

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5564

64th Legislature
2015 Regular Session

Passed by the Senate April 16, 2015
Yeas 46 Nays 2

President of the Senate

Passed by the House April 13, 2015
Yeas 95 Nays 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 5564** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 5564

AS AMENDED BY THE HOUSE

Passed Legislature - 2015 Regular Session

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

By Senate Ways & Means (originally sponsored by Senators O'Ban, Darneille, Miloscia, Hargrove, Kohl-Welles, Fain, Jayapal, Brown, Habib, Dammeier, Frockt, Litzow, Warnick, Hasegawa, and McAuliffe)

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, 13.40.192,
4 7.68.035, 9.08.070, 9.08.072, 9.46.1961, 9.68A.105, 9.68A.106,
5 9.94A.550, 9A.20.021, 9A.50.030, 9A.56.060, 9A.56.085, 9A.88.120,
6 9A.88.140, 10.73.160, 10.82.090, 10.99.080, 13.40.080, 36.18.016,
7 36.18.020, 36.18.040, 43.43.690, 43.43.7541, 46.61.5054, 46.61.5055,
8 69.50.401, 69.50.425, 69.50.430, 69.50.435, and 77.15.420; reenacting
9 and amending RCW 13.50.010, 46.52.130, and 13.40.127; adding a new
10 section to chapter 13.40 RCW; adding a new section to chapter 13.50
11 RCW; creating a new section; and repealing RCW 13.40.145 and
12 13.40.085.

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

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

1 less serious crimes, juvenile offenders will be better able to find
2 employment and focus on making restitution payments first to the
3 actual victim. This legislation is intended to help juveniles
4 understand the consequences of their actions and the harm that those
5 actions have caused others without placing insurmountable burdens on
6 juveniles attempting to become productive members of society.
7 Depending on the juvenile's ability to pay, and upon the consent of
8 the victim, courts should also strongly consider ordering community
9 restitution in lieu of paying restitution where appropriate.

10 **Sec. 2.** RCW 13.50.010 and 2014 c 175 s 2 and 2014 c 117 s 5 are
11 each reenacted and amended to read as follows:

12 (1) For purposes of this chapter:

13 (a) "Good faith effort to pay" means a juvenile offender has
14 either (i) paid the principal amount in full; (ii) made at least
15 eighty percent of the value of full monthly payments within the
16 period from disposition or deferred disposition until the time the
17 amount of restitution owed is under review; or (iii) can show good
18 cause why he or she paid an amount less than eighty percent of the
19 value of full monthly payments;

20 (b) "Juvenile justice or care agency" means any of the following:
21 Police, diversion units, court, prosecuting attorney, defense
22 attorney, detention center, attorney general, the legislative
23 children's oversight committee, the office of the family and
24 children's ombuds, the department of social and health services and
25 its contracting agencies, schools; persons or public or private
26 agencies having children committed to their custody; and any
27 placement oversight committee created under RCW 72.05.415;

28 ~~((b))~~ (c) "Official juvenile court file" means the legal file
29 of the juvenile court containing the petition or information,
30 motions, memorandums, briefs, findings of the court, and court
31 orders;

32 ~~((e))~~ (d) "Records" means the official juvenile court file, the
33 social file, and records of any other juvenile justice or care agency
34 in the case;

35 ~~((d))~~ (e) "Social file" means the juvenile court file
36 containing the records and reports of the probation counselor.

37 (2) Each petition or information filed with the court may include
38 only one juvenile and each petition or information shall be filed

1 under a separate docket number. The social file shall be filed
2 separately from the official juvenile court file.

3 (3) It is the duty of any juvenile justice or care agency to
4 maintain accurate records. To this end:

5 (a) The agency may never knowingly record inaccurate information.
6 Any information in records maintained by the department of social and
7 health services relating to a petition filed pursuant to chapter
8 13.34 RCW that is found by the court to be false or inaccurate shall
9 be corrected or expunged from such records by the agency;

10 (b) An agency shall take reasonable steps to assure the security
11 of its records and prevent tampering with them; and

12 (c) An agency shall make reasonable efforts to insure the
13 completeness of its records, including action taken by other agencies
14 with respect to matters in its files.

15 (4) Each juvenile justice or care agency shall implement
16 procedures consistent with the provisions of this chapter to
17 facilitate inquiries concerning records.

18 (5) Any person who has reasonable cause to believe information
19 concerning that person is included in the records of a juvenile
20 justice or care agency and who has been denied access to those
21 records by the agency may make a motion to the court for an order
22 authorizing that person to inspect the juvenile justice or care
23 agency record concerning that person. The court shall grant the
24 motion to examine records unless it finds that in the interests of
25 justice or in the best interests of the juvenile the records or parts
26 of them should remain confidential.

27 (6) A juvenile, or his or her parents, or any person who has
28 reasonable cause to believe information concerning that person is
29 included in the records of a juvenile justice or care agency may make
30 a motion to the court challenging the accuracy of any information
31 concerning the moving party in the record or challenging the
32 continued possession of the record by the agency. If the court grants
33 the motion, it shall order the record or information to be corrected
34 or destroyed.

35 (7) The person making a motion under subsection (5) or (6) of
36 this section shall give reasonable notice of the motion to all
37 parties to the original action and to any agency whose records will
38 be affected by the motion.

39 (8) The court may permit inspection of records by, or release of
40 information to, any clinic, hospital, or agency which has the subject

1 person under care or treatment. The court may also permit inspection
2 by or release to individuals or agencies, including juvenile justice
3 advisory committees of county law and justice councils, engaged in
4 legitimate research for educational, scientific, or public purposes.
5 Each person granted permission to inspect juvenile justice or care
6 agency records for research purposes shall present a notarized
7 statement to the court stating that the names of juveniles and
8 parents will remain confidential.

9 (9) The court shall release to the caseload forecast council the
10 records needed for its research and data-gathering functions. Access
11 to caseload forecast data may be permitted by the council for
12 research purposes only if the anonymity of all persons mentioned in
13 the records or information will be preserved.

14 (10) Juvenile detention facilities shall release records to the
15 caseload forecast council upon request. The commission shall not
16 disclose the names of any juveniles or parents mentioned in the
17 records without the named individual's written permission.

18 (11) Requirements in this chapter relating to the court's
19 authority to compel disclosure shall not apply to the legislative
20 children's oversight committee or the office of the family and
21 children's ombuds.

22 (12) For the purpose of research only, the administrative office
23 of the courts shall maintain an electronic research copy of all
24 records in the judicial information system related to juveniles.
25 Access to the research copy is restricted to the Washington state
26 center for court research. The Washington state center for court
27 research shall maintain the confidentiality of all confidential
28 records and shall preserve the anonymity of all persons identified in
29 the research copy. The research copy may not be subject to any
30 records retention schedule and must include records destroyed or
31 removed from the judicial information system pursuant to RCW
32 13.50.270 and 13.50.100(3).

33 (13) The court shall release to the Washington state office of
34 public defense records needed to implement the agency's oversight,
35 technical assistance, and other functions as required by RCW
36 2.70.020. Access to the records used as a basis for oversight,
37 technical assistance, or other agency functions is restricted to the
38 Washington state office of public defense. The Washington state
39 office of public defense shall maintain the confidentiality of all
40 confidential information included in the records.

1 **Sec. 3.** RCW 13.50.260 and 2014 c 175 s 4 are each amended to
2 read as follows:

3 (1)(a) The court shall hold regular sealing hearings. During
4 these regular sealing hearings, the court shall administratively seal
5 an individual's juvenile ~~((court))~~ record pursuant to the
6 requirements of this subsection unless the court receives an
7 objection to sealing or the court notes a compelling reason not to
8 seal, in which case, the court shall set a contested hearing to be
9 conducted on the record to address sealing. ~~((The respondent and his
10 or her attorney shall be given at least eighteen days' notice of any
11 contested sealing hearing and the opportunity to respond to any
12 objections, but the respondent's presence is not required at any
13 sealing hearing pursuant to this subsection.))~~ Although the juvenile
14 record shall be sealed, the social file may be available to any
15 juvenile justice or care agency when an investigation or case
16 involving the juvenile subject of the records is being prosecuted by
17 the juvenile justice or care agency or when the juvenile justice or
18 care agency is assigned the responsibility of supervising the
19 juvenile. The contested hearing shall be set no sooner than eighteen
20 days after notice of the hearing and the opportunity to object has
21 been sent to the juvenile, the victim, and juvenile's attorney. The
22 juvenile respondent's presence is not required at a sealing hearing
23 pursuant to this subsection.

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

28 (i) The respondent's eighteenth birthday;

29 (ii) Anticipated completion of a respondent's probation, if
30 ordered;

31 (iii) Anticipated release from confinement at the juvenile
32 rehabilitation administration, or the completion of parole, if the
33 respondent is transferred to the juvenile rehabilitation
34 administration.

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

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

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

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

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

2 (ii) The respondent has completed the terms and conditions of
3 disposition, including affirmative conditions and ~~((financial~~
4 ~~obligations))~~ has paid the full amount of restitution owing to the
5 individual victim named in the restitution order, excluding
6 restitution owed to any insurance provider authorized under Title 48
7 RCW.

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

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

16 (3) If a juvenile court record has not already been sealed
17 pursuant to this section, in any case in which information has been
18 filed pursuant to RCW 13.40.100 or a complaint has been filed with
19 the prosecutor and referred for diversion pursuant to RCW 13.40.070,
20 the person who is the subject of the information or complaint may
21 file a motion with the court to have the court vacate its order and
22 findings, if any, and, subject to RCW 13.50.050(13), order the
23 sealing of the official juvenile court record, the social file, and
24 records of the court and of any other agency in the case.

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

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

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

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

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

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

4 (vi) (~~Full restitution has been paid~~) The person has paid the
5 full amount of restitution owing to the individual victim named in
6 the restitution order, excluding restitution owed to any insurance
7 provider authorized under Title 48 RCW.

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

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

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

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

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

24 (v) (~~Full restitution has been paid~~) The person has paid the
25 full amount of restitution owing to the individual victim named in
26 the restitution order, excluding restitution owed to any insurance
27 provider authorized under Title 48 RCW.

28 (c) Notwithstanding the requirements in (a) or (b) of this
29 subsection, the court shall grant any motion to seal records of any
30 deferred disposition vacated under RCW 13.40.127(9) prior to June 7,
31 2012, if restitution has been paid and the person is eighteen years
32 of age or older at the time of the motion.

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

36 (6)(a) If the court enters a written order sealing the juvenile
37 court record pursuant to this section, it shall, subject to RCW
38 13.50.050(13), order sealed the official juvenile court record, the
39 social file, and other records relating to the case as are named in
40 the order. Thereafter, the proceedings in the case shall be treated

1 as if they never occurred, and the subject of the records may reply
2 accordingly to any inquiry about the events, records of which are
3 sealed. Any agency shall reply to any inquiry concerning confidential
4 or sealed records that records are confidential, and no information
5 can be given about the existence or nonexistence of records
6 concerning an individual.

7 (b) In the event the subject of the juvenile records receives a
8 full and unconditional pardon, the proceedings in the matter upon
9 which the pardon has been granted shall be treated as if they never
10 occurred, and the subject of the records may reply accordingly to any
11 inquiry about the events upon which the pardon was received. Any
12 agency shall reply to any inquiry concerning the records pertaining
13 to the events for which the subject received a pardon that records
14 are confidential, and no information can be given about the existence
15 or nonexistence of records concerning an individual.

16 (c) Effective July 1, 2019, the department of licensing may
17 release information related to records the court has ordered sealed
18 only to the extent necessary to comply with federal law and
19 regulation.

20 (7) Inspection of the files and records included in the order to
21 seal may thereafter be permitted only by order of the court upon
22 motion made by the person who is the subject of the information or
23 complaint, except as otherwise provided in RCW 13.50.010(8) and
24 13.50.050(13).

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

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

33 (c) The administrative office of the courts shall ensure that the
34 superior court judicial information system provides prosecutors
35 access to information on the existence of sealed juvenile records.

36 (d) The Washington state patrol shall ensure that the Washington
37 state identification system provides criminal justice agencies access
38 to sealed juvenile records information.

39 (9) If the juvenile court record has been sealed pursuant to this
40 section, the record of an employee is not admissible in an action for

1 liability against the employer based on the former juvenile
2 offender's conduct to show that the employer knew or should have
3 known of the juvenile record of the employee. The record may be
4 admissible, however, if a background check conducted or authorized by
5 the employer contained the information in the sealed record.

6 (10) County clerks may interact or correspond with the
7 respondent, his or her parents, and any holders of potential assets
8 or wages of the respondent for the purposes of collecting an
9 outstanding legal financial obligation after juvenile court records
10 have been sealed pursuant to this section.

11 (11) Persons and agencies that obtain sealed juvenile records
12 information pursuant to this section may communicate about this
13 information with the respondent, but may not disseminate or be
14 compelled to release the information to any person or agency not
15 specifically granted access to sealed juvenile records in this
16 section.

17 **Sec. 4.** RCW 46.52.130 and 2012 c 74 s 6 and 2012 c 73 s 1 are
18 each reenacted and amended to read as follows:

19 Upon a proper request, the department may furnish an abstract of
20 a person's driving record as permitted under this section.

21 (1) **Contents of abstract of driving record.** An abstract of a
22 person's driving record, whenever possible, must include:

23 (a) An enumeration of motor vehicle accidents in which the person
24 was driving, including:

25 (i) The total number of vehicles involved;

26 (ii) Whether the vehicles were legally parked or moving;

27 (iii) Whether the vehicles were occupied at the time of the
28 accident; and

29 (iv) Whether the accident resulted in a fatality;

30 (b) Any reported convictions, forfeitures of bail, or findings
31 that an infraction was committed based upon a violation of any motor
32 vehicle law;

33 (c) The status of the person's driving privilege in this state;
34 and

35 (d) Any reports of failure to appear in response to a traffic
36 citation or failure to respond to a notice of infraction served upon
37 the named individual by an arresting officer.

1 (2) **Release of abstract of driving record.** An abstract of a
2 person's driving record may be furnished to the following persons or
3 entities:

4 (a) **Named individuals.** (i) An abstract of the full driving record
5 maintained by the department may be furnished to the individual named
6 in the abstract.

7 (ii) Nothing in this section prevents a court from providing a
8 copy of the driver's abstract to the individual named in the
9 abstract, provided that the named individual has a pending or open
10 infraction or criminal case in that court. A pending case includes
11 criminal cases that have not reached a disposition by plea,
12 stipulation, trial, or amended charge. An open infraction or criminal
13 case includes cases on probation, payment agreement or subject to, or
14 in collections. Courts may charge a reasonable fee for the production
15 and copying of the abstract for the individual.

16 (b) **Employers or prospective employers.** (i)(A) An abstract of the
17 full driving record maintained by the department may be furnished to
18 an employer or prospective employer or an agent acting on behalf of
19 an employer or prospective employer of the named individual for
20 purposes related to driving by the individual as a condition of
21 employment or otherwise at the direction of the employer.

22 (B) Release of an abstract of the driving record of an employee
23 or prospective employee requires a statement signed by: (I) The
24 employee or prospective employee that authorizes the release of the
25 record; and (II) the employer attesting that the information is
26 necessary for employment purposes related to driving by the
27 individual as a condition of employment or otherwise at the direction
28 of the employer. If the employer or prospective employer authorizes
29 an agent to obtain this information on their behalf, this must be
30 noted in the statement. The statement must also note that any
31 information contained in the abstract related to an adjudication that
32 is subject to a court order sealing the juvenile record of an
33 employee or prospective employee may not be used by the employer or
34 prospective employer, or an agent authorized to obtain this
35 information on their behalf, unless required by federal regulation or
36 law. The employer or prospective employer must afford the employee or
37 prospective employee an opportunity to demonstrate that an
38 adjudication contained in the abstract is subject to a court order
39 sealing the juvenile record.

1 (C) Upon request of the person named in the abstract provided
2 under this subsection, and upon that same person furnishing copies of
3 court records ruling that the person was not at fault in a motor
4 vehicle accident, the department must indicate on any abstract
5 provided under this subsection that the person was not at fault in
6 the motor vehicle accident.

7 (D) No employer or prospective employer, nor any agent of an
8 employer or prospective employer, may use information contained in
9 the abstract related to an adjudication that is subject to a court
10 order sealing the juvenile record of an employee or prospective
11 employee for any purpose unless required by federal regulation or
12 law. The employee or prospective employee must furnish a copy of the
13 court order sealing the juvenile record to the employer or
14 prospective employer, or the agent of the employer or prospective
15 employer, as may be required to ensure the application of this
16 subsection.

17 (ii) In addition to the methods described in (b)(i) of this
18 subsection, the director may enter into a contractual agreement with
19 an employer or its agent for the purpose of reviewing the driving
20 records of existing employees for changes to the record during
21 specified periods of time. The department shall establish a fee for
22 this service, which must be deposited in the highway safety fund. The
23 fee for this service must be set at a level that will not result in a
24 net revenue loss to the state. Any information provided under this
25 subsection must be treated in the same manner and is subject to the
26 same restrictions as driving record abstracts.

27 (c) **Volunteer organizations.** (i) An abstract of the full driving
28 record maintained by the department may be furnished to a volunteer
29 organization or an agent for a volunteer organization for which the
30 named individual has submitted an application for a position that
31 would require driving by the individual at the direction of the
32 volunteer organization.

33 (ii) Release of an abstract of the driving record of a
34 prospective volunteer requires a statement signed by: (A) The
35 prospective volunteer that authorizes the release of the record; and
36 (B) the volunteer organization attesting that the information is
37 necessary for purposes related to driving by the individual at the
38 direction of the volunteer organization. If the volunteer
39 organization authorizes an agent to obtain this information on their
40 behalf, this must be noted in the statement.

1 (d) **Transit authorities.** An abstract of the full driving record
2 maintained by the department may be furnished to an employee or agent
3 of a transit authority checking prospective volunteer vanpool drivers
4 for insurance and risk management needs.

5 (e) **Insurance carriers.** (i) An abstract of the driving record
6 maintained by the department covering the period of not more than the
7 last three years may be furnished to an insurance company or its
8 agent:

9 (A) That has motor vehicle or life insurance in effect covering
10 the named individual;

11 (B) To which the named individual has applied; or

12 (C) That has insurance in effect covering the employer or a
13 prospective employer of the named individual.

14 (ii) The abstract provided to the insurance company must:

15 (A) Not contain any information related to actions committed by
16 law enforcement officers or firefighters, as both terms are defined
17 in RCW 41.26.030, or by Washington state patrol officers, while
18 driving official vehicles in the performance of their occupational
19 duty. This does not apply to any situation where the vehicle was used
20 in the commission of a misdemeanor or felony;

21 (B) Include convictions under RCW 46.61.5249 and 46.61.525,
22 except that the abstract must report the convictions only as
23 negligent driving without reference to whether they are for first or
24 second degree negligent driving; and

25 (C) Exclude any deferred prosecution under RCW 10.05.060, except
26 that if a person is removed from a deferred prosecution under RCW
27 10.05.090, the abstract must show the deferred prosecution as well as
28 the removal.

29 (iii) Any policy of insurance may not be canceled, nonrenewed,
30 denied, or have the rate increased on the basis of information
31 regarding an accident included in the abstract of a driving record,
32 unless the policyholder was determined to be at fault.

33 (iv) Any insurance company or its agent, for underwriting
34 purposes relating to the operation of commercial motor vehicles, may
35 not use any information contained in the abstract relative to any
36 person's operation of motor vehicles while not engaged in such
37 employment. Any insurance company or its agent, for underwriting
38 purposes relating to the operation of noncommercial motor vehicles,
39 may not use any information contained in the abstract relative to any
40 person's operation of commercial motor vehicles.

1 (v) The director may enter into a contractual agreement with an
2 insurance company or its agent for the limited purpose of reviewing
3 the driving records of existing policyholders for changes to the
4 record during specified periods of time. The department shall
5 establish a fee for this service, which must be deposited in the
6 highway safety fund. The fee for this service must be set at a level
7 that will not result in a net revenue loss to the state. Any
8 information provided under this subsection must be treated in the
9 same manner and is subject to the same restrictions as driving record
10 abstracts.

