
Human Services Committee

SB 5429

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

Sponsors: Senators Franklin and Kohl-Welles.

Brief Summary of Bill

- 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.

Hearing Date: 3/22/07

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:

- 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.

The Department of Social and Health Services, Division of Child Support (DCS) is specifically given authority to take independent collection action against an inmate's money, assets, or property. If an inmate is entitled to receive funds from a specific source, such as an inheritance, the DCS can take collection action before the funds are received by the DOC. In this event, the entire amount of the funds could be collected for child support.

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.

Summary of 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.

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.

Appropriation: None.

Fiscal Note: Not requested.

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