

Multiple Agency Fiscal Note Summary

Bill Number: 5278 SB	Title: Public safety review panel
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Estimated Cash Receipts

NONE

Local Gov. Courts *					
Loc School dist-SPI					
Local Gov. Other **		494,000		494,000	494,000
Local Gov. Total		494,000		494,000	494,000

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	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	1.8	1,539,000	1,539,000	2.0	1,532,000	1,532,000	2.0	1,532,000	1,532,000
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total	1.8	\$1,539,000	\$1,539,000	2.0	\$1,532,000	\$1,532,000	2.0	\$1,532,000	\$1,532,000

Local Gov. Courts *									
Loc School dist-SPI									
Local Gov. Other **			494,000			494,000			494,000
Local Gov. Total			494,000			494,000			494,000

Estimated Capital Budget Impact

NONE

Prepared by: Devon Nichols, OFM	Phone: (360) 902-0582	Date Published: Final 3/24/2017
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 48443

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 5278 SB	Title: Public safety review panel	Agency: 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					
Total \$					

Estimated Expenditures from:

COUNTY	FY 2018	FY 2019	2017-19	2019-21	2021-23
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2018	FY 2019	2017-19	2019-21	2021-23
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					
Local Subtotal \$					
Total Estimated Expenditures \$					

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	Shani Bauer	Phone: (360)786-7468	Date: 01/19/2017
Agency Preparation:	Renee Lewis	Phone: 360-704-4142	Date: 02/21/2017
Agency Approval:	Ramsey Radwan	Phone: 360-357-2406	Date: 02/21/2017
OFM Review:	Gwen Stamey	Phone: (360) 902-9810	Date: 02/21/2017

Request # SB 5278-2

Part II: Narrative Explanation

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

RCW 10.77.020 would be amended to empower a public safety review panel as a quasi-judicial administrative review board.

The Public Safety Review Panel (Panel) is provided with authority to make determinations regarding conditional release. This would result in a reduced workload impact to the courts. Based on input from Subject Matter Experts at AOC, the workload reduction would be too small to quantify.

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

III. B - Expenditure By Object or Purpose (County)

<i>County</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

III. C - Expenditure By Object or Purpose (City)

<i>City</i>	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
Total \$					

Part IV: Capital Budget Impact

Individual State Agency Fiscal Note

Revised

Bill Number: 5278 SB	Title: Public safety review panel	Agency: 300-Department of Social and Health Services
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Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	1.6	2.0	1.8	2.0	2.0
Account					
General Fund-State 001-1	773,000	766,000	1,539,000	1,532,000	1,532,000
Total \$	773,000	766,000	1,539,000	1,532,000	1,532,000

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:

☒

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: Shani Bauer	Phone: (360)786-7468	Date: 01/19/2017
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 02/02/2017
Agency Approval: Ken Brown	Phone: 360-902-7583	Date: 02/02/2017
OFM Review: Devon Nichols	Phone: (360) 902-0582	Date: 02/07/2017

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 addresses the authority of the Public Safety Review Panel (PSRP), establishes new tasks and requirements, as well as establishes per diem and travel compensation for panel members.

New Sec. 1 Persons subject to commitment following a determination of not guilty by reason of insanity (NGRI) would benefit from a centralized review board to enhance both patient care and public safety.

Sec. 2 Amends RCW 10.77.020 to add the inclusion of the PSRP as providing assistance to persons subject to the criminally insane procedures.

Sec. 3 (2) Amends 10.77.110 to change terminology from 'developmentally disabled' to 'an individual with a developmental disability'.

Sec. 3 (3) Adds to 10.77.110 The Panel may modify conditional release orders. Upon conditional release, the panel shall assume all further jurisdiction over the matter consistent with the acquittal of crime.

Sec. 4 (1) Amends RCW 10.77.120 to add the ability of the PSRP to order the release of committed persons with developmental disabilities made after a hearing.

Sec. 4 (2) Amends RCW 10.77.120 to adds language for a hearing attendance entitlement requirements to include 'or to a hearing of the panel, unless the court or panel authorizes the appearance of the person by video or telephonic means.'

