

Multiple Agency Fiscal Note Summary

Bill Number: 2715 S HB	Title: Impaired driving
-------------------------------	--------------------------------

Estimated Cash Receipts

Agency Name	2017-19		2019-21		2021-23	
	GF- State	Total	GF- State	Total	GF- State	Total
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Department of Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Total \$	0	0	0	0	0	0

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.								
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Licensing	.0	0	29,400	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	44,000	44,000	.2	46,310	46,310
Total	0.0	\$0	\$29,400	0.0	\$44,000	\$44,000	0.2	\$46,310	\$46,310

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

Prepared by: Veronica Jarvis, OFM	Phone: (360) 902-0649	Date Published: Final 2/14/2018
--	---------------------------------	---

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

** See local government fiscal note

FNPID: 52297

FNS029 Multi Agency rollup

Judicial Impact Fiscal Note

Bill Number: 2715 S HB	Title: Impaired driving	Agency: 055-Administrative Office of the Courts
-------------------------------	--------------------------------	--

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:

Non-zero but indeterminate cost. Please see discussion.
--

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact	Omeara Harrington	Phone: 360-786-7136	Date: 02/05/2018
Agency Preparation:	Renee Lewis	Phone: 360-704-4012	Date: 02/05/2018
Agency Approval:	Ramsey Radwan	Phone: 360-357-2406	Date: 02/05/2018
OFM Review:	Ramona Nabors	Phone: (360) 902-0547	Date: 02/06/2018

Request # 2715 SHB-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

Please see attached Judicial Impact Note (JIN).

Part III: Expenditure Detail

Part IV: Capital Budget Impact

Part II: Narrative Explanation

This bill would modify impaired driving provisions.

The substitute bill differs from the original bill by adding a section for the Ignition Interlock Device (IID) lockout provision. There is no change in the impact to the courts or AOC.

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

RCW 9.94A.729 would be amended to add the provision that an offender whose sentence includes impaired enhancements under RCW 9.94A, minor child enhancements under 9.94A.533 (13) or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.

RCW 10.21.055 would be amended to state that the court shall immediately notify the department of licensing when an ignition interlock restriction is imposed as a condition of release after conviction in instances where a person is charged with, or convicted of, a violation of RCW 46.61.502, 46.61.504, 46.61.520 or 46.61.522.

A new section would be added to RCW 46.20 that states if an ignition interlock device lockout condition occurs, the ignition interlock device manufacturer may authorize and provide a temporary bypass mechanism that allows the restricted person to remove the lockout condition for up to twenty-four hours in order for the vehicle equipped with the ignition interlock device to be transported for service of the device.

II.B - Cash Receipt Impact

No cash receipt impact.

II.C – Expenditures

Based on information from program staff, because the bill would remove the 24/48 consecutive hours language and provide judges with discretion in certain instances, there will be some impact to the court. However, the impact will not be significant.

Individual State Agency Fiscal Note

Bill Number: 2715 S HB	Title: Impaired driving	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: Omeara Harrington	Phone: 360-786-7136	Date: 02/05/2018
Agency Preparation: Ed Vukich	Phone: 360-664-9374	Date: 02/05/2018
Agency Approval: Ed Vukich	Phone: 360-664-9374	Date: 02/05/2018
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/14/2018

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.

SHB 2715

IMPAIRED DRIVING

101 – Caseload Forecast Council

February 5, 2018

SUMMARY

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

- Section 1 amends earned release provisions by establishing that the sentence enhancements under RCW 9.94A.533(7) (impaired driving enhancement) and RCW 9.94A.533(13) (minor child enhancement) shall not receive earned release time on the enhancement portion of their sentence.
- Section 2 specifies that minor child enhancements (RCW 9.94A.533(13)) run consecutive to each other (as well as to the underlying sentence).
- Section 3 amends provision concerning ignition interlock devices.
- Section 4 removes requirements regarding forensic phlebotomists.
- Section 5 adds Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug to the list of offenses where an offender who causes an incident resulting in emergency response is liable for the expense of the emergency response.
- Section 6 makes numerous amendments to punishment provisions concerning non-felony driving under the influence and actual physical control.
- Section 6 additionally clarifies that minor child in vehicle enhancements are served consecutively.
- Section 7 establishes what are acceptable situations to remove the lockout condition on an ignition interlock device for up to 24 hours.
- Section 8 expands what an ignition interlock must employ to include technology capable of allowing a device lockout condition to be bypassed for up to 24 hours by certain individuals.
- Section 9 exempts conduct under Section 7 of the bill from the Gross Misdemeanor offense concerning tampering with an ignition interlock device.

Given the above provisions:

- Offenders who received impaired driving or minor child enhancements will spend more time in prison; and
- Offenders who are sentenced to jail for non-felony driving under the influence or actual physical control may spend more of their sentence in jail.

EXPENDITURES

Assumptions.

The 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 FY17 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.
- For prison (non-DOSA) sentences, length of stay in prison is calculated using figures for average percentage of sentence served in prison, which is based on DOC FY17 data for non-DOSA offenders for the DOC Crime Categories of Vehicular Homicide and Felony DUI, and they is calculated by CFC.
- Bed impacts are calculated with a composite phase-in factor, based on CFC FY17 data for the DOC Crime Categories of Vehicular Homicide and Felony DUI, and it is calculated by the CFC.

Impact on the Caseload Forecast Council.

None.

Impact on prison and jail beds.

This bill:

- Lengthens confinement time for some impaired driving offenders.

The bill will result in no jail bed impact. Additionally, the bill will result in no prison (DOSA) bed impact and a maximum prison (non-DOSA) bed impact of 5 beds, first reached at 108 months after implementation.

Average Monthly Population Jail and Prison Impacts**SHB 2715 - Impaired Driving****Caseload Forecast Council****February 5, 2018**

	Fiscal Year									
	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Jail AMP	0	0	0	0	0	0	0	0	0	0
Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Prison AMP (Non-DOSA)	0	0	0	0	1	2	2	3	4	5
Prison AMP (Total)	0	0	0	0	1	2	2	3	4	5

The Caseload Forecast Council has no data on blood alcohol concentration, nor the reasons for suspending confinement, for cases of driving under the influence and actual physical control cases. As such, the Caseload Forecast Council cannot estimate impacts from Section 6 of the bill

Individual State Agency Fiscal Note

Bill Number: 2715 S HB	Title: Impaired driving	Agency: 225-Washington State Patrol
-------------------------------	--------------------------------	--

Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

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: Omeara Harrington	Phone: 360-786-7136	Date: 02/05/2018
Agency Preparation: Yvonne Stevens	Phone: 360-596-4042	Date: 02/06/2018
Agency Approval: Mary Thygesen	Phone: 360 596-4046	Date: 02/06/2018
OFM Review: Kathy Cody	Phone: (360) 902-9822	Date: 02/07/2018

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.

The proposed legislation makes changes to RCW 38.52.430, adding Physical Control of a Motor Vehicle to the offenses for which a person, whose intoxication causes an incident resulting in an appropriate emergency response, may be held liable for the expense to a public agency resulting from the response.

The substitute version of the proposed legislation also makes changes and adds a new section to RCW 46.20.750 and 43.43.395. These changes will allow an ignition interlock device manufacturer to authorize and provide a temporary bypass mechanism that allows the removal of a lockout condition for up to twenty-four hours in order for the vehicle equipped with the ignition interlock device to be transported for service of the device. It allows one bypass to be authorized per lockout condition incident, and requires that it be displayed in the device data log downloaded by the manufacturer and reported to the Washington State Patrol (WSP) within seven days of the download.

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.

There is a potential for cash receipts to the State Patrol Highway Account as a result of DUI Cost Recoveries related to convictions for Physical Control of a Motor Vehicle, however it is not clear how many such convictions include a qualifying emergency response by the WSP or how many of those responses the courts will order be reimbursed.

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.

