

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 1783 E2S HB AMS LAW S2412.2	Title: Legal Financial Obligations	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
General Fund - State	(1,765,042)	(1,768,487)	(3,533,529)	(3,682,005)	(3,821,949)
JIS Account - State	(1,753,761)	(1,768,487)	(3,522,248)	(3,603,037)	(3,697,856)
Counties	(3,880,837)	(3,536,974)	(7,417,812)	(7,952,705)	(8,142,344)
Cities	(124,188)	(124,188)	(248,375)	(248,375)	(248,375)
Total	(7,523,828)	(7,198,136)	(14,721,964)	(15,486,122)	(15,910,524)

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-2019	2019-2021	2021-2023
FTE – Staff Years			-		
Account					
General Fund – State (001-1)	1,109,417	210,496	1,319,913	82,106	
State Subtotal	1,109,417	210,496	1,319,913	82,106	-
COUNTY					
County FTE Staff Years	11.6	5.7	8.7	2.2	
Account					
Local - Counties	1,758,202	915,201	2,673,403	274,877	
Counties Subtotal	1,758,202	915,201	2,673,403	274,877	-
CITY					
City FTE Staff Years	10.6	5.0	7.8	2.0	
Account					
Local – Cities			-		
Cities Subtotal			-	-	-
Local Subtotal	1,758,202	915,201	2,673,403	274,877	-
Total Estimated Expenditures:	2,867,619	1,125,697	3,993,316	356,983	-

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:
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OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would change the way legal financial obligations (LFOs) are imposed and handled by the courts.

When a defendant is convicted of a crime, courts may impose LFOs as part of the judgment and sentence. This may include victim restitution, crime victims' compensation fees, costs associated with the offender's prosecution and sentence, fines, penalties, and assessments.

This bill would:

- Set LFO interest at 4 percent. Restitution interest would accrue from the date of judgment. All other non-restitution interest would accrue interest upon release from custody;
- Waive/reduce interest on non-restitution if requested by the defendant and granted by the court. There would be no reimbursements for interest that is already paid;
- Provide that a court may not impose costs on a defendant who is determined to be indigent at the time of sentencing;
- Establish provisions governing payment plans and priority of payment of LFOs;
- Address actions a court may take in sanction proceedings for failure to pay LFOs where the offender's failure to pay is not willful;
- Establish standards for what constitutes willful failure to pay;
- Provide that the DNA database fee is not mandatory if the state has already collected the offender's DNA as a result of a prior conviction.

There is no effective date for this bill, so for purposes of this fiscal analysis the AOC assumes the bill will be effective July 1, 2017. Information technology (IT) modifications required by this bill will require over 10,000 hours of staff time for completion. IT modifications cannot be completed by July 1, 2017.

Note: This bill differs from HB, SHB, & 2SHB 1783:

- This bill would remove the existing 12 percent interest rate and replace it with 4 percent.
- The bill would reference the Supreme Court decision *State v Blazina* in making findings on a defendant's ability to pay LFO's.

The bill also differs from previous versions by removing provisions that would:

- Prohibit a court from imposing court costs defined in RCW 10.01.160 on an offender who is found to be indigent at the time of sentencing; restitution and crime victim's penalty may still be imposed;
- An LFO compliant defendant may ask for remission of court cost and fees after release from total confinement;
- Reinstates language that an offender must consent for the court to convert unpaid legal financial obligations to community restitution if in compliance;
- Provides that willful failure to pay exists when an offender fails, rather than refuses, to pay when it is determined an offender has the means to pay. The bill would require the burden to be placed on the state to show there was willful failure to pay;
- A court may waive conviction fees if a defendant is determined to be indigent.

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

Section 1 would amend RCW 10.82.090 to change the current interest rate of 12 percent to 4 percent on LFOs imposed in Superior Courts or Courts of Limited Jurisdiction (CLJ) as of the effective date of the bill. Would allow non-restitution interest to accrue upon release from custody. Restitution interest would accrue upon date of judgment. The bill would allow a released offender to request reduction/waiver of non-restitution interest. This bill would apply to persons convicted as adults or adjudicated in juvenile courts.

Sections, 2, 3, 4, and 5 would amend RCW 3.50.100, changing the interest rate from 12 percent to 4 percent for penalties, fines, bail forfeitures, fees and costs.

Section 6(4) would amend RCW 10.01.160 to no longer require a court to make individualized findings regarding a defendant's ability to pay pursuant to the Supreme Court case *State vs Blazina*. The bill would add the option of converting unpaid costs to community restitution hours at the rate of not less than the state minimum wage when the offender petitions the court that unpaid costs are a manifest hardship on the offender or their family, and the defendant is not in default of payment.

Section 7(1) would amend RCW 10.01.170 to require the courts to allow indigent offenders to make payments on their sentenced fines, penalties, assessments, fees, restitution or costs.

Section 7(2) would establish the following priority of how offender's monthly payments would be applied:

- (a) First, proportionally to restitution to victim's that have not been fully compensated from other sources;
- (b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;
- (c) Third, proportionally to crime victim's assessments; and
- (d) Fourth, proportionally to costs, fines, and other assessments required by law.

Section 8(3)(a) would amend RCW 10.01.180 to prevent a court from sanctioning a defendant for contempt for failure to pay fines, penalties, assessments, fees, or costs without a hearing to determine if failure to pay is willful. Failure to pay is only determined as willful if the defendant has the current ability to pay but refuses to do so.

Section 8(3)(c) would require that a homeless or mentally ill defendant's failure to pay unpaid fines or costs is not willful non-compliance and would not subject the offender to penalties.

Section 8(5) would add the option, with the offender's consent, to convert the unpaid non-restitution fines or costs to community service hours at the rate of no less than the state minimum wage for each hour of community service/restitution. The court would not be allowed to reduce, revoke or convert to community service/restitution hours the amount owed for the crime victim penalty assessment.

Section 9 & 10 would amend RCW 10.46.190 and RCW 10.64.015 to provide that a person convicted, found guilty or held on bail may be liable for all costs when tried in court.

Section 11 would amend RCW 9.92.070 to expand the verbiage of fines to include penalties, assessments, and fees as a provision of payment upon sentencing.

Section 12(4) would allow the court to convert unpaid appellate costs to community service/restitution hours at the rate of no less than the state minimum wage if the offender is indigent and the failure to pay was not willful.

Section 13(a) through (e) would amend RCW 9.94A.6333 to require that a homeless or mentally ill offender's failure to pay an LFO is not willful non-compliance and would not subject the offender to penalties. Allows the court to modify community restitution.

Section 13(3)(f) would require the courts to modify the terms of payment of LFO's, reduce or waive non-restitution LFO's, or with the offender's consent, convert non-restitution LFOs to community service/restitution hours at the rate of no less than the state minimum wage if the offender is indigent and the failure to pay is not willful. The crime victim penalty assessment may not be reduced, waived, or converted to community service/restitution hours.

Section 14(1) would amend RCW 9.94A.760 to require Superior Courts to waive LFOs described in RCW 10.01.160, except for restitution or the crime victim penalty assessment, if the court finds that the offender is indigent at the time of sentencing.

Section 14(2) would establish the following priority of how offender's payments are applied:

- (a) First, proportionally to restitution to victim's that have not been fully compensated from other sources;
- (b) Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;
- (c) Third, proportionally to crime victim's assessments; and
- (d) Fourth, proportionally to costs, fines, and other assessments required by law.

Section 14(3) - Costs of incarceration are limited to a rate of up to \$50 per day if incarcerated in a prison.

Section 14(11) would provide that if a court determines that an offender is homeless or mentally ill as defined by RCW 71.24.025, failure to pay an LFO is not willful non-compliance and will not subject the offender to penalties.

Section 15(c) would provide that a court could impose a sentence of up to 60 days per violation for willful noncompliance. The court may modify and convert community restitution back to full/partial confinement.

Section 16 would amend RCW 3.62.085 to allow any court to choose not to impose the conviction fee of \$43 upon conviction of a plea of guilty if an offender in a criminal case is indigent.

Section 17(2)(h) would amend RCW 36.18.020 to allow a court of limited jurisdiction (district or municipal court) to choose not to impose the criminal appellate fee of \$200 if the offender is indigent.

Section 18 would amend RCW 43.43.7541 to remove the requirement for the court to impose the DNA database fee if the state has previously collected the offender's DNA because of a prior conviction.

Section 19(4) would amend RCW 7.68.035, revising revenue distribution of crime victim penalty assessments paid by the clerk of the Superior Court to county treasurers.

Section 20 – Requires written notification from the Department of Corrections to the released offender regarding LFO payments and interest.

Section 21 – Courts would not be required to refund/reimburse interest.

II.B - Cash Receipt Impact

Section 1(1)

Sets LFO interest to 4 percent. Restitution interest accrues from the date of judgment. All other non-restitution interest will accrue interest upon release of custody imposed in Superior Courts or in courts of limited jurisdiction (district and municipal courts) as of the effective date of the bill.

For purposes of this Judicial Impact Note, it is assumed this bill would become effective beginning in Fiscal Year 2018. For purposes of this analysis, estimated interest accrual and interest estimated for Fiscal Years 2018 – 2023 is based on JIS data from Fiscal Years 2009 - 2014.

To illustrate the potential estimated decline in interest revenue for Section 1(1), Judicial Information System (JIS) data for the period 2009 through 2014 was used to determine the amounts of interest that was received on non-restitution LFOs. Data for this time period revealed that the average annual interest accrued during this time period was \$1,996,606. JIS data showed that an annual average of \$17,309 of interest payments on first year assessed LFOs were actually received during this same period.

Using this period and data as a baseline, revenue loss over the first six years of implementation starting in Fiscal Year 2018 can be estimated.

The reduction of the interest rate from the current 12 percent to 4 percent represents a 66.7 percent change. Thus, the estimated revenue loss amounts are 66.7 percent of the revenue that would be lost if the interest rate remained at 12 percent.

The Administrative Office of the Courts (AOC) assumes that the average amount of assessed interest for the time period 2009 – 2014 would be assessed beginning in 2018. Based on this, it is assumed that the same percentage of interest payments received on original assessments versus what would be assessed would be lost. Payments received in the ensuing years on original assessments would also be lost. This would result in a cumulative interest loss of (\$439,144) by Fiscal Year 2023.

Interest revenue is distributed based on RCW 10.82.090; 25% to the State General Fund, 25% to the Judicial Information System Account, 50% to the individual county current expense funds.

Based on this data, estimated loss of interest revenue is summarized in Table I, below.

**Table I – Section 1(1)
Potential Revenue Impact FY 2018 through FY 2023 – Superior Courts**

Cumulative Interest Revenue Loss						
Loss	2018	2019	2020	2021	2022	2023
First Year	(11,545)	(11,545)	(11,545)	(11,545)	(11,545)	(11,545)
Second Year		(58,906)	(58,906)	(58,906)	(58,906)	(58,906)
Third Year			(84,636)	(84,636)	(84,636)	(84,636)
Fourth Year				(94,978)	(94,978)	(94,978)
Fifth Year					(95,219)	(95,219)
Sixth Year						(93,860)
Total	(11,545)	(70,451)	(155,087)	(250,064)	(345,284)	(439,144)
Revenue Distribution						
General Fund State	(2,886)	(17,613)	(38,772)	(62,516)	(86,321)	(109,786)
JIS Account	(2,886)	(17,613)	(38,772)	(62,516)	(86,321)	(109,786)
County Expense	(5,772)	(35,225)	(77,543)	(125,032)	(172,642)	(219,572)
Total	(11,545)	(70,451)	(155,087)	(250,064)	(345,284)	(439,144)

Sections 2,3,4 and 5

These amendments to Sections 2, 3, 4 and 5 would amend RCW 3.50.100, Changes interest rate from 12 percent to 4 percent for penalties, fines, bail forfeitures, fees and costs.

JIS data was used to estimate the potential revenue loss resulting from this bill. JIS data shows that in 2013 and 2014 the average interest per year received by district and municipal courts from collection agencies was \$10,499,997.

Section 2(4), Section 3(5), Section 4(5), and Section 5(4) allow collection agencies to assess twelve percent interest on criminal, infraction, and vehicle violations sent to collections by the courts.

A reduction of the interest rate from 12 percent to 4 percent represents a 66.7 percent difference. $\$10,499,997 \times 66.7\% = \$7,003,498$.

