76 are each amended to  
35 read as follows:

36 (1) Whenever ((~~a person~~)) an adult offender is convicted of a  
37 violation of RCW 9A.56.080 or 9A.56.083, the convicting court shall  
38 order the person to pay the amount of two thousand dollars for each  
39 animal killed or possessed.

1 (2) For the purpose of this section, the term "convicted"  
2 includes a plea of guilty, a finding of guilt regardless of whether  
3 the imposition of the sentence is deferred or any part of the penalty  
4 is suspended, or the levying of a fine.

5 (3) If two or more persons are convicted of any violation of this  
6 section, the amount required under this section shall be imposed upon  
7 them jointly and severally.

8 (4) The fine in this section shall be imposed in addition to and  
9 regardless of any penalty, including fines or costs, that is provided  
10 for any violation of this section. The amount imposed by this section  
11 shall be included by the court in any pronouncement of sentence and  
12 may not be suspended, waived, modified, or deferred in any respect.  
13 Nothing in this section may be construed to abridge or alter  
14 alternative rights of action or remedies in equity or under common  
15 law or statutory law, criminal or civil.

16 (5) A defaulted payment or any installment payment may be  
17 collected by any means authorized by law for the enforcement of  
18 orders of the court or collection of a fine or costs, including  
19 vacation of a deferral of sentencing or of a suspension of sentence.

20 (6) The two thousand dollars additional penalty shall be remitted  
21 by the county treasurer to the state treasurer as provided under RCW  
22 10.82.070.

23 **Sec. 16.** RCW 9A.88.120 and 2013 c 121 s 5 are each amended to  
24 read as follows:

25 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and  
26 9A.88.030, (~~a person~~) an adult offender who is either convicted or  
27 given a deferred sentence or a deferred prosecution or who has  
28 entered into a statutory or nonstatutory diversion agreement as a  
29 result of an arrest for violating RCW 9A.88.010, 9A.88.030, or  
30 comparable county or municipal ordinances shall be assessed a fifty  
31 dollar fee.

32 (b) In addition to penalties set forth in RCW 9A.88.090, (~~a  
33 person~~) an adult offender who is either convicted or given a  
34 deferred sentence or a deferred prosecution or who has entered into a  
35 statutory or nonstatutory diversion agreement as a result of an  
36 arrest for violating RCW 9A.88.090 or comparable county or municipal  
37 ordinances shall be assessed a fee in the amount of:

1 (i) One thousand five hundred dollars if the defendant has no  
2 prior convictions, deferred sentences, deferred prosecutions, or  
3 statutory or nonstatutory diversion agreements for this offense;

4 (ii) Two thousand five hundred dollars if the defendant has one  
5 prior conviction, deferred sentence, deferred prosecution, or  
6 statutory or nonstatutory diversion agreement for this offense; and

7 (iii) Five thousand dollars if the defendant has two or more  
8 prior convictions, deferred sentences, deferred prosecutions, or  
9 statutory or nonstatutory diversion agreements for this offense.

10 (c) In addition to penalties set forth in RCW 9A.88.110, a person  
11 who is either convicted or given a deferred sentence or a deferred  
12 prosecution or who has entered into a statutory or nonstatutory  
13 diversion agreement as a result of an arrest for violating RCW  
14 9A.88.110 or a comparable county or municipal ordinance shall be  
15 assessed a fee in the amount of:

16 (i) One thousand five hundred dollars if the defendant has no  
17 prior convictions, deferred sentences, deferred prosecutions, or  
18 statutory or nonstatutory diversion agreements for this offense;

19 (ii) Two thousand five hundred dollars if the defendant has one  
20 prior conviction, deferred sentence, deferred prosecution, or  
21 statutory or nonstatutory diversion agreement for this offense; and

22 (iii) Five thousand dollars if the defendant has two or more  
23 prior convictions, deferred sentences, deferred prosecutions, or  
24 statutory or nonstatutory diversion agreements for this offense.

25 (d) In addition to penalties set forth in RCW 9A.88.070 and  
26 9A.88.080, a person who is either convicted or given a deferred  
27 sentence or a deferred prosecution or who has entered into a  
28 statutory or nonstatutory diversion agreement as a result of an  
29 arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county  
30 or municipal ordinances shall be assessed a fee in the amount of:

31 (i) Three thousand dollars if the defendant has no prior  
32 convictions, deferred sentences, deferred prosecutions, or statutory  
33 or nonstatutory diversion agreements for this offense;

34 (ii) Six thousand dollars if the defendant has one prior  
35 conviction, deferred sentence, deferred prosecution, or statutory or  
36 nonstatutory diversion agreement for this offense; and

37 (iii) Ten thousand dollars if the defendant has two or more prior  
38 convictions, deferred sentences, deferred prosecutions, or statutory  
39 or nonstatutory diversion agreements for this offense.

1           ~~(2) ((When a minor has been adjudicated a juvenile offender or~~  
2 ~~has entered into a statutory or nonstatutory diversion agreement for~~  
3 ~~an offense which, if committed by an adult, would constitute a~~  
4 ~~violation under this chapter or comparable county or municipal~~  
5 ~~ordinances, the court shall assess the fee as specified under~~  
6 ~~subsection (1) of this section.~~

7           ~~(3))~~) The court shall not reduce, waive, or suspend payment of  
8 all or part of the assessed fee in this section unless it finds, on  
9 the record, that the offender does not have the ability to pay the  
10 fee in which case it may reduce the fee by an amount up to two-thirds  
11 of the maximum allowable fee.

12           (a) A superior court may, as described in RCW 9.94A.760, set a  
13 sum that the offender is required to pay on a monthly basis towards  
14 satisfying the fee imposed in this section.

15           (b) A district or municipal court may enter into a payment plan  
16 with the defendant, in which the fee assessed in this section is paid  
17 through scheduled periodic payments. The court may assess the  
18 defendant a reasonable fee for administrative services related to the  
19 operation of the payment plan.

20           ~~((4))~~) (3) Fees assessed under this section shall be collected  
21 by the clerk of the court and remitted to the treasurer of the county  
22 where the offense occurred for deposit in the county general fund,  
23 except in cases in which the offense occurred in a city or town that  
24 provides for its own law enforcement, in which case these amounts  
25 shall be remitted to the treasurer of the city or town for deposit in  
26 the general fund of the city or town. Revenue from the fees must be  
27 used for local efforts to reduce the commercial sale of sex  
28 including, but not limited to, increasing enforcement of commercial  
29 sex laws.

30           (a) At least fifty percent of the revenue from fees imposed under  
31 this section must be spent on prevention, including education  
32 programs for offenders, such as john school, and rehabilitative  
33 services for victims, such as mental health and substance abuse  
34 counseling, parenting skills, training, housing relief, education,  
35 vocational training, drop-in centers, and employment counseling.

36           (b) Two percent of the revenue from fees imposed under this  
37 section shall be remitted quarterly to the department of commerce,  
38 together with a report detailing the fees assessed, the revenue  
39 received, and how that revenue was spent.

1 (c) Revenues from these fees are not subject to the distribution  
2 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or  
3 35.20.220.

4 (~~(+5)~~) (4) For the purposes of this section:

5 (a) "Statutory or nonstatutory diversion agreement" means an  
6 agreement under RCW 13.40.080 or any written agreement between a  
7 person accused of an offense listed in subsection (1) of this section  
8 and a court, county, or city prosecutor, or designee thereof, whereby  
9 the person agrees to fulfill certain conditions in lieu of  
10 prosecution.

11 (b) "Deferred sentence" means a sentence that will not be carried  
12 out if the defendant meets certain requirements, such as complying  
13 with the conditions of probation.

14 **Sec. 17.** RCW 9A.88.140 and 2013 c 121 s 6 are each amended to  
15 read as follows:

16 (1)(a) Upon an arrest for a suspected violation of patronizing a  
17 prostitute, promoting prostitution in the first degree, promoting  
18 prostitution in the second degree, promoting travel for prostitution,  
19 the arresting law enforcement officer may impound the person's  
20 vehicle if (i) the motor vehicle was used in the commission of the  
21 crime; (ii) the person arrested is the owner of the vehicle or the  
22 vehicle is a rental car as defined in RCW 46.04.465; and (iii) either  
23 (A) the person arrested has previously been convicted of one of the  
24 offenses listed in this subsection or (B) the offense was committed  
25 within an area designated under (b) of this subsection.

26 (b) A local governing authority may designate areas within which  
27 vehicles are subject to impoundment under this section regardless of  
28 whether the person arrested has previously been convicted of any of  
29 the offenses listed in (a) of this subsection.

30 (i) The designation must be based on evidence indicating that the  
31 area has a disproportionately higher number of arrests for the  
32 offenses listed in (a) of this subsection as compared to other areas  
33 within the same jurisdiction.

34 (ii) The local governing authority shall post signs at the  
35 boundaries of the designated area to indicate that the area has been  
36 designated under this subsection.

37 (2) Upon an arrest for a suspected violation of commercial sexual  
38 abuse of a minor, promoting commercial sexual abuse of a minor, or  
39 promoting travel for commercial sexual abuse of a minor, the

1 arresting law enforcement officer shall impound the person's vehicle  
2 if (a) the motor vehicle was used in the commission of the crime; and  
3 (b) the person arrested is the owner of the vehicle or the vehicle is  
4 a rental car as defined in RCW 46.04.465.

5 (3) Impoundments performed under this section shall be in  
6 accordance with chapter 46.55 RCW and the impoundment order must  
7 clearly state "prostitution hold."

8 (4)(a) Prior to redeeming the impounded vehicle, and in addition  
9 to all applicable impoundment, towing, and storage fees paid to the  
10 towing company under chapter 46.55 RCW, (~~the~~) an adult owner of  
11 (~~the~~) an impounded vehicle must pay a fine to the impounding  
12 agency. The fine shall be five hundred dollars for the offenses  
13 specified in subsection (1) of this section, or two thousand five  
14 hundred dollars for the offenses specified in subsection (2) of this  
15 section.

16 (b) Upon receipt of the fine paid under (a) of this subsection,  
17 the impounding agency shall issue a written receipt to the owner of  
18 the impounded vehicle.

19 (c) Fines assessed under this section shall be collected by the  
20 clerk of the court and remitted to the treasurer of the county where  
21 the offense occurred for deposit in the county general fund, except  
22 in cases in which the offense occurred in a city or town that  
23 provides for its own law enforcement, in which case these amounts  
24 shall be remitted to the treasurer of the city or town for deposit in  
25 the general fund of the city or town. Revenue from the fines must be  
26 used for local efforts to reduce the commercial sale of sex  
27 including, but not limited to, increasing enforcement of commercial  
28 sex laws.

29 (i) At least fifty percent of the revenue from fines imposed  
30 under this section must be spent on prevention, including education  
31 programs for offenders, such as john school, and rehabilitative  
32 services for victims, such as mental health and substance abuse  
33 counseling, parenting skills, training, housing relief, education,  
34 vocational training, drop-in centers, and employment counseling.

35 (ii) Two percent of the revenue from fines imposed under this  
36 section shall be remitted quarterly to the department of commerce,  
37 together with a report detailing the fees assessed, the revenue  
38 received, and how that revenue was spent.

1 (iii) Revenues from these fees are not subject to the  
2 distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040,  
3 10.82.070, or 35.20.220.

4 (5)(a) In order to redeem a vehicle impounded under this section,  
5 the owner must provide the towing company with the written receipt  
6 issued under subsection (4)(b) of this section.

7 (b) The written receipt issued under subsection (4)(b) of this  
8 section authorizes the towing company to release the impounded  
9 vehicle upon payment of all impoundment, towing, and storage fees.

10 (c) A towing company that relies on a forged receipt to release a  
11 vehicle impounded under this section is not liable to the impounding  
12 authority for any unpaid fine under subsection (4)(a) of this  
13 section.

14 (6)(a) In any proceeding under chapter 46.55 RCW to contest the  
15 validity of an impoundment under this section where the claimant  
16 substantially prevails, the claimant is entitled to a full refund of  
17 the impoundment, towing, and storage fees paid under chapter 46.55  
18 RCW and the five hundred dollar fine paid under subsection (4) of  
19 this section.

20 (b) If the person is found not guilty at trial for a crime listed  
21 under subsection (1) of this section, the person is entitled to a  
22 full refund of the impoundment, towing, and storage fees paid under  
23 chapter 46.55 RCW and the fine paid under subsection (4) of this  
24 section.

25 (c) All refunds made under this section shall be paid by the  
26 impounding agency.

27 (d) Prior to receiving any refund under this section, the  
28 claimant must provide proof of payment.

29 **Sec. 18.** RCW 10.73.160 and 1995 c 275 s 3 are each amended to  
30 read as follows:

31 (1) The court of appeals, supreme court, and superior courts may  
32 require an adult (~~or a juvenile~~) offender convicted of an offense  
33 (~~or the parents or another person legally obligated to support a~~  
34 ~~juvenile offender~~) to pay appellate costs.

35 (2) Appellate costs are limited to expenses specifically incurred  
36 by the state in prosecuting or defending an appeal or collateral  
37 attack from a criminal conviction (~~or sentence or a juvenile~~  
38 ~~offender conviction or disposition)). Appellate costs shall not~~  
39 include expenditures to maintain and operate government agencies that

1 must be made irrespective of specific violations of the law. Expenses  
2 incurred for producing a verbatim report of proceedings and clerk's  
3 papers may be included in costs the court may require a convicted  
4 defendant (~~(or juvenile offender)~~) to pay.

5 (3) Costs, including recoupment of fees for court-appointed  
6 counsel, shall be requested in accordance with the procedures  
7 contained in Title 14 of the rules of appellate procedure and in  
8 Title 9 of the rules for appeal of decisions of courts of limited  
9 jurisdiction. An award of costs shall become part of the trial court  
10 judgment and sentence. (~~(An award of costs in juvenile cases shall  
11 also become part of any order previously entered in the trial court  
12 pursuant to RCW 13.40.145.)~~)

13 (4) A defendant (~~(or juvenile offender)~~) who has been sentenced  
14 to pay costs and who is not in contumacious default in the payment  
15 may at any time petition the court that sentenced the defendant or  
16 juvenile offender for remission of the payment of costs or of any  
17 unpaid portion. If it appears to the satisfaction of the sentencing  
18 court that payment of the amount due will impose manifest hardship on  
19 the defendant(~~(r)~~) or the defendant's immediate family(~~(, or the  
20 juvenile offender)~~), the sentencing court may remit all or part of  
21 the amount due in costs, or modify the method of payment under RCW  
22 10.01.170.

23 (5) The parents or another person legally obligated to support a  
24 juvenile offender who has been ordered to pay appellate costs  
25 pursuant to RCW 13.40.145 and who is not in contumacious default in  
26 the payment may at any time petition the court that sentenced the  
27 juvenile offender for remission of the payment of costs or of any  
28 unpaid portion. If it appears to the satisfaction of the sentencing  
29 court that payment of the amount due will impose manifest hardship on  
30 the parents or another person legally obligated to support a juvenile  
31 offender or on their immediate families, the sentencing court may  
32 remit all or part of the amount due in costs, or may modify the  
33 method of payment.

34 **Sec. 19.** RCW 10.82.090 and 2011 c 106 s 2 are each amended to  
35 read as follows:

36 (1) Except as provided in subsection (2) of this section,  
37 financial obligations imposed in a judgment shall bear interest from  
38 the date of the judgment until payment, at the rate applicable to  
39 civil judgments. All nonrestitution interest retained by the court

1 shall be split twenty-five percent to the state treasurer for deposit  
2 in the state general fund, twenty-five percent to the state treasurer  
3 for deposit in the judicial information system account as provided in  
4 RCW 2.68.020, twenty-five percent to the county current expense fund,  
5 and twenty-five percent to the county current expense fund to fund  
6 local courts.

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

11 (a) The court shall waive all interest on the portions of the  
12 legal financial obligations that are not restitution that accrued  
13 during the term of total confinement for the conviction giving rise  
14 to the financial obligations, provided the offender shows that the  
15 interest creates a hardship for the offender or his or her immediate  
16 family;

17 (b) The court may reduce interest on the restitution portion of  
18 the legal financial obligations only if the principal has been paid  
19 in full;

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

29 (d) For purposes of (a) through (c) of this subsection, the court  
30 may reduce or waive interest on legal financial obligations only as  
31 an incentive for the offender to meet his or her legal financial  
32 obligations. The court may grant the motion, establish a payment  
33 schedule, and retain jurisdiction over the offender for purposes of  
34 reviewing and revising the reduction or waiver of interest.

35 (3) This section only applies to (~~persons convicted as adults or~~  
36 ~~adjudicated in juvenile court~~) adult offenders.

37 **Sec. 20.** RCW 10.99.080 and 2004 c 15 s 2 are each amended to  
38 read as follows:

1 (1) All superior courts, and courts organized under Title 3 or 35  
2 RCW, may impose a penalty assessment not to exceed one hundred  
3 dollars on any ((person)) adult offender convicted of a crime  
4 involving domestic violence. The assessment shall be in addition to,  
5 and shall not supersede, any other penalty, restitution, fines, or  
6 costs provided by law.

7 (2) Revenue from the assessment shall be used solely for the  
8 purposes of establishing and funding domestic violence advocacy and  
9 domestic violence prevention and prosecution programs in the city or  
10 county of the court imposing the assessment. Revenue from the  
11 assessment shall not be used for indigent criminal defense. If the  
12 city or county does not have domestic violence advocacy or domestic  
13 violence prevention and prosecution programs, cities and counties may  
14 use the revenue collected from the assessment to contract with  
15 recognized community-based domestic violence program providers.

16 (3) The assessment imposed under this section shall not be  
17 subject to any state or local remittance requirements under chapter  
18 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

19 (4) For the purposes of this section, "convicted" includes a plea  
20 of guilty, a finding of guilt regardless of whether the imposition of  
21 the sentence is deferred or any part of the penalty is suspended, or  
22 the levying of a fine. For the purposes of this section, "domestic  
23 violence" has the same meaning as that term is defined under RCW  
24 10.99.020 and includes violations of equivalent local ordinances.

25 (5) When determining whether to impose a penalty assessment under  
26 this section, judges are encouraged to solicit input from the victim  
27 or representatives for the victim in assessing the ability of the  
28 convicted offender to pay the penalty, including information  
29 regarding current financial obligations, family circumstances, and  
30 ongoing restitution.

31 **Sec. 21.** RCW 13.40.080 and 2014 c 128 s 5 are each amended to  
32 read as follows:

33 (1) A diversion agreement shall be a contract between a juvenile  
34 accused of an offense and a diversion unit whereby the juvenile  
35 agrees to fulfill certain conditions in lieu of prosecution. Such  
36 agreements may be entered into only after the prosecutor, or  
37 probation counselor pursuant to this chapter, has determined that  
38 probable cause exists to believe that a crime has been committed and

1 that the juvenile committed it. Such agreements shall be entered into  
2 as expeditiously as possible.

3 (2) A diversion agreement shall be limited to one or more of the  
4 following:

5 (a) Community restitution not to exceed one hundred fifty hours,  
6 not to be performed during school hours if the juvenile is attending  
7 school;

8 (b) Restitution limited to the amount of actual loss incurred by  
9 any victim;

10 (c) Attendance at up to ten hours of counseling and/or up to  
11 twenty hours of educational or informational sessions at a community  
12 agency. The educational or informational sessions may include  
13 sessions relating to respect for self, others, and authority; victim  
14 awareness; accountability; self-worth; responsibility; work ethics;  
15 good citizenship; literacy; and life skills. If an assessment  
16 identifies mental health or chemical dependency needs, a youth may  
17 access up to thirty hours of counseling. The counseling sessions may  
18 include services demonstrated to improve behavioral health and reduce  
19 recidivism. For purposes of this section, "community agency" may also  
20 mean a community-based nonprofit organization, a physician, a  
21 counselor, a school, or a treatment provider, if approved by the  
22 diversion unit. The state shall not be liable for costs resulting  
23 from the diversion unit exercising the option to permit diversion  
24 agreements to mandate attendance at up to thirty hours of counseling  
25 and/or up to twenty hours of educational or informational sessions;

26 ~~((A fine, not to exceed one hundred dollars;~~  
27 ~~(+))~~) Requirements to remain during specified hours at home,  
28 school, or work, and restrictions on leaving or entering specified  
29 geographical areas; and

30 ~~((+))~~) (e) Upon request of any victim or witness, requirements  
31 to refrain from any contact with victims or witnesses of offenses  
32 committed by the juvenile.

33 (3) Notwithstanding the provisions of subsection (2) of this  
34 section, youth courts are not limited to the conditions imposed by  
35 subsection (2) of this section in imposing sanctions on juveniles  
36 pursuant to RCW 13.40.630.

37 (4) In assessing periods of community restitution to be performed  
38 and restitution to be paid by a juvenile who has entered into a  
39 diversion agreement, the court officer to whom this task is assigned  
40 shall consult with the juvenile's custodial parent or parents or

1 guardian. To the extent possible, the court officer shall advise the  
2 victims of the juvenile offender of the diversion process, offer  
3 victim impact letter forms and restitution claim forms, and involve  
4 members of the community. Such members of the community shall meet  
5 with the juvenile and advise the court officer as to the terms of the  
6 diversion agreement and shall supervise the juvenile in carrying out  
7 its terms.

8 (5)(a) A diversion agreement may not exceed a period of six  
9 months and may include a period extending beyond the eighteenth  
10 birthday of the diverttee.

11 (b) If additional time is necessary for the juvenile to complete  
12 restitution to a victim, the time period limitations of this  
13 subsection may be extended by an additional six months.

