

Multiple Agency Fiscal Note Summary

Bill Number: 2034 S HB	Title: Juvenile records
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Estimated Cash Receipts

Agency Name	2021-23			2023-25			2025-27		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	196,000	0	0	374,000	0	0	374,000
Department of Children, Youth, and Families	0	0	239,000	0	0	824,000	0	0	595,000
Total \$	0	0	435,000	0	0	1,198,000	0	0	969,000

Agency Name	2021-23		2023-25		2025-27	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
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	2,653	2,653	2,653	.0	0	0	0	.0	0	0	0
Administrative Office of the Courts	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Office of Attorney General	.7	0	0	196,000	1.4	0	0	374,000	1.4	0	0	374,000
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Children, Youth, and Families	4.9	1,329,000	1,329,000	1,568,000	17.4	3,693,000	3,693,000	4,517,000	14.3	3,044,000	3,044,000	3,639,000
Department of Children, Youth, and Families	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	5.6	1,331,653	1,331,653	1,766,653	18.8	3,693,000	3,693,000	4,891,000	15.7	3,044,000	3,044,000	4,013,000

Agency Name	2021-23			2023-25			2025-27		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2021-23			2023-25			2025-27		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Preliminary 2/ 9/2022
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Judicial Impact Fiscal Note

Bill Number: 2034 S HB	Title: Juvenile records	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2022	FY 2023	2021-23	2023-25	2025-27
State FTE Staff Years					
Account					
General Fund-State 001-1		2,653	2,653		
State Subtotal \$		2,653	2,653		
COUNTY	FY 2022	FY 2023	2021-23	2023-25	2025-27
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2022	FY 2023	2021-23	2023-25	2025-27
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

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

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.

Contact	Phone:	Date: 02/03/2022
Agency Preparation: Sam Knutson	Phone: 360-704-5528	Date: 02/07/2022
Agency Approval: Stanley Chris	Phone: 360-704-4020	Date: 02/07/2022
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/07/2022

174,689.00

Request # 2034 SHB-1

Form FN (Rev 1/00)

1

Bill # 2034 S HB

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)

State	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years					
Salaries and Wages		1,800	1,800		
Employee Benefits		612	612		
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements		241	241		
Total \$		2,653	2,653		

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

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

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

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

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

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

174,689.00

Form FN (Rev 1/00)

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

Part II: Narrative Explanation

This bill would create a cause of action where any person, corporation, or government entity who disseminates sealed or destroyed juvenile records may be sued for damages by the subject of those records. The bill would require that courts provide written notice to individuals whose records are sealed that includes information about the meaning of having a sealed juvenile record. The bill would prohibit government agencies that conduct state-based background checks for licensing or hiring situations from considering or using any information related to the commission of a juvenile offense unless the agency confirms that the official juvenile record related to that offense remains open for public inspection.

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

II.B - Cash Receipt Impact

None.

II.C – Expenditures

Indeterminate, but not expected to be significant. There is no data available to estimate the number of cause of action proceedings would result from this bill.

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

Various forms would need to be updated. This would require 40 hours of a Court Program Analyst.

Part III: Expenditure Detail

III.A – Expenditures by Object or Purpose

Object	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE – Staff Years		0.0	0.0		
A – Salaries & Wages		1,800	1,800		
B – Employee Benefits		612	612		
C – Prof. Service Contracts					
E – Goods and Services					
G – Travel					
J – Capital Outlays					
T – Intra-Agency Costs		241	241		
Total:		2,653	2,653		

III.B – Detail:

Job Classification	Salary	FY 2022	FY 2023	2021-23	2023-25	2025-27
Court Program Analyst	88,644					
Total FTE's						

Part IV: Capital Budget Impact

None.

Part V: New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 2034 S HB	Title: Juvenile records	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		196,000	196,000	374,000	374,000
Total \$		196,000	196,000	374,000	374,000

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	1.4	0.7	1.4	1.4
Account					
Legal Services Revolving Account-State 405-1	0	196,000	196,000	374,000	374,000
Total \$	0	196,000	196,000	374,000	374,000

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:	Phone:	Date: 02/03/2022
Agency Preparation: Danielle Hess	Phone: 509-335-2636	Date: 02/08/2022
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/08/2022
OFM Review: Tyler Lentz	Phone: (360) 790-0055	Date: 02/08/2022

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 .

