

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1189 HB	<b>Title:</b> Total confinement release
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	96,000	0	0	96,000	0	0	96,000
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>96,000</b>	<b>0</b>	<b>0</b>	<b>96,000</b>	<b>0</b>	<b>0</b>	<b>96,000</b>

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	No fiscal impact					
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
Office of the Governor	15.5	5,718,000	5,718,000	5,718,000	15.5	5,558,000	5,558,000	5,558,000	15.5	5,558,000	5,558,000	5,558,000
Office of Attorney General	(.7)	(238,000)	(238,000)	(142,000)	(.7)	(238,000)	(238,000)	(142,000)	(.7)	(238,000)	(238,000)	(142,000)
Office of Financial Management	.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.											
<b>Total \$</b>	<b>14.8</b>	<b>5,480,000</b>	<b>5,480,000</b>	<b>5,576,000</b>	<b>14.8</b>	<b>5,320,000</b>	<b>5,320,000</b>	<b>5,416,000</b>	<b>14.8</b>	<b>5,320,000</b>	<b>5,320,000</b>	<b>5,416,000</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	No fiscal impact								
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	.0	0	0	.0	0	0	.0	0	0
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
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	No fiscal impact								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Cheri Keller, OFM	<b>Phone:</b> (360) 584-2207	<b>Date Published:</b> Final
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1189 HB	<b>Title:</b> Total confinement release	<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: Martha Wehling	Phone: 360-786-7067	Date: 01/17/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/18/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/18/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/24/2023

178,764.00

Request # 043-1

Form FN (Rev 1/00)

1

Bill # 1189 HB

## Part II: Narrative Explanation

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

The bill amends the Sentencing Reform Act of 1981 (RCW 9.94A). It changes when a petition for clemency or pardon can be filed.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts or the courts.

## 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

None

178,764.00

Form FN (Rev 1/00)

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Request # 043-1

Bill # 1189 HB

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1189 HB	<b>Title:</b> Total confinement release	<b>Agency:</b> 075-Office of the Governor
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## 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
FTE Staff Years	15.5	15.5	15.5	15.5	15.5
<b>Account</b>					
General Fund-State      001-1	2,939,000	2,779,000	5,718,000	5,558,000	5,558,000
<b>Total \$</b>	2,939,000	2,779,000	5,718,000	5,558,000	5,558,000

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Martha Wehling	Phone: 360-786-7067	Date: 01/17/2023
Agency Preparation: Tracy Sayre	Phone: 360-890-5279	Date: 01/20/2023
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/20/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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.*

This bill has the following impacts:

- Expands the membership of the Clemency and Pardons Board (CPB) from 5 to 10 members and provides member salaries for the CPB. The bill describes the representative membership of the board and the requirement of each member understanding the principles of racial equity and restorative justice. Removes the requirement for the attorney general (AGO) to provide staffing for the CPB.
- Members of the board shall serve terms of five years, but may serve more than one term until their successors are appointed and confirmed. Appointments shall be staggered, so that no more than three members are up for appointment in a given year.
- The Office of the Governor assumption adds the costs of the CPB salaries and required staffing. The CPB shall receive travel expenses incurred for their official duties in accordance with RCW 43.03.050 and 43.03.060.
- The AGO shall provide legal counsel to the CPB. The CPB shall be funded adequate personnel to implement and maintain functional operations such as support, records, victim liaisons, and information technology.
- Authorizes persons to petition for conditional commutation after serving 20 years of total confinement. Release takes the form of a conditional commutation that includes a period of law-abiding behavior in the community of at least 10 years or until the death of the offender.
- Charges the CPB with hearing petitions for conditional commutation and making recommendations to the Governor.
- Expands the number of confirmed that would be eligible for conditional commutation after serving 15, 20, or 25 years of total confinement depending on the person's underlying conviction.

### 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.*

Section 5 costs associated with increasing the clemency and pardons board (CPB) from 5 to 10 members, with each member receiving a salary:

- 1.0 FTE Board Chair at \$161,000 for salaries and benefits.
- 9.0 FTE Board Members at \$154,000 salaries and benefits.

Staffing of the board to implement and maintain functional operations such as support, records management, compiling information, victim liaisons, scheduling of public hearings, and the issuing of decisions, are as follows:

- 1.0 FTE Program Manager at \$138,000 for salaries and benefits.
- 1.0 FTE Executive Assistant at \$102,000 for salaries and benefits
- 1.0 FTE Administrative Assistant at \$81,000 for salaries and benefits.
- 1.0 FTE Program Analyst/Specialist at \$112,000
- 1.0 FTE Assistant Director at \$154,000 salaries and benefits.
- 0.5 FTE Paralegal at \$61,000 salaries and benefits (prorated).

Goods and services: Based on average employee costs, the Office requests ongoing funding for supplies and materials, communications and telecommunications services, lease space, training, software licensing, and maintenance at \$4,000 per year, per FTE. Also included are legal services provided by the AGO estimated to be \$119,000 annually.

Travel: Based on average employee travel, the Office requests ongoing funding for travel associated with this position at \$4,000 per year, per FTE.

Capital Outlays: The Office requests one-time funding for adding a new workspace at \$10,000 per FTE. This includes a workstation, furniture, and computer. There is an assumption that existing board members would require new workspaces and computers since the staffing model changes from volunteer to employee.

Indirect: The Office of Financial Management provides administrative support for the Office of Financial Management, Office of the Governor, and Office of Independent Investigations. These services include IT support, budget and accounting services, facilities support, and human resource assistance. To fund these shared services, each budgeted FTE is assessed an ongoing cost of \$30,000 and 0.22 of an FTE. Based on the average salary for those providing these services, we estimate the cost for a new FTE at \$140,000 per year including salary, benefits, equipment, and support costs.

**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	2,939,000	2,779,000	5,718,000	5,558,000	5,558,000
<b>Total \$</b>			2,939,000	2,779,000	5,718,000	5,558,000	5,558,000

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	15.5	15.5	15.5	15.5	15.5
A-Salaries and Wages	1,657,000	1,657,000	3,314,000	3,314,000	3,314,000
B-Employee Benefits	414,000	414,000	828,000	828,000	828,000
C-Professional Service Contracts					
E-Goods and Other Services	181,000	181,000	362,000	362,000	362,000
G-Travel	62,000	62,000	124,000	124,000	124,000
J-Capital Outlays	160,000		160,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	465,000	465,000	930,000	930,000	930,000
9-					
<b>Total \$</b>	2,939,000	2,779,000	5,718,000	5,558,000	5,558,000

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Admin Assistant	55,000	1.0	1.0	1.0	1.0	1.0
Assistant Director	119,000	1.0	1.0	1.0	1.0	1.0
Board Chair	124,000	1.0	1.0	1.0	1.0	1.0
Board Members	117,000	9.0	9.0	9.0	9.0	9.0
Executive Assistant	74,000	1.0	1.0	1.0	1.0	1.0
Paralegal	81,000	0.5	0.5	0.5	0.5	0.5
Program Analyst/Specialist	82,000	1.0	1.0	1.0	1.0	1.0
Program Manager	105,000	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		15.5	15.5	15.5	15.5	15.5

**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

<b>Bill Number:</b> 1189 HB	<b>Title:</b> Total confinement release	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	48,000	48,000	96,000	96,000	96,000
<b>Total \$</b>	48,000	48,000	96,000	96,000	96,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	(0.7)	(0.7)	(0.7)	(0.7)	(0.7)
<b>Account</b>					
General Fund-State 001-1	(119,000)	(119,000)	(238,000)	(238,000)	(238,000)
Legal Services Revolving Account-State 405-1	48,000	48,000	96,000	96,000	96,000
<b>Total \$</b>	(71,000)	(71,000)	(142,000)	(142,000)	(142,000)

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Martha Wehling	Phone: 360-786-7067	Date: 01/17/2023
Agency Preparation: Cam Comfort	Phone: (360) 664-9429	Date: 01/20/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/20/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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 1 amends RCW 9.94A.501 to require the Department of Corrections (DOC) to supervise any individual granted conditional commutation pursuant to RCW 9.94A.885.

Section 3 amends RCW 9.94A.633 regarding the transfer of an individual granted conditional commutation pursuant to RCW 9.94A.885 to a more restrictive confinement status.

Section 4 amends RCW 9.94A.728 regarding waiving the requirement for electronic monitoring.

Section 5 amends RCW 9.94A.880 regarding membership of the Clemency and Pardons Board (CPB) and to require that CPB members understand the principles of racial equity and restorative justice.

Section 6 amends RCW 9.94A.885 regarding the duties of CPB, including requiring the CPB to consider statements of victims and survivors of victims, as well as statements of the law enforcement agency or agencies that conducted the investigation. In addition, DOC is required to monitor the released individual's compliance with condition of community custody imposed by the court or recommended by CPB.

Section 7 adds a new section to RCW 9.94A to authorize CPB to take certain listed actions.

### 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.*

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the Department of Corrections (DOC) and the Clemency & Pardons Board (CPB) The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

#### AGO AGENCY ASSUMPTIONS:

DOC will be billed for non-Seattle rates:

FY 2024: \$24,000 for 0.1 Assistant Attorney General (AAG) and 0.05 Legal Assistant 3 (LA) and in each FY thereafter.

CPB will be billed for non-Seattle rates:

FY 2024: \$24,000 for 0.1 AAG and 0.05 LA and in each FY thereafter

### 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.*

Attorney General's Office (AGO) Agency Assumptions:

Location of staffing housed is assumed to be in a non-Seattle office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 Assistant Attorney General (AAG) FTE, the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE for a Management Analyst 5 (MA). The MA is used as a representative classification.

Assumptions for the AGO Correction Division’s (COR) Legal Services for the Department of Corrections (DOC):

It is anticipated that HB 1189 will increase DOC’s need for legal services, including advice concerning the DOC’s supervision of individuals released on conditional commutations, including regarding violation proceedings. COR also expects to defend DOC in approximately two personal restraint litigation matters annually challenging decisions to impose sanctions up to revocation of conditional commutations.

180 hours annually for advice and litigation.

COR: Total non-Seattle workload impact:  
 FY 2024: \$24,000 for 0.1 AAG and 0.05 LA and in each FY thereafter

Assumptions for the AGO COR Division’s Legal Services for the Clemency & Pardons Board (CPB):

It is anticipated that HB 1189 will increase the amount of legal advice required by CPB. This work will include review of petitions for legal issues and sufficiency; legal advice concerning appropriate commutation conditions and other matters requested by CPB members, staff, and the Governor’s Office; legal advice related to public records disclosure; and AAG attendance at staff and CPB meetings and CPB hearings (we assume an increase from 8 hearing days per year to 16).

180 hours annually on an ongoing basis.

COR assumes the current General Fund-State (GF-S) money appropriated to the AGO for the 1.0 FTE for the CPB Paralegal (PL) and expenses will be transferred to the Governor’s Office, as the AGO no longer will be required to provide staffing for CPB.

COR: Total workload savings (GF-S, Fund 001):  
 FY 2024: \$-119,000 for -1.0 PL and in each FY thereafter

COR: Total non-Seattle workload impact (LSRA):  
 FY 2024: \$24,000 for 0.1 AAG and 0.05 LA and in each FY thereafter

**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	(119,000)	(119,000)	(238,000)	(238,000)	(238,000)
405-1	Legal Services Revolving Account	State	48,000	48,000	96,000	96,000	96,000
<b>Total \$</b>			(71,000)	(71,000)	(142,000)	(142,000)	(142,000)

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	(0.7)	(0.7)	(0.7)	(0.7)	(0.7)
A-Salaries and Wages	(40,000)	(40,000)	(80,000)	(80,000)	(80,000)
B-Employee Benefits	(17,000)	(17,000)	(34,000)	(34,000)	(34,000)
E-Goods and Other Services	(13,000)	(13,000)	(26,000)	(26,000)	(26,000)
G-Travel	(1,000)	(1,000)	(2,000)	(2,000)	(2,000)
<b>Total \$</b>	<b>(71,000)</b>	<b>(71,000)</b>	<b>(142,000)</b>	<b>(142,000)</b>	<b>(142,000)</b>

**III. C - Operating FTE Detail:** *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	0.2	0.2	0.2	0.2	0.2
Legal Assistant 3	55,872	0.1	0.1	0.1	0.1	0.1
Management Analyst 5	91,524	0.0	0.0	0.0	0.0	0.0
Paralegal	71,520	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
<b>Total FTEs</b>		<b>(0.7)</b>	<b>(0.7)</b>	<b>(0.7)</b>	<b>(0.7)</b>	<b>(0.7)</b>

**III. D - Expenditures By Program (optional)**

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Corrections Division (COR)	48,000	48,000	96,000	96,000	96,000
Clemency Pardon Board - GFS (CPB)	(119,000)	(119,000)	(238,000)	(238,000)	(238,000)
<b>Total \$</b>	<b>(71,000)</b>	<b>(71,000)</b>	<b>(142,000)</b>	<b>(142,000)</b>	<b>(142,000)</b>

**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

<b>Bill Number:</b> 1189 HB	<b>Title:</b> Total confinement release	<b>Agency:</b> 105-Office of Financial Management
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Martha Wehling	Phone: 360-786-7067	Date: 01/17/2023
Agency Preparation: Keith Thunstedt	Phone: 360-810-1271	Date: 01/20/2023
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 01/20/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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 5 expands the membership of the Clemency and Pardons Board (CPB) from 5 to 10 members, increases term from 4 years to 5 years, provides member salaries, travel expenses and staffing for the CPB. OFM may provide some administrative support for the board, but assumes support staffing and related expenses will be incurred by the Office of the Governor. There is no fiscal impact to OFM.

