

# SENATE BILL REPORT

## SB 6588

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As Reported By Senate Committee On:  
Children & Family Services & Corrections, February 4, 2004

**Title:** An act relating to technical, clarifying, and nonsubstantive amendments to the legal financial obligation provisions of Engrossed Substitute Senate Bill No. 5990.

**Brief Description:** Adopting technical, clarifying, and nonsubstantive amendments to the legal financial obligation provisions of Engrossed Substitute Senate Bill No. 5990.

**Revised for 1st Substitute:** Adopting amendments to the legal financial obligation provisions of chapter 379, Laws of 2003

**Sponsors:** Senators Hargrove and Stevens.

**Brief History:**

**Committee Activity:** Children & Family Services & Corrections: 2/4/04 [DPS].

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

**Majority Report:** That Substitute Senate Bill No. 6588 be substituted therefor, and the substitute bill do pass.

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

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

**Background:** In 2003, the state shifted the authority to collect offenders' legal financial obligations from the Department of Corrections (DOC) to the county clerks during any period that the offender was not under the active supervision of DOC. The same legislation shifted the responsibility for billing offenders for their legal financial obligations from DOC to the Administrative Office for the Courts.

The same legislation adjusted degree of DOC supervision in the community for some population of offenders. These two shifts have created a potential gap in information to the court concerning when certain offenders have completed the terms of their sentences.

**Summary of Substitute Bill:** When an offender is subject to sentence requirements and the payment of legal financial obligations and either is not subject to DOC supervision or the requirements are not complete at the end of the supervision, it is the offender's responsibility to provide the court with adequate verification of the completion of sentence requirements, except that the county clerk will notify the court when the offender has completed payment of his or her legal financial obligations for the purpose of restoring the offender's civil rights.

The county clerk may access employment security information for the purposes of verifying employment or income or for pursuing collection of legal financial obligations.

The provision related to civil collection of legal financial obligations is amended to clarify that monthly payment amounts are not to be construed as a limitation for purposes of credit reporting.

Provisions related to setting the amount of an offender's monthly payment are corrected to provide county clerks with the necessary authority to set amounts for those offenders from whom they are collecting. In the event that a county clerk is unable to continue collections the responsibility reverts to the department.

**Substitute Bill Compared to Original Bill:** The original bill was not considered.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill is needed to effectively implement the changes the Legislature made last year by shifting the collection of legal financial obligations to the county clerks.

**Testimony Against:** The provision that requires unsupervised defendants to make their own showing to the court that they have completed the conditions of the sentence should be changed to an automatic discharge after a specified length of time.

**Testified:** Debbie Wilke, Washington State Association of County Clerks (pro); Sherry Appleton, Washington Defenders Association, Washington Association of Criminal Defense Lawyers (concerns).