

SENATE BILL REPORT

SB 5363

AS REPORTED BY COMMITTEE ON LAW & JUSTICE, MARCH 4, 1991

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

SPONSORS: Senators Thorsness, Rasmussen, Nelson, Newhouse, Hayner, Madsen, A. Smith, Erwin and L. Kreidler; by request of Department of Corrections.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5363 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Erwin, Hayner, L. Kreidler, Madsen, Newhouse, Rasmussen, and A. Smith.

Staff: Ben Barnes (786-7465)

Hearing Dates: February 13, 1991; March 4, 1991

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:

The administrative process for collecting legal financial obligations is modified and streamlined. The Department of Corrections is given the authority to 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 is also given the ability to 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 is given authorization to issue orders to withhold and deliver offender property of any kind, when a court-ordered legal financial obligation is due. The department is also allowed to issue a notice of debt in order to endorse and collect a court-ordered legal financial debt. This notice of debt can be provided through either a notice of payroll deduction or an order to withhold and deliver.

EFFECT OF PROPOSED SUBSTITUTE:

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.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

The bill establishes a streamlined administrative process for the collection of legal financial obligations.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Dave Savage, Department of Corrections; Melanie Smith, Department of Corrections; Donna Karvia, Washington State Association of County Clerks; Kurt Sharar, Washington State Association of Counties