

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs
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## Estimated Cash Receipts

Agency Name	2019-21		2021-23		2023-25	
	GF- State	Total	GF- State	Total	GF- State	Total
Office of Attorney General	0	121,000	0	180,000	0	118,000
Department of Social and Health Services	0	5,000	0	15,000	0	20,000
<b>Total \$</b>	<b>0</b>	<b>126,000</b>	<b>0</b>	<b>195,000</b>	<b>0</b>	<b>138,000</b>

## Estimated Operating Expenditures

Agency Name	2019-21			2021-23			2023-25		
	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
Office of Attorney General	.4	0	121,000	.7	0	180,000	.4	0	118,000
Department of Social and Health Services	16.6	5,992,000	5,997,000	28.7	10,433,000	10,448,000	28.2	11,415,000	11,435,000
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.								
The Evergreen State College	.2	77,302	77,302	.0	0	0	.0	0	0
<b>Total \$</b>	<b>17.2</b>	<b>6,069,302</b>	<b>6,195,302</b>	<b>29.4</b>	<b>10,433,000</b>	<b>10,628,000</b>	<b>28.6</b>	<b>11,415,000</b>	<b>11,553,000</b>

Agency Name	2019-21			2021-23			2023-25		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2019-21			2021-23			2023-25		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Estimated Capital Budget Breakout

Department of Social and Health Services	Non-zero but indeterminate cost and/or savings. Please see discussion.
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

NONE

*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: Kevin Black	Phone: (360) 786-7747	Date: 01/29/2020
Agency Preparation: Pam Kelly	Phone: 360-705-5318	Date: 02/03/2020
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/03/2020
OFM Review: Gaius Horton	Phone: (360) 902-0608	Date: 02/03/2020

157,451.00

Request # 6640 SB-1

Form FN (Rev 1/00)

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Bill # 6640 SB

**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**

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

NONE

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

NONE

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

NONE

**III. D - FTE Detail**

NONE

**III. E - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact**

## **Part II: Narrative Explanation**

This bill would modify the procedures and considerations currently in place concerning treatment and placement of conditionally released sexually violent predators.

This bill would allow for the development of individualized treatment plans, and would allow the Department of Corrections to authorize the person to petition the court for conditional release.

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

Section 1(21) – Would define “fair share principles” and “fair share principles of release” to mean that each county has options for conditional release housing placements in a number equivalent to the number of residents from that county who are subject to total confinement pursuant to this chapter.

Section 2(4) – Would require that every person committed pursuant to this chapter has an individualized treatment discharge plan which addresses at the bare minimum the following;

- (a) A functional assessment of physical health, and the need for any health aid devices;
- (b) history of substance use and abuse;
- (c) history of risk and impulsive behaviors; and
- (d) A summary of the individual’s treatment needs, including community services and supports needed for safe living in the community and the providers of these services.

Section 3(1)(a) – Would allow those who have been found to no longer meet the criteria of a sexually violent predator the ability to petition court for an unconditional discharge.

Section 3(1)(b) – Would require the secretary to order a hearing when a person’s condition has so changed that a conditional release to a less restrictive alternative is in the best interest of the person and conditions can be met to adequately protect the community.

Section 3(2)(c)(i) Would allow for a person found at the for cause hearing to have either changed so they no longer meet the definition of sexually violent predator or the state fails to present prima facie evidence that the committed person continues to meet the definition of sexually violent predator, to ask the court to set a hearing on the issue of unconditional discharge. –

Section 3(2)(c)(ii) - Would allow for a person found at the for cause hearing to have either changed so a less restrictive alternative is in the best interest of the person or the state was unable to present prima facie evidence that no less restrictive alternative is in the best interest of the person, the ability to petition the court for hearing on the issue of conditional release.

Section 3(2)(c)(iii) – Would allow for the court to set a hearing on the issue of conditional release if at the for cause hearing there is evidence that probable cause exists to believe that release to a less restrictive alternative would be in the best interest of the person and conditions can be imposed to adequately protect the community.

Section 5(5)(a) – Would require when the court releases a person to less restrictive alternative placement the court considers the person’s less placement is in accordance with fair share principles; unless there are reasons why the department may not recommend that a person is released to his or her county of commitment, including the availability of individualized resource or support needs of the person. When the court authorizes conditional release based on the

department's proposal to a county other than the county of commitment, the court would enter specific findings regarding its decision and identify whether the release remains in line with fair share principles.