Sec. 1: States purpose of chapter to protect against the release of juvenile records that prevents individuals from reintegrating into society.

Sec. 2: Creates a cause of action for the dissemination of juvenile records in violation of the chapter. Exempts employees of governments, agencies, and municipalities when performing actions as part of their work. Exempts entities that did not have notice that records were sealed.

Sec. 3: Requires court to provide notice of eligibility of juvenile records sealing to the juvenile and victims of the offense. Requires court to provide written notice to individuals whose juvenile records are sealed about the meaning of having a sealed record. Prohibits state agencies from considering or using information regarding an applicant’s juvenile offense unless the agency confirms the record is open to public inspection.

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 Enterprise Services (DES) Risk Management and Department of Children, Youth and Families (DCYF). 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.

AGO AGENCY ASSUMPTIONS:

TORTS:

Tort defense costs are billed through the LSRA to DES Risk Management through an Interagency Agreement (IAA). The Torts client agency is assumed to be DES. These costs are over and above the current 2021-23 IAA amount.

DES will be billed for non-Seattle rates:

FY 2023: \$187,000 for 0.50 Assistant Attorney General (AAG), 0.25 Legal Assistant (LA), 0.25 Senior Investigator (Sr INV), 0.25 Paralegal (PL).

FY 2024: \$187,000 for 0.50 AAG, 0.25 PL, 0.25 Sr INV, and 0.25 LA and in each FY thereafter.

DCYF:

DCYF will be billed for non-Seattle rates :

FY 2023: \$9,000 for 0.04 AAG, and 0.02 LA.

II. C - Expenditures

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

Attorney General's Office (AGO) Agency Assumptions:

1. This bill is assumed effective 90 days after the end of the 2022 legislative session.
2. Location of staffing housed is assumed to be in a non-Seattle office building.
3. Total workload impact in this request includes standard assumption costs for good & services, travel, and capital outlays for all FTE identified.
4. Agency administration support FTE are included in the tables, for every one Assistant Attorney General (AAG), the AGO include 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 of a Management Analyst 5 (MA5). The MA5 is used as a representative classification.

Assumptions for the AGO Torts Division's Legal Services for the Department of Enterprise Services (DES) Risk Management:

1. The AGO will bill DES for legal services based on the enactment of this bill.
2. SHB 2034 provides a cause of action for wrongful dissemination of sealed or destroyed juvenile records for injunctive relief and money damages, including pain and suffering, with an award of attorney fees and costs to prevailing plaintiffs. This opens liability for the conduct of multiple agencies, in particular Department of Children, Youth and Families (DCYF) and Washington State Patrol (WSP). The assumptions below cover hours needed to defend claims filed against any agency.

AAG will answer complaints, identify records subject to destruction, obtain court orders to destroy records that should have automatically been destroyed since they cannot be destroyed while active lawsuit is pending, present evidence to refute claimed amount of damages or per day penalty (statute provides for award of whichever is greater).

Senior Investigator (INV) will obtain juvenile records subject to destruction from client agency and gather other records needed to support or refute the plaintiff's claim for monetary damages including pain and suffering.

Paralegal (PL) assists with answering the complaint, discovery requests and responses, and preparing for mediation and trial.

LA edits and files all documents in court, coordinates witnesses for deposition or trial, completes other scheduling tasks, communicates with opposing counsel.

Torts: Total non-Seattle workload impact:

FY 2023: 0.50 AAG, 0.25 LA, 0.25 INV, 0.25 PL at a cost of \$187,000 and in each FY thereafter.

Assumptions for the AGO Social and Health (SHO) Division's Legal Services for DCYF:

1. The AGO will bill DCYF for legal services based on the enactment of this bill.
2. The AGO SHO has reviewed this bill and determined while DCYF will require additional advice if the bill is enacted, new advice services will be minimal. DCYF will need to review its current processes for sealing juvenile records. Additionally, section 5 will require DCYF to develop and adopt rules to govern (1) records sealed through the judicial sealing process in RCW 13.50.260 and (2) records sealed through the automatic sealing process authorized in Section 5 of the bill. The rulemaking process is likely to be more complicated because DCYF's authority in Section 5 is broad.

SHO: Total non-Seattle workload impact:

FY 2023: 0.04 AAG, and 0.02 LA a cost of \$9,000.

Total AGO non-Seattle workload impact:

FY 2023: 0.54 AAG, 0.27 LA, 0.25 PL, and 0.25 INV at a cost of \$196,000.

