

Multiple Agency Fiscal Note Summary

| | |
|-------------------------------|-------------------------------------|
| Bill Number: 1492 S HB | Title: State v. Blake relief |
|-------------------------------|-------------------------------------|

Estimated Cash Receipts

NONE

| Agency Name | 2023-25 | | 2025-27 | | 2027-29 | |
|---------------------|---------------------------|-------|-----------|-------|-----------|-------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| Local Gov. Courts | | | | | | |
| Loc School dist-SPI | | | | | | |
| Local Gov. Other | Fiscal note not available | | | | | |
| 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 | 10.0 | 17,954,400 | 17,954,400 | 17,954,400 | 10.0 | 17,954,400 | 17,954,400 | 17,954,400 | 10.0 | 17,954,400 | 17,954,400 | 17,954,400 |
| Administrative Office of the Courts | In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note. | | | | | | | | | | | |
| Office of Public Defense | Fiscal note not available | | | | | | | | | | | |
| Office of Civil Legal Aid | Fiscal note not available | | | | | | | | | | | |
| Office of Attorney General | Fiscal note not available | | | | | | | | | | | |
| Caseload Forecast Council | Fiscal note not available | | | | | | | | | | | |
| Department of Enterprise Services | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 | .0 | 0 | 0 | 0 |
| Washington State Patrol | Fiscal note not available | | | | | | | | | | | |
| Department of Licensing | Fiscal note not available | | | | | | | | | | | |
| Department of Corrections | Fiscal note not available | | | | | | | | | | | |
| Total \$ | 10.0 | 17,954,400 | 17,954,400 | 17,954,400 | 10.0 | 17,954,400 | 17,954,400 | 17,954,400 | 10.0 | 17,954,400 | 17,954,400 | 17,954,400 |

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Local Gov. Courts | Non-zero but indeterminate cost and/or savings. Please see discussion. | | | | | | | | |
| Loc School dist-SPI | | | | | | | | | |
| Local Gov. Other | Fiscal note not available | | | | | | | | |
| 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 |
| Office of Public Defense | Fiscal note not available | | | | | | | | |
| Office of Civil Legal Aid | Fiscal note not available | | | | | | | | |
| Office of Attorney General | Fiscal note not available | | | | | | | | |
| Caseload Forecast Council | Fiscal note not available | | | | | | | | |
| Department of Enterprise Services | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Washington State Patrol | Fiscal note not available | | | | | | | | |
| Department of Licensing | Fiscal note not available | | | | | | | | |
| Department of Corrections | Fiscal note not available | | | | | | | | |
| Total \$ | 0.0 | 0 | 0 | 0.0 | 0 | 0 | 0.0 | 0 | 0 |

| Agency Name | 2023-25 | | | 2025-27 | | | 2027-29 | | |
|---------------------|--|----------|-------|---------|----------|-------|---------|----------|-------|
| | FTEs | GF-State | Total | FTEs | GF-State | Total | FTEs | GF-State | Total |
| Local Gov. Courts | Non-zero but indeterminate cost and/or savings. Please see discussion. | | | | | | | | |
| Loc School dist-SPI | | | | | | | | | |
| Local Gov. Other | Fiscal note not available | | | | | | | | |
| Local Gov. Total | | | | | | | | | |

Estimated Capital Budget Breakout

NONE

| | | |
|---------------------------------------|---------------------------------|---|
| Prepared by: Gaius Horton, OFM | Phone: (360) 819-3112 | Date Published: Preliminary 2/22/2023 |
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Judicial Impact Fiscal Note

| | | |
|-------------------------------|-------------------------------------|--|
| Bill Number: 1492 S HB | Title: State v. Blake relief | Agency: 055-Administrative Office of the Courts |
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

| STATE | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------|-----------|-----------|------------|------------|------------|
| State FTE Staff Years | 10.0 | 10.0 | 10.0 | 10.0 | 10.0 |
| Account | | | | | |
| General Fund-State 001-1 | 8,977,200 | 8,977,200 | 17,954,400 | 17,954,400 | 17,954,400 |
| State Subtotal \$ | 8,977,200 | 8,977,200 | 17,954,400 | 17,954,400 | 17,954,400 |
| COUNTY | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
| County FTE Staff Years | | | | | |
| Account | | | | | |
| Local - Counties | | | | | |
| Counties Subtotal \$ | | | | | |
| CITY | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
| City FTE Staff Years | | | | | |
| Account | | | | | |
| Local - Cities | | | | | |
| Cities Subtotal \$ | | | | | |

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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.

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|------------------------------------|-----------------------|------------------|
| Legislative Contact: Yvonne Walker | Phone: 360-786-7841 | Date: 02/19/2023 |
| Agency Preparation: Angie Wirkkala | Phone: 360-704-5528 | Date: 02/22/2023 |
| Agency Approval: Chris Stanley | Phone: 360-357-2406 | Date: 02/22/2023 |
| OFM Review: Gaius Horton | Phone: (360) 819-3112 | Date: 02/22/2023 |

184,709.00

Request # 200-1

Part II: Narrative Explanation

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

The only fiscal impact change of the substitute would be removal of the requirement to develop pattern forms.

The bill would establish procedures and requirement for vacating convictions, resentencing, and refunding legal financial obligations (LFOs) pursuant to the State v. Blake decision (February 25, 2021).

Section 1 would expand the definition of terms for LFO, qualifying nonconviction, and beyond the Washington State Supreme Court decision.

Section 3 would require:

- * prosecuting attorneys to file amended orders with the court to dismiss and vacate a conviction and for nonconvictions, file an exparte order to issue a refund for LFOs paid as a result of a qualifying conviction or nonconviction.

- * clerks to conduct an objectively reasonable search to identify collection cost records and LFO refund amounts ordered by the court as a result of a qualifying convictions/nonconvictions.

Section 4 would allow a person with a qualifying conviction/nonconviction to file a motion with the sentencing court for a vacation of the conviction or a refund of conviction/nonconviction LFO.

Section 5 would require the court, upon a determination of any valid motion to vacate any qualifying conviction, to:

- * direct the clerk to inform the Department of Licensing to reinstate driving privileges.

- * direct the clerk to cancel any unpaid balances of LFOs and remove the LFOs from collections, if assigned to a collection agency.

- *inform the party they have the right to challenge the amount of the refunded order and, if indigent, the person may request publicly funded counsel.

- * order the AOC to refund any LFO paid as a result of the qualifying conviction.

Section 7 would require the court, upon a determination of any valid motion to refund LFOs for any qualifying nonconviction, to:

- * direct the clerk to cancel any unpaid balances of LFOs and remove the LFOs from collections, if assigned to a collection agency.

- * provide the clerk with itemized LFO amount to be refunded.

- * order the AOC to refund any LFO paid as a result of the qualifying conviction.

The clerk would transmit the order to the AOC Refund Bureau.

Section 8: Within 3 years of the issuance of a refund from the AOC refund bureau, a person may challenge the amount of any LFO amount ordered by a court. If a person is indigent, they may request publicly funded counsel.

Section 9 would prohibit reallocation of LFO refunds to any other LFO the person is required to pay and has an outstanding balance. If reallocation occurred prior to the effective date of the bill, the bill would require the clerk to identify those cases, determine the amount previously reallocated, and notify the prosecutor and the AOC. The reallocation amount shall be refunded.

Additionally, the clerks will need to identify whether and the amount needing to be refunded for the following:

- * Crime Victim Penalty Assessment

- * DNA Collection Fee

- * Court Appointed Counsel

- * Crime Lab Fee

- * Fines imposed under RCW 69.50.430 (certain felony convictions)

- * Interlocal Drug Fund

- * Public Safety and Education Assessment

- * Drug court costs

- * Associated interest and collection fees

- * Chemical dependence evaluation and treatment costs

The bill provides a methodology for the clerks to follow to determine the amount of a refund, if any, of the specified fees.