Interest revenue is distributed based on RCW 10.82.090; 25% to the State General Fund, 25% to the Judicial Information System Account, and 50% to the individual county current expense accounts.

**Table II – Sections 2, 3, 4, and 5
Potential Revenue Impact FY 2018 through FY 2023 – District & Municipal Courts**

Baseline & Percentage	2018	2019	2020	2021	2022	2023
\$10,499,997	-66.7%	-66.7%	-66.7%	-66.7%	-66.7%	-66.7%
Loss of interest revenue	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)

Note: amounts may vary slightly due to rounding.

Revenue Distribution						
General Fund State	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)
JIS Account	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)
County Expense	(3,501,749)	(3,501,749)	(3,501,749)	(3,501,749)	(3,501,749)	(3,501,749)
Total	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)

Section 6(4)

This section would add the option of converting unpaid costs to community service / restitution hours at the rate of not less than the state minimum wage when the offender petitions the court for manifest hardship. The AOC assumes that there would be some reduction in revenue due to more LFOs converted to community service / restitution hours. However, no JIS data is available to estimate this impact. Thus, fiscal impact for this section of the bill is indeterminate.

Section 7(2)

This section of the bill would mandate the prioritization of how offender's payments are applied to LFOs. Payments would be prioritized as follows:

1. First, proportionally to restitution to victim's that have not been fully compensated from other sources;
2. Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;
3. Third, proportionally to crime victim's assessments; and
4. Fourth, proportionally to costs, fines, and other assessments required by law.

The prioritization would change how payments are applied when received. State and local jurisdictions would see a delay in receipt of their portions of the LFOs.

Section 8(5)

This section would amend RCW 10.01.180 to add the option, with the offenders consent, to convert unpaid costs to community service / restitution hours at the rate of no less than the state minimum wage for each hour of community service. The court would not be allowed to reduce, revoke, or convert community restitution hours for the crime victim penalty assessment.

The AOC assumes there would be some reduction in revenue due to more LFOs converted to community service / restitution hours. However, no JIS data is available to determine this impact. Thus, fiscal impact for this bill section is indeterminate.

Section 9

This section would require the superior courts to waive the jury fee costs if the offender is indigent at the time of sentencing.

JIS data was reviewed for jury fee costs assessed during the period 2009-2013. The average annual amount of jury fee costs assessed during this period was \$404,909. During this same period, the average annual amount of jury fee cost paid was 40%.

Based on data provided by the Office of Public Defense, 80% of offenders convicted of felonies are found to be indigent. For purposes of this analysis, the AOC assumes that 80% of offenders would be found indigent at time of sentencing.

Table III below displays the estimated annual revenue loss, and cumulative estimated revenue loss from 2018-2023.

**Table III – Section 9
Potential Revenue Impact – Jury Fee Costs**

	2018	2019	2020	2021	2022	2023
Average Jury Fee Costs	404,909	404,909	404,909	404,909	404,909	404,909
Percent Indigency	80%	80%	80%	80%	80%	80%
Amount Assessed	323,927	323,927	323,927	323,927	323,927	323,927
Percent Paid	40%	40%	40%	40%	40%	40%
Estimated Revenue Loss	(129,571)	(129,571)	(129,571)	(129,571)	(129,571)	(129,571)
Cumulative Loss	(129,571)	(259,142)	(388,713)	(518,284)	(647,854)	(777,425)

Section 10

This section would allow the courts to waive the costs on a judgement if the offender is found to be indigent at the time of sentencing. There is no JIS data available to estimate additional costs that could be waived other than those costs already identified in other sections of this bill

Section 12(3)(f)

This section would require that a homeless or mentally ill offender's failure to pay a LFO is not willful non-compliance and will not subject the offender to penalties. There is no JIS data available to show how many LFOs belong to homeless or mentally ill persons. Thus, fiscal impact for this section is indeterminate.

Section 12(4)

This section would provide that a released defendant who has been sentenced and to pay costs and who is not in willful default in the payment may at any time after release from total confinement petition the court that sentenced the defendant or juvenile offender for remission of the payment of costs or of any unpaid portion. If it appears to the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may remit all or part of the amount due in costs, modify the method of payment under RCW 10.01.170, or convert the unpaid costs to community restitution hours at the rate of no less than the state minimum wage for each hour of community restitution. Manifest hardship exists where the defendant or juvenile offender is indigent as defined in RCW 10.101.010(3)(a) through (c). This section is indeterminate.

Section 13(3)(a) through (f)

Makes provisions for willful failure to pay/noncompliance. The court may issue warrants or stipulate to noncompliance.

This section would require that a homeless or mentally ill offender's failure to pay a LFO is not willful non-compliance and will not subject the offender to penalties. There is no JIS data available to show how many LFOs belong to homeless or mentally ill persons. Thus, fiscal impact for this section is indeterminate.

This section requires the courts to modify the terms of payment of LFOs, reduce or waive non-restitution LFOs, or with the offender's consent convert non-restitution LFOs to community service/restitution hours at the rate of no less than the state minimum wage if the offender is indigent and the failure to pay is not willful. The crime victim penalty assessment may not be reduced, waived or converted to community service/restitution hours.

Current law already allows the courts to modify LFOs. This section would require modifications for indigent offenders. There is no JIS data to estimate how many LFOs would be modified, and thus the amount of LFOs that would be reduced, waived, or converted to community service hours. Thus, fiscal impact for this section is indeterminate.

Section 14(1)

This section would require superior courts to waive costs described in RCW 10.01.160 if the court finds that the offender is indigent at the time of sentencing. The costs that would no longer be received are included in the estimates above.

Section 14(2)

This section mandates the following priority of how offender's monthly LFO payments received by superior courts would be applied:

1. First, proportionally to restitution to victim's that have not been fully compensated from other sources;
2. Second, proportionally to restitution to insurance or other sources with respect to a loss that has provided compensation to victims;
3. Third, proportionally to crime victim's assessments; and
4. Fourth, proportionally to costs, fines, and other assessments required by law.

This section would change the priority of how payments are applied. State and local jurisdictions may be delayed in receiving their portions of LFOs.

Section 14(3)

This section would limit the cost of incarceration in a prison that can be imposed by the court to \$50 a day.

Section 14(11)(d)

This section would require that a homeless or mentally ill offender's failure to pay an LFO is not willful non-compliance and does not subject the offender to penalties. There is no JIS data to estimate how many LFOs belong to homeless or mentally ill persons to estimate what additional penalties would not be ordered and the revenue loss that would result. Thus, fiscal impact for this section is indeterminate.

Section 16

This section would allow any district or municipal court to choose not to impose the conviction fee of \$43 if an offender in a criminal case is indigent.

JIS data was reviewed for conviction fee data from 2010 – 2014 for district and municipal courts. It was determined that an annual average of \$3,001,787 for conviction fees was ordered in district courts, and an annual average of \$2,087,185 was ordered in municipal courts.

JIS data for the same time period shows that 46.4% of conviction fees assessed were paid in district courts, and 34% of conviction fees assessed were paid in municipal courts.

The United States Census bureau reports a 17.5% poverty level in Washington State. For purposes of this analysis, the AOC assumes that 17.5% percent of offenders ordered to pay the conviction fee would be indigent.

Based on this data, the following tables display the revenue impact for district and municipal courts.

Table IV – District Court Revenue Impact

District Court	2018	2019	2020	2021	2022	2023
Avg Conviction Fee Ordered	3,001,787	3,001,787	3,001,787	3,001,787	3,001,787	3,001,787
Percent Indigency	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%
Amount Assessed	525,313	525,313	525,313	525,313	525,313	525,313
Percent Paid	46.4%	46.4%	46.4%	46.4%	46.4%	46.4%
Estimated Revenue Loss	(243,745)	(243,745)	(243,745)	(243,745)	(243,745)	(243,745)
Cumulative Loss	(243,745)	(487,490)	(731,235)	(974,980)	(1,218,726)	(1,462,471)

Table V – Municipal Court Revenue Impact

Municipal Court	2018	2019	2020	2021	2022	2023
Avg Conviction Fee Ordered	2,087,185	2,087,185	2,087,185	2,087,185	2,087,185	2,087,185
Percent Indigency	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%
Amount Assessed	365,257	365,257	365,257	365,257	365,257	365,257
Percent Paid	34.0%	34.0%	34.0%	34.0%	34.0%	34.0%
Estimated Revenue Loss	(124,188)	(124,188)	(124,188)	(124,188)	(124,188)	(124,188)
Cumulative Loss	(124,188)	(248,375)	(372,563)	(496,750)	(620,938)	(745,125)

Section 17(2)(h)

This section would amend RCW 36.18.020 to allow a court of limited jurisdiction (district and municipal courts) to choose not to impose the criminal appellate filing fee of \$200 for an indigent offender.

