

Multiple Agency Fiscal Note Summary

Bill Number: 5635 SB	Title: Victims' rights
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other	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
Department of Commerce	Fiscal note not available											
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	Fiscal note not available								
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									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Gwen Stamey, OFM	Phone: (360) 790-1166	Date Published: Preliminary 2/14/2023
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Judicial Impact Fiscal Note

Bill Number: 5635 SB	Title: Victims' rights	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: Tim Ford	Phone: 786-7423	Date: 02/08/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/09/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/09/2023
OFM Review: Bryce Andersen	Phone: (564) 999-0536	Date: 02/12/2023

182,664.00

Request # 170-1

Form FN (Rev 1/00)

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Bill # 5635 SB

Part II: Narrative Explanation

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

This bill would amend RCW 7.69.030 extending victims and survivors of victims the right to present a statement at sentencing in any case; requiring the courts consider victim's safety when determining bail; adding that the victim has right to be heard when the court sets a case for trial so long as doing so doesn't interfere with the State's ability to present its case; and informing victims of notification services available.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts or the courts.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

None

182,664.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 5635 SB	Title: Victims' rights	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Tim Ford	Phone: 786-7423	Date: 02/08/2023
Agency Preparation: James Killough	Phone: (360) 725-8428	Date: 02/09/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/09/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/10/2023

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.

5635 SB amends RCW 7.69.030 adding additional rights for victims, or survivors, and witnesses of a crime. This bill also makes it so the rights in this RCW are no longer exclusive to felony or domestic violence cases.

Section 1(17) states that victims, or survivors, and witnesses of a crime have the right to be informed of victim notification services, that may be available, of the incarcerated individuals place of incarceration, release from confinement, and of any escape.

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

II. B - Cash receipts Impact

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

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.

We assume this bill will have no fiscal impact to Department of Corrections (DOC).

This bill requires courts to provide information about victim notification programs to victims. The DOC already has materials developed that are currently provided to notify impacted victims of victim notification programs, which has no fiscal impact. The DOC assumes that there will be no corresponding increase in the demand for victim service programs at DOC related to this change. Should we experience an increase in workload for victim services, related to this bill and that cannot be absorbed into existing workloads, we will request additional resources in a future decision package.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

None.

Part V: New Rule Making Required

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

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5635 SB

Title: Victims' rights

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

Legislation Impacts:

- Cities:
- Counties: County prosecuting attorney offices could incur potentially significant increased costs due to the legislation allowing all victims and survivors to receive the victim services county prosecutor offices provide. Currently, all felonies and gross misdemeanor domestic violence cases may receive victim services from prosecuting attorney offices.

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: The number of victims and survivors that may be impacted by crimes in the future; the increased workload that county prosecuting attorney offices could experience if all victims and survivors are allowed to receive the victim services county prosecutors provide.

Estimated revenue impacts to:

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

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/13/2023
Leg. Committee Contact: Tim Ford	Phone: 786-7423	Date: 02/08/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/13/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 02/14/2023

Part IV: Analysis

A. SUMMARY OF BILL

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

Sec. 1. would amend RCW 7.69.030.

(12) expands the rights of victims and survivors by removing current qualifiers. The legislation would allow all victims and survivors of victims to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing upon request by a victim or survivor. The change removes a limitation that those rights are only for a felony case or case involving domestic violence.

(14) expands victims' and survivors' rights at a sentencing hearing by removing current qualifiers. The legislation would allow all victims and survivors of victims to present a statement, personally or by representation, at the sentencing hearing. The change removes a limitation that those rights are only for a felony case or case involving domestic violence. The victims and survivors of victims would also be allowed to:

(15) have the victim's safety considered in bail determinations; and

(16) be heard when the court sets a date for trial. A court when setting a trial date may take into consideration the input of the victim or family of a victim. However, the right of a victim to be heard on the scheduling of a trial date cannot impair the right of the state to present an effective prosecution or the right of the defendant to present an effective defense. If a trial cannot be provided in a reasonable time frame, the court shall provide an explanation for the delay; and

(17) be informed of victim notification services which may be available, and which can provide notification regarding the offender's place of incarceration, release from confinement, and of any escape.

Sec. 2 would add a new section that requires the state to provide funding sufficient to support crime victim advocates and prosecutors in their work to ensure the rights granted to victims, survivors of victims, and witnesses of crimes are protected.

B. SUMMARY OF EXPENDITURE IMPACTS

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

The legislation could cause prosecuting attorney offices to incur indeterminate expenditure increases due to the increased number of victims and survivors that would qualify for victim services that prosecuting attorney offices provide. The number of crimes that may be committed, and the impacted victims and survivors that will qualify for victim services cannot be predicted in advance, so the legislation's expenditure impact is indeterminate.

According to Washington Association of Prosecuting Attorneys (WAPA), county prosecutor offices are currently required to handle victim notifications on all felonies, and gross misdemeanor domestic violence cases. The legislation expands who qualifies for victim notification services by making them available to all victims and survivors. WAPA anticipates this would include a larger number of misdemeanor cases, and would increase the work prosecuting attorney offices would do to provide for victim services.

While the actual cost impacts are indeterminate because the future number of victims and survivors who may receive victim services cannot be predicted, WAPA shared Fiscal Year 2022 numbers for illustrative purposes. Note that county prosecutors' victim services expenditures were not available, but WAPA was able to provide two revenue sources that help county prosecutors fund a portion of their victim services program. In Fiscal Year 2022, federal grants authorized by the Violence Against Women Act awarded Washington's county prosecuting attorney offices a total of \$2,493,433 to support prosecutors' work to provide victim services. County prosecuting attorney offices also receive over \$4 million per year from Victim Impact Assessments (or criminal legal financial obligations), and counties contribute additional funds.

Based on these revenue streams used to cover prosecutors' costs to provide victim services, WAPA conservatively estimates prosecuting attorney offices spend approximately \$6,000,000 per year to provide victim services under current law. If the number of victims and survivors receiving victim services from county prosecutor offices increases by 50% as a result of the legislation, then WAPA estimates that could cost prosecuting attorney offices at least an additional \$3,000,000 per year. If the legislation doubles the number of victims and survivors receiving prosecutors' victim services, then WAPA estimates that could cost county prosecutors at least an additional \$6,000,000 per year. However, it is not possible to predict the number of crimes that may be committed and the number of victims and survivors that may be impacted by such crimes. As such, it is not possible to calculate the exact cost impact county prosecutors may experience as a result of the legislation that increases the victims and survivors that would qualify for prosecutors' victim services.

C. SUMMARY OF REVENUE IMPACTS

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

The legislation could have an indeterminate revenue impact on counties if the state provides funding for county prosecuting attorneys' offices to pay for additional expenses prosecutors could incur as a result of the legislation increasing the victims and survivors that would qualify for the victim services county prosecutors' offices provide.

The legislation directs the Legislature to provide "sufficient" funding to support prosecutors and victim advocates in their work notifying victims and survivors of victims, and in allowing victims and survivors of victims to be heard in court. However, the amount of funds the Legislature may provide is not known. Additionally, there is no information available to predict how much funding may be specified for counties and how much may be specified for victim advocates.

If funding were provided to cover prosecutors' potential expenses resulting from the legislation, then counties could see an indeterminate increase in revenue. Because it is not known if or how much state funding may be provided, the potential revenue impact is indeterminate.

SOURCES:

Washington Association of Prosecuting Attorneys