

Multiple Agency Fiscal Note Summary

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

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI	Fiscal note not available					
Local Gov. Other	Fiscal note not available					
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	.0	18,000	18,000	18,000	.0	0	0	0	.0	0	0	0
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	0.0	18,000	18,000	18,000	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	Fiscal note not available								
Local Gov. Other	Fiscal note not available								
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
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	Fiscal note not available								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Preliminary 2/13/2023
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Judicial Impact Fiscal Note

Bill Number: 1394 S 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:

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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/08/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/08/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/08/2023

182,514.00

Request # 157-1

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 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 (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

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

182,514.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 1394 S 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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/09/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/09/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/09/2023

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.

SHB 1394

APPROPRIATE RESPONSE TO YOUTH SEX OFFENSES

101 – Caseload Forecast Council

February 8, 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 any person who is not an adult (non-adult) when the person:

- 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 Rape in the First Degree when age 15;
- Committed Rape in the Second Degree when age 15 and did not receive a 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; or
 - Rape in the Second Degree that was committed at age 15.
- Has an out-of-state, tribal, or federal conviction for a sex offense;
- Committed a kidnapping offense;
- Is found by the court based on clear, cogent, and convincing evidence to:
 - Be age 15-17 on the offense date;
 - Not have received a SSODA for the offense triggering possible registration or had revoked SSODA for that offense;
 - Have been adjudicated of multiple sex offenses involving two or more distinct victims in separate counts or causes;
 - Present a serious threat to public safety after the last date of release from confinement; and
 - Require registration in order to lessen the serious threat to public safety.

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 offenses of Failing to Register as a Sex Offender to adults who have a duty to register.

Section 7 Amends RCW 9A.44.140 by amending the time required for registration as a sex offender by excluding non-adults from existing requirements and adding the duty to

register for non-adults as follows for persons required to register under RCW 9A.44.130(1)(b):

- 3 years from last date of release from confinement or entry of disposition for a Class A offense committed at age 15, 16 or 17.
- 2 years from last date of release from confinement or entry of disposition for offenses not described in bullet above.

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 or 3 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 Amends RCW 9A.44.145, requiring 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 or 3 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. For non-adults that are required to register, the period of registration is limited to 2 or 3 years. As the requirement to register for certain youth has been extinguished or limited in time, 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 or reduced term of registration for those that are required to register, 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 prison sentences, 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.

Impacts of the substitute bill: the substitute bill extends the period required for registration as a sex offender by one year for non-adults that commit a Class A sex offense when age 15, 16, or 17. By extending the registration period, there may be additional convictions of FTRSO over the original bill.

Individual State Agency Fiscal Note

Bill Number: 1394 S 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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 02/09/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/09/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/09/2023

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.

The substitute version expands circumstances in which a person who is not an adult must register as a sex offender, increases the length of time under certain circumstances that a person who is not an adult is required to register as a sex offender, eliminates the ability of the court to extend the registration period following a motion to extend registration from the prosecuting attorney, and restores the definition of "certified sex offender treatment providers" to current requirements.

These changes do not change our assumptions stated in the original version.

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.

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.

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

Bill Number: 1394 S 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:

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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Samuel Quartey	Phone: 360-628-4334	Date: 02/10/2023
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 02/10/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

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.

Comparison of 1394 SHB to 1394 HB:

Section 1: language regarding Black, Hispanic, and American Indian individuals being overly represented in the population of registered juvenile sex offenders in Washington state is removed.

Section 3: changes the definition of a certified sex offender treatment provider.

SHB 1394

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

Section 1 is amended to remove language that states Black, Hispanic, and American Indian individuals being overly represented in the population of registered juvenile sex offenders in Washington state is removed.

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.

Section 3 is amended to change the definition of a certified sex offender treatment provider to exclude licensed mental health counselor associate, licensed independent clinical social worker associate, licensed advanced social worker associate, and licensed marriage and family therapist associate.

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.

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. For non-adults that are required to register, the period of registration is limited to 2 or 3 years. As the requirement to register for certain youth has been extinguished or limited in time, 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 or reduced term of registration for those that are required to register, 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 S 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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	18,000	0	18,000	0	0
Total \$	18,000	0	18,000	0	0

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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 02/13/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/13/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

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 S HB differs from 1394 HB, as it extends the period required for registration as a sex offender by one year (from two years to three years) for non-adults who commit a Class A sex offense at the age of 15, 16, or 17, instead of 16 or 17. By extending the registration period, there may be additional convictions of FTRSO over the original bill.

1394 S HB amends the following section in the substitute bill:

Section 5(1)(b) includes persons who committed rape in the first and the second degree when age 15 to register.

Section 7(4) extends the time required for registration as a sex offender for 3 years from last date of release from confinement or entry of disposition for a Class A offense committed at age 15, 16 or 17.

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 or 3 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. For non-adults that are required to register, the period of registration is limited to 2 or 3 years. As the requirement to register for certain youth has been extinguished or limited in time, 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.

The elimination of registration for certain juveniles or reduced term of registration for those that are required to register, 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.

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

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

The One-Time cost in FY2024 is \$18,000, total of the above-mentioned costs.

Assumptions.

- 1) The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
- 2) 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.
- 3) 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).
- 4) 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.
- 5) We assume a phase in will be necessary to successfully achieve the reductions/additions needed based on this legislation.
- 6) 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	18,000	0	18,000	0	0
Total \$			18,000	0	18,000	0	0

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	18,000		18,000		
E-Goods and Other Services					
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-					
Total \$	18,000	0	18,000	0	0

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)

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.