

Multiple Agency Fiscal Note Summary

Bill Number: 5476 SB	Title: State v. Blake decision
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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 State Treasurer	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Office of Attorney General	0	0	41,000	0	0	32,000	0	0	32,000
Total \$	0	0	41,000	0	0	32,000	0	0	32,000

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Total						

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 State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	.1	0	0	41,000	.1	0	0	32,000	.1	0	0	32,000
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Social and Health Services	87.3	24,831,614	24,831,614	24,831,614	118.0	32,540,024	32,540,024	32,540,024	121.0	33,346,636	33,346,636	33,346,636
Department of Social and Health Services	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Health	.1	0	0	17,000	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	87.5	24,831,614	24,831,614	24,889,614	118.1	32,540,024	32,540,024	32,572,024	121.1	33,346,636	33,346,636	33,378,636

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 State Treasurer	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.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: Danielle Cruver, OFM	Phone: (360) 522-3022	Date Published: Final 4/13/2021
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Judicial Impact Fiscal Note

Bill Number: 5476 SB	Title: State v. Blake decision	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

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 for 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: 03/24/2021
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 03/30/2021
Agency Approval: Ramsey Radwan	Phone: 360-357-2406	Date: 03/30/2021
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/30/2021

168,789.00

Request # 5476 SB-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

Please see attached Judicial Impact Note (JIN).

II. B - Cash Receipts Impact

II. C - Expenditures

Part III: Expenditure Detail

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

168,789.00

Form FN (Rev 1/00)

Part II: Narrative Explanation

This bill would remove criminal penalties for the possession of a controlled substance or a counterfeit substance or a legend drug that does not exceed the personal use amount. The bill would establish personal use amounts for various controlled substances. The bill would authorize law enforcement to refer individuals possessing a personal use amount of a controlled substance, counterfeit substance, or legend drug to a forensic navigator for the purpose of evaluation and treatment.

The bill would create a new civil infraction for using a controlled or counterfeit substance in a public place, with a maximum fine of \$125.

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

Section 2 – Would establish personal use amounts for various controlled, counterfeit and legend drug substances.

Section 3 – Provides that it would be unlawful for any person to create, deliver, or knowingly possess more than a personal use amount of counterfeit substance or a person under the age of 21 to knowingly possess a counterfeit substance of any amount.

Section 3(3) – Would provide that a person who possesses a counterfeit substance in an amount that does not exceed the applicable personal use amount may be referred to a forensic navigator for evaluation and services.

Section 4 - Provides that it would be unlawful for any person to create, deliver, or knowingly possess more than a personal use amount of a controlled substance or a person under the age of 21 to knowingly possess a controlled substance of any amount.

Section 4(3) – Would provide that a person who possesses a controlled substance in an amount that does not exceed the applicable personal use amount may be referred to a forensic navigator for evaluation and services.

Section 6 – Would provide that it is unlawful to open a package containing a counterfeit or controlled substance or consume a counterfeit or controlled substance in view of the general public or in a public place. Would provide that a person who violates this section would be guilty of a Class 2 Civil Infraction under RCW 7.80 and would be subject to a maximum fine of \$125. Would provide that proceeds from this infraction are to be deposited in the *State v. Blake* reimbursement account created by this bill.

Sections 7 and 8 - Provides that it would be unlawful for any person to create, deliver, or knowingly possess more than a personal use amount of a legend drug or a person under the age of 21 to knowingly possess a legend drug of any amount.

Section 12 – Would create the *State v. Blake* reimbursement account. Would provide that all penalties collected under RCW 69.50.445(4)(b) created by Section 6 of this bill, must be deposited into this account.

II.B - Cash Receipt Impact

Indeterminate. There is no data available to estimate the number of civil infractions that would result from this bill.

II.C – Expenditures

This bill would create a *mens rea* element of “knowingly” to certain drug possession statutes and would create personal use exemptions for counterfeit, controlled, or legend drug substances. Persons who possess drugs below the personal use limits established by this bill could be referred to “forensic navigators” by law enforcement as a resource for evaluation and treatment.

The bill would create a new civil infraction for using counterfeit, controlled, or legend drugs in a public setting, establishing a maximum penalty of \$125.

Judicial education would be required. Updates to the law tables and judicial system accounting codes would be required. These impacts would be managed within existing resources.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years					
A – Salaries & Wages					
B – Employee Benefits					
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
P – Debt Service					
Total:					

III.B – Detail:

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 5476 SB	Title: State v. Blake decision	Agency: 090-Office of State Treasurer
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

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: 03/24/2021
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 03/24/2021
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 03/24/2021
OFM Review: Ramona Nabors	Phone: (360) 902-0547	Date: 04/02/2021

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.

SB 5476 creates the State v. Blake reimbursement account, coupled with the general fund as the recipient of the earnings from investments under RCW 43.84.092 (4).

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.

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable.

There may be an impact on the debt service limitation calculation. Any change to the earnings credited to the general fund will change, by an equal amount, general state revenues.

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: 5476 SB	Title: State v. Blake decision	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	25,000	16,000	41,000	32,000	32,000
Total \$	25,000	16,000	41,000	32,000	32,000

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.2	0.1	0.1	0.1	0.1
Account					
Legal Services Revolving Account-State 405-1	25,000	16,000	41,000	32,000	32,000
Total \$	25,000	16,000	41,000	32,000	32,000

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: 03/24/2021
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 04/07/2021
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 04/07/2021
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 04/08/2021

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 – Amends RCW 69.50.101 to add new definitions for “personal use amount”.

Section 2 – Reenacts and Amends RCW 69.50.101 to add new definitions for “personal use amount”.

Section 3 – Amends RCW 69.50.4011 – Makes it unlawful to knowingly possess more than a personal use amount of a counterfeit substance. Allows referral to forensic navigator for evaluation and services to someone who possesses an amount of counterfeit substances that does not exceed personal use amount.

Section 4 – Amends RCW 69.50.4013 – Makes unlawful to knowingly possess more than personal use amount language. Makes unlawful for anyone under 21 to knowingly possess a controlled substance. Sets forth the penalties and referral for evaluation and services when appropriate.

Section 5 – Amends RCW 69.50.412 – Removes inject, ingest, inhale, or otherwise introduce into the human body for the list it is unlawful to do.

Section 6 – Amends RCW 69.50.445 – Adds language making it unlawful to have or consume a counterfeit or controlled substance in view of the general public or in a public space. Sets for penalties for violating this provision.

Section 7 – Amends RCW 69.41.030 – Adds knowing and personal use requirements. Says sale, delivery or possession of legend drug does not violate this section unless you are under 21.

Section 8 – Amends RCW 69.41.030 - Adds knowing and personal use requirements. Says sale, delivery or possession of legend drug does not violate this section unless you are under 21.

Section 9 – Amends RCW 69.41.010 – Adds personal use definition.

Section 10 – Amends RCW 69.41.010 – Adds personal use definition.

Section 11 – New Section to chapter 10.77 RCW – Use of forensic navigator as a resource for law enforcement. Requires forensic navigator to contact an individual who has possessed a personal amount of a substance and offer resources.

Section 12 – Creates State v. Blake reimbursement account in treasury.

Section 13 – Sections 1, 7, and 9 of this act expire July 1, 2022.

Sections 14 – Sections 2, 8, and 10 of this act take effect July 1, 2022.

Section 15 – Except for sections 2, 8, and 10 of this act, the act takes effect immediately.

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 agency's 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 has an emergency clause and is assumed to be effective immediately.
2. Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.
3. The AGO interprets this bill that money to provide in restitution for State v. Blake will be provided to the Office of the State Treasurer (OST). There is no other language in the bill regarding mechanics. As a result, it would be up to the OST to determine how to disburse the money.
4. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not significantly increase the division's workload in representing the Department of Health. This bill may require some legal advice on potential changes to the Pharmacy Quality Assurance Commission's rules related to controlled substances and legend drugs, but that work will be provided with existing funding levels. Costs are not included in this request.
5. The AGO Complex Litigation Division (COM) has reviewed this bill and determined it will not increase or decrease the division's workload. There is no fiscal impact for COM, but the subject of this Bill overlaps with that defense of a putative class action against the State that is the subject of a emergency budget request sent to Chair Rolfes and Chair Ormsby. COM is defending the State in a lawsuit brought against the State and all Washington counties that seeks the return of all Legal Financial Obligations (LFO) that are impacted by the Blake decision, the cancellation of all outstanding LFO debt, the cessation of collection efforts for LFO debt, interest, and other unspecified damages. While this Bill affects the litigation, it does not appear that it would add more work to the case than already exists. New legal services are nominal and costs are not included in this request.
6. The AGO Consumer Protection Division has reviewed this bill and determined it will not increase or decrease the division's workload. New legal services are nominal and costs are not included in this request.
7. The AGO Corrections Division has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Corrections (DOC). This bill prospectively addresses the State v. Blake decision by adding a mens rea requirement to the simple possession statute and excluding possession of a personal use amount from criminal liability. These definitional changes to the crime of drug possession will not increase DOC's need for legal services because they do not concern sentencing. New legal services are nominal and costs are not included in this request.
8. The AGO Revenue & Finance Division (REV) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the OST and the Caseload Forecast Council. This bill is unlikely to generate requests for legal advice from REV clients. New legal services are nominal and costs are not included in this request.
9. The Solicitor General's Office (SGO) has reviewed this bill and determined it will not increase or decrease the division's workload. This bill will not require any additional SGO advice or litigation work. Costs are not included in this request.

Assumptions for the AGO SHO Division’s 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. SHO assumes 70 hours of client advice during initial program development, and 10 hours per month of ongoing client advice.
3. Ongoing work arises from advice needs for specific cases assigned to navigators as well as ongoing policy and development work.
4. Total workload impact:
 FY 2022: 0.11 Assistant Attorney General (AAG) and 0.06 Legal Assistant (LA) at a cost of \$25,000.
 FY 2023 and in each FY thereafter: 0.07 AAG at a cost of \$16,000 per FY.

New legal advice may arise from the new State v. Blake reimbursement account in the OST once a decision from the Supreme Court has been determined. There will be costs for defending the state in the putative class action suit.

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	25,000	16,000	41,000	32,000	32,000
Total \$			25,000	16,000	41,000	32,000	32,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.2	0.1	0.1	0.1	0.1
A-Salaries and Wages	17,000	11,000	28,000	22,000	22,000
B-Employee Benefits	5,000	3,000	8,000	6,000	6,000
E-Goods and Other Services	3,000	2,000	5,000	4,000	4,000
Total \$	25,000	16,000	41,000	32,000	32,000

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	0.1	0.1	0.1	0.1	0.1
Legal Assistant 3	54,108	0.1		0.0		
Total FTEs		0.2	0.1	0.1	0.1	0.1

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Social & Health Services (All) (SHO)	25,000	16,000	41,000	32,000	32,000
Total \$	25,000	16,000	41,000	32,000	32,000

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: 5476 SB	Title: State v. Blake decision	Agency: 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: Kayla Hammer	Phone: 360-786-7400	Date: 03/24/2021
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 04/07/2021
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 04/07/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/07/2021

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 attached.

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 attached.

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 5476
ADDRESSING THE STATE V. BLAKE DECISION
101 – Caseload Forecast Council
April 7, 2021

SUMMARY

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

- Section 1 Amends RCW 69.50.101 by adding a new definition for “Personal Use Amount”.
- Section 2 Amends RCW 69.50.101 by adding a new definition for “Personal Use Amount”.
- Section 3 Amends RCW 69.50.4011 by including a person must knowingly possess more than a personal use amount to commit the crime of Create, Deliver or Possess a Counterfeit Substance.
- Section 3 Additionally amends RCW 69.50.4011 by expanding the crime of Create, Deliver or Possess a Counterfeit Substance by adding it is unlawful for a person under the age of 21 to knowingly possess a counterfeit substance of any amount.
- Section 3 Additionally amends RCW 69.50.4011 by stating a person who possesses a counterfeit substance in an amount that isn’t “personal use amount” may be referred to a forensic navigator for evaluation and services as provided in Section 11.
- Section 4 Amends RCW 69.50.4013 by including a person must knowingly possess more than a personal use amount to commit the crime of Unlawful Possession of a Controlled Substance.
- Section 4 Additionally amends RCW 69.50.4013 by establishing a new gross misdemeanor for the crime of Unlawful Possession of a Controlled Substance by adding it is unlawful for a person under the age of 21 to knowingly possess a controlled substance of any amount.
- Section 4 Additionally amends RCW 69.50.4013 by stating a person who possesses a controlled substance in an amount that isn’t “personal use amount” may be referred to a forensic navigator for evaluation and services as provided in Section 11.
- Section 5 Amends the misdemeanor offenses of Use of Drug Paraphernalia and Deliver, Possess with intent to Deliver Drug Paraphernalia in RCW 69.50.412 by eliminating the use of drug paraphernalia to inject, ingest, inhale, or otherwise introduce a controlled substance other than marijuana into the human body.
- Section 6 Amends RCW 69.50.445 by establishing a Class 2 civil infraction for opening a package containing a counterfeit or controlled substance or consuming a counterfeit or controlled substance in view of the general public or in a public place.
- Section 7 Amends RCW 69.41.030 by including a person must knowingly possess more than a personal use amount to commit the crime of Sell, Deliver, or Possess a Legend Drug.
- Section 7 Additionally amends RCW 69.41.030 by expanding the crime of Sell, Deliver, or Possess a Legend Drug by adding it is unlawful for a person under the age of 21 to knowingly possess a legend drug of any amount.
- Section 8 Amends RCW 69.41.030 by including a person must knowingly possess more than a personal use amount to commit the crime of Sell, Deliver, or Possess a Legend Drug.

- Section 8 Additionally amends RCW 69.41.030 by expanding the crime of Sell, Deliver, or Possess a Legend Drug by adding it is unlawful for a person under the age of 21 to knowingly possess a legend drug of any amount.
- Section 9 Amends RCW 69.41.010 by adding a definition for “personal use amount”.
- Section 10 Amends RCW 69.41.010 by adding a definition for “personal use amount”.
- Section 11 Adds a new section to chapter 10.77 RCW that allows the services provided in RCW 10.77.074 to be used as a resource for law enforcement to serve as a care coordinator for substance use disorder resources. Also requires forensic navigators to attempt to contact the individual in order to provide resources, when the navigator received information alleging that the person was in possession of a counterfeit or controlled substance, or legend drug when in possession of personal use amounts.
- Section 12 Adds a new section that creates an account in the state treasury, the State v. Blake Reimbursement Account.
- Section 13 States Section 1, 7, and 9 of the act expire July 1, 2022.
- Section 14 States Section 2, 8, and 10 of the act take effect July 1, 2022.
- Section 15 States the act, other than Sections 2, 8, and 10, takes effect immediately.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact on prison and jail beds and community corrections population:

A recent Washington State Supreme Court decision (*State v. Blake*) has ruled that RCW 69.50.4013 is unconstitutional. As a result, it is currently not unlawful to possess a controlled or counterfeit substance. This bill addresses the issue in the Blake decision by adding the requirement that it must be proven that the individual knowingly possessed the substance. The bill also includes a provision that allows for lawful personal use amounts for individuals age 21 and over.

The Caseload Forecast Council (CFC) has no information regarding how many of the offenses for possession of a controlled or counterfeit substance will include amounts in excess of personal use and as such, be guilty of Possession of a Controlled Substance; or, Create, Deliver or Possess a Counterfeit Substance. The CFC has no information concerning how many incidents of the felony offenses may occur or the sentences that might actually be imposed. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

However: as a Class C felony offense ranked at Seriousness Level I on the Adult Felony Drug Grid, Possession of a Controlled Substance (in excess of person use amounts) would be punishable by a standard range term of confinement of between 0 - 6 months in jail to 12.03-24 months in prison (depending on the criminal history score). For violations of this offense for individuals under the age of 21, it is a gross misdemeanor punishable by 0-364 days in jail.

Therefore, any impact would be on both jail and prison beds. While the CFC does not have information available to determine the number of sentences involving drug possession that would be considered more than personal use amounts, the following is provided as background information. In Fiscal Year 2019, the total number of sentences imposed for Possession of a Controlled Substance (regardless of the amount of drugs possessed) as the most serious offense was 5,632 sentences (estimated to be 4,996 individuals). Of the 4,996 individuals, 214 were less than age 21 at the time of the offense. As mentioned above, it is unknown how many of the individuals received sentences that, under the provisions of the bill, would be considered as possession in excess of personal use amounts.

As a Class B or C felony, Create, Deliver or Possess a Counterfeit Substance (in excess of personal use amounts or by a person under the age of 21) is ranked at Seriousness Level II on the Adult Felony Drug Grid and would be punishable by a standard range between 12.03 – 20 months to 60.03 – 120 months. Therefore, any impact would be on prison beds.

In addition, individuals assessed as a high risk to reoffend are supervised by the Department of Corrections for a period of 12 months.

Individual State Agency Fiscal Note

Bill Number: 5476 SB	Title: State v. Blake decision	Agency: 300-Department of Social and Health Services
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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	62.5	112.0	87.3	118.0	121.0
Account					
General Fund-State 001-1	9,070,167	15,761,447	24,831,614	32,540,024	33,346,636
Total \$	9,070,167	15,761,447	24,831,614	32,540,024	33,346,636

In addition to the estimates above, there are additional indeterminate costs 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: 03/24/2021
Agency Preparation: Sara Corbin	Phone: 360-902-8194	Date: 04/13/2021
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 04/13/2021
OFM Review: Bryan Way	Phone: (360) 522-3976	Date: 04/13/2021

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.

Amended Section 3 and 4. Makes it unlawful for anyone to create, deliver, or knowingly possess more than a personal use amount or a person under 21 to knowingly possess a counterfeit substance of any amount. A person who has a counterfeit substance in an amount that does not exceed a personal use amount may be referred to a forensic navigator for evaluation and services as provided in Section 11.

New Section 11. Adds a new chapter to RCW 10.77 so that a forensic navigator may be used as a resource for law enforcement to serve as a care coordinator for substance use disorder resources. Section 11 (2) states that when a forensic navigator receives information alleging that a person was in possession of counterfeit or controlled substance or legend drug in an amount more than personal use that they must attempt to contact the individual to provide resources for evaluation, treatment, recovery, and support.

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.

5476 SB will have an indeterminate fiscal impact on the Department of Social and Health Services (DSHS) Behavioral Health Administration (BHA) operating budget.

Section 3 and 4 have no fiscal impact on DSHS, BHA.

Section 11 adds a new chapter to RCW 10.77 which allows law enforcement to be used as a resource to serve as a care coordinator for substance use disorders (SUD), which is not currently part of a navigator's workload. It further states that when a navigator receives information alleging that a person was in possession of counterfeit or controlled substance or legend drug in an amount more than personal use that they must attempt to contact the individual to provide resources for evaluation, treatment, recovery, and support.

Currently, forensic navigators serve to help guide, support and advocate for Outpatient Competency Restoration Program clients. The forensic navigator current workload does not include acting as care coordinators for those with SUD's. Based on this new workload, it is assumed DSHS BHA will need additional staff resources to meet the condition of serving in this new capacity.

