

# HOUSE BILL REPORT

## ESSB 5363

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*As Reported By House Committee on:  
Human Services*

**Title:** An act relating to legal financial obligations.

**Brief Description:** Providing for an administrative process for legal financial obligations.

**Sponsor(s):** Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler; by request of Department of Corrections).

**Brief History:**

Reported by House Committee on:  
Human Services, April 4, 1991, DPA.

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**HOUSE COMMITTEE ON  
HUMAN SERVICES**

**Majority Report:** *Do pass as amended.* Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Winsley, Ranking Minority Member; Tate, Assistant Ranking Minority Member; Anderson; Beck; Brekke; Hargrove; Hochstatter; R. King; and H. Myers.

**Staff:** Antonio Sanchez (786-7383).

**Background:** Legal financial obligation (LFO) refers to the restitution, fines, court costs, or any other financial obligation, other than supervision fees, that has been imposed on a person as part of his or her sentence by the court. Currently, the Department of Corrections oversees the collection of legal financial obligations and may seek court-ordered authority to acquire wage assignments.

A successful process for sending an order of notice of payroll deduction and order to withhold and deliver has been implemented by the Department of Social and Health Services (DSHS) as part of its support enforcement program. It is suggested that a similar procedure be adopted for the Department of Corrections.

**Summary of amended Bill:** The administrative process for collecting legal financial obligations is modified and streamlined. The Department of Corrections can establish

the offender legal financial obligation payment schedule if the court fails to set the schedule. If the Department of Corrections sets the payment schedule, the department will be allowed to modify the payment schedule without the matter having to be returned to the court.

The department can also issue notice of offender payroll deductions any time after the offender's legal financial obligation payment is more than 30 days late, or immediately, if the court orders its issuance during the time of sentencing.

The Department of Corrections will be able to issue orders to withhold and deliver offender property of any kind, when a court-ordered legal financial obligation is due. The department can also issue a notice of debt in order to endorse and collect a court-ordered legal financial debt. This notice of debt will be provided through either a notice of payroll deduction or an order to withhold and deliver.

Restitution to a victim must be satisfied first out of an offender's monthly payment. The remainder of the payment may then be distributed proportionally among all other fines, costs, and assessments.

***Amended Bill Compared to Engrossed Substitute Bill:*** All provisions in the original bill that modify and streamline the administrative process for collecting legal financial obligations are maintained in the amended bill. If the court determines that the offender, at the time of sentencing, has the means to pay, the offender is required to pay for the cost of incarceration at a rate of \$50 per day. The cost of incarceration will be paid last, after an offender's other legal financial obligations. Funds recovered from offenders will go to the county if an offender is incarcerated in a jail, or to the Department of Corrections if the offender is incarcerated in a prison.

***Fiscal Note:*** Not available.

***Effective Date of Amended Bill:*** The bill contains an emergency clause and takes effect immediately.

***Testimony For:*** The process used for recovering money from an inmate will be facilitated. A streamlined process will save the state money by reducing the amount of time spent in court.

***Testimony Against:*** None.

***Witnesses:*** Pat Cooper, Washington Association of Prosecuting Attorneys (pro); and Dave Savage, Department of

Corrections (pro).