

Multiple Agency Fiscal Note Summary

Bill Number: 5056 S SB	Title: Habitual property offenders
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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	No fiscal impact					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	10,560	10,560	10,560	.0	0	0	0	.0	0	0	0
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	0.0	10,560	10,560	10,560	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	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Final 2/16/2023
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Judicial Impact Fiscal Note

Bill Number: 5056 S SB	Title: Habitual property offenders	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					
Account					
General Fund-State 001-1	1,900		1,900		
State Subtotal \$	1,900		1,900		
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: Ryan Giannini	Phone: 3607867285	Date: 02/10/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/13/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/13/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/14/2023

183,150.00

Form FN (Rev 1/00)

1

Request # 171-1

Bill # 5056 S 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 and add a new section to RCW 9.94A, pertaining to special allegation for habitual property offenders, defining parameters in which a person can be categorized as a habitual property offender, and prescribing penalties.

II. B - Cash Receipts Impact

None

II. C - Expenditures

This bill would create a special allegation for habitual property offenders. The bill would also allow for court discretion to sentence a person found guilty beyond a reasonable doubt to be a habitual property offender to an additional 24 months in total confinement for a Class B felony, and an additional 12 months for a Class C felony.

Minimal fiscal impact is expected to the Administrative Office of the Courts to form changes (20 hours, less than \$5,000).

Court costs impact would be minimal.

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					
Salaries and Wages	1,100		1,100		
Employee Benefits	400		400		
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	400		400		
Total \$	1,900		1,900		

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
LEGAL SERVICES SENIOR	114,400	0.0		0.0		
ANALYST						
Total FTEs		0.0		0.0		0.0

III. E - Expenditures By Program (optional)

NONE

183,150.00

Form FN (Rev 1/00)

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Request # 171-1

Bill # 5056 S SB

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

Individual State Agency Fiscal Note

Bill Number: 5056 S SB	Title: Habitual property offenders	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: Ryan Giannini	Phone: 3607867285	Date: 02/10/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/15/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/15/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/16/2023

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.

SSB 5056

HABITUAL PROPERTY OFFENDER

101 – Caseload Forecast Council

February 11, 2023

SUMMARY

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

Section 1 States legislative intent.

Section 2 Adds a new section to chapter 9.94A RCW that establishes the special allegation for habitual property offenders. The bill states the court must make a finding that the individual is a habitual property offender based on the person's criminal history. When the court finds beyond a reasonable doubt that a person is a habitual property offender, the person shall be sentenced in accordance with the new enhancement language established in Section 3. States a person is a Habitual Property Offender if:

- The present felony conviction is Residential Burglary, Burglary in the Second Degree, Theft in the First or Second Degree, Theft of a Firearm, Unlawful Issuance of Checks or Drafts, Organized Retail Theft, Theft with Special Circumstances, or Mail Theft;
- The person has an offender score of 9 or more points;
- At least five of the points in the person's offender score result from any combination of the offenses listed in the first bullet; and
- The person has committed three or more property crime offenses within 180 days.

Section 3 Amends RCW 9.94A.533 by adding the habitual property offender enhancement of 24 months if the current felony offense is Class B and 12 months if Class C.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

The provisions of this bill will require modifications to the Caseload Forecast Council's adult felony sentencing database. This will require work from a contractor of an estimated 50 hours at a rate of \$120 per hour for a total cost to the Caseload Forecast Council of \$6,000.

Impact Summary

- Establishes a new sentence enhancement.

Impacts on jail and prison beds

The bill establishes a new sentencing enhancement for habitual property offenders. If a person meets all four of the following criteria, the person will meet the definition of a habitual property offender:

- The present felony conviction is Residential Burglary, Burglary in the Second Degree, Theft in the First or Second Degree, Theft of a Firearm, Unlawful Issuance of Checks or Drafts, Organized Retail Theft, Theft with Special Circumstances, or Mail Theft;
- The person has an offender score of 9 or more points;
- At least five of the points in the person's offender score result from any combination of the offenses listed in the first bullet; and

- The person has committed three or more property crime offenses within 180 days.

