

# SENATE BILL REPORT

## SB 5974

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As of January 15, 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:** Senators Frame, Saldaña, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Trudeau and Wilson, C..

**Brief History:**

**Committee Activity:** Human Services: 1/15/24.

**Brief Summary of Bill**

- Makes debts from juvenile nonrestitution legal financial obligations null and void and considered satisfied and paid in full by July 1, 2025.

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### SENATE COMMITTEE ON HUMAN SERVICES

**Staff:** Kelsey-anne Fung (786-7479)

**Background:** Juvenile Legal Financial Obligations. Prior to 2023, courts were authorized to impose legal financial obligations (LFOs) as part of the judgment and sentence for juveniles adjudicated of a criminal offense. LFOs include victim restitution, court costs, criminal offense fines, the crime victim penalty assessment, and other fees, penalties, and assessments.

Legislation enacted in 2023 prohibits the imposition or collection of any fine, administrative fee, cost, or surcharge by the court or any agent of the court against any juvenile or a

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juvenile's parent or guardian, or other person with custody of the juvenile, in connection with any juvenile offender proceeding. This includes but is not limited to fees for diversion, DNA sampling, or victims penalty assessments. A judgment against a juvenile for LFOs other than restitution is not enforceable after July 1, 2023, and the superior court clerk must not accept any nonrestitution LFO payments from a juvenile after July 1, 2023. Courts are not required to refund or reimburse amounts previously paid towards LFOs, interest on LFOs, or any other costs.

The 2023 legislation also eliminated the \$100 crime victim penalty assessment for juveniles who were found to have committed a most serious offense. Upon motion, the court must waive any crime victim penalty assessment previously imposed upon a juvenile. A new account was created in the state treasury to mitigate the fiscal impact from elimination of the crime victim penalty assessment on juveniles and indigent adults.

**Summary of Bill:** Any debt from the imposition of a legal financial obligation other than restitution shall be rendered null and void, and considered satisfied and paid in full by July 1, 2025.

The Administrative Office of the Courts may take the necessary steps to ensure this act is implemented by July 1, 2025.

**Appropriation:** None.

**Fiscal Note:** Requested on January 4, 2024.

**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:** PRO: The debt is already uncollectible and this bill would help get the debt off the books. Individuals who have rehabilitated and are trying to move on are getting calls from debt collectors and credit rating agencies, and this debt is showing up on background checks. The goal is to automate this and clear the debt without making everyone go through the court process.

Unless there is automatic relief, debt will continue to follow and burden people. There are individuals who cannot obtain an attorney or navigate the complex legal process on their own. Automatic relief is the only form of equitable relief.

Outstanding, uncollectible LFO debt can be a barrier to successful reentry, housing, employment. It impacts credit scores and financial stability. The amount of debt also varies based on geography and race.

Clerks may be in the best position to waive LFO debt because clerks impose fines and fees

on cases. Clerks already have authority to seek extension of jurisdiction for purposes of collecting debt without any motion by a party.

OTHER: Typically, when making changes to court records going forward, it must be done with a court order. When going backwards, it can be very difficult. Courts do not have enough clerks, prosecutors, defense attorneys, and staff to do forward and backwards looking criminal and civil work. One option is to fund civil legal aid attorneys to provide assistance for this specific group of cases.

Removing imposed fines is not a simple process and requires the clerk to access each affected case. Clerks do not have standing to bring motions and are prohibited from the practice of law. It is not an accounting issue but a judicial record issue. Debt may still remain on the clerk's books.

**Persons Testifying:** PRO: Senator Noel Frame, Prime Sponsor; Travis Comeslast; Charles Longshore; Katie Hurley, King County Department of Public Defense; Maddisson Alexander, Civil Survival; Liz Trautman, Stand for Children Washington/Debt Free Youth Justice Coalition; Anthony Smith, Department of Corrections - Washington Corrections Center.

OTHER: Lisa Henderson, Washington State Association of County Clerks; Russell Brown, WA Association of Prosecuting Attorneys.

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