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SUPREME COURT NO. 86148-0  
COURT OF APPEALS NO. 66631-2-I

SUPREME COURT OF THE STATE OF WASHINGTON

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CITY OF SEATTLE,

Respondent,

v.

DONALD FULLER,

Petitioner.

**FILED**  
AUG 17 2012  
CLERK OF THE SUPREME COURT  
STATE OF WASHINGTON

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**AMICUS CURIAE BRIEF OF  
WASHINGTON ASSOCIATION OF PROSECUTING ATTORNEYS**

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ORIGINAL

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**I. INTEREST OF AMICUS CURIAE**

The Washington Association of Prosecuting Attorneys ("WAPA") represents the elected prosecuting attorneys of Washington State. Those persons are responsible by law for the prosecution of all felonies, gross misdemeanors and misdemeanors charged under state statutes. The prosecution of these crimes often involves seeking restitution for victims of crimes against people and property. A decision regarding the municipal court's authority to order restitution will affect the thousands of restitution orders that have been issued by all Washington courts of limited jurisdiction, as well as the prosecution of pending and future misdemeanor cases.

**II. ISSUE PRESENTED**

Whether the legislature intends courts of limited jurisdiction to have the authority to order restitution?

**III. STATEMENT OF FACTS**

The facts of this case are discussed in the briefs of the parties and will not be addressed here.

**IV. ARGUMENT**

The sole purpose of statutory interpretation "is to determine and give effect to legislative intent." Duke v. Boyd, 133 Wn.2d 80,

87, 942 P.2d 351 (1997). For over one hundred years, the legislature has intended that courts of limited jurisdiction share statutory powers with the superior courts pursuant to RCW 9.92.060 and 9.95.210. Laws of 1909, ch. 249, § 28. In 1996, the legislature amended RCW 9.92.060 and 9.95.210 to add the word "superior" before "court." Laws of 1996, ch. 298, § 5. Related statutes and legislative history demonstrate that this amendment did not intend to divest district and municipal courts of their long-held restitution authority. The legislature has always intended that courts of limited jurisdiction have the authority to order restitution.

**A. Courts of limited jurisdiction have always shared restitution authority with superior courts.**

For the last century, superior courts and courts of limited jurisdiction have shared powers under RCW 9.92.060. Laws of 1909, ch. 249, § 28 (codified as amended at RCW 9.92.060). Between 1909 and 1949, RCW 9.92.060 granted the general authority to suspend sentences on "such terms as the court may determine." Laws of 1921, ch. 69, § 1. In 1949, the legislature amended this statute to emphasize that appropriate terms of sentence include ordering "restitution to any person or persons who may have suffered loss or damage by reason of the commission of

the crime in question.”<sup>1</sup> Laws of 1949, ch. 76, § 1. Those restitution powers have been vested in superior courts and courts of limited jurisdiction ever since.

For over seventy years, Washington courts have applied RCW 9.92.060 to courts of limited jurisdiction and recognized restitution as a valid condition of probation in those courts.

Avlonitis v. Seattle Dist. Court, 97 Wn.2d 131, 134, 641 P.2d 169 (1982); State ex rel. Woodhouse v. Dore, 69 Wn.2d 64, 69-70, 416 P.2d 670 (1966); State v. Essary, 60 Wn.2d 731, 732, 375 P.2d 486 (1962); State v. Willey, 168 Wash. 340, 343, 12 P.2d 393 (1932).

Despite a long history in which courts of limited jurisdiction have imposed restitution as a condition of sentence, the legislature has never enacted a restitution statute that applied exclusively to these courts. Rather, the restitution authority for courts of limited jurisdiction has always been included among the general powers conferred to all courts by RCW 9.92.060 and RCW 9.95.210.

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<sup>1</sup> In 1957, the legislature enacted a related statute, RCW 9.95.210, which also specifies that a court may order restitution as a condition of probation. Laws of 1957, ch. 227, §§ 1, 4. Since its enactment, this statute has applied equally to superior courts and courts of limited jurisdiction. Id.

**B. The authority to order restitution is consistent with the other general powers granted to courts of limited jurisdiction by statute.**

A court of limited jurisdiction "performs essentially the same judicial function as a court of record." Seastrom v. Konz, 86 Wn.2d 377, 544 P.2d 744 (1976). These similarities are recognized by the legislature, which has granted courts of limited jurisdiction the same general powers as those held by superior courts. With respect to district courts, RCW 3.66.010 provides:

[W]here no special provision is otherwise made by law, [a district court] shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such district court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW.

Similarly, RCW 35.20.010 grants the municipal court "all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute."

Superior courts and courts of limited jurisdiction share the same general powers because these courts exercise concurrent jurisdiction over all gross misdemeanors and misdemeanors committed in violation of Washington state law. RCW 3.66.060; 35.20.250. Before the Sentencing Reform Act ("SRA") was

enacted in 1981, RCW 9.92.060 and 9.95.210 governed sentencing and probation practices for both felonies and misdemeanors. The SRA created a separate sentencing and probation procedure for felony convictions because felonies now result in determinate sentences followed by community custody. RCW 9.94A.530; 9.94A.540; 9.94A.701; 9.94A.702. The SRA also created a specific statute that governs orders of restitution in felony cases. RCW 9.94A.753. In contrast to felony sentencing under the SRA, sentencing in misdemeanor cases continues to employ a more flexible system of suspended sentences and conditions of probation, regardless of whether the misdemeanor is prosecuted in superior court or a court of limited jurisdiction. State v. Williams, 97 Wn. App. 257, 263, 983 P.2d 687 (1999); RCW 9.92.060; 3.66.068; 35.20.255.

