

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings
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## Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Fish and Wildlife	40,000	40,000	0	40,000	40,000	0	40,000	40,000	0
<b>Total \$</b>	<b>40,000</b>	<b>40,000</b>	<b>0</b>	<b>40,000</b>	<b>40,000</b>	<b>0</b>	<b>40,000</b>	<b>40,000</b>	<b>0</b>

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						
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 State Treasurer	1.8	0	0	486,000	1.0	0	0	214,000	1.0	0	0	214,000
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	Fiscal note not available											
Department of Revenue	Fiscal note not available											
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.5	148,000	148,000	154,000	.5	142,000	142,000	146,000	.5	142,000	142,000	146,000
Department of Social and Health Services	Fiscal note not available											
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
University of Washington	Fiscal note not available											
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	Fiscal note not available											
Central Washington University	Fiscal note not available											
The Evergreen State College	.0	0	0	0	.0	0	0	0	.0	0	0	0
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	30,000	30,000	30,000	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>2.3</b>	<b>178,000</b>	<b>178,000</b>	<b>670,000</b>	<b>1.5</b>	<b>142,000</b>	<b>142,000</b>	<b>360,000</b>	<b>1.5</b>	<b>142,000</b>	<b>142,000</b>	<b>360,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			200,460			267,280			267,280
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			200,460			267,280			267,280

## 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 State Treasurer	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	Fiscal note not available								
Department of Revenue	Fiscal note not available								
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	Fiscal note not available								
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
University of Washington	Fiscal note not available								
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	Fiscal note not available								
Central Washington University	Fiscal note not available								
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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

## Estimated Capital Budget Breakout

Several agency fiscal notes are missing from this preliminary package.

**Prepared by:** Amy Hatfield, OFM

**Phone:**  
(360) 280-7584

**Date Published:**  
Preliminary 2/17/2023

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/14/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/14/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/15/2023

183,525.00

Request # 188-1

## Part II: Narrative Explanation

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

The substitute would have the same impacts as the original bill.

This bill would amend multiple statutory provisions and creates a new chapter in Title 7 RCW establishing procedures, requirements and limitations on the seizure and civil forfeiture of certain assets under specified circumstances.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

Minimal impact. The Administrative Office of the Courts would not need to change case management systems or court forms. There could be some impact to update court education about the new process and updates to bench books. There could be some impact to the courts from increased filings and from the requirement for the court to forward a copy of the order of forfeiture to the assessor.

## 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

183,525.00

Form FN (Rev 1/00)

None

183,525.00

Form FN (Rev 1/00)

3

Request # 188-1

Bill # 1385 S HB

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 090-Office of State Treasurer
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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	2.5	1.0	1.8	1.0	1.0
<b>Account</b>					
State Treasurer's Service Account-State 404-1	379,000	107,000	486,000	214,000	214,000
<b>Total \$</b>	379,000	107,000	486,000	214,000	214,000

### 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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 02/15/2023
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 02/15/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	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.

SHB 1385 directs the state treasurer to establish and maintain a searchable public website pertaining to seized and forfeited property.

Annually, the state treasurer shall submit to the speaker of the house of representatives, president of the senate, attorney general, and governor a written report summarizing forfeiture activity for the preceding fiscal year.

### 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.

One-Time Expenditures: The work to establish a searchable public website will require three FTE's (IT App Development - Journey level) for a six-month period, including but not limited to, office space, equipment, furniture, supplies, etc.

On-Going Expenditures: The work to maintain a searchable public website will require one FTE; 0.5 FTE at an IT App Development - Journey level and 0.5 FTE at a FA 2 level, including but not limited to, office space, equipment, furniture, supplies, etc.

The required work necessitates additional resources. The money to fund the additional staff and expenditures will require an increase to the state treasurer's service fund appropriation.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
404-1	State Treasurer's Service Account	State	379,000	107,000	486,000	214,000	214,000
<b>Total \$</b>			379,000	107,000	486,000	214,000	214,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.5	1.0	1.8	1.0	1.0
A-Salaries and Wages	223,000	77,000	300,000	154,000	154,000
B-Employee Benefits	56,000	20,000	76,000	40,000	40,000
C-Professional Service Contracts					
E-Goods and Other Services	100,000	10,000	110,000	20,000	20,000
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-					
<b>Total \$</b>	379,000	107,000	486,000	214,000	214,000

**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
Fiscal Analyst 2	57,000	0.5	0.5	0.5	0.5	0.5
IT App Development - Journey	97,000	2.0	0.5	1.3	0.5	0.5
<b>Total FTEs</b>		2.5	1.0	1.8	1.0	1.0

**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

**Part V: New Rule Making Required**

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

Under section 7, the state treasurer may adopt rules necessary to implement the bill.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 116-State Lottery
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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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 02/16/2023
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 02/16/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	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.*

S HB 1385 creates comprehensive reforms to the civil forfeiture of property statutes.

- Section 1 states the purpose of the bill.
- Section 2 sets forth the process for commencing and achieving a civil forfeiture of seized property.
- Section 3 discusses procedures for forfeiture of real property.
- Section 4 sets forth the permissible distribution of forfeited property.
- Sections 5 lists the records that must be kept regarding forfeited property and requires a seizing agency to report annually to the State Treasurer. Failure to submit a timely report subjects an agency to a fine of the greater of \$500 or one quarter of forfeiture proceeds received during the reporting period. The State Treasurer must then make an aggregate report to House, Senate, Attorney General, and Governor.
- Section 6 requires each seizing agency to submit 10 percent of the net proceeds of any property forfeiture to the State Treasurer.
- Section 7 allows the State treasurer to adopt relevant rules.
- Section 8 amends existing RCW 9.68A.120 to clarify that the procedures for forfeiture of property related to sexually explicit materials involving children are placed in the newly created chapter.
- Section 9 amends existing RCW 9A.88.150 to clarify that the procedures for forfeiture of property related to other sexually explicit materials are placed in the newly created chapter.
- Section 10 amends existing RCW 9A.83.030 to clarify that the procedures for forfeiture of property related to money laundering are placed in the newly created chapter.
- Section 11 amends existing RCW 10.105.010 to clarify that the procedures for forfeiture of property involved in a felony are placed in the newly created chapter.
- Section 12 amends existing RCW 19.290.230 to clarify that the procedures for forfeiture of property related to theft of metal property are placed in the newly created chapter.
- Section 13 amends existing RCW 46.61.5058 to clarify that the procedures for forfeiture of property related to driving offenses are placed in the newly created chapter.
- Section 14 amends existing RCW 70.74.400 to clarify that the procedures for forfeiture of property related to explosives are placed in the newly created chapter.
- Section 15 amends existing RCW 77.15.070 to clarify that the procedures for forfeiture of property seized by the Department of Fish and Wildlife are placed in the newly created chapter.
- Section 16 amends existing RCW 69.50.505 to clarify that the reporting requirements in Section 5 apply to forfeiture of property related to controlled substances.
- Section 17 amends existing RCW 38.42.020 to clarify that civil forfeitures of property are subject to the Service Members' Civil Relief Act.
- Section 18 declares Sections 1-7 to constitute a new chapter in Title 7 RCW.
- Section 19 declares that the new chapter applies to seizures occurring on or after the effective date of the bill.
- Section 20 sets an effective date of January 1, 2024, except for section 7.

There is no fiscal impact to the Lottery. Pursuant to RCW 67.70.330, Washington's Lottery is a limited authority law enforcement agency. However, Lottery employees do not engage in the civil forfeiture of property used in lottery-related crimes. Civil forfeiture of property, if any, would be conducted by the relevant general authority law enforcement agency.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

## **Part III: Expenditure Detail**

### **III. A - Operating Budget Expenditures**

NONE

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

NONE

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

NONE

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

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

### **IV. B - Expenditures by Object Or Purpose**

NONE

### **IV. C - Capital Budget Breakout**

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

NONE

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

NONE

## **Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 160-Office of Insurance Commissioner
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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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Michael Walker	Phone: 360-725-7036	Date: 02/16/2023
Agency Approval: Michael Wood	Phone: 360-725-7007	Date: 02/16/2023
OFM Review: Jason Brown	Phone: (360) 742-7277	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.*

This bill revises the procedures and reporting requirements for state agencies engaged in civil asset seizures and forfeitures. The Office of Insurance Commissioner (OIC) does not engage in civil asset seizures and forfeitures of any properties. Therefore, this bill has no fiscal impact on the OIC.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 195-Liquor and Cannabis Board
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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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 02/14/2023
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 02/14/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	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.*

This bill provides standard procedures governing civil asset forfeiture and is applicable to laws of this state that authorize civil forfeiture of property and that indicate the provisions of this bill apply.

#### CHANGES TO THIS BILL BY THE SUBSTITUTE:

Section 5(3): Excludes child support agencies from the definition of Seizing Agency.

Section 16 (10): Provides that a port district operating an airport in a county with a population of more than one million may use net proceeds from forfeitures under the Uniform Controlled Substances Act for purposes related to controlled substances law enforcement, substance abuse education, human trafficking interdiction, and responsible gun ownership.

### 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.*

No fiscal impact to the agency.

-The bill does not cover contraband items. The agency's majority of seizures are for contraband items and not civil forfeiture.

-The bill changes language that civil hearings for claim of ownership have to be heard by an outside agency. The agency's current process already forwards these cases to the Attorney General's Office (AGO).

-The rare cases that do involve civil forfeiture are normally conducted with federal agencies and these would not apply to this bill.

-The agency already has a tracking method for seizures so no new software or changes are needed.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## **Part IV: Capital Budget Impact**

### **IV. A - Capital Budget Expenditures**

NONE

### **IV. B - Expenditures by Object Or Purpose**

NONE

### **IV. C - Capital Budget Breakout**

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

NONE

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

NONE

## **Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
<b>Account</b>					
General Fund-State 001-1	77,000	71,000	148,000	142,000	142,000
State Patrol Highway Account-State 081-1	4,000	2,000	6,000	4,000	4,000
<b>Total \$</b>	81,000	73,000	154,000	146,000	146,000

### 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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 02/16/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/16/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	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.*

The substitute version adds to the definition of "seizing agency" and expands the criteria of what forfeited property net proceeds not to be remitted to the state can be used for. These changes do not change our assumptions stated in the prior version.

The proposed legislation creates a fiscal impact to the Washington State Patrol (WSP) due to increase in workload to meet additional reporting and records requirements.

New Sections 1-7 create a new chapter in Title 7 RCW; consolidating multiple statutes relating to seizures into one RCW.

New Section 5(3)(a) requires additional information from seizing agencies about property seized and forfeited under state law.

New Section 5(3)(c) requires, by March 1st of every year, the seizing agency to file with the Washington State Treasurer a report that summarizes the agency's expenditures from the sum of the net proceeds of all seized and forfeited property during the previous calendar year.

New Section 6(1)(a)(i) requires, by January 31st of each year, each seizing agency to deposit 10% net proceeds of any property forfeited during the preceding calendar year into the general fund.

New Section 6(1)(a)(ii) requires, by January 31st of each year, each seizing agency to deposit 10% net proceeds from any property seizure under RCW 10.105.010 and 46.61.5058 during the preceding calendar year into the behavioral health loan repayment program account through June 30, 2027, and into the general fund thereafter.

New Section 2(2) and Section 2(3), and amended Section 16(4) changes the response timeframe of a person's claim of ownership or right to possession of items to the seizing agency's notice of intent to forfeit property from 45 to 60 days in the case of personal property and 90 to 120 days in the case of real property.

### 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.*

We do not directly receive cash receipts, but we do contribute to the state and federal seizure accounts once investigations with seized items are settled. We receive a biennial appropriation for these accounts as long as a fund balance can support those appropriations.

There is an unknown impact to the seizure accounts due to the net proceed distributions outlined in New Section 6(1)(a)(i-ii).

We are unable to determine if the extended response timeframe of a person's claim to property will impact the seizure account fund balances.

### 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.*

At this time, we use the seizure accounts to purchase large, one-time equipment for the Crime Laboratory Division and the

Investigative Assistance Division. If these fund balances decrease or become depleted, we will need to request funding for equipment through the legislative process. This would be an estimated \$550,000 per biennium.

We track data related to patrol activity in the Crime Investigation and Tracking of Evidence System (CITE). The additional data this proposed legislation is requiring us to track will result in additional programming in CITE. We anticipate reprogramming changes will take 40 hours in FY2024 by an IT-System Administration, Journey Level.

Currently, the seizure program is overseen by our Asset Seizure Program Manager with minimal support. The additional efforts for data gathering and record tracking cannot be absorbed by this position. A 0.5 Data Consultant 3 will be required to support this additional workload.

Currently, we are required to submit quarterly reports regarding federal seizure account activity. This proposed legislation will increase reporting requirements to include the state seizure account activity. We anticipate the additional reporting requirements will require an additional 20 hours of work by the Accounting Manager per fiscal year.

The funding allocation for this estimate is based on the results of the Joint Legislative Audit and Review Committee cost allocation model approved by both the Transportation and the Omnibus Budget Committees in the 2022 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of Washington State Patrol (WSP) organizations funded by two or more sources to ensure a consistent and fair use of state resources.

We base estimated salary expenditures on current levels for the positions requested per published salary schedules, plus any applicable incentive or assignment pay. We compute estimated benefits expenditures based on federal or state mandated rates plus state provided amounts for health insurance and workers' compensation insurance. We assume that any increases in these rates or amounts will be covered by legislation establishing the increase.

We compute estimated support expenditures such as supplies & materials, communications, computer costs (hardware and software), vehicle and vehicle operating costs, among others, using average costs to support agency FTEs. We adjust the estimated support costs to reflect the needs of individual divisions or positions within the agency.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 31.88 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

### 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	77,000	71,000	148,000	142,000	142,000
081-1	State Patrol Highway Account	State	4,000	2,000	6,000	4,000	4,000
<b>Total \$</b>			<b>81,000</b>	<b>73,000</b>	<b>154,000</b>	<b>146,000</b>	<b>146,000</b>

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	0.5	0.5	0.5	0.5
A-Salaries and Wages	39,000	37,000	76,000	74,000	74,000
B-Employee Benefits	14,000	14,000	28,000	28,000	28,000
C-Professional Service Contracts					
E-Goods and Other Services	3,000	3,000	6,000	6,000	6,000
G-Travel	1,000	1,000	2,000	2,000	2,000
J-Capital Outlays	6,000	1,000	7,000	2,000	2,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Indirect Costs	18,000	17,000	35,000	34,000	34,000
<b>Total \$</b>	<b>81,000</b>	<b>73,000</b>	<b>154,000</b>	<b>146,000</b>	<b>146,000</b>

**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
Accounting Manager	109,284	0.0	0.0	0.0	0.0	0.0
Data Consultant 3	71,520	0.5	0.5	0.5	0.5	0.5
IT System Administration - Journey	105,060	0.0		0.0		
<b>Total FTEs</b>		<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Jennifer Mackenzie	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: 02/15/2023



## 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.*

1385 HB updates standard procedures for forfeiture of real and personal property and requires agencies to record dates, addresses, and property seized. It relates to city and state police agencies and multi-jurisdictional task forces that have a seizure process.

Section 20 states that, except for section 7, this act takes effect January 1, 2024.

### II. B - Cash receipts Impact

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

None.

### II. C - Expenditures

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

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

The DOC Community Corrections Division's (CCD) Community Response Unit (CRU) work on these state agency task forces, however DOC does not work with forfeitures, so this is assumed to have no DOC policy, operational, or fiscal 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

None.

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 365-Washington State University
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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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Emily Green	Phone: 5093359681	Date: 02/15/2023
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 02/15/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	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.*

S HB 1385 – Civil Forfeiture Proceedings relates to the seizure and forfeiture procedures and reporting.

Section 2 of this bill outlines rules pertaining to the seizure of property and forfeiture of property.

Section 2 (3) states that if a person notifies a seizing agency in writing of a right to seized property, they must be afforded a reasonable opportunity to be heard to this claim or right.

Section 2 (4) stipulates that a hearing must be before the chief law enforcement officer of the seizing agency or the chief's designee.

Section 5 (1) adds clarifying language that “seizing agency” does not include a state child support agency under Title IV-d of the Social Security act.

This bill would not fiscally impact Washington State University.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 376-The Evergreen State College
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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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 02/14/2023
Agency Approval: Dane Apalategui	Phone: 360-867-6517	Date: 02/14/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	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.*

SHB 1385 relates to seizure and forfeiture proceedings and reporting.

Section 5 (3) is revised so that a state child support agency is not included under Title IV-D of the Social security Act.

Section 16 (10) is revised to include that if the seizing agency is a port district operating an airport in a county with a population of more than 1 million, it may use the net proceeds not remitted to the state for purposes related to controlled substance law enforcement, substance abuse education, human trafficking interdiction, and responsible gun ownership.

The revisions in Substitute Bill HB 1385 do not change Evergreen's assessment of no fiscal impact since the college has never been engaged in an asset seizure or forfeiture action and does not expect to be in the future.

\*\*\*\*\*

HB 1385 relates to seizure and forfeiture proceedings and reporting.

Section 2 lays out new procedures for forfeiture proceedings.

Section 4 for actions the seizing agency may take after satisfying any court-ordered restitution.

Section 5 lays out procedures to be followed by the seizing agency.

Section 6 requires each seizing agency to remit to the state treasurer an amount equal to ten percent of the net proceeds of any property forfeited during the preceding calendar year.

Section 8 lists items which are subject to seizure and forfeiture, with exceptions.

Section 9 lists items which, under certain conditions, are subject to seizure and forfeiture and in which no property right exists.

Section 11 lists items which, under certain conditions, are subject to seizure and forfeiture and in which no property right exists. (i.e. Theft, trafficking, or unlawful possession of commercial metal property.)

Section 12 lists items which, under certain conditions, are subject to seizure and forfeiture and in which no property right exists. (i.e. Controlled substances)

The Evergreen State College police department has never been engaged in an asset seizure or forfeiture action and does not expect to be involved in any in the future. This bill has no fiscal impact for Evergreen.

### 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

Revised

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 380-Western Washington University
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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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Timothy Davenport	Phone: 3606503257	Date: 02/15/2023
Agency Approval: Kimberley Ayre	Phone: 3606503377	Date: 02/15/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	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.*

The substitute bill added a new definition (in Section 4) to note that "seizing agency" excludes a state child support agency under Title IV-D of the Social Security Act. The substitute bill also added a provision (in Section 16) for retention and use of net proceeds when the seizing agency is a port district operating an airport. Neither of these new provisions apply to institutions of higher education.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 465-State Parks and Recreation 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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Robert Ingram	Phone: (360) 902-8615	Date: 02/16/2023
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 02/16/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	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.*

This proposed substitute legislation provides standardized procedures governing civil forfeiture of assets.

Since State Parks has not entered, and does not anticipate entering into, any civil forfeiture proceedings, this bill would have no fiscal impact.

### 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.*

Since State Parks has not entered, and does not anticipate entering into, any civil forfeiture proceedings, this bill would have no fiscal 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

None.

## **Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
General Fund-State 001-1	20,000	20,000	40,000	40,000	40,000
Fish & Wildlife Enforcement Reward Account-State 07V-1	(20,000)	(20,000)	(40,000)	(40,000)	(40,000)
<b>Total \$</b>					

### Estimated Operating Expenditures from:

Account	FY 2024	FY 2025	2023-25	2025-27	2027-29
General Fund-State 001-1	30,000	0	30,000	0	0
<b>Total \$</b>	30,000	0	30,000	0	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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: David Hoeveler	Phone: 3609701638	Date: 02/16/2023
Agency Approval: David Hoeveler	Phone: 3609701638	Date: 02/16/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	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.*

NO CHANGE FROM PREVIOUS FISCAL NOTE. The differences in this bill do not change the impact to WDFW.

The proposed legislation will have a fiscal impact on WDFW due to the increase in workload for the Department. The amount is indeterminate because clarification is needed on how state resources, such as fish and wildlife, are treated as civil assets/property in this bill or are considered contraband.

Sections 1-7 of this bill create a new chapter in Title 7 RCW, creating a new standard procedures for seizure.

Section 2 (2) and (3) extends the response time of a person's claim of ownership or right to possession of items from 45 to 60 days. It is unknown if the timeframe will impact the number of forfeitures the Department moves forward with.

Section 2 (8) states that in proceedings where the claimant substantially prevails in forfeiture proceedings, the claimant is entitled to reasonable attorney fees they incurred. This cost is indeterminate, because "substantially prevails" is undefined, and the Department has not previously been responsible for paying attorney fees.

Section 5 directs seizing agencies to keep specific valuation records of property seized and forfeited. The Department will incur one-time costs to change the reporting tool currently in use to provide receipt of seizure, and one-time costs for review by the Attorney General's office. The Department is also required to submit an annual report to the state treasurer detailing the Department's net proceeds from all seized and forfeited property.

Section 6 directs the Department to deposit 10% net proceeds from any property seizure into the behavioral health loan repayment program account. It is unclear how state resources such as fish and wildlife are subject to this forfeiture, this bill does not specify how fish receiving tickets, or an amount/value of fish or wildlife taken in excess of legal limits will be classified as contraband or how these proceeds will be seized.

Section 15 states WDFW enforcement officers are subject to the new chapter in Title 7 created by this bill.

### 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.*

Section 6 directs 10 percent of funds from forfeiture sales will go to the state's behavioral health loan repayment program account. The last three biennia average of forfeiture sales is \$400,000. The 10 percent to be transferred to the behavior health loan repayment account will be an approximate \$40,000 per biennium.

### 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 Department requires \$20,000 to revise the seizure receipts Officers give to individuals when their property is being taken, and changes will need to be made to the internal record keeping system (RMS) to detail all the new requirements listed in section 5 (which will also allow the Department to then compile the annual reports required for the state treasurer). The Department will also need a one-time increase in services from the Attorney General's office to review how the changes in this bill will impact the Enforcement Program's ability to seize state resources such as fish and wildlife.



## 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	30,000	0	30,000	0	0
<b>Total \$</b>			30,000	0	30,000	0	0

### 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	10,000		10,000		
E-Goods and Other Services	20,000		20,000		
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-					
<b>Total \$</b>	30,000	0	30,000	0	0

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B - Expenditures by Object Or Purpose

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings	<b>Agency:</b> 490-Department of Natural Resources
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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: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Preparation: Ana Cruz	Phone: 3609021121	Date: 02/15/2023
Agency Approval: Collin Ashley	Phone: 360-688-3128	Date: 02/15/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	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.*

No change from previous fiscal note.

No fiscal impact, Department of Natural Resources does not conduct seizure of property.

### 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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 1385 S HB	<b>Title:</b> Civil forfeiture proceedings
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**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

**Legislation Impacts:**

- Cities: Costs for law enforcement agencies to comply with extended notification requirements and reporting procedures.
- Counties: Same as above.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

**Part II: Estimates**

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option: The legislation provides a local option for port districts operating an airport in a county with a population of more than one million to retain net proceeds to be used for certain purposes.
- Key variables cannot be estimated with certainty at this time: Costs would vary by jurisdiction based on the number of items seized by law enforcement; number and timing of claim responses.

**Estimated revenue impacts to:**

None

**Estimated expenditure impacts to:**

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	57,460	114,920	172,380	229,840	229,840
County	9,360	18,720	28,080	37,440	37,440
<b>TOTAL \$</b>	66,820	133,640	200,460	267,280	267,280
<b>GRAND TOTAL \$</b>					<b>735,020</b>

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

**Part III: Preparation and Approval**

Fiscal Note Analyst: Kristine Williams	Phone: (564) 669-3002	Date: 02/16/2023
Leg. Committee Contact: Emily Stephens	Phone: 360-786-7157	Date: 02/14/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/16/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/17/2023

## **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 THE PREVIOUS BILL VERSION:**

S HB 1385 amends two sections in the original bill to exempt state child support agencies under Title IV-D of the Social Security Act and to add an option for port districts operating airports of a certain size to use net proceeds for certain purposes as follows:

Sec.5 (3) is amended to specify that “seizing agency” does not include a state child support agency under Title IV-D of the Social Security Act.

Sec.16 (10) is amended to allow port districts operating an airport in a county with a population of more than one million the option to use the net proceeds not remitted to the state for certain purposes including controlled substances law enforcement, education, human trafficking interdiction, and responsible gun ownership.

### **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 BETWEEN THIS VERSION AND THE PREVIOUS BILL VERSION:**

The changes do not affect the revenue impacts below.

This legislation would result in both measurable costs as well as indeterminate additional costs for city and county law enforcement agencies.

Currently, law enforcement agencies track all assets seized, the proceeds used to adjudicate the disposition, the amount received by disposition of items, the dates involved, and track and file the amount owed to the Office of the State Treasurer (OST). Extending the amount of time that persons can file a claim on forfeitures increases the amount of staff time and resources needed for each forfeiture. The weighted average cost for a sheriff's deputy is \$60 per hour and the weighted average cost for a police officer is \$65 per hour, according to the Association of Washington Cities 2022 salary survey. For medium-sized and smaller agencies, the tracking and reporting tasks would primarily be the responsibility of field enforcement officers, which would take them away from their primary duties.

The Washington Association of Sheriffs and Police Chiefs estimates that the reporting requirements in Sec. 5 would require eight hours of staff time each year. For the 39 counties and the 221 cities that have police departments, the Local Government Fiscal Note program has calculated this amount to be \$133,640 as follows:

Police Officer hourly rate (including benefits/overhead) of \$65 x 8 hours x 221 cities and towns = \$114,920

Deputy Sheriff hourly rate (including benefits/overhead) of \$60 x 8 hours x 39 counties = \$18,720

The total estimated cost for annual reporting = \$133,640

FY 2024 was calculated to be half of the FY 2025 amount due to the effective date of the bill - which falls in the middle of the fiscal year.

The total estimated cost for FY 2024 through FY 2029 = \$735,020

### **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.*

#### **CHANGES BETWEEN THIS VERSION AND THE PREVIOUS BILL VERSION:**

These changes do not affect the revenue impact below due to the local option for the designated port districts.

This legislation would have no revenue impact for local governments.

**SOURCES**

Washington Association of Sheriffs and Police Chiefs (WASPC)

Local Government Fiscal Note Program 2023 Criminal Justice Crimes Cost Matrix