Under current law, an ignition interlock device must be certified to meet or exceed the minimum test standards according to rules adopted by the State Patrol. There are currently six models from six different manufacturers certified. The proposed legislation will require that each of the currently certified models be reevaluated and retested by Ignition Interlock Program Oversight personnel once they are modified by the manufacturer in order to recertify them for use. This would require approximately 80 hours of combined FTE time which, depending on other mission requirements, may require overtime to accomplish. If overtime is required it would result in an estimated one-time cost of up to \$7,300 in salary and benefits. There are also one-time costs associated with the rule making that will be required as a result of this proposed legislation. These costs will be absorbed by the agency.

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.

Rulemaking for 204-50-030 (17), WAC 204-50-090 (4), and WAC 204-50-090 (5) will be required to reflect the changes in

the proposed legislation related to ignition interlock devices.

Individual State Agency Fiscal Note

Bill Number: 2715 S HB	Title: Impaired driving	Agency: 240-Department of Licensing
-------------------------------	--------------------------------	--

Part I: Estimates

☐

No Fiscal Impact

Estimated Cash Receipts to:

Non-zero but indeterminate cost. Please see discussion.

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
Account					
Motor Vehicle Account-State 108-1	0	29,400	29,400	0	0
Total \$	0	29,400	29,400	0	0

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: Omeara Harrington	Phone: 360-786-7136	Date: 02/05/2018
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 02/07/2018
Agency Approval: Dan Weeks	Phone: (360) 902-0147	Date: 02/07/2018
OFM Review: Veronica Jarvis	Phone: (360) 902-0649	Date: 02/08/2018

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.

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

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years					
E-Goods and Other Services		29,400	29,400		
Total:	\$0	\$29,400	\$29,400	\$0	\$0

III. C - Expenditures By Program (optional)

Program	FY 2018	FY 2019	2017-19	2019-21	2021-23
Information Services (200)		29,400	29,400		
Total \$		29,400	29,400		

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

Agency 240 – Department of Licensing

Bill Number: SHB 2715 Bill Title: Impaired driving

Part 1: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts

Account Name	Account	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Account Totals		-	-	-	-	-

Estimated Expenditures:

	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
FTE Staff Years	-	-	-	-	-

Account Name	Account	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Motor Vehicle Account	108	-	29,400	29,400	-	-
Account Totals		-	29,400	29,400	-	-

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

Legislative Request: Omeara Harrington	Phone: 360-786-7136	Date: 2/5/18
Agency Preparation: Don Arlow	Phone: 360-902-3736	Date: 2/7/18
Agency Approval: Diamatris Winston	Phone: 360-902-3644	Date: 2/7/18

Request #	2715 SHB
Bill #	1

Part 2 – Explanation

This bill modifies penalty provisions of impaired driving laws, including:

- Loss of good time credits when the offense includes minor child enhancements;
- Removal of language on qualifications of a forensic phlebotomist;
- Liability for the expense of an emergency response by a public agency;
- A court's discretion to order electronic home monitoring or ninety days of 24/7 sobriety program monitoring;
- Partial or full suspension of a sentence;
- An increase of the penalty for minor passenger(s) in vehicle;
- Provisions to allow temporary removal of ignition interlock device conditions.

SHB 2715 compared to HB 2715: SHB 2715 makes further refinements to sentencing provisions for impaired driving, and permits ignition interlock manufacturers to provide a bypass mechanism to allow temporary removal of the ignition interlock condition for certain purposes, such as a delivery to a service station. These changes do not have a fiscal impact on the Department of Licensing (DOL).

SHB 2715 provides an effective date of April 1, 2019 for Section 6 of the bill. This change will allow for modifications through the department's DRIVES initiative, and removes assumptions included in the fiscal note for HB 2715 that estimated the cost of delays due to DRIVES impacts during the code freeze.

2.A – Brief Description on what the measure does and how it has a fiscal impact

Section 1 amends RCW 9.94A.729 to add a provision that any offender whose sentence includes impaired driving enhancements, minor child enhancements cannot receive any good time credits or earned release time for any portion of their sentence that results from those enhancements.

Section 2 amends RCW 9.94A.533 to add language regarding the minor child enhancements.

Section 3 amends RCW 10.21.055 to change the language to “after conviction”, and strikes the restriction to only offenses involving alcohol.

Section 4 amends RCW 18.360.030 to remove the language regarding forensic phlebotomist qualifications.

Section 5 amends RCW 38.52.430 to add in the “physical control of a motor vehicle while under the influence”.

Section 6 amends RCW 46.61.5055 to:

- Remove the language of imprisonment if the sentence would risk the physical or mental health of the offender.
- Adds in the clause giving discretion to the courts and changes the language of court-imposed penalties.
- Increases the number of minor passengers in the vehicle to 1 or more (currently is 1 minor passenger) and changes the court-imposed penalties.

Section 7 is a new section in Chapter 46.20 RCW that authorizes an ignition interlock device manufacturer to provide a temporary bypass mechanism to allow removal of the lockout condition, for up to 24 hours, for service of the device.

Section 10 establishes an effective date for section 6 of April 1, 2019.

2.B - Cash Receipt Impact

This bill may have a minor impact on cash receipts. Language in the bill allows the court to impose ignition interlock device requirements as a pre-trial release condition when alcohol is not a factor, which will increase deposits to the Ignition Interlock Device Revolving Account (14V). The impact is indeterminate, but expected to be insignificant.

2.C – Expenditures

There are no operational impacts that drive expenditures associated with this bill.

Information Services

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

What DOL will do to implement SHB 2715:

DRIVES

- Modify screens to collect data.
- Modify logic to calculate Ignition Interlock Device (IID) requirement, and store data.
- Modify interface with Formsite to process new data element.

Assumptions:

- No changes to letters.
- Abstract of Court (ACR) form must be updated in Formsite before DRIVES can be modified.
- Process to receive IID requirement will not change.

Cost Category	Description	Rate	2018	2019	2020	2021	2022	2023	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 18,444	-	3,700	-	-	-	-	3,700
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 26,448	-	2,600	-	-	-	-	2,600
PROJECT MANAGER	Manage schedule and contracts	\$ 27,492	-	2,700	-	-	-	-	2,700
QUALITY ASSURANCE	Plan and carry out activities to assure project deliverables; e.g. preventative defect activities, align quality measures and business objectives.	\$ 31,668	-	9,500	-	-	-	-	9,500
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 27,144	-	2,700	-	-	-	-	2,700
DEVELOPERS	Modify programming and coding to all major systems	\$ 18,444	-	5,500	-	-	-	-	5,500
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ -	-	2,700	-	-	-	-	2,700
Totals			-	29,400	-	-	-	-	29,400

Changes from last version: Previous version included legacy systems changes for 90 day sine die effective date for \$59,100. The change of the effective date also removes the \$2 million per month DRIVES delay assumption from the previous fiscal note.

Part 3 – Expenditure Detail

3.A – Expenditures by Object or Purpose

Object Name	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Goods and Services	-	29,400	29,400	-	-
Total By Object Type	-	29,400	29,400	-	-

3.A.1 – Detail of Expenditures by Sub-Object (Goods and Services Only)

Object E - Description	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
ER - Application Programmers	-	29,400	29,400	-	-
Total Goods & Services	-	29,400	29,400	-	-

3.B – FTE Detail

Position	Salary	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
Total FTE		-	-	-	-	-

3.C – Expenditures by Program (Optional)

Program	FY 18	FY 19	17-19 Total	19-21 Total	21-23 Total
200 - Information Services	-	29,400	29,400	-	-
Totals by Program	-	29,400	29,400	-	-

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 2715 S HB	Title: Impaired driving	Agency: 310-Department of Corrections
-------------------------------	--------------------------------	--

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	0.0	0.0	0.0	0.0	0.2
Account					
General Fund-State 001-1	0	0	0	44,000	46,310
Total \$	0	0	0	44,000	46,310

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: Omeara Harrington	Phone: 360-786-7136	Date: 02/05/2018
Agency Preparation: Kari Miller	Phone: 725-8510	Date: 02/14/2018
Agency Approval: Alan Haskins	Phone: 360-725-8264	Date: 02/14/2018
OFM Review: Trisha Newport	Phone: (360) 902-0417	Date: 02/14/2018

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(2)(b) amends RCW 9.94.729 earned release provisions by establishing that the sentence enhancements under RCW 9.94A.533(7) – Impaired Driving Enhancement and RCW 9.94A.533(13) – Minor Child Enhancement shall not receive earned release time on the enhancement portion of their sentence.

Section 2(13) amends RCW 9.94A.533 to specify that minor child enhancements run consecutive to each other, as well as to the underlying sentence.

Section 3(1)(b) amends RCW 10.21.055 provisions concerning ignition interlock devices.

Section 4(1)(b) amends RCW 18.360.030 to remove requirements regarding forensic phlebotomists.

Section 5 amends RCW 38.52.430 to add Physical Control of a Motor Vehicle While Under the Influence of Intoxicating Liquor or Any Drug to the list of offenses where an offender who causes an incident resulting in emergency response is liable for the expense of the emergency response.

Section 6(6) amends RCW 46.61.5055 to additionally clarify that minor child in vehicle enhancements are served consecutively.

Section 7 adds a new section to chapter 46.20 establishing acceptable situations to remove the lockout condition on an ignition interlock device for up to 24 hours.

Section 8(3)(iv) amends RCW 43.43.395 to expand what an ignition interlock must employ to include technology capable of allowing a device lockout condition to be bypassed for up to 24 hours by certain individuals.

Section 9(3) amends RCW 46.20.750 to exempt conduct under Section 7 of the bill from the gross misdemeanor offense concerning tampering with an ignition interlock device.

Section 10 adds a new section stating Section 6 of this act takes effect April 1, 2019.

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 less than \$50,000 per Fiscal Year (FY).

This bill revises impaired driving provisions to lengthen confinement time for some impaired drivers. Those individuals who receive impaired driving or minor child enhancements will have a longer length of stay as the

enhancement portion of the sentence would not be eligible for earned time.

The Caseload Forecast Council (CFC) estimates this bill will result in a prison bed impact of (5) beds, first reached at 108 months after implementation.

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

The assumptions used to calculate the prisons Average Daily Population (ADP) change were provided by CFC's fiscal note for this bill. The CFC estimates that prison bed impacts begin at one (1) ADP in FY2019 and reaches a maximum ADP change of five (5) in FY2027.

The following are the estimated annual impacts (rounded):

FY2018: No impact;

FY2019: No impact;

FY2020: No impact;

FY2021: No impact;

FY2022: 1 ADP X \$14,477 Average Unit Cost (AUC) = \$14,477 and 0.1 Full Time Equivalents (FTE);

FY2023: 2 ADP X \$14,477 AUC = \$28,956 and 0.2 FTE.

PRISON SUBSTANCE USE DISORDER TREATMENT IMPACT (P700)

The assumptions used to calculate Substance Use Disorder (SUD) Treatment (Tx) in prisons uses FY2017 data of actual expenditures per participant. The FY2017 rate is \$1,437.94 per participant. The DOC assumes 100% of the participants sent to prison will need SUD Tx given their offense. To estimate the number of participants from the ADP provided by CFC, DOC calculated the average length of stay in prison for this crime type of 18.8 months and divided this number into the number of months in a year ($12/18.8=63.7\%$). This percentage is applied to the yearly CFC forecasted ADP to arrive at the number of participants that we assume will be treated.

The following are the estimated annual impacts (rounded):

FY2018: No impact;

FY2019: No impact;

FY2020: No impact;

FY2021: No impact;

FY2022: 1 ADP X 63.7% = 1 participant (rounded) X \$1,437.94 = \$1,438; and

FY2023: 2 ADP X 63.7% = 1 participant (rounded) X \$1,437.94 = \$1,438.

INFORMATION TECHNOLOGY IMPACTS (P100):

The DOC assumes one (1) new screen or equivalent coding enhancements would need to be developed within the Offender Management Network Information (OMNI). The DOC assumes the following staff are necessary to complete the development, testing and implementation of the upgrades:

One (1) Business Analyst would be needed to interface with the development requirements for the new feature/change, estimated at 100 hours per screen at an hourly rate of \$80.00 for a total of \$8,000.

One (1) Technical Analyst would be needed to put together the technical design of the new feature/change for the developers to turn into code, estimated at 100 hours per screen at an hourly rate of \$80.00 for a total of \$8,000.

One (1) Tester would be needed to test the new functionality to ensure it meets the business requirement and does not break any existing applications, estimated at 100 hours per screen at an hourly rate of \$80.00 for a total of \$8,000.

One (1) Developer would be needed to code the application, estimated at 200 hours per screen at an hourly rate of \$100 for a total of \$20,000.

Total Information Technology cost will be $\$8,000 + \$8,000 + \$8,000 + \$20,000 = \$44,000$ all in FY2021 (rounded):

AGENCYWIDE TOTAL IMPACT:

Total fiscal impact of this proposed legislation combined as follows (rounded):

FY2018: No impact;

FY2019: No impact;

FY2020: No impact;

FY2021: \$44,000 (OMNI update only);

FY2022: \$15,916 and 0.1 FTE; and

FY2023: \$30,394 and 0.2 FTE.

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. 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 100% of the participants sent to prison for this crime type are in need of SUD Tx while in prison.
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.
5. Information Technology costs are estimates and may require additional resources as we reach a deeper understanding of the requirements of the legislation. The DOC reserves the right to “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					0.2
A-Salaries and Wages					18,957
B-Employee Benefits					8,886
C-Professional Service Contracts					
E-Goods and Other Services				44,000	12,306
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					6,161
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$0	\$0	\$0	\$44,000	\$46,310

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 Staffing	72,303					0.2
Total FTE's	72,303					0.2

III. C - Expenditures By Program (optional)

Program	FY 2018	FY 2019	2017-19	2019-21	2021-23
Administration & Support Services (100)				44,000	
Correctional Operations (200)					36,360
Health Care Services (500)					7,074
Offender Programming (700)					2,876
Total \$				44,000	46,310

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: 2715 S HB	Title: Impaired driving
-------------------------------	--------------------------------

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

Legislation Impacts:

- ☐ Cities:
- ☐ Counties:
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☒ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☐ Key variables cannot be estimated with certainty at this time:

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/12/2018
Leg. Committee Contact: Omeara Harrington	Phone: 360-786-7136	Date: 02/05/2018
Agency Approval: Renee Martine-Tebow	Phone: 360-725-5045	Date: 02/12/2018
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 02/12/2018

Part IV: Analysis

A. SUMMARY OF BILL

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

DIFFERENCES FROM PRIOR BILL VERSION:

The substitute version of the bill makes a number of changes to the sentencing provisions, which do not impact local government.

SUMMARY OF CURRENT BILL VERSION:

Sec. 1 amends RCW 9.94A.729. An offender whose sentence includes any impaired driving enhancements under RCW 9.94A.533(7), minor child enhancements under RCW 9.94A.533(13), or both, shall not receive any good time credits or earned release time for any portion of his or her sentence that results from those enhancements.

Sec. 4 amends RCW 18.360.030. It removes the requirement that the qualifications for a forensic phlebotomist must include training consistent with the Occupational Safety and Health Administration guidelines, and must include between 20 and 30 hours of work in a clinical setting with the completion of more than 100 successful venipunctures.

Sec. 5 amends RCW 38.52.430. A person whose intoxication causes an incident resulting in an emergency response, and who, in connection with the incident, has been found guilty of or has had their prosecution deferred for physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, is liable for the expense of an emergency response by a public agency to the incident.

Sec. 6 amends RCW 46.61.5055 to make a number of changes to the mandatory sentencing provisions for non-felony driving under the influence and actual physical control offenses.

B. SUMMARY OF EXPENDITURE IMPACTS

Briefly describe and quantify the expenditure impacts of the legislation on local governments, identifying the expenditure provisions by section number, and when appropriate, the detail of expenditures. Delineate between city, county and special district impacts.

The legislation would have no expenditure impacts for local government. The bill would lengthen some sentence times for impaired driving offenders who are already serving their sentences in Department of Corrections prisons. As such, there would be no impact to county jails.

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 impacts for local government.

SOURCES:

Caseload Forecast Council