When courts exercise concurrent jurisdiction, this Court has required a "logical or compelling reason" to justify treating each court's powers differently. Avlonitis, 97 Wn.2d at 134. In State v. Wicklund, 96 Wn.2d 798, 638 P.2d 1241 (1982), for example, the defendant argued that the competency provisions of chapter 10.77 RCW applied only to superior courts because those statutes did not refer to courts of limited jurisdiction specifically, and the statutes

repeatedly referred to "felonious acts," not misdemeanors. *Id.* at 801-02. This Court rejected the defendant's interpretation because there was "no logical reason" that RCW 10.77 would apply only to superior courts when same competency determinations are made in courts of limited jurisdiction. *Id.* at 803-04 (citing the broad powers that RCW 3.66.010 confers on courts of limited jurisdiction).

It is undisputed that superior courts have the specific authority to order restitution in felony cases under the SRA *as well* as the general authority to order restitution in misdemeanor cases under RCW 9.92.060. There is no logical or compelling reason that a victim of a misdemeanor prosecuted in superior court would be eligible to receive restitution while a victim of a misdemeanor prosecuted in district or municipal court would not. In practice, however, Fuller's proposed rule would require that all misdemeanor crimes against persons or property be prosecuted in superior court--a result the legislature did not intend.

Courts of limited jurisdiction have always shared general probation powers with superior courts. Like superior courts, district courts have the authority to suspend or defer the imposition of sentence "upon stated terms." RCW 3.66.068; see also RCW 35.20.255 (granting municipal courts the authority "to defer

imposition of any sentence, suspend all or part of any sentence including installment payment of fines, fix the terms of any such deferral or suspension, and provide for such probation as in their opinion is reasonable and necessary under the circumstances of the case"). "In this older [pre-SRA] version of probation, which remains applicable to misdemeanants, a court may impose probationary conditions that bear a reasonable relation to the defendant's duty to make restitution or that tend to prevent the future commission of crimes." Williams, 97 Wn. App. at 263 (citing State v. Summers, 60 Wn.2d 702, 707, 375 P.2d 143 (1962)); see also RCW 9.92.070 (granting courts of limited jurisdiction the authority to organize payment of legal financial obligations).

For decades, both the legislature and the courts have recognized that restitution is a standard condition of probation. Laws of 1949, ch. 76, § 1 (specifically recognizing restitution as a valid condition of suspended sentence); State v. Barr, 99 Wn.2d 75, 79, 658 P.2d 1247 (1983) (observing that "[r]estitution, as a condition of probation, is primarily a rehabilitative tool"); State v. Bedker, 35 Wn. App. 490, 492, 667 P.2d 1113 (1983), overruled on other grounds by State v. Krall, 125 Wn.2d 146, 881 P.2d 1040 (1994) (recognizing that "[r]estitution is generally recognized as a

valid condition of probation"). When the legislature granted district and municipal courts the authority to impose conditions of probation, it intended that restitution would be one of those rehabilitative conditions.

The district and municipal courts' power to order restitution is also confirmed by other related statutes. See State v. Houck, 32 Wn.2d 681, 684-85, 203 P.2d 693 (1949) (observing that the court must construe a statute in relation to other statutes pertaining to the same subject matter). Another restitution statute, RCW 3.66.120 states:

All court-ordered restitution obligations *that are ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction*, may be enforced in the same manner as a judgment in a civil action by the party or entity to whom the legal financial obligation is owed.

(Emphasis added). Similarly, RCW 3.66.130 discusses the payment of a "court-ordered restitution obligation *entered pursuant to this title*." (Emphasis added). By enacting two statutes that specifically govern the enforceability and payment of restitution orders issued by courts of limited jurisdiction, the legislature has recognized the authority of these courts to order restitution.

**C. The 1996 Amendments to RCW 9.92.060 and 9.95.210 did not divest municipal or district courts of their restitution authority.**

Fuller argues that amendments to RCW 9.92.060 and 9.95.210 eliminated restitution in misdemeanor cases adjudicated in courts of limited jurisdiction. That argument is mistaken, and should be rejected.

In construing a statute, the court “reviews the policy behind the statute, the legislative scheme of which the statute is a part, the legislative history, and concepts of reasonableness along with the language of the statute in order to determine the legislative intent.” 2A Norman J. Singer & J.D. Shambie Singer, *Statutes and Statutory Construction* § 45.5 (7th ed. 2007) (“Sutherland Statutory Construction”); see also *Biggs v. Vail*, 119 Wn.2d 129, 134, 830 P.2d 350 (1992) (noting that a court may consider legislative history, including the final legislative reports, to determine legislative intent).

The legislature amended RCW 9.92.060 and 9.95.120 in 1996 with the express intent of clarifying that the Department of Corrections (“DOC”) would supervise defendants who were convicted of misdemeanors in superior court. The legislature did not intend that this amendment would divest district and municipal

courts of their authority to order restitution. The legislature's later enactment of RCW 3.66.120 and 3.66.130, providing enforcement mechanisms for restitution orders issued by courts of limited jurisdiction, confirms that the legislature's 1996 amendments did not strip these courts of their restitution authority.

**i. The legislative history of the 1996 amendments.**

Like the principle of *stare decisis* in case law, principles of statutory construction favor "continuity and stability in the legal system." 3 Sutherland Statutory Construction § 61.1. Accordingly, the court presumes that the legislature did not "intend to overturn long-established principles of law . . . unless an intention to do so plainly appears by express declaration or necessary or unmistakable implication, and the language employed admits of no other reasonable construction." Ashenbrenner v. Dep't of Labor & Indus., 62 Wn.2d 22, 26, 380 P.2d 730 (1963) (quoting 50 Am. Jur. *Statutes* § 340); see also Wynn v. Earin, 163 Wn.2d 361, 371, 181 P.3d 806 (2008) ("The legislature is presumed to know the law in the area in which it is legislating, and statutes will not be construed in derogation of the common law absent express legislative intent to change the law."); State v. Elgin, 118 Wn.2d 551, 556, 825 P.2d

314 (1992) (expressing reluctance to depart from long-standing legal tradition absent clear legislative intent to effect that result). Therefore, if the 1996 amendments to RCW 9.92.060 and 9.95.210 intended to strip district and municipal courts of the restitution powers that they have held for several decades, then the legislative history of the 1996 amendments should acknowledge and explain such a landmark change to the legal landscape.

