

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5010 P S SB	<b>Title:</b> Synthetic opioids/endorphin.
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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	No fiscal impact					
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			144,315						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			144,315						

## 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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Preliminary
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5010 P S SB	<b>Title:</b> Synthetic opioids/endanger.	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note 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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/11/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/11/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/16/2023

177,869.00

Request # 013-1

Form FN (Rev 1/00)

1

Bill # 5010 P S SB

## Part II: Narrative Explanation

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

The proposed legislation amends RCW 9A.42.100 to expand the crime of endangerment to include a dependent child or adult's exposure to fentanyl or synthetic opioids.

### II. B - Cash Receipts Impact

### II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts. The amendments add to the definition of existing crimes.

## 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

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

NONE

177,869.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5010 P S SB	<b>Title:</b> Synthetic opioids/endorphin.	<b>Agency:</b> 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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/10/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/10/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/10/2023

## 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.*

# **PSSB 5010**

## **EXPAND DEFINITION OF ENDANGERMENT WITH A CONTROLLED SUBSTANCE**

**101 – Caseload Forecast Council  
January 10, 2023**

### **SUMMARY**

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

Section 1 Amends RCW 9A.42.100 by expanding the definition of the existing ranked Class B felony offense of Endangerment with a Controlled Substance (Seriousness Level 4 on the Adult Felony Sentencing Grid and Category B on the Juvenile Offender Sentencing Grid) to include Fentanyl or synthetic opioids, or the smoke of a substance that the person knows, or reasonably should know, contains, or is contaminated with, fentanyl or synthetic opioids.

### **EXPENDITURES**

#### **Assumptions.**

None.

#### **Impact on the Caseload Forecast Council.**

None.

#### **Impact Summary**

- Expands the definition of an existing Class B felony offense.

#### **Impacts on Prison and Jail beds**

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might actually be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However, as a Class B felony offense ranked at SL 4 on the adult felony sentencing grid, Endangerment with a Controlled Substance, is punishable by a standard range term of confinement between 3-9 months in jail and 63-84 months in prison, depending on the individual's prior history. Therefore, increased incidence of this offense would likely impact local jail beds and prison beds.

#### **Impact on local detention and Juvenile Rehabilitation beds.**

The bill expands the definition of a Class B felony ranked at Offense Category B on the juvenile offender 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, increased incidences of this offense would likely impact both local juvenile detention and Juvenile Rehabilitation beds.

In addition, 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

<b>Bill Number:</b> 5010 P S SB	<b>Title:</b> Synthetic opioids/endanger.	<b>Agency:</b> 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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2023
Agency Preparation: Cassi Postma	Phone: (360) 485-5285	Date: 01/12/2023
Agency Approval: Ronell Witt	Phone: 3607258989	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.*

5010 SB updates statute for the crime of endangerment with a controlled substance statute to include fentanyl or synthetic opioids.

Section 1 amends RCW 9A.42.100 by expanding the definition of the existing ranked Class B felony offense of Endangerment with a Controlled Substance (Seriousness Level 4 on the Adult Felony Sentencing Grid and Category B on the Juvenile Offender Sentencing Grid) to include fentanyl or synthetic opioids, or the smoke of a substance that the person knows, or reasonably should know, contains, or is contaminated with, fentanyl or synthetic opioids.

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

### 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.*

The fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per Fiscal Year (FY).

This bill expands the definition of an existing Class B felony offense, amending the endangerment with a controlled substance statute to include fentanyl or synthetic opioids.

Impact on prison and jail beds:

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However, as a Class B felony offense ranked at SL 4 on the adult felony sentencing grid, Endangerment with a Controlled Substance is punishable by a standard range term of confinement between 3-9 months in jail and 63-84 months in prison, depending on the individual's prior history. Therefore, increased incidence of this offense would likely impact local jail beds and prison beds.

The Department of Corrections (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 of this bill is indeterminate, assumed to be less than \$50,000 per Fiscal Year (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 \$6,980 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. 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:** *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

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

<b>Bill Number:</b> 5010 P S SB	<b>Title:</b> Synthetic opioids/endanger.
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**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

**Legislation Impacts:**

- Cities:** Approximately \$110,715 to provide training to law enforcement officers on expanded criminal offense; indeterminate expenditure impact on law enforcement as a result of processing additional incidents of expanded class B felony offense; indeterminate expenditure impact due to increased demand for jail beds
- Counties:** Approximately \$33,600 to provide training to law enforcement officers on expanded criminal offense; indeterminate expenditure impact on law enforcement, prosecutors, and public defenders as a result of processing additional incidents of expanded 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 \$144,315 to provide training to local law enforcement officers on expanded criminal offense
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:** Number of additional incidents of endangerment with a controlled substance that may occur as a result of expanded definition

**Estimated revenue impacts to:**

None

**Estimated expenditure impacts to:**

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	110,715		110,715		
County	33,600		33,600		
<b>TOTAL \$</b>	144,315		144,315		
<b>GRAND TOTAL \$</b>					<b>144,315</b>

In addition to the estimates above, there are additional indeterminate costs 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: Kevin Black	Phone: (360) 786-7747	Date: 01/09/2023
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 modify the definition of the existing class B felony offense of endangerment with a controlled substance.

Section 1 would amend RCW 9A.42.100, expanding the definition of this offense to include “knowingly or intentionally [permitting] a dependent child or dependent adult to be exposed to, inhale, ingest or have contact with fentanyl or synthetic opioids, or the smoke of a substance that the person knows, or reasonably should know, contains, or is contaminated with, fentanyl or synthetic opioids.”

The expanded offense would exclude administering medications during the delivery of healthcare services or pursuant to a valid prescription.

### 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 impacts 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 modifications this bill would make to an existing criminal offense. WASPC estimates that approximately 15 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$110,715 for cities and \$33,600 for counties, for a total one-time cost to local governments of \$144,315.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in municipal police departments and 2,240 commissioned officers in county 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 15 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.25 hours X \$66 = \$110,715

Counties:

2,240 officers X 0.25 hours X \$60 = \$33,600

Total:

\$110,715 + \$33,600 = \$144,315

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

According to the Washington State Caseload Forecast Council’s (CFC) fiscal note on this bill, expanding the definition of the existing class B felony offense of endangerment with a controlled substance, ranked at seriousness level IV on the adult felony sentencing grid and punishable by a confinement term of between 3-9 months in jail and 63-84 months in prison, could increase demand for jail beds. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145. However, since it is unknown how many additional incidents of endangerment with a controlled substance may occur as a result of expanding its definition, the expenditure impact on local governments due to an increased demand for jail beds is indeterminate.

According to the CFC fiscal note for this bill, expanding the definition of an existing 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. Furthermore, it is unknown how many additional juvenile incidents of endangerment with a controlled substance may occur as a result of this bill's provisions, so the impact on county juvenile detention expenditures as a result of this bill is indeterminate.

In addition to bed impacts, expanding the definition of an existing class B felony offense could increase law enforcement, prosecution and public defense expenditures as a result of processing additional incidents of this offense. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined prosecution and public defense costs to process an incident of a class B felony offense are \$2,500. However, since it is unknown how many additional incidents of endangerment with a controlled substance may occur, the magnitude of the expenditure impacts on local governments from processing additional incidents of this offense 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 Program Criminal Justice Cost Model, 2023  
Washington Association of Sheriffs and Police Chiefs  
Washington State Caseload Forecast Council