

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5190

Chapter 91, Laws of 2007

60th Legislature
2007 Regular Session

LEGAL FINANCIAL OBLIGATIONS--COLLECTION

EFFECTIVE DATE: 07/22/07

Passed by the Senate March 7, 2007
YEAS 40 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 5, 2007
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 18, 2007, 10:06 a.m.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5190** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 18, 2007

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5190

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin and Shin)

READ FIRST TIME 02/05/07.

1 AN ACT Relating to the collection of legal financial obligations;
2 amending RCW 72.09.480; and reenacting and amending RCW 70.58.107.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 72.09.480 and 2003 c 271 s 3 are each amended to read
5 as follows:

6 (1) Unless the context clearly requires otherwise, the definitions
7 in this section apply to this section.

8 (a) "Cost of incarceration" means the cost of providing an inmate
9 with shelter, food, clothing, transportation, supervision, and other
10 services and supplies as may be necessary for the maintenance and
11 support of the inmate while in the custody of the department, based on
12 the average per inmate costs established by the department and the
13 office of financial management.

14 (b) "Minimum term of confinement" means the minimum amount of time
15 an inmate will be confined in the custody of the department,
16 considering the sentence imposed and adjusted for the total potential
17 earned early release time available to the inmate.

18 (c) "Program" means any series of courses or classes necessary to
19 achieve a proficiency standard, certificate, or postsecondary degree.

1 (2) When an inmate, except as provided in subsection (7) of this
2 section, receives any funds in addition to his or her wages or
3 gratuities, except settlements or awards resulting from legal action,
4 the additional funds shall be subject to the following deductions and
5 the priorities established in chapter 72.11 RCW:

6 (a) Five percent to the public safety and education account for the
7 purpose of crime victims' compensation;

8 (b) Ten percent to a department personal inmate savings account;

9 (c) Twenty percent to the department to contribute to the cost of
10 incarceration;

11 (d) Twenty percent for payment of legal financial obligations for
12 all inmates who have legal financial obligations owing in any
13 Washington state superior court; and

14 (e) Fifteen percent for any child support owed under a support
15 order.

16 (3) When an inmate, except as provided in subsection (7) of this
17 section, receives any funds from a settlement or award resulting from
18 a legal action, the additional funds shall be subject to the deductions
19 in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11
20 RCW.

21 (4) The amount deducted from an inmate's funds under subsection (2)
22 of this section shall not exceed the department's total cost of
23 incarceration for the inmate incurred during the inmate's minimum or
24 actual term of confinement, whichever is longer.

25 (5) The deductions required under subsection (2) of this section
26 shall not apply to funds received by the department on behalf of an
27 offender for payment of one fee-based education or vocational program
28 that is associated with an inmate's work program or a placement
29 decision made by the department under RCW 72.09.460 to prepare an
30 inmate for work upon release.

31 An inmate may, prior to the completion of the fee-based education
32 or vocational program authorized under this subsection, apply to a
33 person designated by the secretary for permission to make a change in
34 his or her program. The secretary, or his or her designee, may approve
35 the application based solely on the following criteria: (a) The inmate
36 has been transferred to another institution by the department for
37 reasons unrelated to education or a change to a higher security
38 classification and the offender's current program is unavailable in the

1 offender's new placement; (b) the inmate entered an academic program as
2 an undeclared major and wishes to declare a major. No inmate may apply
3 for more than one change to his or her major and receive the exemption
4 from deductions specified in this subsection; (c) the educational or
5 vocational institution is terminating the inmate's current program; or
6 (d) the offender's training or education has demonstrated that the
7 current program is not the appropriate program to assist the offender
8 to achieve a placement decision made by the department under RCW
9 72.09.460 to prepare the inmate for work upon release.

10 (6) The deductions required under subsection (2) of this section
11 shall not apply to any money received by the department, on behalf of
12 an inmate, from family or other outside sources for the payment of
13 postage expenses. Money received under this subsection may only be
14 used for the payment of postage expenses and may not be transferred to
15 any other account or purpose. Money that remains unused in the
16 inmate's postage fund at the time of release shall be subject to the
17 deductions outlined in subsection (2) of this section.

