

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 2622 SHB	Title: Firearm Order Compliance	Agency: 055 – Administrative Office of the Courts (AOC)
---------------------------------	---	--

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
Total:					

Estimated Expenditures from:

STATE	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE – Staff Years					
Account					
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: Pamela Kelly	Phone: 360-705-5318	Date: 2/13/2020
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would amend RCW's 9.41.801 and 7.94.090 allowing the court to initiate contempt hearings when the court does not have sufficient record that a person ordered to surrender their firearms has done so or if there is reason to believe the person has failed to fully comply with an order to surrender weapons.

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

Section 1 – Would amend RCW 9.41.801 adding language allowing for the court to initiate contempt hearings:

Section 1(7)(a) – Would allow the court, if the court finds at the compliance review hearing or any other hearing where compliance with an order to surrender weapons is addressed, that there is probable cause to believe the respondent was aware of and failed to fully comply with an order to surrender weapons or failed to appear at the compliance review hearing or they violated the underlying order, to initiate a contempt proceeding to impose remedial sanctions.

Section 1(7)(b) - If the respondent is not present in court at the compliance review hearing or the court issues an order to appear and show cause after a compliance review hearing, the court shall serve an order to show cause to the respondent.

Section 1(7)(c) – The order to show cause served upon the respondent would state the date, time and location of the hearing and it would include a warning that the respondent may be held in contempt of court if they fail to promptly comply with the terms of the order to surrender weapons and an arrest warrant could be issued if they fail to appear on the date and time in the order.

Section 1(7)(d) – Would require at the show of cause hearing the respondent must be present and provide to the court any other relevant evidence regarding compliance with the order to surrender weapons and verification from the law enforcement agency that all weapons have been surrendered.

Section 1(7)(e) – Would allow for remedial sanctions designed to ensure swift compliance with the order to surrender weapons if the respondent was found to be in contempt of court.

Section 1(7)(f) – Would allow for the court to order a respondent found in contempt of the order pay for any losses incurred by a party in connection with the contempt proceeding including reasonable attorneys' fees. the costs of the proceeding would not be borne by the petitioner.

Section 2 – Would amend RCW 7.94.090 adding language to requiring the court to initiate contempt hearings:

Section 2(6) – Would allow the court to dismiss the compliance review hearing under RCW 7.94.090 extreme risk protection order, if the respondent has timely and completely surrendered all firearms in the their custody and any concealed pistol license issued, to a law enforcement agency. If the court does not have sufficient record to make a finding, the court must set a review hearing at which the respondent would be present and provide testimony to the court verifying compliance with the court's order.

Section 2(7)(a) – Would require that if the court finds at the compliance review hearing where that there is probable cause to believe the respondent was aware of and failed to fully comply

with an order to surrender weapons or failed to appear at the compliance review hearing or they violated the underlying order after the court entered findings of compliance, the court shall initiate a contempt proceeding to impose remedial sanctions and issue an order requiring the respondent to appear and provide proof of compliance with the order and show cause why the respondent should not be held in contempt of court.

Section 2(7)(b) - If the respondent is not present in court at the compliance review hearing or the court issues an order to appear and show cause after a compliance review hearing, the court shall serve an order to show cause to the respondent.

Section 2(7)(c) – The order to show cause served upon the respondent would state the date, time and location of the hearing and it would include a warning that the respondent may be held in contempt of court if they fail to promptly comply with the terms of the extreme risk protection order and a warning that an arrest warrant could be issued if they fail to appear on the date and time in the order.

Section 2(7)(d) – Would require at the show of cause hearing the respondent must be present and provide to the court any other relevant evidence regarding compliance with the extreme risk protection order and verification from the law enforcement agency that all weapons have been surrendered and the concealed pistol license has been surrendered and revoked.

Section 2(7)(e) – Would allow for remedial sanctions designed to ensure swift compliance with the extreme risk protection order if the respondent was found to be in contempt of court.

Section 2(7)(f) – Would allow for the court to order a respondent found in contempt of the order pay for any losses incurred by a party in connection with the contempt proceeding including reasonable attorneys' fees.

Section 2(8) – Would require that a law enforcement agency holding any surrendered firearms or concealed pistol license would comply with RCW 9.41.340 and 9.41.345 before the return of the firearm or concealed pistol license to the owner or individual from whom it was obtained.

II.B - Cash Receipt Impact

None

II.C – Expenditures

This bill would require an update to court forms, judicial officer education, and minor IT system changes. These impacts could be managed within existing resources.