

Multiple Agency Fiscal Note Summary

Bill Number: 2678 HB	Title: Cybercrime
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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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Caseload Forecast Council	Fiscal note not available								
Consolidated Technology Services	Fiscal note not available								
Department of Corrections	Fiscal note not available								
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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: Ramona Nabors, OFM	Phone: (360) 902-0547	Date Published: Preliminary 1/23/2018
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

ENPID: 49950

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 2678 HB	Title: Cybercrime	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☒ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.

Legislative Contact: Nate Hickner	Phone: 360-786-7291	Date: 01/19/2018
Agency Preparation: Renee Lewis	Phone: 360-704-4012	Date: 01/19/2018
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/19/2018
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 01/21/2018

Request # 2678 HB-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

Please see attached Judicial Impact Note (JIN).

II. C - Expenditures

Please see attached Judicial Impact Note (JIN).

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would revise the Washington cybercrime act.

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

RCW 9A.90.040 would be amended to add an element to the crime of computer trespass in the first degree, a class C felony.

RCW 9A.90.070 would be amended to clarify the crime of spoofing, a gross misdemeanor.

RCW 9A.90.080 would be amended to clarify the crime of electronic data tampering, a class C felony.

II.B - Cash Receipt Impact

Indeterminate. The Administrative Office of the Courts (AOC) does not have data available to estimate the number of trials/hearings that would result from this bill. However, it is assumed it would be minimal.

II.C – Expenditures

Indeterminate. The AOC does not have data available to estimate the number of trials/hearings that would result from this bill. However, it is assumed it would be minimal.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2678 HB	Title: Cybercrime
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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, indigent defense attorneys, and jails
- ☒ Counties: Same as above
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Number of additional violations per year

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: 01/22/2018
Leg. Committee Contact: Nate Hickner	Phone: 360-786-7291	Date: 01/19/2018
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/22/2018
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 01/23/2018

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.90.030 to define "Computer" and "computer software." Spyware is a software application that enables a user to gather information about a person or organization without their knowledge, which may send such information to a third party with or without the person's consent, or which asserts control over a device without the person's knowledge.

Sec. 2 amends RCW 9A.90.040. A person is guilty of computer trespass in the first degree if the person, without authorization, intentionally gains access to a computer system or electronic database of another; and intentionally causes malware to be present on that computer system or electronic database. Computer trespass in the first degree is a class C felony.

Sec. 3 amends RCW 9A.90.070. A person is guilty of spoofing if he or she, without authorization, knowingly initiates the transmission, display, or receipt of the identifying information of another organization or person for the purpose of gaining unauthorized access to a person with the intent to commit another crime in violation of a state law not included in this chapter. Spoofing is a gross misdemeanor.

Sec. 4 amends RCW 9A.90.080. A person is guilty of electronic data tampering in the first degree if he or she maliciously and without authorization: alters data as it transmits between two data systems over an open or unsecure network; or introduces any malware into any electronic data, data system, or data network; for the purpose of devising or executing any scheme to defraud, deceive, stalk, track, or extort, or commit any other crime. Electronic data tampering in 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.

The legislation would result in costs for cities and counties due to the expanded definitions of computer trespass and electronic data tampering (class C felonies) and spoofing (a gross misdemeanor).

There is no data to assess how many additional cases there would be of the crimes, so the total impacts are indeterminate. An equivalent class C costs approximately \$2,560 in law enforcement, prosecution, and defense costs, and an equivalent gross misdemeanor costs approximately \$1,933.

The average cost for a county jail bed is \$106/day, according to the 2018 Local Government Fiscal Note program analysis of city, county, and inter-jurisdictional jail costs. The Caseload Forecast Council has no information concerning how many more incidents of the expanded felony offenses may occur, and does not collect data on gross misdemeanor offenses. However, as class C felony offenses, computer trespass in the first degree and electronic data tampering in the first degree are punishable by a standard range term of confinement of between 0-90 days in jail and 43-57 months in prison, depending on the offender's prior history. As a gross misdemeanor offense, spoofing is punishable by a term of confinement of between 0-364 days in jail.

Additional sentences would therefore likely result in increased costs for county 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:

Caseload Forecast Council

2018 Local Government Fiscal Note program analyses of criminal justice costs