

Multiple Agency Fiscal Note Summary

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction
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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	No fiscal impact					
Local Gov. Other						
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
Office of Public Defense	.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
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	1.0	259,000	259,000	259,000	.3	63,000	63,000	63,000	.0	0	0	0
Department of Children, Youth, and Families	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Corrections	.0	0	0	0	.0	21,000	21,000	21,000	.0	37,000	37,000	37,000
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Superintendent of Public Instruction	.1	29,000	29,000	29,000	.0	8,000	8,000	8,000	.0	0	0	0
Total \$	1.1	288,000	288,000	288,000	0.3	92,000	92,000	92,000	0.0	37,000	37,000	37,000

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	No fiscal impact								
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.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
Superintendent of Public Instruction	.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	No fiscal impact								
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 2/16/2023
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Judicial Impact Fiscal Note

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/09/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/09/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/14/2023

182,662.00

Form FN (Rev 1/00)

Request # 169-1

Bill # 5434 S SB

Part II: Narrative Explanation

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

The substitute would adjust the change in age range from 14 to 17 years of age to 13 to 17.

The bill would create a juvenile justice task force and changes juvenile offender jurisdiction to 13 to 17 years of age.

Section 6 would nullify the bill if funding is not provided by June 30, 2023.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts and the courts other than participation as named members to the Raise the Age Juvenile Justice Task Force. The task force is staffed by the Office of Juvenile Justice. The act is void if appropriations are not provided.

Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

182,662.00

Form FN (Rev 1/00)

None

182,662.00

Form FN (Rev 1/00)

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Request # 169-1

Bill # 5434 S SB

Individual State Agency Fiscal Note

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction	Agency: 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: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/09/2023
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/09/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	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.

SSB 5434 relates to the jurisdiction of Juvenile Court. Section 2 establishes the Raise the Age Juvenile Justice Task Force, which is to include one representative of the Office of Public Defense (OPD). The Task Force is directed to meet monthly. OPD assumes it can comply with the requirements of SSB 5434 within existing resources.

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

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction	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: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/10/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/10/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/10/2023

Part II: Narrative Explanation

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

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

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 5434

CONCERNING THE JURISDICTION OF JUVENILE COURT

101 – Caseload Forecast Council
February 8, 2023

SUMMARY

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

Section 1 Legislative intent section.

Section 2 Adds a new section to chapter 43.216 RCW that establishes the Raise the Age Juvenile Task Force for the purpose of considering and providing recommendations regarding implementation of juvenile jurisdiction expansion to encompass persons 18 and 19 years of age.

Section 2 Additionally sets membership of the task force and requires the initial meeting to be no later than September 1, 2023, and a final report be submitted on or before December 1, 2025.

Section 2 Additionally establishes requirements of the report and that meetings be held at least monthly.

Section 3 Amends RCW 9A.04.050 by raising the age that children are considered incapable of committing crimes from under age 8 to under age 13. Children charged with Murder in the First or Second Degree that are 8 through 12 years of age are presumed to be incapable of committing crime, but this presumption may be rebutted by clear and convincing evidence that they have sufficient capacity to understand the act or neglect, and to know that it was wrong.

Section 4 Amends RCW 13.40.590 by revising the target offenders age for youth court programs from age 8 through 17, to 13 through 17.

Section 5 Amends RCW 13.40.600 by revising the age of authority of Youth Courts from 8 through 17, to 13 through 17.

Section 6 States that if specific funding for the purposes of this act is not provided by June 30, 2023, the act is null and void.

EXPENDITURES

Assumptions.

The bed impacts for this bill were calculated under the following assumptions.

