

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5623 SB	<b>Title:</b> Hate crimes
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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						
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	.0	2,000	2,000	2,000	.0	2,000	2,000	2,000	.0	2,000	2,000	2,000
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
<b>Total \$</b>	<b>0.0</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>	<b>0.0</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>	<b>0.0</b>	<b>2,000</b>	<b>2,000</b>	<b>2,000</b>

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

<b>Bill Number:</b> 5623 SB	<b>Title:</b> Hate crimes	<b>Agency:</b> 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: Tim Ford	Phone: 786-7423	Date: 01/28/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/30/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/30/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/31/2023

## 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 5623**

## **HATE CRIME OFFENSE**

### **101 – Caseload Forecast Council**

### **January 30, 2023**

#### **SUMMARY**

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

Section 1 Amends RCW 9A.36.080 by expanding the definition of the existing ranked offense of Hate Crime (Seriousness Level IV on the Adult Felony Sentencing Grid and Offense Category C on the Juvenile Offender Sentencing Grid) by changing the requirement of causing physical injury to the victim, to assaulting the victim.

Section 2 Amends RCW 9.94A.411 by adding the offense of Hate Crime to the list of offenses categorized as a Crime Against a Person.

#### **EXPENDITURES**

##### **Assumptions**

Supervision impacts for this bill were calculated under the following assumptions.

- CFC = Caseload Forecast Council
- DOC = Department of Corrections
- FY = Fiscal Year
- Given the reduced number of sentences in FY20 due to restrictions and procedures put in
- Sentences are distributed evenly by month.
- Exceptional sentences are included.
- Residential DOSA, Prison DOSA, FTOW, and FOSA sentences were excluded as alternative sentences currently eligible for supervision terms.
- The population estimated associated with this legislative change is based on sentences imposed in FY 2022, and may be underestimated due to delayed sentencings associated with Covid.
- Bed impacts are calculated with a phase-in factor.

##### **Impact on the Caseload Forecast Council.**

None.

##### **Impact Summary**

- Expands the definition of an existing Class C felony; and
- Establishes community custody for certain individuals convicted of Hate Crime offense.

##### **Impacts on Prison, Jail, and Juvenile Rehabilitation beds**

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might actually be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However:

- As a Class C felony offense ranked at Seriousness Level IV on the adult felony sentencing grid and at Offense Category C on the juvenile offender sentencing grid, the offense of Hate Crime is punishable by a standard range term of confinement of:
  - Between 3-9 months in jail and 53-60 months in prison for adults (limited to 60 months by the statutory maximum for the offense); and
  - Local Sanctions (0-30 days in local juvenile detention) and 15-36 weeks in the Juvenile Rehabilitation for juvenile adjudications.

Given the above, any increased convictions for the offense, based on the provisions of this bill, may result in an increased need for local juvenile detention beds, Juvenile Rehabilitation beds, jail beds, and prison beds.

**Impact on Supervision Caseload.**

The offense of Hate Crime is categorized as a Crime Against a Person in RCW 9.94A.411 under the provisions of the bill. As such, individuals assessed as high risk to reoffend in the community are required to be supervised by DOC upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required. Individuals on community custody may earn Supervision Compliance Credit under 9.94A.717, and serve less time than the community custody term.

As the definition of the offense has been expanded, it is unknown how many additional individuals will be supervised as a result of the change, based on new convictions and the individuals’ assessed risk to reoffend. As such, the CFC is unable to estimate the impacts to DOC’s supervision caseload. The following impacts are provided for informational purposes and only include the change of categorizing the offense as a Crime Against a Person, and does not include the impacts of any additional convictions as a result of the expanded definition. This is the *maximum* estimated impact, based on the offense prior to expanding the definition – assumes all individuals are high risk, no Supervision Compliance Credit is applied, and the terms of supervision are 12 months.

**Average Monthly Population Supervision Impacts**  
**SB 5623 - Hate Crimes**  
**Caseload Forecast Council**  
**January 30, 2023**

	Fiscal Year									
	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32
<b>Supervision AMP</b>	1	4	6	7	8	8	8	8	8	8

Any additional convictions for the offense based on the expanded definition of the offense by an individual assessed as high risk to reoffend would increase the DOC’s Community Custody caseload further.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5623 SB	<b>Title:</b> Hate crimes	<b>Agency:</b> 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:**

**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: 01/28/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/30/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/30/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2023



## 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.36.080 by expanding the definition of the existing offense of Hate Crime by changing the requirement of "causes physical injury" to "assaults" the victim or another person.

Section two amends RCW 9.94A.411 by adding the offense of Hate Crime to the list of offenses categorized as a crimes against persons.

### 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.*

Indeterminate fiscal impact.

The expansion of the definition of hate crime could 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 not known 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> 5623 SB	<b>Title:</b> Hate crimes	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	1,000	1,000	2,000	2,000	2,000
<b>Total \$</b>	1,000	1,000	2,000	2,000	2,000

In addition to the estimates above, there are additional indeterminate costs 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: 01/28/2023
Agency Preparation: Jaymie Hall	Phone: (360) 725-8428	Date: 01/31/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 01/31/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2023

## 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.*

An act relating to modifying an element of the offense of hate crime and classifying a hate crime as crimes against persons; and amending RCW 9A.36.080 and 9.94A.411.

Section 1(a) amends RCW 9A.36.080 and 2019 c 271 s 2 by changing the requirement of causing physical injury to the victim, to assaulting the victim.

Section 2(a) amends RCW 9.94A.411 by adding the offense of Hate Crime to the list of offenses categorized as a Crime Against a Person.

Effective date is assumed 90 days after adjournment of session in which this bill is passed.

### II. B - Cash receipts Impact

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

### 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).

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However:

- As a Class C felony offense ranked at Seriousness Level IV on the adult felony sentencing grid and at Offense Category C on the juvenile offender sentencing grid, the offense of Hate Crime is punishable by a standard range term of confinement of:
- Between 3-9 months in jail and 53-60 months in prison for adults (limited to 60 months by the statutory maximum for the offense); and
- Local Sanctions (0-30 days in local juvenile detention) and 15-36 weeks in the Juvenile Rehabilitation for juvenile adjudications.

Given the above, any increased convictions for the offense, based on the provisions of this bill, may result in an increased need for local juvenile detention beds, Juvenile Rehabilitation beds, jail beds, and prison beds.

#### Impact on Supervision Caseload

The offense of Hate Crime is categorized as a Crime Against a Person in RCW 9.94A.411 under the provisions of the bill. As such, individuals assessed as high risk to reoffend in the community are required to be supervised by DOC upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required. Individuals on community custody may earn Supervision Compliance Credit under 9.94A.717 and serve less time than the community custody term.

As the definition of the offense has been expanded, it is unknown how many additional individuals will be supervised

because of the change, based on new convictions and the individuals' assessed risk to reoffend. As such, the CFC is unable to estimate the impacts to DOC's supervision caseload. The following impacts are provided for informational purposes and only include the change of categorizing the offense as a Crime Against a Person and does not include the impacts of any additional convictions because of the expanded definition. This is the maximum estimated impact, based on the offense prior to expanding the definition – assumes all individuals are high risk, no Supervision Compliance Credit is applied, and the terms of supervision are 12 months.

#### COMMUNITY SUPERVISION IMPACTS

Total fiscal impact by FY for this proposed legislation for all community ADP impacts is as follows:

FY2024: 4 ADP, at a cost of \$1,000  
FY2025: 6 ADP, at a cost of \$1,000  
FY2026: 7 ADP, at a cost of \$1,000  
FY2027: 8 ADP, at a cost of \$1,000  
FY2028: 8 ADP, at a cost of \$1,000  
FY2029: 8 ADP, at a cost of \$1,000

Any additional convictions for the offense based on the expanded definition of the offense by an individual assessed as high risk to reoffend would increase the DOC's Community Custody caseload further.

The Department of Corrections (DOC) assumes this bill would likely result in an Average Daily Population (ADP) increase, although the impact cannot be reliably estimated. Therefore, the fiscal impact is indeterminate, assumed to be less than \$50,000 per FY.

#### ASSUMPTIONS

- 1) The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
- 2) For illustration purposes only, the average annual, Community Supervision caseload model is \$5,318 per ADP (not including startup costs), regardless of supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records and Training that are directly affected by supervision population changes. The estimate will vary based on risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent; 27.3% high non-violent; 21% moderate; 7.9% low; and 1.0% unclassified. (June – November 2017)
- 3) The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2022 average percentage of supervised individuals that served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$112.07 per day, inclusive of all risk levels and healthcare costs. The rate is an average and actual rates vary by local correctional facilities.
- 4) 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.
- 5) 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

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,000	1,000	2,000	2,000	2,000
<b>Total \$</b>			1,000	1,000	2,000	2,000	2,000

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

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	1,000	1,000	2,000	2,000	2,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	1,000	1,000	2,000	2,000	2,000

In addition to the estimates above, there are additional indeterminate costs 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)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
CCD Admin (300)	1,000	1,000	2,000	2,000	1,100
<b>Total \$</b>	1,000	1,000	2,000	2,000	1,100

## 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: 5623 SB

Title: Hate crimes

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

### Legislation Impacts:

- Cities: Possible increased costs if more people report hate crimes to police departments. City jails could experience an increased need for jail beds.
- Counties: Same as above but for sheriff's offices. Prosecutors and public defenders could also experience increased caseloads. County jails could experience an increased need for jail beds.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to: The number of people who may file hate crime charges due to expanding the definition of a hate crime.

## 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: Whether more people will come forward to file hate crime charges due to expanding the definition of a hate crime; jail sentencing impacts resulting from categorizing hate crime offenses as a Crime Against a Person.

### 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: Kate Fernald	Phone: 564-200-3519	Date: 01/31/2023
Leg. Committee Contact: Tim Ford	Phone: 786-7423	Date: 01/28/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/31/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/01/2023



## **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.36.080 by expanding the definition of Hate Crime. The legislation would remove the current requirement of causing physical injury to the victim and replace it with a new requirement of "assaulting" the victim.

Sec. 2 amends RCW 9.94A.411 by adding the offense of Hate Crime to the list of offenses categorized as a Crime Against a Person.

### **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 result in indeterminate impacts to local government.

Local law enforcement, prosecutors, public defenders, jails and juvenile rehabilitation facilities could experience increased costs due to expanding the definition of a hate crime and categorizing it as a crime against a person. However, the number of hate crime offenses that may occur and the sentences that might actually be imposed cannot be predicted. Therefore, local government expenditure impact resulting from the bill cannot be reliably estimated, so the local government cost impact is indeterminate.

For illustrative purposes only, according to the Local Government Fiscal Note Program's Criminal Justice Cost Model, the average cost impacts per Crimes Against a Person Class C Felony are:

- Law Enforcement: \$1,533
- Prosecution: \$1,000
- Defense: \$1,000
- Daily Jail Cost: \$145

Total Combined Cost Per Crimes Against a Person Class C Felony (without jail): \$3,533.

### **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 not impact local government revenue.

#### **SOURCES:**

Caseload Forecast Council  
Washington Association of Prosecuting Attorneys  
Washington Association of Sheriffs and Police Chiefs