# **Multiple Agency Fiscal Note Summary**

Bill Number: 5897 SB	Title: Theft of public benefits
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## **Estimated Cash Receipts**

Agency Name	2007-09		2009-11		2011-13	
	<b>GF- State</b>	Total	GF- State	Total	GF- State	Total
Department of Social and Health Services	0	2,000	0	2,000	0	2,000
Total \$	0	2,000	0	2,000	0	2,000
Local Cov. Courts *						T 1

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

## **Estimated Expenditures**

Agency Name	2007-09			2009-11			2011-13		
	FTEs	GF-State	Total	FTEs	<b>GF-State</b>	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.5	46,000	48,000	.5	46,000	48,000	.5	46,000	48,000
Department of Corrections	Non-ze	Non-zero but indeterminate cost and/or savings. Please see discussion.							
Sentencing Guidelines Commission	.0	0	0	.0	0	0	.0	0	0
Total	0.5	\$46,000	\$48,000	0.5	\$46,000	\$48,000	0.5	\$46,000	\$48,000

Local Gov. Courts *	Non-zero but indeterminate cost. Please see discussion.						
Local Gov. Other **	Other ** Non-zero but indeterminate cost. Please see discussion.						
Local Gov. Total							

Prepared by: Brian Enslow, OFM	Phone:	Date Published:
	360-902-0539	Final 2/28/2007

<sup>\*</sup> See Office of the Administrator for the Courts judicial fiscal note

<sup>\*\*</sup> See local government fiscal note FNPID: 16775

# **Judicial Impact Fiscal Note**

Bill Number:	5897 SB	Title: Th	Title: Theft of public benefits			Agency:	055-Admin Courts	Office of the
art I: Esti	mates							
No Fisca	al Impact							
stimated Cas	h Receipts to:							
FUND			FY 2008	FY 2009	2007-09		2009-11	2011-13
Counties								
Cities		T						
		Total \$						
stimated Exp	enditures from:							
		Non-zero but inc	determinate cost.	Please see di	scussion.			
	and expenditure est provisions of RCW		represent the most l	likely fiscal imp	act. Responsibility	for expendi	itures may be	
=	-	ollow correspondi	no instructions:					
			iscal year in the cu	rrent hienniur	n or in subsequen	t hiennia	complete enti	re fiscal note
form Part		nan 950,000 per 11	iscai yeai iii iile cu	ment olennul	n or m subsequen	i oiciiiia,	complete eith	ic fiscal fiole
		\$50,000 man fire	al waar in the assume	nt hiannium -	n in ouhoassant t	ionnic o	nnlata this see	go only (Do-
$\equiv$			al year in the curre	iii diennium o	r in subsequent b	iennia, cor	iipiete this pag	ge omy (Part
Capital b	oudget impact, co	mplete Part IV.						
Legislative (	Contact: Lidia Mo	ri .ri			Phone: (360)786	5-7755	Date: 02/1	
		711			1 Hone: (500)700		= ::::: 02/	10/2007
	paration:Julia App				Phone: (360) 70		Date: 02/1	

Request # -1 5897 SB Bill#

Phone: 360-357-2131

Phone: 360-902-0564

Date: 02/15/2007 Date: 02/16/2007

OFM Review:

Agency Approval: Jeff Hall

Garry Austin

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

Section 1 creates two new felony crimes:

No person may obtain, attempt to obtain, or aid any person to obtain any financial public benefit using a false identity. Theft of public benefits in the first degree is a class B felony when the amount is in excess of one thousand five hundred dollars, ranked at a seriousness level IV. Theft of public benefits in the second degree is a class C felony when the amount is one thousand five hundred dollars or less, ranked at a seriousness level II.

#### II. B - Cash Receipts Impact

#### II. C - Expenditures

There is no data available to predict how many new felony crimes might be charged as a result of this bill. It is also assumed that these crimes may currently be charged under existing theft statutes. Therefore, the expenditure impact is expected to be less than \$50,000 annually.

The \$50,000 expenditure level represents approximately 94 hours (0.08 FTE) of superior court judicial officer time annually cumulative for all superior courts in the state with associated support staff and operational costs. It is assumed, therefore, that this bill would require less than 94 hours of judicial officer time statewide on an annual basis.