- CFC = Caseload Forecast Council
- DOC = Department of Corrections
- DCYF = Department of Children, Youth, and Families
- JR = Juvenile Rehabilitation
- ISRB – Indeterminate Sentence Review Board
- DOSA = Drug Offender Sentencing Alternative
- FOSA = Family and Offender Sentencing Alternative
- MHSA = Mental Health Sentencing Alternative

- FY = Fiscal Year
- Sentences are based on CFC FY22 data and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- For Community Corrections impact, ADP estimates are provided as information and are indeterminate as they do not Supervision Compliance Credit.
- Exceptional sentences are included.
- Residential DOSA, FOSA, and MHSA sentences, which have zero correctional confinement under the current policy, have no impact to confinement capacity but the term of DOC community custody is eliminated under the proposed policy.
- For individuals sentenced as an indeterminate sex offender under RCW 9.94A.507, it is assumed individuals would have at least served the confinement ordered by the court. This could be underestimating the savings, as it is the purview of the ISRB to determine release, some individuals may be held longer than the minimum term ordered by the court.
- For jail sentences, length of stay in jail is calculated using a figure for average earned release, based on a 2001 survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development, and the Washington State Association of Counties.
- For prison sentences, average time spent in jail prior to transfer to DOC is based on DOC FY 2022 data for the DOC by crime category and are calculated by the CFC.
- For prison sentences, length of stay in prison is calculated using figures for average percentage of sentence served in prison, which is based on DOC FY22 data, for non-DOSA offenders, by DOC crime category and are calculated and provided by the DOC.
- Proposed Prison sentences are assumed to be no confinement and no supervision under the proposed policy.
- Proposed Jail sentences are assumed to be no confinement and no supervision under the proposed policy.
- Bed impacts are calculated with phase-in factor.

Note: Due to multiple factors, the number of sentences imposed in FY 2022 continued to decline. The estimated Average Daily Population (ADP) savings associated with this legislative change is based on sentences imposed in FY 2022, and may be underestimating the ADP savings due to delayed sentences.

Impact on the Caseload Forecast Council.

None.

Impact on prison and jail beds.

The bill changes the age at which youth are considered incapable of committing a crime, from the age of under 8 to the age of under 13. For such youth who received an adjudication of local sanctions or confinement at a JR facility, a sentence would no longer occur, or for youth declined to adult court, confinement at a DOC facility, a JR facility until age 25, and supervision by DOC in the community would no longer occur, reducing the Average Daily Population (ADP) of jail, prison, JR, and Community Corrections.

The CFC has the information necessary to estimate the reductions to prison and jail ADP resulting from changing the age at which a youth is considered incapable of committing a crime for the juveniles sentenced as adults to confinement (5 individuals). Of the 5 individuals, 1 received a sentence under the Special Sex Offender Sentencing Alternative, 2 received a jail sentence, and 2 received a prison sentence. All were convicted of sex offenses. The pre-sentence time spent in county jail, the estimated length of stay at a DOC and/or JR facility, and the community corrections term imposed by the court are included in the ADP estimates.

Average Monthly Population Jail and Prison Impacts

SSB 5434 Juvenile Court Jurisdiction

Caseload Forecast Council

February 8, 2023

	Fiscal Year									
	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33
Jail AMP	0	0	-1	-1	-1	-2	-2	-2	-2	-2
Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Prison AMP (Non-DOSA)	0	0	-1	-2	-2	-3	-3	-3	-4	-4
Prison AMP (Total)	0	0	-1	-2	-2	-3	-3	-3	-4	-4

Impact on supervision caseload.

In addition to the bed impacts, the bill will result in reductions to DOC’s Community Corrections population. The CFC does not have the information necessary to provide determinate estimates of the ADP changes to community corrections under the provisions of the bill. In 2020, RCW 9.94A.717 passed, allowing for supervision compliance credits. As eligible individuals may reduce a portion of the supervision term based on programming, the CFC is unable to calculate an estimated length of stay for community custody. The CFC is providing an indeterminate ADP as an estimate of the impacts assuming no supervision compliance credits (SCC) were allowed. This may overestimate the savings as individuals sentenced not sentenced to a SSOSA or indeterminate plus sex offense sentence (RCW 9.94A.507) are allowed to earn SCC. Approximately 50% of the individuals impacted would be allowed to earn SCC.

For the indeterminate impacts, the bill will result in a maximum supervision impact of -14 in average daily population.

Average Monthly Population Supervision Impacts

SSB 5434 Juvenile Court Jurisdiction

Caseload Forecast Council

February 9, 2023

	Fiscal Year									
	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32
Supervision AMP	0	0	-1	-2	-3	-4	-5	-6	-7	-8

Indeterminate impacts

Impact on local Juvenile Detention and Juvenile Rehabilitation beds.

Youth under the age of 13 will no longer be adjudicated through the juvenile courts under the provisions of the bill and will no longer serve confinement at JR or in local juvenile facilities.

The CFC does not have the information necessary to estimate the reduced need for JR beds resulting from this provision, as the juvenile court imposes a range of confinement, and the release date within the range is determined by JR.

In Fiscal Year 2022, there were 154 adjudications for youth who were under the age of 13 (110 total dispositions) at the time of the offense, with the following placements:

- 88 adjudications with no confinement, or to work crew or private residence;
- 59 adjudications with juvenile county detention at an average confinement time of 12.5 days; and
- 7 adjudications with confinement at a JR facility (no adjudications for Murder in the First Degree).

Individual State Agency Fiscal Note

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction	Agency: 227-Criminal Justice Training Commission
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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: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 02/08/2023
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 02/08/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/09/2023

Part II: Narrative Explanation

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

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

Section 2 identifies the Washington Association of Sheriffs and Police Chiefs as being a member of the raise the age juvenile justice task force.

This bill has no fiscal impact on the Washington Association of Sheriffs and Police Chiefs.

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.

This bill has no cash receipt impact.

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.

This bill has no expenditure impact.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction	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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	0.3	0.0
Account					
General Fund-State 001-1	133,000	126,000	259,000	63,000	0
Total \$	133,000	126,000	259,000	63,000	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: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 02/13/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/13/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

Part II: Narrative Explanation

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

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

Comparison of 5434 SB to 5434 SSB:

New Section 2(c)(i) clarifies language to requiring the Department of Children, Youth, and Families (DCYF) /Juvenile Rehabilitation (JR) to have a task force representative.

New Section 2(4) lowers the age of juvenile court jurisdiction expansion from age 18, 19 and 20 to ages 18 and 19 and removes the requirement that the task force provide recommendations as to an implementation plan by July 1, 2027.

New Section 2(5) changes the due date of the final task force implementation recommendation report from December 1, 2024 to December 1, 2025.

Section 4 changes the target offenders age for youth court programs from age 14 through 17, to age 13 through 17.

5434 SSB

New Section 2 establishes a "raise the age" juvenile justice task force.

New Section 2 (c)(i) requires that a task force member be from DCYF/JR.

New Section 2 (3) requires that the Office of Juvenile Justice provide staff support for the new task force.

New Section 2(4) lowers the age of juvenile court jurisdiction expansion from age 18, 19 and 20 to ages 18 and 19.

New Section 2(5) requires that the due date of the final task force implementation recommendation report shall be due on or before December 1, 2025.

Section 3 amends RCW 9A.04.050 by raising the age that children are considered incapable of committing crime from under age 8 to under age 13.

Section 4(1)(b) amends RCW 13.40.590 by revising the target off enders age for youth court programs from age 8 through 17, to age 13 through 17.

Section 5 amends RCW 13.40.600 by revising the age of authority of youth courts from age 8 through 17, to age 13 through 17.

New Section 6 adds a null and voice clause if specific funding for this purpose is not provided by June 20, 2023.

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.

Total costs are Indeterminate, however, new section 2 has estimated costs.

New Section 2 (c)(i)

Additional staff time will be absorbed within existing resources.

New Section 2 (3)

Totals costs are \$133,000 and 1 FTE for FY2024 \$126,000 and 1 FTE for FY2025, and \$63,000 and .5 FTE for FY2026. This includes all costs in the model that include the standard FTE costs.

The task force initial meeting shall convene no later than September 1, 2023 and must hold one meeting per month. The final report is due on or before December 1, 2025.

