

Multiple Agency Fiscal Note Summary

Bill Number: 2427 HB	Title: Domestic violence offenders
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Estimated Cash Receipts

Agency Name	2009-11		2011-13		2013-15	
	GF- State	Total	GF- State	Total	GF- State	Total
Total \$						

Local Gov. Courts *						
Local Gov. Other **						
Local Gov. Total						

Estimated Expenditures

Agency Name	2009-11			2011-13			2013-15		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	9,009	9,009	.1	18,018	18,018	.1	18,018	18,018
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Sentencing Guidelines Commission	.0	0	0	.0	0	0	.0	0	0
Total	0.0	\$9,009	\$9,009	0.1	\$18,018	\$18,018	0.1	\$18,018	\$18,018

Local Gov. Courts *	.3		49,454	.6		98,908	.6		98,908
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Total	.3		49,454	.6		98,908	.6		98,908

Estimated Capital Budget Impact

Agency Name	2009-11		2011-13		2013-15	
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Administrative Office of the Courts						
Acquisition	0	0	0	0	0	0
Construction	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total \$	\$0	\$0	\$0	\$0	\$0	\$0

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

Prepared by: Adam Aaseby, OFM	Phone: 360-902-0539	Date Published: Final
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 24698

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 2427 HB	Title: Domestic violence offenders	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2010	FY 2011	2009-11	2011-13	2013-15
Counties					
Cities					
Total \$					

Estimated Expenditures from:

STATE	FY 2010	FY 2011	2009-11	2011-13	2013-15
State FTE Staff Years		.1		.1	.1
Account					
General Fund-State 001-1		9,009	9,009	18,018	18,018
State Subtotal \$		9,009	9,009	18,018	18,018
COUNTY	FY 2010	FY 2011	2009-11	2011-13	2013-15
County FTE Staff Years		.6	.3	.6	.6
Account					
Local - Counties		49,454	49,454	98,908	98,908
Counties Subtotal \$		49,454	49,454	98,908	98,908
CITY	FY 2010	FY 2011	2009-11	2011-13	2013-15
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$		49,454	49,454	98,908	98,908
Total Estimated Expenditures \$		58,463	58,463	116,926	116,926

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 01/05/2010
Agency Preparation: Gil Austin	Phone: 360-705-5271	Date: 01/08/2010
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 01/08/2010
OFM Review: Cherie Berthon	Phone: 360-902-0659	Date: 01/11/2010

Request # -1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Section 2 amends RCW 9.94A.030 to specify that “Domestic violence” has the same meaning as defined in RCW 10.99.020(5) and 26.50.010. In subsection (4), it defines several non-felony offenses under “Serious domestic violence offense”.

Section 3 amends RCW 9.94A.524(2)(f) to provide that serious domestic violence convictions shall not be included in the offender score if the offender spent ten years in the community without committing any crime that results in a conviction.

Section 3 also amends RCW 9.94A.525(12) to specify how points should be counted for a felony domestic violence offense and prior convictions.

II. B - Cash Receipts Impact

II. C - Expenditures

There is no historical data on which to base an estimate of the precise fiscal impact from the provisions of the bill. Conferring with the Superior Court Judges’ Association Criminal Law and Rules Committee; reviewing information provided by the Attorney General’s Office and the Sentencing Guidelines Commission the following assumptions and estimates are provided. There are 4,483 offenders meeting the provisions of the bill and using a 9.05% recidivism rate this would result in 406 offenders qualifying for the sentencing provisions of the bill. The assumptions factor in a 2% increase in the trial rate with 8 additional trials being held for a trial length of 2 days per trial.

Superior Court Judges and Staff

Based on the assumptions described above, this will result in the need for .09 additional superior court judges, .20 additional superior court staff, and .30 additional county clerk staff. The expenditure impact to the state will be \$9,009. The expenditure impact to the counties for the first year (without capital costs) will be \$49,454. For second and subsequent years, the counties’ expenditure will be \$49,454.

Superior Court:

Fiscal impact is calculated on a statewide basis. Even though this may result in the need for a fraction of an additional judge FTE statewide when the impact of a particular bill is minimal, the goal is to provide an estimate of projected costs for a given piece of proposed legislation.

There are currently 188 superior court judge positions. The statutorily mandated (RCW 2.56.030) objective workload methodology estimates a need for 255 superior court judges. This is a gap of 67 judge FTE. Thus, only 74% of the superior court judge need is currently being met by elected full-time superior court judges. Some jurisdictions have chosen to establish and fund court commissioner positions instead of elected judge positions. There are currently 58 FTE court commissioner positions.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2010	FY 2011	2009-11	2011-13	2013-15
FTE Staff Years		.1		.1	.1
Salaries and Wages		6,326	6,326	12,652	12,652
Employee Benefits		2,683	2,683	5,366	5,366
Personal Service Contracts					
Goods and Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$		9,009	9,009	18,018	18,018

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2010	FY 2011	2009-11	2011-13	2013-15
FTE Staff Years		.6	.3	.6	.6
Salaries and Benefits		49,454	49,454	98,908	98,908
Capital					
Other					
Total \$		49,454	49,454	98,908	98,908

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2010	FY 2011	2009-11	2011-13	2013-15
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. D - FTE Detail

<i>Job Classification</i>	Salary	FY 2010	FY 2011	2009-11	2011-13	2013-15
County Clerk Staff	48,146		0.3	0.2	0.3	0.3
Superior Court Judge	148,832		0.1	0.1	0.1	0.1
Superior Court Staff	48,146		0.2	0.1	0.2	0.2
Total FTE's	245,124		0.6	0.3	0.6	0.6

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 2427 HB	Title: Domestic violence offenders	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

Total \$					

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 01/05/2010
Agency Preparation: Ronna Cole	Phone: 360-725-8263	Date: 01/08/2010
Agency Approval: Susan Lucas	Phone: (360) 725-8277	Date: 01/08/2010
OFM Review: Adam Aaseby	Phone: 360-902-0539	Date: 01/11/2010

Request # 008-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 2 Adds “Domestic Violence” as it is defined in RCW 10.99.020(5) and 26.50.010 to the definition section of the Sentencing Reform Act. Creates a new category of offenses titled “Serious domestic violence offense.” The new category includes only nonfelony domestic violence offenses which will be used in scoring (see section 3). This section amends RCW 9.94A.030.

Section 3 Adds a new sentencing criteria for offenders whose current offense is a felony domestic violence offense (where domestic violence has been plead and proven) by amending the scoring rules in RCW 9.94A.525. It contains a multiple scoring matrix based on whether the offenders have particular previous felony domestic violence offenses (not required to be plead and proven), and serious domestic violence offenses (where domestic violence has been plead and proven).

An offender who has previous serious domestic violence conviction(s) will not be subjected to the elevated offense score if, since the last date of release from confinement or entry of judgment and sentence, the offender spent ten years in the community without being convicted of any new crime.

Section 4 Adds ongoing pattern of psychological, physical, or sexual abuse of multiple victims, instead of a singular victim, as an aggravating circumstance to be considered by a jury by amending RCW 9.94A.535.

Section 5 states that section 2, the definition section, is effective on August 1, 2011.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

SGC is unable to predict the expected incidence or the sentences lengths that might actually be imposed for the new criteria and multiple scoring factor for felony domestic violence (DV) (where domestic violence has been plead and proven) and how many of these offenders have a prior DV offense as defined in the proposed in this proposal.

The Attorney General’s Office led a taskforce on DV. King County completed analysis on data kept for their county to estimate the impacts of this proposed legislation. SGC applied the King County model to the following offenses (SGC database does not include misdemeanor offenses which are included in the proposed legislation):

Felony Offenses Assumed in the Analysis (N=4,483):

Unlawful Imprisonment

Felony Harassment

Assault 1, 2, 3
Kidnapping 1, 2
Stalking
Violation of No Contact Order
Burglary 1
Arson 1
Rape 2, 3
Tampering with a Witness
Malicious Mischief 1, 2
Residential Burglary

Non-Felony Offenses Not Assumed in the Analysis (N=unknown):

- * Nonfelony domestic violence assault (9A.36.041)
- * Nonfelony domestic violence violation of a court order under chapter 10.99 or domestic violence protection order issued under chapter 26.09, 26.10, 26.26, or 26.50
- * Nonfelony domestic violence harassment (9A.46.020)
- * Nonfelony domestic violence stalking (9A.46.110)
- * Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious domestic violence offense.

