



MINORITY AND JUSTICE COMMISSION

AOC SEATAC OFFICE, SEATTLE, WASHINGTON

MONDAY, FEBRUARY 27, 2017

(8:45 A.M. – 12:45 P.M.)

JUSTICE MARY YU, CO-CHAIR

JUSTICE CHARLES W. JOHNSON, CO-CHAIR

Teleconference: 1-877-820-7831

Passcode: 358515#

AGENDA

CALL TO ORDER 8:45 – 8:50 a.m. (5 minutes)

- Call to Order and Acknowledgement of Guests
- Approval of December 2, 2016 Meeting Minutes 1

CO-CHAIRS' REPORT 8:50 – 9:10 a.m. (20 minutes)

- 2017 Jury Diversity Supreme Court Symposium at the Temple of Justice: May 24, 9 am – noon, followed by a reception
- LFO Bill – HB 1783 8
- Pre-trial Task Force Kick-Off: March 31, 8:30 am – 12:30 pm, AOC SeaTac Office
- GR 36 – comment period open until April 30th 38
- National Consortium for Racial and Ethnic Fairness: May 15 – 17, St. Louis, Missouri 41
- Judges and Commissioners of Color Directory

STAFF & COMMITTEE REPORTS

- **9:10 – 9:40 a.m. (30 minutes)**
Check-in Regarding New Immigration Executive Orders – Annie Benson & Jasmin Samy 42
 - Impact on MJC projects and priorities
 - Providing guidance and model practices for courts to ensure access to justice
- **9:40 – 10:25 a.m. (45 minutes)**
Staff Report – Carolyn Cole & Cynthia Delostrinos
 - LFO Stakeholder Consortium
 - Racial Impact Statement Bill – SB 5588 43
 - BJA Policy Proposal – Jury Diversity and LFOs 52
 - Youth and Justice Forums
 - MLK Youth Advocacy Day
 - Diversity Justice Day for Youth: March 28, Wenatchee Valley College
 - Seattle Youth and Law Forum: April 29, 8 am – 3 pm, First A.M.E. Church
 - Tri-Cities – November 3, Columbia Basin College
 - Joint meeting follow-up 57
 - Mission Statement and Committee Goals updates 58
 - Spokane Community Event with Ron Davis: April 24, 5 – 8 pm
 - Eliminating the Pipeline School Discipline Series
 - 2017 Budget 60
- **10:25 – 10:45 a.m. (20 minutes)**
Law Student Liaisons
 - Project proposals and updates (Gonzaga, UW, SU) 61
- **10:45 – 11:05 a.m. (20 minutes)**
Juvenile Justice Committee – Annie Lee
 - Upcoming projects
- **11:05 – 11:25 a.m. (20 minutes)**
Education Committee – Justice Stephens
 - Judicial College

- Appellate Conference
- SCJA Conference
- DMCJA Conference
- Fall Judicial Conference
- ATJ Conference
- **11:25 – 11:45 a.m. (20 minutes)**
Workforce Diversity Committee – Judge Bonnie Glenn & Judge Alicea Galvan
 - Justice C.Z. Smith Awards
- **11:45 a.m. – 12:05 p.m. (20 minutes)**
Outreach Committee – Judge Yule
 - Meeting location proposal
 - 2017 MJC Poster and Justice C.Z. Smith tribute page

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Next Commission Meeting: Friday, April 7, 2017, Location TBD



Washington State Minority and Justice Commission
(WSMJC)
Friday, December 2 , 2016
11:00 a.m. – 1:30 p.m.
Washington State Bar Association Office
Seattle, WA
Teleconference: 1-877-820-7831
Passcode: 358515#



MEETING NOTES

Commission Members Present

Justice Charles Johnson, Co-Chair
Justice Mary Yu, Co-Chair
Judge Veronica Alicea-Galvan
Judge Lisa Atkinson (Online)
Prof. Lori Bannai
Mr. Jeffrey Beaver
Ms. Anne Benson
Ms. Diana Bob
Prof. Robert Boruchowitz (Online)
Mr. Steve Clem
Judge Linda Coburn
Sgt. Adrian Diaz
Mr. Mike Diaz
Judge Lisa Dickinson
Judge Theresa Doyle (Online)
Prof. Jason Gillmer
Judge. Bonnie Glenn
Mr. Uriel Iñiguez
Ms. Anne Lee
Ms. Kim Morrison
Ms. Karen Murray
Ms. P. Diane Schneider
Judge Lori Smith
Mr. Travis Stearns
Judge Kimberly Walden
Judge Dennis Yule, Ret.

AOC Staff Present

Ms. Cynthia Delostrinos
Ms. Nichole Kloepfer
Ms. Carolyn Cole

Guests

Ms. Jaime Hawk
Ms. Breanne Schuster

Student Liaisons Present

Ms. Renee Ambacher
Ms. Kidane Astor
Ms. Sara Erickson
Ms. Camille M. McDorman
Ms. Sarah Freeburg
Mr. Peter Alexander Gale
Mr. Jamison Nichols
Ms. Katherine Sanburn
Ms. Maia Crawford-Bernick
Ms. Jodilyn Gilleland

CALL TO ORDER

The meeting was called to order at 11:45 a.m.

The meeting minutes from the September 23, 2016, meeting were approved as amended.

Justice Yu noted that the breakout sessions from the ATJ/Commissions joint meeting that was held in the morning went well and there was great discussion. Holding meetings in the community has many advantages. Judge Alicea-Galvan noted in order for us to serve better, we have to continue to be open to those conversations. There is language and fear that has resulted from the current political climate. Ms. Cynthia Delostrinos will continue to think about future areas of collaborations for the Commissions and the ATJ Board.

CO-CHAIRS REPORT

Welcome New Staff – Carolyn Cole

Carolyn Cole is a recent graduate of NYU School of Law, where she focused her studies on civil rights law and criminal justice policy. She has worked on matters related to mass incarceration and police abuse as a clinical student at the New York Civil Liberties Union and Brennan Center for Justice. In addition, she has interned with the Lawyers' Committee for Civil Rights Educational Opportunities Project and the United States Department of Justice Civil Rights Division in their Special Litigation Section. Prior to law school, Carolyn was a Co-Coordinator for the Detroit Scholarship Fund, which guarantees a tuition-free path to any Detroit high school senior. She also spent two years teaching fifth grade literacy in Southeast D.C. through the Teach for American program. Before teaching, Carolyn served as a Legislative Aide in Colorado. She graduated from Emory University in 2009 with a B.A. in Sociology and International Studies.

Commission Membership

Justice Yu discussed the duties of Commission members and shared that some members' terms are ending in 2016. Members that have been asked to renew their membership: Judge Lisa Dickinson, Judge Bonnie Glenn, Judge LeRoy McCullough, Justice Debra Stephens, Ms. Karen Murray, Mr. Mike Diaz, Judge Lisa Atkinson, Ms. Anne Benson, Mr. Jeffery Beaver, and Judge Dennis Yule.

Welcome New Members – Kim Morrison and Diana Bob

The Commission welcomes Ms. Kim Morrison as the new Commission liaison for the Washington State Association of County Clerks, and Ms. Diana Bob as our new Minority Bar Association representative.

Kim Morrison: <http://www.co.chelan.wa.us/clerk>
Diana Bob: <https://www.stoel.com/dbob>

Appointment Committee

As some members' terms are ending, the Commission has a great opportunity to recruit community representatives. Justice Yu requested an Appointment Committee be

formed to assist with the new appointments. The Appointment Committee is tasked with recruiting members to join the Commission in 2017.

Justice Yu gave background on how the governance of the Commission worked. Co-Chairs make recommendations to the Chief Justice and the Chief Justice makes the appointments. She would like to see a change in the way members are recruited and potentially include trial judges or others to increase diversity in perspectives.

Appointment Committee will include: Judge Lisa Dickinson, Ms. Annie Benson, Sergeant Adrian Diaz, Ms. P. Diane Schneider, Ms. Karen Murray, Justice Debra Stephens, Mr. Jeffrey Beaver, and Judge Lisa Atkinson.

2017 Supreme Court Symposium: Wednesday, May 24, 2017

The Supreme Court Symposium topic this year is Jury Diversity. Judge Rosen has given a great presentation of the survey project and the symposium would be great place for him to present the data and outcome.

Justice Yu asked for volunteers to assist with the logistics and planning of the event.

The Symposium Committee will include: Judge Steve Rosen, Ms. Anita Khandelwal, Mr. David Morales, Professor Peter Collins, Judge Linda Coburn, Judge Theresa Doyle, Professor Jason Gillmer, Judge Lori Smith, Ms. Angeline Thomas, and Ms. Jamie Hawk. The initial meeting is to be held by mid-January and it will be in person. Subsequent meetings will be by phone.

LFO Stakeholders Consortium

Justice Yu shared that the stakeholders group that will be convened to carry out the objectives of the DOJ Price of Justice Grant that MJC received will be rolling out in January 2017.

STAFF REPORT

Staff Report – Carolyn Cole & Cynthia Delostrinos

Ms. Cynthia Delostrinos stated that the budget is presented at every meeting for transparency. The budget is included in the meeting materials.

Upcoming Youth and Justice Forum – Spokane (Dec. 9)

December 9, 2016, is the next Youth and Justice Forum in Spokane. It will be held at Spokane Falls Community College. Students will participate in hypothetical legal scenarios, learn about their rights, and learn about careers in the legal field.

Carolyn has started a monthly newsletter that will support the creation of a pipeline for

diverse youth in the legal field. If interested in submitting content, please email Carolyn at Carolyn.cole@courts.wa.gov.

Volunteers for the Spokane Youth and Justice Forum include: Mr. Mike Diaz, Ms. Diane Schneider, Ms. Carolyn Cole, Ms. Cynthia Delostrinos, Judge Leroy McCullough, and Professor Gillmer. MJC will reimburse travel costs. Professor Gillmer asked if he had a particular job assignment. Advised to contact Eric Roth to see what is needed.

2016 Shout-Outs

Ms. Carolyn Cole noted the achievements for the following Commission members:

- Justice Mary Yu was awarded the 2016 National Trailblazer Award from the National Asian Pacific American Bar Association (NAPABA)
http://www.napaba.org/?page=2016_trailblazers
<http://nwasianweekly.com/2016/11/national-trailblazer-award-goes-to-justice-mary-yu/>
- Judge Doyle was awarded the 2016 Judge of the Year Award from the Washington State Association for Justice (WSAJ)
<https://www.washingtonjustice.org/index.cfm?pg=Awards>
- Ms. Anne Benson, Mr. Mike Diaz, Judge Linda Coburn, Judge Lisa Dickinson and Ms. Diane Schneider are the members that have perfect attendance at MJC meetings.

LAW STUDENT LIAISONS

Law Student Liaisons

Project Proposals (Gonzaga, UW, SU)

Justice Yu reminded the Commission that it will vote to determine whether funding for the proposals presented by the liaisons is approved.

Gonzaga liaisons presented plans to host a “Careers in Law Panel” on April 10-13 in Spokane high schools. Overall, Commission liked the idea, but would like more information about how they plan to reach their target audience.

Result: Vote to approve funding for Gonzaga project was deferred until the next meeting. Would like the liaisons to develop their proposal more and bring it back for consideration at the next meeting. Justice Stephens, Judge Coburn and Judge Dickinson volunteered to help support.

UW liaisons presented plans to host a “Know Your Rights Workshop” for local high school students and a Race Equity Training at 1L Orientation at UW School of Law. Some members were concerned about the content of the workshop and had questions about law students being qualified to lead a rights workshop. Wanted the UW liaisons to be more strategic about the content and connect with highly qualified trainers.

Result: General support, but deferred vote to approve funding until the next meeting on the Know Your Rights Workshop. Commission voted to approve funding for the Race Equity Training (\$400).

SU liaisons presented plans to host a criminal justice speaker series. The series will cover the school-to-prison pipeline, prosecutorial discretion, and jury bias/selection. Liaisons presented a detailed budget and Commission members felt they had adequate support at their school to host the events.

Result: Commission unanimously voted to fund the project.

COMMITTEE REPORTS

Juvenile Justice Committee – Ms. Annie Lee

1. Surveyed committee members to identify workgroup priorities. The committee would like to do a deeper dive of transformative initiatives by identifying 4-5 transformative strategies and exploring the data to see if it can make recommendations for best practices.
2. Ms. Cynthia Delostrinos presented that MJC will co-sponsor a session of a juvenile justice education series with the Equity in Education Coalition of Washington in 2018.

