

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1394 HB	<b>Title:</b> Sexual offenses by youth
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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	Fiscal note not available					
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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											
Washington State Patrol	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Fiscal note not available											
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other			1,134,265			774,000			774,000
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			1,134,265			774,000			774,000

## 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								
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
<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	Fiscal note not available								
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

NONE

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

<b>Bill Number:</b> 1394 HB	<b>Title:</b> Sexual offenses by youth	<b>Agency:</b> 225-Washington State Patrol
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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: Luke Wickham	Phone: 360-786-7146	Date: 01/19/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 01/24/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/24/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/24/2023

## 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 proposed legislation does not create a fiscal impact to the Washington State Patrol (WSP).

New Section 9(3) requires all registering agencies to review and remove all persons from the sex offender registry if they qualify by December 1, 2023.

Section 10 requires the WSP to notify registered sex and kidnapping offenders of any changes to registration requirements, including extinguishment of a legal obligation to register under Section 9. The WSP is also required to notify a school or institution regarding extinguishment of a student's legal obligation to register under Section 9.

### 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 9(3) will be done by county sheriff offices as we are the repository but do not handle the offender registry, therefore this workload will not impact us.

Section 10 notification changes will require research and review of registered offenders and applicable schools or institutions. We expect to receive school and institution contact information from the county sheriffs' offices. We may have an increase in printing and mailing costs for notification information, but we anticipate this to be minimal and will absorb this within current resources.

## 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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1394 HB

Title: Sexual offenses by youth

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

### Legislation Impacts:

- Cities:
- Counties: Local law enforcement agencies could incur additional staffing costs in the first year ranging from \$489,265 to \$1,005,266 to monitor, review and remove sex offenders' registrations. Each year thereafter local law enforcement costs could be \$129,000 to \$645,000. Prosecuting attorneys would experience indeterminate costs resulting from filing motions to extend sex offenders' registration periods.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to: The information that will or will not be available for each registered sex offender; the number of registered offenders that will need to be removed

## 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: The time required to find each registered sex offender's release date and registration expiration dates; the additional number of registered sex offenders that will require monitoring in the future; the number of motions prosecutors will file to extend sex offenders' registration periods.

### Estimated revenue impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
County	747,265	387,000	1,134,265	774,000	774,000
<b>TOTAL \$</b>	747,265	387,000	1,134,265	774,000	774,000
<b>GRAND TOTAL \$</b>					<b>2,682,265</b>

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/25/2023
Leg. Committee Contact: Luke Wickham	Phone: 360-786-7146	Date: 01/19/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/25/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/25/2023

## **Part IV: Analysis**

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

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

Sec. 2 adds a new section that would create two new funding streams for counties, subject to funds appropriated for the purposes.

Sec. 2 (1) DCYF shall implement a new grant program that would allow counties and defense attorneys to apply for funding for sex offender evaluation and treatment programs.

Sec. 2 (2) establishes that DCYF shall provide funding to counties. Subject to funds appropriated for this purpose, DCYF shall provide funding to counties for:

- process mapping
- site assessment
- training for additional sex offender treatment modalities, such as multisystemic therapy-problem sexual behavior; or problematic sexual behavior-cognitive behavioral therapy.

Sec. 5 (1) (b) adds a subsection to RCW 9A.44.130 that limits juvenile sex offenders who will be required to register with county sheriffs. Only juvenile sex offenders who meet any one of the following criteria will need to register:

- committed a class A or class B sex offense at age 16 or 17 and did not receive a special sex offender disposition alternative
- had a prior conviction for a sex offense, or had a deferred disposition for a sex offense
- has a special sex offender disposition alternative revoked for a class A or class B sex offense committed when the person was age 16 or 17
- has an out-of-state, tribal, or federal conviction or
- committed a kidnapping offense.

Sec. 7 (4) adds a new subsection to RCW 9A.44.140 to limit registration requirements. A person required to register under RCW 9A.44.130 (1) (b) will only be required to register for two years after their release from confinement if the court does not extend the registration period. Prosecuting attorneys can file a motion to extend the required registration period up to an additional two years if clear and convincing evidence is present that the person could pose a danger to society.

