

HOUSE BILL REPORT

HB 2466

As Passed House:

February 6, 1996

Title: An act relating to offender debts.

Brief Description: Revising procedures for recoupment of assessments against offenders.

Sponsors: Representatives Ballasiotes, Blanton, Quall and D. Sommers; by request of Department of Corrections.

Brief History:

Committee Activity:

Corrections: 1/23/96, 1/30/96 [DP].

Floor Activity:

Passed House: 2/6/96, 96-0

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass. Signed by 10 members: Representatives Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Diana Canzoneri (786-7156).

Background: The Department of Corrections (DOC) administers an institutional account for each inmate during the time the inmate is incarcerated. The account ceases to exist when the inmate is released, although offender debt continues to be tracked through the Offender Based Tracking System.

The Department of Corrections Cost-Efficiency and Inmate Responsibility Omnibus Act, passed by the Legislature in 1995, requires inmates to contribute financially to the costs associated with their incarceration. The act directs DOC to charge inmates for several specific types of services, programs, and supplies. These charges are assessed against inmates' institutional accounts.

The act requires DOC to record certain charges as debts when the balance in the inmate's account is less than the indigency standard. These include charges for supplies and services (such as basic hygiene items and health care) that DOC is

required to provide regardless of an inmate's ability to pay. Under the act, DOC is directed to recoup the debt from the inmate's institutional account when the balance in this account exceeds the indigency standard.

A federal district court in eastern Washington recently addressed DOC's authority to collect court costs from an inmate's institutional account. The court ruled that DOC is not authorized under current law to collect court costs that an inmate plaintiff incurs when the inmate's case against the department is dismissed.

Courts often require the unsuccessful party in a court case to pay for certain court-related expenses incurred by the prevailing party. Such costs often include filing fees, photocopying fees, deposition transcription fees and a portion of attorneys' and witnesses' fees. The types and levels of court costs assessed vary somewhat depending on the jurisdiction of the court.

Summary of Bill: The Department of Correction's authority to collect offender debt is expanded to enable the department to use other remedies to recoup assessments after an offender has been released and no longer has an institutional account. "Other remedies" are not defined in the bill, but could potentially include garnishment of an offender's wages and bank accounts or attachment of non-monetary property.

When a court assesses court costs against an inmate plaintiff in a case where the state is providing a defense, DOC is to record the costs as a debt against the inmate's institutional account. The debt may be collected from the inmate's account when the account balance exceeds the indigency standard.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Historically, the Department of Corrections has pursued offender debt after an offender has been released from prison, and has also collected cost bills when an offender brings an unsuccessful suit against the department. Legislation passed during the 1995 session restricts the department from continuing to pursue debt after an offender has been released and no longer has an institutional account. This bill would provide specific statutory authority allowing the Department of Corrections to continue collecting offender debt after an offender has been released. This bill would also provide the department with explicit statutory authority to collect cost bills assessed against an inmate who brings an unsuccessful suit against the department.

Testimony Against: None.

Testified: Margaret Vonheeder, Department of Corrections (pro).