

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2443 HB	<b>Title:</b> Persons who drive impaired
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## Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Washington State Patrol	0	886,750	0	1,773,500	0	1,773,500
Department of Licensing	0	1,198,420	0	2,245,440	0	2,294,640
<b>Total \$</b>	<b>0</b>	<b>2,085,170</b>	<b>0</b>	<b>4,018,940</b>	<b>0</b>	<b>4,068,140</b>

## 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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Washington State Patrol	2.5	0	764,500	5.0	0	1,488,200	5.0	0	1,488,200
Department of Licensing	.0	0	767,005	.0	0	1,502,054	.0	0	1,533,235
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<b>Total</b>	<b>2.5</b>	<b>\$0</b>	<b>\$1,531,505</b>	<b>5.0</b>	<b>\$0</b>	<b>\$2,990,254</b>	<b>5.0</b>	<b>\$0</b>	<b>\$3,021,435</b>

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

NONE

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

<b>Prepared by:</b> Jim Albert, OFM	<b>Phone:</b> (360) 902-0419	<b>Date Published:</b> Final 1/31/2012
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID 31349

FNS029 Multi Agency rollup

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2443 HB	<b>Title:</b> Persons who drive impaired	<b>Agency:</b> 055-Admin Office of the Courts
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

Account	FY 2012	FY 2013	2011-13	2013-15	2015-17
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

*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: Beth Redfield	Phone: 360-786-7347	Date: 01/13/2012
Agency Preparation: Charlotte Jensen	Phone: 360-705-5213	Date: 01/22/2012
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 01/22/2012
OFM Review: David Dula	Phone: (360) 902-0543	Date: 01/23/2012

Request # -1

## **Part II: Narrative Explanation**

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

Section 1 amends RCW 2.28.175 and includes a provision to allow municipalities to establish and operate DUI courts.

Section 2 amends RCW 9.94A.475. Recommended sentencing agreements, plea agreements, and sentencing information for felony DUI and felony physical control convictions shall be made and retained as public records.

Section 3 amends RCW 9.94A.640. A conviction for felony DUI under RCW 46.61.502(6) or physical control of a vehicle under the influence under RCW 46.61.504(6) may not be vacated.

Section 4 amends RCW 9.95.210. The superior court may suspend the imposition or execution of a sentence for alcohol violations under RCW 46.61.5055 for a period not to exceed five years. (Currently, 2 years)

Section 5 amends RCW 9.96.060. A misdemeanor or gross misdemeanor offense cannot be vacated if the offense is considered a prior offense under RCW 46.61.5055, and the applicant has had a subsequent alcohol or drug violation within 10 years of the date of conviction or prior offense.

Section 6 amends RCW 38.52.430. The limit on a person's liability to pay for emergency response expenses increases from \$1,000 to \$5,000. The reasonable expenses for emergency response related to intoxication shall be included in the sentencing order as an additional monetary obligation owed by the defendant, and may not be substituted for any other fine or cost required or allowed by statute. The court may establish a payment schedule for these expenses separate from the payment schedule for other fines and costs.

Section 12 amends RCW 46.61.5055 to allow courts to impose jail time in lieu of mandatory electronic home monitoring.

The provision requiring a person convicted of DUI or physical control of a motor vehicle to apply for an ignition interlock driver's license and an ignition interlock device is stricken. Instead, the person is to comply with the department of licensing's rules and requirements regarding ignition interlock devices.

The court may order a person to submit to alcohol monitoring testing if ordered to refrain from consuming alcohol. Testing costs shall be paid by the person unless the court specifies that the costs will be paid with funds that are available from an alternative source identified by the court.

An out-of-state deferred prosecution for DUI or physical control is equivalent to a deferred prosecution under chapter 10.05 RCW.

Section 13 amends RCW 46.61.5249. Included in the criteria for negligent driving in the first degree is exhibiting the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects.

### **II. B - Cash Receipts Impact**

### **II. C - Expenditures**

Section 1: We do not anticipate many new DUI courts being implemented if this bill passes.

Sections 3 and 5: It is assumed that there may be fewer applications filed with the court requesting vacation of applicable DUI and physical control convictions. In 2011 there were four DUI-related convictions vacated in superior courts and none vacated in courts of limited jurisdiction. Therefore it is assumed that these sections will have minimal impact to the courts.

Section 4: Superior courts may order suspended sentences for up to two years at the current time. This bill would increase the supervision period for up to five years. As a result, there may be additional hearings in cases that extend the supervision period. It is not possible to predict the number of cases that would have the supervision period extended, or the number of additional hearings to address probation violations during that time.

Section 6: Courts currently assess emergency response expenses against a defendant for certain alcohol-related convictions. Under the

provisions of this bill, the liability limits increase from \$1,000 to a maximum of \$5,000.

JIS data reflects that in 2011 there were 1,157 emergency response expense assessments ordered in district courts, 1,293 in municipal courts, and 37 in superior courts. It is possible that in some of these cases there would be additional time required for contested hearings related to these expenses. The following is an example of potential increased judicial workload: If 20 percent of the cases that included the emergency response assessment required an additional five minutes, this would result in the need for an additional 0.02 judges plus associated staff in district court at a cost of \$12,532 to the counties, and 0.02 judges plus associated staff in municipal court at a cost of \$22,414 to the cities.

Section 12. The provisions of this section, including the option to impose jail time in lieu of mandatory electronic home monitoring are assumed to have minimal impact on the courts.

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

### **Part IV: Capital Budget Impact**

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2443 HB	<b>Title:</b> Persons who drive impaired	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT		FY 2012	FY 2013	2011-13	2013-15	2015-17
Highway Safety Account-State	106-1		886,750	886,750	1,773,500	1,773,500
<b>Total \$</b>			886,750	886,750	1,773,500	1,773,500

### Estimated Expenditures from:

		FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years		0.0	5.0	2.5	5.0	5.0
<b>Account</b>						
Highway Safety Account-State	106	0	764,500	764,500	1,488,200	1,488,200
-1						
<b>Total \$</b>		0	764,500	764,500	1,488,200	1,488,200

### Estimated Capital Budget Impact:

NONE

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

*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:	Beth Redfield	Phone: 360-786-7347	Date: 01/13/2012
Agency Preparation:	Yvonne Stevens	Phone: 360-596-4042	Date: 01/23/2012
Agency Approval:	Heidi Thomsen	Phone: (360) 596-4046	Date: 01/23/2012
OFM Review:	Alyson Cummings	Phone: 360-902-0576	Date: 01/23/2012

Request # 0006-2

## 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.*

Section 6 of this bill includes language that states the prosecution may, following a conviction of a listed offense and prior to sentencing, present to the court information on the expenses incurred by the public agency for its response to the incident. It further states that if the court finds the expenses reasonable, it shall order the defendant to reimburse the public agency. The maximum for a person's liability under Section 6 of this bill is increased from \$1,000 to \$5,000 for a particular incident.

Section 15 of this bill gives the Washington State Patrol the authority to establish a fee schedule and collect fees from ignition interlock manufacturers, technicians, and other providers. These fees are to be deposited into the Highway Safety Account and to be used solely to fund the Washington State Patrol Impaired Driving Section Projects.

### 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.*

Section 6 of this bill includes language that states the prosecution may, following a conviction of a listed offense and prior to sentencing, present to the court information on the expenses incurred by the public agency for its response to the incident. It further states that if the court finds the expenses reasonable, it shall order the defendant to reimburse the public agency. It is the position of the Washington State Patrol that any funds recovered under Section 6 (and deposited into the State Patrol Highway Account) cannot be accurately estimated because we cannot insure that the prosecution will present the information to the court, or that the court will find it reasonable, however it is possible that recoveries could increase as a result of the increase of maximum liability from \$1,000 to \$5,000. This could allow the court to increase the share of the recovery per agency among the public agencies that provided emergency response to the incident. The cash receipt impact to the State Patrol Highway Account for Section 6 of this bill is indeterminate.

As required by Section 15 of this bill, the Washington State Patrol would establish the following fee schedule for ignition interlock manufactures, technicians, and other providers.