Sec. 9 (1) adds a new section to chapter 9A.44 "Sex Offenses." Any juvenile currently required to register as a sex offender would no longer be required to do so beginning November 1, 2023.

Sec. 9 (2) establishes that sex offenders required to register under RCW 9A.44.130 (1) (b) would only be required to register for two years after their release date unless the court extends their registration period.

Sec. 9 (3) establishes that by December 1, 2023, each registering agency shall conduct an individual review and remove all people who have been required to register based on an offense committed while the person was under the age of 18, unless a person is legally required to register under subsection (2) of this section.

Sec. 11 adds a new section. Sec. 9 of this act takes effect November 1, 2023.

### **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.*

Counties will see increased costs related to staff costs for sheriff's departments, some of which can be estimated and some which are indeterminate.

Prosecuting attorneys would experience indeterminate costs resulting from the legislation that would require prosecuting

attorneys to file a motion to extend a sex offender's registration period if clear and convincing evidence is present that the person could pose a danger to society. The number of registrants for whom such evidence will be present, and the number of motions that will be filed is not known. Therefore, the impacts to prosecuting attorneys are indeterminate.

Additionally, local law enforcement agencies could incur additional staffing costs for reviewing, removing and monitoring sex offenders in the first year. First year costs could range from \$489,265 (\$360,265 reviewing and removing + \$129,000 additional monitoring) to \$1,005,265 (\$360,265 reviewing and removing + \$645,000 additional monitoring). Each year after the first year, annual costs could range from \$129,000 to \$645,000 to monitor additional sex offenders' registrations. The number of registrants that will require additional research for information, the amount of time that research will take, and the number of registrants that will need to be removed cannot be predicted in advance, so the costs are ultimately indeterminate. However, costs that could be estimated are provided below, and the midpoints in the range of cost estimates are entered into the expenditure grid.

#### REDUCING REGISTRATION REQUIREMENTS

Law enforcement agencies would experience indeterminate but likely minimal impacts from Sec. 5 (1) (b) that could potentially decrease the number of people registering as sex offenders at sheriffs' offices. The number of offenders that will need to register cannot be predicted. However, in 2021, WASPC provided data to OFM. At that time, there were approximately 3,400 individuals registered with adjudications that occurred when the person was a juvenile and had a birthdate on or after 1990. This did not include the approximately 700 records where the registration status was inactive/expired, inactive/deceased, or individuals with sealed records. So, the overall impact to total registrants will not greatly impact most registering agencies.

#### REVIEWING AND REMOVING OFFENDERS

Local law enforcement agencies could incur \$360,265 in staff expenditures to review and remove registered sex offenders' information.

Sec. 9 (3) would require each registering agency to conduct an individual review and remove all people who have been required to register based on an offense committed while the person was under the age of 18, unless a person is legally required to register under subsection (2) of this section by December 1, 2023.

There are currently 20,135 registered sex offenders with active registrations in Washington state, according to WASPC. Law enforcement agencies anticipate registered sex offender coordinators would do a review of all sex offender registered persons to confirm if their date of adjudication/conviction occurred when the person was a juvenile, which would require at least a 10 minute review. According to the 2022 Association of Washington Cities' Salary and Benefits Survey, clerks' average salary is \$43/hour.

$20,135 \text{ offenders} \times 10 \text{ minutes each} = 3,355 \text{ hours. } \$43/\text{hour clerk time} \times 3,355 \text{ hours} = \$144,265.$

According to law enforcement agencies, registered sex offenders with juvenile offenses would require a more extensive review that would take at least one hour. In 2021, WASPC identified approximately 3,000 people who were currently registered with an offense that occurred when they were a juvenile.

$3,000 \text{ offenders} \times 60 \text{ minutes each} = 3,000 \text{ hours. } \$72/\text{hour detective time} \times 3,000 \text{ hours} = \$216,000.$

Law enforcement agencies could incur \$360,265 in staff expenditures to review and remove applicable sex offenders.