The caseload data used to calculate the fiscal impact of this policy change is from the Washington State Institute of Public Policy (WSIPP) criminal history database; and includes charge information for individuals using data from the Administrative Office of the Courts' (AOC) and the Department of Corrections' (DOC) databases. The cost estimate assumes only persons with the sole charge of Possession (RCW 69.50.4013) will be referred to a forensic navigator by the court. Persons with the charge of Possession (RCW 69.50.4013) and any other charge will not qualify for a referral to the forensic navigator program. The following caseload information includes a 5% increase year over year, which the state is currently averaging:

FY2022 – 2,090

FY2023 – 2,195
FY2024 – 2,305
FY2025 – 2,420

DSHS BHA has no history or other information to accurately predict how many cases will be referred each year and as such offers the following cost illustration based on 100%, 75%, 50%, and 25% referral rates. The cost estimates are phased in for FY2022 to assume the program will be fully staffed by April 1, 2022. Estimates include one-time costs for startup and Project Management, Human Resources.

100% Referral Rate Cost Estimate
FY2022 – 62.5 FTEs & \$9,070,000
FY2023 – 112.0 FTEs & \$15,761,000
FY2024 – 115.0 FTEs & \$15,867,000
FY2025 – 121.0 FTEs & \$16,673,000

75% Referral Rate Cost Estimate
FY2022 – 47.0 FTEs & \$6,803,000
FY2023 – 84.0 FTEs & \$11,821,000
FY2024 – 86.0 FTEs & \$11,900,000
FY2025 – 91.0 FTEs & \$12,505,000

50% Referral Rate Cost Estimate
FY2022 – 31.0 FTEs & \$4,535,000
FY2023 – 56.0 FTEs & \$7,881,000
FY2024 – 58.0 FTEs & \$7,933,000
FY2025 – 61.0 FTEs & \$8,337,000

25% Referral Rate Cost Estimate
FY2022 – 16.0 FTEs & \$2,268,000
FY2023 – 28.0 FTEs & \$3,940,000
FY2024 – 29.0 FTEs & \$3,967,000
FY2025 – 30.0 FTEs & \$4,168,000

Assumptions:

1. Caseload data used is based on information from WSIPP criminal history database. This includes charge information for individuals using data from the Administrative Office of the Courts' (AOC) and the Department of Corrections' (DOC) databases.
2. The caseload data includes the annual number of persons charged where Possession (RCW 69.50.4013) was the only charge based on data statewide.
3. Staffing is based on the current Navigator workload which includes serving as officers of the courts, interim case managers, and community liaisons who assist clients while they are involved with the criminal court system. They also offer coordinated transitions and warm handoffs to appropriate community resources.
4. Navigator caseload 1:25 based on current model, Supervisor to navigator ratio is 1:9, and an Administrative Assistant is needed for each supervisor.
5. Phased in staffing assumes fully staffed by April 1, 2022.
6. The 100% & 75% referral rates assume a new administrator would be needed.
7. Additional training of \$2,000 was included for each navigator.
8. Leased space costs are assumed as the navigators will need to be based statewide.
9. One-time resources include a Project Manager, HR, and equipment for staff.
10. Leased Vehicles are included at a ratio of 1:5 navigators.

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	9,070,167	15,761,447	24,831,614	32,540,024	33,346,636
Total \$			9,070,167	15,761,447	24,831,614	32,540,024	33,346,636

In addition to the estimates above, there are additional indeterminate costs and/or savings . Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27		
FTE Staff Years	62.5	112.0	87.3	118.0	121.0		
A-Salaries and Wages	5,872,380	10,542,684	16,415,064	22,136,208	22,685,952		
B-Employee Benefits	2,062,624	3,703,582	5,766,206	7,790,251	7,985,586		
C-Professional Service Contracts							
E-Goods and Other Services	174,953	255,861	430,814	530,885	540,638		
G-Travel	328,320	507,960	836,280	1,065,600	1,087,200		
J-Capital Outlays	378,000	300,000	678,000	66,000	72,000		
M-Inter Agency/Fund Transfers							
N-Grants, Benefits & Client Services							
P-Debt Service							
S-Interagency Reimbursements							
T-Intra-Agency Reimbursements	253,890	451,360	705,250	951,080	975,260		
9-							
Total \$			9,070,167	15,761,447	24,831,614	32,540,024	33,346,636

In addition to the estimates above, there are additional indeterminate costs 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*

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Administrative Assistant 3	50,256	7.8	10.0	8.9	10.5	11.0
Administrative Assistant 5	64,332	1.0	1.0	1.0	1.0	1.0
Administrator	128,832	1.0	1.0	1.0	1.0	1.0
Forensic Navigator Supervisor	114,382	7.7	10.0	8.9	10.5	11.0
Forensic Navigators	96,276	42.0	88.0	65.0	95.0	97.0
Human Resource Consultant 3	128,832	2.0	1.0	1.5		
Project Manager	102,000	1.0	1.0	1.0		
Total FTEs		62.5	112.0	87.3	118.0	121.0

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27	
Behavioral Health Administration (BHA) (030)	9,070,167	15,761,447	24,831,614	32,540,024	33,346,636	
Total \$		9,070,167	15,761,447	24,831,614	32,540,024	33,346,636

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

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 .

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

SB5476 Cost Estimates

	FY2022*	FY2023	FY2024	FY2025
FTE's	62.5	112.0	115.0	121.0
A - Salaries	\$ 5,872,380	\$ 10,542,684	\$ 10,793,232	\$ 11,342,976
B - Benefits	\$ 2,062,624	\$ 3,703,582	\$ 3,797,458	\$ 3,992,793
C - Contracts	\$ -	\$ -	\$ -	\$ -
E - Goods & Services	\$ 174,953	\$ 255,861	\$ 260,566	\$ 270,319
G - Travel	\$ 328,320	\$ 507,960	\$ 522,000	\$ 543,600
J - Equipment	\$ 378,000	\$ 300,000	\$ 30,000	\$ 36,000
N - Grants, Benefits & Client	\$ -	\$ -	\$ -	\$ -
T - Intra-Agency Reimburse	\$ 253,890	\$ 451,360	\$ 463,450	\$ 487,630
Total FTE's	62.5	112.0	115.0	121.0
Grand Total (GF-State)	\$ 9,070,167	\$ 15,761,447	\$ 15,866,706	\$ 16,673,318

*FY2022 is based on a phase in approach of 33% of Navigators coming on every three months beginning in October 2021.

