

Multiple Agency Fiscal Note Summary

Bill Number: 5451 SB	Title: Long sentences review
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	1,419,900	1,419,900	1,419,900	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	35.9	5,623,000	5,623,000	5,623,000	40.5	7,464,000	7,464,000	7,464,000	25.4	5,041,000	5,041,000	5,041,000
Total \$	35.9	7,042,900	7,042,900	7,042,900	40.5	7,464,000	7,464,000	7,464,000	25.4	5,041,000	5,041,000	5,041,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts			4,723,300						
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

Estimated Capital Budget Expenditures

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

Estimated Capital Budget Breakout

NONE

Prepared by: Cynthia Hollimon, OFM

Phone:
(360) 810-1979

Date Published:
Final 2/20/2023

Judicial Impact Fiscal Note

Bill Number: 5451 SB	Title: Long sentences review	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years					
Account					
General Fund-State 001-1	1,419,900		1,419,900		
State Subtotal \$	1,419,900		1,419,900		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
Account					
Local - Counties	4,723,300		4,723,300		
Counties Subtotal \$	4,723,300		4,723,300		
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Joe McKittrick	Phone: 3607867287	Date: 02/10/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/20/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/20/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/20/2023

184,307.00

Request # 172-1

Form FN (Rev 1/00)

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Bill # 5451 SB

Part II: Narrative Explanation

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

This bill would apply retroactively and mandate the courts to review an individual's life sentence without parole for an offender who committed that crime between age of 16 and 25.

Section 7 would add a new section stating persons sentenced to life without parole for a crime committed on or after their 16th birthday and before their 25th birthday, "shall be returned to the sentencing court..." consistent with RCW 10.95.030 (as amended in the bill).

Section 8 would mandate this statute apply retroactively.

II. B - Cash Receipts Impact

II. C - Expenditures

ADMINISTRATIVE OFFICE OF THE COURTS

Fiscal impact is expected to the Administrative Office of the Court for a Legal Services Senior Analyst (25 hours) to change the Felony Judgement and Sentence forms and the Felony Guilty Plea forms (\$3,900).

AOC STAFF IMPACTS INCLUDE STANDARD COSTS

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

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

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

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

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

SUPERIOR COURT

Court costs are assumed for 684 cases requiring resentencing. These cases are estimated to take between 8-20 hours each. The fiscal note shows the costs of these hearings in FY 2024 because the bill is retroactive. However, the cases may take more time to move through resentencing. Additionally, clerks assume an additional 90 minutes of staff time for these cases for work outside the court room

State: \$1,416,000 (50% of superior court judges' salaries and 100% of benefits)

County (court costs): \$4,672,000

County (additional clerk costs): \$51,300

Total County: \$4,723,300

Part III: Expenditure Detail

184,307.00

Form FN (Rev 1/00)

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Request # 172-1

Bill # 5451 SB

Part III: Expenditure Detail

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

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Wages	935,300		935,300		
Employee Benefits	483,700		483,700		
Professional Service Contracts					
Goods and Other Services	100		100		
Travel	100		100		
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	700		700		
Total \$	1,419,900		1,419,900		

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

<i>County</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Benefits					
Capital					
Other	4,723,300		4,723,300		
Total \$	4,723,300		4,723,300		

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

<i>City</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

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

NONE

III. D - FTE Detail

<i>Job Classification</i>	<i>Salary</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Senior Analyst	114,400	0.0		0.0		
Total FTEs		0.0		0.0		0.0

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

184,307.00

Form FN (Rev 1/00)

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

Individual State Agency Fiscal Note

Bill Number: 5451 SB	Title: Long sentences review	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: Joe McKittrick	Phone: 3607867287	Date: 02/10/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/14/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/14/2023
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.

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.

SB 5451
LONG SENTENCE REVIEW
101 – Caseload Forecast Council
February 13, 2023

SUMMARY

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

- Section 1 Amends RCW 9.94A.510, Serious Level XVI of the adult felony sentencing grid, by specifying that the mandatory life without parole/death penalty applies to offenders at or over the age of 25 and a standard range term of confinement of 25 years to life applies for offenders under the age of 25.
- Section 2 Amends RCW 9.94A.540, Mandatory Minimum Terms, by amending the mandatory minimum term of confinement of 25 years for aggravated first degree murder to apply to offenses committed by a person prior to his/her 25th birthday, rather than their 18th birthday.
- Section 3 Amends RCW 9.94A.570, Persistent Offenders, by allowing release of persistent offenders by the Board, if qualified under RCW 9.94A.730 or 10.95.030(3).
- Section 4 Amends RCW 9.94A.728, Release Prior to Expiration of Sentence, by amending the age that a person may be released under RCW 9.94A.730, to crimes committed prior to the person's 25th birthday.
- Section 5 Amends RCW 9.94A.730 by changing the eligibility for potential release by the Board from persons convicted of one or more crimes committed prior to the person's 18th birthday and have served at least 20 years, to persons convicted of one or more crimes committed prior to the person's 25th birthday and have served at least 15 years.
- Section 6 Amends RCW 10.95.030, Sentences for Aggravated First Degree Murder, by amending the standard range term of confinement of 25 years to life for persons under the age of 16 at the time of the offense, to persons under the age of 25; and removes sentencing requirements for individuals age 16 or 17.
- Section 7 Adds a new section to chapter 10.95 RCW, Capital Punishment – Aggravated First Degree Murder, that requires a person sentenced prior to the effective date of this section for an offense under this chapter committed on or after the person's 16th birthday and prior to 25th birthday, to be returned to the sentencing court for sentencing consistent with RCW 10.95.030.
- Section 8 Adds a new section that states the act applies retroactively to persons incarcerated on the effective date of the act, regardless of the date of offense or conviction.
- Section 9 Adds a new section that states the act does not create any right or entitlement for release.

- Section 3 Amends RCW 9.94A.6332, sanctions imposed by the Indeterminate Sentence Review Board (Board), to include individuals under the provisions chapter 10.95 RCW established by Section 6 of this act.
- Section 4 Amends RCW 9.94A.729 by including individuals under the provisions chapter 10.95 RCW established by Section 6 of this act, to the prohibition of earning early release time during the minimum term of confinement imposed by the court, and the remaining portion not exceeding 10 percent of the sentence.
- Section 5 Amends RCW 10.95.030 by changing the punishment for any person convicted of Aggravated Murder in the First Degree committed prior the person's 21st birthday. The punishment of a maximum sentence of life and a minimum of 25 years was amended to apply to a person committing the offense prior to the person's 18th birthday, rather than the person's 16th birthday. In addition, for individuals who were at least 18 but less than 21, the punishment shall be maximum of life and a minimum term of not less than 25 years, if the court determines that mitigating factors accounting for diminished culpability of youth justify a downward departure. If the court determines those factors do not justify a downward departure, then the person shall be sentenced to life without the possibility of release or parole.
- Section 6 Adds a new section to chapter 10.95 RCW that states a person who was sentenced prior to July 1, 2023, under this chapter or any prior law, to a term of life for offense committed when the person was at least 18 years old but less than 21, shall be returned to court for sentencing consistent with RCW 10.95.030.
- Section 7 Adds a new section to chapter 10.95 RCW that states Sections 1 – 6 of this act apply to all sentencing hearings conducted on or after July 1, 2023, regardless of the date of the underlying offense.
- Section 8 Adds a null and void clause.
- Section 9 States the act takes effect July 1, 2023.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Modifies sentencing for aggravated first degree murder committed by individuals under 25 years of age at the time of the offense; and
- Amends procedures for the petition for release of certain individuals by raising the age of eligibility to under age 25 and reduces the time of confinement that must be served prior to early release to a minimum of 15 years.

The provisions in this bill are both prospective and retrospective in nature. The Caseload Forecast Council is equipped to supply only prospective analyses and, as such, defers to the

Department of Corrections for the retrospective provisions of the bill. Additionally, the Caseload Forecast Council's prospective analyses estimate bed impacts for a 20-year period. Since the prospective provisions of the bill require individuals sentenced for aggravated first degree murder committed under the age of 25 to serve an absolute minimum term of 25 years in total confinement, and individuals sentenced for one or more crimes committed under the age of 25 to serve an absolute minimum term of 15 years in total confinement, any bed impact resulting from the bill is beyond the Caseload Forecast Council's analysis period.

Impact on prison and jail beds.

In Fiscal Year 2022, there were no sentences for aggravated first degree murder where the person was 18-24 years of age at the time of the offense and the person received a life without parole sentence. There were 55 sentences (48 regular prison sentences and 7 determinate-plus sentences) of 15 years or greater for individuals who were 18-24 years of age at the time of the offense. Of the 49 sentences, some may release prior to serving 15 years, depending on the amount of earned time awarded. Any early release under the provisions of the bill would reduce average daily population of prison beds.

This bill has no impact on jail beds.

Impact on local and Juvenile Rehabilitation (JR) beds.

This bill has no impact on local detention or JR beds.

Impact on Supervision Caseload.

Anyone released by the Board under the provisions of this bill could be supervised for life. The Board has authority to set the period of time an individual released by Board shall be supervised by the Department of Corrections. While CFC has no information about how many individuals would be released by the Board under the provisions of the bill, any releases may result in an increased need for DOC community supervision resources.

Individual State Agency Fiscal Note

Bill Number: 5451 SB	Title: Long sentences review	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
FTE Staff Years	25.7	46.0	35.9	40.5	25.4
Account					
General Fund-State 001-1	1,800,000	3,823,000	5,623,000	7,464,000	5,041,000
Total \$	1,800,000	3,823,000	5,623,000	7,464,000	5,041,000

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: Joe McKittrick	Phone: 3607867287	Date: 02/10/2023
Agency Preparation: Veronica Warren	Phone: (360) 725-8428	Date: 02/19/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/19/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/20/2023

Part II: Narrative Explanation

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

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

SB 5451 is an act relating to allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration.

Section 1 amends RCW 9.94A.510, Serious Level XVI of the adult felony sentencing grid, by specifying that the mandatory life without parole/death penalty applies to offenders at or over the age of 25 and a standard range term of confinement of 25 years to life applies for offenders under the age of 25.

Section 2(1)(e) amends RCW 9.94A.540, Mandatory Minimum Terms, by amending the mandatory minimum term of confinement of 25 years for aggravated first degree murder to apply to offenses committed by a person prior to the offender's 25th birthday, rather than their 18th birthday.

Section 2(2)(d) amends 9.94A.540 to add that the minimum terms of confinement provisions do not apply to offenders with board-approved release under RCW 9.94A.730.

Section 3(3) amends RCW 9.94A.570, Persistent Offenders, by allowing release of persistent offenders by the Board, if qualified under RCW 9.94A.730 or 10.95.030(3).

Section 4 amends RCW 9.94A.728 by including individuals under the provisions chapter 10.95 RCW established by Section 6 of this act, to the prohibition of earning early release time during the minimum term of confinement imposed by the court, and the remaining portion not exceeding 10 percent of the sentence.

Section 4(1)(k) amends RCW 9.94A.728, Release Prior to Expiration of Sentence, by amending the age that a person may be released under RCW 9.94A.730, to crimes committed prior to the person's 25th birthday.

Section 5 amends RCW 10.95.030 by changing the punishment for any person convicted of Aggravated Murder in the First Degree committed prior the person's 25th birthday. The punishment of a maximum sentence of life and a minimum of 25 years was amended to apply to a person committing the offense prior to the person's 25th birthday, rather than the person's 16th birthday.

Section 5(1) amends RCW 9.94A.730 by changing the eligibility for potential release by the Board from persons convicted of one or more crimes committed prior to the person's 18th birthday and have served at least 20 years, to persons convicted of one or more crimes committed prior to the person's 25th birthday and have served at least 15 years.

Section 6(3)(a) amends RCW 10.95.030, Sentences for Aggravated First Degree Murder, by amending the standard range term of confinement of 25 years to life for persons under the age of 16 at the time of the offense, to persons under the age of 25; and removes sentencing requirements for individuals ages 16 or 17.

Section 7(1) adds a new section to chapter 10.95 RCW, Capital Punishment – Aggravated First Degree Murder, that requires a person sentenced prior to the effective date of this section for an offense under this chapter committed on or after the person's 16th birthday and prior to 25th birthday, to be returned to the sentencing court for sentencing consistent with RCW 10.95.030.

Section 7(2) adds that the court shall provide the opportunity for victims or survivors of victims of crimes for which the offender has been convicted to present statements.

Section 7(3) adds that the court's order setting a minimum term is subject to review.

Section 7(4) adds that resentencing under this section shall not reopen a conviction to challenges barred by RCW 10.73.090, 10.73.100, 10.73.140 or any other procedural barriers.

Section 8 adds a new section that states the act applies retroactively to persons incarcerated on the effective date of the act, regardless of the date of offense or conviction.

Section 9 adds a new section that states the act does not create any right or entitlement for release.

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.

We assume this bill will have a fiscal impact to Department of Corrections (DOC) greater than \$50,000 per Fiscal Year (FY).

SB 5451 modifies sentencing for aggravated first degree murder committed by individuals under 25 years of age at the time of the offense and amends procedures for the petition for release of certain individuals by raising the age of eligibility to under age 25 and reduces the time of confinement that must be served prior to early release to a minimum of 15 years.

Prospective Impact

The Caseload Forecast Council (CFC) prospective analyses estimate bed impacts for a 20-year period. Since the prospective provisions of the bill require individuals sentenced for aggravated first degree murder committed under the age of 25 to serve an absolute minimum term of 25 years in total confinement, and individuals sentenced for one or more crimes committed under the age of 25 to serve an absolute minimum term of 15 years in total confinement, any bed impact resulting from the bill is beyond the Caseload Forecast Council's analysis period.

In Fiscal Year 2022, there were no sentences for aggravated first degree murder where the person was 18-24 years of age at the time of the offense and the person received a life without parole sentence. There were 55 sentences (48 regular prison sentences and 7 determinate-plus sentences) of 15 years or greater for individuals who were 18-24 years of age at the time of the offense. Of the 49 sentences, some may release prior to serving 15 years, depending on the amount of earned time awarded. Any early release under the provisions of the bill would reduce average daily population of prison beds.

Retrospective Impact

Retrospectively, the proposed legislation impacts DOC in two ways. First, there are currently 114 incarcerated individuals with an active or future count committed between the ages of 16 and 24 and a sentence of Life without the Possibility of Parole (LWOP). Under the proposed legislation these individuals would be eligible for resentencing. 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 for this proposed legislation is indeterminate.

Secondly, the proposed legislation changes the eligibility for potential release by the Indeterminate Sentence Review Board

(ISRB) from persons convicted of one or more crimes committed prior to the person's 18th birthday and have served at least 20 years, to persons convicted of one or more crimes committed prior to the person's 25th birthday and have served at least 15 years as well as persistent offenders. Currently, 527 incarcerated individuals would be eligible to petition ISRB for a hearing with an average of 101 individuals each consecutive year. These costs can be calculated and are as follows:

ISRB Staffing

Currently, the ISRB processes approximately 350 hearings per year. Adding an additional 527 hearings will significantly increase workload. The ISRB would require additional staffing to process the hearings. The following staff will begin work immediately in preparation of the hearings in FY2024:

- 1.0 Correctional Records Supervisor (CRS) FTE – needed to supervise the Correctional Records Technicians.
 - o Salary \$78,000 and benefits \$28,000 = \$106,000
 - o Ongoing costs total \$2,000
 - o One-time costs total \$5,000

- 3.0 Correctional Records Technicians FTEs - are needed to ensure the incarcerated individual have the ability to petition for length of time served, establish an electronic file, obtain records, and create a docket.
 - o Salary \$191,000 and benefits \$77,000 = \$268,000
 - o Ongoing costs total \$6,000
 - o One-time costs total \$15,000

- 1.0 Program Specialist FTE - will notify victims/survivors of the person's eligibility to petition which may require intensive work related to trauma surrounding complex cases, and meeting with the victims/survivors.
 - o Salary \$92,000 and benefits \$31,000 = \$123,000
 - o Ongoing costs total \$2,000
 - o One-time costs total \$5,000

- 1.0 Investigator Supervisor FTE to supervise the investigators.
 - o Salary \$99,000 and benefits \$32,000 = \$131,000
 - o Ongoing costs total \$2,000
 - o One-time costs total \$5,000

- 3.0 Investigator 3 FTEs - will review the eligibility by reviewing DOC databases, responding to inquiries about eligibility from incarcerated individuals, family members, and attorneys, while completing the analysis of the case for the Board Members review prior to the hearing.
 - o Salary \$284,000 and benefits \$94,000 = \$378,000
 - o Ongoing costs total \$6,000
 - o One-time costs total \$15,000

- Administrative Assistant 3 FTE - will provide records to prosecutors, courts and victims upon requests, and public disclosure requests when requested.
 - o Salary \$59,000 and benefits \$25,000 = \$84,000
 - o Ongoing costs total \$2,000
 - o One-time costs total \$5,000

We assumed a hearing phase-in of approximately 10 months will be needed for notification, psychological assessments, and scheduling of hearings. Staffing startup costs include a workstation and chair. Total ongoing costs include staff training, office supplies, durable goods, and leased personal computers.

Health Services Psychological Evaluations

Two additional Psychologist 4's will be needed for preparation of psychological evaluations if 527 individuals meet eligibility

requirements. Those individuals are required to have a psychological evaluation per statute completed by DOC. Currently DOC uses DOC psychologists to complete those evaluations. An Office Assistant 3 is needed to schedule and facilitate the coordination of the psychological evaluations.

- 2.0 Psychologist 4 FTE's
 - o Salary \$302,000 and benefits \$93,000 = \$395,000
 - o Ongoing costs total \$4,000
 - o One-time costs total \$10,000
- 1.0 Office Assistant 3 FTE
 - o Salary \$52,000 and benefits \$24,000 = \$76,000
 - o Ongoing costs total \$2,000
 - o One-time costs total \$5,000

FOR ILLUSTRATION PURPOSES:

Additional Workload for Psychological Evaluations:

Additional resources may be required to perform psychological evaluations if the Psychologist 4's are not able to maintain the demand of the needed evaluations. A Psychologist 4 can complete no more than 50 evaluations per year. The estimated amount of time it takes to prepare a psychological evaluation report is 30 hours per evaluation. Currently if a Juvenile Board Case (JUVBRD) is found not releasable, and then allowed to re-petition, an additional evaluation would be needed. We assume that 75% will be found releasable, 25% will carry over into future years when they are once again eligible to petition. Therefore, additional contract costs for psychological evaluations may be needed which will require additional funding. A psychological exam will need to be performed for each participant's ISRB hearing. The cost for an evaluation is \$250 each.

FY2024: 264 psychological evaluations x \$250 evaluation = \$66,000
FY2025: 321 psychologist evaluations x \$250 evaluation = \$80,000
FY2026: 77 psychological evaluations x \$250 evaluation = \$19,000
FY2027: 112 psychological evaluations x \$250 evaluation = \$28,000
FY2028: 91 psychological evaluations x \$250 evaluation = \$23,000
FY2029: 92 psychological evaluations x \$250 evaluation = \$23,000

Prison Daily Variable Rate (DVC) Impact:

It is estimated that 75% of those that petition the Board for release are successful and leave the prison system. The DOC estimates the following DVC savings:

FY2024: (198) Average Daily Population (ADP) x \$6,980 = \$(1,382,000)
FY2025: (241) ADP x \$6,980 DVC = \$(1,682,000)
FY2026: (58) ADP x \$6,980 DVC = \$(405,000)
FY2027: (85) ADP x \$6,980 DVC = \$(593,000)
FY2028: (69) ADP x \$6,980 DVC = \$(482,000)
FY2029: (70) ADP x \$6,980 DVC = \$(489,000)

Community Supervision Caseload Impacts:

Those incarcerated individuals who are successful in their petitions to the Board will leave prison custody and enter community supervision for approximately three years resulting in the following impacts:

FY2024: 198 ADP, 11.1 FTEs and \$1,329,000
FY2025: 439 ADP, 27.8 FTEs and \$3,207,000
FY2026: 497 ADP, 31.2 FTEs and \$3,485,000
FY2027: 384 ADP, 23.4 FTEs and \$2,611,000
FY2028: 212 ADP, 12.2 FTEs and \$1,355,000
FY2029: 224 ADP, 12.2 FTEs and \$1,357,000

IT Cost Calculation Estimate:

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. The proposed legislation would require a new Finding Type or repurpose of existing Finding Types in Sentence Information, update to Juvenile Offender Information section of the General Status screen, and update to any policy that references Juvenile Board individuals. Due to the complexity to complete the development, testing and implementation of the statutory changes, contracted services are necessary.

FY2024 IT Expense

IT Application Development | \$120 per hour x 20 hours = \$2,400

IT Quality Assurance | \$120 per hour x 16 hours = \$1,920

IT Business Analyst | \$120 per hour x 5 hours \$600

Total One-Time Costs in FY2024 = \$5,000 Rounded

The DOC requests funding for the indirect costs of agency administration (FY2024 2.7 FTE's and \$278,000, FY2025 5 FTE's and \$485,000) and requests funding for interagency costs of (FY2024 \$107,000 and FY2025 \$175,000), for the purpose of implementing this legislation. The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

The determinate DOC fiscal impact (rounded to the thousands) is as follows:

FY2024: 198 ADP, 25.7 FTEs and \$1,800,000

FY2025: 439 ADP, 46.0 FTEs and \$3,823,000

FY2026: 497 ADP, 44.4 FTEs and \$4,729,000

FY2027: 384 ADP, 36.6 FTEs and \$2,735,000

FY2028: 212 ADP, 25.4 FTEs and \$2,523,000

FY2029: 224 ADP, 25.4 FTEs and \$2,518,000

Assumptions:

- 1) The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
- 2) We assume Direct Variable Cost (DVC) of \$6,980 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, and House staff each legislative session.
- 3) 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)
- 4) 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 an average and actual rates vary by local

correctional facilities.

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	1,800,000	3,823,000	5,623,000	7,464,000	5,041,000
Total \$			1,800,000	3,823,000	5,623,000	7,464,000	5,041,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	25.7	46.0	35.9	40.5	25.4
A-Salaries and Wages	1,842,000	3,203,000	5,045,000	4,783,000	3,574,000
B-Employee Benefits	691,000	1,221,000	1,912,000	1,880,000	1,340,000
C-Professional Service Contracts	5,000		5,000		
E-Goods and Other Services	(829,000)	(882,000)	(1,711,000)	(268,000)	(475,000)
G-Travel	39,000	101,000	140,000	196,000	86,000
J-Capital Outlays	92,000	52,000	144,000	26,000	20,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	(318,000)	(357,000)	(675,000)	(118,000)	(178,000)
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	278,000	485,000	763,000	965,000	674,000
9-					
Total \$	1,800,000	3,823,000	5,623,000	7,464,000	5,041,000

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
ADMINISTRATIVE ASSISTANT 2	46,983	2.0	4.0	3.0	3.5	2.0
ADMINISTRATIVE ASSISTANT 3	59,168	1.0	1.0	1.0	1.0	1.0
TEAMSTERS						
BOARD MEMBER	112,200		3.0	1.5	1.0	1.0
COMMUNITY CORRECTIONS OFFICER 2 - WFSE	68,938	5.0	11.0	8.0	11.5	6.0
COMMUNITY CORRECTIONS OFFICER 3 - WFSE	74,216	2.0	5.0	3.5	4.5	2.0
CORRECTIONAL HEARINGS OFFICER 3 - WFSE	83,967		2.0	1.0	2.0	
CORRECTIONAL RECORDS SUPERVISOR	77,588	1.0	1.0	1.0		
CORRECTIONAL RECORDS TECHNICIAN	63,735	3.0	4.0	3.5	2.5	2.0
CORRECTIONS SPECIALIST 4 - WFSE	86,111				0.5	
FIELD SUPERVISOR	97,348	1.0	2.0	1.5	2.0	1.0
INVESTIGATOR 3	94,536	3.0	3.0	3.0	2.0	2.0
INVESTIGATOR SUPERVISOR	99,456	1.0	1.0	1.0	1.0	1.0
MANAGEMENT ANALYST 5	94,500	2.7	5.0	3.9	5.0	3.4
OFFICE ASSISTANT 3 - TEAMSTERS	52,304	1.0	1.0	1.0	1.0	1.0
PROGRAM SPECIALIST 5 - TEAMSTERS	92,277	1.0	1.0	1.0	1.0	1.0
PSYCHOLOGIST 4	151,183	2.0	2.0	2.0	2.0	2.0
Total FTEs		25.7	46.0	35.9	40.5	25.4

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
ADMINISTRATIVE & SUPPORT SVCS (100)	1,443,000	2,056,000	3,499,000	1,897,000	2,538,000
CORRECTIONAL OPERATIONS (200)	(727,000)	(885,000)	(1,612,000)	(525,000)	(510,000)
COMMUNITY SUPERVISION (300)	1,140,000	2,797,000	3,937,000	5,448,000	2,430,000
HEALTHCARE SERVICES (500)	(163,000)	(320,000)	(483,000)	481,000	495,000
INTERAGENCY PAYMENTS (600)	107,000	175,000	282,000	163,000	88,000
Total \$	1,800,000	3,823,000	5,623,000	7,464,000	5,041,000

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.