

Multiple Agency Fiscal Note Summary

Bill Number: 6497 2S SB AMH CJC H5342.1	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 *						
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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Corrections	1.5	244,255	244,255	2.8	6,115,489	24,242,583	98.8	19,143,566	37,270,660
Sentencing Guidelines Commission	.0	0	0	.0	0	0	.0	0	0
Total	1.5	\$244,255	\$244,255	2.8	\$6,115,489	\$24,242,583	98.8	\$19,143,566	\$37,270,660

Local Gov. Courts *	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Other **	Non-zero but indeterminate cost. Please see discussion.								
Local Gov. Total									

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Prepared by: Garry Austin, OFM	Phone: 360-902-0564	Date Published: Final 2/28/2006
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 14341

Judicial Impact Fiscal Note

Bill Number: 6497 2S SB AMH CJC H5342.1	Title: Felony sentence ranges	Agency: 055-Admin Office of the Courts
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

FUND	FY 2006	FY 2007	2005-07	2007-09	2009-11
Counties					
Cities					
Total \$					

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:

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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).

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Capital budget impact, complete Part IV.

Legislative Contact:	Phone:	Date: 02/23/2006
Agency Preparation: Amy Tsai	Phone: 360-705-5324	Date: 02/24/2006
Agency Approval: Jeff Hall	Phone: 360-357-2131	Date: 02/28/2006
OFM Review: Garry Austin	Phone: 360-902-0564	Date: 02/28/2006

Request #

-1

Part II: Narrative Explanation

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

Section 2 is amended, reinstating the sentencing grid's current minimums and further expanding the upper limits of the sentencing ranges.

The rest of the bill remains unchanged from the substitute bill:

Section 2 adds a new range for offender scores of 10 or more.

The substitute bill moves three aggravating circumstances that allow a trial court to impose an aggravated exceptional sentence without a finding of fact by a jury to the list of aggravating circumstances which must be heard by a jury (Sec. 3).

Section 4(2): Allows a jury to be empaneled to find aggravating facts if the defendant pleads guilty to the underlying crime but not to the aggravating factor.

Section 4(6): Allows the court to empanel a jury for the purpose of considering aggravating circumstances if the defendant enters a guilty plea to the crime or if the case is remanded for a new sentencing hearing. The trial is to occur within 90 days of entry of 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.

II. B - Cash Receipts Impact

II. C - Expenditures

The net effect of the bill amendment is that sentence range maximums which are changed by this amendment are increased to a level currently held by offenses that are 1-2 offender scores higher. This will raise the mid-point of the sentencing range for most offenses. It is anticipated that this will result in a global increase in sentence lengths imposed by judges and a corresponding increase in trial rates due to the higher sentences.

There is insufficient data available to estimate the fiscal impact of this bill. However, it is assumed that the impact would be greater than \$50,000 per year.

The \$50,000 expenditure level represents approximately 94 hours (0.08 FTE) of superior court judicial officer time annually cumulative for all superior courts in the state with associated support staff and operational costs. It is therefore assumed that this bill would require more than 94 hours of judicial officer time statewide on an annual basis.

No fiscal impact was anticipated as a result of changes in the substitute bill. It is unknown how many exceptional sentences are currently imposed by trial courts under RCW 9.94A.535(2)(b)-(d) (allowing a trial court to impose an aggravated exceptional sentence without factfinding by a jury where 1) the defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient, 2) the defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished, or 3) the failure to consider the defendant's prior criminal history which was omitted from the offender score calculation results in a presumptive sentence that is clearly too lenient). However, requiring fact-finding by a jury for these situations is assumed to have little fiscal impact.

The terms of the original bill are also expected to have little fiscal impact as follows:

The creation of a new seriousness level is not expected to substantially affect trial and plea rates as individuals who would now score at the most serious level would have also previously scored at the most serious level.

Additional bill language in Section 4 pertaining to empaneling a jury for aggravating circumstances is not believed to change existing law or practice; therefore, no fiscal impacts from this section are anticipated. Note that this estimate represents a change from previous fiscal notes for this bill.

Fiscal impact is calculated on a statewide basis. Even though this may result in the need for a fraction of an additional judge FTE statewide when the impact of a particular bill is minimal, the goal is to provide an estimate of projected costs for a given piece of proposed legislation.

The statutorily mandated (RCW 2.56.030) objective workload methodology for 2005 estimates that there are currently 25.5 judge positions that are not authorized or filled. The cumulative impact of this and other legislation, if passed without funding, would further erode the courts' ability to provide criminal and civil justice to the state's citizens.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Capital costs are indeterminate.

Individual State Agency Fiscal Note

Bill Number: 6497 2S SB AMH CJC H5342.1	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	3.0	1.5	2.8	98.8
Fund					
General Fund-State 001-1	0	244,255	244,255	6,115,489	19,143,566
State Building Construction Account-State 057-1	0	0	0	18,127,094	18,127,094
Total \$	0	244,255	244,255	24,242,583	37,270,660

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:

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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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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).

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Capital budget impact, complete Part IV.

☐

Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/23/2006
Agency Preparation: Ronna Cole	Phone: 360-725-8263	Date: 02/24/2006
Agency Approval: Randi Warick	Phone: 360 -725-8270	Date: 02/24/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/24/2006

Request # 128-1

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.

The Amendment modifies the sentencing grid to expand the higher sentencing range and adds a new range for offender scores of 10 or more.

Eliminates Section 5 from the previous version that provided 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.

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.

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 BED IMPACTS:

This legislation expands the higher end of sentencing ranges allowing judges more discretion when sentencing offenders within a standard range sentence. The initial impacts to the Department through Fiscal Year 2020 will be an increase in ADP.

The Department's estimate of this legislation was prepared using Fiscal Year 2005 sentencing data provided by the Sentencing Guidelines Commission. The estimates assume that the Department's institutional average daily population (ADP) will increase by 3 in Fiscal Year 2007, 67 in Fiscal Year 2008, 188 in Fiscal Year 2009, 303 in Fiscal Year 2010, and 403 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 rent additional beds out-of-state and expand prison beds at existing facilities.

This estimate assumes that the Department will rent additional beds for ADP increases of less than 256 beds. After reaching an estimated impact of 256 beds or more, the Department will be required to increase capacity. The Department assumes that existing facilities would be expanded by a 256-bed unit in Fiscal Year 2010 and a 256-bed unit in Fiscal Year 2012. Based on a two year plan, the appropriation for this expansion would be needed in Fiscal Years 2008 and 2011.

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 1.8 FTE in Fiscal Year 2007 and 1.8 FTE in Fiscal Year 2008.

Administrative Services Division:

Changes to Administration and Support Services are based on ratios for human services, financial services, and information technology staff to total FTEs. Administrative and Support Services FTE's are projected to increase by .2 FTE and \$15,000 in Fiscal Year 2007, .2 FTE and \$13,000 in Fiscal Year 2008, .1 FTE and \$5,000 in Fiscal Year 2009, 6.3 FTEs and \$442,000 in Fiscal Year 2010, and 6.4 FTEs and \$400,000 in Fiscal Year 2011.

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 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		3.0	1.5	2.8	98.8
A-Salaries and Wages		115,793	115,793	375,931	7,796,311
B-Employee Benefits		39,644	39,644	87,214	2,259,054
C-Personal Service Contracts				169,000	
E-Goods and Services		18,928	18,928	152,826	2,755,044
G-Travel				159,273	145,845
J-Capital Outlays		2,000	2,000	18,137,341	18,200,731
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		67,890	67,890	5,160,998	6,101,625
P-Debt Service					12,050
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
Total:	\$0	\$244,255	\$244,255	\$24,242,583	\$37,270,660

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
Administrative Services Staff	41,000		0.2	0.1	0.2	6.4
Correctional Staff	38,500		2.8	1.4	2.6	92.4
Total FTE's			3.0	1.5	2.8	98.8

III. C - Expenditures By Program (optional)

Program	FY 2006	FY 2007	2005-07	2007-09	2009-11
Administrative Services (100)		15,000	15,000	187,000	842,000
Correctional Institutions (200)		229,255	229,255	5,928,489	18,301,566
Capital Construction (900)				18,127,094	18,127,094
Total \$		244,255	244,255	24,242,583	37,270,660

Request # 128-1

Part IV: Capital Budget Impact

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

Construction Estimate	FY 2006	FY 2007	2005-07	2007-09	2009-11
Acquisition					
Construction				18,127,094	18,127,094
Other					
Total \$				18,127,094	18,127,094

Based on the November 2005 Adult Inmate Forecast produced by the Caseload Forecast Council and current capacity funded capital expansions, the Department is still anticipating the need to utilize out-of-state rental beds. Because of this demand on capacity, it is necessary to plan for additional prison capacity to address the increased population resulting from this legislation. For this estimate, the Department assumes that the capital costs are based on expanding by one 256-bed unit in Fiscal Year 2008 and one 256-bed unit in Fiscal Year 2010. The capital costs are estimated to be \$36.3 million.

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 2S SB AMH CJC H5342.1	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: 02/23/2006
Agency Preparation: Terry Travis	Phone: 360-407-1060	Date: 02/24/2006
Agency Approval: Edward Valachovic	Phone: 360-407-1070	Date: 02/24/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/24/2006

Request # 325-06-077-1

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.

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

2-SSB 6497
FELONY SENTENCE RANGES-AMENDED
325 – Sentencing Guidelines Commission
February 24, 2006

SUMMARY

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

Amends the sentencing grid to expand the higher sentencing range and adds a new range for offender scores of 10 or more.

Eliminates Section 5 from the previous version which provided 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.

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 impact for this bill was calculated under the following assumptions.

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2004 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 affected FY 04 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.
- 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 37.1 months and the average length of stay would be 23.6 months. The impact on prison beds would be an initial increase of 3 beds in the first year and an increase of 67 beds in the second year continuing to increase to 700 beds through FY 2026.

Average Monthly Population Jail and Prison Impacts

2-SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 23, 2005

Prison AMP (Total)	Fiscal Year									
	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
	3	67	188	303	403	493	554	585	606	626

Prison AMP (Total)	Fiscal Year									
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
	645	661	674	682	689	695	698	699	699	700

End of Year Jail and Prison Bed Impacts

2-SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 23, 2005

Prison Beds (Total)	Fiscal Year									
	FY07	FY08	FY09	FY10	FY11	FY12	FY13	FY14	FY15	FY16
	17	119	248	349	448	529	571	595	615	636

Prison Beds (Total)	Fiscal Year									
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
	652	668	678	686	692	697	699	699	699	702

Current Policy - Prison Bed Estimate (Total Beds)

2-SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 23, 2005

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	3,264	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	4,416	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)

2-SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 23, 2005

Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.	Month	Adm.	Rel.	Pop.
1	316	0	316	61	316	292	6,390	121	316	309	7,229	181	316	313	7,547
2	316	0	633	62	316	293	6,414	122	316	309	7,237	182	316	313	7,551
3	316	0	949	63	316	293	6,437	123	316	309	7,244	183	316	313	7,554
4	316	0	1,265	64	316	293	6,460	124	316	309	7,252	184	316	313	7,558
5	316	0	1,581	65	316	293	6,483	125	316	309	7,259	185	316	313	7,561
6	316	0	1,898	66	316	293	6,506	126	316	309	7,266	186	316	313	7,565
7	316	5	2,209	67	316	294	6,528	127	316	309	7,273	187	316	313	7,568
8	316	51	2,474	68	316	294	6,551	128	316	310	7,279	188	316	313	7,572
9	316	87	2,704	69	316	294	6,573	129	316	310	7,286	189	316	313	7,575
10	316	107	2,913	70	316	295	6,594	130	316	310	7,293	190	316	313	7,579
11	316	128	3,101	71	316	296	6,614	131	316	310	7,299	191	316	313	7,582
12	316	136	3,281	72	316	296	6,634	132	316	310	7,305	192	316	313	7,585
13	316	152	3,445	73	316	297	6,654	133	316	310	7,312	193	316	313	7,589
14	316	172	3,590	74	316	297	6,673	134	316	310	7,318	194	316	313	7,592
15	316	180	3,726	75	316	299	6,690	135	316	310	7,324	195	316	313	7,595
16	316	187	3,855	76	316	299	6,708	136	316	310	7,331	196	316	313	7,599
17	316	196	3,976	77	316	299	6,725	137	316	310	7,337	197	316	313	7,602
18	316	201	4,091	78	316	300	6,742	138	316	310	7,344	198	316	313	7,605
19	316	203	4,204	79	316	300	6,758	139	316	310	7,350	199	316	313	7,608
20	316	208	4,312	80	316	300	6,774	140	316	310	7,356	200	316	313	7,611
21	316	213	4,416	81	316	301	6,790	141	316	310	7,361	201	316	313	7,614

