

FINAL BILL REPORT

SHB 1117

C 115 L 01

Synopsis as Enacted

Brief Description: Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh).

House Committee on Judiciary
Senate Committee on Judiciary

Background:

District and municipal courts are courts of limited jurisdiction. They have jurisdiction over misdemeanor and gross misdemeanor actions.

As part of an offender's sentence, a court of limited jurisdiction may order that the offender pay restitution to the victim. A court-ordered restitution obligation is not enforceable in the same manner as a civil judgment unless the obligation is converted to a civil judgment.

Under the Sentencing Reform Act, which only applies to felonies, courts may impose legal financial obligations, including restitution, as part of sentencing. Those legal financial obligations from superior courts are enforceable as civil judgments. They may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of the legal financial obligation.

Summary:

A court-ordered restitution obligation ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction is enforceable in the same manner as a judgment in a civil action.

The restitution obligation is enforceable within 10 years following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial 10-year period, the court may extend the judgment an additional 10 years for payment of court-ordered restitution

if the court finds the offender has not made a good faith attempt to pay.

The party or entity to whom the restitution is owed may use any other remedies available to collect. Judgments enforced by a lien on real estate must be enforced under the existing statute governing judgment liens.

Votes on Final Passage:

House 96 0

Senate 47 1

Effective: July 22, 2001