

SENATE BILL REPORT

SB 5429

As Amended by House, April 4, 2007

Title: An act relating to deductions from moneys received by an inmate.

Brief Description: Concerning deductions from moneys received by an inmate.

Sponsors: Senators Franklin and Kohl-Welles.

Brief History:

Committee Activity: Human Services & Corrections: 2/01/07, 2/16/07 [DP].

Passed Senate: 3/13/07, 46-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: When an inmate receives funds while incarcerated, those funds are subject to the deductions and priorities provided in statute. With the exception of inmates sentenced to life imprisonment or death, the deductions from funds received by an inmate from sources other than wages or legal awards or settlements, are as follows:

- 5 percent to the public safety and education account for crime victims' compensation;
- 10 percent to Department of Corrections (DOC) for the personal inmate savings account;
- 20 percent to DOC for the cost of incarceration;
- 20 percent for the payment of legal financial obligations; and
- 15 percent for any child support owed under a support order.

The Department of Social and Health Services (DSHS), Division of Child Support (DCS) is specifically given authority to take independent collection action against an inmate's money, assets, or property. If an inmate is entitled to receive funds from a specific source, such as an inheritance, DCS can take collection action before the funds are received by DOC. In this event, the entire amount of the funds could be collected for child support.

Summary of Bill: The statutory deduction for child support is increased from 15 percent to 20 percent of the funds received by an inmate from sources other than wages or legal awards or settlements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

When an inmate who has a child support obligation receives funds from an inheritance, amounts will be deducted to pay the cost of incarceration only after the child support obligation has been paid in full.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: In the constituent's case, DCS attempted to intercept inheritance funds prior to being forwarded to the inmate. The out-of-state judge refused to honor the DCS lien and instead forwarded the funds to the inmate. The funds were then subject to the deduction scheme provided in statute. Instead of getting approximately \$7,000 against the \$29,000 owed in child support, she received 15 percent of the inheritance. Children should be the first priority when an inmate receives funds from an inheritance.

OTHER: The DSHS representative answered questions for the Senators on the content of the bill.

Persons Testifying: PRO: Jill Hoak, citizen.

OTHER: David Johnson, DSHS-DCS.

House Amendment(s): The order of priority for distribution of funds deducted from funds received by an inmate from sources other than wages or as a result of a legal action is changed so that payment to the state is after the payment of legal financial obligations (LFOs) and the payment of child support.