The following sections are indeterminate:

Sections 3, 4 and 5 that change the age that children are considered capable of committing crimes from age 8 through age 12 could potentially change the need for (JR) beds. Children under the age of 14 will no longer be adjudicated through the juvenile courts and will no longer serve confinement at JR. The Caseload Forecast Council does not have information to estimate the reduced need for JR beds as the juvenile court imposes a range of confinement and the release date is determined by JR.

There could potentially be a decreased need for JR beds for individuals sentenced in adult court for an offense committed before the age of 18 as required by current statutes.

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

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	133,000	126,000	259,000	63,000	0
Total \$			133,000	126,000	259,000	63,000	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	1.0	1.0	1.0	0.3	
A-Salaries and Wages	92,000	92,000	184,000	46,000	
B-Employee Benefits	30,000	30,000	60,000	15,000	
C-Professional Service Contracts					
E-Goods and Other Services	2,000	2,000	4,000	1,000	
G-Travel	2,000	2,000	4,000	1,000	
J-Capital Outlays	7,000		7,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	133,000	126,000	259,000	63,000	0

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
WMS Band 1	92,500	1.0	1.0	1.0	0.3	
Total FTEs		1.0	1.0	1.0	0.3	0.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Program Support (090)	133,000	126,000	259,000	63,000	
Total \$	133,000	126,000	259,000	63,000	

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

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: 5434 S SB	Title: Juvenile court jurisdiction	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	0	0	0	21,000	37,000
Total \$	0	0	0	21,000	37,000

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: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Jaymie Hall	Phone: (360) 725-8428	Date: 02/13/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/13/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

Part II: Narrative Explanation

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

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

An act relating to the jurisdiction of juvenile court; amending RCW 9A.04.050, 13.40.590, and 13.40.600; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

SSB 5434 amends the following sections:

Section 1 updates the juvenile jurisdiction expansion from including individuals 18, 19, and 20 to only including individuals aged 18 and 19.

Section 2(1)(c) states Department of Corrections (DOC) will be a member of the task force which will meet once a month and will report on the status of the plan by December 1st, 2025.

Section 3 lowers the minimum age of juvenile court jurisdiction to 13 years old, and lowers the maximum age of incapacity of committing a crime to 12 years old. In addition, the presumption of incapacity for children charged with murder in the first or second degree to children is updated to include ages 8 through 12 rather than those 8 through 13.

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).

This bill establishes a task force in which a DOC representative would need to attend a meeting once a month. This workload can be absorbed into an employee's job duties without the need for additional staffing.

The bill also changes the age at which youth are considered incapable of committing a crime, from the age of under 8 to the age of under 13. For such youth who received an adjudication of local sanctions or confinement at a JR facility, a sentence would no longer occur, or for youth declined to adult court, confinement at a DOC facility, a JR facility until age 25, and supervision by DOC in the community would no longer occur, reducing the Average Daily Population (ADP) of jail, prison, JR, and Community Corrections.

The CFC has the information necessary to estimate the reductions to prison and jail ADP resulting from changing the age at which a youth is considered incapable of committing a crime for the juveniles sentenced as adults to confinement (5 individuals). Of the 5 individuals, 1 received a sentence under the Special Sex Offender Sentencing Alternative, 2 received a jail sentence, and 2 received a prison sentence. All were convicted of sex offenses. The pre-sentence time spent in county jail, the estimated length of stay at a DOC and/or JR facility, and the community corrections term imposed by the court are included in the ADP estimates.

FY2024: 0 ADP X \$6,980 DVC = \$0

FY2025: 0 ADP X \$6,980 DVC = \$0
FY2026: -1 ADP X \$6,980 DVC = -\$7,000
FY2027: -2 ADP X \$6,980 DVC = -\$14,000
FY2028: -2 ADP X \$6,980 DVC = -\$14,000
FY2029: -3 ADP X \$6,980 DVC = -\$21,000

The DOC assumes this bill would likely result in an Average Daily Population (ADP) decrease, although the impact cannot be reliably estimated.

IMPACT ON SUPERVISION CASELOAD

In addition to the bed impacts, the bill will result in reductions to DOC's Community Corrections population. The CFC does not have the information necessary to provide determinate estimates of the ADP changes to community corrections under the provisions of the bill. In 2020, RCW 9.94A.717 passed, allowing for supervision compliance credits. As eligible individuals may reduce a portion of the supervision term based on programming, the CFC is unable to calculate an estimated length of stay for community custody. The CFC is providing an indeterminate ADP as an estimate of the impacts assuming no supervision compliance credits (SCC) were allowed. This may overestimate the savings as individuals sentenced not sentenced to a SSOSA or indeterminate plus sex offense sentence (RCW 9.94A.507) are allowed to earn SCC. Approximately 50% of the individuals impacted would be allowed to earn SCC.

For the indeterminate impacts, the bill will result in a maximum supervision impact of -14 in average daily population.

FY2024: -0 ADP, at a savings of \$0
FY2025: -1 ADP, at a savings of \$0
FY2026: -2 ADP, at a savings of \$0
FY2027: -3 ADP, at a savings of \$0
FY2028: -4 ADP, at a savings of \$1,000
FY2029: -5 ADP, at a savings of \$1,000

AGENCYWIDE TOTAL IMPACT

Total estimated fiscal impact of this proposed legislation prison and community impacts combined follows:

FY2024: -0 ADP, \$0
FY2025: -1 ADP, \$0
FY2026: -3 ADP, \$7,000
FY2027: -5 ADP, \$14,000
FY2028: -6 ADP, \$15,000
FY2029: -8 ADP, \$22,000

The DOC does not have the capability to predict how often or in what circumstances the courts would exercise their sentencing authority, therefore, the fiscal impact is indeterminate, assumed to be a savings of less than \$50,000 per FY.

ASSUMPTIONS

- 1) The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
- 2) For illustration purposes only, the average annual, Community Supervision caseload model is \$5,318 per ADP (not including startup costs), regardless of supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records and Training that are directly affected by supervision population changes. The estimate will vary based on risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent; 27.3% high non-violent; 21% moderate;

7.9% low; and 1.0% unclassified. (June – November 2017)

3) The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2022 average percentage of supervised individuals that served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$112.07 per day, inclusive of all risk levels and healthcare costs. The rate is average and actual rates vary by local correctional facilities.

4) 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.

5) 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	0	0	0	21,000	37,000
Total \$			0	0	0	21,000	37,000

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					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services				15,000	26,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services				6,000	11,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	0	0	21,000	37,000

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
Correctional Operation (200)				11,000	18,000
Community Supervision (300)					2,000
Healthcare Services (500)				10,000	17,000
Total \$				21,000	37,000

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

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction	Agency: 350-Superintendent of Public Instruction
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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
FTE Staff Years	0.1	0.1	0.1	0.0	0.0
Account					
General Fund-State 001-1	15,000	14,000	29,000	8,000	0
Total \$	15,000	14,000	29,000	8,000	0

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: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Tisha Kuhn	Phone: 360 725-6424	Date: 02/14/2023
Agency Approval: TJ Kelly	Phone: 360 725-6301	Date: 02/14/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/15/2023

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.

Changes compared to SB 5434

Section 1:

Findings and intent.

Amends jurisdiction of juvenile court to include youth ages 13 through 19, with some exceptions.

Section 2(1): Revises the representatives of the task force.

Section 2(4): Revises the age of those the task for should consider and provide recommendations regarding implementation of juvenile court jurisdiction expansion to 18 and 19.

Section 2(5):

- Removes previous Section 2(5).
- New Section 2(5) changes the date the task force must report to the governor and appropriate committees of the legislature to December 1, 2025.

Section 2(5)(d): Revises the report requirements to include estimated new costs incurred to provide juvenile justice services to persons 18 and 19 years old.

Section 2(9): Informs that this section expires on January 1, 2026.

Section 3:

- Revises age that children are unable to commit a crime to under the age of 13
- Revises the ages of children who are charged with murder in the first or second degree are presumed incapable of committing crime to 8 through 12.

Section 4(1)(b): Revises the age of target offenders to 13-17.

Section 5(1): Revises the age that youth courts have authority over to 13-17.

Summary of SSB 5434:

Section 1 (New):

Findings and intent section. The legislature resolves to amend jurisdiction of juvenile court to include youth ages 13 through 19, with certain exceptions. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful expansion of juvenile court jurisdiction.

Section 2 (New):

Section 2(1): Establishes the Raise the Age Juvenile Justice Task Force, and names the Office of the Superintendent of Public Instruction (OSPI), and the Washington State School Directors' Association (WSSDA) as members of the task force.

Section 2(2): Requires the task force to convene the initial meeting no later than September 1, 2023.

Section 2(3): Requires the staff support for the task force to be provided by the Office of Juvenile Justice.

Section 2(4): Requires the task force to consider and provide recommendations regarding implementation juvenile court jurisdiction expansion to include persons 18 and 19 years old.

September 2(5): On or before December 1, 2025, requires the task force to report to the governor and appropriate committees of the legislature on the status and for the expansion and specific milestones related to operations and policy.

Section 2(6)(a): Requires legislative members of the task force to be reimbursed for travel expenses in accordance with RCW 44.04.120. Details when non legislative members are not entitled to be reimbursed for travel expenses.

Section 2(6)(b): Allows for non legislative members of the task force who demonstrate financial hardship to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day of non legislative task force member attends a task force meeting to provide consultative assistance.

Section 2(7): Requires the expenses of the task force to be paid jointly by the senate and the house of representatives.

Section 2(8): Requires the task force to meet at least once per month.

Section 2(9): The expiration date for this section January 1, 2026.

Section 3 (Amended):

Increases the age range that children are presumed incapable of committing a crime to age 13 and younger. Also, establishes that children aged 8 through 12 charged with murder in the first or second degree are presumed incapable of committing crime, but that presumption may be rebutted by clear and convincing evidence that the child has sufficient capacity to understand the act or neglect, and to know that it was wrong.

Section 4 (Amended):

Changes the youth court programs target offenders ages from 8 through 17 to 13 through 17.

Section 5 (Amended):

Changes youth court authority over juveniles ages 8 through 17 to 13 through 17.

Section 6 (New):

If specific funding for the purposes of this act, referencing this act by bill or chapter number is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

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.

No cash receipts impact anticipated.

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.

OSPI Expenditure Impact

OSPI estimates it would require a 0.05 FTE Program Supervisor's time representing OSPI as a member of the Raise the Age Juvenile Justice Task Force in FY24 – FY26. This assumes that the task force would hold monthly meetings from September 2023 through November 2025. OSPI estimates the cost associated with this work would be \$10,000 in FY24, \$9,000 in FY25, \$5,500 in FY26.

WSSDA Expenditure Impact

WSSDA estimates it would require a 0.05 FTE Director's time representing WSSDA as a member of the Raise the Age

Juvenile Justice Task Force in FY24 – FY26. This assumes that the task force would hold monthly meetings from September 2023 through November 2025. OSPI estimates the cost associated with this work would be \$5,000 in FY24, \$5,000 in FY25, and \$2,500 in FY26.

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	15,000	14,000	29,000	8,000	0
Total \$			15,000	14,000	29,000	8,000	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.1	0.1	0.1	0.0	
A-Salaries and Wages	5,000	5,000	10,000	3,000	
B-Employee Benefits	3,000	3,000	6,000	2,000	
C-Professional Service Contracts					
E-Goods and Other Services	6,000	6,000	12,000	3,000	
G-Travel					
J-Capital Outlays	1,000		1,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	15,000	14,000	29,000	8,000	0

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
Program Supervisor	90,544	0.1	0.1	0.1	0.0	
Total FTEs		0.1	0.1	0.1	0.0	0.0

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

No capital budget impact is anticipated.

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: 5434 S SB

Title: Juvenile court jurisdiction

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

Legislation Impacts:

- Cities: Indeterminate cost reductions in law enforcement, prosecution, and defense costs due to youth under the age of 13 no longer being adjudicated through the juveniles courts system per this legislation
- Counties: Same as above, also indeterminate cost reductions due to lower juvenile detention facility bed demands
- 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: Exact cost savings due to reductions in law enforcement, prosecution, and defense costs as well as a reduction in juvenile detention facility bed demands

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/15/2023
Leg. Committee Contact: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
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 THIS VERSION AND PREVIOUS BILL VERSION:

Compared to the original bill, the substitute bill lowers the:

- minimum age of juvenile court jurisdiction to 13 years old;
- maximum age of incapacity of committing a crime to 12 years old; and
- presumption of incapacity for children charged with murder in the first or second degree to children ages eight through 12, rather than those eight through 13.

Additionally, the substitute bill changes the juvenile jurisdiction expansion from including individuals 18, 19, and 20 to only including individuals aged 18 and 19. The changes do not affect the indeterminate savings discussed below.

SUMMARY OF CURRENT BILL:

Section 3 raises the age that children are considered incapable of committing crimes from under age eight to 12, except for children charged with Murder in the First or Second Degree that are ages eight through 12. The presumption that children age eight through 12 who are charged with Murder in the First or Second Degree are incapable of committing crime may now be rebutted by clear and convincing evidence that they have sufficient capacity to understand the act or neglect, and to know that it was wrong.

Section 4 amends RCW 13.40.590 to revise youth court programs by raising the target offender age for youth court programs from age eight through 17 to 13 through 17.

Section 5 amends RCW 13.40.600 to revise youth court jurisdiction by raising the age of authority of Youth Courts from eight through 17 to 13 through 17.

Section 6 adds a new section to dictate that if specific funding for the purposes of this act, referencing it by bill or chapter number, is not provided by June 30, 2023 in the omnibus appropriations act, this legislation is null and void.

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.

EXPENDITURE IMPACTS OF CURRENT BILL:

This legislation would result in an indeterminate reduction in local government expenditures.

LAW ENFORCEMENT, PROSECUTION, AND DEFENSE COSTS

Youth under the age of 13 will no longer be adjudicated through the juvenile courts under the provisions of the bill. Therefore, cities and counties will incur fewer expenses for law enforcement, prosecution, and defense of juvenile individuals who will no longer be subject to said legal proceedings. The total amount saved is based on variables such as the number of crimes committed and classification of crimes committed. Therefore, the exact reduction in law enforcement, prosecution, and defense costs for local governments due to this legislation cannot be determined at this time.

JUVENILE DETENTION BED IMPACTS

Youth under the age of 13 will no longer be adjudicated through the juvenile courts under the provisions of the bill and will no longer serve confinement at state Juvenile Rehabilitation (JR) or in local juvenile facilities. The information necessary to estimate the reduced need for JR or local juvenile facility beds resulting from this legislation is not available at this time.

For illustrative purposes, 2019 data is offered below. Please note this data is pre-COVID. The Caseload Forecast Council would expect the number of adjudications based on fiscal year 2022 data to be lower. However, 2022 youth adjudications

data is not available, so exact cost savings are indeterminate.

In Fiscal Year 2019, there were 244 adjudications of youth under the age of 13 with the following placements:

- 122 adjudications with no confinement, or to work crew or private residence;
- 105 adjudications with juvenile county detention at an average confinement time of 10.3 days; and
- 17 adjudications with confinement at a JR facility.

The 105 adjudications to juvenile county detention with an average confinement time of 10.3 days could be recognized as additional cost savings to counties due to their elimination under this legislation. Per the Department of Children, Youth and Families' (DCYF's) Juvenile Rehabilitation, the fiscal year 2022 average cost per day for youth at JR institutions is \$676.44 and at the Community Facilities is \$473.27. However, it is unknown what proportion of this rate is due to state Department of Social and Health Services confinement and thus not under the purview of local governments. While there are savings to local governments due to this lower confinement, with the data on hand exact calculations cannot be made at this time.

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.

REVENUE IMPACTS OF CURRENT BILL:

The legislation would not impact local government revenue.

SOURCES:

Juvenile Rehabilitation at the Department of Children, Youth and Families
Local Government Fiscal Note ESSB 5122 (2021)
Washington Association of Prosecuting Attorneys
Washington Caseload Forecast Council

Individual State Agency Fiscal Note

Bill Number: 5434 S SB	Title: Juvenile court jurisdiction	Agency: SDF-School District Fiscal Note - SPI
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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: Sarian Scott	Phone: 360-786-7729	Date: 02/08/2023
Agency Preparation: Tisha Kuhn	Phone: 360 725-6424	Date: 02/14/2023
Agency Approval: TJ Kelly	Phone: (360) 725-6301	Date: 02/14/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/15/2023

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.

Changes compared to SB 5434

Section 1:

Findings and intent.

Amends jurisdiction of juvenile court to include youth ages 13 through 19, with some exceptions.

Section 2(1): Revises the representatives of the task force.

Section 2(4): Revises the age of those the task for should consider and provide recommendations regarding implementation of juvenile court jurisdiction expansion to 18 and 19.

Section 2(5):

- Removes previous Section 2(5).
- New Section 2(5) changes the date the task force must report to the governor and appropriate committees of the legislature to December 1, 2025.

Section 2(5)(d): Revises the report requirements to include estimated new costs incurred to provide juvenile justice services to persons 18 and 19 years old.

Section 2(9): Informs that this section expires on January 1, 2026.

Section 3:

- Revises age that children are unable to commit a crime to under the age of 13
- Revises the ages of children who are charged with murder in the first or second degree are presumed incapable of committing crime to 8 through 12.

Section 4(1)(b): Revises the age of target offenders to 13-17.

Section 5(1): Revises the age that youth courts have authority over to 13-17.

Summary of SSB 5434:

Section 1 (New):

Findings and intent section. The legislature resolves to amend jurisdiction of juvenile court to include youth ages 13 through 19, with certain exceptions. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful expansion of juvenile court jurisdiction.

Section 2 (New):

Section 2(1): Establishes the Raise the Age Juvenile Justice Task Force, and names the Office of the Superintendent of Public Instruction (OSPI), and the Washington State School Directors' Association (WSSDA) as members of the task force.

Section 2(2): Requires the task force to convene the initial meeting no later than September 1, 2023.

Section 2(3): Requires the staff support for the task force to be provided by the Office of Juvenile Justice.

Section 2(4): Requires the task force to consider and provide recommendations regarding implementation juvenile court jurisdiction expansion to include persons 18 and 19 years old.

September 2(5): On or before December 1, 2025, requires the task force to report to the governor and appropriate committees of the legislature on the status and for the expansion and specific milestones related to operations and policy.

Section 2(6)(a): Requires legislative members of the task force to be reimbursed for travel expenses in accordance with RCW 44.04.120. Details when non legislative members are not entitled to be reimbursed for travel expenses.

Section 2(6)(b): Allows for non legislative members of the task force who demonstrate financial hardship to be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day of non legislative task force member attends a task force meeting to provide consultative assistance.

Section 2(7): Requires the expenses of the task force to be paid jointly by the senate and the house of representatives.

Section 2(8): Requires the task force to meet at least once per month.

Section 2(9): The expiration date for this section January 1, 2026.

Section 3 (Amended):

Increases the age range that children are presumed incapable of committing a crime to age 13 and younger. Also, establishes that children aged 8 through 12 charged with murder in the first or second degree are presumed incapable of committing crime, but that presumption may be rebutted by clear and convincing evidence that the child has sufficient capacity to understand the act or neglect, and to know that it was wrong.

Section 4 (Amended):

Changes the youth court programs target offenders ages from 8 through 17 to 13 through 17.

Section 5 (Amended):

Changes youth court authority over juveniles ages 8 through 17 to 13 through 17.

Section 6 (New):

If specific funding for the purposes of this act, referencing this act by bill or chapter number is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

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.

No cash receipts impact anticipated.

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.

This bill has no expenditure impact on school districts.

Section 2 establishes the Juvenile Justice Task Force and identifies the members who must be represented. Washington State School Directors' Association has been identified as a member representing a school district that provides education services to a juvenile rehabilitation residential facility.

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

No capital budget impact is anticipated.

Part V: New Rule Making Required

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