

FINAL BILL REPORT

SB 5523

C 221 L 95
Synopsis as Enacted

Brief Description: Regulating payment of criminal defendants' costs.

Sponsors: Senators Smith and Johnson.

Senate Committee on Law & Justice
House Committee on Corrections

Background: Under current law, courts may impose certain costs on defendants. In 1993, the Legislature enacted a measure that authorized courts to impose the costs of incarceration against a defendant convicted of a misdemeanor or a gross misdemeanor. The costs may not be imposed if the court has found the defendant to be indigent for the purpose of appointment of counsel. There is concern that an ambiguity has been created regarding whether the court, for the purpose of imposing costs of incarceration, may consider a defendant's ability to pay at the time of incarceration, if it has changed since the time of filing the initial criminal charge.

Summary: Costs of incarceration may not exceed \$50 per day. Other court-ordered financial obligations take precedence over the payment of the cost of incarceration. Money received from defendants for the cost of incarceration must be remitted for criminal justice purposes to the county or city that is responsible for the defendant's jail costs. The court cannot sentence a defendant to pay costs unless the defendant currently or subsequently is able to pay them.

Votes on Final Passage:

Senate	46	0	
House	96	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 23, 1995