

# HOUSE BILL REPORT

## ESSB 5974

---

---

**As Passed House:**

February 22, 2024

**Title:** An act relating to the disposition of unenforceable legal financial obligations other than restitution imposed by a court or an agent of the court against a juvenile prior to July 1, 2023.

**Brief Description:** Concerning the disposition of unenforceable legal financial obligations other than restitution imposed by a court or an agent of the court against a juvenile prior to July 1, 2023.

**Sponsors:** Senate Committee on Human Services (originally sponsored by Senators Frame, Saldaña, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Trudeau and Wilson, C.).

**Brief History:**

**Committee Activity:**

Human Services, Youth, & Early Learning: 2/14/24, 2/16/24 [DP].

**Floor Activity:**

Passed House: 2/22/24, 66-27.

**Brief Summary of Engrossed Substitute Bill**

- Renders any judgments against a juvenile for legal financial obligations other than restitution that were imposed before July 1, 2023 (which are unenforceable), null and void, and considered satisfied and paid in full by July 1, 2027, according to a detailed schedule.
- Allows the presiding judge of a superior court to establish an administrative process to waive outstanding debt for uncollectable juvenile legal financial obligations other than restitution.
- Allows a superior court clerk to seek a judicial order to waive outstanding uncollectable juvenile legal financial obligations other than restitution.

---

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

---

## HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

**Majority Report:** Do pass. Signed by 9 members: Representatives Senn, Chair; Cortes, Vice Chair; Rule, Vice Chair; Couture, Assistant Ranking Minority Member; Callan, Goodman, Ortiz-Self, Taylor and Walsh.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Eslick, Ranking Minority Member; Dent.

**Staff:** Luke Wickham (786-7146).

### **Background:**

#### Juvenile Legal Financial Obligations.

Legal financial obligations (LFOs) are fees, costs, or other amounts that a person is obligated to pay when that person is convicted of a criminal offense or adjudicated of a juvenile offense. Legal financial obligations can include victim restitution, court costs, costs associated with the person's prosecution and sentence, criminal offense fines, and other fees, penalties, and assessments.

Beginning last year courts or agents of the court are prohibited from imposing or collecting fines, administrative fees, costs, or surcharges against any juvenile, a juvenile's parent or guardian, or other person having custody of the juvenile, in connection with any juvenile offender proceeding.

Judgments against a juvenile for LFOs other than restitution are not enforceable, and the superior court clerk must not accept any non-restitution LFO payments from a juvenile.

### **Summary of Bill:**

Any judgments against a juvenile for legal financial obligations other than restitution that were imposed before July 1, 2023 (which are unenforceable), are rendered null and void, and considered satisfied and paid in full by July 1, 2027, according to the following schedule:

- by June 30, 2025, debts resulting from cases filed from July 1, 2018, through June 30, 2023;
- by June 30, 2026, debts resulting from cases filed from July 1, 2013, through June 30, 2018; and
- by June 30, 2027, debts resulting from cases filed prior to July 1, 2013.

The presiding judge of a superior court is authorized to establish an administrative process to waive outstanding debt for uncollectable juvenile legal financial obligations other than restitution that ensures that these debts:

- are waived within the deadlines described above;

- do not impact a person's credit rating; and
- do not appear in a background check.

A superior court clerk may seek a judicial order to waive outstanding uncollectable juvenile legal financial obligations other than restitution. A motion filed by a superior court clerk seeking to waive these debts does not constitute the practice of law.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) A bill last year made juvenile LFOs uncollectable. That bill did not remove that debt from the books. This debt impacts the credit ratings and background checks for people.

This bill aims to make the process of removing unenforceable juvenile LFOs as automatic as possible. This bill allows the judicial branch and court clerks to make this happen in an automatic way.

The debt from unenforceable juvenile LFOs creates a sense of hopelessness and is used against people for many years.

This bill will have a positive impact on many people. Unless there is automatic relief from this uncollectable juvenile debt, it will continue to exist.

There is major variation between counties related to the treatment of juvenile LFOs. Without waiving all of this debt, this uncollectable debt will harm many people.

There is no connection between nonpayment of juvenile LFOs and increased recidivism. The cycle of legal debt often reroutes individuals back into the legal system, undermining the broader objectives of reducing recidivism and enhancing public safety.

Judgments related to juvenile LFOs are not enforceable, but in order avoid negative impacts to young people from this debt, this debt must be waived. The clerk is in the best position to cancel that debt. As they do in other kinds of arenas that we see, they take action related to judgments.

Legal financial obligations debt increases exponentially over time based on the interest applied to those obligations and other fees.

The current bill allows clerks and judges to cancel these judgments. There is no notice requirement or reimbursement requirements in this bill.

Juvenile LFOs disproportionately impact black, brown, and indigenous people. There is also disproportionality based on geography.

(Opposed) None.

(Other) Writing off previously imposed legal obligations is not just an accounting issue, it involves changing a judicial record. As the keeper of the court record, the clerks are charged with the task of keeping and protecting that record permanently. County clerks believe that this is a workable solution to this problem.

**Persons Testifying:** (In support) Senator Noel Frame, prime sponsor; Travis Comeslast; Katie Hurley, King County Department of Public Defense; Charles Longshore, Washington Corrections Center, Department of Corrections; Liz Trautman, Stand for Children Washington and Debt Free Youth Justice Coalition; and Janel McFeat, Washington Statewide Reentry Council.

(Other) Lisa Henderson, Washington State Association of County Clerks.

**Persons Signed In To Testify But Not Testifying:** None.