

Judicial Impact Fiscal Note

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| Bill Number: 2461 HB | Title: Extreme risk protect. orders | 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 # 2461 HB-1

Part II: Narrative Explanation

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

A new chapter would be added to RCW 26 that would create an extreme risk protection order. Section 1 would empower family members, child welfare agencies and members of law enforcement to seek a protection order to temporarily prevent an individual from possessing, accessing, or purchasing firearms while that individual poses a significant danger of harm. Section 3 (6) would require the court to issue or deny on the same day the petition that is submitted to the court. Section 3 (8) says that anyone who files a petition and knows the information in the petition to be false is guilty of false swearing under RCW 9A.72.040. Section 3 (9) would make it a gross misdemeanor for a person to purchase or possess a firearm with the knowledge that he or she is prohibited from doing so by an emergency extreme risk protection order and is prohibited from having in their custody or attempting to purchase or receive a firearm for a one-year period, to commence upon the expiration of the existing order.

Section 6 would allow a family or household member, a child welfare agency or a law enforcement officer to request an extreme risk protection order that would not allow the person to own, purchase, possess or control a firearm for a period of one to five years. Section 6 (13) (b) would make it a class C felony if the person has two or more previous convictions for violating an extreme risk protection order and purchases or possesses a firearm with the knowledge that he or she is prohibited from doing so by an extreme risk protection order.

Section 8 would allow a person subject to an extreme risk protection order to submit one written request per year at any time during the effective period of the order for a hearing to terminate the order.

Section 9 (2) would require the court to notify the petitioner of the impending expiration of an extreme risk protection order and the notice must be received by the petitioner one hundred five calendar days before the date the order expires.

A new section would be added to RCW 10.79 that would allow the court to issue a warrant to search for and seize firearms that are in the possession, custody or control of a person subject to any type of extreme risk protection order as provided in the new chapter in RCW 26.

II. B - Cash Receipts Impact

No revenues are expected as a result of this bill.

II. C - Expenditures

This bill would create a new extreme risk protective order. Sections 3, 4 and 5 refer to an emergency extreme risk protective order. These would only be filed as new cases in the superior courts. There is insufficient judicial data to estimate how many cases would be filed each year as a result of this bill. For the purposes of the judicial impact the numbers for domestic violence protection orders and stalking protection orders will be used with some assumptions.

Domestic Violence Protection Orders: Over the last five years there have been an average of 17,078 petitions for domestic violence protection orders filed in the superior, district and municipal courts. Using the assumption that there will be 5% as many emergency extreme risk protective orders, there is a potential for 854 new cases filed in superior courts each year. Estimated costs are:

State costs: \$54,010

County costs: \$228,291

Total costs: \$282,300

FTE: 1.42

Stalking Protection Orders: This order was created three years ago. There were an average of 267 petitions filed in the superior, district and municipal courts. Using the assumption that there will be 5% as many extreme risk protective orders, there is a potential for 14 new cases filed in superior courts each year. Estimated costs are:

State costs: \$885

County costs: \$3,742

Total costs: \$4,628

FTE: 0.02

There is no judicial data to use for the provision that creates a new crime for including false information in the petition. Based on filings for other similar types of crimes, it is expected the number of cases filed would be small and the cost to those courts would be minimal.

There is no judicial data to use for the provision to make it a gross misdemeanor for a person to purchase or possess a firearm with the knowledge that he or she is prohibited from doing so. It would take 150 cases to cost the courts more than \$50,000.

Section 6 (13) (b) would make it a class C felony if the person has two or more previous convictions for violating an extreme risk protection order and purchases or possesses a firearm with the knowledge that he or she is prohibited from doing so by an extreme risk protection order.

There is no judicial data to estimate the costs associated with Section 6 that would allow an extreme risk protection order on a person that would not allow the person to own, purchase, possess or control a firearm for a period of one to five years. However, based on information from the superior court judges, these hearings are complicated and will take longer than a regular protection order hearing because of the potential length of time a person would not be allowed to own or possess firearms. If it is assumed that one percent (1%) of the protective orders filed were filed under this provision, there is the possibility for 171 new cases. Estimated costs are:

State costs: \$21,102

County costs: \$89,197

Total costs: \$110,299

FTE: .55

Section 8 would allow a person subject to an extreme risk protection order to submit one written request per year at any time during the effective period of the order for a hearing to terminate the order. There is no judicial data to use, however, if 50% of those who received the order requested a hearing, the potential impact to the courts would be:

State costs: \$27,005

County costs: \$114,145

Total costs: \$141,150

FTE: .71

Section 9 (2) would require the court to notify the petitioner of the impending expiration of an extreme risk protection order and the notice must be received by the petitioner one hundred five calendar days before the date the order expires. There is no mechanism within the system to track orders that would alert a court, in advance, that the order is expiring. Therefore, major updates to the current JIS system would need to occur. It is estimated to take between 1,051-1,076 hours for an estimated cost of \$55,703-\$57,028. The new Odyssey system will have an ability to set up a time standards to track the orders which would be less time consuming and less costly, but until all superior courts are on the system, there would need to be a SCOMIS/JIS and Odyssey solution and would require replication.

A new section would be added to RCW 10.79 that would allow the court to issue a warrant to search for and seize firearms that are in the possession, custody or control of a person subject to any type of extreme risk protection order as provided in the new chapter in RCW 26. It is assumed this would not cause an excessive amount of additional work to the courts.

SUMMARY: The total potential cost for this legislation is \$595,405 per year.

Part III: Expenditure Detail

Part IV: Capital Budget Impact