

Multiple Agency Fiscal Note Summary

Bill Number: 6512 S SB	Title: School safety zones
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Estimated Cash Receipts

Agency Name	2009-11		2011-13		2013-15	
	GF- State	Total	GF- State	Total	GF- State	Total
Total \$						

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

Estimated Expenditures

Agency Name	2009-11			2011-13			2013-15		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Superintendent of Public Instruction	.0	0	0	.0	0	0	.0	0	0
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

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

Estimated Capital Budget Impact

Agency Name						
Total \$						

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Prepared by: Amy Skei, OFM	Phone: 360-902-0572	Date Published: Final
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 26222

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 6512 S SB	Title: School safety zones	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2010	FY 2011	2009-11	2011-13	2013-15
Counties					
Cities					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.
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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: Juliana Roe	Phone: (360) 786-7438	Date: 02/08/2010
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 02/08/2010
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 02/08/2010
OFM Review: Cherie Berthon	Phone: 360-902-0659	Date: 02/08/2010

Request # -1

Part II: Narrative Explanation

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

This bill designates school properties and adjacent areas as school safety zones. It would be unlawful for a person to remain on or return to public properties or spaces within a school safety zone after being properly notified that probable cause exists that the person's conduct within the zone constitutes a violation of the listed activities, or if the person has been convicted of the listed crimes and has been notified by the convicting court or the person's probation or parole officer of the requirement to be excluded from the school safety zones.

A person excluded from a school safety zone may request an appeal hearing with the school district superintendent to have an exclusion notice rescinded. This would be an adjudicative proceeding conducted by a hearing officer. An appellant may seek judicial review of the hearing officer's decision by filing a writ of review in superior court.

A violation of an exclusion order constitutes criminal trespass. A person who violates an exclusion order and is found to be illegally in possession of a firearm or dangerous weapon is guilty of a class C felony.

Section 2 amends RCW 28A.635.030 to provide that a person who willfully creates a disturbance on school premises during school hours or at school activities or meetings is guilty of a misdemeanor punishable under RCW 9A.20.021. (The prior penalty was not more than \$50.)

Section 3 includes intentionally disrupting school operations or activity under the crime of disorderly conduct, a misdemeanor punishable under RCW 9A.20.021.

II. B - Cash Receipts Impact

II. C - Expenditures

It is assumed that very few, if any, appeals of a hearing officer's decision would be filed in superior court. It is possible that additional criminal trespass, firearm possession, or disorderly conduct charges could be filed, but it is not possible to predict how many. Overall, it is assumed the impact on the courts would be less than \$50,000 annually.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 6512 S SB	Title: School safety zones	Agency: 350-Supt of Public Instruction
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Part I: Estimates

☒ No Fiscal Impact

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates,

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: Juliana Roe	Phone: (360) 786-7438	Date: 02/08/2010
Agency Preparation: Mike Woods	Phone: 360 725-6283	Date: 02/08/2010
Agency Approval: JoLynn Berge	Phone: 360725-6293	Date: 02/08/2010
OFM Review: Amy Skei	Phone: 360-902-0572	Date: 02/08/2010

Request # SSB 6512-1

Bill # 6512 S SB

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.

The bill would create 1,000 foot school safety zones around all real properties owned, operated, or under the control of any school district and those portions of the properties of any community or technical college or Educational Service District that are used to provide educational services to students in kindergarten through grade twelve. In the original version of this bill (SB 6511) school properties included any vehicle owned or operated by a school district.

The bill also provides a regulatory tool whereby school districts could exclude persons from school safety zones if they engage in certain criminal acts. The portion of the original bill that made it unlawful for any person to remain on or return to public properties within a school safety zone or enter any school properties after being notified by an authorized school administrator or law enforcement officer that the person's presence and willful conduct are causing a substantial disruption or harm to the educational process has been removed. Language has been added to this version to assure that exclusion orders cannot be used as a means of discipline.

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.

OSPI IMPACTS:

This bill does not require new or additional work at OSPI. No fiscal impact.

LOCAL SCHOOL DISTRICT IMPACTS:

The bill allows persons excluded from school zones to request an appeal hearing with the school district superintendent. The number of appeals of resulting from this bill cannot be projected; therefore the impact on school districts is indeterminate. Impacts will be dependent upon the number and complexity of appeals and the method used by districts for the appeals process. Appeals could cost up to \$10,000 each for attorney's fees and the cost of independent hearing examiners.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 6512 S SB	Title: School safety zones
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Possible new misdemeanor criminal trespass charges.
- ☒ Counties: Possible new misdemeanor criminal trespass charges.
- ☐ 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: Number of additional charges for the expanded crimes.

