

Multiple Agency Fiscal Note Summary

Bill Number: 6493 S SB	Title: Sexual predator commitment
-------------------------------	--

Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Attorney General	Non-zero but indeterminate cost. Please see discussion."					
Total \$	0	0	0	0	0	0

Local Gov. Courts *						
Local Gov. Other **		(257,976)		(257,976)		(257,976)
Local Gov. Total		(257,976)		(257,976)		(257,976)

Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Public Defense	Fiscal note not available								
Office of Attorney General	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Social and Health Services	.0	(8,871,000)	(8,871,000)	.0	(17,742,000)	(17,742,000)	.0	(17,742,000)	(17,742,000)
Total	0.0	\$(8,871,000)	\$(8,871,000)	0.0	\$(17,742,000)	\$(17,742,000)	0.0	\$(17,742,000)	\$(17,742,000)

Local Gov. Courts *									
Local Gov. Other **			2,587,294			2,587,294			2,587,294
Local Gov. Total			2,587,294			2,587,294			2,587,294

Estimated Capital Budget Impact

NONE

OFM has not received a fiscal note of SSB 6493 from the Public Defenders office. Since the major fiscal impact of the bill is the transfer of the funding for defending sexual predators from DSHS to the Public Defenders office their fiscal note is critical to understanding the impact of the transfer. The fiscal note submitted by the Public Defenders office for PSSB 6493 would give an accurate assessment of the impact of this bill on their office

Prepared by: David Dula, OFM	Phone: (360) 902-0543	Date Published: Preliminary 2/21/2012
-------------------------------------	---------------------------------	---

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

** See local government fiscal note

FNPID 32205

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 6493 S SB	Title: Sexual predator commitment	Agency: 055-Admin Office of the Courts
-------------------------------	--	---

Part I: Estimates



No Fiscal Impact

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be

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: Sarah Koster	Phone: 360-786-7303	Date: 02/13/2012
Agency Preparation: Charlotte Jensen	Phone: 360-705-5213	Date: 02/14/2012
Agency Approval: Dirk Marler	Phone: 360-705-5211	Date: 02/14/2012
OFM Review: David Dula	Phone: (360) 902-0543	Date: 02/14/2012

Part II: Narrative Explanation

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

Substitute Bill:

The substitute bill incorporates the changes included in the proposed substitute. It is assumed that the substitute bill would continue to have minimal impact to the courts statewide.

Proposed Substitute Bill:

It is assumed that the proposed substitute bill would not change the fiscal impact previously identified under the original bill.

Section 4 amends RCW 71.09.040. The proposed substitute bill provides that if a probable cause determination is made that the person named in the petition is a sexually violent predator the judge shall notify the office of public defense (OPD) of the potential need for representation.

A new section 9 is included in the proposed substitute bill. OPD is responsible for the cost of one expert or professional person conducting an evaluation on the indigent person's behalf. Expert evaluations are capped at \$10,000; partial evaluations are capped at \$5,500; and expert services apart from an evaluation, exclusive of testimony at trial or depositions, are capped at \$6,000. OPD will pay the costs related to an additional examiner or in excess of the fee caps only upon a finding by the superior court that such appointment or extraordinary fees are for good cause.

Sections 8 has been renumbered in the proposed substitute bill.

The courts currently conduct hearings for the additional costs addressed in section 9. As there were 19 civil commitment petitions filed in 2010 and 14 filed in 2011, it is assumed that the notice requirements in section 4 would have minimal impact to the courts.

Original Bill:

Section 1 amends 2.70.020 to provide that the office of public defense (OPD) is responsible for representation of indigent respondents qualified for appointed counsel in sexually violent predator civil commitment cases.

Section 8 amends RCW 71.09.120 and allows DSHS and the courts to release records to OPD. OPD is required to maintain the confidentiality of these records. A sexually violent predator can be enjoined from inspecting or copying nonexempt public records by an injunction, which may be requested by an agency, the person named in the record or his/her representative, or a person to whom the request specifically pertains, or his/her representative.

It is assumed that this bill will have minimal impact on the courts statewide.

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 6493 S SB	Title: Sexual predator commitment	Agency: 100-Office of Attorney General
-------------------------------	--	---

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

Non-zero but indeterminate cost. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates,

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:	Sarah Koster	Phone: 360-786-7303	Date: 02/13/2012
Agency Preparation:	Toni Ursich	Phone: (509) 456-3123	Date: 02/16/2012
Agency Approval:	Sarian Scott	Phone: (360) 586-2104	Date: 02/16/2012
OFM Review:	Cheri Keller	Phone: 360-902-0563	Date: 02/17/2012

Request # 12-159-1

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 2.70.020 adding section 1(f). The Director of the Office of Public Defense (OPD) shall administer representation of indigent respondents qualified for appointed counsel in sexually violent predator (SVP) civil commitment cases, as provided in chapter 71.09 RCW.

Section 2 adds a new section to chapter 2.70 RCW related to the provision of indigent defense services for SVP civil commitment cases.

Section 2(1) requires OPD to, in accordance with state contracting laws, contact for the provision of legal services to indigent persons.

Section 2(2) requires OPD to establish annual contract fees for defense legal services within amounts appropriated and based upon listed criteria.

Section 2(3) requires OPD to establish procedures for the reimbursement of expert witnesses and other professional and investigative costs.

Section 2(4) requires OPD to review and analyze existing caseload standards and make recommendations for updating caseload standards to the Washington State Bar Association as appropriate.

Section 2(5) requires OPD to periodically submit a report to the Chief Justice of the Supreme Court, the Governor, and the legislature containing all pertinent data on the operation of indigent defense services for commitment proceedings under this section, and enumerates the required content of such report. The first report is due December 1, 2013.

Section 3 is a new section transferring powers and duties from the Department of Social and Health Services (DSHS) and the Special Commitment Center (SCC) to OPD.

Section 3(1) transfers all powers, duties and functions of DSHS and SCC related to indigent defense under chapter 71.09 RCW to OPD.

Section 3(2) authorizes OPD to request reports, documents, surveys, books, records, files, paper, or written material possessed by DSHS and the SCC pertaining to the transferred powers, duties and functions, and requires that these materials be delivered to OPD.

Section 3(3) allows OPD to continue existing defense contracts if implementation of OPD contracts would result in the substitution of counsel within 180 days of a scheduled trial date, provides that existing counsel will be paid based upon standard contract fees established by OPD under section 2 of this act, and allows such payment, at OPD's discretion, to include extraordinary compensation.

Section 4 amends RCW 71.09.040, adding language that gives an indigent person the right to have an OPD attorney

appointed at a probable cause hearing and requiring a judge to notify OPD of the potential need for representation if she or he finds probable cause to believe the person named in the petition is a sexually violent predator.

Section 5 amends RCW 71.09.050.

Section 5(1) adds language requiring the court to appoint OPD defense contracted counsel to assist a person who is found, in any stage of a SVP civil commitment trial, to be indigent as defined in RCW 10.101.010. This section also deletes language requiring DSHS to pay the cost of one expert or professional to conduct an evaluation on the prosecuting agency's behalf.

Section 5(2) deletes a reference to the department and adds a reference to OPD.

Section 6 amends RCW 71.09.080(3) striking the word "attorney" and replacing it with the word "agency."

Section 7 amends RCW 71.09.090.

Section 7(2)(b) strikes the words "attorney or attorney general" and replaces it with the word "agency."

Section 7(3)(a) deletes language requiring DSHS to pay the cost of one expert or professional to conduct an evaluation on the prosecuting agency's behalf.

Section 7(3)(b) strikes the word "department" and replaces it with "office of public defense."

Section 8 adds a new section to chapter 71.09 RCW providing that the following activities are beyond the scope of representation provided by OPD contract attorneys in SVP civil commitment proceedings: 1) Investigation or legal representation challenging the conditions at the SCC; 2) Investigation or legal representation for making Public Records Act requests; 3) Legal representation or advice regarding filing a grievance with DSHS; 4) Legal representation during a period not covered as part of the civil commitment process; and 5) such other activities as may be excluded by policy or contact with OPD.

Section 9 adds a new section to chapter 71.09 RCW related to paying for expert or professional evaluations.

Section 9(1) provides that OPD is responsible to pay for one expert or professional to conduct an evaluation on an indigent person's behalf.

Section 9(2) caps the fee to be paid for expert evaluations at \$10,000, inclusive of all costs. A \$5,000 cap is established for the fee to be paid for a partial evaluation. A \$6,000 cap is established for the fee to be paid for other expert services, apart from an evaluation and exclusive of testimony.

Section 9(3) allows OPD to pay evaluation costs by an additional examiner or in excess of the stated fee caps only upon the superior court's finding that good cause exists for such appointment or payment of such extraordinary fees.

Section 10 amends RCW 71.09.110 RCW, striking language that provides DSHS is responsible for all costs related to

the evaluation of persons committed to its custody and requiring DSHS to adopt rules to contain costs related to evaluation services, and adding language to provide DSHS is responsible for costs related to the treatment of persons as provided in this chapter.

Section 11 amends RCW 71.09.120, adding two new provisions related to information concerning SVPs.

Section 11(2) authorizes DSHS and the courts to release to OPD records it needs to implement its administration of public defense, and further requires OPD to maintain the confidentiality of information in such records.

Section 11(3) authorizes agencies and certain persons to utilize the procedures identified in RCW 42.56.565 to enjoin the inspection or copying of any public record by a person in a civil commitment facility for SVPs.

Section 12 amends RCW 71.09.140 to strike the word "attorney" in two places where the term prosecuting attorney is used and replace it in both instances with the word "agency."

Section 13 is a new section providing that this act is null and void if specific funding for the purposes of this act is not provided in the omnibus appropriations act by June 30, 2012.

Section 14 provides that this act takes effect on July 1, 2012.

This bill is assumed effective July 1, 2012.

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.

Indeterminate cash receipts.

For costs transferred to the AGO, the AGO will need direct appropriation of General Fund State dollars given there would no longer be a client agency to bill for this work.

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.

Indeterminate expenditure impact.

Assumptions:

1. We assume the Attorney General's Office (AGO) will need a direct appropriation of General Fund State (GFS) dollars and appropriated authority to cover the expert costs incurred during the post commitment phase that will no longer be reimbursed by DSHS. AGO SVP legal service costs currently utilize the Legal Services Revolving Fund billing authority to bill DSHS to pay for legal services provided to DSHS for SVP prosecution, including the retention of expert

services. This bill will result in the AGO picking up these costs that have not been paid by the AGO.

2. We assume expert costs incurred during the initial commitment trial (referral, investigation, and filing), which are paid exclusively by DSHS and are not paid by the AGO, will be paid by the AGO going forward after the enactment of this bill. The State's experts are currently under contract with DSHS, but are under subpoena issued by the AGO for all counties except King County. Actual expert costs for this effort must be provided by DSHS, as DSHS pays these bills. The AGO will need a direct appropriation of GFS dollars to cover these costs.

3 We assume the effect of the provisions eliminating DSHS control over expert services will eliminate the Joint Forensic Unit (JFU) and the cost controls currently in place for SVP expert services. Instead, the State will have to independently contract with experts for their services and be subject to the market prices billed by them.

4. We assume new workload effort in the AGO taking over the JFU, and resources are not within the AGO budget. It is unknown what staffing resources are utilized by DSHS for the JFU contract work, program management, and what amount of contracts are in place. It is our understanding that DSHS' JFU uses the following staffing resources: at least 1.0 Forensic Services Manager, some support staff, and financial staff. We assume that the AGO will need at least 2.0 FTEs (1.0 Program Manager and 1.0 Financial Analyst 3) at a cost of \$160,387 in FY2013 and each FY thereafter. The staff are needed for the body of work currently performed by DSHS staff for, but not limited to, contract management, processing, writing contracts, and monitoring contracts. After the AGO is responsible for this body of work, we will have a better sense of workload and may need additional staffing and resources to effectively manage this JFU work.

5. We assume the AGO will have an InterAgency Agreement in place with the Department of Corrections (DOC) for the JFU work by the AGO similar to the one DOC has with DSHS.

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.

