

Multiple Agency Fiscal Note Summary

Bill Number: 1793 HB	Title: Access to juvenile records
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Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Administrative Office of the Courts	(26,000)	(26,000)	(26,000)	(26,000)	(26,000)	(26,000)
Total \$	(26,000)	(26,000)	(26,000)	(26,000)	(26,000)	(26,000)

Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Attorney General	.5	140,678	140,678	.5	140,678	140,678	.5	140,678	140,678
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Total	0.5	\$140,678	\$140,678	0.5	\$140,678	\$140,678	0.5	\$140,678	\$140,678

Local Gov. Courts *	Non-zero but indeterminate cost. Please see discussion.
Local Gov. Other **	Fiscal note not available
Local Gov. Total	

Estimated Capital Budget Impact

NONE

Prepared by: Cherie Berthon, OFM	Phone: 360-902-0659	Date Published: Preliminary
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

Judicial Impact Fiscal Note

Bill Number: 1793 HB	Title: Access to juvenile records	Agency: 055-Admin Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

Account	FY 2012	FY 2013	2011-13	2013-15	2015-17
General Fund-State 001-1	(13,000)	(13,000)	(26,000)	(26,000)	(26,000)
Counties					
Cities					
Total \$	(13,000)	(13,000)	(26,000)	(26,000)	(26,000)

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

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 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.

Legislative Contact: Linda Merelle	Phone: 360-786-7092	Date: 02/02/2011
Agency Preparation: Julia Appel	Phone: (360) 705-5229	Date: 02/08/2011
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 02/08/2011
OFM Review: Cherie Berthon	Phone: 360-902-0659	Date: 02/08/2011

Request # -1

Part II: Narrative Explanation

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

Section 2 amends RCW 13.50.010 to define "Consumer reporting agency," "Deidentified record," and "Disseminate" for the purposes of the chapter.

Section 3 adds a new section to 13.50 RCW to provide that a consumer reporting agency that collects personally identifiable information pertaining to juvenile records about an individual residing in Washington may not disseminate the information.

Section 5 amends RCW 13.50.050

Subsection (11) provides that for cases referred for diversion, the official juvenile court file, the social file, and records of the court and any other agency in the case, subject to subsection (22) of the section, shall be sealed automatically within 120 days of becoming eligible for sealing pursuant to subsection (12) of the section.

Subsection (12) provides that records for class A, B, C, gross misdemeanor and misdemeanor offenses and diversions shall be automatically sealed by the clerk if a list of requirements are met. It also provides that, no less than quarterly, the Administrative Office of the Courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for sealing. The juvenile court must verify eligibility and notify the Washington State Patrol, appropriate local law enforcement, and the prosecutor's office. The requirement to seal records under the subsection is not dependent on a court hearing or the issuance of a court order to seal records. A person meeting the criteria for automatic sealing may request that the court issue an order sealing the files. The request must be granted subject to subsection (22) of the section. Subsection (22) relates to identifying information held by WSP not subject to sealing.

II. B - Cash Receipts Impact

It is expected that consumer reporting agencies will reduce usage of the Administrative Office of the Court's JIS-Link system as they would no longer be allowed to disseminate identifying information obtained related to juveniles. It is assumed that there are approximately 200,000 transactions annually in this category. The charge assessed for each transaction is 0.065 cents. Therefore, there would be a loss of revenue to the state of approximately \$13,000 annually.

II. C - Expenditures

The primary impact to the courts comes from Section 5. Currently, a person can file a motion in superior court to seal a juvenile diversion or juvenile offender case. This bill requires that qualifying cases be sealed automatically without a hearing. Because there is no time limit specified, it is assumed that all currently unsealed juvenile diversion and juvenile offender cases would be eligible if they meet the conditions for sealing. There are 349,680 unsealed cases that do not have outstanding restitution. It is unknown how many of those cases would ultimately qualify for sealing based on the other listed conditions. In addition it is assumed that there will be approximately 20,000 new cases that could become eligible for sealing annually provided that the conditions are met.

County Costs:

It is assumed that it will take between one and three hours of county clerk and/or juvenile court staff time to confirm that statutory conditions are met and to process records for sealing. Although the judicial information system (JIS) can produce a report that would help staff identify the cases that could qualify for automatic sealing, staff would need to confirm when a juvenile was released from detention and whether the juvenile has charges pending in another jurisdiction. Confirming the existence of other charges would require working through law enforcement agencies to obtain information from the FBI's NCIC database detailing the juvenile's record in other states. Staff would then need to do the sealing including the records in their optical image databases and paper files as well as the electronic JIS record. In addition, the juvenile court is required to notify the Washington State Patrol and appropriate local law enforcement agency and the prosecutor's office of the records to be sealed.

It is not possible to determine how many of the currently unsealed cases and underlying referrals would qualify for sealing. In order to give an example of costs for this fiscal note, it is assumed that 25% of the cases in the backlog (87,420) and 50% of the annual cases (10,000) would qualify. In addition, for purposes of this illustration, it is assumed that it will take only one hour of staff time to process these items. Based on input received from the courts and clerks, these are probably low estimates.

To process the backlog of 87,420 unsealed cases would require 52.30 FTEs. If this is spread out over five years this would result in salary/benefit and operational expenses of approximately \$620,882 to the counties for each of those five years, not including capital

costs.

To process the 10,000 additional items that potentially would become eligible each year would require 5.98 FTEs resulting in annual salary/benefit and operational expenses of approximately \$355,114 to the counties, not including capital costs.

Therefore, annual expenditure to the counties for each of the first five years would be \$975,996 and \$355,114 for each subsequent year, not including capital costs.

State Costs:

To update the JIS to provide the means of reporting potentially qualifying cases involves requirement gathering and writing; a new security profile; new reporting in the superior court case management system, the juvenile case management system, and possibly in the appellate court system; modifications to data entry screens; modifications to the diversion destruction report; testing in all the above systems; documentation; and implementation.

This is projected to require between 1,449 and 1,597 hours at \$120 per hour for a total one-time cost to the state of between \$173,880 and \$191,640.

Offsetting Cost Savings:

It is assumed that there will be a reduction in the number of motions to seal, and that some of the cases that will be automatically sealed in the future would have been sealed based on current law. This would eliminate some judge and staff time. However, as the estimates provided are considered to be conservative, that is not likely to make a significant impact on the overall estimated judicial impact.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 1793 HB	Title: Access to juvenile records	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
Account					
General Fund-State 001-1	70,339	70,339	140,678	140,678	140,678
Total \$	70,339	70,339	140,678	140,678	140,678

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: Linda Merelle	Phone: 360-786-7092	Date: 02/02/2011
Agency Preparation: Tina Kondo	Phone: (206) 464-6293	Date: 02/04/2011
Agency Approval: Sarian Scott	Phone: (360) 586-2104	Date: 02/04/2011
OFM Review: Matthew Bridges	Phone: (360) 902-0575	Date: 02/07/2011

Request # 11-117-1

Part II: Narrative Explanation

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

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 1 is a new section which is the legislative intent. The legislature intends to balance the needs of the juvenile justice system with the public's need to access personal information for public safety and research purposes.

Section 2 amends RCW 13.50.010. It adds definitions for "consumer reporting agency", "deidentified record" and "disseminate". It also adds "juvenile records" to the definition of "records".

Section 3 adds a new section to RCW 13.50. A consumer reporting agency that collects personally identifiable information pertaining to, or including, a juvenile record about an individual residing in Washington may not disseminate the information contained within the record, including the existence or nonexistence of such record, to any third party.

Section 3, (2) states that a consumer reporting agency that collects personally identifiable information pertaining to, or including, juvenile records about an individual residing in Washington may disseminate deidentified records for purposes of social science research, trend data, and generalized aggregation.

Section 4 adds a new section to RCW 13.50. A violation is an unfair trade practice and unfair method of competition relating to the Consumer Protection Act..

Section 5 amends RCW 13.50.050. It describes which juvenile court files should be available for inspection and under what conditions. Subsection 11 is amended. In a case where information has been filed pursuant to RCW 13.40.100 or 13.40.070, the official juvenile court file, the social file, and records of the court and any other agency in the case, subject to subsection (22) of this section, shall be sealed automatically within 120 of becoming eligible for sealing pursuant to subsection (12) of this section. Subsection 12(a) is amended to say that records for class A offenses shall automatically be sealed by the clerk if the certain requirements are met. The Administrative Office of the Courts must make quarterly reports of records that may be eligible for sealing. The juvenile court has other related responsibilities. Subsection (d) says the state and local governments and their officers and employees are not liable for civil damages for the failure to seal records pursuant to this section. Other technical amendments are included.

The Attorney General's Office (AGO) estimates a workload impact of 0.2 Assistant Attorney General (AAG), 0.1 Investigator (INV) and 0.2 Paralegal (PL) at a cost of \$70,339 in Fiscal Year (FY) 2012 and each FY thereafter. The workload impact is to provide legal services for enforcement of juvenile justice data misuse.

This bill is assumed effective July 1, 2011.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

These AGO consumer protection activities are funded with General Fund-State dollars (001-1).

II. C - Expenditures

Request # 11-117-1

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 AGO estimates a workload impact of 0.2 AAG, 0.1 INV and 0.2 PL at a cost of \$70,339 in FY2012 and each FY thereafter.

Assumptions:

1. We assume the AGO CP Division would become the lead enforcer of the policy against consumer reporting agencies promulgating juvenile justice data.
2. We assume an increase of up to three (3) additional general deterrence cases per FY.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages	35,498	35,498	70,996	70,996	70,996
B-Employee Benefits	9,940	9,940	19,880	19,880	19,880
C-Personal Service Contracts					
E-Goods and Services	15,286	20,286	35,572	40,572	40,572
G-Travel	1,615	1,615	3,230	3,230	3,230
J-Capital Outlays	8,000	3,000	11,000	6,000	6,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$70,339	\$70,339	\$140,678	\$140,678	\$140,678

III. B - Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2012	FY 2013	2011-13	2013-15	2015-17
Assistant Attorney general	83,952	0.2	0.2	0.2	0.2	0.2
Investigator 4	69,756	0.1	0.1	0.1	0.1	0.1
Paralegal II	58,656	0.2	0.2	0.2	0.2	0.2
Total FTE's	212,364	0.5	0.5	0.5	0.5	0.5

III. C - Expenditures By Program (optional)

Program	FY 2012	FY 2013	2011-13	2013-15	2015-17
Consumer Protection Division (CPR)	70,339	70,339	140,678	140,678	140,678
Total \$	70,339	70,339	140,678	140,678	140,678

Part IV: Capital Budget Impact

NONE

None.

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.

None.

Individual State Agency Fiscal Note

Bill Number: 1793 HB	Title: Access to juvenile records	Agency: 300-Dept of Social and Health Services
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Part I: Estimates

No Fiscal Impact

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.
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- Requires new rule making, complete Part V.

Legislative Contact: Linda Merelle	Phone: 360-786-7092	Date: 02/02/2011
Agency Preparation: Janet Scheel	Phone: 360-902-8188	Date: 02/04/2011
Agency Approval: Dan Winkley	Phone: 360-902-8179	Date: 02/04/2011
OFM Review: Adam Aaseby	Phone: 360-902-0539	Date: 02/04/2011

Request # 11HB1793.1-1

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

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.

Part IV: Capital Budget Impact

NONE