

JUDICIAL IMPACT FISCAL NOTE

Bill Number: 5180 SB	Title: Vacating Certain Convictions	Agency: 055 – Administrative Office of the Courts (AOC)
--------------------------------	---	--

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

	FY 2021	FY 2022	2021-23	2023-25	2025-27
Total:					

Estimated Expenditures from:

STATE	FY 2021	FY 2022	2021-23	2023-25	2025-27
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: Pam Kelly	Phone: 360-705-5318	Date: 2/4/2021
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

This bill would make changes to felony and misdemeanor vacation statutes. Victims of domestic violence, sex trafficking and sexual assault may apply to the court to have their convictions vacated when the crimes were committed as result of domestic violence, sex trafficking, and sexual assault. Either the victim or the prosecuting attorney where the subject was sentenced may apply for the vacation.

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

Section 2(3) – Would allow victims of sex trafficking, prostitution or commercial sexual abuse of a minor; sexual assault or domestic violence, to petition the court to vacate the victim's record of conviction for a Class B or Class C felony offenses using the process in Section 3 of this act.

Section 3(1)(b) – The prosecutor of a county in which a victim of sex trafficking, prostitution, commercial sexual abuse of a minor, sexual assault, or domestic violence was sentenced for a class B or class C felony may apply to the court on the victim's behalf to vacate the victim's record of conviction.

Section 3(2) – Would require that the requested vacation of conviction for a felony was committed as the result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor, domestic violence or sexual assault.

Section 3(2)(a) – Would require an affidavit from the petitioner stating the specifics and circumstances that the offense was committed as a result of being a victim of sex trafficking, prostitution, or commercial sexual abuse of a minor, domestic violence or sexual assault.

Section 3(2)(b) – Would require that the applicant have no pending criminal charges in any court of this state, other states or the federal government.

Section 3(3) – Would not allow an applicant a vacation of conviction if the class C or B felony was a violent offense as defined in RCW 9.94A.030 or crime against person as defined in RCW 43.43.830 unless the conviction did not include a firearm, deadly weapon, or sexual motivation enhancement.

Section 5(1)(a) - Would allow victims of sex trafficking, prostitution or commercial sexual abuse of a minor; sexual assault or domestic violence to petition the court to vacate the victim's record of conviction for a misdemeanor or gross misdemeanor offense.

Section 5(1)(b) – Would allow the prosecutor of a county or municipality in which a victim of sex trafficking, prostitution or commercial sexual abuse of a minor; sexual assault or domestic violence to petition the court to vacate the sentence on behalf of the victim.

Section 5(2) – Would require the petitioner to meet certain requirements to qualify for a vacation of prosecution.

Section 5(2)(a) – The petitioner would be required to provide an affidavit stating specific fact that the offense was a result of being a victim of sex trafficking, prostitution or commercial sexual abuse of a minor, sexual assault or domestic violence.

Section 5(2)(b) – Would require the applicant have no other criminal charges against them in any court of this state, any other state or in any federal court.

Section 5(2)(c) – Would require that if the offense is a misdemeanor, the offender has not been convicted of a new crime in this, any other state, or federal, tribal court in three years prior to the vacation application.

II.B - Cash Receipt Impact

None

II.C – Expenditures

This bill would require changes to court forms, updates to Guide Sealing, Vacating, and Courts of Limited Jurisdiction and Superior Court Master Answers.

There is potential for an increase in court filings but there is no data to determine the increase in filings.

These changes would be managed within existing resources.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2021	FY 2022	2021-23	2023-25	2025-27
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:					

III.B – Detail:

Job Classification	Salary	FY 2021	FY 2022	2021-23	2023-25	2025-27
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.