22	316	218	4,515	82	316	301	6,805	142	316	310	7,367	202	316	313	7,617
23	316	222	4,609	83	316	301	6,820	143	316	310	7,373	203	316	313	7,620
24	316	224	4,702	84	316	302	6,834	144	316	311	7,379	204	316	314	7,622
25	316	229	4,789	85	316	302	6,849	145	316	311	7,384	205	316	314	7,625
26	316	234	4,871	86	316	302	6,863	146	316	311	7,390	206	316	314	7,628
27	316	237	4,950	87	316	302	6,878	147	316	311	7,395	207	316	314	7,630
28	316	238	5,029	88	316	302	6,892	148	316	311	7,401	208	316	314	7,633
29	316	242	5,102	89	316	303	6,905	149	316	311	7,406	209	316	314	7,636
30	316	246	5,173	90	316	303	6,918	150	316	311	7,411	210	316	314	7,638
31	316	249	5,240	91	316	303	6,931	151	316	311	7,416	211	316	314	7,641
32	316	252	5,305	92	316	304	6,944	152	316	311	7,421	212	316	314	7,643
33	316	255	5,366	93	316	304	6,956	153	316	311	7,426	213	316	314	7,646
34	316	258	5,424	94	316	304	6,969	154	316	311	7,431	214	316	314	7,648
35	316	260	5,480	95	316	304	6,981	155	316	311	7,436	215	316	314	7,651
36	316	264	5,533	96	316	304	6,993	156	316	311	7,441	216	316	314	7,653
37	316	267	5,582	97	316	304	7,005	157	316	312	7,445	217	316	314	7,655
38	316	270	5,628	98	316	305	7,016	158	316	312	7,450	218	316	314	7,657
39	316	272	5,673	99	316	305	7,027	159	316	312	7,455	219	316	314	7,659
40	316	273	5,716	100	316	305	7,038	160	316	312	7,459	220	316	314	7,662
41	316	276	5,756	101	316	306	7,049	161	316	312	7,464	221	316	314	7,664
42	316	277	5,795	102	316	306	7,059	162	316	312	7,469	222	316	314	7,666
43	316	278	5,833	103	316	306	7,070	163	316	312	7,473	223	316	314	7,668
44	316	278	5,872	104	316	306	7,080	164	316	312	7,478	224	316	314	7,670
45	316	279	5,909	105	316	306	7,090	165	316	312	7,482	225	316	314	7,672
46	316	280	5,945	106	316	306	7,100	166	316	312	7,487	226	316	314	7,674
47	316	281	5,980	107	316	307	7,109	167	316	312	7,491	227	316	314	7,676
48	316	282	6,014	108	316	307	7,119	168	316	312	7,496	228	316	314	7,678
49	316	283	6,048	109	316	307	7,128	169	316	312	7,500	229	316	314	7,680
50	316	283	6,081	110	316	307	7,137	170	316	312	7,505	230	316	314	7,682
51	316	284	6,113	111	316	307	7,146	171	316	312	7,509	231	316	314	7,684
52	316	285	6,144	112	316	307	7,155	172	316	312	7,513	232	316	314	7,686
53	316	286	6,175	113	316	307	7,164	173	316	312	7,517	233	316	314	7,688
54	316	287	6,204	114	316	308	7,173	174	316	312	7,521	234	316	314	7,690
55	316	288	6,232	115	316	308	7,181	175	316	312	7,525	235	316	314	7,692
56	316	289	6,260	116	316	308	7,189	176	316	312	7,529	236	316	314	7,694
57	316	289	6,288	117	316	308	7,198	177	316	313	7,532	237	316	314	7,696
58	316	289	6,314	118	316	308	7,206	178	316	313	7,536	238	316	314	7,698
59	316	290	6,340	119	316	308	7,214	179	316	313	7,540	239	316	314	7,699
60	316	291	6,366	120	316	308	7,221	180	316	313	7,543	240	316	314	7,701

Prison Bed Impact (Total Beds)

2-SSB 6497 Felony Sentence Ranges

Sentencing Guidelines Commission

February 23, 2005

Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.	Month	Pop.
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1	0	49	357	97	597	145	669	193	697
2	0	50	366	98	598	146	670	194	697
3	0	51	374	99	600	147	671	195	698
4	0	52	382	100	602	148	672	196	698
5	0	53	391	101	603	149	673	197	698
6	0	54	400	102	605	150	674	198	698
7	0	55	409	103	607	151	675	199	698
8	0	56	417	104	608	152	676	200	698
9	1	57	425	105	610	153	676	201	698
10	5	58	433	106	612	154	677	202	699
11	10	59	440	107	613	155	678	203	699
12	17	60	448	108	615	156	678	204	699
13	24	61	455	109	617	157	679	205	699
14	30	62	462	110	618	158	679	206	699
15	37	63	469	111	620	159	680	207	699
16	43	64	476	112	622	160	681	208	699
17	50	65	483	113	624	161	681	209	699
18	58	66	491	114	625	162	682	210	699
19	67	67	498	115	627	163	683	211	699
20	77	68	505	116	629	164	683	212	699
21	87	69	511	117	631	165	684	213	699
22	98	70	517	118	633	166	684	214	699
23	109	71	523	119	634	167	685	215	699
24	119	72	529	120	636	168	686	216	699
25	130	73	534	121	638	169	686	217	699
26	140	74	538	122	639	170	687	218	699
27	150	75	542	123	641	171	688	219	699
28	161	76	546	124	642	172	688	220	699
29	171	77	550	125	643	173	689	221	699
30	181	78	553	126	645	174	689	222	699
31	192	79	556	127	646	175	690	223	699
32	203	80	560	128	647	176	690	224	699
33	214	81	563	129	648	177	691	225	699
34	226	82	565	130	650	178	691	226	699
35	238	83	568	131	651	179	692	227	699
36	248	84	571	132	652	180	692	228	699
37	258	85	573	133	653	181	693	229	699
38	266	86	576	134	654	182	693	230	699
39	275	87	578	135	656	183	694	231	699
40	283	88	580	136	657	184	694	232	700
41	291	89	582	137	658	185	694	233	700
42	299	90	584	138	660	186	695	234	700
43	307	91	586	139	661	187	695	235	701
44	316	92	588	140	663	188	696	236	701
45	324	93	590	141	664	189	696	237	701
46	333	94	592	142	665	190	696	238	701
47	341	95	594	143	667	191	697	239	702
48	349	96	595	144	668	192	697	240	702

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 6497 2S SB AMH CJC H5342.1	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 a small 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: 02/24/2006
Leg. Committee Contact:	Phone:	Date: 02/23/2006
Agency Approval: Dahra Latham	Phone: 360-725-5032	Date: 02/28/2006
OFM Review: Nick Lutes	Phone: 360-902-0570	Date: 02/28/2006

Part IV: Analysis

A. SUMMARY OF BILL

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

This version revises the Sentencing Grid to expand the seriousness levels, and it adds a new range for offender scores of 10 or more.

Section 5 in the original bill is eliminated.

SUBSTITUTE BILL COMPARED TO ORIGINAL BILL:

This version revises the changes made to Table 1 Sentencing Grid under the original bill. It retains the minimum sentencing ranges in the original bill but increases the maximum ranges. Compared to the original, there are no changes in fiscal impacts for local government under this version.

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 likely small. There may be increases on prosecution and public defense costs for additional sentencing proceedings. There are no sentencing changes impacting county jails under this amendment.

COUNTY COURTS, PROSECUTION, AND PUBLIC DEFENSE IMPACT:

The process and workload by which county prosecutors would assert an aggravating factor in order to seek a sentence above the standard range already exists, and the way longer sentences are imposed is not expected to differ meaningfully under this bill

Court costs – See the Administrative Office of the Courts (AOC) fiscal note for a discussion of local court expenditures.

Prosecution costs -- Prosecutors must assert a special aggravating factor in order to seek an aggravated sentence. It is unknown how many special aggravating factors prosecutors would seek. Based on the information above available, the sentencing ranges changes would most likely result in extra time or workload shift by prosecutors on these particular cases, rather than a substantial increase in trial costs.

There may be some initial prosecutor appellate costs from constitutional challenges of the law. (Washington Association of Prosecuting Attorneys (WAPA)) Costs can vary in appellate cases, and it is assumed that constitutional challenges can take several years to complete. According to Local Government Fiscal Note Program (LGFN) surveys, the average prosecution appellate costs can range from \$3,000 to \$19,000 per case depending on the nature of the offense and the time involved.

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. The amount of increase is unknown.

JAIL BED IMPACT:

See the Sentencing Guidelines Commission (SGC) fiscal note for prison bed impact. According to SGC, the changes to the sentencing grid in this version do not involve jail sentences. The average statewide daily jail bed cost is approximately \$62/inmate (LGFN weighted average).

SOURCES:

LGFN fiscal note, SB 6497 (2006)
Sentencing Guidelines Commission
Washington Association of Prosecuting Attorneys
Washington Defenders Association

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.