

HOUSE BILL REPORT

SB 5429

As Reported by House Committee On:
Human Services

Title: An act relating to deductions from moneys received by an inmate.

Brief Description: Concerning deductions from moneys received by an inmate.

Sponsors: Senators Franklin and Kohl-Welles.

Brief History:

Committee Activity:

Human Services: 3/22/07, 3/26/07 [DPA].

Brief Summary of Bill
(As Amended by House Committee)

- Increases the amount of the deduction the Department of Corrections takes from certain funds received by an inmate to apply towards child support obligations.
- Requires child support obligations to be paid before costs of incarceration with certain funds received by an inmate.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Dickerson, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Bailey, Darneille, McCoy and O'Brien.

Staff: Sonja Hallum (786-7092).

Background:

When an inmate receives funds while incarcerated, those funds are subject to the deductions and priorities provided in statute. With the exception of inmates sentenced to life imprisonment or death, the deductions from funds received by an inmate from sources other than wages or legal awards or settlements, are subject to the deductions below in the following order of priority:

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

- 5 percent to the Public Safety and Education Account for crime victims' compensation;
 - 10 percent to the Department of Corrections (DOC) for the Personal Inmate Savings Account;
 - 20 percent to the DOC for the cost of incarceration;
 - 20 percent for the payment of legal financial obligations; and
 - 15 percent for any child support owed under a support order.
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Summary of Amended Bill:

The statutory deduction for child support is increased from 15 percent to 20 percent of the funds received by an inmate from sources other than wages or legal awards or settlements.

The order of priority for distribution of funds deducted from funds received by an inmate from sources other than wages or as a result of a legal action are changed to list the payment of child support as a higher priority than the payment of the costs of incarceration. However, the total amount due remains under 100 percent; therefore, all parties should receive the same amount of payments.

When an inmate who has a child support obligation receives funds from an inheritance, amounts will be deducted to pay the cost of incarceration only after the child support obligation has been paid in full.

Amended Bill Compared to Original Bill:

The amended bill changes the order of priority for distribution of funds deducted from moneys received by an inmate from sources other than wages or as a result of a legal action to put payment to the state after payment of legal financial obligations and payment of child support.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support of original bill) This bill originated with a constituent who was involved in a situation when an ex-husband was incarcerated in a prison. He received an inheritance and the Division of Child Support put a lien on the funds. However, the money was sent directly to the DOC and they took all the deductions. After taking all the statutory deductions, only a small amount was left over for child support. More of the funds should go to child support and less to the costs of incarceration.

(Opposed) None.

Persons Testifying: Senator Franklin, prime sponsor; and Jill Hoak.

Persons Signed In To Testify But Not Testifying: None.