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**Civil Rights & Judiciary Committee**

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**SB 5392**

**Brief Description:** Concerning overpayments for certain matters.

**Sponsors:** Senators Schoesler and Pedersen.

**Brief Summary of Bill**

- Permits courts to retain overpayments in amounts of \$10 or less in connection with any litigation, including traffic, criminal, and noncriminal matters.

**Hearing Date:** 3/21/23

**Staff:** Matt Sterling (786-7289).

**Background:**

Under the Revised Uniform Unclaimed Property Act, local governments that hold funds representing canceled warrants, uncashed checks, and property tax overpayments or refunds may retain the funds until the owner notifies them and establishes ownership. Local governments must provide a report of the property the local government is holding to the Department of Revenue. The report must identify the property and owner and the Department of Revenue must publish the information. Most property that remains unclaimed after three years is presumed to be abandoned, but property held by a court is presumed abandoned one year after the property becomes distributable.

A local government that has abandoned intangible property is not required to maintain current records of the property for longer than five years after the property is presumed abandoned and may archive records of this intangible property and transfer the intangible property to its general fund. The local government remains liable to pay the intangible property to a person or entity

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that subsequently establishes ownership of this intangible property.

Prior to 2023 under the Uniform Unclaimed Property Act, courts were permitted to retain overpayments of up to \$10 that were made in connection with any litigation, including traffic, criminal, and noncriminal matters. These overpayments were remitted by the clerk of the court to the local treasurer for deposit in the Local Current Expense Fund. The Revised Uniform Unclaimed Property Act does not specifically address overpayments, which are treated like abandoned property.

**Summary of Bill:**

Courts are permitted to retain overpayments in amounts of \$10 or less in connection with any litigation, including traffic, criminal, and noncriminal matters. Overpayments must be remitted by the clerk of the court to the local treasurer for deposit in the Local Current Expense Fund.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.