

Multiple Agency Fiscal Note Summary

Bill Number: 1874 HB	Title: Federal immigration policy
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Estimated Cash Receipts

NONE

Estimated Expenditures

NONE

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

Estimated Capital Budget Impact

NONE

Prepared by: David Dula, OFM	Phone: (360) 902-0547	Date Published: Final 2/25/2013
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

Judicial Impact Fiscal Note

Bill Number: 1874 HB	Title: Federal immigration policy	Agency: 055-Admin Office of the Courts
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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 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	Sarah Koster	Phone: 360-786-7303	Date: 02/17/2013
Agency Preparation:	David Elliott	Phone: 360-705-5226	Date: 02/20/2013
Agency Approval:	Dirk Marler	Phone: 360-705-5211	Date: 02/20/2013
OFM Review:	David Dula	Phone: (360) 902-0547	Date: 02/20/2013

Request # immigration-1

Part II: Narrative Explanation

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

This bill addresses the interaction between local and federal law enforcement concerning immigrants.

II. B - Cash Receipts Impact

none

II. C - Expenditures

There are not expected to be any expenditure impacts resulting from this bill. The bill addresses requirements on local law enforcement.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 1874 HB	Title: Federal immigration policy	Agency: 225-Washington State Patrol
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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: Sarah Koster	Phone: 360-786-7303	Date: 02/17/2013
Agency Preparation: Eileen Nashleanas	Phone: 360-596-4044	Date: 02/20/2013
Agency Approval: Bob Maki	Phone: (360) 596-4045	Date: 02/20/2013
OFM Review: Alyson Cummings	Phone: 360-902-0576	Date: 02/20/2013

Request # 0060-1

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.

House Bill 1874 seeks to prohibit law enforcement officers from detaining an individual on the basis of an immigration detainer after that individual becomes eligible for release from criminal custody, unless at the time the individual becomes eligible for release, a criminal background check reveals the individual was previously convicted of a "most serious offense" or "violent offense". Both types of offenses are currently defined in RCW 9.94A.030.

This bill also prohibits state and local law enforcement officers from making arrests or detaining any individual based on an administrative immigration warrant in the National Crime Information Center database of the Federal Bureau of Investigation.

Sec. 4 of HB 1874 adds a new section to RCW 10.31 that prohibits law enforcement officers from making an individual available for interview by a United States immigration enforcement agent, unless the individual has been provided the opportunity to have counsel present, signed a written consent indicating knowledge of who the interviewer is and the possible legal consequences of providing information to such an agent. Such notice shall be provided in a language or manner that the individual in custody understands.

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.

There is no cash receipts impact to the Washington State Patrol upon passage of this legislation.

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 Washington State Patrol does not expect any additional expenditure as a result of passage of this legislation. Commissioned officers will be advised through the WSP Daily Bulletin (email) concerning the federal immigration policy enforcement guidelines.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

NONE

This proposed legislation has no impact on the agency's capital budget.

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.

No new rules would need to be adopted upon passage of the proposed legislation.

Individual State Agency Fiscal Note

Bill Number: 1874 HB	Title: Federal immigration policy	Agency: 310-Department of Corrections
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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: Sarah Koster	Phone: 360-786-7303	Date: 02/17/2013
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Agency Approval: Sarian Scott	Phone: (360) 725-8270	Date: 02/21/2013
OFM Review: Kate Davis	Phone: (360) 902-0570	Date: 02/22/2013

Request # 089-1

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 declares the intent of the proposed legislation. Local tax dollars are spent on detainers issued as a result of the United States Immigration and Custom Enforcement's (ICE) secure communities program and other related programs. These programs request that local law enforcement agencies detain individuals for 48 hours. Local law enforcement agencies do not receive full reimbursement from the federal government for these costs.

Section 2 is a new section prohibiting law enforcement officers from detaining an individual on the basis of immigration detainer after that individual becomes eligible for release from criminal custody, unless, at the time the individual becomes eligible for release, a criminal background check reveals the individual was previously convicted of a most serious offense or violent offense.

Section 3 creates a new section prohibiting state and local law enforcement officers from making arrests or detaining any individual based on an administrative immigration warrant in the national crime information center database of the federal bureau of investigation.

Section 4 creates a new section that would not allow an interview of an individual to be conducted unless counsel is present, and the individual signs a written consent form.

Section 5 creates a new section stating if any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act of the application of the provision to other persons or circumstances is not affected.

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.

This proposed legislation would prohibit law enforcement officers from detaining an individual on the basis of an immigration detainer after that individual becomes eligible for release from criminal custody, unless, at the time the individual becomes eligible for release, a criminal background check reveals the individual was previously convicted of a most serious offense or violent offense. This language also prohibits state and local law enforcement officers from making arrests or detaining any individual based on an administrative immigration warrant in the national crime information center database of the federal bureau of investigation.

The Department of Corrections (DOC) does not anticipate a fiscal impact associated with this bill.

Assumptions:

1. We assume all costs in Section 1 (1) for detaining and bed stay are not borne by DOC.
2. DOC does not currently provide legal counsel for offenders in community custody.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Community, Trade and Economic Development

Bill Number: 1874 HB	Title: Federal immigration policy
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☒ Cities: Indeterminate but likely minimal costs for law enforcement agencies
- ☒ Counties: Same as above
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☒ Expenditures represent one-time costs: To develop written consent form
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Indeterminate Impact

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/25/2013
Leg. Committee Contact: Sarah Koster	Phone: 360-786-7303	Date: 02/17/2013
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/25/2013
OFM Review: David Dula	Phone: (360) 902-0547	Date: 02/25/2013

Part IV: Analysis

A. SUMMARY OF BILL

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

Section 1 establishes legislative findings and intent relative to local law enforcement and the requirements of the Immigration and Customs Enforcement's (ICE) Secure Communities Program.

Section 2 creates a new section in RCW 10.31 RCW. A law enforcement officer is prohibited from detaining an individual on the basis of an immigration detainer after that individual becomes eligible for release from criminal custody, unless a criminal background check reveals the individual was previously convicted of a most serious offense or violent offense. The state, its subdivisions, officers, and employees and local governments and their subdivisions, officers, and employees are immune from civil liability for damages arising from failure to comply with an immigration detainer except upon proof of willful or wanton misconduct.

Section 3 creates a new section in RCW 10.31 to establish that no state or local law enforcement officer shall make arrests or detain any individual based on an administrative immigration warrant in the national crime information center database of the federal bureau of investigation.

Section 4 creates a new section in RCW 10.31 RCW. Unless an individual in the custody of a law enforcement officer or agency is provided an opportunity to have counsel present, and signs a written consent form, no law enforcement officer or agency shall make the individual available for interview by any employee or agent of ICE or the United States Border Patrol. Such notice shall be provided in a language or manner that the individual in custody understands. Any individual who is hospitalized or on suicide watch shall not be made available for interviews with any employee or agent of ICE or the Border Patrol.

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 result in indeterminate, but likely minimal, costs for city and county law enforcement agencies.

Section 4 directs local law enforcement agencies to provide a written consent form to a person in custody prior to an interview with ICE or the Border Patrol. The written consent form shall be provided in a language or manner that the person understands.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), the process of developing a written consent form would require a minimal amount of staff time. The Local Government Fiscal Note Program (LGFN) assumes that at least some jurisdictions will use the same form and thus reduce the costs of developing it themselves. LGFN further assumes that the form will be translated into several languages, and that the translated versions will be shared by jurisdictions. There were 271 local law enforcement agencies in the state in 2011, the most recent year for which data is available. The average cost for an officer is approximately \$30 per hour, not including benefits. Therefore, if the work of adopting a written consent form required, on average, four hours of staff time, this provision would add costs of \$32,520 statewide for law enforcement agencies.

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 have no revenue impact for local government.

SOURCES:

Washington Association of Sheriffs and Police Chiefs
Association of Washington Cities