Far from expressly declaring an intent to divest restitution authority, however, the legislative history of Substitute House Bill 2533 ("SHB 2533") does not discuss restitution *in any respect*. Rather, SHB 2533, described as "AN ACT Relating to misdemeanor probation services," was intended to clarify that the Department of Corrections ("DOC") would supervise misdemeanor offenders sentenced in superior court, while the counties continued to supervise misdemeanor offenders sentenced in district court. Substitute H.B. 2533, 54th Leg. (Wash. 1996); Final B. Rep., 54th Leg., C298 L96 (Wash. 1996) (Appendix A). This correction was necessitated by a 1994 budget provision that prohibited DOC from supervising misdemeanants who were sentenced in superior court. *Id.* at 1. The legislature amended RCW 9.92.060 and 9.95.210 to effect this purpose and no other. Laws of 1996, ch. 298, §§ 1-7.

Any implication that these statutes no longer apply to courts of limited jurisdiction misconstrues the amendments. "The purpose of an enactment should prevail over express but inept wording."

Whatcom County v. City of Bellingham, 128 Wn.2d 537, 546, 909 P.2d 1303 (1996).

**ii. The legislative history of the 2001 enactment.**

In contrast to the legislature's silence in 1996, the legislature announced a clear position on the restitution authority of district and municipal courts when it enacted RCW 3.66.120 and 3.66.130 in 2001. In the Final Bill Report for these enactments, the legislature stated: "As part of an offender's sentence, *a court of limited jurisdiction may order that the offender pay restitution to the victim.*" Final B. Rep., 57th Leg., C115 L01 (Wash. 2001) (Appendix B) (emphasis added). The legislature enacted RCW 3.66.120 and 3.66.130 so that restitution obligations from courts of limited jurisdiction could be enforced in the same manner as civil judgments, consistent with felony restitution orders issued under the SRA. Id. The 2001 enactments were designed to *supplement and enhance* the district and municipal courts' *existing* restitution powers. The bill did not specifically authorize these courts to order

restitution because the legislature knew that courts of limited jurisdiction already had that authority.

The chronology of the legislature's actions also sheds light on legislative intent. RCW 3.66.120 and 3.66.130 were enacted in 2001, after the 1996 amendments to RCW 9.92.060 and 9.95.210. Laws of 2001, ch. 115, § 1; Laws of 1996, ch. 298, § 5. The fact that the legislature specifically passed a law to enhance the enforceability of restitution orders *after* the 1996 amendments proves that the 1996 amendments never intended to divest municipal or district courts of their restitution authority. "It is presumed that the legislature does not engage in unnecessary or meaningless acts." State v. Wanrow, 88 Wn.2d 221, 228, 559 P.2d 548 (1977). The legislature would not prohibit courts of limited jurisdiction from ordering restitution, only to strengthen those prohibited powers five years later.

"While the intention of the legislature must be ascertained from the words used to express it, the manifest reason and obvious purpose of the law should not be sacrificed to a literal interpretation of such words." 2A Sutherland Statutory Construction § 46.7. By adding the word "superior" to RCW 9.92.060 and 9.95.210, the legislature accomplished its immediate goal of having DOC

supervise misdemeanants sentenced in superior court, but it did not intend to create a radically different legal system in which only superior courts have the authority to order restitution. Rather, the history of the 1996 and 2001 legislation confirms that the legislature has always intended that courts of limited jurisdiction share restitution authority with superior courts.

**D. Fuller's interpretation is inconsistent with related statutes, ignores legislative history, and leads to absurd and unjust results.**

Fuller advocates a myopic reading of RCW 9.92.060 and 9.95.210 that isolates these statutes from the legislature's statutory scheme, ignores legislative history, and leads to unjust and absurd results. This literal interpretation cannot be sustained in light of the clear legislative intent expressed by related statutes, legislative history, and a long history of legislative policy favoring restitution in criminal cases. See State v. McDougal, 120 Wn.2d 334, 351, 841 P.2d 1232 (1992) ("[D]eparture from the literal construction of a statute is justified when such a construction would produce an absurd and unjust result and would clearly be inconsistent with the purposes and policies of the act in question.") (quoting 2A Norman J. Singer, *Statutes and Statutory Construction* § 45.12 (4th ed. 1984)).

If this Court holds that the 1996 amendments divested municipal and district courts of the authority to order restitution, then a number of absurd and unjust consequences would follow. This Court avoids interpreting a statute in a way that renders other statutory provisions meaningless or superfluous. Broughton Lumber Co. v. BNSF Ry. Co., \_\_\_\_\_ Wn.2d \_\_\_\_\_, 278 P.3d 173, 181 (2012). By their plain terms, RCW 3.66.120 and RCW 3.66.130 apply only to restitution orders issued by courts of limited jurisdiction. The ability to enforce a restitution order issued by a court of limited jurisdiction is meaningless unless that court also has the authority to issue restitution orders. Under Fuller's interpretation, two entire statutes would be rendered superfluous.

Fuller's interpretation also suggests that the legislature prohibited courts of limited jurisdiction from issuing restitution orders in 1996, only to enact two meaningless statutes in 2001. This empty legislative act would be analogous to divesting the court of the authority to order fines, and then passing a law that allows the court to schedule payment of fines. See RCW 9.92.070 (giving courts of limited jurisdiction the authority to schedule payments "whenever any judge of any superior court or a district or municipal judge shall sentence any person to pay any fine and costs"). The

legislature is presumed to act rationally, without intending absurd results. Tingey v. Halsch, 159 Wn.2d 652, 664, 152 P.3d 1020 (2007).

