

Multiple Agency Fiscal Note Summary

Bill Number: 1394 HB	Title: Sexual offenses by youth
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

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	Fiscal note not available					
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.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
Washington State Patrol	.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.											
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	Fiscal note not available								
Local Gov. Other			1,134,265			774,000			774,000
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			1,134,265			774,000			774,000

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.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	No fiscal impact								
Loc School dist-SPI	Fiscal note not available								
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

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

Bill Number: 1394 HB	Title: Sexual offenses by youth	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	3,900		3,900		
State Subtotal \$	3,900		3,900		
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: Luke Wickham	Phone: 360-786-7146	Date: 01/19/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 01/27/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/27/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2023

179,996.00

Form FN (Rev 1/00)

1

Request # 062-1

Bill # 1394 HB

Part II: Narrative Explanation

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

The bill would amend RCWs 18.155, 9A.44, and 13.40 creating a response to youth who commit sexual offenses, prescribing penalties and effective dates.

II. B - Cash Receipts Impact

None

II. C - Expenditures

Minimal fiscal impact is expected to the Administrative Office of the Court to change forms (60 hours, less than \$5,000).

Court costs impact would be minimal.

This bill would reform the juvenile sex offender registration policy specifying who would have to register and making it a gross misdemeanor for failure to do so.

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	2,300		2,300		
Employee Benefits	700		700		
Professional Service Contracts					
Goods and Other Services	100		100		
Travel	100		100		
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	700		700		
Total \$	3,900		3,900		

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

NONE

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

NONE

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

179,996.00

Form FN (Rev 1/00)

Request # 062-1

Bill # 1394 HB

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: 1394 HB	Title: Sexual offenses by youth	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: Luke Wickham	Phone: 360-786-7146	Date: 01/19/2023
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.

HB 1394

APPROPRIATE RESPONSE TO YOUTH SEX OFFENSES

101 – Caseload Forecast Council

January 28, 2023

SUMMARY

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

- Section 1 States the legislative intent of the bill.
- Section 2 Adds a new section to chapter 13.40 RCW that requires the Department of Children, Youth, and Families to develop and implement a grant program for sex offender evaluation and treatment, subject to appropriations.
- Section 3 Amends RCW 18.155.020 definitions for “Certified Sex Offender Treatment Provider” and “Certified Affiliate Sex Offender Treatment Provider”.
- Section 4 Amends RCW 9A.44.128 by adding a definition for “Adult.”
- Section 5 Amends RCW 9A.44.130 by removing juveniles from existing requirements for registration and provides registration requirements for non-adults when the juvenile:
- Committed a Class A or Class B sex offense at age 16 or 17 and did not receive a Special Sex Offender Disposition Alternative (SSODA);
 - Committed a sex offense and has a prior conviction or deferred disposition for a sex offense;
 - Has a revoked SSODA for a Class A or Class B sex offense that was committed at age 16 or 17;
 - Has an out-of-state, tribal, or federal conviction; or
 - Committed a kidnapping offense.
- Section 6 Amends RCW 9A.44.132 by stating non-adults that are required to register and fail to do so are guilty of a gross misdemeanor and amends the Class C and B felony offense of Failing to Register as a Sex Offender to exclude non-adults that are required to register.
- Section 7 Amends RCW 9A.44.140 by amending the time required for registration of a sex offender by excluding non-adults from existing requirements and adding the duty to register for non-adults for 2 years after release from confinement if the court does not extend the time period (for those required to register). Under certain circumstances, the court may extend registration for an additional 2 year.
- Section 8 Amends RCW 13.40.162 by removing references to removal from the central registry of sex offenders.
- Section 9 Adds a new section to chapter 9A.44 RCW by stating any non-adult that has an existing obligation to register as a sex offender is ended if no longer a requirement under 9A.44.130(1)(b).
- Section 9 Additionally states that non-adults with an existing to duty to register, the duty shall end 2 years after last date of release from confinement, unless the court extends the registration.
- Section 9 Additionally requires registration agencies to remove all persons from the sex offender registry whose obligation to register is based on offense committed under the age of 18, unless the individual has an obligation to register.

Section 10 Requires the Washington State Patrol to notify registered sex and kidnapping offenders and a schools of any registration requirement changes.
Section 11 States Section 9 takes effect November 1, 2023.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

- Removes the duty to register as a sex offender for some non-adults and for non-adults required to register, limits the period of registration to 2 years.

Impacts on Prison, Jail, local detention and Juvenile Rehabilitation (JR) beds

This bill removes the obligation for certain juveniles to register as a sex offender. As the requirement to register for certain youth has been extinguished, there may be a reduction in future adult and juvenile Fail to Register as a Sex Offender offenses (FTRSO). The Caseload Forecast Council (CFC) does not have the data needed to determine if the underlying sex offense that resulted in a FTRSO conviction was an offense that would no longer require sex offender registration, and as such, the CFC cannot determine the bed impacts of the bill.

