

Multiple Agency Fiscal Note Summary

Bill Number: 5838 S SB	Title: Traffic infractions/death
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Estimated Cash Receipts

Agency Name	2009-11		2011-13		2013-15	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Licensing	0	0	0	750	0	750
Total \$	0	0	0	750	0	750

Local Gov. Courts *	Non-zero but indeterminate cost. Please see discussion.					
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.					
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.								
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Licensing	.2	0	45,362	.0	0	0	.0	0	0
Total	0.2	\$0	\$45,362	0.0	\$0	\$0	0.0	\$0	\$0

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

Estimated Capital Budget Impact

Agency Name	2009-11		2011-13		2013-15	
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Department of Licensing						
Acquisition	0	0	0	0	0	0
Construction	0	0	0	0	0	0
Other	0	0	0	0	0	0
Washington State Patrol						
Acquisition	0	0	0	0	0	0
Construction	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total \$	\$0	\$0	\$0	\$0	\$0	\$0

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

** See local government fiscal note

FNPID 26279

FNS029 Multi Agency rollup

Prepared by: Cherie Berthon, OFM	Phone: 360-902-0659	Date Published: Final
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 26279

Judicial Impact Fiscal Note

Bill Number: 5838 S SB	Title: Traffic infractions/death	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

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	Kimberly Johnson	Phone: (360) 786-7472	Date: 02/05/2010
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

Section 1 creates a new traffic infraction. A person commits negligent driving in the second degree with a vulnerable user victim if, under circumstances constituting negligent driving in the second degree, he or she proximately causes the death, or great or substantial bodily harm of a vulnerable user of a public way. Subsection (2) describes what must be included on the notice of infraction (NOI) including the requirement that a person must appear at a court hearing. The court is required to notify the person in writing of the time, place, and date of the hearing. Failure to appear at the hearing will result in suspension of a person's driver's license for a minimum of ninety days and continue until any penalties imposed have been satisfied; and the imposition of a fine of between \$1,000 and \$5,000.

Subsection (3) requires that a person found to have committed a violation under the section shall pay a penalty of \$250; complete a traffic safety course approved by the court; perform up to one hundred hours of community service approved by the court including activities related to driver improvement and traffic safety; and submit certification to the court establishing that the requirements of this subsection have been met.

Subsection (4) allows a person found to have committed a violation under the section, in lieu of the penalties imposed under subsection (3), to pay a fine to the court not to exceed \$5,000; and have driving privileges suspended for ninety days.

Subsection (5) provides that if a person does not complete all requirements under subsection (3) within one year, the court shall impose a fine not to exceed \$5,000 and suspend a person's driving privileges for ninety days. The court may extend the period of time in which the person must complete the requirements of subsection (3).

Subsection (6) provides that if a person fails to appear for a hearing scheduled under subsection (2), the court shall enter an order assessing the monetary penalty and driving privilege suspension; and notify the department of the failure to respond or appear.

Subsection (7) provides that an offense under the section is a traffic infraction and that 46.63 RCW shall apply.

Subsection (8) provides that if the court suspends the driving privileges under the section, the court shall send notice to the department.

Subsection (9) defines "vulnerable user of a public way".

Section 2 amends RCW 46.20.342(1)(b) to provide that a person who has committed a traffic infraction under section 1, and who is driving with license suspended, is guilty of driving while license suspended in the second degree, a gross misdemeanor.

II. B - Cash Receipts Impact

Many factors prevent an accurate prediction of cash receipts. It is unknown how many violations will be charged; how many offenders will choose to pay the penalty required under negligent driving II and complete the traffic safety course and community service; how many offenders will choose to pay the additional fine under section 1 (4) or how much would be assessed by the court; what the collection rate would be; or how many would fail to pay or fail to appear.

In addition, because section 1 (7) provides that the provisions of chapter 46.63 RCW apply to all infractions under the section, the penalty and fines are subject to the same assessments as other traffic infractions (see RCW 46.63.110) meaning that the total fine could be over \$10,000.

II. C - Expenditures

In 2009, approximately 76% of negligent driving in the second degree cases were filed in district courts and 24% were filed in municipal courts. It is assumed that the number of cases directly impacted by the provisions in this bill will be relatively few as "vulnerable user of a public way" is fairly narrowly defined. It is assumed that the requirements in this bill will add between 30 and 45 minutes of court time to each of the negligent driving cases that fall into this category.

There is some difficulty in estimating the overall costs of this bill as the procedures required are currently not used for infraction case processing. Mandatory hearings under subsection (2) are only required in criminal cases. The monitoring requirements under subsections (3) and (5) are not usual for infraction cases. This would likely require development of a new notice of infraction form and

procedures for infractions under this bill.

It will be necessary to make significant updates to the judicial information system and to the electronic ticketing subsystem used by law enforcement. These updates will require between 600 and 1,200 hours for design, programming, and implementation. At \$120 per hour this will be a one-time cost to the state in FY 2011 of between \$72,000 and \$144,000.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 5838 S SB	Title: Traffic infractions/death	Agency: 225-Washington State Patrol
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Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT					
Total \$					

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

	2009-11		2011-13		2013-15	
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Acquisition	0	0	0	0	0	0
Construction	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total \$	\$0	\$0	\$0	\$0	\$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:	Kimberly Johnson	Phone: (360) 786-7472	Date: 02/05/2010
Agency Preparation:	Renuka Sivakumar	Phone: (360)596-4067	Date: 02/09/2010
Agency Approval:	Bob Maki	Phone: (360) 596-4045	Date: 02/09/2010
OFM Review:	Alyson Cummings	Phone: 360-902-0576	Date: 02/09/2010

Request # 0083-1

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.

SSB 5838 states a person who commits negligent driving in the second degree resulting in substantial bodily harm, great bodily harm, or death of a vulnerable user of a public way shall be subject to the penalties, fines and procedures described in this bill.

Section 1 (3) states In addition, a person found to have committed a violation shall be required to:

- a) Pay a penalty of \$250,
- b) Complete a traffic safety course approved by the court,
- c) Perform up to one hundred hours of community service, which must be approved by the court and must include activities related to driver improvement and providing public education on traffic safety, and
- d) Submit certification to the court establishing that the requirements of this subsection have been met.

Section 1 (4) states in lieu of the penalties imposed under subsection (3) and in addition to the fine prescribed for negligent driving in the second degree, a person found to have committed a violation may elect to pay a fine fixed by the court in an amount of at least \$1,000 and not to exceed \$5,000 and have driving privileges suspended for 90 days.

This act takes effect July 1, 2011.

This substitute version of the bill made the following changes to the SB 5838:

- 1) Removes a highway worker from the definition of a vulnerable road user.
- 2) Requires to pay at least \$1,000 if the person elects to pay a fine and have his or her license suspended.
- 3) Clarifies that the court will set the hearing date and provide written notice of the time, place, and date of the hearing in which the person was cited for negligent driving in the second degree with vulnerable road user.

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.

No cash receipts will be received by the Washington State Patrol.

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.

We assume 100 times a year that an infraction for a collision would be elevated to a second degree criminal charge. Due to the severity, follow up of an additional two hours per trooper of collision investigation time would be required. This would be absorbed in the normal course of a business day.

Since the criminal charge is more severe, we estimate that many people may contest the citation. If this occurs, a WSP trooper may be scheduled to attend court on his or her day off which may lead to additional overtime. However, we

can't estimate how much additional court time will be utilized. Usually three hours per occurrence is spent at the court for deposition. The overtime rate for a trooper is \$58 per hour. Three hours of overtime would be \$174 per occurrence.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

No capital costs are anticipated.

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.

No changes to rules are needed.

Individual State Agency Fiscal Note

Bill Number: 5838 S SB	Title: Traffic infractions/death	Agency: 240-Department of Licensing
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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
Highway Safety Account-State	106-1				750	750
Total \$					750	750

Estimated Expenditures from:

		FY 2010	FY 2011	2009-11	2011-13	2013-15
FTE Staff Years		0.0	0.4	0.2	0.0	0.0
Account						
Highway Safety Account-State	106-1	0	45,362	45,362	0	0
Total \$		0	45,362	45,362	0	0

Estimated Capital Budget Impact:

	2009-11		2011-13		2013-15	
	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
Acquisition	0	0	0	0	0	0
Construction	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total \$	\$0	\$0	\$0	\$0	\$0	\$0

Request # 5838 S SB-1

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:	Kimberly Johnson	Phone: (360) 786-7472	Date: 02/05/2010
Agency Preparation:	Don Arlow	Phone: (360) 902-3736	Date: 02/10/2010
Agency Approval:	Sam Knutson	Phone: (360) 902-3644	Date: 02/10/2010
OFM Review:	Alyson Cummings	Phone: 360-902-0576	Date: 02/10/2010

Request # 5838 S SB-1

Bill # 5838 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.