SGC determined that 4,483 offenders in Fiscal Year 2009 had a potential felony offense that could be designated as DV. Of the 4,483 potential offenders, King County estimated that 9.05% of the cases (N=406) have history that will count in the multiple scoring and therefore would increase jail and/or prison sentences.

The Department estimates the impacts will result in an ADP increase as a result of the proposed legislation. While It is unknown how many counties currently plead and prove domestic violence designations under current practice, it is likely to be several years following enactment of this legislation before ADP increases impact the Department.

Due to the effective date of the proposed legislation, impacts to the Department would occur after August 2011.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2427 HB	Title: Domestic violence offenders	Agency: 325-Sentencing Guidelines Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT					
Total \$					

Estimated Expenditures from:

	FY 2010	FY 2011	2009-11	2011-13	2013-15
Account					
Total \$					

Estimated Capital Budget Impact:

Total \$					

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 01/05/2010
Agency Preparation: Keri-Anne Jetzer	Phone: 360-407-1070	Date: 01/07/2010
Agency Approval: Duc Luu	Phone: 360-407-1075	Date: 01/07/2010
OFM Review: Adam Aaseby	Phone: 360-902-0539	Date: 01/11/2010

Request # 325-10-008-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

This bill would require modification of the Commission's database and data entry programs. The agency's budget does not have funding for updating the database or data entry programs. We estimate it would take approximately 100 hours to update the database or data entry programs to reflect the change in this bill. Using a fee estimate of \$110/hr, the cost impact to the SGC would be \$11,000.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2010	FY 2011	2009-11	2011-13	2013-15
FTE Staff Years					
Total:					

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

HB 2427
DOMESTIC VIOLENCE OFFENDERS
325 – Sentencing Guidelines Commission
January 7, 2010

SUMMARY

A brief description of what the measure does that has fiscal impact

Section 2 Adds “Domestic Violence” as it is defined in RCW 10.99.020(5) and 26.50.010 to the definition section of the Sentencing Reform Act. Creates a new category of offenses titled “Serious domestic violence offense.” The new category includes only nonfelony domestic violence offenses which will be used in scoring (see section 3). This section amends RCW 9.94A.030.

Section 3 Adds a new sentencing criterion for offenders whose current offense is a felony domestic violence offense (where domestic violence has been plead and proven) by amending RCW 9.94A.525. It contains a multiple scoring matrix based on whether the offenders have particular previous felony domestic violence offenses (not required to be plead and proven), and serious domestic violence offenses (where domestic violence has been plead and proven).

An offender who has previous serious domestic violence conviction(s) will not be subjected to the elevated offense score if, since the last date of release from confinement or entry of judgment and sentence, the offender spent ten years in the community without being convicted of any new crime.

Section 4 Adds ongoing pattern of psychological, physical, or sexual abuse of multiple victims, instead of a singular victim, as an aggravating circumstance to be considered by a jury by amending RCW 9.94A.535.

Section 5 Makes this proposal effective August 1, 2011.

EXPENDITURES

Assumptions

The adult jail and prison bed impacts for this bill were calculated under the following assumptions:

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2009 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are discounted by the ratio of sentences to jail or prison admissions.
- Population was based on a list of domestic violence offenses:

- This list was produced by a taskforce led by the Attorney General's Office. Only the felony offenses were used and they are: Unlawful Imprisonment, Felony Harassment, Assault 1 & 2 & 3, Kidnapping 1 & 2, Stalking, Violation of No Contact Order, Burglary 1, Arson 1, Rape 2 & 3, Tampering with a Witness, Malicious Mischief 1 & 2, and Residential Burglary.
- This list was produced by the Sentencing Guidelines Commission. As of FY09, SGC has been tracking the domestic violence designation when it appears on the Judgment and Sentence form. The offenses that exhibited a DV flag as frequently as the offenses provided by the Domestic Violence Taskforce were added to the population. These are: Child Molestation 1 > 17 (Post 8/31/01), Assault of a Child 2, Assault of a Child 3 and Telephone Harassment.
- Based on the research completed by the taskforce, it was estimated that 9.05% of domestic violence offenders would be affected by the proposed scoring rules.

