

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 6077 SB	<b>Title:</b> Forfeiting public pensions	<b>Agency:</b> 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					
<b>Total \$</b>					

### 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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OFM Review:	Phone:	Date:

Request # 6077 SB-1

## **Part II: Narrative Explanation**

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

This bill would add a new chapter to RCW 41.04 providing that if a felony crime is committed in the course of public employment by a public official or employee after the effective date of the act, the person's membership in a state retirement plan is terminated and any retirement benefit is forfeited. The member receives only the member's contribution as a lump sum, without interest. If warranted under the circumstances, a court may award some or all of the forfeited benefits to the member's spouse, former spouse, or dependents.

### **II. B - Cash Receipts Impact**

### **II. C - Expenditures**

Section 1(1) would require the court to order the person's membership terminated and the person to forfeit all rights and benefits earned under the state retirement system or plan.

Section 1(3) would allow the court to award to a spouse, dependent, or former spouse of a member who is subject to subsection (1) of this section some or all of the amount that was forfeited under subsection (1) of this section.

Section 1(4) would require the judge to consider the totality of several circumstances in determining whether to make an award under subsection (3) of this section.

It is assumed that a hearing would take place for the court to order the person's membership terminated and to determine if a spouse, dependent, or former spouse could be awarded some or all of the defendant's pension.

There is no data available to estimate the number of hearings that could take place, however, based on input from superior court, a hearing of this type could take up to six hours depending on the complexity of the case. For illustrative purposes, it would take 15 of these hearings per year to exceed \$50,000 in expenditure impact per year.

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**