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 2010	FY 2011	2009-11	2011-13	2013-15
FTE Staff Years		0.4	0.2		
A-Salaries and Wages		31,560	31,560		
B-Employee Benefits		7,821	7,821		
E-Goods and Services		3,481	3,481		
J-Capital Outlays		2,500	2,500		
Total:	\$0	\$45,362	\$45,362	\$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 2010	FY 2011	2009-11	2011-13	2013-15
IT Specialist 5	78,900		0.4	0.2		
Total FTE's	78,900		0.4	0.2		0.0

III. C - Expenditures By Program (optional)

Program	FY 2010	FY 2011	2009-11	2011-13	2013-15
Mgmt & Support Services (100)					
Information Services (200)		45,362	45,362		
Vehicle Services (300)					
Driver Services (600)					
Business and Professions (700)					
Total \$		45,362	45,362		

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 provides additional penalties for a person who commits negligent driving in the second degree, and in doing so causes death or great or substantial bodily harm of a vulnerable user of a public way.

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

Section 1 (3) provides additional penalties for a person who commits negligent driving in the second degree, and in doing so causes death or great or substantial bodily harm of a vulnerable user of a public way. The additional penalties include payment of a penalty of \$250, completion of a traffic safety course and up to 100 hours of community service.

Section 1 (4) provides an option that in lieu of the additional penalties imposed under subsection 3, a person may choose to pay a fine in an amount set by the court and have their driving privilege suspended for 90 days.

Section 1 (5) provides that a person that does not meet the requirements of subsection 3 will pay a fine and have their driving privilege suspended for 90 days.

Section 1 (6) provides that if a person issued a notice of infraction for a violation of this section fails to appear for a hearing scheduled under the provisions of this bill, the court will enter an order assessing the monetary penalty. In addition, the person's driving privilege will be suspended for 90 days.

Section 4 establishes an effective date of July 1, 2011.

II. B – Cash Receipt Impact

This bill will have an impact on cash receipts. Under current law a person who commits negligent driving in the second degree is not subject to suspension of their driving privilege. This bill includes two provisions that could lead to a ninety day suspension. Following the suspension period a person would be required to pay a \$75 reissue fee when their driving privilege is reinstated. This fee would be deposited in the Highway Safety Fund.

The Washington State Patrol provided data indicating that in calendar year 2009, 582 drivers were cited for negligent driving in the second degree where the collision type was either an injury or fatal accident. For purposes of this fiscal note we assume that 10 percent of these offenses are against vulnerable users. Of those offenders, we assume that 10 percent will either choose the license suspension or fail to complete the conditions of traffic school and community service. These assumptions yield five persons per year subject to suspension and the subsequent \$75 reissue fee following the term of suspension.

<u>Cash Receipts</u>	<u>FY 10</u>	<u>FY 11</u>	<u>09-11 Total</u>	<u>11-13 Total</u>	<u>13-15 Total</u>
Highway Safety Fund	-	-	-	750	750
Total Revenue	-	-	-	750	750

II. C – Expenditures

Changes to the department's information systems will not require contracted programmers but will require four months of staff backfill; current staff resources will be deployed to implement the changes required by this bill. This will be a one-time expense.

Part III: Expenditure Detail

III. A – Expenditures by Object or Purpose

	FY 10	FY 11	09-11 Total	11-13 Total	13-15 Total
FTE Staff Years		0.4	0.2		
Salaries and Wages		31,560	31,560		
Employee Benefits		7,821	7,821		
Goods and Services		3,481	3,481		
Equipment		2,500	2,500		
Other					
Total		45,362	45,362		

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

Object E Breakdown:	FY 10	FY 11	09-11 Total	11-13 Total	13-15 Total
EA Office Supplies		318	318		
EB Phone/Install/Usage		516	516		
ED Facility/Lease Costs		2,213	2,213		
EG Training		213	213		
EN Personnel Services		221	221		
Total Goods & Svcs		3,481	3,481		

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 10	FY 11	09-11 Total	11-13 Total	13-15 Total
IT Specialist 5	78,900	-	0.4	0.2	-	-
Total FTEs		-	0.4	0.2	-	-

III. B – Expenditures by Program (optional)

Program	FY 10	FY 11	09-11 Total	11-13 Total	13-15 Total
100 - Mgmt & Support Services					
200 - Information Services		45,362	45,362		
300 - Driver & Vehicle Services					
600 - Driver Policy & Planning					
700 - Business & Professions					
Total	-	45,362	45,362	-	-

Part IV: Capital Budget Impact

None

Part V: New Rule Making Required

None

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 5838 S SB	Title: Traffic infractions/death
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: For investigation, prosecution, defense, and jail costs related to additional gross misdemeanor charges
- ☒ Counties: As above
- ☐ 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 misdemeanor crime.