FY 2024: 0.50 AAG, 0.25 LA, 0.25 PL and 0.25 INV at a cost of \$187,000 and in each FY thereafter.

The AGO Criminal Justice Division has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the WSP. Section 2 of this bill could create liability for WSP if agency personnel intentionally or inadvertently release sealed juvenile records. A possible scenario is a data breach. Agency policies, procedures and training should mitigate that risk. Section 4’s automatic sealing /destruction provision could impact WSP operations. However, requests for legal advice on these issues are anticipated to be nominal, and costs are not included in this request.

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	0	196,000	196,000	374,000	374,000
Total \$			0	196,000	196,000	374,000	374,000

III. B - Expenditures by Object Or Purpose

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years		1.4	0.7	1.4	1.4
A-Salaries and Wages		126,000	126,000	240,000	240,000
B-Employee Benefits		43,000	43,000	82,000	82,000
C-Professional Service Contracts					
E-Goods and Other Services		24,000	24,000	46,000	46,000
G-Travel		2,000	2,000	4,000	4,000
J-Capital Outlays		1,000	1,000	2,000	2,000
Total \$	0	196,000	196,000	374,000	374,000

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	112,200		0.5	0.3	0.5	0.5
Legal Assistant 3	54,108		0.3	0.1	0.3	0.3
Management Analyst 5	88,644		0.1	0.1	0.1	0.1
Paralegal 2	69,264		0.3	0.1	0.3	0.3
Senior Investigator	90,888		0.3	0.1	0.3	0.3
Total FTEs			1.4	0.7	1.4	1.4

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Social & Health Servces (All) (SHO)		9,000	9,000		
Torts Division (TOR)		187,000	187,000	374,000	374,000
Total \$		196,000	196,000	374,000	374,000

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: 2034 S HB	Title: Juvenile records	Agency: 225-Washington State Patrol
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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: 02/03/2022
Agency Preparation: Michael Middleton	Phone: (360) 596-4072	Date: 02/08/2022
Agency Approval: Walter Hamilton	Phone: 360-596-4046	Date: 02/08/2022
OFM Review: Ruth Roberson	Phone: (360) 995-3826	Date: 02/09/2022

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.

The proposed substitute legislation adds, revises, and eliminates language to various sections that adjusts our fiscal analysis as compared to the original version, but estimates remain indeterminate to the Washington State Patrol (WSP).

Section 2(1)(a) now identifies the list of entities, which if found to disseminate sealed or destroyed records in violation of RCW 13.50.260 or 13.50.270, shall be subject to legal action for damages, brought by the subject of those records, claiming that a violation of RCW 13.50.260 or 13.50.270 has occurred.

Section 2(3) and Section 2(4) includes new liability statements of the listed entities.

Section 3(6)(d) adds a written notice requirement from the court to individuals whose juvenile records are sealed under this section.

Section 3(6)(e) adds restrictions on possible use of applicant-provided information to all Washington state government agencies that conduct state-based background checks for licensing or hiring determinations.

Section 4(1)(a) removes “automatic” to applicable juvenile records being eligible to destroy.

New Section 5 requires the Department of Children, Youth, and Families to adopt rules governing the use of records sealed under RCW 13.50.260.

II. B - Cash receipts Impact

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

NONE

II. C - Expenditures

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

The removal of the term "automatic" from Section 4(1)(a) language on determining eligibility for destruction of sealed juvenile records removes the addition of 6,000+ records needing to be destroyed annually resulting in the removal of the 3 FTEs requested in the original fiscal note.

It remains that we are unable to determine if, and when, a person may seek damages from us due to the WSP distributing or destroying records that violate RCW 13.50.260 or 13.50.270. We assume costs for damages, defense, and liability payouts could be an estimated \$100,000 per claim.

We have identified training requirements of specific staff to ensure compliance with this proposed legislation that was not captured in the original fiscal note. We would require training to be developed and given to our commissioned officers, commercial vehicle enforcement officers (CVEOs), communication officers, and cadets, as well as policy updates regarding use and non-use of sealed juvenile record information. We estimate that it would take 120 hours to research, develop, and review new training and policies. We also estimate that it would take five academy staff about 50 hours to deliver the training to all commissioned officers, CVEOs, communication officers, and cadets. Each person receiving the training would need an estimated 0.5 hours to complete the training. We have about 1450 employees who would need the

training, bringing the total amount of hours needed to receive the training to 725 hours. The value in terms of regular time salary and benefits to research, develop, review, give, and receive the training required from this proposed legislation is \$57K.