### Part III: Expenditure Detail

## Part IV: Capital Budget Impact

Bill Number: 5897 SB	Title:	Theft of public benefits	Agency:	100-Office of Attorney General
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P	art	T.	<b>Estim</b>	atac
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X	No l	Fiscal	<b>Impact</b>

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.

and alternate ranges (y appropriate), are explained in 1 art 11.

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:	Lidia Mori	Phone: (360)786-7755	Date: 02/10/2007
Agency Preparation:	Noella Rawlings	Phone: (206) 389-2994	Date: 02/12/2007
Agency Approval:	Michelle Underwood	Phone: (360) 586-0782	Date: 02/15/2007
OFM Review:	Mike Woods	Phone: 360-902-9819	Date: 02/16/2007

Request # 07-054-1
Form FN (Rev 1/00) 1 Bill # <u>5897 SB</u>

#### 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.

This bill would create a new crime of theft of financial public benefits by use of a false identity. If the aggregate amount of financial public benefit obtained is greater than \$1,500, it is theft of public benefits in the first degree and is a class B felony. If the amount obtained is less than \$1,500, it is theft of public benefits in the second degree and a class C felony. The term "financial public benefits" includes TANF (temporary assistance for needy families), unemployment compensation and industrial insurance benefits. Civil damages in the amount of \$1,000 or actual damages, whichever is greater, may also be awarded.

It is anticipated that any additional workload to the AGO will be absorbed by existing resources.

#### 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.

## Part III: Expenditure Detail

### **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.

Form FN (Rev 1/00) 2 Bill # <u>5897 SB</u>

<b>Bill Number:</b> 5897 SB	Title: Theft of public benefits				300-Dept of Health Servi	
art I: Estimates				•		
No Fiscal Impact						
110 I isem Impuet						
Estimated Cash Receipts to:						
FUND		FY 2008	FY 2009	2007-09	2009-11	2011-13
General Fund-Private/Local	001-7	1,000			2,000	2,00
	Total \$	1,000	1,000	2,000	2,000	2,00
stimated Expenditures from:						
		FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years		0.5	0.5	0.5	0.5	0.
Fund General Fund-State 001-1		23,000	23,000	46,000	46,000	46,00
General Fund-Private/Local		1,000	1,000	2,000	2,000	2,00
001-7		·	·	·	·	
'						
	Total \$	24,000	24,000	48,000	48,000	48,C
	Iotal \$	24,000	24,000	48,000	48,000	48,0
The cash receipts and expenditure e and alternate ranges (if appropriate	estimates on th	nis page represent the 1				
The cash receipts and expenditure o	estimates on the	iis page represent the t ed in Part II.				
The cash receipts and expenditure e and alternate ranges (if appropriate	estimates on the secondary of the second	is page represent the red in Part II.	most likely fiscal im	pact. Factors impac	ting the precision of th	nese estimates,
The cash receipts and expenditure eand alternate ranges (if appropriate Check applicable boxes and follows). If fiscal impact is greater that	estimates on the estimate on the estimate on the explain ow corresponding \$50,000 pe	nis page represent the red in Part II.  ding instructions: r fiscal year in the co	most likely fiscal im	pact. Factors impac r in subsequent bie	ting the precision of the	nese estimates, re fiscal note
The cash receipts and expenditure eand alternate ranges (if appropriate Check applicable boxes and follows).  If fiscal impact is greater that form Parts I-V.	estimates on the e), are explain ow corresponding \$50,000 per fi	nis page represent the red in Part II.  ding instructions: r fiscal year in the co	most likely fiscal im	pact. Factors impac r in subsequent bie	ting the precision of the	nese estimates, re fiscal note
The cash receipts and expenditure eand alternate ranges (if appropriate Check applicable boxes and follow If fiscal impact is greater that form Parts I-V.  X If fiscal impact is less than \$	estimates on the power of the p	nis page represent the red in Part II.  ding instructions:  r fiscal year in the curre	most likely fiscal im	pact. Factors impac r in subsequent bie	ting the precision of the	re fiscal note

Agency Preparation:	Sarian Scott	Phone: (360) 902-7769	Date: 02/27/2007
Agency Approval:	Judy Fitzgerald	Phone: 360-902-8225	Date: 02/28/2007
OFM Review:	Brian Enslow	Phone: 360-902-0539	Date: 02/28/2007

#### 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.

### **Part III: Expenditure Detail**

#### III. A - Expenditures by Object Or Purpose

	FY 2008	FY 2009	2007-09	2009-11	2011-13
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages					
B-Employee Benefits					
C-Personal Service Contracts					
E-Goods and Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
Total:	\$0	\$0	\$0	\$0	\$0

