

# SENATE BILL REPORT

## EHB 1096

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As Reported By Senate Committee On:  
Law & Justice, April 1, 1997

**Title:** An act relating to the payment of fees.

**Brief Description:** Concerning the payment and recovery of fees.

**Sponsors:** Representatives Sheahan, Costa, Lambert, Scott and Hatfield.

**Brief History:**

**Committee Activity:** Law & Justice: 3/25/97, 4/1/97 [DP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Hargrove, Haugen, Long, Stevens and Zarelli.

**Staff:** Mal Murphy (786-7412)

**Background:** Under the Sentencing Reform Act, a legal financial obligation is a court-imposed obligation to pay money. Examples of such obligations are:

- 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.

Under the Juvenile Justice Act, the court may impose restitution on an offender and may order a payment plan that can extend up to ten years.

In 1995, the Legislature amended the statute of limitations for the enforcement of judgments to allow for the collection of a legal financial obligation up to ten years after the date of the entry of judgment, or the date when the offender is released from total confinement. In addition, a "party" who obtains a judgment may seek an additional ten-year extension on the period for collection. There is some question as to whether the clerk of the superior court is a "party" within this provision.

A county may collect unpaid court obligations through a contract with a collection agency or through its own collection services department. Collection of obligations from a criminal offender under the supervision of the Department of Corrections may be pursued only with the agreement of the department.

**Summary of Bill:** A judgment imposing legal financial obligations, including crime victims' assessments, may be extended by the county clerk for ten years solely for the purpose of collecting unpaid court obligations through a collection agency or a collection services department.

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.

When a juvenile offender turns 18, or at the conclusion of juvenile court jurisdiction, whichever occurs later, the superior court must docket the balance on the juvenile's remaining legal financial obligations, and this judgment remains enforceable until ten years from the date of its imposition. Juvenile restitution provisions are amended to specifically authorize the court to extend the judgment for an additional ten years.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** The bill clarifies that 1995 changes allowing judgments to be extended for an additional ten years apply to financial obligations of juveniles as well as convicted criminals, and that county clerks can file for such an extension.

The bill helps the credibility of the judicial system by facilitating the collection of these financial obligations.

**Testimony Against:** None.

**Testified:** Debbie Wilke, WA Association of County Clerks (pro).