
Judiciary Committee

HB 2477

Title: An act relating to satisfaction of judgments filed by the department of corrections.

Brief Description: Removing requirement for department of corrections to file satisfaction of judgments.

Sponsors: Representatives O'Brien, Ballasiotes and Lovick; by request of Department of Corrections.

Brief Summary of Bill

- Eliminates the requirement that the Department of Corrections file a satisfaction of judgment with the court when a judgment for money only is not paid through the court clerk's office.

Hearing Date: 1/29/02

Staff: Ryan Jensen (786-5793); Edie Adams (786-7180).

Background:

Every county clerk must keep a record, called an execution docket, of all the judgments filed in the court, the amounts of the judgments, the parties to the actions, and other relevant information. The execution docket allows a record to be kept of the parties' compliance with the requirements of the judgment. Some judgments require the payment of money only, referred to technically as a legal financial obligation (LFO).

Under the Sentencing Reform Act, a LFO is a court-imposed obligation to pay money and may consist of any of the following: (1) Restitution to the victim; (2) statutorily imposed crime victims' compensation fees; (3) court costs; (4) county or interlocal drug fund assessments; (5) court-appointed attorneys' fees and costs of defense; (6) fines; (7) reimbursement for emergency response expenses in the case of a DWI-related vehicular assault or vehicular homicide conviction; and (8) any other financial obligation assessed to the offender as a result of a felony conviction. The sentence must specify the total amount of legal financial obligation owed, and require the offender to pay a specified monthly sum toward that obligation.

The Department of Corrections (DOC) is responsible for supervising the offender's compliance with payment of the LFO for 10 years following conviction or 10 years after the offender is released from total confinement. During this period of supervision, the DOC may collect the LFO from the offender. These collections must be remitted daily to the county clerk for disbursements.

When a judgment for payment of money only is paid through the court directly or where a judgment creditor files with the clerk a notice of satisfaction, the clerk is required to note upon the record of the execution docket that the judgment has been satisfied. Such a notation effects a release of any liens based on that judgment. A clerk may also note the satisfaction for criminal and juvenile LFO's when the clerk's record indicates payment in full or as directed by the court.

When a judgment for payment of money only is not paid through a court clerk's office, but instead is received by either the Department of Social and Health Services (in cases of welfare fraud convictions) or the DOC, the respective agency must file a satisfaction of judgment with the court when the judgment debtor has paid in full or as directed by the court.

Summary of Bill:

When a judgment for payment of money only is not paid through a court clerk's office, the DOC is no longer required to file a satisfaction of judgment with the court clerk.

Appropriation: None.

Fiscal Note: Not Requested.

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