Estimated revenue impacts to:

Indeterminate Impact

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: David Elliott	Phone: (360) 725 5033	Date: 02/08/2010
Leg. Committee Contact: Kimberly Johnson	Phone: (360) 786-7472	Date: 02/05/2010
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/08/2010
OFM Review: Cherie Berthon	Phone: 360-902-0659	Date: 02/08/2010

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:

A fine of \$250 is added to the penalties found in Subsection (3). Provides a range for the fines in Subsection (4) (5) and (6) of between \$1,000 and \$5,000.

Summary of this version of the bill:

Section 1 adds a new section chapter 46.61 RCW to add new penalty provisions for a person that commits the existing infraction of second degree negligent driving and proximately causes death, great or substantial bodily harm as defined in RCW 9A.04.110 of a vulnerable user of a public way.

Subsection (2) describes changes on the notice of infraction (NOI).

Subsection (3) requires that a person found to have committed a violation under this section shall pay a \$250 fine, complete a traffic safety course; and perform up to 100 hours of community service.

Subsection (4) at the option of the offender in lieu of the penalty provision of Subsection (3) allows the court to fine a person between \$1,000 and \$5,000; and suspend driving privileges for 90 days.

Subsection (5) provides that if a person does not complete all penalty requirements within one year for Subsection (3), the court shall fine a person between \$1,000 and \$5,000; and suspend driving privileges for ninety days.

Subsection (6) provides that if a person fails to appear for a hearing scheduled under subsection (2), the court shall fine a person between \$1,000 and \$5,000; and suspend driving privileges for ninety days; and notify the Department of Licensing (DOL) of the failure to respond or appear.

Subsection (9) provides the definition for “vulnerable user of a public way.”

Section 2 amends 46.20.342 (1) (b) RCW to add the provision that a person who has committed a traffic infraction under Section 1, and who is driving with license suspended, is guilty of driving while license suspended in the second degree, a gross 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 not expected to be any changes in fiscal impacts from the previous version of the bill.

There would be moderate but unknown expenditure impacts for additional misdemeanor prosecution, defense, and jail costs. It is not known how often a traffic incident related to the harm or death of a "vulnerable user of a public way" will lead to charging the gross misdemeanor. Each new gross misdemeanor case that leads to a jail sentence would cost \$2,990.

The Administrative Office of the Courts (AOC) provides the following statistics and assumptions: in 2009, approximately 76 percent of negligent driving in the second degree cases were filed in district courts and 24 percent were filed in municipal courts. It is assumed that the number of cases impacted by the provisions in this bill will be relatively few as vulnerable user of a public way is fairly narrowly defined.

PLEASE NOTE: Court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by AOC. Local government fiscal notes include county expenditures for indigent defenders, county prosecutors and jail costs.

Enforcement of Misdemeanors:

There will be an unknown number of additional misdemeanor charges filed under 46.20.342 RCW.

Prosecution costs -- The average cost for prosecuting a misdemeanor crime is approximately \$983 per case (LGFN 2010 prosecutor survey).

Public defender costs -- Approximately 93 percent of misdemeanor cases qualify for public defender representation. The average cost for public defense representation is approximately \$935 per case (LGFN 2008 defender survey).

Jail costs -- A person convicted of a gross misdemeanor would serve their sentence in jail (a local cost). It is not clear what the average sentence for this crime would be. According to the AOC 2009 misdemeanor convictions table, the average jail sentence for Second Degree Driving While License Invalidated was 304.3 days with all but 14.1 days suspended. The daily jail bed rate is \$76, according to the LGFN 2009 jail cost survey (weighted by population). The cost of a sentence would be \$1,071.60 (14.1 days x \$76 a day = \$1,071.60).

The combined costs for each misdemeanor charged, prosecuted, defended, sentenced and jail time served is \$2,989.60 (\$983 prosecution + \$935 defense + \$1,071.60 jail = \$2,989.60).

A note about public defense costs -- 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. Most of the counties will reimburse investigative costs after a petition to the court. The Washington Defender Association (WDA) estimates that the primary fiscal impact on public defenders will be due to an increase in trial caseloads resulting from the increased sentencing ranges (2008 LGFN defender cost 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.

There are possible but indeterminate fine revenues that may accrue to cities and counties. These are discussed in the AOC fiscal note.

PLEASE NOTE: Court impacts, including judicial costs, clerk costs, fine revenue, and court fees, are described in fiscal notes prepared by AOC. Local government fiscal notes include county expenditures for indigent defenders, county prosecutors and jail costs.

SOURCES CITED FOR EXPENDITURES AND REVENUES:

Administrative Office of the Courts (AOC) fiscal note
Washington Defenders Association
Senate Bill Report of SB 5838
Administrative Office of the Courts "Top twenty misdemeanor report" 2009
LGFN 2010 prosecutor costs survey
LGFN 2009 jail cost survey (weighted by population)
LGFN 2008 public defender costs survey