

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1493 HB	<b>Title:</b> Impaired driving
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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 Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	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						
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 Licensing	.0	0	0	109,000	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	0.0	0	0	109,000	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 Licensing	.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	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

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Final 2/ 6/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1493 HB	<b>Title:</b> Impaired driving	<b>Agency:</b> 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: Martha Wehling	Phone: 360-786-7067	Date: 01/30/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/03/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/03/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/03/2023

181,767.00

Request # 121-1

## 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 9.94A, 10.05, 46.20, 46.52, and 46.61 which relates to impaired driving updating the definition of serious traffic offense and the prescribing penalties.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts and the courts.  
This bill may indirectly impact courts caseload but expected to be minimal.

## 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

181,767.00

Form FN (Rev 1/00)

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Request # 121-1

Bill # 1493 HB

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1493 HB	<b>Title:</b> Impaired driving	<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: Martha Wehling	Phone: 360-786-7067	Date: 01/30/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/01/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/01/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/03/2023

## 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 1493**  
**RELATING TO IMPAIRED DRIVING**  
**101 – Caseload Forecast Council**  
**January 31, 2023**

**SUMMARY**

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

Section 1 Amends RCW 9.94A.030 by adding certain offenses of negligent driving and reckless endangerment to the definition of serious traffic offenses.

Section 9 States if any provisions of the act is held invalid, the remainder of the act is not affected.

**EXPENDITURES**

**Assumptions.**

None.

**Impact on the Caseload Forecast Council.**

None.

**Impact Summary**

This bill:

- Expands the definition of serious traffic offense.

**Impact on prison and jail beds**

Scoring rules (RCW 9.94A.525(11)) for current convictions of felony traffic offenses include scoring for non-felony offenses defined as a serious traffic offense. By expanding what is considered a serious traffic offense, individuals with prior convictions for the offenses added under the provision of the bill will have an increased offender score, with one point added for each prior adult conviction and one-half point added for each prior juvenile adjudication. Higher offender scores are likely to result in longer terms of confinement.

The Caseload Forecast Council has no information concerning how many of the sentences for felony traffic offenses have a prior conviction for one or more of the offenses added to the offender score. As such, the Caseload Forecast Council cannot reliably estimate bed impacts resulting from these provisions of the bill. Offenses defined as a felony traffic offense range from Seriousness Level I to Seriousness Level XI. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

In addition, higher offender scores could result in a shift for individuals with a presumptive jail sentence to a presumptive prison sentence, resulting in a decreased need for jail beds and an increased need for prison beds.



### **Impact on Juvenile Rehabilitation and local beds**

There may also be an additional increased need for Juvenile Rehabilitation (JR) beds. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. For anyone committing an offense while under the age of 18 and sentenced as an adult for a felony traffic offense who has a prior conviction for a specified Negligent Driving or Reckless Endangerment offense may serve a longer sentence under the provisions of the bill. As less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any impacts to JR would be minimal.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1493 HB	<b>Title:</b> Impaired driving	<b>Agency:</b> 240-Department of Licensing
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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:

		FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>						
Highway Safety Account-State 106		109,000	0	109,000	0	0
-1						
<b>Total \$</b>		109,000	0	109,000	0	0

### 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: Martha Wehling	Phone: 360-786-7067	Date: 01/30/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 02/02/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 02/02/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/03/2023

## 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.

Please see attached fiscal note.

### 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.

See attached fiscal note

### 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.

please see attached fiscal note.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
106-1	Highway Safety Account	State	109,000	0	109,000	0	0
<b>Total \$</b>			109,000	0	109,000	0	0

### 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	109,000		109,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	109,000	0	109,000	0	0

**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

Agency 240 – Department of Licensing

Bill Number: HB 1493

Bill Title: Impaired driving

**Part 1: Estimates**

No Fiscal Impact

**Estimated Cash Receipts:**

**INDETERMINATE; PLEASE SEE NARRATIVE**

**Estimated Expenditures:**

	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years	-	-	-	-	-

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	109,000	-	109,000	-	-
<b>Account Totals</b>		<b>109,000</b>	<b>-</b>	<b>109,000</b>	<b>-</b>	<b>-</b>

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

Legislative Contact: Martha Wehling	Phone: (360) 786-7067	Date: 1/30/2023
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 2/1/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	1493 HB

## **Part 2 – Explanation**

This bill modifies provisions related to impaired driving.

### **2.A – Brief Description Of What The Measure Does That Has Fiscal Impact**

Section 2 amends RCW 10.05.060 to add that the Department of Licensing (DOL) must send notice 30 days after receipt of the “abstract of the docket” that the petitioner must apply for a probationary license in accordance with RCW 46.20.355.

Section 3 amends RCW 46.20.355 to include that DOL shall issue notice 30 days after receipt of an abstract (indicating deferred prosecution or conviction) that the person must apply for a probationary license.

Section 4 amends RCW 46.20.385 to include that a person who has had their license suspended, revoked, or denied under 46.61.5055(11)(c)(i) may submit to DOL an application for an IID license.

Section 5 amends RCW 46.20.720 to include language which stipulates that “For purposes of determining a period of restriction for a person restricted pursuant to a conviction under (d) of this subsection, a restriction based on a deferred prosecution under subsection (1)(c) of this section arising out of the same incident is not considered a prior restriction for purposes of this subsection.”

- Allows drivers with incidents and restriction start dates prior to June 9, 2016 to apply to waive the restriction by applying for a determination from the department that the person is unable to operate an IID due to a physical disability.
- Adds under the “Employer exemption” (subsection 6) that said exemption does not apply to a person who is self-employed unless the person’s vehicle is used exclusively for the person’s employment.

Section 6 amends RCW 46.20.740 to add that it’s an affirmative defense, which the defendant must prove by a preponderance of evidence, that the employer exemption applies to them.

Section 7 amends RCW 46.52.130 to add under “Named individuals” (Subsection (2)(a)) that a probation clerk or probation officer employed by the court may also provide a copy of the driver’s abstract to a treatment agency. Adds that an abstract of the full driver record must be maintained by DOL.

### **2.B - Cash receipts Impact**

Cash receipts impacts are indeterminate but not expected to be significant. The bill updates process as it relates to notification and the issuance of driver probationary licenses. There are no anticipated changes to revenue or workload for probationary licenses. However, the bill expands the potential for restricted licenses. The impact is not known but is not anticipated to result in many new restricted license applications overall. For demonstration purposes only a scenario estimate of 10 additional restricted license applications per month based on the November 2022 forecast is provided below.

FY	Restricted License (RL) Applications		Violations of Probation (VP)	Probation Violations (PV)	RL Applications	RL 106-02-54-000005	Proposed Revenue Scenario
	Nov-2022 Fcst	Nov-2022 Fcst	Estimate	Scenario Est	Scenario	Scenario	Impact
FY 2024	9,896	\$989,600	910	1,020	10,006	\$1,000,600	\$11,000
FY 2025	10,379	\$1,037,900	955	1,075	10,499	\$1,049,900	\$12,000
FY 2026	10,877	\$1,087,700	1,000	1,120	10,997	\$1,099,700	\$12,000
FY 2027	11,401	\$1,140,100	1,050	1,170	11,521	\$1,152,100	\$12,000
FY 2028	11,437	\$1,143,700	1,051	1,171	11,557	\$1,155,700	\$12,000
FY 2029	11,473	\$1,147,300	1,053	1,173	11,593	\$1,159,300	\$12,000

## 2.C – Expenditures

DOL does not anticipate a significant volume of activity related to the provisions of the bill, and workload driven by additional restricted license applications could be managed within existing resources. If the volume of applications becomes significant the department will assess resource needs and submit a decision package in a future budget cycle.

### Information Services:

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 22,620	27,100	-	-	-	-	-	27,100
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 16,530	6,600	-	-	-	-	-	6,600
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	8,600	-	-	-	-	-	8,600
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 16,530	3,300	-	-	-	-	-	3,300
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	44,700	-	-	-	-	-	44,700
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	9,000	-	-	-	-	-	9,000
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	9,900	-	-	-	-	-	9,900
<b>Totals</b>			<b>109,200</b>	-	-	-	-	-	<b>109,200</b>

What DOL will implement:

1. DRIVES system changes to no longer take immediate withdrawal action when deferred prosecution is added, change to 30 days to get a probationary license.
2. Modification of the notification letter for the 30 days to get a probationary license.
3. DRIVES changes to allow violation of probation (VP) code to issue ignition interlock licenses (IILs) only, changes the restricted license to allow mandatory court probation.
  - o DRIVES system changes to no longer count ignition interlock device (IID) restrictions as priors on a deferred prosecution when a violation of deferred prosecution is received, and to allow submission of medical waivers regardless of the incident.
5. Modify the system to no longer allow an employer exemption for self-employed drivers.
6. Modify the system to provide an assessment abstract driving record (ADR) to display a full driving record and show more than 10 years of alcohol related offenses.

**Part 3 – Expenditure Detail**

**3.A – Operating Budget Expenditures**

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	109,000	-	109,000	-	-
<b>Account Totals</b>		<b>109,000</b>	<b>-</b>	<b>109,000</b>	<b>-</b>	<b>-</b>

**3.B – Expenditures by Object or Purpose**

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total	
Goods and Services	109,000	-	109,000	-	-	
<b>Total By Object Type</b>		<b>109,000</b>	<b>-</b>	<b>109,000</b>	<b>-</b>	<b>-</b>

**3.C – FTE Detail**

None.

**Part 4 – Capital Budget Impact**

None.

**Part 5 – New Rule Making Required**

None.



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1493 HB	<b>Title:</b> Impaired driving	<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:

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- 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: Martha Wehling	Phone: 360-786-7067	Date: 01/30/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 02/02/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/02/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/03/2023

## 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 9.94A.030 by adding certain offenses to negligent driving and reckless endangerment to the definition of serious traffic offenses while under the influence.

Section nine states that if any provisions of the act is held invalid, the remainder of the act is not affected.

### 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 expanded definition of serious traffic offenses could potentially result in an increase of Average Daily Population (ADP) and indeterminate costs to the Department of Children, Youth, and Families (DCYF).

Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result, any adult conviction from the expanded definition would increase the need for JR beds.

The bill may potentially result in an increase in Average Daily Population (ADP) and indeterminate costs to DCYF. It is unknown at this time how many youth will be impacted; therefore the caseload forecast and per capita adjustments are unknown at this time.

DCYF assumes the impact will result when the ADP caseload changes in the Juvenile Rehabilitation residential facilities forecast. The impact would be reflected in the forecasted maintenance level 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> 1493 HB	<b>Title:</b> Impaired driving	<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:**

**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: Martha Wehling	Phone: 360-786-7067	Date: 01/30/2023
Agency Preparation: John Ching	Phone: (360) 725-8428	Date: 02/05/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/05/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/05/2023

## 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.*

HB 1493 relates to impaired driving. If enacted, this bill adds language to the 9.94A.030 RCW including negligent driving and reckless endangerment.

Section 1 amends RCW 9.94A.030 by adding certain offenses of negligent driving and reckless endangerment to the definition of serious traffic offenses.

Section 9 states if any provisions of the act are held invalid, the remainder of the act is not affected.

### II. B - Cash receipts Impact

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

None

### II. C - Expenditures

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

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

This bill expands the definition of a serious traffic offense.

Impact on prison and jail beds

Scoring rules (RCW 9.94A.525(11)) for current convictions of felony traffic offenses include scoring for non-felony offenses defined as a serious traffic offense. By expanding what is considered a serious traffic offense, individuals with prior convictions for the offenses added under the provision of the bill will have an increased offender score, with one point added for each prior adult conviction and one-half point added for each prior juvenile adjudication. Higher offender scores are likely to result in longer terms of confinement.

The Caseload Forecast Council (CFC) has no information concerning how many of the sentences for felony traffic offenses have a prior conviction for one or more of the offenses added to the offender score. Offenses defined as a felony traffic offense range from Seriousness Level I to Seriousness Level XI. Higher offender scores would likely result in longer terms of confinement. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds although the impact cannot be reliably estimated.

In addition, higher offender scores could result in a shift for individuals with a presumptive jail sentence to a presumptive prison sentence, resulting in a decreased need for jail beds and an increased need for prison beds.

As such, the CFC cannot reliably estimate bed impacts resulting from these provisions of the bill. The DOC assumes this bill would likely result in an Average Daily Population (ADP) increase, although the impact cannot reliably be estimated. Therefore, the fiscal impact is indeterminate, assumed to be less than \$50,000 per FY.

## 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: 1493 HB

Title: Impaired driving

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

### Legislation Impacts:

Cities: Indeterminate expenditure impact as a result of change in demand for jail beds

Counties: Same as above, but for counties

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: Change in length of presumptive sentences for felony traffic offenses in the cases of people with prior convictions for negligent driving or reckless endangerment that would qualify as serious traffic offenses as a result of the proposed legislation

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

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

## Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/06/2023
Leg. Committee Contact: Martha Wehling	Phone: 360-786-7067	Date: 01/30/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/06/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/06/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

The proposed legislation would add certain offenses to the definition of serious traffic offenses, in addition to making changes related to driving and license restrictions.

Section 1 would amend RCW 9.94A.030, adding negligent driving and reckless endangerment convictions resulting from certain originally filed charges to the list of serious traffic offenses.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

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

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

According to the Caseload Forecast Council's (CFC) fiscal note for this bill, expanding the definition of what qualifies as a serious traffic offense would result in increased criminal history scores for people convicted of felony traffic offenses who have prior convictions for negligent driving or reckless endangerment under the circumstances that the bill specifies. Qualifying adult convictions would count as one additional point, while qualifying juvenile adjudications would count as an additional half point.

Generally, higher criminal history scores would result in longer standard sentence ranges and longer resulting terms of confinement. According to CFC, this could increase demand for jail beds in some cases, but in other cases, a presumptive sentence may shift from jail to prison as a result of a higher criminal history score, reducing demand for jail beds.

CFC does not, however, have any information on how many sentences for felony traffic offenses have a prior conviction for negligent driving or reckless endangerment under the conditions the bill would specify, so it cannot predict what jail bed impacts may result from the proposed legislation. Accordingly, the expenditure impacts on local governments stemming from a change in demand for jail beds as a result of this bill's provisions is indeterminate.

The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily rate for a jail bed is approximately \$145.

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

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

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

#### **SOURCES:**

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington State Caseload Forecast Council