11 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
12 the driving record maintained by the department covering the period
13 of not more than the last five years may be furnished to an alcohol/
14 drug assessment or treatment agency approved by the department of
15 social and health services to which the named individual has applied
16 or been assigned for evaluation or treatment, for purposes of
17 assisting employees in making a determination as to what level of
18 treatment, if any, is appropriate, except that the abstract must:

19 (i) Also include records of alcohol-related offenses, as defined
20 in RCW 46.01.260(2), covering a period of not more than the last ten
21 years; and

22 (ii) Indicate whether an alcohol-related offense was originally
23 charged as a violation of either RCW 46.61.502 or 46.61.504.

24 (g) **City attorneys and county prosecuting attorneys.** An abstract
25 of the full driving record maintained by the department, including
26 whether a recorded violation is an alcohol-related offense, as
27 defined in RCW 46.01.260(2), that was originally charged as a
28 violation of either RCW 46.61.502 or 46.61.504, may be furnished to
29 city attorneys or county prosecuting attorneys. City attorneys and
30 county prosecuting attorneys may provide the driving record to
31 alcohol/drug assessment or treatment agencies approved by the
32 department of social and health services to which the named
33 individual has applied or been assigned for evaluation or treatment.

34 (h) **State colleges, universities, or agencies, or units of local
35 government.** An abstract of the full driving record maintained by the
36 department may be furnished to (i) state colleges, universities, or
37 agencies for employment and risk management purposes or (ii) units of
38 local government authorized to self-insure under RCW 48.62.031 for
39 employment and risk management purposes.

1 (i) **Superintendent of public instruction.** An abstract of the full
2 driving record maintained by the department may be furnished to the
3 superintendent of public instruction for review of public school bus
4 driver records. The superintendent or superintendent's designee may
5 discuss information on the driving record with an authorized
6 representative of the employing school district for employment and
7 risk management purposes.

8 (3) **Release to third parties prohibited.** Any person or entity
9 receiving an abstract of a person's driving record under subsection
10 (2)(b) through (i) of this section shall use the abstract exclusively
11 for his, her, or its own purposes or as otherwise expressly permitted
12 under this section, and shall not divulge any information contained
13 in the abstract to a third party.

14 (4) **Fee.** The director shall collect a thirteen dollar fee for
15 each abstract of a person's driving record furnished by the
16 department. Fifty percent of the fee must be deposited in the highway
17 safety fund, and fifty percent of the fee must be deposited according
18 to RCW 46.68.038.

19 (5) **Violation.** (a) Any negligent violation of this section is a
20 gross misdemeanor.

21 (b) Any intentional violation of this section is a class C
22 felony.

23 (6) Effective July 1, 2019, the contents of a driving abstract
24 pursuant to this section shall not include any information related to
25 sealed juvenile records unless that information is required by
26 federal law or regulation.

27 NEW SECTION. **Sec. 5.** A new section is added to chapter 13.40
28 RCW to read as follows:

29 Cities, towns, and counties may not impose any legal financial
30 obligations, fees, fines, or costs associated with juvenile offenses
31 unless there is express statutory authority for those legal financial
32 obligations, fees, fines, or costs.

33 **Sec. 6.** RCW 13.40.190 and 2014 c 175 s 7 are each amended to
34 read as follows:

35 (1)(a) In its dispositional order, the court shall require the
36 respondent to make restitution to any persons who have suffered loss
37 or damage as a result of the offense committed by the respondent. In
38 addition, restitution may be ordered for loss or damage if the

1 offender pleads guilty to a lesser offense or fewer offenses and
2 agrees with the prosecutor's recommendation that the offender be
3 required to pay restitution to a victim of an offense or offenses
4 which, pursuant to a plea agreement, are not prosecuted.

5 (b) Restitution may include the costs of counseling reasonably
6 related to the offense.

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

10 (d) The court may determine the amount, terms, and conditions of
11 the restitution including a payment plan extending up to ten years if
12 the court determines that the respondent does not have the means to
13 make full restitution over a shorter period. If the court determines
14 that a juvenile has insufficient funds to pay and upon agreement of
15 the victim, the court may order performance of a number of hours of
16 community restitution in lieu of monetary penalty, at the rate of the
17 then state minimum wage per hour. The court shall allow the victim to
18 determine the nature of the community restitution to be completed
19 when it is practicable and appropriate to do so. For the purposes of
20 this section, the respondent shall remain under the court's
21 jurisdiction for a maximum term of ten years after the respondent's
22 eighteenth birthday and, during this period, the restitution portion
23 of the dispositional order may be modified as to amount, terms, and
24 conditions at any time. Prior to the expiration of the ten-year
25 period, the juvenile court may extend the judgment for the payment of
26 restitution for an additional ten years. If the court grants a
27 respondent's petition pursuant to RCW 13.50.260, the court's
28 jurisdiction under this subsection shall terminate.

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

33 (f) If the respondent participated in the crime with another
34 person or other persons, (~~all such participants shall be jointly and~~
35 ~~severally responsible for the payment of restitution~~) the court may
36 either order joint and several restitution or may divide restitution
37 equally among the respondents. In determining whether restitution
38 should be joint and several or equally divided, the court shall
39 consider the interest and circumstances of the victim or victims, the
40 circumstances of the respondents, and the interest of justice.

1 (g) At any time, the court may determine that the respondent is
2 not required to pay, or may relieve the respondent of the requirement
3 to pay, full or partial restitution to any insurance provider
4 authorized under Title 48 RCW if the respondent reasonably satisfies
5 the court that he or she does not have the means to make full or
6 partial restitution to the insurance provider (~~and could not~~
7 ~~reasonably acquire the means to pay the insurance provider the~~
8 ~~restitution over a ten year period~~)).

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

21 (3) If an order includes restitution as one of the monetary
22 assessments, the county clerk shall make disbursements to victims
23 named in the order. The restitution to victims named in the order
24 shall be paid prior to any payment for other penalties or monetary
25 assessments. The county clerk shall make restitution disbursements to
26 victims prior to payments to any insurance provider under Title 48
27 RCW.

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

34 (5) A respondent under obligation to pay restitution may petition
35 the court for modification of the restitution order for good cause
36 shown, including inability to pay.

37 **Sec. 7.** RCW 13.40.192 and 1997 c 121 s 7 are each amended to
38 read as follows:

1 (1) If a juvenile is ordered to pay legal financial obligations,
2 including fines, penalty assessments, attorneys' fees, court costs,
3 and restitution, the money judgment remains enforceable for a period
4 of ten years. When the juvenile reaches the age of eighteen years or
5 at the conclusion of juvenile court jurisdiction, whichever occurs
6 later, the superior court clerk must docket the remaining balance of
7 the juvenile's legal financial obligations in the same manner as
8 other judgments for the payment of money. The judgment remains valid
9 and enforceable until ten years from the date of its imposition. The
10 clerk of the superior court may seek extension of the judgment for
11 legal financial obligations, including crime victims' assessments, in
12 the same manner as RCW 6.17.020 for purposes of collection as allowed
13 under RCW 36.18.190.

14 (2) A respondent under obligation to pay legal financial
15 obligations other than restitution, the victim penalty assessment set
16 forth in RCW 7.68.035, or the crime laboratory analysis fee set forth
17 in RCW 43.43.690 may petition the court for modification or relief
18 from those legal financial obligations and interest accrued on those
19 obligations for good cause shown, including inability to pay. The
20 court shall consider factors such as, but not limited to
21 incarceration and a respondent's other debts, including restitution,
22 when determining a respondent's ability to pay.

23 **Sec. 8.** RCW 7.68.035 and 2011 c 336 s 246 are each amended to
24 read as follows:

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

34 (b) When any juvenile is adjudicated of (~~any offense in any~~
35 ~~juvenile offense disposition under Title 13 RCW, except as provided~~
36 ~~in subsection (2) of this section)) an offense that is a most serious
37 offense as defined in RCW 9.94A.030, or a sex offense under chapter
38 9A.44 RCW, there shall be imposed upon the juvenile offender a
39 penalty assessment. The assessment shall be in addition to any other~~

1 penalty or fine imposed by law and shall be one hundred dollars for
2 each case or cause of action (~~that includes one or more~~
3 ~~adjudications for a felony or gross misdemeanor and seventy-five~~
4 ~~dollars for each case or cause of action that includes adjudications~~
5 ~~of only one or more misdemeanors~~)).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 NEW SECTION. **Sec. 9.** A new section is added to chapter 13.50
12 RCW to read as follows:

13 (1) Courts and judicial agencies that maintain a database of
14 juvenile records may provide those records, whether sealed or not, to
15 government agencies for the purpose of carrying out research or data
16 gathering functions. This data may also be linked with records from
17 other agencies or research organizations, provided that any agency
18 receiving or using records under this subsection maintain strict
19 confidentiality of the identity of the juveniles who are the subjects
20 of such records.

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

26 **Sec. 10.** RCW 9.08.070 and 2003 c 53 s 9 are each amended to read
27 as follows:

28 (1) Any person who, with intent to deprive or defraud the owner
29 thereof, does any of the following shall be guilty of a gross
30 misdemeanor punishable according to chapter 9A.20 RCW and ~~((by))~~, for
31 adult offenders, a mandatory fine of not less than five hundred
32 dollars per pet animal shall be imposed, except as provided by
33 subsection (2) of this section:

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

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

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

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

10 **Sec. 11.** RCW 9.08.072 and 2003 c 53 s 10 are each amended to
11 read as follows:

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

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

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

26 (4) Nothing in this section shall prohibit a person from also
27 being convicted of separate offenses under RCW 9A.56.030, 9A.56.040,
28 or 9A.56.050 for theft or under RCW 9A.56.150, 9A.56.160, or
29 9A.56.170 for possession of stolen property.

30 **Sec. 12.** RCW 9.46.1961 and 2002 c 253 s 2 are each amended to
31 read as follows:

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

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

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

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

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

8 (1)(a) In addition to penalties set forth in RCW 9.68A.100,
9 9.68A.101, and 9.68A.102, ~~((a person))~~ an adult offender who is
10 either convicted or given a deferred sentence or a deferred
11 prosecution or who has entered into a statutory or nonstatutory
12 diversion agreement as a result of an arrest for violating RCW
13 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or
14 municipal ordinance shall be assessed a five thousand dollar fee.

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

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

30 (2) Fees assessed under this section shall be collected by the
31 clerk of the court and remitted to the treasurer of the county where
32 the offense occurred for deposit in the county general fund, except
33 in cases in which the offense occurred in a city or town that
34 provides for its own law enforcement, in which case these amounts
35 shall be remitted to the treasurer of the city or town for deposit in
36 the general fund of the city or town. Revenue from the fees must be
37 used for local efforts to reduce the commercial sale of sex
38 including, but not limited to, increasing enforcement of commercial
39 sex laws.

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

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

11 (c) Revenues from these fees are not subject to the distribution
12 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
13 35.20.220.

14 (3) For the purposes of this section:

15 (a) "Statutory or nonstatutory diversion agreement" means an
16 agreement under RCW 13.40.080 or any written agreement between a
17 person accused of an offense listed in subsection (1) of this section
18 and a court, county or city prosecutor, or designee thereof, whereby
19 the person agrees to fulfill certain conditions in lieu of
20 prosecution.

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

24 **Sec. 14.** RCW 9.68A.106 and 2013 c 9 s 1 are each amended to read
25 as follows:

26 (1) In addition to all other penalties under this chapter, ((a
27 ~~person~~)) an adult offender convicted of an offense under RCW
28 9.68A.100, 9.68A.101, or 9.68A.102 shall be assessed an additional
29 fee of five thousand dollars per offense when the court finds that an
30 internet advertisement in which the victim of the crime was described
31 or depicted was instrumental in facilitating the commission of the
32 crime.

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

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

1 **Sec. 15.** RCW 9.94A.550 and 2003 c 53 s 59 are each amended to
2 read as follows:

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

6	Class A felonies	\$0 - 50,000
7	Class B felonies	\$0 - 20,000
8	Class C felonies	\$0 - 10,000

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

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

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

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

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

26 (2) Gross misdemeanor. Every person convicted of a gross
27 misdemeanor defined in Title 9A RCW shall be punished by imprisonment
28 in the county jail for a maximum term fixed by the court of up to
29 three hundred sixty-four days, or by a fine in an amount fixed by the
30 court of not more than five thousand dollars, or by both such
31 imprisonment and fine.

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

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

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

2 **Sec. 17.** RCW 9A.50.030 and 1993 c 128 s 4 are each amended to
3 read as follows:

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

6 ~~((1))~~ (a) For a first offense, a fine of not less than two
7 hundred fifty dollars and a jail term of not less than twenty-four
8 consecutive hours;

9 ~~((2))~~ (b) For a second offense, a fine of not less than five
10 hundred dollars and a jail term of not less than seven consecutive
11 days; and

12 ~~((3))~~ (c) For a third or subsequent offense, a fine of not less
13 than one thousand dollars and a jail term of not less than thirty
14 consecutive days.

15 (2) The fines imposed by this section apply to adult offenders
16 only.

17 **Sec. 18.** RCW 9A.56.060 and 2009 c 431 s 10 are each amended to
18 read as follows:

19 (1) Any person who shall with intent to defraud, make, or draw,
20 or utter, or deliver to another person any check, or draft, on a bank
21 or other depository for the payment of money, knowing at the time of
22 such drawing, or delivery, that he or she has not sufficient funds
23 in, or credit with the bank or other depository, to meet the check or
24 draft, in full upon its presentation, is guilty of unlawful issuance
25 of bank check. The word "credit" as used herein shall be construed to
26 mean an arrangement or understanding with the bank or other
27 depository for the payment of such check or draft, and the uttering
28 or delivery of such a check or draft to another person without such
29 fund or credit to meet the same shall be prima facie evidence of an
30 intent to defraud.

31 (2) Any person who shall with intent to defraud, make, or draw,
32 or utter, or deliver to another person any check, or draft on a bank
33 or other depository for the payment of money and who issues a stop-
34 payment order directing the bank or depository on which the check is
35 drawn not to honor the check, and who fails to make payment of money
36 in the amount of the check or draft or otherwise arrange a settlement
37 agreed upon by the holder of the check within twenty days of issuing
38 the check or draft is guilty of unlawful issuance of a bank check.

1 (3) When any series of transactions which constitute unlawful
2 issuance of a bank check would, when considered separately,
3 constitute unlawful issuance of a bank check in an amount of seven
4 hundred fifty dollars or less because of value, and the series of
5 transactions are a part of a common scheme or plan, the transactions
6 may be aggregated in one count and the sum of the value of all of the
7 transactions shall be the value considered in determining whether the
8 unlawful issuance of a bank check is to be punished as a class C
9 felony or a gross misdemeanor.

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

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

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

16 (b) The defendant need not be imprisoned, but the court shall
17 impose a fine of up to one thousand one hundred twenty-five dollars
18 for adult offenders. Of the fine imposed, at least three hundred
19 seventy-five dollars or an amount equal to one hundred fifty percent
20 of the amount of the bank check, whichever is greater, shall not be
21 suspended or deferred. Upon conviction for a second offense within
22 any twelve-month period, the court may not suspend or defer any
23 portion of the fine.

24 **Sec. 19.** RCW 9A.56.085 and 2003 c 53 s 76 are each amended to
25 read as follows:

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

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

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

37 (4) The fine in this section shall be imposed in addition to and
38 regardless of any penalty, including fines or costs, that is provided
39 for any violation of this section. The amount imposed by this section

1 shall be included by the court in any pronouncement of sentence and
2 may not be suspended, waived, modified, or deferred in any respect.
3 Nothing in this section may be construed to abridge or alter
4 alternative rights of action or remedies in equity or under common
5 law or statutory law, criminal or civil.

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

10 (6) The two thousand dollars additional penalty shall be remitted
11 by the county treasurer to the state treasurer as provided under RCW
12 10.82.070.

13 **Sec. 20.** RCW 9A.88.120 and 2013 c 121 s 5 are each amended to
14 read as follows:

15 (1)(a) In addition to penalties set forth in RCW 9A.88.010 and
16 9A.88.030, (~~a person~~) an adult offender who is either convicted or
17 given a deferred sentence or a deferred prosecution or who has
18 entered into a statutory or nonstatutory diversion agreement as a
19 result of an arrest for violating RCW 9A.88.010, 9A.88.030, or
20 comparable county or municipal ordinances shall be assessed a fifty
21 dollar fee.

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

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

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

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

37 (c) In addition to penalties set forth in RCW 9A.88.110, a person
38 who is either convicted or given a deferred sentence or a deferred
39 prosecution or who has entered into a statutory or nonstatutory

1 diversion agreement as a result of an arrest for violating RCW
2 9A.88.110 or a comparable county or municipal ordinance shall be
3 assessed a fee in the amount of:

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

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

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

13 (d) In addition to penalties set forth in RCW 9A.88.070 and
14 9A.88.080, a person who is either convicted or given a deferred
15 sentence or a deferred prosecution or who has entered into a
16 statutory or nonstatutory diversion agreement as a result of an
17 arrest for violating RCW 9A.88.070, 9A.88.080, or comparable county
18 or municipal ordinances shall be assessed a fee in the amount of:

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

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

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

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

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

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

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

9 ~~((4))~~ (3) Fees assessed under this section shall be collected
10 by the clerk of the court and remitted to the treasurer of the county
11 where the offense occurred for deposit in the county general fund,
12 except in cases in which the offense occurred in a city or town that
13 provides for its own law enforcement, in which case these amounts
14 shall be remitted to the treasurer of the city or town for deposit in
15 the general fund of the city or town. Revenue from the fees must be
16 used for local efforts to reduce the commercial sale of sex
17 including, but not limited to, increasing enforcement of commercial
18 sex laws.

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

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

29 (c) Revenues from these fees are not subject to the distribution
30 requirements under RCW 3.50.100, 3.62.020, 3.62.040, 10.82.070, or
31 35.20.220.

32 ~~((5))~~ (4) For the purposes of this section:

33 (a) "Statutory or nonstatutory diversion agreement" means an
34 agreement under RCW 13.40.080 or any written agreement between a
35 person accused of an offense listed in subsection (1) of this section
36 and a court, county, or city prosecutor, or designee thereof, whereby
37 the person agrees to fulfill certain conditions in lieu of
38 prosecution.

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

4 **Sec. 21.** RCW 9A.88.140 and 2013 c 121 s 6 are each amended to
5 read as follows:

6 (1)(a) Upon an arrest for a suspected violation of patronizing a
7 prostitute, promoting prostitution in the first degree, promoting
8 prostitution in the second degree, promoting travel for prostitution,
9 the arresting law enforcement officer may impound the person's
10 vehicle if (i) the motor vehicle was used in the commission of the
11 crime; (ii) the person arrested is the owner of the vehicle or the
12 vehicle is a rental car as defined in RCW 46.04.465; and (iii) either
13 (A) the person arrested has previously been convicted of one of the
14 offenses listed in this subsection or (B) the offense was committed
15 within an area designated under (b) of this subsection.

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

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

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

27 (2) Upon an arrest for a suspected violation of commercial sexual
28 abuse of a minor, promoting commercial sexual abuse of a minor, or
29 promoting travel for commercial sexual abuse of a minor, the
30 arresting law enforcement officer shall impound the person's vehicle
31 if (a) the motor vehicle was used in the commission of the crime; and
32 (b) the person arrested is the owner of the vehicle or the vehicle is
33 a rental car as defined in RCW 46.04.465.

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

37 (4)(a) Prior to redeeming the impounded vehicle, and in addition
38 to all applicable impoundment, towing, and storage fees paid to the
39 towing company under chapter 46.55 RCW, ((the)) an adult owner of

1 ((the)) an impounded vehicle must pay a fine to the impounding
2 agency. The fine shall be five hundred dollars for the offenses
3 specified in subsection (1) of this section, or two thousand five
4 hundred dollars for the offenses specified in subsection (2) of this
5 section.

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

9 (c) Fines assessed under this section shall be collected by the
10 clerk of the court and remitted to the treasurer of the county where
11 the offense occurred for deposit in the county general fund, except
12 in cases in which the offense occurred in a city or town that
13 provides for its own law enforcement, in which case these amounts
14 shall be remitted to the treasurer of the city or town for deposit in
15 the general fund of the city or town. Revenue from the fines must be
16 used for local efforts to reduce the commercial sale of sex
17 including, but not limited to, increasing enforcement of commercial
18 sex laws.