There is a potential for increased overtime costs as a result of the training needed for the proposed legislation. The increased cost would result from the accumulation of training from the totality of legislation that could pass this session, causing a shared fiscal impact. While trying to efficiently manage the time spent training while also making sure that our other responsibilities as an agency are met, it is possible that we need to resort to some level of overtime to develop, deliver and receive training, possibly to backfill positions. This cost is unknown at this time, but could range from \$50,000 to \$200,000 depending on overtime coverage needed.

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

Individual State Agency Fiscal Note

Bill Number: 2034 S HB	Title: Juvenile records	Agency: 307-Department of Children, Youth, and Families
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2022	FY 2023	2021-23	2023-25	2025-27
General Fund-Federal 001-2		239,000	239,000	824,000	595,000
Total \$		239,000	239,000	824,000	595,000

Estimated Operating Expenditures from:

	FY 2022	FY 2023	2021-23	2023-25	2025-27
FTE Staff Years	0.0	9.8	4.9	17.4	14.3
Account					
General Fund-State 001-1	0	1,329,000	1,329,000	3,693,000	3,044,000
General Fund-Federal 001-2	0	239,000	239,000	824,000	595,000
Total \$	0	1,568,000	1,568,000	4,517,000	3,639,000

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:	Phone:	Date: 02/03/2022
Agency Preparation: Ashley McEntyre	Phone: 2533064501	Date: 02/04/2022
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 02/04/2022
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/05/2022

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 .

SHB 2034 makes changes to the Revised Codes of Washington's (RCWs) governing juvenile records.

Section 2 of the bill creates a civil penalty liability.

Section 5 tasks the Department of Children, Youth, and Families (DCYF) with creating an automatic records sealing process for juveniles who have left the governing the use of records that the agency holds arising from, relating to, or revealing the existence of a juvenile adjudication.

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 .

Title IV-E the federal reimbursement is 20 percent. The agency estimates eligible reimbursements to be \$239,000 in FY23.

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.

DCYF requests \$1,568,000 (\$1,329,000 GF-S) and 4.88 FTE in the 2022 Supplemental.

Section 2 of this bill creates a civil penalty liability of \$100 per day plus any other relief, including attorney's fees and mental pain and suffering. This dollar amount cannot be calculated.

Section 5 of this bill requires that DCYF create an automatic sealing process. DCYF will need to create an entirely new unit solely devoted to the automatic sealing of records, which will result in an significant increase in FTEs. The amount of FTEs will fluctuate from FY23 through FY24, and will stabilize in FY25 as processes are developed and implemented and any backlog of sealing orders is cleared.

This increase in FTEs is needed to: design, implement, and manage the automatic sealing process, examine all electronic repositories of records and identify/flag responsive records, coordinate the sealing of electronic records with IT staff, perform quality assurance checks that all available physical and electronic records have been sealed. Public disclosure and torts discovery will require additional FTEs to redact information that may be inadvertently disclosed in records that cannot be sealed, but contain references to client conviction and adjudication.

- 1 permanent WMS2 starting 7/1/2022 - to implement and manage the automatic sealing process
- 1 permanent MA5 starting 7/1/2022 - to support stakeholder engagement in the rulemaking process
- 3 permanent PS3s starting 7/1/2022 - to manage the automatic sealing process, identify physical and electronic records, and arrange records sealing with the IT department
- 1.5 project PS3s starting 7/1/2022 through 6/30/2024 - Temporary additional support to manage the automatic sealing process
- 2.25 permanent FRA3s starting 7/1/2022 - to support the records sealing process in torts discovery preparation, records management, and public disclosure
- 1 project FRA3 starting 7/1/2022 through 6/30/2024 - Temporary additional support to support the records sealing process in torts discovery preparation, records management, and public disclosure
- 1 permanent WMS2 starting 7/1/2023 - a compliance and privacy/governance officer

1 project MA5 starting 7/1/2023 through 6/30/2024 - temporary assistance to manage the automatic sealing process and team
2 permanent PS3s starting 7/1/2023 - to manage the automatic sealing process, identify physical and electronic records, and arrange records sealing with the IT department
1.75 project PS3s starting 7/1/2023 through 6/30/2024 - Temporary additional support to manage the automatic sealing process for the backlog of client records
4 permanent FRA3s starting 7/1/2023 - to support the records sealing process in torts discovery preparation, records management, and public disclosure
1 project FRA3 starting 7/1/2023 through 6/30/2024 - Temporary additional support to manage the automatic sealing process for the backlog of client records

Total assumed FTE costs are \$1,197,000 (\$958,000 GF-S) in FY23 and \$2,385,000 (1,908,000 GF-S) in FY24. This will include all costs in the model that include the standard FTE costs.

Section 5 of this bill will require DCYF to contract with a consultant to ensure the agency meets objectives and goals in the development of new processes and procedures. The consultant will assist the agency in understanding how work is being conducted, and through analysis, determine solutions to streamline and improve issues and processes. The solution and recommendations could include training, process changes, and modifications to rules, modifications to or implementation of new technology, or a combination of these and supplementing internal project management. DCYF assumes consultation will be for 6,000 hours at an hourly rate of \$250.

Total assumed costs for professional service contracts are \$150,000 (GF-S) in FY23.

Section 5: There will be a significant increase in employees who will require training, so much so that this can be considered a non-standard service.

Existing employees from risk and records management, public disclosure, and Juvenile Rehabilitation staff will require extensive training on the new sealing process to assure fidelity and accuracy. The cost of additional training development and delivery will be \$25,000 for fiscal year 2023. An additional \$25,000 will be required for training development and delivery in fiscal year 2024.

Total assumed costs for non standard goods and services are \$50,000 (GF-S).

Section 5 of this bill requires new rulemaking. It will be necessary to include participants with lived experiences in the rulemaking process. If SB 5793 passes, DCYF would be able to provide a stipend of \$200 per day to individuals with lived experience. DCYF assumes a cost of \$10,000 for stipends (\$200/day x 5 participants x 10 meetings).

Total assumed cost for stipends is \$10,000 (GF-S).

Sections 2-5 of this bill would require a review of DCYF's current processes for sealing juvenile records, as well as new rulemaking. This would require consultation with the Attorney General's Office (AGO). It is estimated that no less than 10 hours of advice during the first year will be required to review current processes. It is estimated that no less than 10 hours annually will be required for the AGO to provide additional legal services related to providing review and advice on orders. It is estimated that no less than 60 hours of legal services in the first year will be required to review drafts, legal issues identified in public comments, and provide advice on new rulemaking.

Total assumed costs for AGO consultation is \$196,000 (GF-S) in FY23 and \$187,000 (GF-S) in FY24 and thereafter.

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	0	1,329,000	1,329,000	3,693,000	3,044,000
001-2	General Fund	Federal	0	239,000	239,000	824,000	595,000
Total \$			0	1,568,000	1,568,000	4,517,000	3,639,000

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		9.8	4.9	17.4	14.3
A-Salaries and Wages		673,000	673,000	2,370,000	1,945,000
B-Employee Benefits		255,000	255,000	904,000	742,000
C-Professional Service Contracts		150,000	150,000		
E-Goods and Other Services		239,000	239,000	461,000	426,000
G-Travel		23,000	23,000	84,000	68,000
J-Capital Outlays		70,000	70,000	140,000	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements		158,000	158,000	558,000	458,000
T-Intra-Agency Reimbursements					
9-					
Total \$	0	1,568,000	1,568,000	4,517,000	3,639,000

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
Forms & Records Analyst 3	58,260		3.3	1.6	7.3	6.3
Management Analyst 5	88,644		1.0	0.5	1.5	1.0
Program Specialist 3	67,560		4.5	2.3	6.6	5.0
WMS2	88,362		1.0	0.5	2.0	2.0
Total FTEs			9.8	4.9	17.4	14.3

III. D - Expenditures By Program (optional)

Program	FY 2022	FY 2023	2021-23	2023-25	2025-27
Program Support (090)		1,568,000	1,568,000	4,517,000	3,639,000
Total \$		1,568,000	1,568,000	4,517,000	3,639,000

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

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 .

Section 5 would require that the Washington Administrative code (WAC) 110-01-0230 through 270 be reviewed and amended as needed to account for the department's inability to confirm the existence or nonexistence of records under a sealing order. Changes to these WACs or additional WACs may need to be added to the chapter to put in place the automatic sealing process.