

Judicial Impact Fiscal Note

Bill Number: 5652 SB	Title: Juvenile sentencing reform	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:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years					
Account					
General Fund-State 001-1	100,885	100,885	201,770	201,770	201,770
State Subtotal \$	100,885	100,885	201,770	201,770	201,770
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years	5.7	5.7	5.7	5.7	5.7
Account					
Local - Counties	441,185	441,185	882,370	882,370	882,370
Counties Subtotal \$	441,185	441,185	882,370	882,370	882,370
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$	441,185	441,185	882,370	882,370	882,370
Total Estimated Expenditures \$	542,070	542,070	1,084,140	1,084,140	1,084,140

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 # 5652 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 recommendations of the joint legislative task force on juvenile sentencing reform.

Currently Law:

Juvenile courts in Washington are a division of the state's superior court system. Juvenile courts have jurisdiction over persons under the age of 18 who are alleged to have committed a crime. However, there are several exceptions, and state law requires youth to be tried in adult courts, either superior courts or courts of limited jurisdiction, in certain circumstances. There are generally five scenarios where persons under the age of 18 are tried in adult courts.

1) Discretionary Decline Hearing Process. The juvenile court has the discretion to hold a hearing on whether to decline juvenile court jurisdiction on its own motion or when a party files a motion requesting the court transfer the juvenile to adult criminal court.

2) Mandatory Decline Hearing Process. The juvenile court must hold a decline hearing in the following circumstances, unless waived by the court and all parties:

- the juvenile is age 16 or 17 and is alleged to have committed a class A felony or attempt, solicitation, or conspiracy to commit a class A felony;
- the juvenile is age 17 and is alleged to have committed assault in the 2nd degree, extortion in the 1st degree, indecent liberties, child molestation in the 2nd degree, kidnapping in the 2nd degree, or robbery in the 2nd degree; or
- the information alleges an escape and the juvenile is serving a minimum juvenile sentence to age 21.

3) The adult criminal court will have exclusive jurisdiction over a juvenile when the juvenile is 16 or 17 on the date of the alleged offense and the alleged offense is the following:

- a serious violent offense;
- a violent offense and the juvenile has a criminal history consisting of a prior serious violent offense; two or more prior violent offenses; or three or more of any combination of a class A felony, class B felony, vehicular assault, or manslaughter in the 2nd degree;
- robbery in the 1st degree, rape of a child in the 1st degree, or drive-by shooting;
- burglary in the 1st degree and the juvenile has a criminal history of one or more prior felony or misdemeanor offenses; or
- any violent offense and the juvenile is alleged to have been armed with a firearm.

If the juvenile is found not guilty of the charge for which the juvenile was transferred or is convicted of a lesser included offense, the juvenile court will have jurisdiction of the disposition of the remaining charges in the case. The prosecutor and the respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction and remove the proceeding back to juvenile court with the court's approval.

4) Once a juvenile is declined to adult court jurisdiction, the juvenile will be subject to exclusive adult jurisdiction for all future actions. However, if the juvenile is found not guilty or acquitted of the crime for which the juvenile was transferred, this provision will not apply.

5) If a juvenile is age 16 or 17 and the juvenile is charged with a traffic, fish, boating, or game offense, or an infraction, then the case is referred to a court of limited jurisdiction – district or municipal court.

This bill would:

- eliminate exclusive adult court jurisdiction, and in these circumstances, a court must hold a decline hearing – unless waived by the courts, the parties, and their counsel – and consider individualized criteria in determining whether to decline juvenile jurisdiction to the offender.
- restrict discretionary decline hearings to juveniles age 14 and older.

When sentencing enhancements apply to an offender in adult court for a crime committed as a minor, this bill would give the court discretion to determine when to impose consecutive enhancements – versus concurrent – and to reduce the sentence when the sentencing enhancements result in a sentence that is clearly excessive.

The court would also have the discretion to impose an exceptional sentence below the standard range based on a consideration of the youth's age, sophistication, and role in the crime when the offender is under adult court jurisdiction for a crime committed as a minor .

II. B - Cash Receipts Impact

II. C - Expenditures

This bill would eliminate the current “automatic decline” provisions for certain violations alleged to have been committed by a juvenile age 16 or 17 at the time of the violation that allowed prosecutors to file the charges in adult criminal court, bypassing a decline hearing in the juvenile court. Instead, the juvenile court must hold a decline hearing, unless waived, and consider individualized criteria in determining whether to decline juvenile jurisdiction.

