

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 1186 HB	Title: Court Interpreter Services	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:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years	0.5	0.5	0.5	0.5	0.5
Account					
General Fund – State (001-1)	301,000	4,004,000	4,305,000	12,586,846	17,124,776
State Subtotal	301,000	4,004,000	4,305,000	12,586,846	17,124,776
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:	301,000	4,004,000	4,305,000	12,586,846	17,124,776

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: 1/18/2017
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would provide for the appointment of and reimbursement for certain court interpreter services in all criminal and civil cases at the trial court level.

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

Section 1(1) – Would amend RCW 2.43.030 to provide whenever a non-English-speaking person is a party, is subpoenaed or summoned, or is otherwise compelled to appear at any stage of a legal proceeding the appointing authority (i.e., the court) shall appoint a certified, registered or qualified interpreter to assist the non-English-speaking person in the proceedings.

Section 1(b) – Would state that language interpreters shall be certified or registered by the Administrative Office of the Courts (AOC), unless good cause is found and noted on the record by the appointing authority. “Good cause” includes: Section 1(b)(iii) the current list of registered interpreters maintained by the AOC does not include an interpreter registered in the language spoken by the non-English-speaking person.

Section 2(5) – Would state that the appointing authority shall track and provide interpreter cost and usage data, including best practices and innovations, to the AOC at least annually in a manner that is determined by the AOC.

Section 3(7) – Would provide that subject to the availability of funds specifically appropriated, the AOC shall reimburse the appointing authority for one-half of the payment to the interpreter where a qualified interpreter is appointed for a hearing impaired person by judicial officer in a proceeding before a court.

II.B - Cash Receipt Impact

No revenue impact.

II.C – Expenditures

This bill would require the AOC to extend the current interpreter cost reimbursement program to all trial courts. For purposes of this Judicial Impact Note, it is assumed that this increase to 100 percent funding will occur over the next three biennia.

RCW 2.43.030 compels courts to “... use the services of only those language interpreters who have been certified by the administrative office of the courts...” when appointing interpreters to assist LEP litigants and witnesses during legal proceedings. RCW 2.43.040 instructs the governmental body initiating the legal proceedings to pay all interpreting costs in criminal cases, mental health commitment proceedings, and all other legal proceedings initiated by government agencies. It further requires the governmental body to pay all interpreting costs in civil matters for LEP persons who are indigent.

Part III: Expenditure Detail

CURRENT REIMBURSEMENT PROGRAM INTERPRETER COST DATA:

While the AOC has court interpreter usage and language data from a variety of courts, it does not have complete data on actual court interpreter expenditures for all Superior, District and Municipal trial courts. However, by computing the average interpreter cost per case incurred by

courts in the reimbursement program and extrapolating that figure to all Judicial Information System (JIS)-reported cases for which a language type was noted, an estimate of the total annual expense for interpreter services in legal proceedings can be estimated. The data takes into account all cases that were filed with a language noted, however not every case file with a language notation went to hearing. Using the cases filed statistic, identifies the upper limit of the funding need.

For all courts in Fiscal Year 2015, JIS logged 54,118 cases filed in which a language type was denoted. Of those, 15,082 were filed in the courts participating in the Reimbursement Program. Those courts reported interpreter expenses of \$2,343,058 in FY 15. This gives an average interpreting cost of \$155 per case filed to be used as a calculation factor to arrive at projected program costs.

Courts currently in the Court Reimbursement Program will continue to receive reimbursement up to the current biennial allocation of \$1.2 Million. If funding is provided courts that want to participate in the program will be required to apply for funding. Allocation of funding would be based on specific criteria such as historical interpreter costs, interpreter need data and interpreter availability in the region.

It is anticipated that it will take approximately eight (8) months to develop the process, forms and solicit input from stakeholders. Therefore, actual reimbursement of 50% of the costs associated with criminal and civil interpreter services will occur during the last four months of FY 18.

The first year expansion phase will result in contract award amounts to rural courts currently not in the Program. Reimbursement will allow rural courts to acquire additional interpreters by providing additional funding interpreter salary and travel reimbursement.

