

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2454 HB	<b>Title:</b> Vehicular assault
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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
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total</b>	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

<b>Prepared by:</b> Trisha Newport, OFM	<b>Phone:</b> (360) 902-0417	<b>Date Published:</b> Final 2/ 8/2018
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID: 52063

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2454 HB	<b>Title:</b> Vehicular assault	<b>Agency:</b> 055-Administrative 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: Omeara Harrington	Phone: 360-786-7136	Date: 01/26/2018
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 01/29/2018
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/29/2018
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 01/30/2018

Request # 2454 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**

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

## **Part III: Expenditure Detail**

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

## **Part II: Narrative Explanation**

This bill would amend RCW 46.61.522 by providing additional grounds for committing the class B felony of Vehicular Assault.

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

Section 1(d) – Would provide that the crime of Vehicular Assault would be applicable when a person operating a vehicle causes substantial bodily harm to a vulnerable user of a public way.

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

None.

### **II.C – Expenditures**

This bill may result in additional filings due to the expansion of the definition of the crime of Vehicular Assault, but impact is expected to be minimal.

The law tables would need to be updated. This would be managed within existing resources.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2454 HB	<b>Title:</b> Vehicular assault	<b>Agency:</b> 101-Caseload Forecast Council
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## Part I: Estimates

**No Fiscal Impact**

*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: Omeara Harrington	Phone: 360-786-7136	Date: 01/26/2018
Agency Preparation: Ed Vukich	Phone: 360-664-9374	Date: 01/29/2018
Agency Approval: Ed Vukich	Phone: 360-664-9374	Date: 01/29/2018
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/05/2018

## 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.*

See the attachment.

### 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.*

None.

### 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.*

See the attachment.

## 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.*

None.

**HB 2454**  
**VEHICULAR ASSAULT**  
**101 – Caseload Forecast Council**  
**January 29, 2018**

**SUMMARY**

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

Section 1 establishes the unranked Class B felony offense of Vehicular Assault, By the Operation or Driving of a Vehicle and Causes Substantial Bodily Harm to a Vulnerable User of a Public Way.

Section 2 is a Short Title clause.

## **EXPENDITURES**

### **Assumptions.**

None.

### **Impact on the Caseload Forecast Council.**

The provisions of this bill will require modifications to the Caseload Forecast Council's adult felony sentencing database and juvenile disposition database. This will require work from a contractor of an estimated 0.5 hours at a rate of \$100.00 per hour for a total cost to the Caseload Forecast Council of \$50.00.

### **Impact on beds and supervision.**

This bill:

- Establishes a new unranked Class B felony offense.

The Class B felony offense of Vehicular Assault, By the Operation or Driving of a Vehicle and Causes Substantial Bodily Harm to a Vulnerable User of a Public Way established under the bill is not currently a felony offense under Washington State law. As such, the Caseload Forecast Council has no information about its expected incidence or the sentences that might actually be imposed. Therefore, the Caseload Forecast Council cannot reliably predict the bed and supervision impacts resulting from the bill.

However, as a Class B felony offense not ranked on the Adult Felony Sentencing Grid, and ranked at Offense Category C on the Juvenile Offender Sentencing Grid, Vehicular Assault, By the Operation or Driving of a Vehicle and Causes Substantial Bodily Harm to a Vulnerable User of a Public Way would be punishable for adults by a standard range term of confinement of between 0-12 months in jail (unless an aggravated exception sentence is imposed), and between Local Sanctions (0-30 days in local juvenile detention) and 15-36 weeks in Juvenile Rehabilitation for juveniles. Therefore, any impact would likely manifest itself as an increased need for local juvenile detention, Juvenile Rehabilitation and jail beds.

Since Vehicular Assault, By the Operation or Driving of a Vehicle and Causes Substantial Bodily Harm to a Vulnerable User of a Public Way would be a Crimes against Persons offense, adult offenders convicted of it would be eligible for up to 12 months of community supervision.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2454 HB	<b>Title:</b> Vehicular assault	<b>Agency:</b> 310-Department of Corrections
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**Part I: Estimates**

**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:

- 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: Omeara Harrington	Phone: 360-786-7136	Date: 01/26/2018
Agency Preparation: Steven Ebner	Phone: 360-725-8277	Date: 02/02/2018
Agency Approval: Alan Haskins	Phone: 360-725-8264	Date: 02/02/2018
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/05/2018

## 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(d) states a person is guilty of vehicular assault if he or she operates or drives any vehicle and causes substantial bodily harm to a vulnerable user of a public way.

Section 2 names the act as the Leprechaun Cain act.

Effective date is assumed 90 days after adjournment of session in which this bill is passed.

### 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.*

None. Our impact are general fund state.

### 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 fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per Fiscal Year (FY).

The bill establishes a new unranked offense of Vehicular Assault to include when a person operates or drives a vehicle and causes substantial bodily harm to a vulnerable user of a public way.

The unranked Class B felony offense would be punishable by a term of confinement of 0-12 months in jail. Therefore, any impact should manifest as an increased need for jail beds only, unless an aggravated exceptional sentence is imposed for the new felony offense.

The Caseload Forecast Council has no information with which to predict how the changes proposed by the bill will affect the number of sentences per FY for the new offense and therefore, cannot reliably estimate bed or supervision impacts.

The Department of Corrections (DOC) assumes this bill would likely result in an Average Daily Population (ADP) increase of three (3) or less incarcerated individuals though the impact cannot be estimated. Therefore, the fiscal impact is indeterminate and DOC assumes the impact will be less than \$50,000 per FY given an Average Unit Cost (AUC) of \$14,477 per incarcerated individual per FY [ $\$14,477 \times 3 \text{ ADP} = \$43,431/\text{FY}$ ] and an ADP increase of one (1) supervised individual at \$4,340/ADP per FY [ $\$4,340 \times 1 \text{ ADP} = \$4,340/\text{FY}$ ].

#### ASSUMPTIONS:

1. We assume caseload impact based on the CFC estimated ADP impacts to DOC prison facilities/institutions and/or community supervision/violator caseload.
2. We assume an AUC of \$14,477 per incarcerated individual per FY (based on FY2017 actuals and FY2019 salary and benefit rate increases) to facilitate cost discussions during legislative session for bills. This cost

estimate includes prison custody staffing on living/housing units, prison direct variable costs, health services direct variable costs, and prison non-custody essential staffing on living/housing units. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/units. The AUC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, House and Washington State Institute for Public Policy staffing each legislative session. The DOC will need to true up impact to DOC so that full impact can be determined (i.e. opening/closing units or prisons once we better understand impacts down to the custody level, and facility).

3. For illustration purposes only, the average annual, all inclusive, cost for supervision is \$4,340 per ADP, regardless of supervised risk level based on the workload model average unit cost for FY2019. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records and Training that are directly affected by supervision population changes. The estimate will vary based on risk level of the supervised individuals, which requires different staffing levels. The latest population trend data available, provides a risk level of 42.8% high violent; 27.3% high non-violent; 21% moderate; 7.9% low; and 1.0% unclassified. (June – November 2017)

4. We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

### **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.*

None.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2454 HB

Title: Vehicular assault

## 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, prosecutors, indigent 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 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: 02/07/2018
Leg. Committee Contact: Omeara Harrington	Phone: 360-786-7136	Date: 01/26/2018
Agency Approval: Renee Martine-Tebow	Phone: 360-725-5045	Date: 02/07/2018
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/08/2018

## **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 46.61.522. A person is guilty of vehicular assault if he or she operates or drives any vehicle and causes substantial bodily harm to a vulnerable user of a public way. Vehicular assault is a class B 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 have an indeterminate impact on local government due to the creation of a new felony offense.

An equivalent class B felony costs between \$4,100 and \$8,850 to investigate, prosecute, and defend, according to the Local Government Fiscal Note (LGFN) program analysis of criminal justice costs. The Caseload Forecast Council has no information about the expected incidence of the new felony charge or the sentences that might be imposed from convictions. The new offense would be punishable for adults by a standard range of confinement of up to 12 months in jail. Juvenile offenders would face sentences ranging between Local Sanctions (up to 30 days in local juvenile detention) and 15-36 weeks in Juvenile Rehabilitation detention. Therefore, convictions would likely result in additional costs for county jails and juvenile detention. The average cost for a county jail bed is \$106 per day, according to the LGFN analysis of city, county, and inter-jurisdictional jail costs.

### **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

Local Government Fiscal Note program analysis of criminal justice costs