14 (c) If the juvenile has not paid the full amount of restitution  
15 by the end of the additional six-month period, then the juvenile  
16 shall be referred to the juvenile court for entry of ~~((an))~~ a civil  
17 order establishing the amount of restitution still owed to the  
18 victim. In this order, the court shall also determine the terms and  
19 conditions of the restitution, including a payment plan extending up  
20 to ten years if the court determines that the juvenile does not have  
21 the means to make full restitution over a shorter period. For the  
22 purposes of this subsection (5)(c), the juvenile shall remain under  
23 the court's jurisdiction for a maximum term of ten years after the  
24 juvenile's eighteenth birthday. Prior to the expiration of the  
25 initial ten-year period, the juvenile court may extend the judgment  
26 for restitution an additional ten years. The court may relieve the  
27 juvenile of the requirement to pay full or partial restitution if the  
28 juvenile reasonably satisfies the court that he or she does not have  
29 the means to make full or partial restitution and could not  
30 reasonably acquire the means to pay the restitution over a ten-year  
31 period. If the court relieves the juvenile of the requirement to pay  
32 full or partial restitution, the court may order an amount of  
33 community restitution that the court deems appropriate. The county  
34 clerk shall make disbursements to victims named in the order. The  
35 restitution to victims named in the order shall be paid prior to any  
36 payment for other penalties or monetary assessments. A juvenile under  
37 obligation to pay restitution may petition the court for modification  
38 of the restitution order.

39 (6) The juvenile shall retain the right to be referred to the  
40 court at any time prior to the signing of the diversion agreement.

1 (7) Divertees and potential divertees shall be afforded due  
2 process in all contacts with a diversion unit regardless of whether  
3 the juveniles are accepted for diversion or whether the diversion  
4 program is successfully completed. Such due process shall include,  
5 but not be limited to, the following:

6 (a) A written diversion agreement shall be executed stating all  
7 conditions in clearly understandable language;

8 (b) Violation of the terms of the agreement shall be the only  
9 grounds for termination;

10 (c) No divertee may be terminated from a diversion program  
11 without being given a court hearing, which hearing shall be preceded  
12 by:

13 (i) Written notice of alleged violations of the conditions of the  
14 diversion program; and

15 (ii) Disclosure of all evidence to be offered against the  
16 divertee;

17 (d) The hearing shall be conducted by the juvenile court and  
18 shall include:

19 (i) Opportunity to be heard in person and to present evidence;

20 (ii) The right to confront and cross-examine all adverse  
21 witnesses;

22 (iii) A written statement by the court as to the evidence relied  
23 on and the reasons for termination, should that be the decision; and

24 (iv) Demonstration by evidence that the divertee has  
25 substantially violated the terms of his or her diversion agreement;

26 (e) The prosecutor may file an information on the offense for  
27 which the divertee was diverted:

28 (i) In juvenile court if the divertee is under eighteen years of  
29 age; or

30 (ii) In superior court or the appropriate court of limited  
31 jurisdiction if the divertee is eighteen years of age or older.

32 (8) The diversion unit shall, subject to available funds, be  
33 responsible for providing interpreters when juveniles need  
34 interpreters to effectively communicate during diversion unit  
35 hearings or negotiations.

36 (9) The diversion unit shall be responsible for advising a  
37 divertee of his or her rights as provided in this chapter.

38 (10) The diversion unit may refer a juvenile to a restorative  
39 justice program, community-based counseling, or treatment programs.

1 (11) The right to counsel shall inure prior to the initial  
2 interview for purposes of advising the juvenile as to whether he or  
3 she desires to participate in the diversion process or to appear in  
4 the juvenile court. The juvenile may be represented by counsel at any  
5 critical stage of the diversion process, including intake interviews  
6 and termination hearings. The juvenile shall be fully advised at the  
7 intake of his or her right to an attorney and of the relevant  
8 services an attorney can provide. For the purpose of this section,  
9 intake interviews mean all interviews regarding the diversion  
10 agreement process.

11 The juvenile shall be advised that a diversion agreement shall  
12 constitute a part of the juvenile's criminal history as defined by  
13 RCW 13.40.020(~~(7)~~) (8). A signed acknowledgment of such advisement  
14 shall be obtained from the juvenile, and the document shall be  
15 maintained by the diversion unit together with the diversion  
16 agreement, and a copy of both documents shall be delivered to the  
17 prosecutor if requested by the prosecutor. The supreme court shall  
18 promulgate rules setting forth the content of such advisement in  
19 simple language.

20 (12) When a juvenile enters into a diversion agreement, the  
21 juvenile court may receive only the following information for  
22 dispositional purposes:

- 23 (a) The fact that a charge or charges were made;
- 24 (b) The fact that a diversion agreement was entered into;
- 25 (c) The juvenile's obligations under such agreement;
- 26 (d) Whether the alleged offender performed his or her obligations  
27 under such agreement; and
- 28 (e) The facts of the alleged offense.

29 (13) A diversion unit may refuse to enter into a diversion  
30 agreement with a juvenile. When a diversion unit refuses to enter a  
31 diversion agreement with a juvenile, it shall immediately refer such  
32 juvenile to the court for action and shall forward to the court the  
33 criminal complaint and a detailed statement of its reasons for  
34 refusing to enter into a diversion agreement. The diversion unit  
35 shall also immediately refer the case to the prosecuting attorney for  
36 action if such juvenile violates the terms of the diversion  
37 agreement.

38 (14) A diversion unit may, in instances where it determines that  
39 the act or omission of an act for which a juvenile has been referred  
40 to it involved no victim, or where it determines that the juvenile

1 referred to it has no prior criminal history and is alleged to have  
2 committed an illegal act involving no threat of or instance of actual  
3 physical harm and involving not more than fifty dollars in property  
4 loss or damage and that there is no loss outstanding to the person or  
5 firm suffering such damage or loss, counsel and release or release  
6 such a juvenile without entering into a diversion agreement. A  
7 diversion unit's authority to counsel and release a juvenile under  
8 this subsection includes the authority to refer the juvenile to  
9 community-based counseling or treatment programs or a restorative  
10 justice program. Any juvenile released under this subsection shall be  
11 advised that the act or omission of any act for which he or she had  
12 been referred shall constitute a part of the juvenile's criminal  
13 history as defined by RCW 13.40.020(~~(+7)~~) (8). A signed  
14 acknowledgment of such advisement shall be obtained from the  
15 juvenile, and the document shall be maintained by the unit, and a  
16 copy of the document shall be delivered to the prosecutor if  
17 requested by the prosecutor. The supreme court shall promulgate rules  
18 setting forth the content of such advisement in simple language. A  
19 juvenile determined to be eligible by a diversion unit for release as  
20 provided in this subsection shall retain the same right to counsel  
21 and right to have his or her case referred to the court for formal  
22 action as any other juvenile referred to the unit.

23 (15) A diversion unit may supervise the fulfillment of a  
24 diversion agreement entered into before the juvenile's eighteenth  
25 birthday and which includes a period extending beyond the divertee's  
26 eighteenth birthday.

27 (16) If (~~(a fine)~~) restitution required by a diversion agreement  
28 cannot reasonably be paid due to a change of circumstance, the  
29 diversion agreement may be modified at the request of the divertee  
30 and with the concurrence of the diversion unit to convert (~~(an)~~)  
31 unpaid (~~(fine)~~) restitution into community restitution. The  
32 modification of the diversion agreement shall be in writing and  
33 signed by the divertee and the diversion unit. The number of hours of  
34 community restitution in lieu of a monetary penalty shall be  
35 converted at the rate of the prevailing state minimum wage per hour.

36 (~~((17) Fines imposed under this section shall be collected and  
37 paid into the county general fund in accordance with procedures  
38 established by the juvenile court administrator under RCW 13.04.040  
39 and may be used only for juvenile services. In the expenditure of  
40 funds for juvenile services, there shall be a maintenance of effort~~

1 ~~whereby counties exhaust existing resources before using amounts~~  
2 ~~collected under this section.))~~

3 **Sec. 22.** RCW 13.40.127 and 2014 c 175 s 6 and 2014 c 117 s 2 are  
4 each reenacted and amended to read as follows:

5 (1) A juvenile is eligible for deferred disposition unless he or  
6 she:

7 (a) Is charged with a sex or violent offense;

8 (b) Has a criminal history which includes any felony;

9 (c) Has a prior deferred disposition or deferred adjudication; or

10 (d) Has two or more adjudications.

11 (2) The juvenile court may, upon motion at least fourteen days  
12 before commencement of trial and, after consulting the juvenile's  
13 custodial parent or parents or guardian and with the consent of the  
14 juvenile, continue the case for disposition for a period not to  
15 exceed one year from the date the juvenile is found guilty. The court  
16 shall consider whether the offender and the community will benefit  
17 from a deferred disposition before deferring the disposition. The  
18 court may waive the fourteen-day period anytime before the  
19 commencement of trial for good cause.

20 (3) Any juvenile who agrees to a deferral of disposition shall:

21 (a) Stipulate to the admissibility of the facts contained in the  
22 written police report;

23 (b) Acknowledge that the report will be entered and used to  
24 support a finding of guilt and to impose a disposition if the  
25 juvenile fails to comply with terms of supervision;

26 (c) Waive the following rights to: (i) A speedy disposition; and  
27 (ii) call and confront witnesses; and

28 (d) Acknowledge the direct consequences of being found guilty and  
29 the direct consequences that will happen if an order of disposition  
30 is entered.

31 The adjudicatory hearing shall be limited to a reading of the  
32 court's record.

33 (4) Following the stipulation, acknowledgment, waiver, and entry  
34 of a finding or plea of guilt, the court shall defer entry of an  
35 order of disposition of the juvenile.

36 (5) Any juvenile granted a deferral of disposition under this  
37 section shall be placed under community supervision. The court may  
38 impose any conditions of supervision that it deems appropriate  
39 including posting a probation bond. Payment of restitution under RCW

1 13.40.190 shall be a condition of community supervision under this  
2 section.

3 The court may require a juvenile offender convicted of animal  
4 cruelty in the first degree to submit to a mental health evaluation  
5 to determine if the offender would benefit from treatment and such  
6 intervention would promote the safety of the community. After  
7 consideration of the results of the evaluation, as a condition of  
8 community supervision, the court may order the offender to attend  
9 treatment to address issues pertinent to the offense.

10 The court may require the juvenile to undergo a mental health or  
11 substance abuse assessment, or both. If the assessment identifies a  
12 need for treatment, conditions of supervision may include treatment  
13 for the assessed need that has been demonstrated to improve  
14 behavioral health and reduce recidivism.

15 The court shall require a juvenile granted a deferral of  
16 disposition for unlawful possession of a firearm in violation of RCW  
17 9.41.040 to participate in a qualifying program as described in RCW  
18 13.40.193(2)(b), when available, unless the court makes a written  
19 finding based on the outcome of the juvenile court risk assessment  
20 that participation in a qualifying program would not be appropriate.

21 (6) A parent who signed for a probation bond has the right to  
22 notify the counselor if the juvenile fails to comply with the bond or  
23 conditions of supervision. The counselor shall notify the court and  
24 surety of any failure to comply. A surety shall notify the court of  
25 the juvenile's failure to comply with the probation bond. The state  
26 shall bear the burden to prove, by a preponderance of the evidence,  
27 that the juvenile has failed to comply with the terms of community  
28 supervision.

29 (7)(a) Anytime prior to the conclusion of the period of  
30 supervision, the prosecutor or the juvenile's juvenile court  
31 community supervision counselor may file a motion with the court  
32 requesting the court revoke the deferred disposition based on the  
33 juvenile's lack of compliance or treat the juvenile's lack of  
34 compliance as a violation pursuant to RCW 13.40.200.

35 (b) If the court finds the juvenile failed to comply with the  
36 terms of the deferred disposition, the court may:

37 (i) Revoke the deferred disposition and enter an order of  
38 disposition; or

39 (ii) Impose sanctions for the violation pursuant to RCW  
40 13.40.200.