Referral Rate (rounded to thousands)		FY2022	FY2023	FY2024	FY2025
100% Referral Rate	FTE's	62.5	112.0	115.0	121.0
	Funds	\$ 9,070,000	\$ 15,761,000	\$ 15,867,000	\$ 16,673,000
75% Referral Rate	FTE's	47.0	84.0	86.0	91.0
	Funds	\$ 6,803,000	\$ 11,821,000	\$ 11,900,000	\$ 12,505,000
50% Referral Rate	FTE's	31.0	56.0	58.0	61.0
	Funds	\$ 4,535,000	\$ 7,881,000	\$ 7,933,000	\$ 8,337,000
25% Referral Rate	FTE's	16.0	28.0	29.0	30.0
	Funds	\$ 2,268,000	\$ 3,940,000	\$ 3,967,000	\$ 4,168,000

5476 Caseload Estimates

Caseload Estimates	2022	2023	2024	2025
Number of persons charged with possession*	2,090	2,195	2,305	2,420
Number of Navigators Needed	84.0	88.0	93.0	97.0

**This is the annual number of persons charged where Possession (RCW 69.50.4013) was the only charge based on data statewide.*

The data for the number of persons charged is from three years ago as it is the most complete data set as King and Snohomish County have limited data in the last two years. It includes a 5% increase year over year as the state has shown this increase per year.

Source data: WSIPP criminal history database. This includes charge information for individuals using data from the Administrative Office of the Courts' (AOC) and the Department of Corrections' (DOC) databases.

Navigators

Notes:

A Administrator will be needed for the new workload associated with this bill. This is based on 100% referral rate and will not be needed if we drop below 50% referral rate. In addition, a Project Manager will be needed for the first two years of this project.

Operations Costs	FY2022	FY2023	FY2024	FY2025
FTE's	3.0	3.0	2.0	2.0
A - Salaries	295,164	295,164	193,164	193,164
B - Benefits	101,903	101,903	67,181	67,181
C - Contracts				
E - Goods & Services	6,515	6,515	4,817	4,817
G - Travel	16,200	16,200	12,600	12,600
J - Equipment	18,000	-	-	-
N - Grants, Benefits & Client Svcs				
T - Intra-Agency Reimbursements	12,090	12,090	8,060	8,060
Grand Total	449,872	431,872	285,822	285,822

FY2022 Phased in (see detail below for phase in assumptions)						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Administrator	12	1.0	10,736	128,832	40,321	169,153
Administrative Assistant 5	12	1.0	5,361	64,332	26,860	91,192
Project Manager	12	1.0	8,500	102,000	34,721	136,721
Grand Total		3.0	24,597	295,164	101,903	397,067

FY2023						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Administrator	12	1.0	10,736	128,832	40,321	169,153
Administrative Assistant 5	12	1.0	5,361	64,332	26,860	91,192
Project Manager	12	1.0	8,500	102,000	34,721	136,721
Grand Total		3.0	24,597	295,164	101,903	397,067

FY2024						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Administrator	12	1.0	10,736	128,832	40,321	169,153
Administrative Assistant 5	12	1.0	5,361	64,332	26,860	91,192
Project Manager	-	-	-	-	-	-
Grand Total		2.0	16,097	193,164	67,181	260,345

FY2025						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Administrator	12	1.0	10,736	128,832	40,321	169,153
Administrative Assistant 5	12	1.0	5,361	64,332	26,860	91,192
Project Manager	-	-	-	-	-	-
Grand Total		2.0	16,097	193,164	67,181	260,345

Standard Assumptions Per FTE	FY2022	FY2023	FY2024	FY2025
Supplies and Materials	1,401	1,401	934	934
Cell Phone	1,497	1,497	1,497	1,497
Leased PC	1,335	1,335	890	890
Personnel Service Charge	2,066	2,066	1,352	1,352
HRMS Charge	216	216	144	144
Object E - Total	6,515	6,515	4,817	4,817
Travel	10,800	10,800	7,200	7,200
Motorpool Vehicle	5,400	5,400	5,400	5,400
Object G- Travel	16,200	16,200	12,600	12,600
Object J- Equipment	18,000	-	-	-
Object T - Chargeback	9,090	9,090	6,060	6,060
Object TZ	3,000	3,000	2,000	2,000
Total Assumptions	52,805	34,805	25,477	25,477

Navigators

Notes:

Phase in assumed in three stages until fully staff April 1, 2022.

Navigator FTE's are based on the current caseload model of 1 per 25. Forensic Supervisor model is based on 1 supervisor per 9 staff and an AA3 for every supervisor.

Additional lease space and training needs are included for these new staff.

Operations Costs	FY2022	FY2023	FY2024	FY2025
FTE's	57.5	108.0	113.0	119.0
A - Salaries	5,319,552	10,118,688	10,600,068	11,149,812
B - Benefits	1,882,646	3,562,642	3,730,276	3,925,612
C - Contracts				
E - Goods & Services	164,666	247,460	255,749	265,502
G - Travel	311,400	491,400	509,400	531,000
J - Equipment	348,000	300,000	30,000	36,000
N - Grants, Benefits & Client Svcs				
T - Intra-Agency Reimbursements	233,740	435,240	455,390	479,570
Grand Total	8,260,004	15,155,430	15,580,883	16,387,496

FY2022 Phased in (see detail below for phase in assumptions)						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Forensic Navigator Supervisor	93	7.8	9,532	886,476	289,122	1,175,598
Forensic Navigators	504	42.0	8,023	4,043,592	1,408,126	5,451,718
Administrative Assistant 3	93	7.8	4,188	389,484	185,399	574,883
Grand Total		57.5	21,743	5,319,552	1,882,646	7,202,198

FY2023						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Forensic Navigator Supervisor	120	10.0	9,532	1,143,840	373,059	1,516,899
Forensic Navigators	1056	88.0	8,023	8,472,288	2,950,359	11,422,647
Administrative Assistant 3	120	10.0	4,188	502,560	239,224	741,784
Grand Total		108.0	21,743	10,118,688	3,562,642	13,681,330

FY2024						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Forensic Navigator Supervisor	120	10.0	9,532	1,143,840	373,059	1,516,899
Forensic Navigators	1116	93.0	8,023	8,953,668	3,117,993	12,071,661
Administrative Assistant 3	120	10.0	4,188	502,560	239,224	741,784
Grand Total		113.0	21,743	10,600,068	3,730,276	14,330,344

FY2025						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Forensic Navigator Supervisor	132	11.0	9,532	1,258,224	410,365	1,668,589
Forensic Navigators	1164	97.0	8,023	9,338,772	3,252,100	12,590,872
Administrative Assistant 3	132	11.0	4,188	552,816	263,147	815,963
Grand Total		119.0	21,743	11,149,812	3,925,612	15,075,424