Justice Mary Yu and Justice Charles Johnson received an email from the Council on Public Defense requesting feedback on their proposed juvenile defense standards (pages 14-45 of the packet). There is discussion about the role of juvenile defenders to address systemic issues. Ms. Anne Lee is seeing if an extension can be given for the Juvenile Justice Committee to provide feedback. Would like Commission members involved in drafting the guidelines to provide an update at the next meeting.

Education Committee – Justice Debra Stephens

Justice Stephens reported that the Commission has programs at Judicial College, SCJA and DMCJA conferences, and the Appellate Conference.

Judicial College:

- Emerging through Bias session with Judge Alicea Galvan and Judge Montoya-Lewis

Appellate Conference:

- Full 3 hour program that will include a mock Batson hearing
- Presenters include Bob Chang, Professor Anna Roberts, Judge Trickey, and Judge Leach. Professor Roberts will explore ER 609 (prior convictions for impeachment purposes).

DMCJA Conference:

- Judge Van Wormer and Dr. Carly McCurley will give a 30 minute discussion about risk needs assessment tools. Judge Logan has agreed discuss ASRA tool.

Incarceration alternatives will be explored, followed by a Q&A. Judge Van Wormer is faculty to make the smooth transition. Bail reform handout will be available.

SCJA Conference:

This year's sessions will build on themes presented last year at the SCJA Conference. Sessions will explore juror bias and high profile trials in the 21st century. Will have a session with Ron Davis, father of Jordan Davis, to screen his movie 3 ½ minutes: 10 Bullets with a discussion to follow. Another session will be led by Professor Butler to discuss the impact of race and policing.

At the joint meeting, members expressed in interest in co-sponsoring a poverty simulation with the other Commissions and the ATJ Board. Carolyn will reach out to other Commission and ATJ Board to see if there is interest in moving forward.

Workforce Diversity Committee – Judge Bonnie Glenn

With the recent passing of Justice Charles C.Z. Smith, MJC passed a resolution to recognize his contributions. Would like to format it nicely and present to his family at his memorial service at the Temple of Justice in June 2017. The Committee would like to possibly propose the renaming of the WSBA Diversity Award to the Justice C.Z. Smith Award or establish some sort of joint award for WSBA and MJC. Other ideas include a rotating award with the law schools.

The Judges of Color Directory survey that was sent last fall had 69 respondents. A follow-up email will be sent to respondents asking for photos.

Outreach Committee – Judge Dennis Yule

Judge Lisa Dickinson reported that the committee would like to:

- Determine attendance trends over the last couple of years to select alternative venues to SeaTac to reach more communities. Will draft outline of locations to present for February 2017 MJCOM meeting.
- Reach out to key stakeholders and members after collecting enough information on past retreat/new member orientation experience to see if another one is viable.
- Start process of printing C.Z. Smith Posters, update website for additional information and clarification, create documentation to provide plan for future artwork solicitations.

Addressing Current Immigration Issues

Ms. Anne Benson touched on the need to understand what will happen to sanctuary cities under the new federal administration. Would like to identify key government actors to review and amplify model policy that King County developed that bans ICE agents from being allowed to make arrests in the courtroom. Justice Yu supports exploring how we can provide courts guidance on this issue.

Meeting adjourned at 2:15 p.m.

NEXT COMMISSION MEETINGS:

- 2017 Commission proposed meeting schedule; 8:30 a.m.-12:45 p.m.; locations TBD, dates are as follows: February 27, 2017, April 7, 2017, June 30, 2017, September 22, 2017, December 1, 2017.
- Next meeting will be on February 27, 2017. AOC SeaTac Conference Room confirmed as the location.

SUBSTITUTE HOUSE BILL 1783

State of Washington

65th Legislature

2017 Regular Session

By House Judiciary (originally sponsored by Representatives Holy, Goodman, Hansen, Hayes, Stokesbary, Senn, Orwall, Kagi, Appleton, Kilduff, Rodne, Jinkins, Taylor, Shea, Tharinger, Frame, Fitzgibbon, Bergquist, Fey, Macri, Ryu, Doglio, Pellicciotti, Peterson, Santos, Reeves, Kloba, Robinson, Stanford, Hudgins, McBride, Ormsby, and Pollet)

1 AN ACT Relating to legal financial obligations; amending RCW
2 10.82.090, 3.50.100, 3.62.040, 35.20.220, 10.01.160, 10.01.170,
3 10.01.180, 10.46.190, 10.64.015, 9.92.070, 10.73.160, 9.94A.6333,
4 9.94A.760, 9.94B.040, 3.62.085, 36.18.020, 43.43.7541, and 7.68.035;
5 reenacting and amending RCW 3.62.020; and creating a new section.

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

7 **Sec. 1.** RCW 10.82.090 and 2015 c 265 s 23 are each amended to
8 read as follows:

9 (1) Except as provided in subsection (2) of this section,
10 (~~financial obligations~~) restitution imposed in a judgment shall
11 bear interest from the date of the judgment until payment, at the
12 rate applicable to civil judgments. As of the effective date of this
13 section, no interest shall accrue on nonrestitution legal financial
14 obligations. All nonrestitution interest retained by the court shall
15 be split twenty-five percent to the state treasurer for deposit in
16 the state general fund, twenty-five percent to the state treasurer
17 for deposit in the judicial information system account as provided in
18 RCW 2.68.020, twenty-five percent to the county current expense fund,
19 and twenty-five percent to the county current expense fund to fund
20 local courts.

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

5 (a) The court shall waive all interest on the portions of the
6 legal financial obligations that are not restitution that accrued
7 ~~((during the term of total confinement for the conviction giving rise~~
8 ~~to the financial obligations, provided the offender shows that the~~
9 ~~interest creates a hardship for the offender or his or her immediate~~
10 ~~family)) prior to the effective date of this section;~~

11 (b) The court may reduce interest on the restitution portion of
12 the legal financial obligations only if the principal has been paid
13 in full((÷

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

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

30 (3) This section only applies to adult offenders.

31 **Sec. 2.** RCW 3.50.100 and 2012 c 136 s 3 are each amended to read
32 as follows:

33 (1) Costs in civil and criminal actions may be imposed as
34 provided in district court. All fees, costs, fines, forfeitures and
35 other money imposed by any municipal court for the violation of any
36 municipal or town ordinances shall be collected by the court clerk
37 and, together with any other noninterest revenues received by the
38 clerk, shall be deposited with the city or town treasurer as a part
39 of the general fund of the city or town, or deposited in such other

1 fund of the city or town, or deposited in such other funds as may be
2 designated by the laws of the state of Washington.

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

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

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

25 (b) As of the effective date of this section, penalties, fines,
26 bail forfeitures, fees, and costs imposed against a defendant in a
27 criminal proceeding shall not accrue interest.

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

35 **Sec. 3.** RCW 3.62.020 and 2012 c 262 s 1, 2012 c 136 s 4, and
36 2012 c 134 s 6 are each reenacted and amended to read as follows:

37 (1) Except as provided in subsection (4) of this section, all
38 costs, fees, fines, forfeitures and penalties assessed and collected
39 in whole or in part by district courts, except costs, fines,

1 forfeitures and penalties assessed and collected, in whole or in
2 part, because of the violation of city ordinances, shall be remitted
3 by the clerk of the district court to the county treasurer at least
4 monthly, together with a financial statement as required by the state
5 auditor, noting the information necessary for crediting of such funds
6 as required by law.

7 (2) Except as provided in RCW 9A.88.120, 10.99.080, 7.84.100(4),
8 and this section, the county treasurer shall remit thirty-two percent
9 of the noninterest money received under subsection (1) of this
10 section except certain costs to the state treasurer. "Certain costs"
11 as used in this subsection, means those costs awarded to prevailing
12 parties in civil actions under RCW 4.84.010 or 36.18.040, or those
13 costs awarded against convicted defendants in criminal actions under
14 RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes if
15 such costs are specifically designated as costs by the court and are
16 awarded for the specific reimbursement of costs incurred by the state
17 or county in the prosecution of the case, including the fees of
18 defense counsel. With the exception of funds to be transferred to the
19 judicial stabilization trust account under RCW 3.62.060(2), money
20 remitted under this subsection to the state treasurer shall be
21 deposited in the state general fund.

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

28 (4) Except as provided in RCW 7.84.100(4), all money collected
29 for county parking infractions shall be remitted by the clerk of the
30 district court at least monthly, with the information required under
31 subsection (1) of this section, to the county treasurer for deposit
32 in the county current expense fund.

33 (5)(a) Except as provided in (b) of this subsection, penalties,
34 finer, ((bail forfeitures,)) fees, and costs may accrue interest at
35 the rate of twelve percent per annum, upon assignment to a collection
36 agency. Interest may accrue only while the case is in collection
37 status.

38 (b) As of the effective date of this section, penalties, fines,
39 bail forfeitures, fees, and costs imposed against a defendant in a
40 criminal proceeding shall not accrue interest.

1 (6) Interest retained by the court on penalties, fines, bail
2 forfeitures, fees, and costs shall be split twenty-five percent to
3 the state treasurer for deposit in the state general fund, twenty-
4 five percent to the state treasurer for deposit in the judicial
5 information system account as provided in RCW 2.68.020, twenty-five
6 percent to the county current expense fund, and twenty-five percent
7 to the county current expense fund to fund local courts.

8 **Sec. 4.** RCW 3.62.040 and 2012 c 136 s 5 are each amended to read
9 as follows:

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

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

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

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

35 (5)(a) Except as provided in (b) of this subsection, penalties,
36 fines, ((bail forfeitures,)) fees, and costs may accrue interest at
37 the rate of twelve percent per annum, upon assignment to a collection
38 agency. Interest may accrue only while the case is in collection
39 status.

1 (b) As of the effective date of this section, penalties, fines,
2 bail forfeitures, fees, and costs imposed against a defendant in a
3 criminal proceeding shall not accrue interest.

4 (6) Interest retained by the court on penalties, fines, bail
5 forfeitures, fees, and costs shall be split twenty-five percent to
6 the state treasurer for deposit in the state general fund, twenty-
7 five percent to the state treasurer for deposit in the judicial
8 information system account as provided in RCW 2.68.020, twenty-five
9 percent to the city general fund, and twenty-five percent to the city
10 general fund to fund local courts.

11 **Sec. 5.** RCW 35.20.220 and 2012 c 136 s 7 are each amended to
12 read as follows:

13 (1) The chief clerk, under the supervision and direction of the
14 court administrator of the municipal court, shall have the custody
15 and care of the books, papers and records of the court. The chief
16 clerk or a deputy shall be present during the session of the court
17 and has the power to swear all witnesses and jurors, administer oaths
18 and affidavits, and take acknowledgments. The chief clerk shall keep
19 the records of the court and shall issue all process under his or her
20 hand and the seal of the court. The chief clerk shall do and perform
21 all things and have the same powers pertaining to the office as the
22 clerks of the superior courts have in their office. He or she shall
23 receive all fines, penalties, and fees of every kind and keep a full,
24 accurate, and detailed account of the same. The chief clerk shall on
25 each day pay into the city treasury all money received for the city
26 during the day previous, with a detailed account of the same, and
27 taking the treasurer's receipt therefor.

28 (2) Except as provided in RCW 9A.88.120 and 10.99.080, the city
29 treasurer shall remit monthly thirty-two percent of the noninterest
30 money received under this section, other than for parking infractions
31 and certain costs to the state treasurer. "Certain costs" as used in
32 this subsection, means those costs awarded to prevailing parties in
33 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
34 against convicted defendants in criminal actions under RCW 10.01.160,
35 10.46.190, or 36.18.040, or other similar statutes if such costs are
36 specifically designated as costs by the court and are awarded for the
37 specific reimbursement of costs incurred by the state, county, city,
38 or town in the prosecution of the case, including the fees of defense

1 counsel. Money remitted under this subsection to the state treasurer
2 shall be deposited in the state general fund.

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

6 (4)(a) Except as provided in (b) of this subsection, penalties,
7 finances, ((bail forfeitures,)) fees, and costs may accrue interest at
8 the rate of twelve percent per annum, upon assignment to a collection
9 agency. Interest may accrue only while the case is in collection
10 status.

11 (b) As of the effective date of this section, penalties, fines,
12 bail forfeitures, fees, and costs imposed against a defendant in a
13 criminal proceeding shall not accrue interest.

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

21 **Sec. 6.** RCW 10.01.160 and 2015 3rd sp.s. c 35 s 1 are each
22 amended to read as follows:

23 (1) Except as provided in subsection (3) of this section, the
24 court may require a defendant to pay costs. Costs may be imposed only
25 upon a convicted defendant, except for costs imposed upon a
26 defendant's entry into a deferred prosecution program, costs imposed
27 upon a defendant for pretrial supervision, or costs imposed upon a
28 defendant for preparing and serving a warrant for failure to appear.

