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HOUSE BILL 2659

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Jenkins, Hansen, Magendanz, Kilduff, and Goodman;  
by request of Attorney General

Read first time 01/18/16. Referred to Committee on Judiciary.

1 AN ACT Relating to the consolidation of traffic-based financial  
2 obligations through a unified payment plan system; creating new  
3 sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature makes the following  
6 findings:

7 (1) Monetary sanctions for traffic offenses exist to hold  
8 individuals accountable for failing to follow the rules of the road  
9 while promoting public safety and welfare on our public roadways.

10 (2) Failure to pay traffic fines results in drivers having their  
11 licenses suspended until regular payments are being made thereby  
12 allowing the department of licensing to release the license  
13 suspension.

14 (3) Individuals who are economically disadvantaged are not always  
15 able, due to their financial circumstances, to satisfy the balance of  
16 the financial obligations imposed for traffic offenses without  
17 entering a payment plan.

18 (4) The lack of a driver's license increases the difficulty of  
19 retaining or finding employment.

20 (5) Research indicates that a large portion of drivers with  
21 suspended licenses continue to drive, often without valid insurance,

1 which puts persons at greater risk of economic harm should they be  
2 involved in an accident.

3 (6) In addition to the financial burden experienced by  
4 individuals, judicial and public safety systems are overburdened with  
5 cases involving license suspensions solely for the reason of unpaid  
6 traffic-based financial obligations, with approximately one-quarter  
7 of all misdemeanor prosecutions being cases for driving while license  
8 suspended.

9 (7) Jurisdictions that have implemented a system for unified  
10 payment plans have demonstrated increased collections rates for  
11 traffic-based financial obligations and reduced prosecution costs.

12 (8) A statewide unified system allowing individuals to  
13 consolidate their traffic-based financial obligations into one  
14 affordable payment plan would enable drivers to meet their financial  
15 obligations and restore their driving privileges more expeditiously  
16 without compromising public safety.

17 NEW SECTION. **Sec. 2.** It is the intent of the legislature to  
18 create a plan for establishing a statewide unified system for  
19 instituting consolidated, reasonable payment plans for traffic-based  
20 financial obligations from multiple jurisdictions that will  
21 facilitate the reinstatement of driving privileges for individuals  
22 successfully meeting their payment obligations. This statewide  
23 unified system for consolidating payment plans from multiple  
24 jurisdictions is not intended to shorten or otherwise affect the  
25 terms of any mandatory license suspension or any nonmonetary order  
26 imposed by a court or by the department of licensing in accordance  
27 with the laws of the state of Washington.

28 NEW SECTION. **Sec. 3.** (1) Subject to the availability of funds  
29 appropriated therefor, the administrative office of the courts shall  
30 develop a plan to establish a program for the efficient statewide  
31 consolidation of an individual's traffic-based financial obligations  
32 imposed by courts of limited jurisdiction into a unified and  
33 affordable payment plan. The plan must be developed in consultation  
34 with the district and municipal court judges' association and the  
35 district and municipal court management association.

36 (2) At a minimum, the plan must:

37 (a) Provide for the participation in the statewide system by all  
38 courts of limited jurisdiction;

1 (b) Establish proposed uniform procedures and eligibility  
2 criteria for participation in the program by individuals, how payment  
3 plans will be established, and the circumstances and procedures for  
4 terminating an individual's participation in the program; and

5 (c) Provide recommendations regarding how to create and implement  
6 the program through supreme court rule making, legislation, or a  
7 combination thereof.

8 (3) Considerations for the program may include, but not be  
9 limited to:

10 (a) Procedures to allow traffic-based financial obligations  
11 incurred after establishment of a payment plan to be added to and  
12 consolidated with an existing unified payment plan;

13 (b) Provisions for waiving previously accumulated interest once a  
14 person is determined to be eligible for the program, establishes a  
15 payment plan, and makes an initial payment in accordance with the  
16 terms of such a plan;

17 (c) Procedures for communicating to the courts of limited  
18 jurisdiction when a person enters into a payment plan for traffic-  
19 based financial obligations and makes an initial payment thereon, so  
20 that the courts of limited jurisdiction can notify the department of  
21 licensing and which shall result in the department of licensing  
22 releasing any suspension of that person's driver's license or  
23 driver's privilege based on failure to respond to or pay those  
24 traffic-based financial obligations;

25 (d) A process for proportionally allocating any moneys collected  
26 through a consolidated payment plan between the courts that imposed  
27 the financial obligations included in the consolidated plan;

28 (e) Whether to contract with outside entities to administer the  
29 program;

30 (f) What fee, if any, should be assessed to the individual  
31 participating in the program for the administration of such services,  
32 which may be calculated on a periodic, percentage, or other basis,  
33 and the limits on such fees if the program is to be administered by  
34 an outside entity;

35 (g) Appropriate uniform administrative protocols and associated  
36 workflow coordination for the administrative office of the courts and  
37 for courts of limited jurisdiction;

38 (h) Uniform guidelines for establishing reasonable, affordable  
39 payment plans that are based on an individual's income and capacity

1 to pay, as well as policies and procedures for recording the terms of  
2 such plans in a written document provided to program participants;

3 (i) Policies and procedures to remit money received on a monthly  
4 basis to courts that includes an accounting of the involved case  
5 numbers and their remaining balances due; and

6 (j) Policies and procedures for establishing default for when a  
7 program participant fails to meet the terms of the payment plan, for  
8 other grounds for terminating program participation, and to provide  
9 timely notice to courts.

10 (4) The administrative office of the courts may provide periodic  
11 updates regarding the plan to the work group of stakeholders  
12 described in this act.

13 (5) The work group of stakeholders may provide input and feedback  
14 on the plan and the program to the administrative office of the  
15 courts, which shall be considered by the administrative office of the  
16 courts, the district and municipal court judges' association, and the  
17 district and municipal court management association.

18 (6) The administrative office of the courts shall provide a  
19 report to the work group of stakeholders, including a draft final  
20 plan, no later than July 1, 2017.

21 NEW SECTION. **Sec. 4.** (1) The office of the attorney general  
22 shall convene a work group of stakeholders to provide input and  
23 feedback on the development of the plan and program to the  
24 administrative office of the courts.

25 (2) At a minimum, the following must be invited to participate in  
26 the work group:

27 (a) The administrator for the courts or the administrator for the  
28 courts' designee;

29 (b) The director of the Washington state department of licensing  
30 or the director's designee;

31 (c) A district or municipal court judge, appointed by the  
32 district and municipal court judges' association;

33 (d) A prosecutor, appointed by the Washington association of  
34 prosecuting attorneys, or the prosecutor's designee;

35 (e) A public defender, jointly appointed by the Washington  
36 defender association and the Washington association of criminal  
37 defense lawyers;

38 (f) A district or municipal court administrator or manager,  
39 appointed by the district and municipal court management association;

1 (g) A representative of a civil legal aid organization, appointed  
2 by the office of civil legal aid;

3 (h) The chief of the Washington state patrol, or the chief's  
4 designee;

5 (i) A representative of a statewide association of police chiefs  
6 and sheriffs, selected by the association;

7 (j) The director of the Washington traffic safety commission, or  
8 the director's designee;

9 (k) A representative of a statewide association of city  
10 governments, selected by the association; and

11 (l) A representative of a statewide association of counties,  
12 selected by the association.

13 (3) The work group shall convene as necessary.

14 (4) The stakeholder work group shall provide final feedback and  
15 recommendations to the administrative office of the courts no later  
16 than September 15, 2017.

17 NEW SECTION. **Sec. 5.** (1) Notwithstanding any other provision in  
18 this act, the plan required by this act must not:

19 (a) Provide for or make recommendations regarding the  
20 reinstatement of driving privileges when the revocation of a person's  
21 driving privileges is made mandatory by the provisions of chapter  
22 46.20 RCW or other law; or

23 (b) Include provisions or recommendations related to altering the  
24 original amount of any traffic-based financial obligation imposed by  
25 any court of limited jurisdiction.

26 (2) Nothing herein prohibits local jurisdictions or state  
27 agencies from offering training in how to provide participants with  
28 life skills, driver's education, or budget management classes, or  
29 from offering other resources targeted towards addressing the social  
30 barriers facing participants with chronically suspended driver's  
31 licenses for unpaid traffic fines.

32 NEW SECTION. **Sec. 6.** The administrative office of the courts  
33 shall submit a report detailing its recommendations and the plan  
34 required by this act to the Washington state supreme court, the  
35 governor, and appropriate committees of the legislature no later than  
36 December 1, 2017.

1        NEW SECTION.   **Sec. 7.**   This act expires December 31, 2017.

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Tackling Chronic Driver's License Suspensions in Washington

**375,000 LITTLE CATASTROPHES**



“No person may drive a motor vehicle upon a highway in this state without first obtaining a valid driver's license...”

-- RCW 46.20.001

*Exceptions: RCW 46.20.025*

- *Military, non-residents (if properly licensed elsewhere)*
- *Certain farm, railroad, or highway construction activities*







## PUBLIC SAFETY SUSPENSIONS & REVOCATIONS

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- RCW 46.20: suspensions/revocations generally last one year
  - vehicular assault, DUI, hit & run, reckless driving, use of MV in felony
  - traffic infractions “with such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other[s]”
  - Incompetent to drive (age, disability, substance abuse)
  - Fraud in obtaining or using a driver’s license
  - Vehicular homicide: 2 years
- RCW 46.65.060: Habitual Traffic Offenders
  - 20+ infractions or 3+ criminal traffic convictions within 5 years
  - 7 year revocation, but may petition for reinstatement after 4 years



# REVENUE/COLLECTION SUSPENSIONS

- Failure to pay tickets
- Failure to pay child support
- Failure to pay accident claims



# DRIVING WHILE LICENSE SUSPENDED

- First Degree: driving during HTO suspension/revocation
- Second Degree: driving during public safety suspension
- Third Degree: driving during collection related suspension

## DWLS 3<sup>o</sup>

- Per RCW 9.92.030, is “punish[able] by imprisonment [for] not more than 90 days, or by a fine .... of not more than \$1,000 or both”
  - Per WAC 308-104-160(10), DWLS (any degree) is also a moving violation (meaning that non-payment of the fine can result in suspension\*)
-

# INFRACTION TICKETS

RCW 46.63.110(6), IRLJ 4.1

- Court must notify DOL of noncompliance if driver fails to pay
- Court may also refer the unpaid amount to collection agency



- RCW 46.20.289:
    - DOL must suspend license on notice from court that the driver has failed to appear or failed to comply with a traffic citation or order (“hold”)
      - “Moving violations” only (Laws of 2012, Ch. 82, Sec. 3)
      - WAC 308-104-160 distinguishes moving, non-moving violations
    - Includes both infractions and criminal traffic offenses
    - Suspension remains in effect until DOL receives “a certificate from the court showing that the case has been adjudicated”
      - No time limit – suspension does not expire\*
      - Driver must also pay reissuance fee (RCW 46.20.311)
-

# EXPIRATION OF TRAFFIC TICKETS

- “Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter, it is immediately payable and is enforceable as a civil judgment under Title 6 RCW.”
  - RCW 46.63.110(6)
- “[T]he party in whose favor a judgment of a court has been ... [rendered] or the current holder thereof, may have an execution, garnishment, or other legal process issued for the collection or enforcement of the judgment at any time within ten years from entry of the judgment...”
  - RCW 6.17.020(1)



As of December 31, 2014, the number of unique individuals whose driving privilege was suspended in Washington based on FTA holds was **375,231**.

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Source: public records request to Wash. Dept. of Licensing

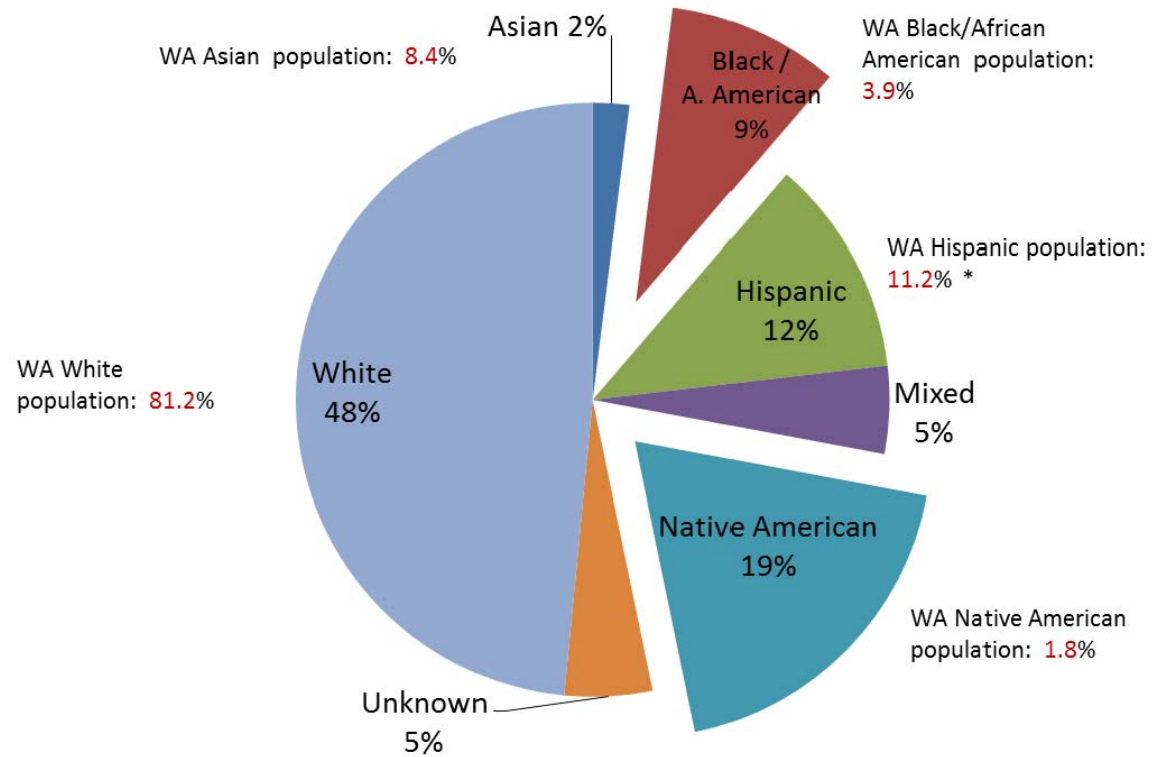


- Arrest & convictions for DWLS 3 cost more than \$100 Million annually excluding incarceration costs.
    - DWLS 3 has accounted for up to 1/3 of annual misdemeanor filings
  - Many stakeholders have identified driver's license suspension as the #1 barrier to employment
  - Suspensions fall most heavily on:
    - Low-income people
    - Racial and ethnic minorities
-

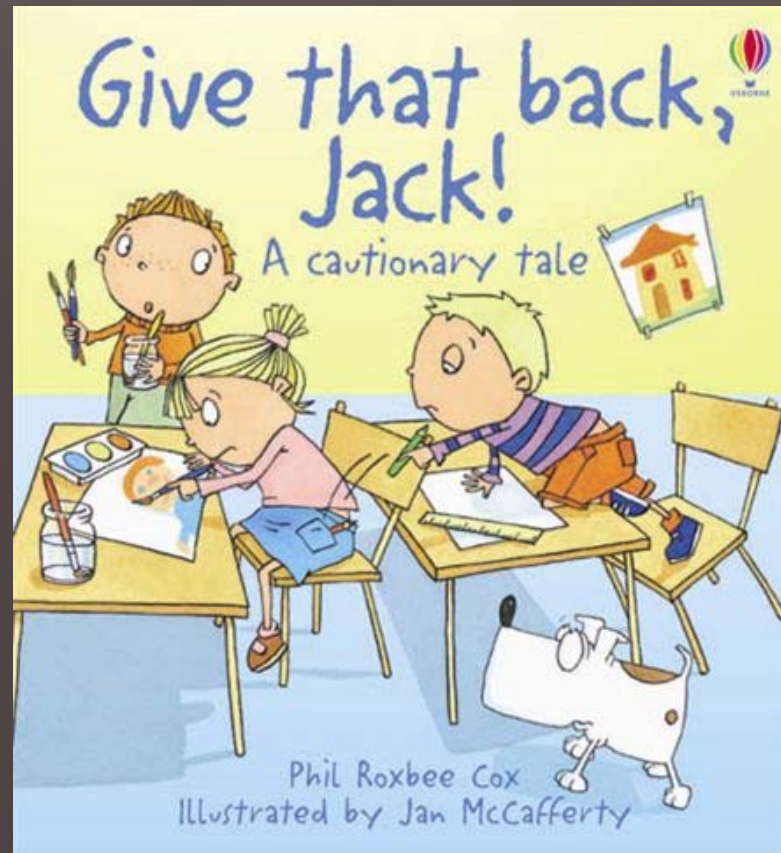
# RACIAL & ETHNIC DISPARITIES

- Relicensing Program Participation
    - Spokane: African-American participation more three-times population
    - Clark County: African-American population more than five-times population
  - [Seattle Times Investigation](#)
    - African-Americans: 9% of driving-age population, but 18.6% of traffic stops
    - Blacks drivers received 1.43 tickets per stop, whites received 1.28
  - NJP relicensing caseloads (statewide):
    - African Americans: 9% of cases, 3.9% of population
    - Native Americans: 19% of cases, 1.8% of population
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### NJP Licensing Cases 1/1/2012 - 5/22/2015



- African-Americans and Native Americans overrepresented among NJP relicensing clients



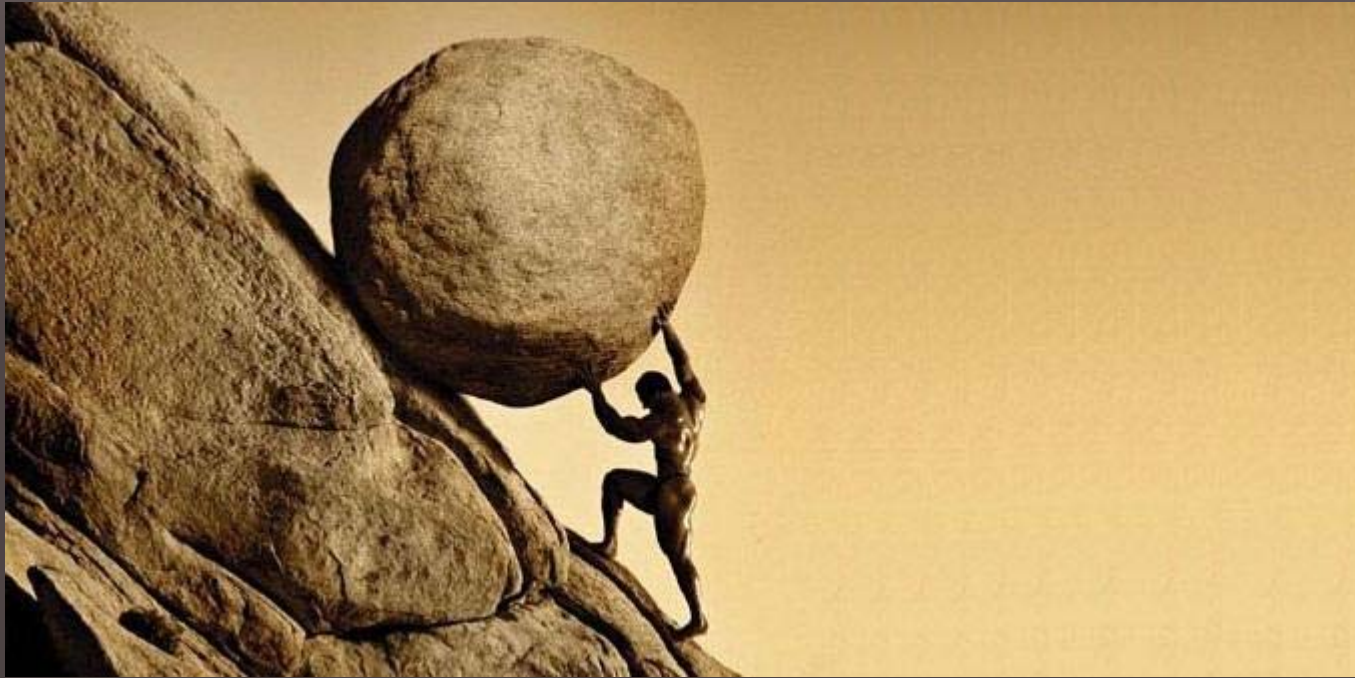
REINSTATEMENT



- Must be eligible to reinstate
  - Not subject to a public safety suspension or revocation
- Must clear all holds
- Must pay reissuance fees to DOL



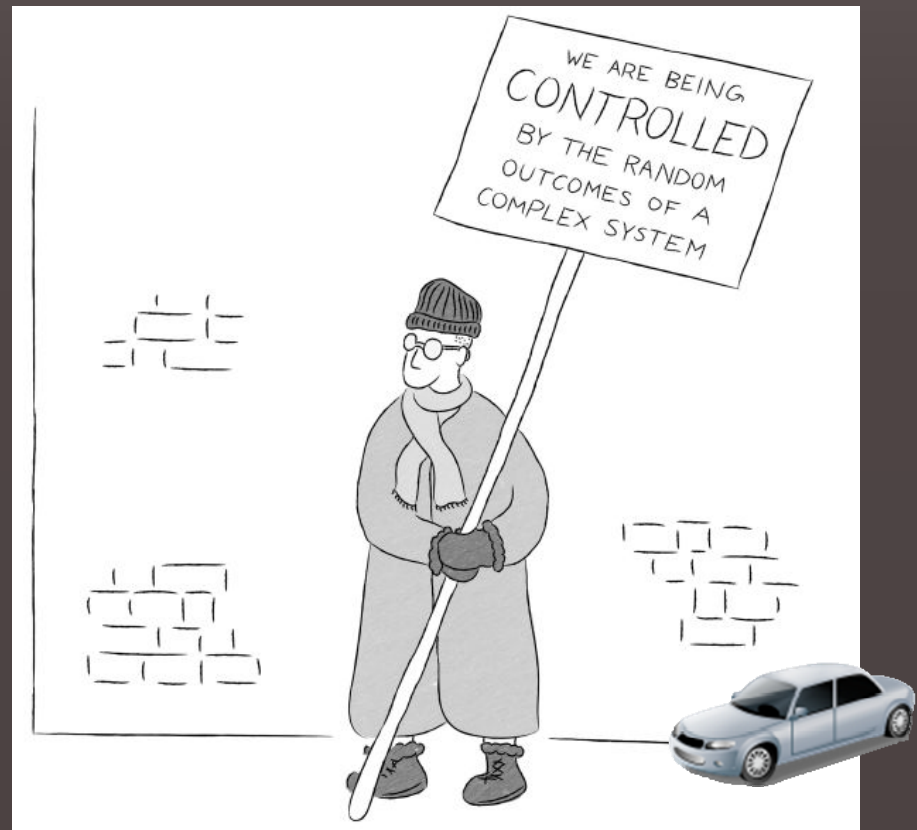
## KEYS TO REINSTATING LICENSE

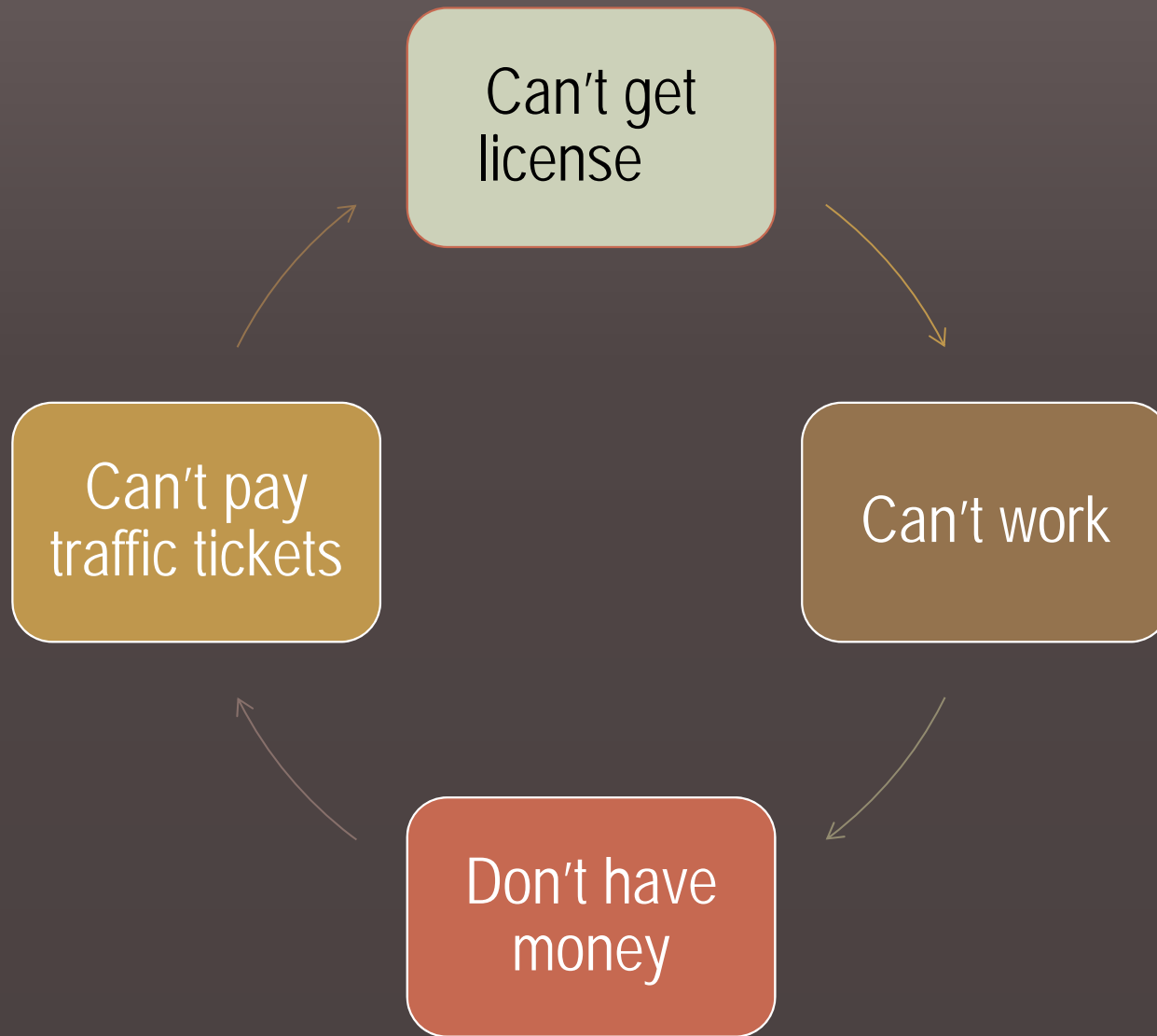


WHY IS REINSTATING SO DIFFICULT?

# RELIEF ON TRAFFIC FINES

- Over 150 courts—all have own policies & practices
  - Multi-jurisdictional relicensing programs
  - Local relicensing programs/dockets
  - Ad hoc procedures
  - No relief available





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Barrier #1: Poverty/Unemployment



# STATUTORILY-AUTHORIZED REMEDIES

- RCW 46.63.110(6):
    - "Payment plan' ... means a plan that requires reasonable payments based on the financial ability of the person to pay."
    - Driver has a right to a payment plan where:
      - Court finds the driver is unable to pay the monetary obligation in full\*
      - Not more than one year has passed since obligation was imposed
      - Driver did not default on a prior payment plan for same obligation
    - Otherwise, court has discretion to grant a payment plan
  - RCW 46.63.120(2):

"The court may, in its discretion, waive, reduce, or suspend the monetary penalty prescribed for the infraction. At the person's request the court may order ... community restitution in lieu of a monetary penalty, at the rate of the then state minimum wage"
-

- **Collection fees:**
  - Collection agency may immediately add fee of up to 50% of balance
  - Minimum fee: 100% of debt up to \$100



WASHINGTON STATE LEGISLATURE

RCWs > Title 19 > Chapter 19.16 > Section 19.16.500

19.16.480 << 19.16.500 >> 19.16.510

**RCW 19.16.500**

**Public bodies may retain collection agencies to collect public debts — Fees.**

(1)(a) Agencies, departments, taxing districts, political subdivisions of the state, counties, and cities may retain, by written contract, collection agencies licensed under this chapter for the purpose of collecting public debts owed by any person, including any restitution that is being collected on behalf of a crime victim.

(b) Any governmental entity as described in (a) of this subsection using a collection agency may add a reasonable fee, payable by the debtor, to the outstanding debt for the collection agency fee incurred or to be incurred. The amount to be paid for collection services shall be left to the agreement of the governmental entity and its collection agency or agencies, but a contingent fee of up to fifty percent of the first one hundred thousand dollars of the unpaid debt per account and up to thirty-five percent of the unpaid debt over one hundred thousand dollars per account is reasonable, and a minimum fee of the full amount of the debt up to one hundred dollars per account is reasonable. Any fee agreement entered into by a governmental entity is presumptively reasonable.

(2) No debt may be assigned to a collection agency unless there has been a written agreement between the governmental entity and the collection agency and (i) the debt is a public debt and (ii) that the debt may be assigned to a collection agency for collection if the debt owner has given notice that the debt may be assigned to a collection agency for collection.

(3) Collection agencies assigned debts under this section shall not be subject to the provisions of RCW 9A.02.010 for assignees of private creditors.

(4) For purposes of this section, the term debt shall include fines and other monetary obligations under this section.

[2011 c 57 § 2; 1997 c 387 § 1; 1982 c 65 § 1.]

**Notes:**

Interest rate: RCW 43.17.240.

<b>Inside the Legislature</b>	<b>Outside the Legislature</b>	<b>Additional Information</b>
Legislature Home	Governor's Website	Help
Find Your Legislator	Congress - the Other Washington	Search
Senate	TVW	How to Comment
Find Your District	Washington Courts	Civil Education

RCW 19.16.500(1)(b): "The amount to be paid for collection services shall be left to the agreement of the governmental entity and its collection agency or agencies, but a contingent fee of up to fifty percent of the first one hundred thousand dollars of the unpaid debt per account ... is reasonable, and a minimum fee of the full amount of the debt up to one hundred dollars per account is reasonable."

## Barrier #2: Private Collections

# COLLECTION AGENCY ISSUES

- Collection agencies often demand unrealistic payment terms
    - Large own payments (20-50% of balance)
    - Monthly payments based on total debt, not driver's income
  - Use of license suspension to leverage collection of unrelated debts
    - Expired traffic tickets, non-moving violation tickets
    - Medical & consumer debts (i.e., not traffic related at all)
  - Communication issues
    - Drivers with lawyers generally offered better terms
    - Written correspondence is uncommon
    - Language-access services not provided for LEP drivers
-

# WITHDRAWAL FROM COLLECTIONS

- Removal of a traffic fine from collections is alone a significant benefit
  - Collection fees are removed
- RCW 46.63.110(6)(c): Court may charge “reasonable fee” to administer payment plan
  - Lesser \$10 per infraction or \$25 per payment plan



Date and Number	Type	Court
3/29/2010 [REDACTED]	No license on person	Lakewood Muni Court Municipal 253-512-2258
10/29/2006 [REDACTED]	Driving while license suspended or revoked in the 3rd degree	Olympia Muni Court Municipal 360-753-8312
10/29/2006 [REDACTED]	Driving without liability insurance	Olympia Muni Court Municipal 360-753-8312
5/19/2006 [REDACTED]	Driving while license suspended or revoked in the 3rd degree	Yelm Muni Court Municipal 360-458-3242
7/28/2005 [REDACTED]	Driving without liability insurance	King Co Ct Seattle 3 District 206-205-9200

Five Holds  
Three Courts

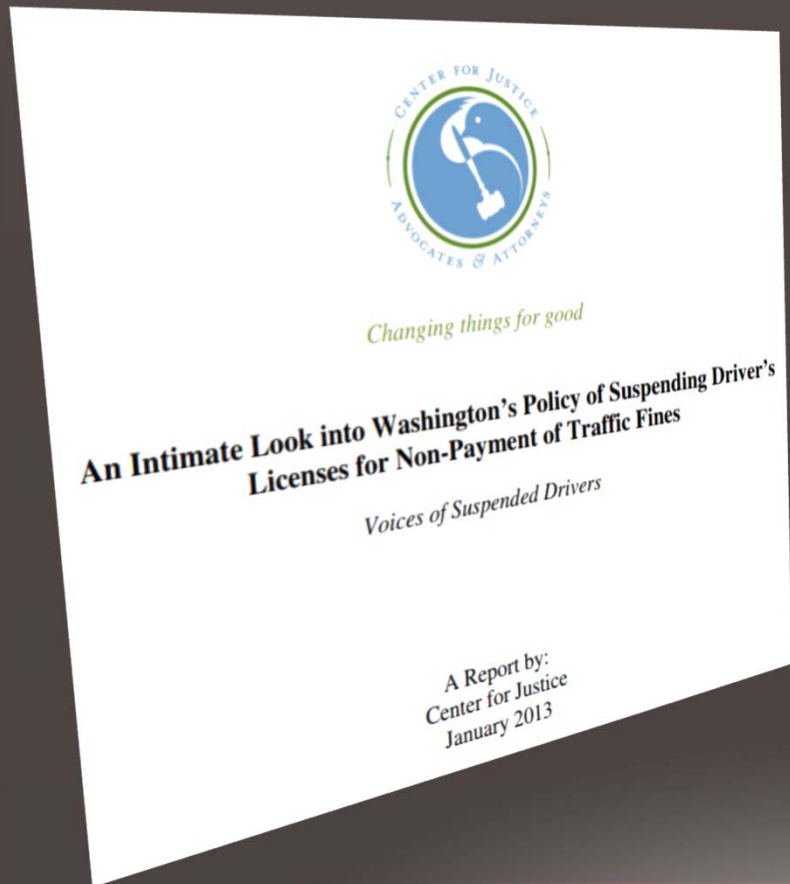
Barrier #3: Multiple Holds

# MULTIPLE HOLDS: COMMON DIFFICULTIES

- One or more courts will not grant any relief
- One or more courts will not consider obligations to other jurisdictions in setting payment terms



# VOICES OF SUSPENDED DRIVERS



- 2013 Report by Center for Justice in Spokane, Wash.
  - Based on interviews from 20+ suspended drivers across state
  - Available on-line: <https://www.smith-barbieri.com/wp-content/uploads/2013/01/CFJ-Voices-of-Suspended-Drivers.pdf>

"I'm in sales, and the fact that I had a suspended license and a history of suspended license, I was turned down for jobs because of that."

"I had applied to several different companies, and they wouldn't even give me a chance because I didn't have a driver's license."

"My license has to be valid for me to get into the [five-year] apprenticeship program . . . Without my license, I can't even apply."

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"Taking the bus is very time-consuming. [It takes] hours out of your day, depending on how far you're traveling. It's just sometimes not possible to juggle a normal schedule with kids and work and school and stuff like that."

"Going to school, I walk probably half-a-mile to the bus stop to get to school and then I walk another half-a-mile to get to school from the bus stop. I do that every day, in the morning, and then, when I go home. I'm doing that with rain, if it's storming, if it's snowing. I have a degenerative disc disease in my back and Type 2 Diabetes. So there will be days when I wake up, I can't really walk that."

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"I knew I had a suspended license, and I wasn't driving. I was carpooling, I was walking, I was taking the bus, [and] I was figuring whatever I could. I had people picking up my son and dropping off my son."

"[With a suspended license] it's hard to go to school, or to the grocery stores, doctor's appointments—I mean anywhere. When you're living out there [near Mt. Rainier], you can't go nowhere. You have to find rides, and that's hard to do."

"I'm disabled, and I have a hard time making my doctor's appointments without my license ... My caregiver is only allowed to drive 60 miles a month, and one of my doctor's appointments is 68 miles roundtrip."

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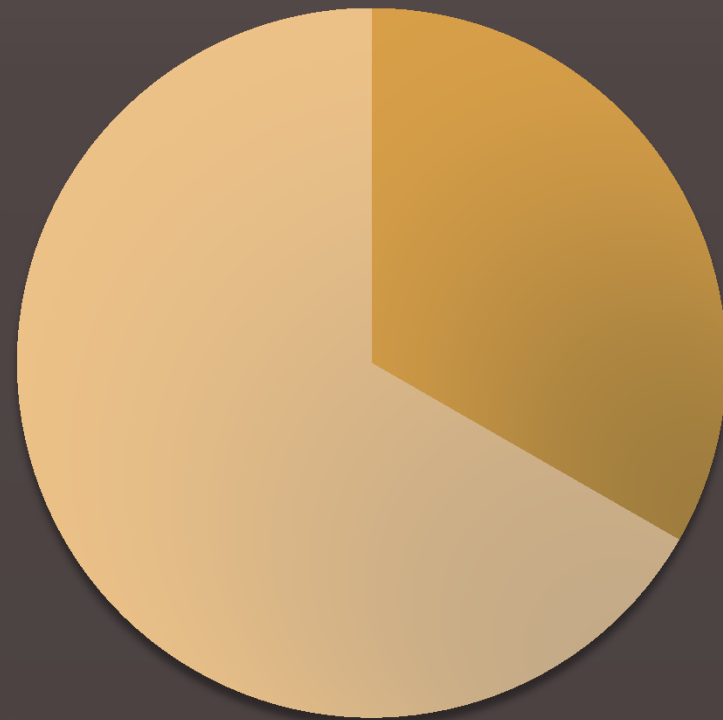
"I had no choice but to drive with my license suspended because I had to work and to take my kids to appointments."

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# DRIVING WHILE LICENSE SUSPENDED 3<sup>o</sup>

About 300,000 misdemeanor cases are filed in Washington each year. About 100,000 of them are for DWLS 3.

Source: Task Force on Race and the Criminal Justice System, *Preliminary Report on Race and Washington's Criminal Justice System*, p. 17 (2011)



■ DWLS 3 ■ Everything Else

Investig  
Ferguson Po

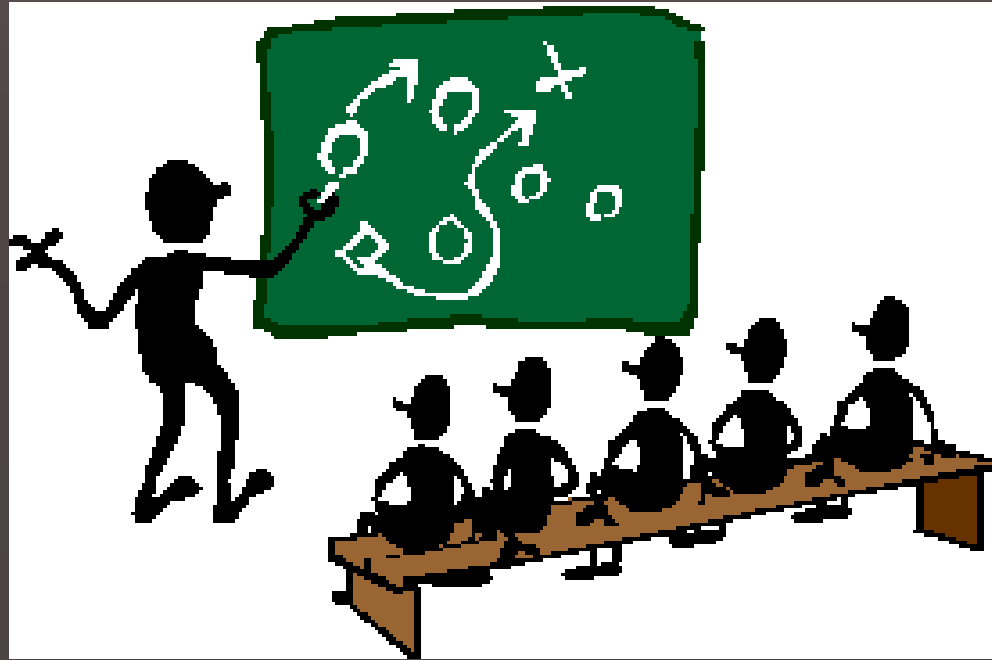


"The Ferguson municipal court handles most charges brought by FPD, and does so not with the primary goal of administering justice or protecting the rights of the accused, but of maximizing revenue. The impact that revenue concerns have on court operations undermines the court's role as a fair and impartial judicial body."

"These practices both reflect and reinforce an approach to law enforcement in Ferguson that violates the Constitution and undermines police legitimacy and community trust.."

United States Department of Justice  
Civil Rights Division

March 4, 2015



# RELICENSING PROGRAMS

- Payment plan focused
  - Drivers may consolidate fines from City of Spokane, County of Spokane, Pend Oreille County, Medical Lake, Airway Heights and Cheney
  - Payment plans administered by PAR
- Successes:
  - Reduced DWLS 3 caseload by 35%
  - Recovered \$1,000,000 more in fines in 2010-11 than otherwise would have



## SPOKANE RELICENSING PROGRAM

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# KING COUNTY

- Community service focus
  - Alternatively, driver may pay lump sum on original ticket (3 days)
  - Court-administered payment plans by judge's discretion
- Consolidates fines from 11 district and municipal courts in King County
- Successes:
  - About 3,000 fewer DWLS 3 cases/yr. (84% reduction in first year of program)
  - Drivers who complete program 2.3 times more likely to regain license
  - Saved \$300,000 in prosecution and defense costs
  - Saved 1330 jail days; gained \$2.00 in benefits for every \$1.00 spent





Date	Type	Court
June 2013	Seat belt law violation	Aberdeen Municipal
December 2012	Driving without liability insurance	Grays Harbor Co. District
May 2011	DWLS 3 <sup>rd</sup> degree	Upper Kittitas Co. District
May 2011	Illegal vehicle equipment	Upper Kittitas Co. District
April 2011	Driving without liability insurance	Jefferson Co District
January 2011	Too fast for conditions	Grays Harbor Co. District
Aug. 2009	Illegal vehicle equipment	Grays Harbor Co. District

- Total owed: over \$6,000
- Client:
  - Lives in Aberdeen
  - 46 year old female
  - 2 kids (ages 13, 16)
- Client is unemployed
  - Could work if she had license; cannot drive to-from job
- What she can do:
  - Relative will give client \$50/mo. for payments
  - Willing to do CS

Date	Type	Court
June 2013	Seat belt law violation	King Co. District
December 2012	Driving without liability insurance	Auburn Municipal
May 2011	DWLS 3 <sup>rd</sup> degree	Auburn Municipal
May 2011	Illegal vehicle equipment	Maple Valley Municipal
April 2011	Driving without liability insurance	Des Moines Municipal
January 2011	Too fast for conditions	SeaTac Municipal
Aug. 2009	Illegal vehicle equipment	Black Diamond Municipal

- Lives in King County
- Relicensing calendar
  - Walk-in or by appointment
- Can consolidate all fines into single plan in King County
  - Community Service:
    - \$10/hr.
    - Work Crew (\$150/day)
  - Payment plan\*
    - Court-administered
    - Holds cleared on first payment
- Can get lump sum
  - Pay original fine in full

# OTHER RELICENSING PROGRAMS

- Seattle, Clark County, Cowlitz County, Tukwilla
- DWLS 3 diversion only:
  - Kitsap County, Klickitat County, Vancouver