Additionally, Fuller's proposed interpretation would conflict with CrRLJ 7.3, which specifically allows a court of limited jurisdiction to schedule restitution payments as a condition of sentence. This Court endeavors to harmonize statutes and court rules whenever possible. City of Fircrest v. Jensen, 158 Wn.2d 384, 394, 143 P.3d 776 (2006). If courts of limited jurisdiction lack the authority to order restitution, then CrRLJ 7.3 creates a conflict by authorizing these courts to issue orders that exceed their jurisdiction. By holding that the legislature's statutory scheme grants municipal and district courts the authority to order restitution, this Court will uphold the legislature's intent while harmonizing statutory authority with the authority granted by CrRLJ 7.3.

Furthermore, there are a number of powers exercised by courts of limited jurisdiction that are not explicitly granted by chapter 3.66 RCW or chapter 35.20 RCW but are included within these courts' implied powers. In fact, few of a district or municipal court's powers are specifically enumerated. Instead, the legislature has established a statutory scheme in which general powers are

granted to superior court, and then imputed to courts of limited jurisdiction. RCW 3.66.010 and 35.20.010. For example, in addition to orders of restitution, courts of limited jurisdiction routinely order alcohol and drug evaluations, alcohol and drug treatment, and community service as conditions of sentence, even though there is no statute that explicitly grants the authority to order these conditions.<sup>2</sup> If courts of limited jurisdiction can only order conditions of sentence that are specifically and expressly granted to them, then these courts would lack the authority to order numerous standard conditions of probation. It would be unclear what general powers, if any, these courts could exercise under RCW 3.66.010 and 35.20.010.

Most importantly, Fuller's interpretation would void all restitution orders issued in courts of limited jurisdiction since 1996. There is no time bar to a collateral attack on a judgment and sentence based on a claim that the trial court exceeded its

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<sup>2</sup> The court is expressly authorized to order alcohol and drug treatment as a condition of sentence for a Driving Under the Influence ("DUI") conviction. RCW 46.61.5055(11)(a). However, there is no statute that expressly authorizes the court to order alcohol and drug treatment for DUI charges amended to the lesser charges of Reckless Driving, RCW 46.61.500, or Negligent Driving in the First Degree, RCW 46.61.5249, nor is there a statute that authorizes alcohol and drug treatment after a conviction for Minor in Possession of Alcohol, RCW 66.44.270(2), or Assault in the Fourth Degree, RCW 9A.36.041.

jurisdiction. See In re Coats, 173 Wn.2d 123, 136, 267 P.3d 324 (2011) (holding that a judgment is facially invalid when the court “exercised a power it did not have”). Any person injured by a misdemeanor in the last 16 years would lose his or her right to receive restitution payments, if the crime was prosecuted in a court of limited jurisdiction. Defendants would presumably demand refunds from crime victims and county clerk’s offices that have collected restitution payments. Ironically, defendants prosecuted for the same crimes in superior court would not realize such a windfall. These are far-reaching and unintended consequences of an innocuous 1996 amendment that was meant to address an entirely different subject---supervision of misdemeanor probation---not to overturn the well-established authority of courts of limited jurisdiction to order restitution.

**V. CONCLUSION**

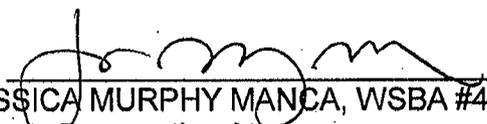
“[E]ven apparently plain words, divorced from the context in which they arise and in which their creators intended them to function, may not accurately convey the meaning the creators intended to impart. It is only, therefore, within a context that a word, any word, can communicate an idea.” 2A Sutherland Statutory Construction § 46.5 (quoting Leach v. F.D.I.C., 860 F.2d

1266, 1270 (5th Cir. 1988)). In the context of related statutes and legislative history, it is clear that the legislature has always intended that courts of limited jurisdiction have the authority to order restitution. This Court should affirm the legislature's desire to provide restitution to the thousands of people who are harmed by misdemeanor crimes, regardless of whether those crimes are prosecuted in superior courts or a court of limited jurisdiction.

DATED this 9<sup>th</sup> day of August, 2012.

Respectfully submitted,

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# APPENDIX A

# FINAL BILL REPORT

## SHB 2533

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C 298 L 96  
Synopsis as Enacted

**Brief Description:** Revising misdemeanor probation programs.

**Sponsors:** By House Committee on Law & Justice (originally sponsored by Representatives Hickel, Sheahan, Cody, Sterk, Smith, Morris and Dellwo).

**House Committee on Law & Justice**  
**Senate Committee on Human Services & Corrections**

**Background:** Probation is a sentencing option available to impose against a person found guilty of a crime. Probation may be ordered in addition to or in lieu of any other penalty, including imprisonment. An offender sentenced to probation must meet certain conditions of probation set by the court. An offender sentenced to probation must report to a probation officer and must follow the instructions of the probation officer.

In general, the Department of Corrections (DOC) is responsible for supervising felony offenders when sentences are imposed in superior court, and the counties are responsible for supervising misdemeanants and gross misdemeanants when sentences are imposed in district court.

Historically, the DOC has also supervised misdemeanants and gross misdemeanants sentenced in superior court. Statutes that were enacted prior to the adoption of the Sentencing Reform Act placed this responsibility on the DOC.

During the 1994 legislative session, a proviso was added to the budget that prohibited the DOC from supervising misdemeanants and gross misdemeanants who were sentenced in superior court. Counties objected when the DOC took steps to implement this change after the session ended. The counties argued that the DOC still had the responsibility for supervising these offenders because the substantive statutes were not amended.

The counties and the DOC began discussing alternative ways in which these supervision duties could be handled. In the meantime, the Governor ordered the DOC to continue supervising these offenders while another solution was being negotiated.

The Washington State Law and Justice Advisory Council, a coalition of representatives from state and local agencies, became involved in the discussion and proposed a solution for legislative consideration.

Municipal and district court judges may impose a monthly assessment of not more than \$50 on persons referred to local probation departments. In 1995, the Legislature increased the fee that the DOC may impose on probationers under its jurisdiction to \$100.

**Summary:** The Department of Corrections is to assume the supervision of misdemeanor sentenced in superior court. When a superior court judge orders supervision of a misdemeanor or gross misdemeanor, responsibility for the supervision falls initially on the DOC. Counties, however, may elect to perform their own supervision of these offenders for a particular biennium. A county making this election will enter into a contract with the DOC. Under such contracts, counties may receive funding from the DOC that must be used in supervising these offenders. The amount of the funds will be determined according to a formula established by the DOC.

Any county that contracts with the DOC to supervise superior court misdemeanor must establish and maintain classification and supervision standards that meet specified minimum requirements. A county's standards may not be less stringent than those required by the DOC. The standards are to be met and may be adjusted, within resources appropriated by the Legislature and supplemented by fee collections.

The state of Washington and the DOC and its employees, community corrections officers, and volunteers are not liable for any harm caused by the actions of a superior court probationer who is under the supervision of a county. A county and its probation department, probation officers, and volunteers are not liable for any harm caused by a superior court misdemeanor who is under the supervision of the DOC. The DOC and any county probation department under contract with the DOC and their employees, community corrections officers, and probation officers are not liable for civil damages resulting from an act or omission unless the act or omission constitutes gross negligence.

The provision of law allowing a referral assessment for probation services is amended to clarify the language. The maximum monthly fee that a judge of a municipal or district court may levy upon a person when the person is referred to the misdemeanor probation department for evaluation or services is increased from \$50 to \$100.

The Office of the Administrator for the Courts (OAC) is directed to define a probation department and to adopt rules for the qualifications of probation officers. These rules are to be developed by an oversight committee consisting of

representatives of district and municipal courts, the misdemeanor corrections association, OAC, and cities and counties. The oversight committee is directed to consider the qualifications needed to ensure that probation officers have the training and education necessary to conduct pre-sentencing and post-sentencing recommendations and to provide ongoing supervision and assessment of offenders' needs and the risk the offenders pose to the community.

Technical and clarifying amendments are made.

**Votes on Final Passage:**

|        |    |   |                           |
|--------|----|---|---------------------------|
| House  | 96 | 0 |                           |
| Senate | 48 | 0 | (Senate amended)          |
| House  |    |   | (House refused to concur) |
| Senate | 49 | 0 | (Senate amended)          |
| House  |    |   | (House refused to concur) |
| Senate | 46 | 0 | (Senate amended)          |
| House  | 98 | 0 | (House concurred)         |

**Effective:** June 6, 1996

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2533

54th Legislature  
1996 Regular Session

Passed by the House March 7, 1996  
Yeas 98 Nays 0

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Speaker of the  
House of Representatives

Passed by the Senate March 7, 1996  
Yeas 46 Nays 0

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President of the Senate

Approved

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Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2533** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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Chief Clerk

FILED

Secretary of State  
State of Washington

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SUBSTITUTE HOUSE BILL 2533

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AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington                      54th Legislature                      1996 Regular Session

By House Committee on Law & Justice (originally sponsored by  
Representatives Hickel, Sheahan, Cody, Sterk, Smith, Morris and Dellwo)

Read first time 02/02/96.

1            AN ACT Relating to misdemeanor probation services; amending RCW  
2 9.95.210, 9.95.214, 9.92.060, 10.64.120, and 36.01.070; and adding new  
3 sections to chapter 9.95 RCW.

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

5            NEW SECTION. Sec. 1. A new section is added to chapter 9.95 RCW  
6 to read as follows:

7            (1) When a superior court places a defendant convicted of a  
8 misdemeanor or gross misdemeanor on probation and orders supervision  
9 under RCW 9.92.060 or 9.95.210, the department of corrections has  
10 initial responsibility for supervision of that defendant.

11            (2) A county legislative authority may assume responsibility for  
12 the supervision of all defendants within its jurisdiction who have been  
13 convicted of a misdemeanor or gross misdemeanor and sentenced to  
14 probation by a superior court. The assumption of responsibility shall  
15 be made by contract with the department of corrections on a biennial  
16 basis.

17            (3) If a county assumes supervision responsibility, the county  
18 shall supervise all superior court misdemeanor probationers within

1 that county for the duration of the biennium, as set forth in the  
2 contract with the department of corrections.

3 (4) A contract between a county legislative authority and the  
4 department of corrections for the transfer of supervision  
5 responsibility must include, at a minimum, the following provisions:

6 (a) The county's agreement to supervise all misdemeanor  
7 probationers who are sentenced by a superior court within that county  
8 and who reside within that county;

9 (b) A reciprocal agreement regarding the supervision of superior  
10 court misdemeanor probationers sentenced in one county but who reside  
11 in another county;

12 (c) The county's agreement to comply with the minimum standards for  
13 classification and supervision of offenders as required under section  
14 2 of this act;

15 (d) The amount of funds available from the department of  
16 corrections to the county for supervision of superior court  
17 misdemeanor probationers, calculated according to a formula  
18 established by the department of corrections;

19 (e) A method for the payment of funds by the department of  
20 corrections to the county;

21 (f) The county's agreement that any funds received by the county  
22 under the contract will be expended only to cover costs of supervision  
23 of superior court misdemeanor probationers;

24 (g) The county's agreement to account to the department of  
25 corrections for the expenditure of all funds received under the  
26 contract and to submit to audits for compliance with the supervision  
27 standards and financial requirements of this section;

28 (h) Provisions regarding rights and remedies in the event of a  
29 possible breach of contract or default by either party; and

30 (i) Provisions allowing for voluntary termination of the contract  
31 by either party, with good cause, after sixty days' written notice.

32 (5) If the contract between the county and the department of  
33 corrections is terminated for any reason, the department of corrections  
34 shall reassume responsibility for supervision of superior court  
35 misdemeanor probationers within that county. In such an event, the  
36 department of corrections retains any and all rights and remedies  
37 available by law and under the contract.

38 (6) The state of Washington, the department of corrections and its  
39 employees, community corrections officers, and volunteers who assist

1 community corrections officers are not liable for any harm caused by  
2 the actions of a superior court misdemeanor probationer who is under  
3 the supervision of a county. A county, its probation department and  
4 employees, probation officers, and volunteers who assist probation  
5 officers are not liable for any harm caused by the actions of a  
6 superior court misdemeanor probationer who is under the supervision of  
7 the department of corrections. This subsection applies regardless of  
8 whether the supervising entity is in compliance with the standards of  
9 supervision at the time of the misdemeanor probationer's actions.

10 (7) The state of Washington, the department of corrections and its  
11 employees, community corrections officers, any county under contract  
12 with the department of corrections pursuant to this section and its  
13 employees, probation officers, and volunteers who assist community  
14 corrections officers and probation officers in the superior court  
15 misdemeanor probation program are not liable for civil damages  
16 resulting from any act or omission in the rendering of superior court  
17 misdemeanor probation activities unless the act or omission  
18 constitutes gross negligence. For purposes of this section,  
19 "volunteers" is defined according to RCW 51.12.035.

20 NEW SECTION. Sec. 2. A new section is added to chapter 9.95 RCW  
21 to read as follows:

22 (1) Probation supervision of misdemeanor offenders sentenced in a  
23 superior court must be based upon an offender classification system and  
24 supervision standards.

25 (2) Any entity under contract with the department of corrections  
26 pursuant to section 1 of this act shall establish and maintain a  
27 classification system that:

28 (a) Provides for a standardized assessment of offender risk;

29 (b) Differentiates between higher and lower risk offenders based on  
30 criminal history and current offense;

31 (c) Assigns cases to a level of supervision based on assessed risk;

32 (d) Provides, at a minimum, three levels of supervision;

33 (e) Provides for periodic review of an offender's classification  
34 level during the term of supervision; and

35 (f) Structures the discretion and decision making of supervising  
36 officers.

1 (3) Any entity under contract with the department of corrections  
2 pursuant to section 1 of this act may establish and maintain  
3 supervision standards that:

4 (a) Identify the frequency and nature of offender contact within  
5 each of at least three classification levels;

6 (b) Provide for a minimum of one face-to-face contact each month  
7 with offenders classified at the highest level of risk;

8 (c) Provide for a minimum of one personal contact per quarter for  
9 lower-risk offenders;

10 (d) Provide for specific reporting requirements for offenders  
11 within each level of the classification system;

12 (e) Assign higher-risk offenders to staff trained to deal with  
13 higher-risk offenders;

14 (f) Verify compliance with sentence conditions imposed by the  
15 court; and

16 (g) Report to the court violations of sentence conditions as  
17 appropriate.

18 (4) Under no circumstances may an entity under contract with the  
19 department of corrections pursuant to section 1 of this act establish  
20 or maintain supervision that is less stringent than that offered by the  
21 department.

22 (5) The minimum supervision standards established and maintained by  
23 the department of corrections shall provide for no less than one  
24 contact per quarter for misdemeanor probationers under its  
25 jurisdiction. The contact shall be a personal interaction accomplished  
26 either face-to-face or by telephone, unless the department finds that  
27 the individual circumstances of the offender do not require personal  
28 interaction to meet the objectives of the supervision. The  
29 circumstances under which the department may find that an offender does  
30 not require personal interaction are limited to the following: (a) The  
31 offender has no special conditions or crime-related prohibitions  
32 imposed by the court other than legal financial obligations; and (b)  
33 the offender poses minimal risk to public safety.

34 (6) The classification system and supervision standards must be  
35 established and met within the resources available as provided for by  
36 the legislature and the cost of supervision assessments collected, and  
37 may be enhanced by funds otherwise generated by the supervising entity.

1        **Sec. 3.** RCW 9.95.210 and 1995 1st sp.s. c 19 s 29 are each amended  
2 to read as follows:

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

8        (2) In the order granting probation and as a condition thereof, the  
9 superior court may in its discretion imprison the defendant in the  
10 county jail for a period not exceeding one year and may fine the  
11 defendant any sum not exceeding the statutory limit for the offense  
12 committed, and court costs. As a condition of probation, the superior  
13 court shall require the payment of the penalty assessment required by  
14 RCW 7.68.035. The superior court may also require the defendant to  
15 make such monetary payments, on such terms as it deems appropriate  
16 under the circumstances, as are necessary: (a) To comply with any order  
17 of the court for the payment of family support; (b) to make restitution  
18 to any person or persons who may have suffered loss or damage by reason  
19 of the commission of the crime in question or when the offender pleads  
20 guilty to a lesser offense or fewer offenses and agrees with the  
21 prosecutor's recommendation that the offender be required to pay  
22 restitution to a victim of an offense or offenses which are not  
23 prosecuted pursuant to a plea agreement; (c) to pay such fine as may be  
24 imposed and court costs, including reimbursement of the state for costs  
25 of extradition if return to this state by extradition was required; (d)  
26 following consideration of the financial condition of the person  
27 subject to possible electronic monitoring, to pay for the costs of  
28 electronic monitoring if that monitoring was required by the court as  
29 a condition of release from custody or as a condition of probation; (e)  
30 to contribute to a county or interlocal drug fund; and (f) to make  
31 restitution to a public agency for the costs of an emergency response  
32 under RCW 38.52.430, and may require bonds for the faithful observance  
33 of any and all conditions imposed in the probation.