29 (2) Costs shall be limited to expenses specially incurred by the
30 state in prosecuting the defendant or in administering the deferred
31 prosecution program under chapter 10.05 RCW or pretrial supervision.
32 They cannot include expenses inherent in providing a constitutionally
33 guaranteed jury trial or expenditures in connection with the
34 maintenance and operation of government agencies that must be made by
35 the public irrespective of specific violations of law. Expenses
36 incurred for serving of warrants for failure to appear and jury fees
37 under RCW 10.46.190 may be included in costs the court may require a
38 defendant to pay. Costs for administering a deferred prosecution may
39 not exceed two hundred fifty dollars. Costs for administering a

1 pretrial supervision other than a pretrial electronic alcohol
2 monitoring program, drug monitoring program, or 24/7 sobriety program
3 may not exceed one hundred fifty dollars. Costs for preparing and
4 serving a warrant for failure to appear may not exceed one hundred
5 dollars. Costs of incarceration imposed on a defendant convicted of a
6 misdemeanor or a gross misdemeanor may not exceed the actual cost of
7 incarceration. In no case may the court require the offender to pay
8 more than one hundred dollars per day for the cost of incarceration.
9 Payment of other court-ordered financial obligations, including all
10 legal financial obligations and costs of supervision take precedence
11 over the payment of the cost of incarceration ordered by the court.
12 All funds received from defendants for the cost of incarceration in
13 the county or city jail must be remitted for criminal justice
14 purposes to the county or city that is responsible for the
15 defendant's jail costs. Costs imposed constitute a judgment against a
16 defendant and survive a dismissal of the underlying action against
17 the defendant. However, if the defendant is acquitted on the
18 underlying action, the costs for preparing and serving a warrant for
19 failure to appear do not survive the acquittal, and the judgment that
20 such costs would otherwise constitute shall be vacated.

21 (3) The court shall not order a defendant to pay costs (~~((unless))~~)
22 if the defendant ((is or will be able to pay them)) at the time of
23 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
24 (c). In determining the amount and method of payment of costs for
25 defendants who are not indigent as defined in RCW 10.101.010(3) (a)
26 through (c), the court shall take account of the financial resources
27 of the defendant and the nature of the burden that payment of costs
28 will impose.

29 (4) A defendant who has been ordered to pay costs and who is not
30 in (~~((contumacious))~~) willful default in the payment thereof may at any
31 time after release from total confinement petition the sentencing
32 court for remission of the payment of costs or of any unpaid portion
33 thereof. If it appears to the satisfaction of the court that payment
34 of the amount due will impose manifest hardship on the defendant or
35 the defendant's immediate family, the court may remit all or part of
36 the amount due in costs, (~~((or))~~) modify the method of payment under
37 RCW 10.01.170, or convert the unpaid costs to community restitution
38 hours at the rate of no less than the state minimum wage established
39 in RCW 49.46.020 for each hour of community restitution. Manifest

1 hardship exists where the defendant is indigent as defined in RCW
2 10.101.010(3) (a) through (c).

3 (5) Except for direct costs relating to evaluating and reporting
4 to the court, prosecutor, or defense counsel regarding a defendant's
5 competency to stand trial as provided in RCW 10.77.060, this section
6 shall not apply to costs related to medical or mental health
7 treatment or services a defendant receives while in custody of the
8 secretary of the department of social and health services or other
9 governmental units. This section shall not prevent the secretary of
10 the department of social and health services or other governmental
11 units from imposing liability and seeking reimbursement from a
12 defendant committed to an appropriate facility as provided in RCW
13 10.77.084 while criminal proceedings are stayed. This section shall
14 also not prevent governmental units from imposing liability on
15 defendants for costs related to providing medical or mental health
16 treatment while the defendant is in the governmental unit's custody.
17 Medical or mental health treatment and services a defendant receives
18 at a state hospital or other facility are not a cost of prosecution
19 and shall be recoverable under RCW 10.77.250 and 70.48.130, chapter
20 43.20B RCW, and any other applicable statute.

21 **Sec. 7.** RCW 10.01.170 and 1975-'76 2nd ex.s. c 96 s 2 are each
22 amended to read as follows:

23 (1) When a defendant is sentenced to pay ((a)) fines, penalties,
24 assessments, fees, restitution, or costs, the court may grant
25 permission for payment to be made within a specified period of time
26 or in specified installments. If the court finds that the defendant
27 is indigent as defined in RCW 10.101.010(3) (a) through (c), the
28 court shall grant permission for payment to be made within a
29 specified period of time or in specified installments. If no such
30 permission is included in the sentence the fine or costs shall be
31 payable forthwith.

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

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

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

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

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

3 **Sec. 8.** RCW 10.01.180 and 2010 c 8 s 1006 are each amended to
4 read as follows:

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

10 (2) When ~~((a))~~ any fine, penalty, assessment, fee, or assessment
11 of costs is imposed on a corporation or unincorporated association,
12 it is the duty of the person authorized to make disbursement from the
13 assets of the corporation or association to pay the ~~((fine or costs))~~
14 obligation from those assets, and his or her failure to do so may be
15 held to be contempt.

16 (3)~~(a)~~ The court shall not sanction a defendant for contempt
17 based on failure to pay fines, penalties, assessments, fees, or costs
18 unless the court finds, after a hearing and on the record, that the
19 failure to pay is willful. A failure to pay is willful if the
20 defendant has the current ability to pay but fails to do so.

21 (b) In determining whether the defendant has the current ability
22 to pay, the court shall inquire into and consider: (i) The
23 defendant's income and assets; (ii) the defendant's basic living
24 costs as defined by RCW 10.101.010 and other liabilities including
25 child support and other legal financial obligations; and (iii) the
26 defendant's bona fide efforts to acquire additional resources. A
27 defendant who is indigent as defined by RCW 10.101.010(3) (a) through
28 (c) is presumed to lack the current ability to pay.

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

33 (4) If a term of imprisonment for contempt for nonpayment of
34 ~~((a))~~ any fine, penalty, assessment, fee, or costs is ordered, the
35 term of imprisonment shall be set forth in the commitment order, and
36 shall not exceed one day for each twenty-five dollars of the ~~((fine~~
37 ~~or costs))~~ amount ordered, thirty days if the ~~((fine or assessment))~~
38 amount ordered of costs was imposed upon conviction of a violation or
39 misdemeanor, or one year in any other case, whichever is the shorter

1 period. A person committed for nonpayment of ((a)) any fine, penalty,
2 assessment, fee, or costs shall be given credit toward payment for
3 each day of imprisonment at the rate specified in the commitment
4 order.

5 ((+4)) (5) If it appears to the satisfaction of the court that
6 the default in the payment of ((a)) any fine, penalty, assessment,
7 fee, or costs is not willful contempt, the court may, and if the
8 defendant is indigent as defined in RCW 10.101.010(3) (a) through
9 (c), the court shall enter an order: (a) Allowing the defendant
10 additional time for payment((7)); (b) reducing the amount thereof or
11 of each installment ((8)); (c) revoking the fine, penalty,
12 assessment, fee, or costs or the unpaid portion thereof in whole or
13 in part; or (d) converting the unpaid fine, penalty, assessment, fee,
14 or costs to community restitution hours at the rate of no less than
15 the state minimum wage established in RCW 49.46.020 for each hour of
16 community restitution. The crime victim penalty assessment under RCW
17 7.68.035 may not be reduced, revoked, or converted to community
18 restitution hours.

19 ((+5)) (6) A default in the payment of ((a)) any fine, penalty,
20 assessment, fee, or costs or any installment thereof may be collected
21 by any means authorized by law for the enforcement of a judgment. The
22 levy of execution for the collection of ((a)) any fine, penalty,
23 assessment, fee, or costs shall not discharge a defendant committed
24 to imprisonment for contempt until the amount ((of the fine or
25 costs)) has actually been collected.

26 **Sec. 9.** RCW 10.46.190 and 2005 c 457 s 12 are each amended to
27 read as follows:

28 Every person convicted of a crime or held to bail to keep the
29 peace ((shall)) may be liable to all the costs of the proceedings
30 against him or her, including, when tried by a jury in the superior
31 court or before a committing magistrate, a jury fee as provided for
32 in civil actions for which judgment shall be rendered and collected.
33 The court shall not order a defendant to pay costs, as described in
34 RCW 10.01.160, if the court finds that the person at the time of
35 sentencing is indigent as defined in RCW 10.101.010(3) (a) through
36 (c). The jury fee, when collected for a case tried by the superior
37 court, shall be paid to the clerk and applied as the jury fee in
38 civil cases is applied.

1 **Sec. 10.** RCW 10.64.015 and Code 1881 s 1104 are each amended to
2 read as follows:

3 When the defendant is found guilty, the court shall render
4 judgment accordingly, and the defendant (~~shall~~) may be liable for
5 all costs, unless the court or jury trying the cause expressly find
6 otherwise. The court shall not order a defendant to pay costs, as
7 described in RCW 10.01.160, if the court finds that the person at the
8 time of sentencing is indigent as defined in RCW 10.101.010(3) (a)
9 through (c).

10 **Sec. 11.** RCW 9.92.070 and 1987 c 3 s 4 are each amended to read
11 as follows:

12 Hereafter whenever any judge of any superior court or a district
13 or municipal judge shall sentence any person to pay any fin
14 es, penalties, assessments, fees, and costs, the judge may, in the
15 judge's discretion, provide that such fin
16 es, penalties, assessments,
17 fees, and costs may be paid in certain designated installments, or
18 within certain designated period or periods(~~;~~and)). If the court
19 finds that the defendant is indigent as defined in RCW 10.101.010(3)
20 (a) through (c), the court shall allow for payment in certain
21 designated installments or within certain designated periods. If such
22 fin
23 es, penalties, assessments, fees, and costs shall be paid by the
24 defendant in accordance with such order no commitment or imprisonment
25 of the defendant shall be made for failure to pay such fine or costs.
26 PROVIDED, that the provisions of this section shall not apply to any
sentence given for the violation of any of the liquor laws of this
state.

27 **Sec. 12.** RCW 10.73.160 and 2015 c 265 s 22 are each amended to
28 read as follows:

29 (1) Except as provided in subsection (4) of this section, the
30 court of appeals, supreme court, and superior courts may require an
31 adult offender convicted of an offense to pay appellate costs.

32 (2) Appellate costs are limited to expenses specifically incurred
33 by the state in prosecuting or defending an appeal or collateral
34 attack from a criminal conviction. Appellate costs shall not include
35 expenditures to maintain and operate government agencies that must be
36 made irrespective of specific violations of the law. Expenses
37 incurred for producing a verbatim report of proceedings and clerk's

1 papers may be included in costs the court may require a convicted
2 defendant to pay.

3 (3) Costs, including recoupment of fees for court-appointed
4 counsel, shall be requested in accordance with the procedures
5 contained in Title 14 of the rules of appellate procedure and in
6 Title 9 of the rules for appeal of decisions of courts of limited
7 jurisdiction. An award of costs shall become part of the trial court
8 judgment and sentence.

9 (4) A defendant who has been sentenced to pay costs and who is
10 not in ~~((contumacious))~~ willful default in the payment may at any
11 time after release from total confinement petition the court that
12 sentenced the defendant or juvenile offender for remission of the
13 payment of costs or of any unpaid portion. If it appears to the
14 satisfaction of the sentencing court that payment of the amount due
15 will impose manifest hardship on the defendant or the defendant's
16 immediate family, the sentencing court may remit all or part of the
17 amount due in costs, ~~((or))~~ modify the method of payment under RCW
18 10.01.170, or convert the unpaid costs to community restitution hours
19 at the rate of no less than the state minimum wage established in RCW
20 49.46.020 for each hour of community restitution. Manifest hardship
21 exists where the defendant or juvenile offender is indigent as
22 defined in RCW 10.101.010(3) (a) through (c).

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

33 **Sec. 13.** RCW 9.94A.6333 and 2008 c 231 s 19 are each amended to
34 read as follows:

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

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

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

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

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

13 (i) Convert a term of partial confinement to total confinement;
14 or

15 (ii) Convert community restitution obligation to total or partial
16 confinement; (~~or~~

17 ~~(iii) Convert monetary obligations, except restitution and the~~
18 ~~crime victim penalty assessment, to community restitution hours at~~
19 ~~the rate of the state minimum wage as established in RCW 49.46.020~~
20 ~~for each hour of community restitution;))~~

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

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

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

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

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

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

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

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

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

24 (f) If the court finds that the violation was not willful, the
25 court may, and if the court finds that the defendant is indigent as
26 defined in RCW 10.101.010(3) (a) through (c), the court shall modify
27 the terms of payment of the legal financial obligations, reduce or
28 waive nonrestitution legal financial obligations, or convert
29 nonrestitution legal financial obligations to community restitution
30 hours at the rate of no less than the state minimum wage established
31 in RCW 49.46.020 for each hour of community restitution. The crime
32 victim penalty assessment under RCW 7.68.035 may not be reduced,
33 waived, or converted to community restitution hours.

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

37 ((+4)) (5) Nothing in this section prohibits the filing of
38 escape charges if appropriate.

1 **Sec. 14.** RCW 9.94A.760 and 2011 c 106 s 3 are each amended to
2 read as follows:

3 (1) Whenever a person is convicted in superior court, the court
4 may order the payment of a legal financial obligation as part of the
5 sentence. The court may not order an offender to pay costs as
6 described in RCW 10.01.160 if the court finds that the offender at
7 the time of sentencing is indigent as defined in RCW 10.101.010(3)
8 (a) through (c). An offender being indigent as defined in RCW
9 10.101.010(3) (a) through (c) is not grounds for failing to impose
10 restitution or the crime victim penalty assessment under RCW
11 7.68.035. The court must on either the judgment and sentence or on a
12 subsequent order to pay, designate the total amount of a legal
13 financial obligation and segregate this amount among the separate
14 assessments made for restitution, costs, fines, and other assessments
15 required by law. On the same order, the court is also to set a sum
16 that the offender is required to pay on a monthly basis towards
17 satisfying the legal financial obligation. If the court fails to set
18 the offender monthly payment amount, the department shall set the
19 amount if the department has active supervision of the offender,
20 otherwise the county clerk shall set the amount.

21 (2) Upon receipt of ~~((an offender's monthly))~~ each payment~~((~~
22 ~~restitution shall be paid prior to any payments of other monetary~~
23 ~~obligations. After restitution is satisfied))~~ made by or on behalf of
24 an offender, the county clerk shall distribute the payment
25 ~~((proportionally among all other fines, costs, and assessments~~
26 ~~imposed, unless otherwise ordered by the court))~~ in the following
27 order of priority until satisfied:

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

30 (b) Second, proportionally to restitution to insurance or other
31 sources with respect to a loss that has provided compensation to
32 victims;

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

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

36 ~~((2))~~ (3) If the court determines that the offender, at the
37 time of sentencing, has the means to pay for the cost of
38 incarceration, the court may require the offender to pay for the cost
39 of incarceration ~~((at))~~. The court shall not order the offender to
40 pay the cost of incarceration if the court finds that the offender at

1 the time of sentencing is indigent as defined in RCW 10.101.010(3)
2 (a) through (c). Costs of incarceration ordered by the court shall
3 not exceed a rate of fifty dollars per day of incarceration, if
4 incarcerated in a prison, or the ~~((court may require the offender to~~
5 ~~pay the))~~ actual cost of incarceration per day of incarceration, if
6 incarcerated in a county jail. In no case may the court require the
7 offender to pay more than one hundred dollars per day for the cost of
8 incarceration. ~~((Payment of other court ordered financial~~
9 ~~obligations, including all legal financial obligations and costs of~~
10 ~~supervision shall take precedence over the payment of the cost of~~
11 ~~incarceration ordered by the court.))~~ All funds recovered from
12 offenders for the cost of incarceration in the county jail shall be
13 remitted to the county and the costs of incarceration in a prison
14 shall be remitted to the department.

15 ~~((+3))~~ (4) The court may add to the judgment and sentence or
16 subsequent order to pay a statement that a notice of payroll
17 deduction is to be issued immediately. If the court chooses not to
18 order the immediate issuance of a notice of payroll deduction at
19 sentencing, the court shall add to the judgment and sentence or
20 subsequent order to pay a statement that a notice of payroll
21 deduction may be issued or other income-withholding action may be
22 taken, without further notice to the offender if a monthly court-
23 ordered legal financial obligation payment is not paid when due, and
24 an amount equal to or greater than the amount payable for one month
25 is owed.

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

33 ~~((+4))~~ (5) Independent of the department or the county clerk,
34 the party or entity to whom the legal financial obligation is owed
35 shall have the authority to use any other remedies available to the
36 party or entity to collect the legal financial obligation. These
37 remedies include enforcement in the same manner as a judgment in a
38 civil action by the party or entity to whom the legal financial
39 obligation is owed. Restitution collected through civil enforcement
40 must be paid through the registry of the court and must be

1 distributed proportionately according to each victim's loss when
2 there is more than one victim. The judgment and sentence shall
3 identify the party or entity to whom restitution is owed so that the
4 state, party, or entity may enforce the judgment. If restitution is
5 ordered pursuant to RCW 9.94A.750(6) or 9.94A.753(6) to a victim of
6 rape of a child or a victim's child born from the rape, the
7 Washington state child support registry shall be identified as the
8 party to whom payments must be made. Restitution obligations arising
9 from the rape of a child in the first, second, or third degree that
10 result in the pregnancy of the victim may be enforced for the time
11 periods provided under RCW 9.94A.750(6) and 9.94A.753(6). All other
12 legal financial obligations for an offense committed prior to July 1,
13 2000, may be enforced at any time during the ten-year period
14 following the offender's release from total confinement or within ten
15 years of entry of the judgment and sentence, whichever period ends
16 later. Prior to the expiration of the initial ten-year period, the
17 superior court may extend the criminal judgment an additional ten
18 years for payment of legal financial obligations including crime
19 victims' assessments. All other legal financial obligations for an
20 offense committed on or after July 1, 2000, may be enforced at any
21 time the offender remains under the court's jurisdiction. For an
22 offense committed on or after July 1, 2000, the court shall retain
23 jurisdiction over the offender, for purposes of the offender's
24 compliance with payment of the legal financial obligations, until the
25 obligation is completely satisfied, regardless of the statutory
26 maximum for the crime. The department may only supervise the
27 offender's compliance with payment of the legal financial obligations
28 during any period in which the department is authorized to supervise
29 the offender in the community under RCW 9.94A.728, 9.94A.501, or in
30 which the offender is confined in a state correctional institution or
31 a correctional facility pursuant to a transfer agreement with the
32 department, and the department shall supervise the offender's
33 compliance during any such period. The department is not responsible
34 for supervision of the offender during any subsequent period of time
35 the offender remains under the court's jurisdiction. The county clerk
36 is authorized to collect unpaid legal financial obligations at any
37 time the offender remains under the jurisdiction of the court for
38 purposes of his or her legal financial obligations.

39 ((+5)) (6) In order to assist the court in setting a monthly sum
40 that the offender must pay during the period of supervision, the

1 offender is required to report to the department for purposes of
2 preparing a recommendation to the court. When reporting, the offender
3 is required, under oath, to respond truthfully and honestly to all
4 questions concerning present, past, and future earning capabilities
5 and the location and nature of all property or financial assets. The
6 offender is further required to bring all documents requested by the
7 department.

8 ((+6+)) (7) After completing the investigation, the department
9 shall make a report to the court on the amount of the monthly payment
10 that the offender should be required to make towards a satisfied
11 legal financial obligation.

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

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

1 of all property or financial assets. The offender shall bring all
2 documents requested by the county clerk in order to prepare the
3 collection schedule.

4 ~~((+8))~~ (9) After the judgment and sentence or payment order is
5 entered, the department is authorized, for any period of supervision,
6 to collect the legal financial obligation from the offender.
7 Subsequent to any period of supervision or, if the department is not
8 authorized to supervise the offender in the community, the county
9 clerk is authorized to collect unpaid legal financial obligations
10 from the offender. Any amount collected by the department shall be
11 remitted daily to the county clerk for the purpose of disbursements.
12 The department and the county clerks are authorized, but not
13 required, to accept credit cards as payment for a legal financial
14 obligation, and any costs incurred related to accepting credit card
15 payments shall be the responsibility of the offender.

16 ~~((+9))~~ (10) The department or any obligee of the legal financial
17 obligation may seek a mandatory wage assignment for the purposes of
18 obtaining satisfaction for the legal financial obligation pursuant to
19 RCW 9.94A.7701. Any party obtaining a wage assignment shall notify
20 the county clerk. The county clerks shall notify the department, or
21 the administrative office of the courts, whichever is providing the
22 monthly billing for the offender.

23 ~~((+10))~~ (11) The requirement that the offender pay a monthly sum
24 towards a legal financial obligation constitutes a condition or
25 requirement of a sentence and the offender is subject to the
26 penalties for noncompliance as provided in RCW 9.94B.040, 9.94A.737,
27 or 9.94A.740. If the court determines that the offender is homeless
28 or a person who is mentally ill, as defined in RCW 71.24.025, failure
29 to pay a legal financial obligation is not willful noncompliance and
30 shall not subject the offender to penalties.

31 ~~((+11))~~ (12)(a) The administrative office of the courts shall
32 mail individualized periodic billings to the address known by the
33 office for each offender with an unsatisfied legal financial
34 obligation.

35 (b) The billing shall direct payments, other than outstanding
36 cost of supervision assessments under RCW 9.94A.780, parole
37 assessments under RCW 72.04A.120, and cost of probation assessments
38 under RCW 9.95.214, to the county clerk, and cost of supervision,
39 parole, or probation assessments to the department.

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

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

7 (~~(12)~~) (13) The department shall arrange for the collection of
8 unpaid legal financial obligations during any period of supervision
9 in the community through the county clerk. The department shall
10 either collect unpaid legal financial obligations or arrange for
11 collections through another entity if the clerk does not assume
12 responsibility or is unable to continue to assume responsibility for
13 collection pursuant to subsection (~~(4)~~) (5) of this section. The
14 costs for collection services shall be paid by the offender.

15 (~~(13)~~) (14) The county clerk may access the records of the
16 employment security department for the purposes of verifying
17 employment or income, seeking any assignment of wages, or performing
18 other duties necessary to the collection of an offender's legal
19 financial obligations.

20 (~~(14)~~) (15) Nothing in this chapter makes the department, the
21 state, the counties, or any state or county employees, agents, or
22 other persons acting on their behalf liable under any circumstances
23 for the payment of these legal financial obligations or for the acts
24 of any offender who is no longer, or was not, subject to supervision
25 by the department for a term of community custody, and who remains
26 under the jurisdiction of the court for payment of legal financial
27 obligations.

28 **Sec. 15.** RCW 9.94B.040 and 2002 c 175 s 8 are each amended to
29 read as follows:

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

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

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

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

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

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

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

29 (c) The state has the burden of showing noncompliance by a
30 preponderance of the evidence. If the court finds that the violation
31 has occurred, it may order the offender to be confined for a period
32 not to exceed sixty days for each violation, and may (i) convert a
33 term of partial confinement to total confinement, (ii) convert
34 community restitution obligation to total or partial confinement, or
35 ~~(iii) ((convert monetary obligations, except restitution and the~~
36 ~~crime victim penalty assessment, to community restitution hours at~~
37 ~~the rate of the state minimum wage as established in RCW 49.46.020~~
38 ~~for each hour of community restitution, or (iv))~~) order one or more
39 of the penalties authorized in (a)(i) of this subsection. Any time

1 served in confinement awaiting a hearing on noncompliance shall be
2 credited against any confinement order by the court;

3 (d) If the court finds that the violation was not willful, the
4 court may modify its previous order regarding (~~payment of legal~~
5 ~~financial obligations and regarding~~) community restitution
6 obligations; and

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

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

21 (a) The department and the offender may enter into a stipulated
22 agreement that the failure to pay was willful noncompliance,
23 according to the provisions and requirements of subsection (3)(a) of
24 this section;

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

32 (c) The state has the burden of showing noncompliance by a
33 preponderance of the evidence. The court may not sanction the
34 offender for failure to pay legal financial obligations unless the
35 court finds, after a hearing and on the record, that the failure to
36 pay is willful. A failure to pay is willful if the offender has the
37 current ability to pay but fails to do so. In determining whether the
38 offender has the current ability to pay, the court shall inquire into
39 and consider: (i) The offender's income and assets; (ii) the
40 offender's basic living costs as defined by RCW 10.101.010 and other

1 liabilities including child support and other legal financial
2 obligations; and (iii) the offender's bona fide efforts to acquire
3 additional resources. An offender who is indigent as defined by RCW
4 10.101.010(3) (a) through (c) is presumed to lack the current ability
5 to pay;

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

10 (e) If the court finds that the failure to pay is willful
11 noncompliance, the court may order the offender to be confined for a
12 period not to exceed sixty days for each violation or order one or
13 more of the penalties authorized in subsection (3)(a)(i) of this
14 section; and

15 (f) If the court finds that the violation was not willful, the
16 court may, and if the court finds that the defendant is indigent as
17 defined in RCW 10.101.010(3) (a) through (c), the court shall modify
18 the terms of payment of the legal financial obligations, reduce or
19 waive nonrestitution legal financial obligations, or convert
20 nonrestitution legal financial obligations to community restitution
21 hours at the rate of no less than the state minimum wage established
22 in RCW 49.46.020 for each hour of community restitution. The crime
23 victim penalty assessment under RCW 7.68.035 may not be reduced,
24 waived, or converted to community restitution hours.

