

# HOUSE BILL REPORT

## SB 5523

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**As Passed House - Amended:**

April 4, 1995

**Title:** An act relating to imposition of costs.

**Brief Description:** Regulating payment of criminal defendants' costs.

**Sponsors:** Senators Smith and Johnson.

**Brief History:**

**Committee Activity:**

Corrections: 3/22/95, 3/24/95 [DPA].

**Floor Activity:**

Amended.

Passed House: 4/4/95, 96-0.

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### HOUSE COMMITTEE ON CORRECTIONS

**Majority Report:** Do pass as amended. Signed by 11 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Quall, Ranking Minority Member; Tokuda, Assistant Ranking Minority Member; Cole; Dickerson; Koster; Radcliff; K. Schmidt and Schoesler.

**Staff:** Rick Neidhardt (786-7841).

**Background:**

When a defendant is convicted of a misdemeanor or a gross misdemeanor, the judge may require as part of the sentence that the defendant pay up to \$50 per day for the cost of incarceration. Payment of other legal financial obligations, including costs of supervision, take precedence over payment of the costs of incarceration. Funds received from the defendant must be used by the county or city for criminal justice purposes.

Indigent defendants are exempted from the obligation to pay for the cost of incarceration. The judge is required to determine the defendant's indigency early in the defendant's prosecution. Current law does not allow the judge to re-determine at the time of sentencing whether the defendant's ability to pay has changed.

**Summary of Bill:** In deciding whether to require a misdemeanor or gross misdemeanor to pay for the cost of incarceration, the judge can determine, at the time of sentencing, whether a misdemeanor or gross misdemeanor is able or will be able to pay for the cost of incarceration. The defendant's payment shall be remitted for criminal justice purposes to the county or city responsible for the defendant's jail costs.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** None.

**Testimony Against:** None

**Testified:** None.