34        (3) The superior court shall order restitution in all cases where  
35 the victim is entitled to benefits under the crime victims'  
36 compensation act, chapter 7.68 RCW. If the superior court does not  
37 order restitution and the victim of the crime has been determined to be  
38 entitled to benefits under the crime victims' compensation act, the  
39 department of labor and industries, as administrator of the crime

1 victims' compensation program, may petition the superior court within  
2 one year of imposition of the sentence for entry of a restitution  
3 order. Upon receipt of a petition from the department of labor and  
4 industries, the superior court shall hold a restitution hearing and  
5 shall enter a restitution order.

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

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

31 **Sec. 4.** RCW 9.95.214 and 1995 1st sp.s. c 19 s 32 are each amended  
32 to read as follows:

33 Whenever a defendant convicted of a misdemeanor or gross  
34 misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and  
35 the defendant is supervised by the department of corrections or a  
36 county probation department, the department or county probation  
37 department may assess and collect from the defendant for the duration  
38 of the term of supervision a monthly assessment not to exceed one

1 hundred dollars per month. This assessment shall be paid to the  
2 ((department)) agency supervising the defendant and shall be applied,  
3 along with funds appropriated by the legislature, toward the payment or  
4 part payment of the cost of supervising the defendant.

5 **Sec. 5.** RCW 9.92.060 and 1995 1st sp.s. c 19 s 30 are each amended  
6 to read as follows:

7 (1) Whenever any person is convicted of any crime except murder,  
8 burglary in the first degree, arson in the first degree, robbery, rape  
9 of a child, or rape, the superior court may, in its discretion, at the  
10 time of imposing sentence upon such person, direct that such sentence  
11 be stayed and suspended until otherwise ordered by ((such)) the  
12 superior court, and that the sentenced person be placed under the  
13 charge of a community corrections officer employed by the department of  
14 corrections, or if the county elects to assume responsibility for the  
15 supervision of all superior court misdemeanor probationers a probation  
16 officer employed or contracted for by the county, upon such terms as  
17 the superior court may determine.

18 (2) As a condition to suspension of sentence, the superior court  
19 shall require the payment of the penalty assessment required by RCW  
20 7.68.035. In addition, the superior court may require the convicted  
21 person to make such monetary payments, on such terms as the superior  
22 court deems appropriate under the circumstances, as are necessary: (a)  
23 To comply with any order of the court for the payment of family  
24 support; (b) to make restitution to any person or persons who may have  
25 suffered loss or damage by reason of the commission of the crime in  
26 question or when the offender pleads guilty to a lesser offense or  
27 fewer offenses and agrees with the prosecutor's recommendation that the  
28 offender be required to pay restitution to a victim of an offense or  
29 offenses which are not prosecuted pursuant to a plea agreement; (c) to  
30 pay any fine imposed and not suspended and the court or other costs  
31 incurred in the prosecution of the case, including reimbursement of the  
32 state for costs of extradition if return to this state by extradition  
33 was required; and (d) to contribute to a county or interlocal drug  
34 fund.

35 (3) As a condition of the suspended sentence, the superior court  
36 may order the probationer to report to the secretary of corrections or  
37 such officer as the secretary may designate and as a condition of the  
38 probation to follow the instructions of the secretary. If the county

1 legislative authority has elected to assume responsibility for the  
2 supervision of superior court misdemeanor probationers within its  
3 jurisdiction, the superior court misdemeanor probationer shall report  
4 to a probation officer employed or contracted for by the county. In  
5 cases where a superior court misdemeanor probationer is sentenced in  
6 one county, but resides within another county, there must be provisions  
7 for the probationer to report to the agency having supervision  
8 responsibility for the probationer's county of residence.

9 (4) If restitution to the victim has been ordered under subsection  
10 (2)(b) of this section and the superior court has ordered supervision,  
11 the officer supervising the probationer shall make a reasonable effort  
12 to ascertain whether restitution has been made as ordered. If the  
13 superior court has ordered supervision and restitution has not been  
14 made, the officer shall inform the prosecutor of that violation of the  
15 terms of the suspended sentence not less than three months prior to the  
16 termination of the suspended sentence.

17 Sec. 6. RCW 10.64:120 and 1991 c 247 s 3 are each amended to read  
18 as follows:

19 (1) Every judge of a court of limited jurisdiction shall have the  
20 authority to levy upon a person a monthly assessment not to exceed  
21 ~~((fifty))~~ one hundred dollars for services provided whenever ~~((a))~~ the  
22 person is referred by the court to the misdemeanant probation  
23 department for evaluation or supervision services. The assessment may  
24 also be made by a ~~((sentencing))~~ judge in superior court when such  
25 misdemeanor or gross misdemeanor cases are heard in the superior court.

26 (2) For the purposes of this section the office of the  
27 administrator for the courts shall define a probation department and  
28 adopt rules for the qualifications of probation officers based on  
29 occupational and educational requirements developed by an oversight  
30 committee. This oversight committee shall include a representative  
31 from the district and municipal court judges association, the  
32 misdemeanant corrections association, the office of the administrator  
33 for the courts, and associations of cities and counties. The oversight  
34 committee shall consider qualifications that provide the training and  
35 education necessary to (a) conduct presentencing and postsentencing  
36 background investigations, including sentencing recommendations to the  
37 court regarding jail terms, alternatives to incarceration, and

1 conditions of release; and (b) provide ongoing supervision and  
2 assessment of offenders' needs and the risk they pose to the community.

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

7 ((+3+)) (4) Revenues raised under this section shall be used to  
8 fund programs for probation services and shall be in addition to those  
9 funds provided in RCW 3.62.050.

10 **Sec. 7.** RCW 36.01.070 and 1967 c 200 s 9 are each amended to read  
11 as follows:

12 Notwithstanding the provisions of chapter 72.01 RCW or any other  
13 provision of law, counties may engage in probation and parole services  
14 and employ personnel therefor under such terms and conditions as any  
15 such county shall so determine. If a county elects to assume  
16 responsibility for the supervision of superior court misdemeanant  
17 offenders placed on probation under RCW 9.92.060 or 9.95.210, the  
18 county may contract with other counties to receive or provide such  
19 probation services. A county may also enter into partnership  
20 agreements with the department of corrections under RCW 72.09.300.

