

HOUSE BILL REPORT

HB 2503

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to inmate booking fees.

Brief Description: Limiting the imposition of booking fees.

Sponsors: Representatives O'Brien, Pearson, Darneille and Hinkle.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/30/04, 2/4/04 [DPS].

Brief Summary of Substitute Bill

- Prohibits counties, cities, and regional jails from "double" charging and collecting booking fines from both defendants and contracting entities.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Mielke, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Pearson and Veloria.

Staff: Yvonne Walker (786-7841).

Background:

Municipalities and counties are authorized to require any person who is booked in a county, municipal, or regional jail to pay a booking fee to the sheriff's department or police chief's department where the jail is located. The defendant must pay the actual cost incurred for his or her booking or \$100, whichever is less. The fee is payable immediately from any money currently in the person's possession or from any money deposited with the sheriff's department or city jail administration on the person's behalf. If the person does not have any money in his or her current possession, then the sheriff or police chief must notify the court for assessment of the fee. If the defendant is acquitted, not charged, or if the charges are dismissed, then the sheriff or police chief

must return the booking fee to the defendant at the last known address in the booking records.

Summary of Substitute Bill:

Counties, cities, and regional jails must offset any booking fees collected from defendants against the actual operating costs associated with booking inmates. As a result, jails must provide a credit to contracting entities for any portion of a booking fee collected from a defendant.

Substitute Bill Compared to Original Bill:

The language is clarified that required counties, cities, and regional jails to offset the booking fees collected from defendants against the jail's booking operating costs

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Right now jails are allowed to charge up to \$100 per day. In the instance where a defendant happens to have \$50 on him at the time of booking, then the jail takes the \$50 from the defendant and then the jail still charges back the contracting entity the \$100 without offsetting or crediting the \$50 originally received from the defendant. In the end, the jail collects both the \$100 from the contracting entity and the \$50 from the defendant. The intent of this bill is to require jails to provide a credit to contracting entities for any portion of a booking fee collected from a defendant. This will save some cities money.

(Concerns) Last year the Legislature passed a bill to increase the booking fee from \$10 to \$100. However there was a slight loophole that was not thought of when the original booking fee bill was drafted several years ago. The intent of this bill is to close that loophole. However, the problem with the current version of the bill is that in many cases the actual booking fee for localities is over \$100 but the maximum that can be collected from a defendant is \$100. So there is a gap that this bill seems to miss. The word "intent" also needs to be amended in the bill as it is the intent of all jails to collect the booking fee, but in reality sometimes that entire fee is never collected from the defendant. There needs to be an amendment made to this bill to make it clearer.

Testimony Against: None.

Persons Testifying: (In support) Representative O'Brien, prime sponsor; and Randy Lewis, City of Tacoma.

(Concerns) George Walk, Pierce County.

Persons Signed In To Testify But Not Testifying: None.