

Multiple Agency Fiscal Note Summary

Bill Number: 5033 SB	Title: Custodial sexual misconduct
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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	No fiscal impact					
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.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	Fiscal note not available											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
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	No fiscal impact								
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: Preliminary
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Judicial Impact Fiscal Note

Bill Number: 5033 SB	Title: Custodial sexual misconduct	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:

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: Kevin Black	Phone: (360) 786-7747	Date: 01/23/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	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

180,163.00

Request # 096-1

Form FN (Rev 1/00)

1

Bill # 5033 SB

Part II: Narrative Explanation

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

The bill would reclassify the sentence for the crime of custodial sexual misconduct. Custodial sexual misconduct is reclassified from a gross misdemeanor to a class C felony.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts and 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

180,163.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 5033 SB	Title: Custodial sexual misconduct	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: Kevin Black	Phone: (360) 786-7747	Date: 01/23/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/25/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/25/2023
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.

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 5033

RECLASSIFYING CUSTODIAL SEXUAL MISCONDUCT

101 – Caseload Forecast Council
January 24, 2023

SUMMARY

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

- Section 1 Amends RCW 9A.44.160 by elevating the current Class C felony offense of Custodial Sexual Misconduct in the First Degree from a Class C felony to a Class B felony offense.
- Section 2 Amends RCW 9A.44.170 by elevating the current gross misdemeanor offense of Custodial Sexual Misconduct in the Second Degree to a Class C felony offense.
- Section 3 Amends RCW 9.94A.515 by increasing the ranking of Custodial Sexual Misconduct in the First Degree from a Seriousness Level 5 to a Seriousness Level 7 on the adult felony sentencing grid.
- Section 3 Additionally amends RCW 9.94A.515 by ranking the Class C felony offense of Custodial Sexual Misconduct in the Second Degree at Seriousness Level 5 on the adult felony sentencing grid.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact on prison, jail, and Juvenile Rehabilitation beds.

This bill:

- Increases the classification of an existing gross misdemeanor offense to a Class C felony offense ranked as Seriousness Level 5; and
- Increases the classification of an Class C felony offense ranked as Seriousness Level 5 to a Class B felony offense ranked at Seriousness Level 7.

Impact on prison and jail beds.

The Caseload Forecast Council's adult felony sentencing database does not contain data on gross misdemeanor sentencing. As such, the Caseload Forecast Council has no information regarding the number of sentences, nor the sentence that might be imposed, for Custodial Sexual

Misconduct in the Second Degree that would be a Class C felony ranked at Seriousness Level (SL) under the provisions of the bill.

However, as a Class C felony offense ranked at SL 5 on the adult felony sentencing grid, Custodial Sexual Misconduct in the Second Degree would be punishable by a standard range term of confinement of between 6-12 months in jail and up to 60 months in prison (limited to 60 months by the statutory maximum sentence for Class C felony), depending on the individual's prior history. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

Additionally, Custodial Sexual Misconduct in the First Degree was raised from a SL 5 to SL 7 and the class was increased to a Class B offense. There were no convictions for Custodial Sexual Misconduct in the First Degree in Fiscal Year 2022. In the last ten fiscal years, there have been a total of 10 sentences for Custodial Sexual Misconduct in the First Degree. The standard sentence range for a Class C felony offense at SL 5 ranges between 6-12 months in jail and up to 60 months in prison. As a Class B felony offense at SL 7, the standard sentence range would be between 15-20 months and 87-116 months. Under the provisions of the bill, individuals may serve longer prison sentences and those with no criminal history would shift from a presumptive standard jail sentence to a prison sentence. As a result of this change, there may be a decreased need for jail beds and an increased need for prison beds.

Impacts on DOC Supervision Population.

Custodial Sexual Misconduct in the First Degree is classified as a sex offense. Individuals releasing from prison are required to be supervised by the Department of Corrections for a period of 36 months, and those with a non-prison sentence, up to 12 months. For any individuals that shift from a non-prison sentence to a prison sentence under the provisions of the bill would result in the need for an additional 24 months of community supervision.

Additionally, Custodial Sexual Misconduct in the Second Degree is also classified as a sex offense. It is unknown how many felony convictions may occur as a result of the bill, but any additional prison sentences would require 36 months of community supervision and any non-prison sentence would require up to 12 months of community supervision, resulting in the need for additional community supervision resources.

Impact on local detention and Juvenile Rehabilitation beds.

It is assumed there would be no impact to juvenile sentencing under the provisions of the bill as both offenses require the perpetrator to be an employee or contract personnel of a correctional agency.

Individual State Agency Fiscal Note

Bill Number: 5033 SB	Title: Custodial sexual misconduct	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: Kevin Black	Phone: (360) 786-7747	Date: 01/23/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/27/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/27/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/29/2023

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.44.160 by elevating the offense of Custodial Sexual Misconduct in the first degree from a class C felony to a class B felony.

Section two amends RCW 9A.44.170 by elevating the offense of Custodial Sexual Misconduct in the second degree from a gross misdemeanor to a class C felony.

Section three amends the adult felony sentencing grid to reflect the elevated status of the offense of Custodial Sexual Misconduct.

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

This bill does not impact the Department of Children, Youth, and Families because individuals charged with the offense of Custodial Sexual Misconduct would be staff that work in a correctional facility. Juvenile Rehabilitation youth would not be charged with this offense.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5033 SB

Title: Custodial sexual misconduct

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

Legislation Impacts:

- Cities:
- Counties: Potential jail bed costs increases as well as decreases
- 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 sentences for custodial sexual misconduct

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: Alice Zillah	Phone: 360-725-5035	Date: 01/26/2023
Leg. Committee Contact: Kevin Black	Phone: (360) 786-7747	Date: 01/23/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/26/2023
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.

Sec. 1 amends RCW 9A.44.160. Custodial sexual misconduct in the first degree is elevated from a class C felony to a class B felony.

Sec. 2 amends RCW 9A.44.170. Custodial sexual misconduct in the second degree is elevated from a gross misdemeanor to a class C felony.

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 legislation would have an indeterminate impact on local counties, with both potential increases and decreases to jail expenditures.

According to the Caseload Forecast Council (CFC), custodial sexual misconduct in the second degree would be punishable by a standard range term of confinement of between 6-12 months in jail and up to 60 months in prison, depending on the individual's prior history. Therefore, the increase in severity from a gross misdemeanor to a class C felony could result in higher costs for county jails.

As a Class B felony offense, custodial sexual misconduct in the first degree would be punishable by a prison term. Therefore, individuals convicted of custodial sexual misconduct in the first degree may serve longer prison sentences and those with no criminal history would shift from a presumptive standard jail sentence to a prison sentence. As a result of this change, there may be a decreased need for jail beds and an increased need for prison beds.

The average cost for a jail bed is \$145 per day, according to the Local Government Fiscal Note Program 2023 jail costs model.

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 legislation would have no revenue impacts for local government.

SOURCES:

Caseload Forecast Council

Local Government Fiscal Note Jail Costs Model, 2023