Estimated revenue impacts to:

Jurisdiction	FY 2010	FY 2011	2009-11	2011-13	2013-15
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$					

Estimated expenditure impacts to:

Jurisdiction	FY 2010	FY 2011	2009-11	2011-13	2013-15
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$	0				

Part III: Preparation and Approval

Fiscal Note Analyst: David Elliott	Phone: (360) 725 5033	Date: 02/09/2010
Leg. Committee Contact: Juliana Roe	Phone: (360) 786-7438	Date: 02/08/2010
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/09/2010
OFM Review: Amy Skei	Phone: 360-902-0572	Date: 02/10/2010

Part IV: Analysis

A. SUMMARY OF BILL

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

Changes from the previous version of the bill are all found in Section 1. A provision related to disruption of school activities is removed, a provision is added limiting appeals, a provision is added related to documenting the status of a person that is under an exclusion order, and a provision is added preventing the use of this act as a method of discipline.

Summary of this version of the bill:

The bill creates a new circumstance that could lead to additional charges for criminal trespass, a misdemeanor crime. Misdemeanor crimes can be charged in courts of limited jurisdiction; this includes cities and county district courts.

This bill designates a 1,000 foot zone around school properties and adjacent areas as “school safety zones.” After a person is notified by the school that their activities in the zone constitute probable cause for certain crimes, it would be unlawful for that person to remain or return to public properties or spaces within the zone.

A person excluded from a school safety zone may request an appeal hearing with the school district superintendent to have an exclusion notice rescinded. A violation of an exclusion order constitutes criminal trespass.

Section 3 includes intentionally disrupting school operations or activity under the crime of disorderly conduct, a misdemeanor.

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.

There are no changes in fiscal impact from the previous version of the bill.

The bill creates a new circumstance that could lead to additional charges for criminal trespass, a misdemeanor crime. Misdemeanor crimes can be charged in courts of limited jurisdiction; this includes cities and county district courts. Misdemeanor sentences are usually served in either city or county jail, which is a local cost. The total cost of prosecuting, defending, and sentence for one criminal trespass charge would range from \$1,117 to \$3,923 depending on whether the case goes to trial and if there are appeals.

BACKGROUND ON MISDEMEANOR ENFORCEMENT COSTS:

Prosecution costs -- The average cost for prosecuting a misdemeanor is approximately \$328 per case. Including an appeal raises the cost to approximately \$1,196 per case (LGFN 2010 prosecutor survey). Appeals occur in an estimated eight to 10 percent of cases.

Public defender costs -- The cost for public misdemeanor defense representation ranges from approximately \$151 per case to \$2,089 per case with a trial; appeals are usually a county expense. Approximately 90 percent of cases qualify for public defender representation with 11 percent expected to go to trial and 8 percent of those trials are expected to lead to an appeal (2008 LGFN defender cost survey).

Note on public defense -- Because public defense varies greatly in Washington State, LGFN uses a range of costs for defense depending on the county providing the defense. Larger counties have offices of public defense that are similar in size and capability to the county prosecutor’s office. These offices have resources and salary parity comparable to the prosecuting attorney and have access to investigators and other resources at county expense. Many counties contract with local law firms and nonprofit defense agencies on a variety of basis. Some counties pay per case, some per hour, some pay trial costs on a per-diem basis while others pay on a per-hour basis. More is paid for felony cases than misdemeanor cases. Finally, some counties hire local attorneys on a case-by-case basis, either on a per-hour or per-case basis.

Jail Costs -- According to the Administrative Office of the Courts (AOC) the average sentence for a person convicted of criminal trespass is 69.3 days with all but 8.4 days suspended. The offender would serve their sentence in jail (a local cost). The daily jail bed rate is \$76, according to the LGFN 2009 jail cost survey (weighted by population). The cost of an 8.4-day sentence would be \$638 (8.4 days x \$76 a day = \$638).

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:

Administrative Office of the Courts (AOC) fiscal note
2009 Statistical Summary of Adult Felony Sentencing published by SGC
Office of the Superintendent of Public Instruction (OSPI) bill analysis
LGFN 2010 prosecutor costs survey
LGFN 2009 jail cost survey (weighted by population)
LGFN 2008 public defender costs survey