

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1163 S HB	<b>Title:</b> Domestic violence	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

Account	FY 2018	FY 2019	2017-19	2019-21	2021-23
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
State FTE Staff Years	1.0		.5		
<b>Account</b>					
General Fund-State 001-1	105,900		105,900		
State Subtotal \$	105,900		105,900		
COUNTY	FY 2018	FY 2019	2017-19	2019-21	2021-23
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2018	FY 2019	2017-19	2019-21	2021-23
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
<b>Total Estimated Expenditures \$</b>	105,900		105,900		

*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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## Part II: Narrative Explanation

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

Section 1 would amend RCW 9A.36.041 to say that Assault in the fourth degree, where domestic violence was pleaded and proven after the effective date of this section, is a class C felony if the person has two or more prior adult convictions within ten years for any of the following offenses where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after the effective date of this section: (a) repetitive domestic violence offense as defined in RCW 9.94A.030; (b) crime of harassment as defined by RCW 9A.46.060; (c) assault in the third degree; (d) assault in the second degree; (e) assault in the first degree; or (f) an out-of-state comparable offense.

Section 3 would amend RCW 9A.94A.525 by including the following additional point calculation (b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after the effective date of this section, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030.

Section 4 would amend RCW 43.43.754 to say that a biological sample must be collected from every adult of juvenile convicted of a felony or Assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041, 9.94A.030).

Section 7 would require the Administrative Office of the Courts through the Washington State Gender and Justice Commission, to convene a work group to address the issue of domestic violence perpetrator treatment.

Section 8 would require the Administrative Office of the Courts through the Washington State Gender and Justice Commission, to convene a work group to study how and when risk assessment can best be used to improve the response to domestic violence offenders and victims and find effective strategies to reduce domestic violence homicides, serious injuries and recidivism that are the result of domestic violence incidents in Washington state.

The substitute version would amend RCW 18.16.100 to say that before an applicant can be issued the appropriate license that they must complete a one-hour domestic violence and sexual assault awareness training course. A new section would be added to RCW 18.16 that would state that in order to receive an initial license under this chapter, an applicant must have completed a domestic violence and sexual assault awareness education course. These changes do not change the original impact to the AOC or to the courts.

### II. B - Cash Receipts Impact

### II. C - Expenditures

The Administrative Office of the Courts assumes potential judicial impact with the amendment to RCW 9.94A.525. The change could increase the amount of time needed for sentencing hearings. The amount of additional hearing time for RCW 9A.36.12, RCW 9A.36.130, RCW 9A.36.140, RCW 9A.42.020 or RCW 9A.42.030 is not expected to be significant. The annual average number of cases involving these RCW is 124 per year over a three year period.

The potential judicial impact with the amendment to RCW 9.94A.525 could increase the amount of time needed for sentencing hearings for violations to RCW 9A.36.041 and RCW 9.94A.030. The average number of cases for 2014, 2015 and 2016 was 2,157 per year for superior court and 17,213 for district and municipal courts. The AOC assumes that if more points were added for a second conviction, there would be a request for more trials.

There is insufficient data to estimate how many offenders would request a trial because of the legislation. However, using the standard time of two days for a trial, if only a small number of the offenders requested a trial, the statewide cost to the courts would be in excess of \$50,000.

The Administrative Office of the Courts would be required to convene two work groups through the Washington State Gender and Justice Commission. The bill states that the work group must operate within existing funds. However, based on input from the program, that is not possible. An additional AOC staff person would be required to conduct the extensive coordination, analysis and information consolidation that would be required in sections 7 and 8. In addition, there will be extensive travel, materials production and outreach necessary to fully meet the requirements set forth in sections 7 and 8. For the purposes of this analysis, the following

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assumptions are made:

Staff range 58 - Salaries \$68,000, Benefits \$11,900, Travel \$12,000, Goods and Services \$10,000 and Equipment \$4,000. The report is to be completed by June 30, 2018. Total cost for one year would be: \$105,900.

### Part III: Expenditure Detail

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

<i>State</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	1.0		.5		
Salaries and Wages	68,000		68,000		
Employee Benefits	11,900		11,900		
Professional Service Contracts					
Goods and Other Services	10,000		10,000		
Travel	12,000		12,000		
Capital Outlays	4,000		4,000		
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
<b>Total \$</b>	105,900		105,900		

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

<i>County</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
<b>Total \$</b>					

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

<i>City</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
<b>Total \$</b>					

#### III. D - FTE Detail

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
Program Staff	68,000	1.0		0.5		
<b>Total FTE's</b>	68,000	1.0		0.5		0.0

### Part IV: Capital Budget Impact