

FINAL BILL REPORT

SSB 6336

C 226 L 00

Synopsis as Enacted

Brief Description: Eliminating retroactive tolling provisions for restitution/legal financial obligations and allowing tolling for other forms of supervision.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Long, Sheahan and Costa; by request of Department of Corrections).

Senate Committee on Human Services & Corrections

House Committee on Criminal Justice & Corrections

Background: Recent changes have affected the tolling of community supervision and created the concern that offenders who abscond from supervision or who are reincarcerated might be subject to less community supervision than offenders who comply with the terms of their supervision and do not reoffend. The department must now request the court to toll the term of a person on one of these release statuses who is unavailable for supervision. In 1999 the court decided *In re Sappenfield*, 980 P.2d 1271 (1999), and held that the practice of tolling legal financial obligations was not authorized by the language of the statute. These results are not consistent with the policy stated by the Sentencing Reform Act.

Summary: Terms of community supervision, community placement, and community custody must toll when the offender absents himself or herself from supervision or is confined for any reason. The entity responsible for the confinement or supervision determines the date that the term begins to toll.

The Department of Corrections (DOC) must supervise an offender required to pay legal financial obligations for ten years following the judgment and sentence or the release from confinement, whichever is longer. For offenses committed after July 1, 2000, the court retains jurisdiction over the offender for purposes of the payment of legal financial obligations until the obligation is completely satisfied regardless of the statutory maximum sentence. DOC is not responsible for supervising offenders under the court's jurisdiction after the initial ten-year period.

Legal financial obligations may be enforced at any time during the ten years following entry of the judgment and sentence or release from confinement or at any time the offender remains under the court's jurisdiction for payment of the legal financial obligation.

A civil child support order for a child born as the result of a rape of a child and included as a legal financial obligation maybe enforced for the longer of the civil statute of limitations, or 25 years following entry of the judgment and sentence or release from confinement, whichever is longer.

Votes on Final Passage:

Senate	44	0	
House	97	0	(House amended)
Senate			(Senate refused to concur)
House	98	0	(House receded)

Effective: March 30, 2000 (Section 5)
June 8, 2000