

Judicial Impact Fiscal Note

Bill Number: 5105 E 2S SB	Title: DUI 4th offense/felony	Agency: 055-Admin Office of the Courts
----------------------------------	--------------------------------------	---

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

STATE	FY 2016	FY 2017	2015-17	2017-19	2019-21
State FTE Staff Years		.1	.1	.1	.1
Account					
General Fund-State 001-1		30,975	30,975	61,950	61,950
State Subtotal \$		30,975	30,975	61,950	61,950
COUNTY	FY 2016	FY 2017	2015-17	2017-19	2019-21
County FTE Staff Years		.8	.4	.8	.8
Account					
Local - Counties		76,162	76,162	152,324	152,324
Counties Subtotal \$		76,162	76,162	152,324	152,324
CITY	FY 2016	FY 2017	2015-17	2017-19	2019-21
City FTE Staff Years		(.1)	(.1)	(.1)	(.1)
Account					
Local - Cities		(10,222)	(10,222)	(20,444)	(20,444)
Cities Subtotal \$		(10,222)	(10,222)	(20,444)	(20,444)
Local Subtotal \$		65,940	65,940	131,880	131,880
Total Estimated Expenditures \$		96,915	96,915	193,830	193,830

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). A fiscal analysis was prepared to show the projected ten-year cost to tax or fee payers of the proposed taxes or fees. The ten-year projection can be viewed at

<http://www.ofm.wa.gov/tax/default.asp>

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.

Contact	Phone:	Date: 02/29/2016
Agency Preparation: Sam Knutson	Phone: 3607045528	Date: 02/29/2016
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/29/2016
OFM Review:	Phone:	Date:

Request # 5105 E2SSB-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

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

<i>State</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years		.1	.1	.1	.1
Salaries and Wages		20,513	20,513	41,026	41,026
Employee Benefits		10,462	10,462	20,924	20,924
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 \$		30,975	30,975	61,950	61,950

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

<i>County</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years		.8	.4	.8	.8
Salaries and Benefits		49,262	49,262	98,524	98,524
Capital					
Other		26,900	26,900	53,800	53,800
Total \$		76,162	76,162	152,324	152,324

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

<i>City</i>	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years		(0.1)	(0.1)	(0.1)	(0.1)
Salaries and Benefits		(8,412)	(8,412)	(16,824)	(16,824)
Capital					
Other		(1,810)	(1,810)	(3,620)	(3,620)
Total \$		(10,222)	(10,222)	(20,444)	(20,444)

III. D - FTE Detail

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Clerk staff			0.8	0.4	0.8	0.8
District court judge			(0.1)	0.0	(0.1)	(0.1)
District court staff			(0.6)	(0.3)	(0.6)	(0.6)
Municipal court judge			0.0	0.0	0.0	0.0
Municipal court staff			(0.1)	(0.1)	(0.1)	(0.1)
Superior court judge			0.3	0.1	0.3	0.3
Superior court staff			0.6	0.3	0.6	0.6
Total FTE's			0.9	0.4	0.9	0.9

Part IV: Capital Budget Impact



Ten-Year Analysis

Bill Number 5105 E 2S SB	Title DUI 4th offense/felony	Agency 055 Admin Office of the Courts
------------------------------------	--	---

This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Estimated Cash Receipts

Name of Tax or Fee	Acct Code											
Total												

Biennial Totals

Narrative Explanation (Required for Indeterminate Cash Receipts)

An additional \$50 fee would be assessed on all persons convicted, sentenced to a lesser charge, or given a deferred prosecution as a result of a conviction for DUI, physical control while under the influence, vehicular homicide, or vehicular assault. The money would go to the State Highway Safety Account to be used solely for funding Washington Traffic Safety Commission grants to organizations within counties to combat driving under the influence of alcohol or drugs.

For the purposes of this Judicial Impact Note, over three years an average of 11,687 cases would have been eligible for the additional \$50 charge. The maximum potential revenue would be \$584,350. However, not all DUI fees are paid. For purposes of this judicial impact note a 78% collection rate (based on traffic infraction data) is used. Therefore, the potential additional revenue that would be collected is \$455,793 (\$584,350 x 78%).

Because the fine amounts for felony crimes are higher than gross misdemeanor crimes, there is the potential for an increase in revenue. The bill would raise the applicable penalties from a maximum of \$5,000 to a maximum of \$10,000.

For RCW 46.61.502 and 46.61.504, the number of third violations recorded was 251 in 2015. These were charged as gross misdemeanors but would be class C felonies under the changes in the bill. The potential increase in fines could be calculated as the number of violations that would qualify for class C felonies multiplied by the difference in the maximum penalties (\$5,000). This would be a potential fine increase of \$1,255,000. However, the maximum fine is not always ordered and fines are not always paid in full and can take several years to pay. Judicial Information System data for felony fine payment shows that in the first year less than two percent of fines are paid, and in the second year this increases to 5.5 percent. If the total amount was ordered and paid using payment rate of 2%, the potential maximum revenue would be \$25,100.



Ten-Year Analysis

Revised

Bill Number 5105 E 2S SB	Title DUI 4th offense/felony	Agency 055 Admin Office of the Courts
------------------------------------	--	---

Agency Preparation: Sam Knutson	Phone: 3607045528	Date: 2/29/2016 3:04:37 pm
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 2/29/2016 3:04:37 pm
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would allow a person to be charged with felony DUI or PC if the person's criminal record includes three or more, instead of four or more, prior offenses within the applicable time periods. A fourth DUI or PC offense would be a class C felony ranked at level IV on the felony sentence grid. A person with three prior DUI or PC offenses and no other criminal history would be subject to a standard sentencing range of 13 to 17 months' incarceration.

An additional \$50 fee would be assessed on all persons convicted, sentenced to a lesser charge, or given a deferred prosecution as a result of a conviction for DUI, physical control while under the influence, vehicular homicide, or vehicular assault. The money would go to the State Highway Safety Account to be used solely for funding Washington Traffic Safety Commission grants to organizations within counties to combat driving under the influence of alcohol or drugs.

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

RCW 46.61.502 and RCW 46.61.504 would be amended (Section 1 and Section 2) reducing the number of prior violations allowed for DUI or physical control from four to three within ten years for a person to be charged with a class C felony.

RCW 46.61.5055 would be amended (Section 3) to reduce the number of prior violations allowed for DUI or physical control that would incur additional penalties from three to two within seven years.

RCW 46.61.5054 would be amended (Section 5(1)(a)) to add an additional fifty dollars to the two hundred dollar fee assessed as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520 or 46.61.522. The additional fee is for the purpose of funding the Washington State Toxicology Laboratory and the Washington State Patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

II.B - Cash Receipt Impact

Indeterminate.

For the purposes of this Judicial Impact Note, over three years an average of 11,687 cases would have been eligible for the additional \$50 charge. The maximum potential revenue would be \$584,350. However, not all DUI fees are paid. For purposes of this judicial impact note a 78% collection rate (based on traffic infraction data) is used. Therefore, the potential additional revenue that would be collected is \$455,793 ($\$584,350 \times 78\%$).

Because the fine amounts for felony crimes are higher than gross misdemeanor crimes, there is the potential for an increase in revenue. The bill would raise the applicable penalties from a maximum of \$5,000 to a maximum of \$10,000.

For RCW 46.61.502 and 46.61.504, the number of third violations recorded was 251 in 2015. These were charged as gross misdemeanors but would be class C felonies under the changes in the bill. The potential increase in fines could be calculated as the number of violations that would qualify for class C felonies multiplied by the difference in the maximum penalties (\$5,000). This would be a potential fine increase of \$1,255,000. However, the maximum fine is not always ordered and fines are not always paid in full and can take several years to pay. Judicial Information System data for felony fine payment shows that in the first year less than two percent of fines are paid, and in the second year this increases to 5.5 percent. If the total

amount was ordered and paid using payment rate of 2%, the potential maximum revenue would be \$25,100.

II.C – Expenditures

Court expenditures will be impacted in two ways, an increase in trial rate and associated costs and a transfer of cases from municipal courts to county superior courts.

Superior courts hear felony cases while misdemeanor DUI and control cases are heard in courts of limited jurisdiction (district and municipal). There will be a transfer of all fourth offenses (three priors) to superior courts for RCW 46.61.502 and 46.61.504. Caseload data for 2015 shows that 30 percent of misdemeanor DUI and control cases were heard in municipal courts and the remainder in district court.

Impact on Sections 1 and 2

Judicial Information System data shows an expected change in 251 cases from gross misdemeanor to felony per year for RCW 46.61.502 and 46.61.504. Using 251 cases and 30 percent municipal processing, municipal courts would experience a reduction of 75 cases per year. District courts would see a reduction of 176 cases per year and superior courts would see an increased caseload of 251 cases.

Reduced expenditure for municipal courts statewide is estimated at \$10,222 per year for reduced judicial officer time and support staff time. This equates to a reduction of 0.01 judicial officer and .11 municipal staff FTE spread through all of the cities.

Reduced district court expenditure is estimated at \$54,764 per year for reduced judicial officer time and support staff time. This equates to a reduction of 0.08 judicial officer and 0.63 district court staff FTE spread through all of the counties.

The 251 new felony cases heard at superior courts is expected to increase expenditure for judicial officers, and support staff by \$161,901 (\$30,975 for the state and \$130,926 for counties) per year. This equates to 0.25 of judicial officer, 0.62 superior court staff and 0.81 clerk staff FTE spread through all the counties.

The other impact based on the second substitute is the need to add codes to the JIS. It is estimated to take 83 hours for a total cost of \$4,399. However, these numbers are not added to the grid because it is assumed the workload will be managed within existing resources.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose (State)

	FY 2016	FY2017	2015-17	2017-19	2019-21
FTE – Staff Years		0.1	0.1	0.1	0.1
A – Salaries & Wages		20,513	20,513	41,026	41,026
B – Employee Benefits		10,462	10,462	20,924	20,924
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:		30,975	30,975	61,950	61,950

III.B – Expenditures by Object or Purpose (County)

	FY 2016	FY2017	2015-17	2017-19	2019-21
FTE – Staff Years		0.8	0.4	0.8	0.8
Salaries & Wages		49,262	49,262	98,524	98,524
Capital					
Other		26,900	26,900	53,800	53,800
Total:		76,162	76,162	152,324	152,324

III.C – Expenditures by Object or Purpose (City)

	FY 2016	FY2017	2015-17	2017-19	2019-21
FTE – Staff Years		(0.1)	(0.1)	(0.1)	(0.1)
Salaries & Wages		(8,412)	(8,412)	(16,824)	(16,824)
Capital					
Other		(1,810)	(1,810)	(3,620)	(3,620)
Total:		(10,222)	(10,222)	(20,444)	(20,444)

III.B – Detail:

Job Classification	Salary	FY 2016	FY 2017	2015-17	2017-19	2019-21
Clerk Staff			0.8	0.4	0.8	0.8
District Court Judge			(0.1)	0.0	(0.1)	(0.1)
District Court Staff			(0.6)	(0.3)	(0.6)	(0.6)
Municipal Court Judge			0.0	0.0	0.0	0.0
Municipal Court Staff			(0.1)	(0.1)	(0.1)	(0.1)
Superior Court Judge			0.3	0.1	0.3	0.3
Superior Court Staff			0.6	0.3	0.6	0.6
Total FTE's			0.9	0.4	0.9	0.9

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.