

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 5376 SB	<b>Title:</b> Indigent Defense	<b>Agency:</b> 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
<b>Total:</b>					

**Estimated Expenditures from:**

	FY 2018	FY 2019	2017-19	2019-21	2021-23
<b>STATE</b>					
FTE – Staff Years					
<b>Account</b>					
General Fund – State (001-1)					
State Subtotal					
<b>COUNTY</b>					
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal					
<b>CITY</b>					
City FTE Staff Years					
<b>Account</b>					
Local – Cities					
Cities Subtotal					
Local Subtotal					
<b>Total Estimated Expenditures:</b>					

*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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Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

## **Part II: Narrative Explanation**

This bill would amend RCW 10.101.010 and RCW 10.101.020 to:

Provide that a motor vehicle necessary to maintain employment having a market value not greater than \$6,000 (instead of the current \$3,000) is not considered to be a liquid asset for purposes of determining whether a person is indigent, and to clarify the meaning of “indigent and able to contribute.”

Provide that the court must determine if an offender is indigent or “indigent and able to contribute”, and revises the definition of indigent and able to contribute to include persons who meet any of the statutory grounds for indigency.

Require the Office of Public Defense to offer training for the offices and persons responsible for determining indigency, and to survey and publish statewide attorney fees to assist courts and their designees in identifying the usual and customary charges for retaining private counsel.

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

Section 1(2)(a) – Would change the market value of a vehicle necessary to maintain employment and not be considered a “liquid asset” from \$3,000 to \$6,000

Section 1(4) – Would amend the definition of “indigent and able to contribute” used by the courts or their designees in determining whether a person is financially eligible for appointment of counsel.

Section 2 – Would direct the court or its designee to make a determination that a person is indigent or indigent and able to contribute for all persons seeking appointment of counsel in cases where the right to counsel is attached. Would further direct the court to consider various relevant circumstances in addition to a person’s income and assets, and requires a person receiving appointment of counsel to sign an affidavit.

Section 3 – Would require the Office of Public Defense (OPD) to: (1) offer training for those designated by the courts as responsible for determining indigency; and (2) survey attorney fees statewide and publish the results to assist courts and their designees in identifying the usual and customary charges for retaining private counsel.

No fiscal impact to the courts.