

Multiple Agency Fiscal Note Summary

| | |
|-----------------------------|-----------------------------|
| Bill Number: 3317 HB | Title: DUI penalties |
|-----------------------------|-----------------------------|

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 | .1 | 13,788 | 13,788 | .2 | 27,576 | 27,576 | .2 | 27,576 | 27,576 |
| Department of Licensing | .0 | 0 | 36,644 | .0 | 0 | 0 | .0 | 0 | 0 |
| Department of Social and Health Services | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Department of Corrections | 2.2 | 762,801 | 10,062,862 | 75.0 | 9,647,438 | 9,647,438 | 135.0 | 21,648,655 | 21,648,655 |
| Sentencing Guidelines Commission | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Total | 2.3 | \$776,589 | \$10,113,294 | 75.2 | \$9,675,014 | \$9,675,014 | 135.2 | \$21,676,231 | \$21,676,231 |

| | | | | | | | | | |
|---------------------|---|--|--------|----|--|--------|----|--|--------|
| Local Gov. Courts * | .2 | | 90,799 | .4 | | 46,302 | .3 | | 46,302 |
| Local Gov. Other ** | Non-zero but indeterminate cost. Please see discussion. | | | | | | | | |
| Local Gov. Total | .2 | | 90,799 | .4 | | 46,302 | .3 | | 46,302 |

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| Prepared by: Nick Lutes, OFM | Phone: 360-902-0570 | Date Published: Final 3/ 6/2006 |
|-------------------------------------|-------------------------------|---|

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note
FNPID: 14379

Judicial Impact Fiscal Note

| | | |
|-----------------------------|-----------------------------|---|
| Bill Number: 3317 HB | Title: DUI penalties | Agency: 055-Admin Office of the Courts |
|-----------------------------|-----------------------------|---|

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 | | .2 | .1 | .2 | .2 |
| Fund | | | | | |
| General Fund-State 001-1 | | 13,788 | 13,788 | 27,576 | 27,576 |
| State Subtotal \$ | | 13,788 | 13,788 | 27,576 | 27,576 |
| COUNTY | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
| County FTE Staff Years | | .6 | .3 | .6 | .6 |
| Fund | | | | | |
| Local - Counties | | 108,889 | 108,889 | 82,482 | 82,482 |
| Counties Subtotal \$ | | 108,889 | 108,889 | 82,482 | 82,482 |
| CITY | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
| City FTE Staff Years | | (.2) | (.1) | (.2) | (.3) |
| Fund | | | | | |
| Local - Cities | | (18,090) | (18,090) | (36,180) | (36,180) |
| Cities Subtotal \$ | | (18,090) | (18,090) | (36,180) | (36,180) |
| Local Subtotal \$ | | 90,799 | 90,799 | 46,302 | 46,302 |
| Total Estimated Expenditures \$ | | 104,587 | 104,587 | 73,878 | 73,878 |

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: 02/28/2006 |
| Agency Preparation: Julia Appel | Phone: (360) 705-5229 | Date: 02/28/2006 |
| Agency Approval: Jeff Hall | Phone: 360-357-2131 | Date: 03/01/2006 |
| OFM Review: Garry Austin | Phone: 360-902-0564 | Date: 03/01/2006 |

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 four 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 four 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 two or three 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 110 DUI / PCV convictions in 2004 where the defendant had four 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 2004 caseload analysis found that, 72 percent of DUI/physical control filings result in a conviction. Assuming the 110 convictions in 2004 represent 72 percent of the filings, it is estimated that 153 cases would be filed in superior court as a result of this bill. In 2004, 28 percent (43) of these cases would have been heard in municipal courts and 72 percent (110) in district courts.

Based on the attached assumptions, removing these cases from district and municipal courts will result in a savings of 0.064 district

court judges and 0.025 municipal court judges if positions are eliminated or reduced. The salary and operational savings for the district courts would be \$36,986 with no reduction in capital expense. The salary and operational savings for the municipal courts would be \$18,090 with no reduction in capital expense.

The 153 new cases for superior court will result in the need for 0.15 new superior court judges and supporting staff. The state's cost would be \$13,788 for judicial salary/benefits. The counties' cost would be \$41,241 not including capital cost.

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

State Expenditures: \$13,788
 County Expenditures: \$41,241 (not including superior court capital expense)
 City Expenditures: -\$18,090

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 | | .2 | .1 | .2 | .2 |
| Salaries and Wages | | 10,149 | 10,149 | 20,298 | 20,298 |
| Employee Benefits | | 3,639 | 3,639 | 7,278 | 7,278 |
| 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 \$ | | 13,788 | 13,788 | 27,576 | 27,576 |

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

| <u>County</u> | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|---------------------|---------|---------|---------|---------|---------|
| FTE Staff Years | | .6 | .3 | .6 | .6 |
| Salaries & Benefits | | 22,652 | 22,652 | 45,304 | 45,304 |
| Capital | | 67,648 | 67,648 | | |
| Other | | 18,589 | 18,589 | 37,178 | 37,178 |
| Total \$ | | 108,889 | 108,889 | 82,482 | 82,482 |

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

| <u>City</u> | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|---------------------|---------|----------|----------|----------|----------|
| FTE Staff Years | | (0.2) | (0.1) | (0.2) | (0.3) |
| Salaries & Benefits | | (12,022) | (12,022) | (24,044) | (24,044) |
| Capital | | | | | |
| Other | | (6,068) | (6,068) | (12,136) | (12,136) |
| Total \$ | | (18,090) | (18,090) | (36,180) | (36,180) |

III. D - FTE Detail

| Job Classification | Salary | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|--------------------------|---------|---------|---------|---------|---------|---------|
| County Clerk Staff | 45,551 | | 0.5 | 0.3 | 0.5 | 0.5 |
| District Court Judge | 154,577 | | (0.1) | 0.0 | (0.1) | (0.1) |
| District Court Staff | 43,286 | | (0.4) | (0.2) | (0.4) | (0.4) |
| Municipal Court Judge | 132,719 | | 0.0 | 0.0 | 0.0 | (0.1) |
| Municipal Court Staff | 44,782 | | (0.2) | (0.1) | (0.2) | (0.2) |
| Superior Court Judge | 131,988 | | 0.3 | 0.2 | 0.3 | 0.3 |
| Superior Ct. Admin Staff | 43,211 | | 0.4 | 0.2 | 0.4 | 0.4 |
| Total FTE's | | | 0.5 | 0.3 | 0.5 | 0.5 |

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 | | 67,648 | 67,648 | | |
| Total \$ | | 67,648 | 67,648 | | |

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 will be \$67,648 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.

Individual State Agency Fiscal Note

| | | |
|-----------------------------|-----------------------------|--|
| Bill Number: 3317 HB | Title: DUI penalties | Agency: 240-Department of Licensing |
|-----------------------------|-----------------------------|--|

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 |
| Fund | | | | | |
| Highway Safety Account-State 106-1 | 0 | 36,644 | 36,644 | 0 | 0 |
| Total \$ | 0 | 36,644 | 36,644 | 0 | 0 |

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: 02/28/2006 |
| Agency Preparation: Don Arlow | Phone: (360) 902-3736 | Date: 02/28/2006 |
| Agency Approval: Sam Knutson | Phone: 360-902-3644 | Date: 03/02/2006 |
| OFM Review: Garry Austin | Phone: 360-902-0564 | Date: 03/02/2006 |

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.

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.

SEE ATTACHMENT

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|-------------------------------|---------|----------|----------|---------|---------|
| FTE Staff Years | | | | | |
| A-Salaries & Wages | | | | | |
| B-Employee Benefits | | | | | |
| C-Personal Serv Contr | | | | | |
| E-Goods and Services | | 36,644 | 36,644 | | |
| G-Travel | | | | | |
| J-Capital Outlays | | | | | |
| M-Inter Agency Fund Transfers | | | | | |
| N-Grants, Benefits Services | | | | | |
| P-Debt Service | | | | | |
| S-Interagency Reimbursement | | | | | |
| T-Intra-Agency Reimbursement | | | | | |
| Total: | \$0 | \$36,644 | \$36,644 | \$0 | \$0 |

III. C - Expenditures By Program (optional)

| Program | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|--------------------------------|---------|---------|---------|---------|---------|
| Mgmt & Support Services (100) | | | | | |
| Information Services (200) | | 36,644 | 36,644 | | |
| Vehicle Services (300) | | | | | |
| Driver Services (600) | | | | | |
| Business and Professions (700) | | | | | |
| Total \$ | | 36,644 | 36,644 | | |

Part IV: Capital Budget Impact

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.

Part II: Explanation

This bill makes driving under the influence a class C felony, ranked as a seriousness level V offense under the Sentencing Reform Act, if the offender has four or more prior driving under the influence convictions within seven years, or has ever been convicted of vehicular assault or vehicular homicide while driving under the influence.