184,709.00

Form FN (Rev 1/00)

2

Request # 200-1

Bill # 1492 S HB

Sections 10 and 12 would require the AOC to continue the implementation efforts surrounding State v. Blake which includes: 1) in collaboration with local court staff, prepare comprehensive lists of all cases impacted by the State v. Blake decision going back to 1971 and 2) establish a centralized process for refunding LFOs including a searchable online database.

II. B - Cash Receipts Impact

None

II. C - Expenditures

IMPACTS TO ADMINISTRATIVE OFFICE OF THE COURTS

Sections 10 and 12. In the 2022 enacted supplemental budget, the Legislature directed AOC to develop a centralized refund process and to develop comprehensive lists of cases impacted by the Supreme Court's ruling. To accomplish this work, the Legislature provided funding for one year. The AOC requested ongoing funding in the 2023-25 biennial budget to continue the 10 positions to implement the State v. Blake decision. The same assumptions are included as fiscal impact for this bill.

FTE: 10
FY 2024 and ongoing: \$1,627,200

Beginning July 1, 2023 and ongoing, AOC would require salary, benefits, and associated standard costs for these 10.0 FTE for the following.

Development of Comprehensive Case Lists

2.0 FTEs would coordinate the comprehensive lists – 1.0 FTE assigned to assist superior courts and 1.0 FTE assigned to assist district and municipal courts.

2.0 FTEs would deal with data quality issues in the systems and associated data sets. For 30 years, court staff have been entering data into various systems in various ways with a varying degree of accuracy. This has led to substantial data issues in case information and these individuals would be dedicated solely to Blake data sets.

Blake Refund Bureau

1.0 FTE would make Blake-related payments, reimbursing both local governments and individuals.

1.0 FTE would get the word out to people about the opportunity to vacate old charges and obtain reimbursements.

General Administration

1.0 FTE would ensure the refund bureau is established and operates successfully and that the lists that are generated are accurate and timely.

1.0 FTE would execute and monitor of all the Blake-related contracts with local governments (over 100 contracts). Even with the LFO refund component centralized at AOC, these contracts would remain in place to reimburse local governments and courts for the work necessary to vacate and resentencing individuals that impacted by the Blake ruling.

1.0 FTE would coordinate the scheduling of hearings in cases where multiple jurisdictions have overlapping charges that need to be vacated.

1.0 FTE would provide administrative support.

Explanation of standard costs by object for AOC Staff:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

184,709.00

Form FN (Rev 1/00)

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Request # 200-1

Bill # 1492 S HB

STATE REIMBURSEMENT OF SUPERIOR COURT COSTS

In King County, cases filed between 1979 and 2021 take about 80 minutes to process. King County has 56,000 cases and is estimated to be about 20 percent of the state for this specific case area. Cases filed between 1971-1978 (where electronic records are often absent and difficult to research) take significantly longer to locate and process. Estimates for these cases is that it will take about 10 hours to locate each eligible case on average. King County estimates there are 7,000 eligible cases for this period.

Therefore, statewide superior court estimates there are approximately 315,000 eligible cases statewide. Over 8 years, the estimate is another 46 additional clerk staff would be needed statewide to complete the work under this bill with a total estimated cost of \$42.4 million.

STATE REIMBURSEMENT OF DISTRICT AND MUNICIPAL COURTS

The district and municipal courts have an estimated 136,000 cases filed between 1979 and 2021. Using the same general assumptions as the superior courts for both processing time on pre- and post-1979 cases, the cost estimate for court staff time statewide to complete the work under this bill would be \$16.4 million.

County impact for district courts is assumed to be about 73% of the cases, equaling \$12.0 million over 8 years.
 City impact for municipal courts is assumed to be about 27% of the cases, equaling \$4.4 million over 8 years.

