

# Judicial Impact Fiscal Note

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| <b>Bill Number:</b> 1160 S HB | <b>Title:</b> Litter penalties/park funds | <b>Agency:</b> 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        |
|---|----------------|----------------|----------------|----------------|----------------|
| Parks Renewal and Stewardship Account-State 269-1 | 45,824         | 45,824         | 91,648         | 91,648         | 91,648         |
| Counties  | 50,680         | 50,680         | 101,360        | 101,360        | 101,360        |
| Cities  | 8,685          | 8,685          | 17,370         | 17,370         | 17,370         |
| <b>Total \$</b>                                   | <b>105,189</b> | <b>105,189</b> | <b>210,378</b> | <b>210,378</b> | <b>210,378</b> |

### 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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|---------------------------------|---------------------|------------------|
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| Agency Approval: Ramsey Radwan  | Phone: 360-357-2406 | Date: 02/06/2015 |
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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 substitute bill requires county courts to remit to the state parks renewal and stewardship account the additional funds received as a result of the increase in penalties for littering and for dropping materials onto state roads, rather than requiring only municipal courts to remit those funds.

The original judicial impact note included the county courts cash receipts so there is no change for this substitute bill .

Original Bill:

This bill addresses increasing fines for littering and providing additional funding to state parks .

Section 1(3)(a) of this bill would amend RCW 70.93.060 and raise the class 3 civil infraction for littering in an amount smaller than one cubic foot to a class 2 civil infraction.

Section 10(1)(b) would raise the maximum base penalty for a class 2 civil infraction from \$125 to \$200 for an infraction involving littering as specified in RCW 70.93.060(3)(a).

Section 11(2)(b) would raise the maximum base penalty for violation of RCW 46.61.645 (Littering on the highway) to \$200 for each offense.

Section 2(3) would require the money received by the state treasurer from the increase in penalties in sections 1 , 10, and 11, to be deposited in the state parks renewal and stewardship account.

### II. B - Cash Receipts Impact

There is no change in cash receipts for this substitute bill. The judicial impact note for HB 1160 included the cash receipts that the county would remit.

Original Bill:

Section 1(3)(a) of this bill would raise the class 3 civil infraction for littering in an amount smaller than one cubic foot to a class 2 civil infraction.

The current penalty for a class 3 infraction under RCW 70.93.060 is \$103.00. (Base penalty of 50.00 + 53.00 in additional assessments)

The proposed penalty for the class 2 infraction proposed in Section 1(3)(a) and in Section 10(1)(b) of this bill would be \$410.00. (Base penalty of \$200 + \$210 in additional assessments currently required by law on all infractions.)

$\$410.00 - \$103.00 = \$307.00$  increase in this infraction.

Section 2(3) of this bill would require the state portion collected from these infractions to be deposited in the state parks renewal and stewardship account.

The current portion of funds that the State receives from this infraction is \$39.76. The portion of funds the State would receive from the proposed infraction is \$173.76. The difference between the current state portion of the class 3 infraction and the proposed state portion of the class 2 infraction is \$133.60.

Judicial information system data shows that in 2013 and 2014 there was an average of 541 infractions per year for violation of RCW 70.93.060.

$\$133.60 \times 541 = \$72,277.60$ . However, the collection rate for these infractions in 2013 and 2014 was 63.4%.

$72,277.60 \times 63.4\% = \$45,824.00$  in estimated revenue collected per year that would be deposited in the Parks Renewal and Stewardship Account.

It is possible that the estimated revenue of \$45,824 could be less due to a lesser amounts assessed at requested hearings because the

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maximum infraction penalty amount is not always ordered. Also, when penalties are increased the collection rate tends to go down.

#### Local County (District Court) and City (Municipal Court) Revenue:

Judicial information system data shows that in 2013 and 2014 there was an average of 461 infractions per year for violation of RCW 70.93.060 in district court and 79 in municipal court.

The difference between the current local portion of the class 3 infraction and the proposed local portion of the class 2 infraction is \$173.40.

Estimated county revenue:  $173.40 \times 461 = \$79,937.40 \times 63.4\%$  collection rate = \$50,680 per year.

Estimated city revenue:  $173.40 \times 79 = \$13,699 \times 63.4\%$  collection rate = \$8,685 per year.

Section 11(2)(b) would raise the penalty for violation of RCW 46.61.645 (Littering on the highway) to \$200 for each offense.

Judicial information system data shows that there were no violations of RCW 46.61.645 in 2013 and 2014. Therefore, it's expected that very little, if any, additional revenue would be collected due to this change.

## II. C - Expenditures

There is no change in expenditure impact between SHB 1160 and HB 1160.

#### Original Bill:

There may be an increase in hearings in district and municipal courts. When the monetary penalty of an infraction increases more people tend to request hearings to have the infraction amount lowered.

It's expected that the additional expenditures for an increase in hearings would not exceed \$50,000. The \$50,000 expenditure level represents approximately 80 hours (0.08 FTE) of district court judicial officer time annually cumulative for all district courts in the state with associated support staff and operational costs. It is assumed, therefore, that this bill would require less than 80 hours of judicial officer time statewide on an annual basis.

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact