

Multiple Agency Fiscal Note Summary

Bill Number: 6497 S SB	Title: Felony sentence ranges
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Estimated Cash Receipts

Agency Name	2005-07		2007-09		2009-11	
	GF- State	Total	GF- State	Total	GF- State	Total
Total \$						

Local Gov. Courts *	Fiscal note not available					
Local Gov. Other **						
Local Gov. Total						

Estimated Expenditures

Agency Name	2005-07			2007-09			2009-11		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Fiscal note not available								
Department of Corrections	1.4	(87,567)	(87,567)	.4	(4,616,173)	(4,616,173)	(1.0)	(6,042,210)	(6,042,210)
Sentencing Guidelines Commission	.0	0	0	.0	0	0	.0	0	0
Total	1.4	\$(87,567)	\$(87,567)	0.4	\$(4,616,173)	\$(4,616,173)	(1.0)	\$(6,042,210)	\$(6,042,210)

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

Section 7 of the legislation directs that any savings obtained through sentence reductions as a result of this Act shall be appropriated to the Division of Alcohol and Substance Abuse for distribution to local governments pursuant to RCW 70.96A.350(5). Prior to the transfer of savings, the Department of Corrections, in consultation with the Office of Financial Management, and the Caseload Forecast Council, will develop a methodology for determining the actual prison bed impact resulting from this legislation. This methodology will ensure that revenue is transferred to the Criminal Justice Treatment Account consistent with the prison beds savings resulting from the proposed sentencing change.

Prepared by: Nick Lutes, OFM	Phone: 360-902-0570	Date Published: Preliminary 2/ 9/2006
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note
FNPID: 13799

Individual State Agency Fiscal Note

Bill Number: 6497 S SB	Title: Felony sentence ranges	Agency: 310-Department of Corrections
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

FUND					
Total \$					

Estimated Expenditures from:

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years	0.0	2.8	1.4	0.4	(1.0)
Fund					
General Fund-State 001-1	0	(87,567)	(87,567)	(4,616,173)	(6,042,210)
Total \$	0	(87,567)	(87,567)	(4,616,173)	(6,042,210)

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:	Phone:	Date: 02/08/2006
Agency Preparation: Ronna Cole	Phone: 360-725-8263	Date: 02/08/2006
Agency Approval: Randi Warick	Phone: 360 -725-8270	Date: 02/09/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/09/2006

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 states the legislative intent to expand sentencing ranges to increase judicial discretion while retaining commensurate and appropriate punishment for similarly situated offenders.

Section 2 amends RCW 9.94A.510 by expanding the sentencing ranged on the adult sentencing grid and adds a new column and ranges for offender scores of 10 or more.

Section 3 amends the illustrative list of mitigating circumstances for the Court to consider to include “The offender score due to other current offenses, as opposed to prior offenses, results in a presumptive sentence that is clearly excessive”.

Section 4 amends RCW 9.94A.537 to include the directions that a jury may be empanelled to find aggravating facts if the defendant pleads to the underlying crime, but not the aggravating factor.

Section 4 additionally adds a new subsection to RCW 9.94A.527 that adds the requirement that if the court empanels a jury for the purpose of considering aggravating factors, then the trial must be held within 90 days of the entry of guilty plea.

Section 5 states that a sentence based on a sentence range with a minimum sentence of more than 10 months shall be served in a facility or institution operated by the state.

Section 6 changes the minimum range percent for the adult sentencing grid from 75% to 60% of the maximum term in the range. Also states that for an offender score of 10 or more, the minimum term shall be no less than 25% of the maximum term in the range.

Section 7 states that savings resulting from changes in Sections 2 and 6 of this Act shall be deposited in the Criminal Justice Treatment Account. All money deposited is to be appropriated to the Division of Alcohol and Substance Abuse to be used for substance abuse treatment.

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.

II. C - Expenditures

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.

PRISON SAVINGS:

This legislation expands sentencing ranges, both higher and lower, allowing judges more discretion when sentencing offenders within a standard range sentence. The initial impacts to the Department through Fiscal Year 2020 will be a reduction in ADP.

The Department’s estimate of this legislation was prepared using Fiscal Year 2005 sentencing data provided by the Sentencing Guidelines Commission. These estimates assume that the Department’s institutional average daily population (ADP) will decrease by (11) in Fiscal Year 2007, (89) in Fiscal Year 2008, (129) in Fiscal Year 2009, (139) in Fiscal Year 2010, and (128) in Fiscal Year 2011.

Based on the November 2005 Adult Inmate Forecast produced by the Caseload Forecast Council, the Department is currently sending offenders out-of-state to address system overcrowding. Based on this legislation the Department would be required to not rent as many beds out-of-state. The savings is calculated on the rental bed rate of \$62 per day per offender which is based on the current contract.

The legislation directs that any savings obtained through sentence reductions as a result of this Act shall be appropriated to the Division of Alcohol and Substance Abuse for distribution to local governments pursuant to RCW 70.96A.350(5). Prior to the transfer of savings, the Department, in consultation with the Office of Financial Management, and the Caseload Forecast Council, will develop a methodology for determining the actual prison bed impact resulting from this legislation. This methodology will ensure that revenue is transferred to the Criminal Justice Treatment Account consistent with the prison beds savings resulting from the proposed sentencing change.

INFORMATION SYSTEM IMPACTS:

The Department is in the process of replacing its mainframe computer system for offender tracking. The changes proposed in this legislation cannot be fully implemented in the Offender Management Network Information (OMNI) system, currently under development, until Fiscal Year 2008. The Department must have the ability to calculate the sentence requirements of this legislation and assumes that Institutional Services staff will calculate sentencing changes and manage sentencing changes while the offender is in the prison system. Due to the minimal impact of admissions resulting from this legislation, the Department will manage the calculations with existing staff.

Institutional Services:

Institutional Services will require one Corrections Specialist 3 position, and a partial Correctional Records Specialist position. The Department assumes that one Correctional Records Specialist will perform manual calculations for eight offenders per day, or 176 per month. The Sentencing Guidelines Commission estimates 3,795 admissions each year that will have a new sentence based on the proposed legislation. Based on the admissions as calculated by the Sentencing Guidelines Commission, the Department will need 2.8 FTEs in Fiscal Year 2007 and 2.8 FTEs in Fiscal Year 2008.

The Department projects that the fiscal impact to change the offender tracking system will be \$169,000 in Fiscal Year 2008.

Another approach to manually calculating the sentence requirements, as outlined in this legislation, would be to implement the changes to both the Offender Based Tracking System (OBTS) and the OMNI system in Fiscal Year 2007. However this approach may delay the completion of Phase 3 development for OMNI, and may increase the overall costs of the project. The Department is unable to calculate the costs and implementation time to this approach, specifically if this legislation and multiple sentencing legislation are passed during this session. Therefore, this cost is not included in the fiscal note calculation.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2006	FY 2007	2005-07	2007-09	2009-11
FTE Staff Years		2.8	1.4	0.4	(1.0)
A-Salaries and Wages		106,791	106,791	18,791	(88,000)
B-Employee Benefits		36,643	36,643	6,721	(29,920)
C-Personal Service Contracts				169,000	
E-Goods and Services		17,929	17,929	(110,831)	(148,132)
G-Travel				(136,217)	(166,648)
J-Capital Outlays				(8,760)	(10,720)
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		(248,930)	(248,930)	(4,554,877)	(5,598,790)
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
Total:	\$0	\$(87,567)	\$(87,567)	(\$4,616,173)	\$(6,042,210)

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 2006	FY 2007	2005-07	2007-09	2009-11
Correctional Institutions	38,500		2.8	1.4	0.4	(1.0)
Total FTE's			2.8	1.4	0.4	(1.0)

III. C - Expenditures By Program (optional)

Program	FY 2006	FY 2007	2005-07	2007-09	2009-11
Administrative Services (100)				169,000	
Institutional Services (200)		(87,567)	(87,567)	(4,785,173)	(6,042,210)
Total \$		(87,567)	(87,567)	(4,616,173)	(6,042,210)

Part IV: Capital Budget Impact

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.

