

Judicial Impact Fiscal Note

Bill Number: 5564 2S SB	Title: Juvenile records and fines	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
General Fund-State 001-1	(103,196)	(133,315)	(236,511)	(266,630)	(266,630)
Crime Victims' Compensation Account-State 01F-1	(95,459)	(125,687)	(221,146)	(251,374)	(251,374)
State Wildlife Account-State 104-1	(45)	(45)	(90)	(90)	(90)
DNA Data Base Account-State 515-1	(1,823)	(2,613)	(4,436)	(5,226)	(5,226)
Judicial Information Systems Account-State 543-1	(1,416)	(2,613)	(4,029)	(5,226)	(5,226)
Counties	(264,621)	(309,099)	(573,720)	(618,198)	(618,198)
Cities					
Total \$	(466,560)	(573,372)	(1,039,932)	(1,146,744)	(1,146,744)

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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Request # 5564 2SSB-1

Part II: Narrative Explanation

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

Changes from the original bill and the second substitute (fiscal note request for the first substitute was cancelled).

A new section would be added to RCW 13.50.010 to eliminate most nonrestitution legal financial obligations for juvenile offenders. This becomes Section 1 in the second substitute bill.

Section 1 in the original bill becomes Section 2 in the second substitute.

Section 3 is removed that would have amended RCW 13.50.270.

Section 4 remains the same.

Section 5 remains the same for amending RCW 13.40.190 (1)(d) but the second substitute would also allow the victim to determine the nature of the community restitution to be completed when it is practicable to do so. (2)(f) would be amended to allow the court to either order joint and several restitution or to divide restitution equally among the respondents. In addition (3) would be amended to state that the county clerk shall make restitution disbursements to victims prior to payments to any insurance provider under RCW 48.

Section 6 would change. RCW 7.68.035 (1)(a) would no longer be amended, (1)(b) would not be deleted but would be amended to say this penalty assessment shall be imposed on juvenile offenders only when the crime committed has an actual victim.

Section 8 would be removed that would have amended 7.80.130 (1) to allow monetary penalties owed by a juvenile at the time of dismissal of a deferred disposition or at time of sealing the juvenile record to be considered in civil nature, thus allowing the court to waive, reduce or suspend.

Sections 9-29 would be renumbered to Sections 8-28.

The new Section 29 would amend RCW 43.43.7541 to state that the DNA fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction.

Section 37 would create a new section RCW 13.50 that would make the act only apply to any juvenile offender cases filed after the effective date of this section.

Below are the original sections of the bill that have judicial impact.

Sections of the bill that will have judicial impact:

Section 1 (1)(a) would amend RCW 13.50.010 to add "good faith effort to pay" means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments.

Section 4 would add a new section to RCW 13.34 to read as follows: Cities, towns, and counties may not impose any legal financial obligations, fees, fines, or costs associated with juvenile offenses unless there is express statutory authority for those legal financial obligations, fees, fines, or costs.

Section 5 would amend RCW 13.40.190 (1)(d) to add that if the court determines that a juvenile has insufficient funds to pay the restitution, the court may order performance of a number of hours of community restitution in lieu of monetary penalty, at the rate of the then state minimum wage per hour.

Section 6 would amend RCW 7.68.035 (1)(a) to only apply penalty assessment to adults in the amounts of five hundred dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and two hundred fifty dollars for any case or cause of action that includes convictions of only one or more misdemeanors. Section (1)(b) would be removed.

Section 8 would amend 7.80.130 (1) would allow monetary penalties owed by a juvenile at the time of dismissal of a deferred

disposition or at time of sealing the juvenile record to be considered in civil nature, thus allowing the court to waive, reduce or suspend .

Section 9 would amend RCW 9.08.040 (1) to specify that only adults found guilty of a gross misdemeanor according to RCW 9A .20 would receive a mandatory fine of not less than five hundred dollars per pet animal .

Section 10 would amend RCW 9.08.072 (2) to specify that only adults found guilty of a gross misdemeanor according to RCW 9A .20 will be imposed a mandatory fine of not less than five hundred dollars per pet animal. (3) would specify that only adults found guilty of a second or subsequent conviction under this section is a class C felony punishable according to RCW 9A .20 will be imposed a mandatory fine of not less than one thousand dollars per pet animal .

Section 11 would amend RCW 9.46.1961 to impose any additional penalty set forth in RCW 9A.20.021 of up to twenty thousand dollars only on adult offenders.

Section 12 would amend RCW 9.68A.105 to impose a five thousand dollar fee per 9.68A.100, 9.68A.101 or 9.68A.102 only on adult offenders.

