

SSB 6002 - S AMD 229

By Senators Stevens, Hargrove

PULLED 04/10/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature intends to revise and  
4 improve the processes for billing and collecting legal financial  
5 obligations. The purpose of this act is to respond to suggestions and  
6 requests made by county government officials, and in particular county  
7 clerks, to assume the collection of such obligations in cooperation and  
8 coordination with the department of corrections and the administrative  
9 office for the courts. The legislature undertakes this effort  
10 following a collaboration between local officials, the department of  
11 corrections, and the administrative office for the courts. The intent  
12 of this act is to promote an increased and more efficient collection of  
13 legal financial obligations and, as a result, improve the likelihood  
14 that the affected agencies will increase the collections which will  
15 provide additional benefits to all parties and, in particular, crime  
16 victims whose restitution is dependent upon the collections.

17 **Sec. 2.** RCW 9.94A.760 and 2001 c 10 s 3 are each amended to read  
18 as follows:

19 (1) Whenever a person is convicted of a felony, the court may order  
20 the payment of a legal financial obligation as part of the sentence.  
21 The court must on either the judgment and sentence or on a subsequent  
22 order to pay, designate the total amount of a legal financial  
23 obligation and segregate this amount among the separate assessments  
24 made for restitution, costs, fines, and other assessments required by  
25 law. On the same order, the court is also to set a sum that the  
26 offender is required to pay on a monthly basis towards satisfying the  
27 legal financial obligation. If the court fails to set the offender  
28 monthly payment amount, the department shall set the amount. Upon

1 receipt of an offender's monthly payment, restitution shall be paid  
2 prior to any payments of other monetary obligations. After restitution  
3 is satisfied, the county clerk shall distribute the payment  
4 proportionally among all other fines, costs, and assessments imposed,  
5 unless otherwise ordered by the court.

6 (2) If the court determines that the offender, at the time of  
7 sentencing, has the means to pay for the cost of incarceration, the  
8 court may require the offender to pay for the cost of incarceration at  
9 a rate of fifty dollars per day of incarceration. Payment of other  
10 court-ordered financial obligations, including all legal financial  
11 obligations and costs of supervision shall take precedence over the  
12 payment of the cost of incarceration ordered by the court. All funds  
13 recovered from offenders for the cost of incarceration in the county  
14 jail shall be remitted to the county and the costs of incarceration in  
15 a prison shall be remitted to the department.

16 (3) The court may add to the judgment and sentence or subsequent  
17 order to pay a statement that a notice of payroll deduction is to be  
18 issued immediately. If the court chooses not to order the immediate  
19 issuance of a notice of payroll deduction at sentencing, the court  
20 shall add to the judgment and sentence or subsequent order to pay a  
21 statement that a notice of payroll deduction may be issued or other  
22 income-withholding action may be taken, without further notice to the  
23 offender if a monthly court-ordered legal financial obligation payment  
24 is not paid when due, and an amount equal to or greater than the amount  
25 payable for one month is owed.

26 If a judgment and sentence or subsequent order to pay does not  
27 include the statement that a notice of payroll deduction may be issued  
28 or other income-withholding action may be taken if a monthly legal  
29 financial obligation payment is past due, the department or the county  
30 clerk may serve a notice on the offender stating such requirements and  
31 authorizations. Service shall be by personal service or any form of  
32 mail requiring a return receipt.

33 (4) Independent of the department or the county clerk, the party or  
34 entity to whom the legal financial obligation is owed shall have the  
35 authority to use any other remedies available to the party or entity to  
36 collect the legal financial obligation. These remedies include  
37 enforcement in the same manner as a judgment in a civil action by the  
38 party or entity to whom the legal financial obligation is owed.

1 Restitution collected through civil enforcement must be paid through  
2 the registry of the court and must be distributed proportionately  
3 according to each victim's loss when there is more than one victim.  
4 The judgment and sentence shall identify the party or entity to whom  
5 restitution is owed so that the state, party, or entity may enforce the  
6 judgment. If restitution is ordered pursuant to RCW 9.94A.750(6) or  
7 9.94A.753(6) to a victim of rape of a child or a victim's child born  
8 from the rape, the Washington state child support registry shall be  
9 identified as the party to whom payments must be made. Restitution  
10 obligations arising from the rape of a child in the first, second, or  
11 third degree that result in the pregnancy of the victim may be enforced  
12 for the time periods provided under RCW 9.94A.750(6) and 9.94A.753(6).  
13 All other legal financial obligations for an offense committed prior to  
14 July 1, 2000, may be enforced at any time during the ten-year period  
15 following the offender's release from total confinement or within ten  
16 years of entry of the judgment and sentence, whichever period ends  
17 later. Prior to the expiration of the initial ten-year period, the  
18 superior court may extend the criminal judgment an additional ten years  
19 for payment of legal financial obligations including crime victims'  
20 assessments. All other legal financial obligations for an offense  
21 committed on or after July 1, 2000, may be enforced at any time the  
22 offender remains under the court's jurisdiction. For an offense  
23 committed on or after July 1, 2000, the court shall retain jurisdiction  
24 over the offender, for purposes of the offender's compliance with  
25 payment of the legal financial obligations, until the obligation is  
26 completely satisfied, regardless of the statutory maximum for the  
27 crime. The department (~~(of corrections shall)~~) may only supervise the  
28 offender's compliance with payment of the legal financial obligations  
29 (~~(for ten years following the entry of the judgment and sentence, or~~  
30 ~~ten years following the offender's release from total confinement,~~  
31 ~~whichever period ends later)~~) during any period in which the department  
32 is authorized to supervise the offender in the community under RCW  
33 9.94A.728 and section 3, chapter . . . (Senate Bill No. 5990), Laws of  
34 2003, or in which the offender is confined in a state correctional  
35 institution or a correctional facility pursuant to a transfer agreement  
36 with the department, and the department shall supervise the offender's  
37 compliance during any such period. The department is not responsible  
38 for supervision of the offender during any subsequent period of time

1 the offender remains under the court's jurisdiction. The county clerk  
2 is authorized to collect unpaid legal financial obligations at any time  
3 the offender remains under the jurisdiction of the court for purposes  
4 of his or her legal financial obligations.

5 (5) In order to assist the court in setting a monthly sum that the  
6 offender must pay during the period of supervision, the offender is  
7 required to report to the department for purposes of preparing a  
8 recommendation to the court. When reporting, the offender is required,  
9 under oath, to respond truthfully and honestly to all questions  
10 concerning present, past, and future earning capabilities and the  
11 location and nature of all property or financial assets. The offender  
12 is further required to bring all documents requested by the department.

13 (6) After completing the investigation, the department shall make  
14 a report to the court on the amount of the monthly payment that the  
15 offender should be required to make towards a satisfied legal financial  
16 obligation.

17 (7)(a) During the period of supervision, the department may make a  
18 recommendation to the court that the offender's monthly payment  
19 schedule be modified so as to reflect a change in financial  
20 circumstances. If the department sets the monthly payment amount, the  
21 department may modify the monthly payment amount without the matter  
22 being returned to the court. During the period of supervision, the  
23 department may require the offender to report to the department for the  
24 purposes of reviewing the appropriateness of the collection schedule  
25 for the legal financial obligation. During this reporting, the  
26 offender is required under oath to respond truthfully and honestly to  
27 all questions concerning earning capabilities and the location and  
28 nature of all property or financial assets. The offender shall bring  
29 all documents requested by the department in order to prepare the  
30 collection schedule.

31 (b) Subsequent to any period of supervision, or if the department  
32 is not authorized to supervise the offender in the community, the  
33 county clerk may make a recommendation to the court that the offender's  
34 monthly payment schedule be modified so as to reflect a change in  
35 financial circumstances. If the county clerk sets the monthly payment  
36 amount, the clerk may modify the monthly payment amount without the  
37 matter being returned to the court. During the period of repayment,  
38 the county clerk may require the offender to report to the clerk for

1 the purpose of reviewing the appropriateness of the collection schedule  
2 for the legal financial obligation. During this reporting, the  
3 offender is required under oath to respond truthfully and honestly to  
4 all questions concerning earning capabilities and the location and  
5 nature of all property or financial assets. The offender shall bring  
6 all documents requested by the county clerk in order to prepare the  
7 collection schedule.

8 (8) After the judgment and sentence or payment order is entered,  
9 the department is authorized, for any period of supervision, to collect  
10 the legal financial obligation from the offender. Subsequent to any  
11 period of supervision or, if the department is not authorized to  
12 supervise the offender in the community, the county clerk is authorized  
13 to collect unpaid legal financial obligations from the offender. Any  
14 amount collected by the department shall be remitted daily to the  
15 county clerk for the purpose of disbursements. The department (~~is~~)  
16 and the county clerks are authorized, but not required, to accept  
17 credit cards as payment for a legal financial obligation, and any costs  
18 incurred related to accepting credit card payments shall be the  
19 responsibility of the offender.

20 (9) The department or any obligee of the legal financial obligation  
21 may seek a mandatory wage assignment for the purposes of obtaining  
22 satisfaction for the legal financial obligation pursuant to RCW  
23 9.94A.7701. Any party obtaining a wage assignment shall notify the  
24 county clerk. The county clerks shall notify the department, or the  
25 administrative office of the courts, whichever is providing the monthly  
26 billing for the offender.

27 (10) The requirement that the offender pay a monthly sum towards a  
28 legal financial obligation constitutes a condition or requirement of a  
29 sentence and the offender is subject to the penalties for noncompliance  
30 as provided in RCW 9.94A.634, 9.94A.737, or 9.94A.740.

31 (11)(a) Until January 1, 2004, the department shall mail  
32 individualized monthly billings to the address known by the department  
33 for each offender with an unsatisfied legal financial obligation.

34 (b) Beginning January 1, 2004, the administrative office of the  
35 courts shall mail individualized monthly billings to the address known  
36 by the office for each offender with an unsatisfied legal financial  
37 obligation.

1 (c) The billing shall direct payments, other than outstanding cost  
2 of supervision assessments under RCW 9.94A.780, parole assessments  
3 under RCW 72.04A.120, and cost of probation assessments under RCW  
4 9.95.214, to the county clerk, and cost of supervision, parole, or  
5 probation assessments to the department.

6 (d) The county clerk shall provide the ((department—with  
7 individualized monthly billings for each offender with an unsatisfied  
8 legal financial obligation and shall provide the department))  
9 administrative office of the courts with notice of payments by such  
10 offenders no less frequently than weekly.

11 (e) The county clerks, the administrative office of the courts, and  
12 the department shall maintain agreements to implement this subsection.

13 (12) The department ((may)) shall arrange for the collection of  
14 unpaid legal financial obligations during any period of supervision in  
15 the community through the county clerk((, or)). The department may  
16 collect unpaid legal financial obligations or arrange for collections  
17 through another entity if the clerk does not assume responsibility for  
18 collection pursuant to subsection (4) of this section. The costs for  
19 collection services shall be paid by the offender.

20 (13) Nothing in this chapter makes the department, the state, the  
21 counties, or any ((of its)) state or county employees, agents, or other  
22 persons acting on their behalf liable under any circumstances for the  
23 payment of these legal financial obligations or for the acts of any  
24 offender who is no longer, or was not, subject to supervision by the  
25 department for a term of community custody, community placement, or  
26 community supervision, and who remains under the jurisdiction of the  
27 court for payment of legal financial obligations.

28 **Sec. 3.** RCW 9.94A.750 and 2000 c 28 s 32 are each amended to read  
29 as follows:

30 This section applies to offenses committed on or before July 1,  
31 1985.

32 (1) If restitution is ordered, the court shall determine the amount  
33 of restitution due at the sentencing hearing or within one hundred  
34 eighty days. The court may continue the hearing beyond the one hundred  
35 eighty days for good cause. The court shall then set a minimum monthly  
36 payment that the offender is required to make towards the restitution  
37 that is ordered. The court should take into consideration the total

1 amount of the restitution owed, the offender's present, past, and  
2 future ability to pay, as well as any assets that the offender may  
3 have.

4 (2) During the period of supervision, the community corrections  
5 officer may examine the offender to determine if there has been a  
6 change in circumstances that warrants an amendment of the monthly  
7 payment schedule. The community corrections officer may recommend a  
8 change to the schedule of payment and shall inform the court of the  
9 recommended change and the reasons for the change. The sentencing  
10 court may then reset the monthly minimum payments based on the report  
11 from the community corrections officer of the change in circumstances.

12 (3) Except as provided in subsection (6) of this section,  
13 restitution ordered by a court pursuant to a criminal conviction shall  
14 be based on easily ascertainable damages for injury to or loss of  
15 property, actual expenses incurred for treatment for injury to persons,  
16 and lost wages resulting from injury. Restitution shall not include  
17 reimbursement for damages for mental anguish, pain and suffering, or  
18 other intangible losses, but may include the costs of counseling  
19 reasonably related to the offense. The amount of restitution shall not  
20 exceed double the amount of the offender's gain or the victim's loss  
21 from the commission of the offense.