## 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 2008	FY 2009	2007-09	2009-11	2011-13
JR Residential Counselor	41,400	0.5	0.5	0.5	0.5	0.5
Total FTE's		0.5	0.5	0.5	0.5	0.5

#### III. C - Expenditures By Program (optional)

Program	FY 2008	FY 2009	2007-09	2009-11	2011-13
Juvenile Rehabilitation Administration (020)	24.000	24.000	48.000	48.000	48.000
Total \$	24,000	24,000	48,000	48,000	48,000

## 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.

## **HB-1036 Renewable Energy Consumption**

Institutions only

	%	kWH	Impacted	Cost	
	Increase	Assumed~	kWH	Impact	Impact
FY2008	20.0%	50,000,000	10,000,000	0.02	200,000
FY2009	20.0%	50,000,000	10,000,000	0.02	200,000
FY2010	20.0%	50,000,000	10,000,000	0.02	200,000
FY2011	20.0%	50,000,000	10,000,000	0.02	200,000
FY2012	20.0%	50,000,000	10,000,000	0.02	200,000
FY2013	20.0%	50,000,000	10,000,000	0.02	200,000

ın	n-	Instit	1111	nn

14011 IIIotttat					
	%	kWH	Impacted	Cost	
	Increase	Assumed*	kWH	Impact	Impact
FY2008	20.0%	14,583,333	2,916,667	0.02	58,000
FY2009	20.0%	14,583,333	2,916,667	0.02	58,000
FY2010	20.0%	14,583,333	2,916,667	0.02	58,000
FY2011	20.0%	14,583,333	2,916,667	0.02	58,000
FY2012	20.0%	14,583,333	2,916,667	0.02	58,000
FY2013	20.0%	14,583,333	2,916,667	0.02	58,000

Total 258,000 258,000 258,000 258,000 258,000 258,000

Combined

348,000

1,548,000

<sup>3.5</sup> million square feet

	Split	FY08	FY09	FY10	FY11	FY12	FY13
State	78%	201,000	201,000	201,000	201,000	201,000	201,000
State Other	22%	57,000	57,000	57,000	57,000	57,000	57,000
		258,000	258,000	258,000	258,000	258,000	258,000
			516,000		516,000		516,000

1,200,000

Assumes institutional average on split. Assumes object E.

Total per FY consumption is 64,583,333 kWh/FY (Institutional use and Non-institutional).

16-January-2007 Sarian Scott, DSHS Budget, 902-7769 HB-1036 Attachment 1.xls 1 of 1

<sup>~</sup>Assumes FY2005 usage.

<sup>24-7</sup> operation 4.8 million square feet

<sup>\*</sup>Assumes non-institutions use 40% of institutions usage/year.

Bill Number: 5897 SB	Title: T	heft of public benef	fits		Agenc		310-Depart	
Part I: Estimates								
No Fiscal Impact								
Estimated Cash Receipts to:								
FUND								
	Total \$							
Estimated Ermanditures from	10tal \$							
Estimated Expenditures from:	. 1 4 •	1	DI 19					$\neg$
N	on-zero but ii	ndeterminate cost.	Please see di	iscussion.				
The cash receipts and expenditure and alternate ranges (if appropria			most likely fisca	l impact. Factor	s impacti	ng the	precision of	these estimates,
Check applicable boxes and foll	ow correspond	ling instructions:						
If fiscal impact is greater that form Parts I-V.	ın \$50,000 per	fiscal year in the co	urrent bienniu	m or in subsequ	ent bien	nia, c	omplete ent	ire fiscal note
If fiscal impact is less than S	\$50,000 per fis	cal year in the curr	ent biennium o	or in subsequen	t biennia	ı, com	plete this pa	age only (Part
Capital budget impact, com	plete Part IV.							
Requires new rule making,	complete Part	V.						
Legislative Contact: Lidia M	ori			Phone: (360)7	86-7755	;	Date: 02/1	10/2007
Agency Preparation: Ronna C	Cole			Phone: 360-72	25-8263		Date: 02/2	20/2007
Agency Approval: Randi V	Varick			Phone: 360 -7	25-8270	,	Date: 02/2	20/2007
OFM Review: Brian E	nslow			Phone: 360-90	 )2-0539		Date: 02//	20/2007

#### 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 creates a new Class B felony offense for Theft of Public Benefit in the First Degree when a person obtains, attempts to obtain, aids or abets another in obtaining any financial public benefit in excess of one thousand five hundred dollars by the use of false identity.