JIS data was reviewed for appellate filing fee data from 2013. During this time period, \$64,464 of appellate filing fees were paid. For purposes of this analysis, U.S. Census poverty data (17.5% of Washington citizens) was used to determine the percentage of filing fees that would be waived (i.e., 17.5% of offenders would be indigent).

Based on this data, the following table displays the revenue impact for district and municipal courts.

Table VI – Estimated Appellate Filing Fee Revenue Impact

District/Municipal	2018	2019	2020	2021	2022	2023
Appellate Filing Fees	64,464	64,464	64,464	64,464	64,464	64,464
Percent Indigency	17.5%	17.5%	17.5%	17.5%	17.5%	17.5%
Estimated Revenue Loss	(11,281)	(11,281)	(11,281)	(11,281)	(11,281)	(11,281)
Cumulative Revenue Loss	(11,281)	(22,562)	(33,844)	(45,125)	(56,406)	(67,687)

Section 18

This section would require the courts not to impose the DNA database fee if the state has previously collected an offender's DNA as a result of a prior conviction. There is no JIS data available to estimate how many future offenders would have previous DNA samples and therefore would not be subject to the assessment of the fee. Thus, fiscal impact for this section is indeterminate.

Revenue Summary

Table VII summarizes revenue impact by bill section.

Table VII – Potential Revenue Impact by Bill Section

Revenue Impact by Section	2018	2019	2020	2021	2022	2023
Section 1						
General Fund	(2,886)	(17,613)	(38,772)	(62,516)	(86,321)	(109,786)
JIS Account	(2,886)	(17,613)	(38,772)	(62,516)	(86,321)	(109,786)
Counties	(5,772)	(35,225)	(77,543)	(125,032)	(172,642)	(219,572)
Total	(11,545)	(70,451)	(155,087)	(250,064)	(345,284)	(439,144)
Section 2,3,4,5						
General Fund	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)
JIS Account	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)	(1,750,874)
Counties	(3,501,749)	(3,501,749)	(3,501,749)	(3,501,749)	(3,501,749)	(3,501,749)
Total	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)	(7,003,498)
Section 9						
Counties	(129,571)	(129,571)	(129,571)	(129,571)	(129,571)	(129,571)
Section 16						
Counties	(243,745)	(243,745)	(243,745)	(243,745)	(243,745)	(243,745)
Cities	(124,188)	(124,188)	(124,188)	(124,188)	(124,188)	(124,188)
Total	(367,933)	(367,933)	(367,933)	(367,933)	(367,933)	(367,933)
Section 17						
General Fund	(11,281)	(22,562)	(33,844)	(45,125)	(56,406)	(67,687)

Totals by Account	2018	2019	2020	2021	2022	2023
General Fund	(1,765,042)	(1,791,050)	(1,823,490)	(1,858,515)	(1,893,601)	(1,928,348)
JIS Account	(1,753,761)	(1,768,487)	(1,789,646)	(1,813,391)	(1,837,195)	(1,860,660)
Counties	(3,880,837)	(3,910,290)	(3,952,608)	(4,000,097)	(4,047,707)	(4,094,637)
Cities	(124,188)	(124,188)	(124,188)	(124,188)	(124,188)	(124,188)
Total	(7,523,828)	(7,594,015)	(7,689,932)	(7,796,191)	(7,902,691)	(8,007,833)

II.C – Expenditures

This bill would have expenditure impact on the courts. The following assumptions were used to determine expenditure impacts for this Judicial Impact Note:

Section 1(1) and Sections 2, 3, 4, and 5

The Judicial Information System (JIS) would require modification for the new interest rate as established by this bill. These modifications and testing are estimated at 400 hours. The cost is expected to be approximately \$50,000 (400 hours x \$125 per hour). The Odyssey system, currently being implemented, will not need to be modified.

