

Multiple Agency Fiscal Note Summary

Bill Number: 1994 S HB	Title: Misdemeanor dismissal
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

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	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	18,000	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	18,000	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	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
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Final 1/26/2024
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Judicial Impact Fiscal Note

Bill Number: 1994 S HB	Title: Misdemeanor dismissal	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:

Non-zero but indeterminate cost 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.

Legislative Contact: Corey Patton	Phone: 360-786-7388	Date: 01/19/2024
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 01/26/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/26/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/26/2024

192,164.00

Request # 127-1

Part II: Narrative Explanation

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

This bill relates to judicial dismissal of a misdemeanor following completion of court ordered conditions.

II. B - Cash Receipts Impact

None

II. C - Expenditures

Section 1:

Permits the court, either on its own or by motion from a party, to dismiss misdemeanor charges when certain conditions are met.

Court impact is indeterminate due to increased number of hearings

No system, forms, or publication impacts. Minor additional judicial education that could be handled in a standalone webinar.

Part III: Expenditure Detail

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

Non-zero but indeterminate cost 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

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

192,164.00

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: 1994 S HB	Title: Misdemeanor dismissal	Agency: 101-Caseload Forecast Council
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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: Corey Patton	Phone: 360-786-7388	Date: 01/19/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/24/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/24/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/24/2024

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.

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.

See attached.

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.

SHB 1994

CONCERNING JUDICIAL DISMISSAL OF MISDEMEANOR OFFENSES

**101 – Caseload Forecast Council
January 20, 2024**

SUMMARY

A brief description of what the measure does that has fiscal impact.

Section 1 Adds a new section that would allow courts to dismiss a defendant’s simple or gross misdemeanor under stated conditions. Additionally excludes certain offenses from dismissal.

Section 2 Amends RCW 46.20.270 by amending the definition of “conviction” to exclude entry into a judicially authorized dismissal under Section 1 of the bill.

Section 2 States Section 1 constitutes a new chapter in Title 10 RCW.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None

Impact Summary

This bill:

- Allows the dismissal of certain simple and gross misdemeanors by the court.

Impacts on prison and jail beds.

The Caseload Forecast Council (CFC) has no information concerning how many simple and gross misdemeanors will be dismissed by the court. As such, the CFC cannot reliably predict bed impacts resulting from the bill. However:

A misdemeanor offense is punishable by a term of confinement of 0-90 days in jail and a gross misdemeanor 0-364 days in jail. Therefore, any reductions would be on jail beds only.

Impacts on DOC supervision population.

None.

Impact on local detention and Juvenile Rehabilitation (JR) beds.

For offenses not specifically categorized on the Juvenile Offense Grid, a gross misdemeanor offense is ranked as Category D on the juvenile grid and is punishable by Local Sanctions (0-30

days in local juvenile detention) and a simple misdemeanor is ranked as Category E and is also punishable by Local Sanctions. Therefore, any reductions would likely impact only local juvenile detention beds.

Individual State Agency Fiscal Note

Bill Number: 1994 S HB	Title: Misdemeanor dismissal	Agency: 240-Department of Licensing
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
Highway Safety Account-State 106 -1	0	18,000	18,000	0	0
Total \$	0	18,000	18,000	0	0

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: Corey Patton	Phone: 360-786-7388	Date: 01/19/2024
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 01/23/2024
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 01/23/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/25/2024

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 is a new section that outlines a court's ability to use its discretion to dismiss a defendant's simple misdemeanor or gross misdemeanor charge if the defendant meets various court-ordered conditions. This section stipulates that an individual's inability to pay any restitution due to indigence may not be grounds for denial of a dismissal, should the defendant demonstrate progress towards complying with other court-ordered conditions.

This bill also outlines in subsection (2) what types of offenses cannot be dismissed, including:

- (a) A violation of RCW 46.61.502 or 46.61.504.
- (b) A domestic violence offense involving an intimate partner as defined in RCW 7.105.010.
- (c) Stalking under RCW 9A.46.110(5)(a);37
- (d) A violation of RCW 9.41.230;38
- (e) Animal cruelty in the second degree committed under the circumstances described in RCW 16.52.207(1).
- (f) Assault in the fourth degree under RCW 9A.36.041.
- (g) Any offense with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135;3
- (h) Communication with a minor or someone believed to be a minor for immoral purposes under RCW 9.68A.090(1).
- (i) Any traffic offense involving a commercial driver's license or a commercial learner's permit, or involving the operation of a commercial motor vehicle; or
- (j) Any offense that was originally filed as a felony charge and subsequently amended to, or refiled as, a gross misdemeanor or misdemeanor charge.

Section 2 amends RCW 46.20.270 to stipulate that "conviction" must not include entry into a judicially authorized dismissal of a misdemeanor or gross misdemeanor following substantial compliance with court-ordered conditions under section 1 of this act.

Section 3 states that section 1 of the bill constitutes a new chapter in Title 10 RCW.

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.

Please see attached Fiscal note.

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.

Please see attached Fiscal Note.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
106-1	Highway Safety Account	State	0	18,000	18,000	0	0
Total \$			0	18,000	18,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		18,000	18,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	18,000	18,000	0	0

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

Agency 240 – Department of Licensing

Bill Number: SHB 1994

Bill Title: Misdemeanor dismissal

Part 1: Estimates

No Fiscal Impact

Estimated Cash Receipts:

INDETERMINATE; PLEASE SEE NARRATIVE

Estimated Expenditures:

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	-	18,000	18,000	-	-
Account Totals		-	18,000	18,000	-	-

The revenue 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 the fiscal impact is **less than \$50,000** per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- 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.

Legislative Contact: Corey Patton	Phone: (360) 786-7388	Date: 1/19/2024
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 1/23/2024
Agency Approval: Collin Ashley	Phone: (360) 634-5384	Date: 1/23/2024

Request #	1
Bill #	1994 SHB

Part 2 – Explanation

This bill enables the court to dismiss a defendant’s simple misdemeanor or gross misdemeanor charge if the defendant meets various court-ordered conditions. This bill also outlines various offenses which are exempt from dismissal.

CHANGES FROM HB 1994 TO SHB 1994: SHB 1994 makes several changes related to court proceedings, expands the list of offenses that may not be dismissed, and amends current law related to the regulation of motor vehicles and reporting of certain convictions to the Department of Licensing to specify that entry into a dismissal through the newly established process does not constitute a conviction.

No change from previous fiscal note.

2.A – Brief Description Of What The Measure Does That Has Fiscal Impact

Section 1 is a new section that outlines a court’s ability to use its discretion to dismiss a defendant’s simple misdemeanor or gross misdemeanor charge if the defendant meets various court-ordered conditions. This section stipulates that an individual’s inability to pay any restitution due to indigence may not be grounds for denial of a dismissal, should the defendant demonstrate progress towards complying with other court-ordered conditions.

This bill also outlines in subsection (2) what types of offenses cannot be dismissed, including:

- (a) A violation of RCW 46.61.502 or 46.61.504.
- (b) A domestic violence offense involving an intimate partner as defined in RCW 7.105.010.
- (c) Stalking under RCW 9A.46.110(5)(a);37
- (d) A violation of RCW 9.41.230;38
- (e) Animal cruelty in the second degree committed under the circumstances described in RCW 16.52.207(1).
- (f) Assault in the fourth degree under RCW 9A.36.041.
- (g) Any offense with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135;3
- (h) Communication with a minor or someone believed to be a minor for immoral purposes under RCW 9.68A.090(1).
- (i) Any traffic offense involving a commercial driver's license or a commercial learner's permit, or involving the operation of a commercial motor vehicle; or
- (j) Any offense that was originally filed as a felony charge and subsequently amended to, or refiled as, a gross misdemeanor or misdemeanor charge.

Section 2 amends RCW 46.20.270 to stipulate that “conviction” must not include entry into a judicially authorized dismissal of a misdemeanor or gross misdemeanor following substantial compliance with court-ordered conditions under section 1 of this act.

Section 3 states that section 1 of the bill constitutes a new chapter in Title 10 RCW.

2.B - Cash receipts Impact

Cash receipts for the department are indeterminate. The bill enables the court to dismiss a defendant's simple misdemeanor or gross misdemeanor charge if the defendant meets various court-ordered conditions. This bill outlines various offenses which are not eligible for dismissal. In addition, the bill stipulates that an individual's inability to pay any restitution due to indigence may not be grounds for denial of a dismissal, should the defendant demonstrate progress towards complying with other court-ordered conditions.

It is anticipated that the bill could result in fewer driver license suspensions and subsequent reinstatements for the fee of \$75 for non-DUI offenses and \$170 for DUI offenses. However, it is not known how many of these dismissals of a defendant's simple misdemeanor or gross misdemeanor charge there may be as result of this legislation.

2.C – Expenditures

DOL has identified several operational areas that could be impacted following bill implementation. DOL staff could be required to appear in court, resulting in additional travel costs and staff time. The Customer Service Center could require additional staff to manage increased call volumes.

Court dismissals of certain offenses could also result in reduced postage costs related to suspension and reinstatement letters. Dismissals could also result in reduced pressure on staff resources to manage the suspension/reinstatement process and could lead to fewer DUI-related hearings. The department will monitor all relevant areas that are impacted by the bill's implementation and will address changes in resource requirements in a future budget period.

Information Services:

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

What DOL will implement:

New line added to the Conviction Removal dropdown option of the Driver Information and Adjudication Services (DIAS) system.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 27,144	-	2,700	-	-	-	-	2,700
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 19,836	-	2,000	-	-	-	-	2,000
PROJECT MANAGER	Manage schedule and contracts	\$ 34,452	-	3,400	-	-	-	-	3,400
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 19,836	-	2,000	-	-	-	-	2,000
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	-	3,700	-	-	-	-	3,700
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 27,144	-	2,700	-	-	-	-	2,700
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 29,824	-	1,700	-	-	-	-	1,700
Totals			-	18,200	-	-	-	-	18,200

Part 3 – Expenditure Detail

3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	-	18,000	18,000	-	-
Account Totals		-	18,000	18,000	-	-

3.B – Expenditures by Object or Purpose

Object E - Description	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
ER - Application Programmers	-	18,200	18,200	-	-
Total Goods & Services	-	18,000	18,000	-	-

3.C – FTE Detail

None.

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1994 S HB

Title: Misdemeanor dismissal

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

Legislation Impacts:

Cities: Indeterminate expenditure savings as a result of decreased demand for jail, juvenile detention beds; indeterminate expenditure impact as a result of change in demand for sentencing alternative programs

Counties: Indeterminate expenditure savings as a result of decreased demand for jail, juvenile detention beds; indeterminate expenditure impact as a result of change in demand for prosecutor, public defender time

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: How many misdemeanors or gross misdemeanors may be dismissed; what court-ordered conditions may be required as a result; net change in prosecutor and public defender time versus proceeding to trial

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: James Vogl	Phone: 360-480-9429	Date: 01/25/2024
Leg. Committee Contact: Corey Patton	Phone: 360-786-7388	Date: 01/19/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/25/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/26/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

This fiscal note analyzes the local government impact of SHB 1994, comparing it to the impact of HB 1994.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

Section 1 of the proposed substitute bill would exempt additional charges for criminal offenses from the dismissal process described in this section, and would replace the standard of meaningful engagement with court-ordered conditions for the dismissal of pending charges with substantial compliance with such conditions. This section would also specify that the dismissal option would only be available in courts of limited jurisdiction.

Section 2 would specify that a dismissal under section 1 would not count as a conviction for the purposes of Title 46 RCW.

SUMMARY OF CURRENT BILL:

Section 1 of the proposed legislation would create a new chapter in Title 10 RCW, specifying that upon the motion of either party in a misdemeanor or gross misdemeanor proceeding, or in the court's discretion, a court of limited jurisdiction may dismiss a defendant's charges under certain conditions. Defendants would be required to comply with court-ordered conditions appropriate to a defendant's situation for no more than 12 months, and at any point during this period, the court shall dismiss pending charges if a defendant has substantially complied with the court's conditions.

If it appears to the prosecuting attorney that a person is not substantially complying with the court-ordered terms and conditions, the court shall hold a hearing to determine if a person has willfully failed to substantially comply, and whether to provide additional time for compliance or end the period of continuance pending dismissal.

The following charges would be exempt from the dismissal process outlined in this section:

- Driving or physical control of a vehicle while under the influence
- A domestic violence offense involving an intimate partner
- Stalking under RCW 9A.46.110 (5) (a)
- A violation of RCW 9A.41.230
- Animal cruelty in the second degree committed under the circumstances described in RCW 16.52.207 (1)
- Assault in the fourth degree under RCW 9A.36.041
- Any offense with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135
- Communication with a minor or someone believed to be a minor for immoral purposes under RCW 9.68A.090 (1)
- Any traffic offense involving a commercial driver's license or a commercial learner's permit, or involving the operation of a commercial motor vehicle
- Any offense that was originally filed as a felony charge and subsequently amended to, or refiled as, a gross misdemeanor or misdemeanor charge.

Section 2 would amend RCW 46.20.270, specifying a dismissal following substantial compliance with court-ordered conditions under section 1 of the proposed legislation would not count as a conviction for the purposes of Title 46 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.

CHANGE IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The proposed substitute bill would result in an indeterminate change in expenditure impact compared to the original bill version.

As a result of exempting additional charges from dismissal under section 1 of the proposed legislation, and changing the

standard for dismissal from meaningful engagement to substantial compliance, fewer people would be eligible to have their misdemeanor or gross misdemeanor charges dismissed, and fewer people may meet the standard for dismissal. If fewer people were eligible for or granted dismissals of their misdemeanor or gross misdemeanor charges, the magnitude of any reductions in local government expenditures on jail or juvenile detention beds, or prosecutor or public defender time, would decrease compared with the original bill.

Similarly, if fewer people were eligible for or granted dismissals of their misdemeanor or gross misdemeanor charges, the magnitude of any increases in local government expenditures on prosecutor or public defender time, or municipal programs or services, would decrease compared with the original bill.

However, the change in demand for jail or juvenile detention beds, municipal programs or services, and prosecutor and public defender time as a result of the provisions of the original bill was indeterminate, and, as discussed in more detail below, so too are these same changes and the associated expenditure impact of the substitute bill.

EXPENDITURE IMPACT OF CURRENT BILL:

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

JAIL AND JUVENILE DETENTION IMPACTS:

According to the Washington State Caseload Forecast Council's fiscal note for this bill, while it cannot predict how many misdemeanor or gross misdemeanor charges may be dismissed as a result of this bill's provisions, any reductions in demand for confinement beds as a result of charges being dismissed would affect jails and local juvenile detention facilities only.

For adults, misdemeanor offenses are punishable by a term of confinement of between zero and 90 days in jail, and gross misdemeanor offenses are punishable by a term of confinement of between 90 and 364 days in jail. For juveniles, for uncategorized offenses, gross misdemeanor offenses are ranked as category D on the juvenile grid, and misdemeanors are ranked as category E. Both offenses are punishable by between zero and 30 days in local juvenile detention.

The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed.

PROSECUTOR AND PUBLIC DEFENSE IMPACTS:

The proposed legislation would have an indeterminate expenditure impact on prosecutors and public defenders, and specific impacts would vary by case.

In some instances, less prosecutor time might be required than otherwise would have if a case had proceeded to trial. In other instances, however, the time required for the hearing process for someone who fails to comply with the court-ordered conditions might cancel out any time savings or require additional time versus going to trial initially. An additional uncertainty is the extent of prosecutors' role in supervising people granted continuances pending dismissal of their charges, the time that supervision may require, and how it would compare with the prosecutor time required to bring a case to trial. Accordingly, the associated expenditure impact is indeterminate.

According to the Washington Defender Association (WDA), the proposed legislation would have an indeterminate impact on public defender time, for similar reasons as for prosecutors. WDA indicates that whether the dismissal option would require more or less public defender time would depend in large part on how many judges use this option, and whether the associated cases would have proceeded to trial or resulted in a plea in the absence of the dismissal option. Hearings in the

cases of people who do not substantially comply with court-ordered conditions would require less time than a trial, but could require more time than a plea. Accordingly, the expenditure impact as a result of changes in demand for public defender time is indeterminate.

COURT-ORDERED CONDITIONS IMPACTS:

According to the Association of Washington Cities (AWC), the requirement that people granted continuances pending dismissals substantially comply with court-ordered conditions would have an indeterminate expenditure impact on cities.

Some cities already operate or fund programs like diversion programs or therapeutic courts that provide alternatives to standard trials for people charged with certain criminal offenses. AWC indicates that therapeutic court costs are typically higher than standard court costs because of the need for supervision of defendants. While law enforcement assisted diversion programs and therapeutic courts are distinct from the provisions of this bill, depending on what conditions courts deemed appropriate for people granted continuances, municipal programs that provide treatment services or sentencing alternatives could see increased demand.

It is unknown however, what conditions courts may order in a given case and how many of those cases may require engagement with municipal programs or services, so the associated expenditure impact 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:

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Association of Washington Cities

Washington Association of Prosecuting Attorneys

Washington Defender Association

Washington State Caseload Forecast Council