One of the criteria of the bill for a person to be found as a habitual property offender, is that the person has an offender score of 9 or more points. The bill also states, “the court shall make a finding of fact prior to sentencing whether the person is a habitual property offender based on the person's *criminal history*.” As a person’s offender score is a combination of criminal history and other current offenses, it is unknown which individuals who have a score of 9 or more will be found by the court to be a habitual property offender. In addition, the bill states the court has the discretion to not impose the enhancement.

The Caseload Forecast Council does not have the information necessary to determine whether a person meets the criteria of the bill and cannot predict when the courts would decline to impose the enhancement. Therefore, the CFC cannot reliably predict correctional bed impacts resulting from the bill. However, as a minimum period of 12 months would be added to the standard range, it is assumed that any impact should manifest itself as an increased need for prison beds. It is assumed there would be no impact to jail beds as individuals with a conviction for an offense listed in Sec. 2(3)(a) with a score of 9 or more all have presumptive standard range prison sentences.

While the impacts of the bill are indeterminate, the below data is provided for informational purposes. The data is based on individuals convicted of a current offense listed in Sec. 2(3)(a) with a score of 9 or more; and does not include an assumption of how many of the sentences would have a finding of habitual property offender made by the court. In addition, the sentences displayed are not limited to three or more property offenses within 180 days or limited to individuals with at least 5 points in the offender score resulting from the property offenses listed in Sec. 2(3)(a).

Offense	Offense		Standard
	Class	Jail	Prison
BURGLARY 2	B	1	113
BURGLARY 2, Attempt	C		22
BURGLARY 2, Conspiracy	C		1
ORGANIZED RETAIL THEFT 1	B		2
ORGANIZED RETAIL THEFT 2	C		1
RESIDENTIAL BURGLARY	B	1	51
RESIDENTIAL BURGLARY, Attempt	C		10
THEFT 1	B	1	18
THEFT 1, Attempt	C		1
THEFT 2	C	1	39
THEFT OF A FIREARM	B		10
UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS	C		2
TOTAL		4	270

Data Notes:

Based on FY 22 Data, counts are sentenced based, and not people based
 Includes Exceptional Sentences
 Excludes Alternative Sentences
 Includes sentences that in which the selected offense is not the most serious offense of the sentence

Impacts on local detention and Juvenile Rehabilitation beds

As sentencing enhancements apply to adult sentences, there would be no impact on local detention beds.

It is possible there may be an increased need for Juvenile Rehabilitation (JR) beds if an individual sentenced as an adult committed his/her offense prior to age 18 and received the new enhancement, resulting in a longer term of confinement. 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. 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.

Impact on Supervision Caseload.

The provisions of the bill have no impact to DOC supervision caseload.

Additional Assumptions:

- While the offenses qualifying as property offenses in Sec. 2(3)(a) of the bill specifically include the degrees of the offenses for theft, it does not specify the degrees for Organized Retail Theft or Theft with Special Circumstances. It is assumed all felony versions of the offenses would be qualifying property offenses.
- The bill does not amend sentencing alternatives eligibility to exclude individuals with a finding of habitual property offender so it is assumed such individuals may be sentenced to alternative sentences, if eligible.
- Section 2(2) of the bill requires the court to make a finding about whether the person is a habitual property offender based on the person's criminal history; however, the criteria in in Section 3 describing a habitual property offender could be met without any criminal history. Because an offender score is a combination of criminal history and other current offenses, it is possible for a person with multiple current offenses but no criminal history to have an offender score of 9 or more. Of those with an offender score of 9 or more, it is unknown who would be found by the court to be a habitual property offender.

Individual State Agency Fiscal Note

Bill Number: 5056 S SB	Title: Habitual property offenders	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: Ryan Giannini	Phone: 3607867285	Date: 02/10/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 02/15/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/15/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/16/2023

Part II: Narrative Explanation

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

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

Comparison of 5056 SB to 5056 SSB:

Section 3(16)(c) gives courts the discretion on whether to impose a habitual property offender enhancement.