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

30 ~~((+5))~~ (6) An offender under community placement or community
31 supervision who is civilly detained under chapter 71.05 RCW, and
32 subsequently discharged or conditionally released to the community,
33 shall be under the supervision of the department of corrections for
34 the duration of his or her period of community placement or community
35 supervision. During any period of inpatient mental health treatment
36 that falls within the period of community placement or community
37 supervision, the inpatient treatment provider and the supervising
38 community corrections officer shall notify each other about the
39 offender's discharge, release, and legal status, and shall share
40 other relevant information.

1 (~~(6)~~) (7) Nothing in this section prohibits the filing of
2 escape charges if appropriate.

3 **Sec. 16.** RCW 3.62.085 and 2005 c 457 s 10 are each amended to
4 read as follows:

5 Upon conviction or a plea of guilty in any court organized under
6 this title or Title 35 RCW, a defendant in a criminal case is liable
7 for a fee of forty-three dollars, except this fee shall not be
8 imposed on a defendant who is indigent as defined in RCW
9 10.101.010(3) (a) through (c). This fee shall be subject to division
10 with the state under RCW 3.46.120(2), 3.50.100(2), 3.62.020(2),
11 3.62.040(2), and 35.20.220(2).

12 **Sec. 17.** RCW 36.18.020 and 2015 c 265 s 28 are each amended to
13 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.

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

3 (d) For filing of a petition for unlawful harassment under RCW
4 10.14.040 a filing fee of fifty-three dollars.

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

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

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

14 (h) Upon conviction or plea of guilty, upon failure to prosecute
15 an appeal from a court of limited jurisdiction as provided by law, or
16 upon affirmance of a conviction by a court of limited jurisdiction,
17 an adult defendant in a criminal case shall be liable for a fee of
18 two hundred dollars, except this fee shall not be imposed on a
19 defendant who is indigent as defined in RCW 10.101.010(3) (a) through
20 (c).

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

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

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

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

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

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

7 **Sec. 18.** RCW 43.43.7541 and 2015 c 265 s 31 are each amended to
8 read as follows:

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

26 **Sec. 19.** RCW 7.68.035 and 2015 c 265 s 8 are each amended to
27 read as follows:

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

37 (b) When any juvenile is adjudicated of an offense that is a most
38 serious offense as defined in RCW 9.94A.030, or a sex offense under

1 chapter 9A.44 RCW, there shall be imposed upon the juvenile offender
2 a penalty assessment. The assessment shall be in addition to any
3 other penalty or fine imposed by law and shall be one hundred dollars
4 for each case or cause of action.

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

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

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

26 (4) Such penalty assessments shall be paid by the clerk of the
27 superior court to the county treasurer (~~((who shall monthly transmit~~
28 ~~the money as provided in RCW 10.82.070))~~). Each county shall deposit
29 ~~((fifty))~~ one hundred percent of the money it receives per case or
30 cause of action under subsection (1) of this section (~~((and retains~~
31 ~~under RCW 10.82.070))~~), not less than one and seventy-five one-
32 hundredths percent of the remaining money it retains under RCW
33 10.82.070 and the money it retains under chapter 3.62 RCW, and all
34 money it receives under subsection (7) of this section into a fund
35 maintained exclusively for the support of comprehensive programs to
36 encourage and facilitate testimony by the victims of crimes and
37 witnesses to crimes. A program shall be considered "comprehensive"
38 only after approval of the department upon application by the county
39 prosecuting attorney. The department shall approve as comprehensive
40 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. 20.** Nothing in this act requires the courts
12 to refund or reimburse amounts previously paid towards legal
13 financial obligations or interest on legal financial obligations.

--- END ---

1 7-14-16 DRAFT

2 RULE 36. JURY SELECTION

3 (a) **Scope of rule.** This procedure is to be followed in all jury trials.

4
5 (b) A party may object to an adverse party's use of a peremptory challenge on the
6 grounds that the race or ethnicity of the prospective juror could be viewed as a
7 factor in the use of the challenge, or the court may raise this objection sua
8 sponte. When such an objection is made, the party exercising the peremptory
9 challenge must articulate on the record the reasons for the peremptory
10 challenge.

11 (c) Using an objective observer standard, the court shall evaluate the reasons
12 proffered for the challenge. If the court determines that an objective observer
13 could view race or ethnicity as a factor for the peremptory challenge, the
14 challenge shall be denied.

15 **Comment**

16 [1] The purpose of this rule is to eliminate the unfair exclusion of potential jurors
17 based on race. This rule responds to problems with the *Batson* test described in *State v.*
18 *Saintcalle*, 178 Wn.2d 34 (2013), and provides a different standard for determining
19 whether a peremptory challenge is invalid than that provided for in *Batson v. Kentucky*,
20 476 U.S. 79 (1986). For purposes of this rule it is irrelevant whether it can be proved
21 that a prospective juror's race or ethnicity actually played a motivating role in the exercise
22 of a peremptory challenge.
23

24 [2] An objective observer is one who is aware that purposeful discrimination and
25 implicit, institutional, or unconscious bias have resulted in the unfair exclusion of
26 potential jurors based on race in Washington.

1 [3] In determining whether an objective observer could view race or ethnicity as a
2 factor in the use of the peremptory challenge, the court shall consider the following: (a)
3 the number and types of questions posed to the prospective juror, which may include
4 consideration of whether the party exercising the peremptory challenge failed to question
5 the prospective juror about the alleged concern or the type of questions asked about it;
6 (b) whether the party exercising the peremptory challenge asked significantly more
7 questions or different questions of minority jurors than other jurors; and (c) whether other
8 prospective jurors provided similar answers but were not the subject of a peremptory
9 challenge by that party.
10

11 [4] Because historically the following reasons proffered for peremptory challenges
12 have operated to exclude racial and ethnic minorities from serving on juries in
13 Washington, there is a presumption that the following are invalid reasons for a
14 peremptory challenge: (a) having prior contact with law enforcement officers; (b)
15 expressing a distrust of law enforcement or a belief that law enforcement officers engage
16 in racial profiling; (c) having a close relationship with people who have been stopped,
17 arrested, or convicted of a crime; (d) living in a high-crime neighborhood; (e) having a
18 child outside of marriage; (f) receiving state benefits; and (g) not being a native English
19 speaker.
20

21 [5] The following reasons proffered for peremptory challenges also have
22 historically been used to perpetuate exclusion of minority jurors: allegations that the
23 prospective juror was sleeping, inattentive, staring or failing to make eye contact,
24 exhibited a problematic attitude, body language, or demeanor, or provided unintelligent
25 or confused answers. If any party intends to offer one of those reasons or reasons similar
26 to them as the justification for a peremptory challenge, that party must provide

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reasonable notice to the court and the opposing party so the behavior can be verified and addressed in a timely manner. A lack of corroborating evidence observed by the judge or opposing counsel verifying the behavior in issue shall be considered strongly probative that the reasons proffered for the peremptory challenge are invalid.



Cynthia

SUPREME COURT OF MISSOURI
OFFICE OF STATE COURTS ADMINISTRATOR

KATHY S. LLOYD
STATE COURTS
ADMINISTRATOR

2112 Industrial Drive
P.O. Box 104480
Jefferson City, Missouri
65110

PHONE (573) 751-4377
FAX (573) 522-6152

November 28, 2016

Ms. Callie Dietz
State Court Administrator
Washington Administrative Office of the Courts
P. O. Box 41170
Olympia, Washington 98504-1170

Dear Ms. Dietz:

I am pleased to invite you to the 29th Annual Meeting of the National Consortium for Racial and Ethnic Fairness in St. Louis, Missouri, on May 15 through 17, 2017. We are excited the National Consortium chose to hold its Annual Meeting in Missouri.

We look forward to hosting important discussions about the role of the judicial system in today's ever-changing racial and ethnic landscape. In addition to exceptional programming, the conference will offer social and cultural events, including networking receptions and tours of key St. Louis sites.

Leaders and delegates of state justice systems from across the nation meet at the Annual Meeting to share collective knowledge of best practices within their court systems. If you are unable to attend, we ask that you send a representative or delegation to represent your state court system. Each state is invited to take part in a "Report to the States." A delegate from each state is invited to submit a two-page written report and provide a brief oral report regarding activities and pressing issues in the delegate's state.

I hope you and representatives from your state will join us in St. Louis for this opportunity to network with leaders of state justice systems from across the nation. Conference and program information will follow as plans are finalized.

Sincerely,

Kathy S. Lloyd
State Courts Administrator

KSL:js

Superior Court Policy on Immigration Enforcement in Courtrooms

The King County Superior Court judges affirm the principle that our courts must remain open and accessible for all individuals and families to resolve disputes under the rule of law. It is the policy of the King County Superior Court that warrants for the arrest of individuals based on their immigration status shall not be executed within any of the King County Superior Court courtrooms unless directly ordered by the presiding judicial officer and shall be discouraged in the King County Superior Court courthouses unless the public's safety is at immediate risk. Each judicial officer remains responsible for enforcing this policy within his or her courtroom. This policy does not prohibit law enforcement from executing warrants when public safety is at immediate risk.

1 (1) The caseload forecast council is hereby created. The council
2 shall consist of two individuals appointed by the governor and four
3 individuals, one of whom is appointed by the chairperson of each of
4 the two largest political caucuses in the senate and house of
5 representatives. The chair of the council shall be selected from
6 among the four caucus appointees. The council may select such other
7 officers as the members deem necessary.

8 (2) The council shall employ a caseload forecast supervisor to
9 supervise the preparation of all caseload forecasts. As used in this
10 chapter, "supervisor" means the caseload forecast supervisor.

11 (3) Approval by an affirmative vote of at least five members of
12 the council is required for any decisions regarding employment of the
13 supervisor. Employment of the supervisor shall terminate after each
14 term of three years. At the end of the first year of each three-year
15 term the council shall consider extension of the supervisor's term by
16 one year. The council may fix the compensation of the supervisor. The
17 supervisor shall employ staff sufficient to accomplish the purposes
18 of this section.

19 (4) The caseload forecast council shall oversee the preparation
20 of and approve, by an affirmative vote of at least four members, the
21 official state caseload forecasts prepared under RCW 43.88C.020. If
22 the council is unable to approve a forecast before a date required in
23 RCW 43.88C.020, the supervisor shall submit the forecast without
24 approval and the forecast shall have the same effect as if approved
25 by the council.

26 (5) A councilmember who does not cast an affirmative vote for
27 approval of the official caseload forecast may request, and the
28 supervisor shall provide, an alternative forecast based on
29 assumptions specified by the member.

30 (6) Members of the caseload forecast council shall serve without
31 additional compensation but shall be reimbursed for travel expenses
32 in accordance with RCW 44.04.120 while attending sessions of the
33 council or on official business authorized by the council.
34 Nonlegislative members of the council shall be reimbursed for travel
35 expenses in accordance with RCW 43.03.050 and 43.03.060.

36 (7) "Caseload," as used in this chapter, means:

37 (a) The number of persons expected to meet entitlement
38 requirements and require the services of public assistance programs,
39 state correctional institutions, state correctional noninstitutional
40 supervision, state institutions for juvenile offenders, the common

1 school system, long-term care, medical assistance, foster care, and
2 adoption support;

3 (b) The number of students who are eligible for the Washington
4 college bound scholarship program and are expected to attend an
5 institution of higher education as defined in RCW 28B.92.030;

6 (c) The number of children who are eligible, as defined in RCW
7 43.215.405, to participate in, and the number of children actually
8 served by, the early childhood education and assistance program.

9 (8) The caseload forecast council shall forecast the temporary
10 assistance for needy families and the working connections child care
11 programs as a courtesy.

12 (9) The caseload forecast council shall forecast youth
13 participating in the extended foster care program pursuant to RCW
14 74.13.031 separately from other children who are residing in foster
15 care and who are under eighteen years of age.

16 (10) Prior to each legislative session, the caseload forecast
17 council shall prepare and submit to the legislature a general
18 disproportionality report. The general disproportionality report must
19 contain the following information:

20 (a) A table of percentages based on the total number of adult
21 felony sentences in each crime category, distributed by race and
22 ethnicity;

23 (b) A table of percentages of Washington state's general adult
24 at-risk population, between the ages of eighteen and fifty-four,
25 distributed by race and ethnicity;

26 (c) A complete list of felony offenses in each crime forecasting
27 category; and

28 (d) A discussion of limitations in the data presented in (a) and
29 (b) of this subsection.

30 (11) Unless the context clearly requires otherwise, the
31 definitions provided in RCW 43.88.020 apply to this chapter.

32 NEW SECTION. Sec. 3. A new section is added to chapter 43.88C
33 RCW to read as follows:

34 (1) The caseload forecast council shall establish a procedure for
35 the provision of racial and ethnic impact statements on the effect
36 that legislative bills and resolutions modifying adult felony
37 sentencing will have on racial and ethnic minority groups including,
38 but not limited to, the racial and ethnic composition of the criminal
39 justice system.

1 (2) Racial and ethnic impact statements must be included with the
2 fiscal note produced by the caseload forecast council on any
3 legislative bill or resolution modifying adult felony sentencing.
4 Racial and ethnic impact statements must include, at a minimum, the
5 following:

6 (a) An introductory narrative paragraph;

7 (b) Tables, tailored to the specific fiscal note, displaying:

8 (i) Percentages of the general adult at-risk population
9 distributed by race and ethnicity and percentages for either the
10 proper crime forecasting category or where available and appropriate,
11 the specific offense, distributed by race and ethnicity; and

12 (ii) Projected percentages for either the proper crime
13 forecasting category or where available and appropriate, the specific
14 offense, distributed by race and ethnicity, if the proposed bill or
15 resolution is adopted; and

16 (c) Additional narrative discussing the potential racial and
17 ethnic impacts of the legislation and the limitations of the data, if
18 any.

19 (3) The caseload forecast council may work in cooperation with
20 appropriate legislative committees and legislative staff, the office
21 of financial management, the department of corrections, the
22 department of social and health services, the administrative office
23 of the courts, the minority and justice commission, the Washington
24 state institute for public policy, and the sentencing guidelines
25 commission to assist in the development of racial impact statements.

26 (4) This section does not prevent either the house of
27 representatives or the senate from acting on any bill before it as
28 otherwise provided by the state Constitution, by law, or by the rules
29 and joint rules of the senate and house of representatives. The lack
30 of any racial impact statement provided in this section or any error
31 in the accuracy thereof does not affect the validity of any measure
32 otherwise duly passed by the legislature.

33 **Sec. 4.** RCW 43.88A.020 and 2011 c 140 s 1 are each amended to
34 read as follows:

35 The office of financial management shall, in cooperation with
36 appropriate legislative committees and legislative staff, establish a
37 procedure for the provision of fiscal notes on the expected impact of
38 bills and resolutions which increase or decrease or tend to increase
39 or decrease state government revenues or expenditures. Such fiscal

1 notes shall indicate by fiscal year the impact for the remainder of
2 the biennium in which the bill or resolution will first take effect
3 as well as a cumulative forecast of the fiscal impact for the
4 succeeding four fiscal years. Fiscal notes shall separately identify
5 the fiscal impacts on the operating and capital budgets. Estimates of
6 fiscal impacts shall be calculated using the procedures contained in
7 the fiscal note instructions issued by the office of financial
8 management.

9 In establishing the fiscal impact called for pursuant to this
10 chapter, the office of financial management shall coordinate the
11 development of fiscal notes, and, where applicable, the development
12 of racial impact statements, with all state agencies affected.

13 The preparation and dissemination of the ongoing cost projections
14 and other requirements of RCW 43.135.031 for bills increasing taxes
15 or fees shall take precedence over fiscal notes.

16 For proposed legislation that uniquely affects school districts,
17 in addition to any fiscal note prepared under this chapter, a school
18 district fiscal note must be prepared under the process established
19 in RCW 28A.300.0401.

20 **Sec. 5.** RCW 43.88C.050 and 2015 c 128 s 3 are each amended to
21 read as follows:

22 (1) The caseload forecast council shall appoint a research staff
23 of sufficient size and with sufficient resources to accomplish its
24 duties. The caseload forecast council may request from the
25 administrative office of the courts, the department of early
26 learning, the department of corrections, the health care authority,
27 the superintendent of public instruction, the Washington student
28 achievement council, the department of social and health services,
29 and other agencies with caseloads forecasted by the council, such
30 data, information, and data processing assistance as it may need to
31 accomplish its duties, and such services shall be provided without
32 cost to the caseload forecast council.

33 (2) The caseload forecast council may request from the
34 administrative office of the courts, the department of social and
35 health services, the department of corrections, the office of the
36 superintendent of public instruction, and other agencies, such data,
37 information, and data processing assistance as it may need to
38 accomplish its duties, and these services shall be provided without
39 charge to the caseload forecast council.

1 (3) The caseload forecast council is considered a criminal
2 justice agency within the meaning of RCW 10.97.030.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300
4 RCW to read as follows:

5 (1) The office of the superintendent of public instruction, in
6 cooperation with appropriate legislative committees and legislative
7 staff, the office of financial management, the minority and justice
8 commission, the Washington state institute for public policy, and the
9 caseload forecast council, shall establish a procedure for the
10 provision of racial and ethnic impact statements on the effect that
11 legislative bills and resolutions will have on racial and ethnic
12 minority students including, but not limited to, the racial and
13 ethnic composition of K-12 students subject to discipline.

14 (2) The office of the superintendent of public instruction shall
15 provide a racial and ethnic impact statement on any legislative
16 proposal at the request of any legislator. The request must set forth
17 the specific criteria and categories of students to be used in
18 determining the racial and ethnic impact of the proposed legislation.

19 (3) Racial and ethnic impact statements provided by the office of
20 the superintendent of public instruction must include, at a minimum,
21 the following:

22 (a) An introductory narrative paragraph;

23 (b) Tables, tailored to the specific fiscal note, displaying:

24 (i) Percentages of the overall student population distributed by
25 race and ethnicity and percentages for the specific category of
26 students as described in the criteria set forth by the legislator in
27 his or her request, distributed by race and ethnicity; and

28 (ii) Projected percentages of the overall student population
29 distributed by race and ethnicity and percentages for the specific
30 category of students as described in the criteria set forth by the
31 legislator in his or her request, distributed by race and ethnicity,
32 if the proposed bill or resolution is adopted; and

33 (c) Additional narrative discussing the potential racial and
34 ethnic impacts of the legislation and the limitations of the data, if
35 any.

36 (4) The racial and ethnic impact statement must show the effect
37 of the legislation on a range of representative school districts. The
38 racial and ethnic impact statement must set forth any assumptions
39 that were used in selecting the representative districts.

1 (5) This section does not prevent either the house of
2 representatives or the senate from acting on any bill before it as
3 otherwise provided by the state Constitution, by law, or by the rules
4 and joint rules of the senate and house of representatives. The lack
5 of any racial impact statement provided in this section or any error
6 in the accuracy thereof does not affect the validity of any measure
7 otherwise duly passed by the legislature.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.04
9 RCW to read as follows:

10 (1) The department, in cooperation with appropriate legislative
11 committees and legislative staff, the office of financial management,
12 the minority and justice commission, the Washington state institute
13 for public policy, and the caseload forecast council, shall establish
14 a procedure for the provision of racial and ethnic impact statements
15 on the effect that legislative bills and resolutions will have on
16 racial and ethnic minority groups including, but not limited to, the
17 racial and ethnic composition of populations receiving assistance
18 from the department.

19 (2) The department shall provide a racial and ethnic impact
20 statement on any legislative proposal at the request of any
21 legislator. The request must set forth the specific criteria and
22 categories of persons to be used in determining the racial and ethnic
23 impact of the proposed legislation.

24 (3) Racial and ethnic impact statements provided by the
25 department must include, at a minimum, the following:

26 (a) An introductory narrative paragraph;

27 (b) Tables, tailored to the specific fiscal note, displaying:

28 (i) Percentages of the general adult at-risk population
29 distributed by race and ethnicity and percentages for the specific
30 category of persons as described in the criteria set forth by the
31 legislator in his or her request, distributed by race and ethnicity;
32 and

33 (ii) Projected percentages of the population distributed by race
34 and ethnicity and percentages for the specific category of persons as
35 described in the criteria set forth by the legislator in his or her
36 request, distributed by race and ethnicity, if the proposed bill or
37 resolution is adopted; and

1 (c) Additional narrative discussing the potential racial and
2 ethnic impacts of the legislation and the limitations of the data, if
3 any.

4 (4) This section does not prevent either the house of
5 representatives or the senate from acting on any bill before it as
6 otherwise provided by the state Constitution, by law, or by the rules
7 and joint rules of the senate and house of representatives. The lack
8 of any racial impact statement provided in this section or any error
9 in the accuracy thereof does not affect the validity of any measure
10 otherwise duly passed by the legislature.

11 NEW SECTION. **Sec. 8.** The minority and justice commission, in
12 consultation with the sentencing guidelines commission, shall conduct
13 an evaluation of the implementation of this act and submit a report
14 to the appropriate committees of the legislature by January 1, 2021.
15 The report shall include:

16 (1) Whether the information provided in racial and ethnic impact
17 statements was presented in a clear, concise, and understandable
18 form;

19 (2) Whether any limitations in transmission of relevant data to
20 the caseload forecast council existed during the pilot project;

21 (3) The timeliness of the provision of racial and ethnic impact
22 statements under this act;

23 (4) The cost-effectiveness of the provision of racial and ethnic
24 impact statements under this act;

25 (5) Whether the implementation of racial and ethnic impact
26 statements led to more equitable outcomes in the criminal justice
27 system; and

28 (6) A recommendation as to whether to continue the provision of
29 racial and ethnic impact statements on a permanent basis, including
30 expansion of racial and ethnic impact statements into additional
31 subject matter areas, such as legislative bills and resolutions
32 affecting other parts of the criminal justice system.

33 NEW SECTION. **Sec. 9.** Section 6 of this act takes effect upon
34 the first collection and submittal of student-level data as required
35 by RCW 28A.300.042. The office of the superintendent of public
36 instruction shall provide notice of the effective date of section 6
37 of this act to affected parties, the chief clerk of the house of

1 representatives, the secretary of the senate, the office of the code
2 reviser, and others as deemed appropriate by the office.

--- END ---

BOARD FOR JUDICIAL ADMINISTRATION

Policy and Planning Committee

Proposal Strategic Goal: Increasing Jury Diversity

Please provide the information below. Members may submit more than one proposal. Each proposal should be on a separate form. Send completed proposals to committee staff at Steve.Henley@courts.wa.gov by end of day on February 3, 2017.

TITLE:

Increasing Jury Diversity in Washington State Courts

PROPONENTS:

Justice Mary Yu and Justice Charles Johnson, on behalf of the Washington State Minority and Justice Commission

ISSUE:

The lack of racial diversity on juries is a challenge that courts nationally are beginning to address. Courts are striving to effectively and randomly select jury pools with a composition that reflects the racially diversity of the population it serves, but greater efforts are needed in order to achieve this result. Additionally, research suggests that the racial composition of juries has a racially biased effect on trial outcomes. For example, one study found that juries formed from all-white jury pools convict black defendants significantly (16 percentage points) more often than white defendants, and this gap is eliminated when the jury pool includes at least one black member.¹

To determine the extent of this problem in Washington State courts, the Minority and Justice Commission, with support from Judge Steve Rosen, King County Superior Court, has undertaken a statewide jury demographic survey project to collect data on the composition of juries across the state over the course of one year. The survey asks jurors, various presiding judges and/or jury coordinators around the state to administer a voluntary demographic survey of jurors who report for jury service. The Commission has

¹ Shamena Anwar & Patrick Bayer & Randi Hjalmarsson, 2012. "[The Impact of Jury Race in Criminal Trials](#)," The Quarterly Journal of Economics, Oxford University Press, vol. 127(2), pages 1017-1055.

plans to present the preliminary results of the data at its Supreme Court Symposium scheduled for May 24, at the Temple of Justice, and will work on producing a report to share with the public.

GOAL. *Please provide a draft statement of a goal responsive to the issue:*

Our goal is to share the results of our data collection with all relevant stakeholders and that it can be a basis for future initiatives of the judiciary to increase jury diversity. Another goal might also be to create a permanent mechanism of tracking jury data to ensure that any efforts are making an impact.

