

SSB 6002 - S AMD 285

By Senators Stevens, Hargrove

ADOPTED 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 shall  
16 either collect unpaid legal financial obligations or arrange for  
17 collections through another entity if the clerk does not assume  
18 responsibility for collection pursuant to subsection (4) of this  
19 section. The costs for collection services shall be paid by the  
20 offender.

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

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

31       This section applies to offenses committed on or before July 1,  
32 1985.

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

1 that is ordered. The court should take into consideration the total  
2 amount of the restitution owed, the offender's present, past, and  
3 future ability to pay, as well as any assets that the offender may  
4 have.

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

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

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

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

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

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



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

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

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

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

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

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

1 future ability to pay, as well as any assets that the offender may  
2 have.

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

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

21 (4) For the purposes of this section, for an offense committed  
22 prior to July 1, 2000, the offender shall remain under the court's  
23 jurisdiction for a term of ten years following the offender's release  
24 from total confinement or ten years subsequent to the entry of the  
25 judgment and sentence, whichever period ends later. Prior to the  
26 expiration of the initial ten-year period, the superior court may  
27 extend jurisdiction under the criminal judgment an additional ten years  
28 for payment of restitution. For an offense committed on or after July  
29 1, 2000, the offender shall remain under the court's jurisdiction until  
30 the obligation is completely satisfied, regardless of the statutory  
31 maximum for the crime. The portion of the sentence concerning  
32 restitution may be modified as to amount, terms, and conditions during  
33 any period of time the offender remains under the court's jurisdiction,  
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 (~~for ten years following the entry of the~~  
2 ~~judgment and sentence or ten years following the offender's release~~  
3 ~~from total confinement. The department is not responsible for~~  
4 ~~supervision of the offender during any subsequent period of time the~~  
5 ~~offender remains under the court's jurisdiction)) only during any  
6 period which the department is authorized to supervise the offender in  
7 the community under RCW 9.94A.728, section 3, chapter . . . (Senate  
8 Bill No. 5990), Laws of 2003, or in which the offender is in  
9 confinement in a state correctional institution or a correctional  
10 facility pursuant to a transfer agreement with the department, and the  
11 department shall supervise the offender's compliance during any such  
12 period. The department is responsible for supervision of the offender  
13 only during confinement and authorized supervision and not during any  
14 subsequent period in which the offender remains under the court's  
15 jurisdiction. The county clerk is authorized to collect unpaid  
16 restitution at any time the offender remains under the jurisdiction of  
17 the court for purposes of his or her legal financial obligations.~~

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

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

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

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

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

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

1 in the same manner as a judgment in a civil action. Restitution  
2 collected through civil enforcement must be paid through the registry  
3 of the court and must be distributed proportionately according to each  
4 victim's loss when there is more than one victim.

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

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

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

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

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

35 (b) The offender is a student in a school, college, university, or

1 a course of vocational or technical training designed to fit the  
2 student for gainful employment.

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

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

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

10 (f) Other extenuating circumstances as determined by the  
11 department.

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

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

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

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

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

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

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

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

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

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

36       (4) Except as provided in subsection (5) of this section, the  
37 discharge shall have the effect of restoring all civil rights lost by  
38 operation of law upon conviction, and the certificate of discharge

1 shall so state. Nothing in this section prohibits the use of an  
2 offender's prior record for purposes of determining sentences for later  
3 offenses as provided in this chapter. Nothing in this section affects  
4 or prevents use of the offender's prior conviction in a later criminal  
5 prosecution either as an element of an offense or for impeachment  
6 purposes. A certificate of discharge is not based on a finding of  
7 rehabilitation.

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

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

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

23 The Washington association of county officials, in consultation  
24 with county clerks, shall determine a funding formula for allocation of  
25 moneys to counties for purposes of collecting legal financial  
26 obligations, and report this formula to the legislature and the  
27 administrative office of the courts by September 1, 2003. The  
28 Washington association of county officials shall report on the amounts  
29 of legal financial obligations collected by the county clerks to the  
30 appropriate committees of the legislature no later than December 1,  
31 2004, and annually thereafter.

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

34 By October 1, 2003, and annually thereafter, the administrative  
35 office of the courts shall distribute such funds to counties for county  
36 clerk collection budgets as are appropriated by the legislature for



1 this purpose, using the funding formula recommended by the Washington  
2 association of county officials. The administrative office of the  
3 courts shall not deduct any amount for indirect or direct costs, and  
4 shall distribute the entire amount appropriated by the legislature to  
5 the counties for county clerk collection budgets. The administrative  
6 office of the courts shall report on the amounts distributed to  
7 counties to the appropriate committees of the legislature no later than  
8 December 1, 2003, and annually thereafter.

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

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

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

36 (2) The department of social and health services shall file a

1 satisfaction of judgment for welfare fraud conviction if a person does  
2 not pay money through the clerk as required under subsection (1) of  
3 this section.

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

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

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

15 **Sec. 12.** RCW 72.09.111 and 2002 c 126 s 2 are each amended to read  
16 as follows:

17 (1) The secretary shall deduct taxes and legal financial  
18 obligations from the gross wages ~~((or))~~, gratuities, or workers'  
19 compensation benefits payable directly to the inmate under chapter  
20 51.32 RCW, of each inmate working in correctional industries work  
21 programs, ~~((taxes and legal financial obligations))~~ or otherwise  
22 receiving such wages, gratuities, or benefits. The secretary shall  
23 develop a formula for the distribution of offender wages ~~((and))~~,  
24 gratuities, and benefits. The formula shall not reduce the inmate  
25 account below the indigency level, as defined in RCW 72.09.015.

26 (a) The formula shall include the following minimum deductions from  
27 class I gross wages and from all others earning at least minimum wage:

- 28 (i) Five percent to the public safety and education account for the  
29 purpose of crime victims' compensation;
- 30 (ii) Ten percent to a department personal inmate savings account;
- 31 (iii) Twenty percent to the department to contribute to the cost of  
32 incarceration; and
- 33 (iv) Twenty percent for payment of legal financial obligations for  
34 all inmates who have legal financial obligations owing in any  
35 Washington state superior court.

1 (b) The formula shall include the following minimum deductions from  
2 class II gross gratuities:

3 (i) Five percent to the public safety and education account for the  
4 purpose of crime victims' compensation;

5 (ii) Ten percent to a department personal inmate savings account;

6 (iii) Fifteen percent to the department to contribute to the cost  
7 of incarceration; and

8 (iv) Twenty percent for payment of legal financial obligations for  
9 all inmates who have legal financial obligations owing in any  
10 Washington state superior court.

11 (c) The formula shall include the following minimum deductions from  
12 any workers' compensation benefits paid pursuant to RCW 51.32.080:

13 (i) Five percent to the public safety and education account for the  
14 purpose of crime victims' compensation;

15 (ii) Ten percent to a department personal inmate savings account;

16 (iii) Twenty percent to the department to contribute to the cost of  
17 incarceration; and

18 (iv) An amount equal to any legal financial obligations owed by the  
19 inmate established by an order of any Washington state superior court  
20 up to the total amount of the award.

21 (d) The formula shall include the following minimum deduction from  
22 class IV gross gratuities: Five percent to the department to  
23 contribute to the cost of incarceration.

24 (~~(d)~~) (e) The formula shall include the following minimum  
25 deductions from class III gratuities: Five percent for the purpose of  
26 crime victims' compensation.

27 (2) Any person sentenced to life imprisonment without possibility  
28 of release or parole under chapter 10.95 RCW or sentenced to death  
29 shall be exempt from the requirement under subsection (1)(a)(ii)  
30 (~~or~~), (b)(ii) (~~of this subsection~~), or (c)(ii).

31 (3) The department personal inmate savings account, together with  
32 any accrued interest, shall only be available to an inmate at the time  
33 of his or her release from confinement, unless the secretary determines  
34 that an emergency exists for the inmate, at which time the funds can be  
35 made available to the inmate in an amount determined by the secretary.  
36 The management of classes I, II, and IV correctional industries may  
37 establish an incentive payment for offender workers based on

1 productivity criteria. This incentive shall be paid separately from  
2 the hourly wage/gratuity rate and shall not be subject to the specified  
3 deduction for cost of incarceration.

4 (4) In the event that the offender worker's wages (~~(or)~~) gratuity  
5 or workers' compensation benefit is subject to garnishment for support  
6 enforcement, the crime victims' compensation, savings, and cost of  
7 incarceration deductions shall be calculated on the net wages after  
8 taxes, legal financial obligations, and garnishment.

9 ~~((+2))~~ (5) The department shall explore other methods of  
10 recovering a portion of the cost of the inmate's incarceration and for  
11 encouraging participation in work programs, including development of  
12 incentive programs that offer inmates benefits and amenities paid for  
13 only from wages earned while working in a correctional industries work  
14 program.

15 ~~((+3))~~ (6) The department shall develop the necessary  
16 administrative structure to recover inmates' wages and keep records of  
17 the amount inmates pay for the costs of incarceration and amenities.  
18 All funds deducted from inmate wages under subsection (1) of this  
19 section for the purpose of contributions to the cost of incarceration  
20 shall be deposited in a dedicated fund with the department and shall be  
21 used only for the purpose of enhancing and maintaining correctional  
22 industries work programs.

23 ~~((+4))~~ (7) The expansion of inmate employment in class I and class  
24 II correctional industries shall be implemented according to the  
25 following schedule:

26 (a) Not later than June 30, 1995, the secretary shall achieve a net  
27 increase of at least two hundred in the number of inmates employed in  
28 class I or class II correctional industries work programs above the  
29 number so employed on June 30, 1994;

30 (b) Not later than June 30, 1996, the secretary shall achieve a net  
31 increase of at least four hundred in the number of inmates employed in  
32 class I or class II correctional industries work programs above the  
33 number so employed on June 30, 1994;

34 (c) Not later than June 30, 1997, the secretary shall achieve a net  
35 increase of at least six hundred in the number of inmates employed in  
36 class I or class II correctional industries work programs above the  
37 number so employed on June 30, 1994;

1 (d) Not later than June 30, 1998, the secretary shall achieve a net  
2 increase of at least nine hundred in the number of inmates employed in  
3 class I or class II correctional industries work programs above the  
4 number so employed on June 30, 1994;

5 (e) Not later than June 30, 1999, the secretary shall achieve a net  
6 increase of at least one thousand two hundred in the number of inmates  
7 employed in class I or class II correctional industries work programs  
8 above the number so employed on June 30, 1994;

9 (f) Not later than June 30, 2000, the secretary shall achieve a net  
10 increase of at least one thousand five hundred in the number of inmates  
11 employed in class I or class II correctional industries work programs  
12 above the number so employed on June 30, 1994.

13 ~~((+5))~~ (8) It shall be in the discretion of the secretary to  
14 apportion the inmates between class I and class II depending on  
15 available contracts and resources.

16 NEW SECTION. **Sec. 13.** A new section is added to chapter 51.32 RCW  
17 to read as follows:

18 If the department of labor and industries has received notice that  
19 an injured worker entitled to benefits payable under this chapter is in  
20 the custody of the department of corrections pursuant to a conviction  
21 and sentence, the department shall send all such benefits to the worker  
22 in care of the department of corrections, except those benefits payable  
23 to a beneficiary as provided in RCW 51.32.040 (3)(c) and (4). Failure  
24 of the department to send such benefits to the department of  
25 corrections shall not result in liability to any party for either  
26 department.

27 **Sec. 14.** RCW 51.32.040 and 1999 c 185 s 1 are each amended to read  
28 as follows:

29 (1) Except as provided in RCW 43.20B.720 ~~((and))~~, 72.09.111,  
30 74.20A.260, and section 13 of this act, no money paid or payable under  
31 this title shall, before the issuance and delivery of the check or  
32 warrant, be assigned, charged, or taken in execution, attached,  
33 garnished, or pass or be paid to any other person by operation of law,  
34 any form of voluntary assignment, or power of attorney. Any such  
35 assignment or charge is void unless the transfer is to a financial

1 institution at the request of a worker or other beneficiary and made in  
2 accordance with RCW 51.32.045.

3 (2)(a) If any worker suffers (i) a permanent partial injury and  
4 dies from some other cause than the accident which produced the injury  
5 before he or she receives payment of the award for the permanent  
6 partial injury or (ii) any other injury before he or she receives  
7 payment of any monthly installment covering any period of time before  
8 his or her death, the amount of the permanent partial disability award  
9 or the monthly payment, or both, shall be paid to the surviving spouse  
10 or the child or children if there is no surviving spouse. If there is  
11 no surviving spouse and no child or children, the award or the amount  
12 of the monthly payment shall be paid by the department or self-insurer  
13 and distributed consistent with the terms of the decedent's will or, if  
14 the decedent dies intestate, consistent with the terms of RCW  
15 11.04.015.

16 (b) If any worker suffers an injury and dies from it before he or  
17 she receives payment of any monthly installment covering time loss for  
18 any period of time before his or her death, the amount of the monthly  
19 payment shall be paid to the surviving spouse or the child or children  
20 if there is no surviving spouse. If there is no surviving spouse and  
21 no child or children, the amount of the monthly payment shall be paid  
22 by the department or self-insurer and distributed consistent with the  
23 terms of the decedent's will or, if the decedent dies intestate,  
24 consistent with the terms of RCW 11.04.015.

25 (c) Any application for compensation under this subsection (2)  
26 shall be filed with the department or self-insuring employer within one  
27 year of the date of death. The department or self-insurer may satisfy  
28 its responsibilities under this subsection (2) by sending any payment  
29 due in the name of the decedent and to the last known address of the  
30 decedent.

31 (3)(a) Any worker or beneficiary receiving benefits under this  
32 title who is subsequently confined in, or who subsequently becomes  
33 eligible for benefits under this title while confined in, any  
34 institution under conviction and sentence shall have all payments of  
35 the compensation canceled during the period of confinement. After  
36 discharge from the institution, payment of benefits due afterward shall  
37 be paid if the worker or beneficiary would, except for the provisions  
38 of this subsection (3), otherwise be entitled to them.

1 (b) If any prisoner is injured in the course of his or her  
2 employment while participating in a work or training release program  
3 authorized by chapter 72.65 RCW and is subject to the provisions of  
4 this title, he or she is entitled to payments under this title, subject  
5 to the requirements of chapter 72.65 RCW, unless his or her  
6 participation in the program has been canceled, or unless he or she is  
7 returned to a state correctional institution, as defined in RCW  
8 72.65.010(3), as a result of revocation of parole or new sentence.

9 (c) If the confined worker has any beneficiaries during the  
10 confinement period during which benefits are canceled under (a) or (b)  
11 of this subsection, they shall be paid directly the monthly benefits  
12 which would have been paid to the worker for himself or herself and the  
13 worker's beneficiaries had the worker not been confined.

14 (4) Any lump sum benefits to which a worker would otherwise be  
15 entitled but for the provisions of this section shall be paid on a  
16 monthly basis to his or her beneficiaries.

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

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

25 (2) Sections 1 through 7 and 9 through 15 of this act take effect  
26 October 1, 2003."

**SSB 6002 - S AMD 285**

By Senators Stevens, Hargrove

**ADOPTED 04/10/2003**

27 On page 1, line 1 of the title, after "obligations;" strike the  
28 remainder of the title and insert "amending RCW 9.94A.760, 9.94A.750,  
29 9.94A.780, 9.94A.637, 4.56.100, 72.09.111, and 51.32.040; reenacting

1 and amending RCW 9.94A.753; adding new sections to chapter 9.94A RCW;  
2 adding a new section to chapter 36.23 RCW; adding a new section to  
3 chapter 2.56 RCW; adding a new section to chapter 51.32 RCW; creating  
4 a new section; providing effective dates; and declaring an 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. It also authorizes DOC to make mandatory deductions of legal financial obligations from any workers' compensation benefit that an offender may receive.

--- END ---