
Judiciary Committee

SSB 5627

Title: An act relating to service members' civil relief.

Brief Description: Concerning service members' civil relief.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Hobbs, Murray, Kilmer and Shin; by request of Washington State Bar Association).

Brief Summary of Substitute Bill

- Amends the Washington Service Members' Civil Relief Act to apply to National Guard members who are under a call to service authorized by the Governor for a period of more than 30 consecutive days.

Hearing Date: 2/9/12

Staff: Edie Adams (786-7180).

Background:

The Washington Service Members' Civil Relief Act (SCRA) was enacted in 2005. The SCRA contains certain rights for service members and their dependents whose financial and legal obligations may be adversely impacted by active military duty. The main provisions of the SCRA provide rights to a service member and dependents in civil proceedings to protect them from default judgments and to allow them to stay civil proceedings until after the end of active military service. The SCRA also contains provisions restricting contract fines and penalties, restructuring interest rates on certain business loans, and tolling statutes of limitations during military service periods. The SCRA was modeled on the portions of the federal Service Members' Civil Relief Act relating to default judgments and stays of civil proceedings.

The SCRA applies to Washington residents who are members of the National Guard or a military reserve component and who are under a call to active service authorized by the President or the Secretary of the Department of Defense for a period of more than 30 consecutive days. The

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SCRA applies also to certain dependents of covered service members. Eligible dependents are the spouse, or registered domestic partner, and children, and any person for whom the service member provided more than one-half of the person's support for the six months prior to applying for relief under the SCRA.

The Governor is authorized to call National Guard members to active duty within the state for any of a number of reasons. Those reasons are established by statute and include when any of the following events occur or are in imminent danger of occurring: war, insurrection, rebellion, invasion, tumult, or riot; a mob or organized body acting by force to commit a felony; the failure of local authorities to preserve law and order; public disaster; or when required for the public health, safety, or welfare.

Summary of Bill:

The SCRA is amended to apply to National Guard members who are under a call to service authorized by the Governor for a period of more than 30 consecutive days.

Appropriation: None.

Fiscal Note: Not requested.

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