Annual Device Certification Renewal	\$500 ea / 6 per year / \$3,000 total per year
Installation Verification Form	\$10 ea / 8,000 per year / \$80,000 total per year
Sixty Day Calibration	\$5 ea / 156,000 per year / \$780,000 total per year
Initial Service Center Certification	\$250 ea / 25 per year / \$6,250 total per year
Annual Service Center Certification Renewal	\$50 ea / 125 per year / \$6,250 total per year
Initial Ignition Interlock Technician Certification	\$50 ea / 25 per year / \$1,250 total per year
Ignition Interlock Technician Certification Renewal	\$25 ea / 400 per year / \$10,000 per year

Total Annual Fees      \$886,750

### 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 Washington State Patrol Ignition Interlock Program is a pilot program and currently funded by a federal grant through the Washington Traffic Safety Commission. This funding supports one Trooper and will end September 30, 2012. This level of staffing is inadequate to ensure compliance with ignition interlock requirements on a statewide basis. Fees collected under Section 15 of this bill will be used to fund a fully functional Ignition Interlock Program which is one Sergeant, three Troopers, and one Office Assistant 3.

WSP's federal indirect cost rate for FY2013 is expected to be 31.14 percent (pending approval from the Department of Justice). This rate is calculated on all categories of expenditures except capitalized equipment and is to cover support costs associated with this proposed bill. Support costs include items such as computer and telecommunications support, processing payroll and vendor payments, administering contracts, ordering, accounting for and distribution of supplies, and human resource services. These costs are reflected in this fiscal note under the category "Administrative Costs".

### Part III: Expenditure Detail

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

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years		5.0	2.5	5.0	5.0
A-Salaries and Wages		247,500	247,500	662,400	662,400
B-Employee Benefits		69,300	69,300	184,800	184,800
C-Personal Service Contracts					
E-Goods and Services		72,900	72,900	192,000	192,000
G-Travel		9,000	9,000	24,000	24,000
J-Capital Outlays		240,100	240,100	90,000	90,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Agency Administration		125,700	125,700	335,000	335,000
<b>Total:</b>	\$0	\$764,500	\$764,500	\$1,488,200	\$1,488,200

#### 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 2012	FY 2013	2011-13	2013-15	2015-17
Office Assistant 3	33,600		1.0	0.5	1.0	1.0
Washington State Patrol Sergeant	87,600		1.0	0.5	1.0	1.0
904-D Washington State Patrol Trooper	70,000		3.0	1.5	3.0	3.0
901-C <b>Total FTE's</b>	191,200		5.0	2.5	5.0	5.0

### Part IV: Capital Budget Impact

NONE

This bill does not impact the capital budget.

Request # 0006-2

**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.*

This bill will require new rules to allow the Washington State Patrol to establish and collect fees for the certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices.



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2443 HB	<b>Title:</b> Persons who drive impaired	<b>Agency:</b> 240-Department of Licensing
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## Part I: Estimates

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No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Ignition Interlock Device Revolving Account-State 14V-1	91,540	1,106,880	1,198,420	2,245,440	2,294,640
<b>Total \$</b>	91,540	1,106,880	1,198,420	2,245,440	2,294,640

### Estimated Expenditures from:

	FY 2012	FY 2013	2011-13	2013-15	2015-17
<b>Account</b>					
Ignition Interlock Device Revolving Account-State 14V-1	0	767,005	767,005	1,502,054	1,533,235
<b>Total \$</b>	0	767,005	767,005	1,502,054	1,533,235

### Estimated Capital Budget Impact:

NONE

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

*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: Beth Redfield	Phone: 360-786-7347	Date: 01/13/2012
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 01/31/2012
Agency Approval: Sam Knutson	Phone: (360) 902-3644	Date: 01/31/2012
OFM Review: Jim Albert	Phone: (360) 902-0419	Date: 01/31/2012

Request # 2443 HB-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.

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 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years					
E-Goods and Services		60,291	60,291		
N-Grants, Benefits & Client Services		660,480	660,480	1,341,120	1,368,960
Total:	\$0	\$720,771	\$720,771	\$1,341,120	\$1,368,960

III. C - Expenditures By Program (optional)

Program	FY 2012	FY 2013	2011-13	2013-15	2015-17
Information Services (200)		60,291	60,291		
Programs & Services (600)		660,480	660,480	1,341,120	1,368,960
Total \$		720,771	720,771	1,341,120	1,368,960

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.