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

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

29 (iii) Revenues from these fees are not subject to the
30 distribution requirements under RCW 3.50.100, 3.62.020, 3.62.040,
31 10.82.070, or 35.20.220.

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

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

38 (c) A towing company that relies on a forged receipt to release a
39 vehicle impounded under this section is not liable to the impounding

1 authority for any unpaid fine under subsection (4)(a) of this
2 section.

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

9 (b) If the person is found not guilty at trial for a crime listed
10 under subsection (1) of this section, the person is entitled to a
11 full refund of the impoundment, towing, and storage fees paid under
12 chapter 46.55 RCW and the fine paid under subsection (4) of this
13 section.

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

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

18 **Sec. 22.** RCW 10.73.160 and 1995 c 275 s 3 are each amended to
19 read as follows:

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

24 (2) Appellate costs are limited to expenses specifically incurred
25 by the state in prosecuting or defending an appeal or collateral
26 attack from a criminal conviction (~~((or sentence or a juvenile
27 offender conviction or disposition))~~). Appellate costs shall not
28 include expenditures to maintain and operate government agencies that
29 must be made irrespective of specific violations of the law. Expenses
30 incurred for producing a verbatim report of proceedings and clerk's
31 papers may be included in costs the court may require a convicted
32 defendant (~~((or juvenile offender))~~) to pay.

33 (3) Costs, including recoupment of fees for court-appointed
34 counsel, shall be requested in accordance with the procedures
35 contained in Title 14 of the rules of appellate procedure and in
36 Title 9 of the rules for appeal of decisions of courts of limited
37 jurisdiction. An award of costs shall become part of the trial court
38 judgment and sentence. (~~((An award of costs in juvenile cases shall~~

1 ~~also become part of any order previously entered in the trial court~~
2 ~~pursuant to RCW 13.40.145.)~~)

3 (4) A defendant (~~or juvenile offender~~) who has been sentenced
4 to pay costs and who is not in contumacious default in the payment
5 may at any time petition the court that sentenced the defendant or
6 juvenile offender for remission of the payment of costs or of any
7 unpaid portion. If it appears to the satisfaction of the sentencing
8 court that payment of the amount due will impose manifest hardship on
9 the defendant(~~(r)~~) or the defendant's immediate family(~~(, or the~~
10 ~~juvenile offender~~)), the sentencing court may remit all or part of
11 the amount due in costs, or modify the method of payment under RCW
12 10.01.170.

13 (5) The parents or another person legally obligated to support a
14 juvenile offender who has been ordered to pay appellate costs
15 (~~pursuant to RCW 13.40.145~~) and who is not in contumacious default
16 in the payment may at any time petition the court that sentenced the
17 juvenile offender for remission of the payment of costs or of any
18 unpaid portion. If it appears to the satisfaction of the sentencing
19 court that payment of the amount due will impose manifest hardship on
20 the parents or another person legally obligated to support a juvenile
21 offender or on their immediate families, the sentencing court may
22 remit all or part of the amount due in costs, or may modify the
23 method of payment.

24 **Sec. 23.** RCW 10.82.090 and 2011 c 106 s 2 are each amended to
25 read as follows:

26 (1) Except as provided in subsection (2) of this section,
27 financial obligations imposed in a judgment shall bear interest from
28 the date of the judgment until payment, at the rate applicable to
29 civil judgments. All nonrestitution interest retained by the court
30 shall be split twenty-five percent to the state treasurer for deposit
31 in the state general fund, twenty-five percent to the state treasurer
32 for deposit in the judicial information system account as provided in
33 RCW 2.68.020, twenty-five percent to the county current expense fund,
34 and twenty-five percent to the county current expense fund to fund
35 local courts.

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

1 (a) The court shall waive all interest on the portions of the
2 legal financial obligations that are not restitution that accrued
3 during the term of total confinement for the conviction giving rise
4 to the financial obligations, provided the offender shows that the
5 interest creates a hardship for the offender or his or her immediate
6 family;

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

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

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

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

27 **Sec. 24.** RCW 10.99.080 and 2004 c 15 s 2 are each amended to
28 read as follows:

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

35 (2) Revenue from the assessment shall be used solely for the
36 purposes of establishing and funding domestic violence advocacy and
37 domestic violence prevention and prosecution programs in the city or
38 county of the court imposing the assessment. Revenue from the
39 assessment shall not be used for indigent criminal defense. If the

1 city or county does not have domestic violence advocacy or domestic
2 violence prevention and prosecution programs, cities and counties may
3 use the revenue collected from the assessment to contract with
4 recognized community-based domestic violence program providers.

5 (3) The assessment imposed under this section shall not be
6 subject to any state or local remittance requirements under chapter
7 3.46, 3.50, 3.62, 7.68, 10.82, or 35.20 RCW.

8 (4) For the purposes of this section, "convicted" includes a plea
9 of guilty, a finding of guilt regardless of whether the imposition of
10 the sentence is deferred or any part of the penalty is suspended, or
11 the levying of a fine. For the purposes of this section, "domestic
12 violence" has the same meaning as that term is defined under RCW
13 10.99.020 and includes violations of equivalent local ordinances.

14 (5) When determining whether to impose a penalty assessment under
15 this section, judges are encouraged to solicit input from the victim
16 or representatives for the victim in assessing the ability of the
17 convicted offender to pay the penalty, including information
18 regarding current financial obligations, family circumstances, and
19 ongoing restitution.

20 **Sec. 25.** RCW 13.40.080 and 2014 c 128 s 5 are each amended to
21 read as follows:

22 (1) A diversion agreement shall be a contract between a juvenile
23 accused of an offense and a diversion unit whereby the juvenile
24 agrees to fulfill certain conditions in lieu of prosecution. Such
25 agreements may be entered into only after the prosecutor, or
26 probation counselor pursuant to this chapter, has determined that
27 probable cause exists to believe that a crime has been committed and
28 that the juvenile committed it. Such agreements shall be entered into
29 as expeditiously as possible.

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

32 (a) Community restitution not to exceed one hundred fifty hours,
33 not to be performed during school hours if the juvenile is attending
34 school;

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

37 (c) Attendance at up to ten hours of counseling and/or up to
38 twenty hours of educational or informational sessions at a community
39 agency. The educational or informational sessions may include

1 sessions relating to respect for self, others, and authority; victim
2 awareness; accountability; self-worth; responsibility; work ethics;
3 good citizenship; literacy; and life skills. If an assessment
4 identifies mental health or chemical dependency needs, a youth may
5 access up to thirty hours of counseling. The counseling sessions may
6 include services demonstrated to improve behavioral health and reduce
7 recidivism. For purposes of this section, "community agency" may also
8 mean a community-based nonprofit organization, a physician, a
9 counselor, a school, or a treatment provider, if approved by the
10 diversion unit. The state shall not be liable for costs resulting
11 from the diversion unit exercising the option to permit diversion
12 agreements to mandate attendance at up to thirty hours of counseling
13 and/or up to twenty hours of educational or informational sessions;

14 ~~((A fine, not to exceed one hundred dollars;~~
15 ~~(+))~~) Requirements to remain during specified hours at home,
16 school, or work, and restrictions on leaving or entering specified
17 geographical areas; and

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

21 (3) Notwithstanding the provisions of subsection (2) of this
22 section, youth courts are not limited to the conditions imposed by
23 subsection (2) of this section in imposing sanctions on juveniles
24 pursuant to RCW 13.40.630.

25 (4) In assessing periods of community restitution to be performed
26 and restitution to be paid by a juvenile who has entered into a
27 diversion agreement, the court officer to whom this task is assigned
28 shall consult with the juvenile's custodial parent or parents or
29 guardian. To the extent possible, the court officer shall advise the
30 victims of the juvenile offender of the diversion process, offer
31 victim impact letter forms and restitution claim forms, and involve
32 members of the community. Such members of the community shall meet
33 with the juvenile and advise the court officer as to the terms of the
34 diversion agreement and shall supervise the juvenile in carrying out
35 its terms.

36 (5)(a) A diversion agreement may not exceed a period of six
37 months and may include a period extending beyond the eighteenth
38 birthday of the divertee.

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

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

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

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

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

38 (b) Violation of the terms of the agreement shall be the only
39 grounds for termination;

1 (c) No divertee may be terminated from a diversion program
2 without being given a court hearing, which hearing shall be preceded
3 by:

4 (i) Written notice of alleged violations of the conditions of the
5 diversion program; and

6 (ii) Disclosure of all evidence to be offered against the
7 divertee;

8 (d) The hearing shall be conducted by the juvenile court and
9 shall include:

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

11 (ii) The right to confront and cross-examine all adverse
12 witnesses;

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

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

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

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

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

23 (8) The diversion unit shall, subject to available funds, be
24 responsible for providing interpreters when juveniles need
25 interpreters to effectively communicate during diversion unit
26 hearings or negotiations.

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

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

31 (11) The right to counsel shall inure prior to the initial
32 interview for purposes of advising the juvenile as to whether he or
33 she desires to participate in the diversion process or to appear in
34 the juvenile court. The juvenile may be represented by counsel at any
35 critical stage of the diversion process, including intake interviews
36 and termination hearings. The juvenile shall be fully advised at the
37 intake of his or her right to an attorney and of the relevant
38 services an attorney can provide. For the purpose of this section,
39 intake interviews mean all interviews regarding the diversion
40 agreement process.

1 The juvenile shall be advised that a diversion agreement shall
2 constitute a part of the juvenile's criminal history as defined by
3 RCW 13.40.020(~~(7)~~) (8). A signed acknowledgment of such advisement
4 shall be obtained from the juvenile, and the document shall be
5 maintained by the diversion unit together with the diversion
6 agreement, and a copy of both documents shall be delivered to the
7 prosecutor if requested by the prosecutor. The supreme court shall
8 promulgate rules setting forth the content of such advisement in
9 simple language.

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

13 (a) The fact that a charge or charges were made;

14 (b) The fact that a diversion agreement was entered into;

15 (c) The juvenile's obligations under such agreement;

16 (d) Whether the alleged offender performed his or her obligations
17 under such agreement; and

18 (e) The facts of the alleged offense.

19 (13) A diversion unit may refuse to enter into a diversion
20 agreement with a juvenile. When a diversion unit refuses to enter a
21 diversion agreement with a juvenile, it shall immediately refer such
22 juvenile to the court for action and shall forward to the court the
23 criminal complaint and a detailed statement of its reasons for
24 refusing to enter into a diversion agreement. The diversion unit
25 shall also immediately refer the case to the prosecuting attorney for
26 action if such juvenile violates the terms of the diversion
27 agreement.

28 (14) A diversion unit may, in instances where it determines that
29 the act or omission of an act for which a juvenile has been referred
30 to it involved no victim, or where it determines that the juvenile
31 referred to it has no prior criminal history and is alleged to have
32 committed an illegal act involving no threat of or instance of actual
33 physical harm and involving not more than fifty dollars in property
34 loss or damage and that there is no loss outstanding to the person or
35 firm suffering such damage or loss, counsel and release or release
36 such a juvenile without entering into a diversion agreement. A
37 diversion unit's authority to counsel and release a juvenile under
38 this subsection includes the authority to refer the juvenile to
39 community-based counseling or treatment programs or a restorative
40 justice program. Any juvenile released under this subsection shall be

1 advised that the act or omission of any act for which he or she had
2 been referred shall constitute a part of the juvenile's criminal
3 history as defined by RCW 13.40.020(~~(+7)~~) (8). A signed
4 acknowledgment of such advisement shall be obtained from the
5 juvenile, and the document shall be maintained by the unit, and a
6 copy of the document shall be delivered to the prosecutor if
7 requested by the prosecutor. The supreme court shall promulgate rules
8 setting forth the content of such advisement in simple language. A
9 juvenile determined to be eligible by a diversion unit for release as
10 provided in this subsection shall retain the same right to counsel
11 and right to have his or her case referred to the court for formal
12 action as any other juvenile referred to the unit.

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

17 (16) If (~~(a fine)~~) restitution required by a diversion agreement
18 cannot reasonably be paid due to a change of circumstance, the
19 diversion agreement may be modified at the request of the divertee
20 and with the concurrence of the diversion unit to convert (~~(an)~~)
21 unpaid (~~(fine)~~) restitution into community restitution. The
22 modification of the diversion agreement shall be in writing and
23 signed by the divertee and the diversion unit. The number of hours of
24 community restitution in lieu of a monetary penalty shall be
25 converted at the rate of the prevailing state minimum wage per hour.

26 (~~((17) Fines imposed under this section shall be collected and
27 paid into the county general fund in accordance with procedures
28 established by the juvenile court administrator under RCW 13.04.040
29 and may be used only for juvenile services. In the expenditure of
30 funds for juvenile services, there shall be a maintenance of effort
31 whereby counties exhaust existing resources before using amounts
32 collected under this section.))~~)

33 **Sec. 26.** RCW 13.40.127 and 2014 c 175 s 6 and 2014 c 117 s 2 are
34 each reenacted and amended to read as follows:

35 (1) A juvenile is eligible for deferred disposition unless he or
36 she:

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

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

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

1 (d) Has two or more adjudications.

2 (2) The juvenile court may, upon motion at least fourteen days
3 before commencement of trial and, after consulting the juvenile's
4 custodial parent or parents or guardian and with the consent of the
5 juvenile, continue the case for disposition for a period not to
6 exceed one year from the date the juvenile is found guilty. The court
7 shall consider whether the offender and the community will benefit
8 from a deferred disposition before deferring the disposition. The
9 court may waive the fourteen-day period anytime before the
10 commencement of trial for good cause.

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

12 (a) Stipulate to the admissibility of the facts contained in the
13 written police report;

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

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

19 (d) Acknowledge the direct consequences of being found guilty and
20 the direct consequences that will happen if an order of disposition
21 is entered.

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

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

27 (5) Any juvenile granted a deferral of disposition under this
28 section shall be placed under community supervision. The court may
29 impose any conditions of supervision that it deems appropriate
30 including posting a probation bond. Payment of restitution under RCW
31 13.40.190 shall be a condition of community supervision under this
32 section.

33 The court may require a juvenile offender convicted of animal
34 cruelty in the first degree to submit to a mental health evaluation
35 to determine if the offender would benefit from treatment and such
36 intervention would promote the safety of the community. After
37 consideration of the results of the evaluation, as a condition of
38 community supervision, the court may order the offender to attend
39 treatment to address issues pertinent to the offense.

1 The court may require the juvenile to undergo a mental health or
2 substance abuse assessment, or both. If the assessment identifies a
3 need for treatment, conditions of supervision may include treatment
4 for the assessed need that has been demonstrated to improve
5 behavioral health and reduce recidivism.

6 The court shall require a juvenile granted a deferral of
7 disposition for unlawful possession of a firearm in violation of RCW
8 9.41.040 to participate in a qualifying program as described in RCW
9 13.40.193(2)(b), when available, unless the court makes a written
10 finding based on the outcome of the juvenile court risk assessment
11 that participation in a qualifying program would not be appropriate.

12 (6) A parent who signed for a probation bond has the right to
13 notify the counselor if the juvenile fails to comply with the bond or
14 conditions of supervision. The counselor shall notify the court and
15 surety of any failure to comply. A surety shall notify the court of
16 the juvenile's failure to comply with the probation bond. The state
17 shall bear the burden to prove, by a preponderance of the evidence,
18 that the juvenile has failed to comply with the terms of community
19 supervision.

20 (7)(a) Anytime prior to the conclusion of the period of
21 supervision, the prosecutor or the juvenile's juvenile court
22 community supervision counselor may file a motion with the court
23 requesting the court revoke the deferred disposition based on the
24 juvenile's lack of compliance or treat the juvenile's lack of
25 compliance as a violation pursuant to RCW 13.40.200.

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

28 (i) Revoke the deferred disposition and enter an order of
29 disposition; or

30 (ii) Impose sanctions for the violation pursuant to RCW
31 13.40.200.

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

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

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

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

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

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

6 (b) If the court finds the juvenile is entitled to dismissal of
7 the deferred disposition pursuant to (a) of this subsection, the
8 juvenile's conviction shall be vacated and the court shall dismiss
9 the case with prejudice, except that a conviction under RCW 16.52.205
10 shall not be vacated. Whenever a case is dismissed with restitution
11 still owing, the court shall enter a restitution order pursuant to
12 RCW (~~(13.40.190)~~) 7.80.130 for any unpaid restitution. Jurisdiction
13 to enforce payment and modify terms of the restitution order shall be
14 the same as those set forth in RCW (~~(13.40.190)~~) 7.80.130.

15 (c) If the court finds the juvenile is not entitled to dismissal
16 of the deferred disposition pursuant to (a) of this subsection, the
17 court shall revoke the deferred disposition and enter an order of
18 disposition. A deferred disposition shall remain a conviction unless
19 the case is dismissed and the conviction is vacated pursuant to (b)
20 of this subsection or sealed pursuant to RCW 13.50.260.

21 (10)(a)(i) Any time the court vacates a conviction pursuant to
22 subsection (9) of this section, if the juvenile is eighteen years of
23 age or older and the full amount of restitution (~~(ordered)~~) owing to
24 the individual victim named in the restitution order, excluding
25 restitution owed to any insurance provider authorized under Title 48
26 RCW has been paid, the court shall enter a written order sealing the
27 case.

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

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

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

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

3 **Sec. 27.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 **Sec. 28.** RCW 36.18.020 and 2013 2nd sp.s. c 7 s 3 are each
13 amended to read as follows:

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

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

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

34 (b) Any party, except a defendant in a criminal case, filing the
35 first or initial document on an appeal from a court of limited
36 jurisdiction or any party on any civil appeal, shall pay, when the
37 document is filed, a fee of two hundred dollars.

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

1 (d) For filing of a petition for unlawful harassment under RCW
2 10.14.040 a filing fee of fifty-three dollars.

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

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

8 (g) For filing any petition to contest a will admitted to probate
9 or a petition to admit a will which has been rejected, or a petition
10 objecting to a written agreement or memorandum as provided in RCW
11 11.96A.220, there shall be paid a fee of two hundred dollars.

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

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

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

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

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

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

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

1 **Sec. 29.** RCW 36.18.040 and 1992 c 164 s 1 are each amended to
2 read as follows:

3 (1) Sheriffs shall collect the following fees for their official
4 services:

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

9 (b) For making a return, besides mileage actually traveled, seven
10 dollars;

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

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

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

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

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

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

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

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

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

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

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

37 (n) For certificate or bill of sale of property, or certificate
38 of redemption, thirty dollars;

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

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

2 (q) For fingerprinting for noncriminal purposes, ten dollars for
3 each person for up to two sets, three dollars for each additional
4 set;

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

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

8 (t) For the reproduction of audio, visual, or photographic
9 material, to include magnetic microfilming, the actual cost including
10 personnel time.

11 (2) Fees allowable under this section may be recovered by the
12 prevailing party incurring the same as court costs. Nothing contained
13 in this section permits the expenditure of public funds to defray
14 costs of private litigation. Such costs shall be borne by the party
15 seeking action by the sheriff, and may be recovered from the proceeds
16 of any subsequent judicial sale, or may be added to any judgment upon
17 proper application to the court entering the judgment.

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

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

24 **Sec. 30.** RCW 43.43.690 and 1992 c 129 s 2 are each amended to
25 read as follows:

26 (1) When (~~a person~~) an adult offender has been adjudged guilty
27 of violating any criminal statute of this state and a crime
28 laboratory analysis was performed by a state crime laboratory, in
29 addition to any other disposition, penalty, or fine imposed, the
30 court shall levy a crime laboratory analysis fee of one hundred
31 dollars for each offense for which the person was convicted. Upon a
32 verified petition by the person assessed the fee, the court may
33 suspend payment of all or part of the fee if it finds that the person
34 does not have the ability to pay the fee.

35 (~~When a minor has been adjudicated a juvenile offender for~~
36 ~~an offense which, if committed by an adult, would constitute a~~
37 ~~violation of any criminal statute of this state and a crime~~
38 ~~laboratory analysis was performed, in addition to any other~~
39 ~~disposition imposed, the court shall assess a crime laboratory~~

1 ~~analysis fee of one hundred dollars for each adjudication. Upon a~~
2 ~~verified petition by a minor assessed the fee, the court may suspend~~
3 ~~payment of all or part of the fee [if] it finds that the minor does~~
4 ~~not have the ability to pay the fee.~~

5 (3)) All crime laboratory analysis fees assessed under this
6 section shall be collected by the clerk of the court and forwarded to
7 the state general fund, to be used only for crime laboratories. The
8 clerk may retain five dollars to defray the costs of collecting the
9 fees.

