

Multiple Agency Fiscal Note Summary

Bill Number: 5722 S SB	Title: Traffic cameras, photo tolls
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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
Washington State Patrol	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Transportation	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	0	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	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
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
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	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

Prepared by: Maria Thomas, OFM	Phone: (360) 229-4717	Date Published: Final 2/23/2023
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Judicial Impact Fiscal Note

Bill Number: 5722 S SB	Title: Traffic cameras, photo tolls	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:

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: Ryan Giannini	Phone: 3607867285	Date: 02/17/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/21/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/21/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/21/2023

184,324.00

Form FN (Rev 1/00)

Request # 198-1

Bill # 5722 S SB

Part II: Narrative Explanation

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

The substitute bill would add that pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which the court has made a finding of materiality, any records, photos, microphotographs, and electronic images prepared under the applicable section shall be made available to prosecuting attorneys and defense lawyers.

The original bill would amend automated traffic safety cameras and photo toll systems statutes adding that pursuant to a lawfully issued warrant, records, photographs, microphotographs, and electronic images prepared under the applicable section shall be made available to law enforcement and restrictions shall not apply.

The changes to the automated traffic safety cameras expire June 30, 2025.

II. B - Cash Receipts Impact

II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts or the courts.

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

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

NONE

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

NONE

184,324.00

Form FN (Rev 1/00)

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: 5722 S SB	Title: Traffic cameras, photo tolls	Agency: 225-Washington State Patrol
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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: Ryan Giannini	Phone: 3607867285	Date: 02/17/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 02/22/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/22/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	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 substitute version adds that any records, photographs, microphotographs, and electronic images must be made available to the prosecuting attorneys and defense lawyers pursuant to a subpoena.

These changes do not change our assumptions outlined in the original fiscal note.

The proposed legislation does not create a fiscal impact to the Washington State Patrol (WSP).

The proposed legislation amends RCW 46.63 to require any automated traffic safety camera records, photographs, microphotographs, and electronic images be made available to law enforcement pursuant to a lawfully issued search warrant.

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.

NONE

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.

We already receive warrants with this information. Any disbursement of records can be done by current staff.

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.

Individual State Agency Fiscal Note

Bill Number: 5722 S SB	Title: Traffic cameras, photo tolls	Agency: 405-Department of Transportation
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. 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: Ryan Giannini	Phone: 3607867285	Date: 02/17/2023
Agency Preparation: Jeff Hall	Phone: 206-464-1220	Date: 02/23/2023
Agency Approval: Ed Barry	Phone: 206-464-1217	Date: 02/23/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 02/23/2023

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.

See attached WSDOT fiscal note.

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

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

III. B - Expenditures by Object Or Purpose

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

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.

Individual State Agency Fiscal Note

Bill Number: 5722 SSB **Title:** Traffic Cameras, Photo Tolls **Agency:** 405-Department of Transportation

Part I: Estimates

Check applicable boxes and follow corresponding instructions, use the fiscal template table provided to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. If no fiscal impact, check the box below, skip fiscal template table, and go to Part II to explain briefly, why the program believes there will be no fiscal impact to the department.

No Fiscal Impact (Explain in section II. A)

If a fiscal note is assigned to our agency, someone believes there might be, and we need to address that, showing why there is no impact to the department.

Indeterminate Cash Receipts Impact (Explain in section II. B)

Indeterminate Expenditure Impact (Explain in section II. C)

If fiscal impact is less 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 greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**

Capital budget impact, **complete Part IV**

Requires new rule making, **complete Part V**

Revised

The cash receipts and expenditure estimates on this fiscal template represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Agency Assumptions

- It is not possible to accurately anticipate the number of record requests, which will be received by the three groups of requestors: law enforcement, prosecuting attorneys and/or defense attorneys.
- By adding two additional requestor types, this substitute bill may increase the number of expected record requests.
- An estimate of the amount of time and associated costs to process an average-sized record request is provided.

Agency Contacts:

Preparer: Jeff Hall	Phone: 206-464-1228	Date: 02/22/23
Approval: Ed Barry	Phone: 206-556-0493	Date: 02/22/23
Budget Manager: Stacey Halverstadt	Phone: 360-705-7544	Date: 02/23/23

Individual State Agency Fiscal Note

Part II: Narrative Explanation

II. A - Brief description of what the measure does that has fiscal impact

Briefly describe by section number (sections that will change WSDOT costs or revenue), the significant provisions of the bill, and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency. This bill requires the department to:

Section 3. RCW 46.63.160 and 2015 c 292 s 1 are each amended to read as follows:

(6)(e) Pursuant to a lawfully issued search warrant, any records, photographs, microphotographs, and electronic images prepared under this section shall be made available to law enforcement and all restrictions on their use, as set forth in (d) of this subsection, shall not apply.

(6)(f) Pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which the court has made a finding of materiality, any records, photographs, microphotographs, and electronic images prepared under this section shall be made available to prosecuting attorneys and defense lawyers and all restrictions on their use, as set forth in (d) of this subsection, shall not apply.

