

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5105 2S SB AMS PADD S4417.1	<b>Title:</b> DUI 4th offense/felony	<b>Agency:</b> 055-Admin Office of the Courts
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## 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
<b>Account</b>					
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
<b>Account</b>					
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)
<b>Account</b>					
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.

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Request # 5105 2SSB-1

## Part II: Narrative Explanation

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

The amendment does not change the judicial impact.

Previous version:

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

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

Section 5 would amend RCW 46.61.5054 (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 Receipts Impact

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 absorbed.

**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					
<b>Total \$</b>		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
<b>Total \$</b>		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)
<b>Total \$</b>		(10,222)	(10,222)	(20,444)	(20,444)

**III. D - FTE Detail**

<b>Job Classification</b>	<b>Salary</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>2015-17</b>	<b>2017-19</b>	<b>2019-21</b>
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
<b>Total FTE's</b>			0.9	0.4	0.9	0.9

**Part IV: Capital Budget Impact**



# Ten-Year Analysis

<b>Bill Number</b> 5105 2S SB AMS PADD S4417.1	<b>Title</b> DUI 4th offense/felony	<b>Agency</b> 055 Admin Office of the Courts
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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											
<b>Total</b>												

### Biennial Totals

## Narrative Explanation (Required for Indeterminate Cash Receipts)

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