# RELICENSING SUMMITS



- High DWLS 3 caseloads are a major concern
    - DWLS 3 filing fees a significant expense
    - More pressing with new P.D. caseload standards taking effect
  - Desire for uniform regional or statewide system
    - Frustration with “holdout” jurisdictions
    - Inefficient & confusing for each court to have its own practices
  - Ambivalence toward life skills classes
    - Tending toward opposition if \$ required
  - Community service as an option for drivers who cannot pay
  - Need for more statistical data identified
    - Suspensions (number, length, reasons, racial disparities)
    - Costs (uncollected fines, court/police/legal hours, jail etc.)
- 



# STATEWIDE RELICENSING PROGRAM



# STATEWIDE RELICENSING PROGRAM

- Drivers may consolidate all WA suspending traffic debt into single plan
    - Income-based payment plan
    - Holds released so long as driver remains current in payments
  - State agency could administer
    - Directly or by contract with PAR-type company
    - Would need staff, infrastructure to establish & administer plans
    - Would need ability to receive, account for, and disburse funds to courts
  - Self-funded
    - Administrative fees on participants' accounts
-

# PROGRAM SCOPE/ELIGIBILITY

- All traffic fines suspending the license
  - Infraction fines
  - Criminal Traffic Fines
- Non-moving violations
  - Drivers should have the option to include them
  - Payments should be posted to suspending fines first



# ANTICIPATED BENEFITS OF PROGRAM

- Simple and direct method for suspended drivers to regain license
- Decrease in costs and burdens of license suspension
- Increase in fine collections
- Decrease in uninsured driving



# OREGON RELICENSING PROGRAM

- Administered by Oregon Dept. of Revenue
  - County-level courts
  - Can opt out; a few counties have
- Payment plans
  - Driver contacts DOR to set up plan
    - Based on ability to pay, \$10/mo. minimum
    - No interest, but collection fee assessed for administrative costs
    - Courts can have payments increased or decreased or recall debt
  - Reinstatement
    - Hold released upon first payment
    - DOR monitors compliance; holds reinstated if default occurs

# Statewide Relicensing Program Flow Chart

- 1) Driver applies for enrollment in program
    - Provides financial information to administrator
    - Documentation of outstanding fines obtained
  - 2) Administrator sets payment plan using income-based matrix
  - 3) Driver makes payments to administrator
    - Holds released upon first payment
    - Administrator distributes funds to relevant courts
    - Administrator (or courts) notify DOL that holds are released
  - 4) Administrator services account
    - Posts payments and provides periodic statements to driver
    - Posts administrative charges
-

# Relicensing Program: Key Components

- Enrollment Process
    - Accessible, efficient forms (enrollment, administration)
    - Income/payment matrix
  - Education/Publicity/Outreach to suspended drivers
  - Funding/Revenue
    - Determine what fees are necessary, practical method for funding
  - Due Process/Dispute Resolution Procedure;
    - Payment plan terms
    - Defaults, disqualifications, other disputes
  - Oversight & Accountability
    - Must be able to effectively evaluate program
    - Must be able to gather data to measure outcomes
-

EFFECT: The AG convenes a workgroup to provide input on development of a plan for the efficient statewide consolidation of traffic based LFOs imposed by courts of limited jurisdiction. Report is due December 2017.

1 AN ACT Relating to the consolidation of traffic-based financial  
2 obligations through a unified payment plan system; creating new  
3 sections; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** (1) The office of the attorney general  
6 shall convene a work group of stakeholders to provide input and  
7 feedback on the development of a plan and program for the efficient  
8 statewide consolidation of an individual's traffic-based financial  
9 obligations imposed by courts of limited jurisdiction into a unified  
10 and affordable payment plan.

11 (2) The following must be invited to participate in the work  
12 group:

13 (a) The administrator for the courts or the administrator for the  
14 courts' designee;

15 (b) The director of the Washington state department of licensing  
16 or the director's designee;

17 (c) A district or municipal court judge, appointed by the  
18 district and municipal court judges' association;

19 (d) A prosecutor, appointed by the Washington association of  
20 prosecuting attorneys, or the prosecutor's designee;

1 (e) A public defender, jointly appointed by the Washington  
2 defender association and the Washington association of criminal  
3 defense lawyers;

4 (f) A district or municipal court administrator or manager,  
5 appointed by the district and municipal court management association;

6 (g) A representative of a civil legal aid organization, appointed  
7 by the office of civil legal aid;

8 (h) The chief of the Washington state patrol or the chief's  
9 designee;

10 (i) A representative of a statewide association of police chiefs  
11 and sheriffs, selected by the association;

12 (j) The director of the Washington traffic safety commission or  
13 the director's designee;

14 (k) A representative of a statewide association of city  
15 governments, selected by the association; and

16 (l) A representative of a statewide association of counties,  
17 selected by the association.

18 (3) The work group shall convene as necessary.

19 (4) The stakeholder work group shall provide final feedback and  
20 recommendations to the office of the attorney general no later than  
21 September 15, 2017.

22 NEW SECTION. **Sec. 2.** The office of the attorney general shall  
23 submit a report detailing its recommendations and the plan and  
24 program required by this act to the Washington state supreme court,  
25 the governor, and appropriate committees of the legislature no later  
26 than December 1, 2017.

27 NEW SECTION. **Sec. 3.** This act expires December 31, 2017.

--- END ---

# Washington State Truancy Report: 2015

Truancy in Washington State: Filing Trends, Juvenile Court Responses, and the Educational Outcomes of Petitioned Truant Youth



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**Elizabeth Coker, Education Research and Data Center, Office of Financial Management**

**Carl McCurley, AOC/Washington State Center for Court Research**

# Introduction

The 1995 Becca Laws were intended to unite schools, courts, communities and families in the effort to prevent truancy and/or effectively intervene when truancy occurs

Washington State's truancy laws now recommend that schools and courts include interventions to address barriers to school attendance, with specific reference to "**Community Truancy Boards**" or **CTBs**.



Definition of a CTB in Washington State (RCW 28A.225.025):

*..... "community truancy board" means a board composed of members of the local community in which the child attends school.....*

*...Duties of a [CTB] shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.*



# The 2015 Washington State Truancy Report

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At the request of the Superior Court Judges Association (SCJA), WSCCR recently completed the second in a series of reports on truancy with a focus on the following:

- The current state of truancy practices in Washington State from the perspective of the juvenile courts;
- Statewide trends in truancy petition filings.
- Educational progress and 3-year outcomes of students who were petitioned truant during the 2010/11 academic year (AY).

## Sources:

- **A 2014 statewide survey of truancy practices in juvenile courts.**
- **Integrated juvenile court and education data:** A dataset containing over five years' of linked court and education data for petitioned truants.

# Statewide Survey of juvenile courts

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An online survey of court-based truancy practices and programs  
Distributed to all 33 juvenile courts in October and November of 2014;  
29 courts returned the survey

- Standard court practices around truancy
- Court resources dedicated to truancy
- Cooperation with school districts.
- The use of sanctions or incentives
- Availability of community resources
- Satisfaction with the available programs
- Specifics for up to three different truancy intervention programs operated within the jurisdiction, if applicable.

# Integrated Juvenile Court and Education Data

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- The Juvenile Court and Education dataset links individual-level juvenile court data from the WSCCR with K-12 and post-secondary education data provided by the Washington State Education Research and Data Center (ERDC) of the Office of Financial Management (OFM).
- The current version of the Juvenile Court and Education dataset contains a complete history of court referrals for all individuals ever referred to a juvenile court, regardless of outcome, in Washington State between 2005 and 2014, inclusive (254,778 individuals, total).
- The ERDC was able to link 225,470 (88.5%) of these individuals to the K-12 data archives and 72,877 (28.6%) to the public higher education data archives.
- **The current analysis was based on the subgroup of 10,747 students who ever received a truancy petition or contempt charge during the 2010/11 academic year.**

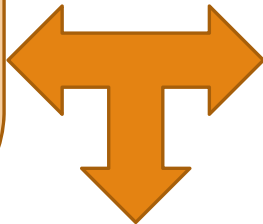
# Integrated Juvenile Court and Education Data

## Education Research and Data Center – P20 Data Warehouse

- Public Early Learning
- Kindergarten readiness
- K-12 enrollment, grades, assessments, graduation, courses, special programs, etc --GED completions.
- Higher education (2-year and 4-year) enrollment and completions
- L & I Apprenticeships
- Ethnicity, other demographics

## WA Administrative Office of the Courts- Court Contact and Recidivism Database

- All court filings
- Court Case type (truancy, criminal, etc)
- Date of offense
- Adjudication date
- Disposition
- Sentencing outcomes
- Detention Dates
- Crime severity index
- Court risk assessment score



Individually linked,  
limited data set

2004-2005	2005-2006	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014
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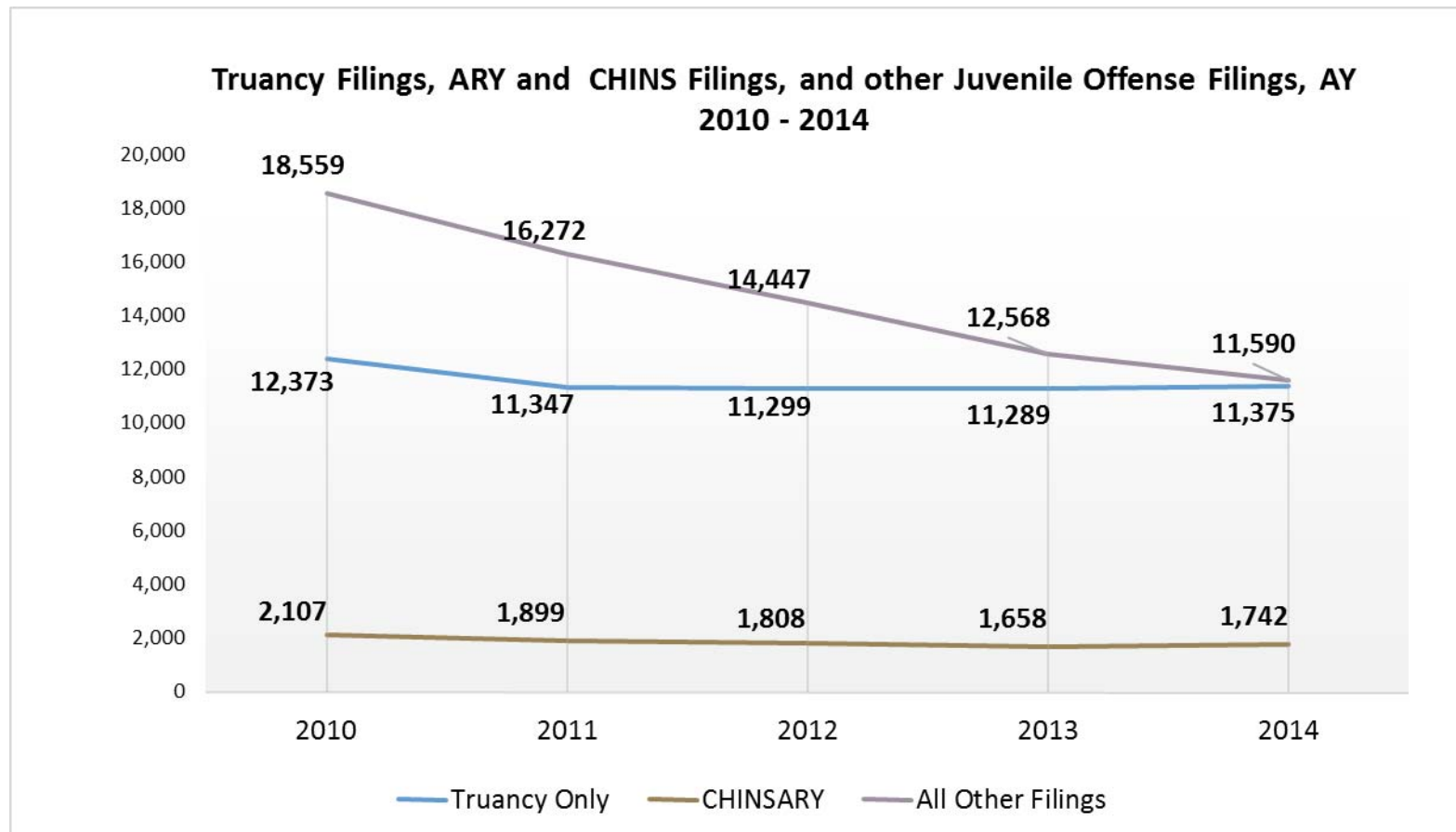


**Longitudinal focus**



# Key Finding: Truancy cases remain steady relative to offender cases

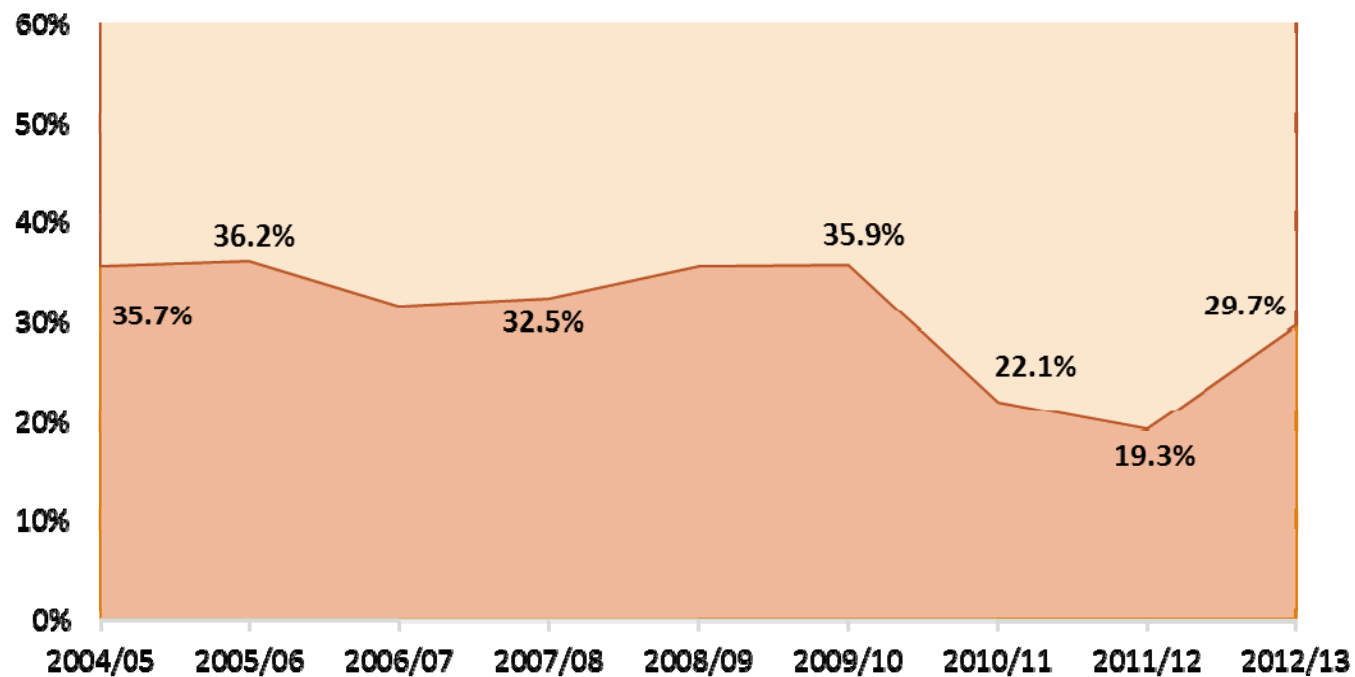
The total number of truancy petitions filed per year is now nearly equally to the combined number of all juvenile offender filings