5056 SSB

New section two amends RCW 9.94A by establishing a special allegation for habitual property offenders. The court must make the finding that the individual is a habitual property offender based on criminal history.

A habitual offender is defined as:

The present felony conviction for which the person is being sentenced is for residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft with special circumstances, or mail theft ;

The person has an offender score of nine points or higher;

At least five of the points in the person's offender score result from any combination of the following felony offenses: residential burglary; burglary in the second degree; theft in the first degree; theft in the second degree; theft of a firearm; unlawful issuance of checks or drafts; organized retail theft; theft with special circumstances; or mail theft ; and

The person has committed three or more property crime offenses within 180 days.

Section 3(16)(a)(i) adds 24 months to the standard sentence range if the court finds that the offender is being sentenced for a felony defined as a class B felony.

Section 3(16)(a)(ii) adds 12 months to the standard sentence range if the court finds that the offender is being sentenced for a felony defined as a class C felony.

Section 3(16)(c) gives courts the discretion on whether to impose a habitual property offender enhancement.

II. B - Cash receipts Impact

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

None

II. C - Expenditures

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

Fiscal impact is indeterminate.

The addition of the special allegation for habitual property offenders could impact Juvenile Rehabilitation (JR) beds.

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

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

DCYF assumes the impact will result when the ADP caseload changes in the JR residential facilities forecast. The impact would be reflected in the forecasted maintenance level budget step. DCYF will true up our fiscal impact in subsequent budget submittals if the legislation is enacted into law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

None

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 5056 S SB	Title: Habitual property offenders	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
General Fund-State 001-1	10,560	0	10,560	0	0
Total \$	10,560	0	10,560	0	0

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Ryan Giannini	Phone: 3607867285	Date: 02/10/2023
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 02/15/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/15/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/16/2023

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.

5056 S SB amends the following sections without changing the original impact of the Department of Corrections (DOC).

Section 2(3) amends that a person is a Habitual Property Offender if:

- a) The present felony conviction is residential burglary, burglary in the second degree, theft in the first or second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft.
- b) The person has an offender score of 9 or more points.
- c) At least five of the points in the person's offender score result from any combination of the offenses listed in the first bullet; and
- d) The person has committed three or more property crime offenses within 180 days.

Section 3(16)(c) amends that all habitual property offender enhancements are at the discretion of the court, instead of mandatory, as stated in the original bill, and shall be served in total confinement.

Effective date is assumed 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 less than \$50,000 per Fiscal Year (FY).

Impact Summary:

Establishes a new sentence enhancement.

The Caseload Forecast Council (CFC) does not have the information necessary to determine whether a person meets the criteria of the bill. Therefore, the CFC cannot reliably predict correctional bed impacts resulting from the bill. However, as a minimum period of 12 months would be added to the standard range, it is assumed that any impact should manifest itself as an increased need for prison beds. It is assumed there would be no impact to jail beds as individuals with a conviction for an offense listed in Sec. 2(3)(a) with a score of 9 or more all have presumptive standard range prison sentences.

Impact on Information Technology (IT):

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity to complete the development, testing and implementation of the statutory changes, contracted services are necessary in FY2023.

To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.525 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$120 per hour x 40 hours = \$4,800

IT Quality Assurance| \$120 per hour x 24 hours = \$2,880

IT Business Analyst| \$120 per hour x 24 hours = \$2,880

The One-Time cost in FY2023 is \$10,560, total of the above-mentioned costs.

ASSUMPTIONS

1) The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.

2) We assume Direct Variable Cost (DVC) of \$6,980 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, and House staff each legislative session.

3) We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	10,560	0	10,560	0	0
Total \$			10,560	0	10,560	0	0

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	10,560		10,560		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	10,560	0	10,560	0	0

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

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

NONE

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Chief of Staff (100)	10,560		10,560		
Total \$	10,560		10,560		

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: 5056 S SB

Title: Habitual property offenders

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

Legislation Impacts:

- Cities:
 Counties:
 Special Districts:
 Specific jurisdictions only:
 Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
 Expenditures represent one-time costs:
 Legislation provides local option:
 Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/15/2023
Leg. Committee Contact: Ryan Giannini	Phone: 3607867285	Date: 02/10/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/15/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/16/2023

Part IV: Analysis

A. SUMMARY OF BILL

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

CHANGES BETWEEN PREVIOUS VERSION AND THIS BILL VERSION:

The proposed substitute bill would specify that the sentence enhancements for habitual property offenders in section 3 of the bill would be imposed at the discretion of the court. Imposing these enhancements would have been mandatory under the provisions of the original bill.

The substitute bill would also modify the criteria for finding someone to be a habitual property offender, specifying that they must meet certain conditions and have committed three or more property crime offenses in 180 days. Under the provisions of the original bill, to be found to be a habitual property offender, a person would have had to meet one of those same conditions or have committed three or more property crime offenses in 180 days.

SUMMARY OF CURRENT BILL:

The proposed legislation would create a new special allegation.

Section 2 would add a new section to chapter 9.94A RCW, creating a new special allegation for someone who is found to be a habitual property offender. Subsection 2 (3) would define the criteria for being found to be a habitual property offender for the purposes of the special allegation, and would specify that someone found to meet these criteria would be required to be sentenced in accordance with the amendments of section 3 of the bill.

These criteria would be:

- The present felony conviction for which the person is being sentenced is for residential burglary, burglary in the second degree, theft in the first degree, theft in the second degree, theft of a firearm, unlawful issuance of checks or drafts, organized retail theft, theft with special circumstances, or mail theft;
- The person has an offender score of nine points or higher;
- At least five of the points in the person's offender score result from any combination of the following felony offenses: Residential burglary; burglary in the second degree; theft in the first degree; theft in the second degree; theft of a firearm; unlawful issuance of checks or drafts; organized retail theft; theft with special circumstances; or mail theft; and
- The person has committed three or more property crime offenses within 180 days

Section 3 would amend RCW 9.94A.533, specifying that someone found to be a habitual property offender shall have 24 months added to their sentence if they are being sentenced for a class B felony and 12 months added if they are being sentenced for a class C felony. This section would also specify that the above enhancements would be imposed at the discretion of the court.

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.

CHANGES IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The proposed substitute bill would change the language in section 2 describing the criteria for someone to be found to be a habitual property offender such that any person to whom the new special allegation would apply would be facing a presumptive prison sentence before the application of either of the sentence enhancements described in section 3. Accordingly, the application of either of these sentence enhancements would have no impact on demand for jail beds.

The criteria for someone to be found to be a habitual property offender that were listed in subsection 2 (3) of the original bill could have resulted in the special allegation having been found to apply to people facing presumptive jail sentences. In addition, imposing the sentence enhancements listed in section 3 would have been mandatory under the provisions of the original bill. Accordingly, in some cases the new special allegation and the attendant mandatory sentence enhancements could have shifted a person's presumptive sentence from jail to prison, decreasing demand for jail beds and leading to a

decrease in local government expenditures.

The proposed substitute bill would not lead to such a decrease as a result of decreased demand for jail beds.

EXPENDITURE IMPACT OF CURRENT BILL:

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

According to the Caseload Forecast Council's fiscal note for this bill, since the substitute bill would specify that a person must meet all the criteria listed in section 2 (3) to be found to be a habitual property offender, any person subject to this new special allegation would have a criminal history score of at least nine points. With this minimum criminal history score, the standard sentence range for anyone with a felony conviction for one of the offenses listed in subsection 2 (3) (a) would result in a term of confinement in prison, so even if the court were to decide to impose one of the sentence enhancements described in section 3, there would be no impact on demand for jail beds.

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:

Washington State Caseload Forecast Council