To: Members of the House Appropriations Committee

From: Evan Walker, Senior Policy Analyst, Washington State Budget and Policy Center

Re: Testimony in Support of HB 1169

To Chair Ormsby and members of the Committee,

For the record, I am Evan Walker and I am a senior policy analyst at the Washington State Budget and Policy Center, a research organization working to build a just and prosperous future for all Washingtonians. I am submitting this written testimony in support of House Bill (HB) 1169, which concerns legal financial obligations (LFOs).

The Budget and Policy Center strongly supports HB 1169 because it is a crucial policy that advances racial, economic, and legal justice in Washington. HB 1169 grants relief to people who qualify as indigent by removing the burden of paying mandatory LFOs and more reliably funds victims’ and witness services through a state budget appropriation.

Washington currently uses an unreliable revenue source, the mandatory Victim Penalty Assessment (VPA), to fund the courts and victims and witness services. Assessing the mandatory VPA in sentencing does not resolve the issue of when a person, who the court recognizes as unable to pay their LFOs, is still assessed these mandatory fees. Imposing mandatory LFOs on people who do not have the ability to pay them is an unreliable, unsustainable, and counterproductive way to fund court operations and support services for victims and witnesses. Doing so serves only to perpetuate a damaging downward spiral of debt and poverty that prevents people convicted of a crime from re-entering society while starving victims and courts of essential funding and services.

Previous and ongoing research shows that assessing and collecting mandatory LFOs from Washingtonians who can’t pay exploits and saddles them and their families with debt and economic insecurity. Research on collections also shows that this funding scheme is an incredibly unreliable source of revenue. Each year, millions of dollars in LFOs go uncollected, even for Washington’s mandatory Crime Victim Penalty Assessment and DNA collection fee.

Research analysis cited in the Washington State Institute of Public Policy (WSIPP) final report on LFOs sheds significant light on how much goes uncollected each year of the VPA and DNA collection fees. Between 2014 and 2021, Washington’s superior courts collected less than 50 percent of total VPA imposed.¹ The average VPA imposed per year was about $8.2 million; whereas the average amount collected per year was about $3 million. During the same period, Washington’s superior, district, and municipal courts, received even less of the total DNA collection fees imposed – bringing in only 30%, 29%, and 22% of imposed fees, respectively. We urge lawmakers to eliminate the mandatory VPA and DNA collection fees and instead fund victims and witness services through the state budget, a more equitable and reliable source of funding.

Further, the Vera Institute of Justice’s recent research findings on LFO payments demonstrates that the majority of people (at least 78%) with LFO debt meet the indigency standard.² For people in Courts of Limited Jurisdiction (CLJs), less than 40% of people were able to fully repay their LFOs within four years; in

¹ This does not include King County’s district court, Pierce County’s district, municipal, and superior court, Thurston County’s district and municipal court. https://www.wsipp.wa.gov/ReportFile/1758/Wsipp_Legal-Financial-Obligations-in-Washington-State-Final-Report_Report.pdf
superior courts, only 6% of people fully repaid. Imposing mandatory LFOs makes repayment more difficult because the court is requiring payment when a person cannot pay.

HB 1169 would stop the counterproductive practice of extracting wealth from people living in poverty while creating a more equitable and reliable method of funding services for victims and witnesses. Though the revenue received from the VPA and DNA collection fees is a small fraction of what is imposed, these fees cause great harm to people saddled with LFO debt and their families and communities. HB 1169 addresses the needs of victims and court services and people put into debt by mandatory LFOs. HB 1169 rightfully funds legal system services through more equitable and reliable statewide resources. Doing so would help address the most harmful and regressive sources of public funding.

I ask that you pass HB 1169 and advance racial, economic, and legal justice to the many people in Washington affected by the state’s unjust system of LFOs.

Thank you for your time and thoughtful consideration.