

FINAL BILL REPORT

SSB 5190

C 91 L 07

Synopsis as Enacted

Brief Description: Modifying provisions relating to the collection of legal financial obligations.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin and Shin).

Senate Committee on Human Services & Corrections

House Committee on Judiciary

Background: When a defendant is convicted of a crime, the court may impose legal financial obligations as part of the judgment and sentence. Financial obligations that may be imposed on a defendant include: victim restitution, crime victims' compensation fees, court costs, court-appointed attorneys' fees and costs of defense, fines, and other costs associated with the offense or sentence.

When an inmate receives funds while incarcerated, those funds are subject to deductions and priorities provided in statute, including deductions for the payment of legal financial obligations. The deductions from funds received by an inmate from sources other than wages or legal awards or settlements, are as follows:

- 5 percent to the public safety and education account for crime victims' compensation;
- 10 percent to Department of Corrections (DOC) for the personal inmate savings account;
- 20 percent to DOC for the cost of incarceration;
- 20 percent for the payment of legal financial obligations; and
- 15 percent for any child support owed under a support order.

When an inmate is sentenced to life imprisonment without the possibility of release or parole, or to death under chapter 10.95 RCW, the deductions for the personal inmate savings account and payment of legal financial obligations are omitted. Legal awards or settlements received by an inmate sentenced to life or death are only subject to deductions for the public safety and education account and the cost of incarceration.

The deduction scheme does not limit the authority of the Department of Social and Health Services, Division of Child Support from taking independent collection action against an inmate's money, assets or property pursuant to statutory provisions for child support enforcement.

Summary: Any funds received by an inmate sentenced to life imprisonment without possibility of release or parole or to death under chapter 10.95 RCW, are subject to the same deductions as provided for other inmates, with the exception of the mandatory deduction for an inmate savings account. The Secretary of the Department of Corrections may exempt an offender from the requirement to have a personal inmate savings account if the inmate's earliest release date is beyond the inmate's life expectancy.

In addition to the Division of Child Support, the county clerk or a restitution recipient may take independent collection action against an inmate's money, assets or property.

No fee may be demanded or required for furnishing certified copies of a death certificate of any offender requested by a county clerk or court for the purposes of extinguishing the offender's legal financial obligation.

Votes on Final Passage:

Senate	40	0
House	97	0

Effective: July 22, 2007