

SENATE BILL REPORT

SB 6193

As Passed Senate, February 18, 2008

Title: An act relating to collection of legal financial obligations by county clerks.

Brief Description: Giving county clerks authority to withhold and deliver funds from criminal defendants who owe legal financial obligations.

Sponsors: Senators Hargrove and Brandland.

Brief History:

Committee Activity: Human Services & Corrections: 1/15/08, 2/5/08 [DP].
Passed Senate: 2/18/08, 48-0.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: Do pass.

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

Staff: Jennifer Strus (786-7316)

Background: Engrossed Substitute Senate Bill 5990, passed during the 2003 session, transferred the responsibility for the collection of legal financial obligations (LFO) for offenders not supervised in the community or incarcerated by the Department of Corrections (DOC) from DOC to county clerks. Even if the offender is being supervised in the community by DOC, the county clerk, upon agreement with DOC, can assume collection of the LFO. In the event DOC has collected the LFO during the offender's period of community custody and the LFO remains after the supervision period has ended, DOC must transfer the collection of the remaining portion of the LFO to the county clerk.

DOC has a number of methods to collect outstanding LFOs: (1) in certain situations, it may issue an order to withhold and deliver the offender's property for purposes of paying the LFO in certain situations; (2) it may initiate a collection action against a joint bank account or against any other funds subject to community property laws; and (3) it may issue a notice of debt to enforce an LFO through either a notice of payroll deduction or an order to withhold and deliver.

Summary of Bill: The county clerk may collect an outstanding LFO by issuing an order to withhold and deliver the offender's property by initiating a collection action against a joint bank account or other funds subject to community property laws, or by issuing a notice of debt.

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.

Appropriation: None.

Fiscal Note: Not requested.

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: Since 2003, when county clerks were given the ability to collect LFOs in certain circumstances, they have substantially increased (by 39.8 percent) the amount of LFOs collected statewide. This increase has occurred without some of the options DOC has the ability to use. To obtain payments through payroll deduction, county clerks must use the garnishment process which is time consuming and cumbersome. Some small counties have no or few collection staff to accomplish this. Therefore, the ability to file a notice of debt to withhold and deliver the offender's property would greatly enhance the clerks' ability to collect LFOs.

OTHER: Offender management of debt and the ability to plan, save, and spend money wisely is an essential element of properly managing offenders during incarceration and preparing them for eventual release. There is concern that this bill will increase the number of offenders released to the community in an impoverished condition. There is also concern that additional orders to withhold and deliver will have a workload impact on the agency.

Persons Testifying: PRO: Ruth Gordon, Jefferson County Clerk; Debbie Wilke, Washington Association of County Officials; Dave Johnson, Washington Coalition of Crime Victim Advocates.

OTHER: Dick Morgan, Melanie Smith, DOC.