
SENATE BILL 5611

State of Washington 59th Legislature 2005 Regular Session

By Senators Esser, Kline, Regala, Hewitt, Fairley, McCaslin, Zarelli, Weinstein, Stevens, Johnson, Brandland, Hargrove and Franklin

Read first time 01/31/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to the interest rate on legal financial
2 obligations; and amending RCW 10.82.090.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 10.82.090 and 2004 c 121 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section, financial
7 obligations imposed in a judgment shall bear interest from the date of
8 the judgment until payment, at the rate applicable to ~~((civil))~~ tort
9 judgments as provided for in RCW 4.56.110(3). All nonrestitution
10 interest retained by the court shall be split twenty-five percent to
11 the state treasurer for deposit in the public safety and education
12 account as provided in RCW 43.08.250, twenty-five percent to the state
13 treasurer for deposit in the judicial information system account as
14 provided in RCW 2.68.020, twenty-five percent to the county current
15 expense fund, and twenty-five percent to the county current expense
16 fund to fund local courts. The rate of interest specified in this
17 subsection applies to the accrual of interest as of the date of entry
18 of judgment with respect to a judgment that is entered on or after the
19 effective date of this act, and applies to the accrual of interest as

1 of the effective date of this act with respect to a judgment that was
2 entered before the effective date of this act and is still accruing
3 interest on the effective date of this act.

4 (2) The court may, on motion by the offender, following the
5 offender's release from total confinement, reduce or waive the interest
6 on legal financial obligations levied as a result of a criminal
7 conviction. The court may reduce or waive the interest only as an
8 incentive for the offender to meet his or her legal financial
9 obligations. The court may not waive the interest on the restitution
10 portion of the legal financial obligation and may only reduce the
11 interest on the restitution portion of the legal financial obligation
12 if the principal of the restitution has been paid in full. The
13 offender must show that he or she has personally made a good faith
14 effort to pay, that the interest accrual is causing a significant
15 hardship, and that he or she will be unable to pay the principal and
16 interest in full and that reduction or waiver of the interest will
17 likely enable the offender to pay the full principal and any remaining
18 interest thereon. For purposes of this section, "good faith effort"
19 means that the offender has either (a) paid the principal amount in
20 full; or (b) made twenty-four consecutive monthly payments, excluding
21 any payments mandatorily deducted by the department of corrections, on
22 his or her legal financial obligations under his or her payment
23 agreement with the court. The court may grant the motion, establish a
24 payment schedule, and retain jurisdiction over the offender for
25 purposes of reviewing and revising the reduction or waiver of interest.
26 This section applies to persons convicted as adults or in juvenile
27 court.

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