

Judicial Impact Fiscal Note

Bill Number: 5037 SB	Title: Organized retail theft	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:

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 # 5037 SB-1

Part II: Narrative Explanation

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

This bill addresses organized retail theft amending RCW 9A.56.350.

Section 1(1)(d) would include, in the crime of organized retail theft, the theft of property with a cumulative value of at least seven hundred fifty dollars from a mercantile establishment with no less than six accomplices and at least one electronic communication made or received seeking participation in the theft in the course of planning or commission of the theft.

Section 1(4) would make the first offense of organized retail theft under Section 1(1)(d) a gross misdemeanor. A second or subsequent offense would be a class C felony and punishable by confinement in a state correctional institution for a maximum of five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine (RCW 9A.20.021).

Section 1(5) allows thefts committed by the principal and accomplices to be aggregated into one count and the value of all the property shall be the value considered in determining the degree of organized theft.

II. B - Cash Receipts Impact

There is insufficient judicial data available to estimate the amount of fine revenue Section 1(4) of this bill would result in.

The maximum fine for a gross misdemeanor is \$5,000. The maximum fine for a class c felony is \$10,000. It would take either 10 paid gross misdemeanor fines or 5 paid class c felony fines to exceed \$50,000 in fine revenue per year. However, the maximum fine is not always ordered, not all fines are collected in full and fines sometimes take years to collect.

It is assumed the fine revenue collected would be less than \$50,000 per year.

II. C - Expenditures

There is no data available to predict how many additional cases might result from this bill. It is assumed that there would be both misdemeanor crimes, which are heard in district court and municipal courts, and felony crimes which are heard in superior courts.

The level of new court impact is estimated to be below \$50,000 annually. The \$50,000 expenditure level represents approximately 84 hours (0.07 FTE) of superior court judicial officer time annually cumulative for all superior courts in the state with associated support staff and operational costs. It is assumed that this bill would require less than 84 hours of judicial officer time statewide on an annual basis.

Part III: Expenditure Detail

Part IV: Capital Budget Impact