

HOUSE BILL REPORT

SSB 6315

As Passed House - Amended:

February 29, 1996

Title: An act relating to offender debts.

Brief Description: Revising procedures for recoupment of assessments against offenders.

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

Brief History:

Committee Activity:

Corrections: 2/14/96 [DPA].

Floor Activity:

Passed House - Amended: 2/29/96, 96-0.

HOUSE COMMITTEE ON CORRECTIONS

Majority Report: Do pass as amended. Signed by 8 members: Representatives Ballasiotes, Chairman; Blanton, Vice Chairman; Sherstad, Vice Chairman; Cole; Koster; Radcliff; Schoesler and D. Sommers.

Staff: Diana Canzoneri (786-7156).

Background:

Collection of Offender Debt. The Department of Corrections (DOC) administers an institutional account for each inmate during the time the inmate is incarcerated. The account ceases to exist when the inmate is released, although offender debt continues to be tracked through the Offender Based Tracking System.

The Department of Corrections Cost-Efficiency and Inmate Responsibility Omnibus Act, passed by the Legislature in 1995, requires inmates to contribute financially to costs associated with their incarceration. The act directs DOC to charge inmates for several specific types of services, programs, and supplies. Charges are assessed against inmates' institutional accounts.

The act requires DOC to record certain charges as debts when the balance in the inmate's account is less than the indigency standard. Under the act, DOC is directed to recoup the debt from the inmate's institutional account when the balance in this account exceeds the indigency standard.

The department is and has been collecting debt after offenders are released, but the act requires collection of debt only as long as an inmate has an institutional account. Some functions associated with post-release debt collection are handled by DOC staff; other aspects are contracted. Currently, DOC is contracting with a private agency for billing services.

Contracting for Services. Washington appellate courts have found that a state agency may not contract with an outside company for work customarily and historically performed by state employees unless specific legislative authority is granted for contracting the services.

Collection of Court Costs from Inmate Plaintiffs. A federal district court in eastern Washington recently ruled on an issue related to DOC's authority to collect court costs from an inmate's institutional account. The court ruled that DOC is not authorized under current law to collect court costs that an inmate plaintiff incurs when the inmate's case against the department is dismissed.

Courts often require the unsuccessful party in a court case to pay for certain court-related expenses incurred by the prevailing party. Such costs often include filing fees, photocopying fees, deposition transcription fees, and a portion of attorneys' and witnesses' fees. The types and levels of court costs assessed vary somewhat depending on the jurisdiction of the court.

Summary of Bill:

Expansion of Department's Debt Collection Authority. DOC's authority to collect offender debt is clarified and expanded to enable the department to use other remedies to recoup assessments after an offender has been released and no longer has an institutional account.

Inclusion of Court Costs in Collection Authority. When a court assesses court costs against an inmate plaintiff in a case where the state is providing a defense, DOC is to record the costs as a debt against the inmate's institutional account. The debt may be collected from the inmate's account when the account balance exceeds the indigency standard.

Authorization to Use Collection Services provided by General Administration or Private Collection Agency. DOC is authorized to use collection services available through the Department of General Administration or private collection agencies to

collect remaining debts that offenders owe to the department after release. Conditions for contracting with private collection agencies are specified, and the debtor is required to pay the cost of services used to collect the debt. The authorizing language allows DOC to contract with private collection agencies, notwithstanding the State Civil Service Law.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: DOC supports this bill. This bill would provide specific statutory authority allowing DOC to continue collecting offender debt after an offender has been released. This bill would also provide the department with explicit statutory authority to collect cost bills assessed against an inmate who brings an unsuccessful suit against the department. It also allows the department to contract with private collection agencies.

Testimony Against: None.

Testified: Margaret Vonheeder, Department of Corrections (pro).