# Key Finding: Filing Trends

Statewide, at no time during the past decade have more than 36% of the most chronically truant students in a given school year actually received truancy petitions

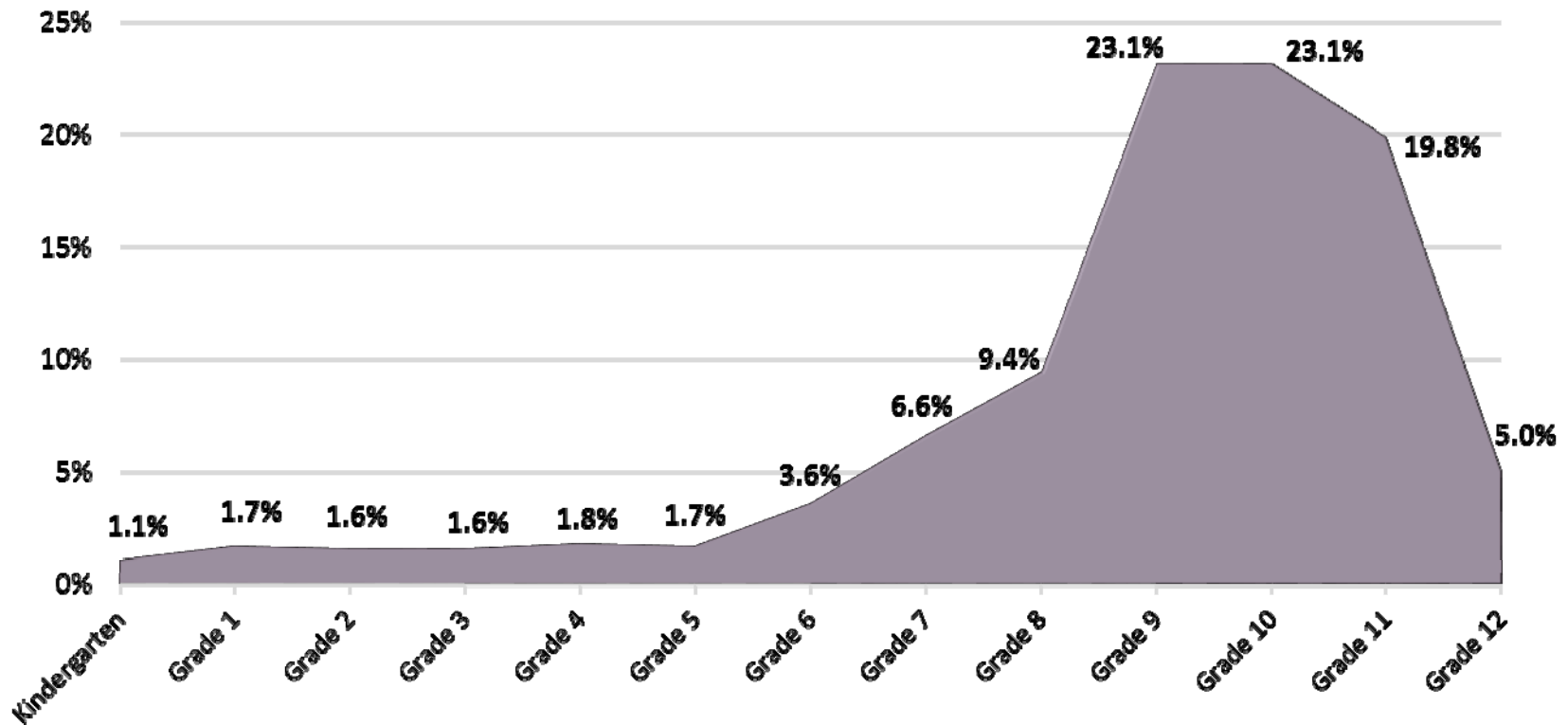
Truancy Petition Filings as a Percentage of Students with 10+ Absences, AY  
2004/05 -2012/13



# Key Finding: Grade Level

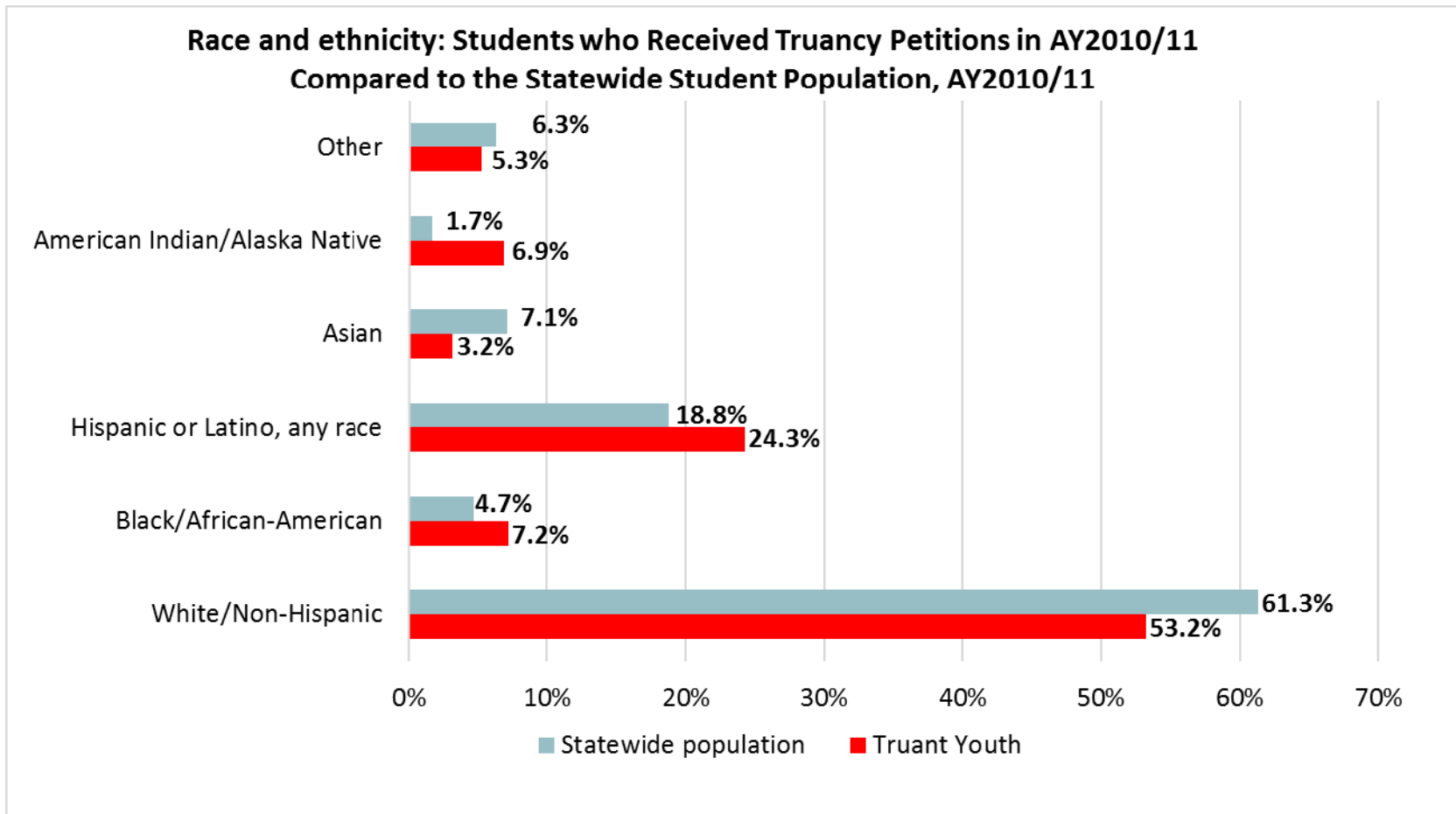
Almost one-half of all students who received truancy petitions during the 2010/11 school year were in grades 9 or 10

**Grade Level in AY 2010/11, Students who Received a Truancy Petition or Contempt Referral the Same Year**



# Key Finding: Race/Ethnicity

Compared to the general student population, truant youth were disproportionately likely to be American Indian/Alaska Native, Hispanic, or Black





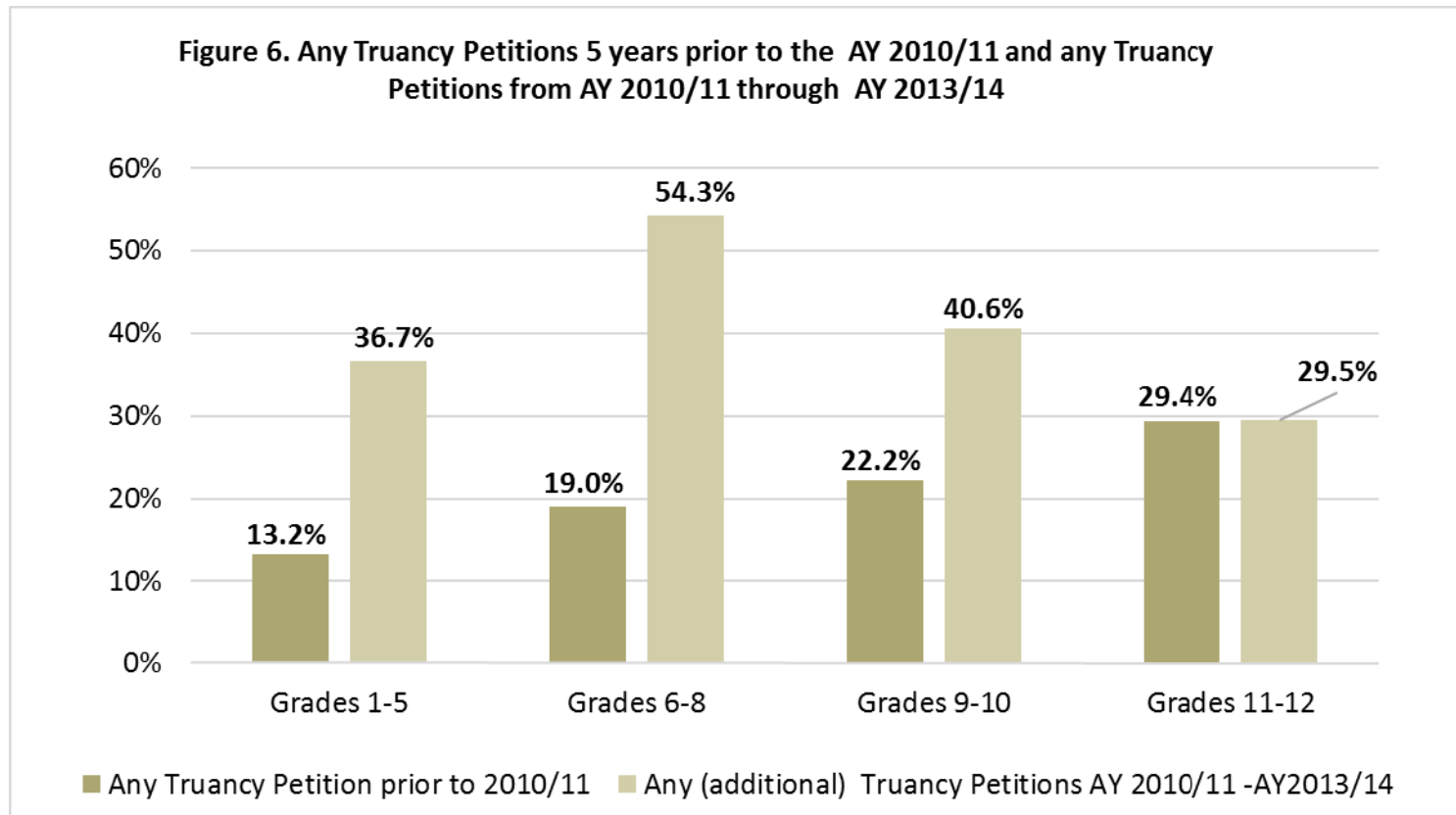
# Key Finding: Educational Service Use

**Petitioned truant youth were more likely to be eligible for school-based special education, free or reduced price lunch, migrant or homeless services**

<b>Educational Service Use: Petitioned Truant Youth in 2010/11 Compared to Statewide Average –AY 2010/11</b>		
	<b>Truant Population</b>	<b>Statewide Population</b>
<b><u>Total</u></b>	<b>10,747</b>	<b>1,041,892</b>
<b><u>School-based Special Services</u></b>		
• <b>Migrant</b>	<b>2.6%</b>	<b>1.7%</b>
• <b>Transitional Bilingual</b>	<b>6.8%</b>	<b>8.7%</b>
• <b>Special Education</b>	<b>19.8%</b>	<b>13.1%</b>
• <b>Homeless</b>	<b>7.1%</b>	<b>2.5%</b>
• <b>Free or Reduced Price Lunch</b>	<b>74.1%</b>	<b>43.7%</b>

# Key Finding: Repeated Truancy Filings

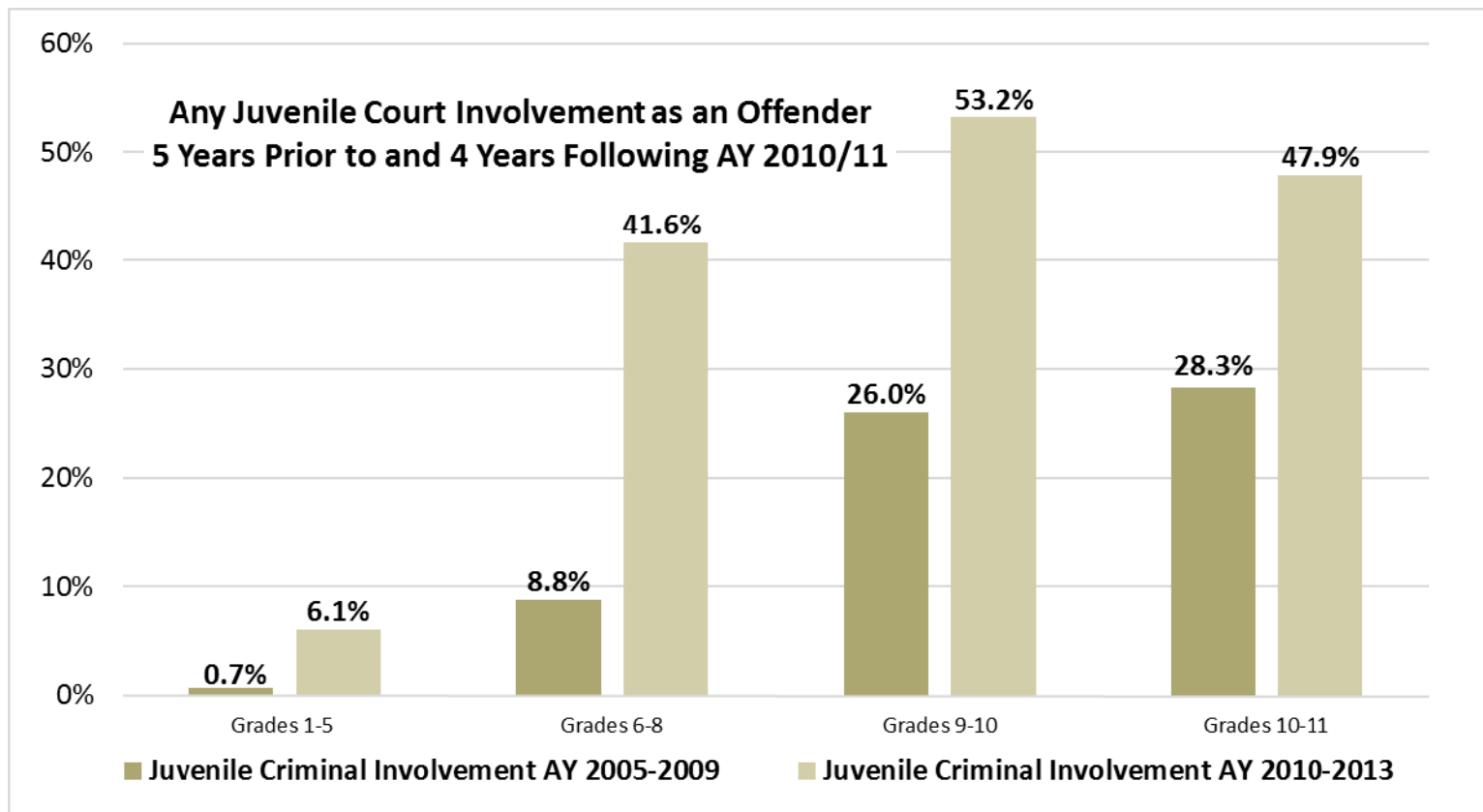
Many of the 2010/11 petitioned truants had had previous truancy petitions, and many more would go on to receive at least one more in the following three years



# Key Finding: Offender cases

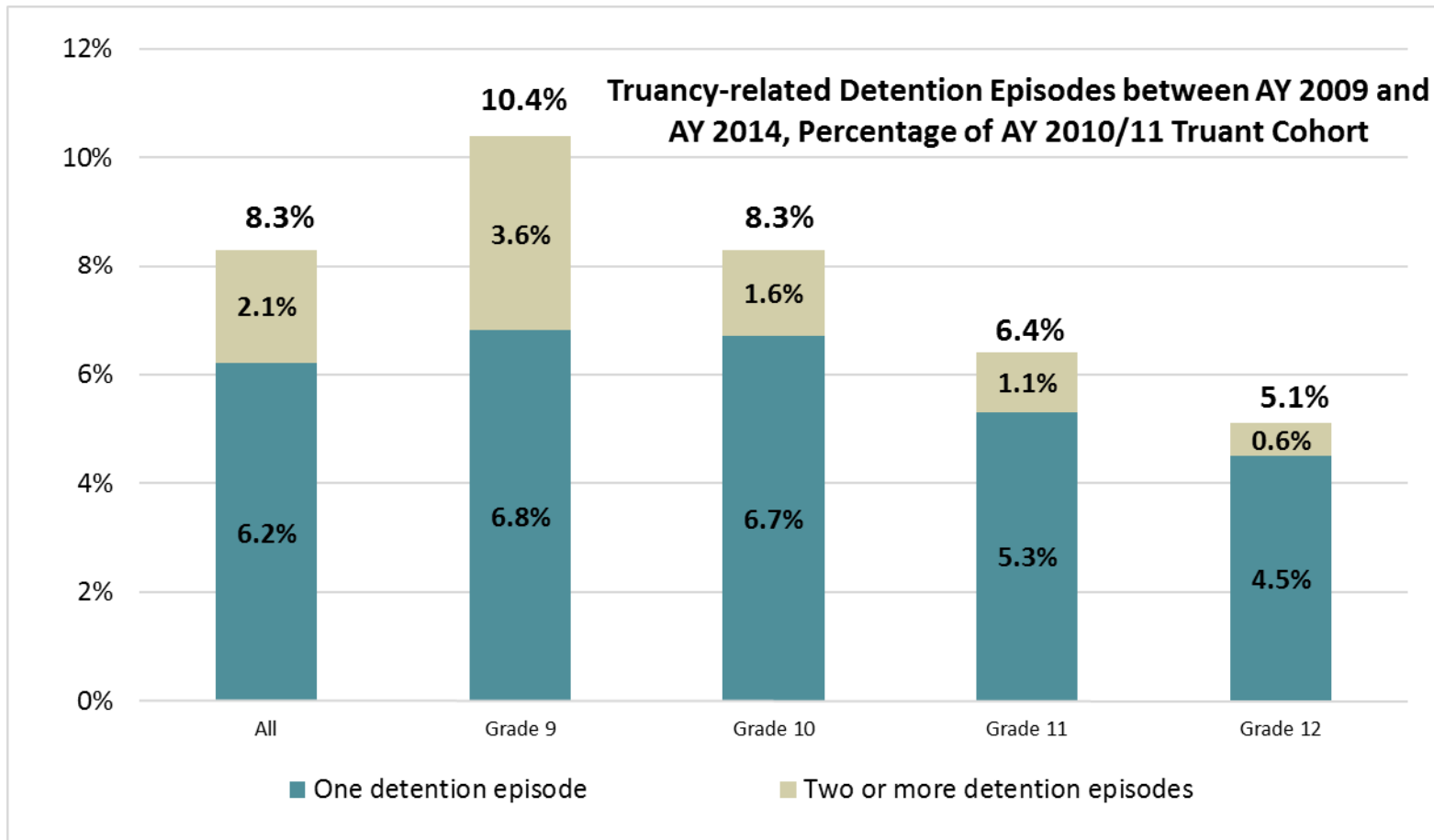
**Close to one-half of the petitioned truants in grades 6 or higher faced juvenile offender charges during the same year or the three-year follow-up period**

**Over one-quarter of the older petitioned truants faced juvenile offender charges during the 5 years preceding their truancy petition**



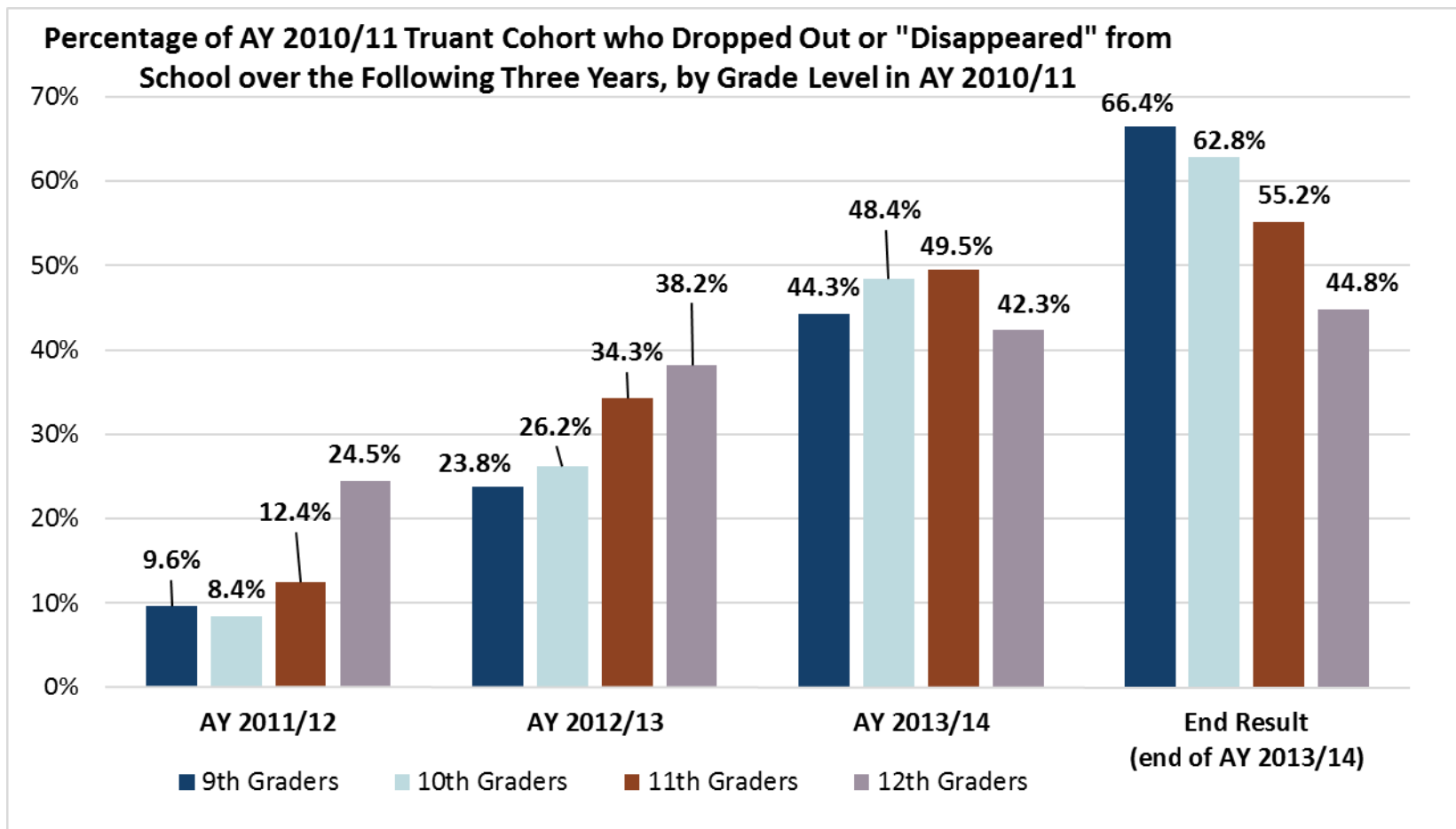
# Key Finding: Use of Detention

**Eight percent (8%) of the petitioned high school students spent time in juvenile detention in relation to a truancy case**

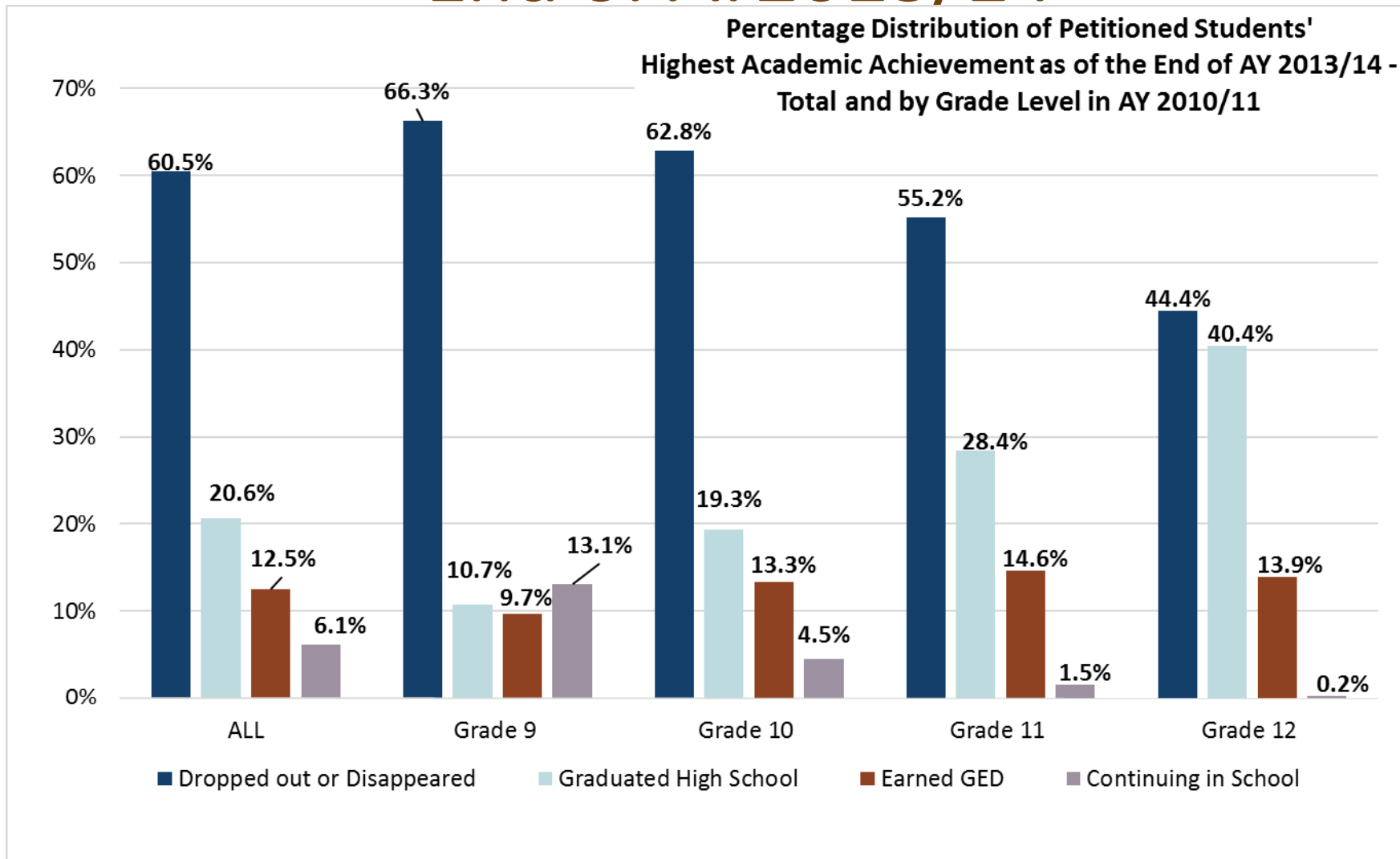


# Key Finding: High School Drop-Out

Within four years post-petition, over 60% of petitioned students in grades 9 - 12 had left high school without earning a diploma, GED, or any other academic credential