II. A – Brief Description of What the Measure Does that Has Fiscal Impact

Section 1 – Amends RCW 46.61.502 to create a new Class C felony for driving under the influence of intoxicating liquor or any drug (DUI) when the offender has four or more prior offenses within seven years, or a previous conviction for vehicular homicide or vehicular assault while under the influence.

Section 2 – Amends RCW 46.61.504 to create a new Class C felony for physical control of a motor vehicle while under the influence of intoxicating liquor or any drug (PC) when the offender has four or more prior offenses within seven years, or a previous conviction for vehicular homicide or vehicular assault while under the influence.

Section 4 – Adds a new section to chapter 9.94A RCW mandating that provisions regarding suspension of license and ignition interlock devices apply to the offenses established in Sections 1 and 2 of the bill.

Sections 5 and 6 include felony DUI and PC in the definition of felony traffic offense.

| <u>Workload Indicator</u> | <u>FY 06</u> | <u>FY 07</u> | <u>05-07 Total</u> | <u>07-09 Total</u> | <u>09-11 Total</u> |
|---------------------------|--------------|--------------|--------------------|--------------------|--------------------|
|---------------------------|--------------|--------------|--------------------|--------------------|--------------------|

II. B – Cash Receipt Impact

None

| <u>Cash Receipts</u> | <u>FY 06</u> | <u>FY 07</u> | <u>05-07 Total</u> | <u>07-09 Total</u> | <u>09-11 Total</u> |
|----------------------|--------------|--------------|--------------------|--------------------|--------------------|
| Total Revenue | - | - | - | - | - |

II. C – Expenditures

Implementation of this bill will require modification of DOL information systems, including development of new violation codes, new departmental action codes, and new notification letters. Development and testing of these modifications will require 2.3 months of contracted programmer time.

Part III: Expenditure Detail

III. A – Expenditures by Object or Purpose

| | FY 06 | FY 07 | 05-07 Total | 07-09 Total | 09-11 Total |
|-----------------------------|-------|--------|-------------|-------------|-------------|
| FTE Staff Years | | | | | |
| Salaries and Wages | | | | | |
| Employee Benefits | | | | | |
| Personal Service Contracts | | | | | |
| Goods and Services | | 36,644 | 36,644 | | |
| Travel | | | | | |
| Equipment | | | | | |
| Inter Agency Fund Transfers | | | | | |
| Grants and Subsidies | | | | | |
| Debt Service | | | | | |
| Interagency Reimbursement | | | | | |
| Intra-Agency Reimbursement | | | | | |
| Other | | | | | |
| Total | | 36,644 | 36,644 | | |

III. A (1) – Detail of Expenditures by Sub-Object for Goods & Services

| Object E Breakdown: | FY 06 | FY 07 | 05-07 Total | 07-09 Total | 09-11 Total |
|------------------------|-------|--------|-------------|-------------|-------------|
| ER DP Cont Programmers | | 36,644 | 36,644 | | |
| Total Goods & Svcs | | 36,644 | 36,644 | | |

III. A (2) – Detail of Expenditures by Fund

Additional information about assumptions and impacts is available directly from the Department of Licensing at 902-3644.

III. B – FTE Detail

EXPENDITURE DETAIL – STAFF

| Job Classification | Salary | FY 06 | FY 07 | 05-07 Total | 07-09 Total | 09-11 Total |
|--------------------|--------|-------|-------|-------------|-------------|-------------|
| Total FTEs | | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

III. B – Expenditures by Program (optional)

| Program | FY 06 | FY 07 | 05-07 Total | 07-09 Total | 09-11 Total |
|-------------------------------|-------|--------|-------------|-------------|-------------|
| 100 - Mgmt & Support Services | | | | | |
| 200 - Information Services | | 36,644 | 36,644 | | |
| 300 - Vehicle Services | | | | | |
| 600 - Driver Services | | | | | |
| 700 - Business & Professions | | | | | |
| <i>Total</i> | - | 36,644 | 36,644 | - | - |

Part IV: Capital Budget Impact

None

Part V: New Rule Making Required

None

Individual State Agency Fiscal Note

| | | |
|-----------------------------|-----------------------------|---|
| Bill Number: 3317 HB | Title: DUI penalties | Agency: 300-Dept of Social and Health Services |
|-----------------------------|-----------------------------|---|

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: 02/28/2006 |
| Agency Preparation: Debbie Schaub | Phone: 360-902-8177 | Date: 02/28/2006 |
| Agency Approval: Sue Breen | Phone: 360-902-8183 | Date: 03/02/2006 |
| OFM Review: Cheri Keller | Phone: 360-902-0553 | Date: 03/02/2006 |

Individual State Agency Fiscal Note

| | | |
|-----------------------------|-----------------------------|--|
| Bill Number: 3317 HB | Title: DUI penalties | Agency: 310-Department of Corrections |
|-----------------------------|-----------------------------|--|

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 | 4.4 | 2.2 | 75.0 | 135.0 |
| Fund | | | | | |
| General Fund-State 001-1 | 0 | 762,801 | 762,801 | 9,647,438 | 21,648,655 |
| State Building Construction Account-State 057-1 | 0 | 9,300,061 | 9,300,061 | 0 | 0 |
| Total \$ | 0 | 10,062,862 | 10,062,862 | 9,647,438 | 21,648,655 |

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: 02/28/2006 |
| Agency Preparation: Ronna Cole | Phone: 360-725-8263 | Date: 02/28/2006 |
| Agency Approval: Randi Warick | Phone: 360 -725-8270 | Date: 03/03/2006 |
| OFM Review: Nick Lutes | Phone: 360-902-0570 | Date: 03/06/2006 |

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 four or more prior DUI offenses within seven years.

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

Section 3 Stipulates offenders with four or more DUI or PCUI convictions will be sentenced in accordance with chapter 9.94A RCW (Sentencing Reform Act).

Section 4 creates a new RCW in 9.94A requiring that all offenders sentenced to prisons 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 8 Amends the provisions for counting offender scores so that DUI and PCUI convictions 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

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 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 24 in Fiscal Year 2007, 108 in Fiscal Year 2008, 170 in Fiscal Year 2009, 192 in Fiscal Year 2010, and 199 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 existing prison camps.

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 180 minimum beds in Fiscal Year 2007. This estimate assumes that the Department will rent additional beds through Fiscal Year 2007 until the new minimum beds are available. The Department plans expansion at two current camps to accommodate the increased population. The Capital cost is based upon 180 beds in Fiscal Year 2007, \$9.3 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 1.03 FTEs in Fiscal Year 2007 and 1.05 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 8 treatment slots in Fiscal Year 2007, 36 slots in Fiscal Year 2008, 57 slots in Fiscal Year 2009, 64 slots in Fiscal Year 2010, and 67 slots in Fiscal Year 2011.

COMMUNITY SUPERVISION IMPACTS:

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. These estimates assume that the Department's Community Custody average daily population (ADP) will increase by 5 in Fiscal Year 2008, 233 in Fiscal Year 2009, 1,693 in Fiscal Year 2010, 2,199 in Fiscal Year 2011.

The impacts of supervising the increased ADP will be 3.0 FTEs or \$137,357 in Fiscal Year 2007, 3.1 FTE and \$146,415 in Fiscal Year 2008, 8.3 FTE and \$696,835 in Fiscal Year 2009, 42.2 FTE and \$3,494,496 in Fiscal Year 2010, and 81.8 FTE and \$6,553,213 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.

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 .2 FTEs and \$15,000 in Fiscal Year 2007 or 4.7 FTEs and \$330,000 in Fiscal Year 2008, 5.0 FTEs and \$314,000 in Fiscal Year 2009, 7.3 FTEs and \$472,000 in Fiscal Year 2010, and 10.0 FTES and \$646,000 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 | | 4.4 | 2.2 | 75.0 | 135.0 |
| A-Salaries and Wages | | 171,516 | 171,516 | 5,822,311 | 10,729,475 |
| B-Employee Benefits | | 54,598 | 54,598 | 1,712,147 | 3,249,715 |
| C-Personal Service Contracts | | | | 169,000 | |
| E-Goods and Services | | 22,402 | 22,402 | 1,967,212 | 4,024,870 |
| G-Travel | | 14,980 | 14,980 | (25,948) | 162,300 |
| J-Capital Outlays | | 9,303,025 | 9,303,025 | 105,141 | 548,279 |
| M-Inter Agency/Fund Transfers | | | | | |
| N-Grants, Benefits & Client Services | | 496,341 | 496,341 | (110,897) | 2,925,544 |
| P-Debt Service | | | | 8,472 | 8,472 |
| S-Interagency Reimbursements | | | | | |
| T-Intra-Agency Reimbursements | | | | | |
| Total: | \$0 | \$10,062,862 | \$10,062,862 | \$9,647,438 | \$21,648,655 |

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 |
|-------------------------------|--------|---------|---------|---------|---------|---------|
| Administrative Services Staff | 46,444 | | 0.2 | 0.1 | 4.9 | 8.7 |
| Community Corrections Staff | 38,500 | | 3.0 | 1.5 | 5.7 | 62.0 |
| Correctional Officers | 38,500 | | 1.2 | 0.6 | 64.5 | 64.3 |
| Total FTE's | | | 4.4 | 2.2 | 75.0 | 135.0 |

III. C - Expenditures By Program (optional)

| Program | FY 2006 | FY 2007 | 2005-07 | 2007-09 | 2009-11 |
|-------------------------------|---------|------------|------------|-----------|------------|
| Administrative Services (100) | | 15,000 | 15,000 | 813,000 | 1,118,000 |
| Institutional Services (200) | | 610,444 | 610,444 | 7,991,188 | 10,482,946 |
| Community Corrections (300) | | 137,357 | 137,357 | 843,250 | 10,047,709 |
| Capital Programs (900) | | 9,300,061 | 9,300,061 | | |
| Total \$ | | 10,062,862 | 10,062,862 | 9,647,438 | 21,648,655 |

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 | | 9,300,061 | 9,300,061 | | |
| Other | | | | | |
| Total \$ | | 9,300,061 | 9,300,061 | | |

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 minimum 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 two minimum camp's capacity by 180 beds in Fiscal Year 2007. The capital costs are estimated to be \$9.3 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: 3317 HB | Title: DUI penalties | Agency: 325-Sentencing Guidelines Commission |
|-----------------------------|-----------------------------|---|

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: 02/28/2006 |
| Agency Preparation: Terry Travis | Phone: 360-407-1060 | Date: 02/28/2006 |
| Agency Approval: Edward Valachovic | Phone: 360-407-1070 | Date: 02/28/2006 |
| OFM Review: Nick Lutes | Phone: 360-902-0570 | Date: 02/28/2006 |

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

HB-3317
DUI PENALTIES
325 – Sentencing Guidelines Commission
February 28, 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 four or more prior DUI offenses within seven years.
- Section 2 Establishes a class C felony for being in actual physical control of a motor vehicle while under the influence of intoxication liquor or any drug (PCUI) with four or more prior PCUI offenses within seven years.
- Section 3 Stipulates offenders with four or more DUI or PCUI convictions will be sentenced in accordance with chapter 9.94A RCW (Sentencing Reform Act).
- Section 4 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 8 Amends the provisions for counting offender scores so that DUI and PCUI convictions 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 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 2004 sentencing data from AOC and there were roughly 110 sentences for DUI/PCUI where there were 4 or more prior convictions. The average sentence was about 5.8 months.

Since these offenders have at least 4 prior offenses and their minimum offender score is 4, their minimum sentence would fall between 22 and 29 months, so there would be no jail sentences. Initially there would be a reduction of 16 jail beds in FY 2007 which would continue to decrease to 38 jail beds by FY 2012 and thereafter. Prison beds would increase by 24 beds in FY 2007 and continue to increase to 204 beds by 2017 and thereafter.

Average Monthly Population Jail and Prison Impacts

HB 3317 DUI Penalties

Sentencing Guidelines Commission

February 28, 2006

| | Fiscal Year | | | | | | | | | |
|---------------------------|-------------|------|------|------|------|------|------|------|------|------|
| | FY07 | FY08 | FY09 | FY10 | FY11 | FY12 | FY13 | FY14 | FY15 | FY16 |
| Jail AMP | -16 | -33 | -36 | -37 | -37 | -38 | -38 | -38 | -38 | -38 |
| Prison AMP (Total) | 24 | 108 | 170 | 192 | 199 | 201 | 202 | 203 | 203 | 203 |

| | Fiscal Year | | | | | | | | | |
|---------------------------|-------------|------|------|------|------|------|------|------|------|------|
| | FY17 | FY18 | FY19 | FY20 | FY21 | FY22 | FY23 | FY24 | FY25 | FY26 |
| Jail AMP | -38 | -38 | -38 | -38 | -38 | -38 | -38 | -38 | -38 | -38 |
| Prison AMP (Total) | 204 | 204 | 204 | 204 | 204 | 204 | 204 | 204 | 204 | 204 |

End of Year Jail and Prison Bed Impacts
HB 3317 DUI Penalties
Sentencing Guidelines Commission
February 28, 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) | 58 | 145 | 184 | 196 | 200 | 202 | 203 | 203 | 203 | 204 |

| | Fiscal Year | | | | | | | | | |
|----------------------------|-------------|------|------|------|------|------|------|------|------|------|
| | FY17 | FY18 | FY19 | FY20 | FY21 | FY22 | FY23 | FY24 | FY25 | FY26 |
| Jail Beds | -38 | -38 | -38 | -38 | -38 | -38 | -38 | -38 | -38 | -38 |
| Prison Beds (Total) | 204 | 204 | 204 | 204 | 204 | 204 | 204 | 204 | 204 | 204 |

Current Policy - Jail Bed Estimate
HB 3317 DUI Penalties
Sentencing Guidelines Commission
February 28, 2006

| Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. |
|-----------|----------|----------|-----------|-----------|----------|----------|-----------|------------|----------|----------|-----------|------------|----------|----------|-----------|
| 1 | 9 | 0 | 9 | 61 | 9 | 9 | 38 | 121 | 9 | 9 | 38 | 181 | 9 | 9 | 38 |
| 2 | 9 | 0 | 18 | 62 | 9 | 9 | 38 | 122 | 9 | 9 | 38 | 182 | 9 | 9 | 38 |
| 3 | 9 | 0 | 28 | 63 | 9 | 9 | 38 | 123 | 9 | 9 | 38 | 183 | 9 | 9 | 38 |
| 4 | 9 | 1 | 36 | 64 | 9 | 9 | 38 | 124 | 9 | 9 | 38 | 184 | 9 | 9 | 38 |
| 5 | 9 | 8 | 37 | 65 | 9 | 9 | 38 | 125 | 9 | 9 | 38 | 185 | 9 | 9 | 38 |
| 6 | 9 | 9 | 38 | 66 | 9 | 9 | 38 | 126 | 9 | 9 | 38 | 186 | 9 | 9 | 38 |
| 7 | 9 | 9 | 38 | 67 | 9 | 9 | 38 | 127 | 9 | 9 | 38 | 187 | 9 | 9 | 38 |
| 8 | 9 | 9 | 38 | 68 | 9 | 9 | 38 | 128 | 9 | 9 | 38 | 188 | 9 | 9 | 38 |
| 9 | 9 | 9 | 38 | 69 | 9 | 9 | 38 | 129 | 9 | 9 | 38 | 189 | 9 | 9 | 38 |
| 10 | 9 | 9 | 38 | 70 | 9 | 9 | 38 | 130 | 9 | 9 | 38 | 190 | 9 | 9 | 38 |
| 11 | 9 | 9 | 38 | 71 | 9 | 9 | 38 | 131 | 9 | 9 | 38 | 191 | 9 | 9 | 38 |
| 12 | 9 | 9 | 38 | 72 | 9 | 9 | 38 | 132 | 9 | 9 | 38 | 192 | 9 | 9 | 38 |
| 13 | 9 | 9 | 38 | 73 | 9 | 9 | 38 | 133 | 9 | 9 | 38 | 193 | 9 | 9 | 38 |
| 14 | 9 | 9 | 38 | 74 | 9 | 9 | 38 | 134 | 9 | 9 | 38 | 194 | 9 | 9 | 38 |
| 15 | 9 | 9 | 38 | 75 | 9 | 9 | 38 | 135 | 9 | 9 | 38 | 195 | 9 | 9 | 38 |
| 16 | 9 | 9 | 38 | 76 | 9 | 9 | 38 | 136 | 9 | 9 | 38 | 196 | 9 | 9 | 38 |
| 17 | 9 | 9 | 38 | 77 | 9 | 9 | 38 | 137 | 9 | 9 | 38 | 197 | 9 | 9 | 38 |
| 18 | 9 | 9 | 38 | 78 | 9 | 9 | 38 | 138 | 9 | 9 | 38 | 198 | 9 | 9 | 38 |
| 19 | 9 | 9 | 38 | 79 | 9 | 9 | 38 | 139 | 9 | 9 | 38 | 199 | 9 | 9 | 38 |

