

Multiple Agency Fiscal Note Summary

Bill Number: 1396 HB	Title: First degree murder/juvenile
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Estimated Cash Receipts

NONE

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	1,900	1,900	1,900	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
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	1,900	1,900	1,900	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									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
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

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Final
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Judicial Impact Fiscal Note

Bill Number: 1396 HB	Title: First degree murder/juvenile	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years					
Account					
General Fund-State 001-1	1,900		1,900		
State Subtotal \$	1,900		1,900		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

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: Corey Patton	Phone: 360-786-7388	Date: 01/18/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 01/25/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/25/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/25/2023

179,631.00

Form FN (Rev 1/00)

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Request # 059-1

Bill # 1396 HB

Part II: Narrative Explanation

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

The proposed legislation relates to persons sentenced for aggravated first degree murder committed prior to reaching age 21 years of age.

II. B - Cash Receipts Impact

None

II. C - Expenditures

This bill would amend RCW 9.94A relating to persons sentenced for aggravated first degree murder and would add new sections to chapter 10.95 RCW, providing effective dates and declaring an emergency.

Minimal fiscal impact for The Administrative Office of the Courts would incur costs of \$1,900 for forms updates. Estimates include costs for approximately 20 hours of Legal Services Senior Analyst time.

Minimal fiscal impact on the courts. Currently there are 45 incarcerated individuals between 18 and 20 years, that would need a re-sentencing hearing.

STAFF IMPACTS INCLUDE STANDARD COSTS

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

Part III: Expenditure Detail

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Wages	1,100		1,100		
Employee Benefits	400		400		
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	400		400		
Total \$	1,900		1,900		

III. B - Expenditure By Object or Purpose (County)

NONE

III. C - Expenditure By Object or Purpose (City)

NONE

179,631.00

Form FN (Rev 1/00)

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Request # 059-1

Bill # 1396 HB

III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Senior Analyst	114,400	0.0		0.0		
Total FTEs		0.0		0.0		0.0

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

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: 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: Corey Patton	Phone: 360-786-7388	Date: 01/18/2023
Agency Preparation: Keith Thunstedt	Phone: 360-810-1271	Date: 01/23/2023
Agency Approval: Kathy Cody	Phone: (360) 480-7237	Date: 01/23/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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 makes several updates to sentencing guidelines relating to persons sentenced for aggravated first degree murder. These changes would have a de minimis workload for OFM, and therefore does not have a fiscal impact.

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

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1396 HB

Title: First degree murder/juvenile

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

Legislation Impacts:

- Cities:
- Counties: Indeterminate expenditure impact on prosecutors, public defenders resulting from participating in required resentencing hearings
- 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: Number of resentencing hearings that will be necessary; prosecution and public defense costs of participating in a given resentencing hearing

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 01/25/2023
Leg. Committee Contact: Corey Patton	Phone: 360-786-7388	Date: 01/18/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/25/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/26/2023

Part IV: Analysis

A. SUMMARY OF BILL

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

The proposed legislation would change the sentencing requirements for people convicted of aggravated murder in the first degree between the ages of 18 and 21, and would require resentencing of people who have been convicted of that offense for a murder they committed when they were between the ages of 18 and 21.

Section 1 would amend RCW 9.94A.510, updating seriousness level XVI on the adult felony sentencing grid to reflect a sentence established by RCW 10.95.030.

Section 2 would amend RCW 9.94A.540, increasing the threshold for someone convicted of aggravated first degree murder to be sentenced to a term of confinement of at least 25 years from having committed the murder before their 18th birthday to having committed the murder before their 21st birthday.

Section 5 would amend RCW 10.95.030, shifting the age range where someone convicted of aggravated first degree murder will be sentenced to 25 years to life imprisonment from having committed the murder while they were between 16 and 18 years old to having committed the murder while they were between 18 and 21 years old.

This section would also add the condition for a minimum sentence of 25 years of confinement that the court must determine “that the mitigating factors that account for the diminished culpability of youth, as described in [RCW 10.95.030 (3) (b)], justify a downward departure.” Otherwise a person shall be sentenced to life imprisonment without the possibility of release or parole.

Section 6 would add a new section to chapter 10.95 RCW specifying that “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.”

Section 7 would add a new section to chapter 10.95 RCW specifying that sections 1 through 6 of the proposed legislation would “apply to all sentencing hearings conducted on or after July 1, 2023.”

Section 9 states that the bill would take effect on July 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.

The proposed legislation would have an indeterminate impact on local government expenditures.

The resentencing hearings that could result from section 6 of the bill would require the participation of prosecutors, and in some cases, public defenders. According to the Washington Association of Prosecuting Attorneys (WAPA), most of these hearings would require one or more expert witnesses and numerous lay witnesses, adding to the prosecutor time each case would require. WAPA estimates that the amount of prosecutor time a given case would require could range from three to five days, to 10-15 days, depending on the complexity of the case. Some cases could also require two prosecutors, depending on the level of experts and witnesses a case demands.

Using these time estimates as well as the average hourly salary and benefit estimate for a prosecutor from the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, it is possible to sketch out a range of cost scenarios for prosecutor time for a single hearing, detailed below.

Three-day, single prosecutor scenario:

24 hours X \$82 average hourly salary plus benefits and overhead = \$1,968

15-day, double prosecutor scenario:

120 hours X \$82 average hourly salary plus benefits and overhead X 2 prosecutors = \$19,680

According to the Washington Defender Association (WDA), defense costs in cases where public defenders are necessary to represent people being resentenced under section 6 of the proposed legislation could range from \$5,000 to \$20,000 per case. WDA indicates that costs in a given case would vary depending on the experts that may need to be retained and whether outcomes are agreed upon by prosecutors.

Per the Washington State Caseload Forecast Council's fiscal note for this bill, there was one sentence for aggravated first degree murder in fiscal year 2022 where the person sentenced was between 18 and 21 at the time they committed the offense.

However, the total number of people who would be required to be resentenced by the provisions of section 6 of the proposed legislation and have not been resentenced under existing legislation or court rulings is unknown, as is the amount of attorney time a given resentencing hearing would require from prosecutors and public defenders. Accordingly, the expenditure impact these resentencing hearings could have on local governments 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 Unit Cost Model, 2023

Washington Association of Prosecuting Attorneys

Washington Defender Association

Washington State Caseload Forecast Council