

Multiple Agency Fiscal Note Summary

| | |
|-----------------------------|----------------------------------------|
| Bill Number: 6639 SB | Title: Confinement alternatives |
|-----------------------------|----------------------------------------|

Estimated Cash Receipts

| Agency Name | 2009-11 | | 2011-13 | | 2013-15 | |
|------------------------------------------|-----------|---------------|-----------|----------------|-----------|----------------|
| | GF- State | Total | GF- State | Total | GF- State | Total |
| Department of Social and Health Services | 0 | 57,000 | 0 | 122,000 | 0 | 122,000 |
| Total \$ | 0 | 57,000 | 0 | 122,000 | 0 | 122,000 |

| | | | | | | |
|---------------------|--|--|--|--|--|--|
| Local Gov. Courts * | | | | | | |
| Local Gov. Other ** | | | | | | |
| Local Gov. Total | | | | | | |

Estimated Expenditures

| Agency Name | 2009-11 | | | 2011-13 | | | 2013-15 | | |
|------------------------------------------|------------------------------------------------------------------------|--------------------|-------------------|--------------|--------------------|--------------------|--------------|--------------------|--------------------|
| | 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 Social and Health Services | .1 | 97,000 | 154,000 | .2 | 220,000 | 342,000 | .2 | 220,000 | 342,000 |
| Department of Corrections | (2.8) | (225,000) | (225,000) | (9.8) | (852,000) | (852,000) | (9.8) | (852,000) | (852,000) |
| Sentencing Guidelines Commission | .0 | 0 | 0 | .0 | 0 | 0 | .0 | 0 | 0 |
| Total | (2.7) | \$(128,000) | \$(71,000) | (9.6) | \$(632,000) | \$(510,000) | (9.6) | \$(632,000) | \$(510,000) |

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

Estimated Capital Budget Impact

| Agency Name | 2009-11 | | 2011-13 | | 2013-15 | |
|------------------------------------------|------------|------------|------------|------------|------------|------------|
| | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| Department of Social and Health Services | | | | | | |
| Acquisition | 0 | 0 | 0 | 0 | 0 | 0 |
| Construction | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 |
| Total \$ | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID 26280

FNS029 Multi Agency rollup

| | | |
|--------------------------------------|-------------------------------|-----------------------------------|
| Prepared by: Adam Aaseby, OFM | Phone: 360-902-0539 | Date Published: Revised |
|--------------------------------------|-------------------------------|-----------------------------------|

* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

Judicial Impact Fiscal Note

| | | |
|-----------------------------|----------------------------------------|-----------------------------------------------|
| Bill Number: 6639 SB | Title: Confinement alternatives | Agency: 055-Admin Office of the Courts |
|-----------------------------|----------------------------------------|-----------------------------------------------|

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

| Account | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|-----------------|---------|---------|---------|---------|---------|
| 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:

- ☐ 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: Shani Bauer | Phone: (360)786-7468 | Date: 01/20/2010 |
| Agency Preparation: Gil Austin | Phone: 360-705-5271 | Date: 01/25/2010 |
| Agency Approval: Dirk Marler | Phone: 360-705-5211 | Date: 01/25/2010 |
| OFM Review: Cherie Berthon | Phone: 360-902-0659 | Date: 01/25/2010 |

Part II: Narrative Explanation

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

Section 1 amends RCW 9.94A.030 by adding a definition of a minor child and modifying the definition of partial confinement by including home detention as part of a Department of Corrections (DOC) parenting program

Section 2 is a new section added to RCW 9.94A that provides a parenting sentencing alternative. The court may order DOC to complete a risk assessment report or a chemical dependency screening report.

If the court is considering this alternative, the court shall request that DOC contact Children's Administration to determine if there are any open or prior cases of substantiated referrals of abuse and/or neglect involving the offender.

If the sentencing court determines the offender is eligible for a sentencing alternative under this section the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of 12 months community custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate. When a court imposes community custody as a sentence the court may impose conditions provided in RCW 9.94A.703 and may impose other affirmative conditions.

The court may bring any offender sentenced under this section back to court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the sentence have occurred and the court may modify the conditions of the community custody or impose sanctions. The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time.

Section 4 amends RCW 9.94A.505 by providing for a parenting sentencing alternative pursuant to Section 2 of this bill.

Section 5 amends RCW 9.94A.701 that provides the court shall impose a term of community custody as provided for in Section 2 of this bill.

Section 6 amends RCW 9.94A.728 and provides for conditions under which the Secretary of DOC may permit an offender to serve 12 months of the sentence in partial confinement as part of the parenting program developed by DOC. The section sets conditions under which the Secretary may transfer an offender to home detention as a part of the parenting program and also sets out the conditions of home detention.

Section 7 amends RCW 9.94A.734 to allow participants in DOC's parenting plan to serve home detention.

Section 8 amends RCW 9.94A.190 to provide that a sentence of more than one year may be served in home detention if the offender is participating in the parenting program.

Section 9 amends RCW 9.94A.6332 and allows the court or DOC to impose sanctions if an offender was sentenced under the parenting sentencing alternative.

Section 10 amends RCW 9.94A.633 to provide that offenders sentenced under the parenting sentencing alternative of this bill may be sanctioned in accordance with that section.

II. B - Cash Receipts Impact

II. C - Expenditures

The Department of Corrections assumes there will be 27 offenders a year that would be sentenced under this option.

The Superior Court Judges' Association, Criminal Law and Rules Committee, estimates that this sentencing option will add additional time to superior court hearings for sentencing and on violations of sentence conditions. In some courts the judge may return offenders for periodic reviews. The Committee estimates that sentencing hearings could add an additional 30 to 60 minutes while some violation hearings could involve 3 hours of court time. However, since this is proposed sentencing alternative is a new option it is not possible to estimate the amount of time involved in each hearing type or the number of violations for sentence will be heard.

It is assumed that the impact would be less than \$50,000 per year.

The \$50,000 expenditure level represents approximately 82 hours (0.07 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 assumed, therefore, that this bill would require more than 82 hours of judicial officer time statewide on an annual basis.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Revised

| | | |
|-----------------------------|----------------------------------------|-------------------------------------------------------|
| Bill Number: 6639 SB | Title: Confinement alternatives | Agency: 300-Dept of Social and Health Services |
|-----------------------------|----------------------------------------|-------------------------------------------------------|

Part I: Estimates



No Fiscal Impact

Estimated Cash Receipts to:

| ACCOUNT | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|----------------------------|---------|---------|---------|---------|---------|
| General Fund-Federal 001-2 | | 57,000 | 57,000 | 122,000 | 122,000 |
| Total \$ | | 57,000 | 57,000 | 122,000 | 122,000 |

Estimated Expenditures from:

| | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|----------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years | 0.0 | 0.2 | 0.1 | 0.2 | 0.2 |
| Account | | | | | |
| General Fund-State 001-1 | 0 | 97,000 | 97,000 | 220,000 | 220,000 |
| General Fund-Federal 001-2 | 0 | 57,000 | 57,000 | 122,000 | 122,000 |
| Total \$ | 0 | 154,000 | 154,000 | 342,000 | 342,000 |

Estimated Capital Budget Impact:

| | 2009-11 | | 2011-13 | | 2013-15 | |
|-----------------|------------|------------|------------|------------|------------|------------|
| | FY 2010 | FY 2011 | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| Acquisition | 0 | 0 | 0 | 0 | 0 | 0 |
| Construction | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 |
| Total \$ | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

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: | Shani Bauer | Phone: (360)786-7468 | Date: 01/20/2010 |
| Agency Preparation: | Bryce Andersen | Phone: 360-902-8284 | Date: 02/11/2010 |
| Agency Approval: | Ken Brown | Phone: 360-902-7583 | Date: 02/11/2010 |
| OFM Review: | Sandi Triggs | Phone: (360) 902-0553 | Date: 02/12/2010 |

Request # 10SB6639R-3

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 2 - Creates a sentencing alternative to parents whose offense is:

- 1) The high end of the sentence is greater than one year,
- 2) The offender has no current convictions for a sex or violent offense,
- 3) The offender is not subject to any deportation orders from the United States Attorney General,
- 4) The offender signs the release of information pertaining to any child welfare cases, to the court, and involved agencies,
- 5) The offender has physical custody of their minor child or is a legal guardian or custodian with physical custody of a child under the age of 18.

Section 2, subsection 3(a) requires the Department of Social and Health Services (DSHS) Children's Administration (CA) to issue a report within 7 business days for all open child welfare cases involving the offender.

Section 2, subsection 4 allows the sentencing court to waive the standard sentencing range and impose a sentence of up to 12 months of community custody.

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.

Cash receipt impacts include:

19TA: Title 19

658: Title IV-E

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.

The cost for DSHS primarily comes from the early release of offenders from DOC under the sentencing alternative outlined in section 2.

In order to calculate the cost of this sentencing alternative, DSHS reviewed the number of mothers released from the Department of Corrections (DOC) in fiscal year 2006, and analyzed the trends in their usage of DSHS services for 24 months following their release. This fiscal note assumes there is a six-month ramp up, and assumes an average daily population of 82 when the program is fully phased in; 55 would be served in partial confinement and the remaining 27 would be served by the "early release". Our projections show caseloads are expected to rise for DSHS Economic Services Administration (ESA), Mental Health (MH), and Medical Assistance (MA). Please see the attached 10 SB 6639.1R Attachment 1.xls for detailed expenditure calculations.

Section 2, subsection 3(a) requires DSHS CA to provide reports to the court on offenders being considered for the sentencing alternative.

CA assumes the following:

94 reports a year

4 hours a report

376 total hours / 2088 total hours in a year = 0.2 FTE Program Consultant

Total Cost for CA per year:

\$11,000 General Fund - State

\$3,000 General Fund - Federal

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|--------------------------------------|---------|-----------|-----------|-----------|-----------|
| FTE Staff Years | | 0.2 | 0.1 | 0.2 | 0.2 |
| A-Salaries and Wages | | 10,000 | 10,000 | 20,000 | 20,000 |
| B-Employee Benefits | | 4,000 | 4,000 | 8,000 | 8,000 |
| C-Personal Service Contracts | | | | | |
| E-Goods and Services | | | | | |
| G-Travel | | | | | |
| J-Capital Outlays | | | | | |
| M-Inter Agency/Fund Transfers | | | | | |
| N-Grants, Benefits & Client Services | | 140,000 | 140,000 | 172,700 | 314,000 |
| P-Debt Service | | | | | |
| S-Interagency Reimbursements | | | | | |
| T-Intra-Agency Reimbursements | | | | | |
| 9- | | | | | |
| Total: | \$0 | \$154,000 | \$154,000 | \$200,700 | \$342,000 |

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 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|--------------------|--------|---------|---------|---------|---------|---------|
| Program Consultant | 55,836 | | 0.2 | 0.1 | 0.2 | 0.2 |
| Total FTE's | 55,836 | | 0.2 | 0.1 | 0.2 | 0.2 |

III. C - Expenditures By Program (optional)

| Program | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|----------------------------------------|---------|---------|---------|---------|---------|
| Children's Administration (010) | | 14,000 | 14,000 | 28,000 | 28,000 |
| Mental Health (030) | | 14,000 | 14,000 | 40,000 | 40,000 |
| Economic Services Administration (060) | | 2,000 | 2,000 | 12,000 | 12,000 |
| Medical Assistance (080) | | 124,000 | 124,000 | 262,000 | 262,000 |
| Total \$ | | 154,000 | 154,000 | 342,000 | 342,000 |

Part IV: Capital Budget Impact

N/A

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.

N/A

Request # 10SB6639R-3

SB 6639 Confinement Alternatives

| Date | Extra Months in Community | | | HRSA Avg Per Member Per Month Cost | | | HRSA Cost Per Month Cost | | |
|----------|---------------------------|---------------------|-------|------------------------------------|--------------|----------------|--------------------------|--------------|----------------|
| | Alternative Sentencing | Partial Confinement | Total | Medical Assistance | | Mental Health | Medical Assistance | | Mental Health |
| | | | | Medicaid | Non Medicaid | RSN Capitation | Medicaid | Non Medicaid | RSN Capitation |
| Jul 2010 | 4 | 55 | 59 | \$ 44.79 | \$ 12.42 | \$ 4.91 | \$ 2,642.87 | \$ 732.87 | \$ 289.93 |
| Aug 2010 | 8 | 55 | 63 | \$ 65.77 | \$ 45.03 | \$ 9.24 | \$ 4,143.48 | \$ 2,836.77 | \$ 582.41 |
| Sep 2010 | 12 | 55 | 67 | \$ 79.63 | \$ 55.90 | \$ 19.86 | \$ 5,335.51 | \$ 3,745.09 | \$ 1,330.92 |
| Oct 2010 | 16 | 55 | 71 | \$ 83.90 | \$ 59.78 | \$ 16.44 | \$ 5,956.94 | \$ 4,244.28 | \$ 1,167.08 |
| Nov 2010 | 20 | 55 | 75 | \$ 87.46 | \$ 60.55 | \$ 18.70 | \$ 6,559.17 | \$ 4,541.62 | \$ 1,402.58 |
| Dec 2010 | 24 | 55 | 79 | \$ 92.08 | \$ 58.23 | \$ 16.64 | \$ 7,274.11 | \$ 4,599.85 | \$ 1,314.71 |
| Jan 2011 | 27 | 55 | 82 | \$ 94.21 | \$ 55.90 | \$ 14.45 | \$ 7,725.25 | \$ 4,583.54 | \$ 1,184.72 |
| Feb 2011 | 27 | 55 | 82 | \$ 97.41 | \$ 49.69 | \$ 16.76 | \$ 7,987.62 | \$ 4,074.26 | \$ 1,374.07 |
| Mar 2011 | 27 | 55 | 82 | \$ 101.32 | \$ 45.03 | \$ 16.15 | \$ 8,308.29 | \$ 3,692.30 | \$ 1,323.95 |
| Apr 2011 | 27 | 55 | 82 | \$ 102.03 | \$ 39.59 | \$ 19.20 | \$ 8,366.59 | \$ 3,246.68 | \$ 1,574.73 |
| May 2011 | 27 | 55 | 82 | \$ 103.45 | \$ 38.04 | \$ 19.36 | \$ 8,483.20 | \$ 3,119.36 | \$ 1,587.45 |
| Jun 2011 | 27 | 55 | 82 | \$ 102.03 | \$ 38.04 | \$ 15.83 | \$ 8,366.59 | \$ 3,119.36 | \$ 1,298.23 |
| Jul 2011 | 27 | 55 | 82 | \$ 103.45 | \$ 37.26 | \$ 16.48 | \$ 8,483.20 | \$ 3,055.70 | \$ 1,351.04 |
| Aug 2011 | 27 | 55 | 82 | \$ 99.54 | \$ 31.83 | \$ 17.20 | \$ 8,162.53 | \$ 2,610.07 | \$ 1,410.10 |
| Sep 2011 | 27 | 55 | 82 | \$ 98.48 | \$ 31.83 | \$ 18.36 | \$ 8,075.07 | \$ 2,610.07 | \$ 1,505.74 |
| Oct 2011 | 27 | 55 | 82 | \$ 94.92 | \$ 34.94 | \$ 14.92 | \$ 7,783.55 | \$ 2,864.71 | \$ 1,223.58 |
| Nov 2011 | 27 | 55 | 82 | \$ 95.28 | \$ 36.49 | \$ 20.16 | \$ 7,812.71 | \$ 2,992.03 | \$ 1,653.28 |
| Dec 2011 | 27 | 55 | 82 | \$ 95.99 | \$ 41.15 | \$ 23.89 | \$ 7,871.01 | \$ 3,374.00 | \$ 1,959.30 |
| Jan 2012 | 27 | 55 | 82 | \$ 92.79 | \$ 38.82 | \$ 19.90 | \$ 7,608.64 | \$ 3,183.02 | \$ 1,631.61 |
| Feb 2012 | 27 | 55 | 82 | \$ 94.92 | \$ 38.04 | \$ 22.12 | \$ 7,783.55 | \$ 3,119.36 | \$ 1,813.55 |
| Mar 2012 | 27 | 55 | 82 | \$ 94.92 | \$ 35.71 | \$ 19.74 | \$ 7,783.55 | \$ 2,928.37 | \$ 1,618.98 |
| Apr 2012 | 27 | 55 | 82 | \$ 98.12 | \$ 34.16 | \$ 22.82 | \$ 8,045.92 | \$ 2,801.05 | \$ 1,871.31 |
| May 2012 | 27 | 55 | 82 | \$ 97.41 | \$ 32.61 | \$ 18.76 | \$ 7,987.62 | \$ 2,673.73 | \$ 1,538.05 |
| Jun 2012 | 27 | 55 | 82 | \$ 95.28 | \$ 30.28 | \$ 26.48 | \$ 7,812.71 | \$ 2,482.75 | \$ 2,170.97 |

| | | | | | Cost | FY11 | | | | \$ | 81,150 | \$ | 42,536 | \$ | 14,431 | |
|-----------------------------------|----|--------|----|--------|-----------|--------|------|---------------------------------------|---------|---------|--------|--------|---------|--------|--------|--------|
| | | | | | | FY12 | | | | \$ | 95,210 | \$ | 34,695 | \$ | 19,748 | |
| Medical Assistance (All Object N) | | | | | | | | | | | | | | | | |
| | | FY11 | | FY12 | | FY13 | | Fund Split | FY11 | State | | 43.53% | 100.00% | | 43.53% | |
| State | \$ | 78,000 | \$ | 83,000 | \$ | 83,000 | | 6-months @ 62.94% / 6-months @ 50.00% | | Federal | | 56.47% | 0.00% | | 56.47% | |
| Federal | \$ | 46,000 | \$ | 48,000 | \$ | 48,000 | | | | | | | | | | |
| Other | \$ | - | \$ | - | \$ | - | | | | | | | | | | |
| Mental Health (All Object N) | | | | | | | | | | | | | | | | |
| | | FY11 | | FY12 | | FY13 | | 12-months @ 50.00% | FY12 | State | | 50.00% | 100.00% | | 50.00% | |
| State | \$ | 6,000 | \$ | 10,000 | \$ | 10,000 | | | | | | | | | | |
| Federal | \$ | 8,000 | \$ | 10,000 | \$ | 10,000 | | | | | | | | | | |
| Other | \$ | - | \$ | - | \$ | - | | | | | | | | | | |
| | | | | | | | | | | | | | | | | |
| | | | | | Breakdown | | FY11 | | State | | \$ | 35,000 | \$ | 43,000 | \$ | 6,000 |
| | | | | | | | | | Federal | | \$ | 46,000 | \$ | - | \$ | 8,000 |
| | | | | | | | | | | | | | | | | |
| | | | | | | | FY12 | | State | | \$ | 48,000 | \$ | 35,000 | \$ | 10,000 |
| | | | | | | | | | Federal | | \$ | 48,000 | \$ | - | \$ | 10,000 |

SB 6639 Confinement Alternatives

| | | | Sentencing Alternatives | | | | | Partial Confinement | | |
|--------|-----------------|------------------------------------|-------------------------|------------|-----------------------|--------------------|------------|---------------------|------------|---------|
| | | | Mother | | | Child | | | | Total |
| | New Releases | Extra Months in Community | TANF/SFA Grants | Child Care | General Assistance | TANF/SFA Grants | Child Care | TANF/SFA Grants | Child Care | |
| Jul-10 | 4 | 4 | \$107 | \$34 | \$135 | (\$43) | (\$25) | (\$585) | (\$345) | (\$721) |
| Aug-10 | 4 | 8 | \$215 | \$68 | \$271 | (\$85) | (\$50) | (\$585) | (\$345) | (\$511) |
| Sep-10 | 4 | 12 | \$322 | \$102 | \$406 | (\$128) | (\$75) | (\$585) | (\$345) | (\$302) |
| Oct-10 | 4 | 16 | \$429 | \$136 | \$542 | (\$170) | (\$100) | (\$585) | (\$345) | (\$93) |
| Nov-10 | 4 | 20 | \$537 | \$170 | \$677 | (\$213) | (\$126) | (\$585) | (\$345) | \$116 |
| Dec-10 | 4 | 24 | \$644 | \$204 | \$813 | (\$255) | (\$151) | (\$585) | (\$345) | \$326 |
| Jan-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Feb-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Mar-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Apr-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| May-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Jun-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Jul-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Aug-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Sep-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Oct-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Nov-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Dec-11 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Jan-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Feb-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Mar-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Apr-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| May-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Jun-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Jul-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Aug-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Sep-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Oct-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Nov-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Dec-12 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Jan-13 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Feb-13 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Mar-13 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Apr-13 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| May-13 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| Jun-13 | 4 | 27 | \$724 | \$230 | \$914 | (\$287) | (\$169) | (\$585) | (\$345) | \$483 |
| FY11 | 48 | 246 | \$6,600 | \$2,094 | \$8,332 | (\$2,615) | (\$1,544) | (\$7,015) | (\$4,142) | \$1,711 |
| FY12 | 48 | 324 | \$8,693 | \$2,758 | \$10,974 | (\$3,444) | (\$2,034) | (\$7,015) | (\$4,142) | \$5,791 |
| FY13 | 48 | 324 | \$8,693 | \$2,758 | \$10,974 | (\$3,444) | (\$2,034) | (\$7,015) | (\$4,142) | \$5,791 |

Individual State Agency Fiscal Note

| | | |
|-----------------------------|----------------------------------------|----------------------------------------------|
| Bill Number: 6639 SB | Title: Confinement alternatives | Agency: 310-Department of Corrections |
|-----------------------------|----------------------------------------|----------------------------------------------|

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

| | | | | | |
|-----------------|--|--|--|--|--|
| ACCOUNT | | | | | |
| | | | | | |
| Total \$ | | | | | |

Estimated Expenditures from:

| | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|--------------------------|----------------|----------------|----------------|----------------|----------------|
| FTE Staff Years | 0.0 | (5.6) | (2.8) | (9.8) | (9.8) |
| Account | | | | | |
| General Fund-State 001-1 | 0 | (225,000) | (225,000) | (852,000) | (852,000) |
| Total \$ | 0 | (225,000) | (225,000) | (852,000) | (852,000) |

Estimated Capital Budget Impact:

| | | | | | |
|-----------------|--|--|--|--|--|
| | | | | | |
| | | | | | |
| | | | | | |
| Total \$ | | | | | |

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: Shani Bauer | Phone: (360)786-7468 | Date: 01/20/2010 |
| Agency Preparation: Alan Haskins | Phone: 360-725-8264 | Date: 01/25/2010 |
| Agency Approval: Susan Lucas | Phone: (360) 725-8277 | Date: 01/25/2010 |
| OFM Review: Adam Aaseby | Phone: 360-902-0539 | Date: 01/25/2010 |

Request # 051-1

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 Amends RCW 9.94A.030 by adding two definitions adding the definition of “minor child”, to include the phrase “home detention which is ordered by the department as part of the parenting program” to the definition of “Partial confinement.”

Section 2 Creates a “parenting sentencing alternative” under chapter 9.94A RCW. Creates eligibility criteria for the parenting sentencing alternative which the high end of the offender’s standard sentence range for the current offense must be greater than one year; have no current convictions for a sex or violent offense; not subject to deportation orders; must sign a release of information waiver to allow information regarding child welfare cases to be shared with the department and the court and the offender must have physical custody of a minor child at the time of the current offense. To make its decision about the alternative, the court may order and review a risk assessment report and/or a chemical dependency screening report prior to sentencing. If the court is considering the alternative, it shall request that the department contact the children’s administration of DSHS to determine if the agency has any open or prior cases of substantiated referrals of abuse and/or neglect involving the offender or if the agency is aware of any substantiated cases with a tribal child welfare agency involving the offender. If the offender does have an open case, the department will provide the release of information waiver and request the respective agency to provide a report within seven business days which will include at a minimum: 1) legal status of the child welfare case, 2) length of time the administration has been involved with the offender, 3) legal status of the case and permanent plan, 4) if the child has special needs, 5) whether or not the offender has been cooperative with services ordered by juvenile court in the case, and 6) if the offender has been convicted of a crime against a child. If a report is required from a tribal child agency, the department shall attempt to obtain information that is similar to what is required from the children’s administration report. If the offender does not have an open case but has prior involvement, the department will obtain information from the children’s administration on the number and type of past substantiated referrals of abuse and neglect and report that to the court. If the court has unsubstantiated referrals or an open case with the offender, the department will inform the court. If the sentencing court determines that the offender is eligible and that it is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody. The court shall consider the offender’s criminal history when determining if the alternative is appropriate. When the court imposes a sentence of community custody under this alternative they may impose condition under RCW 9.94A.703, other affirmative conditions, the offender may be required to pay thirty dollars per month while on community custody and may impose conditions in RCW 9.94A.704 that may include, but are not limited to: 1) parenting classes, 2) chemical dependency treatment, 3) mental health treatment, 4) vocational training, 5) offender change programs, 6) life skills classes. The department shall report violations and provide quarterly progress reports to the court. The court may bring the offender back into court to evaluate progress or determine if violations have occurred. If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions. Sanctions include serving a term of total confinement within the standard range of the current offense, if the offender violates the conditions or if they fail to make satisfactory progress in treatment. An offender ordered to serve a term of total confinement shall receive credit for any time previously served in confinement under this section.

Section 3 Amends RCW 9.94A.501 to add offenders serving a parenting sentencing alternative as those who are supervised by the department of corrections regardless of risk classification.

Request # 051-1

Section 4 Amends RCW 9.94A.505 to include the parenting sentencing alternative within the exceptions to sentencing within the standard range.

Section 5 Amends RCW 9.94A.701 to require the court to impose a term of community custody as provided in the parenting sentencing alternative section.

Section 6 Amends RCW 9.94A.728 by restricts the amount of time that parenting sentencing alternative offenders can serve in partial confinement to no more than the final twelve months of the offender's term of confinement. For offenders who are not sentenced under the parenting sentencing alternative but are alternatively eligible, they are restricted to no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department. Offenders are alternatively eligible and the secretary may transfer an offender from a correctional facility to home detention if it is determined that the parenting program is an appropriate placement. It is an appropriate placement if: 1) the offender is serving a sentence in which the high end of the range is greater than one year, 2) the offender does not have a current conviction for a felony sex or felony violent offense, 3) the offender is not subject to deportation, 4) the offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court and 5) the offender has physical or legal custody of a minor child, has a proven, established, ongoing and substantial relationship with his or her minor child that existed prior to the commission of the current offense or is a legal guardian to a child that was under eighteen at the time of the offense, 6) it is determined by the department that the placement is in the best interests of the child. For those offenders that the department is considering for partial confinement as a part of the parenting program, the department shall inquire of the children's administration and tribal jurisdiction of open or prior child welfare cases such as described in section 1. This section waives liability of the department, its officers, agents and employees for acts of offenders participating in the parenting program unless the department (or its actors) act with willful and wanton disregard. Offenders placed on home detention shall provide an approved residence and living arrangement prior to transfer to home detention. While the offender is on home detention as a part of the parenting program, the department shall require the offender: 1) to be on electronic home monitoring, 2) participate in programming and treatment that the supervising community corrections officer determine is needed, 3) department will assign a community corrections officer to monitor the offender's compliance, and 4) if there is an open child welfare case, the department must collaborate with the children's administration of DSHS and with the identified social worker.

Section 7 RCW 9.94A.734 traditionally restricts offenders who have committed certain offenses from participating in home detention. This section amends RCW 9.94A.734 by exempting those offenders the department determines eligible for release to partial confinement with a parenting plan from the restrictions set out for home detention.

Section 8 Amends RCW 9.94A.190 to include the home detention component authorized in sections 2 and 6.

Section 9 Amends RCW 9.94A.6332 to allow DOC the authority to issue sanctions which were outlined in Section 2.

Section 10 Amends RCW 9.94A.633 to include parenting sentencing alternative offenders in the DOC sanction process.

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.

The proposed legislation under Senate Bill 6639 adds a new sentencing alternative for non-violent offenders (Parent Sentencing Alternative) to allow a custodial parent of a minor child to remain in the community on intensive supervision with treatment and programming requirements. Sentencing

Prior to sentencing, the court may request that the Department complete a risk assessment report, a CD screen, or both. Under this alternative, the court will waive the sentence within the standard range and impose 12 months of community custody.

The definition of partial confinement is amended to allow the Department to transfer an offender to the community on electronic home monitoring as part of a new Parenting Program. The partial confinement parenting program is expected to reduce the recidivism rate of nonviolent offenders with minor children by addressing treatment and programming needs that could best be served in the community.

The department assumes this bill would likely result in an average daily population (ADP) decrease of 82 in FY11, providing for a savings in Prison costs of \$1.2 million and 14.4 FTE's. The department assumes full capacity of the program will be reached in FY12, reducing ADP by 105 and providing for a savings in Prison costs of \$1.6 million and 20.5 FTE's. Additional funding is needed in Community Supervision to support offenders under this sentencing alternative to include chemical dependency treatment, case management, housing vouchers, electronic home monitoring, employment and job training and life skills programming, totaling \$1.1 million and 8.8 FTEs in Fiscal Year 2011 and \$1.2 million and 10.7 FTE's in FY12 and thereafter.

The net savings to the State from this proposal is \$225,000 and 5.6 FTEs in Fiscal Year 2011 and \$426,000 and 9.8 FTE's in Fiscal 2012 and each year thereafter.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|--------------------------------------|---------|-------------|-------------|-------------|-------------|
| FTE Staff Years | | (5.6) | (2.8) | (9.8) | (9.8) |
| A-Salaries and Wages | | (188,000) | (188,000) | (632,000) | (632,000) |
| B-Employee Benefits | | (73,000) | (73,000) | (312,000) | (312,000) |
| C-Personal Service Contracts | | | | | |
| E-Goods and Services | | (132,000) | (132,000) | (338,000) | (338,000) |
| G-Travel | | | | | |
| J-Capital Outlays | | | | | |
| M-Inter Agency/Fund Transfers | | | | | |
| N-Grants, Benefits & Client Services | | 168,000 | 168,000 | 430,000 | 430,000 |
| P-Debt Service | | | | | |
| S-Interagency Reimbursements | | | | | |
| T-Intra-Agency Reimbursements | | | | | |
| 9- | | | | | |
| Total: | \$0 | \$(225,000) | \$(225,000) | (\$852,000) | \$(852,000) |

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 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|-------------------------------|---------|---------|---------|---------|---------|---------|
| Case Manager | 54,504 | | 6.8 | 3.4 | 8.7 | 8.7 |
| Community Corrections Officer | 48,168 | | 1.0 | 0.5 | 1.0 | 1.0 |
| Prison Staffing | 46,341 | | (14.4) | (7.2) | (20.5) | (20.5) |
| Program Manager | 62,814 | | 1.0 | 0.5 | 1.0 | 1.0 |
| Total FTE's | 211,827 | | (5.6) | (2.8) | (9.8) | (9.8) |

III. C - Expenditures By Program (optional)

| Program | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|------------------------------|---------|-------------|-------------|-------------|-------------|
| Institutional Services (200) | | (1,209,000) | (1,209,000) | (3,294,000) | (3,294,000) |
| Community Supervision (300) | | 984,000 | 984,000 | 2,442,000 | 2,442,000 |
| Total \$ | | (225,000) | (225,000) | (852,000) | (852,000) |

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.

Parenting Alternative with Supervision and Treatment

1/25/2010

| | Cost Per Offender | Offenders | | FTEs | | FY11 Obj Breakdown | | | | | FY12 Obj Breakdown | | | | | Total Cost/Savings | |
|-------------------------------------------------------------------------------------------------------------------|----------------------|-----------|--------|--------|--------|--------------------|------------|-------|------------|-----------|--------------------|------------|-------|------------|-----------|--------------------|---------------------|
| | | Year 1 | Year 2 | Year 1 | Year 2 | Obj A | Obj B | Obj C | Obj E | Obj N | Obj A | Obj B | Obj C | Obj E | Obj N | FY 11 | FY 12 and beyond |
| Chemical Dependency - assume intensive outpatient with hours the same as current program | \$919.07 | 82 | 105 | | | | | | | \$ 74,985 | | | | | \$ 96,078 | \$ 74,985 | \$ 96,078 |
| Wraparound Case Management - assume case manager does all supervision at a ratio of 1:12 (WMS Band 1) | | 82 | 105 | 6.8 | 8.7 | \$ 370,574 | \$ 111,172 | | | | \$ 474,813 | \$ 142,444 | | | | \$ 481,746 | \$ 617,256 |
| Supervisor/Program Manager | | | | 1.0 | 1.0 | \$ 62,814 | \$ 20,729 | | | | \$ 62,814 | \$ 20,729 | | | | \$ 83,543 | \$ 83,543 |
| Housing Vouchers - assume 15% of the population needs vouchers, \$15 per day | \$ 5,475 | 12 | 16 | | | | | | | \$ 67,004 | | | | | \$ 85,852 | \$ 67,004 | \$ 85,852 |
| EHM - Contract | | | | | | | | | \$ 188,253 | | | | | \$ 241,987 | | \$ 188,253 | \$ 241,987 |
| EHM - CCO | | | | 1.0 | 1.0 | \$ 48,168 | \$ 14,450 | | | | \$ 48,168 | \$ 14,450 | | | | \$ 62,618 | \$ 62,618 |
| Employment and Job Training - assume same cost/hours as program in effect in FY09 | \$192.85 | 82 | 105 | | | | | | | \$ 15,735 | | | | | \$ 20,161 | \$ 15,735 | \$ 20,161 |
| Life Skills - assume same cost/hours as program in effect in FY09 | \$122.17 | 82 | 105 | | | | | | | \$ 9,968 | | | | | \$ 12,771 | \$ 9,968 | \$ 12,771 |
| Total Cost: | | | | | | 481,556 | 146,351 | - | 188,253 | 167,692 | 585,795 | 177,623 | - | 241,987 | 214,862 | \$ 983,851 | \$ 1,220,266 |
| Total Saving: (one unit at MCCCW) | | | | | | | | | | | | | | | | 1,285,046 | 1,646,517 |
| Net Savings: | | | | | | | | | | | | | | | | \$ (301,195) | \$ (426,251) |

Notes:
Object E, G, N associated with FTEs not added for new staff. Not used in savings from unit closure either - assume a wash.

Only FY 11 is in
the current
biennium

EHM is calculated for 274 days at \$7.75 a day. Offenders would be allowed to "earn" time off of EHM, this assumes that offenders would spend an average of 75% of the 12 months partial confinement.

1 FTE needed for EHM coordination, hookup and removal

| | | | | | | FY11 tot | FY12 breakdown | | | | | FY12 tot |
|------|--------------------|-----------|-------|-----------|---------|-------------|----------------|-----------|-------|-----------|---------|-------------|
| | FY11 Obj Breakdown | | | | | | Obj A | Obj B | Obj C | Obj E | Obj N | |
| P300 | Obj A | Obj B | Obj C | Obj E | Obj N | | | | | | | |
| | 482,000 | 146,000 | - | 188,000 | 168,000 | 984,000 | 586,000 | 178,000 | - | 242,000 | 215,000 | 1,221,000 |
| P200 | (670,000) | (219,000) | | (320,000) | - | (1,209,000) | (902,000) | (334,000) | | (411,000) | | (1,647,000) |
| | (188,000) | (73,000) | - | (132,000) | 168,000 | (225,000) | (316,000) | (156,000) | - | (169,000) | 215,000 | (426,000) |

Individual State Agency Fiscal Note

| | | |
|-----------------------------|----------------------------------------|-----------------------------------------------------|
| Bill Number: 6639 SB | Title: Confinement alternatives | Agency: 325-Sentencing Guidelines Commission |
|-----------------------------|----------------------------------------|-----------------------------------------------------|

Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

| | | | | | |
|-----------------|--|--|--|--|--|
| ACCOUNT | | | | | |
| | | | | | |
| Total \$ | | | | | |

Estimated Expenditures from:

| | | | | | |
|-----------------|----------------|----------------|----------------|----------------|----------------|
| | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
| Account | | | | | |
| | | | | | |
| Total \$ | | | | | |

Estimated Capital Budget Impact:

| | | | | | |
|-----------------|--|--|--|--|--|
| | | | | | |
| | | | | | |
| | | | | | |
| Total \$ | | | | | |

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: Shani Bauer | Phone: (360)786-7468 | Date: 01/20/2010 |
| Agency Preparation: Keri-Anne Jetzer | Phone: 360-407-1070 | Date: 01/22/2010 |
| Agency Approval: Duc Luu | Phone: 360-407-1075 | Date: 01/22/2010 |
| OFM Review: Adam Aaseby | Phone: 360-902-0539 | Date: 01/22/2010 |

Request # 325-10-025-1

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.

This bill would require modification of the Commission’s database and data entry programs. The agency’s budget does not have funding for updating the database or data entry programs. We estimate it would take approximately 40 hours to update the database or data entry programs to reflect the change in this bill. Using a fee estimate of \$110/hr, the cost would be \$4,400.

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.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

| | FY 2010 | FY 2011 | 2009-11 | 2011-13 | 2013-15 |
|-----------------|---------|---------|---------|---------|---------|
| FTE Staff Years | | | | | |
| | | | | | |
| Total: | | | | | |

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.

SB 6639
SENTENCING CONFINEMENT ALTERNATIVE
325 – Sentencing Guidelines Commission
January 22, 2010

SUMMARY

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

Section 1 Amends RCW 9.94A.030 by adding two definitions. Adds the definition of “minor child.” Adds the phrase “home detention which is ordered by the department as part of the parenting program” to the definition of “Partial confinement.”

Section 2 Creates a “parenting sentencing alternative” under chapter 9.94A RCW. Creates eligibility criteria for the parenting sentencing alternative which the high end of the offender’s standard sentence range for the current offense must be greater than one year; have no current convictions for a sex or violent offense; not subject to deportation orders; must sign a release of information waiver to allow information regarding child welfare cases to be shared with the department and the court and the offender must have physical custody of a minor child at the time of the current offense.

To make its decision about the alternative, the court may order and review a risk assessment report and/or a chemical dependency screening report prior to sentencing.

If the court is considering the alternative, it shall request that the department contact the children’s administration of DSHS to determine if the agency has any open or prior cases of substantiated referrals of abuse and/or neglect involving the offender or if the agency is aware of any substantiated cases with a tribal child welfare agency involving the offender.

If the offender does have an open case, the department will provide the release of information waiver and request the respective agency to provide a report within seven business days which will include at a minimum: 1) legal status of the child welfare case, 2) length of time the administration has been involved with the offender, 3) legal status of the case and permanent plan, 4) if the child has special needs, 5) whether or not the offender has been cooperative with services ordered by juvenile court in the case, and 6) if the offender has been convicted of a crime against a child. If a report is required from a tribal child agency, the department shall attempt to obtain information that is similar to what is required from the children’s administration report.

If the offender does not have an open case but has prior involvement, the department will obtain information from the children’s administration on the number and type of past substantiated referrals of abuse and neglect and report that to the court. If the court has unsubstantiated referrals or an open case with the offender, the department will inform the court.

If the sentencing court determines that the offender is eligible and that it is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community

custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate.

When the court imposes a sentence of community custody under this alternative they may impose condition under RCW 9.94A.703, other affirmative conditions, the offender may be required to pay thirty dollars per month while on community custody and may impose conditions in RCW 9.94A.704 that may include, but are not limited to: 1) parenting classes, 2) chemical dependency treatment, 3) mental health treatment, 4) vocational training, 5) offender change programs, 6) life skills classes.

The department shall report violations and provide quarterly progress reports to the court. The court may bring the offender back into court to evaluate progress or determine if violations have occurred. If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions. Sanctions include serving a term of total confinement within the standard range of the current offense, if the offender violates the conditions or if they fail to make satisfactory progress in treatment.

An offender ordered to serve a term of total confinement shall receive credit for any time previously served in confinement under this section.

- Section 3 Amends RCW 9.94A.501 to add offenders serving a parenting sentencing alternative as those who are supervised by the department of corrections regardless of risk classification.
- Section 4 Amends RCW 9.94A.505 to include the parenting sentencing alternative within the exceptions to sentencing within the standard range.
- Section 5 Amends RCW 9.94A.701 to require the court to impose a term of community custody as provided in the parenting sentencing alternative section.
- Section 6 Amends RCW 9.94A.728 by restricts the amount of time that parenting sentencing alternative offenders can serve in partial confinement to no more than the final twelve months of the offender's term of confinement.

For offenders who are not sentenced under the parenting sentencing alternative but are alternatively eligible, they are restricted to no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

Offenders are alternatively eligible and the secretary may transfer an offender from a correctional facility to home detention if it is determined that the parenting program is an appropriate placement. It is an appropriate placement if: 1) the offender is serving a sentence in which the high end of the range is greater than one year, 2) the offender does not have a current conviction for a felony sex or felony violent offense, 3) the offender is not subject to deportation, 4) the offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court and 5) the offender has physical or legal custody of a minor child, has a proven, established, ongoing and substantial relationship with his or her minor child that existed prior to the commission of the current offense or is a legal guardian to a child that was under eighteen at the time of the offense, 6) it is determined by the department that the placement is in the best interests of the child.

For those offenders that the department is considering for partial confinement as a part of the parenting program, the department shall inquire of the children's administration and tribal jurisdiction of open or prior child welfare cases such as described in section 1. This section waives liability of the department, its officers, agents and employees for acts of offenders participating in the parenting program unless the department (or its actors) act with willful and wanton disregard.

Offenders placed on home detention shall provide an approved residence and living arrangement prior to transfer to home detention. While the offender is on home detention as a part of the parenting program, the department shall require the offender: 1) to be on electronic home monitoring, 2) participate in programming and treatment that the supervising community corrections officer determine is needed, 3) department will assign a community corrections officer to monitor the offender's compliance, and 4) if there is an open child welfare case, the department must collaborate with the children's administration of DSHS and with the identified social worker.

- Section 7 RCW 9.94A.734 traditionally restricts offenders who have committed certain offenses from participating in home detention. This section amends RCW 9.94A.734 by exempting those offenders the department determines eligible for release to partial confinement with a parenting plan from the restrictions set out for home detention.
- Section 8 Amends RCW 9.94A.190 to include the home detention component authorized in sections 2 and 6.
- Section 9 Amends RCW 9.94A.6332 to allow DOC the authority to issue sanctions which were outlined in Section 2.
- Section 10 Amends RCW 9.94A.633 to include parenting sentencing alternative offenders in the DOC sanction process.

EXPENDITURES

Assumptions

None

Impact on the Sentencing Guidelines Commission

This bill would require modification of the Commission's database and data entry programs. The agency's budget does not have funding for updating the database or data entry programs. We estimate it would take approximately 40 hours to update the database or data entry programs to reflect the change in this bill. Using a fee estimate of \$110/hr, the cost would be \$4,400.

Impact on prison and jail beds

This bill creates a new sentencing alternative. The Sentencing Guidelines Commission does not track the data necessary to determine who would be eligible for the proposed sentencing alternative; therefore, we are unable to provide bed or community custody caseload impacts. As one of the eligibility requirements for this sentencing alternative is that the high end of the standard sentence range be greater than one year, any impacts would be realized in prison beds.