--- END ---

## **APPENDIX B**

# FINAL BILL REPORT

## SHB 1117

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C 115 L 01

Synopsis as Enacted

**Brief Description:** Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction.

**Sponsors:** By House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh).

**House Committee on Judiciary**  
**Senate Committee on Judiciary**

### **Background:**

District and municipal courts are courts of limited jurisdiction. They have jurisdiction over misdemeanor and gross misdemeanor actions.

As part of an offender's sentence, a court of limited jurisdiction may order that the offender pay restitution to the victim. A court-ordered restitution obligation is not enforceable in the same manner as a civil judgment unless the obligation is converted to a civil judgment.

Under the Sentencing Reform Act, which only applies to felonies, courts may impose legal financial obligations, including restitution, as part of sentencing. Those legal financial obligations from superior courts are enforceable as civil judgments. They may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of the legal financial obligation.

### **Summary:**

A court-ordered restitution obligation ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction is enforceable in the same manner as a judgment in a civil action.

The restitution obligation is enforceable within 10 years following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial 10-year period, the court may extend the judgment an additional 10 years for payment of court-ordered restitution

if the court finds the offender has not made a good faith attempt to pay.

The party or entity to whom the restitution is owed may use any other remedies available to collect. Judgments enforced by a lien on real estate must be enforced under the existing statute governing judgment liens.

**Votes on Final Passage:**

House 96 0

Senate 47 1

**Effective:** July 22, 2001

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1117

57th Legislature  
2001 Regular Legislative Session

Passed by the House March 9, 2001  
Yeas 96 Nays 0

\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
Speaker of the House of Representatives

Passed by the Senate April 10, 2001  
Yeas 47 Nays 0

\_\_\_\_\_  
President of the Senate

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 1117 as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Chief Clerk

FILED

Secretary of State  
State of Washington

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SUBSTITUTE HOUSE BILL 1117

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Passed Legislature - 2001 Regular Session

State of Washington                      57th Legislature                      2001 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh)

Read first time . Referred to Committee on .

1        AN ACT Relating to enforcement of court-ordered restitution  
2 obligations; and adding new sections to chapter 3.66 RCW.

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

4        NEW SECTION.    Sec. 1. A new section is added to chapter 3.66 RCW  
5 to read as follows:

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

13        All court-ordered restitution obligations may be enforced at any  
14 time during the ten-year period following the offender's release from  
15 total confinement or within ten years of entry of the judgment and  
16 sentence, whichever period is longer. Prior to the expiration of the  
17 initial ten-year period, the court may extend the criminal judgment an  
18 additional ten years for payment of court-ordered restitution only if

1 the court finds that the offender has not made a good faith attempt to  
2 pay.

3 The party or entity to whom the court-ordered restitution  
4 obligation is owed may utilize any other remedies available to the  
5 party or entity to collect the court-ordered financial obligation.

6 Nothing in this section may be construed to deprive the court of  
7 the authority to determine whether the offender's failure to pay the  
8 legal financial obligation constitutes a violation of a condition of  
9 probation or to impose a sanction upon the offender if such a violation  
10 is found.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 3.66 RCW  
12 to read as follows:

13 If the party or entity for whom a court-ordered restitution  
14 obligation has been entered pursuant to this title seeks to enforce the  
15 judgment as a lien on real estate, he or she shall commence a lien of  
16 judgment upon the real estate of the judgment debtor/obligor as  
17 provided in RCW 4.56.200.

18 When any court-ordered restitution obligation entered pursuant to  
19 this title is paid or satisfied, the clerk of the court of limited  
20 jurisdiction in which the restitution obligation was ordered shall note  
21 upon the record of the court of limited jurisdiction satisfaction  
22 thereof including the date of the satisfaction.

--- END ---

Certificate of Service

Today I hand-delivered a copy of the Motion for Leave to File Amicus Curiae Brief and Amicus Curiae Brief of Washington Association of Prosecuting Attorneys to Christine Jackson, the attorney for the petitioner, at the law offices of The Defender Association, 810 Third Avenue, Suite 800, Seattle, WA 98104, in CITY OF SEATTLE V. FULLER, Cause No. 86148-0, in the Supreme Court, for the State of Washington.

Today I also hand-delivered a copy of the Motion for Leave to File Amicus Curiae Brief and Amicus Curiae Brief of Washington Association of Prosecuting Attorneys to Andrea Chin, the attorney for the respondent, at the Seattle City Attorney's Office, 700 5th Avenue, Suite 5350, Seattle, WA 98104, in CITY OF SEATTLE V. FULLER, Cause No. 86148-0, in the Supreme Court, for the State of Washington.

I certify under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

  
\_\_\_\_\_  
Jessica Manca  
Done in Seattle, Washington

8/9/12  
August 9, 2012

## OFFICE RECEPTIONIST, CLERK

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**To:** Manca, Jessica  
**Subject:** RE: City of Seattle v. Fuller, 86148-0

Rec. 8-9-12

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

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**From:** Manca, Jessica [<mailto:Jessica.Manca@kingcounty.gov>]  
**Sent:** Thursday, August 09, 2012 4:54 PM  
**To:** OFFICE RECEPTIONIST, CLERK  
**Subject:** City of Seattle v. Fuller, 86148-0

Good afternoon,

This email is regarding City of Seattle v. Donald Fuller, 86148-0

Please accept for filing the attached a Motion for Leave to File Amicus Curiae Brief, as well as the Amicus Curiae Brief of Washington Association of Prosecuting Attorneys.

Jessica Murphy Manca  
(206) 296-9544  
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Thank you,

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