

HOUSE BILL REPORT

EHB 1096

As Passed House
February 19, 1997

Title: An act relating to the payment of fees.

Brief Description: Concerning the payment and recovery of fees.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Sheahan, Costa, Lambert, Scott and Hatfield).

Brief History:

Committee Activity:

Law & Justice: 1/29/97, 1/31/97 [DP].

Floor Activity:

Passed House: 2/19/97, 98-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 12 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Carrell; Cody; Kenney; Lantz; Radcliff; Sherstad and Skinner.

Staff: Edie Adams (786-7180).

Background: A "legal financial obligation" may be incurred by an adult or juvenile offender upon conviction or adjudication. 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 interlocal 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; or
- any other financial obligation that is assessed to the offender as a result of a felony conviction.

Under the Juvenile Justice Act, the court may impose restitution on an offender and may order a payment plan that can extend up to ten years.

In 1995, the Legislature amended the statute of limitations for the enforcement of judgments to allow for the collection of a legal financial obligation up to 10 years after the date of the entry of judgment, or the date when the offender is released from total confinement. In addition, a "party" who obtains a judgment may seek an additional 10-year extension on the period for collection. An application for an extension must be made within 90 days of the expiration of the original 10-year period and must be accompanied by the regular civil filing fee and an updated judgment summary. There is some question as to whether the clerk of the superior court is a "party" within this provision.

A county may collect unpaid court obligations through a contract with a collection agency or through its own collection services department. Collection of obligations from a criminal offender may be pursued only with the agreement of the Department of Corrections if the offender is under the supervision of the department.

Summary of Bill: A judgment imposing legal financial obligations, including crime victims' assessments, may be extended by the county clerk for 10 years solely for the purpose of collecting unpaid court obligations through a collection agency or a collection services department.

The extension of the period to collect financial obligations from a felony offender does not extend the Department of Corrections' responsibility for supervising the offender.

When a juvenile offender turns 18, or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court must docket the balance on the juvenile's remaining legal financial obligations, and this judgement remains enforceable until 10 years from the date of its imposition. Juvenile restitution provisions are amended to specifically authorize the court to extend the judgement for an additional ten years.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill just clarifies that the changes made in 1995 authorizing the extension of a judgment for an additional 10 years do apply to criminal judgments for financial obligations, and that the court clerk may file for the extension.

Testimony Against: None.

Testified: Siri Woods, Washington Association of County Clerks (pro); and Debbie Wilke, Washington Association of County Officials (pro).