Judicial Impact Fiscal Note

Bill Number: 1553 2E S HB	Title: Opportunity restoration	Agency: 055-Admin Office of the Courts

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

Account	FY 2016	FY 2017	2015-17	2017-19	2019-21
Counties	16,581	16,581	33,162	33,162	
Cities	4,019	4,019	8,038	8,038	
Total $	20,600	20,600	41,200	41.200	

Estimated Expenditures from:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years	.4	.4	.4	.4	
Account					
General Fund-State 001-1	15,247	15,247	30,494	30,494	30,494
State Subtotal $	15,247	15,247	30,494	30,494	30,494
COUNTY	**FY 2016**	**FY 2017**	**2015-17**	**2017-19**	**2019-21**
County FTE Staff Years	.9	.9	.9	.9	
Account					
Local - Counties	107,728	107,728	215,456	215,456	215,456
Counties Subtotal $	107,728	107,728	215,456	215,456	215,456
CITY	**FY 2016**	**FY 2017**	**2015-17**	**2017-19**	**2019-21**
City FTE Staff Years	.3	.3	.3	.3	
Account					
Local - Cities	5,794	5,794	11,588	11,588	11,588
Cities Subtotal $	5,794	5,794	11,588	11,588	11,588
Local Subtotal $	113,522	113,522	227,044	227,044	227,044
Total Estimated Expenditures $	128,769	128,769	257,538	257,538	257,538

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 # 1553 2ESHB-1

Part II: Narrative Explanation

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

The Second Engrossed version does not change the judicial impact of the original version.

Original version:

This bill would create a Certificate of Restoration of Opportunity to:
(1) Support more successful reentry and personal responsibility after criminal justice involvement; and
(2) Reduce recidivism by lifting statutory bars to occupations, licenses, or permits that result from a criminal history and often create barriers to employment.

Section 3 of this bill would allow (2) A qualified court that has jurisdiction to issue a certificate of restoration of opportunity to a qualified applicant. (a) A court must determine, in its discretion whether the certificate: (i) Applies to all past criminal history; or (ii) Applies only to the convictions or adjudications in the jurisdiction of the court.

Section 3(10)(a) The administrative office of the courts shall develop and prepare instructions, forms, and an informational brochure designed to assist applicants applying for a certificate of restoration of opportunity. (b) The instructions must include, at least, a sample of a standard application and a form order for a certificate of restoration of opportunity. (c) The administrative office of the courts shall distribute a master copy of the instructions, informational brochure, and sample application and form order to all county clerks and a master copy of the application and order to all superior courts by January 1, 2016. (d) The administrative office of the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions, which shall contain a sample of the standard application and order, and the informational brochure into languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to the county clerks by January 1, 2016. (e) The administrative office of the courts shall update the instructions, brochures, standard application and order, and translations when changes in the law make an update necessary.

II. B - Cash Receipts Impact

No cash receipt impact

II. C - Expenditures

To provide the potential judicial impact of this bill, Columbia Legal Services provided the following information:

New York has enacted laws that allow for issuing similar certificates of restoration. Based on similar certificate numbers from New York, it is possible that there may be 84 applications filed in Washington the first year and between 300 and 525 per year thereafter, or an average of 412 per year. (This average over time includes a possible range of 50 to a high of 900.) These numbers are extrapolated from the number of these types of certificates issued in New York over the last 15 years when comparing the populations of Washington and New York and the number of people with criminal histories. Since New York's process is different from the one proposed for Washington, these numbers are a "starting point" for estimates.

To estimate the potential expenditure impact of this bill the average of 412 certificate of restoration of opportunity (CROP) applications per year will be used.

Currently, misdemeanor, gross misdemeanor, and felony convictions may be vacated under criteria found in RCW 9.96.060 and RCW 9.94A.640. An offender whose conviction has been vacated may state for all purposes that he or she has not been convicted of that crime. Judicial Information System data related to vacated cases over the past 5 years was used to estimate the average number of CROP applications in the following courts:

- superior court - 1832 or 71 percent
- district court - 432 or 17 percent
- municipal court - 319 or 12 percent

Using the percentages for vacation of conviction orders above and the Columbia Legal Services estimate of 412 average number of CROP applications filed each year, the amount of CROP applications and hearings in each court are estimated to be:

- superior court – 292 applications (412 x 71 percent)
- district court – 70 applications (412 x 17 percent)
- municipal court – 50 applications (412 x 12 percent)

Input from the courts estimate an average hearing time to determine CROP eligibility would be 30 minutes per application. Additional clerk staff time is required to research CROP eligibility which includes legal financial obligation requirements. This is outside of the clerk staff time associated to the hearing on an applicant's motion. Additional clerk time for this research is estimated to be 60 minutes per application.

292 new CROP applications would result in the need for .13 additional superior court judges, .32 additional superior court staff, and .83 additional county clerk staff. The expenditure impact to the state would be $15,247 per year. The expenditure impact to the counties would be $93,129 per year.

70 new CROP applications filed in the district court would result in the need for .02 additional district court judges and .17 additional district court clerk staff. The expenditure impact to the counties will be $14,599 per year.

50 new CROP applications filed in the municipal court would result in the need for .006 additional municipal court judges and .06 additional municipal court clerk staff. The expenditure impact to the cities will be $5,794 per year.

There is also impact to the administrative office of the courts. Based on input from the program, there would be an estimated $15,000 in costs for contracts to translators. Per commission rules, a team of three translators are required for the forms, applications, and instructions for applications and certificates. Staff time to initiate the contracts and to write the contracts will be absorbed within normal workload.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

State	**FY 2016**	**FY 2017**	**2015-17**	**2017-19**	**2019-21**
FTE Staff Years	.4	.4	.4	.4	
Salaries and Wages	10,108	10,108	20,216	20,216	20,216
Employee Benefits	5,139	5,139	10,278	10,278	10,278
Professional Service Contracts					
Goods and Other Services	15,000		15,000		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total $	30,247	15,247	45,494	30,494	30,494

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

County	**FY 2016**	**FY 2017**	**2015-17**	**2017-19**	**2019-21**
FTE Staff Years	.9	.9	.9	.9	
Salaries and Benefits	85,372	85,372	170,744	170,744	170,747
Capital					
Other	22,355	22,355	44,710	44,710	44,710
Total $	107,727	107,727	215,454	215,454	215,457

III. C - Expenditure By Object or Purpose (City)

City	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.3	0.3	0.3	0.3	
Salaries and Benefits	4,769	4,769	9,538	9,538	9,538
Capital					
Other	1,026	1,026	2,052	2,052	2,052
Total $	5,795	5,795	11,590	11,590	11,590

III. D - FTE Detail

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
District Court Clerk		0.9	0.9	0.9	0.9	
District Court Judge		0.0	0.0	0.0	0.0	
JIS System Support						
Municipal Court Clerk		0.2	0.2	0.2	0.2	
Municipal Court Judge		0.0	0.0	0.0	0.0	
Superior Court Judge		0.1	0.1	0.1	0.1	
Superior Court Staff		0.3	0.3	0.3	0.3	
Total FTE's		1.6	1.6	1.6	1.6	0.0

Part IV: Capital Budget Impact