

HOUSE BILL REPORT

HB 1117

As Reported by House Committee On:
Judiciary

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: Representatives Carrell, Lantz, Lambert, O'Brien, Lovick, Hunt and Haigh.

Brief History:

Committee Activity:

Judiciary: 1/26/01, 2/22/01 [DPS].

Brief Summary of Substitute Bill

- Makes court-ordered restitution obligations ordered in courts of limited jurisdiction enforceable as civil judgments.
- Makes court-ordered restitution obligations enforceable for up to 10 years after the offender's sentence.
- Authorizes the court to extend the period of enforcement for an additional 10 years if the court finds that the offender has not made a good faith attempt to pay.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Trudes Hutcheson (786-7384).

Background:

District and municipal courts are courts of limited jurisdiction. They have jurisdiction

over misdemeanor and gross misdemeanor actions.

As part of an offender's sentence, a court of limited jurisdiction may order that the offender pay restitution to the victim. A court-ordered restitution obligation is not enforceable in the same manner as a civil judgment unless the obligation is converted to a civil judgment.

Under the Sentencing Reform Act, which only applies to felonies, courts may impose legal financial obligations, including restitution, as part of sentencing. Those legal financial obligations from superior courts are enforceable as civil judgments. They may be enforced at any time during the 10-year period following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. Prior to the expiration of the initial 10-year period, the superior court may extend the criminal judgment an additional 10 years for payment of the legal financial obligation.

Summary of Substitute Bill:

Court-ordered restitution obligations ordered as a result of a conviction for a criminal offense in a court of limited jurisdiction may be enforced in the same manner as a judgment in a civil action.

The restitution obligations may be enforced within 10 years following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period is longer. Prior to the expiration of the initial 10-year period, the court may extend the criminal judgment an additional 10 years for payment of court-ordered restitution if the court finds the offender has not made a good faith attempt to pay.

The party or entity to whom the restitution is owed may use any other remedies available to collect. Judgments enforced by a lien on real estate must be enforced under the existing statute governing judgment liens.

Substitute Bill Compared to Original Bill:

The substitute bill requires the court to find that the offender has not made a good faith attempt to pay restitution before the court can extend its jurisdiction an additional 10 years. The substitute bill also clarifies that judgements enforced by a lien on real estate must be enforced under the existing statute governing judgment liens.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: This is the same bill as last year. It helps to streamline the process. Currently district courts only have two-year jurisdiction over restitution orders against offenders.

Testimony Against: None.

Testified: Melanie Stewart, District and Municipal Court Judges Association.