

Multiple Agency Fiscal Note Summary

Bill Number: 5163 2S SB	Title: Conditionally released SVPs
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Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	1,198,000	0	0	1,198,000	0	0	1,198,000
Department of Licensing	0	0	200	0	0	200	0	0	200
Department of Social and Health Services	0	0	117,000	0	0	114,000	0	0	114,000
Total \$	0	0	1,315,200	0	0	1,312,200	0	0	1,312,200

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
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	4.5	0	0	1,198,000	4.5	0	0	1,198,000	4.5	0	0	1,198,000
Office of Financial Management	.6	172,844	172,844	172,844	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	38.3	14,471,000	14,471,000	14,588,000	35.5	11,892,000	11,892,000	12,006,000	34.5	11,660,000	11,660,000	11,774,000
Department of Health	.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.											
Total \$	43.4	14,643,844	14,643,844	15,958,844	40.0	11,892,000	11,892,000	13,204,000	39.0	11,660,000	11,660,000	12,972,000

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
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
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Health	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Final 2/25/2021
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Judicial Impact Fiscal Note

Bill Number: 5163 2S SB	Title: Conditionally released SVPs	Agency: 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

Estimated Capital Budget Impact:

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: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 02/23/2021
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 02/23/2021
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/23/2021

166,929.00

Request # 5163 2SSB-1

Form FN (Rev 1/00)

Bill # 5163 2S 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

Part III: Expenditure Detail

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

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

166,929.00

Form FN (Rev 1/00)

Request # 5163 2SSB-1

Bill # 5163 2S SB

Part II: Narrative Explanation

This bill would add a discharge plan as a part of the treatment process for sexually violent predators (SVP). The bill would establish minimum requirements for the discharge plan. The bill would provide that the Department of Corrections (DOC) may authorize the offender to petition for a less restrictive alternative placement if the DOC agrees that they would qualify. The bill would provide that upon receipt of the petition, a court shall order the DOC to identify the less restrictive alternative within 90 days.

The bill would provide that DOC may propose housing outside of the county of commitment if placement is consistent with fair share principals of release. A definition for fair share principals of release is provided.

The bill would provide that when considering a less restrictive alternative for a person with one or more victims under the age of 18, a court must consider whether it is necessary to impose a restriction on the proximity of the person's residence to public or private schools providing instruction to kindergarten or any grades one through twelve.

The bill would provide that if a court authorizes conditional release based on DOC's proposal to a county other than the county of commitment, a court shall enter specific findings regarding its decision and identify whether the release remains in line with fair share principles.

The bill would provide that when ordered by the court, DOC must provide less restrictive alternative treatment and the bill outlines minimum standards. The bill would add a new question that must be determined by a court during the annual review of a release to a less restrictive alternative (i.e., whether the conditional release is the best way to protect the person and community). The bill would provide that if a person disappears while on conditional release, the DOC may issue a 72 hour warrant pending a warrant by the court.

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

II.B - Cash Receipt Impact

None.

II.C – Expenditures

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

Individual State Agency Fiscal Note

Bill Number: 5163 2S SB	Title: Conditionally released SVPs	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
Legal Services Revolving Account-State 405-1	599,000	599,000	1,198,000	1,198,000	1,198,000
Total \$	599,000	599,000	1,198,000	1,198,000	1,198,000

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	4.5	4.5	4.5	4.5	4.5
Account					
Legal Services Revolving Account-State 405-1	599,000	599,000	1,198,000	1,198,000	1,198,000
Total \$	599,000	599,000	1,198,000	1,198,000	1,198,000

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: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Preparation: Stacia Hollar	Phone: (360) 664-0865	Date: 02/23/2021
Agency Approval: Dianna Wilks	Phone: 360-709-6463	Date: 02/23/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 02/23/2021

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 – New Section legislative findings.

Section 2 – Amends RCW 71.09.020 to add definition of fair share principles and fair share principles of release.

Section 3 - Amends RCW 71.09.080 to address requirements for sexually violent predators discharge planning. Adds requirement to develop policies around discharge planning.

Section 4 - Amends RCW 71.09.090 to address changes in a person’s behavior that might result in conditional release to a less restrictive alternative.

Section 5 - Amends RCW 71.09.092 to require documentation for placement outside county of commitment.

Section 6 - Amends RCW 71.09.096 addresses requirements for release when the victims were under the age of 18. Also defines department’s role when making recommendations for placement as quasi-judicial.

Section 7 - Amends RCW 71.09.130 to authorize Department of Correction (DOC) warrants for individuals who disappear while on conditional release. DOC and its officers, agency and employees are not liable for the acts of those on conditional release absent gross negligence.

Section 8 - Amends RCW 71.09.140 regarding notification of release.

Section 9 - Amends RCW 71.09.250 to authorize additional release facilities in any county in the state.

Section 10 - Is a new section in chapter 71.09 RCW requiring the Department of Social and Human Services (DSHS) to notify the Department of Health (DOH) regarding services being provided in an “underserved county”.

Section 10 - Is a new section in chapter 71.09 RCW requiring DSHS to conduct a study regarding development of new release locations and enter into contracts for such facilities. Add requirement that buildings must comply with applicable building and zoning codes.

Section 11 - Is a new section in chapter 71.09 RCW addresses DSHS’ responsibilities for developing less restrictive alternative placements.

Section 12 is a new section in chapter 71.09 RCW addressing identification cards issued by the Department of Licensing.

Section 13 is a new section in chapter 71.09 RCW regarding the formation of a work group involving DSHS, DOH and the sex offender policy board to develop recommendations for increasing the availability of less restrictive alternatives. This section expires June 30, 2022.

Section 14 is a new section in chapter 71.09 RCW requiring meetings of the sex offender policy board during the 2021-23 biennium regarding this act. This section expires June 30, 2023.

Section 15 is a new section in chapter 9.94A regarding the meetings required in Section 15. This section expires June 30, 2023.

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 Services 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. 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 2021 legislative session.
2. Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.
3. Agency administration support FTE are included in the tables below, using a Management Analyst 5 as a representative classification.
4. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Commerce (COM). COM was assigned this fiscal note request for its role in estimating the impact of bills on local governments and will not be given any new authorities or responsibilities under this bill. This law will not generate any legal work for AHD. Costs are not included in this request.
5. The AGO AHD Division has reviewed this bill and determined it will not significantly increase the division's workload in representing the Department of Health (DOH). This bill requires DOH to waive fees for certain sex offender treatment providers and participate in a workgroup to develop recommendations to increase the availability and quality of sex offender treatment providers. This law will require negligible or no additional legal advice from the AGO. New legal services are assumed to be nominal and costs are not included in this request.
6. The AGO Corrections Division (COR) has reviewed this bill and determined it will not significantly increase the division's workload in representing the Department of Corrections (DOC). The substitution will impose significant new requirements with respect to state support of Sexually Violent Predators (SVP) seeking less restrictive alternative (LRA) placements, but only two of the changes will impact DOC – a 60 day deadline for

completing LRA investigations and 72 hour warrant authority for SVPs who abscond. In and of themselves, neither change is likely to increase DOC's need for legal resources. The substitute also includes limited liability protection language applicable to DOC for its role in supervising SVPs. It is possible on a long-term basis that the overall effect of the bill will be to increase the number of SVP LRAs, which could increase DOC's need for legal services. This is very hard to reliably predict, but COR assumes seven hours each fiscal month (84 hours annually) beginning in FY2022. New legal services are nominal and costs are not included in this request.

7. The AGO Licensing & Administrative Law Division has reviewed this bill and determined it will not significantly increase the division's workload in representing the Department of Licensing (DOL). Although Section 12 provides for residents of the Special Commitment Center (SCC) to obtain identicards, any legal services from LAL will be provided with existing resources. New legal services are nominal and costs are not included in this request.

Assumptions for the AGO Social & Health Services Division's (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' operations regarding conditional releases from the SCC. This bill requires DSHS to develop the conditional releases from SCC, which is new work for DSHS. DSHS will also be required to report whether the release of the person is to their county of commitment and if not, whether the release plan complies with "fair share principles" designed to ensure that releases are proportional based on the number of persons committed to specific counties. This bill also requires that DSHS undertake a request for the proposal process to ensure adequate housing and treatment is provided. DSHS will be required to submit a biannual report to the Legislature and Governor detailing the availability of housing providers, treatment providers and compliance with fair share principles.
3. Implementation of this bill will require additional legal services for DSHS. 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; presenting the reports to the commitment courts that are required to be prepared by DSHS pursuant to this bill; and advice on the rule making, contracting and policies necessary to be developed in order to implement the requirements of this bill.
4. The implementation of this bill will result in significant involvement for SHO Assistant Attorney's General (AAG) in the individual commitment cases that are heard in Superior Courts throughout the State. Primarily, SHO AAGs will be required to defend DSHS in situations where release plans cannot be developed in the given amount of time and where parties are challenging the adequacy of the release plans that have been developed.
The number of conditional releases from the SCC has significantly increased in recent years and this included 37 conditional release orders being entered during calendar year 2020.
SHO anticipates the upward trend in conditional releases to continue, and the additional responsibility for DSHS will require an increase in the legal work for SHO AAGs and Paralegals (PL) in defending DSHS throughout that process.
5. The identification and siting of LRA placement options in communities is often highly controversial and involves advice from SHO AAGs regarding responses to that controversy, and legal options and obligations in those placements.

6. The increased legal services necessary to support DSHS in its efforts to comply with new legal services associated with the enactment of this law will necessitate 2.0 AAG and 1.0 PL.

7. \$5,000 per year for direct litigation cost travel expenses and miscellaneous legal expenses related defending DSHS in commitment proceedings throughout the State is included.

8. Total workload impact beginning in FY 2022 and in each FY thereafter: 2.0 AAG, 1.0 Legal Assistant and 1.0 PL at a cost of \$599,000 per FY (this includes direct litigation costs of \$5,000 per FY).

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
405-1	Legal Services Revolving Account	State	599,000	599,000	1,198,000	1,198,000	1,198,000
Total \$			599,000	599,000	1,198,000	1,198,000	1,198,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	4.5	4.5	4.5	4.5	4.5
A-Salaries and Wages	385,000	385,000	770,000	770,000	770,000
B-Employee Benefits	124,000	124,000	248,000	248,000	248,000
E-Goods and Other Services	75,000	77,000	152,000	154,000	154,000
G-Travel	8,000	8,000	16,000	16,000	16,000
J-Capital Outlays	7,000	5,000	12,000	10,000	10,000
Total \$	599,000	599,000	1,198,000	1,198,000	1,198,000

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 2022	FY 2023	2021-23	2023-25	2025-27
Assistant Attorney General	108,600	2.0	2.0	2.0	2.0	2.0
Legal Assistant 3	54,108	1.0	1.0	1.0	1.0	1.0
Management Analyst 5	88,644	0.5	0.5	0.5	0.5	0.5
Paralegal 2	69,264	1.0	1.0	1.0	1.0	1.0
Total FTEs		4.5	4.5	4.5	4.5	4.5

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Social & Health Services (All) (SHO)	599,000	599,000	1,198,000	1,198,000	1,198,000
Total \$	599,000	599,000	1,198,000	1,198,000	1,198,000

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

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

Individual State Agency Fiscal Note

Bill Number: 5163 2S SB	Title: Conditionally released SVPs	Agency: 105-Office of Financial Management
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.8	0.5	0.6	0.0	0.0
Account					
General Fund-State 001-1	105,200	67,644	172,844	0	0
Total \$	105,200	67,644	172,844	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: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Preparation: Jim Jenkins	Phone: 360-902-0403	Date: 02/23/2021
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 02/23/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 02/24/2021

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.

This bill requires the Sex Offender Policy Board (SOPB), which is established under the Office of Financial Management (OFM) by Chapter 9.94A.8673 RCW, to participate in and complete activities described in Sections 13 -15 of this bill. OFM provides staffing for and subject matter expertise to the SOPB.

Under Section 13, the Sex Offender Policy Board will work with the Department of Social and Health Services (DSHS) and the Department of Health (DOH) to convene a work group to develop recommendations to support increasing the availability and quality of sex offender treatment providers to meet the growing demand. The work group will identify best practices from other states and provide recommendations to the Legislature on the following:

- Whether the sex offender treatment providers should be required to contract with DSHS;
- Whether annual or biannual training by DSHS should be mandatory for sex offender treatment providers;
- Whether DSHS should provide competitive wages for services or pay that is commensurate with the years of experience or education level of the treatment provider; and
- Whether DSHS should provide other incentives such as cost-of-living adjustments or compensating providers for the cost of training mandated for licensure.

The report on the work group's findings under this section is due to the Legislature by December 1, 2021.

Under Section 14 and Section 15, the SOPB is required to meet quarterly during the 2021-23 biennium to:

- Continue its review of sexually violent predators and less restrictive alternative policies and best practices;
- Provide outreach to providers and stakeholders;
- Monitor implementation of this act; and
- Explore and make recommendations as to whether to continue or remove the prohibition on a less restrictive alternative from including a placement in the community protection program.

The SOPB will provide semi-annual updates to the appropriate committees of the Legislature during the 2021-23 biennium.

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.

To support the work of the Sex Offender Policy Board (SOPB) the SOPB Coordinator will gather relevant information and develop materials to advise the members on best practices and policy options for all topics including management of sexually violent predators and less restrictive alternatives. This work will include, but not be limited to, researching and conducting literature reviews on the relevant issues and effectiveness of policy options, and collecting input from stakeholders. The SOPB Coordinator will also support the Board in its

monitoring of the act, gathering data and producing all reports

To complete all activities described in Sections 13-15, OFM will need 0.75 FTE Sex Offender Policy Board Coordinator in FY22 and 0.50 FTE in FY23. This position has an annual salary of \$80,112 plus benefits, cost of goods and services, travel and one-time equipment costs.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	105,200	67,644	172,844	0	0
Total \$			105,200	67,644	172,844	0	0

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.8	0.5	0.6		
A-Salaries and Wages	60,084	40,056	100,140		
B-Employee Benefits	21,566	14,388	35,954		
C-Professional Service Contracts					
E-Goods and Other Services	18,000	12,000	30,000		
G-Travel	1,800	1,200	3,000		
J-Capital Outlays	3,750		3,750		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	105,200	67,644	172,844	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 2022	FY 2023	2021-23	2023-25	2025-27
Program Analyst/Specialist	80,112	0.8	0.5	0.6		
Total FTEs		0.8	0.5	0.6		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

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

Individual State Agency Fiscal Note

Bill Number: 5163 2S SB	Title: Conditionally released SVPs	Agency: 240-Department of Licensing
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
Highway Safety Account-State 106-1	100	100	200	200	200
Total \$	100	100	200	200	200

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: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 02/23/2021
Agency Approval: Kristin Bettridge	Phone: 360-902-3644	Date: 02/23/2021
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/23/2021

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.

This bill requires the Department of Licensing (DOL) to enter into a memorandum of understanding with the Department of Social and Health Services (DSHS) to issue identicards to residents in total confinement at the Special Commitment Center. The Special Commitment Center holds residents that have been civilly committed under Chapter 71.09 RCW.

2SSB 5163 compared to SSB 5163: SSB 5163 makes additional changes related to discharge planning, treatment providers, and appropriate facility siting. These changes do not affect DOL, and will not have an impact on the department's fiscal note.

Section 12 is a new section in Chapter 71.09 RCW that:

- Requires DSHS to enter into a memorandum of understanding with DOL to allow residents in total confinement at the Special Commitment Center to obtain a state identification card through a written identification verification letter completed by the Special Commitment Center and delivered to DOL.
- The process shall occur upon the person's initial detention at the special commitment center. The process shall reoccur when the person's state identification card expires.

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.

This bill will have a minimal impact on cash receipts. DOL will collect \$5 per issuance from DSHS. Volumes are expected to be low; DOL anticipates slightly more than one issuance per month. Total cash receipts impact estimate is \$100 per year, deposited in the Highway Safety Account.

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.

This bill will not require additional expenditures. Development of a memorandum of understanding between DOL and DSHS is considered typical and routine work, and will be managed within existing resources. Due to the low expected volumes, issuances under the provisions of the bill can be managed within existing resources. No modifications are needed for the department's information technology systems.

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

Individual State Agency Fiscal Note

Bill Number: 5163 2S SB	Title: Conditionally released SVPs	Agency: 300-Department of Social and Health Services
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
General Fund-Federal 001-2	60,000	57,000	117,000	114,000	114,000
Total \$	60,000	57,000	117,000	114,000	114,000

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	39.5	37.0	38.3	35.5	34.5
Account					
General Fund-State 001-1	8,270,000	6,201,000	14,471,000	11,892,000	11,660,000
General Fund-Federal 001-2	60,000	57,000	117,000	114,000	114,000
Total \$	8,330,000	6,258,000	14,588,000	12,006,000	11,774,000

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: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 02/24/2021
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/24/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/24/2021

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.

2SSB 5163 relates to the placement and treatment of conditionally released Sexually Violent Predators (SVPs), amending and adding a new sections to RCW 71.09.

A new chapter to Title 71.09 RCW creates new mandates around resident community placement locations, discharge planning while in the care of the Special Commitment Center (SCC), defines what will be included in the discharge plan, identifies time constraints for the Department of Social Health Services (DSHS) to identify housing for residents, identifies treatment that will be provided in a less restrictive alternative, and adds language authorizing the state to site and operate secure community transition facilities in all counties in the state.

Amended Section 4. Shifts the primary responsibility for identifying Less Restrictive Alternative (LRA) placements for civilly committed SVPs to DSHS in certain circumstances, and requires LRA placements to be aligned with fair share principles of release when possible.

Amended Section 6. Specifies an SVP has the right to an ongoing, clinically appropriate discharge plan as part of the treatment process.

Amended Section 9(8) Requires that before being authorized to site and operate secure community transition facilities first the department must demonstrate the need for additional bed capacity and receive approval and funding from the legislature to build additional bed capacity.

New Section 11. Requires DSHS to use a request for proposal process to contract with LRA housing and treatment providers, subject to appropriations, and use a housing matrix to plan and develop LRA placements.

New Section 13. Requires DSHS, the Sex Offender Policy Board, and the Department of Health to convene a workgroup to develop recommendations for increasing the availability and quality of sex offender treatment providers, subject to appropriations.

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.

Federal: 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.

5163 SB will have a fiscal impact on the Department of Social and Health Service (DSHS), Special Commitment Center (SCC) and Aging and Long-Term Support Administration (AL TSA) operating budgets; and potential capital budget impacts related to providing Less Restrictive Alternative (LRA) court ordered placements in a secure community transition facility (SCTF).

Section 2 and Section 5 are amended to require the department to identify placements in alignment with fair share principles, as defined in amended section 2. Fair share principles will require attempts to site the Sexually Violent Predators (SVP) in their county of commitment. DSHS will be required to procure services in counties with less developed networks of treatment providers for SVPs in the community. The department must document efforts when placing a resident outside their original county of commitment in alignment with the “Fair share principle”.

- 2.0 Contracts Specialist 3 – New workload will require two contract specialist position to support the efforts to align with fair share principles. DSHS assumes additional contract efforts will be required to support procurement in areas with fewer sex offender treatment providers available.

Section 3 is amended to expand the definition of a treatment plan to include an individualized and ongoing clinically appropriate 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 26 residents per social worker.
 - Assumes FY20 average of 181 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 – perform, collect and report on functional assessments for each resident as part of the discharge plan.
- 1.0 Administrative Assistant 4 – Support for discharge planning team.

Medical Discharge Team:

- 3.0 RN2s
 - Perform nursing physical assessments and determine need for assistive health aide 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 to secure medical benefits for individuals in the community in order to maintain HIPPA compliance. Allows and HIPPA compliant communication with medical providers.
- 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)

AL TSA will require 1.0 FTE for a Social Service Specialist 3 to perform discharge planning for aging and disabled residents, approximately 2-3 clients per month. Staff will conduct face-to-face comprehensive assessments to determine level of care, complete an Activities of Daily Living (ADL) assessment, and develop and assist in the initial and ongoing care plans for residents discharging.

Section 4 is amended to shift 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 90 days. When DSHS develops an LRA placement it must attempt to identify an appropriate placement in the person's county of commitment. If that placement is not available, the department must document its rationale for the placement chosen. If a placement is not found within 90 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 Section 11 requires the department to identify placements in alignment with fair share principles, as defined in amended section 2. The department will be required to procure services in counties with less developed networks of treatment providers for SVPs in the community.

New workload requirements for section 4 & 11 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 3 & 4.
- 1.0 Community Program Manager (WMS 2) – Supervises Placement Coordinators below.
- 3.0 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 – Support for discharge planning and community placement.
- 1.0 Project Manager (WMS 2) - Year 1: program implementation.
- 1.0 Management Analyst 5 – data and discharge plan tracking, maintain data in ADT system.

Section 6 is amended to require the department to provide LRA treatment, and any services identified in the discharge plan, and assign a Community Care Coordinator; additionally defines related obligations, which includes community escorts, transition plan for continued services upon unconditional discharge, financial support for housing, life skills training and disability accommodations, 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 FY20 average LRA caseload of 46 residents, with a historical trend of increased community placements. 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.

New Sections 10, 11, 12, and 13

Section 10. DSHS is required to conduct a study into alternative community placements, specifically as a step-down model.

Section 11. DSHS is required biannually to report to the legislature and governor on the quality and available of LRA placements and treatment providers by county, and the department's compliance with fair share principles, and the quality and available of LRA placements and treatment providers.

Section 12. DSHS is required to enter into a Memorandum of Understanding (MOU) with the Department of License (DOL) to ensure residents can obtain state identification while in the care of the SCC program.

Section 13. DSHS, Department of Health (DOH), and Sex Offender Policy Board (SOPB) will convene a workgroup that will evaluate the quality and availability of sex offender treatment. This work group will make recommendations to the legislature by December 1st, 2021.

SCC will be required to establish a task force to support the development and execution of the plan required by these new sections. The task force will coordinate with SCC leadership, discharge planning staff, community program staff, transitional facilities study contractor, and with community resources in the underserved counties to support development and execution of a plan.

Task Force Team:

- 1.0 Administrative Assistant 2 – Support for task force team.
- 1.0 Management Analyst 5 – study and report development assistance, and maintain housing matrix.
- 1.0 Workforce Development Manager (WMS 2) – program implementation and oversight assistance, MOU development and workgroup participation.
- \$250,000 Contract for a study to explore the development of conditional release and transition facilities.

Additional Support Costs:

1.5 FTE Human Resource (Human Resources Consultant 3) staff will be needed to onboard staff to meet the requirements of this bill in year one.

Attorney General's Office Costs:

Costs are based on estimates provided by the AGO and include 2.0 Attorney's, 1.0 Paralegal, Legal Assistant 3, and 0.5 Management Analyst; staffing for litigation support and to ensure compliance with bill language and working with the courts.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
001-1	General Fund	State	8,270,000	6,201,000	14,471,000	11,892,000	11,660,000
001-2	General Fund	Federal	60,000	57,000	117,000	114,000	114,000
Total \$			8,330,000	6,258,000	14,588,000	12,006,000	11,774,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	39.5	37.0	38.3	35.5	34.5
A-Salaries and Wages	3,910,000	3,687,000	7,597,000	7,061,000	6,946,000
B-Employee Benefits	1,390,000	1,313,000	2,703,000	2,550,000	2,540,000
C-Professional Service Contracts	250,000		250,000		
E-Goods and Other Services	2,256,000	1,078,000	3,334,000	2,048,000	1,946,000
G-Travel	48,000	47,000	95,000	93,000	92,000
J-Capital Outlays	335,000		335,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	141,000	133,000	274,000	254,000	250,000
9-					
Total \$	8,330,000	6,258,000	14,588,000	12,006,000	11,774,000

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 2022	FY 2023	2021-23	2023-25	2025-27
Administrative Assistant 2	46,644	1.0	1.0	1.0	1.0	1.0
Administrative Assistant 4	58,260	2.0	2.0	2.0	2.0	2.0
Community Program Supervisor (WMS Band 2)	114,384	1.0	1.0	1.0	1.0	1.0
Contracts Specialist 3	80,292	2.0	2.0	2.0	2.0	2.0
Director of Discharge Planning (WMS Band 3)	128,302	1.0	1.0	1.0	1.0	1.0
Human Resources Consultant 3	72,756	1.5		0.8		
Journey Application Developer	99,312	1.0	1.0	1.0	1.0	1.0
Journey Business Analyst	99,312	1.0	1.0	1.0		
Management Analyst 5	90,888	2.0	2.0	2.0	2.0	2.0
Psychiatric Social Worker 3	100,308	15.0	15.0	15.0	15.0	15.0
Psychologist 4	113,484	1.0	1.0	1.0	1.0	1.0
Registered Nurse 2	118,320	3.0	3.0	3.0	3.0	3.0
Registered Nurse 4	141,336	1.0	1.0	1.0	1.0	1.0
Senior Application Developer	114,984	1.0	1.0	1.0	1.0	1.0
Senior Business Analyst	109,500	1.0	1.0	1.0	0.5	
Senior Project Manager	114,984	2.0	1.0	1.5	1.0	0.5
Social Service Specialist 3	71,000	1.0	1.0	1.0	1.0	1.0
Social Worker Manager (WMS Band 2)	114,384	1.0	1.0	1.0	1.0	1.0
Workforce Development Manager (WMS2)	114,383	1.0	1.0	1.0	1.0	1.0
Total FTEs		39.5	37.0	38.3	35.5	34.5

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Aging and Long-Term Support Administration (AL TSA) (050)	119,000	113,000	232,000	226,000	226,000
Special Commitment Center (SCC) (135)	8,461,000	6,145,000	14,606,000	11,780,000	11,548,000
Total \$	8,580,000	6,258,000	14,838,000	12,006,000	11,774,000

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

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

NONE

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 8 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.

The total funding allotted to SCC's 12 bed SCTF in King County is \$3,023,700 (Fiscal year 2021). DSHS assumes that the operation of a new 12 bed SCTF will require the same funding.

Adds section 9(8) Requires that before being authorized to site and operate secure community transition facilities first the department must demonstrate the need for additional bed capacity and receive approval and funding from the legislature to build additional bed capacity.

Amends section 9(9)(a) "Equitable distribution" to include 'other conditional release and transitional facilities'.

SCC and DSHS Capital Programs are currently undergoing siting efforts for a new SCTF in Snohomish County, but have no immediate opportunity for the design and construction of a new facility to support these residents. Future siting efforts in Spokane and Clark Counties are contingent on Legislative funding.

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

Bill Number: 5163 2S SB	Title: Conditionally released SVPs	Agency: 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: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 02/23/2021
Agency Approval: Carl Yanagida	Phone: 360-789-4832	Date: 02/23/2021
OFM Review: Danielle Cruver	Phone: (360) 522-3022	Date: 02/23/2021

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.

The fiscal impact of this second substitute version of the bill is the same as that of the previous substitute (SSB 5163) bill.

Section 13: DSHS, sex offender policy board, and Department of Health (department) must convene a work group to develop recommendations to increase the availability and quality of sex offender treatment providers to meet the growing number of persons qualifying for conditional release to a less restrictive alternative. A report is due to the legislature by December 1, 2021.

The department estimates the staffing resources to participate in the work group under Section 13 of this bill will be minimal, and can be managed within their normal workload, therefore no fiscal impact to the department.

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.

Section 10 provides the Department of Social and Health Services (DSHS) the authority to direct the Secretary of Health to waive licensing and renewal fees for sex offender treatment providers contracted to provide treatment services to persons on conditional release in an underserved county. This authority exists in current law (RCW 71.09.360 -- Treatment of persons on conditional release by certified providers in underserved counties— Notification). Therefore, there is no cash receipts impact.

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 - 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

Individual State Agency Fiscal Note

Bill Number: 5163 2S SB	Title: Conditionally released SVPs	Agency: 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: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Preparation: Alan Haskins	Phone: 360-725-8264	Date: 02/25/2021
Agency Approval: Michael Steenhout	Phone: 360-725-8270	Date: 02/25/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/25/2021

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.

2SSB5163 makes technical changes to the earlier version of the bill. Changes to the second substitute do not impact the Department of Corrections (DOC) fiscally.

This bill addresses and provides context for fair share principles and fair share principles for the release of Sexually Violent Predators (SVP) to the county of commitment, addressing provisions for adequate care and individualized treatment. The Court can order Department of Social and Health Services (DSHS) to find placement, for which they must certify it meets RCW 71.09.092(1), and develop a resource database for every county to meet the needs of the Less Restrictive Alternative (LRA) placements. It also directs the Sex Offender Policy Board to monitor the implementation of this act over the next biennium.

Effective date is assumed 90 days after adjournment of session in which this bill is passed.

II. B - Cash receipts Impact

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

None.

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).

This bill establishes a number of new provisions related to fair share releases for SVP to the county of commitment. The bill identifies what DSHS must do to prepare a case for release to a county other than the county of commitment. It also outlines school-proximity restrictions, DSHS responsibility for providing placement plans for alternative placement, and outlines requirements which allows prosecutors' participation in voicing input for the alternative placement in their county.

This bill has the following requirements that may fiscally impact DOC:

- Section 6(4)(a) adds that DOC has 60 days to investigate an LRA as ordered by the courts and adds individualized requirements to be included in the report. Previously there was no statutorily imposed deadline. Mandating a time table and new requirements be included with the investigations may require additional staff to accomplish investigations within the mandated time frames.

The DOC assumes this bill would likely result in a workload increase, although the impact cannot be reliably estimated. LRA is part of the Community Supervision Workload Model. Any increases in services appear in future caseload adjustment requests.

ASSUMPTIONS:

1. We assume any impacts that may result when ADP caseload changes in community LRA placements, additional resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law and impacts to community caseloads increase.
2. If the workload impact necessitates additional staff, fiscal impact for 1.0 Full Time Equivalent Corrections Specialist 3 would total \$106,000 per FY. Salaries are \$75,000, benefits \$27,000, and ongoing costs \$4,000 per FY.

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

Bill Number: 5163 2S SB	Title: 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 of additional hearings that will occur due to 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: 02/23/2021
Leg. Committee Contact: Kayla Hammer	Phone: 360-786-7400	Date: 02/22/2021
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/23/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/24/2021

Part IV: Analysis

A. SUMMARY OF BILL

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

CHANGES FROM PRIOR BILL VERSION:

The only change seen in this bill version that could potentially affect local governments is the revisions made to Section 11 (2) (a), which now requires a proposed vendor's application for less restrictive alternative housing services to include written verification from the applicable local planning department to document that their facilities comply with applicable zoning and building codes.

SUMMARY OF CURRENT BILL:

Section 2 defines “fair share principles” and “fair share principles of release” to mean that each county has adequate 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 Title 71 of RCW.

Section 3 (3) expands the rights persons committed pursuant to Title 71 of RCW to include a right to the development of an ongoing, clinically appropriate discharge plan as part of the treatment process.

Section 3 (4) states the right to a development of a discharge plan under Section 3 (3) does not guarantee that any particular person will be determine appropriate for discharge at any particular time. Furthermore, the Section 3 (4) dictates that individualized and ongoing discharge planning requires, at a minimum, and as part of a person's treatment plan, the following are addressed based on information known to and in accordance with policies developed by the Department of Social and Health Services (DSHS):

- The resident's physical health, functioning, and any need for health aid devices;
- The resident's intellectual or cognitive level of functioning and need for specialized programming;
- The resident's history of substance use and abuse;
- The resident's known history of risky or impulsive behaviors, criminogenic needs, and treatment interventions to address them;
- The resident's ability to perform life skills and activities of daily living independently and the resident's need for any disability accommodations;
- A summary of the community services and supports the resident needs for a safe life in the community and the type of providers of such services and support; and
- A plan to mitigate the needs identified in this subsection that also addresses ways to develop or increase social supports, recreation opportunities, gainful employment, and if applicable, spiritual opportunities.

Section 4 amends RCW 71.09.090 to amend language regarding conditional release to a less-restrictive alternative. If 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 the court for conditional release. DSHS is required to identify a less restrictive alternative within 90 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 5 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 6 (4) (a) requires courts to consider whether it is necessary to impose restrictions on proximity of the person's residence to schools providing K-12 or any other level of instruction. These potential conditions should address the person's specific risk factors and criminogenic needs.

Section 6 (4) (b) requires, to the greatest extent possible, that the person, their counsel, the prosecuting attorney responsible for initial commitment, treatment provider, supervising corrections officer, and appropriate clinical staff of the special commitment center shall meet and collaborate to craft an individualized, narrowly tailored, and empirically based conditions to present to the court to help facilitate the person's successful transition to the community.

Section 6 (5) (a) requires courts that authorize conditional release to a county other than the county of commitment must enter findings regarding its decision and identify whether the release remains in line with fair share principles.

Section 6 (6) (a) outlines minimum requirements of less restrictive alternative treatments that must be met when proposed.

Section 10 directs DSHS to conduct a study to explore the development of conditional release and transition facilities.

Section 11 directs DSHS to use a request for proposal process to solicit and contract with housing and treatment providers from across the state and facilitate fair share principles among the counties. Any facility developed under Section 11 is required to include written verification from the applicable local planning department to document the facilities comply with applicable building and zoning codes and must be identified in accordance with RCW 71.09.315.

Section 13 directs the sex offender policy board and department of health to convene a work group to develop recommendations to increase the availability and quality of sex offender treatment providers to meet the growing number of persons qualifying for conditional release to a less restrictive alternative.

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. Furthermore, any additional costs that may be incurred by courts such as those in King County would likely need to be assessed by the Administrative Office of the Courts.

Lastly, it is assumed that required verification of applicable local zoning documents for vendor applications, such as those described in Section 11 (2) (a), do not represent an increased cost to local governments as said inspections are already a part of their regular duties.

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 governments.

SOURCES:

King County Prosecutor's Office

Office of the Attorney General

Washington Association of Prosecuting Attorneys