

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 6160 E2SSB	<b>Title:</b> Exclusive Adult Jurisdiction	<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					
<b>Account</b>					
General Fund – State (001-1)	\$0	\$870,000	870,000	\$0	\$0
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>	<b>\$0</b>	<b>\$870,000</b>	<b>\$870,000</b>	<b>\$0</b>	<b>\$0</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 extend juvenile court jurisdiction over serious cases to age twenty-five and would modify the conditions under which a person is subject to exclusive adult jurisdiction.

NOTE: This bill differs from PSSB 6160 by adding a provision in RCW 13.40.110 (4)(b) that a motion may be filed requesting the court to transfer the respondent for adult criminal prosecution if the respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with rape of a child in the first degree.

RCW 13.40.193 would be amended to state that additional time of commitment would be added for any violent offense committed by a respondent who is sixteen or seventeen years old if the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit for a criminal street gang.

There is no change to the impact to AOC and the courts from the previous versions of this bill.

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

RCW 13.04.030 would be amended to remove the following serious cases from exclusive adult original jurisdiction: Sec. 1 (1)(3)(v)(C) Robbery in the first degree, rape of a child in the first degree, or drive by shooting, committed on or after July 1, 1997; (D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or (E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

RCW 13.04.030 (1)(3)(v)(I) would be amended to state that the juvenile court shall maintain residual juvenile court jurisdiction up to age twenty-five if the juvenile has turned eighteen years of age during the adult criminal court proceedings but only for the purpose of returning a case to juvenile court for disposition pursuant to RCW 13.40.300 (3)(d).

RCW 13.40.0357 would create new Juvenile Disposition Offense Category codes A++ and B++ to the Description and Offense Category table.

RCW 13.40.0357 would be amended to remove the following offenses from the list of offenses that if committed, can cause revocation of a suspended disposition: (3)(b)(iii) robbery in the second degree (RCW 9A.56.210), residential burglary (RCW 9A.52.025), burglary in the second degree (RCW 9A.52.030), intimidating a witness (RCW 9A.72.110), violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b) when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon.

RCW 13.40.0357 (3)(b)(iv) would be added to state Violation of the uniform controlled substances act (RCW 69.50.401 (2)(a) and (b)) when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon.

RCW 13.40.110 (1) would be amended to state that the prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction only if: (a) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with a serious violent felony as defined in RCW 9.94A.030; or (b) The respondent is, at the time of proceedings, fourteen years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

RCW 13.40.110 (1) would be amended to allow a motion be filed requesting the court to transfer the respondent for adult criminal prosecution only if: (a) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with a serious violent offense as defined in RCW 9.94A.030; (b) The respondent is, at the time of proceedings, at least fifteen years of age or older and is charged with rape of a child in the first degree; or (c) The respondent is, at the time of proceedings, fourteen years of age or younger and is charged with murder in the first degree (RCW 9A.32.030), and/or murder in the second degree (RCW 9A.32.050).

The RCW 13.40.110 (2) would be amended to remove the following conditions for a decline hearing: (a) The respondent is sixteen or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony; (b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree.

RCW 13.40.300 would be amended to state that (1) Except as provided in subsection (2) of this section, a juvenile offender may not be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. (2) A juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twenty-four months pursuant to RCW 13.40.193.

RCW 13.40.300 would be amended to state (3)(a) Proceedings are pending seeking the adjudication of a juvenile offense and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday, except: (i) If the court enters a written order extending jurisdiction under this subsection, it shall not extend jurisdiction beyond the juvenile's twenty-first birthday; (ii) If the order fails to specify a specific date, it shall be presumed that jurisdiction is extended to age twenty-one; and (iii) If the juvenile court previously extended jurisdiction beyond the juvenile's eighteenth birthday, and that period of extension has

not expired, the court may further extend jurisdiction by written order setting forth its reasons.

RCW 13.40.300 (3)(c)(ii) would be amended to state if an order of disposition imposes a commitment to the department for a juvenile offender convicted of an A++ juvenile disposition category offense listed in RCW 13.40.0357, or found to be armed with a firearm and sentenced to an additional twenty-four months pursuant to RCW 13.40.193 (3)(b), then jurisdiction for parole is automatically extended to include a period of up to twenty-four months of parole, in no case extending beyond the offender's twenty-fifth birthday.

RCW 13.40.300 (3)(e) would be amended to state that pursuant to the terms of RCW 13.40.190 and 13.40.198, the juvenile court maintains jurisdiction beyond the juvenile offender's twenty-first birthday for the purpose of enforcing an order of restitution or penalty assessment.

RCW 13.40.193 would be amended to state that additional time of commitment would be added for any violent offense committed by a respondent who is sixteen or seventeen years old if the court finds that the respondent's participation was related to membership in a criminal street gang or advancing the benefit for a criminal street gang.

## **II.B - Cash Receipt Impact**

No cash receipt impact.

## **II.C – Expenditures**

This bill would require major updates to various systems used by the courts. The Juvenile Court System (JCS) law tables, Judicial Information System (JIS) sentencing worksheet, Enterprise Data Repository (EDR) sentencing worksheet and JIS and EDR referral/offender/criminal history screens would need to be rewritten and tested before the changes could be implemented. It is estimated the time needed to fully implement the changes would be six months to a year.

It is assumed that it would take 5,600 to 8,300 hours to implement the changes to the systems. For purposes of this judicial impact note, an average of 6,300 hours will be used  $((5,600 + 8,300)/2)$ . The estimated cost would be \$869,500  $(6,950 \times \$125 \text{ per hour})$ .

In addition, there is one portion that cannot be implemented in the case management system (JCS) and would have to be done manually by court staff. Per program staff, they are unable to separate out a law table entry to be age dependent. For example, if a juvenile was 15 years old on the violation date for a charge of Drive-By Shooting (9A.36.045) the category code is B+ but if they are age 16 or 17 years old for the same charge then that category code is A++. Therefore, court staff would have to do manual calculations of defendant's age at time of violation date for each charge with applicable RCWs and determine the correct category code for the sentencing worksheet. Manual calculations will increase court staff time needed and/or calculation errors for category codes on sentencing worksheets. Currently, JSC automatically determines category code by law table entry and automatically reports category code on sentencing worksheet.

There may be more cases that will remain in juvenile court, where there are no juries, which could mean some savings to the courts. There is no data to determine what the savings would be but the number of hearings would not change so it is expected that the time savings would be minimal.