Impact on the Sentencing Guidelines Commission

This bill would require modification of the Commission's database and data entry programs. The agency's budget does not have funding for updating the database or data entry programs. We estimate it would take approximately 100 hours to update the database or data entry programs to reflect the change in this bill. Using a fee estimate of \$110/hr, the cost impact to the SGC would be \$11,000.

Impact on prison and jail beds

The Sentencing Guidelines Commission started tracking the domestic violence designation in FY09 as it was reported on the Judgment and Sentence form. Currently, proving a domestic violence designation is not required so we predict that the number domestic violence designations is under-reported but we have no way of determining by how much; therefore, the impact is indeterminate.

Additional Data

The Attorney General's Office led a taskforce on this topic. That taskforce used King County data to estimate what the impact of this bill would be in King County. SGC started tracking domestic violence designations on the J&S forms in FY09. After reviewing the FY09 data, we found additional offenses that had a domestic violence flag frequency similar to the offenses provided by the taskforce. These offenses were added to the list of offenses produced by the taskforce. Their model was applied to the SGC data to produce an estimate of the impact of this bill statewide.

In FY09, there were 5,502 sentences with a primary offense found on the list provided by the taskforce and SGC. Using the ratio of sentences to admissions, this number translates to about 4,483 offenders. The estimated number of offenders that would be considered affected by the proposed scoring rules is 406, or 9.05% of 4,483.

Based on the 4,483 offenders, 1,138 (25%) have at least one offense in their history that would be eligible for multiple scoring. However, according to this proposal, the scoring changes would commence with the effective date of the bill, meaning the historical offenses that would be eligible for the scoring changes would phase in over time.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 2427 HB	Title: Domestic violence offenders
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:
- Counties: Increased prosecution, defense, and jail costs
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Increased length of jail sentences

Estimated revenue impacts to:

Jurisdiction	FY 2010	FY 2011	2009-11	2011-13	2013-15
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$					

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Cezanne Murphy-Levesque	Phone: 360/725-5036	Date: 01/11/2010
Leg. Committee Contact: Yvonne Walker	Phone: 360-786-7841	Date: 01/05/2010
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/11/2010
OFM Review: Adam Aaseby	Phone: 360-902-0539	Date: 01/11/2010

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Section 2 adds “Domestic Violence” to the definition section of the Sentencing Reform Act and creates a new category of offenses titled “Serious domestic violence offense.” The new category includes only nonfelony domestic violence offenses which will be used in scoring (see section 3).

Section 3 adds a provision to the rules for calculating the offender score: serious domestic violence convictions shall not be included in the score if the offender spent ten years in the community without committing any crime that resulted in a conviction. It also adds a rule for counting prior convictions when the present conviction is for a felony domestic violence offense.

Section 4 expands the aggravating circumstance to be considered by a jury for an ongoing pattern of psychological, physical, or sexual abuse to include multiple victims, instead of a singular victim.

Section 5 makes the entire Act effective August 1, 2011.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

It is estimated that this bill result in eight additional superior court trials annually with additional prosecution costs of \$22,024 and public defender costs of \$21,072 in each fiscal year. Additionally, this bill will likely increase the number of days certain offenders spend in jail and therefore increase jail expenditures. The increase in expenditures is indeterminate because the potential increase in sentence lengths is unknown.

Administrative Office of the Courts (AOC) fiscal notes estimate local-level court-related costs, including County Clerks’ expenses. Local government fiscal notes estimate expenses related to local law enforcement, prosecution, defense and jails.

DISCUSSION

The Sentencing Guidelines Commission (SGC) began tracking the domestic violence designation on felony offences in FY09 as it is reported on the Judgment and Sentence form. Currently, proving a domestic violence designation is not required so it is predicted that the number of domestic violence designations is under-reported but there is no way of determining by how much. The Attorney General’s Office’s Domestic Violence Taskforce estimated that 9.05 percent of domestic violence offenders (406 in FY 09) could be affected annually by the proposed scoring rule changes. The Administrative Office of the Courts (AOC) assumes this bill will result in eight additional superior court trials annually (2 % increase) with each trial lasting approximately two days.

The bill will result in additional prosecution and defense expenditures related to the increased trial rates. Felony offenses with domestic violence designations range widely including harassment, assault, kidnapping and homicide/manslaughter. Prosecution and defense costs vary widely depending on the type of offense. For the purposes of this fiscal note prosecution and defense costs are based on an unranked felony such as assault, robbery, and other crimes against persons. AOC fiscal notes estimate local-level court-related costs, including County Clerks’ expenses. Local government fiscal notes estimate expenses related to local law enforcement, prosecution, defense and jails

Prosecution costs:

For the purpose of illustration, the average cost for prosecuting an unranked felony is approximately \$2,753 per case; including an appeal raises the cost to approximately \$3,661 per case (2010 LGFN prosecutor survey). Appeals occur in an estimated 8 to 10% of cases. The prosecution costs for eight additional trials annually, assuming no appeals, would be \$22,024.

Public defender costs:

Public felony defense representation for crimes against persons cost approximately \$2,634 per case with a trial; appeals cost about \$600 additional. Approximately 90 percent of cases qualify for public defender representation with 6 percent expected to go to trial and 3 percent of those trials are expected to lead to an appeal (2009 LGFN defender cost survey). The public defense costs for eight additional trials annually, assuming no appeals, would be \$21,072.

Increased sentences impact on jail costs:

This bill increases the potential for offender scores to be raised and will likely increase the number of days offenders spend in jail. There is

not enough data to predict how jail sentences will be affected by this bill because the domestic violence designation is under-reported; therefore the impact on jail costs is indeterminate. Jail sentences under 12 months are served in jail and are local costs; longer sentences are a state cost and are served in prison. According to the 2009 LGFN jail cost survey (weighted by population), the average cost of a day in jail is \$76.

ASSUMPTIONS

The adult jail and prison bed impacts for this bill were calculated under the following assumptions:

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2009 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, etc. (i.e., there will be an identical number of sentences each year).
- Sentences are discounted by the ratio of sentences to jail or prison admissions.
- Population was based on a list of domestic violence offenses:

Only those offences that exhibited a domestic violence designation as with frequency were tracked: Unlawful Imprisonment, Felony Harassment, Assault 1 & 2 & 3, Kidnapping 1 & 2, Stalking, Violation of No Contact Order, Burglary 1, Arson 1, Rape 2 & 3, Tampering with a Witness, Malicious Mischief 1 & 2, Residential Burglary, Child Molestation 1 > 17 (Post 8/31/01), Assault of a Child 2, Assault of a Child 3 and Telephone Harassment.

- Based on the research completed by the Attorney General's Domestic Violence Taskforce, it was estimated that there are 4,483 offenders meeting the provisions of this bill and 9.05% of domestic violence offenders would be affected by the proposed scoring rules.

A note about Public defender costs:

Public defense varies greatly in Washington State; therefore the Local Government Fiscal Note Program (LGFN) uses a range of costs for defense depending on the county providing the defense. Larger counties have offices of public defense that are similar in size and capability to the county prosecutor's office. These offices have resources and salary parity comparable to the prosecuting attorney and have access to investigators and other resources at county expense. Many counties contract with local law firms and nonprofit defense agencies on a variety of basis. Some counties pay per case, some per hour, some pay trial costs on a per diem basis while others pay on a per-hour basis. More is paid for felony cases than misdemeanor cases. Finally, some counties hire local attorneys on a case by case basis, either on a per-hour or per-case basis. Most of the counties will reimburse investigative costs after a petition to the court. The Washington Defender Association (WDA) estimates that the primary fiscal impact on public defenders will be due to an increase in trial caseloads resulting from the increased sentencing ranges (2009 LGFN defender cost survey).

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

The bill would have no impact on local government revenue or revenue authority.

SOURCES CITED

Administrative Office of the Courts Fiscal Note
Sentencing Guidelines Commission Fiscal Note
2009 LGFN prosecutor survey
2009 LGFN defender cost survey
2009 LGFN jail cost survey (weighted by population)