

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 6250 SB	Title: Impaired Driving/10 Years	Agency: 055 – Administrative Office of the Courts (AOC)
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Part I: Estimate

☐ No Fiscal Impact

Estimated Cash Receipts to:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
		INDETERMINATE			
Total:					

Estimated Expenditures from:

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

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:
Agency Preparation: Renée Lewis	Phone: 360-704-4012	Date: 1/18/2018
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would revise impaired driving provisions to remove the ten-year reference.

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

RCW 46.61.502 (6)(a) would be amended to remove the time limit of within ten years if a person has three or more prior offenses for the fourth arrest to be considered a class B felony punishable under RCW 9.94A, or RCW 13.40 if the person is a juvenile.

RCW 46.61.5055 (4)(a) would be amended to remove the time limit of within ten years if a person has three or more prior offenses to be punished under RCW 9.94A.

RCW 46.61.504 (6)(a) would be amended to remove the time limit of within ten years if a person has three or more prior offenses for the fourth arrest to be considered a class C felony punishable under RCW 9.94A, or RCW 13.40 if the person is a juvenile.

II.B - Cash Receipt Impact

Based on data from Judicial Information Systems (JIS) and Odyssey, the average number of additional DUI cases that would qualify for felony charges is 95 per year. There is no mechanism to determine how many will be for each of the RCWs affected. Therefore, for purposes of the fiscal impact, it is assumed that each would be cited equally.

For RCW 46.61.502, it is assumed that 42 arrests would result in a class B felony as opposed to a gross misdemeanor. The applicable penalties would be raised from a maximum of \$5,000 to a maximum of \$20,000. That would be a potential increase of \$630,000 of revenue. However, the maximum fine is not always ordered and fines are not paid in full or can take many years to pay. Judicial information system data for felony fine payments show 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 two percent was used for the first year, potential revenue would be \$12,600. If an additional 5.5 percent were paid the following year, the potential revenue would be \$34,650 for a total of \$47,250.

For RCW 46.61.504, it is assumed that 43 arrests would result in a class C felony as opposed to a gross misdemeanor. The applicable penalties would be raised from a maximum of \$5,000 to a maximum of \$10,000. That would be a potential increase of \$215,000 of revenue. However, the maximum fine is not always ordered and fines are not paid in full or can take many years to pay. Judicial information system data for felony fine payments show 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 two percent was used for the first year, potential revenue would be \$4,300. If an additional 5.5 percent were paid the following year, the potential revenue would be \$11,825 for a total of \$16,125.

The total possible revenue using the above revenue would be \$63,375 over the course of two years.

II.C – Expenditures

Court expenditures will be impacted in two ways. There would be an increase in the 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). Caseload data for 2017 shows

that 74 percent of the misdemeanor DUI cases were heard in district court with the remainder heard in municipal court.

For the purpose of this judicial impact note, ten years of data from the Judicial Information Systems (JIS) and Odyssey was used. During the past ten years, a total of 954 people would have qualified for the felony charges. That would be an average of 95 cases per year. Using this average, it is assumed that district court would experience a reduction of 70 cases and municipal court would experience a reduction of 25 cases. Superior court would see an increase in 95 cases.

The reduced expenditures for district courts statewide is estimated at \$22,019 per year for reduced judicial officer time and support staff. This equates to a reduction of .03 judicial officer FTE and .25 support staff FTE. The reduced expenditures for municipal courts statewide is estimated at under \$4,000 per year for reduced judicial officer time and support staff.

The estimated 95 new felony cases heard at superior courts is expected to cost \$63,679 of which \$13,743 would be state costs and \$49,936 would be county costs. This equates to .10 judicial officer FTE, .23 superior court staff FTE and .29 clerk staff FTE.

The net effect of the legislation would be under \$50,000 statewide.