

Multiple Agency Fiscal Note Summary

Bill Number: 5280 P S SB	Title: Criminal activity at rentals
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Estimated Cash Receipts

NONE

Estimated Expenditures

Agency Name	2013-15			2015-17			2017-19		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	21,480	21,480	.0	0	0	.0	0	0
Total	0.0	\$21,480	\$21,480	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: David Dula, OFM	Phone: (360) 902-0547	Date Published: Final 2/12/2013
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 33707

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 5280 P S SB	Title: Criminal activity at rentals	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2014	FY 2015	2013-15	2015-17	2017-19
Counties					
Cities					
Total \$					

Estimated Expenditures from:

STATE	FY 2014	FY 2015	2013-15	2015-17	2017-19
State FTE Staff Years					
Account					
General Fund-State 001-1	21,480		21,480		
State Subtotal \$	21,480		21,480		
COUNTY	FY 2014	FY 2015	2013-15	2015-17	2017-19
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2014	FY 2015	2013-15	2015-17	2017-19
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$	21,480		21,480		

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: Aldo Melchiori	Phone: (360)786-7439	Date: 02/01/2013
Agency Preparation: Charlotte Jensen	Phone: 360-705-5213	Date: 02/07/2013
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 02/07/2013
OFM Review: David Dula	Phone: (360) 902-0547	Date: 02/07/2013

Request # CJ-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 9A.52.070. A person is guilty of criminal trespass in the first degree if the person is a tenant by sufferance or resides at a rental property and is not listed as a tenant on the rental agreement or as a guest in an affidavit signed by the owner or an agent of the owner of the property, and the person refuses to immediately upon demand surrender possession of the premises to the owner, or vacate the property, including other rental areas or common areas held by the owner.

Section 3. New gross misdemeanor is added. A person is guilty of criminal trespass of a dwelling in foreclosure if the person knowingly enters or remains unlawfully in a dwelling in which an action is currently pending for foreclosure. Any person with knowledge of the status of a property may report the trespass.

If a person arrested for this offense claims to be a tenant, then the alleged landlord or a neighbor who has made every reasonable effort to notify the property owner of record regarding the nuisance or trespass may proceed directly to an unlawful detainer action.

Any person may petition the district or superior court to have an alleged tenant arrested and removed from a premise if the alleged tenant is engaging in activity that constitutes a public nuisance and the noncompliance substantially affects the safety of the neighborhood, or the landlord fails to evict the tenant causing the public nuisance or to notify the tenant to cease the public nuisance. A person may not be held liable in any cause of action for bringing an eviction action against a tenant if the eviction action was brought in good faith.

At the unlawful detainer action, the court must determine whether the person arrested is actually a tenant at the dwelling.

II. B - Cash Receipts Impact

No cash receipt impact.

II. C - Expenditures

Summary of Expenditures (See below for detail): It is unknown how many new cases would be filed under the various provisions of this bill. However, it is assumed that fiscal impact would be greater than \$50,000 per year.

Judicial Information System Modification Costs: \$21,480 in FY 2014

Judicial Workload Impact

Section 1: Potential annual costs range from \$10,244 to \$51,696.

Section 3: Potential annual costs range from \$64,317 to \$645,485

Section 3(3): Potential annual cost is \$16,070 per year for the first hearing only.

Section (3)(4): Potential annual cost is \$12,844 per year.

Detail

Section 1. Existing gross misdemeanor.

Available JIS data reflects the following case filing information in 2011 and 2012 for violations of RCW 9A.52.070:

District court: 1,367

Municipal court: 1,157

Superior court: 828 (includes adult and juvenile offender cases)

There is no available data or charging projections that would provide information as to the number of additional cases that would be filed annually for the tenant by sufferance provision of the existing gross misdemeanor violation. The estimates below are provided in order to frame the potential judicial workload impact of additional case filings based on the average filings listed above:

If there is a 1% increase in case filings (34 cases) annually spread across superior, district, and municipal, courts statewide, the costs associated to add judicial officers and associated administration and clerk staff is equivalent to \$10,244 per year. (State - \$1,199; County

- \$7,312; City – \$1,733)

If there is a 5% increase in case filings (167 cases) annually spread across superior, district, and municipal, courts statewide, the costs associated to add judicial officers and associated administration and clerk staff is jumps to \$51,696 per year. (State - \$6,145; County - \$37,174; City – \$8,377)

Judicial time used to calculate total time is based on the standard time metrics for criminal misdemeanor cases in courts of limited jurisdiction and property crimes in superior courts.

