

**FILED**  
**MAY 9, 2024**  
In the Office of the Clerk of Court  
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION THREE

STATE OF WASHINGTON,	)	No. 39248-1-III
	)	
Respondent,	)	
	)	
v.	)	UNPUBLISHED OPINION
	)	
JACKSON A. NEAL,	)	
	)	
Appellant.	)	

LAWRENCE-BERREY, C.J. — Jackson Neal, found by the trial court to be indigent at the time of sentencing, challenges the court’s imposition of a \$500 crime victim penalty assessment and a \$100 DNA collection fee. Because of recent legislative changes, we remand for the trial court to strike both costs.

FACTS

A jury convicted Jackson Neal of vehicular homicide. At sentencing, the trial court recognized that Mr. Neal was indigent and imposed a \$500 crime victim penalty assessment (VPA) and \$100 DNA collection fee. He timely appeals.

After his conviction, H.B. 1169 became effective. LAWS OF 2023, ch. 449. This law amends several statutes that govern legal financial obligations in criminal cases, including RCW 7.68.035 and RCW 43.43.7541. *See* LAWS of 2023, ch. 449, §§ 1, 4.

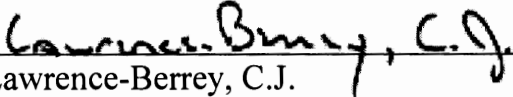
ANALYSIS

Mr. Neal contends that remand is required for the trial court to strike the \$500 VPA and the \$100 DNA collection fee. The State concedes. We agree.

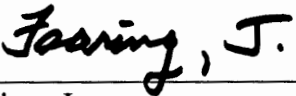
A new subsection in RCW 7.68.035 prohibits trial courts from imposing the \$500 VPA on defendants found to be indigent at the time of sentencing. RCW 7.68.035(4). Also, the \$100 DNA collection fee established by former RCW 43.43.7541 (2002) was eliminated. See LAWS OF 2023, ch. 449, § 4. These changes apply to defendants whose direct appeals are not final. *State v. Ellis*, 27 Wn. App. 2d 1, 17, 530 P.3d 1048 (2023).


We remand to the trial court with instructions to strike the \$500 VPA and the \$100 DNA collection fee.

A majority of the panel has determined this opinion will not be printed in the Washington Appellate Reports, but it will be filed for public record pursuant to RCW 2.06.040.

  
Lawrence-Berrey, C.J.

WE CONCUR:

  
Fearing, J.

  
Pennell, J.