22 (4) For the purposes of this section, the offender shall remain  
23 under the court's jurisdiction for a term of ten years following the  
24 offender's release from total confinement or ten years subsequent to  
25 the entry of the judgment and sentence, whichever period is longer.  
26 Prior to the expiration of the initial ten-year period, the superior  
27 court may extend jurisdiction under the criminal judgment an additional  
28 ten years for payment of restitution. (~~(If jurisdiction under the  
29 criminal judgment is extended, the department is not responsible for  
30 supervision of the offender during the subsequent period.)~~) The  
31 portion of the sentence concerning restitution may be modified as to  
32 amount, terms and conditions during either the initial ten-year period  
33 or subsequent ten-year period if the criminal judgment is extended,  
34 regardless of the expiration of the offender's term of community  
35 supervision and regardless of the statutory maximum sentence for the  
36 crime. The court may not reduce the total amount of restitution  
37 ordered because the offender may lack the ability to pay the total  
38 amount. The offender's compliance with the restitution shall be

1 supervised by the department only during any period which the  
2 department is authorized to supervise the offender in the community  
3 under RCW 9.94A.728, section 3, chapter . . . (Senate Bill No. 5990),  
4 Laws of 2003, or in which the offender is in confinement in a state  
5 correctional institution or a correctional facility pursuant to a  
6 transfer agreement with the department, and the department shall  
7 supervise the offender's compliance during any such period. The  
8 department is responsible for supervision of the offender only during  
9 confinement and authorized supervision and not during any subsequent  
10 period in which the offender remains under the court's jurisdiction.  
11 The county clerk is authorized to collect unpaid restitution at any  
12 time the offender remains under the jurisdiction of the court for  
13 purposes of his or her legal financial obligations.

14 (5) Restitution may be ordered whenever the offender is convicted  
15 of an offense which results in injury to any person or damage to or  
16 loss of property or as provided in subsection (6) of this section. In  
17 addition, restitution may be ordered to pay for an injury, loss, or  
18 damage if the offender pleads guilty to a lesser offense or fewer  
19 offenses and agrees with the prosecutor's recommendation that the  
20 offender be required to pay restitution to a victim of an offense or  
21 offenses which are not prosecuted pursuant to a plea agreement.

22 (6) Restitution for the crime of rape of a child in the first,  
23 second, or third degree, in which the victim becomes pregnant, shall  
24 include: (a) All of the victim's medical expenses that are associated  
25 with the rape and resulting pregnancy; and (b) child support for any  
26 child born as a result of the rape if child support is ordered pursuant  
27 to a proceeding in superior court or administrative order for support  
28 for that child. The clerk must forward any restitution payments made  
29 on behalf of the victim's child to the Washington state child support  
30 registry under chapter 26.23 RCW. Identifying information about the  
31 victim and child shall not be included in the order. The offender  
32 shall receive a credit against any obligation owing under the  
33 administrative or superior court order for support of the victim's  
34 child. For the purposes of this subsection, the offender shall remain  
35 under the court's jurisdiction until the offender has satisfied support  
36 obligations under the superior court or administrative order but not  
37 longer than a maximum term of twenty-five years following the  
38 offender's release from total confinement or twenty-five years



1 subsequent to the entry of the judgment and sentence, whichever period  
2 is longer. The court may not reduce the total amount of restitution  
3 ordered because the offender may lack the ability to pay the total  
4 amount. The department shall supervise the offender's compliance with  
5 the restitution ordered under this subsection.

6 (7) In addition to any sentence that may be imposed, an offender  
7 who has been found guilty of an offense involving fraud or other  
8 deceptive practice or an organization which has been found guilty of  
9 any such offense may be ordered by the sentencing court to give notice  
10 of the conviction to the class of persons or to the sector of the  
11 public affected by the conviction or financially interested in the  
12 subject matter of the offense by mail, by advertising in designated  
13 areas or through designated media, or by other appropriate means.

14 (8) This section does not limit civil remedies or defenses  
15 available to the victim or offender including support enforcement  
16 remedies for support ordered under subsection (6) of this section for  
17 a child born as a result of a rape of a child victim. The court shall  
18 identify in the judgment and sentence the victim or victims entitled to  
19 restitution and what amount is due each victim. The state or victim  
20 may enforce the court-ordered restitution in the same manner as a  
21 judgment in a civil action. Restitution collected through civil  
22 enforcement must be paid through the registry of the court and must be  
23 distributed proportionately according to each victim's loss when there  
24 is more than one victim.

25 **Sec. 4.** RCW 9.94A.753 and 2000 c 226 s 3 and 2000 c 28 s 33 are  
26 each reenacted and amended to read as follows:

27 This section applies to offenses committed after July 1, 1985.

28 (1) When restitution is ordered, the court shall determine the  
29 amount of restitution due at the sentencing hearing or within one  
30 hundred eighty days except as provided in subsection (7) of this  
31 section. The court may continue the hearing beyond the one hundred  
32 eighty days for good cause. The court shall then set a minimum monthly  
33 payment that the offender is required to make towards the restitution  
34 that is ordered. The court should take into consideration the total  
35 amount of the restitution owed, the offender's present, past, and  
36 future ability to pay, as well as any assets that the offender may  
37 have.

