

HOUSE BILL ANALYSIS

SSB 6336

Brief Description: Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision.

Sponsors: Senators Hargrove and Long.

Hearing: February 22, 2000.

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS

BACKGROUND:

Legal Financial Obligations: Under the Sentencing Reform Act, a "legal financial obligation" is a court-imposed obligation to pay money and may consist of any of the following: restitution to the victim; statutorily imposed crime victims' compensation fees; court costs; county or inter-local drug fund assessments; court-appointed attorneys' fees and costs of defense; fines; reimbursement for emergency response expenses in the case of a DWI-related vehicular assault or vehicular homicide conviction; and any other financial obligation assessed to the offender as a result of a felony conviction. Interest accrues on the legal financial obligation from the date the judgment is entered, including the time during which the offender is incarcerated, at the rate applicable to civil judgments.

The Department of Corrections (DOC) must supervise the offender's compliance with payment of the legal financial obligation for 10 years following conviction or 10 years after the offender is released from total confinement, regardless of the statutory maximum for the crime. If the obligation is not paid 10 years after the offender has been released, the court may extend jurisdiction for an additional 10 years. The DOC is not responsible for supervising the offender during the additional period.

Restitution for the crime of rape of a child includes child support for a child born as a result of the rape if ordered pursuant to a civil court. In this event, the offender remains

under the court's jurisdiction until the offender has satisfied the support order, but not longer than 25 years after conviction or release from confinement.

Tolling of Terms of Supervision: The term "tolling" means to stop the running of the statutory time period. A term of community custody is tolled during any time the offender has absented himself from supervision without approval or is in confinement (unless the offender is confined for violating a condition of community custody and is later found not to have committed the violation).

SUMMARY OF BILL:

Legal Financial Obligations: For an offense committed on or after July 1, 2000, the court retains jurisdiction over the offender for the purposes of compliance with the legal financial obligation until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

The portion of the sentence concerning restitution may be modified as to amount, terms, or conditions during any period of time the offender is under the court's jurisdiction. Restitution ordered pursuant to a civil child support order for a child born as the result of a rape of a child may be enforced for the length of the civil statute of limitations, or 25 years following the later of entry of the judgment and sentence or release from confinement, whichever is longer.

The DOC is responsible for supervising the offender's compliance with payment of legal financial obligations for 10 years after conviction, or 10 years after release from total confinement, whichever period ends later.

Tolling of Terms of Supervision: The tolling provisions apply with respect to any term of supervision, not only community custody. This includes community custody, community placement, and community supervision.

FISCAL NOTE: Available.

EFFECTIVE DATE: The bill contains an emergency clause and takes effect immediately.