

# SENATE BILL REPORT

## SB 5169

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As Reported By Senate Committee On:  
Children & Family Services & Corrections, February 11, 2003

**Title:** An act relating to court-ordered restitution.

**Brief Description:** Changing provisions relating to court-ordered restitution in certain criminal cases.

**Sponsors:** Senator Hargrove.

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 1/31/03, 2/11/03 [DPS].

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### SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

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**Majority Report:** That Substitute Senate Bill No. 5169 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Hargrove, McAuliffe and Regala.

**Staff:** Fara Daun (786-7459)

**Background:** Under current law, certain offenders are subject to court ordered legal financial obligations. These include victim restitution and certain court and trial costs. Some courts have delayed the commencement of payment of victim restitution payments until after the offender was released from total confinement. Offenders often earn income while in confinement and this income is not subject to deductions for victim restitution when the court order delays the commencement of payments until release.

**Summary of Substitute Bill:** The court shall not issue any order that postpones the commencement of restitution payments until after the offender is released from total confinement. An offender's inability to make restitution payments while in total confinement may not be the basis for a violation of the offender's sentence unless the offender refuses an offer of work at, or is terminated from, employment in a class I or class II prison industry.

**Substitute Bill Compared to Original Bill:** The substitute contains provision that an offender's inability to make restitution payments while in total confinement may not be the basis for a violation of the offender's sentence unless the offender refuses an offer of work at, or is terminated from, employment in a class I or class II prison industry.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This is a product of the LFO workgroup that met over the interim. Offenders are not all indigent, even while incarcerated, and victims should not have to wait until the offender is released from prison for restitution payments to begin. Victim costs accrue immediately. This bill is needed to ensure that victims are paid court-ordered restitution in a timely manner.

**Testimony Against:** As introduced, this bill could cause offenders to be in violation and subject to a felony warrant before they ever got out of prison. There are many ramifications of this kind of warrant, including loss of social security and other benefits, which make the offender less able to pay the restitution.

**Testified:** Anita Paulsen, Washington Defender Assoc., Washington Assoc. of Criminal Defense Attorneys (concerns); Rena Hollis, Washington State Assoc. of County Clerks (pro); Pam Daniels, Washington State Assoc. of County Clerks (pro); Hon. Steve Warning, Cowlitz Co. Superior Court (pro).