Section 1 also creates a new Class C felony for Theft of Public Benefits in the Second Degree when a person obtains, attempts to obtain, aids or abets another in obtaining any financial public benefit amounting to one thousand five hundred dollars or less by the use of false identity.

Section 2 ranks Theft of Public Benefit in the First Degree at Seriousness Level IV. Ranks Theft of Public Benefit in the Second Degree at Seriousness Level II.

Section 3 amends the definition of Unlawful Possession of a Personal Identification Device to include theft of public benefits. Also amends the definition of Unlawful Possession of Fictitious Identification to include Theft of Public Benefits.

Section 5 amends the juvenile sentencing laws.

Section 6 modifies the definition of Manufacture, Sell, or Deliver a Forged, Fictitious, Counterfeit, Fraudulently Altered, or Unlawfully Issued Drivers License or Identity Card, an unranked Class C Felony, if committed for Theft of Public Records.

#### 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.

The proposed legislation creates two new Class B felony's; Theft of Public Benefits in the First Degree ranted at Seriousness Level IV and Theft of Public Benefits in the Second Degree ranked at Seriousness Level II. The Department assumes that the legislation will result in an increase in the institutional average daily population (ADP) of at least a 3.

The proposed legislation modifies the definition of Unlawful Possession of a Personal Identification Device, Unlawful Possession of Fictitious Identification, and Manufacture, Sell, or Deliver a Forged, Fictitious, Counterfeit, Fraudulently Altered, or Unlawfully Issued Drivers License or Identity Card which are all unranked Class C felony's that carry a presumptive jail sentence of 0 to 12 months.

The Sentencing Guidelines Commission (SGC) has no information with which to predict how the changes proposed by the bill will affect the number of sentences per fiscal year for the new offense and therefore, cannot reliably estimate prison bed impacts. Consequently, while the fiscal impact is indeterminate, the Department assumes that the costs will exceed \$50,000 per year based on a rental bed rate of \$61 per offender per day.

## Part III: Expenditure Detail

Request # 092-2

Form FN (Rev 1/00) 2 Bill # <u>5897 SB</u>

## **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.

Bill Number: 5897 SB Title: Theft of public benefits Agency: 325-Sentencing Guidel Commission
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Part	T.	<b>Estim</b>	atac
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١	Χ	No Fiscal Impact
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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.

and difference ranges (if appropriate), are explained in 1 an 11.

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:	Lidia Mori	Phone: (360)786-7755	Date: 02/10/2007
Agency Preparation:	Edward Valachovic	Phone: 360-407-1070	Date: 02/12/2007
Agency Approval:	Terry Travis	Phone: 360-407-1060	Date: 02/12/2007
OFM Review:	Brian Enslow	Phone: 360-902-0539	Date: 02/13/2007

Request # 325-07-036-1 Bill # 5897 SB

#### 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.

None

#### 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

Form FN (Rev 1/00) 2 Bill # <u>5897 SB</u>

### SB 5897

#### THEFT OF PUBLIC BENEFITS

## 325 – Sentencing Guidelines Commission February 12, 2007

#### **SUMMARY**

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

- Section 1 (2)(a) Creates a new Class B felony for theft of public benefits in the first degree when a person obtains, attempts to obtain, aids or abets another in obtaining any financial public benefit in excess of one thousand five hundred dollars by the use of false identity.
- Section 1 (2)(b) Creates a new Class C felony for theft of public benefits in the second degree when a person obtains, attempts to obtain, aids or abets another in obtaining any financial public benefit amounting to one thousand five hundred dollars or less by the use of false identity.
- Section 2 Ranks theft of public benefits in the first degree at seriousness level IV.

  Ranks theft of public benefits in the second degree at seriousness level II.
- Section 3 (3) Includes theft of public benefits in the definition of unlawful possession of a personal identification device.
- Section 3 (4) Includes theft of public benefits in the definition of unlawful possession of fictitious identification.
- Section 5 Ranks theft of public benefits in the first degree at Juvenile Disposition Offense Category C.
   Ranks theft of public benefits in the second degree at Juvenile Disposition Offense Category D.
- Section 6 (3)(a) Includes theft of public benefits as an intent in the definition of the Class C felony of manufacturing, selling or delivering fraudulent driver's licenses or identicards.

