

Multiple Agency Fiscal Note Summary

Bill Number: 1324 HB	Title: Prior juvenile offenses
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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	Fiscal note not available					
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	Non-zero but indeterminate cost and/or savings. Please see discussion.											
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	Fiscal note not available								
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	.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	Fiscal note not available								
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
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Individual State Agency Fiscal Note

Bill Number: 1324 HB	Title: Prior juvenile offenses	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/18/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/18/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/20/2023

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 attachment.

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 attachment.

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 1324

SCORING OF PRIOR JUVENILE OFFENSES IN SENTENCING RANGE CALCULATIONS

**101 – Caseload Forecast Council
January 17, 2023**

SUMMARY

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

Section 1 Intent section.

Section 2 Amends RCW 9.94A.525 by removing adjudications for juvenile offenses from scoring against adult offenses.

Section 3 Adds a new section to chapter 9.94A RCW that states any offender sentenced for an offense committed prior to the effective date of the section, and whose score included juvenile adjudication(s) is entitled to a resentencing hearing upon the offender's motion for relief.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Reduces offender scores for some individuals.

Impact on prison and jail beds

Criminal history scores are provided by the counties and do not necessarily correspond to criminal history listed on the judgment and sentence form. Additionally, the Caseload Forecast Council (CFC) does not necessarily receive all criminal history from the various counties, offender scores can be subject to negotiations between the parties involved and the CFC cannot determine the age at offense for offenses in history.

Therefore, the CFC lacks data necessary to reliably estimate the bed impacts of the bill. However, reductions in offender scores will result in most sentences receiving lower confinement, reducing the use of prison and jail beds. Some individuals may have a reduced score that shifts the presumptive sentence from prison to non-prison.

While the impacts are unknown, the following is provided as information.

Of the 13,221 felony sentences imposed in Fiscal Year 2022, approximately 18% of the sentences (2,366 sentences, estimated to be 2,129 individuals) had one or more prior juvenile offenses, with the average of 2.45 juvenile offenses. It is unknown what score each juvenile offense generated towards the current criminal history score. Of the sentences with one or more juvenile offenses in history, 64% (1,514 sentences, estimated 1,302 individuals) of the sentences under current scoring rules resulted in a prison sentence and 28% (664 sentences, estimated 624 individuals) resulted in a jail sentence. The remaining sentences were no confinement (8%). It is unknown how many of the sentences had the criminal history score impacted by a juvenile offense as some individuals may still have a score of nine or more after removing juvenile history, some may have just one juvenile offense that scored as ½ point and did not impact the score, or some may have been sentenced on the drug grid and the score, after removing the juvenile offense(s), is within the same standard sentencing range cell as before the juvenile offense(s) was removed.

Juvenile Rehabilitation Bed Impacts

Generally, the scoring rules for adult convictions should not impact juvenile bed needs. However, current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a Juvenile Rehabilitation (JR) facility until age 25, or until release if occurring prior to age 25. As a result, any adult conviction for on offense committed by someone under the age of 18 that included juvenile adjudications in the offender score may reduce the need for JR beds as removing the juvenile adjudications from scoring may result in a lower offender score. However, as less than 1% of all sentences in the adult system are committed by those less than age 18, it is assumed any impacts to JR would be minimal.

Individual State Agency Fiscal Note

Bill Number: 1324 HB	Title: Prior juvenile offenses	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/20/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/20/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/20/2023

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.

Section two amends RCW 9.94A.525 by removing adjudications of guilt for juvenile offenses from scoring against adult offenses.

Section three adds a new section to chapter 9.94A RCW that states any offender sentenced for an offense committed prior to the effective date of this section, and whose offender score was increased due to any juvenile adjudications is entitled to a resentencing hearing upon the offender's motion for relief. At resentencing the court shall sentence the offender as if any juvenile adjudications were not part of the offender score at the time of the original sentence.

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 removal of prior juvenile adjudications from scoring against adult offenses could potentially impact Juvenile Rehabilitation (JR) beds.

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 CFC does not receive all criminal history from the counties, offender scores can be subject to negotiations between the parties involved and the CFC cannot determine the age at offense for offenses in history. Therefore, the CFC cannot estimate the bed impact of the bill. Any adult conviction for an offense committed by someone under the age of 18 that included juvenile adjudications in the offender score may reduce the need for JR beds. Impacts to JR would be minimal since less than 1% of all sentences in the adult system are committed by youth less than age 18.

The bill may potentially result in a decrease 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

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: 1324 HB	Title: Prior juvenile offenses	Agency: 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: Michelle Rusk	Phone: 360-786-7153	Date: 01/16/2023
Agency Preparation: Jaymie Hall	Phone: (360) 725-8428	Date: 01/20/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 01/20/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/22/2023

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.

AN ACT relating to the scoring of prior juvenile offenses in sentencing range calculations; amending RCW 9.94A.525; adding a new section to chapter 9.94A RCW; creating a new section; and providing an expiration date.

Section 1(1) implements the juvenile justice system's goals of rehabilitation and reintegration.

Section 1(2) brings Washington in line with other states which do not consider prior juvenile offenses in sentencing range calculations for adults.

Section 1(3) takes into consideration scientific research which shows that adolescent's perception, judgement, and decision making differs greatly from that of adults.

Section 1(4) grants procedural protections in criminal proceedings in any adjudication which may be used to determine severity of a criminal sentencing.

Section 1(5) states how the juvenile legal system gravely impacts sentencing ranges in adult court.

