

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 1163 E2SHB AMS LAW	Title: Domestic Violence	Agency: 055 – Admin Office of the Courts (AOC)
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Total:					

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
STATE					
FTE – Staff Years	1.0		1.0		
Account					
General Fund – State (001-1)	105,900		105,900		
State Subtotal	105,900		105,900		
COUNTY					
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal					
CITY					
City FTE Staff Years					
Account					
Local – Cities					
Cities Subtotal					
Local Subtotal					
Total Estimated Expenditures:	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.

Legislative Contact:	Phone:	Date:
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 4/19/2017
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would elevate assault in the fourth degree involving domestic violence from a gross misdemeanor to an unranked class C felony when a defendant has two or more prior adult convictions for specified crimes involving domestic violence within the previous ten years.

The bill would count prior adult convictions for assault of a child or criminal mistreatment involving domestic violence as two points when calculating an offender score for sentencing.

The bill would provide that DNA samples must be collected from persons convicted of assault in the fourth degree involving domestic violence.

The bill would require the Washington Gender and Justice Commission to convene work groups to address the issues of domestic violence offender treatment and domestic violence risk assessment. The bill directs the work groups to operate within existing funds and report recommendations no later than June 30, 2018.

Part 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(b) would amend RCW 9A.94A.525 by including the following additional point calculation: 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 or 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.

Section 9(5)(b) – would provide that when a court vacates a record of domestic violence as defined in RCW 10.99.020, the state may not use the vacated conviction in a later criminal prosecution unless the conviction was for: (i) violating the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going on to the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within a specified distance of a location; or (ii) stalking. A vacated conviction under this section is not considered a conviction of such an offense for the purposes of 27 C.F.R. 478.11.

Note: this version of the bill differs from the previous version by providing (Section 9(5)(b)) that the state would be prevented from using a vacated misdemeanor or gross misdemeanor record of domestic violence in a later criminal prosecution unless the conviction was for violation of a restraining order or stalking. Such vacated records would not be a conviction for purposes of precluding possession of a firearm under federal law. The bill would rank assault in the fourth degree where domestic violence was pleaded and proven as a seriousness level IV.

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

The Administrative Office of the Courts (AOC) 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 this 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 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 – Expenditures by Object or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years	1.0		0.5		
A – Salaries & Wages	68,000		68,000		
B – Employee Benefits	11,900		11,900		
C – Prof. Service Contracts					
E – Goods and Services	10,000		10,000		
G – Travel	12,000		12,000		
J – Capital Outlays	4,000		4,000		
P – Debt Service					
Total:	105,900		105,900		

III.B – Detail:

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
Program staff	68,000	1.0		0.5		
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.