

SENATE BILL REPORT

SB 6709

As Reported by Senate Committee On:
Human Services & Corrections, February 4, 2010

Title: An act relating to legal financial obligations.

Brief Description: Waiving the imposition of legal financial obligations in certain circumstances.

Sponsors: Senator Brandland.

Brief History:

Committee Activity: Human Services & Corrections: 2/04/10 [DP].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Kauffman and McAuliffe.

Staff: Kevin Black (786-7747)

Background: Whenever a person is convicted in superior court, the court may order the payment of legal financial obligations as part of the sentence. Examples of legal financial obligations include payment of restitution to the victim, the victim penalty assessment, court costs, a fine for controlled substance or domestic violence cases, and fines related to the cost of incarceration, DNA collection, a court appointed attorney, the Washington State Patrol Crime Lab, a bench warrant, or a fine imposed as punishment in a particular case. The court may continue to collect a legal financial obligation until the obligation is completely satisfied, regardless of the statutory maximum for the crime.

Certain legal financial obligations, such as restitution and the victim penalty assessment, may not be waived by the court.

Summary of Bill: When a person who suffers from a mental health condition is convicted of an offense, the court may waive imposition of legal financial obligations, including restitution, if the court finds that: (1) the offender's mental health condition was a direct cause of the offender's commission of the offense; (2) the offender's mental health condition substantially impairs the offender's ability to pay legal financial obligations; and (3) the

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offender is either currently receiving public assistance from an enumerated list of programs and has been diagnosed with a mental health condition, or the offender was released from a mental health treatment facility or state institution within the last six months where the offender received treatment for a mental health condition.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The bill is an effort to reduce the number of persons with mental illness who are incarcerated for no productive reason. We want to work with stakeholders on their concerns. Mental illness is often criminalized. Individuals who are disabled and unemployable as a result of their illnesses have no chance to make payments, and then become incarcerated again for probation violations based solely on failure to pay. This happens all the time. This bill will save money by reducing administration and jail costs, and will allow an offender with mental health issues to more easily reenter society.

OTHER: No other part of the law allows waiver of restitution to crime victims. Some legal financial obligations contribute to the crime victims' compensation program.

Persons Testifying: PRO: Senator Brandland, prime sponsor; Seth Dawson, Gordon Bopp, NAMI Washington; Mike DeFelice, The Defender Association; Bruce Ners, Columbia Legal Services.

OTHER: Lonnie Johns-Brown, Washington Coalition of Sexual Assault Victims.