Individual State Agency Fiscal Note

Bill Number: 6497 S SB	Title: Felony sentence ranges	Agency: 325-Sentencing Guidelines Commission
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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.
- ☐ 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:	Phone:	Date: 02/08/2006
Agency Preparation: Terry Travis	Phone: 360-407-1060	Date: 02/08/2006
Agency Approval: Edward Valachovic	Phone: 360-407-1070	Date: 02/08/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/09/2006

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.

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.

None

II. C - Expenditures

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.

None

Part III: Expenditure Detail

Part IV: Capital Budget Impact

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

SSB 6497
FELONY SENTENCE RANGES
325 – Sentencing Guidelines Commission
February 8, 2006

SUMMARY

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

- Section 1 Establishes that statutorily granted judicial discretion in sentencing has been limited by appellate court decisions and that expanding sentencing ranges is the most appropriate method of increasing judicial discretion.
- Section 2 Amends the sentencing grid to expand the sentencing ranges and adds a new range for offender scores of 10 or more.
- Section 5 Establishes that a sentence set under the expanded sentence range in which the minimum sentence is greater than 10 months would be served in a state operated facility.
- Section 6 Establishes that if the maximum term in the sentence range is greater than one year, the minimum term will be no less than sixty percent of the maximum term, and that for offenses with an offender score of ten or more, the minimum term in the range shall be no less than 25 percent of the maximum term.

Assumptions.

The prison bed impacts for this bill were calculated under the following assumptions.

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2005 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Life sentences, exceptional sentences, drug offenses, SSOSA, FTOW, DOSA, anticipatories, enhancements and statutory maximum sentences were not included in the calculation of the bed impacts for this bill because those sentences fall outside the configuration of the standard grid.
- Jail sentences were not included since the proposed changes to the sentencing grid do not involve jail sentences.
- Sentences are distributed evenly by month.
- Bed impacts are calculated using a phase-in factor applicable to sentences imposed for all FY 05 offenses
- The prospective length of stay in prison factors in the amount of time served in jail prior to transferring to the Department of Corrections based on the average time served for specific offenses as reported by DOC.
- Sentences are discounted by the ratio of sentences to jail admissions, provided by the Caseload Forecast Council.
- New sentences were calculated assuming the sentence would be set in the same relative position in the grid cell range as the existing sentence. For example, if the existing sentence was at the low end of the sentence range, the new sentence would be at the low end of the new sentence range.

- Some sentences in the proposed sentencing grids reduce the lower limit of the sentence range from 12+ months to 10+ months duration. Those sentences would still be served in prison.
- Sentences for the proposed new sentence range of 10+ were identified by selecting all sentences with a score of nine, then hand scoring them by reviewing the J&S forms and counting the total number of current and prior offenses that make up the scores.
- New sentences do not exceed the statutory maximum for any offense.

Impact on prison beds.

There were 4,416 sentences that met the selection criteria. The average prison sentence was 33 months. The average length of stay was 21.1 months.

If enacted the average sentence would be 33.6 months and the average length of stay would be 21.5 months. The impact on prison beds would be an initial decrease of 11 beds in the first year and a decrease of 89 beds in the second year to a maximum bed saving of 139 in 2010 after which the bed savings are reduced until FY 2020 when there will be a bed savings of 2. In fiscal year 2021 there will be an increase of prison beds by 6 with a continued increase to 20 beds through FY 2026.

Average Monthly Population Jail and Prison Impacts

SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 8, 2006

Prison AMP (Total)	Fiscal Year									
	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
	-11	-89	-129	-139	-128	-98	-72	-66	-60	-50

Prison AMP (Total)	Fiscal Year									
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
	-37	-24	-12	-2	6	13	17	17	18	20

End of Year Jail and Prison Bed Impacts

SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 8, 2006

	Fiscal Year									
	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
Prison Beds (Total)	-40	-115	-136	-138	-117	-81	-68	-64	-56	-44

	Fiscal Year									
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Prison Beds (Total)	-32	-18	-7	2	9	15	17	17	19	22

Current Policy - Prison Bed Estimate (Total Beds)

SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 8, 2006

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	316	0	316	61	316	299	5,935	121	316	310	6,592	181	316	313	6,855
2	316	0	633	62	316	300	5,952	122	316	310	6,598	182	316	313	6,858
3	316	0	949	63	316	300	5,968	123	316	310	6,604	183	316	313	6,861
4	316	0	1,265	64	316	300	5,984	124	316	310	6,610	184	316	313	6,864
5	316	0	1,581	65	316	300	5,999	125	316	310	6,615	185	316	313	6,867
6	316	0	1,898	66	316	301	6,015	126	316	311	6,621	186	316	313	6,870
7	316	5	2,208	67	316	301	6,031	127	316	311	6,627	187	316	313	6,873
8	316	51	2,474	68	316	301	6,046	128	316	311	6,632	188	316	313	6,876
9	316	88	2,702	69	316	301	6,062	129	316	311	6,638	189	316	313	6,879
10	316	111	2,908	70	316	301	6,077	130	316	311	6,643	190	316	313	6,882
11	316	134	3,091	71	316	302	6,091	131	316	311	6,648	191	316	313	6,885
12	316	142	3,265	72	316	302	6,106	132	316	311	6,654	192	316	313	6,889
13	316	159	3,422	73	316	302	6,120	133	316	311	6,659	193	316	313	6,892
14	316	178	3,560	74	316	302	6,135	134	316	311	6,664	194	316	313	6,895
15	316	187	3,689	75	316	303	6,148	135	316	311	6,669	195	316	313	6,898
16	316	193	3,812	76	316	303	6,162	136	316	311	6,674	196	316	313	6,901
17	316	203	3,926	77	316	303	6,175	137	316	311	6,679	197	316	313	6,904
18	316	209	4,033	78	316	303	6,188	138	316	311	6,684	198	316	313	6,907
19	316	212	4,137	79	316	303	6,202	139	316	312	6,688	199	316	313	6,910
20	316	218	4,236	80	316	303	6,214	140	316	312	6,693	200	316	313	6,913
21	316	223	4,329	81	316	304	6,227	141	316	312	6,697	201	316	313	6,916
22	316	228	4,417	82	316	304	6,239	142	316	312	6,702	202	316	314	6,918

23	316	232	4,500	83	316	304	6,252	143	316	312	6,706	203	316	314	6,921
24	316	234	4,582	84	316	304	6,264	144	316	312	6,711	204	316	314	6,924
25	316	239	4,659	85	316	304	6,276	145	316	312	6,715	205	316	314	6,926
26	316	245	4,731	86	316	304	6,288	146	316	312	6,720	206	316	314	6,929
27	316	247	4,800	87	316	304	6,300	147	316	312	6,724	207	316	314	6,931
28	316	248	4,868	88	316	304	6,312	148	316	312	6,728	208	316	314	6,934
29	316	253	4,932	89	316	305	6,323	149	316	312	6,733	209	316	314	6,937
30	316	256	4,992	90	316	305	6,334	150	316	312	6,737	210	316	314	6,939
31	316	259	5,049	91	316	305	6,345	151	316	312	6,742	211	316	314	6,942
32	316	263	5,102	92	316	305	6,356	152	316	312	6,746	212	316	314	6,944
33	316	267	5,151	93	316	306	6,366	153	316	312	6,750	213	316	314	6,947
34	316	270	5,198	94	316	306	6,377	154	316	312	6,754	214	316	314	6,949
35	316	272	5,243	95	316	306	6,387	155	316	312	6,758	215	316	314	6,952
36	316	274	5,285	96	316	306	6,398	156	316	312	6,763	216	316	314	6,954
37	316	277	5,324	97	316	306	6,408	157	316	312	6,767	217	316	314	6,956
38	316	279	5,361	98	316	307	6,418	158	316	312	6,771	218	316	314	6,959
39	316	280	5,398	99	316	307	6,427	159	316	312	6,775	219	316	314	6,961
40	316	281	5,433	100	316	307	6,436	160	316	312	6,779	220	316	314	6,963
41	316	283	5,465	101	316	307	6,445	161	316	312	6,783	221	316	314	6,965
42	316	285	5,496	102	316	307	6,454	162	316	312	6,787	222	316	314	6,967
43	316	286	5,527	103	316	307	6,463	163	316	312	6,791	223	316	314	6,969
44	316	287	5,556	104	316	308	6,472	164	316	312	6,795	224	316	314	6,971
45	316	288	5,584	105	316	308	6,480	165	316	312	6,799	225	316	314	6,973
46	316	289	5,612	106	316	308	6,488	166	316	312	6,802	226	316	314	6,975
47	316	290	5,639	107	316	308	6,496	167	316	312	6,806	227	316	314	6,977
48	316	290	5,665	108	316	308	6,504	168	316	312	6,810	228	316	314	6,979
49	316	291	5,690	109	316	309	6,511	169	316	312	6,814	229	316	315	6,981
50	316	291	5,715	110	316	309	6,519	170	316	312	6,818	230	316	315	6,983
51	316	293	5,739	111	316	309	6,526	171	316	313	6,821	231	316	315	6,984
52	316	293	5,762	112	316	309	6,533	172	316	313	6,825	232	316	315	6,986
53	316	295	5,784	113	316	309	6,540	173	316	313	6,828	233	316	315	6,988
54	316	296	5,804	114	316	309	6,547	174	316	313	6,832	234	316	315	6,990
55	316	296	5,824	115	316	310	6,554	175	316	313	6,835	235	316	315	6,991
56	316	297	5,843	116	316	310	6,560	176	316	313	6,838	236	316	315	6,993
57	316	297	5,863	117	316	310	6,567	177	316	313	6,842	237	316	315	6,995
58	316	297	5,881	118	316	310	6,573	178	316	313	6,845	238	316	315	6,996
59	316	298	5,900	119	316	310	6,579	179	316	313	6,848	239	316	315	6,998
60	316	298	5,918	120	316	310	6,586	180	316	313	6,851	240	316	315	6,999

Proposed Policy - Prison Bed Estimate (Total Beds)

SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 8, 2006

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	316	0	316	61	316	297	5,821	121	316	309	6,548	181	316	312	6,864
2	316	0	632	62	316	297	5,840	122	316	309	6,556	182	316	312	6,868

3	316	0	949	63	316	298	5,858	123	316	309	6,563	183	316	312	6,871
4	316	0	1,265	64	316	297	5,877	124	316	309	6,570	184	316	312	6,875
5	316	0	1,581	65	316	297	5,896	125	316	309	6,576	185	316	313	6,879
6	316	0	1,897	66	316	297	5,915	126	316	310	6,583	186	316	313	6,883
7	316	8	2,205	67	316	297	5,934	127	316	310	6,590	187	316	313	6,886
8	316	58	2,463	68	316	297	5,954	128	316	310	6,596	188	316	313	6,890
9	316	96	2,684	69	316	298	5,972	129	316	310	6,603	189	316	313	6,893
10	316	117	2,883	70	316	298	5,990	130	316	310	6,610	190	316	313	6,897
11	316	140	3,059	71	316	299	6,008	131	316	310	6,616	191	316	313	6,900
12	316	151	3,225	72	316	299	6,025	132	316	310	6,622	192	316	313	6,904
13	316	169	3,371	73	316	299	6,042	133	316	310	6,628	193	316	313	6,907
14	316	189	3,499	74	316	300	6,058	134	316	310	6,635	194	316	313	6,911
15	316	196	3,619	75	316	301	6,073	135	316	310	6,641	195	316	313	6,914
16	316	201	3,734	76	316	302	6,088	136	316	310	6,647	196	316	313	6,917
17	316	209	3,841	77	316	302	6,103	137	316	310	6,653	197	316	313	6,920
18	316	215	3,942	78	316	302	6,117	138	316	310	6,660	198	316	313	6,924
19	316	217	4,042	79	316	302	6,131	139	316	310	6,665	199	316	313	6,927
20	316	223	4,135	80	316	303	6,144	140	316	311	6,671	200	316	313	6,930
21	316	227	4,224	81	316	303	6,158	141	316	311	6,677	201	316	313	6,933
22	316	232	4,309	82	316	303	6,170	142	316	311	6,682	202	316	314	6,935
23	316	236	4,389	83	316	304	6,183	143	316	311	6,688	203	316	314	6,938
24	316	238	4,467	84	316	304	6,195	144	316	311	6,693	204	316	314	6,941
25	316	242	4,541	85	316	304	6,208	145	316	311	6,698	205	316	314	6,943
26	316	247	4,611	86	316	304	6,220	146	316	311	6,704	206	316	314	6,946
27	316	249	4,678	87	316	304	6,232	147	316	311	6,709	207	316	314	6,948
28	316	250	4,744	88	316	304	6,244	148	316	311	6,714	208	316	314	6,951
29	316	255	4,805	89	316	305	6,256	149	316	311	6,720	209	316	314	6,954
30	316	258	4,863	90	316	305	6,267	150	316	311	6,725	210	316	314	6,956
31	316	263	4,917	91	316	305	6,279	151	316	311	6,730	211	316	314	6,959
32	316	265	4,968	92	316	305	6,290	152	316	311	6,735	212	316	314	6,961
33	316	268	5,017	93	316	305	6,301	153	316	311	6,740	213	316	314	6,964
34	316	270	5,063	94	316	305	6,312	154	316	311	6,746	214	316	314	6,966
35	316	272	5,107	95	316	305	6,323	155	316	311	6,751	215	316	314	6,968
36	316	275	5,148	96	316	305	6,334	156	316	311	6,756	216	316	314	6,971
37	316	278	5,187	97	316	306	6,344	157	316	311	6,761	217	316	314	6,973
38	316	280	5,223	98	316	306	6,355	158	316	311	6,766	218	316	314	6,976
39	316	281	5,259	99	316	306	6,364	159	316	311	6,771	219	316	314	6,978
40	316	282	5,294	100	316	306	6,374	160	316	311	6,776	220	316	314	6,980
41	316	284	5,326	101	316	307	6,384	161	316	311	6,780	221	316	314	6,982
42	316	287	5,355	102	316	307	6,393	162	316	311	6,785	222	316	314	6,985
43	316	286	5,385	103	316	307	6,403	163	316	312	6,790	223	316	314	6,987
44	316	286	5,416	104	316	307	6,412	164	316	312	6,794	224	316	314	6,989
45	316	287	5,445	105	316	307	6,421	165	316	312	6,799	225	316	314	6,991
46	316	288	5,473	106	316	307	6,430	166	316	312	6,803	226	316	314	6,994
47	316	289	5,500	107	316	308	6,439	167	316	312	6,808	227	316	314	6,996
48	316	289	5,527	108	316	308	6,447	168	316	312	6,812	228	316	314	6,998
49	316	289	5,554	109	316	308	6,456	169	316	312	6,817	229	316	314	7,000
50	316	290	5,580	110	316	308	6,464	170	316	312	6,821	230	316	314	7,002
51	316	291	5,606	111	316	308	6,473	171	316	312	6,825	231	316	314	7,004
52	316	292	5,630	112	316	308	6,481	172	316	312	6,829	232	316	314	7,006

53	316	293	5,653	113	316	308	6,489	173	316	312	6,833	233	316	314	7,008
54	316	294	5,674	114	316	308	6,496	174	316	312	6,837	234	316	314	7,010
55	316	295	5,696	115	316	309	6,504	175	316	312	6,841	235	316	314	7,012
56	316	295	5,717	116	316	309	6,512	176	316	312	6,845	236	316	314	7,013
57	316	295	5,739	117	316	309	6,520	177	316	312	6,848	237	316	314	7,015
58	316	295	5,760	118	316	309	6,527	178	316	312	6,852	238	316	314	7,017
59	316	296	5,781	119	316	309	6,534	179	316	312	6,856	239	316	314	7,019
60	316	296	5,801	120	316	309	6,541	180	316	312	6,860	240	316	314	7,021

Prison Bed Impact (Total Beds)

SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 8, 2006

Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
1	0	49	-136	97	-64	145	-17	193	16
2	0	50	-135	98	-63	146	-16	194	16
3	0	51	-133	99	-63	147	-15	195	16
4	0	52	-132	100	-62	148	-14	196	16
5	0	53	-131	101	-62	149	-13	197	16
6	0	54	-130	102	-61	150	-12	198	17
7	-3	55	-128	103	-60	151	-11	199	17
8	-10	56	-126	104	-59	152	-11	200	17
9	-18	57	-124	105	-59	153	-10	201	17
10	-25	58	-121	106	-58	154	-9	202	17
11	-31	59	-119	107	-57	155	-8	203	17
12	-40	60	-117	108	-56	156	-7	204	17
13	-50	61	-115	109	-55	157	-6	205	17
14	-61	62	-112	110	-54	158	-5	206	17
15	-70	63	-109	111	-54	159	-4	207	17
16	-79	64	-107	112	-53	160	-3	208	17
17	-85	65	-103	113	-52	161	-3	209	17
18	-91	66	-100	114	-51	162	-2	210	17
19	-96	67	-96	115	-50	163	-1	211	17
20	-100	68	-93	116	-49	164	0	212	17
21	-104	69	-89	117	-48	165	0	213	17
22	-108	70	-86	118	-46	166	1	214	17
23	-112	71	-83	119	-45	167	2	215	17
24	-115	72	-81	120	-44	168	2	216	17
25	-118	73	-78	121	-43	169	3	217	17
26	-120	74	-76	122	-42	170	3	218	17
27	-122	75	-75	123	-41	171	4	219	17
28	-124	76	-74	124	-40	172	4	220	17
29	-126	77	-72	125	-39	173	5	221	17
30	-129	78	-71	126	-38	174	5	222	17
31	-132	79	-71	127	-37	175	6	223	18

32	-134	80	-70	128	-36	176	6	224	18
33	-134	81	-70	129	-35	177	7	225	18
34	-135	82	-69	130	-34	178	7	226	18
35	-135	83	-69	131	-33	179	8	227	18
36	-136	84	-68	132	-32	180	9	228	19
37	-137	85	-68	133	-30	181	9	229	19
38	-138	86	-68	134	-29	182	10	230	19
39	-139	87	-68	135	-28	183	11	231	19
40	-139	88	-67	136	-27	184	11	232	19
41	-140	89	-67	137	-25	185	12	233	20
42	-141	90	-67	138	-24	186	13	234	20
43	-141	91	-66	139	-23	187	13	235	20
44	-140	92	-66	140	-22	188	14	236	20
45	-139	93	-65	141	-21	189	14	237	21
46	-139	94	-65	142	-20	190	15	238	21
47	-138	95	-64	143	-19	191	15	239	21
48	-138	96	-64	144	-18	192	15	240	22

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 6497 S SB	Title: Felony sentence ranges
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: County prosecution, public defense, county jails
- ☐ 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: Potential impact on county prosecutors and public defenders is unknown, but will likely result in an increase in costs for additional proceedings.

Estimated revenue impacts to:

Jurisdiction	FY 2006	FY 2007	2005-07	2007-09	2009-11
City					
County					
Special District					
TOTAL \$					
GRAND TOTAL \$					

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Paul Johnson	Phone: 360-725-5030	Date: 02/08/2006
Leg. Committee Contact:	Phone:	Date: 02/08/2006
Agency Approval: Louise Deng Davis	Phone: (360) 725-5034	Date: 02/08/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/09/2006

Part IV: Analysis

A. SUMMARY OF BILL

Provide a clear, succinct description of the bill with an emphasis on how it impacts local government.

Section 2 amends the sentencing grid to expand the sentencing ranges and adds a new range for offender scores of 10 or more.

Section 4 allows the court to empanel a jury to determine aggravating facts if the defendant pleads guilty to the underlying crime but not to the aggravating factor.

Section 4 also provides that the court may also empanel a jury for the purpose of considering any aggravating circumstances alleged by the state, if the defendant pleads guilty. The trial on the aggravating circumstances should occur within ninety days of the entry of the guilty plea, or the filing of an appellate court mandate. Upon a showing of good cause, the court may extend the time for the trial on aggravating circumstances.

Section 5 requires that a sentence set under the expanded sentencing range in which the minimum sentence is 10 months or greater would be served in a state operated facility.

Section 6 establishes that if the maximum term in the sentencing range is greater than one year, the minimum term will be no less than sixty percent of the maximum term, and that for offenses with an offender score of 10 or more, the minimum term in the sentencing range shall be no less than 25 percent of the maximum term.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

The impact on local government is indeterminate, but there may be increases on prosecution and public defense costs. There are no county jail changes assumed under this bill.

BACKGROUND AND ASSUMPTIONS:

- The bill adjusts the sentencing ranges, including both lowering the low end and raising the top end, and it is not expected that plea and trial rates will be substantially affected. (Administrative Office of the Courts (AOC))
- According to AOC, the creation of a new seriousness level (level 10) is not expected to substantially affect trial and plea rates, as individuals who would now score at the most serious level would have previously scored at the most serious level.
- For purposes of this fiscal note, Local Government Fiscal Notes (LGFN) concurs with AOC assumptions that 84 cases would be resolved with guilty pleas, requiring subsequent proceedings before a jury to consider and determine aggravating factors before imposition of an exceptional sentence above the standard range under this bill.
- A required jury proceeding, following a guilty plea, to determine aggravating factors before imposition of an exceptional sentence is estimated to take approximately 1.5 days. (AOC)

COUNTY COURTS, PROSECUTION, AND PUBLIC DEFENSE IMPACT:

The expenditure impact on local government is indeterminate but would likely increase for prosecuting attorney and public defenders due to additional proceedings for determining aggravating factors subsequent to a guilty plea.

Court costs – See the AOC fiscal note for a discussion of local court expenditures.

Prosecution costs - Based on AOC estimates that 84 jury proceedings would occur (1.5 days each), these proceedings would most likely result in extra time or workload shift by prosecutors on these particular cases rather than a substantial increase in trial costs.

Based on the statewide average prosecutor salary of \$39.82/hour (2005 LGFN salary survey data), LGFN estimates the cost for a 1.5-day (12 hours) jury proceeding would be approximately \$478/case. (\$39.82 x 12 hours) This would not include support staff, or prosecutor preparation time, which LGFN assumes would vary depending on a case-by-case basis. The estimated cost for additional jury proceedings would be approximately \$40,152/year. (\$478/case x 84 proceedings)

Public Defense costs - According to the Washington Defenders Association (WDA), there will be an increase both in exceptional sentences, and in longer sentences generally, as this sentencing mechanism will now be ratified as an accepted practice. WDA estimates that this increase in sentencing ranges and penalties will increase workload and staff costs for trials.

Hourly rates for Washington public defense felony cases can range from approximately \$75/hour to \$85/hour depending on severity and

complexity of the case. For purposes of this fiscal analysis, a class A felony may cost approximately \$1,020/case (\$85/hour x 12 hours). These costs may vary, depending on the number of the cases that qualify for public defender representation. LGFN estimates approximately 76 proceedings would involve public defenders (84 proceedings x 90%). Based on the available data, the total cost would be approximately \$77,520/year (\$1,020/case x 76).

JAIL BED IMPACT:

See the Sentencing Guidelines Commission (SGC) fiscal note for prison bed impact. Adult felony sentencing ranges are covered in this bill. According to SGC, there is no jail bed impact under the bill, since the proposed changes to the sentencing grid do not involve jail sentences.

Generally, county jail beds are utilized for incarcerations of less than one year. The average statewide daily jail bed cost is approximately \$62/inmate (weighted average).

SOURCES:

Administrative Office of the Courts
Sentencing Guidelines Commission
Washington Association of Prosecuting Attorneys
Washington Defenders Association
LGFN 2005 County Prosecutor Survey Data
LGFN 2005 Washington Defenders Association Survey Data
LGFN 2005 Jail Rate Survey Data

C. SUMMARY OF REVENUE IMPACTS

Briefly describe and quantify the revenue impacts of the legislation on local governments, identifying the revenue provisions by section number, and when appropriate, the detail of revenue sources. Delineate between city, county and special district impacts.

None.