

Multiple Agency Fiscal Note Summary

Bill Number: 1562 HB	Title: Violence
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Estimated Cash Receipts

NONE

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	.1	19,700	19,700	19,700	.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 Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.1	19,700	19,700	19,700	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									
Loc School dist-SPI									
Local Gov. Other			288,630						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			288,630						

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 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									
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: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Final 2/15/2023
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Judicial Impact Fiscal Note

Bill Number: 1562 HB	Title: Violence	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years	.1		.1		
Account					
General Fund-State 001-1	19,700		19,700		
State Subtotal \$	19,700		19,700		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Edie Adams	Phone: 360-786-7180	Date: 02/03/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	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: 02/14/2023

182,605.00

Request # 148-1

Form FN (Rev 1/00)

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Bill # 1562 HB

Part II: Narrative Explanation

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

This bill would change the eligibility criteria for firearms possession by:

- * Changing the definition of firearms.
- * Adding driving under the influence related juvenile felonies to the definition of a serious offense.
- * Expanding the definition of "conviction" to include dismissals after a period of probation, suspension or deferral of sentence when finding of guilt entered.
- * Expanding unlawful possession to include when a person accesses or has in their custody or control, receives, purchase, or attempts to receive or purchase any firearm after previous conviction or when found not guilty by reason of insanity.
- * Expanding unlawful possession to include certain misdemeanor offenses and violations of order to surrender, extreme risk protection orders, or any protection order or no contact order restraining a person from a residence.
- * Creating a new section outlining procedures for a person to petition for restoration of firearm rights.

II. B - Cash Receipts Impact

None

II. C - Expenditures

The bill would require changes to both superior and district court firearm forms.

Additionally, significant changes would need to be made to the Juvenile Corrections Systems (JCS) database. JCS is used by juvenile courts for tracking cases: referrals, monitoring, and support for juvenile needs during the life of a case and post-adjudication supervision. The JCS relies on data from existing superior court and courts of limited jurisdiction systems (Odyssey, SCOMIS, legacy Judicial Information System).

The firearm rights screen in JCS informs the court on ineligibility to possess firearms and would require changes to implement this bill. Any new codes in case management systems would have to be captured here. Juvenile sentencing worksheets are complex and must consider violations on referrals, dispositions, past history and other adjusting factors, such as firearms.

ADMINISTRATIVE OFFICE OF THE COURTS

This bill would have the following fiscal impact on the Administrative Office of the Courts (AOC).

FTE: 0.10

FY 2024: \$19,700 one-time

COURT FORMS

This bill would require changes to court forms which would take approximately 75 hours of work by a Legal Services Senior Analyst (\$8,000 one-time).

Legal Services Senior Analyst. Beginning July 1, 2023 through June 30, 2024, AOC would require salary, benefits, and associated standard costs for 0.04 FTE to update required court forms.

JUVENILE AND CORRECTIONS SYSTEM (JCS)

This bill would require changes to the database used by juvenile courts. System development and testing would take approximately 140 hours of work (\$11,700 one-time).

IT Solutions Architect and System Support Analyst. Beginning July 1, 2023 through June 30, 2024, AOC would require salary, benefits, and associated standard costs for 0.06 FTE to make system updates.

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.

182,605.00

Form FN (Rev 1/00)

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Request # 148-1

Bill # 1562 HB

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.

Part III: Expenditure Detail

Part III: Expenditure Detail

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

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	.1		.1		
Salaries and Wages	11,500		11,500		
Employee Benefits	3,700		3,700		
Professional Service Contracts					
Goods and Other Services	400		400		
Travel	200		200		
Capital Outlays	200		200		
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	3,700		3,700		
Total \$	19,700		19,700		

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

NONE

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

NONE

III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
IT Solutions Architect and System	109,300	0.1		0.0		
Support Analyst						
Legal Services Senior Analyst	114,400	0.0		0.0		
Total FTEs		0.1		0.1		0.0

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

182,605.00

Form FN (Rev 1/00)

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

Individual State Agency Fiscal Note

Bill Number: 1562 HB	Title: Violence	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: Edie Adams	Phone: 360-786-7180	Date: 02/03/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/07/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/07/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	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.

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 1562
REDUCE HARM ASSOCIATED WITH GUN
VIOLENCE, GENDER-BASED VIOLENCE, AND
OTHER TYPES OF VIOLENCE
101 – Caseload Forecast Council
February 6, 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 Amends RCW 9.41.010 by expanding the definition of “firearm” to include frames and receivers for purposes of RCW 9.41.040. Additionally amends the definition of “serious offense” to include Driving while under the Influence and Physical Control of a Vehicle with under the Influence felony charges. Adds definitions for “conviction” or “convicted”, “domestic violence”, and “sex offense”.
- Section 3 Amends RCW 9.41.040 by expanding the definitions of the Class B felony offense of Unlawful Possession of a Firearm in the First Degree (ranked at Seriousness Level 7 on the adult felony sentencing grid) and the Class C felony offense of Unlawful Possession of a Firearm in the Second Degree (ranked at Seriousness Level 3 on the adult felony sentencing grid). Additionally moves language regarding the right to petition to have firearm rights restored to Section 4 of the act and adds a reference to the new section.
- Section 4 Adds a new section to chapter 9.41 RCW regarding the right to petition for firearm rights restoration. Clarifies the time period required for the filing of a firearm restoration petition.
- Section 5 Amends RCW 9.41.047 by updating terms, and including references and timelines associated with individuals found not guilty by reason of insanity.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

- Expands the definitions of existing Class B and C felonies

Impact on Prison and Jail beds

The Caseload Forecast Council has no information concerning how many more incidents of the expanded felonies offenses may occur. However, as a Class C felony offense ranked at Seriousness Level 3 on the Adult Felony Sentencing Grid, Unlawful Possession of a Firearm in the Second Degree (UPF2) is punishable by a standard range term of confinement of between 1-3 months in jail and 51-68 months in prison (limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. The Class B felony offense of Unlawful Possession of a Firearm in the First Degree (UPF1) is ranked at Seriousness Level 7 on the Adult Felony Sentencing Grid, and is punishable by a standard range term of confinement of between 15-20 months and 87-116 months in prison. Therefore, increased incidence of these offenses would likely impact both jail beds and prison beds.

Impact on Department of Corrections (DOC) Supervision Caseload

The bill has no impact to DOC supervision caseload.

Impact on Juvenile Rehabilitation (JR) and local beds

There is no impact to juvenile sentencing for the expanded definition for UPF2. Per RCW 9.41.040(2)(a)(vi), persons under the age of eighteen are already restricted from owning, having in her or his possession, or having in his or her controls, firearms; and as such, expanding of the definition of UPF2 under the provision of this act will not result in any additional adjudications of this offense.

The bill also expands the definition of UPF1. The Caseload Forecast Council has no information concerning how many more incidents of the expanded felony offense may occur. However, as a Category B on the Juvenile Offender Sentencing Grid, UPF 1 is punishable by a standard range term of between Local Sanctions (0-30 days in local juvenile detention) and 52-65 weeks in JR. As a result, there may be an increased need for local detention and JR beds.

There may also be an additional increased need for 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. By expanding the definition for UPF1 and UPF 2, there may be additional convictions by individuals who commit the offense while under the age of 18 and sentenced as an adult. 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 for this population.

Individual State Agency Fiscal Note

Revised

Bill Number: 1562 HB	Title: Violence	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: Edie Adams	Phone: 360-786-7180	Date: 02/03/2023
Agency Preparation: Joseph Piper	Phone: 360-915-4627	Date: 02/13/2023
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 02/13/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/14/2023

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 1562 amends laws relating to unlawful possession of firearms by adding certain crimes that prohibit individuals from possessing a firearm and by making changes to the restoration of firearm possession rights following criminal conviction.

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. DCYF anticipates that there may be an increased need for local detention and Juvenile Rehabilitation beds, based on information and analysis provided by the Caseload Forecast Council.

There is no impact to juvenile sentencing for the expanded definition for Unlawful Possession of a Firearm in the Second Degree (UPF2). Per RCW9.41.040(2)(a)(vi), persons under the age of eighteen are already restricted from owning, having in her or his possession, or having in his or her controls, firearms. Expanding the definition of UPF2 will not result in any additional adjudications of this offense.

The bill also expands the definition of Unlawful Possession of a Firearm in the First Degree (UPF1). DCYF is unable to estimate how many more incidents of the expanded felony offense may occur. As a Category B on the Juvenile Offender Sentencing Grid, UPF 1 is punishable by a standard range term of between Local Sanctions (0-30 days in local juvenile detention) and 52-65 weeks in Juvenile Rehabilitation. As a result, there may be an increased need for local detention and JR beds.

There may also be an additional increased need for JR beds, but it is assumed to be minimal. 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. By expanding the definition for UPF1 and UPF2, there may be additional convictions by individuals who commit the offense while under the age of 18 and sentenced as an adult. According to the Caseload Forecast Council, fewer than 1% of all sentences in the adult system are committed by those less than age 18.

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: 1562 HB	Title: Violence	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Edie Adams	Phone: 360-786-7180	Date: 02/03/2023
Agency Preparation: Nicole Trexler	Phone: (360) 725-8428	Date: 02/08/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/08/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/08/2023

Part II: Narrative Explanation

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

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

This bill is related to reducing the risks of lethality and other harm associated with gun, gender-based, and other types of violence by clarifying and updating the laws associated with the unlawful possession of firearms and restoration of firearm rights.

Section 2 adds language that includes “serious offense” as a felony charge under RCW 46.61.502(6) or 46.61.504(6) which includes driving while under the influence and physical control of a vehicle with under the influence felony charges. Additionally, it defines “sex offense” as the same meaning in RCW 9.94A.030 and “conviction” or “convicted” as if a plea of guilty has been accepted or a verdict of guilty has been filed or a finding of guilt has been entered.

Section 3 amends RCW 9.41.040 to state that is a person is guilty of a crime of unlawful possession of a firearm in the first degree, if the person owns, accesses, has in their custody, control, or possession, receives, purchases, or attempts to received or purchase any firearm after having previously been convicted or found not guilty by reason of insanity.

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.

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). This bill expands the definitions of existing class B and C felonies and adds to the offenses that would prohibit individuals from owning, or having possession of, a firearm.

The Caseload Forecast Council (CFC) has no information concerning how many more incidents of the expanded felonies offenses may occur. However, as a Class C felony offense ranked at seriousness level 3 on the Adult Felony Sentencing Grid, unlawful possession of a firearm in the second degree (UPF2) is punishable by a standard range term of confinement of between 1-3 months in jail and 51-68 months in prison (limited to 60 months by the statutory maximum sentence for class C felonies), depending on the individual’s prior history. The class B felony offense of unlawful possession of a firearm in the first degree (UPF1) is ranked at seriousness level 7 on the Adult Felony Sentencing Grid and is punishable by a standard range term of confinement of between 15-20 months and 87-116 months in prison. Therefore, increased incidence of these offenses would likely impact both jail beds and prison beds. The bill has no impact to Department of Corrections (DOC) supervision caseload.

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. 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

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: 1562 HB	Title: Violence
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** Approximately \$221,430 for law enforcement training on modified criminal offenses; indeterminate expenditure impact on law enforcement agencies as a result of processing requests for information related to petitions for restoration of firearm rights; indeterminate increased law enforcement costs as a result of processing additional incidents of class B and C felony offenses; indeterminate expenditure increase as a result of increased demand for jail beds
- Counties:** Approximately \$67,200 to provide training to law enforcement officers on modified criminal offenses; indeterminate expenditure impact on local law enforcement agencies as a result of processing requests for information related to petitions for restoration of firearm rights; indeterminate expenditure impact on law enforcement, prosecutors, and public defenders as a result of processing additional incidents of class B and C felony offenses; indeterminate expenditure increase as a result of increased demand for jail, juvenile detention beds; indeterminate expenditure impact as a result in change in prosecutor time required for petitions to restore firearm rights
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:** Approximately \$288,630 to provide training to local law enforcement officers on modified criminal offenses
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:** Number of incidents of expanded class B and C felony offenses that may occur; number of future petitions for restoration of firearm rights that may occur, and prosecutor and law enforcement staff time required for such petitions

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	221,430		221,430		
County	67,200		67,200		
TOTAL \$	288,630		288,630		
GRAND TOTAL \$					288,630

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

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/10/2023
Leg. Committee Contact: Edie Adams	Phone: 360-786-7180	Date: 02/03/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/10/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

Part IV: Analysis

A. SUMMARY OF BILL

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

The proposed legislation concerns the possession of firearms and the restoration of firearm rights.

Section 2 would amend RCW 9.41.010, adding to the existing definition of a firearm, adding felony driving under the influence and felony actual physical control of a vehicle while under the influence to the list of serious offenses for the purposes of chapter 9.41 RCW, and adding definitions for conviction or convicted, domestic violence, and sex offense.

Section 3 would amend RCW 9.41.040, expanding the definitions of unlawful possession of a firearm in the first and second degrees to include additional prohibited actions. The amendments in this section would also expand the list of people subject to the firearm-related prohibitions included under unlawful possession of a firearm in the second degree to include people who were convicted of or found not guilty by reason of insanity of certain misdemeanor and gross misdemeanor offenses, or violations of certain kinds of court orders.

Finally, the amendments in section 3 would remove language describing the process for petitioning for a restoration of firearm rights, and specify that a person may make such a petition as provided in section 4 of the bill.

Section 4 would add a new section to chapter 9.41 RCW, specifying the process by which a person may petition to have their firearm rights restored. People with convictions for certain felonies, gross misdemeanors and misdemeanors would only be eligible to make such a petition after 10 years spent in the community without being convicted or found not guilty by reason of insanity of a criminal offense. People with convictions for all other felonies would be eligible after five such years spent in the community, and people with convictions for all other gross misdemeanors or misdemeanors would be eligible after three such years.

The current requirements for petitioning for restoration of firearm rights are five years spent in the community without being convicted or found not guilty by reason of insanity of a criminal offense for people with prior felony convictions, and three such years for people with non-felony prior convictions.

This section would require that people petitioning for restoration of their firearm rights serve prosecutors, who would be required to “notify and request information from the law enforcement agencies that may have information relevant for the court’s consideration as to whether the person petitioning for restoration of firearm rights meets the requirements set forth in this section.” Prosecutors would also be required to take reasonable steps to notify victims of certain past crimes or people who previously obtained a full protection order against a petitioner of the process for providing a sworn written statement with information relevant to the petition.

Finally, prosecutors would be required to verify that they have “reviewed the relevant and available civil and criminal records, and information from law enforcement agencies and victims, and, based on that information, whether there is sufficient evidence to determine that the person petitioning for restoration of firearm rights meets the requirements set forth in this section.”

Section 5 would amend RCW 9.41.047, specifying that people who have been found not guilty by reason of insanity of a criminal offense, meet certain other conditions and have been prohibited from possessing a firearm may petition for restoration of their firearm rights one year after being discharged from involuntary commitment.

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 both determinate and indeterminate impacts on local government expenditures.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the modifications this bill would make to existing criminal offenses. WASPC estimates that approximately 30 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$221,430 for cities and \$67,200 for counties, for a total one-time cost to local governments of \$288,630.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in police departments and 2,240 commissioned officers in sheriff's departments, for a total of 8,950 commissioned law enforcement employees that would require training. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$66, and the same figure for an officer employed by a county to be \$60. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.5 hours X \$66 = \$221,430

Counties:

2,240 officers X 0.5 hours X \$60 = \$67,200

Total:

\$221,430 + \$67,200 = \$288,630

Training materials and time required may differ among different departments, however.

WASPC also indicates that local law enforcement agencies could incur ongoing costs as a result of the provisions of section 4 that would require agencies to review and provide information to prosecutors that would indicate whether a person petitioning for restoration of their firearm rights is "not subject to any other prohibition on possessing a firearm at the time the petition for the restoration of firearm rights is filed or during the petition process, and would be able to pass a background check to purchase a firearm if the petition to restore firearm rights is granted."

According to WASPC, these requests for information would require approximately 20 minutes of non-commissioned staff time. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average hourly salary plus benefits and overhead for an evidence or records clerk is approximately \$42. It is unknown how many future requests for information local law enforcement agencies may be required to process under the provisions of section 4 of the proposed legislation, however, so the resulting expenditure impact is indeterminate.

According to the Washington State Caseload Forecast Council's (CFC) fiscal note on this bill, expanding the definition of the existing offense of unlawful possession of a firearm in the second degree could impact demand for jail beds. As a class C felony ranked at seriousness level III, unlawful possession of a firearm in the second degree is punishable by a term of confinement of between one to three months in jail and 51-68 months in prison, depending on a person's criminal history.

It is unknown how many additional incidents of the expanded class C felony offense may occur, however, so the expenditure impact on local governments resulting from an increase in demand for jail beds is indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145.

According to the CFC fiscal note for this bill, expanding the definition of the existing class B felony offense of unlawful

possession of a firearm in the first degree, ranked at category B on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention and 52-62 weeks in juvenile rehabilitation, could also increase demand for county juvenile detention beds. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. Additionally, it is unknown how many juvenile incidents of the expanded class B felony offense of unlawful possession of a firearm in the first degree may occur as a result of this bill's provisions, so the magnitude of any resulting increase in county juvenile detention expenditures is indeterminate.

In addition to bed impacts, expanding the definitions of unlawful possession of a firearm in the first and second degree could increase law enforcement, prosecution and public defense expenditures as a result of processing additional incidents of these offenses. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a class B or C felony weapon law violation are approximately \$7,952.

However, given that it is unknown how many additional incidents of the expanded offenses may occur, the magnitude of the expenditure impacts on local governments from processing additional incidents of these offenses is indeterminate.

Finally, prosecutors may be required to spend additional time on petitions for restoration of firearm rights as a result of the specific requirements of section 4 of the proposed legislation. It is unknown how much additional prosecutor time these requirements could demand, however, and this could vary between cases based on the details of a particular petition. It is also unknown how many future petitions for restoration of firearm rights may be filed, and whether the increase in the length of time certain people must be in the community without any convictions for criminal offenses may drive down this number compared with filings in past years. Accordingly, the magnitude of any local government expenditure impacts that may result from additional prosecutor time required for processing petitions to restore firearm rights is indeterminate.

C. SUMMARY OF REVENUE IMPACTS

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

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

SOURCES:

Crime in Washington Report, 2021

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council