

SENATE BILL REPORT

SB 5523

As Passed Senate, March 10, 1995

Title: An act relating to imposition of costs.

Brief Description: Regulating payment of criminal defendants' costs.

Sponsors: Senators Smith and Johnson.

Brief History:

Committee Activity: Law & Justice: 2/15/95, 2/20/95 [DP].
Passed Senate, 3/10/95, 46-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; C. Anderson, Vice Chair; Hargrove, Haugen, Johnson, Long, McCaslin, Rinehart, Roach and Schow.

Staff: Lidia Mori (786-7755)

Background: Under current law, courts may impose certain costs on defendants. In 1993, the Legislature enacted a measure that authorized courts to impose the costs of incarceration against a defendant convicted of a misdemeanor or a gross misdemeanor. The costs may not be imposed if the court has found the defendant to be indigent for the purpose of appointment of counsel. There is concern that an ambiguity has been created regarding whether the court, for the purpose of imposing costs of incarceration, may consider a defendant's ability to pay at the time of incarceration, if it has changed since the time of filing the initial criminal charge.

Summary of Bill: Costs of incarceration may not exceed \$50 per day. Other court-ordered financial obligations take precedence over the payment of the cost of incarceration. Money received from defendants for the cost of incarceration must be remitted to the county or city for criminal justice purposes. The court cannot sentence a defendant to pay costs unless the defendant currently or subsequently is able to pay them.

Appropriation: None.

Fiscal Note: Requested on February 13, 1995.

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

Testimony For: This bill clears up an existing ambiguity. The issue was originally brought up by a municipal court judge in Elma. If a person becomes financially able to pay the cost of his or her incarceration, then the court may require such costs to be paid.

Testimony Against: None.

Testified: Judge Robert McBeth, King County District Court in Renton (pro); Judge John McCarthy, Municipal and District Court Judges Association (pro).

House Amendment(s): Money received from defendants for the cost of incarceration must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs.