

Multiple Agency Fiscal Note Summary

Bill Number: 6517 SB	Title: Eliminating the sunset provision associated with the drug offense sentencing grid
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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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	(1.9)	(636,988)	(636,988)	(10.3)	(3,402,095)	(3,402,095)	(11.4)	(3,778,497)	(3,778,497)
Total	(1.9)	\$(636,988)	\$(636,988)	(10.3)	\$(3,402,095)	\$(3,402,095)	(11.4)	\$(3,778,497)	\$(3,778,497)

Estimated Capital Budget Impact

NONE

Prepared by: Trisha Newport, OFM	Phone: (360) 902-0417	Date Published: Final 1/30/2018
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* See Office of the Administrator for the Courts judicial fiscal note

** See local government fiscal note

FNPID: 50512

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 6517 SB	Title: Eliminating the sunset provision associated with the drug offense sentencing grid	Agency: 055-Administrative Office of the Courts
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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.

Contact	Phone:	Date: 01/19/2018
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 01/23/2018
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 01/23/2018
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 01/24/2018

Request # 6517 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 eliminate the sunset provision associated with the drug offense sentencing grid.

Court education would be required. This would be managed within existing resources.

Individual State Agency Fiscal Note

Bill Number: 6517 SB	Title: Eliminating the sunset provision associated with the drug offense sentencing grid	Agency: 101-Caseload Forecast Council
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Part I: Estimates

☒ No Fiscal Impact

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact:	Phone:	Date: 01/19/2018
Agency Preparation: Ed Vukich	Phone: 360-664-9374	Date: 01/20/2018
Agency Approval: Ed Vukich	Phone: 360-664-9374	Date: 01/20/2018
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 01/29/2018

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.

SB 6517

ELIMINATING THE SUNSET PROVISION ASSOCIATED WITH THE DRUG OFFENSE SENTENCING GRID

**101 – Caseload Forecast Council
January 20, 2018**

SUMMARY

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

Section 1 is a repealer that eliminates the sunset provision currently attached to the Drug Offender Sentencing Grid.

Given the above provisions:

- Offenders who fall in the second cell of Seriousness Level I on the drug offender sentencing grid will no longer be subject to a prison sentence unless an aggravated exceptional sentence is imposed;
- Offenders who fall in the second cell of Seriousness Level I on the drug offender sentencing grid will no longer be eligible for the Prison-Based Drug Offender Sentencing Alternative;
- Offenders who fall in the second cell of Seriousness Level I on the drug offender sentencing grid will no longer be eligible for the Residential Chemical Dependency Treatment-Based Alternative; and
- Offenders who fall in the second cell of Seriousness Level I on the drug offender sentencing grid will no longer be eligible for the Parenting Sentencing Alternative.

EXPENDITURES

Assumptions.

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

- CFC = Caseload Forecast Council
- DOC = Department of Corrections
- FY = Fiscal Year
- DOSA = Drug Offender Sentencing Alternative
- Sentences are based on CFC FY13 adult felony sentencing summary data (the last year before the drug grid change) and CFC FY17 adult felony sentencing summary data and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Exceptional sentences are excluded.
- Current policy sentences are based on a combination of the number of CFC FY 2017 jail sentences and the average sentence length distributed among the various sentence types, numbers, and average lengths for like sentences in FY13.
- Proposed policy sentences are based on CFC FY17 jail sentences and the average sentence length.
- For jail sentences, length of stay in jail is calculated using a figure for average earned release based on a 2001 survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development, and the Washington State Association of Counties.
- For prison (DOSA) sentences, average time spent in jail prior to transfer to DOC is based on DOC FY17 data for DOSA offenders for the DOC Crime Category of Drug Violations, and is it calculated by DOC.
- For prison (non-DOSA) sentences, average time spent in jail prior to transfer to DOC is based on DOC FY17 data for non-DOSA offenders for the DOC Crime Category of Drug Violations, and it is calculated by DOC.
- For prison (DOSA) sentences, length of stay in prison is calculated using a figure for average percentage of sentence served in prison, which is based on DOC FY17 data for DOSA offenders for the DOC Crime Category of Drug Violations, and it is calculated by CFC.
- For prison (non-DOSA) sentences, length of stay in prison is calculated using a figure for average percentage of sentence served in prison, which is based on DOC FY17 data for non-DOSA offenders for the DOC Crime Category of Drug Violations, and it is calculated by CFC.
- Jail bed impacts are calculated with a discount factor (jail sentences versus individual offenders) which is based on CFC FY17 data for the CFC Crime Forecasting Category of Drug, and is calculated by the CFC.
- Prison bed impacts are calculated with a discount factor (prison sentences versus actual prison admissions), which is based on CFC and DOC FY17 data for the CFC Crime Forecasting Category of Drug, and it is calculated by the CFC.
- Bed impacts are calculated with a phase-in factor, based on CFC FY17 data for the DOC Crime Category of Drug Violations, and it is calculated by the CFC.

Impact on the Caseload Forecast Council.

The provisions of this bill will require modifications to the Caseload Forecast Council's adult felony sentencing database. This will require work from a contractor of an estimated 5.0 hours at a rate of \$100.00 per hour, for a total cost to the Caseload Forecast Council of \$500.00.

Impact on prison and jail beds.

This bill:

- Reduces the upper end of the standard range of a cell in the drug offense sentencing grid.

The bill will result in a maximum jail bed impact of 35 beds, first reached at 59 months after implementation. Additionally, the bill will result in a maximum prison (DOSA) bed impact of -7 beds, first reached at 35 months after implementation, and a maximum prison (non-DOSA) bed impact of -125 beds, first reached at 85 months after implementation. This yields a total prison bed savings of -132 beds, first reached at 74 months after implementation.

Average Monthly Population Jail and Prison Impacts
SB 6517 - Drug Offense Sentencing Grid
Caseload Forecast Council
January 20, 2018

	Fiscal Year									
	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Jail AMP	0	10	29	33	34	35	35	35	35	35
Prison AMP (DOSA)	0	-3	-6	-7	-7	-7	-7	-7	-7	-7
Prison AMP (Non-DOSA)	0	-42	-103	-119	-123	-124	-124	-125	-125	-125
Prison AMP (Total)	0	-44	-109	-126	-130	-131	-132	-132	-132	-132

Individual State Agency Fiscal Note

Bill Number: 6517 SB	Title: Eliminating the sunset provision associated with the drug offense sentencing grid	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:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.0	(3.8)	(1.9)	(10.3)	(11.4)
Account					
General Fund-State 001-1	0	(636,988)	(636,988)	(3,402,095)	(3,778,497)
Total \$	0	(636,988)	(636,988)	(3,402,095)	(3,778,497)

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 greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.

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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.

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Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/19/2018
Agency Preparation: Brooke MacDonald	Phone: 360-725-8978	Date: 01/30/2018
Agency Approval: Alan Haskins	Phone: 360-725-8264	Date: 01/30/2018
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 01/30/2018

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 that repeals the following acts or parts of acts:

Section 1(1) repeals 2015 c 291 s 9;

Section 1(2) repeals 2015 c 291 s 15 (uncodified);

Section 1(3) repeals 2015 c 291 s 16 (uncodified); and

Section 1(4) repeals 2013 2nd sp.s. c 14 s 10 (uncodified).

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. 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.

Fiscal impact for this bill is estimated at over \$50,000 per Fiscal Year (FY).

This bill will result in an avoidance of the need for additional prison beds as it eliminates the sunset provision of the drug grid. If the bill is not passed, the courts would have authority to sentence certain individuals convicted of a felony drug possession to prison that can currently only receive a jail sentence.

The proposed legislation revises the drug offense sentencing grid, where the seriousness level is one (1) and the offender score is three (3) to five (5), changes from six (6) plus through eighteen months to six (6) plus through twelve months.

This bill reduces the upper end of the standard range of a cell in the drug offense sentencing grid.

The Caseload Forecast Council (CFC) estimates this bill will result in a maximum jail bed impact of 35 beds, first reached at 59 months after implementation. Additionally, the bill will result in a maximum prison bed savings of -132 beds, first reached at 74 months (FY2024) after implementation.

PRISON AND HEALTH SERVICES CASELOAD TOTAL IMPACT (P200 & P500):

Total fiscal impact by FY for this proposed legislation for all prisons ADP impacts are as follows (rounded):

FY2019: -44 ADP X \$14,477 Average Unit Cost (AUC) = -\$636,988 and -3.8 FTE's

FY2020: -109 ADP X \$14,477 AUC = -\$1,577,993 and -9.5 FTE's

FY2021: -126 ADP X \$14,477 AUC = -\$1,824,102 and -11.0 FTE's

FY2022: -130 ADP X \$14,477 AUC = -\$1,882,010 and -11.4 FTE's

FY2023: -131 ADP X \$14,477 AUC = -\$1,896,487 and -11.4 FTE's

Assumptions:

1. We assume caseload impact based on the CFC estimated ADP impacts to DOC prison facilities/institutions and/or community supervision/violator caseload.
2. We assume an Average Unit Cost (AUC) of \$14,477 per incarcerated individual per FY (based on FY2017 actuals and FY2019 salary and benefit rate increases) to facilitate cost discussions during legislative session for bills. This cost estimate includes prison custody staffing on living/housing units, prison direct variable costs, health services direct variable costs, and prison non-custody essential staffing on living/housing units. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/units. The AUC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, House and Washington State Institute for Public Policy staffing each legislative session. The DOC will need to true up impact to DOC so that full impact can be determined (i.e. opening/closing units or prisons once we better understand impacts down to the custody level, and facility).
3. 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

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years		(3.8)	(1.9)	(10.3)	(11.4)
A-Salaries and Wages		(277,998)	(277,998)	(1,484,764)	(1,649,036)
B-Employee Benefits		(130,322)	(130,322)	(696,036)	(773,044)
C-Professional Service Contracts					
E-Goods and Other Services		(180,488)	(180,488)	(963,970)	(1,070,622)
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		(48,180)	(48,180)	(257,325)	(285,795)
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$0	\$(636,988)	\$(636,988)	\$(3,402,095)	\$(3,778,497)

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
Correctional Operations Staff	4,622		(3.8)	(1.9)	(10.3)	(11.4)
Total FTE's	4,622		(3.8)	(1.9)	(10.3)	(11.4)

III. C - Expenditures By Program (optional)

Program	FY 2018	FY 2019	2017-19	2019-21	2021-23
Correctional Operations/Prisons (200)		(533,236)	(533,236)	(2,847,965)	(3,163,059)
Health Services (500)		(103,752)	(103,752)	(554,130)	(615,438)
Total \$		(636,988)	(636,988)	(3,402,095)	(3,778,497)

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.