

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1059 HB	<b>Title:</b> Sexually violent predators	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

☒ No Fiscal Impact

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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Request # 1059(5033)-1

## **Part II: Narrative Explanation**

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

The bill addresses elements of the Civil Commitment process conducted by the Department of Social and Health Services and amends RCW 71.09.070 and RCW 71.09.020.

Sections with potential court impact:

Section 1(3) requires the Department of Social and Health Services (DSHS), on request of the committed person, to allow an audio recording of the annual review interview to be prepared and made available to the committed person.

Section 1(2) requires that the evaluator's report on the mental condition of a committed person includes whether the committed person participated in the interview.

Section 1(6)(b) bars the admission in a proceeding under RCW 70.09.090 of any report prepared by an expert or professional retained by the committed person, or the testimony of an expert on the committed person's behalf, unless the committed person participated in the most recent interview evaluation completed by DSHS.

The Attorney General's Office assumes these sections would reduce recommitment trials.

Section 2(20) defines "treatment" as the Sex Offender Specific Treatment Program at the Special Commitment Center, or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2). The Attorney General's Office assumes that defining treatment would also reduce recommitment trials.

### **II. B - Cash Receipts Impact**

None

### **II. C - Expenditures**

The Attorney General's Office (AGO) assumes defining treatment in Section 2(20) will reduce recommitment trials by reducing the number of individuals petitioning for unconditional release arguing rehabilitation through treatment, since some of those petitions come from sexually violent predators who have not participated in sex offender specific treatment. In FY2014, two individuals have petitioned for unconditional release arguing rehabilitation through treatment without participating in the sex offender specific treatment available to them at the Special Commitment Center. The AGO assumes this section would reduce up to two fewer recommitment trials per biennium.

The AGO assumes the amendments to Section 1 would increase the number of civilly committed individuals who participate in annual reviews and this increased participation would result in up to two fewer recommitment trials per biennium. The AGO also assumes that resetting the clock for the annual review after a trial resulting in recommitment would reduce recommitment trials by up to two per biennium.

According to these assumptions there would be three less trials per year in superior courts. The average time for recommitment trials is three weeks so there would be 9 weeks of judicial time for other hearings and trials that would have been otherwise delayed by the recommitment trials.

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**