10 **Sec. 31.** RCW 43.43.7541 and 2011 c 125 s 1 are each amended to
11 read as follows:

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

28 **Sec. 32.** RCW 46.61.5054 and 2011 c 293 s 12 are each amended to
29 read as follows:

30 (1)(a) In addition to penalties set forth in RCW 46.61.5051
31 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055
32 thereafter, a two hundred dollar fee shall be assessed to a person
33 who is either convicted, sentenced to a lesser charge, or given
34 deferred prosecution, as a result of an arrest for violating RCW
35 46.61.502, 46.61.504, 46.61.520, or 46.61.522. This fee is for the
36 purpose of funding the Washington state toxicology laboratory and the
37 Washington state patrol for grants and activities to increase the

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

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

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

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

17 (a) Forty percent shall be subject to distribution under RCW
18 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070.

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

34 (3) Twenty-five dollars of the fee assessed under subsection (1)
35 of this section must be distributed to the highway safety ~~((account~~
36 ~~{fund}))~~ fund to be used solely for funding Washington traffic safety
37 commission grants to reduce statewide collisions caused by persons
38 driving under the influence of alcohol or drugs. Grants awarded under
39 this subsection may be for projects that encourage collaboration with
40 other community, governmental, and private organizations, and that

1 utilize innovative approaches based on best practices or proven
2 strategies supported by research or rigorous evaluation. Grants
3 recipients may include, for example:

4 (a) DUI courts; and

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

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

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

12 **Sec. 33.** RCW 46.61.5055 and 2014 c 100 s 1 are each amended to
13 read as follows:

14 (1) **No prior offenses in seven years.** Except as provided in RCW
15 46.61.502(6) or 46.61.504(6), a person who is convicted of a
16 violation of RCW 46.61.502 or 46.61.504 and who has no prior offense
17 within seven years shall be punished as follows:

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

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

1 offender may consume during the time the offender is on electronic
2 home monitoring; and

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

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

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

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

33 (2) **One prior offense in seven years.** Except as provided in RCW
34 46.61.502(6) or 46.61.504(6), a person who is convicted of a
35 violation of RCW 46.61.502 or 46.61.504 and who has one prior offense
36 within seven years shall be punished as follows:

37 (a) **Penalty for alcohol concentration less than 0.15.** In the case
38 of a person whose alcohol concentration was less than 0.15, or for
39 whom for reasons other than the person's refusal to take a test

1 offered pursuant to RCW 46.20.308 there is no test result indicating
2 the person's alcohol concentration:

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

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

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

33 (i) By imprisonment for not less than forty-five days nor more
34 than three hundred sixty-four days and ninety days of electronic home
35 monitoring. In lieu of the mandatory minimum term of ninety days
36 electronic home monitoring, the court may order at least an
37 additional six days in jail or, if available in that county or city,
38 a six-month period of 24/7 sobriety program monitoring pursuant to
39 RCW 36.28A.300 through 36.28A.390, and the court shall order an
40 expanded alcohol assessment and treatment, if deemed appropriate by

1 the assessment. The offender shall pay for the cost of the electronic
2 monitoring. The county or municipality where the penalty is being
3 imposed shall determine the cost. The court may also require the
4 offender's electronic home monitoring device include an alcohol
5 detection breathalyzer or other separate alcohol monitoring device,
6 and may restrict the amount of alcohol the offender may consume
7 during the time the offender is on electronic home monitoring. Forty-
8 five days of imprisonment and ninety days of electronic home
9 monitoring may not be suspended unless the court finds that the
10 imposition of this mandatory minimum sentence would impose a
11 substantial risk to the offender's physical or mental well-being.
12 Whenever the mandatory minimum sentence is suspended, the court shall
13 state in writing the reason for granting the suspension and the facts
14 upon which the suspension is based; and

15 (ii) By a fine of not less than seven hundred fifty dollars nor
16 more than five thousand dollars. Seven hundred fifty dollars of the
17 fine may not be suspended unless the court finds the offender to be
18 indigent.

19 (3) **Two or three prior offenses in seven years.** Except as
20 provided in RCW 46.61.502(6) or 46.61.504(6), a person who is
21 convicted of a violation of RCW 46.61.502 or 46.61.504 and who has
22 two or three prior offenses within seven years shall be punished as
23 follows:

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

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

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

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

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

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

1 (ii) By a fine of not less than one thousand five hundred dollars
2 nor more than five thousand dollars. One thousand five hundred
3 dollars of the fine may not be suspended unless the court finds the
4 offender to be indigent.

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

8 (a) The person has four or more prior offenses within ten years;
9 or

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

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

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

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

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

18 (5) **Monitoring.**

19 (a) **Ignition interlock device.** The court shall require any person
20 convicted of a violation of RCW 46.61.502 or 46.61.504 or an
21 equivalent local ordinance to comply with the rules and requirements
22 of the department regarding the installation and use of a functioning
23 ignition interlock device installed on all motor vehicles operated by
24 the person.

25 (b) **Monitoring devices.** If the court orders that a person refrain
26 from consuming any alcohol, the court may order the person to submit
27 to alcohol monitoring through an alcohol detection breathalyzer
28 device, transdermal sensor device, or other technology designed to
29 detect alcohol in a person's system. The person shall pay for the
30 cost of the monitoring, unless the court specifies that the cost of
31 monitoring will be paid with funds that are available from an
32 alternative source identified by the court. The county or
33 municipality where the penalty is being imposed shall determine the
34 cost.

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

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

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

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

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

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

17 (b) In any case in which the person has no prior offenses within
18 seven years, and except as provided in RCW 46.61.502(6) or
19 46.61.504(6), order an additional twenty-four hours of imprisonment
20 and a fine of not less than one thousand dollars and not more than
21 five thousand dollars. One thousand dollars of the fine may not be
22 suspended unless the court finds the offender to be indigent;

23 (c) In any case in which the person has one prior offense within
24 seven years, and except as provided in RCW 46.61.502(6) or
25 46.61.504(6), order an additional five days of imprisonment and a
26 fine of not less than two thousand dollars and not more than five
27 thousand dollars. One thousand dollars of the fine may not be
28 suspended unless the court finds the offender to be indigent;

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

36 (7) **Other items courts must consider while setting penalties.** In
37 exercising its discretion in setting penalties within the limits
38 allowed by this section, the court shall particularly consider the
39 following:

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

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

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

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

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

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

18 (a) **Penalty for alcohol concentration less than 0.15.** If the
19 person's alcohol concentration was less than 0.15, or if for reasons
20 other than the person's refusal to take a test offered under RCW
21 46.20.308 there is no test result indicating the person's alcohol
22 concentration:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (10) **Probation of driving privilege.** After expiration of any
25 period of suspension, revocation, or denial of the offender's
26 license, permit, or privilege to drive required by this section, the
27 department shall place the offender's driving privilege in
28 probationary status pursuant to RCW 46.20.355.

29 (11) **Conditions of probation.** (a) In addition to any
30 nonsuspendable and nondeferrable jail sentence required by this
31 section, whenever the court imposes up to three hundred sixty-four
32 days in jail, the court shall also suspend but shall not defer a
33 period of confinement for a period not exceeding five years. The
34 court shall impose conditions of probation that include: (i) Not
35 driving a motor vehicle within this state without a valid license to
36 drive and proof of liability insurance or other financial
37 responsibility for the future pursuant to RCW 46.30.020; (ii) not
38 driving or being in physical control of a motor vehicle within this
39 state while having an alcohol concentration of 0.08 or more or a THC
40 concentration of 5.00 nanograms per milliliter of whole blood or

1 higher, within two hours after driving; and (iii) not refusing to
2 submit to a test of his or her breath or blood to determine alcohol
3 or drug concentration upon request of a law enforcement officer who
4 has reasonable grounds to believe the person was driving or was in
5 actual physical control of a motor vehicle within this state while
6 under the influence of intoxicating liquor or drug. The court may
7 impose conditions of probation that include nonrepetition,
8 installation of an ignition interlock device on the probationer's
9 motor vehicle, alcohol or drug treatment, supervised probation, or
10 other conditions that may be appropriate. The sentence may be imposed
11 in whole or in part upon violation of a condition of probation during
12 the suspension period.

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

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

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

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

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

36 (c) The court determines that there is reason to believe that the
37 offender would violate the conditions of the electronic home
38 monitoring penalty.

39 Whenever the mandatory minimum term of electronic home monitoring
40 is waived, the court shall state in writing the reason for granting

1 the waiver and the facts upon which the waiver is based, and shall
2 impose an alternative sentence with similar punitive consequences.
3 The alternative sentence may include, but is not limited to, use of
4 an ignition interlock device, the 24/7 sobriety program monitoring,
5 additional jail time, work crew, or work camp.

6 Whenever the combination of jail time and electronic home
7 monitoring or alternative sentence would exceed three hundred sixty-
8 four days, the offender shall serve the jail portion of the sentence
9 first, and the electronic home monitoring or alternative portion of
10 the sentence shall be reduced so that the combination does not exceed
11 three hundred sixty-four days.

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

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

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

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

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

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

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

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

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

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

34 (viii) A conviction for a violation of RCW 46.61.520 committed
35 while under the influence of intoxicating liquor or any drug, or a
36 conviction for a violation of RCW 46.61.520 committed in a reckless
37 manner or with the disregard for the safety of others if the
38 conviction is the result of a charge that was originally filed as a
39 violation of RCW 46.61.520 committed while under the influence of
40 intoxicating liquor or any drug;

1 (ix) A conviction for a violation of RCW 46.61.522 committed
2 while under the influence of intoxicating liquor or any drug, or a
3 conviction for a violation of RCW 46.61.522 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 46.61.522 committed while under the influence of
7 intoxicating liquor or any drug;

8 (x) A conviction for a violation of RCW 46.61.5249, 46.61.500, or
9 9A.36.050 or an equivalent local ordinance, if the conviction is the
10 result of a charge that was originally filed as a violation of RCW
11 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW
12 46.61.520 or 46.61.522;

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

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

19 (xiii) A deferred prosecution under chapter 10.05 RCW granted in
20 a prosecution for a violation of RCW 46.61.5249, or an equivalent
21 local ordinance, if the charge under which the deferred prosecution
22 was granted was originally filed as a violation of RCW 46.61.502 or
23 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or
24 46.61.522;

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

31 (xv) A deferred sentence imposed in a prosecution for a violation
32 of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local
33 ordinance, if the charge under which the deferred sentence was
34 imposed was originally filed as a violation of RCW 46.61.502 or
35 46.61.504, or an equivalent local ordinance, or a violation of RCW
36 46.61.520 or 46.61.522;

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

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

3 (c) "Within seven years" means that the arrest for a prior
4 offense occurred within seven years before or after the arrest for
5 the current offense; and

6 (d) "Within ten years" means that the arrest for a prior offense
7 occurred within ten years before or after the arrest for the current
8 offense.

