

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5836 SB	<b>Title:</b> Drug offenses/seriousness
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

Agency Name	2015-17			2017-19			2019-21		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	(27.9)	(8,286,903)	(8,286,903)	(37.7)	(11,197,848)	(11,197,848)	(37.7)	(11,197,848)	(11,197,848)
<b>Total</b>	<b>(27.9)</b>	<b>\$(8,286,903)</b>	<b>\$(8,286,903)</b>	<b>(37.7)</b>	<b>\$(11,197,848)</b>	<b>\$(11,197,848)</b>	<b>(37.7)</b>	<b>\$(11,197,848)</b>	<b>\$(11,197,848)</b>

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **			17,267,520			22,034,320			22,034,520
Local Gov. Total			17,267,520			22,034,320			22,034,520

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Trisha Newport, OFM	<b>Phone:</b> (360) 902-0417	<b>Date Published:</b> Final 2/19/2015
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

ENPID: 39949

FNS029 Multi Agency rollout

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5836 SB	<b>Title:</b> Drug offenses/seriousness	<b>Agency:</b> 101-Caseload Forecast Council
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## Part I: Estimates

☒ **No Fiscal Impact**

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☐ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/05/2015
Agency Preparation: Ed Vukich	Phone: 360-664-9374	Date: 02/13/2015
Agency Approval: John Steiger	Phone: 360-664-9370	Date: 02/13/2015
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/16/2015

## 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.*

See the Attachment.

### 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.*

See the attachment.

## Part III: Expenditure Detail

## Part IV: Capital Budget Impact

NONE

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.

# **SB 5836**

## **CHANGING THE SERIOUSNESS LEVEL FOR CERTAIN DRUG OFFENSES**

**101 – Caseload Forecast Council  
February 13, 2015**

### **SUMMARY**

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

- Section 1 makes a technical correction to Seriousness Level III of the drug offender sentencing grid.
- Section 1 additionally removes Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V (RCW 69.50.4013) from Seriousness Level I of the drug offender sentencing grid.
- Section 1 additionally removes Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.4013) from Seriousness Level I of the drug offender sentencing grid.
- Section 2 specifies that the bill applies to sentences imposed on or after the effective date of the bill.
- Section 3 sets July 1, 2015, as the effective date of the bill.

Given the above provisions:

- Offenders who are convicted of simple possession will no longer be subject to a prison sentence, unless an aggravated exception sentence is imposed;
- Offenders who are convicted of simple possession will no longer be eligible for a prison-based drug offender sentencing alternative;
- Offenders who are convicted of simple possession will no longer be eligible for a residential chemical dependency treatment-based alternative; and
- Offenders who are convicted of simple possession will no longer be eligible for the Parenting Sentencing Alternative.

## EXPENDITURES

### Assumptions.

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

- Sentences are based on Caseload Forecast Council Fiscal Year 2014 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Exceptional sentences are excluded.
- Current policy jail sentences are excluded.
- Current policy sentences to prison are resentenced to jail at the high end of the standard range for unranked felony offenses (12 months).
- Current policy sentences to the parenting alternative are resentenced to jail at the midpoint of the standard range for unranked felony offenses (six months).
- Current policy sentences to residential DOSA are resentenced to jail at the midpoint of the standard range for unranked felony offenses (six months).
- For jail sentences, length of stay in jail is calculated using a figure for average earned release, based on a 2001 survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- For prison sentences, average time spent in jail prior to transfer to the Department of Corrections is based on Department of Corrections Fiscal Year 2001 data for the various Department of Corrections crime categories in which the offenses in question are categorized, and are calculated by the Caseload Forecast Council.
- For prison (DOSA) sentences, length of stay in prison is calculated using figures for average percentage of sentence served in prison, which is based on Department of Corrections Fiscal Year 2008 data, for DOSA offenders, for the various Department of Corrections crime categories in which the offenses in question are categorized, and are calculated and provided by the Department of Corrections.
- For prison (non-DOSA) sentences, length of stay in prison is calculated using figures for average percentage of sentence served in prison, which is based on Department of Corrections Fiscal Year 2008 data, for non-DOSA offenders, for the various Department of Corrections crime categories in which the offenses in question are categorized, and are calculated and provided by the Department of Corrections.
- Prison and jail bed impacts are calculated with a discount factor (prison sentences versus actual prison admissions), which is based on Caseload Forecast Council and Department of Corrections Fiscal Year 2010 data for the various Caseload Forecast Council crime forecasting categories in which the offenses in question are categorized, and are calculated by the Caseload Forecast Council.
- Bed impacts are not calculated with a phase-in factor.

**Impact on the Caseload Forecast Council.**

This bill would require modification of the Council's adult and juvenile databases and data entry programs. These recurring costs are included in the agency's budget.

**Impact on jail beds and prison beds.**

This bill:

- Removes two Class C felony offenses from the drug offender sentencing grid.

The bill will result in a maximum jail bed impact of 343 beds, first reached at nine months after implementation. Additionally, the bill will result in a maximum prison (DOSA) bed impact of -39 beds, first reached at seven months after implementation, and a maximum prison (non-DOSA) bed impact of -413 beds, first reached at 18 months after implementation. This yields a total prison bed savings of -452 beds, first reached at 18 months after implementation.

There are two current policy sentences to the parenting alternative and 220 current policy sentences to residential DOSA that will shift to jail under the proposed policy.

The prison gender distribution is as follows.

Gender	Number	Percentage
Female	113	13.4%
Male	732	86.6%
Total	845	100.0%

There is an issue that will likely impact the ultimate cost/savings figures that cannot be integrated into the analyses. It is likely that there will be a reduction in the number of offenses charged as dealing that are plead down to simple possession. This will likely mitigate the jail bed costs and prison bed savings.

**Average Monthly Population Jail and Prison Impacts**  
**SB 5836 - Changing the Seriousness Level for Certain Drug Offenses**  
**Caseload Forecast Council**  
**February 13, 2015**

	Fiscal Year									
	FY16	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25
<b>Jail AMP</b>	203	343	343	343	343	343	343	343	343	343
<b>Prison AMP (DOSA)</b>	-29	-39	-39	-39	-39	-39	-39	-39	-39	-39
<b>Prison AMP (Non-DOSA)</b>	-262	-412	-413	-413	-413	-413	-413	-413	-413	-413
<b>Prison AMP (Total)</b>	-291	-451	-452	-452	-452	-452	-452	-452	-452	-452

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5836 SB	<b>Title:</b> Drug offenses/seriousness	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	(18.2)	(37.6)	(27.9)	(37.7)	(37.7)
<b>Account</b>					
General Fund-State 001-1	(2,700,366)	(5,586,537)	(8,286,903)	(11,197,848)	(11,197,848)
<b>Total \$</b>	(2,700,366)	(5,586,537)	(8,286,903)	(11,197,848)	(11,197,848)

### 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, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- ☒ If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- ☐ If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- ☐ Capital budget impact, complete Part IV.
- ☐ Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 02/05/2015
Agency Preparation: Margaret Andreas	Phone: (360) 725-8262	Date: 02/16/2015
Agency Approval: Sarian Scott	Phone: (360) 725-8270	Date: 02/16/2015
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/16/2015

## 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 amends RCW 9.94A, Sentencing Reform Act of 1981, changing the seriousness level of certain offenses.

Section 1 revises RCW 9.94A.518, Table 4 – Drug offenses seriousness level, changing possession of a controlled substance that is a narcotic from Schedule III, IV or V or possession of a controlled substance that is either heroin or narcotics from Schedule I or II from seriousness level I to an unranked offense.

Section 2 is a new section, stipulating that section 1 applies to a person sentenced on or after the effective date of the bill, regardless of the actual date of the offense.

Section 3 is a new section, declaring an emergency and establishing an effective date of July 1, 2015 for the bill.

### 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. Our impact is general fund state.

### 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 bill makes possession of a controlled substance an unranked felony, thereby reducing prison Average Daily Population (ADP). The standard sentencing range for an unranked felony is between zero (0) to 12 months, resulting in a presumptive jail sentence. An exceptional sentence greater than one (1) year may be imposed if aggravating circumstances exist and are justified in writing as required by RCW 9.94.A.535, Departures from the Guidelines.

We assume caseload impact based on the Caseload Forecast Council (CFC) estimated ADP impacts to DOC prison facilities/institutions and/or community supervision caseload. The prison caseload impacts by Fiscal Year (FY) follow:

F20Y16	-218 ADP at -\$2,700,366 [-218 ADP x \$12,387 (Average Unit Cost (AUC) per offender/FY)]
FY2017	-451 ADP at -\$5,586,537 [-451 ADP x \$12,387]
FY2018	-452 ADP at -\$5,598,924 [-452 ADP x \$12,387]
FY2019	-452 ADP at -\$5,598,924 [-452 ADP x \$12,387]
FY2020	-452 ADP at -\$5,598,924 [-452 ADP x \$12,387]
FY2021	-452 ADP at -\$5,598,924 [-452 ADP x \$12,387]

#### ASSUMPTIONS:

1. We assume caseload as calculated by the CFC.



2. We assume a 90 day phase-in will be required.
3. The CFC provided the following caveat: “There is an issue that will likely impact the ultimate cost/savings figures that cannot be integrated into the analyses. It is likely that there will be a reduction in the number of offenses charged as dealing that are pled down to simple possession. This will likely mitigate the jail bed costs and prison bed savings.” This offset cannot be quantified and is not factored in the projected ADP reduction.
4. We assume an AUC of \$12,387 per offender per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison custody staffing on living/housing units, prison direct variable costs, health services direct variable costs, and prison non-custody essential staffing on living/housing units. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. AUC is calculated by DOC and reviewed and approved by Office of Financial Management, Senate, House and Washington State Institute for Public Policy staffing each legislative session. DOC will need to true up impact to DOC so that full impact can be determined, i.e. opening/closing units or prisons once we better understand impacts down to the custody level, and facility.
5. We assume additional impacts will result when ADP caseload changes in prison, and resources impacts will result. DOC will “true up” our fiscal impact in subsequent budget submittals.

### Part III: Expenditure Detail

#### III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	(18.2)	(37.6)	(27.9)	(37.7)	(37.7)
A-Salaries and Wages	(1,237,368)	(2,559,876)	(3,797,244)	(5,131,104)	(5,131,104)
B-Employee Benefits	(510,338)	(1,055,791)	(1,566,129)	(2,116,264)	(2,116,264)
C-Professional Service Contracts					
E-Goods and Other Services	(549,578)	(1,136,971)	(1,686,549)	(2,278,984)	(2,278,984)
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	(403,082)	(833,899)	(1,236,981)	(1,671,496)	(1,671,496)
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total:</b>	<b>\$(2,700,366)</b>	<b>\$(5,586,537)</b>	<b>\$(8,286,903)</b>	<b>\$(11,197,848)</b>	<b>\$(11,197,848)</b>

#### 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 2016	FY 2017	2015-17	2017-19	2019-21
Correctional Officers, Correctional	68,112	(18.2)	(37.6)	(27.9)	(37.7)	(37.7)
Sergeants, Cla						
<b>Total FTE's</b>	<b>68,112</b>	<b>(18.2)</b>	<b>(37.6)</b>	<b>(27.9)</b>	<b>(37.7)</b>	<b>(37.7)</b>

#### III. C - Expenditures By Program (optional)

Program	FY 2016	FY 2017	2015-17	2017-19	2019-21
Correctional Operations (200)	(2,700,366)	(5,586,537)	(8,286,903)	(11,197,848)	(11,197,848)
<b>Total \$</b>	<b>(2,700,366)</b>	<b>(5,586,537)</b>	<b>(8,286,903)</b>	<b>(11,197,848)</b>	<b>(11,197,848)</b>

### Part IV: Capital Budget Impact

NONE

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.*

None required.

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 5836 SB	<b>Title:</b> Drug offenses/seriousness
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## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Costs for county jails due to sentences shifting from Department of Corrections prisons to jails.
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

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

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2016	FY 2017	2015-17	2017-19	2019-21
County	6,250,360	11,017,160	17,267,520	22,034,320	22,034,520
<b>TOTAL \$</b>	6,250,360	11,017,160	17,267,520	22,034,320	22,034,520
<b>GRAND TOTAL \$</b>	<b>61,336,360</b>				

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/19/2015
Leg. Committee Contact:	Phone:	Date: 02/05/2015
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/19/2015
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/19/2015

## **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 amends RCW 9.94A.518 to remove Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Nonnarcotic from Schedule I-V from Seriousness Level I of the drug offender sentencing grid. It also removes Possession of Controlled Substance that is either heroin or narcotics from Schedule I or II from Seriousness Level I of the drug offender sentencing grid.

Section 2 specifies that the bill applies to sentences imposed on or after the effective date of the bill.

Section 3 sets July 1, 2015, as the effective date of the bill.

### **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 will result in costs for counties, as sentences that had previously been served in Department of Corrections prisons shift to jails.

The average cost of a jail bed day is \$88, according to the Local Government Fiscal Note Program 2013 survey of city, county, and inter-jurisdictional jails. Therefore, according to data about the bill's impacts from the Caseload Forecast Council, the bill will result in the jail impacts described below.

FY 2016: 203 additional jail beds, or \$6,520,360

FY 2017 and subsequent years: 343 additional jail bed days, or \$11,017,160

However, according to the Caseload Forecast Council, it is likely that there will be a reduction in the number of offenses charged, which will likely mitigate the jail bed costs.

### **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 not result in revenue for local government.

#### **SOURCES:**

Caseload Forecast Council

Local Government Fiscal Note Program 2013 jail cost survey