

HOUSE BILL REPORT

HB 2138

As Reported By House Committee On:
Law & Justice

Title: An act relating to the payment of fees.

Brief Description: Concerning the payment and recovery of fees.

Sponsors: Representatives Sheahan, Appelwick, Scott, Hatfield, Dickerson, Thompson and Costa.

Brief History:

Committee Activity:

Law & Justice: 1/12/96, 1/16/96 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Bill Perry (786-7123).

Background: A "legal financial obligation" may be incurred by an adult or juvenile offender upon conviction or adjudication. Under the Sentencing Reform Act, a legal financial obligation is a court-imposed obligation to pay money and may consist of any of the following:

- restitution to the victim;
- statutorily imposed crime victims' compensation fees;
- court costs;
- county or interlocal drug fund assessments;
- court-appointed attorneys' fees, and costs of defense;
- fines;
- reimbursement for emergency response expenses in the case of a DWI-related vehicular assault or vehicular homicide conviction; or
- any other financial obligation that is assessed to the offender as a result of a felony conviction.

In 1995, the Legislature amended the statute of limitations for the enforcement of judgments so that a legal financial obligation can be collected up to 10 years after the date of the entry of judgment or the date when the offender is released from total confinement. This change also allows a "party" who obtains a judgment to seek an additional 10-year extension on the period for collection. An application for such an extension must be made within 90 days of the expiration of the original 10-year period and must be accompanied by the regular civil filing fee and an updated judgment summary. There is some question as to whether the clerk of the Superior Court is a "party" within this provision.

Under another statute, a county may collect unpaid court obligations through a contract with a collection agency or through its own collection services department. However, collection of obligations from a criminal offender may be pursued only with the agreement of the Department of Corrections if the offender is under the supervision of the department.

Summary of Substitute Bill: Solely for the purpose of collecting unpaid court obligations through a collection agency or a collection services department, a judgment imposing legal financial obligations may be extended by the county clerk for 10 years.

If a juvenile adjudication results in imposition of a legal financial obligation, any remaining balance on that obligation becomes a judgment on the Superior Court docket when the juvenile reaches age 18, or when the juvenile is no longer subject to Juvenile Court jurisdiction, and remains enforceable for 10 years from the date of its imposition.

The extension of the period to collect financial obligations from a felony offender does not extend the Department of Corrections' responsibility for supervising the offender.

Substitute Bill Compared to Original Bill: The substitute bill explicitly removes the supervisory responsibility of the Department of Corrections when a collection period is extended.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill will increase the chances that financial obligations of offenders will be collected.

Testimony Against: None.

Testified: Janice Michels, County Clerks and Washington Association of County Officials (pro).