1 (8) At any time following deferral of disposition the court may,  
2 following a hearing, continue supervision for an additional one-year  
3 period for good cause.

4 (9)(a) At the conclusion of the period of supervision, the court  
5 shall determine whether the juvenile is entitled to dismissal of the  
6 deferred disposition only when the court finds:

7 (i) The deferred disposition has not been previously revoked;

8 (ii) The juvenile has completed the terms of supervision;

9 (iii) There are no pending motions concerning lack of compliance  
10 pursuant to subsection (7) of this section; and

11 (iv) The juvenile has either paid the full amount of restitution,  
12 or, made a good faith effort to pay the full amount of restitution  
13 during the period of supervision.

14 (b) If the court finds the juvenile is entitled to dismissal of  
15 the deferred disposition pursuant to (a) of this subsection, the  
16 juvenile's conviction shall be vacated and the court shall dismiss  
17 the case with prejudice, except that a conviction under RCW 16.52.205  
18 shall not be vacated. Whenever a case is dismissed with restitution  
19 still owing, the court shall enter a restitution order pursuant to  
20 RCW (~~(13.40.190)~~) 7.80.130 for any unpaid restitution. Jurisdiction  
21 to enforce payment and modify terms of the restitution order shall be  
22 the same as those set forth in RCW (~~(13.40.190)~~) 7.80.130.

23 (c) If the court finds the juvenile is not entitled to dismissal  
24 of the deferred disposition pursuant to (a) of this subsection, the  
25 court shall revoke the deferred disposition and enter an order of  
26 disposition. A deferred disposition shall remain a conviction unless  
27 the case is dismissed and the conviction is vacated pursuant to (b)  
28 of this subsection or sealed pursuant to RCW 13.50.260.

29 (10)(a)(i) Any time the court vacates a conviction pursuant to  
30 subsection (9) of this section, if the juvenile is eighteen years of  
31 age or older (~~(and the full amount of restitution ordered has been~~  
32 ~~paid)~~), the court shall enter a written order sealing the case.

33 (ii) Any time the court vacates a conviction pursuant to  
34 subsection (9) of this section, if the juvenile is not eighteen years  
35 of age or older and full restitution ordered has been paid, the court  
36 shall schedule an administrative sealing hearing to take place no  
37 later than thirty days after the respondent's eighteenth birthday, at  
38 which time the court shall enter a written order sealing the case.  
39 The respondent's presence at the administrative sealing hearing is  
40 not required.

1 (iii) Any deferred disposition vacated prior to June 7, 2012, is  
2 not subject to sealing under this subsection.

3 (b) Nothing in this subsection shall preclude a juvenile from  
4 petitioning the court to have the records of his or her deferred  
5 dispositions sealed under RCW 13.50.260.

6 (c) Records sealed under this provision shall have the same legal  
7 status as records sealed under RCW 13.50.260.

8 **Sec. 23.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to  
9 read as follows:

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

12 (2)(a) For the filing of a petition for modification of a decree  
13 of dissolution or paternity, within the same case as the original  
14 action, and any party filing a counterclaim, cross-claim, or third-  
15 party claim in any such action, a fee of thirty-six dollars must be  
16 paid.

17 (b) The party filing the first or initial petition for  
18 dissolution, legal separation, or declaration concerning the validity  
19 of marriage shall pay, at the time and in addition to the filing fee  
20 required under RCW 36.18.020, a fee of thirty dollars. The clerk of  
21 the superior court shall transmit monthly twenty-four dollars of the  
22 thirty dollar fee collected under this subsection to the state  
23 treasury for deposit in the domestic violence prevention account. The  
24 remaining six dollars shall be retained by the county for the purpose  
25 of supporting community-based services within the county for victims  
26 of domestic violence, except for five percent of the six dollars,  
27 which may be retained by the court for administrative purposes.

28 (3)(a) The party making a demand for a jury of six in a civil  
29 action shall pay, at the time, a fee of one hundred twenty-five  
30 dollars; if the demand is for a jury of twelve, a fee of two hundred  
31 fifty dollars. If, after the party demands a jury of six and pays the  
32 required fee, any other party to the action requests a jury of  
33 twelve, an additional one hundred twenty-five dollar fee will be  
34 required of the party demanding the increased number of jurors.

35 (b) Upon conviction in criminal cases a jury demand charge of one  
36 hundred twenty-five dollars for a jury of six, or two hundred fifty  
37 dollars for a jury of twelve may be imposed as costs under RCW  
38 10.46.190.

1 (4) For preparing a certified copy of an instrument on file or of  
2 record in the clerk's office, for the first page or portion of the  
3 first page, a fee of five dollars, and for each additional page or  
4 portion of a page, a fee of one dollar must be charged. For  
5 authenticating or exemplifying an instrument, a fee of two dollars  
6 for each additional seal affixed must be charged. For preparing a  
7 copy of an instrument on file or of record in the clerk's office  
8 without a seal, a fee of fifty cents per page must be charged. When  
9 copying a document without a seal or file that is in an electronic  
10 format, a fee of twenty-five cents per page must be charged. For  
11 copies made on a compact disc, an additional fee of twenty dollars  
12 for each compact disc must be charged.

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

15 (6) For a garnishee defendant named in an affidavit for  
16 garnishment and for a writ of attachment, a fee of twenty dollars  
17 must be charged.

18 (7) For filing a supplemental proceeding, a fee of twenty dollars  
19 must be charged.

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

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

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

28 (11) For clerk's services such as performing historical searches,  
29 compiling statistical reports, and conducting exceptional record  
30 searches, the clerk may collect a fee not to exceed thirty dollars  
31 per hour.

32 (12) For processing ex parte orders, the clerk may collect a fee  
33 of thirty dollars.

34 (13) For duplicated recordings of court's proceedings there must  
35 be a fee of ten dollars for each audio tape and twenty-five dollars  
36 for each video tape or other electronic storage medium.

37 (14) For registration of land titles, Torrens Act, under RCW  
38 65.12.780, a fee of twenty dollars must be charged.

39 (15) For the issuance of extension of judgment under RCW 6.17.020  
40 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.

1 When the extension of judgment is at the request of the clerk, the  
2 two hundred dollar charge may be imposed as court costs under RCW  
3 10.46.190.

4 (16) A facilitator surcharge of up to twenty dollars must be  
5 charged as authorized under RCW 26.12.240.

6 (17) For filing (~~(a water rights statement)~~) an adjudication  
7 claim under RCW 90.03.180, a fee of twenty-five dollars must be  
8 charged.

9 (18) For filing a claim of frivolous lien under RCW 60.04.081, a  
10 fee of thirty-five dollars must be charged.

11 (19) For preparation of a change of venue, a fee of twenty  
12 dollars must be charged by the originating court in addition to the  
13 per page charges in subsection (4) of this section.

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

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

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

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

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

27 (25) For filing a request for mandatory arbitration, a filing fee  
28 may be assessed against the party filing a statement of arbitrability  
29 not to exceed two hundred twenty dollars as established by authority  
30 of local ordinance. This charge shall be used solely to offset the  
31 cost of the mandatory arbitration program.

32 (26) For filing a request for trial de novo of an arbitration  
33 award, a fee not to exceed two hundred fifty dollars as established  
34 by authority of local ordinance must be charged.

35 (27) A public agency may not charge a fee to a law enforcement  
36 agency, for preparation, copying, or mailing of certified copies of  
37 the judgment and sentence, information, affidavit of probable cause,  
38 and/or the notice of requirement to register, of a sex offender  
39 convicted in a Washington court, when such records are necessary for

1 risk assessment, preparation of a case for failure to register, or  
2 maintenance of a sex offender's registration file.

3 (28) For the filing of a will or codicil under the provisions of  
4 chapter 11.12 RCW, a fee of twenty dollars must be charged.

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

8 (30) A surcharge of up to twenty dollars may be charged in  
9 dissolution and legal separation actions as authorized by RCW  
10 26.12.260.

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

16 **Sec. 24.** RCW 36.18.020 and 2013 2nd sp.s. c 7 s 3 are each  
17 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

16 (h) Upon conviction or plea of guilty, upon failure to prosecute  
17 an appeal from a court of limited jurisdiction as provided by law, or  
18 upon affirmance of a conviction by a court of limited jurisdiction,  
19 ((a)) an adult defendant in a criminal case shall be liable for a fee  
20 of two hundred dollars.

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

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

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

33 (5)(a) Until July 1, 2017, in addition to the fees required to be  
34 collected under this section, clerks of the superior courts must  
35 collect surcharges as provided in this subsection (5) of which  
36 seventy-five percent must be remitted to the state treasurer for  
37 deposit in the judicial stabilization trust account and twenty-five  
38 percent must be retained by the county.

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

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

7 **Sec. 25.** RCW 36.18.040 and 1992 c 164 s 1 are each amended to  
8 read as follows:

9 (1) Sheriffs shall collect the following fees for their official  
10 services:

11 (a) For service of each summons and complaint, notice and  
12 complaint, summons and petition, and notice of small claim on one  
13 defendant at any location, ten dollars, and on two or more defendants  
14 at the same residence, twelve dollars, besides mileage;

15 (b) For making a return, besides mileage actually traveled, seven  
16 dollars;

17 (c) For levying each writ of attachment or writ of execution upon  
18 real or personal property, besides mileage, thirty dollars per hour;

19 (d) For filing copy of writ of attachment or writ of execution  
20 with auditor, ten dollars plus auditor's filing fee;

21 (e) For serving writ of possession or restitution without aid of  
22 the county, besides mileage, twenty-five dollars;

23 (f) For serving writ of possession or restitution with aid of the  
24 county, besides mileage, forty dollars plus thirty dollars for each  
25 hour after one hour;

26 (g) For serving an arrest warrant in any action or proceeding,  
27 besides mileage, thirty dollars;

28 (h) For executing any other writ or process in a civil action or  
29 proceeding, besides mileage, thirty dollars per hour;

30 (i) For each mile actually and necessarily traveled in going to  
31 or returning from any place of service, or attempted service, thirty-  
32 five cents;

33 (j) For making a deed to lands sold upon execution or order of  
34 sale or other decree of court, to be paid by the purchaser, thirty  
35 dollars;

36 (k) For making copies of papers when sufficient copies are not  
37 furnished, one dollar for first page and fifty cents per each  
38 additional page;

1 (l) For the service of any other document and supporting papers  
2 for which no other fee is provided for herein, twelve dollars;

3 (m) For posting a notice of sale, or postponement, ten dollars  
4 besides mileage;

5 (n) For certificate or bill of sale of property, or certificate  
6 of redemption, thirty dollars;

7 (o) For conducting a sale of property, thirty dollars per hour  
8 spent at a sheriff's sale;

9 (p) For notarizing documents, five dollars for each document;

10 (q) For fingerprinting for noncriminal purposes, ten dollars for  
11 each person for up to two sets, three dollars for each additional  
12 set;

13 (r) For mailing required by statute, whether regular, certified,  
14 or registered, the actual cost of postage;

15 (s) For an internal criminal history records check, ten dollars;

16 (t) For the reproduction of audio, visual, or photographic  
17 material, to include magnetic microfilming, the actual cost including  
18 personnel time.

