

2016 Legislative Agenda Legal Financial Obligations (HB 1390)

Revise Laws concerning legal financial obligations to relieve the financial burdens placed on individuals with mental illnesses due to criminal justice system involvement.

- Legal financial obligations (LFOs), are fines, fees, costs, and restitution imposed as part of a criminal sentence.
- Some jurisdictions in Washington routinely assess LFOs without considering a person's ability to pay. This all too often imposes insurmountable debt loads on individuals with mental illnesses, many of whom live on limited fixed incomes. For those on Supplemental Security Income due to their disabilities, that income is a mere \$733 per month.
- For many of these individuals, the inability to meet the payment obligations results in repeated bench warrants and/or court appearances, which in turn result in the imposition of additional fees.
- In some jurisdictions, those who cannot pay their legal financial obligations are jailed or sentenced to a work crew.
- Adding to the problem are the authorized 12% interest on LFOs and the fact that many jurisdictions turn collection efforts over to collection agencies that can and do impose their own fees on top of the LFOs.
- Costs of collecting the imposed LFOs in some jurisdictions sometimes exceed the amount collected.
- Our current system allows what can only be described as modern day paupers' prisons. This situation violates the Due Process and Equal Protection provisions of the U.S. Constitution as well as the State Constitution.
- HB 1390 will correct the problem by
 - Eliminating or reducing interest accrual on the non-restitution portion of the LFO's.
 - Providing that a court may NOT impose costs on a defendant who is indigent at the time of sentencing.
 - Establishment of provisions governing payment plans and priority of payments of LFO's.
 - Addressing actions a court may take in sanction proceedings for failure to pay LFO's where the offender's failure to pay is not willful and establishing standards for "willful" failure to pay.
 - Providing that the DNA database fee is NOT mandatory if the State has already collected the offender's DNA as a result of a prior conviction.