Standard Assumptions Per FTE	FY2022	FY2023	FY2024	FY2025
Supplies and Materials	27,086	50,436	52,771	55,573
Cell Phone	70,357	70,357	70,357	70,357
Leased PC	25,810	48,060	50,285	52,955
Personnel Service Charge	37,237	70,831	74,200	78,049
HRMS Charge	4,176	7,776	8,136	8,568
Object E - Total	164,666	247,460	255,749	265,502
Travel	208,800	388,800	406,800	428,400
Motorpool Vehicle	102,600	102,600	102,600	102,600
Object G- Travel	311,400	491,400	509,400	531,000
Object J- Equipment	348,000	300,000	30,000	36,000
Object T - Chargeback	175,740	327,240	342,390	360,570
Object TZ	58,000	108,000	113,000	119,000
Total Assumptions	1,057,806	1,474,100	1,250,539	1,312,072

Other Costs				
Type of Item	FY2022	FY2023	FY2024	FY2025
Lease space (\$524 per month per FTE)	361,560	679,104	710,544	748,272
Training (\$2,000 per Navigator)	\$ 84,000	176,000	186,000	194,000
Grand Total	445,560	855,104	896,544	942,272

Total Number of Navigators Needed in FY2022	84.0
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Navigator Phase in FY2022	FTE's	Staff Months
First Round hired October 1, 2021	28.0	252.0
Second Round hired January 1, 2022	28.0	168.0
Third Round hired April 1, 2022	28.0	84.0
Total Need	84.0	504.0

Total Number of Supervisors Need in FY2022	10.0
---	-------------

1 per 9 staff

Navigator Supervisor Phase in FY2022	Staff Months
First Round hired July 1, 2021	4.0 48.0
Second Round hired October 1, 2022	3.0 27.0
Third Round hired January 1, 2022	3.0 18.0
Total Need	10.0 93.0

HR - One Time Costs

Notes:

Two HR project staff are needed to assist with hiring and recruiting of staff and will be needed for the first two years.

Operations Costs	FY2022	FY2023	FY2024	FY2025
FTE's	2.0	1.0	-	-
A - Salaries	257,664	128,832	-	-
B - Benefits	78,074	39,037	-	-
C - Contracts				
E - Goods & Services	3,772	1,886	-	-
G - Travel	720	360	-	-
J - Equipment	12,000	-	-	-
N - Grants, Benefits & Client Svcs				
T - Intra-Agency Reimbursements	8,060	4,030	-	-
Grand Total	360,290	174,145	-	-

FY2022						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Human Resource Consultant 3	24	2.0	10,736	257,664	78,074	335,738
Grand Total		2.0	10,736	257,664	78,074	335,738

FY2023						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Human Resource Consultant 3	12	1.0	10,736	128,832	39,037	167,869
Grand Total		1.0	10,736	128,832	39,037	167,869

FY2024						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Human Resource Consultant 3	0	-	-	-	-	-
Grand Total		-	-	-	-	-

FY2025						
Job Class	Staff Months	FTE	Monthly Salary	Annual Salary	Annual Benefits	Total Cost
Human Resource Consultant 3	0	-	-	-	-	-
Grand Total		-	-	-	-	-

Standard Assumptions Per FTE	FY2022	FY2023	FY2024	FY2025
Supplies and Materials	934	467	-	-
Cell Phone	-	-	-	-

Leased PC	890	445	-	-
Personnel Service Charge	1,804	902	-	-
HRMS Charge	144	72	-	-
Object E - Total	3,772	1,886	-	-
Travel	720	360	-	-
Motorpool Vehicle	-	-	-	-
Object G- Travel	720	360	-	-
Object J- Equipment	12,000	-	-	-
Object T - Chargeback	6,060	3,030	-	-
Object TZ	2,000	1,000	-	-
Total Assumptions	24,552	6,276	-	-

Navigator Vehicle Proposal

Vehicles	Quantity	Monthly Rate	Per Mile Cost	Mileage Assumption Per Month	Other Costs*	Fiscal Year Cost
SEDAN-HYBRID	1	\$ 311	\$ 0.12	1,000	\$ 500	\$ -
SEDAN-HYBRID-PREMIUM		\$ 330	\$ 0.12	1,000	\$ 500	\$ 5,400
SEDAN		\$ 250	\$ 0.19	1,000	\$ 500	\$ -
SEDAN-AWD		\$ 327	\$ 0.15	1,000	\$ 500	\$ -
Grand Total						\$ 5,400

Assumptions

Average mileage used per year is assumed at 12000

Monthly Rate and per mile cost are based on DES rates located here: [Fleet Vehicle Long-Term Rental Rates](#)

In the rate per mile fuel and maintenance services are included and must use DES Motorpool resources.

*Other costs assume parking, car washes, and normal vehicle accessories

Number of Months in Fiscal Year 12

Individual State Agency Fiscal Note

Bill Number: 5476 SB	Title: State v. Blake decision	Agency: 303-Department of Health
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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	0.1	0.0	0.1	0.0	0.0
Account					
Health Professions Account-State 02G-1	17,000	0	17,000	0	0
Total \$	17,000	0	17,000	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: 03/24/2021
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 03/30/2021
Agency Approval: Carl Yanagida	Phone: 360-789-4832	Date: 03/30/2021
OFM Review: Danielle Cruver	Phone: (360) 522-3022	Date: 03/30/2021

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.

Sections 1, 2, 3, and 4: Chapter 69.50 RCW (Uniform Controlled Substances Act) is amended to establish personal use amounts for several substances and provides the Health Care Authority with rulemaking authority to establish personal use amounts for controlled substances, counterfeit substances, or legend drugs for which a maximum personal use amount has not been established. The bill makes it lawful for a person age 21 or over to possess personal use amounts of counterfeit and controlled substances.

Sections 7, 8, 9, and 10: Chapter 69.41 RCW (Legend Drugs – Prescription Drugs) is amended to align the definition of personal use amount with the definition established for Chapter 69.50 RCW and to make it lawful for any person age 21 or over to possess a personal use amount of a legend drug.

Section 15: Except for sections 2, 8, and 10 of this act, this act takes effect immediately.

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.

Current law RCW 43.70.250 (License fees for professions, occupations, and businesses.) requires the department to charge a fee to generate sufficient revenue to fully support the costs of administering its pharmacy licensing activities. The Department of Health (department) does not anticipate the need to increase licensing fees to support the changes proposed in this bill. The department will monitor the program fund balance and adjust fees over a six (6) year period to ensure that fees are sufficient to cover all program expenditures.

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.

Rulemaking

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, & 15: The department will adopt and /or amend rules to align with the statutory changes in chapter 69.41 RCW and 69.50 RCW. The department anticipates this will be a standard rulemaking process taking approximately 12 months to complete. Rulemaking will include two stakeholder meetings as well as one formal hearing which allows for stakeholder participation.

Costs for rulemaking include staff, associated expenses (including goods and services, travel, intra-agency, and indirect charges), and Office of Attorney General support in the amount of \$4,100. In fiscal year 2022, one-time costs for rulemaking will be 0.10 FTE and \$17,000 (02G-1).

TOTAL COSTS TO IMPLEMENT THIS BILL:

FY 2022: 0.10 FTE and \$17,000 (02G-1)

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2022	FY 2023	2021-23	2023-25	2025-27
02G-1	Health Professions Account	State	17,000	0	17,000	0	0
Total \$			17,000	0	17,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.1		0.1		
A-Salaries and Wages	9,000		9,000		
B-Employee Benefits	3,000		3,000		
C-Professional Service Contracts					
E-Goods and Other Services	4,000		4,000		
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	1,000		1,000		
9-					
Total \$	17,000	0	17,000	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
HEALTH SERVICES CONSULTANT 4	80,292	0.1		0.1		
Total FTEs		0.1		0.1		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

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules .

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10: The commission will adopt rules in chapter 246-945 WAC (Pharmacy Quality Assurance Commission) as necessary to implement this bill.

Individual State Agency Fiscal Note

Bill Number: 5476 SB	Title: State v. Blake decision	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: 03/24/2021
Agency Preparation: Nicole Trexler	Phone: 360-725-8483	Date: 03/31/2021
Agency Approval: Michael Steenhout	Phone: 360-725-8270	Date: 03/31/2021
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/01/2021

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 addresses the State vs. Blake decision amending and adding new sections to applicable RCWs.

Section 1 amends RCW 69.50.101 by adding and defining personal use amount for substances and mixtures.

Section 3(1) adds that it is unlawful for individuals to create, deliver, or knowingly possess more than a personal use amount of counterfeit substance and any person under the age of 21 to knowingly possess counterfeit substances of any amount.

Section 3(3) states that a person who possesses a counterfeit substance in an amount that does not exceed the applicable personal use amount as defined in RCW 69.50.101 may be referred to a forensic navigator for evaluation and services as provided in Section 11 of this act.

Section 6 adds that it is unlawful to open a package containing a counterfeit or controlled substance in public, or in the general view of the public, and a person who violates this section is guilty of a class 2 civil infraction under RCW 7.80.

Section 7(2) states that it is unlawful for any individual to sell, deliver, or knowingly possess more than the personal use amount of any legend drug or for any person under the age of 21 to knowingly possess a legend drug of any amount.

Section 8(2) amends RCW 69.41.030 and states that the sale, delivery, or possession of a legend drug does not constitute a violation of this section upon the order or prescription of a physician under RCW 18.71.

Section 9 provides the definition of personal use amount as provided in RCW 69.50.101.

Section 12 is added to state that the State vs. Blake reimbursement account will be created in the state treasury. All receipts from penalties collected under RCW 69.50.445 (4)(b) must be deposited into the account. Expenditures from the account may be used only for state and local government costs resulting from decision to reimburse individuals for legal financial obligations paid in connection with sentences that have been invalidated because of the decision of State vs. Blake.

Section 13 states that Sections 1, 7, and 9 of this act expire July 1, 2022.

Section 14 states that Sections 2, 8, and 10 will take effect on July 1, 2022.

Section 15 states that except for sections 2, 8, and 10, this act will take effect immediately.

The effective date is assumed 90 days after adjournment of session in which this bill is passed for all other applicable sections.

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

This bill covers the Blake vs. State decision, which invalidates any Washington sentence for simple possession of a controlled substance. Personal use amounts are defined while guidelines on the sale, delivery, and knowledge of possession of more than the personal use amounts on both controlled and counterfeit substances are expanded. This creates new laws that deem it unlawful for a person to knowingly possess more than personal use amounts of a controlled substance while making it illegal for a person under the age of 21 to knowingly possess any amount of a legend drug. An individual under the age of 21 who is guilty of possession is now guilty of a gross misdemeanor as opposed to the previous class C felony.

The Caseload Forecast Council (CFC) has no information regarding how many of the offenses for possession of a controlled or counterfeit substance will include amounts in excess of personal use and as such, be guilty of Possession of a Controlled Substance or, create, deliver or possess a counterfeit substance. The CFC has no information concerning how many incidents of the felony offenses may occur or the sentences that might be imposed. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

However, as a Class C felony offense ranked at Seriousness Level I on the Adult Felony Drug Grid, possession of a controlled substance, in excess of personal use amounts, would be punishable by a standard range term of confinement of between 0 - 6 months in jail to 12-24 months in prison, depending on the criminal history score. Violations of this offense for individuals under the age of 21 is a gross misdemeanor punishable by 0-364 days in jail. Therefore, any impact would be on both jail and prison beds.

As a Class B or C felony, creation, delivery or possession of a counterfeit substance, in excess of personal use amounts or by a person under the age of 21, is ranked at Seriousness Level II on the Adult Felony Drug Grid and would be punishable by a standard range between 12 – 20 months to 60 – 120 months. Therefore, any impact would be on prison beds.

In addition, individuals assessed as a high risk to reoffend are supervised by the Department of Corrections (DOC) for a period of 12 months.

The DOC assumes this bill would likely result in an Average Daily Population (ADP) increase, although the impact cannot be reliably estimated. Therefore, the fiscal impact is indeterminate, assumed to be more than \$50,000 per FY.

ASSUMPTIONS

1. The estimated ADP impact to DOC prison facilities /institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. We assume Direct Variable Cost (DVC) of \$5,648 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living /housing units. The DVC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, and House staff each legislative session.
3. For illustration purposes only, the average annual, Community Supervision caseload model is \$5,309 per ADP (not including startup costs), regardless of supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records and Training that are directly affected by supervision population changes. The estimate will vary based on risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent; 27.3% high non-violent; 21% moderate; 7.9% low; and 1.0% unclassified. (June – November 2017)

4. The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2020 average percentage of supervised individuals that served jail time for violating their conditions of supervision was a rate of 5.0%. The current average daily cost for jail beds is \$98.94 per day, inclusive of all risk levels and healthcare costs. The rate is an average and actual rates vary by local correctional facilities.

