

Multiple Agency Fiscal Note Summary

Bill Number: 1150 HB	Title: Unlawful branding of person
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	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	2023-25				2025-27				2027-29			
	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
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	2023-25			2025-27			2027-29		
	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	2023-25			2025-27			2027-29		
	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
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	2023-25			2025-27			2027-29		
	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
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Individual State Agency Fiscal Note

Bill Number: 1150 HB	Title: Unlawful branding of person	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: Martha Wehling	Phone: 360-786-7067	Date: 01/10/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/12/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/12/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/13/2023

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished 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: *FTEs listed by classification and corresponding annual compensation. Totals 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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

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

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

HB 1150

UNLAWFUL BRANDING OF ANOTHER PERSON

101 – Caseload Forecast Council

January 11, 2023

SUMMARY

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

Section 1 States legislative intent of the bill.

Section 2 Adds a new section to chapter 9A.40 RCW, establishing a new Class B felony offense of Unlawful Branding of Another Person.

Section 3 Amends RCW 9.94A.515 by ranking Unlawful Branding of Another Person at Seriousness Level V on the Adult Felony Sentencing Grid.

Section 4 Amends RCW 9A.04.080 by adding the Crime of Unlawful Branding of Another Person to the list of offenses that may prosecuted up to 10 years after its commission or, if committed against a person under the age of 18, up to the victim’s 30th birthday, whichever is later.

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 2.0 hours at a rate of \$100 per hour for a total cost to the Caseload Forecast Council of \$200.

Impact Summary

This bill:

- Establishes and ranks a new Class B felony offense.

Impact on prison and jail beds

This bill establishes and ranks the Class B felony offense of Unlawful Branding of Another Person. The Caseload Forecast Council (CFC) has no information concerning how many incidents of the newly established felony offense may occur or the sentences that might actually be imposed for the new offense. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

However, as a Class B felony ranked at Seriousness Level 5 on the Adult Felony Sentencing Grid, Unlawful Branding of Another Person would be punishable by a standard range term of confinement of between 6-12 months in jail and 72-96 months in prison, depending on the

individual's criminal history. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

Impact on Juvenile Rehabilitation and local beds

The newly established Class B felony offense of Unlawful Branding of Another Person would be ranked at Category B on the Juvenile Sentencing Grid. The offense would be punishable by a standard range term of between Local Sanctions (0-30 days in local juvenile detention) and 52-65 weeks in Juvenile Rehabilitation (depending on the number of prior adjudications) for juveniles adjudicated for the offense. Therefore, incidences of this offense would likely impact both local juvenile detention and Juvenile Rehabilitation beds.

There may also be an additional increased need for Juvenile Rehabilitation (JR) beds. 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 less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any impacts to JR would be minimal.

Individual State Agency Fiscal Note

Bill Number: 1150 HB	Title: Unlawful branding of person	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: Martha Wehling	Phone: 360-786-7067	Date: 01/10/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/12/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/12/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/13/2023

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

New Section two establishes the offense of unlawful branding of another person as a new Class B felony in RCW 9A.40

Section three amends RCW 9.94A.515 by ranking Unlawful Branding of Another Person at seriousness level V on the adult felony sentencing grid.

Section four is amended by adding the crime of Unlawful Branding of Another Person to the list of offenses that may be prosecuted up to 10 years after its commission or, if committed against a person under the age of 18, up to the victim's 30th birthday, whichever is later.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Fiscal impact is indeterminate.

The addition of this offense of Unlawful Branding of Another Person could potentially increase the number of individuals committed for this new offense. Since this is a new offense it is uncertain how this may affect the population in the Department of Children, Youth, and Families (DCYF)/Juvenile Rehabilitation (JR).

Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve their confinement at a JR facility until age 25, or until release if occurring prior to age 25. Per the Caseload Forecast Council (CFC), the class C felony offense of Hazing under this bill is not currently a felony under Washington State Law. Therefore, the CFC has no information about the expected incidence or the sentences that might be imposed. The CFC cannot reliably predict bed impact resulting from the bill.

The bill may potentially result in an increase in Average Daily Population (ADP) and indeterminate costs to DCYF. It is unknown at this time how many youth will be impacted; therefore, the caseload forecast and per capita adjustments are unknown at this time.

