

Multiple Agency Fiscal Note Summary

Bill Number: 2907 HB	Title: Officer use of deadly force
-----------------------------	---

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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total	0.0	\$0	\$0	0.0	\$0	\$0	0.0	\$0	\$0

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Impact

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 902-9810	Date Published: Final 2/ 5/2016
--------------------------------------	---------------------------------	---

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

** See local government fiscal note

FNPID: 43652

Judicial Impact Fiscal Note

Bill Number: 2907 HB	Title: Officer use of deadly force	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 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	Kelly Leonard	Phone: 360-786-7147	Date: 01/26/2016
Agency Preparation:	Sam Knutson	Phone: 3607045528	Date: 02/01/2016
Agency Approval:	Sam Knutson	Phone: 3607045528	Date: 02/01/2016
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 02/01/2016

Request # 2907 HB-2

Part II: Narrative Explanation

This bill would clarify and give clear guidance to law enforcement officers when the use of deadly force would be justifiable.

Part II.A – Brief Description of what the Measure does that has fiscal impact on the Courts

This bill would amend RCW 9A.16.040 (Justifiable homicide or use of deadly force by public officer, peace officer, person aiding):

Section 1 would clarify intent of the bill, providing for clear guidance for law enforcement on when the use of deadly force would be justifiable.

Section 2 would clarify the situations and circumstance when the use of deadly force would be justifiable.

Section 2(3) would remove language that would hold a public officer or peace officer criminally liable for using deadly force without malice and with a good faith belief that the use of deadly force would be justifiable.

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

No expenditure impact.

Individual State Agency Fiscal Note

Bill Number: 2907 HB	Title: Officer use of deadly force	Agency: 101-Caseload Forecast Council
-----------------------------	---	--

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: Kelly Leonard	Phone: 360-786-7147	Date: 01/26/2016
Agency Preparation: Ed Vukich	Phone: 360-664-9374	Date: 01/28/2016
Agency Approval: Elaine Deschamps	Phone: 360-664-9371	Date: 01/28/2016
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/01/2016

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.

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.

HB 2907
THE USE OF DEADLY FORCE BY A PUBLIC OFFICER
OR PEACE OFFICER
101 – Caseload Forecast Council
January 28, 2016

SUMMARY

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

Section 1 is an intent statement.

Section 2 amends provisions concerning justifiable homicide or use of deadly force by public officer, peace officer, person aiding.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact on prison and jail beds.

This bill:

- Amends provisions concerning justifiable homicide or use of deadly force by public officer, peace officer, person aiding.

The Caseload Forecast Council has no information regarding the use of deadly force and, therefore, cannot estimate bed impacts, if any, resulting from the bill.

Individual State Agency Fiscal Note

Bill Number: 2907 HB	Title: Officer use of deadly force	Agency: 225-Washington State Patrol
-----------------------------	---	--

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: Kelly Leonard	Phone: 360-786-7147	Date: 01/26/2016
Agency Preparation: Eileen Nashleanas	Phone: 360-596-4044	Date: 01/29/2016
Agency Approval: Mary Thygesen	Phone: 360 596-4046	Date: 01/29/2016
OFM Review: Kathy Cody	Phone: (360) 902-9822	Date: 01/29/2016

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 2907 changes language in RCW 9A.16.040 giving guidance of when the use of deadly force is permissible by law enforcement officers.

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.

Passage of this bill would bring no new cash receipts to the State Patrol.

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.

Passage of this bill will not impact Washington State Patrol expenditures. We anticipate providing familiarization training for the changes in the law for the WSP commissioned officers through our annual Regional Academy Instruction program. This would be accomplished within current training budgets.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

This bill does impact the WSP'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.

This bill does not require rule changes by the WSP.

Individual State Agency Fiscal Note

Bill Number: 2907 HB	Title: Officer use of deadly force	Agency: 227-Wa St Criminal Justice Train Comm
-----------------------------	---	---

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: Kelly Leonard	Phone: 360-786-7147	Date: 01/26/2016
Agency Preparation: Brian Elliott	Phone: 360-486-2436	Date: 02/05/2016
Agency Approval: Brian Elliott	Phone: 360-486-2436	Date: 02/05/2016
OFM Review: David Dula	Phone: (360) 902-7437	Date: 02/05/2016

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.

The initial fiscal impact is expected to be minimal. However, the long term impact on training as prosecutors and the courts interpret and apply the proposed legislation is unknown.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2907 HB	Title: Officer use of deadly force	Agency: 310-Department of Corrections
-----------------------------	---	--

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: Kelly Leonard	Phone: 360-786-7147	Date: 01/26/2016
Agency Preparation: Melinda Gourley	Phone: (360)725-8274	Date: 01/30/2016
Agency Approval: Sarian Scott	Phone: (360) 725-8270	Date: 01/30/2016
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/01/2016

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 ACT relates to the use of deadly force by a public officer or peace officer; amending RCW 9A.16.040; creating a new section; and prescribing penalties.

Section 1 is a new section, amending RCW 9A.16.040.

Section 1(1) is legislative intent.

Section 2 amends RCW 9A.16.040.

Section 2(1) states that the use of deadly force by a public officer, peace officer, or person aiding is justifiable when:

- (a) The officer reasonably believes that there is an imminent threat of death or serious bodily injury to the officer or a third party and that the deadly force is necessary to prevent it; and
- (b)(i) The officer is acting in obedience to the judgment of a competent court; and
- (b)(ii) The officer is using the deadly force to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or
- (b)(iii) The deadly force is used by a peace officer or person acting under the officer's command and in the officer's aid:
 - (b)(iii)(A) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony; or
 - (b)(iii)(B) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or
 - (b)(iii)(C) To prevent the escape of a person from a county or city jail or holding facility; or
 - (b)(iii)(D) To lawfully suppress a riot.

Section 2(2) is amended and states that this section shall not be construed as:

- (a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or
- (b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

Effective date is assumed 90 days after adjournment of session in which this bill is passed.

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.

No fiscal impact.

The proposed bill defines the circumstances under which a law enforcement officer, peace officer or person aiding is justifiable in the use of deadly force.

There are no changes to any penalties, crimes or felonies.

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2907 HB	Title: Officer use of deadly force
-----------------------------	---

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

Legislation Impacts:

☒ Cities: Indeterminate costs for law enforcement agencies to train officers on the new policies.

☒ Counties: Same as above

☐ Special Districts:

☐ Specific jurisdictions only:

☐ Variance occurs due to:

Part II: Estimates

☐ No fiscal impacts.

☒ Expenditures represent one-time costs: Costs for law enforcement staff time to receive training on new policies.

☐ Legislation provides local option:

☒ Key variables cannot be estimated with certainty at this time: Amount of training time required would vary by jurisdiction.

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: 02/03/2016
Leg. Committee Contact: Kelly Leonard	Phone: 360-786-7147	Date: 01/26/2016
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/03/2016
OFM Review: David Dula	Phone: (360) 902-7437	Date: 02/03/2016

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 2 amends RCW 9A.16.040. The use of deadly force by a public officer, peace officer, or person aiding is justifiable when the officer reasonably believes that there is an imminent threat of death or serious bodily injury to the officer or to a third party and that the deadly force is necessary to prevent it, and the officer is acting in obedience to the judgment of a competent court. It is also justifiable if the officer is using the deadly force to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty, or the deadly force is used by a peace officer or person acting under the officer's command and in the officer's aid to arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony. It is further justifiable to prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility, to prevent the escape of a person from a county or city jail or holding facility, or to lawfully suppress a riot.

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 costs for cities and counties, due to staff time impacts.

Under the bill, law enforcement agencies would change their policies in regards to the use of deadly force. The Local Government Fiscal Note Program (LGFN) assumes that training on the revised policies would be provided by the Criminal Justice Training Commission for new officers. However, training for existing officers would be the responsibility of each city and county law enforcement agency.

Police departments account for 77 percent (7,292 officers) of all full-time commissioned officers, and county sheriffs' departments, 23 percent (2,171 officers), according to data from the Washington Association of Sheriffs and Police Chiefs (WASPC) from 2015.

For example purposes, a conservative estimate is the training on the revised policies would require two hours for each officer. The average hourly salary for a police officer and for a sheriff's deputy is approximately \$31 per hour, according to the Association of Washington Cities 2015 salary and benefit survey.

The costs for county sheriffs' departments for the training would therefore be \$134,602 (\$31 x two hours x 2,171 officers), and for city police departments, \$452,104 (\$31 x two hours x 7,292 officers). Because these are estimates provided for example purposes, the total costs are indeterminate.

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
Washington Association of Prosecuting Attorneys
Association of Washington Cities