

# JUDICIAL IMPACT FISCAL NOTE

<b>Bill Number:</b> 1202 HB	<b>Title:</b> Police Misconduct / Civil Reimbursement	<b>Agency:</b> 055 – Administrative Office of the Courts (AOC)
--------------------------------	---	--

## Part I: Estimates

☐ **No Fiscal Impact**

### Estimated Cash Receipts to:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
<b>Total:</b>					

### Estimated Expenditures from:

STATE	FY 2022	FY 2023	2021-23	2023-25	2025-27
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:
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 1/26/2021
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

## **Part II: Narrative Explanation**

This bill would provide that any person or property injured by a peace officer acting under the color of authority of the law would have a cause of action against the officer and other officers who failed to prevent the injury. The bill would provide that the officer's employer may be a named defendant in this cause of action. A defense to the individual officer is provided if the officer is acting according to orders from the superior officer. This defense would not apply to the employer.

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

Section 3 – Would provide that any person injured in person or property by a peace officer acting under color of authority would have a cause of action against the peace officer and against any other peace officer who had the power through reasonable diligence to prevent or aid in preventing the injury from occurring and failed to do so.

Section 4- Would provide that a court must award damages as determined by the trier of fact. The prevailing plaintiff must also be awarded costs and attorney fees. Would provide that a court may also grant injunctive or declaratory relief as appropriate.

Section 7 – Would provide for a three-year statute of limitations.

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

None.

### **II.C – Expenditures**

Indeterminate, but not expected to be significant. This bill could increase litigation in superior courts, but there is no data available to provide for an estimate of how many new civil cause of actions may be filed.

Court education, updates to civil cause codes, caseload reports, and manuals would be required. These impacts would be managed within existing resources.