Cost Projections: (See Appendix A for detailed case and cost information)
Using 2014 and 2015 caseload data for Superior Courts (SC) and Courts of Limited Jurisdiction (CLJ) the estimated annual cost total for rural counties is \$274,130.

Rural Courts FY14-15 costs: \$3,289,565 / 2 years= \$1,644,782 divided by 12 months
=\$137,065/month x 4 months = \$548,260, applying the 50 percent reimbursement equates to \$274,130 for 4 months of projected FY18 interpreter expense reimbursement.

Subtracting contract awards of \$30,034 for FY16 program participation by those courts now in the Program leaves an estimated need of \$244,096 for FY18 for those Rural County Courts not in the program at present.

In order to fully develop the program it is assumed that cost reimbursement will not begin until March 2018. Accordingly for FY 18 an additional \$244,096 will be needed to reimburse courts for 50 percent of the costs associated with civil and criminal cases during FY 18. Funding for 0.5 FTE and IT staff costs is also required.

For FY19, the annual all-Rural Court 50% reimbursement amount would be \$792,357, computed as follows:

Current estimated total biennial cost: \$3,289,565

Current estimated total annual cost: \$1,644,782

Estimated reimbursement amount (50%): \$822,391

Less current annual reimbursement amount: \$30,034

Estimated annual rural court reimbursement amount FY 19: \$792,357

For FY 19, the annual urban/rural county 50% reimbursement amount would be \$1,107,858, computed as follows:

Current estimated total biennial cost: \$4,963,875
 Current estimated total annual cost: \$2,481,938
 Estimated reimbursement amount (50%): \$1,240,969
 Less current annual reimbursement amount: \$133,111
 Estimated annual rural court reimbursement amount FY 19: \$1,107,858

For FY19, the annual urban court 50% reimbursement amount would be \$2,047,243, computed as follows:

Current estimated total biennial cost: \$9,978,280
 Current estimated total annual cost: \$4,989,140
 Estimated reimbursement amount (50%): \$2,494,570
 Less current annual reimbursement amount: \$447,327
 Estimated annual urban court reimbursement amount FY 19: \$2,047,243

Total FY19 reimbursement, at 50% is estimated to be:

Rural Courts: \$792,357
 Urban/Rural: \$1,107,858
 Urban: \$2,047,243
 Total \$3,947,458

Managing the court interpreter reimbursement program at current levels requires a significant amount of staff time. Funding for an additional .5 FTE is requested at Range 62 to serve as a project manager to coordinate funding distribution and oversee deliverables. The project manager will develop and monitor contracts, evaluate and verify data that is reported, audit participating courts to ensure accuracy in reported numbers, and provide technical support to participating courts. Expansion of the state grants to all local court jurisdictions requires additional staff.

Table I – Detail of Estimated Costs, 2017-2019 Biennium

Object Detail	FY 2018	FY 2019	Total
Staff Costs	57,000	57,000	114,000
Non-Staff Costs	244,000	3,947,000	4,191,000
Object Total	301,000	4,004,000	4,305,000

III.A – Expenditures by Object or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years	0.5	0.5	0.5	0.5	0.5
A – Salaries & Wages	40,000	40,000	80,000	80,000	80,000
B – Employee Benefits	17,000	17,000	34,000	34,000	34,000
C – Prof. Service Contracts	244,000	3,947,000	4,191,000	12,452,846	17,010,776
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:	301,000	4,004,000	4,305,000	12,566,846	17,124,776

III.B – Detail:

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
Project Manager (range 62)		0.5	0.5	0.5	0.5	0.5
Total FTE's		0.5	0.5	0.5	0.5	0.5

