

Judicial Impact Fiscal Note

Bill Number: 1943 HB	Title: Home detention	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:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years					
Account					
General Fund-State 001-1	118,243		118,243		
State Subtotal \$	118,243		118,243		
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$	118,243		118,243		

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 # 1943 HB-1

Part II: Narrative Explanation

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

Section 3 would add a new section to RCW 9.94A to state (3) A monitoring agency that fails to comply with any of the conditions in subsection (2) of this section may be subject to a civil penalty, as determined by a court of competent jurisdiction, in an amount of not more than one thousand dollars for every violation, in addition to any penalties imposed by contract.

(5) A court that receives notice of a violation of the terms of home detention must maintain a record of violations in the court file.

(6)(a) The presiding judge of a court must notify the administrative office of the courts if: (i) The court decides it will not allow use of a particular monitoring agency by persons ordered to comply with a home detention program; and (ii) The court, after previously deciding not to allow use of a particular monitoring agency, decides to resume allowing use of the monitoring agency by persons ordered to comply with a home detention program. (b) In either case, the court must include in its notice the reasons for the decision.

(7) The administrative office of the courts must, after receiving notice pursuant to subsection (6) of this section, transmit the notice to all superior courts and courts of limited jurisdiction in the state.

Section 4 would add a new section to RCW 9.94A to read as follows:

(1) By December 1, 2015, the administrative office of the courts shall create a pattern form order for use by a court in cases where a court orders a person to comply with a home detention program.

(2) The form order shall include the following: (a) In a conspicuous location, a notice of criminal penalties resulting for a violation of the terms of a home detention program; and (b) Language permitting a person to leave his or her residence for specific purposes only as ordered by the court, with a list of common purposes, such as school and employment, from which a court may select.

(3) When a court orders a person to comply with the terms of a home detention program, the court must, in addition to its order, complete the form order created pursuant to this section to notify the person of criminal penalties associated with violation of the terms of the program and of any permission granted for absence from the residence.

Section 7 would amend RCW 9.94A.505 to say (7) The sentencing court shall not give the offender credit for any time the offender was required to comply with a home detention program prior to sentencing if the offender was convicted of one of the following offenses: (a) A violent offense; (b) Any sex offense; (c) Any drug offense; (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050; (e) Assault in the third degree as defined in RCW 9A.36.031; (f) Assault of a child in the third degree; (g) Unlawful imprisonment as defined in RCW 9A.40.040; or (h) Harassment as defined in RCW 9A.46.020.

Section 8 would amend RCW 9A.76.130(8) to read as follows: (1) A person is guilty of escape in the third degree if he or she: (a) Escapes from custody; or (b) Knowingly violates the terms of a home detention program.

(2) Escape in the third degree is a ((gross)) misdemeanor, except as provided in subsection (3) of this section.

(3) If the person has one prior conviction for escape in the third degree, escape in the third degree is a gross misdemeanor. If the person has two or more prior convictions for escape in the third degree, escape in the third degree is a class C felony.

II. B - Cash Receipts Impact

No cash receipt impact.

II. C - Expenditures

The fiscal impact of this legislation would be primarily to the administrative office of the courts. Extensive programming would be required for the various systems that the courts use that are maintained by AOC. For the purposes of this judicial impact, the following assumptions were made:

1) Assumes that this bill applies to superior court and the courts of limited jurisdiction adult offenders only since the language does not reference juvenile offenders.

2) Assumes changes would also be needed for the superior court and limited jurisdiction court case management system modernization projects, known as the SC-CMS and CLJ-CMS projects.

Request # 1943 HB-1

- 3) Assumes the project would take several months and would require that other work not be performed or that a contractor be hired .
- 4) Does not assume that a new tool to calculate "credit for time served" would be needed . If this is needed, the task would be enormous and we are unable to provide cost estimates at this time. In addition, it would add several months to the project.

The estimated time for the changes needed to implement the bill is 1,721-2,741 hours of staff time. The cost range is \$92,273 - \$145,273. (Staff time multiplied by \$53 per hour.) The business impacts would include new coding and programming on multiple screens for JIS, updating processes for SCOMIS; updates to ALD/ALR tables, new codes, updating processes for JCS; potential screen updates for JAVA, analysis, configuration, integration work, law table changes, forms updates, testing, updates to help and updates to training materials. For the purposes of the fiscal impact, a mid-range amount will be used. 2,231 hours x \$53 = \$118,243.

There is no data available to estimate the impact to the courts. If these were new hearings and each hearing took 15 minutes, it would take 275 hearings in superior court to have an impact statewide of more than \$50,000 or it would take 475 hearings in courts of limited jurisdiction to have an impact statewide of more than \$50,000.

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					
Salaries and Wages	82,770		82,770		
Employee Benefits	35,473		35,473		
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 \$	118,243		118,243		

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					
Capital					
Other					
Total \$					

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					
Capital					
Other					
Total \$					

Part IV: Capital Budget Impact