

Judicial Impact Fiscal Note

Bill Number: 1087 HB	Title: Contr'd substance possession	Agency: 055-Administrative 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:

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.

Legislative Contact Omeara Harrington	Phone: 360-786-7136	Date: 01/18/2017
Agency Preparation: Renee Lewis	Phone: 360-704-4142	Date: 01/19/2017
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/19/2017
OFM Review:	Phone:	Date:

Request # 1087 HB-1

Part II: Narrative Explanation

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

RCW 69.50.4013 would be amended to say that any person who violates this section is guilty of a misdemeanor rather than of a class C felony.

RCW 9.94A.518 would be amended to remove possession of a controlled substance that is a Narcotic from Schedule III, IV or V (RCW 69.50.4013) or Nonnarcotic from Schedule I-V and Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.4013) from seriousness level 1 in the table.

II. B - Cash Receipts Impact

There is a potential for large reductions in the amount of fines ordered because the maximum fine amount for a misdemeanor is \$1,000 while the maximum fine for possession of a controlled substance is \$5,000. There were an average of 11,850 cases heard in 2015 and 2016. Data from 2015 and 2016 shows an average of \$7,587,724 ordered and an average of \$339,627 paid for the amounts ordered. This is a 4.48% collection rate. For purposes of this request, if 1/5 of the amount ordered in superior court was ordered in district or municipal court, the amount would be \$1,517,545 ($\$7,587,724/5$). Data from 2015 and 2016 for amount ordered and paid for these RCWs in district and municipal court is 30.5%. Therefore, the amount that could potentially be collected for \$1,517,545 would be \$462,851. The net effect would be an increase of \$123,270. Please see table:

Current Law

Court	Average Ordered	Average Paid	Percent
Superior	\$7,587,724	\$339,627	4.48%
District/Municipal	\$578,133	\$176,348	30.50%

Proposed Law

Court	Average Ordered	Average Paid
Superior	(\$7,587,724)	(\$339,627)
District/Municipal	\$1,517,545	\$462,897 (multiplied by higher payment rate)

Potential Increase \$123,270

II. C - Expenditures

Felony charges are heard in superior court. This legislation would transfer cases that would have been previously heard in superior court to district and municipal courts. There were an average of 11,850 cases in 2015 and 2016 that would be transferred from superior court to district and municipal courts. There would be a total savings to the state of approximately \$150,000 statewide and a net cost increase to the counties of \$350,000. However, the shift in judicial resources will be significant for the district and municipal courts. The time saved by the superior courts will be used to hear cases in a more timely manner. The district and municipal courts will be required to prioritize their workload with some cases being further delayed.

Part III: Expenditure Detail

Part IV: Capital Budget Impact