

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5944 SB

Title: Prosecutorial filing

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

Legislation Impacts:

- Cities:
- Counties:
- Special Districts:
- Specific jurisdictions only: Indeterminate but potentially significant impact on certain county prosecuting attorneys' offices
- Variance occurs due to: Reporting requirements only apply to counties that receive more than 5,000 adult felony and misdemeanor referrals annually

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 counties that may meet reporting threshold; Current records management practices in potentially impacted counties

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

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Leg. Committee Contact: Ryan Giannini	Phone: 3607867285	Date: 01/08/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/16/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/17/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 2 of the proposed legislation would require county prosecutors that receive more than 5,000 adult felony and misdemeanor referrals annually to track the following:

- Number and types of adult felony and misdemeanor referrals received from law enforcement agencies
- Number and types of adult felony and misdemeanor cases where charges are both filed and not filed
- Number and types of juvenile felony and misdemeanor referrals received from law enforcement agencies
- Number and types of juvenile felony and misdemeanor cases where charges are both filed and not filed
- Number and type of adult felony and misdemeanor cases where the prosecutor has petitioned the court for resentencing pursuant to RCW 36.27.130

The adult felony and misdemeanor information above, with the exception of resentencing information, would be required to be reported on a county's website, along with a summary describing the local trends in juvenile and adult felony and misdemeanor referrals and charges and summarizing the local jurisdiction's strategy for referring, diverting, or charging certain classes of crimes (1000 words maximum). Finally, jurisdictions meeting the referral requirement would be required to provide copies of filing standards or policies that may prevent taking action on law enforcement referrals, restrict prosecution of certain crimes, or require diversion of adult felonies or misdemeanors.

Section 2 would form part of a new chapter in Title 10 RCW.

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.

Counties where prosecutors receive more than 5,000 felony and misdemeanor referrals annually would be required to report certain annual referral and filing statistics, an annual summary of referral, charging and diversion strategies, and certain filing standards or policies. The Washington Association of Prosecuting Attorneys estimates that 10 to 15 counties would be subject to these reporting requirements each year.

Currently, only the King County Prosecuting Attorney's Office reports annual data on law enforcement referrals, filings and dispositions. Its data dashboard only reports adult felony data from the superior court, however, and would accordingly need to be modified to meet the requirements of the proposed legislation. The office indicates that setting up the dashboard initially required significant staff time for digitizing records, in addition to the time required to develop the dashboard itself. Ongoing staff time is required to maintain the dashboard.

County prosecuting attorney's offices that do not currently report annual referral or filing data and would be subject to the requirements of the proposed legislation would not necessarily need to create a dashboard identical to King County's to comply with the reporting requirements, but it is reasonable to assume that similar records management and data analysis tasks may be required.

The King County Prosecuting Attorney's Office is aware of other county prosecuting attorneys' offices with digitized records, but it is unknown whether these records are digitized in a way that would allow for meeting the reporting requirements of the proposed legislation without any modification, or whether these counties would be subject to the requirements of the proposed legislation. Counties meeting the referral threshold that do not currently have digitized records would need to do so in some form before producing any data dashboard or annual report.

Given that it is unknown what the current records management practices are in counties that may be subject to the reporting requirements of the proposed legislation, the statewide expenditure impact of complying with these requirements

is indeterminate, but based on the experience of King County, potentially significant.

The 2024 Local Government Fiscal Note Program Unit Cost Model estimates that the average hourly salary for a county records clerk is \$26, and the same figure for an information systems staff member is \$58.

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:

King County Prosecuting Attorney's Office

Washington Association of Prosecuting Attorneys