1 (2) During the period of supervision, the community corrections  
2 officer may examine the offender to determine if there has been a  
3 change in circumstances that warrants an amendment of the monthly  
4 payment schedule. The community corrections officer may recommend a  
5 change to the schedule of payment and shall inform the court of the  
6 recommended change and the reasons for the change. The sentencing  
7 court may then reset the monthly minimum payments based on the report  
8 from the community corrections officer of the change in circumstances.

9 (3) Except as provided in subsection (6) of this section,  
10 restitution ordered by a court pursuant to a criminal conviction shall  
11 be based on easily ascertainable damages for injury to or loss of  
12 property, actual expenses incurred for treatment for injury to persons,  
13 and lost wages resulting from injury. Restitution shall not include  
14 reimbursement for damages for mental anguish, pain and suffering, or  
15 other intangible losses, but may include the costs of counseling  
16 reasonably related to the offense. The amount of restitution shall not  
17 exceed double the amount of the offender's gain or the victim's loss  
18 from the commission of the crime.

19 (4) For the purposes of this section, for an offense committed  
20 prior to July 1, 2000, the offender shall remain under the court's  
21 jurisdiction for a term of ten years following the offender's release  
22 from total confinement or ten years subsequent to the entry of the  
23 judgment and sentence, whichever period ends later. Prior to the  
24 expiration of the initial ten-year period, the superior court may  
25 extend jurisdiction under the criminal judgment an additional ten years  
26 for payment of restitution. For an offense committed on or after July  
27 1, 2000, the offender shall remain under the court's jurisdiction until  
28 the obligation is completely satisfied, regardless of the statutory  
29 maximum for the crime. The portion of the sentence concerning  
30 restitution may be modified as to amount, terms, and conditions during  
31 any period of time the offender remains under the court's jurisdiction,  
32 regardless of the expiration of the offender's term of community  
33 supervision and regardless of the statutory maximum sentence for the  
34 crime. The court may not reduce the total amount of restitution  
35 ordered because the offender may lack the ability to pay the total  
36 amount. The offender's compliance with the restitution shall be  
37 supervised by the department (~~for ten years following the entry of the~~  
38 ~~judgment and sentence or ten years following the offender's release~~

1 ~~from total confinement. The department is not responsible for~~  
2 ~~supervision of the offender during any subsequent period of time the~~  
3 ~~offender remains under the court's jurisdiction))~~ only during any  
4 period which the department is authorized to supervise the offender in  
5 the community under RCW 9.94A.728, section 3, chapter . . . (Senate  
6 Bill No. 5990), Laws of 2003, or in which the offender is in  
7 confinement in a state correctional institution or a correctional  
8 facility pursuant to a transfer agreement with the department, and the  
9 department shall supervise the offender's compliance during any such  
10 period. The department is responsible for supervision of the offender  
11 only during confinement and authorized supervision and not during any  
12 subsequent period in which the offender remains under the court's  
13 jurisdiction. The county clerk is authorized to collect unpaid  
14 restitution at any time the offender remains under the jurisdiction of  
15 the court for purposes of his or her legal financial obligations.

16 (5) Restitution shall be ordered whenever the offender is convicted  
17 of an offense which results in injury to any person or damage to or  
18 loss of property or as provided in subsection (6) of this section  
19 unless extraordinary circumstances exist which make restitution  
20 inappropriate in the court's judgment and the court sets forth such  
21 circumstances in the record. In addition, restitution shall be ordered  
22 to pay for an injury, loss, or damage if the offender pleads guilty to  
23 a lesser offense or fewer offenses and agrees with the prosecutor's  
24 recommendation that the offender be required to pay restitution to a  
25 victim of an offense or offenses which are not prosecuted pursuant to  
26 a plea agreement.

27 (6) Restitution for the crime of rape of a child in the first,  
28 second, or third degree, in which the victim becomes pregnant, shall  
29 include: (a) All of the victim's medical expenses that are associated  
30 with the rape and resulting pregnancy; and (b) child support for any  
31 child born as a result of the rape if child support is ordered pursuant  
32 to a civil superior court or administrative order for support for that  
33 child. The clerk must forward any restitution payments made on behalf  
34 of the victim's child to the Washington state child support registry  
35 under chapter 26.23 RCW. Identifying information about the victim and  
36 child shall not be included in the order. The offender shall receive  
37 a credit against any obligation owing under the administrative or  
38 superior court order for support of the victim's child. For the

1 purposes of this subsection, the offender shall remain under the  
2 court's jurisdiction until the offender has satisfied support  
3 obligations under the superior court or administrative order for the  
4 period provided in RCW 4.16.020 or a maximum term of twenty-five years  
5 following the offender's release from total confinement or twenty-five  
6 years subsequent to the entry of the judgment and sentence, whichever  
7 period is longer. The court may not reduce the total amount of  
8 restitution ordered because the offender may lack the ability to pay  
9 the total amount. The department shall supervise the offender's  
10 compliance with the restitution ordered under this subsection.

11 (7) Regardless of the provisions of subsections (1) through (6) of  
12 this section, the court shall order restitution in all cases where the  
13 victim is entitled to benefits under the crime victims' compensation  
14 act, chapter 7.68 RCW. If the court does not order restitution and the  
15 victim of the crime has been determined to be entitled to benefits  
16 under the crime victims' compensation act, the department of labor and  
17 industries, as administrator of the crime victims' compensation  
18 program, may petition the court within one year of entry of the  
19 judgment and sentence for entry of a restitution order. Upon receipt  
20 of a petition from the department of labor and industries, the court  
21 shall hold a restitution hearing and shall enter a restitution order.

22 (8) In addition to any sentence that may be imposed, an offender  
23 who has been found guilty of an offense involving fraud or other  
24 deceptive practice or an organization which has been found guilty of  
25 any such offense may be ordered by the sentencing court to give notice  
26 of the conviction to the class of persons or to the sector of the  
27 public affected by the conviction or financially interested in the  
28 subject matter of the offense by mail, by advertising in designated  
29 areas or through designated media, or by other appropriate means.

30 (9) This section does not limit civil remedies or defenses  
31 available to the victim, survivors of the victim, or offender including  
32 support enforcement remedies for support ordered under subsection (6)  
33 of this section for a child born as a result of a rape of a child  
34 victim. The court shall identify in the judgment and sentence the  
35 victim or victims entitled to restitution and what amount is due each  
36 victim. The state or victim may enforce the court-ordered restitution  
37 in the same manner as a judgment in a civil action. Restitution

1 collected through civil enforcement must be paid through the registry  
2 of the court and must be distributed proportionately according to each  
3 victim's loss when there is more than one victim.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 9.94A RCW  
5 to read as follows:

6 If an offender with an unsatisfied legal financial obligation is  
7 not subject to supervision by the department for a term of community  
8 placement, community custody, or community supervision, or has not  
9 completed payment of all legal financial obligations included in the  
10 sentence at the expiration of his or her term of community placement,  
11 community custody, or community supervision, the department shall  
12 notify the administrative office of the courts of the termination of  
13 the offender's supervision and provide information to the  
14 administrative office of the courts to enable the county clerk to  
15 monitor payment of the remaining obligations. The county clerk is  
16 authorized to monitor payment after such notification. The secretary  
17 of corrections and the administrator for the courts shall enter into an  
18 interagency agreement to facilitate the electronic transfer of  
19 information about offenders, unpaid obligations, and payees to carry  
20 out the purposes of this section.

21 **Sec. 6.** RCW 9.94A.780 and 1991 c 104 s 1 are each amended to read  
22 as follows:

23 (1) Whenever a punishment imposed under this chapter requires  
24 supervision services to be provided, the offender shall pay to the  
25 department of corrections the monthly assessment, prescribed under  
26 subsection (2) of this section, which shall be for the duration of the  
27 terms of supervision and which shall be considered as payment or part  
28 payment of the cost of providing supervision to the offender. The  
29 department may exempt or defer a person from the payment of all or any  
30 part of the assessment based upon any of the following factors:

31 (a) The offender has diligently attempted but has been unable to  
32 obtain employment that provides the offender sufficient income to make  
33 such payments.

34 (b) The offender is a student in a school, college, university, or  
35 a course of vocational or technical training designed to fit the  
36 student for gainful employment.

1 (c) The offender has an employment handicap, as determined by an  
2 examination acceptable to or ordered by the department.

3 (d) The offender's age prevents him or her from obtaining  
4 employment.

5 (e) The offender is responsible for the support of dependents and  
6 the payment of the assessment constitutes an undue hardship on the  
7 offender.

8 (f) Other extenuating circumstances as determined by the  
9 department.

10 (2) The department of corrections shall adopt a rule prescribing  
11 the amount of the assessment. The department may, if it finds it  
12 appropriate, prescribe a schedule of assessments that shall vary in  
13 accordance with the intensity or cost of the supervision. The  
14 department may not prescribe any assessment that is less than ten  
15 dollars nor more than fifty dollars.

