

**SENATE BILL REPORT**

**SB 5046**

**AS OF JANUARY 21, 1993**

**Brief Description:** Tightening requirements for indigents' repayment of cost of provided counsel.

**SPONSORS:** Senators Haugen, Winsley and Newhouse

**SENATE COMMITTEE ON LAW & JUSTICE**

**Staff:** Lidia Mori (786-7755)

**Hearing Dates:** January 22, 1993

**BACKGROUND:**

The cost of indigent defense has increased greatly over the past several years creating a substantial burden on the counties. There is concern about adequate recovery of the costs of providing counsel to those determined to be indigent.

Under current law, all persons determined to be indigent and able to contribute are required to execute a promissory note. However, there are no requirements or guidelines in the note with regard to interest, maturity, assignability, recovery of collection costs, deferral or forgiveness. If a person does not make the payments required by the promissory note, the court must schedule a show cause hearing and, if the person does not appear, the court must issue a warrant to arrest the person. This process is reported to be costly and ineffective.

**SUMMARY:**

All persons determined to be indigent are required to execute a promissory note. The note must include the anticipated value of the services to be rendered and this amount may be adjusted at the conclusion of the representation. The payments due under the note may be deferred or forgiven if the state of indigency continues. The note would permit assignment to a collection agency and provides that any costs of collection will be added to the principal amount due. Interest on the note is tied to 90 day treasury bills and maturity is limited to five years.

**EFFECT OF PROPOSED SUBSTITUTE:**

The entity charged with determining whether a person is indigent is the governing body or municipality with a municipal court. Pursuant to written standards, the governing body or its designee may waive the requirement that a person who has been determined to be indigent must execute a promissory note. A person has five days to appeal a denial of

deferment or forgiveness of a note or a determination that he or she is not indigent and is therefore not entitled to appointment of counsel.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested