

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1028 HB	<b>Title:</b> Crime victims & witnesses
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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 Attorney General	0	0	22,000	0	0	22,000	0	0	22,000
Department of Labor and Industries	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>22,000</b>	<b>0</b>	<b>0</b>	<b>22,000</b>	<b>0</b>	<b>0</b>	<b>22,000</b>

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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
Office of Attorney General	1.1	276,000	276,000	298,000	.6	138,000	138,000	160,000	.1	0	0	22,000
Department of Commerce	1.3	361,583	361,583	361,583	1.3	355,698	355,698	355,698	1.3	353,178	353,178	353,178
Department of Commerce	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Criminal Justice Training Commission	3.0	2,125,000	2,125,000	2,125,000	3.0	2,080,000	2,080,000	2,080,000	3.0	2,080,000	2,080,000	2,080,000
Department of Labor and Industries	.0	403,000	403,000	403,000	.0	446,000	446,000	446,000	.0	389,000	389,000	389,000
Department of Children, Youth, and Families	1.0	20,796,000	20,796,000	20,802,000	1.0	20,790,000	20,790,000	20,796,000	1.0	20,790,000	20,790,000	20,796,000
<b>Total \$</b>	<b>6.4</b>	<b>23,961,583</b>	<b>23,961,583</b>	<b>23,989,583</b>	<b>5.9</b>	<b>23,809,698</b>	<b>23,809,698</b>	<b>23,837,698</b>	<b>5.4</b>	<b>23,612,178</b>	<b>23,612,178</b>	<b>23,640,178</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other			1,242,571			1,232,790			1,232,790
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			1,242,571			1,232,790			1,232,790

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.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									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Tiffany West, OFM	<b>Phone:</b> (360) 890-2653	<b>Date Published:</b> Final 2/24/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1028 HB	<b>Title:</b> Crime victims & witnesses	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	11,000	11,000	22,000	22,000	22,000
<b>Total \$</b>	11,000	11,000	22,000	22,000	22,000

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.1	1.1	1.1	0.6	0.1
<b>Account</b>					
General Fund-State 001-1	138,000	138,000	276,000	138,000	0
Legal Services Revolving Account-State 405-1	11,000	11,000	22,000	22,000	22,000
<b>Total \$</b>	149,000	149,000	298,000	160,000	22,000

### 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: Corey Patton	Phone: 360-786-7388	Date: 01/05/2023
Agency Preparation: Cam Comfort	Phone: (360) 664-9429	Date: 01/10/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 01/10/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/11/2023

## Part II: Narrative Explanation

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

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

Section 1 is an intent section.

Sections 2 through 4 amend statutes in RCW 5.70.

Section 5 amends RCW 9A.04.080 to increase the periods of limitation from two years to four years for any prosecution for a sex offense as defined in RCW 9.94A.030.

Section 6 adds a new section to RCW 43.10 to establish the sexual assault forensic examination best practices advisory group within the Attorney General's Office (AGO). The duties of the group are listed. This section expires July 1, 2026.

Section 7 adds a new section to RCW 43.101 requiring the Criminal Justice Training Commission (CJTC), subject to appropriation, to administer a grant program for establishing a statewide resource prosecutor for sexual assault cases.

Section 8 adds a new section to RCW 43.280 requiring the Department of Commerce (DOC) subject to appropriation, to establish and administer a grant program to support regional multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases.

Sections 9 through 12 amend statutes in or add new sections to RCW 43.101 pertaining to training.

Sections 13 and 14 amend statutes in RCW 7.68 and RCW 43.43 pertaining to forensic examinations and evidence.

Sections 15 and 16 amend RCW 7.68.380 pertaining to services and support for victims.

Section 17 adds a new section to RCW 7.68 requiring the Department of Labor and Industries (L&I) to establish a program for counseling services for victims of sexual assault whose sexual assault kits were in the statewide testing backlog.

Section 18 amends RCW 43.185C.260 pertaining to law enforcement officers taking a child into custody.

Section 19 amends RCW 7.69.030 pertaining to rights of victims, survivors of victims, and witnesses of crimes.

Section 20 repeals RCW 43.101.279.

Section 21 provides that Section 10 takes effect July 1, 2024.

### II. B - Cash receipts Impact

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

Cash receipts are assumed to equal the Legal Services Revolving Account (LSRA) cost estimates. These will be billed through the revolving account to the client agency.

The client agencies are the Department of Labor and Industries (L&I) and Department of Commerce (COM). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

These cash receipts represent the AGO's authority to bill and are not a direct appropriation to the AGO. The direct appropriation is reflected in the client agencies' fiscal note. Appropriation authority is necessary in the AGO budget.

Attorney General's Office (AGO) Administrative activities are funded with General Fund-State dollars. No cash receipt impact. There is no client agency to bill for legal services.

#### AGO AGENCY ASSUMPTIONS:

AGO will bill L&I for Seattle rates:

FY 2023: \$3,000 for 0.01 FTE Assistant Attorney General (AAG) and 0.01 FTE Legal Assistant 3 (LA).

FY 2024: \$8,000 for 0.03 FTE AAG and 0.02 FTE LA and each FY thereafter.

AGO will bill COM for non-Seattle rates:

FY 2023: \$5,000 for 0.02 FTE AAG and 0.01 FTE LA.

FY 2024: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA and each FY thereafter.

## 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.*

Attorney General's Office (AGO) Agency Assumptions:

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables, for every 1.0 FTE Assistant Attorney General (AAG), the AGO includes 0.5 FTE for a Legal Assistant 3 (LA) and 0.25 FTE of a Management Analyst 5 (MA). The MA is used as a representative classification.

Location of staffing housed is assumed to be in Seattle and non-Seattle office buildings.

1. The AGO Labor and Industries Division (LNI) has reviewed this bill and determined the following impact related to the enactment of this bill:

This bill amends RCW 7.38.170 to require Crime Victims' Compensation program to pay for sexual assault examinations in additional circumstances not currently covered. The bill requires the program to pay for sexual assault examinations for non-resident victims where the crime occurred within Washington State. It also requires the program to pay for sexual assault examinations for Washington residents who obtain the exam out of state for crimes that occurred within Washington State.

LNI Division assumes there likely will be legal assistance needed for appeals by victims to the Department of Labor and Industries based on the below FTE workload impact:

LNI total FTE workload impact for Seattle rate:

FY 2023: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA.

FY 2024: \$8,000 for 0.03 FTE AAG and 0.02 FTE LA and each FY thereafter.

2. AGO Administrative Division (ADM) has reviewed this bill and determined a fiscal impact. Enactment of this bill will require an Administrative Assistant Attorney General consistent with staffing for other taskforce, advisory committees as staffed by the Policy Office.

The AGO assumes new expenditures for ADM activities will be distributed among all legal services client agencies following the enactment of this bill. Expenditures of ADM activities are billed as part of AGO overhead which are billed to all clients proportionate to service levels provided. It is the AGO standard practice to spread these type of costs pro-rata through the Legal Services component of the Central Service Model (CSM). Not including these expenditures in the Legal Services component of the CSM is putting the Legal Services Revolving Account out of balance.

AGO ADM activities are funded with General Fund-State dollars. There is no appropriate client agency to bill for legal services.

ADM total FTE workload impact for non-Seattle rate:

FY 2023 - FY 2026: \$138,000 for 1.0 FTE Administrative Assistant Attorney General (Admin. Asst. AG).

3. AGO Agriculture and Health (AHD) Division has reviewed this bill and determined a fiscal impact. The enactment of this bill will most likely create some legal assistance by AHD to the Department of Commerce (COM). This legal assistance is related to the AAG services required to establish and implement the new competitive grant program created in Section 8. The FTE workload impact is illustrated below based on AHD’s experience assisting COM with similar grant programs.

AHD total FTE workload impact for non-Seattle rate:

FY 2023: \$5,000 for 0.02 FTE AAG and 0.01 FTE LA3.

FY 2024: \$3,000 for 0.01 FTE AAG and 0.01 FTE LA3, and each FY thereafter.

4. AGO Criminal Justice Division (CRJ) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload. The bill imposes some additional reporting requirements for Washington State Patrol (WSP) and investigatory requirements for law enforcement agencies which include WSP. The bill also imposes additional training and case review requirements for Criminal Justice Training Commission (CJTC). It is possible legal advice could be requested to assist with interpretation of new requirements. Such responsibilities, if they arise, will be minimal and can be addressed using existing resources. There is no fiscal impact to CRJ.

5. The AGO Children, Youth and Families Division, Spokane Division, Regional Services Division, Tacoma Division, and Social and Health Services (Olympia) Division have reviewed this bill and determined it will not significantly increase or decrease the division’s workload. The enactment of this bill will not impact the provision of legal services to DCYF because DCYF does not receive or test rape kits and DCYF is not a general law enforcement agency.

Total FTE workload impact for Seattle and non-Seattle rates:

FY 2023: \$146,000 for 0.03 FTE AAG, 0.02 FTE LA, and 1.0 FTE Admin. Asst. AG.

FY 2024: \$149,000 for 0.04 FTE AAG, 0.03 FTE LA, and 1.0 FTE Admin. Asst. AG.

FY 2025: \$149,000 for 0.04 FTE AAG, 0.03 FTE LA, and 1.0 FTE Admin. Asst. AG.

FY 2026: \$149,000 for 0.04 FTE AAG, 0.03 FTE LA, and 1.0 FTE Admin. Asst. AG.

FY 2027: \$11,000 for 0.04 FTE AAG and 0.03 FTE LA, and each FY thereafter.

**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	138,000	138,000	276,000	138,000	0
405-1	Legal Services Revolving Account	State	11,000	11,000	22,000	22,000	22,000
<b>Total \$</b>			149,000	149,000	298,000	160,000	22,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.1	1.1	1.1	0.6	0.1
A-Salaries and Wages	102,000	102,000	204,000	109,000	14,000
B-Employee Benefits	32,000	32,000	64,000	35,000	6,000
E-Goods and Other Services	15,000	15,000	30,000	16,000	2,000
<b>Total \$</b>	149,000	149,000	298,000	160,000	22,000

**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
Admin. Asst. A G	95,000	1.0	1.0	1.0	0.5	
Assistant Attorney General	118,700	0.0	0.0	0.0	0.0	0.0
Assistant Attorney General-Seattle	124,635	0.0	0.0	0.0	0.0	0.0
Legal Assistant 3	55,872	0.0	0.0	0.0	0.0	0.0
Legal Assistant 3-Seattle	67,044	0.0	0.0	0.0	0.0	0.0
<b>Total FTEs</b>		1.1	1.1	1.1	0.6	0.1

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Headquarters Administration - GFS (ADM)	138,000	138,000	276,000	138,000	
Agriculture & Health Division (AHD)	3,000	3,000	6,000	6,000	6,000
Labor & Industries Division (LNI)	8,000	8,000	16,000	16,000	16,000
<b>Total \$</b>	149,000	149,000	298,000	160,000	22,000

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1028 HB	<b>Title:</b> Crime victims & witnesses	<b>Agency:</b> 103-Department of Commerce
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.3	1.3	1.3	1.3	1.3
<b>Account</b>					
General Fund-State 001-1	184,994	176,589	361,583	355,698	353,178
<b>Total \$</b>	184,994	176,589	361,583	355,698	353,178

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: Corey Patton	Phone: 360-786-7388	Date: 01/05/2023
Agency Preparation: Jason Davidson	Phone: 360-725-5080	Date: 02/21/2023
Agency Approval: Joyce Miller	Phone: 360-725-2710	Date: 02/21/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 02/21/2023



## Part II: Narrative Explanation

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

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

Section 8 adds a new section directing the Office of Crime Victim Advocacy (OCVA) within the department of commerce (department) to create a competitive grant program to support regional multidisciplinary community response teams engaged in resolving sexual assault cases. This includes adopting policies and procedures, monitoring funding, creating reporting elements and reporting to the governor and legislature annually on the status of the grant award. This funding may also be used for creating training relating to sexual assault evidence, enhancing victim support, and developing protocols related to evidence collection, retention, and victim notification.

### 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.*

The department assumes costs are indeterminate and subject to an appropriation.

For Illustrative Purposes Only:

An appropriation of \$8,161,000 would support implementing this program within the department under new section 8. This program would create a competitive grant program to support regional multidisciplinary community response teams engaged in resolving sexual assault cases. This includes adopting policies and procedures, monitoring funding, creating reporting elements and reporting to the governor and legislature annually on the status of the grant award. This funding may also be used for creating training relating to sexual assault evidence, enhancing victim support, and developing protocols related to evidence collection, retention, and victim notification. The department estimates 39 counties would qualify for this program. Based on that assumption, the following would be needed:

1.0 FTE Commerce Specialist 3 (2,088 hours) FY24-FY29: To provide or build capacity around solicitation, origination, management, and the monitoring of project contracts. Compliance may include site visits and corresponding compliance reports. Assist senior management with drafting legislation, representing the agency, developing policy positions, and coordinating the state's role with respect to the implementation of the program. (Duties include producing program guidelines and maintaining frequently asked questions, screening and selecting eligible applicants, Monitoring for compliance, creating and implementing reporting requirements, and reporting results of the grant program to the legislature and the governor.

0.05 FTE Commerce Specialist 1 (104 hours) FY24-FY29: To provide program data analysis, review and work towards processing payments to vendors. Work will include preparing proposals and developing monthly summary reports on the program. Provide technical support (reviewing plans, RCW's, policies, statements of work, review criteria) to Commerce Specialist 3s and other senior-level staff or managers.

Salaries and Benefits:

FY24: \$115,366

FY25-29: \$119,308 per year

Goods and Other Services:  
 FY24: \$26,423  
 FY25-29: \$18,029 per year

The department assumes \$8,400 in FY24, for AG consultation on guidance development and rulemaking. The department assumes 40 hours at \$210 per hour for AG costs. The department assumes each rule will need \$8,400 in AG costs to provide for legal review of draft rules by the AG.

Equipment and Capital Outlays:  
 FY24: \$5,250  
 FY27: \$2,520

Grants, Benefits, Client Services:

FY24-29: \$3,900,000 per year

For illustrative purposes only, the department assume 39 grants, one grant per county, in the amount of \$100,000. For illustrative purposes, this would be an amount of \$100,000 per grant x 39 counties = \$3,900,000. The grant funds necessary to implement participation are indeterminate. The level of grant funds needed for communities to participate in the planning process is unknown. The department cannot reasonably assume whether funding for only one community-based organization would be adequate to meet the intent of this section.

Intra-agency Reimbursements:  
 FY24: \$37,955  
 FY25-29: \$39,252 per year

Note: Standard goods and services costs include supplies and materials, employee development and training. Attorney General costs, and agency administration. Intra-agency administration Reimbursement-Agency administrations costs (e.g., payroll, HR, IT are funded under a federally approved cost allocation plan).

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Total  
 FY24: \$184,994  
 FY25-26: \$176,589 per year  
 FY27: \$179,109  
 FY28-29: \$176,589 per year

**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	184,994	176,589	361,583	355,698	353,178
<b>Total \$</b>			184,994	176,589	361,583	355,698	353,178

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

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.3	1.3	1.3	1.3	1.3
A-Salaries and Wages	85,109	87,662	172,771	175,324	175,324
B-Employee Benefits	30,257	31,646	61,903	63,292	63,292
C-Professional Service Contracts					
E-Goods and Other Services	26,423	18,029	44,452	36,058	36,058
G-Travel					
J-Capital Outlays	5,250		5,250	2,520	
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	37,955	39,252	77,207	78,504	78,504
9-					
<b>Total \$</b>	184,994	176,589	361,583	355,698	353,178

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
Administrative Services - Indirect	111,168	0.2	0.2	0.2	0.2	0.2
Commerce Specialist 1	61,052	0.1	0.1	0.1	0.1	0.1
Commerce Specialist 3	82,056	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		1.3	1.3	1.3	1.3	1.3

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1028 HB	<b>Title:</b> Crime victims & witnesses	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Corey Patton	Phone: 360-786-7388	Date: 01/05/2023
Agency Preparation: Yvonne Ellison	Phone: 360-596-4042	Date: 01/10/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/10/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/13/2023

## Part II: Narrative Explanation

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

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

The proposed legislation may have a small, indeterminate impact on the Washington State Patrol (WSP) as identified in the sections below.

Sections 2(4) and 3(4) require law enforcement agencies to conduct a criminal investigation of any report connected to a sexual assault kit (SAK) within 90 days when forensic analysis of the kit generates a profile resulting in a hit in the Combined DNA Index System (CODIS).

Section 2(8) rescinds the expiration date and makes changes to the WSP's SAK reporting requirements. These include:

- Adding the number of requests occurring in the previous 12 months.

- Including the status of requests for laboratory examination by each law enforcement agency.

- Including the total number of CODIS hits, and the total number of CODIS hits occurring in the previous 12 months.

- Changes the reporting due date from December 1st to July 31st of each year.

- Allows for the SAK report to be combined with the required SAK Tracking System report.

Section 6 creates the Sexual Assault Forensic Examination Best Practices Advisory Group and identifies the WSP as a required member.

Section 9 requires the Criminal Justice Training Commission (CJTC), subject to the availability of funding appropriated for the purpose, to include other gender-based violence in the victim-centered, trauma-informed training provided to persons responsible for investigating sexual assault, and also requires the training be provided to the highest ranking supervisors and commanders overseeing sexual assault and gender-based violence investigations.

Section 10 requires the CJTC, subject to the availability of funding appropriated for the purpose, to include gender-based violence in the victim-centered, trauma-informed training provided to peace officers, and requires that all peace officers receive this training at least once every three years.

Section 14 changes the frequency of the required SAK Tracking System report from semiannual to annual, and makes the due date July 31st.

### 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.*

The potential fiscal impacts to the WSP are below. The combined impact is indeterminate, but is expected to be small and may be supported within current resources.

The requirements of Sections 2(4) and 3(4) may have a fiscal impact, but it is expected to be minimal. It is already our practice to expeditiously investigate CODIS hits on investigations of all types.

The training requirement of Sections 9 and 10 are expected to have a minimal fiscal impact to the WSP. Once the current training is updated by the CJTC, it will be utilized in our Trooper Basic and Trimester Trainings.

The changes in Sections 2(8) and 14 are expected to have a minor fiscal impact to the WSP by continuing the current reporting requirement for the SAKs along with adding new required information.

The requirement of Section 6 to participate in the Sexual Assault Forensic Examination Best Practices Advisory Group is not expected to have a fiscal impact as it replaces a related advisory group that we currently participate in.

### **Part III: Expenditure Detail**

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

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

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

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

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

NONE

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

NONE

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

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

NONE

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

NONE

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

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

NONE

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

NONE

### **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> 1028 HB	<b>Title:</b> Crime victims & witnesses	<b>Agency:</b> 227-Criminal Justice Training Commission
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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	3.0	3.0	3.0	3.0	3.0
<b>Account</b>					
General Fund-State 001-1	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000
<b>Total \$</b>	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000

### 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: Corey Patton	Phone: 360-786-7388	Date: 01/05/2023
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 01/19/2023
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/19/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 01/20/2023



## 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.*

Section 6 identifies both the Washington Association of Sheriffs and Police Chiefs and the Criminal Justice Training Commission as a member of the sexual assault forensic examination best practices advisory group.

Section 7 requires the Washington State Criminal Justice Training Commission to administer a grant program for establishing a statewide resource prosecutor for sexual assault cases. The grant recipient must be a statewide organization or association representing prosecuting attorneys.

Section 9 amends RCW 43.101.272 to include the highest-ranking supervisors and commanders overseeing sexual assault and other gender-based violence investigations as attending the training.

Section 10 amends RCW 43.101.276.

Section 10(3) requires all peace officers to complete the training under this section at least once every three years.

Section 11 amends RCW 43.101.278 to include prosecutors in the case review program. The fiscal impact of this change is the commission will need to pay prosecuting attorneys to review cases for the program.

Section 12 requires the Washington State Criminal Justice Training Commission, in partnership with the special resource prosecutor under section 7 of this act, develop and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult victims. The Criminal Justice Training Commission will contract with an organization or association representing prosecuting attorneys to provide this training.

### II. B - Cash receipts Impact

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

This bill has no cash receipt impact on the Washington State Criminal Justice Training Commission.

### 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.*

Section 7 requires the commission to administer a grant program for establishing a statewide resource prosecutor for sexual assault cases. Grant program expenses are:

A Grant Administer to manage the grant program - salary = \$90,000 and benefits = \$30,000 for \$120,000 annual total.

Resource prosecutor salary and benefits = \$215,000 annually.

Travel, training, equipment, other misc. expenses, = \$20,000 annually.

Grant recipient administrative expense = \$40,000 annually.

Sections 9 and 10 expand the topics to include in the training, requires highest ranking supervisors and commanders who oversee investigations to complete training, and requires all peace officers at least once every three years to complete the training.

Three classes will be needed for the additional students and an online training course will be created to provide the required training to all law enforcement officers in the state. A Program Specialist will assist the program manager with the design, delivery, and coordination of the in-person, virtual, and online training. The Program Specialist will assist in identifying

instructors, actors, facility, and interview facilitator resources for the trainings.

An additional duty of the Program Specialist will be to assist the Program Manager in the content, coordination, and report writing for the annual case reviews described in section 11.

Administrative Assistant 3 is needed to manage registration and training records.

Program Specialist 3 salary = \$70,000 annually.

Program Specialist 3 benefits = \$26,000 annually.

Administrative Assistant 3 salary = \$53,000 annually.

Administrative Assistant 3 benefits = \$26,000 annually.

Program Manager salary adjustment for additional duties = \$20,000 annually.

Equipment for staff = \$10,000 in fiscal year 2024.

Training expenses for per class:

Instructors/actors = \$43,000 per class.

Training materials = \$2,000 per class.

Travel = \$10,000 per class.

Training facilities = \$5,000 per class.

Total per class = \$60,000 per class.

Cost for three additional classes annually = \$180,000.

Curricula development and creation of online training course for training for all peace officers is \$50,000 in fiscal year 2024.

Annual updates to online training course is \$15,000 annually starting in fiscal year 2025.

Section 11 includes prosecutors in the case review program.

Legal consultant and expert expenses is \$75,000 annually.

Section 12 requires the development and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult victims. The Washington State Criminal Justice Training Commission will contract with an organization to conduct this training.

Estimated annual expense for this training for prosecuting attorneys is \$180,000.

### 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	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000
<b>Total \$</b>			1,085,000	1,040,000	2,125,000	2,080,000	2,080,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.0	3.0	3.0	3.0	3.0
A-Salaries and Wages	233,000	233,000	466,000	466,000	466,000
B-Employee Benefits	82,000	82,000	164,000	164,000	164,000
C-Professional Service Contracts					
E-Goods and Other Services	455,000	420,000	875,000	840,000	840,000
G-Travel	30,000	30,000	60,000	60,000	60,000
J-Capital Outlays	10,000		10,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	275,000	275,000	550,000	550,000	550,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000

**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 3	53,000	1.0	1.0	1.0	1.0	1.0
Grant Administrator	90,000	1.0	1.0	1.0	1.0	1.0
Program Specialis 3	70,000	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		3.0	3.0	3.0	3.0	3.0

**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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1028 HB	<b>Title:</b> Crime victims & witnesses	<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
<b>Account</b>					
General Fund-State 001-1	197,000	206,000	403,000	446,000	389,000
<b>Total \$</b>	197,000	206,000	403,000	446,000	389,000

### 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: Corey Patton	Phone: 360-786-7388	Date: 01/05/2023
Agency Preparation: Shana J Snellgrove	Phone: 360-902-6408	Date: 01/10/2023
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 01/10/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 01/12/2023

## 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	197,000	206,000	403,000	446,000	389,000
<b>Total \$</b>			197,000	206,000	403,000	446,000	389,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	197,000	206,000	403,000	446,000	389,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	197,000	206,000	403,000	446,000	389,000

**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.*

## **Part II: Explanation**

This bill does several things related to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system. For the Department of Labor and Industries (L&I), this bill:

- Requires L&I to pay for all sexual assault examinations performed in Washington, regardless of whether the victim is a state resident, and it requires L&I to assist state residents in payment of forensic exams if the exam took place in another state.
- Requires L&I to establish a program for counseling services for victims of sexual assault whose sexual assault kits were in the statewide testing backlog.

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

**Section 1** amends RCW 7.68.170 by requiring L&I to pay for sexual assault examinations regardless of a victim's residency status. It also requires L&I to assist residents of Washington for payment of sexual assault examinations performed out of state.

**Section 17** adds a new section to chapter 7.68 RCW requiring L&I to establish a program for counseling services for victims of sexual assault whose sexual assault kits were in the statewide testing backlog.

To be eligible for benefits under this program, the victim must have undergone a forensic examination prior to July 24, 2015, and the sexual assault kit collected during the forensic examination must have been tested on or after July 24, 2015. Any victim eligible for benefits under the program may receive up to six counseling sessions in the 12 months following his or her application for benefits. Benefits under this program are not subject to the requirements in RCW 7.68.130. Costs may be billed or charged by the provider or facility to L&I, and such costs must be paid by L&I pursuant to this chapter. Otherwise, L&I shall reimburse the victim for any costs charged directly to him or her by the provider or facility.

This section expires July 1, 2028.

## **II. B – Cash Receipt Impact**

This bill will have an impact to federal revenue received in the General Fund. However, due to the following, L&I cannot estimate the amount at this time:

- The federal funding formula provides funding at 75 percent for state spending from the fiscal year three years prior.
  - This can also be adjusted if federal funding is reduced at the federal level.
- As federal funding increases, federal expenditures also increase which in turn reduces the amount of state spending, which reduces the amount of federal funding.
- The formula is based on a Federal Fiscal Year
- The federal formula also requires recovery costs, actual salary and benefit costs, for staff who work in collections.

## **II. C – Expenditures**

### **Appropriated – Operating Costs**

This bill will be implemented by L&I's Crime Victims' Compensation Program (CVCP), which increases expenditures to the General Fund-State, fund 001. The following assumptions were used to estimate the resources requested to implement this bill:

### **Sexual Assault Examination Costs**

The CVCP currently pays for sexual assault examinations if the assault took place in Washington, regardless of where the victims resides. The CVCP also currently pays when a sexual assault takes place in Washington and the exam takes place outside of Washington. This bill will allow L&I to pay for exams we hadn't before under these circumstances:

- A victim resides in Washington, is victimized in another state, and is examined in Washington.
- A victim resides in Washington, is victimized in another state, and is examined in another state. L&I can now coordinate to assist the victim to pay for the exam conducted in another state.

The following assumptions were made in developing this estimate:



- Number of claims received by the CVCP that were rejected due to the sexual assault taking place out of state from FY19 – FY22.
  - FY19 – 74
  - FY20 – 54
  - FY21 – 70
  - FY22 – 69
  - Assume a two percent increase in claims each year using FY22 as the base year.
- The average cost per sexual assault examination is based on claims received by the CVCP that were rejected due to the crime taking place out of state from FY19 – FY22.
  - FY19 - \$895
  - FY20 - \$1,046
  - FY21 - \$1,173
  - FY22 - \$1,434
  - Assume a four percent medical inflation rate each year using FY22 as the base year. This rate was determined by L&I’s Actuarial Services program and BLS.GOV.

Based on those assumptions, the estimated annual examination costs are:

<b>Fiscal Year</b>	<b>Number of Claims</b>	<b>Cost Per Examination</b>	<b>Total Cost Per Year</b>
2024	72	\$ 1,551	\$ 111,672
2025	73	\$ 1,613	\$ 117,749
2026	75	\$ 1,678	\$ 125,850
2027	76	\$ 1,745	\$ 132,620
2028	78	\$ 1,814	\$ 141,492
2029	79	\$ 1,887	\$ 149,073

**Counseling Session Costs**

This bill requires L&I to establish a program for counseling services for victims of sexual assault whose sexual assault kits were in the statewide testing backlog. To be eligible for benefits under this program, the victim must have undergone a forensic examination prior to July 24, 2015, and the sexual assault kit collected during the forensic examination must have been tested on or after

July 24, 2015. Any victim eligible for benefits under the program may receive up to six counseling sessions in the 12 months following his or her application for benefits. This section expires July 1, 2028.

The Washington State Patrol provided data estimating the existence of about 9,900 historical, previously untested kits collected prior to July 24, 2015.

The following assumptions were made in developing this estimate:

- Historically, approximately four percent of the claims allowed for sexual assault go on to have counseling sessions billed to the crime victims’ compensation claim.
- Therefore, it is assumed 396 of the total kits included in the backlog will result in a victim taking advantage of this benefit. (9,900 x 4% = 396)
- It is assumed all 396 victims will have six counseling sessions each resulting in 2,376 counseling sessions. (396 x 6 = 2,376)
- An even distribution of these counseling sessions over the next five fiscal years is assumed.
- A four percent medical inflation rate each year using FY23 as the base year is assumed. This rate was determined by L&I’s Actuarial Services program and BLS.GOV.
  - The FY23 cost for one counseling session is \$172.

Based on those assumptions, the estimated annual counseling session costs are:

<b>Fiscal Year</b>	<b>Number of Counseling Sessions</b>	<b>Cost Per Session</b>	<b>Total Cost Per Year</b>
2024	476	\$ 179	\$ 85,204
2025	476	\$ 186	\$ 88,536
2026	476	\$ 193	\$ 91,868
2027	476	\$ 201	\$ 95,676
2028	472	\$ 209	\$ 98,648
<b>Total</b>	<b>2,376</b>		<b>\$ 459,932</b>

**Staffing**

The additional examinations will generate additional bills for the CVCP staff to process. If the number of additional examinations remains at the current estimates, that volume will be

processed with existing resources. If the volume increases, L&I would likely submit a budget proposal in the future to secure additional staffing.

**Part IV: Capital Budget Impact**

None.

**Part V: New Rule Making Required**

None.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1028 HB	<b>Title:</b> Crime victims & witnesses	<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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
<b>Account</b>					
General Fund-State 001-1	10,401,000	10,395,000	20,796,000	20,790,000	20,790,000
General Fund-Federal 001-2	3,000	3,000	6,000	6,000	6,000
<b>Total \$</b>	10,404,000	10,398,000	20,802,000	20,796,000	20,796,000

### 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: Corey Patton	Phone: 360-786-7388	Date: 01/05/2023
Agency Preparation: Samuel Quartey	Phone: 360-628-4334	Date: 01/19/2023
Agency Approval: James Smith	Phone: 360-764-9492	Date: 01/19/2023
OFM Review: Carly Kujath	Phone: (360) 790-7909	Date: 01/24/2023

## Part II: Narrative Explanation

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

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

This bill provides support to crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system.

Section 16 (1) is amended from requiring one program located west of the crest and one located east of the crest of the Cascade mountains and now requiring at least one program located west of the crest and at least one located east of the crest of the Cascade mountains that the Department of Children, Youth, and Families (DCYF) shall administer funding for receiving center programs for commercially sexually exploited children.

Section 16 (2)(d) is added to include that receiving centers shall provide shelter and services within the receiving center for up to 30 days.

Section 16 (2)(e) is added to include that receiving centers shall provide ongoing case management for all children who are being served or were served by the programs

### 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.*

Title IV-E and Title XIX, the federal reimbursement is 13 percent. The agency estimates eligible reimbursements of \$6,000

### II. C - Expenditures

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

The Department of Children, Youth and Families estimates \$20,802,000 (\$20,796,000 GF-S), and 1.0 Full Time Equivalent Staff (FTEs) in the 23-25 Biennial Budget.

Section 16(2)(d)

Total Costs are \$10,404,000 in FY24, \$10,398,000 in FY25 and 1.0 FTE.

This section increases the receiving center shelter and services days from 3 days(72hours) to 30 days estimated at a cost of \$5,831,000 per fiscal year (FY) per site. Total estimated cost is \$10,261,000 ( $583,100 \times 10 = \$5,831,000 \times 2 = \$11,662,000 - \$1,400,000 = \$10,261,000$ ) factoring in the current level of funding provided of \$1,400,000 as this is 10 times the current day increase in the duration of services provided.

1.0 Management Analyst 4 FTE is needed to act as a liaison participating in community centered meetings such as human trafficking asks forces, multidisciplinary teams (MDTs) and children advocacy center meetings. This FTE will also consult on trafficking and exploitation cases with DCYF and community providers, gather and provide resource connections, provide trainings and presentations to both DCYF advocates and external community stakeholders.

Assumptions:

Estimates of service cost for the west side receiving centers are based on east side costs, there may be a cost difference from the initial estimate once there is a receiving center established on the west side.

On-going Case Management to be provided by services providers contracted for the receiving centers.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	10,401,000	10,395,000	20,796,000	20,790,000	20,790,000
001-2	General Fund	Federal	3,000	3,000	6,000	6,000	6,000
<b>Total \$</b>			10,404,000	10,398,000	20,802,000	20,796,000	20,796,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	83,000	83,000	166,000	166,000	166,000
B-Employee Benefits	28,000	28,000	56,000	56,000	56,000
C-Professional Service Contracts					
E-Goods and Other Services	2,000	2,000	4,000	4,000	4,000
G-Travel	2,000	2,000	4,000	4,000	4,000
J-Capital Outlays	7,000		7,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	10,261,000	10,262,000	20,523,000	20,524,000	20,524,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	21,000	21,000	42,000	42,000	42,000
9-					
<b>Total \$</b>	10,404,000	10,398,000	20,802,000	20,796,000	20,796,000

#### 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
Management Analyst 4	82,901	1.0	1.0	1.0	1.0	1.0
<b>Total FTEs</b>		1.0	1.0	1.0	1.0	1.0

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

NONE

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

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

NONE

#### IV. C - Capital Budget Breakout

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

NONE

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

NONE

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: 1028 HB

Title: Crime victims & witnesses

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

### Legislation Impacts:

Cities: testing, training possible multidisciplinary team costs

Counties: same as above

Special Districts:

Specific jurisdictions only:

Variance occurs due to:

## Part II: Estimates

No fiscal impacts.

Expenditures represent one-time costs:

Legislation provides local option:

Key variables cannot be estimated with certainty at this time:

### Estimated revenue impacts to:

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

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	501,518	486,845	988,363	973,690	973,690
County	124,658	129,550	254,208	259,100	259,100
<b>TOTAL \$</b>	626,176	616,395	1,242,571	1,232,790	1,232,790
<b>GRAND TOTAL \$</b>					<b>3,708,151</b>

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

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/12/2023
Leg. Committee Contact: Corey Patton	Phone: 360-786-7388	Date: 01/05/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/12/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 01/17/2023



## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

Sec. 2 amends RCW 5.70.040 and Sec. 3 amends RCW 5.70.050. Both are amended to direct a law enforcement agency to conduct a criminal investigation within 90 days, when forensic analysis of a sexual assault kit generates a profile resulting in a hit in the combined DNA index system.

Sec. 4 would remove RCW 5.70.050, which currently limits which sexual assault kits require investigation. Removing this RCW means all sexual assault kits will need to be investigated.

Sec. 5 amends RCW 9A.04.080 to extend the statute of limitations to four years, from the previous two years, for prosecution for a sex offense from the date on which the identity of the suspect is conclusively established by DNA testing or photograph.

Sec. 6 creates a new section in RCW 43.10. The sexual assault forensic examination best practices advisory group is established within the Office of the Attorney General. Its membership includes a member who is a sexual assault nurse examiner; two members who are law enforcement officers, one from a rural area and one from an urban area of the state; and one member who is a prosecuting attorney serving in a county in a rural area of the state.

Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The advisory group must meet no less than twice annually. This section expires July 1, 2026.

Sec. 8 creates a new section in RCW 43.280. Subject to the availability of amounts appropriated for this specific purpose, the Department of Commerce shall establish and administer a competitive grant program to support regional multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases. Grant recipients must establish a multidisciplinary sexual assault investigation team or teams for conducting investigations and prosecutions of sexual assault, which must include prosecutors, law enforcement, and victim advocates; and require participants in the sexual assault investigation team or teams to participate in and complete specialized training for victim-centered, trauma-informed investigation and prosecutions.

Grant funds may also support personnel costs, including hiring and overtime, to allow for adequate investigations and prosecutions. Grant awards must be prioritized for eligible applicants with a commitment to colocate assigned prosecutors, law enforcement, and victim advocates for the duration of the grant program.

The project may also allocate funds for grant recipients to create and employ training in relation to sexual assault evidence, victimization and trauma response; enhance victim services and support for past and current victims of sexual assault; or develop evidence collection, retention, victim notification, and other protocols needed to optimize data sharing, case investigation, prosecution, and victim support.

Eligible applicants" include law enforcement agencies, prosecutor's offices, or a governmental nonlaw enforcement agency acting as fiscal agent for one of the previously listed types of eligible applicants. A combination of jurisdictions, including contiguous jurisdictions of multiple towns, cities, or counties, may create a task force or other entity for the purposes of applying for and receiving a grant, provided that the relevant prosecutors and law enforcement agencies are acting in partnership in complying with the grant requirements.

Sec. 9 amends RCW 43.101.272. Subject to the availability of amounts appropriated, the Criminal Justice Training Commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault and other gender-based violence involving adult victims. Officers assigned to regularly investigate sexual assault and other gender-based violence involving adult victims and the highest-ranking supervisors and commanders overseeing those investigations shall complete the training within one year of being assigned.

Sec. 10 amends RCW 43.101.276. Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop peace officer training on a victim-centered, trauma-informed approach to interacting with victims and responding to calls involving gender-based violence.

All peace officers shall complete the training under this section at least once every three years. Previously, the requirement was for law enforcement agencies to host the training every year.

Sec. 12 adds a new section to RCW 43.101. Subject to the availability of amounts appropriated for this specific purpose, the Criminal Justice Training Commission shall develop and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult victims. The training should be offered at least once per calendar year and be deployed in different locations across the state, or through some other broadly accessible means, in order to improve access to the training for prosecutors serving in small offices or rural areas.

Sec. 13 amends RCW 7.68.170. No costs incurred by a hospital or other emergency medical facility located in the state for the examination of the victim of a sexual assault, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault, regardless of whether the victim is a state resident. Such costs shall be paid by the state pursuant to this chapter.

Sec. 15 adds a new section to RCW 70.02. A disclosure authorization to a health care provider or health care facility authorizing disclosure of information to law enforcement regarding a forensic examination performed for the purposes of gathering evidence for possible prosecution of a criminal offense must be valid until the end of all related criminal proceedings or a later event selected by the provider, facility, patient, or patient's representative, unless the patient or patient's representative requests a different expiration date or event for the disclosure authorization.

Sec. 18 amends RCW 43.185C.260. If a law enforcement officer takes a juvenile into custody and reasonably believes that the juvenile may be the victim of sexual exploitation, the officer shall transport the child to a parent or legal guardian in addition to other options.

## **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.*

This legislation would result in indeterminate increased expenditures for city and county law enforcement agencies to investigate sexual assault kits (SAKs), take required training and create multidisciplinary response teams. Numbers that could be estimated are in the grid, but additional indeterminate expenditures are anticipated. Please note that because 75% of Washington's officers are city, and 25% of officers are county, 75% of costs were calculated for cities, and 25% of costs were calculated for counties when separate costs were not available.

### **EXPENDITURE GRID:**

- Required Training Total: \$601,183 each year.
- Required Training Separated Costs: Counties:\$122,078. Cities: \$479,105.
- Training is included in the expenditure grid each year due to the limited number of officers that can attend each training plus turnover with new officers needing training.
  
- 1st Year of Sexual Assault Kit Investigations Total: \$29,885
- 1st Year SAK Investigations' Separated Costs: (assuming county costs would be 25% or \$7,472, and city costs would be 75% or \$22,413)
- Ongoing after 1st year Sexual Assault Kit Investigations: \$10,320
- Ongoing after 1st year SAK Separated Costs: (assuming county costs would be 25% or \$2,580, and city costs would be 75% or \$7,740)

### **COUNTIES:**

FY 2024: \$124,658 (\$122,078 training costs + \$7,472 SAK investigations)

FY 2025-FY 2029: \$129,550 (\$122,078 training costs + \$2,580)

CITIES:

FY 2024: \$501,518 (\$479,105 training costs + \$22,413)

FY 2025-FY 2029: \$486,845 (\$479,105 training costs + \$7,740)

A narrative explaining each element of the cost estimates is below.

TRAINING:

The Criminal Justice Training Council (CJTC) anticipates offering the bill's proposed training virtually, but the training's total number of hours could vary based on course content, which is currently in development. Likewise, the number of trainings offered per year could vary based on training experts' availability. Currently, CJTC estimates a maximum of 25 detectives and 10 commanders could attend each training, and each training would require 31 hours, but those estimates are subject to change.

ASSUMPTIONS:

According to the 2021 Crime in Washington Report from Washington Association of Sheriffs and Police Chiefs, approximately 75% of Washington's commissioned officers are in city police departments, and approximately 25% are in county sheriffs' departments. Therefore, for the purposes of this fiscal note, we will assume 75% of each training is attended by city detectives and commanders, and 25% of each training is attended by county investigators and highest-ranking supervisors, per the legislation's requirements.

CITIES' LAW ENFORCEMENT TRAINING COSTS:

A total of 25 detectives may attend each training. Assuming 75% of those detectives are from the city, approximately 19 city detectives would attend each training. According to the 2022 AWC Salary Survey, the mid-point hourly salary for police detectives is \$47.

A total of 10 commanders may attend each training. Assuming 75% of those commanders are from the city, approximately 8 city commanders would attend each training. According to the 2022 AWC Salary Survey, the mid-point hourly salary for police commanders is \$64.

Based on the assumptions of this fiscal note, cities would incur \$479,105 in annual expenditures for the bill's proposed training costs if 75% of the training spots were filled with city detectives and commanders.

- 19 police detectives x \$47 x 31 hours of training = \$27,683
- 8 police commanders x \$64 x 31 hours of training = \$15,872
- Cities total cost per training: \$43,555.
- Cities' annual cost for 11 trainings: \$479,105 (\$43,555 cost per training x 11 trainings)

COUNTIES' LAW ENFORCEMENT TRAINING COSTS:

A total of 25 detectives may attend each training. Assuming 25% of those detectives are from the county, approximately 6 county detectives would attend each training. According to the 2022 ACW Salary Survey, the mid-point hourly salary for deputy sheriffs is \$38.

A total of 10 commanders or highest-ranking supervisors may attend each training. Assuming 25% of those commanders are from the county, approximately 2 county undersheriffs would attend each training. According to the AWC Salary Survey, the mid-point hourly salary for an undersheriff is \$65.

Based on the assumptions of this fiscal note, counties could incur \$122,078 in annual expenditures for the bill's proposed training costs if 25% of the training spots were filled with deputy sheriffs and undersheriffs.

- 6 deputy sheriffs x \$38 x 31 hours of training = \$7,068

- 2 undersheriffs x \$65 x 31 hours of training = \$4,030

- Counties' total cost per training: \$11,098.

- Counties' annual cost for 11 trainings: \$122,078 (\$11,098 cost per training x 11 trainings)

#### INVESTIGATING SEXUAL ASSAULT KITS (SAK)

Law enforcement agencies would incur first year SAK investigation costs of \$29,885 to investigate older and current sexual assault kits, and an estimated \$10,320 each year thereafter. The first year would see a spike in SAK investigations as older SAKs are investigated. For the purposes of this fiscal note, the following estimates are used:

- Washington State Patrol (WSP) estimates a total of 910 current and older SAKs will have a new CODIS hit to investigate.
- WSP estimates an additional 480 new SAKs will have a CODIS hit to investigate each year.
- Washington Association of Sheriffs and Police Chiefs estimates it will take an investigator 30 minutes to investigate each case.
- Association of Washington Cities' Salary and Benefits Survey average hourly wage for police detectives and sheriff deputies is \$43 per hour.

The first year to investigate all qualifying sexual assault kits (SAKs) would cost law enforcement agencies a total of \$40,205.

- First year number of SAKs needing investigation: 910 current SAK + 480 anticipated new SAKs = 1,390 SAKs needing investigation.
- First year investigation cost: \$29,885 (1,390 sexual assault kits x 0.5 investigating time x \$43 per hour staff salary.)
- Annual cost after first year: \$10,320 (480 SAKs x 0.5 investigating time x \$43 per hour average salary.)

#### AWC SALARY AND BENEFITS SURVEY NOTES:

Association of Washington Cities' Salary and Benefits survey provides an average hourly salary for each of the following positions:

Deputy Sherriff – Avg. \$38/hr.

Police Detective – Avg. \$47/hr.

The average hourly salary for these two position is \$43/hr.

#### SAK TESTING NOTES:

- Not all kits in the tracking system have consent for DNA testing and subsequent entry into CODIS.
- Not all SAKs that are tested will have a DNA profile eligible for CODIS. Based on WSP's operational data, typically 43% of cases will have a profile suitable for CODIS.
- Not all SAKs that have a DNA profile entered into CODIS will result in a hit. WSP approximates 45% of cases that have a profile entered into CODIS will have a CODIS hit. This equates to a trend of 19% of all kits (both with and without a CODIS upload) will have a CODIS hit.
- The CODIS hit rate will likely increase as the size of the database grows as more profiles are entered, and a hit can result at any point of time, even after the initial upload has occurred, since more offender and evidence DNA profiles are uploaded and searched every day across the US increasing the potential of finding a match.
- If a kit has already been fully tested and the CODIS activities are already done, it is a fairly low rate of already tested cases that will generate a new CODIS hit requiring the 90 day investigation rule.

#### Grant program costs:

If funding is provided with this legislation, the legislation would create a new grant program to support regional multidisciplinary community response teams. Jurisdictions that elected to apply to the legislation's grant would see costs related to the grant application and, if they were successful, would encounter costs related to the work required for the grant, including the establishing multidisciplinary community response teams.

## **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.*

### **Grant revenue:**

The legislation would result in indeterminate revenue for jurisdictions chosen for the legislation's proposed grant. The grant awards have not been determined so the revenue cannot be estimated at this time.

### **SOURCES:**

Association of Washington Cities' Salary and Benefits Survey

Criminal Justice Training Center

Washington Association of Prosecuting Attorneys

Washington Association of Sheriffs and Police Chiefs

Washington State Patrol

Washington State Patrol Crime Laboratory Division