

# Executive Summary: Health Impact Review of Proposed 3SHB 1412 (H-1955.3/22) Concerning legal financial obligations (2022 Legislative Session)

Evidence indicates that Proposed 3SHB 1412 would likely reduce legal financial obligations (LFOs) for some people, which would likely improve health outcomes, reduce reincarceration, and decrease collateral consequences of conviction. It is unclear how the bill would impact equity.

## BILL INFORMATION

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**Sponsors:** Representative Simmons

### Summary of Bill:

- Gives the court discretion to waive or reduce certain legal financial obligations (LFOs) if the person lacks the ability to pay.
- Gives the court discretion to limit its jurisdiction<sup>A</sup> (authority) to collect LFOs if it finds a person does not have the “current or likely future ability to pay.”
- Eliminates currently mandatory Victim Penalty Assessment (VPA) (RCW 7.68.035) and DNA collection fee (RCW 43.43.7541).
- Requires the court, upon motion of the person with LFOs, to eliminate all but one DNA collection fee imposed prior to the bill’s effective date.
- Creates the State Crime Victim and Witness Assistance Account in the State Treasury funded by the state general fund.
- Requires the Legislature to appropriate state general fund dollars for deposit into the State DNA Database Account.
- Adds a definition of LFO to Chapter 3.66 RCW for district and municipal courts.

## HEALTH IMPACT REVIEW

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### Summary of Findings:

This Health Impact Review found the following evidence for the provisions in Proposed 3SHB 1412:

- **Informed assumption** that giving the court discretion to waive or reduce certain LFOs if the person lacks the ability to pay and to limit its authority to collect LFOs would result in some judges using this discretion in some circumstances, which would reduce LFOs for some people. This assumption is based on provisions of the bill and information from key informants.
- **Very strong evidence** that reducing LFOs for some people would improve health outcomes.
- **Strong evidence** that reducing LFOs for some people may reduce reincarceration.

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<sup>A</sup> Proposed 3SHB 1412 and state statute use the term “jurisdiction” when referring to court authority to collect LFOs. However, key informants representing judges prefer the term authority (personal communications, December 2021). Therefore, this review uses the term jurisdiction when quoting the bill or state statute and uses the term authority when discussing the implications of current law and the proposed policy change.

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- **Very strong evidence** that decreased reincarceration would improve health outcomes.
- **Informed assumption** that reducing LFOs for some people may decrease collateral consequences of conviction for some individuals. This informed assumption is based on a report from the U.S. Commission on Civil Rights and current Washington State laws.
- **Very strong evidence** that reducing collateral consequences of conviction would likely improve access to employment opportunities, housing, and economic stability.
- **Very strong evidence** that improved access to employment opportunities, housing, and economic stability would improve health outcomes.
- **Unclear** evidence for how Proposed 3SHB 1412 would impact inequities due to limited research on how reducing LFOs may impact different groups; the intersectionality of overlapping identities; current inequities due to racism in the criminal legal system; and the allowance for judicial discretion in applying indigency criteria.

## FULL REVIEW

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For review methods, logic model, strength-of-evidence analyses, and citations of empirical evidence refer to the full Health Impact Review at

<https://sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2022-01-HB1412.pdf>

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