

Judicial Impact Fiscal Note

Bill Number: 5105 SB	Title: DUI 4th offense/felony	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	.6	.6	.6	.6	.6
Account					
General Fund-State 001-1	32,714	32,714	65,428	65,428	65,428
State Subtotal \$	32,714	32,714	65,428	65,428	65,428
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years	5.9	5.9	5.9	5.9	5.9
Account					
Local - Counties	127,662	127,662	255,324	255,324	255,324
Counties Subtotal \$	127,662	127,662	255,324	255,324	255,324
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years	(.1)	(.1)	(.1)	(.1)	(.1)
Account					
Local - Cities	(1,564)	(1,564)	(3,128)	(3,128)	(3,128)
Cities Subtotal \$	(1,564)	(1,564)	(3,128)	(3,128)	(3,128)
Local Subtotal \$	126,098	126,098	252,196	252,196	252,196
Total Estimated Expenditures \$	158,812	158,812	317,624	317,624	317,624

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 # 5105 SB-2

Part II: Narrative Explanation

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

RCW 46.61.502 and 46.61.504 would be amended to reduce the number of prior violations allowed for DUI or physical control from four to three within ten years to be charged with a class C felony.

RCW 46.61.5055 would be amended to reduce the number of prior violations allowed for DUI or physical control from three to two within seven years to be charged with a class C felony.

II. B - Cash Receipts Impact

Because the fine amounts for felony crimes are higher than gross misdemeanor crimes, there is the potential for an increase in revenue. The bill would raise the applicable penalties from a maximum of \$5,000 to a maximum of \$10,000.

For RCW 46.61.502 and 46.61.504, the number of third violations recorded was 276 in 2014. These were charged as gross misdemeanors but would be class C felonies under the changes in the bill. For RCW 46.61.5055, the number of second violations recorded was 817 in 2014. These were charged as gross misdemeanors but would be class C felonies under the changes in the bill.

The potential increase in fines could be calculated as the number of violations that would qualify for class C felonies multiplied by the difference in the maximum penalties (\$5,000). This would be a potential fine increase of \$5,465,000. However, the maximum fine is not always ordered and fines are not always paid in full and can take several years to pay.

Judicial information system data for felony fine payment shows that in the first year less than two percent of fines are paid, and in the second year this increases to 5.5 percent. If the total amount was ordered and paid using payment rate of 2%, the potential maximum revenue would be \$109,300.

II. C - Expenditures

Court expenditures will be impacted in two ways, an increase in trial rate and associated costs and a transfer of cases from municipal courts to county superior courts.

Superior courts hear felony cases while misdemeanor DUI and control cases are heard in courts of limited jurisdiction (district and municipal). There will be a transfer of all fourth offenses (three priors) to superior courts for RCW 46.61.502 and 46.61.504 and a transfer of all third offenses (two priors) for RCW 46.61.5055. Caseload data for 2014 shows that 30 percent of misdemeanor DUI and control cases were heard in municipal courts and the remainder in district court.

Judicial Information System data shows an expected change in 276 cases from gross misdemeanor to felony per year for RCW 46.61.502 and 46.61.504.

Using 276 cases and 30 percent municipal processing, municipal courts would experience a reduction of 81 cases per year. District courts would see a reduction of 195 cases per year and superior courts would see an increased caseload of 276 cases.

Reduced expenditure for municipal courts statewide is estimated at \$1,564 per year for reduced judicial officer time and support staff time. This equates to a reduction of 0.002 judicial officer and .02 municipal staff FTE spread through all of the cities.

Reduced district court expenditure is estimated at \$17,161 per year for reduced judicial officer time and support staff time. This equates to a reduction of 0.024 judicial officer and 0.20 district court staff FTE spread through all of the counties.

The 276 new felony cases heard at superior courts is expected to increase expenditure for judicial officers, and support staff by \$175,777 (\$32,714 for the state and \$143,063 for counties) per year. This equates to 0.28 of judicial officer, 0.68 superior court staff and 0.89 clerk staff FTE spread through all the counties.

Judicial Information System data shows an expected change in 817 cases from gross misdemeanor to felony per year for RCW 46.61.5055.

Using 817 cases and 30 percent municipal processing, municipal courts would experience a reduction of 245 cases per year. District courts would see a reduction of 572 cases per year and superior courts would see an increased caseload of 817 cases.

Reduced expenditure for municipal courts statewide is estimated at \$4,732 per year for reduced judicial officer time and support staff time. This equates to a reduction of 0.5 judicial officer and .05 municipal staff FTE spread through all of the cities.

Reduced district court expenditure is estimated at \$50,339 per year for reduced judicial officer time and support staff time. This equates to a reduction of 0.07 judicial officer and 0.58 district court staff FTE spread through all of the counties.

The 817 new felony cases heard at superior courts is expected to increase expenditure for judicial officers, and support staff by \$520,327 (\$96,839 for the state and \$423,488 for counties) per year. This equates to 0.82 of judicial officer, 2.00 superior court staff and 2.64 clerk staff FTE spread through all the counties.

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	.6	.6	.6	.6	.6
Salaries and Wages	85,890	85,890	171,780	171,780	171,780
Employee Benefits	43,662	43,662	87,324	87,324	87,324
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 \$	129,552	129,552	259,104	259,104	259,104

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

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	5.9	5.9	5.9	5.9	5.9
Salaries and Benefits	363,119	363,119	726,238	726,238	726,238
Capital					
Other	135,932	135,932	271,864	271,864	271,864
Total \$	499,051	499,051	998,102	998,102	998,102

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

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
Salaries and Benefits	(5,181)	(5,181)	(10,362)	(10,362)	(10,362)
Capital					
Other	(1,115)	(1,115)	(2,230)	(2,230)	(2,230)
Total \$	(6,296)	(6,296)	(12,592)	(12,592)	(12,592)

III. D - FTE Detail

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Clerk staff		3.5	3.5	3.5	3.5	3.5
District court judge		(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
District court staff		(0.8)	(0.8)	(0.8)	(0.8)	(0.8)
Municipal court staff		(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
Superior court judge		1.1	1.1	1.1	1.1	1.1
Superior court staff		2.7	2.7	2.7	2.7	2.7
Total FTE's		6.4	6.4	6.4	6.4	6.4

Part IV: Capital Budget Impact