

Judicial Impact Fiscal Note

Bill Number: 5503 SB	Title: Habitual property offenders	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:

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 \$					

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

A new section would be added to RCW 9.94A to read as follows:

- (1) The prosecuting attorney may file a special allegation when sufficient evidence exists to show that the accused is a habitual property offender.
- (2) In a criminal case in which there has been a special allegation and the accused has been convicted of the underlying crime, the court shall make a finding of fact prior to sentencing whether the person is a habitual property offender based on the person's criminal history . If the court finds by a preponderance of the evidence that the person is a habitual property offender, the person shall be sentenced in accordance with RCW 9.94A.533(15).
- (3) For purposes of this section, a person is a habitual property offender if:
- (a) The present felony conviction for which the person is being sentenced is for residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft;
- (b) The person has an offender score of nine points or higher;
- (c) At least nine of the points in the person's offender score result from any combination of the following felony offenses : Residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft; and
- (d) The person has either received drug treatment related to any felony conviction or has refused drug treatment related to any felony conviction.

Sec. 3. RCW 9.94A.533 would be amended to say:

- (15)(a) The following additional times shall be added to the standard sentence range if the court finds that the offender is a habitual property offender pursuant to section 2 of this act:
- (i) Twenty-four months if the offender is being sentenced for a felony defined as a class B felony;
- (ii) Twelve months if the offender is being sentenced for a felony defined as a class C felony .
- (b) A sentence imposed pursuant to this subsection is not to exceed the statutory maximum for the crime as established in RCW 9A.20.021.
- (c) Notwithstanding any other provision of law, all habitual property offender enhancements imposed under this subsection 5) are mandatory and shall be served in total confinement. However, whether or not the mandatory minimum term has expired, an offender serving a sentence under this subsection may be granted an extraordinary medical placement when authorized under RCW 9.94A.728(3).

Based on input from the courts, these enhancements are generally negotiated as part of a plea package and if it goes to trial, it may add time to the sentencing process however the additional time would be insignificant.

II. B - Cash Receipts Impact

II. C - Expenditures

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					
Total \$					

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

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years					
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					
Total \$					

Part IV: Capital Budget Impact