Impact on local detention and Juvenile Rehabilitation beds.

The elimination of registration for certain juveniles, may result in fewer juvenile adjudications of FTRSO. While the impacts are indeterminate, the following is provided as information. Based on Fiscal Year 2022 Caseload Forecast Council (CFC) juvenile disposition data, there were less than 10 dispositions with adjudications for the offense of FTRSO, with two receiving a commitment to JR. It is unknown how many of the offenses had an underlying offense that would no longer require registration.

Impacts on DOC Supervision Population.

Reductions of convictions for a first FTRSO sentences would result in elimination of 12-month community custody terms for individuals sentenced to a prison, regardless of risk to reoffend; and up to 12 months for non-prison sentences, if assessed as high risk to reoffend. For convictions of a subsequent FTRSO, reductions would result in elimination of 36-month terms for non-prison, and terms of up to 12 months for non-prison sentences, regardless of risk to reoffend.

Additional Impacts

Reductions of felony juvenile adjudications and adult convictions for FTRSO may result in lower criminal history scores for subsequent felony convictions. The CFC does not have the information necessary to recalculate scores, however, lower criminal history scores could result in jail and prison bed reductions for future sentences of individuals no longer required to register under the provisions of the bill.

Individual State Agency Fiscal Note

Bill Number: 1394 HB	Title: Sexual offenses by youth	Agency: 225-Washington State Patrol
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Luke Wickham	Phone: 360-786-7146	Date: 01/19/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 01/24/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/24/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/24/2023

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

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

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

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

II. B - Cash receipts Impact

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

II. C - Expenditures

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

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

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Revised

Bill Number: 1394 HB	Title: Sexual offenses by youth	Agency: 307-Department of Children, Youth, and Families
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

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: Luke Wickham	Phone: 360-786-7146	Date: 01/19/2023
Agency Preparation: Samuel Quartey	Phone: 360-628-4334	Date: 02/01/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/01/2023
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.

This bill amends existing law and creates a developmentally appropriate response to youth who commit sexual offenses.

Section 2(1) requires the Department of Children, Youth, and Families (DCYF), subject to availability of appropriated funds, to develop and implement a grant program that allows defense attorneys and counties to apply for funding for sex offender evaluation and treatment programs.

Section 2(2) requires DCYF to provide funding to counties for process mapping, site assessment, and training for additional sex offender treatment modalities such as multisystemic therapy-problem sexual behavior or problematic sexual behavior-cognitive behavioral therapy, subject to availability of appropriated funding

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.

Fiscal impact is indeterminate.

DCYF is unable to estimate to total fiscal impact of this bill at this moment. The amount of the grant funding made available will greatly impact how much work goes into developing criteria for applications, reviewing and awarding grant funding to the applicants, and monitoring expenditure. There may also be considerable work to do in order to set up process mapping, site assessment, and training for counties to be able to offer other sex offender treatment modalities.

Impacts on Prison, Jail, local detention and Juvenile Rehabilitation (JR) beds:

This bill removes the obligation for certain juveniles to register as a sex offender. As the requirement to register for certain youth has been extinguished, there may be a reduction in future adult and juvenile Fail to Register as a Sex Offender offenses (FTRSO). The Caseload Forecast Council (CFC) does not have the data needed to determine if the underlying sex offense that resulted in a FTRSO conviction was an offense that would no longer require sex offender registration, and as such, the CFC cannot determine the bed impacts of the bill.

Impact on local detention and Juvenile Rehabilitation beds:

The elimination of registration for certain juveniles, may result in fewer juvenile adjudications of FTRSO. While the impacts are indeterminate, the following is provided as information. Based on Fiscal Year 2022 Caseload Forecast Council (CFC) juvenile disposition data, there were less than 10 dispositions with adjudications for the offense of FTRSO, with two receiving a commitment to JR. It is unknown how many of the offenses had an underlying offense that would no longer require registration.

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

Bill Number: 1394 HB	Title: Sexual offenses by youth	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: Luke Wickham	Phone: 360-786-7146	Date: 01/19/2023
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 02/02/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/02/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/02/2023

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.

1394 HB extends the appropriate response to youth who commit sexual offenses, amends 18.155.020, 9A.44.128, 9A.44.130, 9A.44.132, 9A.44.140, 13.40.162, and prescribes penalties.

Section 1 states the legislative intent of the bill.

Section 2 adds a new section to chapter 13.40 RCW that requires the Department of Children, Youth, and Families to develop and implement a grant program for sex offender evaluation and treatment, subject to appropriations.

Section 3(2) amends RCW 18.155.020 definitions for “Certified Sex Offender Treatment Provider” and “Certified Affiliate Sex Offender Treatment Provider”.

Section 4(13) amends RCW 9A.44.128 by adding a definition for “Adult.”

Section 5(1)(b) amends RCW 9A.44.130 by removing juveniles from existing requirements for registration and provides registration requirements for non-adults when the juvenile:

- (i) Committed a Class A or Class B sex offense at age 16 or 17 and did not receive a Special Sex Offender Disposition Alternative (SSODA);
- (ii) Committed a sex offense and has a prior conviction or deferred disposition for a sex offense;
- (iii) Has a revoked SSODA for a Class A or Class B sex offense that was committed at age 16 or 17;
- (iv) Has an out-of-state, tribal, or federal conviction; or
- (v) Committed a kidnapping offense.

Section 6 amends RCW 9A.44.132 by stating non-adults required to register and fail to do so are guilty of a gross misdemeanor and amends the Class C and B felony offense of Failing to Register as a Sex Offender to exclude non-adults that required to register.

Section 7(4) amends RCW 9A.44.140 by amending the time required for registration of a sex offender by excluding non-adults from existing requirements and adding the duty to register for non-adults for 2 years after release from confinement if the court does not extend the time period (for those required to register). Under certain circumstances, the court may extend registration for an additional 2 year.

Section 8 amends RCW 13.40.162 by removing references to removal from the central registry of sex offenders.

Section 9 adds a new section to chapter 9A.44 RCW by stating any non-adult that has an existing obligation to register as a sex offender ends, if no longer a requirement under 9A.44.130(1)(b).

Section 9 additionally states that non-adults with an existing to duty to register, the duty shall end 2 years after last date of release from confinement, unless the court extends the registration.

Section 9 additionally requires registration agencies to remove all persons from the sex offender registry whose obligation to register is based on offense committed under the age of 18 unless the individual has an obligation to register.

Section 10 requires the Washington State Patrol to notify registered sex and kidnapping offenders and a school of any registration requirement changes.

Section 11 states Section 9 takes effect November 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.

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

Impact Summary

- Removes the duty to register as a sex offender for some non-adults and for non-adults required to register, limits the period of registration to 2 years.

Impacts on Prison, Jail, local detention, and Juvenile Rehabilitation (JR) beds

This bill removes the obligation for certain juveniles to register as a sex offender. As the requirement to register for certain youth has been extinguished, there may be a reduction in future adult and juvenile Fail to Register as a Sex Offender offenses (FTRSO). The Caseload Forecast Council (CFC) does not have the data needed to determine if the underlying sex offense that resulted in a FTRSO conviction was an offense that would no longer require sex offender registration, and as such, the CFC cannot determine the bed impacts of the bill.

Impacts on DOC Supervision Population

Reductions of convictions for a first FTRSO sentences would result in elimination of 12-month community custody terms for individuals sentenced to a prison, regardless of risk to reoffend; and up to 12 months for non-prison sentences, if assessed as high risk to reoffend. For convictions of a subsequent FTRSO, reductions would result in elimination of 36-month terms for non-prison, and terms of up to 12 months for non-prison sentences, regardless of risk to reoffend.

This bill will impact DOC by reducing the supervision population. However, the number of people on supervision affected by it, is indeterminable.

Additional Impacts

Reductions of felony juvenile adjudications and adult convictions for FTRSO may result in lower criminal history scores for subsequent felony convictions. The CFC does not have the information necessary to recalculate scores, however, lower criminal history scores could result in jail and prison bed reductions for future sentences of individuals no longer required to register under the provisions of the bill.

INFORMATION TECHNOLOGY IMPACTS

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity to complete the development, testing and implementation of the statutory changes, contracted services are necessary in FY2024.

To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.525 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$120 per hour x 80 hours = \$9,600

IT Quality Assurance| \$120 per hour x 40 hours = \$4,800

IT Business Analyst| \$120 per hour x 30 hours = \$3,600

Assumptions.

None.

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: 1394 HB

Title: Sexual offenses by youth

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

Legislation Impacts:

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

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The time required to find each registered sex offender's release date and registration expiration dates; the additional number of registered sex offenders that will require monitoring in the future; the number of motions prosecutors will file to extend sex offenders' registration periods.

Estimated revenue impacts to:

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

Estimated expenditure impacts to:

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

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

Part III: Preparation and Approval

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

Part IV: Analysis

A. SUMMARY OF BILL

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

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

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

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

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

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

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

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

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

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

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

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

B. SUMMARY OF EXPENDITURE IMPACTS

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

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

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

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

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

REDUCING REGISTRATION REQUIREMENTS

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

REVIEWING AND REMOVING OFFENDERS

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

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

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

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

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

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

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

MONITORING SEX OFFENDER REGISTRATIONS

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

to monitor additional sex offenders.

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

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

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

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

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

GRANTS

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

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

C. SUMMARY OF REVENUE IMPACTS

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

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

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

there is no impact to local governments' revenue.

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

SOURCES:

Department of Children, Youth and Families

Washington Association of Prosecuting Attorneys

Washington Association of Sheriffs and Police Chiefs

Washington State Association of Counties