
Public Safety Committee

HB 2231

Brief Description: Clarifying legal financial obligation provisions.

Sponsors: Representatives Appleton, Roberts and Santos.

Brief Summary of Bill
<ul style="list-style-type: none">Prevents failure to pay a monthly sum towards a legal financial obligation from being considered "willful noncompliance" if the offender is homeless or mentally ill, and, accordingly, prohibits penalties for noncompliance in that circumstance.

Hearing Date: 1/31/14

Staff: Sarah Koster (786-7303).

Background:

When a person is convicted in superior court, the court may order the payment of legal financial obligations (LFOs) as part of the sentence. The court must designate the total amount of LFOs and identify the apportionment among restitution, costs, fines, and other assessments. The offender is required to pay, on a monthly basis, a set amount towards satisfying the LFOs. The amount is set by the court, the Department of Corrections (Department), or the county clerk, if the person is not under the supervision of the Department.

Legal financial obligations can include: restitution to the victim, statutorily imposed crime victims compensation fees, court costs, attorney fees, fines, costs of incarceration, or repayment of the expense of emergency response to the incident leading to conviction.

Methods of Collection.

Parties owed LFOs can seek enforcement the same as a judgment in a civil action. Alternately, a mandatory wage assignment may be obtained against the offender.

Penalties for Noncompliance.

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.

The requirement that an offender pay LFOs is a condition or requirement of a sentence. If a court finds that nonpayment is willful, nonpayment subjects an offender to various types of penalties, including confinement, conversion of partial confinement to total confinement, or nonconfinement sanctions. If the noncompliance was not willful, the court may modify a previous order regarding payment of LFOs, including converting monetary obligations to community restitution at the rate of the state minimum wage.

Offenders with Mental Health Conditions.

Before imposing any LFOs, other than victim restitution, on a defendant who suffers from a mental health condition, the court must determine that the defendant has the means to pay. For the purposes of this restriction, a person suffers from a mental health condition when he or she has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a record of involuntary hospitalization, competent expert evaluation, or enrollment in a public assistance program based on mental disability.

A person is homeless if he or she lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

1. a supervised, publicly or privately operated shelter designed to provide temporary living conditions;
2. a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or
3. a private residence where the individual stays as a transient invitee.

Summary of Bill:

If the court determines that the offender is homeless or mentally ill, failure to pay is not willful noncompliance and may not subject the offender to penalties.

A person is mentally ill if he or she meets one of the following four conditions, as defined in the Community Mental Health Services Act, chapter 71.24 RCW:

1. acutely mentally ill;
2. chronically mentally ill;
3. seriously disturbed; or
4. severely emotionally disturbed (for a child).

Appropriation: None.

Fiscal Note: Available.

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