

SENATE BILL REPORT

SB 5190

As Reported By Senate Committee On:
Human Services & Corrections, February 1, 2007

Title: An act relating to the collection of legal financial obligations.

Brief Description: Modifying provisions relating to the collection of legal financial obligations.

Sponsors: Senators Hargrove, McCaslin and Shin.

Brief History:

Committee Activity: Human Services & Corrections: 1/23/07, 2/1/07 [DPS].

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

Staff: Shani Bauer (786-7468)

Background: When a defendant is convicted of a crime, the court may impose legal financial obligations as part of the judgment and sentence. Financial obligations that may be imposed on a defendant include: victim restitution, crime victims' compensation fees, court costs, court-appointed attorneys' fees and costs of defense, fines, and other costs associated with the offense or sentence.

When an inmate receives funds while incarcerated, those funds are subject to deductions and priorities provided in statute, including deductions for the payment of legal financial obligations. The deductions from funds received by an inmate from sources other than wages or legal awards or settlements, are as follows:

- 5 percent to the public safety and education account for crime victims' compensation;
- 10 percent to Department of Corrections (DOC) for the personal inmate savings account;
- 20 percent to 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.

When an inmate is sentenced to life imprisonment without the possibility of release or parole, or to death under chapter 10.95 RCW, the deductions for the personal inmate savings account and payment of legal financial obligations are omitted. Legal awards or settlements received

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by an inmate sentenced to life or death are only subject to deductions for the public safety and education account and the cost of incarceration.

The deduction scheme does not limit the authority of the Department of Social and Health Services, Division of Child Support from taking independent collection action against an inmate's money, assets or property pursuant to statutory provisions for child support enforcement.

Summary of Bill: Any funds received by an inmate sentenced to life imprisonment without possibility of release or parole or to death under chapter 10.95 RCW, are subject to the same deductions as provided for other inmates, with the exception of interest earned on an inmate savings account. Unlike other inmates, the interest earned on an inmate savings account is not exempt from mandatory deductions.

In addition to the Division of Child Support, the county clerk or a restitution recipient may take independent collection action against an inmate's money, assets or property.

No fee may be demanded or required for furnishing certified copies of a death certificate of any offender requested by a county clerk or court for the purposes of extinguishing the offender's legal financial obligation.

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Human Services & Corrections): The mandatory deduction for personal inmate savings accounts against other funds deposited into accounts for inmates sentenced to life imprisonment without possibility of release or death is eliminated. The Secretary of the Department of Corrections is given discretion to exempt an offender from the requirement to have a personal inmate savings account if the inmate's earliest release date is beyond the inmate's life expectancy. A statutory reference is added that allows a county clerk or restitution recipient to take independent collection action.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: It has been four years since the county clerks took over collection of legal financial obligations from criminal defendants. Victims of crime are the first to receive any funds received from legal financial obligations collected. Amounts paid to victims of crime has increased 47 percent since the county clerks took over collection. Restitution and restitution interest is expected to exceed \$10 million dollars this year. This bill contains a clean-up provision to allow collection of legal financial obligations from inmates sentenced to life; gives the county clerks the authority to take collection action directly, such as the garnishment of a bank account; and provides a fee waiver to allow clerks to obtain death certificates to efficiently close accounts without having to pay a fee.

Persons Testifying: PRO: Pam Daniels, Snohomish County Clerk; Barb Miner, King County Clerk.