
SENATE BILL 5146

State of Washington 61st Legislature 2009 Regular Session

By Senators Kline, Regala, Pridemore, Kohl-Welles, and Shin

Read first time 01/15/09. Referred to Committee on Judiciary.

1 AN ACT Relating to interest on judgments entered against offenders;
2 and amending RCW 10.82.090.

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

4 **Sec. 1.** RCW 10.82.090 and 2004 c 121 s 1 are each amended to read
5 as follows:

6 (1)(a) Except as provided in subsection (2) of this section,
7 financial obligations imposed in a judgment shall bear interest as
8 follows:

9 (i) If the sentence of the offender does not include a period of
10 total confinement, financial obligations imposed in a judgment shall
11 bear interest from the date of the judgment until payment, at the rate
12 applicable to civil judgments.

13 (ii) If the sentence of the offender includes a period of total
14 confinement:

15 (A) Financial obligations imposed in a judgment related to
16 restitution shall bear interest from the date of the judgment until
17 payment, at the rate applicable to civil judgments; and

18 (B) Financial obligations related to costs, fines, and other
19 assessments, other than restitution, shall bear interest from the date

1 of the offender's release from total confinement until payment, at the
2 rate applicable to civil judgments. For the purposes of calculating
3 interest on these financial obligations, upon release from total
4 confinement, the department of corrections or the county jail shall
5 notify the clerk of the county in which the conviction occurred.

6 (b) All nonrestitution interest retained by the court shall be
7 split twenty-five percent to the state treasurer for deposit in the
8 public safety and education account as provided in RCW 43.08.250,
9 twenty-five percent to the state treasurer for deposit in the judicial
10 information system account as provided in RCW 2.68.020, twenty-five
11 percent to the county current expense fund, and twenty-five percent to
12 the county current expense fund to fund local courts.

13 (2) The court may, on motion by the offender, following the
14 offender's release from total confinement, reduce or waive the interest
15 on legal financial obligations levied as a result of a criminal
16 conviction. The court may reduce or waive the interest only as an
17 incentive for the offender to meet his or her legal financial
18 obligations. The court may not waive the interest on the restitution
19 portion of the legal financial obligation and may only reduce the
20 interest on the restitution portion of the legal financial obligation
21 if the principal of the restitution has been paid in full. The
22 offender must show that he or she has personally made a good faith
23 effort to pay, that the interest accrual is causing a significant
24 hardship, and that he or she will be unable to pay the principal and
25 interest in full and that reduction or waiver of the interest will
26 likely enable the offender to pay the full principal and any remaining
27 interest thereon. For purposes of this section, "good faith effort"
28 means that the offender has either (a) paid the principal amount in
29 full; or (b) made twenty-four consecutive monthly payments, excluding
30 any payments mandatorily deducted by the department of corrections, on
31 his or her legal financial obligations under his or her payment
32 agreement with the court. The court may grant the motion, establish a
33 payment schedule, and retain jurisdiction over the offender for
34 purposes of reviewing and revising the reduction or waiver of interest.
35 This section applies to persons convicted as adults or in juvenile
36 court.

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