5. We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - 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: 5476 SB	Title: State v. Blake decision
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Indeterminate expenditures due to changes to felony charges and law enforcement training and process changes.
- Counties: Same as above
- Special Districts: Same as above
- 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: Reduction in charges for possession of controlled or counterfeit substances; required process changes; the number of class 3 civil infractions that would fund the State v. Blake reimbursement account; and the proportion of funds that would be distributed to local governments.

Estimated revenue impacts to:

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

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Rebecca Duncan	Phone: 360-725-5040	Date: 03/31/2021
Leg. Committee Contact: Kayla Hammer	Phone: 360-786-7400	Date: 03/24/2021
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/31/2021
OFM Review: Danielle Cruver	Phone: (360) 522-3022	Date: 04/01/2021

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 bill would establish personal use amounts for controlled substances , remove criminal penalties for the possession of a controlled or counterfeit substance or a legend drug that does not exceed the personal use amount , and authorize law enforcement to refer individuals possessing a personal use amount of a controlled substance , counterfeit substance, or legend drug to a forensic navigator for the purpose of evaluation and treatment.

Sections 1, 2, 9 and 10 would define personal use amounts of a controlled substance as an amount that does not exceed:

- 40 units of methadone;
- 40 pills of oxycodone;
- one gram of heroin;
- one gram or five pills of MDMA;
- two grams of cocaine;
- two grams of methamphetamine;
- 40 units of LSD; or
- 12 grams of psilocybin.

Sections 3, 4, 7 and 8 would provide that it is unlawful for a person to knowingly possess more than a personal use amount of a controlled substance or counterfeit substance, and it is unlawful for a person under the age of 21 to knowingly possess a controlled substance or counterfeit substance of any amount. In addition, unless the use is subject to a valid prescription, it would be unlawful for a person to knowingly possess more than a personal use amount, or for a person under the age of 21 to knowingly possess any amount, of a legend drug. Furthermore, a person who possesses a personal use amount of a controlled substance , counterfeit substance, or legend drug could be referred to a forensic navigator for evaluation and services .

Section 5 would remove language prohibiting introduction of a controlled substance other than marijuana into the human body from RCW 69.50.412.

Section 6 would establish a class 3 civil infraction for opening a package or using a controlled substance or counterfeit substance in view of the general public or a public place . A class 3 civil infraction is subject to a maximum penalty of \$125 .

Section 11 would provide that a forensic navigator may be used as a resource for law enforcement to serve as a care coordinator for substance use disorder resources. When a forensic navigator receives information alleging a person was in possession of a personal use amount of a controlled substance, counterfeit substance, or legend drug, the forensic navigator must attempt to contact the individual to provide resources for evaluation, treatment, recovery, and support.

Section 12 would create the State v. Blake reimbursement account in the state treasury . All receipts from the new class 3 civil infraction created by this act must be deposited into the account . Moneys in the account may be spent only after appropriation . Expenditures must be used for state and local government costs resulting from the Supreme Court's decision in State v . Blake.

Section 13 would provide that sections 1 , 7, and 9 of this act expire July 1 , 2022.

Section 14 would provide that sections 2 , 8, and 10 of this act take effect July 1 , 2022.

Section 15 would provide that, except for sections 2 , 8, and 10 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions , and takes effect immediately.

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 bill would have an indeterminate impact on local government expenditures .

JAIL AND JUVENILE FACILITY BED DEMANDS

This bill would remove criminal penalties for the possession of a controlled or counterfeit substance or a legend drug that does not exceed the personal use amount. Therefore, it is anticipated that the number of offenses will decrease . The Caseload Forecast Council (CFC) has no information regarding how many of the offenses for possession of a controlled or counterfeit substance will include amounts in excess

of personal use and as such, be charged with Possession of a Controlled Substance; or be charged with Create, Deliver or Possess a Counterfeit Substance. The CFC has no information concerning how many incidents of the felony offenses may occur or the sentences that might actually be imposed. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

Since the change in the number of individuals that would be jailed cannot be known, the fiscal impact to jail expenditures would be indeterminate. However, any reductions in sentences for these offenses would result in reduced need for local juvenile facility beds as well as county jail beds. For reference, the 2021 Local Government Fiscal Note Program Criminal Justice Cost Matrix estimates the cost of an occupied county jail bed is \$114 per day. Additionally, a 2020 report by the Justice Policy Institute, the costs to incarcerate a juvenile in the state of Washington is about \$240 per day. Ultimately, though, costs from this anticipated change in offenses and jail occupancy is indeterminate.

CRIMINAL PROCEEDING COSTS

A change in the legality of possession of controlled or counterfeit substances and legend drugs as well as the usage drug paraphernalia when concerning applicable personal use amounts may cause savings to be realized by law enforcement agencies and the prosecution and defense aspects of the criminal justice system.

For reference, according to the 2021 Local Government Fiscal Note Program Criminal Justice Cost Matrix, drug/narcotics violations ranging from gross misdemeanors to class B felonies are estimated to costs about \$6,200 per offense. \$1,200 of this figure comes from law enforcement response, investigation, evidence maintenance, and trial participation while the other \$5,000 can be attributed to public prosecuting attorneys and court-appointed public defenders.

According to the 2019 Crime in Washington Report, in 2019 there were 10,054 drug equipment violations and 20,578 drug/narcotics violations for a total of 30,632 violations. It is unknown how many of these instances would no longer be unlawful due to the changes in statutes made by this legislation. Furthermore, it is possible a proportion of the aforementioned law enforcement costs will still be expended as officers' investigations of potentially unlawful possession will still occur.

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 bill would have an indeterminate impact on local government revenues.

Section 12 would create the State v. Blake reimbursement account in the state treasury. All receipts from the new class 3 civil infraction created by this act must be deposited into the account. Expenditures must be used for state and local government costs resulting from the Supreme Court's decision in State v. Blake. The amount of funds that would be collected from the new \$125 class 3 civil infraction, as well as what portion of these funds would be distributed to local governments, cannot be determined at this time. Therefore, the impact on local government revenues is indeterminate.

SOURCES:

2019 Crime in Washington Report

2021 Local Government Fiscal Note Program Criminal Justice Cost Matrix

Justice Policy Institute report "Sticker Shock: The Cost of Youth Incarceration"

<http://www.justicepolicy.org/research/12928>

Washington Caseload Forecast Council

Washington State Association of Sheriffs and Police Chiefs

Caseload Forecast Council