

SENATE BILL REPORT

SB 6002

As Reported By Senate Committee On:
Children & Family Services & Corrections, March 4, 2003

Title: An act relating to collection of offenders' financial obligations.

Brief Description: Changing provisions relating to collection of financial obligations.

Sponsors: Senators Stevens and Hargrove.

Brief History:

Committee Activity: Children & Family Services & Corrections: 3/4/03 [DPS].

SENATE COMMITTEE ON CHILDREN & FAMILY SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass.

Signed by Senators Stevens, Chair; Parlette, Vice Chair; Carlson, Deccio, Hargrove, McAuliffe and Regala.

Staff: Fara Daun (786-7459)

Background: Under current law, the Department of Corrections (DOC) both bills offenders with outstanding legal financial obligations and engages in collections efforts related to those obligations. Some county clerks have engaged in active collections efforts with a significant degree of success, resulting in increased victim restitution payments and in increases in the funds to both state and counties. During the Legal Financial Obligations Work Group in the 2002 interim, the county clerks raised the possibility of taking a more comprehensive role in collections of legal financial obligations when it became apparent that the Governor intended to move this function to the Department of Social and Health Services (DSHS). This initial proposal became a collaboration between local officials, notably county clerks, DOC, and the Administrative Office of the Courts to improve the likelihood that collections would increase, thereby providing benefits to all parties, in particular, victims waiting on restitution.

Summary of Substitute Bill: The county clerk is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. DOC must supervise the collection of legal financial obligations only while an offender is incarcerated or while the department is authorized to supervise the offender in the community. When the offender completes his or her term of supervision, or if the offender is not subject to a supervision order in the community, DOC must notify the Administrative Office of the Courts (AOC) of the termination of the offender's supervision and provide information to enable the county clerk to monitor the payment of the remaining legal financial obligations. AOC will provide the billing services and maintain its existing statewide database of offender payments, based on payment information submitted by the county clerks.

When an offender with outstanding legal financial obligations has completed the non-financial requirements of his or her sentence, DOC will provide the county clerk with a notice that the offender has completed all the non-financial requirements of the sentence. When the offender completes payment of the legal financial obligations, the county clerk will notify the court, including the notice from DOC. The court then issues a certificate of discharge for the offense to the offender, either in person, or to the offender's last known address.

The Washington Association of County Officials, in consultation with the county clerks, will determine a funding formula for allocation of moneys appropriated for the purposes of collecting legal financial obligations and will report to the appropriate committee of the Legislature and the Administrative Office of the Courts by September 1, 2003. The association also reports annually beginning December 1, 2004, to the appropriate committee of the Legislature on the amounts of legal financial obligations collected by the county clerks.

The Administrative Office of the Courts shall distribute the funds appropriated to the counties for purpose of the county clerk collection budgets by October 1, 2003 without deducting any portion for administrative costs. The Administrative Office of the Courts may expend those funds appropriated by the Legislature for legal financial obligation billing.

Existing language stating that DOC, the state, and its employees are not liable for payment of legal financial obligations is expanded to the counties and their employees. The state, DOC, the counties, and their employees are not liable for the acts of an offender who is not under supervision by DOC, but remains under the jurisdiction of the court for payment of legal financial obligations.

Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Requested on March 3, 2003.

Effective Date: The bill takes effect on October 1, 2003, except for Section 8 which is subject to an emergency clause and takes effect July 1, 2003.

Testimony For: The county clerks support the fiscal reduction in the Governor's budget but not the move to DSHS. The county clerks prefer taking on the function presently performed by DOC over having that function moved to DSHS because they believe in the importance of collecting restitution for victims, that offenders who are in compliance with their court orders are less likely to offend again, and that county court time and jail bed space are better managed by handling collections locally. Currently the fines, fees, and forfeitures collected generally are divided with about 77 percent to the counties and 23 percent to the state. The state benefits by effective collections. 37 of the 39 county clerks have agreed to go forward with this process, the clerks of the remaining two counties could not be contacted in time for the hearing. The ongoing funding to the counties will be important, especially in King County and some others where the courts have been reluctant to impose the discretionary portions of the legal financial obligations because of a perception that offenders generally cannot pay them and because of the volume. Experience in other counties shows that as the clerks are able to collect the obligations, courts are more willing to impose the discretionary fees and fines. Raising the expectations gets better results. The clerks are working with the

courts and with the prosecutors to show how the offenders are able to pay their obligations. AOC has some minor amendments they would like to see and will continue to work with staff to address them. DOC currently has business relationships with the county clerks and with AOC and this legislation simply requires an adjustment in those ongoing relationships, not the creation of new ones.

Testimony Against: None.

Testified: Pam Daniels, Snohomish Co. Clerk (pro); Siri Woods, Chelan County Clerk (pro); Rena Hollis, Skamania County Clerk and Washington State Association of County Clerks (pro); Ramsey Radwan, AOC (pro); Anne Fiala, DOC (pro).