Section 13 would amend RCW 9.68A.106 to impose a five thousand dollar fee per 9.68A.100, 9.68A.101 or 9.68A.102 only on adult offenders.

Section 14 would amend RCW 9.94A.550 to impose fines on felonies only on adult offenders.

Section 15 would amend RCW 9A.20.021 to impose fines only on adult offenders.

Section 16 would amend RCW 9A.50.030 to impose fines only on adult offenders.

Section 17 would amend RCW 9A.56.060 (5)(b) to impose a fine of up to one thousand one hundred twenty-five dollars only on adult offenders.

Section 18 would amend RCW 9A.56.085 to impose a fine per RCW 9A.56.080 or 9A.56.083 of two thousand dollars for each animal killed or possessed only on adult offenders.

Section 19 would amend RCW 9A.88.120 (1)(a) to assess a fifty dollar fee per 9A.88.010, 9A.88.030 or comparable county or municipal ordinance only on adult offenders. (1)(b) would assess fees per RCW 9A.88.090 only on adult offenders.

Section 20 would amend RCW 9A.88.140 (4)(a) by limiting the fine to an adult offender.

Section 21 would amend RCW 10.73.160 to require adult offenders to pay appellate costs.

Section 22 would amend RCW 10.82.090 regarding interest applied to judgments to only be applied to adult offenders.

Section 23 would amend RCW 10.99.080 to impose the authorized fine on adult offenders only that are convicted of a crime involving domestic violence.

Section 24 would amend RCW 13.40.080 (2)(d) to no longer assess the authorized fine.

Section 26 would amend RCW 36.18.016 (29) to allow the clerk to impose an annual fee of up to one hundred dollars only on adult offenders.

Section 27 would amend RCW 36.18.020 (2)(h) to impose a fee of two hundred dollars only on adult offenders.

Section 28 would amend RCW 36.18.040 to impose fees only on adult offenders.

Section 29 would amend RCW 43.43.690 to impose a crime laboratory analysis fee of one hundred dollars for each offense for which the person was convicted only on adult offenders.

Section 30 would amend RCW 46.61.5054 (1)(a) to impose a two hundred dollar fee to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, RCW 46.61.504, RCW 46.61.520, or RCW 46.61.522 only on adult offenders.

Section 31 would amend RCW 46.61.5055 to impose fines only on adult offenders.

Section 32 would amend RCW 69.50.401 to impose fines only on adult offenders.

Section 33 would amend RCW 69.50.425 to impose additional fines from two hundred fifty dollars to five hundred dollars only on adult offenders.

Section 34 would amend RCW 69.50.430 (1) to impose an additional one thousand dollars for convictions of violation of RCW 69.50.401 through 69.50.4015, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410 or 69.50.415 only on adult offenders. (2) to impose an additional two thousand dollars on a second or subsequent conviction of the laws listed above only on adult offenders.

Section 35 would amend 69.50.435 to impose fines only on adult offenders.

Section 36 would amend 77.15.420 to impose fines for convictions of 77.15.410 only on adult offenders.

Section 37 would repeal RCW 13.40.145 and 13.40.085.

II. B - Cash Receipts Impact

In the second substitute, Section 37 was added to read: This act applies to any juvenile offender cases filed after the effective date of this section. In the original judicial impact note, revenue that was collected from previous assessments was not factored into the revenue loss. While the impact is less because of the addition of section 37, there will be some impact. As obligations are paid off, that revenue will not be replaced with any new obligations. For the purposes of this judicial impact note, the average number of new obligations per year will still be used to reflect the estimated loss of revenue while the additional factor for payments on previous legal financial obligations will also be added. Based on information from the judicial information system, the year a fee or penalty is assessed and the year immediately following the assessment are when the highest rate of payments are made. After that, the percentage of payment drops drastically. Therefore, it is assumed that the amount of reduced revenue will be consistent after the first year.

Section 4 would add a new section to RCW 13.34 to read as follows: Cities, towns, and counties may not impose any legal financial obligations, fees, fines, or costs associated with juvenile offenses unless there is express statutory authority for those legal financial obligations, fees, fines, or costs. Based on information from the judicial information system for the last five years, an annual average of \$22,689 was ordered to be paid by juvenile offenders and \$13,808 was paid. The estimated loss of current revenue is \$13,808 per year (\$13,578 county; \$230 crime victims account). The average paid in 2012, 2013 and 2014 for the previous obligations was \$6,355. Therefore, the total estimated annual loss of revenue is \$20,163 (\$19,830 county; \$333 crime victims account).

Section 5 would amend RCW 13.40.190 (1)(d) to add that if the court determines that a juvenile has insufficient funds to pay the restitution, the court may order performance of a number of hours of community restitution in lieu of monetary penalty, at the rate of the state minimum wage per hour. It is expected that there would be some reduction in revenue due to some restitutions being converted to community service hours. However, there is no JIS data available to estimate how much the reduction would be.

Section 6 would amend RCW 7.68.035 Section (1)(b) to say this penalty assessment shall be imposed on juvenile offenders only when the crime committed has an actual victim. The financial information in the judicial information system does not delineate between whether there was a victim or not, therefore, for the purposes of this judicial impact, the entire amount ordered will be used. Based on information from the judicial information system for the last five years, an average of \$832,992 was ordered to be paid by juvenile offenders and \$268,675 was paid. The estimated loss of current revenue is \$268,675 per year (\$89,890 county; \$92,825 crime victims fund; \$85,948 GF-S). The average paid in 2012, 2013 and 2014 for the previous obligations was \$86,836. Therefore, the total estimated annual loss of revenue is \$355,509 (\$118,927 county; \$112,835 crime victims account; \$113,747 GF-S).

Section 8 would amend RCW 9.08.070 (1) to specify that only adults found guilty of a gross misdemeanor according to RCW 9A.20 would receive a mandatory fine of not less than five hundred dollars per pet animal. Per data from the judicial information system, no

juvenile offenders have been charged so there is no expected loss of revenue .

Section 9 would amend RCW 9.08.072 (2) to specify that only adults found guilty of a gross misdemeanor according to RCW 9A.20 will be imposed a mandatory fine of not less than five hundred dollars per pet animal. (3) would specify that only adults found guilty of a second or subsequent conviction under this section is a class C felony punishable according to RCW 9A.20 would be imposed a mandatory fine of not less than one thousand dollars per pet animal. Per data from the judicial information system, no juvenile offenders have been charged so there is no expected loss of revenue .

Section 10 would amend RCW 9.46.1961, Section 11 would amend 9.68A.105, Section 12 would amend RCW 9.68A.106, Section 13 would amend RCW 9.94A.550, Section 14 would amend RCW 9A.20.021, Section 15 would amend RCW 9A.50.030, Section 16 would amend RCW 9A.56.060 (5)(b), Section 17 would amend RCW 9A.56.085, Section 18 would amend RCW 9A.88.120 (1)(a)(b) and Section 19 would amend RCW 9A.88.140 (4)(a). The data is only available at the summary level. For the RCWs in this paragraph, based on information from the judicial information system for the last five years, an average of \$45,001 was ordered to be paid by juvenile offenders and \$17,735 was paid. The estimated annual loss of revenue is \$17,735 per year (\$11,847 county; \$213 crime victims fund; \$5,675 GF-S). Per the data from the judicial information system, there were no payments in subsequent years .

Section 20 would amend RCW 10.73.160 to require adult offenders to pay appellate costs. There is insufficient judicial data to estimate the decrease in revenue for this section of the proposed bill.

Section 21 would amend RCW 10.82.090 regarding interest applied to judgments to only be applied to adult offenders. Based on information from the judicial information system for the last five years, an average of \$506,139 was ordered to be paid by juvenile offenders and \$11,473 was paid. The estimated loss of current revenue is \$11,473 per year (\$1,416 county; \$1,416 local court; \$1,416 GF-S; \$1,416 JIS; \$5,810 restitution interest). The average paid in 2012, 2013 and 2014 for the previous obligations was \$4,788 (\$1,197 to county; \$1,197 court; \$1,197 GF-S; \$1,197 JIS). Therefore, the total estimated annual loss of revenue is \$10,450 (\$2,613 county; \$2,613 court; \$2,612 GF-S; \$2,612 JIS).

Section 22 would amend RCW 10.99.080 to impose a fine not to exceed one hundred dollars on only adult offenders convicted of a crime involving domestic violence. Based on information from the judicial information system for the last five years, an average of \$1,070 was ordered to be paid by juvenile offenders and \$437 was paid. The estimated loss of current revenue is \$437 per year (100% county). The average paid in 2012, 2013 and 2014 for the previous obligations was \$316 (100% county). Therefore, the total estimated annual loss of revenue is \$753 (100% county).

Section 23 would amend RCW 13.40.080 (2)(d) to no longer assess a fine not to exceed one hundred dollars. Based on information from the judicial information system for the last five years, an average of \$2,156 was ordered to be paid by juvenile offenders and \$877 was paid. The estimated annual loss of revenue is \$877 per year (100% county). Per the data from the judicial information system, there were no payments in subsequent years.

Section 25 would amend RCW 36.18.016 (29) to allow the clerk to impose an annual fee of up to one hundred dollars only on adult offenders. Based on the collection recoupment cost code from the judicial information system, there were 6,455 juvenile offenders in 2013 and 6,323 juvenile offenders in 2014 who were assessed this fee with an average of \$21,765 paid. For purposes of this judicial impact statement, the potential annual loss of revenue is \$21,765 (100% county). Per the data from the judicial information system, there were no payments in subsequent years.

Section 26 would amend RCW 36.18.020 (2)(h) to impose a fee of two hundred dollars only on adult offenders. Based on information from the judicial information system for the last five years, an average of \$10,935 was ordered to be paid by juvenile offenders and \$5,329 was paid. The estimated loss of current revenue is \$5,330 per year (\$2,828 county; \$51 crime victims fund; \$2,451 GF-S). The average paid in 2012, 2013 and 2014 for the previous obligations was \$2,442 (\$1,296 to county; \$23 crime victim account; \$1,123 GF-S). Therefore, the total estimated annual loss of revenue is \$7,771 (\$4,123 county; \$74 crime victim account; \$3,575 GF-S).

Section 27 would amend RCW 36.18.040 to impose fees only on adult offenders. Based on information from the judicial information system for the last five years, an average of \$11,172 was ordered to be paid by juvenile offenders and \$2,424 was paid. The estimated loss of current revenue is \$2,424 per year (\$2,381 county; \$42 crime victims fund). The average paid in 2012, 2013 and 2014 for the previous obligations was \$5,276 (\$5,184 county; \$92 crime victim account). Therefore, the total estimated annual loss of revenue is \$7,700 (\$7,565 county; \$135 crime victim account).

Section 28 would amend RCW 43.43.690 to impose a crime laboratory analysis fee of one hundred dollars for each offense for which the person was convicted only on adult offenders. Based on information from the judicial information system for the last five years, an average of \$4,408 was ordered to be paid by juvenile offenders and \$1,919 was paid. The estimated annual loss of revenue is \$1,919 per year (\$96 county; \$1,823 crime lab). Per the data from the judicial information system, there were no payments in subsequent years.

Section 29 would amend RCW 43.43.7541 to read that the fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offender's DNA as a result of a prior conviction. There is insufficient judicial data to estimate the decrease in revenue for this section of the proposed bill.

Section 30 would amend RCW 46.61.5054 (1)(a) to impose a two hundred dollar fee to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, RCW 46.61.504, RCW 46.61.520, or RCW 46.61.522 only on adult offenders. Based on information from the judicial information system for the last five years, nothing has been ordered for juvenile offenders so there is no expected loss of revenue.

Section 31 would amend RCW 46.61.5055 to impose fines only on adult offenders. Based on information from the judicial information system for the last five years, nothing has been ordered for juvenile offenders so there is no expected loss of revenue.

Section 32 would amend RCW 69.50.401 to impose fines only on adult offenders. Based on information from the judicial information system there were 55 juvenile offenders convicted under this RCW in 2013 and 69 juvenile offenders convicted in 2014. There was an average of \$12,960 ordered and \$3,210 that was paid for 2013 and 2014. The estimated annual loss of revenue is \$3,210 (\$2,144 county; \$39 crime victims fund; \$1,027 GF-S). Per the data from the judicial information system, there were no payments in subsequent years.

Section 33 would amend RCW 69.50.425 to impose additional fines from two hundred fifty dollars to five hundred dollars only on adult offenders. Based on information from the judicial information system, there have not been any convictions of juveniles under this RCW so there is no expected loss of revenue.

Section 34 would amend RCW 69.50.430 (1) to impose an additional one thousand dollars for convictions of violation of RCWs 69.50.401, 69.50.4011, 69.50.4012, 69.50.4013, 69.50.4014, 69.50.4015, 69.50.402, 69.50.403, 69.50.406, 69.50.407, 69.50.410 or 69.50.415 only on adult offenders. Based on information from the judicial information system, there were 555 juvenile offenders convicted in 2013 and 554 juvenile offenders convicted in 2014. There is insufficient summary data in the judicial information system to estimate the decrease in revenue for this section of the bill.

Section 34 (2) would also impose an additional two thousand dollars on a second or subsequent conviction of the laws listed above only on adult offenders. There was an average of \$126,651 ordered and \$20,872 that was paid for 2013 and 2014. The estimated annual loss of revenue is \$20,872 (\$13,942 county; \$250 crime victims fund; \$6,679 GF-S). Per the data from the judicial information system, there were no payments in subsequent years.

Section 35 would amend RCW 69.50.435 to impose fines only on adult offenders. Based on information from the judicial information system, there have not been any convictions of juveniles under this RCW so there is no expected loss of revenue.

Section 36 would amend RCW 77.15.420 to impose fines for convictions of RCW 77.15.410 only on adult offenders. Based on information from the judicial information system for the last five years, an average of \$1,200 was ordered to be paid by juvenile offenders and \$45 was paid. The estimated annual loss of revenue is \$45 per year (100% state wildlife account). Per the data from the judicial information system, there were no payments in subsequent years.

Section 38 would repeal RCW 13.40.145 and 13.40.085. Based on information from the judicial information system for the last five years, an average of \$275,618 was ordered to be paid by juvenile offenders and \$103,813 was paid. The estimated annual loss of revenue is \$103,813 per year (\$102,005 county; \$1,809 crime victim fund). Per the data from the judicial information system, there were no payments in subsequent years.

II. C - Expenditures

A new section would be added to RCW 13.50.010 to eliminate most nonrestitution legal financial obligations for juvenile offenders. The second substitute bill would also add a section to 13.50.010 that states that this act applies to any juvenile offender cases filed after the effective date of this section.

Section 2 would amend RCW 13.50.010 read as follows:

(1) For purposes of this chapter:

(a) “Good faith effort to pay” means a juvenile offender has either (i) paid the principal amount in full; (ii) made at least eighty percent of the value of full monthly payments within the period from disposition or deferred disposition until the time the amount of restitution owed is under review; or (iii) can show good cause why he or she paid an amount less than eighty percent of the value of full monthly payments.

Based on input from the courts, Section 2 of the bill could impact the number of hearings and the length of the hearings to determine if a juvenile offender had made a good faith effort to pay. They estimate that there could be 30 additional hearings. It is anticipated that each of the hearings would take from 20-30 minutes. Using an average of 25 minutes, there would need to be 215 hearings statewide to exceed \$50,000. Therefore, it is estimated that there would be minimal impact to the courts.

Section 5 would amend RCW 13.40.190 (1)(d) to add that if the court determines that a juvenile offender has insufficient funds to pay the restitution, the court may order performance of a number of hours of community restitution in lieu of monetary penalty, at the rate of the then state minimum wage per hour. The assumption for the judicial impact is that this section would only affect new orders. The following calculations are based on statewide impact to the superior courts. In 2013 and 2014, there were an average of 1,453 juveniles with ordered restitution by the superior courts. According to the Washington Office of Public Defense, 80% of people charged with felonies are found to be indigent by the courts. For the purposes of this judicial impact estimate, a potential 1,162 juveniles would be considered unable to pay restitution. Based on input from the courts, this type of hearing could take approximately 30 minutes. Based on input from the courts, if only 5 percent of those juveniles (58) filed for conversion to community services hours each year, the potential impact to the superior courts would be minimal.

In addition, Section 5 would also affect district and municipal courts. The following calculations are based on statewide impact to these courts. Because a juvenile could owe restitution to both district and municipal court, there is no way to summarize the data in the judicial information system to determine how many juvenile owe at both courts. For the purpose of this judicial impact note, the total number of juveniles who owe legal financial obligations to district and municipal courts will be combined. All of the calculations will be at the district court level. An average of 40 juvenile offenders with ordered restitution by the district and municipal court. According to the U.S. Census Bureau, 17.5 percent of Washington residents are at or below 125 percent of the federal poverty level. For the purposes of this judicial impact estimate, the 17.5% indigent rate will be used for a potential 7 juveniles considered unable to pay the restitution. Based on input from the courts, the impact to the courts would be minimal.

Section 5 would also impact the workload for cities and counties to handle the additional workload to manage their community service programs. However, there is insufficient data to estimate the cost. In addition, there are some cities and counties that do not have a community service program. Therefore, it is assumed that the conversion to community service would only be available where a community service program is established. In addition, there is insufficient data to determine how victims who are owed restitution would be notified that they could no longer expect any payments in the future.

All other amended sections state that many of the fees and penalties associated with various RCWs will not be ordered at the time of sentencing. Therefore, there is no additional expense to the courts and no additional court time needed.

This bill would require modifications to the judicial information system that are estimated to take 120 hours of AOC staff time that equates to a one-time cost of \$6,360 in staff time.

Part III: Expenditure Detail

Part IV: Capital Budget Impact