

SENATE BILL REPORT

SB 6220

As Reported by Senate Committee On:
Law & Justice, January 23, 2020

Title: An act relating to restitution.

Brief Description: Concerning restitution.

Sponsors: Senators Dhingra, Das, Darneille, Hasegawa and Kuderer.

Brief History:

Committee Activity: Law & Justice: 1/16/20, 1/23/20 [DPS, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Authorizes a court to relieve restitution payments in part or full to any insurance provider for offenders who lack the means to make payments.
- Applies retroactively.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6220 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pedersen, Chair; Dhingra, Vice Chair; Kuderer and Salomon.

Minority Report: Do not pass.

Signed by Senators Padden, Ranking Member; Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senator Holy.

Staff: Tim Ford (786-7423)

Background: Restitution. When a defendant is convicted of a crime, the court may impose legal financial obligations as part of the judgment and sentence, including victim restitution. Restitution must be based on easily ascertainable damages for injury or loss of property, actual expenses incurred for medical treatment, and lost wages. At the time of the restitution order, the court must set a minimum monthly payment the offender must make towards the

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restitution that is ordered, taking into consideration the total amount owed, the offender's ability to pay, and any assets the offender might possess.

Restitution payments are made proportionally in the following order:

- victims that have not been fully compensated from other sources;
- insurance or other sources that have provided compensation to victims;
- crime victims' assessments; and
- costs, fines, and other assessments required by law.

Judgments for financial obligations in criminal proceedings bear interest from the date of judgment at the same rate applicable to civil judgments. The rate of interest generally applicable to civil judgments is simple interest, and the greater of 12 percent or four points above the 26-week treasury bill rate. Because of low treasury bill rates, 12 percent has been the applicable interest rate on criminal financial obligation judgments for almost two decades. Interest that accrues on the restitution portion of the financial obligation is paid to the victim of the offense.

If an offender willfully fails to make payment towards the offender's legal financial obligations as ordered, the court may impose various types of penalties, including confinement, conversion of partial confinement to total confinement, or non-confinement sanctions.

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

Summary of Bill (First Substitute): The court may relieve an offender from partial or full payment of restitution to any insurance provider at any time, if the court is satisfied the offender lacks the means to make partial or full payments.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on First Substitute: PRO: This is a simple change that gives judges the discretion to waive restitution payments to insurance companies. It mirrors the same authority of judges for juveniles that is already in law. Imposing payments on inmates that can not afford them impedes their ability to be rehabilitated and keeps them in debt. These are indigent defendants.

Persons Testifying: PRO: Senator Manka Dhingra, Prime Sponsor.

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