19 (2) Fees allowable under this section may be recovered by the  
20 prevailing party incurring the same as court costs. Nothing contained  
21 in this section permits the expenditure of public funds to defray  
22 costs of private litigation. Such costs shall be borne by the party  
23 seeking action by the sheriff, and may be recovered from the proceeds  
24 of any subsequent judicial sale, or may be added to any judgment upon  
25 proper application to the court entering the judgment.

26 (3) Notwithstanding subsection (1) of this section, a county  
27 legislative authority may set the amounts of fees that shall be  
28 collected by the sheriff under subsection (1) of this section to  
29 cover the costs of administration and operation.

30 (4) The fines imposed by this section do not apply to juvenile  
31 offenders.

32 **Sec. 26.** RCW 43.43.690 and 1992 c 129 s 2 are each amended to  
33 read as follows:

34 (1) When ((a-person)) an adult offender has been adjudged guilty  
35 of violating any criminal statute of this state and a crime  
36 laboratory analysis was performed by a state crime laboratory, in  
37 addition to any other disposition, penalty, or fine imposed, the  
38 court shall levy a crime laboratory analysis fee of one hundred  
39 dollars for each offense for which the person was convicted. Upon a

1 verified petition by the person assessed the fee, the court may  
2 suspend payment of all or part of the fee if it finds that the person  
3 does not have the ability to pay the fee.

4 ~~(2) ((When a minor has been adjudicated a juvenile offender for  
5 an offense which, if committed by an adult, would constitute a  
6 violation of any criminal statute of this state and a crime  
7 laboratory analysis was performed, in addition to any other  
8 disposition imposed, the court shall assess a crime laboratory  
9 analysis fee of one hundred dollars for each adjudication. Upon a  
10 verified petition by a minor assessed the fee, the court may suspend  
11 payment of all or part of the fee [if] it finds that the minor does  
12 not have the ability to pay the fee.~~

13 ~~(3))~~ All crime laboratory analysis fees assessed under this  
14 section shall be collected by the clerk of the court and forwarded to  
15 the state general fund, to be used only for crime laboratories. The  
16 clerk may retain five dollars to defray the costs of collecting the  
17 fees.

18 **Sec. 27.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to  
19 read as follows:

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

36 **Sec. 28.** RCW 46.61.5054 and 2011 c 293 s 12 are each amended to  
37 read as follows:

1 (1)(a) In addition to penalties set forth in RCW 46.61.5051  
2 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055  
3 thereafter, a two hundred dollar fee shall be assessed to a person  
4 who is either convicted, sentenced to a lesser charge, or given  
5 deferred prosecution, as a result of an arrest for violating RCW  
6 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the  
7 purpose of funding the Washington state toxicology laboratory and the  
8 Washington state patrol for grants and activities to increase the  
9 conviction rate and decrease the incidence of persons driving under  
10 the influence of alcohol or drugs.

11 (b) Upon a verified petition by the person assessed the fee, the  
12 court may suspend payment of all or part of the fee if it finds that  
13 the person does not have the ability to pay.

14 ~~((c) When a minor has been adjudicated a juvenile offender for  
15 an offense which, if committed by an adult, would constitute a  
16 violation of RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522, the  
17 court shall assess the two hundred dollar fee under (a) of this  
18 subsection. Upon a verified petition by a minor assessed the fee, the  
19 court may suspend payment of all or part of the fee if it finds that  
20 the minor does not have the ability to pay the fee.))~~

21 (2) The fee assessed under subsection (1) of this section shall  
22 be collected by the clerk of the court and, subject to subsection (4)  
23 of this section, one hundred seventy-five dollars of the fee must be  
24 distributed as follows:

25 (a) Forty percent shall be subject to distribution under RCW  
26 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

27 (b) The remainder of the fee shall be forwarded to the state  
28 treasurer who shall, through June 30, 1997, deposit: Fifty percent in  
29 the death investigations' account to be used solely for funding the  
30 state toxicology laboratory blood or breath testing programs; and  
31 fifty percent in the state patrol highway account to be used solely  
32 for funding activities to increase the conviction rate and decrease  
33 the incidence of persons driving under the influence of alcohol or  
34 drugs. Effective July 1, 1997, the remainder of the fee shall be  
35 forwarded to the state treasurer who shall deposit: Fifteen percent  
36 in the death investigations' account to be used solely for funding  
37 the state toxicology laboratory blood or breath testing programs; and  
38 eighty-five percent in the state patrol highway account to be used  
39 solely for funding activities to increase the conviction rate and

1 decrease the incidence of persons driving under the influence of  
2 alcohol or drugs.

3 (3) Twenty-five dollars of the fee assessed under subsection (1)  
4 of this section must be distributed to the highway safety (~~account~~  
5 ~~[fund]~~) fund to be used solely for funding Washington traffic safety  
6 commission grants to reduce statewide collisions caused by persons  
7 driving under the influence of alcohol or drugs. Grants awarded under  
8 this subsection may be for projects that encourage collaboration with  
9 other community, governmental, and private organizations, and that  
10 utilize innovative approaches based on best practices or proven  
11 strategies supported by research or rigorous evaluation. Grants  
12 recipients may include, for example:

13 (a) DUI courts; and

14 (b) Jurisdictions implementing the victim impact panel registries  
15 under RCW 46.61.5152 and 10.01.230.

16 (4) If the court has suspended payment of part of the fee  
17 pursuant to subsection (1)(b) (~~(e)~~) of this section, amounts  
18 collected shall be distributed proportionately.

19 (5) This section applies to any offense committed on or after  
20 July 1, 1993, and only to adult offenders.

21 **Sec. 29.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to  
22 read as follows:

23 (1) **No prior offenses in seven years.** Except as provided in RCW  
24 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
25 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense  
26 within seven years shall be punished as follows:

27 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
28 of a person whose alcohol concentration was less than 0.15, or for  
29 whom for reasons other than the person's refusal to take a test  
30 offered pursuant to RCW 46.20.308 there is no test result indicating  
31 the person's alcohol concentration:

32 (i) By imprisonment for not less than one day nor more than three  
33 hundred sixty-four days. Twenty-four consecutive hours of the  
34 imprisonment may not be suspended unless the court finds that the  
35 imposition of this mandatory minimum sentence would impose a  
36 substantial risk to the offender's physical or mental well-being.  
37 Whenever the mandatory minimum sentence is suspended, the court shall  
38 state in writing the reason for granting the suspension and the facts  
39 upon which the suspension is based. In lieu of the mandatory minimum

1 term of imprisonment required under this subsection (1)(a)(i), the  
2 court may order not less than fifteen days of electronic home  
3 monitoring. The offender shall pay the cost of electronic home  
4 monitoring. The county or municipality in which the penalty is being  
5 imposed shall determine the cost. The court may also require the  
6 offender's electronic home monitoring device or other separate  
7 alcohol monitoring device to include an alcohol detection  
8 breathalyzer, and the court may restrict the amount of alcohol the  
9 offender may consume during the time the offender is on electronic  
10 home monitoring; and

11 (ii) By a fine of not less than three hundred fifty dollars nor  
12 more than five thousand dollars. Three hundred fifty dollars of the  
13 fine may not be suspended unless the court finds the offender to be  
14 indigent; or

15 (b) **Penalty for alcohol concentration at least 0.15.** In the case  
16 of a person whose alcohol concentration was at least 0.15, or for  
17 whom by reason of the person's refusal to take a test offered  
18 pursuant to RCW 46.20.308 there is no test result indicating the  
19 person's alcohol concentration:

20 (i) By imprisonment for not less than two days nor more than  
21 three hundred sixty-four days. Forty-eight consecutive hours of the  
22 imprisonment may not be suspended unless the court finds that the  
23 imposition of this mandatory minimum sentence would impose a  
24 substantial risk to the offender's physical or mental well-being.  
25 Whenever the mandatory minimum sentence is suspended, the court shall  
26 state in writing the reason for granting the suspension and the facts  
27 upon which the suspension is based. In lieu of the mandatory minimum  
28 term of imprisonment required under this subsection (1)(b)(i), the  
29 court may order not less than thirty days of electronic home  
30 monitoring. The offender shall pay the cost of electronic home  
31 monitoring. The county or municipality in which the penalty is being  
32 imposed shall determine the cost. The court may also require the  
33 offender's electronic home monitoring device to include an alcohol  
34 detection breathalyzer or other separate alcohol monitoring device,  
35 and the court may restrict the amount of alcohol the offender may  
36 consume during the time the offender is on electronic home  
37 monitoring; and

38 (ii) By a fine of not less than five hundred dollars nor more  
39 than five thousand dollars. Five hundred dollars of the fine may not  
40 be suspended unless the court finds the offender to be indigent.

1           (2) **One prior offense in seven years.** Except as provided in RCW  
2 46.61.502(6) or 46.61.504(6), a person who is convicted of a  
3 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense  
4 within seven years shall be punished as follows:

5           (a) **Penalty for alcohol concentration less than 0.15.** In the case  
6 of a person whose alcohol concentration was less than 0.15, or for  
7 whom for reasons other than the person's refusal to take a test  
8 offered pursuant to RCW 46.20.308 there is no test result indicating  
9 the person's alcohol concentration:

10           (i) By imprisonment for not less than thirty days nor more than  
11 three hundred sixty-four days and sixty days of electronic home  
12 monitoring. In lieu of the mandatory minimum term of sixty days  
13 electronic home monitoring, the court may order at least an  
14 additional four days in jail or, if available in that county or city,  
15 a six-month period of 24/7 sobriety program monitoring pursuant to  
16 RCW 36.28A.300 through 36.28A.390, and the court shall order an  
17 expanded alcohol assessment and treatment, if deemed appropriate by  
18 the assessment. The offender shall pay for the cost of the electronic  
19 monitoring. The county or municipality where the penalty is being  
20 imposed shall determine the cost. The court may also require the  
21 offender's electronic home monitoring device include an alcohol  
22 detection breathalyzer or other separate alcohol monitoring device,  
23 and may restrict the amount of alcohol the offender may consume  
24 during the time the offender is on electronic home monitoring. Thirty  
25 days of imprisonment and sixty days of electronic home monitoring may  
26 not be suspended unless the court finds that the imposition of this  
27 mandatory minimum sentence would impose a substantial risk to the  
28 offender's physical or mental well-being. Whenever the mandatory  
29 minimum sentence is suspended, the court shall state in writing the  
30 reason for granting the suspension and the facts upon which the  
31 suspension is based; and

32           (ii) By a fine of not less than five hundred dollars nor more  
33 than five thousand dollars. Five hundred dollars of the fine may not  
34 be suspended unless the court finds the offender to be indigent; or

35           (b) **Penalty for alcohol concentration at least 0.15.** In the case  
36 of a person whose alcohol concentration was at least 0.15, or for  
37 whom by reason of the person's refusal to take a test offered  
38 pursuant to RCW 46.20.308 there is no test result indicating the  
39 person's alcohol concentration:

1 (i) By imprisonment for not less than forty-five days nor more  
2 than three hundred sixty-four days and ninety days of electronic home  
3 monitoring. In lieu of the mandatory minimum term of ninety days  
4 electronic home monitoring, the court may order at least an  
5 additional six days in jail or, if available in that county or city,  
6 a six-month period of 24/7 sobriety program monitoring pursuant to  
7 RCW 36.28A.300 through 36.28A.390, and the court shall order an  
8 expanded alcohol assessment and treatment, if deemed appropriate by  
9 the assessment. The offender shall pay for the cost of the electronic  
10 monitoring. The county or municipality where the penalty is being  
11 imposed shall determine the cost. The court may also require the  
12 offender's electronic home monitoring device include an alcohol  
13 detection breathalyzer or other separate alcohol monitoring device,  
14 and may restrict the amount of alcohol the offender may consume  
15 during the time the offender is on electronic home monitoring. Forty-  
16 five days of imprisonment and ninety days of electronic home  
17 monitoring may not be suspended unless the court finds that the  
18 imposition of this mandatory minimum sentence would impose a  
19 substantial risk to the offender's physical or mental well-being.  
20 Whenever the mandatory minimum sentence is suspended, the court shall  
21 state in writing the reason for granting the suspension and the facts  
22 upon which the suspension is based; and

23 (ii) By a fine of not less than seven hundred fifty dollars nor  
24 more than five thousand dollars. Seven hundred fifty dollars of the  
25 fine may not be suspended unless the court finds the offender to be  
26 indigent.