## Part II: Explanation

This bill expands the number of drivers who will be paying into the Ignition Interlock Device Revolving Account, expands the pool of indigent persons that could be assisted by funds from that account, and creates consistency by expanding the credit for time served to include reckless driving convictions. This bill also makes numerous changes regarding alcohol and drug-related driving statutes.

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

Section 8(8) allows individuals convicted of reckless driving when the original charge was DUI or impaired physical control of a motor vehicle to apply for an ignition interlock driver's license (IIL).

Section 9(1) requires that those under court jurisdiction for offenses involving alcohol may only drive vehicles with an ignition interlock device (IID).

Section 9(6) imposes an additional monthly fee of \$20 as long as the IID is in use. The fee is to be paid to the IID installer, who forwards the fee to DOL to be deposited into the Ignition Interlock Device Revolving Account.

Section 10 will expand the pool of people eligible for assistance from the Ignition Interlock Device Revolving Account.

### II. B – Cash Receipt Impact

This bill will have an impact on cash receipts by expanding the pool of individuals that will be paying a \$20 monthly fee while an IID is installed in their vehicle. DOL's records indicate that there are 30,027 drivers that have an IID requirement but do not hold an IIL. DOL's records also indicate a 17.5 percent compliance rate with this requirement, or just over 5,200 drivers. In addition, the number of people paying the \$20 fee will be reduced by almost 700 drivers by applying an assumed indigency rate of 13 percent. The \$20 fee will be deposited in the Ignition Interlock Device Revolving Account. A population growth factor has been applied.

<b>Cash Receipts</b>	<b>FY 12</b>	<b>FY 13</b>	<b>11-13 Total</b>	<b>13-15 Total</b>	<b>15-17 Total</b>
IID compliant drivers, no indiger	4,577	4,612	9,189	9,356	9,561
Annual fee payment	\$20	\$240		\$240	\$240
Total cash receipts	\$91,540	\$1,106,880	\$1,198,420	\$2,245,440	\$2,294,640

### II. C – Expenditures

This bill will have an impact on expenditures. Modifications to DOL's information technology systems will require 3.5 months of contracted programmer time at \$15,660 per month. Ten percent contingency has been added. This will be a one-time cost.

This bill will expand the pool of indigent drivers that would be eligible for assistance from the Ignition Interlock Revolving Account. Under current practice the department reimburses IID providers for the installation and monthly cost of the device for an individual who has been determined to be indigent. It is assumed that the current 13 percent indigency rate will also apply to people in the expanded pool (those that are in compliance with an IID requirement, but do not have an IIL). Note: this is the cohort that was backed out of the cash receipts impact, because indigent drivers are not paying the monthly \$20 fee. It is assumed that a monthly reimbursement would be \$80 per month, or \$960 per year.

<b>IID Installer Reimbursements</b>	<b>FY 12</b>	<b>FY 13</b>	<b>11-13 Total</b>	<b>13-15 Total</b>	<b>15-17 Total</b>
Indigent IID drivers	-	688	688	1,397	1,426
Annual reimbursement/driver	\$0	\$960	\$960	\$960	\$960
Total reimbursements	\$0	\$660,480	\$660,480	\$1,341,120	\$1,368,960

### Part III: Expenditure Detail

#### III. A – Expenditures by Object or Purpose

	FY 12	FY 13	11-13 Total	13-15 Total	15-17 Total
Goods and Services		60,291	60,291		
Other - Object N		660,480	660,480	1,341,120	1,368,960
<b>TOTAL</b>		<b>720,771</b>	<b>720,771</b>	<b>1,341,120</b>	<b>1,368,960</b>

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

<b>Object E Breakdown:</b>	<u>FY 12</u>	<u>FY 13</u>	<u>11-13 Total</u>	<u>13-15 Total</u>	<u>15-17 Total</u>
ER Application Programmers		60,291	60,291		
<b>Total Goods &amp; Svcs</b>		<b>60,291</b>	<b>60,291</b>		

#### 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

None

#### III. B – Expenditures by Program (optional)

Program	FY 12	FY 13	11-13 Total	13-15 Total	15-17 Total
200 - Information Services		60,291	60,291		
600 - Programs & Services		660,480	660,480	1,341,120	1,368,960
<i>Total</i>	-	720,771	720,771	1,341,120	1,368,960

### Part IV: Capital Budget Impact

None

### Part V: New Rule Making Required

None

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2443 HB	<b>Title:</b> Persons who drive impaired	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

☒ No Fiscal Impact

This bill was identified as a proposal governed by the requirements of RCW 43.135.031 (Initiative 960). Therefore, this fiscal analysis includes a projection showing the ten-year cost to tax or fee payers of the proposed taxes or fees.

