

SENATE BILL REPORT

SB 6336

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2000

Title: An act relating to tolling of criminal sentencing provisions.

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

Sponsors: Senators Hargrove, Long, Sheahan and Costa; by request of Department of Corrections.

Brief History:

Committee Activity: Human Services & Corrections: 1/28/2000, 2/1/2000 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6336 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Kohl-Welles, Long, Patterson, Sheahan, Stevens and Zarelli.

Staff: Fara Daun (786-7459)

Background: Recent changes have affected the tolling of community supervision and created the concern that offenders who abscond from supervision or who are reincarcerated might be subject to less community supervision than offenders who comply with the terms of their supervision and do not reoffend. This possibility is in conflict with the policy stated by the Sentencing Reform Act. In 1999 the court decided *In re Sappenfield*, 980 P.2d 1271 (1999), and held that the practice of tolling legal financial obligations was not authorized by the language of the statute. In addition, one section of the Offender Accountability Act changed language in a way that eliminated persons on community placement and post release supervision status from the self-executing tolling provision. The department must now request the court to toll the term of a person on one of these release statuses who is unavailable for supervision.

Summary of Substitute Bill: Terms of community supervision, community placement, and community custody must toll when the offender absents himself or herself from supervision or is confined for any reason. The entity responsible for the confinement or supervision determines the date that the term begins to toll.

The Department of Corrections (DOC) must supervise an offender required to pay legal financial obligations for ten years following the judgment and sentence or the release from confinement, whichever is longer. For offenses committed after July 1, 2000, the court retains jurisdiction over the offender for purposes of the payment of legal financial obligations for the life of the offender, regardless of the statutory maximum sentence. DOC

is not responsible for supervising offenders under the court's jurisdiction after the initial ten year period.

Legal financial obligations may be enforced at any time during the ten years following entry of the judgment and sentence or release from confinement or at any time the offender remains under the court's jurisdiction for payment of the legal financial obligation.

A civil child support order for a child born as the result of a rape of a child and included as a legal financial obligation maybe enforced for the longer of the civil statute of limitations, or 25 years following entry of the judgment and sentence or release from confinement, whichever is longer.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on January 13, 2000.

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

Testimony For: The bill clarifies and helps to make offenders accountable to the community and to victims and returns resources to the community. The result in *State v. Sappenfield*, which rewarded offenders who absconded or committed another crime by shortening the time during which their payment of legal financial obligations could be enforced is reversed.

Testimony Against: None.

Testified: PRO: Ann Fiala, DOC; Melanie Smith, DOC; Eileen O'Brien, Victim's Council, Washington Association of Prosecuting Attorneys.