16 (3) All amounts required to be paid under this section shall be  
17 collected by the department of corrections and deposited by the  
18 department in the dedicated fund established pursuant to RCW 72.11.040.

19 (4) This section shall not apply to probation services provided  
20 under an interstate compact pursuant to chapter 9.95 RCW or to  
21 probation services provided for persons placed on probation prior to  
22 June 10, 1982.

23 (5) If a county clerk assumes responsibility for collection of  
24 unpaid legal financial obligations under RCW 9.94A.760, or under any  
25 agreement with the department under that section, whether before or  
26 after the completion of any period of community placement, community  
27 custody, or community supervision, the clerk may impose a monthly or  
28 annual assessment for the cost of collections. The amount of the  
29 assessment shall not exceed the actual cost of collections. The county  
30 clerk may exempt or defer payment of all or part of the assessment  
31 based upon any of the factors listed in subsection (1) of this section.  
32 The offender shall pay the assessment under this subsection to the  
33 county clerk who shall apply it to the cost of collecting legal  
34 financial obligations under RCW 9.94A.760.

35 **Sec. 7.** RCW 9.94A.637 and 2002 c 16 s 2 are each amended to read  
36 as follows:

37 (1)(a) When an offender has completed all requirements of the

1 sentence, including any and all legal financial obligations, and while  
2 under the custody and supervision of the department, the secretary or  
3 the secretary's designee shall notify the sentencing court, which shall  
4 discharge the offender and provide the offender with a certificate of  
5 discharge by issuing the certificate to the offender in person or by  
6 mailing the certificate to the offender's last known address.

7 (b)(i) When an offender has reached the end of his or her  
8 supervision with the department and has completed all the requirements  
9 of the sentence except his or her legal financial obligations, the  
10 secretary's designee shall provide the county clerk with a notice that  
11 the offender has completed all nonfinancial requirements of the  
12 sentence.

13 (ii) When the department has provided the county clerk with notice  
14 that an offender has completed all the requirements of the sentence and  
15 the offender subsequently satisfies all legal financial obligations  
16 under the sentence, the county clerk shall notify the sentencing court,  
17 including the notice from the department, which shall discharge the  
18 offender and provide the offender with a certificate of discharge by  
19 issuing the certificate to the offender in person or by mailing the  
20 certificate to the offender's last known address.

21 (2) The court shall send a copy of every signed certificate of  
22 discharge to the auditor for the county in which the court resides and  
23 to the department. The department shall create and maintain a data  
24 base containing the names of all felons who have been issued  
25 certificates of discharge, the date of discharge, and the date of  
26 conviction and offense.

27 (3) An offender who is not convicted of a violent offense or a sex  
28 offense and is sentenced to a term involving community supervision may  
29 be considered for a discharge of sentence by the sentencing court prior  
30 to the completion of community supervision, provided that the offender  
31 has completed at least one-half of the term of community supervision  
32 and has met all other sentence requirements.

33 (4) Except as provided in subsection (5) of this section, the  
34 discharge shall have the effect of restoring all civil rights lost by  
35 operation of law upon conviction, and the certificate of discharge  
36 shall so state. Nothing in this section prohibits the use of an  
37 offender's prior record for purposes of determining sentences for later  
38 offenses as provided in this chapter. Nothing in this section affects

1 or prevents use of the offender's prior conviction in a later criminal  
2 prosecution either as an element of an offense or for impeachment  
3 purposes. A certificate of discharge is not based on a finding of  
4 rehabilitation.

5 (5) Unless otherwise ordered by the sentencing court, a certificate  
6 of discharge shall not terminate the offender's obligation to comply  
7 with an order issued under chapter 10.99 RCW that excludes or prohibits  
8 the offender from having contact with a specified person or coming  
9 within a set distance of any specified location that was contained in  
10 the judgment and sentence. An offender who violates such an order  
11 after a certificate of discharge has been issued shall be subject to  
12 prosecution according to the chapter under which the order was  
13 originally issued.

14 (6) Upon release from custody, the offender may apply to the  
15 department for counseling and help in adjusting to the community. This  
16 voluntary help may be provided for up to one year following the release  
17 from custody.

18 NEW SECTION. **Sec. 8.** A new section is added to chapter 36.23 RCW  
19 to read as follows:

20 The Washington association of county officials, in consultation  
21 with county clerks, shall determine a funding formula for allocation of  
22 moneys to counties for purposes of collecting legal financial  
23 obligations, and report this formula to the legislature and the  
24 administrative office of the courts by September 1, 2003. The  
25 Washington association of county officials shall report on the amounts  
26 of legal financial obligations collected by the county clerks to the  
27 appropriate committees of the legislature no later than December 1,  
28 2004, and annually thereafter.