Individual State Agency Fiscal Note

Bill Number: 6493 S SB	Title: Sexual predator commitment	Agency: 300-Dept of Social and Health Services
-------------------------------	--	---

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2012	FY 2013	2011-13	2013-15	2015-17
Account					
General Fund-State 001-1	0	(8,871,000)	(8,871,000)	(17,742,000)	(17,742,000)
Total \$	0	(8,871,000)	(8,871,000)	(17,742,000)	(17,742,000)

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates,

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: Sarah Koster	Phone: 360-786-7303	Date: 02/13/2012
Agency Preparation: Debbie Schaub	Phone: 902-8177	Date: 02/16/2012
Agency Approval: Dan Winkley	Phone: 360-902-8179	Date: 02/16/2012
OFM Review: Kate Davis	Phone: (360) 902-0570	Date: 02/16/2012

Request # 12SSB6493-2

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 3 New

(1) Transfers all powers and duties pertaining to indigent defense under chapter 71.09 to the Office of Public Defense (OPD).

(2)(a) Transfers all information pertaining to the powers, functions, and duties are to be transferred to the OPD.

(2)(b) Any appropriation made to the department for carrying out the powers, functions, and duties are to be transferred to the OPD.

(3) Office of Public Defense

Section 4 RCW 71.09.040 Indigent person to be represented by the OPD contracted counsel.

Section 5 RCW 71.09.050 Language is stricken that required the department be responsible for the cost of one expert for the prosecuting agency. ODP is responsible for cost of contracted counsel and the cost of one expert to evaluate the respondent.

Section 6 RCW 71.09.080 Changes "attorney" to "agency" in reference to prosecuting body.

Section 7 RCW 71.09.090 Same as above. Language is stricken that required the department be responsible for the cost of one expert for the prosecuting agency. Also removes the reference to the "department" and inserts OPD.

Section 8 New to 71.09 Excluded activities for an attorney under contract with OPD when providing indigent defense services in SVP civil commitment proceedings.

(1) Investigation or legal representation challenging the conditions of confinement.

(2) Investigation or legal representation for making public disclosure requests.

(3) Legal representation or advice regarding filing a grievance.

(4) Legal representation during a period not covered as part of the civil commitment process.

(5) Other activities that may be excluded by policy or contract with OPD.

Section 9 New to RCW 71.09

(1) The OPD is responsible for the cost of one expert or professional person conducting an evaluation under 71.09.050 (Initial trial to determine whether the person is a sexually violent predator), under 71.09.070 (annual evaluation), or 71.09.090 (conditional release to a less restrictive alternative or unconditional discharge).

(2) Caps expert evaluation cost at \$10,000 for professional fees, travel, per diem and other costs. Partial evaluations are capped at \$5,500, with expert services apart from the evaluation, exclusive of testimony at trial or depositions are capped at \$6,000.

(3) OPD will pay for costs related to the evaluation by an additional examiner or in excess of the stated fee caps only upon a finding by the superior court.

Section 10 RCW 71.09.120 Language is stricken that required the department be responsible for the cost of the evaluation and for the Secretary to adopt rules to contain cost related to reimbursement for evaluation services.

Section 11 RCW

(2) DSHS and the courts are authorized to release all materials needed to implement to OPD.

(3) The inspection or copying of any nonexempt public record by persons residing in the civil commitment facility may be enjoined. Limits who may request the injunction.

Section 12 RCW 71.09.140 Changes "attorney" to "agency".

Section 13 New Requires funding by June 30, 2012 be provided in the omnibus appropriation act or this act is null and void.

Section 14 New Contains an emergency clause making the bill effective on July 1, 2012.

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.

Section 3 impact: This section transfers administrative authority of defense cost and any appropriation from the Department of Social & Health Services (DSHS) to the Office of Public Defense (OPD). See attachment 12 6493.SSB Attachment 1.

Section 5 and 7 impact: This section transfers the responsibility to OPD for the cost of contracted counsel and the cost of one expert. See attachment 12 6493.SSB Attachment 2.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Personal Service Contracts		(1,127,000)	(1,127,000)	(2,254,000)	(2,254,000)
E-Goods and Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		(7,744,000)	(7,744,000)	(15,488,000)	(15,488,000)
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$0	\$(8,871,000)	\$(8,871,000)	\$(17,742,000)	\$(17,742,000)

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

**Special Commitment Center
SSB 6493 Attachment 1
Defense Costs**

	SCC Expenditures by Fiscal Year				Budget ⁽²⁾	
	FY 2009	FY 2010	FY 2011	Average	FY 2012	FY 2013
Defense	7,031,537	7,785,558	6,948,760	7,255,285		
Prosecution ⁽¹⁾	2,026,509	2,219,732	2,188,174	2,144,805		
	9,058,046	10,005,290	9,136,934	9,400,090	7,339,500	7,533,000

Percentage

Defense	77.63%	77.81%	76.05%	77.18%
Prosecution	22.37%	22.19%	23.95%	22.82%

<p>Reduce SCC appropriation and transfer to the Office of Public Defense (OPD)</p> <p>Uses the 3 year average spent on Defense (77.18%) 5,814,000</p>
--

Note:

- (1) Prosecution includes only SCC payments. Does not include payment made to the Attorney General's Office by DSHS.
(2) Budget amount includes the legal estimates for King SCTF, Pierce SCTF and the main facility for prosecution and defense.

Special Commitment Center
SSB 6493 Attachment 2
Prosecution Council and Expert Witness Cost

SCC Expenditures by Fiscal Year of Specific Prosecution Services

SCC JFU Evaluations

FY2009	FY2010	FY2011	Average Expenditure
1,176,547	1,550,000	1,154,394	1,293,647
Rounded			1,294,000

SCC Prosecution - Counsel and Experts

FY2009	FY2010	FY2011	Average Expenditure
1,690,592	1,818,028	1,779,978	1,762,866
Rounded			1,763,000

Not included in this fiscal note estimates are additional prosecution cost historically incurred for paralegals, investigators, and incidentals.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 6493 S SB	Title: Sexual predator commitment
-------------------------------	--

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Significant costs for prosecution expert witness in SVP cases; reduction in revenue for King County that was previously reimbursed for SVP expert witness costs
- ☐ 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:

Estimated revenue impacts to:

Jurisdiction	FY 2012	FY 2013	2011-13	2013-15	2015-17
County	(128,988)	(128,988)	(257,976)	(257,976)	(257,976)
TOTAL \$	(128,988)	(128,988)	(257,976)	(257,976)	(257,976)
GRAND TOTAL \$	(773,928)				

Estimated expenditure impacts to:

Jurisdiction	FY 2012	FY 2013	2011-13	2013-15	2015-17
County	1,293,647	1,293,647	2,587,294	2,587,294	2,587,294
TOTAL \$	1,293,647	1,293,647	2,587,294	2,587,294	2,587,294
GRAND TOTAL \$	7,761,882				

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/15/2012
Leg. Committee Contact: Sarah Koster	Phone: 360-786-7303	Date: 02/13/2012
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/15/2012
OFM Review: David Dula	Phone: (360) 902-0543	Date: 02/15/2012

Part IV: Analysis

A. SUMMARY OF BILL

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

DIFFERENCES BETWEEN THIS VERSION AND PREVIOUS VERSION OF THE BILL

There are no differences between this version and the previous version (the proposed substitute).

SUMMARY OF THE BILL

The legislation would transfer the administration of state-funded services for the representation of indigent sexually violent predators from the Department of Social and Health Services (DSHS) to the Office of Public Defense (OPD). Sections 5(1) and 7(3) remove the responsibility from DSHS of covering the costs for one expert or professional person to conduct an evaluation on the prosecuting agency's behalf. The impacts of this change are discussed below.

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 legislation would have a significant fiscal impact on the counties (greater than \$1 million a year) as a result of the change made in Sections 5(1) and 7(3), which remove the responsibility from DSHS of covering the costs for one expert for the prosecution in SVP cases. This change would transfer the costs to county prosecutors' offices. According to data supplied by DSHS, these costs for the last three years average \$1,293,647 per year. For the purposes of this fiscal note, the Local Government Fiscal Note (LGFN) program assumes the same average costs in future years.

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.

The legislation would result in a reduction of revenue for King County. The average amount, from the last three years, spent on prosecution expert witnesses by King County and billed directly to DSHS is \$128,988 per year, according to data supplied by DSHS. Under the bill, these costs would no longer be reimbursed by DSHS. For the purposes of this fiscal note, LGFN assumes the same average loss of revenue in future years.

SOURCES:

Washington Defender Association
Administrative Office of the Courts
Office of Public Defense
Local Government Fiscal Note, HB 2133, 2011
King County
Department of Social and Health Services