Section 2(1)(b) states that adjudication in accordance with Title 13 RCW will not be included in offender score RCW 9.94A.030.

Section 2(2)(g) removes subsection (g) stating the application of this subsection to both adult and juvenile prior convictions

Section 2(3) states that no out-of-state or federal adjudications or convictions for juvenile offenses may be included in the offender score.

Section 2(5)(a)(i) removes language that would include prior juvenile offenses for which sentences were served consecutively from the sentencing court calculation regarding prior offenses found under RCW 9.94A.589 (1) (a).

Section 2(5)(a)(ii) removes language that would include juvenile offense time served in the calculation of the offender score in the case of multiple prior convictions for offense committed before July 1st, 1986, of which sentences were served concurrently.

Section 2(7) removes language pertaining to adding points for any prior juvenile conviction for present conviction of non-violent offense.

Section 2(8) removes language pertaining to adding points for any prior juvenile conviction for present conviction of violent offense.

Section 2(9) removes language pertaining to adding points for any prior juvenile conviction for present conviction of serious violent offense.

Section 2(10) removes language pertaining to adding points for any prior juvenile conviction for present conviction of Burglary 1.

Section 2(11) removes language pertaining to adding points for any prior juvenile conviction for present conviction of felony traffic offense.

Section 2(12) removes language pertaining to adding points for any prior juvenile conviction for present conviction for homicide by watercraft or assault by watercraft.

Section 2(13) removes language pertaining to adding points for any prior juvenile conviction for present conviction for manufacturing of methamphetamine.

Section 2(14) removes language pertaining to adding points for any prior juvenile conviction for present conviction of Escape from Community Custody under RCW 72.09.310.

Section 2(15) removes language pertaining to adding points for any prior juvenile conviction for present conviction of Escape 1 under RCW 9A.76.110 or Escape 2 under RCW 9A.76.120.

Section 2(16) removes language pertaining to adding points for any prior juvenile conviction for present conviction of Burglary 2 or residential burglary.

Section 2(18) removes language pertaining to adding points for any prior juvenile conviction for present conviction of failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132.

Section 2(20) removes language pertaining to adding points for any prior juvenile conviction for present conviction of Theft of a motor vehicle, possession of a motor vehicle, taking motor vehicle without permission 1, or taking motor vehicle without permission 2.

Section 2(21)(a) removes language of “adult” from subsection but does not change context of the section.

Section 2(21)(b) removes language of “adult” from subsection but does not change context of the section.

Section 2(21)(c) removes subsection that would allow subsequent juvenile conviction to be included in calculation of the offender score and removes language of “adult” without changing the context of the subsection.

Section 3 is a new section added to chapter 9.94A RCW.

Section 3(1) states that any offender who committed an offense prior to the effective date of this section, and whose offender score was increased due to juvenile adjudications, is entitled to a resentencing hearing upon offender’s motion for relief from sentence to the original sentencing court.

Section 3(2) states that the sentencing court will grant motion if it is found that the previous offender score was increased due to any juvenile adjudications and will immediately set an expedited date for resentencing. At resentencing, the court will sentence the offender as if any juvenile adjudications were not part of the offender score at the time the original sentence was imposed.

Section 3(3) gives this section an expiration date of July 1, 2025.

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.

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 greater than \$50,000 per Fiscal Year (FY).

This bill reduces offender scores for some incarcerated individuals.

Criminal history scores are provided by the counties and do not necessarily correspond to criminal history listed on the judgment and sentence form. Additionally, the Caseload Forecast Council (CFC) does not necessarily receive all criminal history from the various counties, offender scores can be subject to negotiations between the parties involved and the CFC cannot determine the age at offense for offenses in history.

Therefore, the CFC lacks data necessary to reliably estimate the bed impacts of the bill. However, reductions in offender scores will result in most sentences receiving lower confinement, reducing the use of prison and jail beds. Some individuals may have a reduced score that shifts the presumptive sentence from prison to non-prison.

While the impacts are unknown, the following is provided as information.

Of the 13,221 felony sentences imposed in Fiscal Year 2022, approximately 18% of the sentences (2,366 sentences, estimated to be 2,129 individuals) had one or more prior juvenile offenses, with the average of 2.45 juvenile offenses. It is unknown what score each juvenile offense generated towards the current criminal history score. Of the sentences with one or more juvenile offenses in history, 64% (1,514 sentences, estimated 1,302 individuals) of the sentences under current scoring rules resulted in a prison sentence and 28% (664 sentences, estimated 624 individuals) resulted in a jail sentence. The remaining sentences were no confinement (8%). It is unknown how many of the sentences had the criminal history score impacted by a juvenile offense as some individuals may still have a score of nine or more after removing juvenile history, some may have just one juvenile offense that scored as ½ point and did not impact the score, or some may have been sentenced on the drug grid and the score, after removing the juvenile offense(s), is within the same standard sentencing range cell as before the juvenile offense(s) was removed.

As of December 31st, 2022, there are 5,304 incarcerated individuals with a juvenile offense in their criminal history. The Department of Corrections (DOC) does not have the capability to predict how often or in what circumstances the courts would exercise their sentencing authority, therefore, the fiscal impact for this proposed legislation is indeterminate.

The DOC assumes this bill would likely result in an ADP decrease, although the impact cannot be reliably estimated, however with the number of sentences imposed where the individual has one or more prior juvenile offenses and the number of incarcerated individuals currently under DOC jurisdiction, although the fiscal impact is indeterminate, it is assumed to be a savings of more 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

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.