Section 3. This section creates a new gross misdemeanor for criminal trespass of a dwelling in foreclosure.

The foreclosure inventory in Washington in December 2012 was 20,776 properties (www.foreclosureradar.com/washington-foreclosures). This was used as the starting point to identify the scope of potential violations. Using estimates of 1%, 5%, and 10% of the foreclosure inventory numbers as to project potential case filings, the judicial workload impact estimates are:

One percent of the foreclosure inventory would result in 208 charges per year. If each case included one violation, then there would be 208 new case filings each year spread across superior, district, and municipal, courts statewide. As a result, the costs associated to add judicial officers and associated administration and clerk staff to handle these new cases is equivalent to \$64,317 per year. (State - \$7,644; County - \$46,274; City – \$10,399)

Five percent of the foreclosure inventory would result in 1,039 charges per year. If each case included one violation, then there would be 1,039 new case filings each year spread across superior, district, and municipal, courts statewide. As a result, the costs associated to add judicial officers and associated administration and clerk staff to handle these new cases is equivalent to \$323,133 per year. (State - \$38,520; County - \$232,761; City – \$51,852)

Ten percent of the foreclosure inventory would result in 2,078 charges per year. If each case included one violation, then there would be 2,078 new case filings each year spread across superior, district, and municipal, courts statewide. As a result, the costs associated to add judicial officers and associated administration and clerk staff to handle these new cases is equivalent to \$645,485 per year. (State - \$76,889; County - \$464,746; City – \$103,850)

Judicial time used to calculate total time is based on the standard time metrics for criminal misdemeanor cases in courts of limited jurisdiction and property crimes in superior courts.

Section 3(3) allows any person to petition the district or superior court to have an alleged tenant arrested and removed from a premise if the alleged tenant is engaging in activity that constitutes a public nuisance and the noncompliance substantially affects the safety of the neighborhood, or the landlord fails to evict the tenant causing the public nuisance or to notify the tenant to cease the public nuisance.

Relying on the foreclosure inventory numbers and using a minimum of 1% of that inventory that may result in violations being charged, or 208 cases per year, if a neighbor or any other person sought an arrest petition in 25% of those potential violations (52 petitions), the additional impact on judicial workload for superior and district court judicial officers to handle those cases is equivalent to \$16,070 per year. (State - \$611; County - \$15,459)

It is important to note that judicial time used to calculate this estimate is based on 30 minutes for the first hearing on a petition. Court input suggests that there would be at least one additional hearing if the petition survived the motion to dismiss. Any subsequent hearing would be longer, thus resulting in additional judicial workload impact.

Section (3)(4). It appears that this subsection creates a parallel unlawful detainer cause of action within a criminal case.

If 10% of the 52 arrest petitions (5.2 cases) per year progressed to an unlawful detainer case under this subsection, the additional impact on judicial workload for superior and district court judicial officers is equivalent to \$12,844 per year. (State - \$489; County - \$12,355)

An average of four hours per case was used to calculate the impact on judicial workload for the parallel unlawful detainer cause of action.

General Information related to Judicial Workload Impact:

Fiscal impact is calculated on a statewide basis. Even though this may result in the need for a fraction of an additional judge FTE statewide when the impact of a particular bill is minimal, the goal is to provide an estimate of projected costs for a given piece of proposed legislation.

There is a finite amount of superior court judicial officer time available to hear cases throughout the state. Superior court judicial officers preside over all juvenile cases. Whenever additional caseload creates a need for additional judicial officers the system absorbs that need. The system accommodates such changes partially by delaying criminal and juvenile cases and partly by lengthening the backlog for civil trials. Small increases in FTE need may be absorbed by the system, but there is a cumulative effect from multiple bills in a session or over a series of years that can result in a shortage of judges and commissioners relative to the judicial need expressed in caseload.

There are currently 189 superior court judge positions. The statutorily mandated (RCW 2.56.030) objective workload methodology estimates a need for 249 superior court judges. This is a gap of 60 judicial FTE. Thus, only 76% of the superior court judge need is currently being met by elected full-time superior court judges. Some jurisdictions have chosen to establish and fund court commissioner positions instead of elected judge positions. There are currently 56 FTE court commissioner positions.

One way that insufficient capacity manifests is in court backlog. Court rules control delay for criminal matters and matters involving juveniles to some extent, so delays are shifted to civil and domestic calendars. Statewide court timeliness statistics collected in 2009 show that only 73 percent of domestic cases are resolved in less than 10 months and 92 percent of civil cases are resolved in less than one year.

Judicial Information System Modifications

This bill requires modifications to the Judicial Information System to add a new cause of action. These changes are estimated to take 179 hours (requirements gathering-35; implementation-100; testing-40; documentation-4) at a one-time cost of \$21,480 in FY 2014.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<u>State</u>	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Professional Service Contracts					
Goods and Other Services	21,480		21,480		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	21,480		21,480		

III. B - Expenditure By Object or Purpose (County)

<u>County</u>	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<u>City</u>	FY 2014	FY 2015	2013-15	2015-17	2017-19
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

Part IV: Capital Budget Impact

Case filings for 2011 & 2012

		2011	2012	Sum:
9A.52.070	CRIMINAL TRESPASS 1ST DEGREE	599	517	1,116
9A.52.070	CRIMINAL TRESPASS-1ST DEGREE	2,350	2,581	4,931
9A.52.070	FIRST DEGREE CRIMINAL TRESPASS	43	67	110
9A.52.070(1)	CRIMINAL TRESPASS 1ST DEGREE	280	260	540
9A.52.070.A	ATTEMPT CRIM TRESP 1	1	1	2
9A.52.070AC	CRIMINAL TRESPASS 1ST DEGREE ACCOMP	2		2
9A.52.070.C	CRIMINAL TRESPASS-1ST AID/ABET		1	1
	Sum:	3,275	3,427	6,702

Case File Date - Year	2011	2012
Filing Count	3,271	3,419

Note: difference between tables would be the breakdown of the charges. If a charge was amended to a another charge it will count under each charge but the overall case count is reflected without the breakdown.

Case File Date - Year	Level	Case Type Code	RCW	Filing Count
2011	District Court	CN	9A.52.070.A - ATTEMPT CRIM TRESP 1	1
2011	District Court	CN	9A.52.070AC - CRIMINAL TRESPASS 1ST DEGREE ACCOMP	2
2011	District Court	CN	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	1,304
2011	District Court	CT	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	8
2011	Municipal Court	CN	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	1,036
2011	Municipal Court	CN	9A.52.070 - FIRST DEGREE CRIMINAL TRESPASS	43
2011	Municipal Court	CT	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	2
2011	Superior Court	01	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	172
2011	Superior Court	01	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	317
2011	Superior Court	08	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	108
2011	Superior Court	08	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	282
2012	District Court	CF	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	3
2012	District Court	CN	9A.52.070.A - ATTEMPT CRIM TRESP 1	1
2012	District Court	CN	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	1,412
2012	District Court	CT	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	2
2012	Municipal Court	CN	9A.52.070.C - CRIMINAL TRESPASS-1ST AID/ABET	1
2012	Municipal Court	CN	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	1,165
2012	Municipal Court	CN	9A.52.070 - FIRST DEGREE CRIMINAL TRESPASS	67
2012	Superior Court	01	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	155
2012	Superior Court	01	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	280
2012	Superior Court	08	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	105
2012	Superior Court	08	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	237
			All court levels Sum:	6,703

Number of cases filed in 2011 & 2012 with convictions - %9A.52.070%

D - District Court

Disposed Year	Charge	Count
2011	9A.52.070.A - ATTEMPT CRIM TRESP 1	1
2011	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	435
2012	9A.52.070.A - ATTEMPT CRIM TRESP 1	1
2012	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	697
2013	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	49

Disposed Year	Count
2011	436
2012	697
2013	49

M - Municipal Court

Disposed Year	Charge	Count
2011	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	358
2011	9A.52.070 - FIRST DEGREE CRIMINAL TRESPASS	6
2012	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	545
2012	9A.52.070 - FIRST DEGREE CRIMINAL TRESPASS	25
2013	9A.52.070 - CRIMINAL TRESPASS-1ST DEGREE	41
2013	9A.52.070 - FIRST DEGREE CRIMINAL TRESPASS	2

Disposed Year	Count
2011	364
2012	570
2013	43

S - Superior Court - 01

Disposed Year	Charge	Count
2011	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	77
2011	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	177
2012	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	148
2012	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	329
2013	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	10
2013	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	23

Disposed Year	Count
2011	254
2012	477
2013	33

S - Superior Court - 08

Disposed Year	Charge	Count
2011	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	70
2011	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	146
2012	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	86
2012	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	156
2013	9A.52.070(1) - CRIMINAL TRESPASS 1ST DEGREE	6
2013	9A.52.070 - CRIMINAL TRESPASS 1ST DEGREE	20

Disposed Year	Count
2011	216
2012	242
2013	26

SUPERIOR COURT STANDARD ASSUMPTIONS

		LOCAL COSTS		STATE COSTS
	Staff Ratio	Salary & Benefits	Operational	Salary & Benefits
Superior Court Judicial Officers	n/a	\$74,416 (half salary)	\$48,465	\$108,261 (half salary + benefits)
Superior Court Line Staff	2.37 per judicial officer	\$48,752	Included above	\$0
County Clerk Line Staff	3.32 per judicial officer	\$48,752	\$13,569 per FTE	\$0

Notes:

- Staffing data reported to the AOC by the courts and county clerks at year end 2011.
- Superior court judges' salary set by the Salary Commission. The county pays half of the judges' salary. The state pays half of the salary and 100% of the benefits.
- Staff salary obtained from the Washington City and County Employee 2011 Salary & Benefit Survey. Benefits estimated at 23%.
- Local operation costs calculated from the Washington State Auditor's 2011 Local Government Financial Reporting System data.

DISTRICT COURT STANDARD ASSUMPTIONS

	Staff Ratio	LOCAL COSTS		STATE COSTS
		Salary & Benefits	Operational	Salary & Benefits
District Court Judicial Officers	n/a	\$174,303	\$22,345	\$0
District Court Line Staff	6.17 per judicial officer	\$48,752	Included above	\$0
<p>Notes:</p> <ol style="list-style-type: none"> 1. Staffing data reported to the AOC by the courts at year end 2011. 2. District court judge salary set by the Salary Commission. Benefits estimated at 23%. 3. Staff salary obtained from the Washington City and County Employee 2011 Salary & Benefit Survey. Benefits estimated at 23%. 4. Local operation costs calculated from the Washington State Auditor's 2011 Local Government Financial Reporting System data. 				

MUNICIPAL COURT STANDARD ASSUMPTIONS

		LOCAL COSTS		STATE COSTS
	Staff Ratio	Salary & Benefits	Operational	Salary & Benefits
Municipal Court Judicial Officers	n/a	\$167,843	Included below	\$0
Municipal Court Line Staff	8.36 per judicial officer	\$58,177	\$45,622	\$0

Notes:

- 1. Staffing data reported to the AOC by the courts at year end 2011.
- 2. Judicial salary data from 2012 Salary Survey Benefits estimated at 23%.
- 3. Staff salary from the 2011 Washington City and County Employee Salary & Benefit Survey. Benefits estimated at 23%.
- 4. Local operational costs calculated from the Washington State Auditor’s 2010 Local Government Financial Reporting System data.

STATE EXPENDITURE SUMMARY

Bill #	P S SB 5280
Bill Title	Criminal Activities - Rental Properties

State Expenditure Total:

Account #	Account Title	Type	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
001	General Fund	State	21,480	-	-	-	-	-

Administrative Office of the Courts Expenditures:

Account #	Account Title	Type	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
001	General Fund	State	21,480	-	-	-	-	-

Expenditures by Object:

Salaries and Wages								
Employee Benefits								
Personal Service Contracts								
Goods and Services	21,480							
Travel								
Capital Outlays								

Superior Court Judge Salaries/Benefits Expenditures:

Account #	Account Title	Type	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
001	General Fund	State	-	-	-	-	-	-

Expenditures by Object:

Salaries and Wages								
Employee Benefits								

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 5280 P S SB	Title: Criminal activity at rentals
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Indeterminate costs for law enforcement, prosecutors, and defense attorneys
- ☒ Counties: Indeterminate costs for law enforcement, prosecutors, defense attorneys, and county jails
- ☐ 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 increased charges for criminal trespass

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/11/2013
Leg. Committee Contact: Aldo Melchiori	Phone: (360)786-7439	Date: 02/01/2013
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/11/2013
OFM Review: David Dula	Phone: (360) 902-0547	Date: 02/12/2013

Part IV: Analysis

A. SUMMARY OF BILL

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

Sec. 1 amends RCW 9A.52.070. A person is guilty of criminal trespass in the first degree if he or she is a tenant, or resides at a rental property and is not listed as a tenant, and he or she refuses to immediately upon demand vacate the property. Criminal trespass in the first degree is a gross misdemeanor.

Sec. 2 amends RCW 9A.52.090. The defenses identified by this statute do not apply to a person trespassing in a dwelling in which a foreclosure action is currently pending or where the dwelling has been foreclosed upon and the dwelling is being prepared for sale.

Sec. 3 creates a new section in RCW 9A.52 RCW. A person is guilty of criminal trespass of a dwelling in foreclosure if he or she knowingly enters or remains unlawfully in a dwelling in which is currently pending for foreclosure. Any person with knowledge of the status of a property may report the trespass to law enforcement regardless of his or her status as owner of the property. Criminal trespass of a dwelling in foreclosure is a gross misdemeanor. If a person arrested under this section claims to be a tenant under a written or oral lease, then the alleged landlord or a neighbor who has made every reasonable effort to notify the property owner of record regarding the nuisance or trespass may proceed directly to an unlawful detainer action. A person may petition the appropriate district or superior court to have an alleged tenant arrested under this section and removed from a premise provided certain requirements are met. This section identifies the factors the court must determine at an unlawful detainer action.

Sec. 4 amends RCW 59.04.050 to establish that any owner or agent of the owner who has demanded a tenant vacate the owner's property may request law enforcement to remove the tenant by sufferance as a trespasser under RCW 9A.52.070.

Sec. 5 amends RCW 59.18.075. Any law enforcement agency that has found that a tenant or other resident of a dwelling unit is engaged in criminal street gang activity as identified in RCW 9.94A.030 or human trafficking as identified in RCW 9A.40.100, or has been called to a rental property to investigate criminal street gang activity or human trafficking, shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing of the criminal street gang activity or human trafficking occurring at the landlord's rental property. The law enforcement agency shall include with the notice the names of the tenant and individual or individuals who were engaged in any activity described in this subsection; the dwelling unit where the incident occurred; the date of the incident; actions taken by the law enforcement agency; a statement outlining the authority of a landlord to evict a tenant under this chapter; or identify to law enforcement that the person is a tenant by sufferance, and the landlord may exercise the owner's authority under RCW 59.04.050; and any penalties that may be assessed against the landlord for failure to abate the nuisance created by the activity identified in subsection (1), (2), or (3) of this section.

Sec. 6 establishes that this act takes effect August 1, 2013.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

The legislation would result in an indeterminate increase in costs for local government law enforcement, prosecution, and defense attorneys.

According to the Administrative Office of the Courts (AOC), there is no data available to estimate how many increased charges there could be under section 1 of the bill. However, if there were just a 1 percent increase in the filings of criminal trespass, it would result in 34 additional cases per year filed in county and municipal courts. A 5 percent increase would result in 167 additional cases annually. The average cost to prosecute and defend a misdemeanor crime against property is approximately \$634, according to the Local Government Fiscal Note Program (LGFN) prosecution and defense data tables. Most (88 percent) defendants qualify for indigent defense. Therefore this section could have impacts of between \$21,556 and \$105,878 per year, if these assumptions are borne out.

Section 3 creates a new gross misdemeanor for criminal trespass of a dwelling in foreclosure. According to the AOC, potential impacts range between 208 and 2,078 charges per year. The costs to prosecute and defend these cases would range from \$131,872 to \$1,317,452 per year for local government.

Any potential increase in sentences as a result of the new misdemeanor charges would be served in county jails. The average cost for a jail bed day is \$80, according to the LGFN 2011 survey of jail costs

Section 5 directs law enforcement, upon learning that a tenant or other resident is engaged in criminal street gang or human trafficking activity, to notify the landlord in writing with certain information. LGFN has no data to estimate how many cases this requirement would apply to each year. The average cost for a city police officer is \$29.30 per hour and for a sheriff's deputy, \$29.08 per hour, according to the

Association of Washington Cities 2012 Salary and Benefit Survey. Requiring law enforcement to notify landlords in writing with the information required in the bill would result in indeterminate costs per year for cities and counties.

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.

The legislation would have no revenue impact for local government.

SOURCES:

Administrative Office of the Courts

Washington Association of Sheriffs and Police Chiefs

Association of Washington Cities