

Multiple Agency Fiscal Note Summary

Bill Number: 5266 SB	Title: Theft of rental property
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Estimated Cash Receipts

NONE

Estimated Expenditures

Agency Name	2017-19			2019-21			2021-23		
	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
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Impact

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 902-9810	Date Published: Final 1/25/2017
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 45085

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 5266 SB	Title: Theft of rental property	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2018	FY 2019	2017-19	2019-21	2021-23
Counties					
Cities					
Total \$					

Estimated Expenditures from:

COUNTY	FY 2018	FY 2019	2017-19	2019-21	2021-23
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2018	FY 2019	2017-19	2019-21	2021-23
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$					

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	Tim Ford	Phone: 786-7423	Date: 01/18/2017
Agency Preparation:	Sam Knutson	Phone: 360-704-5528	Date: 01/20/2017
Agency Approval:	Ramsey Radwan	Phone: 360-357-2406	Date: 01/20/2017
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 01/23/2017

Request # 5266 SB-1

Part II: Narrative Explanation

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

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

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

<u>State</u>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

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

<u>County</u>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

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

<u>City</u>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would amend RCW 9A.56.096 to include the crime of theft of rental, leased, lease purchased, or loaned property when a person who has control of personal property under a written rental agreement intentionally holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thus depriving the owner of the property of its use in further rentals.

The bill would not allow a defense that the person returned the property after the expiration date of the rental agreement if the person fails to pay the rental charge for the time the person held the rental property.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

If enacted, this bill would:

RCW 9A.56.096 (Section 1(2)) would establish that a person who having had control of personal property under a rental agreement intentionally holds the property beyond the expiration of the rental period without the effective consent of the owner of the property is guilty of theft of rental, leased, lease-purchased, or loaned property. It would not be a defense that the person returned the property after the expiration of the rental agreement if the person fails to pay the applicable rental charge.

RCW 9A.56.096 (Section 6(d)) would make theft of rental, leased, lease-purchased, or loaned property a gross misdemeanor.

II.B - Cash Receipt Impact

Indeterminate. The Administrative Office of the Courts (AOC) does not have data to estimate the number of new theft of rental property crimes that would result from this bill. Fines for theft of rental property would be determined based on the value of the rental property that was not returned or paid for. The maximum fines for theft of rental property range between \$5,000 and \$20,000 – however, the maximum fines are not always ordered, not all fines are collected in full, and fines may take years to collect.

II.C – Expenditures

Indeterminate. The AOC does not have data to estimate the number of new theft of rental property crimes that would result from this bill.

For purposes of illustration, there would need to be more than 110 cases each year to exceed \$50,000 in annual court expenditures, based on average court costs for these type of theft cases.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5266 SB	Title: Theft of rental property
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Costs for law enforcement.
- ☒ Counties: Costs for law enforcement; costs for prosecutors, court-appointed 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 new charges per year of theft of rental, leased, or loaned property.

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: 01/24/2017
Leg. Committee Contact: Tim Ford	Phone: 786-7423	Date: 01/18/2017
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/24/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 01/25/2017

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1 amends RCW 9A.56.096. A person who, having control of personal property under a written rental agreement, intentionally holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, is guilty of theft of rental, leased, lease-purchased, or loaned property. It is not a defense that the person returned the personal property held under a rental agreement after the expiration of the rental agreement if the person fails to pay the applicable rental charge for the property for the time that the person held the personal property. Theft of rental, leased, lease-purchased, or loaned property is a gross misdemeanor.

B. SUMMARY OF EXPENDITURE IMPACTS

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

The legislation would result in costs for cities and counties due to the creation of a new misdemeanor charge. There is no data available to estimate the number of new charges, so the expenditures are indeterminate.

A similar gross misdemeanor charge costs approximately \$1,879 in law enforcement, prosecution, and defense costs, according to the Local Government Fiscal Note Program (LGFN) analysis of criminal justice costs.

New sentences would result in costs for county jails. The average county jail bed cost is \$103, according to the LGFN 2017 analysis of city, county, and inter-jurisdictional jails.

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:

Local Government Fiscal Note Program 2017 analyses of criminal justice costs

Caseload Forecast Council

Administrative Office of the Courts