

FINAL BILL REPORT

ESSB 5974

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Synopsis as Enacted

Brief Description: Concerning the disposition of unenforceable legal financial obligations other than restitution imposed by a court or an agent of the court against a juvenile prior to July 1, 2023.

Sponsors: Senate Committee on Human Services (originally sponsored by Senators Frame, Saldaña, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Trudeau and Wilson, C.).

Senate Committee on Human Services
House Committee on Human Services, Youth, & Early Learning

Background: Juvenile Legal Financial Obligations. Prior to 2023, courts were authorized to impose legal financial obligations (LFOs) as part of the judgment and sentence for juveniles adjudicated of a criminal offense. LFOs include victim restitution, court costs, criminal offense fines, the crime victim penalty assessment, and other fees, penalties, and assessments.

Legislation enacted in 2023 prohibits the imposition or collection of any fine, administrative fee, cost, or surcharge by the court or any agent of the court against any juvenile or a juvenile's parent or guardian, or other person with custody of the juvenile, in connection with any juvenile offender proceeding. This includes but is not limited to fees for diversion, DNA sampling, or victims penalty assessments. A judgment against a juvenile for LFOs other than restitution is not enforceable after July 1, 2023, and the superior court clerk must not accept any nonrestitution LFO payments from a juvenile after July 1, 2023. Courts are not required to refund or reimburse amounts previously paid towards LFOs, interest on LFOs, or any other costs.

The 2023 legislation also eliminated the \$100 crime victim penalty assessment for juveniles who were found to have committed a most serious offense. Upon motion, the court must waive any crime victim penalty assessment previously imposed upon a juvenile. A new account was created in the state treasury to mitigate the fiscal impact from elimination of the crime victim penalty assessment on juveniles and indigent adults.

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

Summary: Any debt from the imposition of a legal financial obligation other than restitution shall be rendered null and void, and considered satisfied and paid in full by July 1, 2027, based on the following schedule:

- by June 30, 2025, debts resulting from cases filed from July 1, 2018, through June 30, 2023;
- by June 30, 2026, debts resulting from cases filed from July 1, 2013, through June 30, 2018; and
- by June 30, 2027, debts resulting from cases filed prior to July 1, 2013.

Nothing shall prevent a court from granting individual relief at any time in response to a motion.

The presiding judge of a superior court may at any time authorize an administrative process to waive outstanding juvenile nonrestitution LFO debt that ensures that debts:

- are waived within any statutorily required deadlines;
- do not affect an individual's credit;
- are recalled from any collections agency; and
- do not appear in any background check.

The clerk of the superior clerk may seek a judicial order to waive outstanding debt for any uncollectible LFOs, other than restitution, in the same manner as the clerk is authorized under current law to seek an extension of jurisdiction for debt collection. Any motion filed by the clerk does not constitute the practice of law.

The Administrative Office of the Courts must submit an annual report to the Legislature on the implementation of this act, beginning November 1, 2024.

Votes on Final Passage:

Senate	42	6
House	66	27

Effective: June 6, 2024