

HOUSE BILL ANALYSIS

HB 2511

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

Sponsors: Representatives Ballasiotes and O'Brien.

Hearing: January 28, 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 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; 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.

The Department of Corrections 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 department 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: The term "tolling" means to stop the running of the statutory time period. For example, a term of confinement is tolled during any time an offender is in escape status. Similarly, a term of community custody is tolled during any time the offender has absented himself or herself 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 for the life of the offender, regardless of the statutory maximum for the crime. The department is responsible for supervising the offender in this regard only for the later of 10 years after conviction, or 10 years after release from total confinement. 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.

Tolling: The tolling provisions apply with respect to any term of supervision, not only community custody. This would include community supervision and post-release supervision applicable to offenses committed prior to July 1, 2000.

FISCAL NOTE: Received on January 28, 2000.

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