| | | | | | | | | | | | | | | | |
|-----------|----------|----------|-----------|------------|----------|----------|-----------|------------|----------|----------|-----------|------------|----------|----------|-----------|
| 20 | 9 | 9 | 38 | 80 | 9 | 9 | 38 | 140 | 9 | 9 | 38 | 200 | 9 | 9 | 38 |
| 21 | 9 | 9 | 38 | 81 | 9 | 9 | 38 | 141 | 9 | 9 | 38 | 201 | 9 | 9 | 38 |
| 22 | 9 | 9 | 38 | 82 | 9 | 9 | 38 | 142 | 9 | 9 | 38 | 202 | 9 | 9 | 38 |
| 23 | 9 | 9 | 38 | 83 | 9 | 9 | 38 | 143 | 9 | 9 | 38 | 203 | 9 | 9 | 38 |
| 24 | 9 | 9 | 38 | 84 | 9 | 9 | 38 | 144 | 9 | 9 | 38 | 204 | 9 | 9 | 38 |
| 25 | 9 | 9 | 38 | 85 | 9 | 9 | 38 | 145 | 9 | 9 | 38 | 205 | 9 | 9 | 38 |
| 26 | 9 | 9 | 38 | 86 | 9 | 9 | 38 | 146 | 9 | 9 | 38 | 206 | 9 | 9 | 38 |
| 27 | 9 | 9 | 38 | 87 | 9 | 9 | 38 | 147 | 9 | 9 | 38 | 207 | 9 | 9 | 38 |
| 28 | 9 | 9 | 38 | 88 | 9 | 9 | 38 | 148 | 9 | 9 | 38 | 208 | 9 | 9 | 38 |
| 29 | 9 | 9 | 38 | 89 | 9 | 9 | 38 | 149 | 9 | 9 | 38 | 209 | 9 | 9 | 38 |
| 30 | 9 | 9 | 38 | 90 | 9 | 9 | 38 | 150 | 9 | 9 | 38 | 210 | 9 | 9 | 38 |
| 31 | 9 | 9 | 38 | 91 | 9 | 9 | 38 | 151 | 9 | 9 | 38 | 211 | 9 | 9 | 38 |
| 32 | 9 | 9 | 38 | 92 | 9 | 9 | 38 | 152 | 9 | 9 | 38 | 212 | 9 | 9 | 38 |
| 33 | 9 | 9 | 38 | 93 | 9 | 9 | 38 | 153 | 9 | 9 | 38 | 213 | 9 | 9 | 38 |
| 34 | 9 | 9 | 38 | 94 | 9 | 9 | 38 | 154 | 9 | 9 | 38 | 214 | 9 | 9 | 38 |
| 35 | 9 | 9 | 38 | 95 | 9 | 9 | 38 | 155 | 9 | 9 | 38 | 215 | 9 | 9 | 38 |
| 36 | 9 | 9 | 38 | 96 | 9 | 9 | 38 | 156 | 9 | 9 | 38 | 216 | 9 | 9 | 38 |
| 37 | 9 | 9 | 38 | 97 | 9 | 9 | 38 | 157 | 9 | 9 | 38 | 217 | 9 | 9 | 38 |
| 38 | 9 | 9 | 38 | 98 | 9 | 9 | 38 | 158 | 9 | 9 | 38 | 218 | 9 | 9 | 38 |
| 39 | 9 | 9 | 38 | 99 | 9 | 9 | 38 | 159 | 9 | 9 | 38 | 219 | 9 | 9 | 38 |
| 40 | 9 | 9 | 38 | 100 | 9 | 9 | 38 | 160 | 9 | 9 | 38 | 220 | 9 | 9 | 38 |
| 41 | 9 | 9 | 38 | 101 | 9 | 9 | 38 | 161 | 9 | 9 | 38 | 221 | 9 | 9 | 38 |
| 42 | 9 | 9 | 38 | 102 | 9 | 9 | 38 | 162 | 9 | 9 | 38 | 222 | 9 | 9 | 38 |
| 43 | 9 | 9 | 38 | 103 | 9 | 9 | 38 | 163 | 9 | 9 | 38 | 223 | 9 | 9 | 38 |
| 44 | 9 | 9 | 38 | 104 | 9 | 9 | 38 | 164 | 9 | 9 | 38 | 224 | 9 | 9 | 38 |
| 45 | 9 | 9 | 38 | 105 | 9 | 9 | 38 | 165 | 9 | 9 | 38 | 225 | 9 | 9 | 38 |
| 46 | 9 | 9 | 38 | 106 | 9 | 9 | 38 | 166 | 9 | 9 | 38 | 226 | 9 | 9 | 38 |
| 47 | 9 | 9 | 38 | 107 | 9 | 9 | 38 | 167 | 9 | 9 | 38 | 227 | 9 | 9 | 38 |
| 48 | 9 | 9 | 38 | 108 | 9 | 9 | 38 | 168 | 9 | 9 | 38 | 228 | 9 | 9 | 38 |
| 49 | 9 | 9 | 38 | 109 | 9 | 9 | 38 | 169 | 9 | 9 | 38 | 229 | 9 | 9 | 38 |
| 50 | 9 | 9 | 38 | 110 | 9 | 9 | 38 | 170 | 9 | 9 | 38 | 230 | 9 | 9 | 38 |
| 51 | 9 | 9 | 38 | 111 | 9 | 9 | 38 | 171 | 9 | 9 | 38 | 231 | 9 | 9 | 38 |
| 52 | 9 | 9 | 38 | 112 | 9 | 9 | 38 | 172 | 9 | 9 | 38 | 232 | 9 | 9 | 38 |
| 53 | 9 | 9 | 38 | 113 | 9 | 9 | 38 | 173 | 9 | 9 | 38 | 233 | 9 | 9 | 38 |
| 54 | 9 | 9 | 38 | 114 | 9 | 9 | 38 | 174 | 9 | 9 | 38 | 234 | 9 | 9 | 38 |
| 55 | 9 | 9 | 38 | 115 | 9 | 9 | 38 | 175 | 9 | 9 | 38 | 235 | 9 | 9 | 38 |
| 56 | 9 | 9 | 38 | 116 | 9 | 9 | 38 | 176 | 9 | 9 | 38 | 236 | 9 | 9 | 38 |
| 57 | 9 | 9 | 38 | 117 | 9 | 9 | 38 | 177 | 9 | 9 | 38 | 237 | 9 | 9 | 38 |
| 58 | 9 | 9 | 38 | 118 | 9 | 9 | 38 | 178 | 9 | 9 | 38 | 238 | 9 | 9 | 38 |
| 59 | 9 | 9 | 38 | 119 | 9 | 9 | 38 | 179 | 9 | 9 | 38 | 239 | 9 | 9 | 38 |
| 60 | 9 | 9 | 38 | 120 | 9 | 9 | 38 | 180 | 9 | 9 | 38 | 240 | 9 | 9 | 38 |

Proposed Policy - Jail Bed Estimate

HB 3317 DUI Penalties

Sentencing Guidelines Commission

February 28, 2006

| Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. |
|-----------|----------|----------|----------|------------|----------|----------|----------|------------|----------|----------|----------|------------|----------|----------|----------|
| 1 | 9 | 0 | 9 | 61 | 0 | 0 | 0 | 121 | 0 | 0 | 0 | 181 | 0 | 0 | 0 |
| 2 | 7 | 0 | 16 | 62 | 0 | 0 | 0 | 122 | 0 | 0 | 0 | 182 | 0 | 0 | 0 |
| 3 | 6 | 0 | 22 | 63 | 0 | 0 | 0 | 123 | 0 | 0 | 0 | 183 | 0 | 0 | 0 |
| 4 | 5 | 0 | 27 | 64 | 0 | 0 | 0 | 124 | 0 | 0 | 0 | 184 | 0 | 0 | 0 |
| 5 | 5 | 8 | 24 | 65 | 0 | 0 | 0 | 125 | 0 | 0 | 0 | 185 | 0 | 0 | 0 |
| 6 | 4 | 7 | 21 | 66 | 0 | 0 | 0 | 126 | 0 | 0 | 0 | 186 | 0 | 0 | 0 |
| 7 | 3 | 6 | 18 | 67 | 0 | 0 | 0 | 127 | 0 | 0 | 0 | 187 | 0 | 0 | 0 |
| 8 | 3 | 6 | 16 | 68 | 0 | 0 | 0 | 128 | 0 | 0 | 0 | 188 | 0 | 0 | 0 |
| 9 | 3 | 5 | 14 | 69 | 0 | 0 | 0 | 129 | 0 | 0 | 0 | 189 | 0 | 0 | 0 |
| 10 | 2 | 4 | 12 | 70 | 0 | 0 | 0 | 130 | 0 | 0 | 0 | 190 | 0 | 0 | 0 |
| 11 | 2 | 4 | 11 | 71 | 0 | 0 | 0 | 131 | 0 | 0 | 0 | 191 | 0 | 0 | 0 |
| 12 | 2 | 3 | 9 | 72 | 0 | 0 | 0 | 132 | 0 | 0 | 0 | 192 | 0 | 0 | 0 |
| 13 | 2 | 3 | 8 | 73 | 0 | 0 | 0 | 133 | 0 | 0 | 0 | 193 | 0 | 0 | 0 |
| 14 | 2 | 2 | 8 | 74 | 0 | 0 | 0 | 134 | 0 | 0 | 0 | 194 | 0 | 0 | 0 |
| 15 | 1 | 2 | 7 | 75 | 0 | 0 | 0 | 135 | 0 | 0 | 0 | 195 | 0 | 0 | 0 |
| 16 | 1 | 2 | 6 | 76 | 0 | 0 | 0 | 136 | 0 | 0 | 0 | 196 | 0 | 0 | 0 |
| 17 | 1 | 2 | 6 | 77 | 0 | 0 | 0 | 137 | 0 | 0 | 0 | 197 | 0 | 0 | 0 |
| 18 | 1 | 2 | 5 | 78 | 0 | 0 | 0 | 138 | 0 | 0 | 0 | 198 | 0 | 0 | 0 |
| 19 | 1 | 1 | 5 | 79 | 0 | 0 | 0 | 139 | 0 | 0 | 0 | 199 | 0 | 0 | 0 |
| 20 | 1 | 1 | 4 | 80 | 0 | 0 | 0 | 140 | 0 | 0 | 0 | 200 | 0 | 0 | 0 |
| 21 | 1 | 1 | 4 | 81 | 0 | 0 | 0 | 141 | 0 | 0 | 0 | 201 | 0 | 0 | 0 |
| 22 | 1 | 1 | 4 | 82 | 0 | 0 | 0 | 142 | 0 | 0 | 0 | 202 | 0 | 0 | 0 |
| 23 | 1 | 1 | 3 | 83 | 0 | 0 | 0 | 143 | 0 | 0 | 0 | 203 | 0 | 0 | 0 |
| 24 | 1 | 1 | 3 | 84 | 0 | 0 | 0 | 144 | 0 | 0 | 0 | 204 | 0 | 0 | 0 |
| 25 | 1 | 1 | 3 | 85 | 0 | 0 | 0 | 145 | 0 | 0 | 0 | 205 | 0 | 0 | 0 |
| 26 | 1 | 1 | 3 | 86 | 0 | 0 | 0 | 146 | 0 | 0 | 0 | 206 | 0 | 0 | 0 |
| 27 | 1 | 1 | 3 | 87 | 0 | 0 | 0 | 147 | 0 | 0 | 0 | 207 | 0 | 0 | 0 |
| 28 | 1 | 1 | 2 | 88 | 0 | 0 | 0 | 148 | 0 | 0 | 0 | 208 | 0 | 0 | 0 |
| 29 | 0 | 1 | 2 | 89 | 0 | 0 | 0 | 149 | 0 | 0 | 0 | 209 | 0 | 0 | 0 |
| 30 | 0 | 1 | 2 | 90 | 0 | 0 | 0 | 150 | 0 | 0 | 0 | 210 | 0 | 0 | 0 |
| 31 | 0 | 1 | 2 | 91 | 0 | 0 | 0 | 151 | 0 | 0 | 0 | 211 | 0 | 0 | 0 |
| 32 | 0 | 1 | 2 | 92 | 0 | 0 | 0 | 152 | 0 | 0 | 0 | 212 | 0 | 0 | 0 |
| 33 | 0 | 0 | 2 | 93 | 0 | 0 | 0 | 153 | 0 | 0 | 0 | 213 | 0 | 0 | 0 |
| 34 | 0 | 0 | 2 | 94 | 0 | 0 | 0 | 154 | 0 | 0 | 0 | 214 | 0 | 0 | 0 |
| 35 | 0 | 0 | 1 | 95 | 0 | 0 | 0 | 155 | 0 | 0 | 0 | 215 | 0 | 0 | 0 |
| 36 | 0 | 0 | 1 | 96 | 0 | 0 | 0 | 156 | 0 | 0 | 0 | 216 | 0 | 0 | 0 |
| 37 | 0 | 0 | 1 | 97 | 0 | 0 | 0 | 157 | 0 | 0 | 0 | 217 | 0 | 0 | 0 |
| 38 | 0 | 0 | 1 | 98 | 0 | 0 | 0 | 158 | 0 | 0 | 0 | 218 | 0 | 0 | 0 |
| 39 | 0 | 0 | 1 | 99 | 0 | 0 | 0 | 159 | 0 | 0 | 0 | 219 | 0 | 0 | 0 |
| 40 | 0 | 0 | 1 | 100 | 0 | 0 | 0 | 160 | 0 | 0 | 0 | 220 | 0 | 0 | 0 |
| 41 | 0 | 0 | 1 | 101 | 0 | 0 | 0 | 161 | 0 | 0 | 0 | 221 | 0 | 0 | 0 |
| 42 | 0 | 0 | 1 | 102 | 0 | 0 | 0 | 162 | 0 | 0 | 0 | 222 | 0 | 0 | 0 |
| 43 | 0 | 0 | 1 | 103 | 0 | 0 | 0 | 163 | 0 | 0 | 0 | 223 | 0 | 0 | 0 |
| 44 | 0 | 0 | 1 | 104 | 0 | 0 | 0 | 164 | 0 | 0 | 0 | 224 | 0 | 0 | 0 |
| 45 | 0 | 0 | 1 | 105 | 0 | 0 | 0 | 165 | 0 | 0 | 0 | 225 | 0 | 0 | 0 |
| 46 | 0 | 0 | 1 | 106 | 0 | 0 | 0 | 166 | 0 | 0 | 0 | 226 | 0 | 0 | 0 |
| 47 | 0 | 0 | 1 | 107 | 0 | 0 | 0 | 167 | 0 | 0 | 0 | 227 | 0 | 0 | 0 |
| 48 | 0 | 0 | 1 | 108 | 0 | 0 | 0 | 168 | 0 | 0 | 0 | 228 | 0 | 0 | 0 |
| 49 | 0 | 0 | 1 | 109 | 0 | 0 | 0 | 169 | 0 | 0 | 0 | 229 | 0 | 0 | 0 |

| | | | | | | | | | | | | | | | |
|-----------|----------|----------|----------|------------|----------|----------|----------|------------|----------|----------|----------|------------|----------|----------|----------|
| 50 | 0 | 0 | 1 | 110 | 0 | 0 | 0 | 170 | 0 | 0 | 0 | 230 | 0 | 0 | 0 |
| 51 | 0 | 0 | 1 | 111 | 0 | 0 | 0 | 171 | 0 | 0 | 0 | 231 | 0 | 0 | 0 |
| 52 | 0 | 0 | 1 | 112 | 0 | 0 | 0 | 172 | 0 | 0 | 0 | 232 | 0 | 0 | 0 |
| 53 | 0 | 0 | 1 | 113 | 0 | 0 | 0 | 173 | 0 | 0 | 0 | 233 | 0 | 0 | 0 |
| 54 | 0 | 0 | 1 | 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 |

Jail Bed Impact
HB 3317 DUI Penalties
Sentencing Guidelines Commission
February 28, 2006

| Month | Pop. | Month | Pop. | Month | Pop. | Month | Pop. | Month | Pop. |
|-----------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|
| 1 | 0 | 49 | -37 | 97 | -38 | 145 | -38 | 193 | -38 |
| 2 | -2 | 50 | -37 | 98 | -38 | 146 | -38 | 194 | -38 |
| 3 | -5 | 51 | -37 | 99 | -38 | 147 | -38 | 195 | -38 |
| 4 | -9 | 52 | -37 | 100 | -38 | 148 | -38 | 196 | -38 |
| 5 | -13 | 53 | -37 | 101 | -38 | 149 | -38 | 197 | -38 |
| 6 | -17 | 54 | -37 | 102 | -38 | 150 | -38 | 198 | -38 |
| 7 | -20 | 55 | -37 | 103 | -38 | 151 | -38 | 199 | -38 |
| 8 | -22 | 56 | -38 | 104 | -38 | 152 | -38 | 200 | -38 |
| 9 | -24 | 57 | -38 | 105 | -38 | 153 | -38 | 201 | -38 |
| 10 | -26 | 58 | -38 | 106 | -38 | 154 | -38 | 202 | -38 |
| 11 | -27 | 59 | -38 | 107 | -38 | 155 | -38 | 203 | -38 |
| 12 | -29 | 60 | -38 | 108 | -38 | 156 | -38 | 204 | -38 |
| 13 | -30 | 61 | -38 | 109 | -38 | 157 | -38 | 205 | -38 |
| 14 | -30 | 62 | -38 | 110 | -38 | 158 | -38 | 206 | -38 |
| 15 | -31 | 63 | -38 | 111 | -38 | 159 | -38 | 207 | -38 |
| 16 | -32 | 64 | -38 | 112 | -38 | 160 | -38 | 208 | -38 |
| 17 | -32 | 65 | -38 | 113 | -38 | 161 | -38 | 209 | -38 |
| 18 | -33 | 66 | -38 | 114 | -38 | 162 | -38 | 210 | -38 |
| 19 | -33 | 67 | -38 | 115 | -38 | 163 | -38 | 211 | -38 |
| 20 | -34 | 68 | -38 | 116 | -38 | 164 | -38 | 212 | -38 |
| 21 | -34 | 69 | -38 | 117 | -38 | 165 | -38 | 213 | -38 |
| 22 | -34 | 70 | -38 | 118 | -38 | 166 | -38 | 214 | -38 |
| 23 | -35 | 71 | -38 | 119 | -38 | 167 | -38 | 215 | -38 |
| 24 | -35 | 72 | -38 | 120 | -38 | 168 | -38 | 216 | -38 |
| 25 | -35 | 73 | -38 | 121 | -38 | 169 | -38 | 217 | -38 |
| 26 | -35 | 74 | -38 | 122 | -38 | 170 | -38 | 218 | -38 |
| 27 | -35 | 75 | -38 | 123 | -38 | 171 | -38 | 219 | -38 |
| 28 | -36 | 76 | -38 | 124 | -38 | 172 | -38 | 220 | -38 |

| | | | | | | | | | |
|-----------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|
| 29 | -36 | 77 | -38 | 125 | -38 | 173 | -38 | 221 | -38 |
| 30 | -36 | 78 | -38 | 126 | -38 | 174 | -38 | 222 | -38 |
| 31 | -36 | 79 | -38 | 127 | -38 | 175 | -38 | 223 | -38 |
| 32 | -36 | 80 | -38 | 128 | -38 | 176 | -38 | 224 | -38 |
| 33 | -36 | 81 | -38 | 129 | -38 | 177 | -38 | 225 | -38 |
| 34 | -36 | 82 | -38 | 130 | -38 | 178 | -38 | 226 | -38 |
| 35 | -37 | 83 | -38 | 131 | -38 | 179 | -38 | 227 | -38 |
| 36 | -37 | 84 | -38 | 132 | -38 | 180 | -38 | 228 | -38 |
| 37 | -37 | 85 | -38 | 133 | -38 | 181 | -38 | 229 | -38 |
| 38 | -37 | 86 | -38 | 134 | -38 | 182 | -38 | 230 | -38 |
| 39 | -37 | 87 | -38 | 135 | -38 | 183 | -38 | 231 | -38 |
| 40 | -37 | 88 | -38 | 136 | -38 | 184 | -38 | 232 | -38 |
| 41 | -37 | 89 | -38 | 137 | -38 | 185 | -38 | 233 | -38 |
| 42 | -37 | 90 | -38 | 138 | -38 | 186 | -38 | 234 | -38 |
| 43 | -37 | 91 | -38 | 139 | -38 | 187 | -38 | 235 | -38 |
| 44 | -37 | 92 | -38 | 140 | -38 | 188 | -38 | 236 | -38 |
| 45 | -37 | 93 | -38 | 141 | -38 | 189 | -38 | 237 | -38 |
| 46 | -37 | 94 | -38 | 142 | -38 | 190 | -38 | 238 | -38 |
| 47 | -37 | 95 | -38 | 143 | -38 | 191 | -38 | 239 | -38 |
| 48 | -37 | 96 | -38 | 144 | -38 | 192 | -38 | 240 | -38 |

Current Policy - Prison Bed Estimate (Total Beds)

HB 3317 DUI Penalties Sentencing Guidelines Commission February 28, 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)

HB 3317 DUI Penalties
Sentencing Guidelines Commission
February 28, 2006

| Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. | Month | Adm. | Rel. | Pop. |
|-------|------|------|------|-------|------|------|------|-------|------|------|------|-------|------|------|------|
|-------|------|------|------|-------|------|------|------|-------|------|------|------|-------|------|------|------|

| | | | | | | | | | | | | | | | |
|-----------|----------|----------|------------|------------|----------|----------|------------|------------|----------|----------|------------|------------|----------|----------|------------|
| 1 | 0 | 0 | 0 | 61 | 9 | 9 | 200 | 121 | 9 | 9 | 204 | 181 | 9 | 9 | 204 |
| 2 | 2 | 0 | 2 | 62 | 9 | 9 | 200 | 122 | 9 | 9 | 204 | 182 | 9 | 9 | 204 |
| 3 | 3 | 0 | 5 | 63 | 9 | 9 | 201 | 123 | 9 | 9 | 204 | 183 | 9 | 9 | 204 |
| 4 | 4 | 0 | 9 | 64 | 9 | 9 | 201 | 124 | 9 | 9 | 204 | 184 | 9 | 9 | 204 |
| 5 | 5 | 0 | 13 | 65 | 9 | 9 | 201 | 125 | 9 | 9 | 204 | 185 | 9 | 9 | 204 |
| 6 | 5 | 0 | 19 | 66 | 9 | 9 | 201 | 126 | 9 | 9 | 204 | 186 | 9 | 9 | 204 |
| 7 | 6 | 0 | 24 | 67 | 9 | 9 | 201 | 127 | 9 | 9 | 204 | 187 | 9 | 9 | 204 |
| 8 | 6 | 0 | 31 | 68 | 9 | 9 | 201 | 128 | 9 | 9 | 204 | 188 | 9 | 9 | 204 |
| 9 | 7 | 0 | 37 | 69 | 9 | 9 | 201 | 129 | 9 | 9 | 204 | 189 | 9 | 9 | 204 |
| 10 | 7 | 0 | 44 | 70 | 9 | 9 | 202 | 130 | 9 | 9 | 204 | 190 | 9 | 9 | 204 |
| 11 | 7 | 0 | 51 | 71 | 9 | 9 | 202 | 131 | 9 | 9 | 204 | 191 | 9 | 9 | 204 |
| 12 | 7 | 0 | 58 | 72 | 9 | 9 | 202 | 132 | 9 | 9 | 204 | 192 | 9 | 9 | 204 |
| 13 | 7 | 0 | 66 | 73 | 9 | 9 | 202 | 133 | 9 | 9 | 204 | 193 | 9 | 9 | 204 |
| 14 | 8 | 0 | 73 | 74 | 9 | 9 | 202 | 134 | 9 | 9 | 204 | 194 | 9 | 9 | 204 |
| 15 | 8 | 0 | 81 | 75 | 9 | 9 | 202 | 135 | 9 | 9 | 204 | 195 | 9 | 9 | 204 |
| 16 | 8 | 0 | 89 | 76 | 9 | 9 | 202 | 136 | 9 | 9 | 204 | 196 | 9 | 9 | 204 |
| 17 | 8 | 0 | 97 | 77 | 9 | 9 | 202 | 137 | 9 | 9 | 204 | 197 | 9 | 9 | 204 |
| 18 | 8 | 0 | 105 | 78 | 9 | 9 | 202 | 138 | 9 | 9 | 204 | 198 | 9 | 9 | 204 |
| 19 | 8 | 0 | 113 | 79 | 9 | 9 | 202 | 139 | 9 | 9 | 204 | 199 | 9 | 9 | 204 |
| 20 | 8 | 1 | 121 | 80 | 9 | 9 | 202 | 140 | 9 | 9 | 204 | 200 | 9 | 9 | 204 |
| 21 | 8 | 2 | 128 | 81 | 9 | 9 | 203 | 141 | 9 | 9 | 204 | 201 | 9 | 9 | 204 |
| 22 | 8 | 2 | 134 | 82 | 9 | 9 | 203 | 142 | 9 | 9 | 204 | 202 | 9 | 9 | 204 |
| 23 | 8 | 3 | 139 | 83 | 9 | 9 | 203 | 143 | 9 | 9 | 204 | 203 | 9 | 9 | 204 |
| 24 | 9 | 3 | 145 | 84 | 9 | 9 | 203 | 144 | 9 | 9 | 204 | 204 | 9 | 9 | 204 |
| 25 | 9 | 4 | 150 | 85 | 9 | 9 | 203 | 145 | 9 | 9 | 204 | 205 | 9 | 9 | 204 |
| 26 | 9 | 4 | 154 | 86 | 9 | 9 | 203 | 146 | 9 | 9 | 204 | 206 | 9 | 9 | 204 |
| 27 | 9 | 4 | 159 | 87 | 9 | 9 | 203 | 147 | 9 | 9 | 204 | 207 | 9 | 9 | 204 |
| 28 | 9 | 4 | 163 | 88 | 9 | 9 | 203 | 148 | 9 | 9 | 204 | 208 | 9 | 9 | 204 |
| 29 | 9 | 5 | 167 | 89 | 9 | 9 | 203 | 149 | 9 | 9 | 204 | 209 | 9 | 9 | 204 |
| 30 | 9 | 5 | 170 | 90 | 9 | 9 | 203 | 150 | 9 | 9 | 204 | 210 | 9 | 9 | 204 |
| 31 | 9 | 6 | 173 | 91 | 9 | 9 | 203 | 151 | 9 | 9 | 204 | 211 | 9 | 9 | 204 |
| 32 | 9 | 6 | 176 | 92 | 9 | 9 | 203 | 152 | 9 | 9 | 204 | 212 | 9 | 9 | 204 |
| 33 | 9 | 6 | 178 | 93 | 9 | 9 | 203 | 153 | 9 | 9 | 204 | 213 | 9 | 9 | 204 |
| 34 | 9 | 7 | 181 | 94 | 9 | 9 | 203 | 154 | 9 | 9 | 204 | 214 | 9 | 9 | 204 |
| 35 | 9 | 7 | 183 | 95 | 9 | 9 | 203 | 155 | 9 | 9 | 204 | 215 | 9 | 9 | 204 |
| 36 | 9 | 7 | 184 | 96 | 9 | 9 | 203 | 156 | 9 | 9 | 204 | 216 | 9 | 9 | 204 |
| 37 | 9 | 7 | 186 | 97 | 9 | 9 | 203 | 157 | 9 | 9 | 204 | 217 | 9 | 9 | 204 |
| 38 | 9 | 7 | 187 | 98 | 9 | 9 | 203 | 158 | 9 | 9 | 204 | 218 | 9 | 9 | 204 |
| 39 | 9 | 8 | 189 | 99 | 9 | 9 | 203 | 159 | 9 | 9 | 204 | 219 | 9 | 9 | 204 |
| 40 | 9 | 8 | 190 | 100 | 9 | 9 | 203 | 160 | 9 | 9 | 204 | 220 | 9 | 9 | 204 |
| 41 | 9 | 8 | 191 | 101 | 9 | 9 | 203 | 161 | 9 | 9 | 204 | 221 | 9 | 9 | 204 |
| 42 | 9 | 8 | 192 | 102 | 9 | 9 | 203 | 162 | 9 | 9 | 204 | 222 | 9 | 9 | 204 |
| 43 | 9 | 8 | 193 | 103 | 9 | 9 | 203 | 163 | 9 | 9 | 204 | 223 | 9 | 9 | 204 |
| 44 | 9 | 8 | 194 | 104 | 9 | 9 | 203 | 164 | 9 | 9 | 204 | 224 | 9 | 9 | 204 |
| 45 | 9 | 8 | 194 | 105 | 9 | 9 | 203 | 165 | 9 | 9 | 204 | 225 | 9 | 9 | 204 |
| 46 | 9 | 8 | 195 | 106 | 9 | 9 | 203 | 166 | 9 | 9 | 204 | 226 | 9 | 9 | 204 |
| 47 | 9 | 8 | 196 | 107 | 9 | 9 | 203 | 167 | 9 | 9 | 204 | 227 | 9 | 9 | 204 |
| 48 | 9 | 8 | 196 | 108 | 9 | 9 | 203 | 168 | 9 | 9 | 204 | 228 | 9 | 9 | 204 |
| 49 | 9 | 9 | 197 | 109 | 9 | 9 | 203 | 169 | 9 | 9 | 204 | 229 | 9 | 9 | 204 |
| 50 | 9 | 9 | 197 | 110 | 9 | 9 | 203 | 170 | 9 | 9 | 204 | 230 | 9 | 9 | 204 |

| | | | | | | | | | | | | | | | |
|-----------|----------|----------|------------|------------|----------|----------|------------|------------|----------|----------|------------|------------|----------|----------|------------|
| 51 | 9 | 9 | 198 | 111 | 9 | 9 | 203 | 171 | 9 | 9 | 204 | 231 | 9 | 9 | 204 |
| 52 | 9 | 9 | 198 | 112 | 9 | 9 | 203 | 172 | 9 | 9 | 204 | 232 | 9 | 9 | 204 |
| 53 | 9 | 9 | 198 | 113 | 9 | 9 | 203 | 173 | 9 | 9 | 204 | 233 | 9 | 9 | 204 |
| 54 | 9 | 9 | 199 | 114 | 9 | 9 | 203 | 174 | 9 | 9 | 204 | 234 | 9 | 9 | 204 |
| 55 | 9 | 9 | 199 | 115 | 9 | 9 | 203 | 175 | 9 | 9 | 204 | 235 | 9 | 9 | 204 |
| 56 | 9 | 9 | 199 | 116 | 9 | 9 | 203 | 176 | 9 | 9 | 204 | 236 | 9 | 9 | 204 |
| 57 | 9 | 9 | 199 | 117 | 9 | 9 | 203 | 177 | 9 | 9 | 204 | 237 | 9 | 9 | 204 |
| 58 | 9 | 9 | 200 | 118 | 9 | 9 | 203 | 178 | 9 | 9 | 204 | 238 | 9 | 9 | 204 |
| 59 | 9 | 9 | 200 | 119 | 9 | 9 | 204 | 179 | 9 | 9 | 204 | 239 | 9 | 9 | 204 |
| 60 | 9 | 9 | 200 | 120 | 9 | 9 | 204 | 180 | 9 | 9 | 204 | 240 | 9 | 9 | 204 |

Prison Bed Impact (Total Beds)

HB 3317 DUI Penalties

Sentencing Guidelines Commission

February 28, 2006

| Month | Pop. | Month | Pop. | Month | Pop. | Month | Pop. | Month | Pop. |
|-----------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|
| 1 | 0 | 49 | 197 | 97 | 203 | 145 | 204 | 193 | 204 |
| 2 | 2 | 50 | 197 | 98 | 203 | 146 | 204 | 194 | 204 |
| 3 | 5 | 51 | 198 | 99 | 203 | 147 | 204 | 195 | 204 |
| 4 | 9 | 52 | 198 | 100 | 203 | 148 | 204 | 196 | 204 |
| 5 | 13 | 53 | 198 | 101 | 203 | 149 | 204 | 197 | 204 |
| 6 | 19 | 54 | 199 | 102 | 203 | 150 | 204 | 198 | 204 |
| 7 | 24 | 55 | 199 | 103 | 203 | 151 | 204 | 199 | 204 |
| 8 | 31 | 56 | 199 | 104 | 203 | 152 | 204 | 200 | 204 |
| 9 | 37 | 57 | 199 | 105 | 203 | 153 | 204 | 201 | 204 |
| 10 | 44 | 58 | 200 | 106 | 203 | 154 | 204 | 202 | 204 |
| 11 | 51 | 59 | 200 | 107 | 203 | 155 | 204 | 203 | 204 |
| 12 | 58 | 60 | 200 | 108 | 203 | 156 | 204 | 204 | 204 |
| 13 | 66 | 61 | 200 | 109 | 203 | 157 | 204 | 205 | 204 |
| 14 | 73 | 62 | 200 | 110 | 203 | 158 | 204 | 206 | 204 |
| 15 | 81 | 63 | 201 | 111 | 203 | 159 | 204 | 207 | 204 |
| 16 | 89 | 64 | 201 | 112 | 203 | 160 | 204 | 208 | 204 |
| 17 | 97 | 65 | 201 | 113 | 203 | 161 | 204 | 209 | 204 |
| 18 | 105 | 66 | 201 | 114 | 203 | 162 | 204 | 210 | 204 |
| 19 | 113 | 67 | 201 | 115 | 203 | 163 | 204 | 211 | 204 |
| 20 | 121 | 68 | 201 | 116 | 203 | 164 | 204 | 212 | 204 |
| 21 | 128 | 69 | 201 | 117 | 203 | 165 | 204 | 213 | 204 |
| 22 | 134 | 70 | 202 | 118 | 203 | 166 | 204 | 214 | 204 |
| 23 | 139 | 71 | 202 | 119 | 204 | 167 | 204 | 215 | 204 |
| 24 | 145 | 72 | 202 | 120 | 204 | 168 | 204 | 216 | 204 |
| 25 | 150 | 73 | 202 | 121 | 204 | 169 | 204 | 217 | 204 |
| 26 | 154 | 74 | 202 | 122 | 204 | 170 | 204 | 218 | 204 |
| 27 | 159 | 75 | 202 | 123 | 204 | 171 | 204 | 219 | 204 |
| 28 | 163 | 76 | 202 | 124 | 204 | 172 | 204 | 220 | 204 |

| | | | | | | | | | |
|-----------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|
| 29 | 167 | 77 | 202 | 125 | 204 | 173 | 204 | 221 | 204 |
| 30 | 170 | 78 | 202 | 126 | 204 | 174 | 204 | 222 | 204 |
| 31 | 173 | 79 | 202 | 127 | 204 | 175 | 204 | 223 | 204 |
| 32 | 176 | 80 | 202 | 128 | 204 | 176 | 204 | 224 | 204 |
| 33 | 178 | 81 | 203 | 129 | 204 | 177 | 204 | 225 | 204 |
| 34 | 181 | 82 | 203 | 130 | 204 | 178 | 204 | 226 | 204 |
| 35 | 183 | 83 | 203 | 131 | 204 | 179 | 204 | 227 | 204 |
| 36 | 184 | 84 | 203 | 132 | 204 | 180 | 204 | 228 | 204 |
| 37 | 186 | 85 | 203 | 133 | 204 | 181 | 204 | 229 | 204 |
| 38 | 187 | 86 | 203 | 134 | 204 | 182 | 204 | 230 | 204 |
| 39 | 189 | 87 | 203 | 135 | 204 | 183 | 204 | 231 | 204 |
| 40 | 190 | 88 | 203 | 136 | 204 | 184 | 204 | 232 | 204 |
| 41 | 191 | 89 | 203 | 137 | 204 | 185 | 204 | 233 | 204 |
| 42 | 192 | 90 | 203 | 138 | 204 | 186 | 204 | 234 | 204 |
| 43 | 193 | 91 | 203 | 139 | 204 | 187 | 204 | 235 | 204 |
| 44 | 194 | 92 | 203 | 140 | 204 | 188 | 204 | 236 | 204 |
| 45 | 194 | 93 | 203 | 141 | 204 | 189 | 204 | 237 | 204 |
| 46 | 195 | 94 | 203 | 142 | 204 | 190 | 204 | 238 | 204 |
| 47 | 196 | 95 | 203 | 143 | 204 | 191 | 204 | 239 | 204 |
| 48 | 196 | 96 | 203 | 144 | 204 | 192 | 204 | 240 | 204 |

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 3317 HB

Title: DUI penalties

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Law enforcement
- ☒ Counties: Law enforcement, county prosecutors, public defenders, county jails
- ☐ 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: Potential increases in trial rates from increased DUI penalties. There may be an increase in defense costs; potential decrease in jail costs is indeterminate but likely substantial as sentences are shifted to state prison.

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: Paul Johnson | Phone: 360-725-5030 | Date: 03/01/2006 |
| Leg. Committee Contact: | Phone: | Date: 02/28/2006 |
| Agency Approval: Louise Deng Davis | Phone: (360) 725-5034 | Date: 03/03/2006 |
| OFM Review: Nick Lutes | Phone: 360-902-0570 | Date: 03/06/2006 |

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1: Driving Under the Influence (DUI) is a class C felony if the offender: (a) has four 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.

Section 8: The provisions under the Sentencing Reform Act (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.

Sections 10-12: An offender is not eligible for the first time offender waiver program, Drug Offender Sentencing Alternative (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.

Section 13: 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.

Section 14: 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.

Section 15: 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.

NOTE:

The bill is similar to HB 3076 (2006), which creates a class C felony for those offenders with three or more prior DUI convictions.

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.

The impact on prosecutors, public defense and county jails is indeterminate. There may be additional trial costs due to a shift in cases to superior court, but there would also be greatly reduced county jail costs due to longer incarceration rates.

BACKGROUND AND ASSUMPTIONS:

- According to the Administrative Office of the Courts (AOC), there were 110 DUI/Physical Control while Under the Influence (PC) convictions in 2004 where the defendant had four or more prior convictions in the past seven years.
- Vehicular homicides represented 13 of the convictions, and vehicular assault represented 41 of these convictions. It is unknown how many offenders had prior vehicular assault or vehicular homicide convictions that were DUI related.
- It is assumed that a small percent would count as priors, and it is not expected that this requirement will have a significant impact. (AOC)
- Based on 2004 data, AOC estimates that 72% of DUI/PCV filings resulted in convictions. Assuming 110 convictions represents 72% of the filings, AOC estimates 153 cases would be filed in superior court if this bill takes effect. Based on 2004 data, 43 of these cases would have been heard in municipal courts and 110 in district courts.

COURT COSTS:

See the AOC fiscal note for local court costs.

LAW ENFORCEMENT COSTS:

Law enforcement expenditures for investigating a DUI case can range from approximately \$265/case to \$371/case. For purposes of this fiscal note, Local Government Fiscal Notes (LGFN) assumes that DUI investigations costs would remain essentially the same. Costs may vary depending on unknown factors, such as the complexity of the investigation and processing and time involved by law enforcement.

PROSECUTOR COSTS:

(1) County Prosecutor costs - Based on LGFN salary surveys, the cost for prosecuting a misdemeanor DUI case is approximately \$617/case, (an appeal may cost approximately \$1,273/case). LGFN estimates the costs for increasing DUI penalties to a class C penalty in superior court may increase prosecution costs. LGFN has no data on the potential costs for prosecuting a DUI felony case, but the equivalent cost for felony a crime against a person is \$2,196/case.

For purposes of this fiscal note, LGFN estimates prosecutions costs for DUI felony cases would be approximately \$335,988/year. (\$2,196/case x 153 (superior court cases))

Estimated current costs for prosecuting a district court DUI case is approximately \$67,870/year (\$617/case x 110 (district court cases)).

The estimated additional county prosecutor cost for shifting cases from district court (misdemeanor) to superior court (felony) would be approximately \$268,118/year (\$335,988 - \$67,870)

(2) City Prosecutor costs – It is estimated that municipal prosecutors would save approximately \$26,531/year (\$617/case x 43 (municipal court cases)). These DUI misdemeanor cases would be shifted to superior court under the bill.

Total prosecution costs: \$309,467/year. (\$335,998/year (county prosecution costs) - \$26,531/year (municipal court savings))

PUBLIC DEFENSE COSTS:

Approximately 90% of felony cases, and 50% of misdemeanor cases, qualify for public defense representation. An increase in penalty levels generally results in an increase in case workload and costs for public defenders, because defendants are more likely to prefer contesting charges at trial to another option, such as a plea bargain.

The public defense costs for a serious misdemeanor is approximately \$1,064/case. The average cost for a class C felony is approximately \$1,130/case.

Based on AOC data, it is assumed approximately 138 felony DUI cases would qualify for public defense under this bill (90% x 153 (superior court cases)). It is assumed approximately 77 misdemeanor DUI cases qualify for public defense in district court/municipal court (50% x 153).

Superior court DUI defense costs: \$155,940/year (\$1,130/case x 138 (superior court cases))

District/Municipal court DUI defense costs: \$81,928/year (\$1,064/case x 77 (district/municipal court cases))

Total public defense costs: \$74,012/year (\$155,940 (superior court costs) - \$81,928 (district/municipal court costs))

SUMMARY OF COSTS:

\$309,467 (additional prosecution costs)

\$ 74,012 (additional public defender costs)

\$383,479/year (total additional costs)

JAIL IMPACT:

See the Sentencing Guidelines Commission (SGC) fiscal note for jail bed data.

The potential impact on county jails is indeterminate, but there would be a local jail savings by increasing DUI penalties, resulting in longer sentences in state prison rather than county jails. For purposes of this fiscal note, LGFN relies on SGC estimates of a minimum sentence falling between 22 and 29 months (25.5 months = 765 days) based on 4 prior offenses. There would be a decrease of 16 jail beds in FY2007, continuing to decrease to 38 beds by FY2012 and thereafter. The average daily jail bed rate is approximately \$62/inmate (LGFN weighted average). LGFN estimates the potential decrease in jail expenditures based on SGC estimates for FY2007: \$62/inmate x 16 (jail bed decrease) x 765 avg. days/jail bed = \$758,880 in jail bed savings. See below for the subsequent estimated jail decreases based on SGC data.

| FY | Beds | Decrease in Jail Beds Expenditures |
|------|------|------------------------------------|
| 2007 | -16 | \$758,880 |
| 2008 | -33 | \$1,565,190 |
| 2009 | -36 | \$1,707,480 |
| 2010 | -37 | \$1,754,910 |
| 2011 | -37 | \$1,754,910 |
| 2012 | -38 | \$1,802,340 |
| 2013 | -38 | \$1,802,340 |
| 2014 | -38 | \$1,802,340 |
| 2015 | -38 | \$1,802,340 |
| 2016 | -38 | \$1,802,340 |
| 2017 | -38 | \$1,802,340 |
| 2018 | -38 | \$1,802,340 |

TREATMENT AND PROBATION COSTS:

Assuming all felony convictions under the proposed bill result in prison sentences, chemical dependency (CD) treatment and probation costs would decline for cities and counties, shifting to the state of Washington, overseeing treatment in prison and community supervision. It is unknown how many probation officer's would be impact and workload decreased. For example, if 31 city case convictions (110 (total convictions) x 72% (city portion) transfer to the county or state then caseload reductions would impact local probation officers. (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, it may impact a substantial portion of one probation officer's average caseload.

Note: 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 lifetime 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

SOURCES:

Administrative Office of the Courts

Sentencing Guidelines Commission

LGFN 2005 Law Enforcement Salary Survey Data

LGFN 2005 Prosecution Salary Survey Data

LGFN 2005 Public Defender Salary Survey Data

LGFN fiscal note, H-4275.1 (2006)

LGFN fiscal note, HB 3076 (2006)

Association of Washington Cities 2004 Salary Survey

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.

None.