STATE REIMBURSEMENT OF LEGAL FINANCIAL OBLIGATIONS

This impact is indeterminate. The bill would expand the definition of legal financial obligations eligible for refunds. In the 2021-23 biennium, the Administrative Office of the Courts received the following appropriations to reimburse courts for LFO refunds.

County Legal Financial Obligations = \$46,750,000
 Municipal Legal Financial Obligations = \$10,000,000

The expectation is the amount would need to be larger with the expanded LFO definition.

Part III: Expenditure Detail

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

| <i>State</i> | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|------------------------------------|------------------|------------------|-------------------|-------------------|-------------------|
| FTE Staff Years | 10.0 | 10.0 | 10.0 | 10.0 | 10.0 |
| Salaries and Wages | 941,300 | 941,300 | 1,882,600 | 1,882,600 | 1,882,600 |
| Employee Benefits | 300,000 | 300,000 | 600,000 | 600,000 | 600,000 |
| Professional Service Contracts | | | | | |
| Goods and Other Services | 38,000 | 38,000 | 76,000 | 76,000 | 76,000 |
| Travel | 25,000 | 25,000 | 50,000 | 50,000 | 50,000 |
| Capital Outlays | 16,000 | 16,000 | 32,000 | 32,000 | 32,000 |
| Inter Agency/Fund Transfers | | | | | |
| Grants, Benefits & Client Services | 7,350,000 | 7,350,000 | 14,700,000 | 14,700,000 | 14,700,000 |
| Debt Service | | | | | |
| Interagency Reimbursements | | | | | |
| Intra-Agency Reimbursements | 306,900 | 306,900 | 613,800 | 613,800 | 613,800 |
| Total \$ | 8,977,200 | 8,977,200 | 17,954,400 | 17,954,400 | 17,954,400 |

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

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

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

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

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

III. D - FTE Detail

| Job Classification | Salary | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|-----------------------------------|---------------|----------------|----------------|----------------|----------------|----------------|
| Administrative Secretary | 55,900 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Business Analyst | 101,100 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Communications Officer | 71,500 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Contracts Specialist | 91,500 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Manager | 135,900 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Senior Court Program Analyst | 101,100 | 3.0 | 3.0 | 3.0 | 3.0 | 3.0 |
| Senior Financial Services Analyst | 81,000 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| System Integrator | 101,100 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| Total FTEs | | 10.0 | 10.0 | 10.0 | 10.0 | 10.0 |

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

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

Individual State Agency Fiscal Note

| | | |
|-------------------------------|-------------------------------------|--|
| Bill Number: 1492 S HB | Title: State v. Blake relief | Agency: 179-Department of Enterprise Services |
|-------------------------------|-------------------------------------|--|

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

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: Yvonne Walker | Phone: 360-786-7841 | Date: 02/19/2023 |
| Agency Preparation: Julie McVey | Phone: (360) 407-9334 | Date: 02/22/2023 |
| Agency Approval: Ashley Howard | Phone: (360) 407-8159 | Date: 02/22/2023 |
| OFM Review: Cheri Keller | Phone: (360) 584-2207 | Date: 02/22/2023 |

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The purpose of this bill is to provide relief for persons affected by State v. Blake. This bill amends RCW 9.94A.640, 9.96.060, and 72.09.480, and adds a new section to chapter 42.56 RCW, and adds a new chapter to Title 9 RCW.

Section 2 indicates that those convicted of certain drug-related offenses may have their conviction expunged and may seek reimbursement for costs and penalties associated with that conviction.

Section 10 (1) indicates that the Administrative Office of the Courts must create and administer a refund bureau to provide direct refunds to persons who are entitled to a refund of legal financial obligations.

These payments would not be made from the Department of Enterprise Services Self-Insurance Liability Account. Therefore, there is no fiscal impact to the Department of Enterprise Services.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.