

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5160 SB	<b>Title:</b> Organized retail theft
-----------------------------	--------------------------------------

## 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						
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.											
<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									
Local Gov. Other			98,134						
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			98,134						

## 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
<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									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Preliminary
---	---------------------------------	---------------------------------------

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5160 SB	<b>Title:</b> Organized retail theft	<b>Agency:</b> 101-Caseload Forecast Council
-----------------------------	--------------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Tim Ford	Phone: 786-7423	Date: 01/19/2023
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: 01/22/2023

## 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.*

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.*

**SB 5160**  
**ORGANIZED RETAIL THEFT**  
**101 – Caseload Forecast Council**  
**January 20, 2023**

**SUMMARY**

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

Section 1 Amends RCW 9A.56.350 by expanding the definition of Organized Retail Theft in the Second Degree by including the circumstance of theft that has a cumulative value of at least \$750 but less than \$5,000 committed by a person with no less than two accomplices and each accomplice entered to the store within five minutes of each other.

**EXPENDITURES**

**Assumptions.**

None.

**Impact on the Caseload Forecast Council.**

None.

**Impact Summary**

This bill:

- Expands the definition of an existing Class C felony offense.

**Impact on prison and jail beds**

The Caseload Forecast Council has no information regarding how the expanded definition may increase the number of incidents of the felony offense in question or the sentences that might actually be imposed. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill.

However, as a Class C felony ranked at Seriousness Level II on the adult felony sentencing grid, Organized Retail Theft in the Second Degree is punishable by a standard range term of confinement of between 0-90 days in jail and 43-57 months in prison, depending on the individual's prior history.

Given the above, any impact should manifest itself as an increased need for both jail beds and prison beds.

**Impact on Juvenile Rehabilitation and local beds**

The expanded definition of the Class C felony offense of Organized Retail Theft in the Second Degree, ranked at Category C on the Juvenile Sentencing Grid, may result in increased incidences of the offense. The offense is punishable by a standard range term of Local Sanctions

(0-30 days in local juvenile detention) and 15-36 weeks in Juvenile Rehabilitation for juveniles adjudicated for the offense. Therefore, increased incidences of this offense would likely impact both local juvenile detention and Juvenile Rehabilitation beds.

In addition, there may also be an increased need for Juvenile Rehabilitation (JR) beds for any offenses resulting from the expanded definition of the Class C felony offense. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result, any adult conviction resulting from the expanded definition that was committed by someone under the age of 18, would increase the need for JR beds. 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

<b>Bill Number:</b> 5160 SB	<b>Title:</b> Organized retail theft	<b>Agency:</b> 307-Department of Children, Youth, and Families
-----------------------------	--------------------------------------	--

## 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: Tim Ford	Phone: 786-7423	Date: 01/19/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/24/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/24/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/25/2023



## 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 one amends RCW 9A.56.350 by expanding the definition of organized retail theft in the second degree by including the circumstance of theft that has a cumulative value of at least \$750 but less than \$5,000 committed by a person with no less than two accomplices and each accomplice enters the mercantile establishment within five minutes of each other seeking participation in the theft.

### 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 expanded definition of organized retail theft in the second degree, ranked as Class C on the Juvenile Sentencing Grid, could impact Juvenile Rehabilitation (JR) beds by increased incidence of the offense.

Also, 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. As a result, any adult conviction from the expanded definition would increase the need for JR beds.

The bill may potentially result in an increase 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

<b>Bill Number:</b> 5160 SB	<b>Title:</b> Organized retail theft	<b>Agency:</b> 310-Department of Corrections
-----------------------------	--------------------------------------	--

## 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: Tim Ford	Phone: 786-7423	Date: 01/19/2023
Agency Preparation: Kaile Walsh	Phone: (360) 725-8428	Date: 01/24/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 01/24/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	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.*

Section 1 amends RCW 9A.56.350 by expanding the definition of Organized Retail Theft in the Second Degree by including the circumstance of theft that has a cumulative value of at least \$750 but less than \$5,000 committed by a person with no less than two accomplices and each accomplice entered the store within five minutes of each other.

### II. B - Cash receipts Impact

*Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.*

None

### II. C - Expenditures

*Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.*

The fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per Fiscal Year (FY).

This bill expands the definition of an existing Class C felony offense.

The Caseload Forecast Council has no information regarding how the expanded definition may increase the number of incidents of the felony offense in question or the sentences that might be imposed. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill.

However, as a Class C felony ranked at Seriousness Level II on the adult felony sentencing grid, Organized Retail Theft in the Second Degree is punishable by a standard range term of confinement of between 0-90 days in jail and 43-57 months in prison, depending on the individual's prior history.

Given the above, any impact should manifest itself as an increased need for both jail beds and prison beds.

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

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: 5160 SB

Title: Organized retail theft

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

### Legislation Impacts:

- Cities: Approximately \$75,286 to train law enforcement officers on modified criminal offense; Indeterminate increased law enforcement on modified criminal offense; indeterminate increased law enforcement costs as a result of processing additional incidents of class C felony offense; indeterminate expenditure impact as a result of increased demand for jail beds
- Counties: Approximately \$22,848 to train law enforcement officers on modified criminal offense; indeterminate expenditure impact law enforcement, prosecutors and public defenders as a result of processing additional incidents of modified class C felony offense; indeterminate expenditure impact due to increased demand for jail, juvenile detention beds
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Approximately \$98,134 to train local law enforcement officers on modified criminal offense
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of additional incidents of existing class C felony offense that may occur

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	75,286		75,286		
County	22,848		22,848		
<b>TOTAL \$</b>	98,134		98,134		
<b>GRAND TOTAL \$</b>					<b>98,134</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: James Vogl	Phone: 360-480-9429	Date: 01/20/2023
Leg. Committee Contact: Tim Ford	Phone: 786-7423	Date: 01/19/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/20/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/22/2023

## Part IV: Analysis

### A. SUMMARY OF BILL

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

The proposed legislation would modify the definition of the class C felony offense of organized retail theft in the second degree.

Section 1 would amend RCW 9A.56.350, expanding the definition of organized retail theft in the second degree to include “theft of property with a cumulative value of at least \$750 from a mercantile establishment with no less than two accomplices and each accomplice enters the mercantile establishment within five minutes of each other seeking participation in the theft.”

### B. SUMMARY OF EXPENDITURE IMPACTS

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

The proposed legislation would have both determinate and indeterminate impacts on local government expenditures.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the modifications this bill would make to an existing criminal offense. WASPC estimates that approximately 10 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$75,286 for cities and \$22,848 for counties, for a total one-time cost to local governments of \$98,134.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in police departments and 2,240 commissioned officers in sheriff’s departments, for a total of 8,950 commissioned law enforcement employees that would require training. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$66, and the same figure for an officer employed by a county to be \$60. If every officer in Washington had to complete approximately 10 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.17 hours X \$66 = \$75,286

Counties:

2,240 officers X 0.17 hours X \$60 = \$22,848

Total:

\$75,286 + \$22,848 = \$98,134

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

According to the Washington State Caseload Forecast Council’s (CFC) fiscal note on this bill, modifying the existing class C felony offense of organized retail theft in the second degree could impact demand for jail beds. As a class C felony ranked at seriousness level II, this offense is punishable by a confinement term of between 0-90 days in jail and 43-57 months in prison, depending on a person’s prior criminal history. However, since it is unknown how many additional incidents of the expanded class C felony offense may occur, CFC cannot predict the jail bed impacts resulting from this bill, so the associated expenditure impact on local governments is indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145.

According to the CFC fiscal note for this bill, the expansion of an existing class C felony offense, ranked at category C on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention and

15-36 weeks in juvenile rehabilitation, could also increase demand for county juvenile detention beds. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. Additionally, it is unknown how many additional juvenile incidents of the expanded class C felony offense of organized retail theft in the second degree may occur as a result of this bill's provisions, so the total increase in county juvenile detention expenditures is indeterminate.

In addition to bed impacts, the expansion of an existing class C felony offense could increase law enforcement, prosecution and public defense expenditures as a result of processing additional incidents of the offense. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a class C felony stolen property offense are approximately \$5,531.

However, given that it is unknown how many additional incidents of the expanded offense may occur, the magnitude of the expenditure impacts on local governments from processing additional incidents of this offense is indeterminate.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The proposed legislation would have no impact on local government revenues.

#### **SOURCES:**

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council