

**SENATE BILL REPORT**

**ESSB 5363**

**AS PASSED SENATE, MARCH 13, 1991**

**Brief Description:** Providing for an administrative process for legal financial obligations.

**SPONSORS:** Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler; by request of Department of Corrections).

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 5363 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

**Staff:** Ben Barnes (786-7465)

**Hearing Dates:** February 13, 1991; March 4, 1991

**HOUSE COMMITTEE ON HUMAN SERVICES**

**BACKGROUND:**

Legal financial obligation (LFO) refers to the restitution, fines, court costs, or any other financial obligation, other than supervision fees, that has been imposed on a person as part of his or her sentence by the court. Currently, the Department of Corrections oversees the collection of legal financial obligations and may seek court-ordered authority to acquire wage assignments.

A successful process for sending an order of notice of payroll deduction and order to withhold and deliver has been implemented by the Department of Social and Health Services (DSHS) as part of its support enforcement program. It is suggested that a similar procedure be adopted for the Department of Corrections.

**SUMMARY:**

The administrative process for collecting legal financial obligations is modified and streamlined. The Department of Corrections is given the authority to establish the offender legal financial obligation payment schedule if the court fails to set the schedule. If the Department of Corrections sets the payment schedule, the department will be allowed to modify the payment schedule without the matter having to be returned to the court.

The department is also given the ability to issue notice of offender payroll deductions any time after the offender's legal financial obligation payment is more than 30 days late, or immediately, if the court orders its issuance during the time of sentencing.

The Department of Corrections is given authorization to issue orders to withhold and deliver offender property of any kind, when a court-ordered legal financial obligation is due. The department is also allowed to issue a notice of debt in order to endorse and collect a court-ordered legal financial debt. This notice of debt can be provided through either a notice of payroll deduction or an order to withhold and deliver.

Restitution to a victim must be satisfied first out of an offender's monthly payment. The remainder of the payment may then be distributed proportionally among all other fines, costs, and assessments.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** available

**TESTIMONY FOR:**

The bill establishes a streamlined administrative process for the collection of legal financial obligations.

**TESTIMONY AGAINST:** None

**TESTIFIED:** PRO: Dave Savage, Department of Corrections; Melanie Smith, Department of Corrections; Donna Karvia, Washington State Association of County Clerks; Kurt Sharar, Washington State Association of Counties

**HOUSE AMENDMENT(S):**

All offenders are required to pay for their cost of incarceration at a rate of \$50 per day if the court determines that the offender, at the time of sentencing, has the means to pay for the cost of incarceration. Payment of all other court-ordered financial obligations, however, shall take precedence over the payment of the cost of incarceration ordered by the court. Funds recovered from offenders will go to the county if an offender is incarcerated in a jail or to the Department of Corrections if the offender is incarcerated in a prison.