

FISCAL IMPACT HISTORY OF SB 6561 (2010 SESSION)

SENATE BILL 6561

Pertinent Provisions in the Bill – The original bill required that, other than for sex offenses, all juvenile records must be automatically restricted no later than 30 days after the person’s 18th birthday if the person has no charges pending and has completed all requirements of his or her sentence including restitution. The bill also provided that if the person turned 18 before the effective date of the bill, access to the records is to be automatically restricted if the person has no pending charges, is not currently serving a juvenile or adult sentence and has had no convictions after his or her 18th birthday.

Fiscal Note Provisions

Administrative Office of the Courts (AOC) – According to AOC, the automatic sealing provisions would require a three-step process: 1) AOC would produce from JIS a periodic report identifying cases for which records would potentially need to be sealed; 2) Clerks’ staff and, in some cases, juvenile court staff, would use the report and further research to determine that no other charges were pending and that all requirements of the sentence were completed; Clerks’ office would then restrict access to both paper and electronic records of those that qualified. It was estimated that it would take the clerk’s office 30 minutes per case to perform the second and third steps.

The number of cases (using 2009 data) that would need to be researched and records potentially restricted each year for juveniles turning 18 was 12,419. At 30 minutes a case, it would take 3.72 FTE at a cost to the counties of \$359, 211 (including capital costs) in FY 2011 (\$225,291 in future biennia).

The number of cases that would have to be researched and potentially restricted after the effective date of the bill for persons that have already turned 18 would be 127,028 (as of 1/1/10). At 30 minutes per case, it would take 38 FTE per case statewide at a cost to the counties of \$2,301,356 (no capital costs included) in FY 2011.

Up to 1476 hours would be required to modify the Judicial Information System to change terminology, update screens and reports, produce reports for the clerks to identify cases that might be subject to restricted access requirements and change the selection of records for bulk sale. Total cost would be \$176,000.

Washington State Patrol (WSP) – Using the same number of cases as AOC, WSP estimates it would require 2.15 FTEs of a Correctional Records Technician I to restrict the 12,419 cases and 22 FTEs of a CRTI to research and restrict the 127,028 cases at a total cost to WSP of \$1,842,600 in FY 2011 and \$286,840 per biennium starting with the 2011-13 biennium.

SUBSTITUTE SENATE BILL 6561

Pertinent Provisions of the Substitute Bill - the provisions requiring juvenile record access to be restricted for those who are 18 or older at the time the bill becomes effective are removed. The provisions requiring that all access be automatically restricted no later than 30 days after the person's 18th birthday remain.

Fiscal Note Provisions

Administrative Office of the Courts - The number of cases (using 2009 data) that would need to be researched and records potentially restricted each year for juveniles turning 18 was 12,419. At 30 minutes a case, it would take 3.72 FTE at a cost to the counties of \$359, 211 (including capital costs) in FY 2011 (\$225,291 in future biennia) (same as with SB 6561).

Up to 1515 hours would be required to modify the Judicial Information System to change terminology, update screens and reports, produce reports for the clerks to identify cases that might be subject to restricted access requirements and change the selection of records for bulk sale. Total cost would be \$181,800.

Washington State Patrol - Using the same number of cases as AOC, WSP estimates it would require 2.15 FTEs of a Correctional Records Technician I to restrict the 12,419 cases for a cost of goods, services, travel and equipment of \$163,600 in FY 2011 and \$286,840 in the 2011-13 biennium.

SECOND SUBSTITUTE SENATE BILL 6561

Pertinent Provisions of the Second Substitute – The provisions requiring that access to juvenile records be restricted no later than 30 days after the person's 18th birthday are removed.

Fiscal Note Provisions

Administrative Office of the Courts – This fiscal note indicated that the impact would be “non-zero but indeterminate cost and/or savings.” The fiscal note reflects additional input received from county clerks and juvenile court administrators on the requirements for restricting access and the prohibition on the sale or distribution of juvenile offender records to private database companies. Because these impacts cannot be estimated, the note on this version of the bill is indeterminate. In addition, costs for Judicial Information System (JIS) modifications are clarified and are higher in this note than in the notes for the original bill and the substitute bill because: 1) in re-evaluating the impact, AOC staff discovered that the bill would require changes to the subsystem used by the judges; and 2) several iterations for JIS impacts as the bill changed have revealed additional tasks that would be needed for implementation.

WSP – No fiscal impact.

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6561 (PASSED THE LEGISLATURE)

Pertinent Provisions of the Bill – The final version of the bill dealt with the requirements for sealing a juvenile record. The provisions regarding automatic sealing had already been removed. The provisions prohibiting state and local agencies from selling this information were removed in the final version that passed the legislature.

Fiscal Note Provisions – there is no fiscal note on the final provisions that passed the legislature. Presumably the fiscal impacts to WSP, AOC and local government would have been zero or very minimal since the language in previous versions of the bill that had driven fiscal impacts had been removed.