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Biennial Figures

Appendix A

		2014-2015 Case Counts			Estimated Costs		
Rural Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total	Superior Court	Courts of Limited Jurisdiction	Total
Adams	18,720	423	1,566	1,989	\$65,565	\$242,730	\$308,295
Asotin	21,722		9	9	\$0	\$1,395	\$1,395
Chelan	73,111	342	2,019	2,361	\$53,010	\$312,945	\$365,955
Columbia	3,970	3	25	28	\$465	\$3,875	\$4,340
Douglas	39,027	131	1,714	1,845	\$20,305	\$265,670	\$285,975
Ferry	7,577	2	3	5	\$310	\$465	\$775
Garfield	2,203	1	17	18	\$155	\$2,635	\$2,790
Grant	90,828	1,064	5,492	6,556	\$164,920	\$851,260	\$1,016,180
Grays Harbor	68,669	79	1,286	1,365	\$12,245	\$199,330	\$211,575
Island	74,322	8	91	99	\$1,240	\$14,105	\$15,345
Jefferson	29,196	3	94	97	\$465	\$14,570	\$15,035
Kittitas	41,383	56	1,221	1,277	\$8,680	\$189,255	\$197,935
Klickitat	20,620	26	270	296	\$4,030	\$41,850	\$45,880
Lewis	74,613	148	1,197	1,345	\$22,940	\$185,535	\$208,475
Lincoln	10,286	2	146	148	\$310	\$22,630	\$22,940
Mason	59,386	190	1,010	1,200	\$29,450	\$156,550	\$186,000
Okanogan	40,688	187	1,049	1,236	\$28,985	\$162,595	\$191,580
Pacific	20,415	17	241	258	\$2,635	\$37,355	\$39,990
Pend Oreille	12,861		11	11	\$0	\$1,705	\$1,705
San Juan	15,787	5	28	33	\$775	\$4,340	\$5,115
Skamania	11,152	6	37	43	\$930	\$5,735	\$6,665
Stevens	43,258	9	43	52	\$1,395	\$6,665	\$8,060
Wahkiakum	3,931	4	15	19	\$620	\$2,325	\$2,945
Walla Walla	56,330	149	641	790	\$23,095	\$99,355	\$122,450
Whitman	45,745	6	137	143	\$930	\$21,235	\$22,165
Sub-Total, Rural	885,800	2,861	18,362	21,223	\$443,455	\$2,846,110	\$3,289,565

Mixed Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total	Superior Court	Courts of Limited Jurisdiction	Total
Benton	180,612	651	4,736	5,387	\$100,905	\$734,080	\$834,985
Clallam	70,772	13	159	172	\$2,015	\$24,645	\$26,660
Cowlitz	101,101	198	1,087	1,285	\$30,690	\$168,485	\$199,175
Franklin	82,660	942	4,865	5,807	\$146,010	\$754,075	\$900,085
Skagit	117,171	455	2,335	2,790	\$70,525	\$361,925	\$432,450
Whatcom	203,319	236	1,463	1,699	\$36,580	\$226,765	\$263,345
Yakima	243,859	2,625	12,260	14,885	\$406,875	\$1,900,300	\$2,307,175
Sub-Total, Mixed	999,494	5,120	26,905	32,025	\$793,600	\$4,170,275	\$4,963,875

Urban Counties	Estimated Population-2015 ACS	Superior Court Cases (Civil & Criminal)	Courts of Limited Jurisdiction Court Cases (Civil & Criminal)	Total	Superior Court	Courts of Limited Jurisdiction	Total
Clark	435,897	741	2,454	3,195	\$114,855	\$380,370	\$495,225
King	1,995,579	5,789	29,692	35,481	\$897,295	\$4,602,260	\$5,499,555
Kitsap	24,398	80	864	944	\$12,400	\$133,920	\$146,320
Pierce	788,490	1,370	9,013	10,383	\$212,350	\$1,397,015	\$1,609,365
Snohomish	726,099	1,268	8,674	9,942	\$196,540	\$1,344,470	\$1,541,010
Spokane	467,915	262	1,325	1,587	\$40,610	\$205,375	\$245,985
Thurston	253,225	372	2,472	2,844	\$57,660	\$383,160	\$440,820
Sub-Total, Urban	4,691,603	9,882.0	54,494	64,376.0	\$1,531,710	\$8,446,570	\$9,978,280

Grand Total	6,576,897	17,863	99,761	117,624	\$2,768,765	\$15,462,955	\$18,231,720
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