

Judicial Impact Fiscal Note

Bill Number: 1632 P S HB	Title: Domestic violence	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

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.

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OFM Review:	Phone:	Date:

Request # 1632 PS HB-1

Part II: Narrative Explanation

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

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would define Assault in the Fourth Degree involving domestic violence as a class C felony if the person who commits the offense has two or more prior adult convictions within ten years for assault in the first, second, third or fourth degree involving domestic violence.

Felony assault in the fourth degree would be limited to circumstances involving assault committed against a spouse, former spouse, current or former dating partner, or against a person with whom the defendant has a child in common. This would also apply to prior convictions that count toward felony assault in the fourth degree. Felony assault in the fourth degree involving domestic violence is categorized as a crime against a person.

This bill would change offender scoring for a felony domestic violence conviction. The following felony offenses involving domestic violence would be included among those that currently count two points towards the offender score: assault of a child in the first, second, or third degree; criminal mistreatment in the first or second degree.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

RCW 9.94A.525 would be amended to add (b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was plead and proven after the effective date of this section, for any of the following offenses : Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030.

RCW 9A.36.041 would be amended to say (2) Assault in the fourth degree is a gross misdemeanor, except as provided in subsection (3) of this section. (3) Assault in the fourth degree, where domestic violence as defined in RCW 9.94A.030 was plead and proven after August 1, 2011, is a class C felony if the person has two or more prior convictions for assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was plead and proven after August 1, 2011.

RCW 43.43.830 would be amended to say (7) "Crime against children or other persons" means a conviction of any of the following offenses: Aggravated murder; first or second-degree murder; first or second degree kidnapping; first, second, or third degree assault; fourth degree assault (if a violation of RCW 9A.36.041(3)).

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

Indeterminate.

The Administrative Office of the Courts (AOC) assumes potential judicial impact with the amendment to RCW 9.94A.525 could increase the amount of time needed for sentencing hearings. The amount of additional hearing time for RCW 9A.36.12, RCW 9A.36.130, RCW 9A.36.140, RCW 9A.42.020 or RCW 9A.42.030 is not expected to be significant. The annual average of cases involving these RCWs is 10.5 per year over a two-year period.

The potential judicial impact with the amendment to RCW 9.94A.525 could increase the amount of time needed for sentencing hearings for violations to RCW 9A.36.041, RCW 9.94A.030, RCW

9.94A.030. The average number of cases for 2013 and 2014 under the affected RCWs for superior court was 426 per year. The average for district court was 1,007 and the average for municipal court was 490. The AOC assumes that if more points were added for a second conviction, there would be a request for more trials.

There is insufficient data to estimate how many offenders would request a trial because of this legislation. However, using the standard time of two days for a trial, if only a small number of the offenders requested a trial, the statewide cost to the courts would be in excess of \$50,000.