

HOUSE BILL REPORT

SSB 6336

As Reported By House Committee On:
Criminal Justice & Corrections

Title: An act relating to terms of community supervision.

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

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Sheahan and Costa; by request of Department of Corrections).

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/22/00, 2/23/00 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Extends the length of time that the court retains jurisdiction over an offender for purposes of compliance with payment of a legal financial obligation.
- Suspends the accrual of interest on a legal financial obligation when the offender is incarcerated in a state, out-of-state, or federal correctional institution.
- Provides that all periods of supervision in the community are tolled when an offender is absent from supervision without approval.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Cairnes, Republican Vice Chair; Lovick, Democratic Vice Chair; B. Chandler; Constantine; Kagi and Koster.

Staff: Jean Ann Quinn (786-7310).

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. The sentence must specify the total amount of legal financial obligation owed, and require the offender to pay a specified monthly sum toward that obligation.

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.

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 Amended 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. For offenses committed on or after July 1, 2000, interest does not accrue while the offender is in total confinement in a state, out-of-state, or federal correctional institution. The DOC is responsible for supervising the offender's compliance with payment of legal financial obligations only 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.

Amended Bill Compared to Substitute Bill: The substitute bill did not include the provision suspending the accrual of interest while the offender is incarcerated. The amended bill also deletes the intent section, and retains existing law with respect to the length of time restitution can be collected in the case of rape of a child.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed, except for section 4, which takes effect immediately .

Testimony For: It is very important to the rights of crime victims that offenders continue to be held accountable for the results of their actions. Offenders should be required to pay for whatever length of time it takes them to pay it off. The legislation does not require anything that would necessitate a fiscal impact. Crime victim assessment fees are an important part of the legal financial obligation as they support victims assistance programs in all of the prosecutors' offices throughout the state.

Testimony Against: The law is as it ought to be right now. Current law allows a 10 year period of jurisdiction which is the same as a civil case. The law also permits the court to extend that for another 10 years if appropriate. The law has already been changed to fix the problem in the *Sappenfield* case by allowing the court to add the additional 10 years. If the issue is only the tolling of the period of supervision while the offender is in custody on another charge, section five of the bill is all that is necessary. Poverty is often the reason the fees are not paid off, so unlimited jurisdiction will not result in the collection of more money.

Testified: (In support) Ann Fiala, Department of Corrections; Eileen O'Brien, Pierce County Prosecuting Attorney Office; and Joe Lehman, Department of Corrections.

(Opposed) Bill Jaquette, Washington Association of Criminal Defense Lawyers.