27 (3) **Two or three prior offenses in seven years.** Except as  
28 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is  
29 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has  
30 two or three prior offenses within seven years shall be punished as  
31 follows:

32 (a) **Penalty for alcohol concentration less than 0.15.** In the case  
33 of a person whose alcohol concentration was less than 0.15, or for  
34 whom for reasons other than the person's refusal to take a test  
35 offered pursuant to RCW 46.20.308 there is no test result indicating  
36 the person's alcohol concentration:

37 (i) By imprisonment for not less than ninety days nor more than  
38 three hundred sixty-four days, if available in that county or city, a  
39 six-month period of 24/7 sobriety program monitoring pursuant to RCW  
40 36.28A.300 through 36.28A.390, and one hundred twenty days of

1 electronic home monitoring. In lieu of the mandatory minimum term of  
2 one hundred twenty days of electronic home monitoring, the court may  
3 order at least an additional eight days in jail. The court shall  
4 order an expanded alcohol assessment and treatment, if deemed  
5 appropriate by the assessment. The offender shall pay for the cost of  
6 the electronic monitoring. The county or municipality where the  
7 penalty is being imposed shall determine the cost. The court may also  
8 require the offender's electronic home monitoring device include an  
9 alcohol detection breathalyzer or other separate alcohol monitoring  
10 device, and may restrict the amount of alcohol the offender may  
11 consume during the time the offender is on electronic home  
12 monitoring. Ninety days of imprisonment and one hundred twenty days  
13 of electronic home monitoring may not be suspended unless the court  
14 finds that the imposition of this mandatory minimum sentence would  
15 impose a substantial risk to the offender's physical or mental well-  
16 being. Whenever the mandatory minimum sentence is suspended, the  
17 court shall state in writing the reason for granting the suspension  
18 and the facts upon which the suspension is based; and

19 (ii) By a fine of not less than one thousand dollars nor more  
20 than five thousand dollars. One thousand dollars of the fine may not  
21 be suspended unless the court finds the offender to be indigent; or

22 (b) **Penalty for alcohol concentration at least 0.15.** In the case  
23 of a person whose alcohol concentration was at least 0.15, or for  
24 whom by reason of the person's refusal to take a test offered  
25 pursuant to RCW 46.20.308 there is no test result indicating the  
26 person's alcohol concentration:

27 (i) By imprisonment for not less than one hundred twenty days nor  
28 more than three hundred sixty-four days, if available in that county  
29 or city, a six-month period of 24/7 sobriety program monitoring  
30 pursuant to RCW 36.28A.300 through 36.28A.390, and one hundred fifty  
31 days of electronic home monitoring. In lieu of the mandatory minimum  
32 term of one hundred fifty days of electronic home monitoring, the  
33 court may order at least an additional ten days in jail. The offender  
34 shall pay for the cost of the electronic monitoring. The court shall  
35 order an expanded alcohol assessment and treatment, if deemed  
36 appropriate by the assessment. The county or municipality where the  
37 penalty is being imposed shall determine the cost. The court may also  
38 require the offender's electronic home monitoring device include an  
39 alcohol detection breathalyzer or other separate alcohol monitoring  
40 device, and may restrict the amount of alcohol the offender may

1 consume during the time the offender is on electronic home  
2 monitoring. One hundred twenty days of imprisonment and one hundred  
3 fifty days of electronic home monitoring may not be suspended unless  
4 the court finds that the imposition of this mandatory minimum  
5 sentence would impose a substantial risk to the offender's physical  
6 or mental well-being. Whenever the mandatory minimum sentence is  
7 suspended, the court shall state in writing the reason for granting  
8 the suspension and the facts upon which the suspension is based; and

9 (ii) By a fine of not less than one thousand five hundred dollars  
10 nor more than five thousand dollars. One thousand five hundred  
11 dollars of the fine may not be suspended unless the court finds the  
12 offender to be indigent.

13 (4) **Four or more prior offenses in ten years.** A person who is  
14 convicted of a violation of RCW 46.61.502 or 46.61.504 shall be  
15 punished under chapter 9.94A RCW if:

16 (a) The person has four or more prior offenses within ten years;  
17 or

18 (b) The person has ever previously been convicted of:

19 (i) A violation of RCW 46.61.520 committed while under the  
20 influence of intoxicating liquor or any drug;

21 (ii) A violation of RCW 46.61.522 committed while under the  
22 influence of intoxicating liquor or any drug;

23 (iii) An out-of-state offense comparable to the offense specified  
24 in (b)(i) or (ii) of this subsection; or

25 (iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

26 (5) **Monitoring.**

27 (a) **Ignition interlock device.** The court shall require any person  
28 convicted of a violation of RCW 46.61.502 or 46.61.504 or an  
29 equivalent local ordinance to comply with the rules and requirements  
30 of the department regarding the installation and use of a functioning  
31 ignition interlock device installed on all motor vehicles operated by  
32 the person.

33 (b) **Monitoring devices.** If the court orders that a person refrain  
34 from consuming any alcohol, the court may order the person to submit  
35 to alcohol monitoring through an alcohol detection breathalyzer  
36 device, transdermal sensor device, or other technology designed to  
37 detect alcohol in a person's system. The person shall pay for the  
38 cost of the monitoring, unless the court specifies that the cost of  
39 monitoring will be paid with funds that are available from an  
40 alternative source identified by the court. The county or

1 municipality where the penalty is being imposed shall determine the  
2 cost.

3 (c) **Ignition interlock device substituted for 24/7 sobriety**  
4 **program monitoring.** In any county or city where a 24/7 sobriety  
5 program is available and verified by the Washington association of  
6 sheriffs and police chiefs, the court shall:

7 (i) Order the person to install and use a functioning ignition  
8 interlock or other device in lieu of such period of 24/7 sobriety  
9 program monitoring;

10 (ii) Order the person to a period of 24/7 sobriety program  
11 monitoring pursuant to subsections (1) through (3) of this section;  
12 or

13 (iii) Order the person to install and use a functioning ignition  
14 interlock or other device in addition to a period of 24/7 sobriety  
15 program monitoring pursuant to subsections (1) through (3) of this  
16 section.

17 (6) **Penalty for having a minor passenger in vehicle.** If a person  
18 who is convicted of a violation of RCW 46.61.502 or 46.61.504  
19 committed the offense while a passenger under the age of sixteen was  
20 in the vehicle, the court shall:

21 (a) Order the use of an ignition interlock or other device for an  
22 additional six months;

23 (b) In any case in which the person has no prior offenses within  
24 seven years, and except as provided in RCW 46.61.502(6) or  
25 46.61.504(6), order an additional twenty-four hours of imprisonment  
26 and a fine of not less than one thousand dollars and not more than  
27 five thousand dollars. One thousand dollars of the fine may not be  
28 suspended unless the court finds the offender to be indigent;

29 (c) In any case in which the person has one prior offense within  
30 seven years, and except as provided in RCW 46.61.502(6) or  
31 46.61.504(6), order an additional five days of imprisonment and a  
32 fine of not less than two thousand dollars and not more than five  
33 thousand dollars. One thousand dollars of the fine may not be  
34 suspended unless the court finds the offender to be indigent;

35 (d) In any case in which the person has two or three prior  
36 offenses within seven years, and except as provided in RCW  
37 46.61.502(6) or 46.61.504(6), order an additional ten days of  
38 imprisonment and a fine of not less than three thousand dollars and  
39 not more than ten thousand dollars. One thousand dollars of the fine

1 may not be suspended unless the court finds the offender to be  
2 indigent.

3       (7) **Other items courts must consider while setting penalties.** In  
4 exercising its discretion in setting penalties within the limits  
5 allowed by this section, the court shall particularly consider the  
6 following:

7       (a) Whether the person's driving at the time of the offense was  
8 responsible for injury or damage to another or another's property;

9       (b) Whether at the time of the offense the person was driving or  
10 in physical control of a vehicle with one or more passengers;

11       (c) Whether the driver was driving in the opposite direction of  
12 the normal flow of traffic on a multiple lane highway, as defined by  
13 RCW 46.04.350, with a posted speed limit of forty-five miles per hour  
14 or greater; and

15       (d) Whether a child passenger under the age of sixteen was an  
16 occupant in the driver's vehicle.

17       (8) **Treatment and information school.** An offender punishable  
18 under this section is subject to the alcohol assessment and treatment  
19 provisions of RCW 46.61.5056.

20       (9) **Driver's license privileges of the defendant.** The license,  
21 permit, or nonresident privilege of a person convicted of driving or  
22 being in physical control of a motor vehicle while under the  
23 influence of intoxicating liquor or drugs must:

24       (a) **Penalty for alcohol concentration less than 0.15.** If the  
25 person's alcohol concentration was less than 0.15, or if for reasons  
26 other than the person's refusal to take a test offered under RCW  
27 46.20.308 there is no test result indicating the person's alcohol  
28 concentration:

29       (i) Where there has been no prior offense within seven years, be  
30 suspended or denied by the department for ninety days;

31       (ii) Where there has been one prior offense within seven years,  
32 be revoked or denied by the department for two years; or

33       (iii) Where there have been two or more prior offenses within  
34 seven years, be revoked or denied by the department for three years;

35       (b) **Penalty for alcohol concentration at least 0.15.** If the  
36 person's alcohol concentration was at least 0.15:

37       (i) Where there has been no prior offense within seven years, be  
38 revoked or denied by the department for one year;

39       (ii) Where there has been one prior offense within seven years,  
40 be revoked or denied by the department for nine hundred days; or

1 (iii) Where there have been two or more prior offenses within  
2 seven years, be revoked or denied by the department for four years;  
3 or

4 (c) **Penalty for refusing to take test.** If by reason of the  
5 person's refusal to take a test offered under RCW 46.20.308, there is  
6 no test result indicating the person's alcohol concentration:

7 (i) Where there have been no prior offenses within seven years,  
8 be revoked or denied by the department for two years;

9 (ii) Where there has been one prior offense within seven years,  
10 be revoked or denied by the department for three years; or

11 (iii) Where there have been two or more previous offenses within  
12 seven years, be revoked or denied by the department for four years.

13 The department shall grant credit on a day-for-day basis for any  
14 portion of a suspension, revocation, or denial already served under  
15 this subsection for a suspension, revocation, or denial imposed under  
16 RCW 46.20.3101 arising out of the same incident.

17 Upon its own motion or upon motion by a person, a court may find,  
18 on the record, that notice to the department under RCW 46.20.270 has  
19 been delayed for three years or more as a result of a clerical or  
20 court error. If so, the court may order that the person's license,  
21 permit, or nonresident privilege shall not be revoked, suspended, or  
22 denied for that offense. The court shall send notice of the finding  
23 and order to the department and to the person. Upon receipt of the  
24 notice from the court, the department shall not revoke, suspend, or  
25 deny the license, permit, or nonresident privilege of the person for  
26 that offense.

27 For purposes of this subsection (9), the department shall refer  
28 to the driver's record maintained under RCW 46.52.120 when  
29 determining the existence of prior offenses.

30 (10) **Probation of driving privilege.** After expiration of any  
31 period of suspension, revocation, or denial of the offender's  
32 license, permit, or privilege to drive required by this section, the  
33 department shall place the offender's driving privilege in  
34 probationary status pursuant to RCW 46.20.355.

35 (11) **Conditions of probation.** (a) In addition to any  
36 nonsuspendable and nondeferrable jail sentence required by this  
37 section, whenever the court imposes up to three hundred sixty-four  
38 days in jail, the court shall also suspend but shall not defer a  
39 period of confinement for a period not exceeding five years. The  
40 court shall impose conditions of probation that include: (i) Not

1 driving a motor vehicle within this state without a valid license to  
2 drive and proof of liability insurance or other financial  
3 responsibility for the future pursuant to RCW 46.30.020; (ii) not  
4 driving or being in physical control of a motor vehicle within this  
5 state while having an alcohol concentration of 0.08 or more or a THC  
6 concentration of 5.00 nanograms per milliliter of whole blood or  
7 higher, within two hours after driving; and (iii) not refusing to  
8 submit to a test of his or her breath or blood to determine alcohol  
9 or drug concentration upon request of a law enforcement officer who  
10 has reasonable grounds to believe the person was driving or was in  
11 actual physical control of a motor vehicle within this state while  
12 under the influence of intoxicating liquor or drug. The court may  
13 impose conditions of probation that include nonrepetition,  
14 installation of an ignition interlock device on the probationer's  
15 motor vehicle, alcohol or drug treatment, supervised probation, or  
16 other conditions that may be appropriate. The sentence may be imposed  
17 in whole or in part upon violation of a condition of probation during  
18 the suspension period.

19 (b) For each violation of mandatory conditions of probation under  
20 (a)(i), (ii), or (iii) of this subsection, the court shall order the  
21 convicted person to be confined for thirty days, which shall not be  
22 suspended or deferred.

23 (c) For each incident involving a violation of a mandatory  
24 condition of probation imposed under this subsection, the license,  
25 permit, or privilege to drive of the person shall be suspended by the  
26 court for thirty days or, if such license, permit, or privilege to  
27 drive already is suspended, revoked, or denied at the time the  
28 finding of probation violation is made, the suspension, revocation,  
29 or denial then in effect shall be extended by thirty days. The court  
30 shall notify the department of any suspension, revocation, or denial  
31 or any extension of a suspension, revocation, or denial imposed under  
32 this subsection.

33 (12) **Waiver of electronic home monitoring.** A court may waive the  
34 electronic home monitoring requirements of this chapter when:

35 (a) The offender does not have a dwelling, telephone service, or  
36 any other necessity to operate an electronic home monitoring system.  
37 However, if a court determines that an alcohol monitoring device  
38 utilizing wireless reporting technology is reasonably available, the  
39 court may require the person to obtain such a device during the  
40 period of required electronic home monitoring;

1 (b) The offender does not reside in the state of Washington; or

2 (c) The court determines that there is reason to believe that the  
3 offender would violate the conditions of the electronic home  
4 monitoring penalty.

5 Whenever the mandatory minimum term of electronic home monitoring  
6 is waived, the court shall state in writing the reason for granting  
7 the waiver and the facts upon which the waiver is based, and shall  
8 impose an alternative sentence with similar punitive consequences.  
9 The alternative sentence may include, but is not limited to, use of  
10 an ignition interlock device, the 24/7 sobriety program monitoring,  
11 additional jail time, work crew, or work camp.

12 Whenever the combination of jail time and electronic home  
13 monitoring or alternative sentence would exceed three hundred sixty-  
14 four days, the offender shall serve the jail portion of the sentence  
15 first, and the electronic home monitoring or alternative portion of  
16 the sentence shall be reduced so that the combination does not exceed  
17 three hundred sixty-four days.

18 (13) **Extraordinary medical placement.** An offender serving a  
19 sentence under this section, whether or not a mandatory minimum term  
20 has expired, may be granted an extraordinary medical placement by the  
21 jail administrator subject to the standards and limitations set forth  
22 in RCW 9.94A.728(3).

23 (14) **Definitions.** For purposes of this section and RCW 46.61.502  
24 and 46.61.504:

25 (a) A "prior offense" means any of the following:

26 (i) A conviction for a violation of RCW 46.61.502 or an  
27 equivalent local ordinance;

28 (ii) A conviction for a violation of RCW 46.61.504 or an  
29 equivalent local ordinance;

30 (iii) A conviction for a violation of RCW 46.25.110 or an  
31 equivalent local ordinance;

32 (iv) A conviction for a violation of RCW 79A.60.040 or an  
33 equivalent local ordinance;

34 (v) A conviction for a violation of RCW 47.68.220 or an  
35 equivalent local ordinance;

36 (vi) A conviction for a violation of RCW 46.09.470(2) or an  
37 equivalent local ordinance;

38 (vii) A conviction for a violation of RCW 46.10.490(2) or an  
39 equivalent local ordinance;

1 (viii) A conviction for a violation of RCW 46.61.520 committed  
2 while under the influence of intoxicating liquor or any drug, or a  
3 conviction for a violation of RCW 46.61.520 committed in a reckless  
4 manner or with the disregard for the safety of others if the  
5 conviction is the result of a charge that was originally filed as a  
6 violation of RCW 46.61.520 committed while under the influence of  
7 intoxicating liquor or any drug;

8 (ix) A conviction for a violation of RCW 46.61.522 committed  
9 while under the influence of intoxicating liquor or any drug, or a  
10 conviction for a violation of RCW 46.61.522 committed in a reckless  
11 manner or with the disregard for the safety of others if the  
12 conviction is the result of a charge that was originally filed as a  
13 violation of RCW 46.61.522 committed while under the influence of  
14 intoxicating liquor or any drug;

15 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or  
16 9A.36.050 or an equivalent local ordinance, if the conviction is the  
17 result of a charge that was originally filed as a violation of RCW  
18 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW  
19 46.61.520 or 46.61.522;

20 (xi) An out-of-state conviction for a violation that would have  
21 been a violation of (a)(i), (ii), (viii), (ix), or (x) of this  
22 subsection if committed in this state;

23 (xii) A deferred prosecution under chapter 10.05 RCW granted in a  
24 prosecution for a violation of RCW 46.61.502, 46.61.504, or an  
25 equivalent local ordinance;

26 (xiii) A deferred prosecution under chapter 10.05 RCW granted in  
27 a prosecution for a violation of RCW 46.61.5249, or an equivalent  
28 local ordinance, if the charge under which the deferred prosecution  
29 was granted was originally filed as a violation of RCW 46.61.502 or  
30 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or  
31 46.61.522;

32 (xiv) A deferred prosecution granted in another state for a  
33 violation of driving or having physical control of a vehicle while  
34 under the influence of intoxicating liquor or any drug if the out-of-  
35 state deferred prosecution is equivalent to the deferred prosecution  
36 under chapter 10.05 RCW, including a requirement that the defendant  
37 participate in a chemical dependency treatment program; or

38 (xv) A deferred sentence imposed in a prosecution for a violation  
39 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local  
40 ordinance, if the charge under which the deferred sentence was

1 imposed was originally filed as a violation of RCW 46.61.502 or  
2 46.61.504, or an equivalent local ordinance, or a violation of RCW  
3 46.61.520 or 46.61.522;

4 If a deferred prosecution is revoked based on a subsequent  
5 conviction for an offense listed in this subsection (14)(a), the  
6 subsequent conviction shall not be treated as a prior offense of the  
7 revoked deferred prosecution for the purposes of sentencing;

8 (b) "Treatment" means alcohol or drug treatment approved by the  
9 department of social and health services;

10 (c) "Within seven years" means that the arrest for a prior  
11 offense occurred within seven years before or after the arrest for  
12 the current offense; and

13 (d) "Within ten years" means that the arrest for a prior offense  
14 occurred within ten years before or after the arrest for the current  
15 offense.

16 (15) All fines imposed by this section apply to adult offenders  
17 only.

18 **Sec. 30.** RCW 69.50.401 and 2013 c 3 s 19 are each amended to  
19 read as follows:

20 (1) Except as authorized by this chapter, it is unlawful for any  
21 person to manufacture, deliver, or possess with intent to manufacture  
22 or deliver, a controlled substance.

23 (2) Any person who violates this section with respect to:

24 (a) A controlled substance classified in Schedule I or II which  
25 is a narcotic drug or flunitrazepam, including its salts, isomers,  
26 and salts of isomers, classified in Schedule IV, is guilty of a class  
27 B felony and upon conviction may be imprisoned for not more than ten  
28 years, or (i) fined not more than twenty-five thousand dollars if the  
29 crime involved less than two kilograms of the drug, or both such  
30 imprisonment and fine; or (ii) if the crime involved two or more  
31 kilograms of the drug, then fined not more than one hundred thousand  
32 dollars for the first two kilograms and not more than fifty dollars  
33 for each gram in excess of two kilograms, or both such imprisonment  
34 and fine;

35 (b) Amphetamine, including its salts, isomers, and salts of  
36 isomers, or methamphetamine, including its salts, isomers, and salts  
37 of isomers, is guilty of a class B felony and upon conviction may be  
38 imprisoned for not more than ten years, or (i) fined not more than  
39 twenty-five thousand dollars if the crime involved less than two

1 kilograms of the drug, or both such imprisonment and fine; or (ii) if  
2 the crime involved two or more kilograms of the drug, then fined not  
3 more than one hundred thousand dollars for the first two kilograms  
4 and not more than fifty dollars for each gram in excess of two  
5 kilograms, or both such imprisonment and fine. Three thousand dollars  
6 of the fine may not be suspended. As collected, the first three  
7 thousand dollars of the fine must be deposited with the law  
8 enforcement agency having responsibility for cleanup of laboratories,  
9 sites, or substances used in the manufacture of the methamphetamine,  
10 including its salts, isomers, and salts of isomers. The fine moneys  
11 deposited with that law enforcement agency must be used for such  
12 clean-up cost;

13 (c) Any other controlled substance classified in Schedule I, II,  
14 or III, is guilty of a class C felony punishable according to chapter  
15 9A.20 RCW;

16 (d) A substance classified in Schedule IV, except flunitrazepam,  
17 including its salts, isomers, and salts of isomers, is guilty of a  
18 class C felony punishable according to chapter 9A.20 RCW; or

19 (e) A substance classified in Schedule V, is guilty of a class C  
20 felony punishable according to chapter 9A.20 RCW.

21 (3) The production, manufacture, processing, packaging, delivery,  
22 distribution, sale, or possession of marijuana in compliance with the  
23 terms set forth in RCW 69.50.360, 69.50.363, or 69.50.366 shall not  
24 constitute a violation of this section, this chapter, or any other  
25 provision of Washington state law.

26 (4) The fines in this section apply to adult offenders only.

27 **Sec. 31.** RCW 69.50.425 and 2002 c 175 s 44 are each amended to  
28 read as follows:

29 A person who is convicted of a misdemeanor violation of any  
30 provision of this chapter shall be punished by imprisonment for not  
31 less than twenty-four consecutive hours, and adult offenders shall be  
32 punished by a fine of not less than two hundred fifty dollars. On a  
33 second or subsequent conviction, the fine shall not be less than five  
34 hundred dollars for adult offenders. These fines shall be in addition  
35 to any other fine or penalty imposed on adult offenders. Unless the  
36 court finds that the imposition of the minimum imprisonment will pose  
37 a substantial risk to the defendant's physical or mental well-being  
38 or that local jail facilities are in an overcrowded condition, the  
39 minimum term of imprisonment shall not be suspended or deferred. If

1 the court finds such risk or overcrowding exists, it shall sentence  
2 the defendant to a minimum of forty hours of community restitution.  
3 If a minimum term of imprisonment is suspended or deferred, the court  
4 shall state in writing the reason for granting the suspension or  
5 deferral and the facts upon which the suspension or deferral is  
6 based. Unless the court finds the person to be indigent, the minimum  
7 fine shall not be suspended or deferred.

8 **Sec. 32.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to  
9 read as follows:

10 (1) Every (~~person~~) adult offender convicted of a felony  
11 violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402,  
12 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be  
13 fined one thousand dollars in addition to any other fine or penalty  
14 imposed. Unless the court finds the (~~person~~) adult offender to be  
15 indigent, this additional fine shall not be suspended or deferred by  
16 the court.

17 (2) On a second or subsequent conviction for violation of any of  
18 the laws listed in subsection (1) of this section, the (~~person~~)  
19 adult offender shall be fined two thousand dollars in addition to any  
20 other fine or penalty imposed. Unless the court finds the (~~person~~)  
21 adult offender to be indigent, this additional fine shall not be  
22 suspended or deferred by the court.

23 **Sec. 33.** RCW 69.50.435 and 2003 c 53 s 346 are each amended to  
24 read as follows:

25 (1) Any person who violates RCW 69.50.401 by manufacturing,  
26 selling, delivering, or possessing with the intent to manufacture,  
27 sell, or deliver a controlled substance listed under RCW 69.50.401 or  
28 who violates RCW 69.50.410 by selling for profit any controlled  
29 substance or counterfeit substance classified in schedule I, RCW  
30 69.50.204, except leaves and flowering tops of marihuana to a person:

31 (a) In a school;

32 (b) On a school bus;

33 (c) Within one thousand feet of a school bus route stop  
34 designated by the school district;

35 (d) Within one thousand feet of the perimeter of the school  
36 grounds;

37 (e) In a public park;

1 (f) In a public housing project designated by a local governing  
2 authority as a drug-free zone;

3 (g) On a public transit vehicle;

4 (h) In a public transit stop shelter;

5 (i) At a civic center designated as a drug-free zone by the local  
6 governing authority; or

7 (j) Within one thousand feet of the perimeter of a facility  
8 designated under (i) of this subsection, if the local governing  
9 authority specifically designates the one thousand foot perimeter  
10 may be punished by a fine of up to twice the fine otherwise  
11 authorized by this chapter, but not including twice the fine  
12 authorized by RCW 69.50.406, or by imprisonment of up to twice the  
13 imprisonment otherwise authorized by this chapter, but not including  
14 twice the imprisonment authorized by RCW 69.50.406, or by both such  
15 fine and imprisonment. The provisions of this section shall not  
16 operate to more than double the fine or imprisonment otherwise  
17 authorized by this chapter for an offense.

18 (2) It is not a defense to a prosecution for a violation of this  
19 section that the person was unaware that the prohibited conduct took  
20 place while in a school or school bus or within one thousand feet of  
21 the school or school bus route stop, in a public park, in a public  
22 housing project designated by a local governing authority as a drug-  
23 free zone, on a public transit vehicle, in a public transit stop  
24 shelter, at a civic center designated as a drug-free zone by the  
25 local governing authority, or within one thousand feet of the  
26 perimeter of a facility designated under subsection (1)(i) of this  
27 section, if the local governing authority specifically designates the  
28 one thousand foot perimeter.

29 (3) It is not a defense to a prosecution for a violation of this  
30 section or any other prosecution under this chapter that persons  
31 under the age of eighteen were not present in the school, the school  
32 bus, the public park, the public housing project designated by a  
33 local governing authority as a drug-free zone, or the public transit  
34 vehicle, or at the school bus route stop, the public transit vehicle  
35 stop shelter, at a civic center designated as a drug-free zone by the  
36 local governing authority, or within one thousand feet of the  
37 perimeter of a facility designated under subsection (1)(i) of this  
38 section, if the local governing authority specifically designates the  
39 one thousand foot perimeter at the time of the offense or that school  
40 was not in session.

1 (4) It is an affirmative defense to a prosecution for a violation  
2 of this section that the prohibited conduct took place entirely  
3 within a private residence, that no person under eighteen years of  
4 age or younger was present in such private residence at any time  
5 during the commission of the offense, and that the prohibited conduct  
6 did not involve delivering, manufacturing, selling, or possessing  
7 with the intent to manufacture, sell, or deliver any controlled  
8 substance in RCW 69.50.401 for profit. The affirmative defense  
9 established in this section shall be proved by the defendant by a  
10 preponderance of the evidence. This section shall not be construed to  
11 establish an affirmative defense with respect to a prosecution for an  
12 offense defined in any other section of this chapter.

13 (5) In a prosecution under this section, a map produced or  
14 reproduced by any municipality, school district, county, transit  
15 authority engineer, or public housing authority for the purpose of  
16 depicting the location and boundaries of the area on or within one  
17 thousand feet of any property used for a school, school bus route  
18 stop, public park, public housing project designated by a local  
19 governing authority as a drug-free zone, public transit vehicle stop  
20 shelter, or a civic center designated as a drug-free zone by a local  
21 governing authority, or a true copy of such a map, shall under proper  
22 authentication, be admissible and shall constitute prima facie  
23 evidence of the location and boundaries of those areas if the  
24 governing body of the municipality, school district, county, or  
25 transit authority has adopted a resolution or ordinance approving the  
26 map as the official location and record of the location and  
27 boundaries of the area on or within one thousand feet of the school,  
28 school bus route stop, public park, public housing project designated  
29 by a local governing authority as a drug-free zone, public transit  
30 vehicle stop shelter, or civic center designated as a drug-free zone  
31 by a local governing authority. Any map approved under this section  
32 or a true copy of the map shall be filed with the clerk of the  
33 municipality or county, and shall be maintained as an official record  
34 of the municipality or county. This section shall not be construed as  
35 precluding the prosecution from introducing or relying upon any other  
36 evidence or testimony to establish any element of the offense. This  
37 section shall not be construed as precluding the use or admissibility  
38 of any map or diagram other than the one which has been approved by  
39 the governing body of a municipality, school district, county,

1 transit authority, or public housing authority if the map or diagram  
2 is otherwise admissible under court rule.

3 (6) As used in this section the following terms have the meanings  
4 indicated unless the context clearly requires otherwise:

5 (a) "School" has the meaning under RCW 28A.150.010 or  
6 28A.150.020. The term "school" also includes a private school  
7 approved under RCW 28A.195.010;

8 (b) "School bus" means a school bus as defined by the  
9 superintendent of public instruction by rule which is owned and  
10 operated by any school district and all school buses which are  
11 privately owned and operated under contract or otherwise with any  
12 school district in the state for the transportation of students. The  
13 term does not include buses operated by common carriers in the urban  
14 transportation of students such as transportation of students through  
15 a municipal transportation system;

16 (c) "School bus route stop" means a school bus stop as designated  
17 by a school district;

18 (d) "Public park" means land, including any facilities or  
19 improvements on the land, that is operated as a park by the state or  
20 a local government;

21 (e) "Public transit vehicle" means any motor vehicle, streetcar,  
22 train, trolley vehicle, or any other device, vessel, or vehicle which  
23 is owned or operated by a transit authority and which is used for the  
24 purpose of carrying passengers on a regular schedule;

25 (f) "Transit authority" means a city, county, or state  
26 transportation system, transportation authority, public  
27 transportation benefit area, public transit authority, or  
28 metropolitan municipal corporation within the state that operates  
29 public transit vehicles;

30 (g) "Stop shelter" means a passenger shelter designated by a  
31 transit authority;

32 (h) "Civic center" means a publicly owned or publicly operated  
33 place or facility used for recreational, educational, or cultural  
34 activities;

35 (i) "Public housing project" means the same as "housing project"  
36 as defined in RCW 35.82.020.

37 (7) The fines imposed by this section apply to adult offenders  
38 only.



1 criminal wildlife penalty assessment shall be included by the court  
2 in any pronouncement of sentence and may not be suspended, waived,  
3 modified, or deferred in any respect. This section may not be  
4 construed to abridge or alter alternative rights of action or  
5 remedies in equity or under common law or statutory law, criminal or  
6 civil.

7 (5) A defaulted criminal wildlife penalty assessment may be  
8 collected by any means authorized by law for the enforcement of  
9 orders of the court or collection of a fine or costs, including but  
10 not limited to vacation of a deferral of sentencing or vacation of a  
11 suspension of sentence.

12 (6) A person assessed a criminal wildlife penalty assessment  
13 under this section shall have his or her hunting license revoked and  
14 all hunting privileges suspended until the penalty assessment is paid  
15 through the registry of the court in which the penalty assessment was  
16 assessed.

17 (7) The criminal wildlife penalty assessments provided in  
18 subsection (1) of this section shall be doubled in the following  
19 instances:

20 (a) When a person is convicted of spotlighting big game under RCW  
21 77.15.450;

22 (b) When a person commits a violation that requires payment of a  
23 wildlife penalty assessment within five years of a prior gross  
24 misdemeanor or felony conviction under this title;

25 (c) When the trier of fact determines that the person took or  
26 possessed the animal in question with the intent of bartering,  
27 selling, or otherwise deriving economic profit from the animal or the  
28 animal's parts; or

29 (d) When the trier of fact determines that the person took the  
30 animal under the supervision of a licensed guide.

31 NEW SECTION. **Sec. 35.** This act applies to any juvenile offender  
32 cases filed after the effective date of this section.

33 NEW SECTION. **Sec. 36.** The following acts or parts of acts are  
34 each repealed:

35 (1) RCW 13.40.145 (Payment of fees for legal services by publicly  
36 funded counsel—Hearing—Order or decree—Entering and enforcing  
37 judgments) and 1997 c 121 s 6, 1995 c 275 s 4, & 1984 c 86 s 1; and

1           (2) RCW 13.40.085 (Diversion services costs—Fees—Payment by  
2 parent or legal guardian) and 1993 c 171 s 1.

--- END ---