*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: Beth Redfield	Phone: 360-786-7347	Date: 01/13/2012
Agency Preparation: Ronna Cole	Phone: 360-725-8263	Date: 01/30/2012
Agency Approval: Alan Haskins	Phone: 360-725-8264	Date: 01/30/2012
OFM Review: Adam Aaseby	Phone: 360-902-0539	Date: 01/31/2012

Request # 050-1

## 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.*

The proposed bill modifies alcohol and drug-related statutes including: the definition of “drugs;” ignition interlock licenses, vacating records of convictions, superior court jurisdiction over offenders, and fees related to ignition interlock devices.

Section 2 amends RCW 9.94A.475 adding the requirement of any and all sentence agreements, plea agreements, and the sentences for the following felony offenses shall be made and retained as a public record:

- DUI as defined in RCW 46.61.502,
- Felony Physical Control while under the influence as defined in RCW 46.61.504

Section 3 amends RCW 9.94A.640 prohibiting a record of conviction for felony DUI to be vacated.

Section 4 amends RCW 9.95.210 modifies the indeterminate sentence laws adding a new subsection requiring defendants sentenced under RCW 46.61.5055 DUI, the Superior Court may suspend the imposition of the execution of the sentence and may direct that the suspension and sanctions continue as directed by the court but not to exceed five years. The court shall have continuing jurisdiction and authority to suspend the execution of all or any part of the sentence. A defendant who has been sentenced, and who then fails to appear for any hearing shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. At any time before entering an order terminating probation, the court may modify or revoke its order suspending the imposition or execution of the sentence.

Section 6 amends RCW 38.52.430 allowing the courts to impose a monetary obligation to the offender in reimbursement to emergency response departments that responded to the incident. The cost reimbursement shall be included in the sentencing order.

### 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 bill modifies alcohol and drug related driving statutes, including: definition of "drugs" ignition interlock licenses, vacating records of convictions, superior court jurisdiction over offenders, and fees related to ignition interlock devices. The modification to vacating a record is assumed to have no fiscal impact on the Department.

## 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

<b>Bill Number:</b> 2443 HB	<b>Title:</b> Persons who drive impaired
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## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☒ Cities: For possible recovery of emergency response costs related to DUI convictions
- ☒ Counties: as above
- ☒ Special Districts: as above
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☒ Legislation provides local option: For cities to operate a DUI court
- ☐ Key variables cannot be estimated with certainty at this time:

### Estimated revenue impacts to:

Indeterminate Impact
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### Estimated expenditure impacts to:

Indeterminate Impact
----------------------

## Part III: Preparation and Approval

Fiscal Note Analyst: David Elliott	Phone: (360) 725 5033	Date: 01/20/2012
Leg. Committee Contact: Beth Redfield	Phone: 360-786-7347	Date: 01/13/2012
Agency Approval: Jaime Kaszynski	Phone: 360-725-2717	Date: 01/20/2012
OFM Review: Jim Albert	Phone: (360) 902-0419	Date: 01/20/2012



## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

The bill addresses DUI court procedures and punishment.

Sections with possible local impact:

Section 1 would amend 2.28.175 RCW to authorize cities to establish and operate DUI courts.

Section 6 would amend 38.52.430 RCW to allow courts to order a defendant to pay costs for the emergency response related to the charging incident, and raising the maximum liability from \$1,000 to \$5,000.

Sections 8-11 address ignition interlock devices.

Section 12 would amend 46.61.5055 RCW relating to sentencing to allow the court to substitute days in jail for days on electronic home monitoring as follows: four days in jail in lieu of 60 days of monitoring, six days in jail in lieu of 90 days of monitoring, and eight days in jail in lieu of 120 days of monitoring.

Section 13 would amend 46.61.5249 RCW to add new circumstances and definitions to the crime of first degree negligent driving relating to inhalation or ingestion of chemicals for intoxication or hallucinatory effect.

### **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 possible increased expenditures for jail costs for persons sentenced to days in jail in lieu of days on electronic home monitoring. Electronic home monitoring (EHM) costs are generally the responsibility of the offender, while jail costs are paid by the city or county. A day in jail costs \$79.92 (LGFN survey of jail costs weighted by population). Using this cost estimate a four day sentence would cost local government \$319.68, a six day sentence \$479.52, and an eight day sentence \$639.36.

As stated above most EHM expenses are the responsibility of the offender. The cost of EHM is estimated at \$6 per day to local government if the offender does not pay. Using this estimate for EHM sentences that are not reimbursed by the offender, the saving to local government would be \$360 for a 60 day EHM sentence, \$540 for a 90 day EHM sentence and \$720 for a 120 day EHM sentence. With the additional cost of jail time added, the net saving to the local government in cases where the offender is not paying for EHM would be small: approximately \$41 for the 60 day EHM sentence, \$61 for the 90 day, and \$81 for the 120 day.

### **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 new revenues for recovery of costs for emergency responses where the incident is related to a DUI conviction. The court may order the offender to reimburse the emergency responding agency for reasonable costs. Liability is limited to \$5,000 per incident.

#### **SOURCES:**

Administrative Office of the Courts (AOC) fiscal note

Washington State Patrol (WSP) fiscal note

Local Government Fiscal Note (LGFN) survey of jail costs weighted for population

Washington Association of Sheriffs and Police Chiefs (WASPC)



# Multiple Agency Ten-Year Analysis Summary

<b>Bill Number</b>	<b>Title</b>
2443 HB	Persons who drive impaired

This ten-year analysis is limited to the estimated cash receipts associated with the proposed tax or fee increases.

## Estimated Cash Receipts

	<b>Fiscal Year 2012</b>	<b>Fiscal Year 2013</b>	<b>Fiscal Year 2014</b>	<b>Fiscal Year 2015</b>	<b>Fiscal Year 2016</b>	<b>Fiscal Year 2017</b>	<b>Fiscal Year 2018</b>	<b>Fiscal Year 2019</b>	<b>Fiscal Year 2020</b>	<b>Fiscal Year 2021</b>	<b>2012-21 TOTAL</b>
Admin Office of the Courts	0	0	0	0	0	0	0	0	0	0	0
Washington State Patrol	0	886,750	886,750	886,750	886,750	886,750	886,750	886,750	886,750	886,750	7,980,750
Department of Licensing	91,540	1,106,880	1,116,960	1,128,480	1,140,960	1,153,680	1,166,400	1,179,120	1,191,600	1,204,080	10,479,700
Department of Corrections	0	0	0	0	0	0	0	0	0	0	0
Department of Commerce	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>91,540</b>	<b>1,993,630</b>	<b>2,003,710</b>	<b>2,015,230</b>	<b>2,027,710</b>	<b>2,040,430</b>	<b>2,053,150</b>	<b>2,065,870</b>	<b>2,078,350</b>	<b>2,090,830</b>	<b>18,460,450</b>



# Ten-Year Analysis

<b>Bill Number</b> 2443 HB	<b>Title</b> Persons who drive impaired	<b>Agency</b> 055 Admin Office of the Courts
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

☒ **No Cash Receipts** ☐ **Indeterminate Cash Receipts**

Name of Tax or Fee	Acct Code											
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Agency Preparation: Charlotte Jensen	Phone: 360-705-5213	Date: 1/22/2012 11:04:49 pm
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 1/22/2012 11:04:49 pm
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 2443 HB	<b>Title</b> Persons who drive impaired	<b>Agency</b> 225 Washington State Patrol
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

