

SENATE BILL REPORT

SB 6642

As Reported by Senate Committee On:
Ways & Means, February 9, 2016

Title: An act relating to legal financial obligations.

Brief Description: Modifying legal financial obligations provisions.

Sponsors: Senators Ranker, Padden and Hargrove.

Brief History:

Committee Activity: Ways & Means: 2/08/16, 2/09/16 [DPS].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6642 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Darneille, Hasegawa, Hewitt, Nelson, O'Ban, Padden, Parlette, Pedersen, Rolfes, Schoesler and Warnick.

Staff: Julie Murray (786-7711)

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 toward 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, finds, cost of incarceration, or repayment of the expense of emergency response to the incident leading to convictions.

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

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.

Penalties for Noncompliance. The requirement that an offender pay LFOs is a condition or requirement of a sentence. If a court finds the payment is willful, nonpayment subjects an offender to various types of penalties, including confinement, conversion of partial confinement to total confinement, or no confinement sanctions. If the noncompliance was not willful, the court may modify a previous order regarding payment of LFOs, including converting monetary obligation to community restitution at the rate of the state minimum wage.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): The court must designate the total amount of legal financial obligation and segregate the amounts to:

- restitution to victims that have not been fully compensated from other sources;
- restitution to insurance or other sources with respect to a loss that has provided compensation to victims; and
- costs, fines and other assessments required by law.

Restitution shall be entered pursuant to priorities set in the order setting restitution.

Upon receipt of any payment made by or behalf of an offender, payment must be distributed in the following priority until satisfied:

- first, proportionally to restitution to victims that have not been fully compensated from other sources;
- second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;
- third, proportionally to crime victims' assessments; and
- fourth, proportionally to costs, fines, and other assessments required by law.

Appropriation: None.

Fiscal Note: Requested on February 4, 2016.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2016.

Staff Summary of Public Testimony on First Substitute: PRO: The proposed substitute bill achieves the goal to recognize that crime victims with out of pocket costs should receive restitution first. Insurers are not eliminated, but are not placed above victims who have not been compensated. The county clerks appreciate that their collection fee has been removed from the bill. It is not a LFO; rather, it is a fee to offset their costs of collection that was authorized when county clerks took over this duty from the Department of Corrections.

CON: The LFO system is broken. We want to work with those who are interested in reform. We hope a more comprehensive solution. The county clerks fee should be added back into the priority scheme.

Persons Testifying on First Substitute: PRO: Tom McBride, Washington Association of Prosecuting Attorneys.

OTHER: Alex Hur, Statewide Poverty Action Network; Shankar Narayan, ACLU of Washington.

Persons Signed In To Testify But Not Testifying: No one.