Sec. 5 (1) Amends RCW 10.77.140 to remove the court and replaces it with PSRP as the authority to appoint a qualified expert to examine a committed person. This section also outlines the distribution of the periodic report by DSHS, requiring copies be sent to the panel, the prosecuting attorney, and counsel for the committed person. New Sec. 5 (2) directs the panel to review progress of committed persons immediately following receipt of the initial six month report, and then at least once every two years.

Sec. 6 (1)(a) Amends RCW 10.77.145 to include the PSRP as an authorizing authority for conditional release or furlough if the person was committed following acquittal by reason of insanity.

Sec. 6 (2) Updated to include PSRP ability to authorize leave.

Sec. 7 (1) and (2) Amends RCW 10.77.150, the PSRP assumes conditional release determination rather than the court.

Sec. 7 (3) (a) The PSRP assumes responsibility for scheduling and coordinating conditional release hearings, within thirty days upon receipt of an application or recommendation for conditional release.

Sec. 7 (3) (d) The PSRP assumes responsibility for ruling on conditional release hearings.

Sec. 9 Amends RCW 10.77.160, the PSRP is added to the conditional release reporting requirements.

Sec. 10 (3) Amends RCW 10.77.163, the PSRP is authorized to grant temporary restraining orders upon notice of the release.

Sec. 11 Amends RCW 10.77.180, the PSRP is required to review each conditional release case one year after the initial release, and every two years thereafter.

Sec. 12 (1) & (2) Amends RCW 10.77.190, upon receiving status reports on conditional released patients, the PSRP may schedule a hearing to modify the release orders.

Sec. 12 (4) The PSRP is required to immediately schedule a hearing upon apprehension of a conditionally released patient.

Sec. 14 (5) Amends RCW 10.77.200, patients may petition the PSRP for conditional release.

Sec. 16 (1) Amends RCW 10.77.270, provides the PSRP authority to determine conditional release and revocation, and advise the court and the state regarding NGRI patients.

Sec. 16 (2) Establishes panel terms and members by classification to be appointed by the Governor to the PSRP.

Sec. 16 (6) Legislative report language is deleted.

Sec. 16 (8) Established per diem and travel expenses for panel member pertaining to their official duties.

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.

Assumptions:

SB 5278 amends RCW 10.77 to change the Public Safety Review Panel (PSRP) from its current advisory role to DSHS and the Courts into a quasi-judicial administrative review board to determine and monitor conditional releases for committed persons found not guilty by reason of insanity (NGRI). On those matters, the PSRP would assume the role currently performed by the Superior Court in each County.

This bill does not change the PSRP's current advisory role for patients civilly committed after a violent offense (1114-status patients). It does not change the current Superior Court process for Release (unconditional release/final discharge). The general approach in the bill is to replace the term "court" with "public safety review panel."

New PSRP authority or process includes:

- Appoint counsel for indigent person, or determine person is competent to waive counsel (Sec. 2: 10.77.020);
- Upon request, assist indigent person to obtain/appoint expert to perform examination (Sec. 2 and 5);
- Provide Court with advice prior to a Conditional Release upon a finding of NGRI (Sec. 3: 10.77.110);
- Receive progress reports of conditionally released persons (Sec. 5: 10.77.140) and monitor/modify (Sec. 11: RCW 10.77.180; Sec. 12: 10.77.190)
- Conduct hearings to review/authorize furloughs (Sec. 6: 10.77.145; Sec. 10: 10.77.163) and conditional release matters (Sec. 7: RCW 10.77.150);
- PSRP would have the power to issue subpoenas to compel compliance with its orders (Sec. 16: 10.77.270);
- PSRP decisions may be appealed to the Washington state court of appeals over the commitment county. (Sec. 15: 10.77.230);
- PSRP proceedings would occur in person; membership term extended to 4 years; members would receive per diem payment for official business time and travel expenses. (Sec. 16: 10.77.270)

Per Diem: Sec. 16 (8) authorizes members of the PSRP to receive a per diem based on a salary fixed by the Governor in accordance with RCW 43.03.040. The total per diem cost for the panel is \$625 per hour.

It is assumed that as the PSRP takes over former responsibilities in the courts, this bill creates an additional 46 hearings and an additional 171 reviews. Based on the panel per diem cost, total cost is \$422,000 per year. This total includes a \$1,000 cost for an additional two Superior Court appeal hearings for the PSRP Chair to testify regarding a panel hearing decision, 1 panel member at a per diem of \$125 and hour.

This bill creates more travel requirements for the PSRP for hearings at WSH and ESH. While the bill notes that hearings and travel may be conducted in groups of four members, it also states that the panel may adopt procedural and other rules necessary to perform its functions. For the purposes of this fiscal note, travel assumptions include seven panel members. Total cost for travel per diem for 46 cases is \$106,000.

The state hospitals are required to provide hearing space for the panel. No additional hearing space costs are included, if space at the hospitals become unavailable these costs would need to be incurred by the panel.

An IT system is required to handle the additional work required of the PSRP. The existing workload has been recorded in an Excel spreadsheet that has reached its operational limit and is not appropriate for the additional workload. It is assumed that a new application could be contracted out at one-time cost of \$40,000.

Additional administrative staffing is required to manage the additional caseload. This includes and Administrative Assistant 4 and WMS Band 2. The WMS position will develop administrative rules that currently do not exist as the PSRP has been operated via its by-laws. Hiring is effective September 1, 2017.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	1.6	2.0	1.8	2.0	2.0
A-Salaries and Wages	552,000	583,000	1,135,000	1,166,000	1,166,000
B-Employee Benefits	46,000	57,000	103,000	114,000	114,000
C-Professional Service Contracts	40,000		40,000		
E-Goods and Other Services	10,000	12,000	22,000	24,000	24,000
G-Travel	107,000	107,000	214,000	214,000	214,000
J-Capital Outlays	12,000		12,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service	1,000	1,000	2,000	2,000	2,000
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	5,000	6,000	11,000	12,000	12,000
9-					
Total:	\$773,000	\$766,000	\$1,539,000	\$1,532,000	\$1,532,000

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 2018	FY 2019	2017-19	2019-21	2021-23
Administrative Assistant 4	54,384	0.8	1.0	0.9	1.0	1.0
WMS Band 2	106,752	0.8	1.0	0.9	1.0	1.0
Total FTE's	161,136	1.6	2.0	1.8	2.0	2.0

III. C - Expenditures By Program (optional)

Program	FY 2018	FY 2019	2017-19	2019-21	2021-23
BHA - Mental Health (030)	773,000	766,000	1,539,000	1,532,000	1,532,000
Total \$	773,000	766,000	1,539,000	1,532,000	1,532,000

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 administrative rules will be developed for operation and responsibilities of the PSRP.

Individual State Agency Fiscal Note

Bill Number: 5278 SB	Title: Public safety review panel	Agency: 310-Department of Corrections
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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: Shani Bauer	Phone: (360)786-7468	Date: 01/19/2017
Agency Preparation: Dawn Deck	Phone: (360) 725-8510	Date: 01/27/2017
Agency Approval: Sarian Scott	Phone: (360) 725-8270	Date: 01/27/2017
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 01/30/2017

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.

Section 1 is a new section stating that the Legislature has determined individuals who are subject to commitment, following the determination of not guilty by insanity, present a variety of public safety challenges compared to individuals who are subject to civil commitment. The legislation has found in other states, a centralized adjudicative board with specialized expertise, enhances both patient care and public safety.

Section 2(1) amends RCW 10.77.020, Rights of a Person Under this Chapter, to create a Public Safety Review Panel (PSRP) to assist the persons identified in this chapter.

Section 3(2) amends RCW 10.77.110, Acquittal of Crime, to replace the term “developmentally disabled” with “an individual with a developmental disability” throughout this section.

Section 3(3) amends RCW 10.77.110, Acquittal of Crime, to state that within five (5) judicial days of recommending the conditional release, the court shall provide PSRP a copy of the conditional release order for review and when appropriate, PSRP may modify the release conditions. If PSRP sees no reason to not grant the conditional release, the court may order the defendant hospitalized or released per the conditions identified by the court and PSRP. Once the defendant has been conditionally released, PSRP assumes all jurisdictions over matter stated within this chapter.

Section 4(1) amends RCW 10.77.120, Care and Treatment of Committed Person – Hearings-Release, adds PSRP as part of the judicial process and adds any individuals released must be in accordance with the provisions of this chapter.

Section 4(2) amends RCW 10.77.120, Care and Treatment of Committed Person – Hearings-Release, adds the court or PSRP may authorize the appearance of the individual by video or telephonic means.

Section 5(1) amends RCW 10.77.140, Periodic Examinations – Developmentally Disable – Reports – Notice to Court, within this section the term “court” is replaced by PSRP and the term “developmentally disabled “ is replaced by “a person with a developmental disability.” Within this section, it is stated that copies of the periodic report are to be provided to PSRP, prosecuting attorney, and counsel for the committed person.

Section 5(2) amends RCW 10.77.140, Periodic Examinations – Developmentally Disable – Reports – Notice to Court, states PSRP shall review the progress of each person committed to a hospital, facility or conditionally released per this chapter immediately upon receiving a copy of the initial six (6) month report. The PSRP shall review each case at least once every two (2) years.

Section 6(1)(a) amends RCW 10.77.145, Authorization to Leave Facility Where a Person is Confined Prohibited – Exceptions – Approved by Secretary, states a conditional releases or furlough authorized by PSRP if a person was committed following acquittal by reason of insanity, or by a court in other cases is authorized to leave a facility.

Section 6(2) amends RCW 10.77.145, Authorization to Leave Facility Where a Person is Confined Prohibited – Exceptions – Approved by Secretary, adds that unless ordered by PSRP otherwise, if the person was committed following acquittal by reason of insanity, or by a court in other cases, no leave shall be authorized without

approved escort.

Section 7 amends RCW 10.77.150, Conditional Release – Application – Secretary’s Recommendation – Order – Procedure, within this section the “court of the county which ordered the person’s commitment” is replaced with “PSRP.” Also, through this section “court” is replaced with “PSRP.”

Section 8 amends RCW 10.77.155, Conditional Release, Furlough – Secretary’s Recommendations, to add language stating that PSRP or the court may not enter into a conditional release without a hearing to this section.

Section 9 amends RCW 10.77.160, Conditional Release – Reports, within this section replaces “court” with “PSRP.”

Section 10(3) amends RCW 10.77.163, Furlough – Notice – Temporary Restraining Order, to state the prosecuting attorney may seek a temporary restraining order from the PSRP if the person was committed following acquittal by reason of insanity, from the court in other cases, to prevent the release of the person on grounds that they are dangerous to themselves or others.

Section 11 amends RCW 10.77.180, Conditional Release – Periodic Review of Case, to remove “the court which conditionally releases him or her” and replaces with “PSRP.” Also, throughout this section “court” is replaced by “PSRP.”

Section 12 amends RCW 10.77.190, Conditional Release – Revocation or Modification of Terms – Procedure, within this section “court” is replaced by “PSRP.”

Section 13 amends RCW 10.77.195, Conditional Release – Court Approval – Compliance – Secretary to Coordinate with Designated Treatment Providers, Department of Corrections Staff, and Local Law Enforcement –, within this section “court” is replaced by “PSRP.” Also, “court-ordered” is replaced by “panel-ordered.”

Section 14(5) amends RCW 10.77.200, Release –, to add that the patient may also petition PSRP for conditional release from the institution in which he or she is committed. This bill removes the term “serves upon” and adds “filed with the court or the PSRP and served upon the prosecuting attorney.”

