

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5695 SB	<b>Title:</b> Juvenile sex offender court
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## Estimated Cash Receipts

NONE

## Estimated Expenditures

Agency Name	2017-19			2019-21			2021-23		
	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 Civil Legal Aid	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0</b>	<b>\$0</b>	<b>\$0</b>

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

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Gwen Stamey, OFM	<b>Phone:</b> (360) 902-9810	<b>Date Published:</b> Final 2/14/2017
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID: 47377

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5695 SB	<b>Title:</b> Juvenile sex offender court	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

Account	FY 2018	FY 2019	2017-19	2019-21	2021-23
Counties					
Cities					
<b>Total \$</b>					

### Estimated Expenditures from:

<b>Non-zero but indeterminate cost. Please see discussion.</b>
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*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	Melissa Burke-Cain	Phone: 360-786-7755	Date: 02/03/2017
Agency Preparation:	Sam Knutson	Phone: 360-704-5528	Date: 02/10/2017
Agency Approval:	Ramsey Radwan	Phone: 360-357-2406	Date: 02/10/2017
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 02/13/2017

Request # 5695 SB-1

**Part II: Narrative Explanation**

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

Please see attached Judicial Impact Note (JIN).

**II. B - Cash Receipts Impact**

**II. C - Expenditures**

**Part III: Expenditure Detail**

**Part IV: Capital Budget Impact**

## **Part II: Narrative Explanation**

This bill would amend RCW 13.40 to authorize counties in Washington to establish and operate juvenile special sex offender disposition alternate treatment courts.

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

Section 1(1) - Counties may establish and operate juvenile special sex offender disposition alternative treatment courts.

Section 1(4) – The court, the prosecutor, and the juvenile must all agree to allow a juvenile to participate. Before agreeing, the court would be required to consider whether the offender and community will benefit from use of the juvenile treatment court. The court would be required to consider the victim's opinion as well as any other factors the court finds necessary.

Section 1(5) – Prior to being admitted into the juvenile treatment court, the juvenile must:

- a) Stipulate to the admissibility of the facts contained in the written police report;
- b) Acknowledge that the report will be entered and used to support a finding of guilt and to impose a standard range disposition under RCW 13.40.0357 if the juvenile fails to meet the minimum requirements for entry into the juvenile treatment court, or fails to comply with the requirements of the juvenile treatment court and is terminated therefrom;
- c) Waive the right to a speedy disposition and the right to call and confront witnesses;
- d) Be found guilty by the court.

Section 1(6) – The court would be required to defer entry of an order of disposition pending consideration for admission and participation in the juvenile treatment court and would be required to order any sex offender registration required by RCW 9A.44 waived during the pendency of the case.

Section 1(7) – Upon admission to the juvenile treatment court, the court would be required to continue to defer entry of an order of disposition and would be required to maintain waiver of sex registration. An individualized plan would be required for the juvenile, identifying goals and a team to support the juvenile, which must include the following:

- a) Participation in sex offender treatment;
- b) Participation in juvenile treatment court for a minimum of 24 months;
- c) (i) Remain within prescribed geographical boundaries and notify the court prior to any change in the offender's address, educational program, or employment; (ii) not change sex offender treatment providers or treatment conditions without first notifying the prosecutor, the probation counselor, and the court, and obtaining court approval after a hearing if there is an objection to the change; (iii) participate in a mental health treatment or chemical dependency treatment; (iv) report as directed to the juvenile treatment court and probation counselor; (v) not attend the school attended by the victim or victim's siblings; (vi) have no contact with anyone prohibited by the court; (vii) pay all court-ordered legal financial obligations; (viii) comply with the conditions of any court-ordered probation bond.

Section 1(9)(a) – Upon successful completion of the requirements of the juvenile treatment court, any convictions entered by the court in the case shall be vacated and all charges in the case dismissed with prejudice.

Section 1(9)(b) – The court would be required to terminate any previous orders entered in the case and shall enter any further orders necessary to waive sex offender registration requirements.

Section 1(9)(c) – Upon vacating the convictions and dismissing charges, the juvenile court records in the case shall remain unsealed, except that the juvenile court records in the case are entitled to administrative sealing per RCW 13.50.260.

Section 1(10) – A juvenile may only be admitted to juvenile treatment court a single time.

Section 1(11) – If a juvenile fails to enter juvenile treatment court or fails to complete juvenile treatment court requirements, any convictions in the case remain and the court shall enter an order of disposition per RCW 13.40.0357. The court would be required to order the juvenile to register as a sex offender and terminate any previous orders waiving sex offender registration.

Section 1(13) – The superior court may retain jurisdiction for purposes of enforcing any financial obligations.

**Note:** There is no effective date of this bill, so it is assumed to be effective July 1, 2017.

## **II.B - Cash Receipt Impact**

No cash receipt impact.

## **II.C – Expenditures**

Indeterminate, but could have significant expenditure impact.

It is unknown how many counties may choose to establish and operate juvenile special sex offender disposition alternate treatment courts. The Administrative Office of the Courts assumes that each county that chooses to create a special sex offender disposition alternate treatment court would require a court coordinator position and additional costs for offender treatment and therapy. This could exceed \$100,000 per year per county.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5695 SB	<b>Title:</b> Juvenile sex offender court	<b>Agency:</b> 057-Office of Civil Legal Aid
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## Part I: Estimates

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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: Melissa Burke-Cain	Phone: 360-786-7755	Date: 02/03/2017
Agency Preparation: Jim Bamberger	Phone: (360) 704-4135	Date: 02/04/2017
Agency Approval: Jim Bamberger	Phone: (360) 704-4135	Date: 02/04/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 02/06/2017

## 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 bill would authorize counties to create a special sex offender disposition alternative treatment court for juvenile sex offenders.

The Office of Civil Legal Aid provides no services (attorney or otherwise) to juvenile offenders or those alleged to be juvenile offenders. There will be no fiscal impact.

### 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

Revised

<b>Bill Number:</b> 5695 SB	<b>Title:</b> Juvenile sex offender court	<b>Agency:</b> 300-Department of Social and Health Services
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## Part I: Estimates

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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: Melissa Burke-Cain	Phone: 360-786-7755	Date: 02/03/2017
Agency Preparation: Ken Brown	Phone: 360-902-7583	Date: 02/13/2017
Agency Approval: Mickie Coates	Phone: 360-902-8077	Date: 02/13/2017
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/13/2017



## 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 would allow juvenile courts to create a "Special Sex Offender Disposition Alternative (SSODA) Treatment Court" and provides a new section to RCW 13.40. If a juvenile is granted entry into the SSODA Treatment Court, the court shall defer entry of a disposition and shall waive sex offender registration requirements while participating in the Treatment Court. Upon completion of the two-year Treatment Court, the court will dismiss charges with prejudice. If participant is terminated or does not complete, the court will then enter an order of disposition and order the juvenile to register as a sex offender pursuant to chapter 9A.44 RCW and the court would follow standard juvenile sentencing guidelines.

JR's End of Sentence Review Sub-Committee (ESRC) currently assigns risk levels to all youth granted a SSODA. If this bill were to become law, the ESRC juvenile committee would not be required to assign risk levels for these youth since they would not be required to register as a sex offender. This would reduce the number of meetings for the Committee and the hours dedicated to leveling SSODA youth.

JR ESRC currently assigns risk levels to approximately 120 Juvenile court youth per year. Passage of this bill would reduce the amount of time the ESRC spends in review of SSODA youth for preparation of documents for assigning risk levels and would reduce notifications to law enforcement. When SB 5204 passed requiring leveling for all youth in 2012, no additional resources were provided. This bill does not mandate the creation of Treatment Courts so it's unknown how many counties will participate; therefore, the fiscal impact is indeterminate.

### 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.*

## 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.*

None

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 5695 SB	<b>Title:</b> Juvenile sex offender court
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## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- ☒ Cities: Please see the fiscal note of the Administrative Office of the Courts for a discussion of court impacts.
- ☒ Counties: Please see the fiscal note of the Administrative Office of the Courts for a discussion of court impacts.
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☒ Legislation provides local option: Counties may establish and operate juvenile special sex offender disposition alternative treatment courts.
- ☐ Key variables cannot be estimated with certainty at this time:

## Part III: Preparation and Approval

Fiscal Note Analyst: Renee Martine-Tebow	Phone: 360-725-5045	Date: 02/13/2017
Leg. Committee Contact: Melissa Burke-Cain	Phone: 360-786-7755	Date: 02/03/2017
Agency Approval: Steve Salmi	Phone: (360) 725 5034	Date: 02/13/2017
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 02/14/2017

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

This bill would allow counties to establish and operate juvenile special sex offender disposition alternative treatment courts. Any county that establishes a juvenile treatment court may establish local minimum requirements for the consideration, motion, entry, and participation of offenders in the program.

### **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 fiscal impact for local government because it allows for counties to establish and operate juvenile treatment courts, but does not mandate counties to establish them.

Court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, county prosecutors and jail costs. Please see the AOC fiscal note for a discussion of impacts to city and county courts.

Regional support network costs are described in fiscal notes prepared by the Department of Social and Health Services (DSHS).

### **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:**

Administrative Office of the Courts

Association of Washington Cities

Local Government Fiscal Note HB 1305 (2015)