

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2895 S HB	<b>Title:</b> Crime victim participation	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

*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.

Legislative Contact: Charlie Gavigan	Phone: 360-786-7340	Date: 02/08/2016
Agency Preparation: Sam Knutson	Phone: 3607045528	Date: 02/09/2016
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/09/2016
OFM Review:	Phone:	Date:

Request # 2895 SHB-1

## **Part II: Narrative Explanation**

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

Please see attached Judicial Impact Note (JIN)

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

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

## **Part III: Expenditure Detail**

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

## Part II: Narrative Explanation

This bill would require law enforcement agencies and other entities to complete victim certifications for “U visa” and “T visa” nonimmigrant visa applications for qualifying victims of certain crimes.

### Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

**This bill differs from HB 2895:**

The substitute bill would specify that the act would be known as the Safety and Access for Immigrant Victims Act.

“Certifying entity” would be changed to “certifying agency”, and the scope of the agencies required to comply with the certification requirements would be modified. Other definitions and terminology would be modified.

The bill would expand the requirements to include certification for qualifying victims of trafficking applying for “T visas”. The bill would require law enforcement agencies to make a determination of a victim’s helpfulness or status as a crime victim.

Certifying agencies would be required to fulfill a request for certification within certain deadlines if a victim could lose the ability to procure a visa as a result of turning 21 years old. Victims would be required to request expedited certification in order to receive it. Requests for re-issuing would be required within 90 days.

The restrictions on disclosing personal identifying information would be modified. The disclosure restrictions would not modify a prosecutor’s or law enforcement’s obligations to disclose information and evidence to defendants under *Brady v. Maryland*, 373 U.S. 83 (1963), or *Kyles v. Whitley*, 514 U.S. 419 (1995), or any related Washington case law, statutes, or court rules.

Certifying agencies would be required to designate an agent to perform certain responsibilities with respect to certifications. Certifying agencies would be required to develop language access protocols for limited English proficient victims and deaf or hard of hearing victims. Certifying agencies would be required to annually report certain data on victim certifications to the Office of Crime Victims Advocacy (OCVA) (instead of the Legislature and the Governor).

The substitute bill would create the Crime Victim Certification Steering Committee in the OCVA to monitor compliance with the bill and fulfill other prescribed responsibilities.

The substitute bill requires the Criminal Justice Training Commission, in collaboration with the OCVA and the Crime Victim Certification Steering Committee, to develop and adopt minimum standards for a course of study on U and T visas and other immigration issues.

The substitute bill would add a severability clause, and sections and subsections would be reorganized.

This substitute bill would remove “judge” as a certifying entity for purposes of certifying an official form regarding victim helpfulness, and would remove the requirement for a judge to report annually to the legislature the number of victims that requested form certifications.

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

No cash receipt impact.

### **II.C – Expenditures**

No expenditure impact.