
HOUSE BILL 1862

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Roberts, Kagi, Hasegawa, and Santos

Read first time 02/07/11. Referred to Committee on Judiciary.

1 AN ACT Relating to legal financial obligations; amending RCW
2 10.82.090; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
5 interest of the public to reduce recidivism and to promote the
6 reintegration into society of individuals convicted of crimes.
7 Research indicates that legal financial obligations may constitute a
8 significant barrier to successful reintegration and may result in
9 increases in recidivism. The legislature further recognizes that the
10 accrual of interest on nonrestitution debt during the term of
11 incarceration results in many individuals leaving prison with
12 insurmountable debt. These circumstances make it less likely that
13 restitution will be paid in full and more likely that former offenders
14 and their families will remain in poverty. In order to foster
15 reintegration and reduce recidivism, this act creates a mechanism for
16 courts to eliminate interest accrued on nonrestitution debt during
17 incarceration and improves incentives for payment of legal financial
18 obligations.

1 **Sec. 2.** RCW 10.82.090 and 2009 c 479 s 14 are each amended to read
2 as follows:

3 (1) Except as provided in subsection (2) of this section, financial
4 obligations imposed in a judgment shall bear interest from the date of
5 the judgment until payment, at the rate applicable to civil judgments.
6 All nonrestitution interest retained by the court shall be split
7 twenty-five percent to the state treasurer for deposit in the state
8 general fund, twenty-five percent to the state treasurer for deposit in
9 the judicial information system account as provided in RCW 2.68.020,
10 twenty-five percent to the county current expense fund, and twenty-five
11 percent to the county current expense fund to fund local courts.

12 (2) The court may, on motion by the offender, following the
13 offender's release from total confinement, reduce or waive the interest
14 on legal financial obligations levied as a result of a criminal
15 conviction(~~(-)~~) as follows:

16 (a) The court shall waive all interest on the portions of the legal
17 financial obligations that are not restitution that is accrued during
18 the term of total confinement, provided the offender shows that the
19 interest creates a hardship for the offender or his or her immediate
20 family;

21 (b) The court may reduce interest on the restitution portion of the
22 legal financial obligations only if the principal has been paid in
23 full;

24 (c) The court may reduce or waive the interest (~~(only as an~~
25 incentive for the offender to meet his or her)) on all other legal
26 financial obligations not otherwise addressed in (a) and (b) of this
27 subsection. (~~The court may not waive the interest on the restitution~~
28 portion of the legal financial obligation and may only reduce the
29 interest on the restitution portion of the legal financial obligation
30 if the principal of the restitution has been paid in full.)) The
31 offender must show that he or she has personally made a good faith
32 effort to pay, that the interest accrual is causing a significant
33 hardship, and that he or she will be unable to pay the principal and
34 interest in full and that reduction or waiver of the interest will
35 likely enable the offender to pay the full principal and any remaining
36 interest thereon. For purposes of this section, "good faith effort"
37 means that the offender has either ~~((a))~~ (i) paid the principal
38 amount in full; or ~~((b))~~ (ii) made ~~((twenty-four consecutive))~~ at

1 least fifteen monthly payments within an eighteen-month period,
2 excluding any payments mandatorily deducted by the department of
3 corrections, on his or her legal financial obligations under his or her
4 payment agreement with the court;

5 (d) For purposes of (a) through (c) of this subsection, the court
6 may reduce or waive interest on legal financial obligations only as an
7 incentive for the offender to meet his or her legal financial
8 obligations. The court may grant the motion, establish a payment
9 schedule, and retain jurisdiction over the offender for purposes of
10 reviewing and revising the reduction or waiver of interest.

11 (3) This section applies to persons convicted as adults or
12 adjudicated delinquents in juvenile court.

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