DCYF assumes the impact will result when the ADP caseload changes in the JR residential facilities forecast. The impact would be reflected in the forecasted maintenance level budget step. DCYF will true up our fiscal impact in subsequent budget submittals if the legislation is enacted into 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: *FTEs listed by classification and corresponding annual compensation. Totals 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

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

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

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1150 HB

Title: Unlawful branding of person

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

Legislation Impacts:

- Cities: Approximately \$221,430 to provide training to law enforcement officers on new criminal offense; indeterminate expenditure impact on law enforcement as a result of processing incidents of new class B felony offense; indeterminate expenditure impact due to increased demand for jail beds
- Counties: Approximately \$67,200 to provide training to law enforcement officers on new criminal offense; indeterminate expenditure impact on law enforcement, prosecutors, and public defenders as a result of processing incidents of new class B felony offense; indeterminate expenditure impact due to increased demand for jail, juvenile detention beds
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Approximately \$288,630 to provide training to local law enforcement officers on new criminal offense
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of incidents of new class B felony offense that may occur

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: 01/12/2023
Leg. Committee Contact: Martha Wehling	Phone: 360-786-7067	Date: 01/10/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/12/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/13/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

The proposed legislation would create the new offense of unlawful branding of another person.

Section 2 would add a new section to chapter 9A.40 RCW, which would create the class B felony offense of unlawful branding of another person. A person would be guilty of this offense if they knowingly:

a) Mark another person's body with a subdermal implant, tattoo, or body art, with the knowledge that the mark is intended to be used to track the person or mark the person for ownership as part of a plan or scheme to engage in trafficking of the person under RCW 9A.40.100 or promoting prostitution of the person under RCW 9A.88.070 or 9A.88.080; or

b) Uses force, fraud, or coercion to cause a person to have his or her body marked with a subdermal implant, tattoo, or body art, for the purpose of tracking the person or marking the person for ownership as part of a plan or scheme to engage in trafficking of the person under RCW 9A.40.100 or promoting prostitution of the person under RCW 9A.88.070 or 9A.88.080

Section 3 would amend RCW 9.94A.515, ranking unlawful branding of another person at seriousness level V on the adult felony sentencing grid.

Section 4 would amend RCW 9A.04.080 to specify that unlawful branding of another person may be prosecuted up to 10 years after the offense's commission or, if committed against a victim under the age of 18, up to the victim's 30th birthday, whichever is later.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

The proposed legislation would have both determinate and indeterminate impact on local government expenditures.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the new offense this bill would create. WASPC estimates that approximately 30 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$221,430 for cities and \$67,200 for counties, for a total one-time cost to local governments of \$288,630.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in police departments and 2,240 commissioned officers in sheriff's departments, for a total of 8,950 commissioned law enforcement employees that would require training. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$66, and the same figure for an officer employed by a county to be \$60. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.5 hours X \$66 = \$221,430

Counties:

2,240 officers X 0.5 hours X \$60 = \$67,200

Total:

\$221,430 + \$67,200 = \$288,630

Training materials and time required may differ among different departments, however.

Law enforcement, prosecution and public defense costs could increase as a result of processing incidents of the new class B felony offense this bill would create. It is unknown, however, how many incidents of this new offense may occur, so the magnitude of the expenditure increase from processing these cases is indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the combined prosecution and public defense costs of processing an incident of a class B felony are approximately \$2,500.

According to the Washington Caseload Forecast Council's fiscal note for this bill, since class B felonies ranked at seriousness level V are punishable by a term of confinement of between 6-12 months in jail and 72-96 months in prison, depending on a person's criminal history, incidents of the new offense this bill would create could increase demand for both jail and prison beds. It is unknown, however, how many incidents of the new offense may occur or how many people convicted for this offense would be sentenced to terms of confinement in jail, so the local government expenditure impact due to increased demand for jail beds is indeterminate. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the average daily jail bed rate is approximately \$145 per day.

According to the CFC fiscal note for this bill, the creation of a new class B felony offense, ranked at category B on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention and 52-65 weeks in juvenile rehabilitation, could also increase demand for county juvenile detention beds. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. Additionally, it is unknown how many juvenile incidents of the new class B felony offense of unlawful branding of another person may occur as a result of this bill's provisions, so the total increase in county juvenile detention expenditures is indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The proposed legislation would have no impact on local government revenues.

SOURCES:

Local government fiscal note for SHB 1844, 2022

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council