29 NEW SECTION. **Sec. 9.** A new section is added to chapter 2.56 RCW  
30 to read as follows:

31 By October 1, 2003, and annually thereafter, the administrative  
32 office of the courts shall distribute such funds to counties for county  
33 clerk collection budgets as are appropriated by the legislature for  
34 this purpose, using the funding formula recommended by the Washington  
35 association of county officials. The administrative office of the  
36 courts shall not deduct any amount for indirect or direct costs, and



1 shall distribute the entire amount appropriated by the legislature to  
2 the counties for county clerk collection budgets. The administrative  
3 office of the courts shall report on the amounts distributed to  
4 counties to the appropriate committees of the legislature no later than  
5 December 1, 2003, and annually thereafter.

6 The administrative office of the courts may expend for the purposes  
7 of billing for legal financial obligations, such funds as are  
8 appropriated for the legislature for this purpose.

9 **Sec. 10.** RCW 4.56.100 and 1997 c 358 s 4 are each amended to read  
10 as follows:

11 (1) When any judgment for the payment of money only shall have been  
12 paid or satisfied, the clerk of the court in which such judgment was  
13 rendered shall note upon the record in the execution docket  
14 satisfaction thereof giving the date of such satisfaction upon either  
15 the payment to such clerk of the amount of such judgment, costs and  
16 interest and any accrued costs by reason of the issuance of any  
17 execution, or the filing with such clerk of a satisfaction entitled in  
18 such action and identifying the same executed by the judgment creditor  
19 or his or her attorney of record in such action or his or her assignee  
20 acknowledged as deeds are acknowledged. The clerk has the authority to  
21 note the satisfaction of judgments for criminal and juvenile legal  
22 financial obligations when the clerk's record indicates payment in full  
23 or as directed by the court. Every satisfaction of judgment and every  
24 partial satisfaction of judgment which provides for the payment of  
25 money shall clearly designate the judgment creditor and his or her  
26 attorney if any, the judgment debtor, the amount or type of  
27 satisfaction, whether the satisfaction is full or partial, the cause  
28 number, and the date of entry of the judgment. A certificate by such  
29 clerk of the entry of such satisfaction by him or her may be filed in  
30 the office of the clerk of any county in which an abstract of such  
31 judgment has been filed. When so satisfied by the clerk or the filing  
32 of such certificate the lien of such judgment shall be discharged.

33 (2) The department of social and health services shall file a  
34 satisfaction of judgment for welfare fraud conviction if a person does  
35 not pay money through the clerk as required under subsection (1) of  
36 this section.

1       (~~(3) The department of corrections shall file a satisfaction of~~  
2 ~~judgment if a person does not pay money through the clerk's office as~~  
3 ~~required under subsection (1) of this section.))~~

4       NEW SECTION. **Sec. 11.** A new section is added to chapter 9.94A RCW  
5 to read as follows:

6       The provisions of this act apply to all offenders currently, or in  
7 the future, subject to sentences with unsatisfied legal financial  
8 obligations. The provisions of this act do not change the amount of  
9 any legal financial obligation or the maximum term for which any  
10 offender is, or may be, under the jurisdiction of the court for  
11 collection of legal financial obligations.

12       NEW SECTION. **Sec. 12.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16       NEW SECTION. **Sec. 13.** (1) Section 8 of this act is necessary for  
17 the immediate preservation of the public peace, health, or safety, or  
18 support of the state government and its existing public institutions,  
19 and takes effect July 1, 2003.

20       (2) Sections 1 through 7 and 9 through 12 of this act take effect  
21 October 1, 2003."

**SSB 6002** - S AMD 229  
By Senators Stevens, Hargrove

**PULLED 04/10/2003**

22       On page 1, line 1 of the title, after "obligations;" strike the  
23 remainder of the title and insert "amending RCW 9.94A.760, 9.94A.750,  
24 9.94A.780, 9.94A.637, and 4.56.100; reenacting and amending RCW  
25 9.94A.753; adding new sections to chapter 9.94A RCW; adding a new  
26 section to chapter 36.23 RCW; adding a new section to chapter 2.56 RCW;  
27 creating a new section; providing effective dates; and declaring an  
28 emergency."

EFFECT: Corrects a drafting error, amends effective dates to allow for implementation without missed billings, and provides that DOC must arrange for collections with the county clerk and may do the collections or arrange for another entity to do collections if any county does not agree to collect outstanding legal financial obligations.

--- END ---