Sections 7(2) and 14(2) and Section 18

This bill provides for prioritization of payments for LFOs. Current system processes do not allow for the prioritization as established in this bill, or the separation and proportional payment of restitution to more than one victim. The provisions of this bill will require extensive modifications to IT systems utilized by the courts and the AOC. The estimated time for the AOC to implement these modifications is 10,080 hours. This would include, but is not limited to, extensive modifications to the Judicial Information System (JIS) and testing, changes to accounting codes, manuals, court notifications, and court education. The estimated cost would be \$534,240.

This section would require the courts not to impose the DNA database fee if the state has previously collected an offender's DNA as a result of a prior conviction. There is no JIS data available to estimate how many future offenders would have previous DNA samples

Sections 8(5), 12(5) and 13(3)(a) through (f); 15(4) (a) through (f)

These sections would require the courts, with the defendants consent, to convert their unpaid costs (except for crime victim penalty assessments) to community service hours if the defendant is indigent.

It is assumed that once this option became available there would be at least five percent of eligible indigent defendants requesting hearings to have their current unpaid costs converted to community service hours during the first year. It is also assumed that half the number would request hearings in the second year, one percent in the third year, and thereafter the number would be minimal. Based on input from the courts, this type of hearing would take approximately thirty minutes.

Superior Courts

There are 98,410 persons with superior court LFOs. According to the Washington Office of Public Defense, 80-90% of people charged with felonies are found to be indigent by the courts. If 80% of the 98,410 persons with superior court LFOs were indigent then there would be 78,728 people that would be eligible to convert their LFOs to community service. If only 5 percent of those people (3,936) requested a hearing to convert their LFOs to community services hours the initial potential expenditures to the courts would be \$898,769 for the county and \$205,521 for the state. This equates to an additional 1.74 judicial officer FTE, 4.25 superior court staff FTE and 5.61 clerk staff FTE for the first year.

The second year assumption is 2.5 percent of the remaining people who were eligible (1,869) would request a hearing resulting in a total expenditure to the courts of \$524,369; \$426,778 to the county and \$97,591 to the state. The second year FTE impact equates to an additional 0.83 judicial officer FTE, 2.02 superior court staff FTE and 2.66 clerk staff FTE.

The third year it is assumed one percent of the remaining people (729) would request a hearing resulting in a total expenditure to the courts of \$204,529; \$166,464 to the county and \$38,065 to the state. The third year FTE impact equates to an additional 0.32 judicial officer FTE, 0.79 superior court staff FTE and 1.04 clerk staff FTE.

District and Municipal Courts

For the purpose of this judicial impact note, the total number of people who owe legal financial obligations to district and municipal courts will be combined. All of the calculations will be at the district court level.

There are 450,847 persons with district and municipal court LFOs. According to the U.S. Census Bureau, 17.5 percent of Washington residents are at or below 125 percent of the federal poverty level. For the purposes of this analysis, the 17.5% indigent rate will be used.

If 17.5% of the 450,847 persons with limited jurisdiction court LFOs were indigent then there would be 78,898 people that would be eligible to convert their LFOs to community service. Based on input from the courts, this type of hearing could take approximately 30 minutes. For illustration purposes, if only 5 percent of those people (3,945) requested a hearing to convert their LFOs to community services hours the potential impact to the district courts would be \$822,749 costs to the county. This equates to an additional 1.14 judicial officer FTE and 9.42 court staff FTE for the first year.

The second year assumption is 2.5 percent of the remaining people who were eligible (1,874) would request a hearing that would result in costs of \$390,832 to the county. The second year FTE impact equates to an additional 0.54 judicial officer FTE and 4.48 court staff FTE.

The third year it is assumed one percent of the remaining people (731) would request a hearing that would result in costs of \$152,454 to the county. The third year FTE impact equates to an additional 0.21 judicial officer FTE and 1.75 court staff FTE.

Note: Not all cities and counties have an existing community service program. Therefore, it is assumed that the conversion to community service option would only be available where a community service program is established. There is insufficient data to estimate the costs for cities and counties to manage the offenders who would be doing community service

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

III.B – Detail:

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.