

HOUSE BILL REPORT

SB 5461

As Passed House:
April 13, 2005

Title: An act relating to costs of incarceration.

Brief Description: Changing limits on costs of incarceration charged to offenders.

Sponsors: By Senator Fairley.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 3/31/05 [DP].

Floor Activity:

Passed House: 4/13/05, 96-0.

Brief Summary of Bill

- Requires offenders, with the financial means, to pay \$50 per day if confined in a prison or the actual cost of incarceration if confined in a local jail.
- Provides that in no case may the court require the offender to pay more than \$100 per day for his or her cost of incarceration.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

Staff: Yvonne Walker (786-7841).

Background:

Counties and the state are authorized to recover costs for inmate incarceration under limited circumstances, however, other legal financial obligations may take precedence.

In an instance where a felony offender, with the means to pay, is sentenced to prison, the court may require the offender to pay for his or her cost of incarceration at a rate of \$50 per day. The Department of Corrections is responsible for establishing deductions to be made from the inmate's wages to contribute to the cost of incarceration and the development of the Correctional Industries Program. Generally, an inmate's wages are subject to deductions

ranging anywhere from 5 percent to 70 percent of their wages. Funds received by inmates from outside of the prison are also subject to the 70 percent deduction.

Courts may also require any inmate sentenced to a city or county jail, with the means to pay, to compensate the locality for his or her incarceration. Costs of incarceration can range up to a maximum of \$50 per day for an offender sentenced to a local jail. All funds received by inmates for the cost of incarceration in a county or city jail must be remitted for criminal justice purposes to the county or city that is responsible for the offenders' jail costs.

Summary of Bill:

If a court determines that an offender has the means to pay for the cost of his or her incarceration, the court may require the offender to pay: (1) \$50 per day if he or she is confined in a prison, or (2) the actual cost of incarceration if the offender is confined in a local jail. In no case may the court require the offender to pay more than \$100 per day for his or her cost of incarceration.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill addresses a concern regarding trying to balance jail costs and revenues. Lake Forest Park currently contracts with King County for jail services. By law, jails can only charge offenders \$50 per day for the costs of their incarceration but King County charges \$92 per day. The city must make up the difference. This bill would allow jails to charge up to \$100 per day for inmate cost of incarceration.

The bill would apply to offenders who have the means to pay as determined by the court. The bill also caps the amount an offender would pay at \$100 per day. All other financial obligations such as victims compensation are paid before the costs of incarceration, which means that the chance that jails might receive reimbursement for incarceration is diminished.

The current income in Lake Forest Park from incarceration fees and booking fees totaled \$13,000 in 2004, but the jail costs for that same period totaled \$264,450. The huge deficit is due mainly to the change in the DUI (driving under the influence) sentencing guidelines which were unfunded by the state.

There are only 19 cities that currently have their own jails. All others must contract with an outside entity for their jail services. This bill will bring some relief to those cities that are charged more than \$50 per day.

Testimony Against: None.

Persons Testifying: David Hutchinson, City of Lake Forest Park.

Persons Signed In To Testify But Not Testifying: None.