
Judiciary Committee

HB 1836

Title: An act relating to legal financial obligations.

Brief Description: Revising the interest rate applied to legal financial obligations.

Sponsors: Representatives Darneille, Upthegrove, Chase, Linville, Moeller, Sullivan, Santos, Flannigan, Pettigrew, Wood, Dickerson, Kagi, Lantz and Mielke.

Brief Summary of Bill

- Sets the interest rate applicable to financial obligations imposed in a criminal judgment at 4 percent.

Hearing Date: 2/27/03

Staff: Edie Adams (786-7180).

Background:

When a defendant is convicted of a crime, the court may impose financial obligations as part of the judgment and sentence. Financial obligations that may be imposed on a defendant include: victim restitution; crime victims' compensation fees; court costs; court-appointed attorneys' fees and costs of defense; fines; and other costs associated with the offense or sentence.

Judgments for financial obligations in criminal proceedings bear interest from the date of judgment at the same rate that is applicable to civil judgments. The rate of interest applicable to civil judgments is the greater of 12 percent or four points above the 26-week treasury bill rate. As a result of low treasury bill rates, 12 percent has been the applicable interest rate on criminal financial obligation judgments for at least the last decade.

Interest that accrues on the restitution portion of the financial obligation is paid to the victim of the offense. All other interest accruing on the judgment is split between the state and the county as follows:

- 25 percent to the state for the public safety and education account;
- 25 percent to the state for the judicial information system account; and

- 50 percent to the county current expense fund, 25 percent of which must be used to fund local courts.

The public safety and education account is used to fund a variety of programs, including criminal justice training, crime victim's compensation, indigent representation, the judicial information system, and highway and traffic safety. The judicial information system account is used to acquire the equipment, software, supplies and services necessary to provide information systems for the judiciary and information systems access to non-court users. The county current expense fund is the general county fund used to fund county expenses.

Summary of Bill:

The interest rate applicable to financial obligations imposed in a criminal judgment is changed to 4 percent, instead of being tied to the interest rate for civil judgments.

The 4 percent interest rate applies to judgments entered after the effective date of the act and to the accrual of interest on existing judgments from the effective date of the act. Interest on a judgment that has accrued prior to the effective date of the act is not affected by the change in the interest rate.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect ninety days after adjournment of session in which bill is passed.