

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5644 SB	<b>Title:</b> Juvenile records
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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
Office of Attorney General	0	0	410,000	0	0	410,000	0	0	410,000
Office of Attorney General	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>410,000</b>	<b>0</b>	<b>0</b>	<b>410,000</b>	<b>0</b>	<b>0</b>	<b>410,000</b>

## 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	.4	197,900	197,900	197,900	.0	0	0	0	.0	0	0	0
Administrative Office of the Courts	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Office of Public Defense	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Attorney General	1.4	0	0	410,000	1.4	0	0	410,000	1.4	0	0	410,000
Office of Attorney General	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	<b>1.8</b>	<b>197,900</b>	<b>197,900</b>	<b>607,900</b>	<b>1.4</b>	<b>0</b>	<b>0</b>	<b>410,000</b>	<b>1.4</b>	<b>0</b>	<b>0</b>	<b>410,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other									
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
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Final 2/15/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5644 SB	<b>Title:</b> Juvenile records	<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:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years	.7		.4		
<b>Account</b>					
General Fund-State 001-1	197,900		197,900		
State Subtotal \$	197,900		197,900		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					

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

### 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: Delika Steele	Phone: 3607867486	Date: 02/01/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/14/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/14/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/15/2023

182,881.00

Request # 134-1

Form FN (Rev 1/00)

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Bill # 5644 SB

## Part II: Narrative Explanation

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

This bill would change court processes for notifying the administrative sealing process of juvenile records.

Section 1 would make all juvenile records confidential. Section 1(2) implies that juvenile offender and diversion records are confidential. However, the rest of the bill (Sections 3 and 4) address the sealing process. And, diversions are rarely sealed, but are destroyed in accordance to RCW 13.50.270.

Section 2 would create a new legal cause of action for damages when juvenile records are disseminated by corporations, entities, and individuals in violation of the chapter.

Section 3 would require the court to provide notice of the juvenile's eligibility for juvenile records sealing to the juvenile and victims.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

#### ADMINISTRATIVE OFFICE OF THE COURTS

#### COURT FORMS

This bill would require changes to forms which would take approximately 15 hours of work by a Legal Services Senior Analyst. (\$1,900

Legal Services Senior Analyst. Beginning July 1, 2023 through June 30, 2024, AOC would require salary, benefits, and associated standard costs for 0.01 FTE to update required court forms.

#### JUDICIAL INFORMATION SYSTEMS IMPACT

The intent of the bill is unclear.

Confidential records are different than sealed records. Confidential would mean the records are not public, making the sealing process unnecessary. If the bill were implemented making juvenile records confidential, cross-court access would need to be granted between superior court records for juvenile courts. The security of the records would need to be handled as if they are separate court levels.

This fiscal note assumes that all juvenile records are intended to be confidential. With that assumption, this bill would require modifications to existing judicial information systems: defining requirements, making significant changes to case management systems, reviewing and updating systems security, changing reports, etc.

The cost estimate to the Administrative Office of the Courts is:

\* \$146,000 based on 1,500 staff hours at an average of \$57 per hour across multiple job classifications needed to implement the systems changes (Business Analyst, System Integrator, Senior System Integrator, IT Supervisor, and Manager).

\* \$50,000 assumed for contractor support

TOTAL = \$196,000

#### AOC STAFF IMPACTS INCLUDE STANDARD COSTS

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

#### INDETERMINATE SUPERIOR COURTS

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Form FN (Rev 1/00)

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Request # 134-1

Bill # 5644 SB

Because Section 2 would create a new legal cause of action for damages, there would be court impact. Increased caseload to courts for actions seeking remedy when juvenile records were disseminated in violation of this statute is indeterminate (Section 2).

Section 3 would create notification requirements regarding when an administrative sealing hearing is scheduled. This requirement would be minimal impact to court staff because providing notice to a juvenile of eligibility for juvenile record sealing at disposition hearing is standard.

### Part III: Expenditure Detail

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

State	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	.7		.4		
Salaries and Wages	86,400		86,400		
Employee Benefits	27,600		27,600		
Professional Service Contracts	50,000		50,000		
Goods and Other Services	2,700		2,700		
Travel	1,800		1,800		
Capital Outlays	1,200		1,200		
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	28,200		28,200		
<b>Total \$</b>	<b>197,900</b>		<b>197,900</b>		

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

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

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

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

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

#### III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Business	118,700	0.7		0.4		
Analyst/Integrator/IT/Managers						
Legal Services Senior Analyst	114,400	0.0		0.0		
<b>Total FTEs</b>		<b>0.7</b>		<b>0.4</b>		<b>0.0</b>

#### 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

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Form FN (Rev 1/00)

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

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5644 SB	<b>Title:</b> Juvenile records	<b>Agency:</b> 056-Office of Public Defense
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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: Delika Steele	Phone: 3607867486	Date: 02/01/2023
Agency Preparation: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/05/2023
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/05/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/06/2023

## 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.*

SB 5644 relates to sealing of juvenile records. SB 5644 has no fiscal impact on the Office of Public Defense (OPD). OPD is not authorized to administer public defense services for juvenile offense-related matters, including juvenile record sealing

### 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.*

## 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

<b>Bill Number:</b> 5644 SB	<b>Title:</b> Juvenile records	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	205,000	205,000	410,000	410,000	410,000
<b>Total \$</b>	205,000	205,000	410,000	410,000	410,000

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

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.4	1.4	1.4	1.4	1.4
<b>Account</b>					
Legal Services Revolving Account-State 405-1	205,000	205,000	410,000	410,000	410,000
<b>Total \$</b>	205,000	205,000	410,000	410,000	410,000

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Delika Steele	Phone: 3607867486	Date: 02/01/2023
Agency Preparation: Allyson Bazan	Phone: 360-586-3589	Date: 02/06/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/06/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/07/2023

## 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.*

Sec. 1: Amends RCW 13.50.050 to make all records relating to the commission of juvenile offenses confidential by default and may only be released by the provisions of Chapters 13.50, 13.40, and 4.24 RCW.

Sec. 2: Creates a cause of action for the dissemination of juvenile records in violation of the chapter. Exempts employees of governments, agencies, and municipalities when performing actions as part of their work. Exempts entities that did not have notice that records were sealed.

Sec. 3: Requires court to provide notice of eligibility of juvenile records sealing to the juvenile and victims of the offense. Requires court to provide six months advance written notice of any hearing to juveniles about sealing the records and about the meaning of having a sealed record. Prohibits state agencies from considering or using information regarding an applicant's juvenile offense unless the agency confirms the record is open to public inspection. Form of notice to juvenile required for the courts.

Sec. 4: Provides there may be a right of counsel to a respondent with assistance with the sealing process "if necessary."

### 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.*

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the Department of Enterprise Services (DES) and the Department of Children, Youths and Families (DCYF) The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

Tort defense costs are billed through the LSRA to the DES Risk Management Division through an Interagency Agreement (IAA). The Torts client agency is assumed to be DES. These costs are over and above the current 2021-23 IAA amount.

#### AGO AGENCY ASSUMPTIONS:

DES will be billed for Seattle rates:

FY 2024: \$202,000 for 0.50 Assistant Attorney General FTE (AAG), 0.25 Legal Assistant 3 FTE (LA), 0.25 Investigator, FTE (INV), 0.25 Paralegal FTE (PL) and in each FY thereafter. Indeterminate direct litigation costs.

DCYF will be billed for non-Seattle rates:

FY 2024: \$3,000 for 0.01 AAG, 0.01 LA, and in each FY thereafter.

### 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 Attorney General's Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2023 legislative session.

Location of staffing is assumed to be in Seattle and non-Seattle office buildings.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

1. The AGO Torts Division (Torts) has reviewed this bill and determined the following impact related to the enactment of this bill:

The AGO will bill the Department of Enterprise Services (DES), Risk Management for legal services based on the enactment of this bill.

The enactment of this bill provides a cause of action for wrongful dissemination of sealed or destroyed juvenile records for injunctive relief and money damages, including pain and suffering, with an award of attorney fees and costs to prevailing plaintiffs. This opens liability for the conduct of multiple agencies, in particular the Department of Children, Youths, and Families (DCYF) and the Washington State Patrol (WSP). Torts assumptions below cover hours needed to defend claims filed against any agency.

Torts assumes the enactment of this bill will require 0.5 AAG to answer complaints, identify records subject to destruction, obtain order from court to destroy records that should have automatically been destroyed since they cannot be destroyed while active lawsuit is pending, present evidence to refute claimed amount of damages or per day penalty (statute provides for award of whichever is greater). 0.25 Investigator (INV) to obtain juvenile records subject to destruction from client agency and gather other records needed to support or refute the plaintiff's claim for monetary damages including pain and suffering. 0.25 Paralegal (PL) to assist with answering the complaint, discovery requests and responses, and preparing for mediation and trial. 0.25 LA to edit and file all documents in court, coordinate witnesses for deposition or trial, complete other scheduling tasks, communicate with opposing counsel and court.

Direct costs for litigation are indeterminate at this time because this bill provides for attorney fees and costs, which AGO would have to pay to prevailing plaintiffs. There is no method to determine how many prevailing plaintiffs there may be.

Torts total FTE workload impact for Seattle rates:

FY 2024: \$202,000 for 0.5 AAG, 0.25 LA, 0.25 INV, 0.25 PL and in each FY thereafter. Indeterminate direct litigation costs.

2. The AGO Children, Youths, and Families Division (CYF) has reviewed this bill and determined the following impact related to the enactment of this bill:

The AGO will bill DCYF for legal services based on the enactment of this bill.

DCYF will need to reevaluate its reliance on and use of sealed juvenile records and its responses to notice of sealing hearings, which likely necessitates some legal advice.

CYF total FTE workload impact for Seattle rates:

FY 2024: \$3,000 for 0.01 AAG, 0.01 LA, and each FY thereafter.

3. The AGO Solicitor General’s Office (SGO) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload. New legal services are nominal and costs are not included in this request.

4. The Social & Health Services Division (SHO) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Department of Social and Health Services (DSHS) or Health Care Authority (HCA). The enactment of this bill will not impact the provision of legal services to DSHS or HCA. Impacts identified by SHO previously in relation to SHB 2034 from last year were related to its representation of DCYF. With DCYF now being represented by the CYF Division, there are no remaining impacts to SHO clients. New legal services are nominal and costs are not included in this request.

5. The AGO Criminal Justice Division (CRJ) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Washington State Patrol. The enactment of this bill will not impact the provision of legal services to WSP nor cause fiscal impact to the criminal investigations and prosecutions work of the CRJ. This bill provides a cause of action for wrongful dissemination of sealed or destroyed juvenile records; and for injunctive relief and money damages, including pain and suffering, with an award of attorney fees and costs to prevailing plaintiffs. This opens liability for WSP if it disseminates juvenile records contrary to this bill. Advice to WSP on this issue is assumed nominal and costs are not included in this request.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
405-1	Legal Services Revolving Account	State	205,000	205,000	410,000	410,000	410,000
<b>Total \$</b>			205,000	205,000	410,000	410,000	410,000

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

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.4	1.4	1.4	1.4	1.4
A-Salaries and Wages	135,000	135,000	270,000	270,000	270,000
B-Employee Benefits	44,000	44,000	88,000	88,000	88,000
E-Goods and Other Services	24,000	24,000	48,000	48,000	48,000
G-Travel	2,000	2,000	4,000	4,000	4,000
<b>Total \$</b>	205,000	205,000	410,000	410,000	410,000

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

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	0.0	0.0	0.0	0.0	0.0
Assistant Attorney General-Seattle	124,635	0.5	0.5	0.5	0.5	0.5
Legal Assistant 3	55,872	0.0	0.0	0.0	0.0	0.0
Legal Assistant 3-Seattle	67,044	0.3	0.3	0.3	0.3	0.3
Management Analyst 5	91,524	0.1	0.1	0.1	0.1	0.1
Paralegal 2-Seattle	75,096	0.3	0.3	0.3	0.3	0.3
Senior Investigator-Seattle	98,532	0.3	0.3	0.3	0.3	0.3
<b>Total FTEs</b>		1.4	1.4	1.4	1.4	1.4

**III. D - Expenditures By Program (optional)**

<b>Program</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>2023-25</b>	<b>2025-27</b>	<b>2027-29</b>
Children, Youth, and Families (CYF)	3,000	3,000	6,000	6,000	6,000
Torts Division (TOR)	202,000	202,000	404,000	404,000	404,000
<b>Total \$</b>	205,000	205,000	410,000	410,000	410,000

**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

<b>Bill Number:</b> 5644 SB	<b>Title:</b> Juvenile records	<b>Agency:</b> 225-Washington State Patrol
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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: Delika Steele	Phone: 3607867486	Date: 02/01/2023
Agency Preparation: Michael Middleton	Phone: (360) 596-4072	Date: 02/06/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/06/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/06/2023

## 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 fiscal impact to the Washington State Patrol is indeterminate but significant.

Section 1(2) amends existing statute to establish that all records relating to the commission of juvenile offenses, including records related to diversions, are to be maintained as confidential unless release is permissible under the parameters of applicable RCWs.

New section 2 establishes that any corporation, business trust, estate, trust, partnership, association, joint venture, any other legal or commercial entity, government, governmental subdivision, agency, municipality, and other similar legal entities capable of being sued in courts of law that, directly or by means of an agent, disseminates sealed or destroyed records or links the subject of a sealed juvenile record to the commission of a juvenile offense in violation of this chapter shall be subject to legal action for damages.

### 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 to WSP is indeterminate but significant.

Based on the language in Section 1(2), our interpretation is that all records relating to an individual are involved when we receive orders to seal their records, not just criminal offenses. Noncriminal violations are currently located in systems outside of the Criminal History Record Information (CHRI) system and are not readily searchable by the terms that come to the WSP through a judicial order or by juvenile status. In order to comply with the current language, all systems currently used to maintain noncriminal data will require modernization to be singular/centralized, fully indexed, and searchable. Costs to modernize all our associated systems is unknown but likely significant. Additionally, we will need to overhaul many of our current protocols and practices related to data capture and use to ensure compliance with the outcomes of sealing orders. This will result in unknown workload impacts to many of our divisions.

Per section 2, the potential cost of claims against WSP for mishandling of records with sealed orders is indeterminate. The fiscal impact from possible claims payouts and defense costs of the Attorney General Office are unknowable. Specific to any legal proceedings, the time and effort from our own staff in preparing and readying information could approximate upward of 10 Paralegal 2s at an operating cost in excess of \$2.8M per biennia which does not include costs of staff testimony in direct support of any proceedings.

## 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.*