

Multiple Agency Fiscal Note Summary

Bill Number: 1396 HB	Title: First degree murder/juvenile
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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
Office of Financial Management	Fiscal note not available											
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
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
Office of Financial Management	Fiscal note not available								
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: 1396 HB	Title: First degree murder/juvenile	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: Corey Patton	Phone: 360-786-7388	Date: 01/18/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/20/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/20/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/23/2023

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 1396

AGGRAVATED MURDER COMMITTED BY PERSONS UNDER AGE 21

101 – Caseload Forecast Council
January 18, 2023

SUMMARY

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

- Section 1 Amends RCW 9.94A.515, the adult felony sentencing grid, by amending the standard sentence for Seriousness Level XVI to refer to RCW 10.95.030 for punishment for this seriousness level (Aggravated Murder is the only offense currently at this level).
- Section 2 Amends RCW 9.94A.540 by changing the minimum term of 25 years for Aggravated Murder in the First Degree to apply to individuals who committed the offense prior to their 21st birthday, rather than their 18th birthday.
- Section 3 Amends RCW 9.94A.6332, sanctions imposed by the Indeterminate Sentence Review Board (Board), to include individuals under the provisions chapter 10.95 RCW established by Section 6 of this act.
- Section 4 Amends RCW 9.94A.729 by including individuals under the provisions chapter 10.95 RCW established by Section 6 of this act, to the prohibition of earning early release time during the minimum term of confinement imposed by the court, and the remaining portion not exceeding 10 percent of the sentence.
- Section 5 Amends RCW 10.95.030 by changing the punishment for any person convicted of Aggravated Murder in the First Degree committed prior the person's 21st birthday. The punishment of a maximum sentence of life and a minimum of 25 years was amended to apply to a person committing the offense prior to the person's 18th birthday, rather than the person's 16th birthday. In addition, for individuals who were at least 18 but less than 21, the punishment shall be maximum of life and a minimum term of not less than 25 years, if the court determines that mitigating factors accounting for diminished culpability of youth justify a downward departure. If the court determines those factors do not justify a downward departure, then the person shall be sentenced to life without the possibility of release or parole.
- Section 6 Adds a new section to chapter 10.95 RCW that states a person who was sentenced prior to July 1, 2023, under this chapter or any prior law, to a term of life for offense committed when the person was at least 18 years old but less than 21, shall be returned to court for sentencing consistent with RCW 10.95.030.
- Section 7 Adds a new section to chapter 10.95 RCW that states Sections 1 – 6 of this act apply to all sentencing hearings conducted on or after July 1, 2023, regardless of the date of the underlying offense.
- Section 8 Adds a null and void clause.
- Section 9 States the act takes effect July 1, 2023.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Amends life or death sentences for Aggravated Murder in the First Degree for individuals committing the offense when at least 18 years of age and prior to their 21st birthday, allowing for a maximum sentence of life and a minimum sentence of at least 25 years.
- Eliminates the death penalty for anyone committing Aggravated Murder in the First Degree prior to his/her 21st birthday.

The provisions in this bill are both prospective and retrospective in nature. The Caseload Forecast Council is equipped to supply only prospective analyses and, as such, defers to the Department of Corrections for the retrospective provisions of the bill. Additionally, the Caseload Forecast Council's prospective analyses estimate bed impacts for a 20 year period. Since the prospective provisions of the bill require individuals sentenced for Aggravated Murder in the First Degree committed between the ages of 18-21 to serve an absolute minimum term of 25 years in total confinement, any bed impact resulting from the bill is beyond the Caseload Forecast Council's 20 year analysis period.

In Fiscal Year 2022, there was one sentence for Aggravated Murder in the First Degree in which the individual was between 18 and 21 at the time of the offense. Therefore, any impact would most likely be a minimal savings of prison beds.

Impact on prison and jail beds.

This bill has no impact on jail beds.

Impact on local and Juvenile Rehabilitation (JR) beds.

This bill has no impact on local detention or JR beds.

Impact on Supervision Caseload.

Anyone released by the Board under the provisions of this bill could be supervised for life. The Board has authority to set the period of time an individual released by Board shall be supervised by the Department of Corrections. While CFC has no information about how many individuals would be released by the Board under the provisions of the bill, any releases would result in an increased need for DOC community supervision resources.

Individual State Agency Fiscal Note

Bill Number: 1396 HB	Title: First degree murder/juvenile	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:

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: Corey Patton	Phone: 360-786-7388	Date: 01/18/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/21/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/21/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/23/2023

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.

This bill relates to persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age.

Section Five RCW 10.95.030 is amended to change the age of a person convicted of the crime of aggravated first degree murder for an offence committed when the person is at least 18 years old but less than 21 years old (changed from less than 18) shall be sentenced to a maximum term of life imprisonment and a minimum term of total confinement of no less than 25 years if the court determines that the mitigating factors that account for the diminished culpability of youth, as described in (b) of this subsection, justify a downward departure; however, if the court determines that those mitigating factors do not justify a downward departure, the person shall instead be sentenced to life imprisonment without the possibility of release or parole.

New Section six added to RCW 10.95: A person, who was sentenced prior to July 1, 2023, under this chapter or any prior law, to a term of life without the possibility of parole for an offense committed when the person is at least 18 years old but less than 21 years old, shall be returned to the sentencing court or the sentencing court's successor for sentencing consistent with RCW 10.95.030. Release and supervision of a person who receives a minimum term of less than life will be governed by RCW10.95.030.

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.

No fiscal impact.

Per the Caseload Forecast Council (CFC), there was one sentence for aggravated murder in the first degree in which the individual was between the ages of 18 and 21 at the time of the offense. Any impact would be minimal savings in prison beds and no impact on JR beds.

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: 1396 HB	Title: First degree murder/juvenile	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: Corey Patton	Phone: 360-786-7388	Date: 01/18/2023
Agency Preparation: Scherry Sinclair	Phone: (360) 725-8428	Date: 01/23/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 01/23/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/23/2023

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.

II. A - Brief Description of What the Measure Does That Has Fiscal Impact

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

Section 1 Amends RCW 9.94A.510, the adult felony sentencing grid, by amending the standard sentence for Seriousness Level XVI to refer to RCW 10.95.030 for punishment for this seriousness level (Aggravated Murder is the only offense currently at this level).

Section 2 Amends RCW 9.94A.540 by changing the minimum term of 25 years for Aggravated Murder in the First Degree to apply to individuals who committed the offense prior to their 21st birthday, rather than their 18th birthday.

Section 3 Amends RCW 9.94A.6332, sanctions imposed by the Indeterminate Sentence Review Board (Board), to include individuals under the provisions chapter 10.95 RCW established by Section 6 of this act.

Section 4 Amends RCW 9.94A.729 by including individuals under the provisions chapter 10.95 RCW established by Section 6 of this act, to the prohibition of earning early release time during the minimum term of confinement imposed by the court, and the remaining portion not exceeding 10 percent of the sentence.

Section 5 Amends RCW 10.95.030 by changing the punishment for any person convicted of Aggravated Murder in the First Degree committed prior the person's 21st birthday. The punishment of a maximum sentence of life and a minimum of 25 years was amended to apply to a person committing the offense prior to the person's 18th birthday, rather than the person's 16th birthday. In addition, for individuals who were at least 18 but less than 21, the punishment shall be maximum of life and a minimum term of not less than 25 years, if the court determines that mitigating factors accounting for diminished culpability of youth justify a downward departure. If the court determines those factors do not justify a downward departure, then the person shall be sentenced to life without the possibility of release or parole.

Section 6 Adds a new section to chapter 10.95 RCW that states a person who was sentenced prior to July 1, 2023, under this chapter or any prior law, to a term of life for offense committed when the person was at least 18 years old but less than 21, shall be returned to court for sentencing consistent with RCW 10.95.030.

Section 7 Adds a new section to chapter 10.95 RCW that states Sections 1 – 6 of this act apply to all sentencing hearings conducted on or after July 1, 2023, regardless of the date of the underlying offense.

Section 8 Adds a null and void clause.

Section 9 States the act takes effect July 1, 2023.

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.

Since the prospective provisions of the bill require individuals sentenced for Aggravated Murder in the First Degree committed between the ages of 18-21 to serve an absolute minimum term of 25 years in total confinement, any bed impact resulting from the bill is beyond the Caseload Forecast Council's 20-year analysis period.

In Fiscal Year 2022, there was one sentence for Aggravated Murder in the First Degree in which the individual was between 18 and 21 at the time of the offense. Therefore, any impact would most likely be minimal.

Anyone released by the Board under the provisions of this bill could be supervised for life. The Board has authority to set the period of time an individual released by Board shall be supervised by the Department of Corrections. While CFC has no information about how many individuals would be released by the Board under the provisions of the bill, any releases would result in an increased need for DOC community supervision resources.

For illustrated purposes 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.

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.

We assume this bill will have a fiscal impact to DOC less than \$50,000 per fiscal year.

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.