

SENATE BILL REPORT

SB 5827

As Reported By Senate Committee On:
Judiciary, February 6, 2002

Title: An act relating to enforcement of judgments.

Brief Description: Changing provisions relating to the enforcement of judgments.

Sponsors: Senator McCaslin.

Brief History:

Committee Activity: Judiciary: 2/15/01, 2/26/01 [DPS]; 2/5/02, 2/6/02 [DP2S].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Second Substitute Senate Bill No. 5827 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Hargrove, Johnson, Long, McCaslin, Poulsen, Roach and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: A party, in whose favor a judgment has been rendered, by a court of record of this state or district court of this state, may have an execution issued for collection or enforcement of the judgment at any time within ten years of the judgment. The party may apply to have the time extended for an additional ten years. To extend the time within which a party may execute on a judgment, however, the judgment must have been rendered by a court of record of this state and the application must be made to the court that rendered the judgment. See, *Johns v. Erhart*, 85 Wn.App. 607 (1997). There is also some question regarding whether a judgment that has been sold or transferred by operation of law may be extended because the present legal judgment holder may not be the original judgment creditor.

Summary of Second Substitute Bill: Parties with judgments issued by a superior or district court of the counties of this state, the state Court of Appeals, the state Supreme Court, United States bankruptcy courts, United States district courts, United States courts of appeals, the United States Supreme Court, or the courts from foreign states and jurisdictions, may have an execution issued for collection or enforcement of a judgment entered or filed in this state at any time within ten years of the judgment. Judgments from these courts may be extended for an additional ten years upon application to the court that rendered the judgment or where the judgment was filed.

Any current legal owner or holder of a judgment may have execution issued and may apply for extension of the judgment. It is clarified that garnishments and other legal process can also be used to collect the judgment and may be extended. It is clarified that once a district court judgment is transcribed to superior court for enforcement, the superior court judgment is the only one that needs to be extended.

Applications to extend the initial period are granted as a matter of right, subject to limited review. No filing fee is required for extension of a criminal restitution judgment. Judgments are not enforceable for a period exceeding 20 years from the date of entry in the original court, except for legal financial obligations and restitution in a criminal case or child support obligations. Once filed, a recorded judgment lien remains in full force and effect, and retains its original priority, without the need to re-record it after extension.

Substitute Bill Compared to Original Bill: Applications to extend the initial period are granted as a matter of right, subject to limited review. No filing fee is required for extension of a criminal restitution judgment. Judgments are not enforceable for a period exceeding 20 years from the date of entry in the original court.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill merely clarifies current practice. Recent court decisions have dramatically impacted the application of these statutes.

Testimony Against: None.

Testified: PRO: Patrick Layman; Debbie Wilke, Washington Association of County Clerks.