☐ **No Cash Receipts**
☐ **Indeterminate Cash Receipts**

## Estimated Cash Receipts

Name of Tax or Fee	Acct Code	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	2012-21 TOTAL
Annual Ignition Interlock Device Certification Renewal	106		3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	27,000
Ignition Interlock Technician Certification Renewal	106		10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	90,000
Ignition Interlock Device Annual Service Center Certification Renewal	106		6,250	6,250	6,250	6,250	6,250	6,250	6,250	6,250	6,250	56,250
Ignition Interlock Device Initial Service Center Certification	106		6,250	6,250	6,250	6,250	6,250	6,250	6,250	6,250	6,250	56,250
Ignition Interlock Device Installation Verification Form	106		80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	720,000
Ignition Interlock Device Sixty Day Calibration	106		780,000	780,000	780,000	780,000	780,000	780,000	780,000	780,000	780,000	7,020,000
Initial Ignition Interlock Technician Certification	106		1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	1,250	11,250
<b>Total</b>			<b>886,750</b>	<b>886,750</b>	<b>886,750</b>	<b>886,750</b>	<b>886,750</b>	<b>886,750</b>	<b>886,750</b>	<b>886,750</b>	<b>886,750</b>	<b>7,980,750</b>

**Biennial Totals**
886,750
1,773,500
1,773,500
1,773,500
1,773,500
7,980,750

Agency Preparation: Yvonne Stevens	Phone: 360-596-4042	Date: 1/23/2012 4:42:12 pm
Agency Approval: Heidi Thomsen	Phone: (360) 596-4046	Date: 1/23/2012 4:42:12 pm
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 2443 HB	<b>Title</b> Persons who drive impaired	<b>Agency</b> 240 Department of Licensing
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

☐ **No Cash Receipts**
☐ **Indeterminate Cash Receipts**

## Estimated Cash Receipts

Name of Tax or Fee	Acct Code	Fiscal Year 2012	Fiscal Year 2013	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021	2012-21 TOTAL
Ignition interlock without IIL	14V	91,540	1,106,880	1,116,960	1,128,480	1,140,960	1,153,680	1,166,400	1,179,120	1,191,600	1,204,080	10,479,700
<b>Total</b>		<b>91,540</b>	<b>1,106,880</b>	<b>1,116,960</b>	<b>1,128,480</b>	<b>1,140,960</b>	<b>1,153,680</b>	<b>1,166,400</b>	<b>1,179,120</b>	<b>1,191,600</b>	<b>1,204,080</b>	<b>10,479,700</b>
<b>Biennial Totals</b>		<b>1,198,420</b>	<b>2,245,440</b>	<b>2,294,640</b>	<b>2,345,520</b>	<b>2,395,680</b>	<b>10,479,700</b>					

## Narrative Explanation (Required for Indeterminate Cash Receipts)

Section 9(6) imposes an additional monthly fee of \$20 as long as the IID is in use. The fee is to be paid to the IID installer, who forwards the fee to DOL to be deposited into the Ignition Interlock Device Revolving Account.

Section 10 will expand the pool of people eligible for assistance from the Ignition Interlock Device Revolving Account.

This bill will have an impact on cash receipts by expanding the pool of individuals that will be paying a \$20 monthly fee while an IID is installed in their vehicle. DOL's records indicate that there are 30,027 drivers that have an IID requirement but do not hold an IIL. DOL's records also indicate a 17.5 percent compliance rate with this requirement, or just over 5,200 drivers. In addition, the number of people paying the \$20 fee will be reduced by almost 700 drivers by applying an assumed indigency rate of 13 percent. The \$20 fee will be deposited in the Ignition Interlock Device Revolving Account. A population growth factor has been applied.

Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 1/31/2012 11:21:14 am
Agency Approval: Sam Knutson	Phone: (360) 902-3644	Date: 1/31/2012 11:21:14 am
OFM Review:	Phone:	Date:



# Ten-Year Analysis

<b>Bill Number</b> 2443 HB	<b>Title</b> Persons who drive impaired	<b>Agency</b> 310 Department of Corrections
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This ten-year analysis is limited to agency estimated cash receipts associated with the proposed tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

## Estimates

☒ **No Cash Receipts**                      ☐ **Indeterminate Cash Receipts**

Name of Tax or Fee	Acct Code											
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Agency Preparation: Ronna Cole	Phone: 360-725-8263	Date: 1/30/2012 4:28:16 pm
Agency Approval: Alan Haskins	Phone: 360-725-8264	Date: 1/30/2012 4:28:16 pm
OFM Review:	Phone:	Date: