

Judicial Impact Fiscal Note

Bill Number: 1041 HB	Title: Marijuana misdemeanors	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years	.1	.1	.1	.1	.1
Account					
General Fund-State 001-1	11,374	14,856	26,230	18,016	18,016
State Subtotal \$	11,374	14,856	26,230	18,016	18,016
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
Account					
Local - Counties	185,623	206,126	391,749	225,222	225,222
Counties Subtotal \$	185,623	206,126	391,749	225,222	225,222
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities	23,196	24,162	47,358	25,108	25,108
Cities Subtotal \$	23,196	24,162	47,358	25,108	25,108
Local Subtotal \$	208,819	230,288	439,107	250,330	250,330
Total Estimated Expenditures \$	220,193	245,144	465,337	268,346	268,346

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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Part II: Narrative Explanation

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

This bill would allow any person convicted of a misdemeanor marijuana offense under RCW 69.50.4014, who was twenty-one years of age or older at the time of the offense, to apply to the sentencing court for vacation of the conviction.

Sections with potential court impact:

Section 1 amends RCW 9.96.060 to add a new subsection (1). This section would allow any person convicted of a misdemeanor marijuana offense, who was twenty-one years of age or older at the time of the offense under RCW 69.50.4014 to apply to the sentencing court for vacation of the conviction.

II. B - Cash Receipts Impact

Expected lost revenue: \$500,000

This bill does not require that the person applying for vacation of the marijuana conviction completely pay the fines, assessments, and costs ordered in the sentence. When people apply for vacation of the conviction, it is assumed they will no longer make payments toward any outstanding moneys owed under the sentences. With vacation of the conviction, the courts will no longer be able to collect these amounts that would have been collected under the current version of the statute.

RCW 69.50.425 requires that persons convicted under RCW 69.50.4014 shall be punished by a minimum fine of \$250 for a first offense, and \$500 for a second offense. With mandatory assessments (governed by other statutes), the minimum amounts that the court must impose are \$475 for a first offense, and \$950 for a second offense. These amounts would be paid to a combination of state, county, and city funds, depending on the court.

At this time, we do not have data from the Judicial Information System regarding how much money is currently owed for convictions under RCW 69.50.4014. Data is available from the Seattle Municipal Court database, though, showing an average of roughly \$150 currently owing per case for these convictions. We will assume that the average of \$150 still owing per case applies to cases in all courts statewide. With that assumption, approximately \$5,000,000 currently owed under RCW 69.50.4014 (for state, county, and city funds) will no longer be collectable.

Generally, only 30 percent of conviction fines and other moneys ordered are actually collected over time statewide. Because RCW 69.50.4014 has been in effect for about 10 years, many of the convictions with money still owing are likely to be uncollectable. If we assume that a minimum of 10 percent of the \$5,000,000 owed would otherwise be collected, we could expect a loss of \$500,000 revenue to state, county, and city funds.

II. C - Expenditures

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 is a finite amount of superior, district and municipal court judicial officer time available to hear cases throughout the state. Whenever additional caseload creates a need for additional judicial officers, the system absorbs that need. The system accommodates such changes partially by delaying criminal cases and partly by lengthening the backlog for civil trials. Small increases in FTE needs may be absorbed by the system, but there is a cumulative effect from multiple bills in a session or over a series of years that can result in a shortage of judges and commissioners relative to the judicial need expressed in caseload.

Available data in the Judicial Information System indicates that there has been the following number of convictions for defendants at least 21 years of age at the time of conviction under RCW 69.50.4014:

6,354	Superior courts
15,440	District courts
6,003	Municipal courts
27,797	Total

The changes in the bill contains the restriction that the person must have been twenty-one years of age or older at the time of the offense

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for applying for vacation. The courts will have no discretion when hearing the matter, but are required to vacate any conviction under RCW 69.50.4014. Therefore, it is assumed that most, if not all, convictions under RCW 69.50.4014 will be vacated. We will assume that each hearing will take an average of 5 minutes of court time. For the purposes of this note, it is assumed that 20% of the people eligible for a hearing will request it each year in the first biennium. It is assumed that during subsequent biennia, 10% will request hearings each year.

Superior Courts: Based on the assumptions above, 1,307 new hearings will result each year in the first biennium. This will increase the need for 0.10 FTE additional judicial officers, 0.24 FTE additional superior court staff, and 0.31 additional county clerk staff. The assumption for the second fiscal year is for another 20% of earlier convictions to be heard. In addition, the number of eligible convictions will increase each year by the number that will meet the eligibility requirements. The number of convictions has been declining in the last 3 years so the impact of newer cases becoming eligible will be small. The assumption is 400 per year. The total potential hearings for FY 2017 would be 1,707 that would increase the need for 0.13 judicial officers, 0.31 superior court staff and 0.41 clerk staff. The assumption is that 10% of the original number of convictions plus 400 newly eligible convictions will potentially require 1,035 hearings that would increase the need for 0.08 judicial officer, 0.19 superior court staff and 0.25 clerk staff.

District Courts: Based on the assumptions above, 3,088 new hearings will result each year in the first biennium. This will increase the need for 0.18 FTE additional judicial officers, and 1.56 additional district court staff. The assumption for the second fiscal year is for another 20% of earlier convictions to be heard. In addition, the number of eligible convictions will increase each year by the number that will meet the eligibility requirements. The number of convictions has been declining in the last 3 years so the impact of newer cases becoming eligible will be small. The assumption is 120 per year. The total potential hearings for FY 2017 would be 3,208 that would increase the need for 0.196 judicial officers, and 1.62 district court staff. The assumption is that 10% of the original number of convictions plus 400 newly eligible convictions will potentially require 1,664 hearings that would increase the need for 0.101 judicial officers, and 0.84 district court staff.

Municipal Courts: Based on the assumptions above, 1,201 new hearings will result each year in the first biennium. This will increase the need for 0.026 FTE additional judicial officers, and 0.25 additional municipal court staff. The assumption for the second fiscal year is for another 20% of earlier convictions to be heard. In addition, the number of eligible convictions will increase each year by the number that will meet the eligibility requirements. The number of convictions has been declining in the last 3 years so the impact of newer cases becoming eligible will be small. The assumption is 50 per year. The total potential hearings for FY 2017 would be 1,257 that would increase the need for 0.027 judicial officers, and 0.26 additional municipal court staff. The assumption is that 10% of the original number of convictions plus 50 newly eligible convictions will potentially require 650 hearings that would increase the need for 0.014 judicial officer, and .13 municipal court staff.

Part III: Expenditure Detail

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

<i>State</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	.1	.1	.1	.1	.1
Salaries and Wages	7,541	9,849	17,390	11,944	11,944
Employee Benefits	3,833	5,007	8,840	6,072	6,072
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	11,374	14,856	26,230	18,016	18,016

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

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits	158,019	174,086	332,105	189,102	189,102
Capital					
Other	27,604	32,040	59,644	36,120	36,120
Total \$	185,623	206,126	391,749	225,222	225,222

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

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
Salaries and Benefits	19,090	19,885	38,975	20,664	20,664
Capital					
Other	4,106	4,277	8,383	4,444	4,444
Total \$	23,196	24,162	47,358	25,108	25,108

III. D - FTE Detail

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Superior Court Judge	156,363	0.1	0.1	0.1	0.1	0.1
Total FTE's	156,363	0.1	0.1	0.1	0.1	0.1

Part IV: Capital Budget Impact