
**Criminal Justice & Corrections
Committee**

HB 1514

Brief Description: Suspending accrual of interest for financial obligations during total confinement.

Sponsors: Representatives Darneille, Sullivan, Berkey and Kagi.

Brief Summary of Bill

- Suspends the accrual of interest on a legal financial obligation during the time an offender is incarcerated in a state, out-of-state, or federal correctional institution.

Hearing Date: 2/12/03

Staff: Yvonne Walker (786-7841).

Background:

Under the Sentencing Reform Act, a "legal financial obligation" (LFO) is a court-imposed obligation to pay money and may consist of any of the following: restitution to the victim; statutorily imposed crime victims' compensation fees; court costs; county or inter-local drug fund assessments; court-appointed attorneys' fees and costs of defense; fines; reimbursement for emergency response expenses in the case of a driving while intoxicated (DWI) -related vehicular assault or vehicular homicide conviction; and any other financial obligation assessed to the offender as a result of a felony conviction. The sentence must specify the total amount of legal financial obligation owed, and require the offender to pay a specified monthly sum toward that obligation.

Interest accrues on the LFO from the date the judgment is entered, including the time during which the offender is incarcerated, at the rate applicable to civil judgments (which is currently 12 percent per year).

Generally, the Department of Corrections is responsible for monitoring and enforcing offenders' sentences with regard to LFO's. All collections must be remitted daily to the county clerk for disbursements. Upon receipt of an offender's LFO payment, restitution must be paid first prior to any payments of any other monetary obligations. After restitution

is satisfied, the county clerk is required to distribute the payment proportionally among all other fines, costs, and assessments imposed (with the exception of incarceration costs), unless otherwise ordered by the court. Incarceration costs, if required, are paid last.

Summary of Bill:

For offenses committed on or after July 1, 2003, interest will not accrue on LFO's while an offender is in total confinement in a state, out-of-state, or federal correctional institution.

Appropriation: None.

Fiscal Note: Requested on February 7, 2003.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2003.