9 (15) All fines imposed by this section apply to adult offenders
10 only.

11 **Sec. 34.** RCW 69.50.401 and 2013 c 3 s 19 are each amended to
12 read as follows:

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

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

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

28 (b) Amphetamine, including its salts, isomers, and salts of
29 isomers, or methamphetamine, including its salts, isomers, and salts
30 of isomers, is guilty of a class B felony and upon conviction may be
31 imprisoned for not more than ten years, or (i) fined not more than
32 twenty-five thousand dollars if the crime involved less than two
33 kilograms of the drug, or both such imprisonment and fine; or (ii) if
34 the crime involved two or more kilograms of the drug, then fined not
35 more than one hundred thousand dollars for the first two kilograms
36 and not more than fifty dollars for each gram in excess of two
37 kilograms, or both such imprisonment and fine. Three thousand dollars
38 of the fine may not be suspended. As collected, the first three
39 thousand dollars of the fine must be deposited with the law

1 enforcement agency having responsibility for cleanup of laboratories,
2 sites, or substances used in the manufacture of the methamphetamine,
3 including its salts, isomers, and salts of isomers. The fine moneys
4 deposited with that law enforcement agency must be used for such
5 clean-up cost;

6 (c) Any other controlled substance classified in Schedule I, II,
7 or III, is guilty of a class C felony punishable according to chapter
8 9A.20 RCW;

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

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

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

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

20 **Sec. 35.** RCW 69.50.425 and 2002 c 175 s 44 are each amended to
21 read as follows:

22 A person who is convicted of a misdemeanor violation of any
23 provision of this chapter shall be punished by imprisonment for not
24 less than twenty-four consecutive hours, and adult offenders shall be
25 punished by a fine of not less than two hundred fifty dollars. On a
26 second or subsequent conviction, the fine shall not be less than five
27 hundred dollars for adult offenders. These fines shall be in addition
28 to any other fine or penalty imposed on adult offenders. Unless the
29 court finds that the imposition of the minimum imprisonment will pose
30 a substantial risk to the defendant's physical or mental well-being
31 or that local jail facilities are in an overcrowded condition, the
32 minimum term of imprisonment shall not be suspended or deferred. If
33 the court finds such risk or overcrowding exists, it shall sentence
34 the defendant to a minimum of forty hours of community restitution.
35 If a minimum term of imprisonment is suspended or deferred, the court
36 shall state in writing the reason for granting the suspension or
37 deferral and the facts upon which the suspension or deferral is
38 based. Unless the court finds the person to be indigent, the minimum
39 fine shall not be suspended or deferred.

1 **Sec. 36.** RCW 69.50.430 and 2003 c 53 s 345 are each amended to
2 read as follows:

3 (1) Every (~~person~~) adult offender convicted of a felony
4 violation of RCW 69.50.401 through 69.50.4013, 69.50.4015, 69.50.402,
5 69.50.403, 69.50.406, 69.50.407, 69.50.410, or 69.50.415 shall be
6 fined one thousand dollars in addition to any other fine or penalty
7 imposed. Unless the court finds the (~~person~~) adult offender to be
8 indigent, this additional fine shall not be suspended or deferred by
9 the court.

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

16 **Sec. 37.** RCW 69.50.435 and 2003 c 53 s 346 are each amended to
17 read as follows:

18 (1) Any person who violates RCW 69.50.401 by manufacturing,
19 selling, delivering, or possessing with the intent to manufacture,
20 sell, or deliver a controlled substance listed under RCW 69.50.401 or
21 who violates RCW 69.50.410 by selling for profit any controlled
22 substance or counterfeit substance classified in schedule I, RCW
23 69.50.204, except leaves and flowering tops of marihuana to a person:

24 (a) In a school;

25 (b) On a school bus;

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

28 (d) Within one thousand feet of the perimeter of the school
29 grounds;

30 (e) In a public park;

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

33 (g) On a public transit vehicle;

34 (h) In a public transit stop shelter;

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

37 (j) Within one thousand feet of the perimeter of a facility
38 designated under (i) of this subsection, if the local governing
39 authority specifically designates the one thousand foot perimeter

1 may be punished by a fine of up to twice the fine otherwise
2 authorized by this chapter, but not including twice the fine
3 authorized by RCW 69.50.406, or by imprisonment of up to twice the
4 imprisonment otherwise authorized by this chapter, but not including
5 twice the imprisonment authorized by RCW 69.50.406, or by both such
6 fine and imprisonment. The provisions of this section shall not
7 operate to more than double the fine or imprisonment otherwise
8 authorized by this chapter for an offense.

9 (2) It is not a defense to a prosecution for a violation of this
10 section that the person was unaware that the prohibited conduct took
11 place while in a school or school bus or within one thousand feet of
12 the school or school bus route stop, in a public park, in a public
13 housing project designated by a local governing authority as a drug-
14 free zone, on a public transit vehicle, in a public transit stop
15 shelter, at a civic center designated as a drug-free zone by the
16 local governing authority, or within one thousand feet of the
17 perimeter of a facility designated under subsection (1)(i) of this
18 section, if the local governing authority specifically designates the
19 one thousand foot perimeter.

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

32 (4) It is an affirmative defense to a prosecution for a violation
33 of this section that the prohibited conduct took place entirely
34 within a private residence, that no person under eighteen years of
35 age or younger was present in such private residence at any time
36 during the commission of the offense, and that the prohibited conduct
37 did not involve delivering, manufacturing, selling, or possessing
38 with the intent to manufacture, sell, or deliver any controlled
39 substance in RCW 69.50.401 for profit. The affirmative defense
40 established in this section shall be proved by the defendant by a

1 preponderance of the evidence. This section shall not be construed to
2 establish an affirmative defense with respect to a prosecution for an
3 offense defined in any other section of this chapter.

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

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

35 (a) "School" has the meaning under RCW 28A.150.010 or
36 28A.150.020. The term "school" also includes a private school
37 approved under RCW 28A.195.010;

38 (b) "School bus" means a school bus as defined by the
39 superintendent of public instruction by rule which is owned and
40 operated by any school district and all school buses which are

1 privately owned and operated under contract or otherwise with any
2 school district in the state for the transportation of students. The
3 term does not include buses operated by common carriers in the urban
4 transportation of students such as transportation of students through
5 a municipal transportation system;

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

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

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

15 (f) "Transit authority" means a city, county, or state
16 transportation system, transportation authority, public
17 transportation benefit area, public transit authority, or
18 metropolitan municipal corporation within the state that operates
19 public transit vehicles;

20 (g) "Stop shelter" means a passenger shelter designated by a
21 transit authority;

22 (h) "Civic center" means a publicly owned or publicly operated
23 place or facility used for recreational, educational, or cultural
24 activities;

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

27 (7) The fines imposed by this section apply to adult offenders
28 only.

29 **Sec. 38.** RCW 77.15.420 and 2014 c 48 s 16 are each amended to
30 read as follows:

31 (1) If (~~a person~~) an adult offender is convicted of violating
32 RCW 77.15.410 and that violation results in the death of wildlife
33 listed in this section, the court shall require payment of the
34 following amounts for each animal taken or possessed. This shall be a
35 criminal wildlife penalty assessment that shall be paid to the clerk
36 of the court and distributed each month to the state treasurer for
37 deposit in the fish and wildlife enforcement reward account created
38 in RCW 77.15.425.

1	(a) Moose, mountain sheep, mountain	
2	goat, and all wildlife species	
3	classified as endangered by	
4	rule of the commission, except	
5	for mountain caribou and	
6	grizzly bear as listed under (d)	
7	of this subsection.	\$4,000
8	(b) Elk, deer, black bear, and cougar. .	\$2,000
9	(c) Trophy animal elk and deer.	\$6,000
10	(d) Mountain caribou, grizzly bear, and	
11	trophy animal mountain	
12	sheep.	\$12,000

13 (2)(a) For the purpose of this section a "trophy animal" is:
14 (i) A buck deer with four or more antler points on both sides,
15 not including eyeguards;
16 (ii) A bull elk with five or more antler points on both sides,
17 not including eyeguards; or
18 (iii) A mountain sheep with a horn curl of three-quarter curl or
19 greater.

20 (b) For purposes of this subsection, "eyeguard" means an antler
21 protrusion on the main beam of the antler closest to the eye of the
22 animal.

23 (3) If two or more persons are convicted of illegally possessing
24 wildlife in subsection (1) of this section, the criminal wildlife
25 penalty assessment shall be imposed on them jointly and severally.

26 (4) The criminal wildlife penalty assessment shall be imposed
27 regardless of and in addition to any sentence, fines, or costs
28 otherwise provided for violating any provision of this title. The
29 criminal wildlife penalty assessment shall be included by the court
30 in any pronouncement of sentence and may not be suspended, waived,
31 modified, or deferred in any respect. This section may not be
32 construed to abridge or alter alternative rights of action or
33 remedies in equity or under common law or statutory law, criminal or
34 civil.

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

1 (6) A person assessed a criminal wildlife penalty assessment
2 under this section shall have his or her hunting license revoked and
3 all hunting privileges suspended until the penalty assessment is paid
4 through the registry of the court in which the penalty assessment was
5 assessed.

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

9 (a) When a person is convicted of spotlighting big game under RCW
10 77.15.450;

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

14 (c) When the trier of fact determines that the person took or
15 possessed the animal in question with the intent of bartering,
16 selling, or otherwise deriving economic profit from the animal or the
17 animal's parts; or

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

20 NEW SECTION. **Sec. 39.** The following acts or parts of acts are
21 each repealed:

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

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

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