

Multiple Agency Fiscal Note Summary

Bill Number: 5688 S SB	Title: Shark finning activities
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Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Fish and Wildlife	Non-zero but indeterminate cost. Please see discussion."					
Total \$	0	0	0	0	0	0

Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Sentencing Guidelines Commission	.0	1,650	1,650	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Total	0.0	\$1,650	\$1,650	0.0	\$0	\$0	0.0	\$0	\$0

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

Estimated Capital Budget Impact

NONE

Prepared by: Chris Stanley, OFM	Phone: (360) 902-9810	Date Published: Final
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 29535

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 5688 S SB	Title: Shark finning activities	Agency: 055-Admin Office of the Courts
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Part I: Estimates



No Fiscal Impact

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	Jason Callahan	Phone: 360-786-7117	Date: 03/15/2011
Agency Preparation:	Julia Appel	Phone: (360) 705-5229	Date: 03/15/2011
Agency Approval:	Dirk Marler	Phone: 360-705-5211	Date: 03/15/2011
OFM Review:	Cherie Berthon	Phone: 360-902-0659	Date: 03/15/2011

Request # -1

Part II: Narrative Explanation

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

Section 2 adds unlawful trading in shark fins in the first and second degree to chapter 77.15 RCW, an unranked class C felony and a gross misdemeanor respectively.

Based on input from Department of Fish and Wildlife Enforcement, it is assumed that there will be less than five cases in total (gross misdemeanors and felonies) annually. Therefore, the statewide workload impact on the courts is assumed to be minimal.

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 5688 S SB	Title: Shark finning activities	Agency: 310-Department of Corrections
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

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:

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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:	Jason Callahan	Phone: 360-786-7117	Date: 03/15/2011
Agency Preparation:	Eric Johnson	Phone: 360-725-8268	Date: 03/16/2011
Agency Approval:	Susan Lucas	Phone: (360) 725-8277	Date: 03/16/2011
OFM Review:	Adam Aaseby	Phone: 360-902-0539	Date: 03/16/2011

Request # 157-1

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.

Section 1 – Adds a new section to chapter 77.15 RCW describing the cruel and inhumane practice of shark finning, how it is threatening shark populations in Washington state waters, and the serious health risks to humans from consuming shark fin derivative products.

Section 2 – Adds a new section to chapter 77.15 RCW creating the crime of unlawful trade in shark fins.

A person is guilty of unlawful shark trade in the second degree if that person (1) buys or sells a shark fin or derivative product for commercial purposes; or (2) prepares or processes a shark fin or derivative product for human or animal consumption for commercial purposes. Violations are a gross misdemeanor and trigger suspension of commercial fishing privileges for one year.

A person is guilty of unlawful shark trade in the first degree if the violation (1) involves shark fins or a derivative product worth more than \$250; (2) is committed with knowledge the shark was illegally caught; or (3) is committed within five years of a conviction of this or other specified fish and wildlife crimes. A violation of shark trade in the first degree is a class C felony, and also triggers suspension of commercial fishing privileges for one year.

Provides certain exemptions that state a person may conduct scientific or educational activities under a Department of Fish and Wildlife permit without being liable for unlawful trade in shark fins. Additionally, prior to August 1, 2012, a person may exchange, prepare, or process for commercial purposes shark fins or derivative products lawfully taken or acquired before the act takes effect. An intent section is included, and terms are defined.

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 Sentencing Guidelines Commission does not have any historical data on this offense and are therefore unable to predict the ADP impact. An unranked class C felony has a standard range of 0 to 12 months and a statutory maximum of 60 months. Any impact would likely affect jail beds only.

The Department of Corrections is unable to determine how many sentences would occur as a result of adding the crime of Unlawful Trade in Shark Fins or how many potential exceptional sentences could result from the new offense. The Department assumes this bill would result in an Average Daily Population (ADP) increase of less than four offenders. Consequently, while the fiscal impact is indeterminate, the Department assumes the costs would not exceed \$50,000 per year.

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.

Individual State Agency Fiscal Note

Bill Number: 5688 S SB	Title: Shark finning activities	Agency: 325-Sentencing Guidelines Commission
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2012	FY 2013	2011-13	2013-15	2015-17
Account					
General Fund-State 001-1	1,650	0	1,650	0	0
Total \$	1,650	0	1,650	0	0

Estimated Capital Budget Impact:

NONE

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.

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Requires new rule making, complete Part V.

Legislative Contact: Jason Callahan	Phone: 360-786-7117	Date: 03/15/2011
Agency Preparation: Keri-Anne Jetzer	Phone: 360-407-1070	Date: 03/17/2011
Agency Approval: Duc Luu	Phone: 360-407-1075	Date: 03/17/2011
OFM Review: Adam Aaseby	Phone: 360-902-0539	Date: 03/17/2011

Request # 325-11-075-1

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.

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.

This bill would require modification of the Commission's database and data entry programs. The agency's budget does not have funding for updating the database or data entry programs. We estimate it would take approximately 15 hours to update the database or data entry programs to reflect the change in this bill. Using a fee estimate of \$110/hr, the cost would be \$1,650.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Personal Service Contracts					
E-Goods and Services	1,650		1,650		
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					
9-					
Total:	\$1,650	\$0	\$1,650	\$0	\$0

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.

Request # 325-11-075-1

SSB 5688
SHARK FINNING ACTIVITIES
325 – Sentencing Guidelines Commission
March 17, 2011

SUMMARY

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

- Section 1 Creates a new section describing shark finning problems and the intention of the act.
- Section 2 Creates two new crimes under chapter 77.15 RCW; Unlawful Trade in Shark Fins 1 and Unlawful Trade in Shark Fins 2. Unlawful Trade in Shark Fins 1 is a class C felony while Unlawful Trade in Shark Fins 2 is a gross misdemeanor. Adds the definitions of ‘shark fin’ and ‘shark fin derivative product’.

EXPENDITURES

Assumptions

None

Impact on the Sentencing Guidelines Commission

This bill would require modification of the Commission’s database and data entry programs. The agency’s budget does not have funding for updating the database or data entry programs. We estimate it would take approximately 15 hours to update the database or data entry programs to reflect the change in this bill. Using a fee estimate of \$110/hr, the cost would be \$1,650.

Impact on prison and jail beds

Impact is indeterminate. This bill creates a new gross misdemeanor offense and a new class C felony offense. The Sentencing Guidelines Commission (SGC) data does not track gross misdemeanors. As the felony offense is new, SGC does not have any history on which to create any impact analysis. The standard range for a gross misdemeanor is 0 to 365 days. The standard range for an unranked class C felony is 0 to 12 months with a statutory maximum of 60 months. Any impact from either of these offenses would affect jail beds only. The felony offense would not be eligible for community custody unless sentenced under a sentencing alternative.

Individual State Agency Fiscal Note

Bill Number: 5688 S SB	Title: Shark finning activities	Agency: 477-Department of Fish and Wildlife
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Part I: Estimates

☒ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

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:

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- ☐ 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: Jason Callahan	Phone: 360-786-7117	Date: 03/15/2011
Agency Preparation: Joe Crossland	Phone: (360) 902-2525	Date: 03/16/2011
Agency Approval: David Giglio	Phone: (360) 902-8128	Date: 03/16/2011
OFM Review: Chris Stanley	Phone: (360) 902-9810	Date: 03/16/2011

Request # 11-FN088-2

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 5688 prescribes penalties for persons guilty of unlawful trade in shark fins for commercial purposes; excludes those persons who obtain the appropriate license or permit from the department to take or possess sharks or shark parts for research or educational purposes; and excludes those who sell or purchase shark fins or shark fin derivative products lawfully.

This bill is an implementation of the prohibition on shark finning, which has been federally prohibited since 2000. The prohibition is incorporated by reference into WAC 220, and prohibited outright in species identification and mutilation rules. The only policy effect is relative to the appropriate level of penalty. Therefore, this bill would cause no fiscal impact to the Department.

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.

Cash receipt impact is indeterminate due to the fact that penalties are prescribed, but collection level is unknown.

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

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 5688 S SB	Title: Shark finning activities
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: For misdemeanor criminal justice costs and jail costs
- ☒ Counties: For misdemeanor and felony criminal justice costs and jail costs
- ☐ 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 charges

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: David Elliott	Phone: (360) 725 5033	Date: 03/18/2011
Leg. Committee Contact: Jason Callahan	Phone: 360-786-7117	Date: 03/15/2011
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 03/18/2011
OFM Review: Chris Stanley	Phone: (360) 902-9810	Date: 03/21/2011

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 would add a new section to Chapter 77.15 RCW, creating a new crime of Unlawful Trading in Shark Fins (UTSF). UTSF in the second degree is a gross misdemeanor and the first degree is a class C felony.

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 may be minimal to moderate increases (less than \$100,000) in local costs for prosecution, defense and increased local jail costs. The Washington State Department of Fish and Wildlife does not expect more than five charges per year. If all five cases were charged as felonies the total cost to local government is estimated at between \$64,735 and \$65,250 each year. If the cases were all charged as misdemeanors the total cost to local government is estimated at between \$5,745 and \$15,435. The misdemeanor costs could accrue to either city or county government while felony costs would only affect counties.

The bill creates a new unranked class C felony crime and a new 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. Felony crimes are charged in superior courts and sentences are often served in county jails. Sentences for unranked felonies are usually less than 12 months. Sentences of less than 12 months are served in local jails at county expense.

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

BACKGROUND ON FELONY ENFORCEMENT COSTS:

Total costs for felony prosecution (\$2,753 per case), defense (a range of between \$1,986 and \$2,089 per case) and a jail sentence (\$8,208) would be between \$12,947 and \$13,050 per case.

Prosecution costs [FELONY CASES] -- The average cost for prosecuting an unranked felony is approximately \$2,753 per case. Including an appeal raises the cost to approximately \$3,661 per case (2010 Local Government Fiscal Note Program prosecutor survey). Appeals occur in an estimated 8 to 10 percent of cases.

Public defender costs [FELONY CASES] -- The cost for public felony defense representation ranges from approximately \$1,986 per case to \$2,089 per case with a trial; appeals are usually a county expense. Approximately 90 percent of felony 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).

Jail Costs [FELONY CASES] -- According to 2009 data compiled by the Sentencing Guidelines Commission (SGC), a person convicted of the unranked class B Felony would likely serve their sentence in jail (a local cost). It is not clear what the average sentence for this crime would be but the sentence would likely be served in jail. According to the 2009 SGC statistical summary of Adult Felony Sentencing the average jail sentence for "other" felonies was 3.6 months. The daily jail bed rate is \$76 according to the LGFN 2010 jail cost survey (weighted by population). The cost of a sentence would be \$8,208 (3.6 months x 30 days/month x \$76 a day = \$8,208).

BACKGROUND ON MISDEMEANOR ENFORCEMENT COSTS:

Total costs for misdemeanor prosecution (\$328 per case); defense (a range of between \$151 and \$2,089 per case) plus an estimated \$760 for a 10-day jail sentence would be between \$1,149 and \$3,087.

Prosecution costs [MISDEMEANOR CASES] -- 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 8 to 10 percent of cases.

Public defender costs [MISDEMEANOR CASES] -- 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 [MISDEMEANOR CASES] -- According to the AOC, a person convicted of the misdemeanor would serve their sentence in jail (a local cost). It is not clear what the average sentence for this crime would be. The daily jail bed rate is \$76, according to the 2010 LGFN jail cost survey (weighted by population). The cost of a 10-day sentence would be \$760 (10 days x \$76 a day = \$760).

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
Sentencing Guidelines Commission (SGC) fiscal note
Washington State Department of Fish and Wildlife (DFW)
2010 Statistical Summary of Adult Felony Sentencing published by SGC
LGFN 2010 prosecutor costs survey
LGFN 2010 jail cost survey (weighted by population)
LGFN 2008 public defender costs survey