Section 5(6) – Would require that the department provide at minimum, the service needs identified in the person's discharge plan as outlined in RCW 41.09.080(4) and assignment of a community care coordinator, regular contact with court ordered treatment services, community escorts, a transition plan addressing access to continued services upon unconditional discharge, financial support for necessary housing and assistance in pursuing benefits, education and employment.

Section 6(2) – Would allow the Department of Corrections to issue an arrest warrant for up to seventy-two hours pending entry of a bench warrant by the court.

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

None

## **II.C – Expenditures**

Indeterminate but expected to be minimal. Superior courts could experience additional case filings and there would be a need for judicial officer education. These changes could be managed within existing resources.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
Legal Services Revolving Account-State 405-1		121,000	121,000	180,000	118,000
<b>Total \$</b>		121,000	121,000	180,000	118,000

### Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	0.9	0.4	0.7	0.4
<b>Account</b>					
Legal Services Revolving Account-State 405-1	0	121,000	121,000	180,000	118,000
<b>Total \$</b>	0	121,000	121,000	180,000	118,000

### 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: Kevin Black	Phone: (360) 786-7747	Date: 01/29/2020
Agency Preparation: Michael Shinn	Phone: 360-759-2122	Date: 02/07/2020
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/07/2020
OFM Review: Gwen Stamey	Phone: (360) 902-9810	Date: 02/07/2020

## 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 amends RCW 71.09.020 to strike the existing bar against a “less restrictive alternative” including placement in a community protection program under RCW 71A.12.230, and adding definitions of fair share principles and fair share principles of release.

Section 2 amends RCW 71.09.080 to provide persons committed under the chapter a right to a treatment plan including an individualized discharge plan, and to describe the contents of such a plan.

Section 3 amends RCW 71.09.090 to amend language regarding conditional release to a less-restrictive alternative. If the secretary determines a release is in the best interest of the person and the community can be adequately protected, the secretary shall authorize the person to petition for conditional release. The Department of Social and Health Services (DSHS) is required to identify a less restrictive alternative within 60 days, or provide a written certification describing unsuccessful efforts to identify one. Such written certification allows the committed person to identify a qualifying placement. The prosecutor responsible for the original commitment must be notified, and the court shall hold a hearing within 45 days of DSHS or the committed person identifying a less restrictive placement. Conditions for show cause hearings under the section are elaborated on. Court orders for unconditional discharge of previously committed persons must be transmitted to the Department of Corrections (DOC) for discharge process.

Section 4 amends RCW 71.09.092 to require that DSHS has documented an effort to ensure that a less-restrictive placement it recommends outside the county of commitment is consistent with fair share principles of release.

Section 5 amends RCW 71.09.096 to require DOC to investigate any less-restrictive alternative placements the court proposes and report recommended additional conditions to the court within 60 days.

Section 6 amends RCW 71.09.130 to allow DOC to enter arrest warrants for up to 72 hours pending a bench warrant if a committed person disappears while on conditional relief.

Section 8 amends RCW 71.09.250 is amended to authorize the state to site and operate community transition and other conditional release facilities in any county of the state.

Section 9 is a new section to require DSHS to notify the Department of Health (DOH) whenever a sex offender treatment provider in an underserved county is contracted to provide treatment to persons on conditional release. The Secretary of DOH shall waive fees for initial, renewal, and reissuance for such providers.

Section 10 is a new section requiring the Washington State Institute for Public Policy to review and report by December 1, 2020 on the availability of less restrictive alternative services for committed persons within each county of the state. If any county lacks less restrictive alternative services, DSHS must present a plan by December 1, 2021 to procure adequate services consistent with fair share principles of release.

### 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.*



Cash receipts are assumed to equal the Legal Service Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agency is the Department of Social & Health Services (DSHS). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

## **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.*

### **Attorney General's Office (AGO) Agency Assumptions:**

1. This bill is assumed effective 90 days after the end of the 2020 legislative session.
2. Agency administration support FTE are included in the tables below, using a Management Analyst 5 as a representative classification.
3. The AGO Corrections Division (COR) has reviewed this bill and determined it will not appreciably increase the division's workload in representing the Department of Corrections (DOC). This bill's only impact on DOC is to impose a 60-day deadline for completing the existing statutory requirement to investigate proposed less restrictive alternatives when ordered by the court. New legal services are assumed to be nominal and costs are not included in this request.

### **Assumptions for the AGO Social & Health Services Division (SHO) Legal Services for the Department of Social & Health Services (DSHS):**

1. The AGO will bill DSHS for legal services based on the enactment of this bill.
2. This bill requires significant changes and new requirements in DSHS' operation regarding conditional releases. This bill will create significant need of legal services while DSHS implements these changes. This will include advice, increased litigation in commitment proceedings, and other challenges to DSHS' implementation of these requirement.
3. In FY 2021 and FY 2022, 0.5 Assistant Attorney General (AAG) will be required for the initial implantation. Legal services include, but are not limited to appearance and defense of DSHS in RCW 71.09 commitment proceedings statewide regarding DSHS' compliance with the requirements of this bill; Defending the program in litigation from challenges related to DSHS' implementation of this bill; Advice on rule making and policy development necessary for DSHS to implement the requirements of this bill.
4. Beginning in FY 2023 and in each FY thereafter, 0.25 AAG will be necessary for ongoing legal services to defend DSHS in the commitment proceedings regarding DSHS' actions required by the bill.

5. Total workload impact:

FY 2021 and FY 2022: 0.5 AAG and 0.25 Legal Assistant (LA) at a cost of \$121,000.

FY 2023 and in each FY thereafter: 0.25 AAG and 0.13 LA at a cost of \$59,000.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
405-1	Legal Services Revolving Account	State	0	121,000	121,000	180,000	118,000
<b>Total \$</b>			0	121,000	121,000	180,000	118,000

### III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		0.9	0.4	0.7	0.4
A-Salaries and Wages		78,000	78,000	117,000	78,000
B-Employee Benefits		27,000	27,000	40,000	26,000
E-Goods and Other Services		14,000	14,000	21,000	14,000
G-Travel		1,000	1,000	1,000	
J-Capital Outlays		1,000	1,000	1,000	
<b>Total \$</b>	0	121,000	121,000	180,000	118,000

### III. C - Operating FTE 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 2020	FY 2021	2019-21	2021-23	2023-25
Assistant Attorney General	108,156		0.5	0.3	0.4	0.3
Legal Assistant 3	54,108		0.3	0.1	0.2	0.1
Management Analyst 5	88,644		0.1	0.1	0.1	0.1
<b>Total FTEs</b>			0.9	0.4	0.7	0.4

### III. D - Expenditures By Program (optional)

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Social & Health Services (All) (SHO)		121,000	121,000	180,000	118,000
<b>Total \$</b>		121,000	121,000	180,000	118,000

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

## Part V: New Rule Making Required

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs	<b>Agency:</b> 300-Department of Social and Health Services
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2020	FY 2021	2019-21	2021-23	2023-25
General Fund-Federal 001-2		5,000	5,000	15,000	20,000
<b>Total \$</b>		5,000	5,000	15,000	20,000

### Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	33.1	16.6	28.7	28.2
<b>Account</b>					
General Fund-State 001-1	0	5,992,000	5,992,000	10,433,000	11,415,000
General Fund-Federal 001-2	0	5,000	5,000	15,000	20,000
<b>Total \$</b>	0	5,997,000	5,997,000	10,448,000	11,435,000

### Estimated Capital Budget Impact:

Non-zero but indeterminate cost and/or savings. Please see discussion.

*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.*

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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.
- ☒ Requires new rule making, complete Part V.

Legislative Contact: Kevin Black	Phone: (360) 786-7747	Date: 01/29/2020
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 02/13/2020
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/13/2020
OFM Review: Cynthia Hollimon	Phone: (360) 902-0562	Date: 03/02/2020

## 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.*

SB 6640 relates to the placement and treatment of conditionally released Sexually Violent Predators (SVPs), amending and adding a new section to RCW 71.09.

Sec. 1 [Amends 71.09.020] Removes from the definition of "Less Restrictive Alternative" (LRA) the restriction of placing SVPs in the community protection program. Adds the definition of "fair share principles" which means that each county has options for conditional release housing placements in a number generally equivalent to the number of residents from that county who are subject to total confinement.

Sec. 2 [Amends RCW 71.09.080] Expands the definition of treatment plan to include individualized discharge planning, and defines the individualized discharge plan to include:

- A functional assessment of physical health, functioning, and any need for health aid devices.
- History of substance use and abuse.
- History of risk and impulsive behaviors.
- Summary of individual's treatment needs, including the community services and supports needed for safe living in the community, and providers of such services and supports.

Sec. 3 [Amends 71.09.090] Amendment provides when the Secretary supports or DSHS fails to prove a LRA is not appropriate at show cause hearing, that the court will order the department to find a LRA within 60 days. If a placement is not found within 60 days the department must provide certification to the court, prosecutor, resident and counsel detailing efforts to find a placement. At that time, a resident and/or counsel may propose a placement. A court entering an order for unconditional discharge from an immediately preceding less restrictive placement, must transmit the order to the Department of Corrections (DOC) for discharge process and termination of cause.

Sec. 4 [Amends 71.09.092] Requires the department to identify placements in alignment with fair share principles, as defined in amended section 1.

Sec. 5 [Amends RCW 71.09.096] Requires that placements for residents going out on LRA adheres to the fair share principles. The Department must document its rationale for the recommended placement and whether the Department remains in compliance with fair share principles regarding releases under this chapter. The Department and courts may take into consideration protection orders, victim safety concerns, unavailability of appropriate treatment facilities, and the location of the individual's support system.

Requires the Department to provide LRA treatment and any services identified in the discharge plan, and assign a Community Care Coordinator; and defines related obligations, which includes financial support for housing, and assistance in pursuing benefits, education, and employment.

Adds language authorizing the state to site Secure Community Transition Facilities (SCTF) in any county of the state. Adds language that requires DSHS to notify the Department of Health (DOH) when a certified sex offender treatment provider is contracted to provide services in an underserved county so that DOH credentialing fees can be waived.

Sec. 9 [New Section of RCW 71.09] Requires the Department to notify the secretary of health whenever a sex

offender treatment provider in an underserved county has been contracted to provide treatment services.

Sec. 10 [New Section of RCW 71.09] The Washington State Institute for Public Policy (WSIPP) is required to report on the availability of adequate LRA services available for the placement of the persons committed as an SVP within each county in the State of Washington. DSHS must present by December 1, 2021, if a county lacks adequate less restrictive alternative services, a plan to procure adequate services for less restrictive placement within each county consistent with fair share principles of release.

## **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.*

A portion of the costs incurred to implement this legislation will be funded with federal Title XIX-Grants to States for Medical Assistance funds.

## **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.*

SB 6640 will have a fiscal impact on the Department of Social and Health Service (DSHS), Special Commitment Center (SCC) and Developmental Disabilities Administration (DDA) operating budgets; and potential capital budget impacts related to providing Less Restrictive Alternative (LRA) court ordered placements in a Secure Community Transition Facility (SCTF).

Sec. 2 Expands the definition of a treatment plan to include an individualized discharge plan developed by DSHS, and defines the criteria the individualized discharge plan must address. New workload requirements will necessitate a discharge planning team consisting of clinical, information technology, and human resource staff as follows:

### **Discharge Planning Team:**

- 7.0 Psychiatric Social Worker 3s (PSW3)
  - Caseload of 30 residents per social worker.
  - Assumes Fiscal Year (FY) 2019 average of 205 residents in total confinement.
  - Ratio at state hospitals of 1 PSW3 for every 15 patients. However discharge planning evaluations in state hospitals are completed every 90 days whereas SCC will complete every 6 months.
- 1.0 Social Work Manager (WMS 2)
  - Manages new social work staff.
- 1.0 Psychologist 4
  - Performs functional assessments.

### **Medical Discharge Team:**

- 3.0 RN2s
  - Perform nursing assessments and determine need for assistive devices. Each evaluation estimated to take 2 hours.
  - Nurses would assist in physical and occupational therapy evaluations.
  - Nurses would be responsible for coordinating with private health care providers for individuals in the community in order to maintain Health Insurance Portability Accountability Act (HIPPA) compliance.
- 1.0 RN4

- Manages the Medical Discharge Team.

IT Impact: Development of Admission/Discharge/Transfer (ADT) System consistent with systems already in place in state hospitals. Estimates provided by Behavioral Health Administration (BHA) Information Technology (IT) department using prior system development experience as a reference. SCC does not have a system in place that could support the function of discharge planning.

- 1.0 Senior Project Manager (3 years)
- 1.0 Senior Application Developer (ongoing following development for maintenance and operations)
- 1.0 Journey Application Manager (ongoing following development for maintenance and operations)
- 1.0 Senior Business Analyst (ongoing following development for maintenance and operations)
- 1.0 Journey Business Analyst (2 years)
- \$450,000 Platform License Cost
- \$250,000 External Quality Assurance (over 3 years)

Sec. 3 Shifts primary responsibility for identifying less restrictive alternative (LRA) placements for SVPs to DSHS, if the Secretary supports a placement, or if the department fails to prove Less Restrictive Alternative (LRA) is not appropriate at show cause hearing; at which time the courts will order the department to find a LRA placement within 60 days. If a placement is not found within 60 days the department must provide certification to the court, prosecutor, resident and counsel detailing efforts to find a placement. At that time, a resident and/or counsel may propose a placement.

New workload requirements will necessitate a community placement team, requiring additional program staff as follows:

Community Placement Team:

- 1.0 Director (WMS 3) – Oversees the Community Placement and Discharge Programs in Sections 2 & 3.
- 1.0 Community Program Manager (WMS 2) – Supervises Placement Coordinators below.
- 2.0 Placement Coordinators (Psychiatric Social Worker 3).
  - Locates possible placements.
  - Coordinate with SCC treatment teams during treatment and discharge planning.
  - One placement coordinator each, for Eastern and Western Washington.
- 1.0 Administrative Assistant 4 – Administrative support for discharge planning and community placement.
- 1.0 Project Manager (WMS Band 2)
  - Year 1: Program implementation.
  - Year 2: Transitions to task force in section 10 below .
- 1.0 Management Analyst 5 – Data tracking and analysis in new ADT System.

Sec. 4 Requires the Department to identify placements in alignment with fair share principles, as defined in amended section 1. The department will be required to procure services in counties with less developed networks of treatment providers for SVPs in the community.

New workload will require a contract specialist position to support the efforts to align with fair share principles.

- 1.0 Contracts Specialist 3 – Fair share principles will require attempts to site the SVP in their county of commitment. DSHS assumes additional contract efforts will be required to support procurement in areas with fewer sex offender treatment providers available.

Sec. 5 Requires the Department to provide LRA treatment, and any services identified in the discharge plan, and

assign a Community Care Coordinator; additionally defines related obligation, which includes financial support for housing, and assistance in pursuing benefits, education, and employment.

SCC currently provides financial support and contracts for sex offender treatment providers and chaperone services, with costs currently captured as a component of the SCC LRA forecast each fiscal year. For purposes of this fiscal note any fiscal impacts as a result of supports and contracts are not included in the total fiscal note cost; it is assumed the annual legislative budget step will align fiscal impacts based on forecasted need.

New workload to the department will be the assignment of a Community Care Coordinator. As the bill does not state the positions duties, SCC assumes staff will have regular contact with their caseload, as well as with the assigned providers of court-ordered treatment services. This position will assist SCC treatment teams with the development of transition plans, and provide assistance to residents in pursuing benefits, education, and employment.

Using a ratio of one FTE for every ten residents in the community and assuming FY19 average LRA caseload of 41 residents with a historical trend of increased community placements, the SCC will require five FTEs to support the requirement of assigned community care coordinators. SCC would seek additional funding through the legislative process when the forecasted community placement ratio indicates a need for additional staff.

- 5.0 Community Care Coordinators (Psychiatric Social Worker 3) – communication and coordination with residents, SCC treatment team, and treatment providers to provide successful discharge plan results.

This proposed legislation will increase both caseload and workload models for the DDA, Community Protection Program (CPP). The CPP provides intensive voluntary services and 24-hour supervision for those identified as a significant risk to their community because of criminal or behavioral history. CPP supports enable participants to live successfully in the community and remain out of prison or other justice system setting.

Of the residents at the SCC Total Confinement Facility or on conditional release in the community, up to nine are currently or potentially eligible for DDA services. Court ordered clients phasing into the DDA CPP, are assumed to occur approximately one every six months. A calculated rate of \$13,641, per client per month, for services is based on average cost per CPP client from the Winter 2020 DDA Forecast (July 19 through October 19 actual expenditures) divided by actual clients. The rate is based on an assumption that Supported Living (SL) providers will accept the SCC residents, which is not a contract requirement. If SL providers are unwilling to accept the SCC residents, an alternative would be to expand State Operated Living Alternatives (SOLA) capacity, which would increase the fiscal costs. It is assumed that the court order to provide DDA services to SCC clients would disqualify any federal match under the current DDA waiver, and CPP costs would be all GF-State.

DDA will require additional staffing to complete workload increases, 0.2 FTE Case Resource Manager, based on the CPP caseload ratio from the mandatory workload model; at a one to 40 client ratio.

Sec. 9 Requires the department to notify the secretary of health whenever a sex offender treatment provider in an underserved county has been contracted to provide treatment services. The secretary of health will waive for the licensing fees. Provides a definition of underserved county. The staff-time to perform duties will be accomplished by existing staff within their existing workload, therefore, no fiscal impact.

Sec. 10 Based on the WSIPP report, if a county lacks adequate less restrictive alternative services, the department (DSHS) must present a plan by 2021, to procure adequate services for less restrictive placement within each

county consistent with fair share principles of release.

For purposes of this fiscal note, "adequate" means meeting the treatment needs of those eligible for conditional release, including the community services and supports needed to support safe living in the community, and the providers of such services and supports.

SCC will be required to establish a task force to support the development and execution of the plan required by this section. Task force will coordinate with SCC leadership, discharge planning staff, community program staff, and with community resources in the underserved counties to support development and execution of a plan.

- 1.0 Administrative Assistant 4 – Administrative support for task force staff.
- 1.0 Project Manager (WMS Band 2) – Workload duties accomplished as part of position in section 3.
- 1.0 Workforce Development Manager (WMS Band 2) – Responsible for the development of a community resources network in underserved counties to support placement consistent with fair share principles.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	0	5,992,000	5,992,000	10,433,000	11,415,000
001-2	General Fund	Federal	0	5,000	5,000	15,000	20,000
<b>Total \$</b>			0	5,997,000	5,997,000	10,448,000	11,435,000

#### III. B - Expenditures by Object Or Purpose

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		33.1	16.6	28.7	28.2
A-Salaries and Wages		3,344,000	3,344,000	5,808,000	5,700,000
B-Employee Benefits		1,237,000	1,237,000	2,178,000	2,144,000
C-Professional Service Contracts					
E-Goods and Other Services		560,000	560,000	814,000	726,000
G-Travel		40,000	40,000	72,000	72,000
J-Capital Outlays		501,000	501,000	1,000	2,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services		177,000	177,000	1,337,000	2,557,000
P-Debt Service		10,000	10,000	17,000	16,000
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		128,000	128,000	221,000	218,000
9-					
<b>Total \$</b>	0	5,997,000	5,997,000	10,448,000	11,435,000



**III. C - Operating FTE 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 2020	FY 2021	2019-21	2021-23	2023-25
ADMINISTRATIVE ASSISTANT 4	56,568		2.0	1.0	1.0	1.0
CASE RESOURCE MANAGER	70,956		0.1	0.1	0.2	0.2
CONTRACTS SPECIALIST 3	77,952		1.0	0.5	1.0	1.0
IT APP DEVELOPMENT - JOURNEY	96,420		1.0	0.5	1.0	1.0
IT APP DEVELOPMENT - SENIOR / SPECIALIST	111,636		1.0	0.5	0.5	
IT BUSINESS ANALYST - JOURNEY	96,420		1.0	0.5		
IT BUSINESS ANALYST - SENIOR / SPECIALIST	106,308		1.0	0.5	1.0	1.0
IT PROJECT MANAGEMENT - SENIOR / SPECIALIST	111,636		1.0	0.5	1.0	1.0
MANAGEMENT ANALYST 5	88,236		1.0	0.5	1.0	1.0
PSYCHIATRIC SOCIAL WORKER 3	97,392		14.0	7.0	14.0	14.0
PSYCHOLOGIST 4	110,184		1.0	0.5	1.0	1.0
REGISTERED NURSE 2	94,224		3.0	1.5	3.0	3.0
REGISTERED NURSE 4	112,620		1.0	0.5	1.0	1.0
WMS BAND 2	111,048		4.0	2.0	2.0	2.0
WMS BAND 3	125,076		1.0	0.5	1.0	1.0
<b>Total FTEs</b>			33.1	16.6	28.7	28.2

**III. D - Expenditures By Program (optional)**

Program	FY 2020	FY 2021	2019-21	2021-23	2023-25
Developmental Disabilities Administration (DDA) (040)		189,000	189,000	1,372,000	2,605,000
Special Commitment Center (SCC) (135)		5,808,000	5,808,000	9,076,000	8,830,000
<b>Total \$</b>		5,997,000	5,997,000	10,448,000	11,435,000

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### IV. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

### IV. C - Capital Budget Breakout

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

Non-zero but indeterminate cost and/or savings. Please see discussion.

This proposed legislation has an indeterminate capital impact on DSHS, as the LRA court ordered SCTF placement impact can not be estimated at this time. Section 5 adds language authorizing the state to site SCTFs in any county of the state. An estimate from DSHS Office of Capital Programs for the siting, designing, and construction of a new SCTF is provided in the event that new SCTFs will be required, and are assumed at a cost of \$750,000 per bed.

## 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 or amended rules may be needed to implement this legislation.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs	<b>Agency:</b> 303-Department of Health
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

NONE

### 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: Kevin Black	Phone: (360) 786-7747	Date: 01/29/2020
Agency Preparation: Donna Compton	Phone: (360) 236-4538	Date: 01/29/2020
Agency Approval: Carl Yanagida	Phone: 360-7894832	Date: 01/29/2020
OFM Review: Bryce Andersen	Phone: (360) 902-0580	Date: 01/29/2020

## 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 relates to the placement and treatment of conditionally released sexually violent predators. The statutes referenced are for the Department of Social and Health Services.

This bill does not affect the Department of Health therefore there is no fiscal impact.

### II. B - Cash receipts Impact

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

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.*

NONE

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

### III. B - Expenditures by Object Or Purpose

NONE

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. 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: Kevin Black	Phone: (360) 786-7747	Date: 01/29/2020
Agency Preparation: Greg Scott-Braaten	Phone: 360-725-8977	Date: 01/31/2020
Agency Approval: Michael Steenhout	Phone: 360-725-8270	Date: 01/31/2020
OFM Review: Cynthia Hollimon	Phone: (360) 902-0562	Date: 02/04/2020

## 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 is an act related to the placement and treatment of conditionally released sexually violent predators.

Section 1 (21) amends RCW 71.09.020 to add the definitions of “Fair share principles” and “Fair share principles of release” which mean that each county has options for conditional release housing placements in a number generally equivalent to the number of residents from that county who are subject to total confinement pursuant to this chapter.

Section 3 (5) amends RCW 79.09.090 to state that a court entering an order for unconditional discharge of a person from an immediately preceding less restrictive placement must transmit the order to the Department of Corrections (DOC) for discharge process and termination of cause.

Section 4 (4) amends RCW 71.09.092 to state that the if Department of Social and Health Services (DSHS) has proposed housing that is outside the county of commitment, a documented effort must be made by DSHS to ensure that placement is consistent with fair share principles of release.

Section 6 (2) amends RCW 71.09.130 to state that if a person committed under this chapter disappears while on conditional release, DOC may enter an arrest warrant for up to seventy-two hours pending entry of a bench warrant by the court.

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.*

### 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, assumed to be greater than \$50,000 per Fiscal Year (FY).

With the fair share principles of release, potential workload issues may occur due to caseload changes based on region and location. These changes would most likely be corrected and “trued up” with the DOC Community Corrections’ Division caseload staffing model when or if the impacts actually occur. However, some cases may have a separate DOC jurisdiction cause, and once a placement has been identified, the placement would have to be investigated and approved by DOC. This would increase DOC staffing resources to do, specifically the Corrections Specialists who are trained to work with the SVP population. Without statistics on this new method of placement, a determinate number of resources cannot be realized at this time.

Potential impacts to workload for the Corrections Specialists assigned to this population would be any change to the current assessments and training required to treat and work with this population. It is not apparent there would be a change that is immediately realizable without knowing the breadth of changes to treatment and discharge planning the Department of Social and Health Services has to fulfill.

The DOC assumes this bill would likely result in workload increases for the specialists that work with this population. This would require an increase in staffing for this unit. The workload impact cannot reliably be estimated at this time. Therefore, the fiscal impact is indeterminate, assumed to be greater than \$50,000 per FY.

### Assumptions

The cost of one Corrections Specialist 3, Range 57CC, Step L, is as follows:

FY 2021 Salary: \$75,569

FY 2021 Benefits: \$27,712

FY 2021 Total: \$103,281

The DOC assumes this bill will likely increase workload and caseload distribution for the specialized employees that work with the SVP population. As stated, certain aspects of this bill create some ambiguity in terms of workload relating to placement, location, region and potential training requirements that cannot be realized until after implementation. As such, 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 - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

### III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

NONE

### III. D - Expenditures By Program (optional)

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

*Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods*

NONE

## Part V: New Rule Making Required

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs	<b>Agency:</b> 376-The Evergreen State College
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## Part I: Estimates

☐ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years	0.0	0.5	0.2	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	0	77,302	77,302	0	0
<b>Total \$</b>	0	77,302	77,302	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: Kevin Black	Phone: (360) 786-7747	Date: 01/29/2020
Agency Preparation: Catherine Nicolai	Phone: (360) 664-9087	Date: 01/31/2020
Agency Approval: Holly Joseph	Phone: 360-867-6652	Date: 01/31/2020
OFM Review: Breann Boggs	Phone: (360) 902-0659	Date: 02/02/2020



## 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.*

Sec. 10 of SB 6640 directs the Washington State Institute for Public Policy (WSIPP) to report on the availability of adequate less restrictive alternative services available for the placement of persons committed under chapter 71.09 RCW within each county in the state of Washington. For purposes of this assignment, "adequate" means meeting the treatment needs of those eligible for conditional release, including the community services and supports needed to support safe living in the community, and the providers of such services and supports

The report is due by December 1, 2020.

### 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.*

We assume that Washington State Institutional Review Board (WSIRB) approval is not needed and that agencies will provide the necessary information in a timely manner.

In order to complete the assignment outlined in Sec. 10 of SB 6640, WSIPP would assign the following resources:

FY 2020:

-0.40 FTE Researcher to collect background information, prepare and administer surveys, analyze the results, and write the report.

-0.06 FTE Editing/Publication for report publication.

\*Goods and other services include 13% for office expenses and 12% indirect rate for The Evergreen State College.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2020	FY 2021	2019-21	2021-23	2023-25
001-1	General Fund	State	0	77,302	77,302	0	0
Total \$			0	77,302	77,302	0	0

**III. B - Expenditures by Object Or Purpose**

	FY 2020	FY 2021	2019-21	2021-23	2023-25
FTE Staff Years		0.5	0.2		
A-Salaries and Wages		47,398	47,398		
B-Employee Benefits		13,681	13,681		
C-Professional Service Contracts					
E-Goods and Other Services		16,223	16,223		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	77,302	77,302	0	0

**III. C - Operating FTE 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 2020	FY 2021	2019-21	2021-23	2023-25
Editing/Publication	83,364		0.1	0.0		
Researcher	103,320		0.4	0.2		
<b>Total FTEs</b>			0.5	0.2		0.0

**III. D - Expenditures By Program (optional)**

NONE

**Part IV: Capital Budget Impact****IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

Identify acquisition and construction costs not reflected elsewhere on the fiscal note and describe potential financing methods

NONE

**Part V: New Rule Making Required**

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 6640 SB	<b>Title:</b> Conditionally released SVPs
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**Part I: Jurisdiction**—Location, type or status of political subdivision defines range of fiscal impacts.

**Legislation Impacts:**

- ☐ Cities:
- ☒ Counties: Increased work for King County Prosecutor's Office to attend hearings on conditional release for sexually violent predators
- ☐ Special Districts:
- ☒ Specific jurisdictions only: King County
- ☐ 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: Number and of additional hearings

**Estimated revenue impacts to:**

None

**Estimated expenditure impacts to:**

Non-zero but indeterminate cost and/or savings. Please see discussion.

**Part III: Preparation and Approval**

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/12/2020
Leg. Committee Contact: Kevin Black	Phone: (360) 786-7747	Date: 01/29/2020
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/12/2020
OFM Review: Cynthia Hollimon	Phone: (360) 902-0562	Date: 02/12/2020

## Part IV: Analysis

### A. SUMMARY OF BILL

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

Section 3 amends RCW 71.09.090 to amend language regarding conditional release to a less-restrictive alternative. If the Department of Social and Health Services (DSHS) determines a release is in the best interest of the person and the community can be adequately protected, DSHS shall authorize the person to petition for conditional release. DSHS is required to identify a less restrictive alternative within 60 days, or provide a written certification describing unsuccessful efforts to identify one. Such written certification allows the committed person to identify a qualifying placement. The prosecutor responsible for the original commitment must be notified, and the court shall hold a hearing within 45 days of DSHS or the committed person identifying a less restrictive placement. Court orders for unconditional discharge of previously committed persons must be transmitted to the Department of Corrections (DOC) for discharge process.

Section 4 amends RCW 71.09.092 to require that DSHS has documented an effort to ensure that a less-restrictive placement it recommends outside the county of commitment is consistent with fair share principles of release.

Section 10 is a new section requiring the Washington State Institute for Public Policy to review and report by December 1, 2020 on the availability of less restrictive alternative services for committed persons within each county of the state. If any county lacks less restrictive alternative services, DSHS must present a plan by December 1, 2021 to procure adequate services consistent with fair share principles of release.

### B. SUMMARY OF EXPENDITURE IMPACTS

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

The legislation would result in increased costs for the King County Prosecutor's Office.

According to the Washington Association of Prosecuting Attorneys, King County is the only jurisdiction that handles cases for sexually violent predators (SVPs). For the remainder of the state, the Office of the Attorney General manages cases concerning conditional release of SVPs.

According to the King County Prosecutor's Office, the bill would result in increased hearings for SVPs who are being considered for conditional release. Under the bill, DSHS will lead efforts to secure housing for released SVPs, and therefore the King County Prosecutor's Office anticipates that a greater number of SVPs will be considered for conditional release. Currently, a key impediment to the release of SVPs who have been rehabilitated is the lack of suitable housing options.

The number of additional hearings cannot be estimated, so the costs are indeterminate.

### C. SUMMARY OF REVENUE IMPACTS

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

The legislation would have no revenue impacts for local government.

#### SOURCES:

Washington Association of Prosecuting Attorneys  
Office of the Attorney General  
King County Prosecutor's Office