18 (7) When an inmate sentenced to life imprisonment without
19 possibility of release or ~~((parole, or to death under chapter 10.95~~
20 ~~RCW, receives any funds in addition to his or her gratuities, except~~
21 ~~settlements or awards resulting from legal action, the additional funds~~
22 ~~shall be subject to: Deductions of five percent to the public safety~~
23 ~~and education account for the purpose of crime victims' compensation,~~
24 ~~twenty percent to the department to contribute to the cost of~~
25 ~~incarceration, and fifteen percent to child support payments.~~

26 ~~((8) When an inmate sentenced to life imprisonment without~~
27 ~~possibility of release or parole, or to death under chapter 10.95 RCW,~~
28 ~~receives any funds from a settlement or award resulting from a legal~~
29 ~~action in addition to his or her gratuities, the additional funds shall~~
30 ~~be subject to: Deductions of five percent to the public safety and~~
31 ~~education account for the purpose of crime victims' compensation and~~
32 ~~twenty percent to the department to contribute to the cost of~~
33 ~~incarceration)) sentenced to death under chapter 10.95 RCW receives
34 funds, deductions are required under subsection (2) of this section,
35 with the exception of a personal inmate savings account under
36 subsection (2)(b) of this section.~~

37 ~~((+9)) (8) The secretary of the department of corrections, or his~~

1 or her designee, may exempt an inmate from a personal inmate savings
2 account under subsection (2)(b) of this section if the inmate's
3 earliest release date is beyond the inmate's life expectancy.

4 (9) The interest earned on an inmate savings account created as a
5 result of the plan in section 4, chapter 325, Laws of 1999 shall be
6 exempt from the mandatory deductions under this section and RCW
7 72.09.111.

8 (10) Nothing in this section shall limit the authority of the
9 department of social and health services division of child support, the
10 county clerk, or a restitution recipient from taking collection action
11 against an inmate's moneys, assets, or property pursuant to chapter
12 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the
13 collection of moneys received by the inmate from settlements or awards
14 resulting from legal action.

15 **Sec. 2.** RCW 70.58.107 and 2003 c 272 s 1 and 2003 c 241 s 1 are
16 each reenacted and amended to read as follows:

17 The department of health shall charge a fee of seventeen dollars
18 for certified copies of records and for copies or information provided
19 for research, statistical, or administrative purposes, and eight
20 dollars for a search of the files or records when no copy is made. The
21 department shall prescribe by regulation fees to be paid for preparing
22 sealed files and for opening sealed files.

23 No fee may be demanded or required for furnishing certified copies
24 of a birth, death, fetal death, marriage, divorce, annulment, or legal
25 separation record for use in connection with a claim for compensation
26 or pension pending before the veterans administration. No fee may be
27 demanded or required for furnishing certified copies of a death
28 certificate of a sex offender for use by a law enforcement agency in
29 maintaining a registered sex offender data base, or that of any
30 offender requested by a county clerk or court in the state of
31 Washington for purposes of extinguishing the offender's legal financial
32 obligation.

33 The department shall keep a true and correct account of all fees
34 received and transmit the fees to the state treasurer on a weekly
35 basis.

36 Local registrars shall charge the same fees as the state as
37 hereinabove provided and as prescribed by department regulation except

1 in cases where payment is made by credit card, charge card, debit card,
2 smart card, stored value card, federal wire, automatic clearinghouse
3 system, or other electronic communication. Payment by these electronic
4 methods may be subject to an additional fee consistent with the
5 requirements established by RCW 36.29.190. All such fees collected,
6 except for seven dollars of each fee collected for the issuance of
7 birth certificates and first copies of death certificates and fourteen
8 dollars of each fee collected for additional copies of the same death
9 certificate ordered at the same time as the first copy, shall be paid
10 to the jurisdictional health department.

11 All local registrars in cities and counties shall keep a true and
12 correct account of all fees received under this section for the
13 issuance of certified copies and shall transmit seven dollars of the
14 fees collected for birth certificates and first copies of death
15 certificates and fourteen dollars of the fee collected for additional
16 copies of death certificates to the state treasurer on or before the
17 first day of January, April, July, and October. All but five dollars
18 of the fees turned over to the state treasurer by local registrars
19 shall be paid to the department of health for the purpose of developing
20 and maintaining the state vital records systems, including a web-based
21 electronic death registration system.

22 Five dollars of each fee imposed for the issuance of certified
23 copies, except for copies suitable for display issued under RCW
24 70.58.085, at both the state and local levels shall be held by the
25 state treasurer in the death investigations' account established by RCW
26 43.79.445.

Passed by the Senate March 7, 2007.

Passed by the House April 5, 2007.

Approved by the Governor April 18, 2007.

Filed in Office of Secretary of State April 18, 2007.