#### MONITORING SEX OFFENDER REGISTRATIONS

Sheriff's offices could experience an annual increase in staffing expenditures ranging from \$129,000 to \$645,000 in order



to monitor additional sex offenders.

Sex offenders are currently required to register in person at the Sheriff's Office in their county of residence and are currently monitored. Additional monitoring would only apply to those individuals who were juveniles at the time of their adjudication/conviction and were not relieved per the bill. This would include new juveniles adjudicated/convicted. WASPC conservatively estimates approximately 3,000 offenders would require additional monitoring.

If the courts send sheriff's offices changes to offenders' information, the time commitment to update offender information would likely be one hour per person per update, resulting in an approximate \$129,000 increase to staffing expenditures. (3,000 offenders x 1 hour monitoring x \$43 records clerk hourly wage = \$129,000 in staff expenses.)

However, in more cases than not, law enforcement agencies do not get notified by the courts, prosecutors, defense attorneys or offenders (adults and juveniles) when offenders receive an Order Relief of Duty. Tracking down the required information will be the most time consuming step in monitoring registered sex offenders' release dates and registration expiration dates.

If local law enforcement agencies have to track down the information, finding the information will be more complex. If the offender lives in the same jurisdiction as the court overseeing the continuation of registration, law enforcement agencies estimate it would take two to three hours to find and update offenders' information. If multiple counties are involved, agencies estimate it could take three to five hours to find the requisite information. This could result in a \$645,000 increase in staff expenses in a worst case scenario. (3,000 offenders x 5 hours monitoring x \$43 records clerk hourly wage = \$645,000.)

Sheriff's offices could experience an annual increase in staffing expenditures ranging from \$129,000 to \$645,000 as a result of the legislation's monitoring requirement.

## GRANTS

According to Sec. 2 (1), counties and defense attorneys would be allowed to apply for DCYF's grant funding for sex offender evaluation and treatment programs if funding is appropriated for that purpose. Currently DCYF uses a Fee For Service (pay first, be reimbursed after) model. If a grant is established, DCYF assumes it will follow a similar concept. One evaluation can cost between \$1,200 and \$1,500 per youth. In terms of treatment costs, currently when kids are in the SSODA program they see a provider for one hour per week. This can range from \$100 - \$120 dollars per hour depending on the provider. It would cost \$6,240 annually for a youth to attend weekly sessions at \$120 dollars per weekly session. Most kids see a provider for a maximum of 24 months. However, since applying for such a grant is a local option, the LGFN program assumes no impact to expenditures due to the application process.

According to Sec. 2 (2), DCYF shall provide counties with funding for process mapping, site assessment, and training. However, DCYF does not know how much funding will be available and this will drive how many recipients are awarded meaningful amounts. Additionally, the actual cost of process mapping, site assessment and training is not known, nor is it known if DCYF's funding would cover the entirety of the expenses counties may incur for process mapping, site assessment and training. Therefore, the expenditure impact of county funding 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.*

This legislation would result in indeterminate revenues for counties if they receive funds from DCYF to pay for process mapping, site assessment, or training on additional sex offender treatment modalities. The legislation does not define how much funding would be made available, nor how much funding would be given to counties. Therefore the county revenue impact is indeterminate.

According to Sec. 2 (1), counties and defense attorneys would be allowed to apply for DCYF's grant funding for sex offender evaluation and treatment programs if funding is appropriated for that purpose. However, this is a local option so

there is no impact to local governments' revenue.

According to Sec. 2 (2), DCYF shall provide counties with funding for process mapping, site assessment, and training if funding is appropriated for this purpose. However, it is unknown how much funding would be made available for counties; how much funding would be allowed for each expense; and the actual amount counties would receive from DCYF to pay for process mapping, site assessment and training. Therefore, counties' revenue impact resulting from the legislation is indeterminate.

**SOURCES:**

Department of Children, Youth and Families

Washington Association of Prosecuting Attorneys

Washington Association of Sheriffs and Police Chiefs

Washington State Association of Counties