STAKEHOLDERS. *Please list stakeholder organizations with a likely interest in the issue.*

- Superior Court Judges Association
- District and Municipal Court Judges Association
- Washington State Executive Branch
- Washington State Legislature
- Washington Secretary of State
- Washington State Bar Association
- Washington Association of Prosecuting Attorneys
- Washington State Office of Public Defense
- Washington State Access to Justice Board
- Washington State Law Schools
- Gender and Justice Commission
- Minority and Justice Commission
- Interpreter Commission

INTERNAL OR EXTERNAL. *Is the goal intended to be internally or externally focused?*

External

BOARD FOR JUDICIAL ADMINISTRATION

Policy and Planning Committee

Proposal Strategic Goal: Understanding and Reforming the Legal Financial Obligation System in Washington State

Please provide the information below. Members may submit more than one proposal. Each proposal should be on a separate form. Send completed proposals to committee staff at Steve.Henley@courts.wa.gov by end of day on February 3, 2017.

TITLE:

Understanding and Reforming the LFO System in Washington State

PROPONENTS:

Justice Mary Yu and Justice Charles Johnson, on behalf of the Washington State Minority and Justice Commission

ISSUE:

In 2008, the Minority and Justice Commission (MJC) released the findings of a study it commissioned on the nature and consequences of LFOs assessed by Washington State Superior Courts. The study found that there was a high degree of variability in the assessment of LFOs across the state that could not be attributed solely to the seriousness of the offense or the offender, that LFOs exacerbate obstacles to re-entry, and that LFOs were being assessed at higher amounts for people identified as Hispanic origin.

The issues involving court ordered fines and fees are not specific to Washington courts. The disparate impact of LFO assessment has become a mainstream topic after the U.S. Department of Justice (DOJ) found courts in Ferguson, Missouri, had routinely imposed excessive fines and ordered the arrest of low-income residents for failure to appear or make payment without making an inquiry of their ability to pay. This eventually led the DOJ to release a Dear Colleague Letter clarifying that courts must determine whether a person can pay before imprisoning them for fines based on *Bearden v. Georgia*, and solicited states to apply for grant funds to address LFO issues in their state.

The Minority and Justice Commission applied for the grant and was selected as one of 5 states (others include Texas, Missouri, California, and Louisiana) to receive the 3-year grant to address LFOs.

To fully understand how LFOs operate throughout all of the different counties in our state, the MJC will be working with many partners representing the different parts of the LFO system as part of its LFO Stakeholder Consortium. The project involves designing and producing a comprehensive report looking at LFOs, and producing a tool that can be used by stakeholders to determine ability to pay. It will create findings and recommendations from the report of which we hope the BJA can provide leadership in helping to adopt and carry out some of the recommendations that are made.

GOAL. Please provide a draft statement of a goal responsive to the issue:

Our goal is to reduce the overuse and disproportionate impact of LFOs on the indigent and communities of color. By sharing the findings and tools that are produced by the grant with relevant stakeholders, we will be better prepared to have discussions with stakeholders on possible and practical reforms. Overall, it is important for all courts at all levels to continue discussing our over-reliance on LFOs as a mechanism for funding trial courts.

STAKEHOLDERS. Please list stakeholder organizations with a likely interest in the issue.

The following is a list of all of the stakeholders that are currently part of the LFO Stakeholder Consortium in conjunction with the Dept. of Justice Grant.

- Superior Court Judges Association
- District and Municipal Court Judges Association
- Washington State Executive Branch
- Washington State Legislature
- Washington Association of Prosecuting Attorneys
- Washington State Office of Public Defense
- Washington State Association of County Clerks
- Northwest Justice Project
- Columbia Legal Services
- Northwest Tribal Court Judges Association
- ACLU of Washington
- Poverty Action Network
- Office of Civil Legal Aid

- Washington Defender Association
- Washington Coalition of Crime Victim Advocates
- BlackOut WA
- Washington Association of Criminal Defense Lawyers
- “I Did The Time”

INTERNAL OR EXTERNAL. *Is the goal intended to be internally or externally focused?*

External

Proposal to Create an ATJ-Supreme Court Commissions Ad Hoc Committee
February 9, 2017

Submitted to the ATJ Board on behalf of the Washington State Minority and Justice Commission, Interpreter Commission, and Gender and Justice Commission

Background: On December 2, 2016, the Supreme Court Commissions and the ATJ Board convened a joint meeting for the first time. The ATJ Board and Commissions' staff created and disseminated a survey to assess the effectiveness of the joint meeting. Based on the survey and conversations with attendees, there was a strong interest in holding another joint meeting in 2017. ATJ Board and Commissions' staff met telephonically to discuss the ways that we can move the partnership forward.

What: Staff proposes the creation of an ad hoc committee comprised of 1-2 members from each Supreme Court Commission and the ATJ Board.

Outcome: The ad hoc committee would develop a strategic action plan to remove barriers to civil legal aid access. The strategic action plan would specifically address the removal of race/ethnic/national origin, gender, language barriers, etc., and serve as the template for our partnership actions in 2018 and beyond. The strategic action plan would be presented to members of all bodies at a joint meeting in October or November 2017 for feedback.

When: The ad hoc committee would meet every month leading up to the joint meeting of the Commissions and ATJ Board in October or November 2017.

How: The ATJ Board and Commissions' staff would be responsible for scheduling and staffing the monthly ad hoc committee meetings. Most meetings will be conducted via conference call. ATJ Board and Commissions' staff will work with the ad hoc committee to plan the joint meeting to take place in October or November 2017. The ATJ Board would host the joint meeting.

Why:

- Members of each body expressed a strong interest in another joint meeting and identified viable areas for collaboration.
- Each body recognizes a gap in expertise or resources that could be filled by the other bodies to make a significant impact on civil legal aid access.
- A joint meeting can be used more effectively if a group has already created an action plan as a basis for discussion.
- There needs to be some sort of joint committee that can think about and formulate a future plan of collaboration to propose to the groups.

Education Committee

The Education Committee seeks to improve the administration of justice by eliminating racism and its effects by offering and supporting a variety of innovative, high quality, education programs designed to improve the cultural and professional competency of court employees and other representatives of the Washington State justice system.

Goals

- To provide and foster leadership for all components of the state justice system with the goal of eliminating racial, cultural, and ethnic bias and disparate treatment and fostering systemic change.
- To ensure that cultural diversity and cultural competency trainings becomes a normal and continuous aspect of employment or service within the state justice system.
- To increase cultural awareness, foster greater appreciation of racial and cultural diversity, and engender mutual respect in persons who deliver court services and represent our justice system.
- To provide and /or collaborate with others in recommending resources and education programs consistent with the mission of the Committee.
- To be flexible and creative in developing high quality education programs tied to learning outcomes/objectives.

Juvenile Justice Committee

(Draft)

The mission of the Juvenile Justice Committee is to work with justice partners to focus attention, inquiry, and action on addressing bias and undoing institutional racism in the juvenile justice system and juvenile courts that allow for disparities for youth of color to persist.

Goals of the JJ Committee include developing recommendations and action steps to:

- Expand the ways that youth can be diverted away from juvenile justice involvement.
- Review the types and utilization of detention alternatives in Washington and leverage and increase their use beyond those achieved through the Juvenile Detention Alternative Initiative (JDAI).
- Shift the paradigm of juvenile justice from corrections/"rehabilitate" to one that is trauma informed, restorative, and positively transformative.
- Reduce lifelong impacts of juvenile justice involvement, like debt, juvenile records, registration and other stigma
- Develop race equity impact tools and statements for proposed rules, guidelines, laws, and policies.

Outreach Committee

The mission of the Outreach Committee is to facilitate communication between the Washington State Minority and Justice Commission and the public and, specifically, the legal and court communities of Washington State, regarding interaction with and participation in the justice system by minorities or persons of color.

Goals

- Establish, maintain and enhance sustained relationships between courts, legal community organizations and other public and private agencies engaged in work relating to the courts and diversity.
- Oversee development and production the Commission's annual report.
- Obtain artwork expressing an issue important to the Commission's goals and mission for the Commission's annual poster.
- Assist the Commission in broadening its exposure to the public and constituencies it serves by recommending and facilitating Commission meetings and other public events at locations and in communities throughout the state.
- Create and maintain materials such as brochures and multi-media products such as videos and the Commission's website.
- Evaluate and recommend individuals for appointment to the Commission's membership.

Workforce Diversity Committee

The mission of the Workforce Diversity Committee is to promote equal employment and to study and improve the conditions needed to increase the opportunities for racial, ethnic and other traditionally underrepresented minorities to be employed by and supported in the justice system, including judicial and non-judicial leadership positions.

Goals:

- Study the status, importance and benefits of a representative workforce in the courts, their state administrative agency, and the bar.
- Conduct internal and external outreach about status, importance and benefits of a representative workforce in the justice system.
- Coordinate with the Commission's Education Committee and other entities to ensure that these issues are a continuous and regular part of the continuing education of the courts, bar and other stakeholders.
- Develop resource materials that can be used to improve the conditions needed to develop and sustain a diverse workforce in the courts and their state administrative agency.

2016-2017 MJC Budget Updated 2-21-17

Starting available funds	\$70,000.00	\$70,000.00
Estimated Funds used to date	\$24,524.00	\$24,524.00

You're under budget by

Item	Description	Allotted	Spent	Remaining	Notes
Commission Meetings	Member & staff travel costs, lodging, and per-diem for all regular MJC meetings and Y&J Forum	\$15,000.00	16,474	-1,474.00	
General Operating Expenses	Printing, teleconferences, office supplies, etc.	\$3,600.00			Reduced from \$5000 from last budget
Annual Report	Design and printing	\$500.00	\$0	\$500.00	Amount allotted has been reduced from \$1,000 from last budget
Commission Staff & Member Continuing Education	National Consortium & other conferences	\$7,000.00	0	\$7,000.00	
EDUCATION					
Judicial College		\$2,000.00	\$2,000	\$0.00	
Institute for New Court Employees		\$0.00	\$0	\$0.00	Removed as a line item from last budget
Fall Conference - Perceptions of Justice Part II		\$1,200.00	\$1,200	\$0.00	
Fall Conference - Jury Diversity and Implicit Bias		\$600.00	\$600	\$0.00	
Pre-trial Justice		\$0.00	\$0	\$0.00	Removed as a line item from last budget
Spring Conference - DMCJA		\$500.00	\$0	\$500.00	Amount allotted has been reduced from \$1,500 from last budget
Spring Conference - SCJA		\$9,200.00	\$0	\$9,200.00	Added \$700 from Pre-trial Justice line item
Spring Conference - Appellate Courts		\$500.00	\$0	\$500.00	Amount allotted has been reduced from \$1,500 from last budget
Flexible spending for other education sponsorships		\$0.00	\$0	\$0.00	Removed as a line item from last budget
LAW STUDENT LIAISONS					
Gonzaga project		\$1,500.00	\$0	\$1,500.00	
SU project		\$1,500.00	\$0	\$1,500.00	Spending was approved 12/2/16
UW project		\$1,500.00	\$0	\$1,500.00	Spending approved for \$400 12/2/16
Leadership Training & Travel		\$1,000.00	\$1,000	\$0.00	
YOUTH PIPELINE PROGRAMS					
Yakima Youth & Justice Forum (October 2016)		\$1,000.00	\$1,000	\$0.00	
Spokane Youth & Justice Forum (December 2016)		\$1,000.00	\$1,000	\$0.00	
Tri-Cities Youth & Justice Forum		\$1,000.00	\$0	\$1,000.00	
Wenatchee Youth & Justice Forum (March 2017)		\$1,000.00	\$0	\$1,000.00	
Seattle Youth & Justice Forum (April/May 2017)		\$1,000.00	\$0	\$1,000.00	
SYMPOSIUM					
		\$6,000.00	\$0	\$6,000.00	
INITIATIVES					
Tribal State Court Consortium		\$2,500.00	\$450	\$2,050.00	
Pre-trial Task Force		\$2,000.00	\$0	\$2,000.00	
Eliminating the Pipeline Seminar Series		\$1,000.00	\$0	\$1,000.00	
Spokane Community Forum with Ron Davis		\$1,500.00	\$0	\$1,500.00	Amount allotted has been reduced from \$3,000 from last budget
Town Hall		\$0.00	\$0	\$0.00	Removed as a line item from last budget
SPONSORSHIPS					
		\$0	\$0	\$0.00	Removed as a line item from last budget
RESEARCH					
Jury Survey Project		\$4,400	\$0	\$4,400.00	
COMMITTEE WORK					
Committees		\$1,200	\$0	\$1,200.00	
Judges of Color Reception		\$800	\$800	\$0.00	
Total		\$70,000.00	24524		

Project Proposal: *Careers in Law Panel*

Date and Time:

- April 19, 2017
- 3:00-5:00 pm

Location:

- Gonzaga University School of Law
 - Tour the law school
 - Speakers will present in the school's Barbieri Courtroom

Target Audience:

- High school students, racially and ethnically diverse or committed to diversity
 - In Spokane there are so few legal professionals of color, we hope to show students that there are people who look like them in this profession
 - Impress upon the students the importance of diversity in the legal profession
 - Plant the idea of law school in the students' heads; show them the path and open their eyes to the possibility of becoming a legal professional

Message:

- The speakers on our panel will each have about 15 minutes to share their story of how they came to be legal professionals, why they chose this path, what it is they do in their jobs, and share personal anecdotes of favorite memories or hard times regarding their legal careers
- In addition to the speakers' presentations, we will provide the students with brochures detailing how exactly to get from high school to law school, including information on how to finance higher education, how to find and apply for scholarships and grants, information regarding the ACT and SAT and LSAT standardized tests, provide a general timeline showing when to commence each step on the path to law school, and advice on what to do for their remaining time in high school and their time as undergraduate students

Objectives:

- Inform minority high school students about the legal profession
 - Point out various avenues for pursuing careers in law
- Introduce them to successful legal professionals who are minorities
- Illustrate why there is a need and the benefits of diversity in the legal profession

Event Schedule:

- 3:00 pm:
 - Meet the high school students as they arrive to Gonzaga University School of law via school buses
- 3:00-3:15 pm:
 - Tour the law school
- 3:15-3:20 pm:
 - Gather in the Barbieri Courtroom, where pizza, beverages, plates and napkins will be set up
 - Student liaisons will be responsible for this set-up
- 3:20-3:30 pm:
 - Professor Jason Gillmer presents a Constitutional law case, concerning racial justice, to give the high school students an idea of what discussions happen in a law school classroom
 - Encourage questions and discussion with the students
- 3:30-3:50 pm:
 - Student liaisons introduce themselves
 - Student liaison Jamison Nichols shares his story regarding how he came to law school as a first generation college graduate in his family
- 3:50-4:50 pm:
 - Student liaisons introduce the four speakers of the Careers in Law Panel
 - About 15 minutes per speaker
 - High school students may ask questions
- 4:50-5:00 pm:
 - Hand out a prize to two students who correctly answers two questions regarding the case Professor Gillmer will have presented earlier in the afternoon (we will inform the students of this before Professor Gillmer begins discussing the case, as incentive for the students to stay engaged and participate)
 - Hand out Gonzaga University memorabilia and law-school-roadmap brochures
- 5:00 pm:
 - Students leave on buses and travel back to their respective high schools

Community Partners Contact Information:

- Tim Ames, President of the Spokane County Superintendents group
 - tames@mlsd.org
 - GU student liaisons met with Tim and the Spokane County Superintendents in January to explain our project; they received our proposal with enthusiasm and they are happy and willing to help recruit students from the local high schools, as well as arrange school bus transportation to the law school

Presenters' Contact Information:

- Upendra Acharya
 - acharya@gonzaga.edu
 - Gonzaga University School of Law Professor
- Michiko Fjeld
 - mfjeld@spokanecity.org
 - City of Spokane Public Defender
- Gloria Ochoa-Bruck
 - gochoabruck@spokanecity.org
 - Office of Spokane Mayor David A. Condon Director of Local Government and Multicultural Affairs; Commissioner for the Commission on Hispanic Affairs; former Chief Judge for Spokane Tribal Court
- Nicholas Brown
 - nicholas.brown@gov.wa.gov
 - General Counsel to Governor Jay Inslee

Budget:

- Air travel for speaker Nicholas Brown, coming from Olympia, WA
 - \$250.00
- One-night stay at the Davenport Hotel for speaker Nicholas Brown
 - \$250.00
- Pizza Pipeline food and drinks
 - \$300.00
- Plates, cups, napkins
 - \$20.00
- Printing law-school-roadmap brochures
 - \$100.00
- Gonzaga University memorabilia for each student
 - \$100.00
- Prizes for 2 students who correctly answer case law questions at the end of the event
 - \$50.00
- **Total:**
 - **\$1,070.00**

Risk Assessment:

- If, after further discussion and coordination with the Spokane County Superintendents, it seems that holding this event at the law school presents too many hurdles or risks, then our back-up plan is to host the event at Rogers High School
 - Rogers High School has suggested this would be an option if necessary

Washington State Minority and Justice Commission
UW Liaison Project Proposal

Name of event	<p>Youth Empowerment Series:</p> <ul style="list-style-type: none"> ● “Know Your Rights” trainings at Chief Sealth High School and Rainier Beach High School ● Youth Justice Film Screening & Discussion at UW Law School (showing <i>They Call Us Monsters</i>)
Date of events	<p>Three Events:</p> <ol style="list-style-type: none"> 1. Chief Sealth Workshop: Friday, April 21st (TBC) 2. Rainier Beach Workshop: Friday, April 28th (TBC) 3. Youth Justice Film Screening & Discussion: Friday, May 5th (TBC)
Location of events	<p>Chief Sealth High School 2600 SW Thistle St, Seattle, WA 98126</p> <p>Rainier Beach High School 8815 Seward Park Ave S, Seattle, WA 98118</p> <p>UW Law School 4293 Memorial Way Northeast, Seattle, WA 98195</p>
Event coordinator(s) contact information	<ul style="list-style-type: none"> ● Precious Manning, BSU Student Leader at Chief Sealth, jskydynasty@gmail.com ● Kevin Curtis, Rainier Beach High School Teacher, krcurtis@seattleschools.org ● Bailey Adams, BSU Student Presentation, babailey24@gmail.com ● Jesse Hagopian, Garfield High School Teacher, hagopian.jesse@gmail.com
Community partners contact information	<p>Partners:</p> <ul style="list-style-type: none"> ● ACLU of WA <ul style="list-style-type: none"> ○ Vanessa Hernandez, Youth Policy Director. Vanessa presented a “Know Your Rights Training” at Kent High School in January and at Garfield High School on February 17th with UW Liaisons in a “trial-run” of the event. ● Garfield Black Student Union <ul style="list-style-type: none"> ○ Bailey Adams, BSU President, is advertising the event in the Garfield calendar as well as going to classrooms to make in person announcements. ● Chief Sealth Black Student Union <ul style="list-style-type: none"> ○ Precious Manning, BSU President.
Target audience	<p>Target Audience: Seattle high-school students, especially students of color.</p> <p>Series will provide an Overview of:</p> <ul style="list-style-type: none"> ● Student rights regarding political speech and protest (in and out of schools) <ul style="list-style-type: none"> ○ How can students express their political views while at school, what are the limits? Can the school censor or prohibit speech? ○ Can students organize or participate in protests, rallies or demonstrations? When is there a risk of suspension? ● Privacy rights regarding physical property and in the social media sphere <ul style="list-style-type: none"> ○ Can police or SRO’s search your lockers? What about your backpacks? ○ Does the school have access to what you post on facebook? ○ Are emails and social media messages actually private? ● Problem of youth incarceration and current reform efforts in King County. The film will provide a national example (it features youth in Los Angeles) but the discussion afterwards will focus on local organizations working on youth justice.

<p>Objectives</p> <p>Be clear about what you hope to achieve with this event.</p> <p><i>How does it directly relate to MJC's purpose?</i></p> <p><i>Does the topic make sense?</i></p>	<p>High School Trainings:</p> <ul style="list-style-type: none"> ● Give local youth the tools to engage in peaceful civic action ● Facilitate a space for student questions and discussions <p>Film Screening and Panel Discussion:</p> <ol style="list-style-type: none"> 1. Bring together youth from different areas of Seattle to learn about youth incarceration and local efforts to reform the juvenile justice system
<p>Description of event (short elevator pitch)</p> <p><i>How would you succinctly describe the event to someone who is unfamiliar with you or your organization?</i></p>	<p>"Know your Rights - Free Speech at Protests and Demonstrations"</p> <ul style="list-style-type: none"> ● The right to join with fellow citizens in protest or peaceful assembly is critical to a functioning democracy and at the core of the First Amendment. This training will provide general guidelines to students so that their right to public expression are understood. <ul style="list-style-type: none"> ○ Topics covered: <ul style="list-style-type: none"> ■ Police officers in schools ■ Expressing political views in school <ul style="list-style-type: none"> ● offensive comments v. "obscenities" ■ School discipline for out of school speech ■ policies for protests during school and unexcused absence policy in Washington
<p>Event Schedule</p>	<p>Chief Sealth Workshop: Friday, April 21st, 12:30-2:00pm</p> <ul style="list-style-type: none"> - 12:30 Lunch, pass out materials - 12:35 Introductions, Overview - 12:45 ACLU presentation - 1:30 Q&A Discussion <p>Rainier Beach Workshop: Friday, April 28st, 12:30-2:00pm</p> <ul style="list-style-type: none"> - 12:30 Lunch, pass out materials - 12:35 Introductions, Overview - 12:45 ACLU presentation - 1:30 Q&A Discussion <p>Film Screening and Panel Discussion: Friday, May 5th, 6:00-8:30pm</p> <ul style="list-style-type: none"> - 6:00 Film, <i>They Call Us Monsters</i> - 8:00 Panel Discussion
<p>Budget</p>	<p>High School Trainings:</p> <ul style="list-style-type: none"> - \$250 Pizza and soft drinks for 25 students w/ plates and cups <ul style="list-style-type: none"> - \$125 for each training - No cost for presentation materials (provided by Vanessa Hernandez) <p>Film Screening and Panel Discussion:</p> <ul style="list-style-type: none"> - \$600 Refreshments: Food/Drink <ul style="list-style-type: none"> - \$300 appetizers/snacks - \$200 drinks - \$100 napkins/plates - \$100 Transportation for students <ul style="list-style-type: none"> - We are looking into the best method to provide financial support for transportation so that students without access to a car or bus pass can make it up to UW. - \$150 Screening Rights: <ul style="list-style-type: none"> - We will be addressing this issue in the near future. We will tentatively allocate \$150 of our budget to screening rights, however the film we are screening was produced for educational purposes so we may not have to pay any fee.

	<p>- No cost for location (provided by UW School of Law)</p> <p>TOTAL BUDGET: \$1,100 (Note: \$400 has been allocated to the other part of our project, the Race Equity Training at UW Law)</p>
<p>Risk assessment</p> <p>Identify possible risks or obstacles and develop strategies to minimize them.</p> <p><i>Who does this need to be cleared with?</i></p> <p><i>What's our back-up plan?</i></p>	<p>We will liaise with teachers at the High Schools to go through the proper method to register our event at the school.</p> <p>We recently went through a trial-run of this project at Garfield High School. On February 17th, as UW Law students, we partnered with Vanessa Hernandez from the ACLU to facilitate a "Know Your Rights" training.</p> <p>We liaised with a student representative and teacher to clear it with Garfield administration, which simply required providing our contact information and a brief description of our event.</p>

Meeting Location Proposal

Date	Time	Location	Focus
Monday, February 27, 2017	8:45 a.m. - 12:45 p.m.	AOC SeaTac Office	
Friday, April 7, 2017	8:45 a.m. - 12:45 p.m.	Seattle University School of Law (tentative)	Community organizations serving the Asian community and Muslim community (Aneelah Afzali from MAPS Redmond/Middle Eastern Legal Association of Washington is a tentative guest speaker)
Wednesday, May 24, 2017	9:00 a.m. – 12 p.m.	MJC Jury Diversity Symposium Temple of Justice Olympia, Washington	
Friday, June 30, 2017	8:45 a.m. – 12:45 p.m.	TBD	Community organizations serving the Latinx community
Friday, September 22, 2017	8:45 am – 2 pm (tentative)	Hibulb Cultural Center 6410 23rd Ave NE, Marysville, WA 98271 https://www.hibulbculturalcenter.org/ A room has been put on hold	Native American communities
Friday, December 1, 2017	8:45 a.m. – 12:45 p.m.	TBD	Community organizations serving the Black community

Extend invitations to minority bar associations to attend our meetings:

[Asian Bar Association of Washington](#)

[Northwest Indian Bar Association](#)

[The Cardozo Society](#)

[Pierce County Minority Bar Association](#)

[Filipino Lawyers of Washington](#)

[Slavic Bar Association of Washington](#)

[QLaw – The LGBT Bar Association](#)

[South Asian Bar Association of
Washington](#)

[Korean American Bar Association](#)

[Spokane County Bar Association Diversity
Section](#)

[Latina/Latino Bar Association of
Washington](#)

[Vietnamese American Bar Association of
Washington](#)

[Loren Miller Bar Association](#)

[Washington Attorneys with Disabilities
Association](#)

[Middle Eastern Legal Association of
Washington](#)

[Washington Women Lawyers](#)

[Mother Attorneys Mentoring
Association
of Seattle](#)

[Washington State Veterans Bar
Association](#)

[Northwest Indian Bar Association
\(NIBA\), Tulalip](#)