Section 15 amends RCW 10.77.230, Appellate Review, to state that any appeal from a ruling of PSRP shall be considered by Washington State Court of Appeals in the division with authority over the county of the person’s commitment under this chapter.

Section 16(1) amends RCW 10.77.270, Independent Public Safety Review Panel – Members – Secretary to Submit Recommendation – Access Records – Support, Rules - Report for the DSHS Secretary, by removing “for the purpose of advising” and adds “to determine conditional release, revocation, and other matters specified in this chapter.”

Section 16(2) amends RCW 10.77.270, Independent Public Safety Review Panel – Members – Secretary to Submit Recommendation – Access Records – Support, Rules – Report, adds staggered terms of replaces three (3) with four (4) years.

Section 16(3) amends RCW 10.77.270, Independent Public Safety Review Panel – Members – Secretary to Submit Recommendation – Access Records – Support, Rules – Report, replaces “under RCW 10.77.150” with “of a person committed with a special finding under RCW 71.05.280 (3).” In addition, it adds that “45 days prior

to issuing a recommendation for a less restrictive alternative of a person committed with special finds under RCW 71.05.280(3),” the Secretary of DSHS shall submit their recommendation.

Section 16(5) amends RCW 10.77.270 Independent Public Safety Review Panel – Members – Secretary to Submit Recommendation – Access Records – Support, Rules – Report, to add DSHS must “provide an appropriate venue for PSRP hearings.”

Section 16(6) amends RCW 10.77.270 Independent Public Safety Review Panel – Members – Secretary to Submit Recommendation – Access Records – Support, Rules – Report, to add that PSRP may adopt procedural and rules necessary to form its functions. Hearings of PSRP may be conducted in groups of four (4) members designated by PSRP chair. When conducting these adjudicative functions, PSRP shall have the authority to issue subpoenas and to compel compliance with its orders. The PSRP are not removable during their term except by cause as determined by the Thurston County Superior Court.

Section 16(7) amends RCW 10.77.270 Independent Public Safety Review Panel – Members – Secretary to Submit Recommendation – Access Records – Support, Rules – Report, to state all PSRP decisions and recommendations must be made available to the public. The PSRP proceedings, except for deliberations, must be open to the public. When practical and convenient, all PSRP adjudicative hearings must be held at Western State Hospital or Eastern State Hospital. If a person committed under this chapter is not a resident at the facility where the hearing is held, PSRP may allow the defendant to appear by telephone or video, in lieu of personal appearance. The PSRP may allow attorneys to appear by telephone or video and present witnesses in this manner. The PSRP shall follow the constitutional requirements applicable to civil commitment proceedings in conducting hearings.

Section 16(8) amends RCW 10.77.270 Independent Public Safety Review Panel – Members – Secretary to Submit Recommendation – Access Records – Support, Rules – Report, to state that each member of PSRP shall receive a per diem for attending panel business that is based on a salary fixed by the Governor in accordance with provisions of RCW 43.03.040. The per diem shall reflect the professional qualifications and experience necessary for each position. Per diem is also provided to each PSRP member for travel expenses incurred.

Section 17 is a new section stating that the provisions of the act apply to all commitments under RCW 10.77.110, and all commitments made with a special finding under RCW 71.05.280(3) that exists before, on, or after the effective date of this section.

Section 18 is a new section stating that if any provisions of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Effective date is assumed to be 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. Our impacts are 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.

The fiscal impact of this bill is indeterminate.

This bill is the responsibility of the Department of Social and Health Services (DSHS). If a civil committed patient is released with a conditional release order, they will fall under the Department of Corrections (DOC) Community Supervision.

The DOC currently supervises patients that are granted conditional releases through the courts and/or PSRP. There may be additional cases added to DOC supervision caseload with PSRP in the judicial process. The current law requires conditional releases to be supervised by DOC Community Corrections Officers (CCO), who are required to complete reporting requirements in a timely order.

If the patient is failing to adhere to the conditions of their release, or is in need of additional treatment which may create a public safety issue, DSHS or DOC may be requested to apprehend the individual for safety purposes.

