
SUBSTITUTE SENATE BILL 5146

State of Washington

61st Legislature

2009 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline, Regala, Pridemore, Kohl-Welles, and Shin)

READ FIRST TIME 02/17/09.

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 on the conviction giving rise to the financial obligations,
5 the department of corrections or the county jail shall notify the clerk
6 of the county in which the conviction occurred.

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

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

1 court.

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