

Judicial Impact Fiscal Note

Bill Number: 1668 S HB	Title: Vehicular homicide/survivors	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: 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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Request # 196-1

Bill # 1668 S HB

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: 1668 S HB	Title: Vehicular homicide/survivors	Agency: 307-Department of Children, Youth, and Families
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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: Michelle Rusk	Phone: 360-786-7153	Date: 02/16/2023
Agency Preparation: Kevin Keogh	Phone: 360-628-2652	Date: 02/23/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/23/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	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.

Section 1 creates a new form of restitution that must be paid by offenders who have committed a vehicular homicide while under the influence of liquor or drugs. This restitution is for maintenance of the victim's children.

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.

No fiscal impact.

This new form of restitution would be assessed by the courts. The Department of Children Youth and Families (DCYF) would be responsible for collecting this restitution from the applicable Juvenile Rehabilitation population convicted of this crime and ordered to pay restitution by the courts. DCYF assumes the increase in collection of this new form of restitution could be absorbed within existing resources.

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

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: 1668 S HB	Title: Vehicular homicide/survivors	Agency: 310-Department of Corrections
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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: Michelle Rusk	Phone: 360-786-7153	Date: 02/16/2023
Agency Preparation: Kaile Walsh	Phone: (360) 725-8428	Date: 02/21/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/21/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/21/2023

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.

1668 S HB establishes a form of restitution that courts must impose when a person is convicted of vehicular homicide resulting in death of a parent of a minor child or children; amending RCW 9.94A.753.

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

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 assume this bill will have no fiscal impact to the Department of Corrections (DOC).

This bill is an act relating to restitution for surviving minor children of deceased victims of vehicular homicide. Although this bill may impact the amount of legal financial obligations (LFO) for incarcerated individuals, DOC only collects LFO, on behalf of the courts, from those under its supervision. Therefore, the provisions of this bill do not have a direct impact to DOC and DOC assumes no fiscal impact.

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

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.

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