

FINAL BILL REPORT

SB 5392

C 278 L 23
Synopsis as Enacted

Brief Description: Concerning overpayments for certain matters.

Sponsors: Senators Schoesler and Pedersen.

Senate Committee on Law & Justice
House Committee on Civil Rights & Judiciary

Background: Since 1983, intangible property held by the court that remains unclaimed for more than two years is presumed abandoned. Abandoned property that is not required to be transferred to the Department of Revenue may be transferred to the local government general fund five years after it has been abandoned. However, the local government remains liable to pay the intangible property to a person or entity that subsequently establishes its ownership of this intangible property.

In 2007, this law was amended to permit courts to retain overpayments of \$10 or less made in connection with any litigation, including traffic, criminal, or noncriminal matters. The overpayments are required to be deposited by the court clerk in the Local Current Expense Fund. In 2022, the Legislature repealed, in part, the section of law allowing courts to retain overpayments of \$10 or less when it repealed the Uniform Unclaimed Property Act and adopted the Revised Uniform Unclaimed Property Act. Overpayments are not specifically addressed in the revised act and will be treated like abandoned property as it was treated prior to 2007. Under the revised act property held by a court is presumed abandoned one year after the property becomes distributable.

Summary: The bill re-enacts language repealed in the Revised Uniform Unclaimed Property Act of 2022. It permits courts to retain overpayments in amounts of \$10 or less in connection with any litigation, including traffic, criminal, and noncriminal matters. Overpayments shall be remitted by the clerk of the court to the local treasurer for deposit in the Local Current Expense Fund.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Votes on Final Passage:

Senate	49	0
House	96	1

Effective: July 23, 2023