

Multiple Agency Fiscal Note Summary

Bill Number: 5927 SB	Title: Retail cannabis outlets
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Estimated Cash Receipts

NONE

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other						
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	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	Fiscal note not available											
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	Fiscal note not available											
Total \$	0.0	0	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	Fiscal note not available								
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	Fiscal note not available								
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	Fiscal note not available								
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
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	Fiscal note not available								
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: Preliminary 2/ 2/2022
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Individual State Agency Fiscal Note

Bill Number: 5927 SB	Title: Retail cannabis outlets	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:	Phone:	Date: 01/28/2022
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/30/2022
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/30/2022
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/30/2022

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 5927

CONCERNING THE SAFETY AND SECURITY OF RETAIL CANNABIS OUTLETS

**101 – Caseload Forecast Council
January 28, 2022**

SUMMARY

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

Section 1 Adds a new section to chapter 69.50 RCW, requiring retail outlets to report any attempt or incident of Robbery in the First or Second Degree at the retail outlet.

Section 2 Amends RCW 9.94A.832 by expanding the special allegation for Robbery in the First or Second Degree of a Pharmacy to include Robbery in the First or Second Degree of a Cannabis retail outlet.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

The provisions of this bill will require modifications to the Caseload Forecast Council's adult felony sentencing database. This will require work from a contractor of an estimated 10 hours at a rate of \$120 per hour for a total cost to the Caseload Forecast Council of \$1,200.

Impacts on beds and supervision.

This bill:

- Expands the scope of an existing 12-month sentence enhancement.

The Caseload Forecast Council has no information regarding how many sentences for Robbery in the First Degree and Robbery in the Second Degree concern robbery of a Cannabis retail outlet, and, therefore, cannot predict how often the expanded sentence enhancement will be imposed. As such, the Caseload Forecast Council cannot reliably predict jail and prison bed impacts resulting from the bill.

Prison and Jail Bed Impacts

However, as all non-exceptional sentences for Robbery in the First Degree are prison sentences, the additional 12-month enhancement time added to a sentence will impact prison beds only. Further, non-exceptional sentences for Robbery in the Second Degree can be either presumptive prison or jail sentences, based on the individual's prior history. The addition of the enhancement to jail sentences will shift those sentences from jail to prison and it will increase the length of

sentences that would have been to prison without the enhancement. As such, there is the potential for some jail bed savings and an increased need for prison and beds.

The following is provided as background information. In Fiscal Year 2021, there were a total of 453 sentences for Robbery in the First Degree and Robbery in the Second Degree (these are total sentences and not just sentences where Robbery in the First degree or Robbery in the Second Degree is the most serious offense on the judgment and sentence form.) Of these, the pharmacy enhancement was never included in the sentence.

Juvenile Rehabilitation Bed Impacts

In addition, there may also be an increased need for Juvenile Rehabilitation (JR) beds for certain sentences that shift from a presumptive jail sentence to a prison sentence. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result, any adult conviction for Robbery in the First or Second Degree that includes a finding for the new enhancement and was committed by someone under the age of 18, would increase the need for JR beds. However, as less than 1% of all sentences in the adult system are committed by those less than age 18, it is assumed any impacts to JR would be minimal.

Individual State Agency Fiscal Note

Bill Number: 5927 SB	Title: Retail cannabis outlets	Agency: 195-Liquor and Cannabis Board
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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:	Phone:	Date: 01/28/2022
Agency Preparation: Colin O Neill	Phone: (360) 522-2281	Date: 01/31/2022
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/31/2022
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/31/2022

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 .

Sect 1(1) - Cannabis retail outlets must report any attempt or incident of robbery in the 1st or 2nd degree at the retail outlet, to the Board within 10 days of the attempt or incident.

Sect 1(2) - The Board's chief enforcement officer must regularly consult with the Washington State Patrol (WSP) to provide details of attempts or incidents of robbery, and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

Sect 2 adds language to RCW 9.94A.832 (Special allegations) where a defendant has been convicted of a robbery of a cannabis retail outlet as a premeditated act in concert with another individual or individuals.

The Board would be required to track reports of robberies or attempted robberies involving cannabis retailers. Although some of the Board's officers have been tracking this information already, this has not yet been done in an official capacity. The administrative assistant for the Cannabis Unit will now officially track the information from the officers for the Director of Enforcement to communicate to WSP. The Board's management analyst would require 4 hours a month, equal to \$154, to create and update a map showing where robberies have occurred and the frequency.

The bill does not extend authority to investigate cannabis retailer robberies to LCB officers. This authority will remain at the local level.

The bill does not provide the Board with rulemaking authority to promulgate rules for robbery reporting requirements.

II. B - Cash receipts Impact

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

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Part III: Expenditure Detail

III. A - 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: 5927 SB	Title: Retail cannabis outlets	Agency: 307-Department of Children, Youth, and Families
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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:	Phone:	Date: 01/28/2022
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 02/01/2022
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 02/01/2022
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2022

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.

An Act relating to the safety and security of retail cannabis outlets.

New Section 1 adds a new section to chapter 69.50 RCW requiring retail outlets to report any attempt or incident of Robbery in the First or Second Degree.

Section 2 amends RCW 9.94A.832 by expanding the special allegation for Robbery in the First or Second Degree of a Pharmacy to include Robbery in the First or Second Degree of a cannabis retail outlet, and the defendant committed the robbery as a premeditated act in concert with another individual or individuals.

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.

Fiscal impact is indeterminate.

This bill expands the scope of an existing 12 month sentence enhancement.

There may be an increased need for Juvenile Rehabilitation (JR) beds for certain sentences that change from a jail sentence to a prison sentence. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result, any adult conviction for Robbery in the First or Second Degree that includes a finding for the new enhancement and was committed by someone under the age of 18, would increase the need for JR beds. However, as less than 1% of all sentences in the adult system are committed by those less than age 18, it is assumed any impacts would be minimal.

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

None

Part V: New Rule Making Required

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5927 SB

Title: Retail cannabis outlets

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

Legislation Impacts:

- Cities:
- Counties: Indeterminate decreased jail costs as a result of presumptive sentences for robbery in the second degree of a cannabis retailer shifting from jail to prison
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of incidents of robbery in the second degree of a cannabis retailer

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: James Vogl	Phone: 360-480-9429	Date: 01/31/2022
Leg. Committee Contact:	Phone:	Date: 01/28/2022
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/31/2022
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2022

Part IV: Analysis

A. SUMMARY OF BILL

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

The proposed legislation would add a special allegation for robbery in the first or second degree of a cannabis retailer.

Section 2 would amend RCW 9.94A.832, adding a special allegation in a criminal case where a defendant has been convicted of robbery in the first or second degree and the defendant committed a robbery of a cannabis retail outlet as a premeditated act in concert with another individual or individuals. If this new special allegation was pleaded and proven beyond a reasonable doubt, the court would be required to make a finding of fact of the special allegation, or if a jury was had, the jury would be required, if it finds the defendant guilty, to also find a special verdict as to the special allegation.

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 proposed legislation would have an indeterminate impact on local government expenditures.

According to the Washington State Caseload Forecast Council's (CFC) fiscal note for this bill, the 12-month sentence enhancement accompanying this new special allegation would only impact prison beds in cases of robbery in the first degree, as all standard sentences for this offense are prison sentences. Standard sentences for robbery in the second degree, however, can be either jail or prison sentences, depending on an individual's prior history. In cases where a defendant receives a 12-month sentence enhancement in addition to a presumptive jail sentence for robbery in the second degree as a result of the proposed new special allegation, the CFC anticipates a reduced demand for jail beds, as those defendants would instead receive a presumptive prison sentence.

It is unknown, however, how many incidents of robbery in the second degree with a special allegation of robbery of a cannabis retailer may occur, so the magnitude of these potential costs savings for jails is indeterminate. The 2022 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$114.

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 proposed legislation would have no impact on local government revenues.

SOURCES:

Washington State Caseload Forecast Council

2022 Local Government Fiscal Note Program Criminal Justice Cost Model