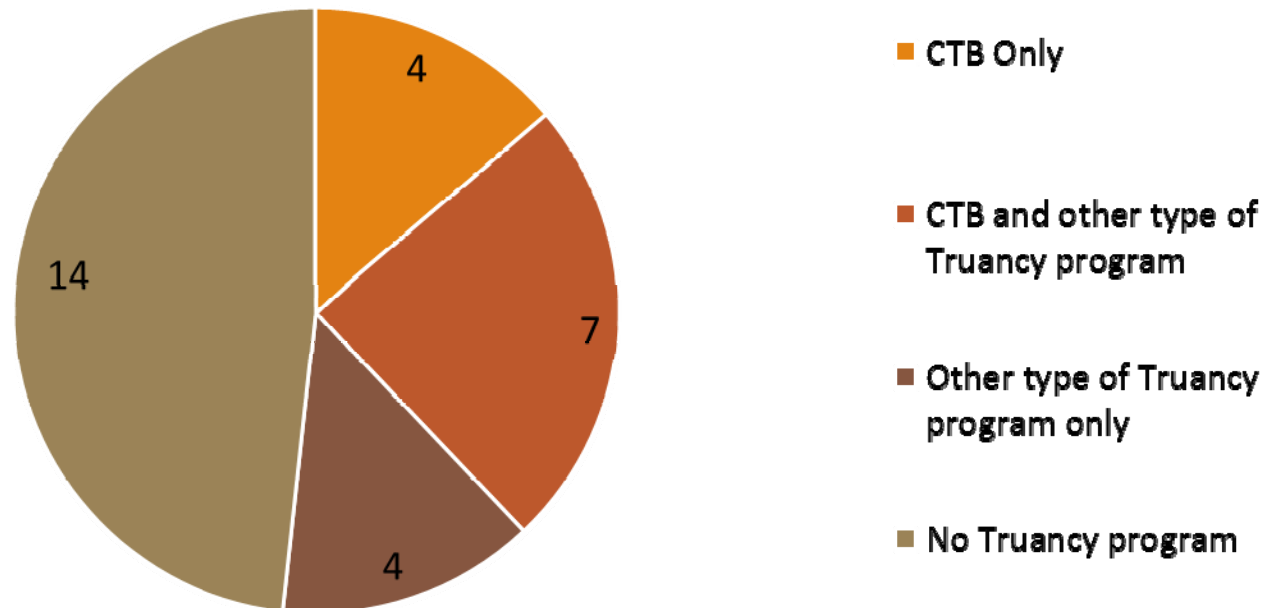
# Key Finding: Academic Outcomes, End of AY2013/14



# Key Finding: Fewer than one-half of courts surveyed operate Community Truancy Boards

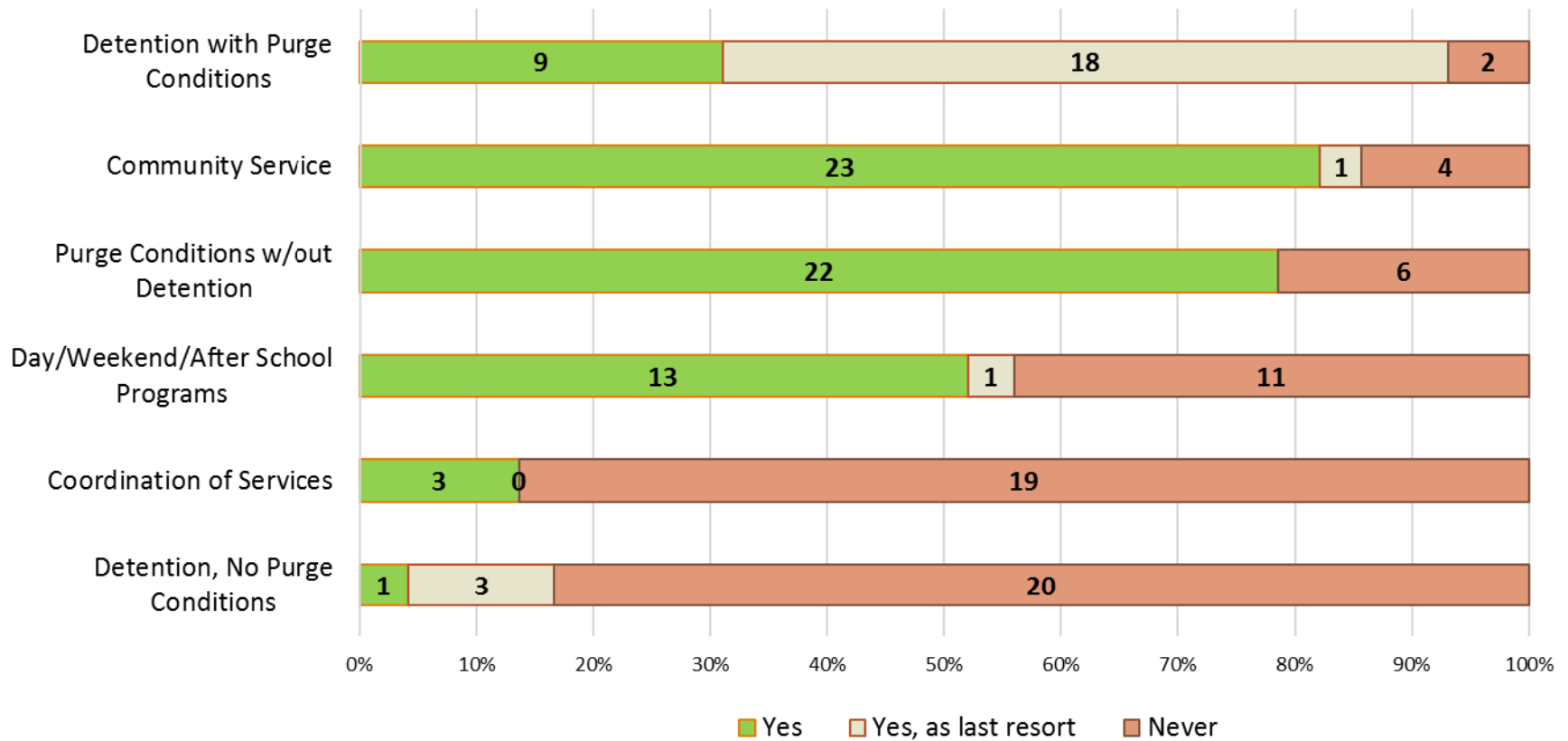
Eleven of the 29 responding juvenile courts operate community truancy boards (CTBs) and four others operate other types of truancy prevention programs

**Available Truancy Programs**



# Key Finding: Most juvenile courts occasionally use secure detention as a sanction for particularly recalcitrant truant youth

**Sanctions and Purge Conditions for Truant Youth Found in Contempt of Court (out of 29 responding Juvenile Courts)**





# Key Finding: Barriers to Providing Truancy Interventions

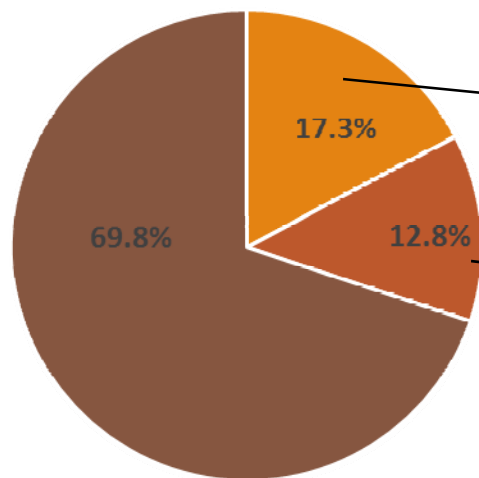
Courts report barriers to providing effective truancy prevention programs, including funding and establishing/maintaining partnerships with multiple school districts in their jurisdiction

Reported Barriers to Developing or Sustaining a Truancy Intervention Program in Courts with and without Active CTBs, or non-CTB Truancy Programs				
		Truancy Program		
	TOTAL	None	CTBs	Non-CTBs
TOTAL	29	14	11	4
No barriers noted	7	2	3	2
Lack of interest/participation from schools	15	4	7	4
Lack of court staff or funding	8	5	3	0
Lack of community resources (plus distance)	13	9	2	2
Lack of family involvement and interest)	2	0	2	0

# Availability of Truancy Programs

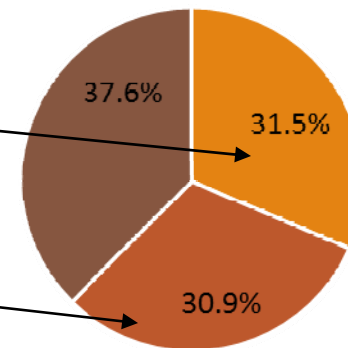
**31% of public-school students in Washington State are enrolled in districts with active CTBs, and an additional 31% are in districts with access to other types of court-based truancy prevention programs.**

**School Districts with Court-partner Truancy Programs**



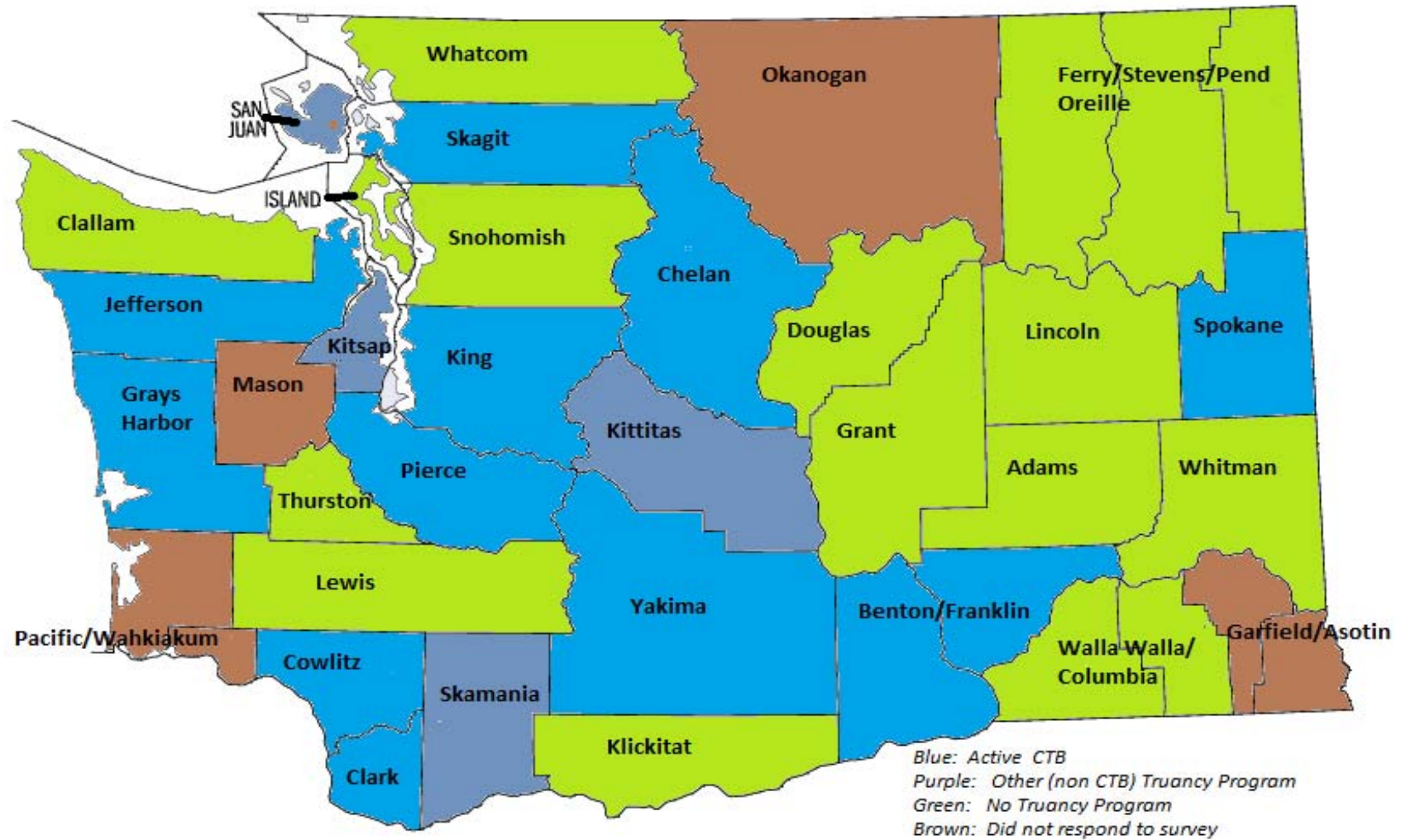
- CTBs (51 districts)
- Non-CTB Only (38 districts)
- No Truancy Intervention program

