

Judicial Impact Fiscal Note

Bill Number: 5128 S SB	Title: Jury diversity	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years	3.3	2.4	2.8	1.8	1.8
Account					
General Fund-State 001-1	1,470,500	1,289,700	2,760,200	2,370,000	2,370,000
State Subtotal \$	1,470,500	1,289,700	2,760,200	2,370,000	2,370,000
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years	20.0	20.0	20.0	20.0	20.0
Account					
Local - Counties	1,670,320	1,670,320	3,340,640	3,340,640	3,340,640
Counties Subtotal \$	1,670,320	1,670,320	3,340,640	3,340,640	3,340,640
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

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 for 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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178,452.00

Request # 036-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

SECTION 3 OF THIS BILL IS INDETERMINATE

The proposed legislation amends RCW 2.36 and creates a new section to increase data collection on jury demographics and decrease barriers affecting jury diversity and juror response rates.

Section 1 requires the Administrative Office of the Courts (AOC) to provide all courts with a method to collect data on a juror's race, ethnicity age, sex, employment status, educational attainment, income, and any other data approved by the Chief Justice of the Supreme Court.

Section 2 requires the AOC to establish a workgroup and make recommendations for the creation of a child care assistance program for individuals reporting to jury service.

Section 3(2) would increase the daily attendance rate: 1) to \$125 for jurors who aren't compensated by their employers for absences while performing jury service and meet the qualifications for a mean-tested state benefits program and 2) to the difference between their normal wage or salary and \$125 for jurors who are compensated by their employers for absences while performing jury service, but that wage is less than \$125. This provision is subject to the availability of appropriations for this purpose.

Sections 4 and 5 would allow jurors to be summoned electronically.

II. B - Cash Receipts Impact

II. C - Expenditures

SECTION 3 OF THIS BILL IS INDETERMINATE

SECTION 1 – JURY DEMOGRAPHIC SURVEY IMPACT ON THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

This requirement would continue AOC's current juror data collection efforts, expand research on juries, and provide technical assistance to courts in the process. This work is unfunded after the 2021-23 biennium. AOC has a related 2023-25 biennial budget request to continue the work (D3 – Research Jury Race and Gender Bias).

FTE: 1.0
FY 2024: \$204,000
FY 2025 and ongoing: \$199,200

Staffing Assumptions

Senior Research Associate. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to:

- * Work with courts to collect juror demographic data using the existing statewide survey.
- * Analyze juror demographic data and provide an annual report to the courts and Legislature.
- * Conduct additional process evaluations of the jury process that may have a positive impact on juror responsiveness and jury diversity (i.e., expanded source lists, summonsing, juror pay, etc.).
- * Design metrics for understanding the impact of GR 37 – Jury Selection Rule.
- * Take an inventory and create an assessment of juror management systems courts use and research alternative systems to provide courts with options.
- * Work with courts to improve areas of their jury practice, such as improved outreach to under-represented communities.
- * Report periodically to courts on developments in jury- related research and innovation.

Other Non-Standard Costs
Goods and Services (Object E)

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In addition to standard costs per FTE, there are needs for:

- * Ongoing, annual \$1,300 software subscription for Remark OMR used to scan paper surveys.
- * Ongoing, annual \$5,000 for printing, shipping, and other costs associated with administering juror demographic surveys.

Travel (Object G)

This position will travel to courts for in-person consultation and observation. The estimated, annual travel costs for the staff are \$4,000 per year, rather than the standard cost per FTE.

SECTION 2 – ESTABLISH A WORKGROUP TO ADDRESS CHILDCARE BARRIERS

IMPACT ON THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC)

This section establishes a workgroup to inform child care assistance for jurors.

FTE: 1.9

FY 2024: \$236,300

FY 2025: \$104,700

Staffing Assumptions

Court Program Analyst. Beginning July 1, 2023 through December 31, 2024, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to coordinate the workgroup.

Senior Research Associate. Beginning July 1, 2023 through December 31, 2024, AOC requires salary, benefits, and associated standard costs for 0.25 FTE offering research support for the workgroup, analyze models and data from other states, etc.

Other Non-Standard Costs

* Contracts or Stipends with Affected Individuals (Object C) – This funding will support interviews with and participation from jurors experiencing child care as a barrier to jury service.

FY 2024: \$4,000

FY 2025: \$1,000

* Travel (Object G) – This will fund travel for work group participants. AOC anticipates holding 5 meetings at the AOC facility in SeaTac. The work group will include 25 members, 15 are expected to incur travel and per diem costs.

King County per diem: \$79 per day for 15 participants = \$1,200 X 5 meetings = \$6,000

Roundtrip mileage estimate from three differing locations (Spokane, Bellingham, and Vancouver) to SeaTac: \$3,800 X 5 meetings = \$19,000

FY 2024: \$20,000

FY 2025: \$5,000

SECTION 3 – INCREASE JUROR PAY INDETERMINATE

FTE: Indeterminate

FY 2024: Indeterminate

FY 2025 and ongoing: Indeterminate

The section increases juror pay to the current minimum wage for individuals who aren't compensated by their employers for absences while performing jury service and meet the qualifications of a means-tested state benefits program (MTP).

This example does not provide a complete statewide impact. It only provides example impacts estimated for one small, one medium, and one large superior court. The statewide impacts at the superior court level, and including district and municipal court impacts where data was unavailable, would result in a larger fiscal impact.

Major assumptions:

INCREASE IN DAILY ATTENDANCE RATE = \$100

*Current law attendance rate = \$25

*Proposed daily attendance rate = \$125

PERCENT OF POTENTIAL MTP ENROLLED JURORS = 21%

*Total State Enrollment in MTPs = 1,434,249 (Department of Social and Health Services)

*Total Statewide, Potential Jurors = 6,810,106

NUMBER OF MTP ENROLLED JURORS PER JURY = 3

*Assumed Number of Jurors per Jury = 12

* Percent of Potential MTP Enrolled Jurors = 21%

EXAMPLE JUROR REIMBURSEMENT FOR ONE JURY TRIAL SMALL, MEDIUM, LARGE SUPERIOR COURT
(Superior Courts 2019 data)

*Large (no information, assume 6 times larger than Medium)

624 jury trials per year X 3 MTP Enrolled Jurors X 4 Average Days per Trial X \$100 = \$748,800 per year for a Large Superior Court

*Medium (Spokane)

104 jury trials per year X 3 MTP Enrolled Jurors X 4 Average Days per Trial X \$100 = \$124,800 per year for a Medium Superior Court

*Small (Klickitat/Kittitas)

16 jury trials per year X 3 MTP Enrolled Jurors X 2 Average Days per Trial X \$100 = \$9,600 per year for a Small Superior Court

IMPACT ON THE ADMINISTRATIVE OFFICE OF THE COURTS (AOC)
(Based on Example for One Small, Medium, Large Superior Court)

The fiscal impact on the AOC includes staff to develop and oversee the reimbursement program, staff to pay court reimbursements and funding for the reimbursements. The example below is based only on the one small, medium, large Superior Court example outlined above.

EXAMPLE AMOUNT OF MTP ENROLLED JUROR PAY/STATE REIMBURSEMENTS = \$883,200

* Large = \$748,800

* Medium = \$124,800

* Small = \$9,600

Staffing Assumptions

Court Program Analyst. Beginning July 1, 2023 for FY 2024, AOC requires salary, benefits, and associated standard costs for 0.5 FTE to establish the reimbursement requirements. Beginning July 1, 2024 and ongoing, AOC requires salary, benefits, and associated standard costs for 0.25 FTE to manage the reimbursement process. These costs would increase by an indeterminate amount with the addition of statewide Superior Court impact and District and Municipal Court Impact.

Financial Services Analyst. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 0.50 FTE to process reimbursement requests. These costs would increase by an indeterminate amount with the addition of statewide Superior Court impact and District and Municipal Court Impact.

IMPACT ON COUNTIES & CITIES - Statewide for Superior Court

The proposed bill impacts the clerks and court administrators in a variety of ways and the costs of this change cannot be absorbed.

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Under current law, the staff do not verify pay status. Staff time dedicated to verifying and calculating pay amounts will increase. The proposal would also impact the ability to continue use debit cards to pay jurors at the time of check-in requiring a change in practice which would be more costly. Finally, requesting reimbursement from the state for juror pay will increase postage, employee time, and supplies.

ESTIMATED INCREASED STAFFING COSTS = \$1,670,320

* Average Superior Court staff salary, benefits and operating costs = \$83,516

* Number of additional statewide staff = 20

IMPACT ON COUNTIES & CITIES – Indeterminate for District and Municipal Courts

The proposed bill’s impact on District and Municipal Courts will be similar to the estimate made for Superior Courts. Statewide data on the magnitude of additional staff and operating costs was unavailable.

SECTION 4 – ADDITION OF ELECTRONIC SUMMONS FOR JURY SERVICE

There is no estimated fiscal impact to the courts or the Administrative Office of the Courts. Currently in Washington, all summons must be sent via US mail or personal service (under RCW 2.36.095). This bill requires courts to send a physical jury summons, but could courts would have the option of e-mailing a jury summons. of contacting a wider pool of jurors is increased.

ALL SECTIONS INCLUDING AOC STAFF IMPACTS INCLUDE STANDARD COSTS

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.3	2.4	2.8	1.8	1.8
Salaries and Wages	312,500	227,200	539,700	340,400	340,400
Employee Benefits	99,700	72,500	172,200	108,600	108,600
Professional Service Contracts	887,200	884,200	1,771,400	1,766,400	1,766,400
Goods and Other Services	18,700	15,300	34,000	26,000	26,000
Travel	29,700	12,500	42,200	11,800	11,800
Capital Outlays	20,800	3,800	24,600	5,600	5,600
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	101,900	74,200	176,100	111,200	111,200
Total \$	1,470,500	1,289,700	2,760,200	2,370,000	2,370,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	20.0	20.0	20.0	20.0	20.0
Salaries and Benefits	1,670,320	1,670,320	3,340,640	3,340,640	3,340,640
Capital					
Other					
Total \$	1,670,320	1,670,320	3,340,640	3,340,640	3,340,640

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Expenditure By Object or Purpose (City)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Clerk Staff/Court Administration	167,032	20.0	20.0	20.0	20.0	20.0
Court Program Analyst	91,500	1.5	0.8	1.1	0.3	0.3
Financial Services Analyst	71,500	0.5	0.5	0.5	0.5	0.5
Senior Research Associate	111,500	1.3	1.1	1.2	1.0	1.0
Total FTEs		23.3	22.4	22.8	21.8	21.8

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

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IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE