

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1668 S HB	<b>Title:</b> Vehicular homicide/survivors
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## Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	Fiscal note not available											
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

NONE

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Preliminary 2/19/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1668 S HB	<b>Title:</b> Vehicular homicide/survivors	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*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 for 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: Michelle Rusk	Phone: 360-786-7153	Date: 02/16/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/17/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/17/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/19/2023

184,187.00

Form FN (Rev 1/00)

Request # 196-1

Bill # 1668 S HB

## Part II: Narrative Explanation

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

The bill would amend RCW 9.94A.753 (Restitution-Application Dates) relating to restitution for the surviving minor children of deceased victims of vehicular homicide.

This bill would amend to the restitution statute to include for a person convicted of vehicular homicide and the deceased was the parent of a minor child, the court shall order restitution in the form of child maintenance to each of the victim's children until the children turn 18 and have graduated from high school or the class which the child is a member graduates from high school.

The bill narrows when restitution may be ordered for minor children of vehicular homicide victims to circumstances where conviction is based on operating a motor vehicle while under the influence of intoxicating liquor or any drug, and gives courts discretion to relieve the offender of duty of paying such restitution if it finds the offender lacks the current or likely future ability to pay it.

Maintenance need not be ordered if prior civil judgment obtained by surviving parent against wrongdoer or if a civil legal action is brought about after restitution has been ordered, the amount if any obtained in the judgement shall offset the restitution amount.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

Minimal fiscal impact is expected to the Administrative Office of the Courts form changes (20 hours, less than \$5,000).

This bill would require a change to the guilty plea form given that child support is a direction consequence of vehicular homicide if the victim has minor children, unless a civil suit is brought.

Court costs impact would be minimal.

## Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

### III. D - FTE Detail

NONE

### III. E - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

184,187.00

Form FN (Rev 1/00)

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**IV. B2 - Expenditures by Object Or Purpose (County)**

NONE

**IV. B3 - Expenditures by Object Or Purpose (City)**

NONE

**IV. C - Capital Budget Breakout**

*Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.*

NONE

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 1668 S HB

**Title:** Vehicular homicide/survivors

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities:
- Counties: County prosecuting attorneys could incur indeterminate cost impacts related to determining the appropriate maintenance amounts for vehicular homicides resulting in the death of a parent of a minor child or children.
- 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: The number of minors to which the legislation would apply; the amount of time prosecuting attorneys will require to determine the appropriate maintenance amount for each impacted minor.

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/17/2023
Leg. Committee Contact: Michelle Rusk	Phone: 360-786-7153	Date: 02/16/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/17/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/19/2023

## **Part IV: Analysis**

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

*Description of the bill with an emphasis on how it impacts local government.*

#### **CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute bill clarifies that if the court finds the defendant does not currently have the ability to pay restitution, and the defendant is unlikely to be able to pay it in the future, then the court may relieve an offender of their obligation to pay restitution so long as certain parameters are met.

#### **SUMMARY OF CURRENT BILL:**

Sec. 1(3)(b) clarifies that if the court finds the defendant does not currently have the ability to pay restitution, and the defendant is unlikely to be able to pay it in the future, then the court may relieve the offender of their obligation to pay restitution so long as certain parameters are met.

Sec. 1(7) amends RCW 9.94A.753 to add a new subsection that would make court-ordered restitution mandatory when a person is convicted of vehicular homicide resulting in the death of a parent of a minor child or children.

Sec. 1(7)(b) would require the convicted person to pay the child or children the provisions necessary for the maintenance of the child or children considering all relevant factors including:

- (i) The financial needs and resources of the child or children;
- (ii) The financial resources and needs of the surviving parent or, if no other parent is alive or capable of caring for the child or children, the guardians of the child or children;
- (iii) The physical and emotional condition of the child or children and the child's or children's educational needs;
- (iv) The child's or children's physical and legal custody arrangements; and
- (v) The reasonable work-related child care expenses of the surviving parent or guardian.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

#### **CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute bill would not change prosecuting attorneys' indeterminate expenditure impacts that could result from the legislation's new requirement. Prosecuting attorneys working vehicular homicides that resulted in the death of a parent of a minor child or children would need to determine the appropriate restitution for the child or children.

#### **EXPENDITURE IMPACTS OF CURRENT BILL:**

The legislation could result in indeterminate increased costs for county prosecuting attorneys working vehicular homicide cases on behalf of the state. County clerks and the Administrative Office of the Courts anticipate de minimis impacts as a result of the legislation.

Washington Association of Prosecuting Attorneys (WAPA) anticipates that the legislation would indeterminately increase county prosecutors' work to gather the information needed to determine the appropriate maintenance amount the child or children would require when they have lost a parent due to vehicular homicide. Because family law attorneys commonly do this work, rather than prosecutors, prosecutors have no frame of reference from which to estimate the amount of time such work would require. Accordingly, the cost impact of the work is indeterminate. WAPA did note there were approximately 60 vehicular homicides in 2022 but did not have information available to indicate the number of vehicular homicides that resulted in the death of a parent of a minor child or children.

According to the Washington Association of County Officials (WACO), the legislation would likely result in a de minimis impact to county clerks because vehicular homicide is already a restitution-eligible offense; the bill will not increase the caseload (because the bill does not create a new cause-type); and county clerks already collect restitution and remit

payment to victims for cases that were tried in Superior Court, as a vehicular homicide case would be. WACO also notes any increases in staffing time to calculate the restitution change will be addressed in the Administrative Office of the Courts' fiscal note.

The Administrative Office of the Courts expects any impacts resulting from the legislation to be de minimis.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

#### **CHANGES IN REVENUE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute bill would not impact local government revenue.

#### **REVENUE IMPACTS OF CURRENT BILL:**

The legislation would not impact local government revenue.

#### **SOURCES:**

Administrative Office of the Courts

Washington Association of County Officials

Washington Association of Prosecuting Attorneys