

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5035 SB	<b>Title:</b> Drug offender scoring
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## Estimated Cash Receipts

NONE

## Estimated Operating Expenditures

Agency Name	2021-23				2023-25				2025-27			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2021-23			2023-25			2025-27		
	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	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.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>

Agency Name	2021-23			2023-25			2025-27		
	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 Breakout

NONE

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Final 1/25/2021
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5035 SB	<b>Title:</b> Drug offender scoring	<b>Agency:</b> 101-Caseload Forecast Council
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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: Shani Bauer	Phone: (360)786-7468	Date: 01/21/2021
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/23/2021
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/23/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/24/2021

## 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 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 attachment.

## 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

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

**SB 5035**  
**DRUG OFFENDER SCORING**  
**101 – Caseload Forecast Council**  
**January 21, 2021**

**SUMMARY**

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

Section 1 Amends RCW 9.94A.525 by changing how a criminal history score is calculated. For violations of chapter 69.50 RCW, except for the crimes of manufacturing, delivering, or possessing with intent to manufacture a controlled substance, such offenses are excluded from the offender score if it has been more than 10 years since the entry of the Judgment and Sentence.

**EXPENDITURES**

**Assumptions.**

None.

**Impact on the Caseload Forecast Council.**

None.

**Impact on beds and supervision.**

This bill:

- Reduces criminal history scores for some individuals convicted of a felony offense.

Criminal history scores are provided by the counties and do not necessarily correspond to criminal history listed on the judgment and sentence form. The Caseload Forecast Council (CFC) does not necessarily receive all criminal history from the various counties, scores can be subject to negotiations between the parties involved and the CFC cannot determine the age at offense for offenses in history. Additionally, the CFC does not have the date of entry of the Judgment and Sentences for offenses in the criminal history, and as such, is unable to determine if the 10-year period of time necessary to exclude offenses from scoring occurred.

Therefore, the CFC lacks data necessary to reliably estimate the bed impacts of the bill. However, reductions in criminal history scores will result in a decreased need for both jail beds and prison beds.

Of the 24,257 sentences imposed in Fiscal Year 2019, 22.3% of the all offenses listed as criminal history, 22.3% were a Violation of the Uniform Controlled Substance Act. It is unknown how many of those offenses would meet the criteria of the bill.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5035 SB	<b>Title:</b> Drug offender scoring	<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: Shani Bauer	Phone: (360)786-7468	Date: 01/21/2021
Agency Preparation: Scherry Sinclair	Phone: 360-725-8846	Date: 01/24/2021
Agency Approval: Michael Steenhout	Phone: 360-725-8270	Date: 01/24/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/25/2021

## 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)(e) adds language to RCW 9.94A.525 that changes how a criminal history score is calculated. This bill excludes any conviction for a violation of the uniform controlled substances act under chapter 69.50 RCW except for the manufacturing, delivering or possessing with intent to manufacture from being included in the offender score if it has been more than 10 years since the entry of the judgment and sentence.

Effective date is assumed 90 days after adjournment of the 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.*

Due to a decreased need for both jail beds and prison beds it is determined a greater than \$50,000 savings as a result of this bill.

This bill reduces criminal history scores for some individuals convicted of a felony offense. Criminal history scores are provided by the counties and do not necessarily correspond to criminal history listed on the judgment and sentence form. The Caseload Forecast Council (CFC) does not necessarily receive all criminal history from the various counties, scores can be subject to negotiations between the parties involved and the CFC cannot determine the age at offense for offenses in history. Additionally, the CFC does not have the date of entry of the Judgment and Sentences for offenses in the criminal history, and as such, is unable to determine if the 10-year period of time necessary to exclude offenses from scoring occurred.

The Caseload Forecast Council (CFC) lacks data necessary to reliably estimate the bed impacts of the bill. However, reductions in criminal history scores will result in a decreased need for both jail beds and prison beds.

In Fiscal Year 2019 there was a total of 24,257 sentences imposed. On average of the total the criminal history offenses approximately 25% are drug related offenses. It is unknown how many of those offenses would meet the criteria of the bill.

## 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

**IV. D - Capital FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part IVB*

NONE

**Part V: New Rule Making Required**

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 5035 SB	<b>Title:</b> Drug offender scoring
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## Part I: Jurisdiction

Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities:
- Counties: Indeterminate cost reduction due to less need for county jail beds due to reduction in offender scores
- 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: Proportion of sentences in which criminal history reviewed would now not include certain 10-year-old controlled substance violations as determined by this legislation

### 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: David Rosen	Phone: 360-790-3274	Date: 01/21/2021
Leg. Committee Contact: Shani Bauer	Phone: (360)786-7468	Date: 01/21/2021
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/21/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/22/2021

## **Part IV: Analysis**

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

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

This legislation would amend RCW 9.94A.525 by changing how a criminal history score is calculated for the purposes of determining an offender score for sentencing of potential confinement.

The legislation dictates that for violations of chapter 69.50 RCW (Uniformed Controlled Substances Act), except for the crimes of manufacturing, delivering, or possessing with intent to manufacture, a controlled substance or any comparable out-of-state conviction, any conviction for a violation of the uniform controlled substances act, or any out-of-state conviction for an offense that under the laws of this state would be a violation of the uniform controlled substances act, may not be included in the offender score if it has been more than 10 years since the entry of judgment and sentence.

### **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.*

This legislation would have indeterminate expenditure reduction impacts on local governments.

At this time, the data necessary to reliably estimate the jail bed impacts this bill would have is unavailable. However, this bill's general effect would be that of reducing criminal history scores which would result in a decreased need for jail beds. Per the 2021 Local Government Fiscal Note Program Criminal Justice Cost Matrix, the cost of an occupied jail bed is \$114/day.

For context, in Fiscal Year 2019, 24,257 sentences were imposed. Of all the offenses listed as criminal history in determining these sentences, 22.3% were a violation of RCW 69.50, the Uniform Controlled Substances Act. It is unknown at this time what proportion of those criminal history offenses would meet this legislation's criteria.

### **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.*

This legislation would have no revenue impacts on local governments.

#### **SOURCES:**

2021 Local Government Fiscal Note Program Criminal Justice Cost Matrix  
Washington Caseload Forecast Council