ASSUMPTIONS:

1. We assume caseload impact based on the Caseload Forecast Council (CFC) estimated Average Daily Population (ADP) impacts to DOC prison facilities/institutions and/or community supervision/violator caseload.
2. For illustration purposes only, the average annual, all inclusive, cost for supervision was \$7,594 per ADP, regardless of supervised risk level in FY2016 based on actual expenditures. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records and Training that are directly affected by supervision population changes. The estimate will vary based on risk level of the supervised individuals, which requires different staffing levels. The latest population trend data available, provides a risk level of 42.8% high violent; 27.6% high non-violent; 20.8% moderate; 8.1% low; and 0.7% unclassified. (June – November 2016)
3. For our community violator population, we assume an Average Daily Cost for jail beds of \$84.62 per ADP per day based on funded level, inclusive of all risk levels. The rate is an average and actual rates vary by local correctional facilities. For illustration, the average percentage of supervised individuals that served jail time for violating their conditions of supervision was a rate of 6.3% (FY2016).
4. We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5278 SB

Title: Public safety review panel

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

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Costs and revenue for the local government representatives on the Public Safety Review Panel.
- ☐ Special Districts:
- ☒ Specific jurisdictions only: The panel would include three local government representatives.
- ☐ 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:

Jurisdiction	FY 2018	FY 2019	2017-19	2019-21	2021-23
County	247,000	247,000	494,000	494,000	494,000
TOTAL \$	247,000	247,000	494,000	494,000	494,000
GRAND TOTAL \$	1,482,000				

Estimated expenditure impacts to:

Jurisdiction	FY 2018	FY 2019	2017-19	2019-21	2021-23
County	247,000	247,000	494,000	494,000	494,000
TOTAL \$	247,000	247,000	494,000	494,000	494,000
GRAND TOTAL \$	1,482,000				

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/13/2017
Leg. Committee Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/19/2017
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.

The legislation increases the responsibilities for the Public Safety Review Panel (PSRP) in regards to individuals found not guilty by reason of insanity.

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 require three members representing local government to serve on the Public Safety Review Panel (PSRP). A prosecutor, law enforcement officer, and public defender would be required to attend an estimated 48 hearings and 171 reviews. Hourly costs for the local government representatives are \$119 per hour for a prosecutor, \$83 per hour for a law enforcement officer, and \$98 per hour for a public defender, according to the Association of Washington Cities salary and benefit survey. Costs for these three PSRP members would be \$202,000 per year.

The legislation additionally creates more travel requirements for the PSRP for hearings at Western State Hospital (WSH) and Eastern State Hospital (ESH). Costs for travel and lodging would total \$45,000 per year.

Total expenses for the three local government members of the PSRP would be \$247,000 annually. For the purposes of this fiscal note, the Local Government Fiscal Note Program assumes that all three members would be from counties.

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 require the Department of Social and Health Services (DSHS) to reimburse the members of the Public Safety Review Panel (PSRP) for their time, travel, and lodging to participate in hearings and reviews.

Section 16 (8) authorizes members of the PSRP to receive a per diem based on a salary fixed by the Governor in accordance with RCW 43.03.040. According to DSHS, the per diem would be \$119 per hour for a prosecutor, \$83 per hour for a law enforcement officer, and \$98 per hour for a public defender. DSHS assumes that as the PSRP takes over former responsibilities in the courts, the bill would create an additional 46 hearings and an additional 171 reviews. These three PSRP members would be reimbursed a combined total of \$202,000 per year.

The legislation additionally creates more travel requirements for the PSRP for hearings at Western State Hospital (WSH) and Eastern State Hospital (ESH). DSHS calculates the travel and lodging reimbursement at \$45,000 for the three local government members.

Therefore, total reimbursement for the three local government members of the PSRP are \$247,000 annually. For the purposes of this fiscal note, the Local Government Fiscal Note Program assumes that all three members would be from counties.

SOURCES:

The Department of Social and Health Services

Association of Washington Cities salary and benefit survey