

# SENATE BILL REPORT

## SHB 1117

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As Reported By Senate Committee On:  
Judiciary, March 27, 2001

**Title:** An act relating to enforcement of court-ordered restitution obligations.

**Brief Description:** Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction.

**Sponsors:** By House Committee on Judiciary (originally sponsored by Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh).

**Brief History:**

**Committee Activity:** Judiciary: 3/15/01, 3/27/01 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

**Staff:** Aldo Melchiori (786-7439)

**Background:** Restitution obligations, ordered as a result of conviction for a criminal offense in superior court, may be enforced in the same manner as civil judgments. These obligations may be enforced at any time during the ten-year period following the offender's release from confinement or within ten years of entry of the judgment, whichever is longer. The superior court may extend the judgment an additional ten years. The victim may utilize any other remedies available to collect the restitution. In the case of criminal convictions in courts of limited jurisdiction, orders establishing restitution are taken to the superior court for enforcement.

**Summary of Bill:** Restitution obligations, ordered as a result of conviction for a criminal offense in a court of limited jurisdiction, may be enforced in the same manner as civil judgments without the extra step of taking the order to superior court. Restitution ordered by a court of limited jurisdiction, however, may only be extended for an additional ten years if the court finds that the offender has not made a good faith attempt to pay. The enforcement procedure is the same as in superior court. The court's authority to determine whether an offender has violated a condition of the sentence or impose a sanction for not paying a legal financial obligation is not affected. Liens on real property entered pursuant to a district court judgment are filed, and satisfaction of the liens are entered in the same manner as judgments of the superior court.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** It is good policy to allow enforcement of judgments in the court where the judgment was made. To extend restitution beyond the original ten years without a showing of bad faith would be excessive.

**Testimony Against:** None.

**Testified:** PRO: Representative Carrel, prime sponsor; Debbie Wilke, Washington Association of County Clerks.