Judicial Information System (JIS) data reflects the following as it relates to juvenile offenders and juveniles charged as adults :

Average number of adult criminal case filings in superior court where the defendant was age 16 or 17 at the time of the violation for 2013 and 2014 was 232.

Average number of juvenile cases in 2013 and 2014 with a decline hearing was 29 .

Based on an average of 232 juvenile offender cases with charges that would be required to have a decline hearing in the juvenile department, unless waived as provided by the bill, and deducting the average number of decline hearings currently held per year (29) there would be 203 newly eligible decline hearings per year held in the juvenile court.

It is unknown how many of these newly eligible decline hearings would actually proceed to a decline hearing . For purposes of this judicial impact note, it is assumed that 90 per cent or 182.7 cases would receive a decline hearing as a result of this bill . Based on input received from judicial officers in 2012, the average decline hearing took 1.25 days.

Estimated cost of new decline hearings, statewide: \$768,879
County - \$625,782
State - \$143,097

Judge and Staff Estimates: 1.21 superior court judges; 2.96 superior court staff; 3.91 clerk staff

After the decline hearings for the 182.7 cases now in juvenile court, there would be a portion of these cases that would now be adjudicated in juvenile court instead of superior court.

Based on information in a 2003 report published by the Washington Institute for Public Policy entitled Changes in Washington State’s Jurisdiction of Juvenile Offenders, “Prior to fiscal year 1995, fewer than 25 percent of the cases eligible for automatic transfer under current laws were filed in adult court through the use of discretion.”

Using this information, for purposes of this judicial impact statement, there would be a total of 45.7 juvenile offender cases transferred to adult criminal court pursuant to an order entered after the decline hearing. ($182.7 \times 25\% = 45.7$)

If there were 137 cases not transferred to adult criminal court after a decline hearing ($182.7 - 45.7 = 137$), plus 20.3 cases from the initial 203 cases that did not proceed to decline hearing, then there would be a total of 157.3 new cases (out of the initial 232 cases) that remain under juvenile court jurisdiction for adjudication. ($137 + 20.3 = 157.3$)

Estimated cost of new juvenile offender cases, statewide: \$57,666
County - \$46,934
State - \$10,732

Judge and Staff Estimates: 0.09 judges; 0.22 superior court staff; 0.29 clerk staff
(A case adjudicated in juvenile court is typically less costly than if it was adjudicated in adult criminal court.)

There also would be an initial savings in adult criminal court when there is no filing for the 232 cases (average) per year involving a juvenile ages 16 or 17 at the time of violation. This savings is valued at \$284,475 per year (\$288,105-County; \$65,881-State) However, there would also be some cases that are transferred to adult criminal court after a decline hearing in juvenile court. There is an estimated 45.7 cases per year that would be filed as adult criminal cases after a decline hearing. ($182.7 \times 25\% = 45.7$) The estimated cost of those 45.6 cases is valued at \$69,512 per year (\$56,575-County; \$12,937-State). Therefore the total net savings to superior court would be \$284,475. (\$231,531-County; \$52,944-State)

These values are based on the time standard guideline for criminal person, property, and other crimes categories for superior court case filings.

Total estimated costs resulting from this bill after deducting savings is \$542,070. (\$441,185-County; \$100,885 State)

There are additional provisions in this bill that may have a fiscal impact. Section 3 gives the court discretion to impose consecutive or concurrent enhancements or reduce a sentencing enhancement when sentencing an offender in adult court for a crime committed as a minor. Section 4 allows the court to consider a defendant's age, sophistication, and role in the crime when a defendant is under adult court jurisdiction for a crime committed as a minor. These provisions may add additional time in the process of adjudicating juveniles in adult court. However, there is no information in the judicial information system to estimate the impact of the provisions in these sections. It is possible that the court is already receiving information related to these provisions during the court of adjudication.

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					
Salaries and Wages					
Employee Benefits					
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 \$					

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

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	5.7	5.7	5.7	5.7	5.7
Salaries and Benefits					
Capital					
Other					
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					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. D - FTE Detail

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Clerk Staff		2.8	2.8	2.8	2.8	2.8
Judge		0.9	0.9	0.9	0.9	0.9
Superior Court Admin Staff		2.1	2.1	2.1	2.1	2.1
Total FTE's		5.7	5.7	5.7	5.7	5.7

Part IV: Capital Budget Impact