This substitute bill adds section 3(6)(f) to the bill. The addition of section 3(6)(e) from the original bill was not anticipated to have any fiscal impact because it was assumed that the number of requests would have a negligible impact on the department. However, the addition of the two additional requestor types – prosecuting attorneys and defense attorneys is expected to significantly increase the number of record requests.

The expected number of additional requests is not able to be determined. However, an estimate of the amount of time and associated costs the department will incur based on an average-sized record request is provided below.

II. B – Cash Receipts Impact

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.

N/A

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 because it is not possible to know or estimate the number of record requests which will be generated by the proposed amendments in Section 3.

WSDOT has a process for fulfilling public disclosure requests and subpoenas. WSDOT also compiles customer information – or “evidence packages” - as a part of the adjudication program for disputed notice of civil penalties (NOCP). Using these existing processes, the department has developed an estimate of fiscal impact for processing a records request of the type included in this bill.

From the process for supporting records requests is:

- a) Record request is received, tracked, and reviewed for what information is being requested,
- b) Reviewed by legal services for compliance with RCW and approval to respond,
- c) Compilation of records requested,
- d) Final review and approval by legal services, appropriate WSDOT management
- e) Dissemination of records to requestor.

Individual State Agency Fiscal Note

The department has estimated that it will take 12.0 hours of staff time to complete the process for responding to the type of records request in this bill.

Based on this estimate, WSDOT assumes that each request would cost approximately \$1,200. This cost could be higher for a larger or more detailed request.

The department expects the number of requests to increase significantly if this bill passes.

Part III: Expenditure Detail

III. A - Expenditures by Object or Purpose

N/A

Part IV: Capital Budget Impact

N/A

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.

N/A

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5722 S SB

Title: Traffic cameras, photo tolls

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

Legislation Impacts:

- Cities:** Indeterminate expenditure savings for law enforcement, prosecutors and defense attorneys due to reduced investigative time resulting from access to toll and traffic safety camera records; indeterminate expenditure impact on cities as a result of an increase in workload from processing additional record disclosures pursuant to search warrants
- Counties:** Indeterminate expenditure savings for law enforcement, prosecutors and defense attorneys due to reduced investigative time resulting from access to toll and traffic safety camera records
- 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 record disclosures that may be required pursuant to search warrants; amount of staff time a given disclosure may require

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: 02/23/2023
Leg. Committee Contact: Ryan Giannini	Phone: 3607867285	Date: 02/17/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/23/2023
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 02/23/2023

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 version of the bill allows prosecuting attorneys and defense lawyers to use any records, photographs, microphotographs, and electronic images prepared by traffic safety cameras or toll systems pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which the court has made a finding of materiality.

SUMMARY OF CURRENT BILL:

The proposed legislation concerns law enforcement, prosecutor and defense attorney access to certain kinds of records.

Sections 1 and 2 would amend RCW 46.63.170, specifying that law enforcement shall be able to access “any records, photographs, microphotographs and electronic images” captured by automated traffic safety cameras, pursuant to a lawfully issued search warrant. It also allows prosecuting attorneys and defense lawyers to use any records, photographs, microphotographs, and electronic images prepared by traffic safety cameras or toll systems pursuant to a subpoena for producing evidence or permitting inspection in a criminal case in which the court has made a finding of materiality.

Section 3 would amend RCW 46.63.160, specifying that law enforcement, prosecuting attorneys or public defense attorneys shall be able to access the above records captured by photo toll systems, pursuant to a lawfully issued search warrant or subpoena.

Section 4 would specify that section 1 expires June 30, 2025.

Section 5 would specify that section 2 would take effect June 30, 2025.

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.

The proposed legislation would have an indeterminate impact on local government expenditures.

The Washington Association of Sheriffs and Police Chiefs and the Washington Association of Prosecuting Attorneys indicate that in certain cases, the availability of records from toll and traffic safety cameras can reduce the amount of time needed to investigate a criminal offense. It is unknown, however, the number of cases in which an agency may use these records or the amount of additional investigative time that may be saved in a given case, so the magnitude of this expenditure impact is indeterminate.

According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the average hourly salary plus benefits and overhead for a commissioned law enforcement officer employed by a city is approximately \$66 and the same figure for a commissioned officer employed by a county is approximately \$60.

The Association of Washington Cities indicates that the expenditure impact that disclosing records from automated traffic safety cameras to law enforcement could have on cities would depend on the details of a given warrant, as well as how often law enforcement agencies may exercise this option. Given that this would be a new process, and it is unknown how many search warrants for automated traffic safety camera records cities may receive from law enforcement, the magnitude of any associated city expenditure impact that may result from an increase in workload is indeterminate.

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.

The proposed legislation would have no impact on local government revenues.

SOURCES:

Association of Washington Cities

Local government fiscal note for SSB 5869, 2022

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs