

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5474 S SB	<b>Title:</b> Juvenile justice
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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
Office of State Treasurer	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	0	0	0	0	0	0	0	0	0

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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	25,065,200	25,065,200	25,065,200	.0	25,059,800	25,059,800	25,059,800	.0	25,059,800	25,059,800	25,059,800
Administrative Office of the Courts	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Office of Public Defense	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of State Treasurer	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Health Care Authority	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	2.0	512,000	512,000	512,000	.0	0	0	0	.0	0	0	0
Department of Labor and Industries	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	2.0	25,577,200	25,577,200	25,577,200	0.0	25,059,800	25,059,800	25,059,800	0.0	25,059,800	25,059,800	25,059,800

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts			107,142,000			107,142,000			107,142,000
Local Gov. Courts	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Loc School dist-SPI									
Local Gov. Other			6,150,000						
Local Gov. Total			6,150,000						

### Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Washington State Health Care Authority	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other									
Local Gov. Total									

### Estimated Capital Budget Breakout

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Final 2/21/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5474 S SB	<b>Title:</b> Juvenile justice	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

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

**Estimated Expenditures from:**

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years	.1				
<b>Account</b>					
General Fund-State 001-1	12,535,300	12,529,900	25,065,200	25,059,800	25,059,800
State Subtotal \$	12,535,300	12,529,900	25,065,200	25,059,800	25,059,800
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
<b>Account</b>					
Local - Counties	53,571,000	53,571,000	107,142,000	107,142,000	107,142,000
Counties Subtotal \$	53,571,000	53,571,000	107,142,000	107,142,000	107,142,000
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					

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

**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: Tianyi Lan	Phone: 360-786-7432	Date: 02/10/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/21/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/21/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/21/2023

184,203.00

Request # 168-1

## Part II: Narrative Explanation

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

The substitute bill would make changes for individuals involved in the juvenile justice system.

Sections 2 and 3 would not allow any fines, administrative fees, costs, surcharges, or restitution to be imposed or collected by courts in connection with any juvenile offender proceeding.

Section 4(2) would require prosecutors to file ex parte motion to waive outstanding legal financial obligations (LFOs) for juvenile cases. The bill would require “staggered” implementation. Non-restitution cases (assume July 1, 2023) would have to have motions filed by July 1, 2024. Restitution cases would require a second motion to waive outstanding restitution. Parties harmed by juveniles would be eligible for the community compensation program established in Section 6 planned for implementation by July 1, 2025.

Section 4(4) and (5) would direct the Administrative Office of the Courts to produce legislative reports on: 1) the number of judgments and orders vacated or partially vacated in each judicial district and the amount of the balances waived in each judicial district; and 2) the total amount assessed to and collected from all individuals charged in superior court.

Sections 22, 40 and 41 address sealing of cases which would require additional hearings.

### II. B - Cash Receipts Impact

Sections 2 and 3 would result in the following, indeterminate statewide impacts:

\* Value of outstanding LFOs totaling more than an estimated \$25 million in more than 255,000 juvenile cases.

\*Ongoing loss of LFOs statewide at an estimated \$45,000 that are currently paid annually.

### II. C - Expenditures

#### SUPERIOR COURT

Court costs are assumed for an additional hearing of an estimated 15 minutes on each of 255,000 juvenile cases to waive the LFOs. The fiscal note shows the costs of these hearings in FY 2024 because they must take place within one-year of the effective date – assuming effective on July 1, 2023. Additionally, clerks assume an additional 45 minutes of staff time to process the orders.

State: \$9,853,100 (50% of superior court judges’ salaries and 100% of benefits)

County (court costs): \$32,502,000

County (additional clerk costs): \$9,563,000

Total County: \$42,065,000

Court costs are also assumed for an additional hearing of an estimated 15 minutes on each of an estimated 72,000 juvenile cases to waive the restitution. The fiscal note shows the costs of these hearings beginning in FY 2025 because they are assumed to take place once the Community Compensation Program is established. The same additional clerk time is assumed at 45 minutes to process the orders.

State: \$2,673,100 (50% of superior court judges’ salaries and 100% of benefits)

County (court costs): \$8,818,000

County (additional clerk costs): \$2,688,000

Total County: \$11,506,000

Value of outstanding juvenile restitution likely exceeds \$100,000,000 in the estimated 72,000 juvenile cases which will now be included in the Community Compensation Program.

The sealing of cases under Sections 22, 40 and 41 would be an impact, but is indeterminate. Data is unavailable for the number of sealing of cases previously denied due to outstanding LFOs.

### Part III: Expenditure Detail

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

State	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	.1				
Salaries and Wages	8,256,100	8,252,900	16,509,000	16,505,800	16,505,800
Employee Benefits	4,277,100	4,276,100	8,553,200	8,552,200	8,552,200
Professional Service Contracts					
Goods and Other Services	200	100	300	200	200
Travel	100	100	200	200	200
Capital Outlays	100		100		
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	1,700	700	2,400	1,400	1,400
<b>Total \$</b>	<b>12,535,300</b>	<b>12,529,900</b>	<b>25,065,200</b>	<b>25,059,800</b>	<b>25,059,800</b>

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

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

County	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Benefits					
Capital					
Other	53,571,000	53,571,000	107,142,000	107,142,000	107,142,000
<b>Total \$</b>	<b>53,571,000</b>	<b>53,571,000</b>	<b>107,142,000</b>	<b>107,142,000</b>	<b>107,142,000</b>

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

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

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

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

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

#### III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Court Business Coordinator	106,200	0.1	0.0	0.0	0.0	0.0
<b>Total FTEs</b>		<b>0.1</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

#### 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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5474 S SB	<b>Title:</b> Juvenile justice	<b>Agency:</b> 056-Office of Public Defense
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Tianyi Lan	Phone: 360-786-7432	Date: 02/10/2023
Agency Preparation: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/15/2023
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/15/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	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.*

SSB 5474 would eliminate juvenile legal financial obligations and associated costs, and would create a Community Compensation Program, a Community Compensation Task Force, and a Community Compensation Account.

Section 5 of the substitute bill requires the Department of Labor and Industries (L&I) to convene a Community Compensation Task Force and to select a juvenile public defender to serve on the task force. If L&I selected an Office of Public Defense (OPD) staff person to serve on the task force, OPD would absorb the cost of staff participation on the task force.

### 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> 5474 S SB	<b>Title:</b> Juvenile justice	<b>Agency:</b> 090-Office of State Treasurer
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## Part I: Estimates

No Fiscal Impact

**Estimated Cash Receipts to:**

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

**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: Tianyi Lan	Phone: 360-786-7432	Date: 02/10/2023
Agency Preparation: Dan Mason	Phone: (360) 902-8990	Date: 02/11/2023
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 02/11/2023
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/14/2023

## Part II: Narrative Explanation

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

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

SSB 5474 creates the community compensation account, coupled with the general fund as the recipient of the earnings from investments under RCW 43.79A.040(4).

### 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.*

Projected cash flows are currently unavailable; therefore, estimated earnings from investments are indeterminable.

There may be an impact on the debt service limitation calculation. Changes to the earnings credited to the general fund impacts, by an equal amount, general state revenues.

### 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> 5474 S SB	<b>Title:</b> Juvenile justice	<b>Agency:</b> 107-Washington State Health Care Authority
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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: Tianyi Lan	Phone: 360-786-7432	Date: 02/10/2023
Agency Preparation: Cari Tikka	Phone: 360-725-1181	Date: 02/15/2023
Agency Approval: Cliff Hicks	Phone: 360-725-0875	Date: 02/15/2023
OFM Review: Robyn Williams	Phone: (360) 704-0525	Date: 02/16/2023

## Part II: Narrative Explanation

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

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

See attached narrative.

### 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.*

See attached narrative.

### 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 narrative.

## 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.*

# HCA Fiscal Note

Bill Number: 5474 SSB

HCA Request #: 23-130

## **Part II: Narrative Explanation**

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

AN ACT Relating to decreasing barriers to successful community participation for individuals involved in the juvenile justice system.

This bill eliminates juvenile legal financial obligations and associated costs, creates the Community Compensation Program and the Community Compensation Task Force, and requires courts to seal records that were previously ineligible for sealing because of owed restitution.

The Health Care Authority (HCA) assumes no fiscal impact.

### **II. B - Cash Receipts Impact**

None

### **II. C – Expenditures**

None

There would be no policy or operational impacts to HCA Casualty third party recovery program, or tasks to implement this bill. The work required by this bill will be performed by the courts and Labor and Industries. None of this work is performed by HCA's Casualty third party recovery program.

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

None

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

None



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5474 S SB	<b>Title:</b> Juvenile justice	<b>Agency:</b> 235-Department of Labor and Industries
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

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

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.2	0.8	2.0	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	409,000	103,000	512,000	0	0
<b>Total \$</b>	409,000	103,000	512,000	0	0

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Tianyi Lan	Phone: 360-786-7432	Date: 02/10/2023
Agency Preparation: Jenifer Colley	Phone: (360) 902-6983	Date: 02/15/2023
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 02/15/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	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.

See attached.

### 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

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	409,000	103,000	512,000	0	0
<b>Total \$</b>			409,000	103,000	512,000	0	0

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

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.2	0.8	2.0		
A-Salaries and Wages	280,000	70,000	350,000		
B-Employee Benefits	96,000	24,000	120,000		
C-Professional Service Contracts					
E-Goods and Other Services	32,000	9,000	41,000		
G-Travel	1,000		1,000		
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>	409,000	103,000	512,000	0	0

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

### III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fiscal Analyst 5	71,520	0.2		0.1		
Management Analyst 3	71,520	1.0	0.3	0.6		
Management Analyst 5	91,524	1.0	0.3	0.6		
WMS BAND 2	104,887	1.0	0.3	0.6		
<b>Total FTEs</b>		3.2	0.8	2.0		0.0

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

See attached

## Part II: Explanation

This bill removes the ability for courts to order restitution on criminal cases when the offender is a juvenile. It creates a community compensation fund to be administered by the Department of Labor and Industries (L&I), in conjunction with a task force. The purpose of the community fund is to compensate parties harmed by juveniles.

SSB 5474 is different from SB 5474 in that it:

- Reverts “harmed parties” and “party” or “parties harmed by juveniles” back to victims. Changes community services hour limit from 8 hours to 120 hours.
- Allows failure to perform community service to be a reason for confinement.
- Requires the juvenile court prosecutor, not the Administrative Office of the Courts, to coordinate with the clerk and other appropriate entities to develop a list of outstanding legal financial obligations.
- Requires the court prosecutor to file an ex parte motion to waive outstanding legal financial obligations where underlying statutory authority was repealed by this act.
- Changes the date for when the Administrative Office of the Courts must submit its reports to the legislature, from July 1, 2023 to September 1, 2023.
- Changes the date for when the task force must hold its first meeting from July 1, 2023 to October 1, 2023 and submit its implementation plan, from July 1, 2024 to October 1, 2024.
- Requires L&I to implement the task force’s recommendations by July 1, 2025 and allows the department to convene the task force as needed to assist with implementation.
- Creates the Community Compensation Account.
- Eliminates restitution effective July 2025.

## **II. A – Brief Description of What the Measure Does that Has Fiscal Impact**

### **Section 5**

The Department of Labor and Industries (L&I) is directed to convene and staff a community compensation task force. The purpose of the task force is to address the elimination of juvenile restitution required by section 3 of this act and the compensation of parties harmed by juveniles. Core considerations for the task force should be reliant on restorative principles and best practices. The task for shall hold its first meeting on or before October 1, 2023. A final implementation plan must be submitted on or before October 1, 2024, to the appropriate committees of the legislature. The final implementation plan must be published and must include:

- (a) A description of the decision-making structure recommended by the task force;
- (b) Details on the infrastructure of the community compensation program created in this section to compensate parties harmed by juveniles including, but not limited to, how the program shall operate within the Department of Labor and Industries, and an estimate of the administrative cost required to maintain the program including the salaries of any necessary staff;
- (c) A process for victims, potentially including those who do not meet the current statutory definition of “victim”, to participate in the community program, including details of the application and disbursement process, which must:
  - (i) Ensure individuals may participate in the compensation program regardless of their legal status
  - (ii) Guarantee, to the greatest extent possible, the anonymity of those participating in the compensation program;
  - (iii) Not require a court order for victims to participate in the compensation program;
  - (iv) Limit, to the greatest extent possible, the amount of documentation required to participate in the program and the administrative burden on individuals seeking payment;
  - (v) Consider capping amounts and types of costs that are eligible for compensation; and
  - (vi) Consider critically the ability of government entities, corporations, insurance companies, and other non-individual victims to participate in the compensation program with individual victims having priority access;

(d) A process for determining the eligibility of parties who may try to participate in the program. It is the intention of the legislature that the community compensation program be accessible to the broadest possible number of victims, and that participation in the program does not require an adjudication or an order from the court; and

(e) Standards and practices for calculating the amount of compensation individual applicants may receive.

(2) The community compensation task force representatives shall be selected by L&I, and shall include:

(a) Three people who were ordered to pay juvenile legal financial obligations, either as juveniles or parents or guardians;

(b) Three people who were ordered to receive restitution payments from a respondent;

(c) One representative from a statewide coalition focused on legal financial obligations and youth justice;

(d) One representative from a civil society organization focused on legal financial obligation reform;

(e) One member of the Washington State Partnership Council on Juvenile Justice;

(f) One public defender specializing in juvenile law;

(g) One juvenile court judge;

(h) One prosecutor specializing in juvenile law;

(i) One county clerk or juvenile court administrator;

(j) One member of the Washington State Supreme Court Minority and Justice Commission;

(k) One individual with expertise in restorative justice practices or expertise in community compensation programs;

(l) One representative from the Department of Children, Youth, and Families; and

(m) One representative from the Administrative Office of the Courts.

(3) Upon submission of the implementation plan, the task force may be convened by the director of L&I as needed to consult with L&I regarding implementation of the task force's recommendations.

## **Section 6**

- (1) Within funds appropriated for this specific purpose, the community compensation program is created in and will be operated by L&I. The director of L&I is authorized to receive private contributions and funds from other sources for this program.
- (2) Consistent with the recommendations of the community compensation task force established in section 5 of this act, the community compensation program will provide compensation to victims of juvenile offenses. L&I is authorized to work with community-based organizations or third-party vendors to operate the community compensation program.
- (3) L&I shall implement the recommendations of the community compensation task force to the greatest extent feasible on or before July 1, 2025.
- (4) L&I may adopt rules necessary to implement this section.

## **Section 7**

The community compensation account is created in the custody of the state treasurer. Expenditures from the account may be used only for the community compensation program created in section 6 of this act. Only the director of L&I or the director's designee may authorize expenditures from the account.

## **Section 9**

Amends 7.68.035 removing the word person and inserting "adult", so that only adults can have the crime victim's penalty assessment ordered against them. The penalty assessment is used to fund the victim/witness programs in the county prosecutor's offices.

## **Section 10**

Amends 7.68.120, removing the word person and inserting the word adult, so that CVC can only request restitution for claim expenses from adult offenders.

## **Section 12 (27)**

Restitution means the penalty described in 13.40.190.

## **II. B – Cash Receipt Impact**

Section 7 establishes the Community Compensation Account. The bill does not provide a level of funding for the program and L&I has no way to determine how much in private contributions will be received. The cash receipts related to this program are indeterminate.

## **II. C – Expenditures**

### **Appropriated – Operating Costs**

The expenditures related to compensation to victims of juvenile offenses is indeterminate. L&I does not currently track claims by the age of the party creating the harm and does not have an estimate of how that would impact the Crime Victims Compensation (CVC) program or the new Community Compensation program. Expenditures would be charged to the new fund established in Section 7, the Community Compensation Account.

### **Task Force**

Section 5 establishes the Community Compensation Task Force. L&I estimates that number of staff required for the task force will be three in total beginning July 1, 2023. A WMS Band 2 will be required to direct the task force, a Management Analyst 5 assist with project management of the task force and preparing the report and a Management Analyst 3 for support of the task force. These resources will be needed through September 30, 2024. L&I also expects there may be an expenditure impact related to Chapter 245, Laws of 2022 – State Boards, Commissions, Etc. – Member Stipends but does not have an estimate at this time. Section 7 creates a new account, the Community Compensation Account and Section 6 outlines what expenditures this account can be used for. The task force is not mentioned as an appropriate expenditure in this account and it is assumed General Fund-State.

### **Section 5, 6 and 12(27) – Benefits**

The expenditures related to compensation to victims of juvenile offenses is indeterminate. L&I does not currently track claims by the age of the party creating the harm and does not have an estimate of how that would impact the CVC program or the new Community Compensation program. There could be a technology impact associated with this bill. Until the task force is complete this is indeterminate.



**Section 10 – Restitution**

Since 2000, CVC program has made requests on 330 claims with juvenile offenders. Of those, 299 were awarded restitution. Restitution is requested from an offender if \$200 or more in benefits is paid on a claim. Section 8 will impact General Fund-State revenue as Section 8 amends 7.68.120, removing the word person and inserting the word adult, so that CVC can only requests restitution for claim expenses from adult offenders.

The impact to General Fund-State for this section is indeterminate. L&I received \$1.03 million in restitution in FY22 and has received approximately \$415,000 to date in FY23. The amounts are not currently broken out as adult and juvenile by CVC to determine future impact.

**Indirect Costs**

The amount included in this fiscal note for indirect is:

Fund Name		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
001	General Fund - State	19,000	5,000	0	0	0	0
	Total:	\$19,000	\$5,000	\$0	\$0	\$0	\$0

The department assesses an indirect rate to cover agency-wide administrative costs. Labor and Industries’ indirect rate is applied on salaries, benefits, and standard costs. For fiscal note purposes, the total indirect amount is converted into salary and benefits for partial or full indirect FTEs. Salary and benefits costs are based on a Fiscal Analyst 5 (Range 59, Step G).

**Part IV: Capital Budget Impact**

None.

**Part V: New Rule Making Required**

This legislation will require rule making once implementation is determined.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5474 S SB	<b>Title:</b> Juvenile justice	<b>Agency:</b> 307-Department of Children, Youth, and Families
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

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: Tianyi Lan	Phone: 360-786-7432	Date: 02/10/2023
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 02/16/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 02/16/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/17/2023

## Part II: Narrative Explanation

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

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

Comparison of 5474 SB to 5474 SSB:

New section 1(2)(a) declares that the purpose of this act is to eliminate fines, administrative fees, costs, and surcharges; and

New section 1(2)(b) convenes a taskforce to develop a plan for replacing the juvenile restitution system with a state funded community compensation program by July 1, 2025 in order to improve access to resources for victims and decrease barriers to successful reentry and rehabilitation amongst youth previously involved in the juvenile justice system.

New section 5 directs the Department of Labor and Industries to convene and staff a community compensation task force. The purpose of the task force is to address the elimination of juvenile restitution required by section three of this act. The first meeting shall be held before October 1, 2023 and a final implementation plan must be submitted on or before October 1, 2024. One representative must be from the Department of Children, Youth, and Families.

Section 33(11) returns the amount of time a person can spend in the community to 12 hours per day up to 16 hours per day.

New section 35(3)(b) amends RCW 13.40.210 by removing requirements to pay any court ordered fines or restitution. Changes the name of community restitution to community service.

New section 35(7) amends RCW 13.40.210 to add that a juvenile, or the parent, guardian or other person having custody of the juvenile shall not be required to pay the cost of any program or treatment ordered under this section.

New section 38 amends RCW 13.40.308 that if a respondent is adjudicated of taking a motor vehicle without permission in the first degree, removes the requirement to pay any court ordered fines or restitution.

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#### 5474 SSB

This bill eliminates juvenile legal financial obligations, fines, fees, costs or surcharges and creates the community compensation program administered by the Department of Labor and Industries. Also, the bill removes language that requires restitution be paid in full for a juveniles record to be sealed.

New section 1(2)(a) declares that the purpose of this act is to eliminate fines, administrative fees, costs, and surcharges; and

New section 1(2)(b) convenes a taskforce to develop a plan for replacing the juvenile restitution system with a state funded community compensation program by July 1, 2025 in order to improve access to resources for victims and decrease barriers to successful reentry and rehabilitation amongst youth previously involved in the juvenile justice system.

New section 5 directs the Department of Labor and Industries to convene and staff a community compensation task force. The purpose of the task force is to address the elimination of juvenile restitution required by section three of this act. The first meeting shall be held before October 1, 2023 and a final implementation plan must be submitted on or before October 1, 2024. One representative must be from the Department of Children, Youth, and Families.

Section 33(11) returns the amount of time a person can spend in the community to 12 hours per day up to 16 hours per day.

New section 35(3)(b) amends RCW 13.40.210 by removing requirements to pay any court ordered fines or restitution. Changes the name of community restitution to community service.

New section 35(7) amends RCW 13.40.210 to add that a juvenile, or the parent, guardian or other person having custody of the juvenile shall not be required to pay the cost of any program or treatment ordered under this section.

New section 38 amends RCW 13.40.308 that if a respondent is adjudicated of taking a motor vehicle without permission in the first degree, removes the requirement to pay any court ordered fines or restitution.

## **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.*

No fiscal impact.

The elimination of legal financial obligations does not impact The Department of Children, Youth and Families(DCYF)/Juvenile Rehabilitation(JR) with regard to fees. The majority of the work will be at the juvenile court and community levels.

New Section 5(2)(1)

Additional staff time to attend task force meetings will be absorbed within existing resources.

## **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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5474 S SB

Title: Juvenile justice

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

### Legislation Impacts:

- Cities:
- Counties: Costs for prosecuting attorneys to compile records of legal financial obligations for juveniles. Please see the fiscal note of the Administrative Office of the Courts for reductions in revenue for counties as a result of eliminating legal financial obligations for juveniles.

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

## Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs:

Legislation provides local option:

Key variables cannot be estimated with certainty at this time:

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
County	6,150,000		6,150,000		
<b>TOTAL \$</b>	6,150,000		6,150,000		
<b>GRAND TOTAL \$</b>					6,150,000

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/17/2023
Leg. Committee Contact: Tianyi Lan	Phone: 360-786-7432	Date: 02/10/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/17/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/19/2023

## **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 PRIOR BILL VERSION:**

The substitute changes the limit on community services hours from 8 hours to 120 hours. It requires the prosecutor to file an ex parte motion to waive outstanding legal financial obligations where underlying statutory authority was repealed by this act. This change would create costs for prosecutors, discussed below. The substitute also eliminates restitution effective July 2025.

#### **SUMMARY OF CURRENT BILL:**

Sec. 2 adds a new section to RCW 13.40. No fine, administrative fee, cost, surcharge, or restitution may be imposed or collected by the court or any agent of the court against any juvenile or a juvenile's parent or guardian, or other person having custody of the juvenile, in connection with any juvenile offender proceeding including, but not limited to, fees for diversion, DNA sampling, or victims' penalty assessments. Parties harmed by juveniles may collect compensation through the community compensation program as provided in section 5 of this act.

Sec. 4 adds a new section to RCW 13.40. On or before the effective date of this section, the juvenile court prosecutor shall coordinate with the clerk and other appropriate entities to develop a list of all outstanding legal financial obligations under sections repealed by this act. The prosecutor shall include legal financial obligations owing to private, third-party agencies with whom the courts or local jurisdictions have contractual relationships for the collection of legal financial obligations, the department of children, youth, and families, and other private entities to the extent those amounts are known or readily ascertainable, or if the person subject to the legal financial obligations has provided the prosecutor with documentation of legal financial obligation amounts owed to private entities. The prosecutor shall file an ex parte motion to waive any outstanding legal financial obligations for which the underlying statutory authority was repealed by this act, as well as the former RCW 13.40.220 and 13.16.085, within one year of the relevant effective date.

Sec. 12 amends RCW 13.40.020. The definition of "community-based sanctions" may include up to 120 hours of community service. It may not include a fine.

Sec. 46 adds a new section. Nothing in this act requires the courts to refund or reimburse amounts previously paid towards legal financial obligations, interests on legal financial obligations, or any other costs.

### **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 PRIOR BILL VERSION:**

The substitute version would result in costs for county prosecutors, discussed below.

#### **SUMMARY OF EXPENDITURE IMPACTS OF CURRENT BILL:**

The legislation would direct prosecutors to compile information on legal financial obligations (LFOs) owed by juveniles, including amounts owed to third-party agencies, the Department of Children, Youth, and Families, and other private entities. King County estimates they have 30,000 such records that would need to be researched, according to the Washington Association of Prosecuting Attorneys (WAPA). If this number is extrapolated to the rest of the state, there would be 100,000 records of outstanding juvenile LFOs to compile.

WAPA estimates each record would take between 30 and 60 minutes for a prosecutor. For the purposes of this fiscal note, a midpoint estimate of 45 minutes per record is used. According to the Local Government Fiscal Note Program unit cost model, the average hourly rate for a county prosecutor is \$82. Therefore, total costs for prosecutors would be \$6.15 million. (100,000 records x \$82/hour x 45 minutes.) For the purposes of this fiscal note, LGFN assumes that these costs would impact counties in the first year after the legislation is passed, but costs could be spread out over several years.

Court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, prosecutors, and jail costs. Please see the AOC fiscal note for a discussion of the reduction in revenue resulting from the legislation.

### **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.*

Please see the AOC fiscal note for a discussion of reduced revenue for counties as a result of the legislation.

#### **SOURCES:**

Administrative Office of the Courts

Washington Association of Prosecuting Attorneys

Local Government Fiscal Note Program unit cost model