

Judicial Impact Fiscal Note

Bill Number: 1970 HB	Title: DUI 4th offense/felony	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
State FTE Staff Years	.1	.1	.1	.1	.1
Account					
General Fund-State 001-1	23,694	23,694	47,388	47,388	47,388
State Subtotal \$	23,694	23,694	47,388	47,388	47,388
COUNTY	FY 2018	FY 2019	2017-19	2019-21	2021-23
County FTE Staff Years	.7	.7	.7	.7	.7
Account					
Local - Counties	58,814	58,814	117,628	117,628	117,628
Counties Subtotal \$	58,814	58,814	117,628	117,628	117,628
CITY	FY 2018	FY 2019	2017-19	2019-21	2021-23
City FTE Staff Years	(.1)	(.1)	(.1)	(.1)	(.1)
Account					
Local - Cities	(7,905)	(7,905)	(15,810)	(15,810)	(15,810)
Cities Subtotal \$	(7,905)	(7,905)	(15,810)	(15,810)	(15,810)
Local Subtotal \$	50,909	50,909	101,818	101,818	101,818
Total Estimated Expenditures \$	74,603	74,603	149,206	149,206	149,206

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). A fiscal analysis was prepared to show the projected ten-year cost to tax or fee payers of the proposed taxes or fees. The ten-year projection can be viewed at

<http://www.ofm.wa.gov/tax/default.asp>

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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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/03/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 02/06/2017

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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 and Section 2 would amend RCW 46.61.502 and RCW 46.61.504 to reduce the number of prior violations allowed for DUI or physical control from four to three within ten years to be charged with a class C felony.

Section 3 would amend RCW 46.61.5055 to reduce the number of prior violations allowed for DUI or physical control from three to two within seven years that would incur additional penalties.

Section 5 would amend RCW 46.61.5054 to add an additional fifty dollars to the two hundred dollar fee assessed as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520 or 46.61.522. The additional fee must be distributed to the highway safety fund to be used solely for funding Washington traffic safety commission grants to organizations within counties targeted for programs to reduce driving under the influence of alcohol or drugs.

II. B - Cash Receipts Impact

For the purposes of this judicial impact note, over three years, an average of 20,099 cases would have been eligible for the additional \$50 charge. The maximum potential revenue would be \$1,004,950. However, not all DUI fees are paid. For purposes of this judicial impact note a 78% collection rate (based on traffic infraction data) is used. Therefore, the potential additional revenue that would be collected is \$783,861 ($\$1,004,950 \times 78\%$).

Because the fine amounts for felony crimes are higher than gross misdemeanor crimes, there is the potential for an increase in revenue. The bill would raise the applicable penalties from a maximum of \$5,000 to a maximum \$10,000.

For RCW 46.61.502 and 46.61.504, the number of third violations recorded was 192 in 2016. These were charged as gross misdemeanors but would be class C felonies under the changes in the bill. The potential increase in fines could be calculated as the number of violations that would qualify for class C felonies multiplied by the difference in the maximum penalties (\$5,000). This would be a potential increase of \$960,000. However, the maximum fine is not always ordered and fines are not always paid in full and can take several years to pay. Judicial information system data for felony fine payment shows that in the first year less than two percent of fines are paid and in the second year this increases to 5.5 percent. If the total amount was ordered and paid using a payment rate of 2%, the potential maximum revenue would be \$19,200.

II. C - Expenditures

Court expenditures will be impacted in two ways, an increase in trial rate and associated costs and a transfer of cases from district and municipal courts to county superior courts. Superior courts hear felony cases while misdemeanor DUI and control cases are heard in courts of limited jurisdiction (district and municipal). There will be a transfer of all fourth offenses (three priors) to superior courts for RCW 46.61.502 and RCW 46.61.504. Caseload data for 2015 shows that 30 percent of misdemeanor DUI and control cases were heard in municipal courts and the remainder in district court.

Impact on Sections 1 and 2:

Judicial Information System data shows an expected change in 192 cases from gross misdemeanor to felony per year for RCW 46.61.52 and RCW 46.61.54. Using 192 cases and 30 percent municipal processing, municipal courts would experience a reduction of 58 cases per year. District courts would see a reduction of 134 cases per year and superior courts would see an increased caseload of 192 cases.

Reduced expenditures for municipal courts statewide is estimated at \$7,905 per year for reduced judicial officer time and support staff time. This equates to a reduction of .01 judicial officer and .08 municipal staff FTE spread through all the cities. Reduced district court expenditures are estimated at \$41,696 per year for reduced judicial officer time and support staff time. This equates to a reduction of .06 for judicial officers and .48 district court staff FTE spread through all the counties.

The 192 new felony cases heard at superior courts is expected to increase expenditures for judicial officers and support staff by \$123,844 (\$23,694 for the state and \$100,151 for counties) per year. This equates to .19 of a judicial officer, 0.47 superior court staff and 0.62 clerk staff FTE spread through all the counties.

The other impact would be to add codes to JIS. It is estimated to take 83 hours for a total cost of \$4,399. However, these numbers are not added to the grid because the work will be completed with existing resources.

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	.1	.1	.1	.1
Salaries and Wages	15,691	15,691	31,382	31,382	31,382
Employee Benefits	8,003	8,003	16,006	16,006	16,006
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	23,694	23,694	47,388	47,388	47,388

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

<i>County</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	.7	.7	.7	.7	.7
Salaries and Benefits	37,856	37,856	75,712	75,712	75,712
Capital					
Other	20,958	20,958	41,916	41,916	41,916
Total \$	58,814	58,814	117,628	117,628	117,628

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

<i>City</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
Salaries and Benefits	(6,505)	(6,505)	(13,010)	(13,010)	(13,010)
Capital					
Other	(1,400)	(1,400)	(2,800)	(2,800)	(2,800)
Total \$	(7,905)	(7,905)	(15,810)	(15,810)	(15,810)

III. D - FTE Detail

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
Clerk Staff		0.6	0.6	0.6	0.6	0.6
District Court Judge		(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
District Court Staff		(0.5)	(0.5)	(0.5)	(0.5)	(0.5)
Municipal Court Judge		0.0	0.0	0.0	0.0	0.0
Municipal Court Staff		(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
Superior Court Judge		0.2	0.2	0.2	0.2	0.2
Superior Court Staff		0.5	0.5	0.5	0.5	0.5
Total FTE's		0.7	0.7	0.7	0.7	0.7

Part IV: Capital Budget Impact

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Ten-Year Analysis

Bill Number 1970 HB	Title DUI 4th offense/felony	Agency 055 Administrative Office of the Courts
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts

 Partially Indeterminate Cash Receipts

 Indeterminate Cash Receipts

Estimated Cash Receipts

Name of Tax or Fee	Acct Code											
Total												

Biennial Totals

Narrative Explanation (Required for Indeterminate Cash Receipts)

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Ten-Year Analysis

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