

Multiple Agency Fiscal Note Summary

Bill Number: 1209 HB	Title: tableting machines, felony
-----------------------------	--

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
Washington State Patrol	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	3,720	3,720	3,720	.0	0	0	0	.0	0	0	0
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	0.0	3,720	3,720	3,720	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	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			577,260						
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			577,260						

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
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
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	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

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Final
---	---------------------------------	---------------------------------

Judicial Impact Fiscal Note

Bill Number: 1209 HB	Title: tableting machines, felony	Agency: 055-Administrative Office of the Courts
-----------------------------	--	--

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: Michelle Rusk	Phone: 360-786-7153	Date: 01/09/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 01/13/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/13/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/16/2023

178,183.00

Form FN (Rev 1/00)

Request # 26-1

Bill # 1209 HB

Part II: Narrative Explanation

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

This bill creates a new Class C felony for possessing with intent to sell a tableting machine or encapsulating machine for use in controlled substance production, other than cannabis.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts and the courts.

The amendments create new Class C felony that adds to an existing list of drug offenses. The bill would not require any court form, judicial resource, or case management system impacts.

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

178,183.00

Form FN (Rev 1/00)

Judicial Impact Fiscal Note

Bill Number: 1209 HB	Title: tableting machines, felony	Agency: 055-Administrative Office of the Courts
-----------------------------	--	--

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: Michelle Rusk	Phone: 360-786-7153	Date: 01/09/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 01/13/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/13/2023
OFM Review:	Phone:	Date:

178,183.00

Form FN (Rev 1/00)

Request # 26-1

Bill # 1209 HB

Part II: Narrative Explanation

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

This bill creates a new Class C felony for possessing with intent to sell a tableting machine or encapsulating machine for use in controlled substance production, other than cannabis.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts and the courts.

The amendments create new Class C felony that adds to an existing list of drug offenses. The bill would not require any court form, judicial resource, or case management system impacts.

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

178,183.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 1209 HB	Title: tableting machines, felony	Agency: 101-Caseload Forecast Council
-----------------------------	--	--

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: Michelle Rusk	Phone: 360-786-7153	Date: 01/09/2023
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: 01/16/2023

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 1209

CONCERNING RESTRICTING CERTAIN EQUIPMENT FOR USE WITH CONTROLLED SUBSTANCES

**101 – Caseload Forecast Council
January 11, 2023**

SUMMARY

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

Section 1 Adds a new section to chapter 69.50 RCW by establishing a new Class C felony offense of Possess, Purchase, Deliver, Sell, or Possess with Intent to Sell a Tabulating Machine or Encapsulating Machine.

Section 1 Additionally adds definitions for Tabulating Machine and Encapsulating Machine.

Section 2 Amends RCW 9.94A.518 by ranking the above offense at Seriousness Level II on the Adult Felony Drug Sentencing Grid.

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 C felony offense in chapter 69.50 RCW.

Impact on prison and jail beds

The Caseload Forecast Council has no information concerning how many incidents of the newly established felony offense may occur, nor the sentences that might actually be imposed. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill. However:

As a Class C felony ranked at Seriousness Level II on the Adult Felony Drug Sentencing Grid, Possess, Purchase, Deliver, Sell, or Possess with Intent to Sell a Tabulating Machine or Encapsulating Machine would be punishable by a standard range term of confinement of between 12+-20 months and 60+ - 120 months in prison (statutory maximum for a Class C felony is 60 months; however, for subsequent violations for chapter 69.50 other than possession

of a controlled substance, the statutory maximum may double), depending on the individual's prior history. Therefore, any impact would only be on prison beds.

Impacts on DOC Supervision Population.

Individuals who commit a felony violation of chapter 69.50 RCW are subject to community supervision for a term of 12 months if the individual is assessed as a high risk to reoffend. As such, any increased incidents of the offense may result in an increase to DOC's community custody caseload.

Impact on Juvenile Rehabilitation and local beds

The newly established Class C felony offense would be ranked at Category C 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 15-36 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: 1209 HB	Title: tableting machines, felony	Agency: 225-Washington State Patrol
-----------------------------	--	--

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: Michelle Rusk	Phone: 360-786-7153	Date: 01/09/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 01/10/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/10/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/11/2023

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.

There is no fiscal impact to the Washington State Patrol (WSP) as there will be no changes in current practices.

The proposed legislation restricts the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances. Violation of this is a class C felony.

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.

NONE

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.

Individual State Agency Fiscal Note

Bill Number: 1209 HB	Title: tableting machines, felony	Agency: 307-Department of Children, Youth, and Families
-----------------------------	--	--

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: Michelle Rusk	Phone: 360-786-7153	Date: 01/09/2023
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: 01/16/2023

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 one amends RCW 69.50 to add a section establishing a Class C felony offense to possess, purchase, deliver, or sell a tabulating machine or encapsulating machine to be used for manufacturing pills containing controlled substance.

Section two amends RCW 9.94A.518 by ranking the new offense at seriousness level II on the adult felony drug sentencing grid.

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 newly established Class C felony ranked at seriousness level II on the Adult Felony Drug Sentencing Grid and Category C on the Juvenile Sentencing Grid, would likely increase the number of individuals committed to the Department of Children, Youth, and Families (DCYF). It is unknown at this time how many individuals will be impacted.

Current statutes require individuals sentenced in adult court for an offense committed under the age of 18 to serve their confinement at a Juvenile Rehabilitation (JR) facility, until age 25, or until release if occurring prior to age 25. This change could impact JR beds. DCYF assumes the bill may result in an increase in Average Daily Population (ADP) and indeterminate costs to DCYF.

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

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

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.

Individual State Agency Fiscal Note

Bill Number: 1209 HB	Title: tableting machines, felony	Agency: 310-Department of Corrections
-----------------------------	--	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	3,720	0	3,720	0	0
Total \$	3,720	0	3,720	0	0

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: Michelle Rusk	Phone: 360-786-7153	Date: 01/09/2023
Agency Preparation: Kaile Walsh	Phone: (360) 350-9997	Date: 01/17/2023
Agency Approval: Ronell Witt	Phone: 3607258989	Date: 01/17/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/17/2023

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.

1209 HB An Act to restricting the possession, purchase, delivery, and sale of certain equipment used to illegally process controlled substances; amending RCW 9.94A.518; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Section 1 adds a new section to chapter 69.50 RCW by establishing a new Class C felony offense of Possess, Purchase, Deliver, Sell, or Possess with Intent to Sell a Tabulating Machine or Encapsulating Machine.

Section 2(1) amends RCW 9.94A.518 by ranking the above offense at Seriousness Level II on the Adult Felony Drug Sentencing Grid.

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 establishes and ranks a new Class C felony offense in chapter 69.50 RCW.

Impact to DOC IT:

The one-time estimated IT staff hours, and costs, to complete these updates are identified in the below table:

IT Application Development | \$120 per hour x 15 hours = \$1,800
IT Quality Assurance | \$120 per hour x 8 hours = \$960
IT Business Analyst | \$120 per hour x 8 hours = \$960
Total One-Time IT Staff Costs in FY2023 = \$3,720

Impact on prison and jail beds:

The Caseload Forecast Council has no information concerning how many incidents of the newly established felony offense may occur, nor the sentences that might actually be imposed. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill.

As a Class C felony ranked at Seriousness Level II on the Adult Felony Drug Sentencing Grid, Possess, Purchase, Deliver, Sell, or Possess with Intent to Sell a Tabulating Machine or Encapsulating Machine would be punishable by a standard range term of confinement of between 12+-20 months and 60+ - 120 months in prison (statutory maximum for a Class C felony is 60 months; however, for subsequent violations for chapter 69.50 other than possession of a controlled substance, the statutory maximum may double), depending on the individual's prior history. Therefore, any impact would only be on prison beds.

Impacts on DOC Supervision Population:

Individuals who commit a felony violation of chapter 69.50 RCW are subject to community supervision for a term of 12 months if the individual is assessed as a high risk to reoffend. As such, any increased incidents of the offense may result in an increase to Department of Correction’s community custody caseload.

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

Assumptions:

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. We assume Direct Variable Cost (DVC) of \$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

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	3,720	0	3,720	0	0
Total \$			3,720	0	3,720	0	0

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 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	3,720		3,720		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	3,720	0	3,720	0	0

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administration and Support Services (100)	3,720		3,720		
Total \$	3,720		3,720		

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

Bill Number: 1209 HB

Title: tableting machines, felony

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

Legislation Impacts:

Cities: Approximately \$442,860 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 C felony offense

Counties: Approximately \$134,400 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 C felony offense; indeterminate expenditure impact due to increased demand for juvenile detention beds

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs: Approximately \$577,260 to provide training to local law enforcement officers on modified criminal offenses

Legislation provides local option:

Key variables cannot be estimated with certainty at this time: Number of incidents of new class C felony offense that may occur

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	442,860		442,860		
County	134,400		134,400		
TOTAL \$	577,260		577,260		
GRAND TOTAL \$					577,260

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: 01/16/2023
Leg. Committee Contact: Michelle Rusk	Phone: 360-786-7153	Date: 01/09/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/16/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/16/2023

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 a new class C felony offense.

Section 1 would add a new section to chapter 69.50 RCW, specifying that anyone who possesses, purchases, delivers, sells, or possesses with intent to sell a tableting machine or encapsulating machine knowing, or under circumstances where one reasonably should know, that it will be used to manufacture, compound, convert, produce, process, prepare, or otherwise introduce into the human body a controlled substance, other than cannabis, in violation of chapter 69.50 RCW, is guilty of a class C felony.

This section would also provide definitions of tableting and encapsulating machines.

Section 2 would amend RCW 9.94A.518, ranking the new class C felony offense this bill would create at level II on the adult felony drug sentencing grid.

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 expenditure impacts on local governments.

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 one hour of training would be required per law enforcement officer. This training would require a one-time cost of \$442,860 for cities and \$134,400 for counties, for a total one-time cost to local governments of \$577,260.

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 one hour of training, the cost to local governments would be:

Cities:

6,710 officers X 1 hour X \$66 = \$442,860

Counties:

2,240 officers X 1 hour X \$60 = \$134,400

Total:

\$442,860 + \$134,400 = \$577,260

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

According to the Washington State Caseload Forecast Council's (CFC) fiscal note for this bill, as a class C felony ranked at seriousness level II and punishable by a term of confinement of between 12+ to 20 months and 60+ to 120 months in prison, incidents of the new offense this bill would create would not change demand for jail beds.

According to the CFC fiscal note, however, the creation of a new class C felony offense, ranked at category C on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention and

15-36 weeks in juvenile rehabilitation, could 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 C felony offense this bill would create may occur, so the total increase in county juvenile detention expenditures that may result from this bill is indeterminate.

In addition to bed impacts, the creation of a new class C felony offense could increase law enforcement, prosecution and public defense expenditures as a result of processing incidents of the new offense. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a class C felony drug offense are approximately \$6,470. However, given that it is unknown how many incidents of the new offense may occur, the magnitude of the expenditure impacts on local governments from processing 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