**Percentage of students with access to truancy programs in their district**



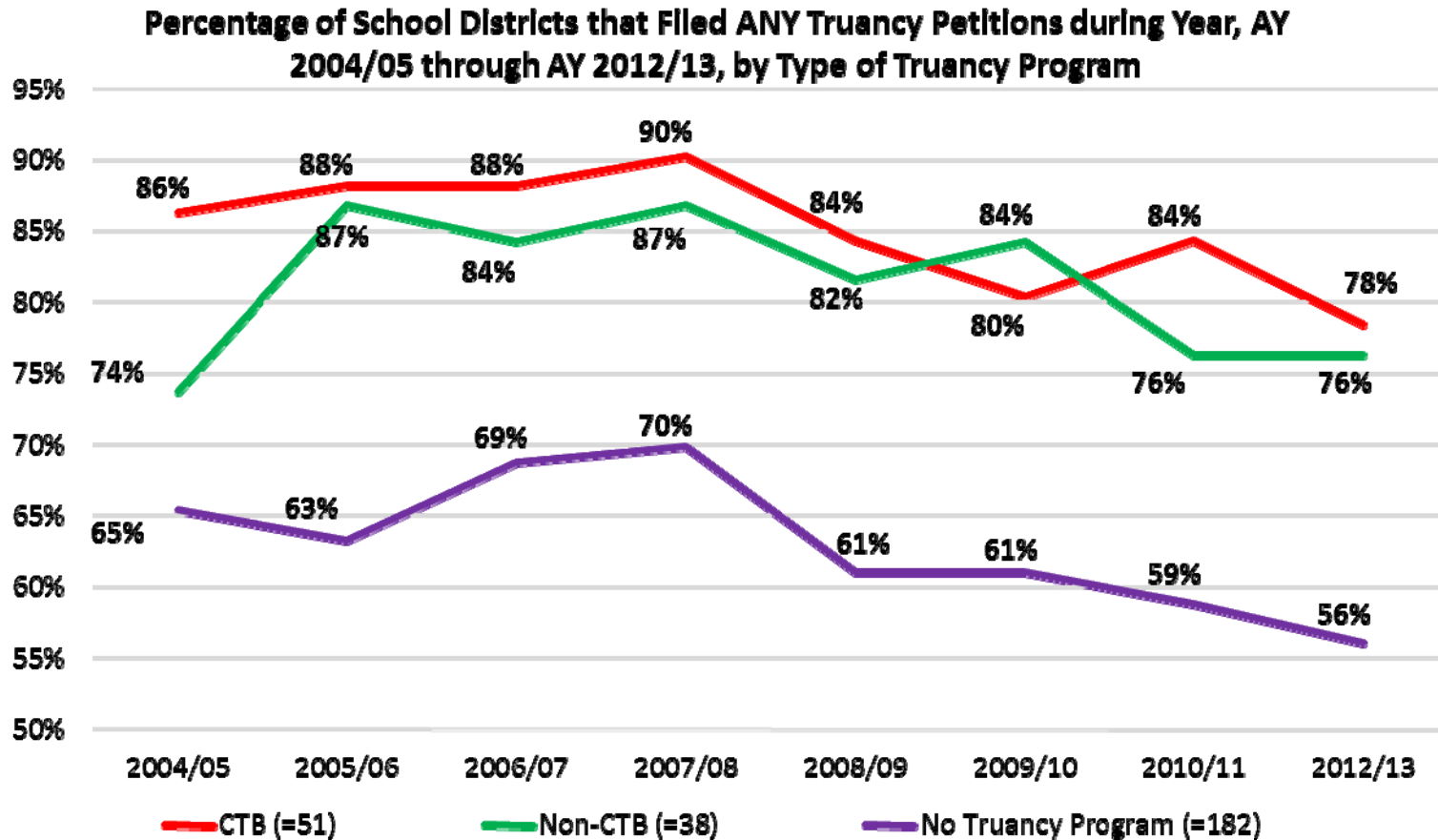
- CTBs
- Non-CTB Truancy Programs Only
- No access to court-based truancy interventions

# Statewide Distribution of Juvenile Court Jurisdictions with and without Community Truancy Boards and/or other truancy intervention programs



# Truancy Programs and Filing Trends

School districts that operate CTBs in partnership with the juvenile court system are more proactive in filing truancy petitions than are school districts without these programs



# Policy Recommendations

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## **Emphasize cross-sector cooperation**

- Juvenile courts and schools should have access to dedicated sources of funding and technical support for evidence-based truancy intervention and prevention services including CTBs
- Juvenile courts and schools should jointly develop shared, clear and measurable objectives for the truancy petition process
- Engage the parents of younger students not attending school as early as possible to address barriers to attendance and to give students the optimum opportunity for skill building and school success.

# Policy Recommendations

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## **Establish Practice Standards for Truancy Programs**

- Develop and maintain a school-level inventory of school-based truancy-related practices
- Update the current court-based inventory on a regular basis
- Establish minimum criteria for effective truancy prevention programs
- Support use of the Washington Assessment of the Risks and Needs of Students (WARNS) as an inexpensive and simple assessment tool to identify the specific needs of individual truant youth

# Policy Recommendations

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## Research and Evaluation

- Establish mechanisms to stay abreast of ongoing research in the field and quickly translate and disseminate research findings to policy makers, program designers, and practitioners
- Provide technical assistance to juvenile courts and their partner school districts how to use data to implement continual quality improvement
- Sustain performance reporting on truancy-related prevention programs to identify effective practices

# Contact

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Liz Coker, Senior Education Research Analyst  
Education Research and Data Center  
Office of Financial Management

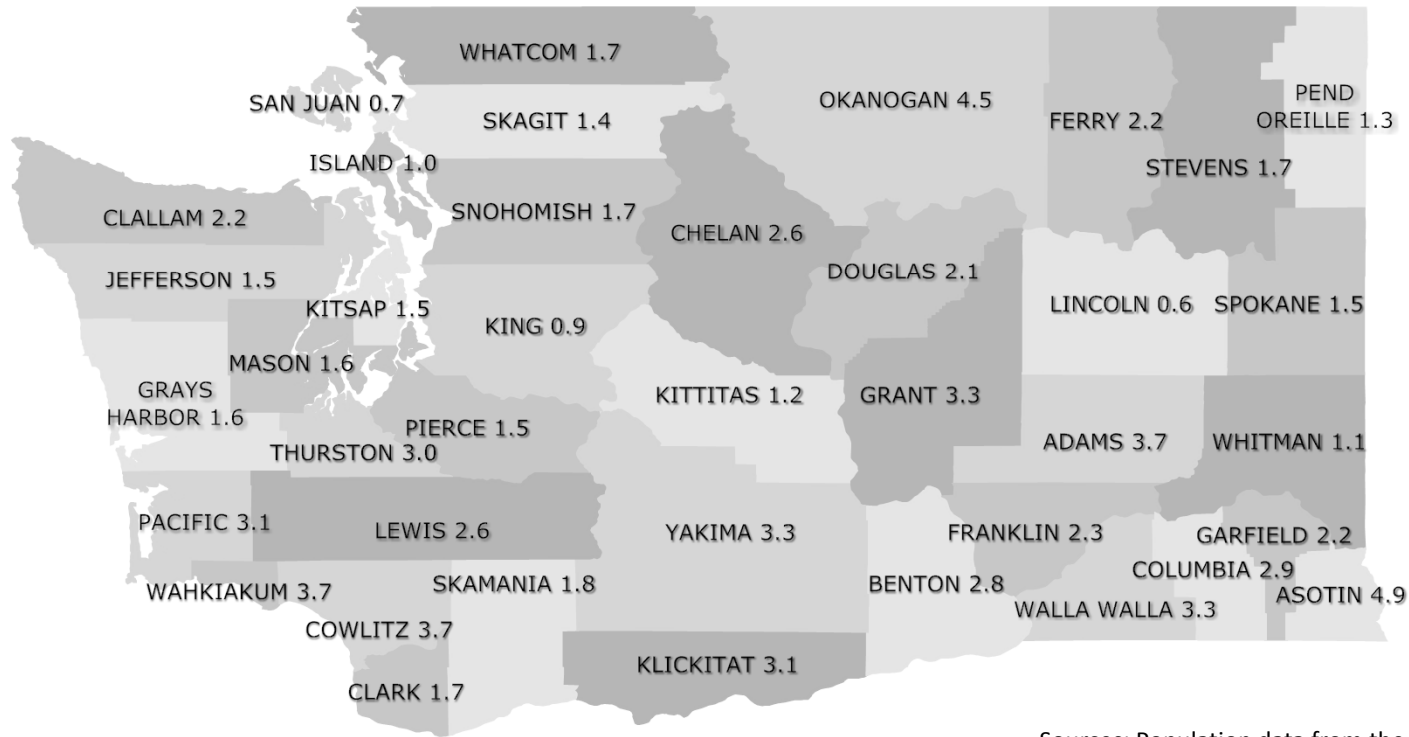
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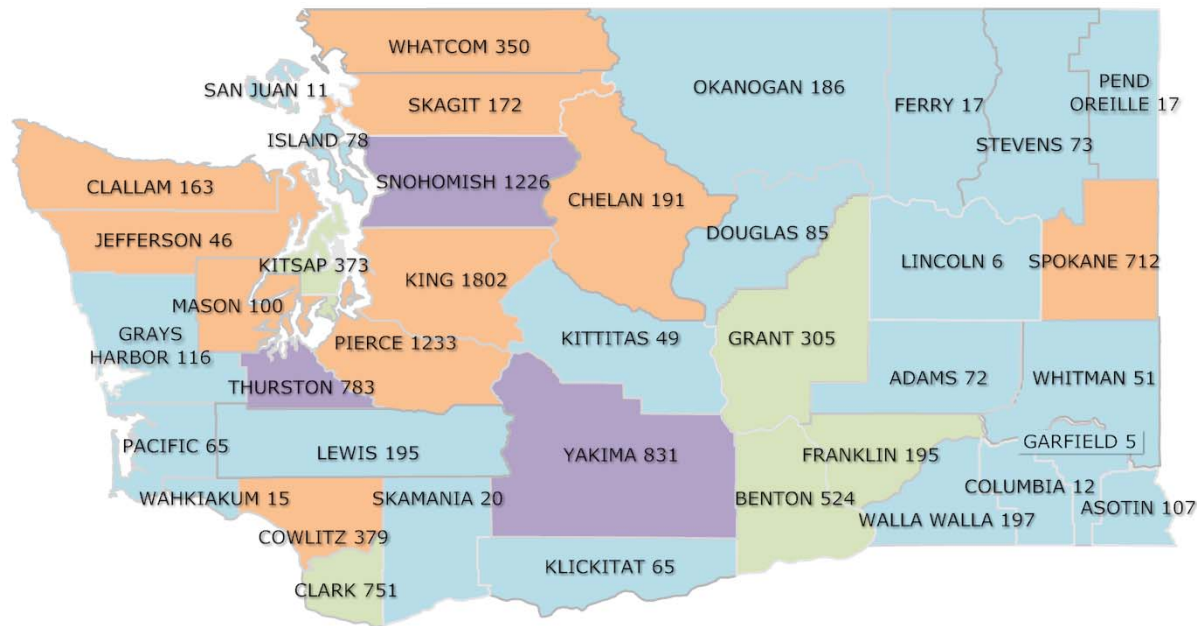


## 2014 Juvenile Offender Filings per 1,000 Population (Average: 1.7)



Sources: Population data from the Washington State Office of Financial Management; Case Filings from AOC Caseloads of the Courts

## 2014 Juvenile Offender Cases Filed and Counties by Juvenile Public Defense Services System



Most Juvenile Offender Cases Handled by:

- Public Defense Agency
- Contractors with Public Defense Oversight
- Contractors without County Public Defense Oversight
- Combination of Agency and Contractors

Sources: Case Filings from AOC Caseloads Reports; System Groupings from Chapter 10.101 RCW Funding Applications submitted to OPD

**2014 *Reported* Juvenile Offender  
Public Defense Expenses**

Benton	\$303,304
Clark	\$405,520
Franklin	\$147,236
Grant	\$256,919
Grays Harbor	\$104,820
King	\$3,432,598
Kitsap	\$137,670
Kittitas	\$30,000
Lewis	\$76,687
Lincoln	\$3,310
Mason	\$27,717
Pierce	\$1,090,440
Skagit	\$329,359
Skamania	\$7,162
Snohomish	\$558,350
Spokane	\$303,711
Stevens	\$84,147
Thurston	\$354,320
Wahkiakum	\$9,994
Walla Walla	\$41,012
Whatcom	\$402,269
Yakima	\$551,750

**2014 *Estimated* Juvenile Offender  
Public Defense Expenses**

Adams	\$36,350
Asotin	\$56,386
Chelan	\$198,383
Clallam	\$204,044
Columbia	\$13,046
Cowlitz	\$226,679
Ferry	\$5,062
Garfield	\$4,008
Island	\$68,015
Jefferson	\$62,565
Klickitat	\$29,946
Okanogan	\$77,272
Pacific	\$27,193
Pend Oreille	\$2,861
San Juan	\$13,694
Whitman	\$23,021

Approximate estimated cost  
for public defense services in  
juvenile offender cases  
statewide: \$10 million

Source: 2015 Chapter 10.101 RCW Applications submitted to OPD. “Reported” expenses are specific amounts spent on juvenile offender public defense as reported by the counties. “Estimated” expenses are calculated based on juvenile offender caseloads representing a percentage of all public defense expenses per county. Douglas County submitted no data to OPD.



Internet Email: [opd@opd.wa.gov](mailto:opd@opd.wa.gov)

**WASHINGTON STATE  
OFFICE OF PUBLIC DEFENSE**

(360) 586-3164  
FAX (360) 586-8165

Youth Access to Justice Reform Planning Grant

GRANT PERIOD: October 1, 2015 through  
September 30, 2016

The Washington State Office of Public Defense (OPD) received funding for a one year Youth Access to Justice State Reform Planning Grant from the U.S. Office of Juvenile Justice and Delinquency Prevention. The goal of this federal initiative is to develop a strategic plan to ensure that every youth involved with the criminal justice system in the State of Washington has fair and equal access to quality legal representation. To meet this goal OPD will develop a blueprint for an effective, well-resourced model juvenile indigent defense delivery system with standards of practice and policies for the management of that system. A critical part of this model will include the provision of training and tools to juvenile defense attorneys so they can better represent their clients and connect them to critical civil legal services.

As required by the grant, OPD will:

1. Develop strategies and policies that will ensure that every juvenile receives the guarantees of due process and equal protection and that their constitutional rights are honored.
2. Convene a diverse committee of critical stakeholders, including frontline juvenile defenders, defender supervisors, juvenile court judges, juvenile justice agency leaders (including juvenile probation, detention, and corrections), policymakers, mental health professionals, community advocates, state-level decision-makers, schools, prosecutors, law enforcement, youth- and family-serving organizations, justice-involved youth and their families, and others concerned with the fair administration of justice.

3. Develop and finalize a comprehensive statewide juvenile indigent defense delivery reform plan. The state reform plan should lead to a model juvenile indigent defense delivery system that is effective, well resourced, and has standards of practice and policies for the management of the system.
4. Deliver educational programs (in-person trainings in distinct geographic areas and one online) on adolescent development, trauma-informed care, and other topics that would enhance the effective assistance of counsel.
5. Develop a series of recorded web tutorials describing the collateral consequences of juvenile adjudications, and demonstrating what steps can be taken to minimize the negative impacts of adjudications in the areas of employment, education, housing, health care, record expungement, and other aftercare needs.