

Multiple Agency Fiscal Note Summary

Bill Number: 3076 S HB	Title: DUI penalties
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Estimated Cash Receipts

Agency Name	2005-07		2007-09		2009-11	
	GF- State	Total	GF- State	Total	GF- State	Total
Total \$						

Local Gov. Courts *						
Local Gov. Other **						
Local Gov. Total						

Estimated Expenditures

Agency Name	2005-07			2007-09			2009-11		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.2	58,199	58,199	.3	116,398	116,398	.3	116,398	116,398
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	3.2	2,634,897	52,253,329	120.2	26,952,497	26,952,497	222.9	35,605,809	35,605,809
Sentencing Guidelines Commission	.0	0	0	.0	0	0	.0	0	0
Total	3.4	\$2,693,096	\$52,311,528	120.5	\$27,068,895	\$27,068,895	223.2	\$35,722,207	\$35,722,207

Local Gov. Courts *	.6		383,330	1.2		195,558	1.2		195,558
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Total	.6		383,330	1.2		195,558	1.2		195,558

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Prepared by: Nick Lutes, OFM	Phone: 360-902-0570	Date Published: Final 2/10/2006
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note
FNPID: 13820

Judicial Impact Fiscal Note

Bill Number: 3076 S HB	Title: DUI penalties	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

FUND	FY 2006	FY 2007	2005-07	2007-09	2009-11
Counties					
Cities					
Total \$					

Estimated Expenditures from:

STATE	FY 2006	FY 2007	2005-07	2007-09	2009-11
State FTE Staff Years		.3	.2	.3	.3
Fund					
General Fund-State 001-1		58,199	58,199	116,398	116,398
State Subtotal \$		58,199	58,199	116,398	116,398
COUNTY	FY 2006	FY 2007	2005-07	2007-09	2009-11
County FTE Staff Years		2.1	1.1	2.1	2.1
Fund					
Local - Counties		459,407	459,407	347,712	347,712
Counties Subtotal \$		459,407	459,407	347,712	347,712
CITY	FY 2006	FY 2007	2005-07	2007-09	2009-11
City FTE Staff Years		(.9)	(.5)	(.9)	(.9)
Fund					
Local - Cities		(76,077)	(76,077)	(152,154)	(152,154)
Cities Subtotal \$		(76,077)	(76,077)	(152,154)	(152,154)
Local Subtotal \$		383,330	383,330	195,558	195,558
Total Estimated Expenditures \$		441,529	441,529	311,956	311,956

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: 01/27/2006
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 01/30/2006
Agency Approval: Jeff Hall	Phone: 360-357-2131	Date: 01/31/2006
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 01/31/2006

Request # -1

Part II: Narrative Explanation

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

Section 1 creates a new class C felony penalty under RCW 46.61.502, Driving while Under the Influence (DUI), for a person who has three or more priors within seven years, or a previous conviction for violation of RCW 46.61.520(1)(a) (Vehicular Homicide) or RCW 46.61.522(1)(b) (Vehicular Assault) while under the influence.

Section 2 creates a new class C felony penalty under RCW 46.61.504, Physical Control Under the Influence (PCV), for a person who has three or more priors within seven years, or a previous conviction for violation of RCW 46.61.520(1)(a) (Vehicular Homicide) or RCW 46.61.522(1)(b) (Vehicular Assault) while under the influence.

Section 3 requires that violations of RCW 46.61.502 or 46.61.504 with three or more priors, or a previous conviction for violation of RCW 46.61.520(1)(a) (Vehicular Homicide) or RCW 46.61.522(1)(b) (Vehicular Assault) while under the influence, shall be punished in accordance with chapter 9.94A RCW.

Section 4 adds a new section to chapter 9.94A RCW requiring the court to order alcohol or chemical dependency treatment and noting that provisions regarding suspension of license and ignition interlock devices apply to violations of RCW 46.61.502(6) or 46.61.504(6).

Sections 5 and 6 would include felony DUI and PCV in the definition of a "felony traffic offense".

Section 8 provides that prior offenses within 7 years, as defined in RCW 46.61.5055, for felony DUI, PCV, or serious traffic convictions shall not be included in the offender score.

Section 9 would prohibit the vacation of an offender's record if the offense was a felony DUI or PCV and less than seven years have passed.

Section 10 amends RCW 9.94A.650 to exclude felony DUI and PCV offenders from the sentencing provisions related to first-time felony offenders.

Section 11 amends RCW 9.94A.660 to exclude felony DUI and PCV offenders from the special drug offender sentencing alternative (DOSA).

Section 12 amends RCW 9.94A.690 to exclude felony DUI and PCV offenders from being eligible for a work ethic camp.

Section 13 ranks felony DUI (RCW 46.61.502(6) and felony PCV (RCW 46.61.504(6) at a seriousness level V.

Section 14 categorizes felony DUI and felony PCV as a crime against persons for prosecuting standards.

Section 15 ranks Felony DUI and Felony PCV as a juvenile offense category B+.

II. B - Cash Receipts Impact

Distribution of revenue is the same for DUI at the courts of limited jurisdiction and the superior court. Therefore, it is anticipated there will be no cash receipts impact.

II. C - Expenditures

Based on data from the Judicial Information System (JIS), there were 465 DUI / PCV convictions in 2004 where the defendant had three or more prior convictions in the past seven years.

It is unknown how many offenders had prior vehicular assault or vehicular homicide convictions that were DUI related. However, as the total number of convictions for vehicular homicide (13) and vehicular assault (41) was relatively few, it is assumed that a small percent would count as priors, and it is not expected that this requirement will have a significant impact.

A 2003 caseload analysis found that, 72 percent of DUI/physical control filings result in a conviction. Assuming the 465 convictions in 2004 represent 72 percent of the filings, it is estimated 646 cases would be filed in superior court as a result of this bill. In 2003, 28 percent (181) of these cases would have been heard in municipal courts and 72 percent (465) in district courts.

Based on the attached assumptions, removing these cases from district and municipal courts will result in a savings of 0.27 district court

judges and 0.11 municipal court judges if positions are eliminated or reduced. The salary and operational savings for the district courts would be \$156,349 with no reduction in capital expense. The salary and operational savings for the municipal courts would be \$76,077 with no reduction in capital expense.

The 646 new cases for superior court will result in the need for 0.65 new superior court judges and supporting staff. The state's cost would be \$58,199 for judicial salary/benefits. The counties' cost would be \$330,205 not including capital cost.

The net annual effect of the bill would be as follows:

State Expenditures: \$58,199

County Expenditures: \$173,856 (not including superior court capital expense)

City Expenditures: -\$76,077

Part III: Expenditure Detail

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

<u>State</u>	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years		.3	.2	.3	.3
Salaries and Wages		42,839	42,839	85,678	85,678
Employee Benefits		15,360	15,360	30,720	30,720
Personal Service Contracts					
Goods and Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$		58,199	58,199	116,398	116,398

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

<u>County</u>	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years		2.1	1.1	2.1	2.1
Salaries & Benefits		95,449	95,449	190,898	190,898
Capital		285,551	285,551		
Other		78,407	78,407	156,814	156,814
Total \$		459,407	459,407	347,712	347,712

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

<u>City</u>	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years		(0.9)	(0.5)	(0.9)	(0.9)
Salaries & Benefits		(50,559)	(50,559)	(101,118)	(101,118)
Capital					
Other		(25,517)	(25,517)	(51,034)	(51,034)
Total \$		(76,076)	(76,076)	(152,152)	(152,152)

III. D - FTE Detail

Job Classification	Salary	FY 2006	FY 2007	2005-07	2007-09	2009-11
County Clerk Staff	45,551		2.2	1.1	2.2	2.2
District Court Judge	154,577		(0.3)	(0.1)	(0.3)	(0.3)
District Court Staff	43,286		(1.7)	(0.9)	(1.7)	(1.7)
Municipal Court Judge	132,719		(0.1)	(0.1)	(0.1)	(0.1)
Municipal Court Staff	44,782		(0.8)	(0.4)	(0.8)	(0.8)
Superior Court Judge	131,988		0.7	0.3	0.7	0.7
Superior Ct. Admin Staff	43,211		1.6	0.8	1.6	1.6
Total FTE's			1.5	0.8	1.5	1.5

Part IV: Capital Budget Impact

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

Construction Estimate	FY 2006	FY 2007	2005-07	2007-09	2009-11
Acquisition					
Construction					
Other		285,551	285,551		
Total \$		285,551	285,551		

For every new superior court judge, 1,970 square feet are needed. For every clerical position, 120 square feet are needed. The cost per square foot is estimated by Capital Budget staff to be \$165.

The capital budget impact for counties would be \$285,551 for the new superior court judge and supporting staff. It is assumed that there will be no reduction of capital cost from the district and municipal court positions eliminated.

SUPERIOR COURT STANDARD ASSUMPTIONS

		LOCAL COSTS			STATE COSTS
	Staff Ratio	Salary & Benefits	Operational	Capital Facility	Salary & Benefits
Superior Court Judicial Officers	N/A	\$65,994 (1/2 salary) ²	\$160,194 per judicial officer ³	\$325,050 ⁴	\$89,656 (1/2 salary + benefits) ²
Superior Court Staff	2.4 per judicial officer ¹	\$43,211 ³	Included above	\$19,800 ⁴	\$0
County Clerk Staff	3.4 per judicial officer ¹	\$45,551 ³	\$7,033 per FTE ³	\$19,800 ⁴	\$0
Notes: <ol style="list-style-type: none"> Staff ratio data is from 2004 Caseloads of the Courts of Washington. Superior court judges' salary is set by the Washington Citizens' Commission on Salaries for Elected Officials. The county pays half of the judges' salary. The state pays half the salary and 100% of the benefits. Local operational cost and staff salary and benefit data from the Washington State Auditor's 2004 LGFRS Data. A 1998 study by the National Center for State Courts, entitled The Courthouse: A Planning and Design Guide for Court Facilities, recommends that each superior court judicial officer requires 1,970 square feet and that each support staff position requires 120 square feet. Washington State House of Representatives Capital Budget staff estimate that the average cost per square foot is \$165. 					

DISTRICT COURT STANDARD ASSUMPTIONS

	Staff Ratio	LOCAL COSTS			STATE COSTS
		Salary & Benefits	Operational	Capital Facility	Salary & Benefits
District Court Judicial Officers	N/A	\$154,577 ²	Included below	\$305,250 ⁵	\$0
District Court Staff	6.3 per judicial officer ¹	\$43,286 ³	\$20,876 per FTE ⁴	\$19,800 ⁵	\$0

Notes:

1. Staff ratio data is from 2004 Caseloads of the Courts of Washington.
2. District court judges' salary is set by the Washington Citizens' Commission on Salaries for Elected Officials. Benefits estimated at 23%. (Chapter 457, 2005 laws (2ESSB 5454) allocated \$2.4 million for the 05/06 biennium to fund a portion of district and municipal court judges' salary expense. Each county or city receives approximately \$11,750 per elected judge as partial payment of the judge salaries by the State. Counties and cities are required to place an equal amount in a local trial court improvement account. The net cost of a new judge position is, therefore, the same for local government. A corresponding state expense for new judge positions is not shown because a set amount to be distributed for all qualifying judge positions was allocated which is unaffected by judge FTE increases or decreases.)
3. Staff salary and benefit data are derived from the 2005 Washington City and County Employee Salary & Benefit Survey.
4. Local operational cost is from the Washington State Auditor's 2004 LGFRS Data
5. A 1998 study by the National Center for State Courts, entitled The Courthouse: A Planning and Design Guide for Court Facilities, recommends that each superior court judicial officer requires 1,850 square feet and that each support staff position requires 120 square feet. Washington State House of Representatives Capital Budget staff estimate that the average cost per square foot is \$165.

MUNICIPAL COURT STANDARD ASSUMPTIONS

	Staff Ratio	LOCAL COSTS			STATE COSTS
		Salary & Benefits	Operational	Capital Facility	Salary & Benefits
Municipal Court Judicial Officers	N/A	\$132,719 ²	Included below	\$305,250 ⁵	\$0
Municipal Court Staff	7.8 per judicial officer ¹	\$44,782 ³	\$27,645 ⁴	\$19,800 ⁵	\$0

Notes:

1. Staff ratio data is from the 2004 Caseloads of the Courts of Washington.
2. Judicial salary data is from the 2003 DMCJA Salary Survey adjusted for inflation (total of 5.7% based on 2004 and 2005 July to July CPI-W). Benefits are estimated at 23%. (Chapter 457, 2005 laws (2ESSB 5454) allocated \$2.4 million for the 05/06 biennium to fund a portion of district and municipal court judges' salary expense. Each county or city receives approximately \$11,750 per elected judge as partial payment of the judge salaries by the State. Counties and cities are required to place an equal amount in a local trial court improvement account. The net cost of a new judge position is, therefore, the same for local government. A corresponding state expense for new judge positions is not shown because a set amount to be distributed for all qualifying judge positions was allocated which is unaffected by judge FTE increases or decreases.)
3. Staff salary and benefit data are derived from the 2005 Washington City and County Employee Salary & Benefit Survey.
4. Local operational cost is from the Washington State Auditor's 2004 LGFRS Data
5. A 1998 study by the National Center for State Courts, entitled The Courthouse: A Planning and Design Guide for Court Facilities, recommends that each superior court judicial officer requires 1,850 square feet and that each support staff position requires 120 square feet. Washington State House of Representatives Capital Budget staff estimate that the average cost per square foot is \$165.

Individual State Agency Fiscal Note

Bill Number: 3076 S HB	Title: DUI penalties	Agency: 300-Dept of Social and Health Services
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Part I: Estimates



No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/27/2006
Agency Preparation: Debbie Schaub	Phone: 360-902-8177	Date: 02/06/2006
Agency Approval: Sue Breen	Phone: 360-902-8183	Date: 02/08/2006
OFM Review: Cheri Keller	Phone: 360-902-0553	Date: 02/08/2006

Individual State Agency Fiscal Note

Bill Number: 3076 S HB	Title: DUI penalties	Agency: 310-Department of Corrections
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

FUND					
Total \$					

Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.0	6.3	3.2	120.2	222.9
Fund					
General Fund-State 001-1	0	2,634,897	2,634,897	26,952,497	35,605,809
State Building Construction Account-State 057-1	0	49,618,432	49,618,432	0	0
Total \$	0	52,253,329	52,253,329	26,952,497	35,605,809

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/27/2006
Agency Preparation: Ronna Cole	Phone: 360-725-8263	Date: 01/30/2006
Agency Approval: Randi Warick	Phone: 360 -725-8270	Date: 02/09/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/10/2006

Part II: Narrative Explanation

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

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 1 amends RCW 46.61.502 establishing a class C felony for driving under the influence of intoxicating liquor or any drug (DUI) when the offender has three or more prior offenses within seven years.

Section 2 establishes a class C felony for an offender with three or more prior offenses within seven years for being in actual physical control of a motor vehicle while under the influence of intoxication liquor or any drug (PCUI).

Section 4 creates a new RCW in 9.94A requiring that all offenders sentence to prison for a felony DUI or PCUI shall undergo alcohol or chemical dependency treatment services during incarceration. The offender shall be liable for the cost of treatment unless the court finds the offender indigent and no third-party insurance coverage is available.

Section 5 and 6 amends the definition of "Felony traffic offense" to include a felony DUI and PCUI.

Section 7 establishes that felony DUI and PCUI convictions be sentenced under RCW 9.94A (Sentencing Reform Act).

Section 8 amends the provisions for an offender score to "wash out" after 5 years with no new convictions, so that a prior felony DUI or PCUI will not "wash out" for scoring purposes for seven years.

Section 9 amends the eligibility to apply for a vacation of the offender's record for a Class C felony to seven years for a felony DUI and PCUI.

Section 10 makes felony DUI/PCUI offenders ineligible for First Time Offender Waiver (FTOW).

Section 11 makes felony DUI/PCUI offenders ineligible Drug Offender Sentencing Alternative (DOSA).

Section 12 makes felony DUI/PCUI offenders ineligible for Work Ethics Camp.

Section 13 sets felony DUI/PCUI at seriousness level V on the sentencing grid.

Section 14 establishes that felony DUI and PCUI be classified as a crime against persons.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

INSTITUTIONAL SERVICES AND CAPITAL IMPACTS:

The Department's estimate of this legislation was prepared using Fiscal Year 2005 sentencing data provided by the Sentencing Guidelines Commission (SGC). Based on SGC's estimate the Average Daily Population (ADP) is estimated to increase by 166 in Fiscal Year 2007, 455 in Fiscal Year 2008, 536 in Fiscal Year 2009, 564 in Fiscal Year 2010, and 575 in Fiscal Year 2011.

Based on the November 2005 Adult Inmate Forecast produced by the Caseload Forecast Council, the Department is currently sending offenders out-of-state to address system overcrowding. Based on this legislation the Department would be required to rent additional beds out-of-state and expand prison beds at an existing facility.

This estimate assumes a rental bed rate of \$62 per day per offender based on the current contract, and \$74 per day per offender to operate the additional 512 beds in Fiscal Year 2009.

This estimate assumes that the Department will rent additional beds for ADP increases of less than 256 beds. After reaching an estimated impact of 256 beds or more, the Department will be required to increase facility capacity. The Department assumes that existing facilities would be expanded by 512 beds, by Fiscal Year 2009, to accommodate the increase outlined in this legislation.

The capital cost is based upon 512 bed unit in Fiscal Year 2009, \$49.6 million.

INFORMATION SYSTEMS:

The Department is in the process of replacing its mainframe computer system for offender tracking. The changes proposed in this legislation cannot be fully implemented in the OMNI system, currently under development, until Fiscal Year 2008. The Department must have the ability to calculate sentencing for offenders who enter the prison system and to calculate and monitor the offenders who are under community custody, as outlined in this legislation. Until OMNI can be programmed for the requirements of this legislation, the Department assumes that Institutional Services and Community Supervision will require additional staff to calculate sentencing changes and manage sentencing changes while the offender is in the prison system and under community custody.

Institutional Services will require one Corrections Specialist 3 position, and a partial Correctional Records Specialist position. The Department assumes that one Correctional Records Specialist will perform manual calculations for eight offenders per day, or 176 per month. Based on the admissions as calculated by the Sentencing Guidelines Commission, the Department will need .2 FTEs in Fiscal Year 2007 and .34 FTEs in Fiscal Year 2008.

Community Supervision will require a centralized unit who will be required to track offenders with a community custody requirement, as outlined in this legislation. This will require a Correctional Records Manager 2, an Administrative Coordinator, and a Correctional Records Specialist. The Department assumes that all staff will be required for Fiscal Year 2007 3.0 FTE and Fiscal Year 2008.

The Department projects that the fiscal impact to change the offender tracking system will be \$169,000 in Fiscal Year 2008.

Another approach to manually monitoring and tracking offenders on GPS, as outlined in this legislation, would be to implement the changes to both the Offender Based Tracking System (OBTS) and the OMNI system in Fiscal Year 2007. However this approach may delay the completion of Phase 3 development for OMNI, and may increase the overall costs of the project. The Department is unable to calculate the costs and implementation time to this approach, specifically if this legislation and multiple sentencing legislation are passed during this session. Therefore, this cost is not included in the fiscal note calculation.

CHEMICAL DEPENDENCY IMPACTS:

The proposed legislation requires offenders to pay for mandatory alcohol or chemical dependency treatment services while incarcerated if the court finds that the offender has third-party insurance coverage. The Department has no information in which to predict how many DUI offenders the courts would make a finding that they were not indigent and had third-party insurance coverage available. The Department would assume that if the offender had third-party coverage, the coverage in most cases would be lost by being unemployed and incarcerated. Therefore, the Department did not assume cost savings for offender paying for chemical or alcohol treatment while incarcerated.

The Department currently contracts for 1,612 slots of treatment as follows:

- > 21% Outpatient Treatment
- > 59% Intensive Outpatient Treatment
- > 20% Long Term Residential Treatment

The average cost per treatment slot is \$3,550 per year. The Department estimates it will need 55 treatment slots in Fiscal Year 2007, 152 slots in Fiscal Year 2008, 180 slots in Fiscal Year 2009, 189 slots in Fiscal Year 2010, and 193 slots in Fiscal Year 2011.

COMMUNITY SUPERVISION IMPACTS:

These estimates assume that the Department's community custody average daily population (ADP) will increase by 5.1

FTEs or \$301,280 in Fiscal Year 2007, 24.5 FTE and \$1,821,629 in Fiscal Year 2008, 38.7 FTE and \$2,973,434 in Fiscal Year 2009, 43.8 FTE and \$3,356,399 in Fiscal Year 2010, and 43.9 FTE and \$3,367,748 in Fiscal Year 2011.

The Department reviewed risk levels for offenders convicted of Drug Offenses as of December 31, 2005. This risk distribution was utilized in the Department's current Community Custody Workload Model to estimate the impacts of Community Custody ADP. It is assumed that 17% are Risk Management (RM) A, 28% are RMB, 13% are RMC and 42% are RMD.

The legislation requires all sentences to be categorized as a crime against person. The categorization of crimes against persons requires all offenders to be supervised upon release for 18 months. The Department will need 5.1 FTE and \$301,280 in Fiscal Year 2007, 24.5 FTE and \$1,821,629 in Fiscal Year 2008, 38.7 FTE and \$2,973,434 in Fiscal Year 2009, 43.8 FTE and \$3,356,399 in Fiscal Year 2010, and 43.9 FTE and \$3,367,748 in Fiscal Year 2011.

ADMINISTRATIVE SERVICES IMPACTS:

Changes to Administration and Support Services are based on ratios for human services, financial services, and information technology staff to total FTEs. Administrative and Support Services FTE's are projected to increase by .6 FTEs and \$42,000 in Fiscal Year 2007 or 2.0 FTEs and \$136,000 in Fiscal Year 2008, 15.1 FTEs and \$1,046,000 in Fiscal Year 2009, 15.5 FTEs and \$969,000 in Fiscal Year 2010, and 15.7 FTEs and \$981,000 in Fiscal Year 2011.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years		6.3	3.2	120.2	222.9
A-Salaries and Wages		305,672	305,672	9,644,254	17,494,518
B-Employee Benefits		82,944	82,944	2,811,272	5,152,090
C-Personal Service Contracts				169,000	
E-Goods and Services		83,640	83,640	3,467,198	6,201,666
G-Travel		65,367	65,367	306,172	159,528
J-Capital Outlays		49,624,567	49,624,567	145,551	35,430
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		2,091,139	2,091,139	10,397,001	6,538,479
P-Debt Service				12,049	24,098
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
Total:	\$0	\$52,253,329	\$52,253,329	\$26,952,497	\$35,605,809

III. B - Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2006	FY 2007	2005-07	2007-09	2009-11
Community Corrections Staff	38,500		4.0	2.0	18.5	25.2
Correctional Officers	38,500		1.0	0.5	93.5	183.4
Correctional Records Specialist	34,368		0.1	0.1	0.1	
Correctional Specialist III	45,036		1.0	0.5	0.5	
Financial Services Staff	38,527		0.1	0.1	4.1	7.7
Human Resource Staff	47,143				1.2	2.2
Information Technology Staff	53,664		0.1	0.1	2.4	4.5
Total FTE's			6.3	3.2	120.2	222.9

III. C - Expenditures By Program (optional)

Program	FY 2006	FY 2007	2005-07	2007-09	2009-11
Administrative Services (100)		15,000	15,000	1,235,000	1,796,000
Institutional Services (200)		2,402,946	2,402,946	22,947,419	29,927,284
Community Corrections (300)		216,951	216,951	2,770,078	3,882,525
Capital Programs (900)		49,618,432	49,618,432		
Total \$		52,253,329	52,253,329	26,952,497	35,605,809

Part IV: Capital Budget Impact

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

Construction Estimate	FY 2006	FY 2007	2005-07	2007-09	2009-11
Acquisition					
Construction		49,618,432	49,618,432		
Other					
Total \$		49,618,432	49,618,432		

Based on the November 2005 Adult Inmate Forecast produced by the Caseload Forecast Council and current capacity funded capital expansions, the Department is still anticipating the need to utilize out-of-state rental beds. Because of this demand on capacity, it is necessary to plan for additional prison capacity to address the increased population resulting from this legislation. For this estimate, the Department assumes that the capital costs are based on expanding by one 512-bed unit in Fiscal Year 2009. The capital costs are estimated by be \$49.6 million.

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 3076 S HB	Title: DUI penalties	Agency: 325-Sentencing Guidelines Commission
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Part I: Estimates



No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

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.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/27/2006
Agency Preparation: Terry Travis	Phone: 360-407-1060	Date: 02/06/2006
Agency Approval: Edward Valachovic	Phone: 360-407-1070	Date: 02/06/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/07/2006

Part II: Narrative Explanation

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

Briefly describe, by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

None

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

None

Part III: Expenditure Detail

Part IV: Capital Budget Impact

None

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

None

SHB-3076
DUI PENALTIES – REVISED-2
325 – Sentencing Guidelines Commission
February 6, 2006

SUMMARY

A brief description of what the measure does that has fiscal impact.

- Section 1 amends RCW 46.61.502 establishing a class C felony for driving under the influence of intoxicating liquor or any drug (DUI) when the offender has three or more prior offenses within seven years.
- Section 2 establishes a class C felony for an offender with three or more prior offenses within seven years for being in actual physical control of a motor vehicle while under the influence of intoxication liquor or any drug (PCUI).
- Section 5 amends the definition of “Felony traffic offense” to include a felony DUI and PCUI. Also makes non-felony DUI/PCUI a serious traffic offense.
- Section 7 establishes that felony DUI and PCUI convictions be sentenced under RCW 9.94A (Sentencing Reform Act).
- Section 8 amends the provisions for an offender score to “wash out” after 5 years with no new convictions, so that a prior felony DUI or PCUI will not “wash out” for scoring purposes for seven years.
- Section 9 amends the eligibility to apply for a vacation of the offender’s record for a Class C felony to seven years for a felony DUI and PCUI.
- Section 10 makes felony DUI/PCUI offenders ineligible for First Time Offender Waiver (FTOW).
- Section 11 makes felony DUI/PCUI offenders ineligible Drug Offender Sentencing Alternative (DOSA).
- Section 12 makes felony DUI/PCUI offenders ineligible for Work Ethics Camp.
- Section 13 sets felony DUI/PCUI at seriousness level V on the sentencing grid.
- Section 14 establishes that felony DUI and PCUI be classified as a crime against persons.
- Section 15 sets the Juvenile Disposition Offense Category for DUI/PCUI at B+.

EXPENDITURES

Assumptions.

- Sentences are based on the Administrative Office of the Courts (AOC) 2003 and 2004 conviction data for driving or being in physical control of a vehicle while under the influence of intoxicating liquor (DUI) and assumes no changes in crime rates, filings, plea agreement practices or sentencing volumes, etc.
- Sentences are distributed evenly by month.
- For jail sentences, length of stay in jail is calculated using a figure for average earned release, based on a recent survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- For prison sentences, length of stay in prison is calculated using the same figure for the average earned release as for jail sentences since they are based on no more the 33% early release, as are person crimes.
- Bed impacts are calculated with a phase-in factor for drug-related offenses.

- The numbers of sentences were broken down according to the number of prior DUI convictions. The Sentencing Guidelines Commission has no data relating to non-felony DUI/PCUI convictions. The AOC data does not have information relating to prior felony criminal history, therefore no data relating to an offender's score is available, except to the extent that under this bill, any offender with prior DUI/PCUI convictions would generate one point for each conviction.
- Prison sentences were set at the midpoint of the sentencing range at seriousness level V on the sentencing grid based on scores generated according to the number of prior DUIs.

Impact on the Sentencing Guidelines Commission.

This bill would require modification of the Commission's database and data entry programs. These recurring costs are included in the agency's budget.

Impact on prison and jail beds.

In Fiscal Year 2005, there were 19 Class D juvenile dispositions for driving under the influence. None of the offenders had any prior DUI convictions, therefore no impact to JRA can be projected.

Based on Fiscal Year 2003 sentencing data from AOC and updated with data received from AOC on February 6, 2006 for FY 2004 there were roughly 465 sentences for DUI/PCUI where there were 3 or more prior convictions. The average sentence was about 6.8 months.

Since these offenders, have at least 3 prior offenses the minimum offender score of 3, would be sentenced between 15 and 20 months, so there would be no jail sentences. Initially there would be a reduction of 59 jail beds in FY 2007 which would continue to decrease to 131 jail beds by FY 2013 and thereafter. Prison beds would increase by 103 beds in FY 2007 and continue to increase to 577 beds by 2018 and thereafter.

Average Monthly Population Jail and Prison Impacts

SHB 3076 DUI Penalties-Revised with AOC data

Sentencing Guidelines Commission

February 6, 2006

	Fiscal Year									
	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
Jail AMP	-59	-114	-124	-128	-129	-130	-131	-131	-131	-131
Prison AMP (Total)	103	392	515	552	565	570	573	574	575	576

	Fiscal Year									
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Jail AMP	-131	-131	-131	-131	-131	-131	-131	-131	-131	-131
Prison AMP (Total)	576	577	577	577	577	577	577	577	577	577

End of Year Jail and Prison Bed Impacts

SHB 3076 DUI Penalties-Revised with AOC data
Sentencing Guidelines Commission
February 6, 2006

	Fiscal Year									
	FY06	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15
Jail Beds	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
Prison Beds (Total)	246	472	539	560	568	572	574	575	575	576

	Fiscal Year									
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Jail Beds	-131	-131	-131	-131	-131	-131	-131	-131	-131	-131
Prison Beds (Total)	576	577	577	577	577	577	577	577	577	577

Current Policy - Jail Bed Estimate
SHB 3076 DUI Penalties-Revised with AOC data
Sentencing Guidelines Commission
February 6, 2006

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	39	0	39	61	39	39	131	121	39	39	131	181	39	39	131
2	39	0	78	62	39	39	131	122	39	39	131	182	39	39	131
3	39	0	116	63	39	39	131	123	39	39	131	183	39	39	131
4	39	26	129	64	39	39	131	124	39	39	131	184	39	39	131
5	39	38	130	65	39	39	131	125	39	39	131	185	39	39	131
6	39	38	131	66	39	39	131	126	39	39	131	186	39	39	131
7	39	39	131	67	39	39	131	127	39	39	131	187	39	39	131
8	39	39	131	68	39	39	131	128	39	39	131	188	39	39	131
9	39	39	131	69	39	39	131	129	39	39	131	189	39	39	131
10	39	39	131	70	39	39	131	130	39	39	131	190	39	39	131
11	39	39	131	71	39	39	131	131	39	39	131	191	39	39	131
12	39	39	131	72	39	39	131	132	39	39	131	192	39	39	131
13	39	39	131	73	39	39	131	133	39	39	131	193	39	39	131
14	39	39	131	74	39	39	131	134	39	39	131	194	39	39	131
15	39	39	131	75	39	39	131	135	39	39	131	195	39	39	131
16	39	39	131	76	39	39	131	136	39	39	131	196	39	39	131
17	39	39	131	77	39	39	131	137	39	39	131	197	39	39	131
18	39	39	131	78	39	39	131	138	39	39	131	198	39	39	131
19	39	39	131	79	39	39	131	139	39	39	131	199	39	39	131
20	39	39	131	80	39	39	131	140	39	39	131	200	39	39	131
21	39	39	131	81	39	39	131	141	39	39	131	201	39	39	131

22	39	39	131	82	39	39	131	142	39	39	131	202	39	39	131
23	39	39	131	83	39	39	131	143	39	39	131	203	39	39	131
24	39	39	131	84	39	39	131	144	39	39	131	204	39	39	131
25	39	39	131	85	39	39	131	145	39	39	131	205	39	39	131
26	39	39	131	86	39	39	131	146	39	39	131	206	39	39	131
27	39	39	131	87	39	39	131	147	39	39	131	207	39	39	131
28	39	39	131	88	39	39	131	148	39	39	131	208	39	39	131
29	39	39	131	89	39	39	131	149	39	39	131	209	39	39	131
30	39	39	131	90	39	39	131	150	39	39	131	210	39	39	131
31	39	39	131	91	39	39	131	151	39	39	131	211	39	39	131
32	39	39	131	92	39	39	131	152	39	39	131	212	39	39	131
33	39	39	131	93	39	39	131	153	39	39	131	213	39	39	131
34	39	39	131	94	39	39	131	154	39	39	131	214	39	39	131
35	39	39	131	95	39	39	131	155	39	39	131	215	39	39	131
36	39	39	131	96	39	39	131	156	39	39	131	216	39	39	131
37	39	39	131	97	39	39	131	157	39	39	131	217	39	39	131
38	39	39	131	98	39	39	131	158	39	39	131	218	39	39	131
39	39	39	131	99	39	39	131	159	39	39	131	219	39	39	131
40	39	39	131	100	39	39	131	160	39	39	131	220	39	39	131
41	39	39	131	101	39	39	131	161	39	39	131	221	39	39	131
42	39	39	131	102	39	39	131	162	39	39	131	222	39	39	131
43	39	39	131	103	39	39	131	163	39	39	131	223	39	39	131
44	39	39	131	104	39	39	131	164	39	39	131	224	39	39	131
45	39	39	131	105	39	39	131	165	39	39	131	225	39	39	131
46	39	39	131	106	39	39	131	166	39	39	131	226	39	39	131
47	39	39	131	107	39	39	131	167	39	39	131	227	39	39	131
48	39	39	131	108	39	39	131	168	39	39	131	228	39	39	131
49	39	39	131	109	39	39	131	169	39	39	131	229	39	39	131
50	39	39	131	110	39	39	131	170	39	39	131	230	39	39	131
51	39	39	131	111	39	39	131	171	39	39	131	231	39	39	131
52	39	39	131	112	39	39	131	172	39	39	131	232	39	39	131
53	39	39	131	113	39	39	131	173	39	39	131	233	39	39	131
54	39	39	131	114	39	39	131	174	39	39	131	234	39	39	131
55	39	39	131	115	39	39	131	175	39	39	131	235	39	39	131
56	39	39	131	116	39	39	131	176	39	39	131	236	39	39	131
57	39	39	131	117	39	39	131	177	39	39	131	237	39	39	131
58	39	39	131	118	39	39	131	178	39	39	131	238	39	39	131
59	39	39	131	119	39	39	131	179	39	39	131	239	39	39	131
60	39	39	131	120	39	39	131	180	39	39	131	240	39	39	131

Proposed Policy - Jail Bed Estimate
SHB 3076 DUI Penalties-Revised with AOC data
Sentencing Guidelines Commission
February 6, 2006

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	37	0	37	61	0	0	1	121	0	0	0	181	0	0	0

DUI Penalties

2/6/2006

SHB 3076

Sentencing Guidelines Commission

4

#325-06-051

2	31	0	69	62	0	0	1	122	0	0	0	182	0	0	0
3	26	0	95	63	0	0	1	123	0	0	0	183	0	0	0
4	23	25	93	64	0	0	1	124	0	0	0	184	0	0	0
5	19	32	80	65	0	0	1	125	0	0	0	185	0	0	0
6	17	28	69	66	0	0	1	126	0	0	0	186	0	0	0
7	15	24	60	67	0	0	1	127	0	0	0	187	0	0	0
8	13	21	52	68	0	0	1	128	0	0	0	188	0	0	0
9	11	18	45	69	0	0	1	129	0	0	0	189	0	0	0
10	10	15	39	70	0	0	1	130	0	0	0	190	0	0	0
11	9	13	35	71	0	0	1	131	0	0	0	191	0	0	0
12	8	12	31	72	0	0	1	132	0	0	0	192	0	0	0
13	7	10	28	73	0	0	1	133	0	0	0	193	0	0	0
14	7	9	25	74	0	0	1	134	0	0	0	194	0	0	0
15	6	8	23	75	0	0	1	135	0	0	0	195	0	0	0
16	5	8	20	76	0	0	1	136	0	0	0	196	0	0	0
17	5	7	19	77	0	0	1	137	0	0	0	197	0	0	0
18	4	6	17	78	0	0	1	138	0	0	0	198	0	0	0
19	4	6	15	79	0	0	1	139	0	0	0	199	0	0	0
20	4	5	14	80	0	0	0	140	0	0	0	200	0	0	0
21	3	5	13	81	0	0	0	141	0	0	0	201	0	0	0
22	3	4	12	82	0	0	0	142	0	0	0	202	0	0	0
23	3	4	11	83	0	0	0	143	0	0	0	203	0	0	0
24	3	4	10	84	0	0	0	144	0	0	0	204	0	0	0
25	3	3	10	85	0	0	0	145	0	0	0	205	0	0	0
26	2	3	9	86	0	0	0	146	0	0	0	206	0	0	0
27	2	3	8	87	0	0	0	147	0	0	0	207	0	0	0
28	2	3	8	88	0	0	0	148	0	0	0	208	0	0	0
29	2	3	7	89	0	0	0	149	0	0	0	209	0	0	0
30	2	2	7	90	0	0	0	150	0	0	0	210	0	0	0
31	2	2	6	91	0	0	0	151	0	0	0	211	0	0	0
32	2	2	6	92	0	0	0	152	0	0	0	212	0	0	0
33	2	2	6	93	0	0	0	153	0	0	0	213	0	0	0
34	1	2	5	94	0	0	0	154	0	0	0	214	0	0	0
35	1	2	5	95	0	0	0	155	0	0	0	215	0	0	0
36	1	2	5	96	0	0	0	156	0	0	0	216	0	0	0
37	1	1	4	97	0	0	0	157	0	0	0	217	0	0	0
38	1	1	4	98	0	0	0	158	0	0	0	218	0	0	0
39	1	1	4	99	0	0	0	159	0	0	0	219	0	0	0
40	1	1	4	100	0	0	0	160	0	0	0	220	0	0	0
41	1	1	3	101	0	0	0	161	0	0	0	221	0	0	0
42	1	1	3	102	0	0	0	162	0	0	0	222	0	0	0
43	1	1	3	103	0	0	0	163	0	0	0	223	0	0	0
44	1	1	3	104	0	0	0	164	0	0	0	224	0	0	0
45	1	1	3	105	0	0	0	165	0	0	0	225	0	0	0
46	1	1	3	106	0	0	0	166	0	0	0	226	0	0	0
47	1	1	2	107	0	0	0	167	0	0	0	227	0	0	0
48	1	1	2	108	0	0	0	168	0	0	0	228	0	0	0
49	1	1	2	109	0	0	0	169	0	0	0	229	0	0	0
50	1	1	2	110	0	0	0	170	0	0	0	230	0	0	0
51	1	1	2	111	0	0	0	171	0	0	0	231	0	0	0

52	1	1	2	112	0	0	0	172	0	0	0	232	0	0	0
53	1	1	2	113	0	0	0	173	0	0	0	233	0	0	0
54	0	1	2	114	0	0	0	174	0	0	0	234	0	0	0
55	0	1	2	115	0	0	0	175	0	0	0	235	0	0	0
56	0	1	2	116	0	0	0	176	0	0	0	236	0	0	0
57	0	0	2	117	0	0	0	177	0	0	0	237	0	0	0
58	0	0	2	118	0	0	0	178	0	0	0	238	0	0	0
59	0	0	1	119	0	0	0	179	0	0	0	239	0	0	0
60	0	0	1	120	0	0	0	180	0	0	0	240	0	0	0

Jail Bed Impact
SHB 3076 DUI Penalties-Revised with AOC data
Sentencing Guidelines Commission
February 6, 2006

Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
1	-1	49	-129	97	-131	145	-131	193	-131
2	-9	50	-129	98	-131	146	-131	194	-131
3	-21	51	-129	99	-131	147	-131	195	-131
4	-36	52	-129	100	-131	148	-131	196	-131
5	-50	53	-129	101	-131	149	-131	197	-131
6	-62	54	-129	102	-131	150	-131	198	-131
7	-71	55	-130	103	-131	151	-131	199	-131
8	-80	56	-130	104	-131	152	-131	200	-131
9	-86	57	-130	105	-131	153	-131	201	-131
10	-92	58	-130	106	-131	154	-131	202	-131
11	-96	59	-130	107	-131	155	-131	203	-131
12	-100	60	-130	108	-131	156	-131	204	-131
13	-103	61	-130	109	-131	157	-131	205	-131
14	-106	62	-130	110	-131	158	-131	206	-131
15	-109	63	-130	111	-131	159	-131	207	-131
16	-111	64	-130	112	-131	160	-131	208	-131
17	-113	65	-130	113	-131	161	-131	209	-131
18	-114	66	-130	114	-131	162	-131	210	-131
19	-116	67	-130	115	-131	163	-131	211	-131
20	-117	68	-130	116	-131	164	-131	212	-131
21	-118	69	-130	117	-131	165	-131	213	-131
22	-119	70	-131	118	-131	166	-131	214	-131
23	-120	71	-131	119	-131	167	-131	215	-131
24	-121	72	-131	120	-131	168	-131	216	-131
25	-122	73	-131	121	-131	169	-131	217	-131
26	-122	74	-131	122	-131	170	-131	218	-131
27	-123	75	-131	123	-131	171	-131	219	-131
28	-123	76	-131	124	-131	172	-131	220	-131
29	-124	77	-131	125	-131	173	-131	221	-131
30	-124	78	-131	126	-131	174	-131	222	-131

31	-125	79	-131	127	-131	175	-131	223	-131
32	-125	80	-131	128	-131	176	-131	224	-131
33	-126	81	-131	129	-131	177	-131	225	-131
34	-126	82	-131	130	-131	178	-131	226	-131
35	-126	83	-131	131	-131	179	-131	227	-131
36	-127	84	-131	132	-131	180	-131	228	-131
37	-127	85	-131	133	-131	181	-131	229	-131
38	-127	86	-131	134	-131	182	-131	230	-131
39	-127	87	-131	135	-131	183	-131	231	-131
40	-128	88	-131	136	-131	184	-131	232	-131
41	-128	89	-131	137	-131	185	-131	233	-131
42	-128	90	-131	138	-131	186	-131	234	-131
43	-128	91	-131	139	-131	187	-131	235	-131
44	-128	92	-131	140	-131	188	-131	236	-131
45	-128	93	-131	141	-131	189	-131	237	-131
46	-129	94	-131	142	-131	190	-131	238	-131
47	-129	95	-131	143	-131	191	-131	239	-131
48	-129	96	-131	144	-131	192	-131	240	-131

Current Policy - Prison Bed Estimate (Total Beds)

SHB 3076 DUI Penalties-Revised with AOC data

Sentencing Guidelines Commission

February 6, 2006

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	0	0	0	61	0	0	0	121	0	0	0	181	0	0	0
2	0	0	0	62	0	0	0	122	0	0	0	182	0	0	0
3	0	0	0	63	0	0	0	123	0	0	0	183	0	0	0
4	0	0	0	64	0	0	0	124	0	0	0	184	0	0	0
5	0	0	0	65	0	0	0	125	0	0	0	185	0	0	0
6	0	0	0	66	0	0	0	126	0	0	0	186	0	0	0
7	0	0	0	67	0	0	0	127	0	0	0	187	0	0	0
8	0	0	0	68	0	0	0	128	0	0	0	188	0	0	0
9	0	0	0	69	0	0	0	129	0	0	0	189	0	0	0
10	0	0	0	70	0	0	0	130	0	0	0	190	0	0	0
11	0	0	0	71	0	0	0	131	0	0	0	191	0	0	0
12	0	0	0	72	0	0	0	132	0	0	0	192	0	0	0
13	0	0	0	73	0	0	0	133	0	0	0	193	0	0	0
14	0	0	0	74	0	0	0	134	0	0	0	194	0	0	0
15	0	0	0	75	0	0	0	135	0	0	0	195	0	0	0
16	0	0	0	76	0	0	0	136	0	0	0	196	0	0	0
17	0	0	0	77	0	0	0	137	0	0	0	197	0	0	0
18	0	0	0	78	0	0	0	138	0	0	0	198	0	0	0
19	0	0	0	79	0	0	0	139	0	0	0	199	0	0	0
20	0	0	0	80	0	0	0	140	0	0	0	200	0	0	0
21	0	0	0	81	0	0	0	141	0	0	0	201	0	0	0
22	0	0	0	82	0	0	0	142	0	0	0	202	0	0	0

23	0	0	0	83	0	0	0	143	0	0	0	203	0	0	0
24	0	0	0	84	0	0	0	144	0	0	0	204	0	0	0
25	0	0	0	85	0	0	0	145	0	0	0	205	0	0	0
26	0	0	0	86	0	0	0	146	0	0	0	206	0	0	0
27	0	0	0	87	0	0	0	147	0	0	0	207	0	0	0
28	0	0	0	88	0	0	0	148	0	0	0	208	0	0	0
29	0	0	0	89	0	0	0	149	0	0	0	209	0	0	0
30	0	0	0	90	0	0	0	150	0	0	0	210	0	0	0
31	0	0	0	91	0	0	0	151	0	0	0	211	0	0	0
32	0	0	0	92	0	0	0	152	0	0	0	212	0	0	0
33	0	0	0	93	0	0	0	153	0	0	0	213	0	0	0
34	0	0	0	94	0	0	0	154	0	0	0	214	0	0	0
35	0	0	0	95	0	0	0	155	0	0	0	215	0	0	0
36	0	0	0	96	0	0	0	156	0	0	0	216	0	0	0
37	0	0	0	97	0	0	0	157	0	0	0	217	0	0	0
38	0	0	0	98	0	0	0	158	0	0	0	218	0	0	0
39	0	0	0	99	0	0	0	159	0	0	0	219	0	0	0
40	0	0	0	100	0	0	0	160	0	0	0	220	0	0	0
41	0	0	0	101	0	0	0	161	0	0	0	221	0	0	0
42	0	0	0	102	0	0	0	162	0	0	0	222	0	0	0
43	0	0	0	103	0	0	0	163	0	0	0	223	0	0	0
44	0	0	0	104	0	0	0	164	0	0	0	224	0	0	0
45	0	0	0	105	0	0	0	165	0	0	0	225	0	0	0
46	0	0	0	106	0	0	0	166	0	0	0	226	0	0	0
47	0	0	0	107	0	0	0	167	0	0	0	227	0	0	0
48	0	0	0	108	0	0	0	168	0	0	0	228	0	0	0
49	0	0	0	109	0	0	0	169	0	0	0	229	0	0	0
50	0	0	0	110	0	0	0	170	0	0	0	230	0	0	0
51	0	0	0	111	0	0	0	171	0	0	0	231	0	0	0
52	0	0	0	112	0	0	0	172	0	0	0	232	0	0	0
53	0	0	0	113	0	0	0	173	0	0	0	233	0	0	0
54	0	0	0	114	0	0	0	174	0	0	0	234	0	0	0
55	0	0	0	115	0	0	0	175	0	0	0	235	0	0	0
56	0	0	0	116	0	0	0	176	0	0	0	236	0	0	0
57	0	0	0	117	0	0	0	177	0	0	0	237	0	0	0
58	0	0	0	118	0	0	0	178	0	0	0	238	0	0	0
59	0	0	0	119	0	0	0	179	0	0	0	239	0	0	0
60	0	0	0	120	0	0	0	180	0	0	0	240	0	0	0

Proposed Policy - Prison Bed Estimate (Total Beds)

SHB 3076 DUI Penalties-Revised with AOC data

Sentencing Guidelines Commission

February 6, 2006

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	1	0	1	61	38	38	568	121	39	39	576	181	39	39	577
2	7	0	9	62	38	38	569	122	39	39	576	182	39	39	577

DUI Penalties

2/6/2006

SHB 3076

Sentencing Guidelines Commission

8

#325-06-051

3	12	0	21	63	38	38	569	123	39	39	576	183	39	39	577
4	16	0	37	64	38	38	569	124	39	39	576	184	39	39	577
5	19	0	57	65	38	38	570	125	39	39	576	185	39	39	577
6	22	0	79	66	38	38	570	126	39	39	576	186	39	39	577
7	24	0	103	67	39	38	570	127	39	39	576	187	39	39	577
8	26	0	129	68	39	38	571	128	39	39	576	188	39	39	577
9	28	0	157	69	39	38	571	129	39	39	576	189	39	39	577
10	29	0	186	70	39	38	571	130	39	39	576	190	39	39	577
11	30	0	216	71	39	38	572	131	39	39	576	191	39	39	577
12	31	0	246	72	39	38	572	132	39	39	576	192	39	39	577
13	32	0	277	73	39	38	572	133	39	39	576	193	39	39	577
14	32	3	307	74	39	38	573	134	39	39	576	194	39	39	577
15	33	7	332	75	39	38	573	135	39	39	577	195	39	39	577
16	33	11	355	76	39	38	573	136	39	39	577	196	39	39	577
17	34	13	376	77	39	38	573	137	39	39	577	197	39	39	577
18	34	16	395	78	39	38	573	138	39	39	577	198	39	39	577
19	35	18	412	79	39	38	573	139	39	39	577	199	39	39	577
20	35	20	427	80	39	38	574	140	39	39	577	200	39	39	577
21	35	22	440	81	39	38	574	141	39	39	577	201	39	39	577
22	36	24	452	82	39	39	574	142	39	39	577	202	39	39	577
23	36	25	463	83	39	39	574	143	39	39	577	203	39	39	577
24	36	26	472	84	39	39	574	144	39	39	577	204	39	39	577
25	36	27	481	85	39	39	574	145	39	39	577	205	39	39	577
26	36	28	489	86	39	39	574	146	39	39	577	206	39	39	577
27	36	29	497	87	39	39	574	147	39	39	577	207	39	39	577
28	37	30	504	88	39	39	574	148	39	39	577	208	39	39	577
29	37	31	510	89	39	39	574	149	39	39	577	209	39	39	577
30	37	31	515	90	39	39	574	150	39	39	577	210	39	39	577
31	37	32	520	91	39	39	575	151	39	39	577	211	39	39	577
32	37	33	525	92	39	39	575	152	39	39	577	212	39	39	577
33	37	33	529	93	39	39	575	153	39	39	577	213	39	39	577
34	37	34	532	94	39	39	575	154	39	39	577	214	39	39	577
35	37	34	536	95	39	39	575	155	39	39	577	215	39	39	577
36	38	34	539	96	39	39	575	156	39	39	577	216	39	39	577
37	38	35	542	97	39	39	575	157	39	39	577	217	39	39	577
38	38	35	544	98	39	39	575	158	39	39	577	218	39	39	577
39	38	35	546	99	39	39	575	159	39	39	577	219	39	39	577
40	38	36	549	100	39	39	575	160	39	39	577	220	39	39	577
41	38	36	551	101	39	39	575	161	39	39	577	221	39	39	577
42	38	36	552	102	39	39	575	162	39	39	577	222	39	39	577
43	38	36	554	103	39	39	575	163	39	39	577	223	39	39	577
44	38	36	556	104	39	39	575	164	39	39	577	224	39	39	577
45	38	37	557	105	39	39	575	165	39	39	577	225	39	39	577
46	38	37	558	106	39	39	575	166	39	39	577	226	39	39	577
47	38	37	559	107	39	39	575	167	39	39	577	227	39	39	577
48	38	37	560	108	39	39	575	168	39	39	577	228	39	39	577
49	38	37	561	109	39	39	575	169	39	39	577	229	39	39	577
50	38	37	562	110	39	39	575	170	39	39	577	230	39	39	577
51	38	37	563	111	39	39	576	171	39	39	577	231	39	39	577
52	38	37	564	112	39	39	576	172	39	39	577	232	39	39	577

53	38	38	564	113	39	39	576	173	39	39	577	233	39	39	577
54	38	38	565	114	39	39	576	174	39	39	577	234	39	39	577
55	38	38	566	115	39	39	576	175	39	39	577	235	39	39	577
56	38	38	566	116	39	39	576	176	39	39	577	236	39	39	577
57	38	38	567	117	39	39	576	177	39	39	577	237	39	39	577
58	38	38	567	118	39	39	576	178	39	39	577	238	39	39	577
59	38	38	568	119	39	39	576	179	39	39	577	239	39	39	577
60	38	38	568	120	39	39	576	180	39	39	577	240	39	39	577

Prison Bed Impact (Total Beds)
SHB 3076 DUI Penalties-Revised with AOC data
Sentencing Guidelines Commission
February 6, 2006

Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
1	1	49	561	97	575	145	577	193	577
2	9	50	562	98	575	146	577	194	577
3	21	51	563	99	575	147	577	195	577
4	37	52	564	100	575	148	577	196	577
5	57	53	564	101	575	149	577	197	577
6	79	54	565	102	575	150	577	198	577
7	103	55	566	103	575	151	577	199	577
8	129	56	566	104	575	152	577	200	577
9	157	57	567	105	575	153	577	201	577
10	186	58	567	106	575	154	577	202	577
11	216	59	568	107	575	155	577	203	577
12	246	60	568	108	575	156	577	204	577
13	277	61	568	109	575	157	577	205	577
14	307	62	569	110	575	158	577	206	577
15	332	63	569	111	576	159	577	207	577
16	355	64	569	112	576	160	577	208	577
17	376	65	570	113	576	161	577	209	577
18	395	66	570	114	576	162	577	210	577
19	412	67	570	115	576	163	577	211	577
20	427	68	571	116	576	164	577	212	577
21	440	69	571	117	576	165	577	213	577
22	452	70	571	118	576	166	577	214	577
23	463	71	572	119	576	167	577	215	577
24	472	72	572	120	576	168	577	216	577
25	481	73	572	121	576	169	577	217	577
26	489	74	573	122	576	170	577	218	577
27	497	75	573	123	576	171	577	219	577
28	504	76	573	124	576	172	577	220	577
29	510	77	573	125	576	173	577	221	577
30	515	78	573	126	576	174	577	222	577

31	520	79	573	127	576	175	577	223	577
32	525	80	574	128	576	176	577	224	577
33	529	81	574	129	576	177	577	225	577
34	532	82	574	130	576	178	577	226	577
35	536	83	574	131	576	179	577	227	577
36	539	84	574	132	576	180	577	228	577
37	542	85	574	133	576	181	577	229	577
38	544	86	574	134	576	182	577	230	577
39	546	87	574	135	577	183	577	231	577
40	549	88	574	136	577	184	577	232	577
41	551	89	574	137	577	185	577	233	577
42	552	90	574	138	577	186	577	234	577
43	554	91	575	139	577	187	577	235	577
44	556	92	575	140	577	188	577	236	577
45	557	93	575	141	577	189	577	237	577
46	558	94	575	142	577	190	577	238	577
47	559	95	575	143	577	191	577	239	577
48	560	96	575	144	577	192	577	240	577

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 3076 S HB	Title: DUI penalties
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Reduces cost by up to \$1.6 M per year.
- ☒ Counties: Reduces jail and probation costs; increases court and prosecution/defense costs for net savings of \$217,000 per year.
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Difficult to predict the number of convictions and the effect of treatment on recidivism rates

Estimated revenue impacts to:

Jurisdiction	FY 2006	FY 2007	2005-07	2007-09	2009-11
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$					

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Anne Pflug	Phone: 509-649-2608	Date: 02/07/2006
Leg. Committee Contact:	Phone:	Date: 01/27/2006
Agency Approval: Louise Deng Davis	Phone: (360) 725-5034	Date: 02/07/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/09/2006

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

A DUI is a class C felony if the offender: (a) has three or more prior offenses within seven years; or (b) has ever been convicted of vehicular homicide while under the influence of alcohol or drugs or vehicular assault while under the influence of alcohol or drugs.

Felony DUI is a Level V offense. This means a DUI offender with three prior misdemeanor DUIs will receive a presumptive sentence range of 15 - 20 months. A DUI offender with only one prior vehicular assault will have that prior count double, as provided under current SRA rules, and receive a presumptive sentence range of 13 - 17 months.

Felony DUI is categorized as a "Crime Against Persons" under the SRA. This means the offender is eligible for earned early release not to exceed one-third of his or her sentence and community custody provisions apply.

An offender is not eligible for the first time offender waiver program, DOSA, or work ethic camp. The court must order the offender to undergo treatment during incarceration. The offender shall be liable for the costs of treatment unless the court finds the offender indigent and no third-party insurance is available. The license suspension and ignition interlock provisions under the misdemeanor DUI laws apply.

The provisions under the SRA related to "wash out" periods and vacation of records are amended to include the seven year period in which "prior offenses" under the DUI laws are counted.

Under the Juvenile Justice Act, felony DUI is made a Category B+ offense. This means a juvenile with zero or one prior adjudication will receive a presumptive disposition range of 15 - 36 weeks in a state juvenile facility. Categorizing the offense as a B+ makes the juvenile ineligible for the chemical dependency disposition alternative, but not the suspended disposition alternative.

Substitute Bill Compared to Original Bill:

The substitute bill places sentencing of felony DUI under the Sentencing Reform Act, rather than exempting it from the SRA, as the original bill did.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 21 which reinstates prior law related to the definitions in the Sentencing Reform Act after a scheduled expiration and takes effect July 1, 2006.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

SUMMARY

HB 3076 would have a substantial (greater than \$1 million dollar) although indeterminate impact on local government expenditures. The impact is indeterminate because it is unclear how many felony cases would be filed in the future; how many cases would result in costs transferring to the State; and, what the overall re-offense rate impact of a change in detention and treatment would be for those convicted as felons under the proposed bill. Estimated savings to Cities would be \$1.6 M per year; net estimated savings to Counties would be \$217,000 per year without any effect from changes to recidivism.

The proposed bill would shift the responsibility for adjudication, prosecution, public defense, probation and jail expenses for approximately 239 city case filings per year to Counties (Superior Court) and/or the State of Washington (prison, treatment and community supervision). In addition, 407 county or state filed DUI/PC cases would be transferred to Superior Court from District Court where the responsibility for community supervision and prison time would be the responsibility of the state since it is assumed that all convictions would result in detention and treatment in prison.

BACKGROUND

The Law and Justice system in the state of Washington cost just over \$2.9 Billion dollars in 2002. State government financed 34% of this total or \$942 M and cities and counties financed 64% or \$2 B. Criminal justice costs represented 10% of total expenditures from all funds of the state, counties and cities. (Expenditure data is for 2002 and published as part of the Local Government Finance Study by the Legislative Evaluation and Accountability Program (LEAP)). Criminal justice activities resulted in 453,059 misdemeanors crime filing in local courts (2003), 59,901 referrals to juvenile court (2001) and 47,395 felony crime filings in county Superior Court (2003) (Administrative Office of the Courts, caseload data <http://www.courts.wa.gov/caseload/>). DUI/PC misdemeanor convictions rank second in frequency (18,635 in 2004) among all criminal convictions in Municipal and District Court statewide.

Municipal and District Courts were fully funded by cities (Municipal Court and District Court by contract) and counties (District Court) until 2006 when the state will contribute to part of the funding of elected judge's salaries and indigent defense. Counties operate Superior Court,

Juvenile Court and District Court. Counties expended \$471M on court and criminal legal services in 2002 or 10% of total expenditures from all funds (Expenditure data is for 2002 and published as part of the Local Government Finance Study by the Legislative Evaluation and Accountability Program (LEAP)). Currently, partial funding is provided by the state for Superior, District and Juvenile Court operations, the remainder of court costs are County costs. In addition to direct court costs counties and cities are also responsible for the costs of prosecution and public defense for all misdemeanor cases and Counties have the responsibility for the majority of these costs for all felons and juveniles.

In 2004 there were 18,290 felony sentences served in county jails (Sentencing Guidelines Commission 2004 statistical report). In addition approximately 45,000 misdemeanor sentences were served in county and city jails (360 days per year X 1,625 post-sentence jail bed average daily population in city and county jails = 585,000 misdemeanor post sentence jail days divided by 13 day average sentence length = 45,000 or the approximate number of misdemeanor sentences in 2003). Detention and correction services cost Counties \$295 M and Cities \$64 M in 2002 or 18% of total criminal justice costs of \$2B. (Expenditure data is for 2002 and published as part of the Local Government Finance Study by the LEAP).

Currently, misdemeanants serving city or county jail sentences are supervised by city or county probation departments in lieu of or after they complete detention if directed by the court. Local probation officers handle an average of between 150 and 250 cases each depending on case type.

IMPACT ON CRIMINAL JUSTICE COSTS OF PROPOSED BILL

Below is a list of criminal justice costs that are estimated to be effected by the proposed bill. Impacts are dependent on the number of cases actually filed per year and the number of convictions. Estimates are based on historical filing and conviction rates.

~ Court

See Administrative Office of the Courts (AOC) fiscal note. The salary and operating savings for the district courts is estimated at \$156,349 with no reduction in capital expense. The salary and operating savings for the municipal courts is estimated at \$76,077 with no reduction in capital expense. The estimated 646 case increase statewide for superior court will result in the need for 0.65 new superior court judges and supporting staff. The counties' cost would be \$330,205 per year not including capital cost.

~ Prosecution and Public Defense

Cities would experience a decrease in prosecution and public defense costs for approximately 239 cases per year. Currently DUI cases prosecuted in District or Municipal court cost on average \$617 per case for prosecution and \$1064 for public defense without appeals. If a total of 239 cases per year were transferred to Superior Court then cities would experience a total savings of \$402,000 per year ($\$1064 \times 239 = \$254,300$ plus $\$617 \times 239 = \$147,000$).

Counties would experience a shift in costs to Superior Court with a potential increase due to more frequent trials and appeals as a result of an increase in penalties after conviction. Superior Court costs for prosecution and defense of a total of 646 cases per year (239 city and 407 county and state) would be \$1130 per case for public defense for former city cases plus \$66 additional dollars per case for county and state felony cases without appeals (\$1130 per case rather than \$1064). Prosecution costs would increase by \$2,196 for former city cases and \$1579 additional per case for county and state felony cases without appeals (\$2196 per case rather than \$617). Total costs would increase by \$1.47M per year (\$297K for public defense and \$1.17 M for prosecution).

~Jail Costs

The Sentencing Guidelines Commission (SGC) fiscal note calculated an overall reduction in jail beds of 59 in the first year (2007) increasing to 131 beds in the years thereafter. Felons that are convicted to less than one year in detention serve their sentence in county jail at county expense. The SGC assumes all felons convicted under the provisions of the proposed bill would receive more than one year convictions and serve their sentence in state prison. Misdemeanants serve time in county or city jail at county or city expense determined by the arresting entity. Counties first year decrease in expenditures would be \$830 K ($59 \text{ beds} \times 63\% \times 360 \text{ jail days} \times \$62 \text{ per day average cost statewide} = \$830,000$). Jail expenditures would decrease by up to \$1.8M per year in the following years ($131 \text{ beds} \times 63\% \times 360 \text{ jail days} \times \$62 \text{ per day} = \$1.8 \text{ M per year}$).

City jail expenses would decline based on a reduction in caseload of 239 cases (resulting in 172 convictions). City jail costs would decline and shift to the state of Washington. City costs would decline in the first year by \$487K ($59 \text{ beds} \times 37\% \times 360 \text{ jail days} \times \$62 \text{ average cost statewide} = \$487,000$). City costs would decline by up to \$1.1 M per year in the following years ($131 \text{ beds} \times 37\% \times 360 \text{ jail days} \times \$62 \text{ per day} = \$1.1 \text{ M per year}$).

~ Treatment and Probation Costs

Chemical Dependency treatment and probation costs would decline for cities and counties shifting to the state of Washington assuming all felony convictions under the proposed bill result in prison sentences, treatment in prison and community supervision. If 172 city case convictions transfer to the county or state then caseload reductions equaling approximately one probation officer would result statewide. (Caseloads average 150 to 250 cases per officer at \$60,840 per year with benefits (Association of Washington Cities 2004 Salary Survey)). If the current county caseload transferred to the state ($407 \text{ filed cases} \times 72\% \text{ conviction rate} = 293 \text{ cases}$) then the equivalent of an

additional probation officer's caseload would be impacted.

Treatment demand for existing slots/beds at the local level are beyond current capacity so the impact of transferring treatment to the state would be to decrease some of the demand for existing beds/slots.

OVERALL REDUCTION IN CRIMINAL JUSTICE COSTS WITH TREATMENT

Treatment in prison of a larger proportion of the chemical dependent population may result in reduced overall life time public treatment costs per person. Persons involved in treatment may reduce their participation and demand for other local government services including law enforcement, justice, detention, housing, health and services to the homeless during the person's life time.

If recidivism for DUI/PC felons with CD disorders decreased, county/city correction's program and city/county criminal justice system costs would also decline. Potentially, repeat offenders that may have cycled through the criminal justice system four times in four years may now recycle two times.

As an example, each time a property crime felon cycles through the criminal justice system the costs to the local criminal justice system are estimated as:

~Law Enforcement Cost: \$1,597 (Counties) \$1,934 (Cities) per property crime

~County Superior Court Cost: \$5,700 (\$237 per hour X 3 day trial)

~Prosecutor Cost: \$819 per property crime

~Defense Cost: \$1,030 per property crime

~Jail Cost (9 month sentence with one third good time reduction): \$11,160

Total Cost: \$20,306 to \$20,643

Costs for misdemeanants are generally lower and costs for crimes against persons are generally higher.

SOURCES

Administrative Office of the Courts caseload statistics and fiscal note

Sentencing Guidelines Commission fiscal note

Local Government Fiscal Note Program Criminal Justice Cost Survey, 2004

Local Government Fiscal Note Program Jail Cost Model, 2005

Association of Washington Cities 2004 Salary Survey

Local Government Finance Study by the Legislative Evaluation and Accountability Program (LEAP)

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

SUMMARY

HB 3076 would have a moderate impact (greater than \$50,000) on city court revenue. The proposed bill would shift receipts for select DUI filings from District and Municipal Court to Superior Court. Cities would lose some revenue (estimated at \$69,000 per year statewide) while Counties would experience a shift.

DISCUSSION

Municipal Courts and Municipal contracts with District Courts collected \$12.3M in traffic misdemeanor revenue in 2004 (Administrative Office of the Courts 2004 Caseload data). Driving while Under the Influence or Physical Control (DUI/PC) filings represented 37% of all traffic misdemeanor filings for cities in 2004 so assuming 37% of all traffic misdemeanor revenue is related to DUI/PC filings then \$4.6M in revenue is related to DUI/PC collections. Average fines per case are \$930.

HB 3076 would transfer DUI filings with three or more prior offenses or a conviction for vehicular assault to Superior Court. Based on data from the Judicial Information System (JIS), there were 465 DUI / PV convictions in 2004 where the defendant had three or more prior convictions in the past seven years representing 646 case filings (not all resulted in conviction). If 37% of these filings are city filings (239 filings) then 1.5% of all DUI/PC city filings would be transferred to Superior Court and \$69,000 in city revenue would be affected.

SOURCES

Administrative Office of the Courts caseload data, 2004

Administrative Office of the Courts fiscal note

Judicial Information System