

SENATE BILL REPORT

SB 5346

As Reported By Senate Committee On:
Judiciary, February 28, 2007
Ways & Means, March 5, 2007

Title: An act relating to interest on judgments entered against offenders.

Brief Description: Revising the accrual of interest on judgments entered against offenders.

Sponsors: Senators Kline and Hargrove.

Brief History:

Committee Activity: Judiciary: 2/02/07, 2/28/07 [DP, w/oRec].
Ways & Means: 3/05/07 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Hargrove, Murray and Weinstein.

Minority Report: That if be referred without recommendation. Signed by Senators Carrell and Roach.

Staff: Dawn Noel (786-7472)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5346 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Fairley, Hatfield, Keiser, Kohl-Welles, Rasmussen, Regala, Rockefeller and Tom.

Minority Report: Do not pass.

Signed by Senator Honeyford.

Minority Report: That it be referred without recommendation.

Signed by Senators Zarelli, Ranking Minority Member; Brandland, Carrell, Oemig, Parlette, Roach and Schoesler.

Staff: Paula Moore (786-7449)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: Under current law, courts may require offenders to pay certain costs, fines and other assessments, in addition to restitution, for committing a crime. Interest on restitution and non-restitution assessments may accrue while the offender is in confinement. Restitution is ordered whenever the offender is convicted for an offense which causes injury to a person, or damage to or loss of property.

Summary of Bill: If an offender is sentenced to total confinement, interest on restitution owed by the offender accrues from the date of judgment until payment. However, interest on costs, fines and assessments, other than restitution, does not accrue until the date of the offender's release. If an offender is not sentenced to total confinement, interest on all financial obligations imposed in a judgment shall bear interest from the date of judgment until payment.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Ways & Means): When an offender is released from confinement, the Department of Corrections or the county jail must notify the clerk of the county in which the conviction occurred.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony (Judiciary): PRO: Legal financial obligations vary greatly depending on the crime, county, and sometimes the court. Some obligations are mandatory, others are discretionary. But ultimately these obligations could be a fairly substantial amount of money, which accrue interest while an individual is in confinement. The reality is that few prisoners can make a substantial dent in their obligations while in prison. There are simply not enough jobs for those inmates who want them. Those inmates who do obtain correctional employment, the wage they will earn is between \$0.35 and \$1.10 per hour. From those limited funds, inmates must pay costs for postage, personal hygiene, medical co-pay, participation in educational vocational training, and other items. It is not realistic to assume that they will be able to make a significant payment toward debt while incarcerated. Many of these individuals are parents. Their legal financial obligations impact not only their lives, but create instability for their spouses and children. For those already living on edge of poverty level, debts can make successful re-entry difficult. Columbia Legal Services recommends that the bill be broadened according to the suggested language provided, which will ensure that restitution be paid off first.

CON: The county clerks don't have a policy position on this issue. Their perspective is that if this bill passes, it can't be implemented. There is no system currently in place to inform county clerks when someone leaves confinement. It is possible that this bill could be implemented in a few years when the Justice Information Network is completed.

The tolling of the interest rate during incarceration should pertain only to the offense to which the judgment is attached, instead of just anytime someone is incarcerated anywhere anytime for anything. It is unclear in the bill which judgment would be tolled if other judgments exist.

OTHER: While our primary concern is with victim restitution, this bill addresses the concern that because many offenders will be coming back into the community, it is important to help them succeed in their re-entry.

Persons Testifying (Judiciary): PRO: Senator Kline, prime sponsor; Beth Colgan, Columbia Legal Services, Institutions Project.

CON: Debbie Wilke, Washington State Association of County Clerks.

OTHER: Dave Johnson, Washington Coalition of Crime Victim Advocates.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.