

Judicial Impact Fiscal Note

Bill Number: 5154 S SB	Title: Reg. sex or kidnap offenders	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☒ **No Fiscal Impact**

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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Part II: Narrative Explanation

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

This bill would revise the conditions of registration for sex and kidnapping offenders. It would require community notification for tribal court convictions for crimes that would be sex and kidnapping offenses under state law. It would change venue for filing of petitions for relief from registration for juveniles convicted in non-Washington state courts from Thurston County to the county in which the juvenile is registered. It would create a new gross misdemeanor for refusing to provide DNA for persons who are required to register as a sex offender under RCW 9A.44.130.

The only change from SB 5154 to SSB 5154 is to section 16, which does not affect the courts.

Sections with potential court impact:

All of the sections which affect the courts are identical in SB 5154 and SSB 5154.

Section 5 would amend RCW 9A.44.132(1)(b) to include convictions under federal law as a factor that will raise the crime of felony failure to register as a sex offender to a class B felony. Subsection 4 would create a new gross misdemeanor of refusing to provide DNA for persons who are required to register as a sex offender under RCW 9A.44.130.

Section 6 would amend RCW 9A.44.140 to require the duty to register of persons determined to be sexually violent predators to be lifelong.

Section 8 would amend RCW 9A.44.142 to prevent persons determined to be sexually violent predators from petitioning the court to be relieved from the duty to register.

Section 9 would amend RCW 9A.44.143 to prohibit persons convicted as a juvenile determined to be sexually violent predators from petitioning for relief from kidnapping offender registration. It would change venue for filing of petitions for relief from registration for juveniles convicted in non-Washington state courts from Thurston County to the county in which the juvenile is registered. Juveniles prosecuted as adults because the juvenile court lost jurisdiction due to the juvenile becoming an adult may petition for relief under this section.

Section 10 would amend RCW 43.43.754 to create a new gross misdemeanor of refusing to provide DNA for persons who are required to register as a sex offender under RCW 9A.44.130.

Section 11 would amend RCW 9.94A.515 to restore convictions of RCW 9A.44.130 prior to June 10, 2010 as level II offenses.

Section 12 would amend RCW 9.94A.030(46) to include convictions of RCW 9A.44.130 prior to June 10, 2010 within the definition of "sex offense."

Anticipated Fiscal Impact:

Based upon information provided and input from the courts, it is assumed that there would be minimal financial impact to the superior, district, and municipal courts statewide from the amendments and provisions in this bill.

This bill would create a new gross misdemeanor. There is a finite amount of superior, district, and municipal court judicial officer time available to hear cases throughout the state. Whenever additional caseload creates a need for additional judicial officers, the system absorbs that need. The system accommodates such changes partially by delaying criminal and juvenile cases and partly by lengthening the backlog for civil trials. Small increases in FTE need may be absorbed by the system, but there is a cumulative effect from multiple bills in a session or over a series of years that can result in a shortage of judges and commissioners relative to the judicial need expressed in caseload.

II. B - Cash Receipts Impact

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II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact