

Multiple Agency Fiscal Note Summary

Bill Number: 5033 SB	Title: Sexually violent predators
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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
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Public Defense	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Attorney General	(.2)	(230,464)	(230,464)	(.2)	(230,464)	(230,464)	(.2)	(230,464)	(230,464)
Department of Social and Health Services	.5	156,000	156,000	.5	156,000	156,000	.5	156,000	156,000
Total	0.3	\$(74,464)	\$(74,464)	0.3	\$(74,464)	\$(74,464)	0.3	\$(74,464)	\$(74,464)

Estimated Capital Budget Impact

NONE

Prepared by: Trisha Newport, OFM	Phone: (360) 902-0417	Date Published: Final 2/27/2015
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

ENPID: 40356

FNS029 Multi Agency rollout

Judicial Impact Fiscal Note

Bill Number: 5033 SB	Title: Sexually violent predators	Agency: 055-Admin Office of the Courts
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Part I: Estimates

☒ No Fiscal Impact

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: Lindsay Erickson	Phone: 786-7465	Date: 01/19/2015
Agency Preparation: Kitty Hjelm	Phone: 360-704-5528	Date: 01/20/2015
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/20/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 01/20/2015

Request # 5033 SB-1

Part II: Narrative Explanation

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

The bill addresses elements of the Civil Commitment process conducted by the Department of Social and Health Services and amends RCW 71.09.070 and RCW 71.09.020.

Sections with potential court impact:

Section 1(3) requires the Department of Social and Health Services (DSHS), on request of the committed person, to allow an audio recording of the annual review interview to be prepared and made available to the committed person.

Section 1(2) requires that the evaluator's report on the mental condition of a committed person includes whether the committed person participated in the interview.

Section 1(6)(b) bars the admission in a proceeding under RCW 70.09.090 of any report prepared by an expert or professional retained by the committed person, or the testimony of an expert on the committed person's behalf, unless the committed person participated in the most recent interview evaluation completed by DSHS.

The Attorney General's Office assumes these sections would reduce recommitment trials.

Section 2(20) defines "treatment" as the Sex Offender Specific Treatment Program at the Special Commitment Center, or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2). The Attorney General's Office assumes that defining treatment would also reduce recommitment trials.

II. B - Cash Receipts Impact

None

II. C - Expenditures

The Attorney General's Office (AGO) assumes defining treatment in Section 2(20) will reduce recommitment trials by reducing the number of individuals petitioning for unconditional release arguing rehabilitation through treatment, since some of those petitions come from sexually violent predators who have not participated in sex offender specific treatment. In FY2014, two individuals have petitioned for unconditional release arguing rehabilitation through treatment without participating in the sex offender specific treatment available to them at the Special Commitment Center. The AGO assumes this section would reduce up to two fewer recommitment trials per biennium.

The AGO assumes the amendments to Section 1 would increase the number of civilly committed individuals who participate in annual reviews and this increased participation would result in up to two fewer recommitment trials per biennium. The AGO also assumes that resetting the clock for the annual review after a trial resulting in recommitment would reduce recommitment trials by up to two per biennium.

According to these assumptions there would be three less trials per year in superior courts. The average time for recommitment trials is three weeks so there would be 9 weeks of judicial time for other hearings and trials that would have been otherwise delayed by the recommitment trials.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Bill Number: 5033 SB	Title: Sexually violent predators	Agency: 056-Office of Public Defense
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

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, 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: Lindsay Erickson	Phone: 786-7465	Date: 01/19/2015
Agency Preparation: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/26/2015
Agency Approval: Joanne Moore	Phone: 360 956-2107	Date: 02/26/2015
OFM Review: Cheri Keller	Phone: 360-902-0563	Date: 02/27/2015

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.

SB 5033 amends RCW 71.09.070 and RCW 71.09.020 related to the civil commitment process for persons alleged to be sexually violent predators. The Office of Public Defense (OPD) pays for defense-related services and contracts with 23 FTE attorneys to represent indigent respondents involved in civil commitment proceedings under chapter 71.09 RCW.

Section 1(3) provides that DSHS, at the request of a civilly committed person, shall allow a record of the person's annual review interview to be preserved by audio recording and made available to the person.

Section 1(6)(b) limits the admissibility of expert reports or testimony on the committed person's behalf at a show cause hearing unless the committed person participated in the most recent interview and evaluation completed by DSHS.

Section 2 defines "treatment" as the sex offender specific treatment program at the Special Commitment Center or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2).

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.

OPD's anticipated costs are non-zero but indeterminate.

Pursuant to various provisions of chapter 2.70 RCW and chapter 71.09 RCW, the state Office of Public Defense (OPD) pays for defense expert services and contracts with qualified attorneys throughout the state to represent indigent respondents who have a right to counsel in sexually violent predator (SVP) civil commitment proceedings. SB 5033 alone is not expected to impact the number of contracted defense attorneys necessary to adequately represent indigent respondents; however, all of the contracted attorneys currently are working at or near caseload maximums and the provisions of SB 5033 taken in concert with other developments in commitment litigation could contribute to a future need for additional attorney capacity. An annual OPD contract for 1 defense attorney FTE, including support staff, benefits, and all business costs, is \$174,870.

Section 1(3) provides that DSHS, at the request of a civilly committed person, shall allow a record of the person's annual review interview to be preserved by audio recording and made available to the person. The legislation does not require specialized equipment or personnel to record the interview, thus OPD assumes it would incur minimal costs to secure the audio recordings authorized in this section.

Section 1(6)(b) limits the admissibility of expert reports or testimony on the committed person's behalf at a show cause hearing or review trial unless the committed person participated in the most recent interview and evaluation completed by DSHS.

- SB 5033 does not change a committed person's access to experts, thus OPD expects it will continue to pay roughly the same amount for defense experts, whose fees are limited to \$10,000 except as otherwise ordered by the court.
- Defense attorneys report that some committed persons are not able to participate in the annual interview/evaluation due to severe mental illness or competency issues. Although they may be severely mentally ill or incompetent, in certain cases these persons no longer meet the criteria to be confined as a sexually violent predator and by presenting relevant evidence to the court they can secure an appropriate less restrictive alternative (LRA) or discharge. For example, following show cause hearings in recent months the defense and prosecution mutually agreed to LRAs and unconditional discharges for several committed persons who did not participate in their most recent annual review/evaluation. Under SB 5033 these persons would still be confined at the SCC because they would have been precluded from petitioning the court and presenting persuasive evidence that they had changed and no longer met the criteria for commitment. OPD cannot address the potential additional costs associated with continued care of these persons at the SCC.

Section 2 defines "treatment" to mean the sex offender specific treatment program at the Special Commitment Center (SCC) or a specific course of treatment to be followed by a person released to an LRA under RCW 71.09.092.

- Defense attorneys report that the bill's definition of "treatment" likely would exclude therapeutic activities that previously have been accepted by the courts and the attorney general as effective in changing the mental condition of some committed persons such that they qualify for an LRA or unconditional release. For example, in the past 18 months following show cause hearings, the defense and prosecution mutually agreed to LRAs for committed persons who did not participate in the SCC sex offender treatment program but did participate in other effective treatment programs which were determined to have brought about the necessary change in mental condition to meet the standards for an LRA under RCW 71.09.090(4)(b)(ii). Likewise, the defense and prosecution mutually agreed to unconditionally discharge several civilly committed persons who did not participate in the SCC sex offender treatment program.
- In addition, some committed persons are unable to engage in the sex offender treatment program offered at the SCC because of traumatic brain injury, severe mental illness, developmental disabilities, dementia, and unmet needs for non-English and American Sign Language interpreters. This observation is supported by a 2014 review conducted by Disability Rights Washington (DRW), which expressed concern about the lack of accommodation for respondents with disabilities, including access to appropriate treatment services. Under SB 5033 defense attorneys could be expected to engage in additional travel to the SCC to counsel and encourage their clients to participate in the treatment program offered. When physical or mental disabilities prevent committed persons from participating in the SCC sex offender treatment program (which under SB 5033 would be the only treatment avenue to support an LRA or discharge based on treatment), attorneys could be expected to litigate this issue as a violation of their disabled clients' rights to due process.

Based on the concerns raised by the defense bar about Section 1(6)(b) and Section 2, OPD assumes that SB 5033 could generate additional litigation within the scope of representation for OPD-contracted attorneys. OPD believes that a limited amount of additional litigation in state trial and appellate courts could be accommodated within the agency's existing contracts for RCW 71.09 defense representation and indigent appellate representation.

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.

Individual State Agency Fiscal Note

Bill Number: 5033 SB	Title: Sexually violent predators	Agency: 100-Office of Attorney General
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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	(0.2)	(0.2)	(0.2)	(0.2)	(0.2)
Account					
General Fund-State 001-1	(115,232)	(115,232)	(230,464)	(230,464)	(230,464)
Total \$	(115,232)	(115,232)	(230,464)	(230,464)	(230,464)

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: Lindsay Erickson	Phone: 786-7465	Date: 01/19/2015
Agency Preparation: Toni Ursich	Phone: (509) 456-3123	Date: 01/21/2015
Agency Approval: Brendan VanderVelde	Phone: 360 586-2104	Date: 01/21/2015
OFM Review: Chris Stanley	Phone: (360) 902-9810	Date: 01/21/2015

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.

Section 1 amends RCW 71.09.070.

Subsection (3) requires the Department of Social and Health Services (DSHS), on request of the committed person, to allow an audio recording of the annual review interview to be prepared and made available to the committed person.

Subsection (2) requires that the evaluator's report on the mental condition of a committed person includes whether the committed person participated in the interview.

Subsection (6)(b) bars the admission in a proceeding under RCW 70.09.090 of any report prepared by an expert or professional retained by the committed person, or the testimony of an expert on the committed person's behalf, unless the committed person participated in the most recent interview evaluation completed by DSHS.

Subsection (7) suspends Section 1 if an unconditional release trial is ordered pursuant to RCW 71.09.090. If the court or jury determines that this person continues to meet the definition of a sexually violent predator, DSHS must conduct an examination no later than one year after the date of the order, and the examination must comply with the requirements of the section.

Section 2 amends RCW 71.09.020, adding a new subsection (20) defining "treatment" as the Sex Offender Specific Treatment Program at the Special Commitment Center, or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2).

Section 3, a new section, finds the act necessary for the immediate preservation of the public and provides for an effective date of July 1, 2015.

The AGO estimates a workload impact of -0.08 Assistant Attorney General (AAG) and -0.1 Paralegal (PL) with savings of \$-115,232 in Fiscal Year (FY)2016 and in each FY thereafter. We estimate direct litigation cost savings of \$-90,000 in FY2016 and in each FY thereafter, which is included in this cost.

This bill is assumed effective on July 1, 2015.

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.

No cash receipt impact.

These AGO activities are funded with General Fund-State dollars.

There is no client agency to bill for legal services.

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 AGO estimates a workload impact of -0.08 AAG and -0.1 PL with savings of \$-115,232 in FY2016 and in each FY thereafter. The decrease in staffing is for a small reduction in legal services necessary for six fewer recommitment trials per FY.

We estimate direct litigation cost savings of \$-90,000 in FY2016 and in each FY thereafter, which is included in this cost.

Assumptions:

1. Legal services associated with the enactment of this bill are assumed to begin on July 1, 2015.
2. We assume post-commitment litigation is a significant and rising source of the workload of the AGO's SVP Unit. In the past five years, the AGO has tracked a 200% increase in the number of unconditional release trials that have been ordered, and a 335% increase in the number of appeals filed. Many of the new unconditional release trials are being ordered despite the respondents not successfully completing sex offender specific treatment, and many where the respondents have not even cooperated with the annual review process/evaluation. The annual review is the means by which the state meets its burden of determining whether a civilly committed SVP continues to meet the criteria established by statute. By not participating in the annual review and creating an obstacle for the state to meet its high burden, civilly-committed SVPs increase the need for litigation. We assume this trend of rising post-commitment litigation will continue.
3. We assume defining treatment in this legislation will reduce unnecessary post-commitment litigation by reducing the number of individuals petitioning for unconditional release arguing rehabilitation through treatment, since some of those petitions come from SVPs who have not participated in sex offender specific treatment. In FY2014, two individuals have petitioned for unconditional release arguing rehabilitation through treatment without participating in the sex offender specific treatment available to them at the Special Commitment Center. We assume this legislation will reduce up to two post-commitment litigation cases per biennium, resulting in up to two fewer hearings and up to two fewer recommitment trials.
4. We assume this legislation will increase the number of civilly committed individuals who participate in annual reviews and thus reduce post-commitment litigation. We assume this increased participation will result in up to two fewer recommitment trials per biennium.
5. We assume that resetting the clock for the annual review after a trial resulting in recommitment will reduce post-commitment litigation by up to two cases per biennium.
6. We assume this legislation will reduce the need of direct litigation costs when civilly committed SVPs refuse to participate in the annual reviews administered by the experts at the Special Commitment Center. This includes additional expert witnesses, and up to three fewer Joint Forensic Unit Psychologists that the state is required to hire per biennium. These experts can cost the state up to \$15,000 each.
7. We assume the cost of one recommitment trial is approximately \$19,205.
 - A. 0.01 AAG, \$2,576
 - B. 0.02 PL, \$1,629

C. Direct litigation Costs of \$15,000 per trial.

8. We assume that this legislation may prevent the need to request additional funding in the near future as post-commitment litigation continues to rise. The Sexual Violent Predator Unit of the AGO currently has a workload that is about 64% higher than that recommended by the 2009 staffing model ordered by the legislature.

Due to the significant budget challenges faced by the state, the AGO has refrained from requesting additional funding to address this substantial workload increase.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	(0.2)	(0.2)	(0.2)	(0.2)	(0.2)
A-Salaries and Wages	(13,019)	(13,019)	(26,038)	(26,038)	(26,038)
B-Employee Benefits	(4,088)	(4,088)	(8,176)	(8,176)	(8,176)
C-Professional Service Contracts	(90,000)	(90,000)	(180,000)	(180,000)	(180,000)
E-Goods and Other Services	(6,955)	(6,955)	(13,910)	(13,910)	(13,910)
G-Travel	(270)	(270)	(540)	(540)	(540)
J-Capital Outlays	(900)	(900)	(1,800)	(1,800)	(1,800)
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$(115,232)	\$(115,232)	\$(230,464)	\$(230,464)	\$(230,464)

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
Assistant Attorney General	90,972	(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
Paralegal II	58,656	(0.1)	(0.1)	(0.1)	(0.1)	(0.1)
Total FTE's	149,628	(0.2)	(0.2)	(0.2)	(0.2)	(0.2)

III. C - Expenditures By Program (optional)

Program	FY 2016	FY 2017	2015-17	2017-19	2019-21
Sexually Violent Predator Unit (SVP)	(115,232)	(115,232)	(230,464)	(230,464)	(230,464)
Total \$	(115,232)	(115,232)	(230,464)	(230,464)	(230,464)

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: 5033 SB	Title: Sexually violent predators	Agency: 300-Dept of Social and Health Services
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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	0.5	0.5	0.5	0.5	0.5
Account					
General Fund-State 001-1	78,000	78,000	156,000	156,000	156,000
Total \$	78,000	78,000	156,000	156,000	156,000

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

Check applicable boxes and follow corresponding instructions:

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- ☐ If fiscal impact is 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: Lindsay Erickson	Phone: 786-7465	Date: 01/19/2015
Agency Preparation: Mickie Coates	Phone: 360-902-8077	Date: 01/21/2015
Agency Approval: Ken Brown	Phone: 360-902-7583	Date: 01/21/2015
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 01/21/2015

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.

Section 1 - Reports prepared on the annual evaluation of persons committed under RCW 71.09 must indicate whether the committed person participated in the interviews and examination. The Department of Social and Health Services (DSHS) shall allow a record of the annual review interview to be preserved by audio recording and made available to the committed person. Any report prepared on the committed person's behalf is not admissible in a proceeding pursuant to RCW 71.09.090, unless the committed person participated in the most recent interview and evaluation completed by DSHS.

If an unconditional release trial is ordered pursuant to RCW 79.09.090, this section is suspended until the completion of that trial. If the individual is found to continue to meet the definition of a sexually violent predator, DSHS must conduct an examination pursuant to this section no later than one year after the date of the order finding that the individual continues to be a sexually violent predator. The examination must comply with the requirements of this section.

Section 2 - "Treatment" means the sex offender specific treatment program at the Special Commitment Center (SCC) or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2).

Section 3 - This act takes effect July 1, 2015.

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.

It is assumed that passage of this legislation will result in more residents of the SCC participating in their annual reviews. The current rate of resident participation in annual reviews is estimated to be 70 percent. It is assumed passage of this legislation will increase participation in annual reviews to 90 percent.

Resident participation in the annual review will result in increased staff effort to:

- Prepare for in person evaluation
- Travel to and conduct in person evaluation
- Prepare the report
- Prepare for and provide in trial testimony. It is anticipated that some of the material retrieved in interviews will be introduced during trial.

This increase in effort is estimated at approximately 20 hours per case.

It is estimated that .5 forensic psychologist will be needed to complete this additional work.
Estimate of annual reviews prepared each year is 187

187 annual reviews * 20 percent increase in participation = 38 more cases participating in annual evaluations
 38 more in person reviews * 20 hours = 760 increase in staff hours (approximately .5 FTE)
 Total estimated cost for the .5 forensic psychologist is estimated at \$76,000 per year.

This estimated cost assumes the hiring of a 0.5 forensic psychologist. However, hiring for a part-time position may not be possible. Additionally, if the SCC off-island office does not have space to accommodate the additional staff, it may be necessary to contract for these services. If hiring of staff is not possible, costs will be substantially more than reflected in this fiscal note. Contract costs are estimated at \$175 per hour for evaluations and up to \$275 per hour for court testimony.

An additional \$2,000 in costs is assumed for equipment needed to fulfill the audio recording requirements in this legislation. (\$600 for recording equipment, \$800 for tapes, \$500 for equipment to produce copies of the tapes.) Additional costs may be incurred to transcribe the tapes for reviews and proceedings. However, no estimate of these costs is included in this fiscal note.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2016	FY 2017	2015-17	2017-19	2019-21
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages	51,000	51,000	102,000	102,000	102,000
B-Employee Benefits	16,000	16,000	32,000	32,000	32,000
C-Professional Service Contracts					
E-Goods and Other Services	10,000	10,000	20,000	20,000	20,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	1,000	1,000	2,000	2,000	2,000
9-					
Total:	\$78,000	\$78,000	\$156,000	\$156,000	\$156,000

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 2016	FY 2017	2015-17	2017-19	2019-21
Forensic Psychologist	101,000	0.5	0.5	0.5	0.5	0.5
Total FTE's	101,000	0.5	0.5	0.5	0.5	0.5

III. C - Expenditures By Program (optional)

Program	FY 2016	FY 2017	2015-17	2017-19	2019-21
Special Commitment Center (135)	78,000	78,000	156,000	156,000	156,000
Total \$	78,000	78,000	156,000	156,000	156,000

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.

New or amended rules may be needed to implement this legislation.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5033 SB	Title: Sexually violent predators
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Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ 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:

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 01/20/2015
Leg. Committee Contact: Lindsay Erickson	Phone: 786-7465	Date: 01/19/2015
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 01/20/2015
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 01/21/2015

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 requires that an evaluator indicate in their annual report whether or not a sexually violent predator participated in the interview and evaluation conducted by the Department of Social and Health Services. The report is not admissible in a proceeding under RCW 71.09.090 unless the committed person participated in the most recent interview and evaluation. If an unconditional release trial is ordered, this section is suspended until the completion of that trial.

Section 2 defines "treatment" to be sex offender-specific treatment at the Special Commitment Center or a specific course of sex offender treatment pursuant to RCW 71.09.092 (1) and (2).

Section 3 establishes that the bill becomes effective July 1, 2015.

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 no expenditure impacts for local government.

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:

Department of Social and Health Services
The Administrative Office of the Courts