### 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.*

## 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

<b>Bill Number:</b> 1189 HB	<b>Title:</b> Total confinement release	<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: Martha Wehling	Phone: 360-786-7067	Date: 01/17/2023
Agency Preparation: James Cerna	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.*

This bill relates to conditional commutations, clemency and the expansion of the Clemency and Pardon's board.

Section 3(2)(e) is amended to include, if an individual was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the individual may be sanctioned in accordance with that section.

Section 3(2)(h) amends RCW 9.94A to state if the individual was granted conditional commutation pursuant to RCW 9.94A.885 and violates the conditions of their release, the individual may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period spent in community custody or in detention awaiting disposition of an alleged violation.

Section 6(5) amends RCW 9.94A.885 to state (a) The board may recommend conditions of commutation for any incarcerated individual released pursuant to this section, including a term of community custody up to the length of the court-imposed term of incarceration, partial confinement up to six months, restrictions on travel, no contact with certain persons or classes of persons, restrictions on the type of employment and any other restrictions that the board determines to be reasonable and appropriate, or any other condition which provides for community protection from the released individual. (b) The Department of Corrections (DOC) shall monitor the released individual's compliance with conditions of community custody imposed by the court or recommended by the board. Any violation of conditions of community custody is subject to the provisions of this chapter.

Section 7 (New Section) The board shall consider when making its decision on the petition if available:

- Statements of correctional staff and program supervisors regarding the incarcerated individual.
- A risk assessment and psychological evaluation provided by the DOC.

Section 7(3) The board shall consider a release plan presented by the incarcerated individual showing where the incarcerated individual will reside and how he or she will support himself or herself during the first year after his or her release. The DOC shall independently review the proposed release plan and make an independent evaluation to ensure the incarcerated individual is not released to an area where the victim resides or that impacts community safety. (5) The conditions for commutation may include partial confinement for up to six months, regular drug and/or alcohol testing, no violations of law, restrictions on travel, no contact with certain individuals or classes of individuals, restrictions on the type of employment and any other restrictions that the board 6 determines to be reasonable and appropriate, or any other condition 7 which provides for community protection from the released individual.

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.*

We assume this bill will have an indeterminate fiscal impact to the DOC of \$50,000 or more per fiscal year.

This bill adds additional rules to those pardoned or given commutation by the Clemency and Pardon's board, to include mandatory community supervision for those released from prison through this method and additional workload on assessing an incarcerated individual's readiness for release.

However, DOC is unable to determine how many pardons and commutations would be given as a result of this bill. Any impacts to caseload or workload as a result of this bill would be "trued-up" through the caseload model and/or subsequent budget submittals.

### **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

No Impact

### **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:** 1189 HB

**Title:** Total confinement release

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

## Legislation Impacts:

- Cities:  
 Counties:  
 Special Districts:  
 Specific jurisdictions only:  
 Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.  
 Expenditures represent one-time costs:  
 Legislation provides local option:  
 Key variables cannot be estimated with certainty at this time:

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

None

## Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 01/24/2023
Leg. Committee Contact: Martha Wehling	Phone: 360-786-7067	Date: 01/17/2023
Agency Approval: Tammi Alexander	Phone: 360-725-5038	Date: 01/24/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/24/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

The proposed legislation would amend several RCW sections and add a new section to chapter 9.94A RCW, all related to the release of people who are incarcerated from total confinement before their sentence expires.

Section 6 would amend RCW 9.94A.885, requiring that county prosecutors be notified that a petition has been filed with the clemency and pardons board, and informed of the date and location of a scheduled hearing at least 90 days before that hearing takes place. The current requirement is for notification at least 30 days before a hearing takes place.

Additionally, the amendments to this section would include a new subsection that would require that county prosecutors “make reasonable efforts to ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence.” If no victim or survivor of victim can be found, prosecutors’ offices would be required to have “reasonable time” to confirm to the board that they have “exhausted all reasonable efforts” in trying to find and provide contact information.

This new subsection would replace the current requirement for county prosecutors to “make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing.”

### **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 Washington Association of Prosecuting Attorneys anticipates that the proposed legislation and its modified requirements for prosecutors will have no impact on local government expenditures.

### **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:**

Washington Association of Prosecuting Attorneys