

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 1186 SHB	<b>Title:</b> Court Interpreter Services	<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:

STATE	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE – Staff Years		0.5	0.3	0.5	0.5
<b>Account</b>					
General Fund – State (001-1)		301,000	301,000	10,287,000	14,845,000
			-		
State Subtotal	-	301,000	301,000	10,287,000	14,845,000
<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>		<b>301,000</b>	<b>301,000</b>	<b>10,287,000</b>	<b>14,845,000</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.

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## **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 Chapters 2.42 and 2.43 prescribe the requirements for providing court interpreter services in Washington. RCW 2.42.120 requires the appointing authority to pay sign language interpreter costs for all court proceedings for parties, witnesses and parents of juveniles, court-ordered programs or activities, and communication with court-appointed counsel.

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 JIS-reported cases for which a language type was noted, one can arrive at an estimate of the total annual expense for interpreter services in legal proceedings. The data takes into account all those cases that were filed with a language noted, which is not to mean that all those cases actually went to a hearing. However, by using the cases filed statistic, it denotes the upper limit of the funding need as the cases filed statistic is generally an under reported statistic due to the fact that not all courts are consistent with entering language need data.

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.

Total interpreter expenses for those participating courts have not increased by any significant degree since the FY 2010-11 period as shown below:

Statewide Actual Expenditures for courts in the Reimbursement Program:

2010-11	\$2,369,771
2011-12	\$2,296,420
2012-13	\$2,233,589
2013-14	\$2,044,882
2014-15	\$2,339,761

The increase in expenditures borne by the courts is due primarily to slightly higher per hour costs being charged by interpreters in many languages as well as the use of 2- person interpreter teams for hearings of two hours or longer.

Courts currently in the Court Reimbursement Program will continue to receive contracts for FY 18-19 using the current biennial allocation of \$1.2 Million. If this request is funded those courts and other courts not in the program will be required to complete an application for reimbursement funding that will take into consideration submitted historical interpreter cost and associated caseload interpreter need data as well as interpreter availability in the region for the most needed languages. Contract award amount criteria will be developed by the AOC using the data provided by applying courts.

AOC will need to hire one half-time FTE to support program expansion as well as invest resources in developing additional reporting and data collection applications.

The implementation-prior-to-award period is expected to last up to 8 months, as local court staff training on using the online database reporting application and contract development will be needed in advance of the disbursement of Program funds. This leaves 4 "billable" months out of FY19 in which the courts with contract awards will be compensated for 50% of their in-person civil and criminal case interpreting costs.

The first year expansion phase will result in contract award amounts to rural courts currently not in the Program, primarily because rural courts do not have enough interpreters available locally and have to pay travel expenses in order to secure their in-person interpreting services from AOC-credentialed interpreters. Due to their lower tax revenues and higher per case costs compared to larger cities and counties, they will benefit sooner from state support in order to comply with state statutes as well as comply with federal language access policies.

In the second fiscal year of the biennium, the reimbursement program could either expand to include both Urban/Rural and Urban counties identified in Appendix A or be limited to only Rural and Urban/Rural counties, with Urban counties being added to the program in the FY 19-21 biennium. The cost projections for FY 19 inclusive of both disbursement scenarios are outlined below.

**Cost Projections:**

Using caseload data for Superior Courts (SC) and Courts of Limited Jurisdiction (CLJ) from fiscal years 2014 and 2015 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 FY19 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 FY19 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 2019. Accordingly for FY 19 an additional \$244,096 will be needed to reimburse courts for 50 percent of the costs associated with civil and criminal cases during FY 19. Funding for 0.5 FTE and IT staff costs is also required.

For FY20, 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 20: \$792,357

For FY 20, 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 20: \$1,107,858

For FY20, 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 rural court reimbursement amount FY 20: \$2,047,243

Total FY20 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**

<b>Object Detail</b>	<b>FY 2019</b>	<b>2017-2019</b>
Staff Costs	57,000	57,000
Non-Staff Costs	244,000	244,000
Object Total	301,000	301,000

Court interpreter funding will be an ongoing cost, but is expected to fluctuate based on immigration trends in Washington population.

### **III.A – Expenditures by Object or Purpose**

	<b>FY 2018</b>	<b>FY 2019</b>	<b>2017-19</b>	<b>2019-21</b>	<b>2021-23</b>
FTE – Staff Years		0.5	0.3	0.5	0.5
A – Salaries & Wages		40,000	40,000	80,000	80,000
B – Employee Benefits		17,000	17,000	34,000	34,000
C – Prof. Service Contracts		244,000	244,000	10,173,000	14,731,000
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
<b>Total:</b>		<b>301,000</b>	<b>301,000</b>	<b>10,287,000</b>	<b>14,845,000</b>

### **III.B – Detail:**

<b>Job Classification</b>	<b>Salary</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>2017-19</b>	<b>2019-21</b>	<b>2021-23</b>
Project Manager (range 62)		0.5	0.5	0.3	0.5	0.5
<b>Total FTE's</b>		<b>0.5</b>	<b>0.5</b>	<b>0.3</b>	<b>0.5</b>	<b>0.5</b>

### **Part IV: Capital Budget Impact**

None.

### **Part V: New Rule Making Required**

None.