#### **EXPENDITURES**

#### Assumptions.

None.

#### **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.

This bill creates a new Class B felony for theft of public benefits in the first degree ranked at seriousness level IV (Juvenile Category C) and a new Class C felony for theft of public benefits in the second degree ranked at seriousness level II (Juvenile Category D). The Sentencing Guidelines Commission has no information about their expected incidences or the sentences that might actually be imposed and therefore cannot project a bed impact.

## LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 5897 SB	Title: Theft of	of public benefits						
Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.								
Legislation Impacts:								
Cities:								
Counties:	Counties:							
Special Districts:								
Specific jurisdictions only:	Specific jurisdictions only:							
Variance occurs due to:	Variance occurs due to:							
Part II: Estimates								
No fiscal impacts.								
Expenditures represent one-time costs:								
Legislation provides local option:								
X Key variables cannot be estimate	X Key variables cannot be estimated with certainty at this time: Unknown number of charges will be filed							
Estimated revenue impacts to:								
Jurisdiction	FY 2008	FY 2009	2007-09	2009-11	2011-13			
City County					<del>                                     </del>			
Special District					+			
TOTAL \$								
GRAND TOTAL \$								
Estimated expenditure impacts to:								
Indeterminate Impact								

## **Part III: Preparation and Approval**

Fiscal Note Analyst: David Elliott	Phone: (360) 725 5033	Date: 02/12/2007
Leg. Committee Contact: Lidia Mori	Phone: (360)786-7755	Date: 02/10/2007
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/20/2007
OFM Review: Brian Enslow	Phone: 360-902-0539	Date: 02/22/2007

Page 1 of 2 Bill Number: 5897 SB

### Part IV: Analysis

#### A. SUMMARY OF BILL

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

This bill creates two new felony crimes and ranks them related to theft of public benefits. Theft of public benefits in the first degree is a Class B Felony ranked at seriousness level IV. Theft of public benefits in the second degree is a Class C Felony ranked at seriousness level II. If the theft is for an amount greater than \$1,500 it is first degree, otherwise it is second degree.

#### **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 bill may result in increased local jail costs. There may be an increased impact on county prosecutors and public defenders due to a potential increase in trial rates. However, insufficient data is available to estimate the trial rate impact (AOC).

Prosecution costs -- According to AOC, there is a no data available to estimate the number of charges that would be filed. The average cost for prosecuting a felony property crime is approximately \$877 per case (2007 LGFN Prosecution cost survey data). An appeal costs approximately \$2,768 per case (2007 LGFN Prosecution cost survey data).

Public Defender costs -- Approximately 90 percent of felony cases qualify for public defender representation. WDA estimates that the primary fiscal impact on public defenders will be due to an increase in trial caseloads. Based on LGFN survey data, the cost for public defense representation is approximately \$1,215 per case.

Jail sentences -- According to SGC, there is a no data available to estimate the number of sentences that would result. Theft of public benefits in the first degree would be ranked as a seriousness level IV crime, using the similarly ranked crimes of Cheating 1 and Identity Theft 1 offenders sent to jail served an average sentence of approximately 4 months. The weighted cost of a jail bed is \$74 a day. (LGFN 2007 survey of jail costs). A four month jail sentence would cost \$8,880. (120 days x \$74 a day = \$8,880)

Theft of public benefits in the second degree would be ranked as a seriousness level II crime, using the similarly ranked crimes of Theft 1 offenders sent to jail served an average sentence of approximately 2.6 months. The weighted cost of a jail bed is \$74 a day. (LGFN 2007 survey of jail costs). A 2.6 month jail sentence would cost \$5,772. (78 days x \$74 a day = \$5,772)

#### 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

Sources for Expenditures and Revenues:
Administrative Office of the Courts (AOC) fiscal note
Sentencing Guidelines Commission (SGC) fiscal note
Washington Association of Prosecuting Attorneys (WAPA)
Washington Defenders Association (WDA)
LGFN 2007 County Prosecutors Salary Survey Data (weighted by population)
LGFN 2005 Public Defenders Salary Survey Data (weighted by population)
LGFN 2007 Jail Rate Survey Data (weighted by population)

LGFN 2004 Juvenile Detention Survey Data

Page 2 of 2 Bill Number: 5897 SB