

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1394 S HB	<b>Title:</b> Sexual offenses by youth
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## Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI	No fiscal impact					
Local Gov. Other	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
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	18,000	18,000	18,000	.0	0	0	0	.0	0	0	0
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
<b>Total \$</b>	<b>0.0</b>	<b>18,000</b>	<b>18,000</b>	<b>18,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI	No fiscal impact								
Local Gov. Other			1,134,265			774,000			774,000
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			1,134,265			774,000			774,000

## 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
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI	No fiscal impact								
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> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Final 2/28/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1394 S HB	<b>Title:</b> Sexual offenses by youth	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/08/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/08/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/08/2023

182,514.00

Form FN (Rev 1/00)

Request # 157-1

Bill # 1394 S HB

## Part II: Narrative Explanation

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

The bill would amend RCWs 18.155, 9A.44, and 13.40 creating a response to youth who commit sexual offenses, prescribing penalties and effective dates.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

Minimal fiscal impact is expected to the Administrative Office of the Court to change forms (less than \$5,000).

Court costs impact would be minimal.

This bill would reform the juvenile sex offender registration policy specifying who would have to register and making it a gross misdemeanor for failure to do so.

## Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

### III. D - FTE Detail

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

182,514.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1394 S HB	<b>Title:</b> Sexual offenses by youth	<b>Agency:</b> 101-Caseload Forecast Council
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/09/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/09/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/09/2023

## Part II: Narrative Explanation

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

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

See attached.

### II. B - Cash receipts Impact

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

None.

### II. C - Expenditures

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

See attached.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# SHB 1394

## APPROPRIATE RESPONSE TO YOUTH SEX OFFENSES

### 101 – Caseload Forecast Council

#### February 8, 2023

#### SUMMARY

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

Section 1 States the legislative intent of the bill.

Section 2 Adds a new section to chapter 13.40 RCW that requires the Department of Children, Youth, and Families to develop and implement a grant program for sex offender evaluation and treatment, subject to appropriations.

Section 3 Amends RCW 18.155.020 definitions for “Certified Sex Offender Treatment Provider” and “Certified Affiliate Sex Offender Treatment Provider”.

Section 4 Amends RCW 9A.44.128 by adding a definition for “Adult.”

Section 5 Amends RCW 9A.44.130 by removing juveniles from existing requirements for registration and provides registration requirements for any person who is not an adult (non-adult) when the person:

- Committed a Class A or Class B sex offense at age 16 or 17 and did not receive a Special Sex Offender Disposition Alternative (SSODA);
- Committed Rape in the First Degree when age 15;
- Committed Rape in the Second Degree when age 15 and did not receive a SSODA.
- Committed a sex offense and has a prior conviction or deferred disposition for a sex offense;
- Has a revoked SSODA for a:
  - Class A or Class B sex offense that was committed at age 16 or 17; or
  - Rape in the Second Degree that was committed at age 15.
- Has an out-of-state, tribal, or federal conviction for a sex offense;
- Committed a kidnapping offense;
- Is found by the court based on clear, cogent, and convincing evidence to:
  - Be age 15-17 on the offense date;
  - Not have received a SSODA for the offense triggering possible registration or had revoked SSODA for that offense;
  - Have been adjudicated of multiple sex offenses involving two or more distinct victims in separate counts or causes;
  - Present a serious threat to public safety after the last date of release from confinement; and
  - Require registration in order to lessen the serious threat to public safety.

Section 6 Amends RCW 9A.44.132 by stating non-adults that are required to register and fail to do so are guilty of a gross misdemeanor and amends the Class C and B felony offenses of Failing to Register as a Sex Offender to adults who have a duty to register.

Section 7 Amends RCW 9A.44.140 by amending the time required for registration as a sex offender by excluding non-adults from existing requirements and adding the duty to

register for non-adults as follows for persons required to register under RCW 9A.44.130(1)(b):

- 3 years from last date of release from confinement or entry of disposition for a Class A offense committed at age 15, 16 or 17.
- 2 years from last date of release from confinement or entry of disposition for offenses not described in bullet above.

Section 8 Amends RCW 13.40.162 by removing references to removal from the central registry of sex offenders.

Section 9 Adds a new section to chapter 9A.44 RCW by stating any non-adult that has an existing obligation to register as a sex offender is ended if no longer a requirement under 9A.44.130(1)(b).

Section 9 Additionally states that non-adults with an existing to duty to register, the duty shall end 2 or 3 years after last date of release from confinement, unless the court extends the registration.

Section 9 Additionally requires registration agencies to remove all persons from the sex offender registry whose obligation to register is based on offense committed under the age of 18, unless the individual has an obligation to register.

Section 10 Amends RCW 9A.44.145, requiring the Washington State Patrol to notify registered sex and kidnapping offenders and a schools of any registration requirement changes.

Section 11 States Section 9 takes effect November 1, 2023.

## **EXPENDITURES**

### **Assumptions.**

None.

### **Impact on the Caseload Forecast Council.**

None.

### **Impact Summary**

- Removes the duty to register as a sex offender for some non-adults and for non-adults required to register, limits the period of registration to 2 or 3 years.

### **Impacts on Prison, Jail, local detention and Juvenile Rehabilitation (JR) beds**

This bill removes the obligation for certain juveniles to register as a sex offender. For non-adults that are required to register, the period of registration is limited to 2 or 3 years. As the requirement to register for certain youth has been extinguished or limited in time, there may be a reduction in future adult and juvenile Fail to Register as a Sex Offender offenses (FTRSO). The Caseload Forecast Council (CFC) does not have the data needed to determine if the underlying sex offense that resulted in a FTRSO conviction was an offense that would no longer require sex offender registration, and as such, the CFC cannot determine the bed impacts of the bill.

### **Impact on local detention and Juvenile Rehabilitation beds.**

The elimination of registration for certain juveniles or reduced term of registration for those that are required to register, may result in fewer juvenile adjudications of FTRSO. While the impacts are indeterminate, the following is provided as information. Based on Fiscal Year 2022 Caseload

Forecast Council (CFC) juvenile disposition data, there were less than 10 dispositions with adjudications for the offense of FTRSO, with two receiving a commitment to JR. It is unknown how many of the offenses had an underlying offense that would no longer require registration.

### **Impacts on DOC Supervision Population.**

Reductions of convictions for a first FTRSO sentences would result in elimination of 12-month community custody terms for individuals sentenced to a prison, regardless of risk to reoffend; and up to 12 months for non-prison sentences, if assessed as high risk to reoffend. For convictions of a subsequent FTRSO, reductions would result in elimination of 36-month terms for prison sentences, and terms of up to 12 months for non-prison sentences, regardless of risk to reoffend.

### **Additional Impacts**

Reductions of felony juvenile adjudications and adult convictions for FTRSO may result in lower criminal history scores for subsequent felony convictions. The CFC does not have the information necessary to recalculate scores, however, lower criminal history scores could result in jail and prison bed reductions for future sentences of individuals no longer required to register under the provisions of the bill.

Impacts of the substitute bill: the substitute bill extends the period required for registration as a sex offender by one year for non-adults that commit a Class A sex offense when age 15, 16, or 17. By extending the registration period, there may be additional convictions of FTRSO over the original bill.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1394 S HB	<b>Title:</b> Sexual offenses by youth	<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:**

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:

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- 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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Kendra Sanford	Phone: 360-596-4080	Date: 02/09/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/09/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/09/2023

## Part II: Narrative Explanation

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

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

The substitute version expands circumstances in which a person who is not an adult must register as a sex offender, increases the length of time under certain circumstances that a person who is not an adult is required to register as a sex offender, eliminates the ability of the court to extend the registration period following a motion to extend registration from the prosecuting attorney, and restores the definition of "certified sex offender treatment providers" to current requirements.

These changes do not change our assumptions stated in the original version.

This proposed legislation does not create a fiscal impact to the Washington State Patrol (WSP).

New Section 9(3) requires all registering agencies to review and remove all persons from the sex offender registry if they qualify by December 1, 2023.

Section 10 requires the WSP to notify registered sex and kidnapping offenders of any changes to registration requirements, including extinguishment of a legal obligation to register under Section 9. The WSP is also required to notify a school or institution regarding extinguishment of a student's legal obligation to register under Section 9.

### 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.*

Section 9(3) will be done by county sheriff offices as we are the repository but do not handle the offender registry, therefore this workload will not impact us.

Section 10 notification changes will require research and review of registered offenders and applicable schools or institutions. We expect to receive school and institution contact information from the county sheriffs' offices. We may have an increase in printing and mailing costs for notification information, but we anticipate this to be minimal and will absorb this within current 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

**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> 1394 S HB	<b>Title:</b> Sexual offenses by youth	<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:**

**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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Samuel Quartey	Phone: 360-628-4334	Date: 02/10/2023
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 02/10/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

## Part II: Narrative Explanation

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

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

Comparison of 1394 SHB to 1394 HB:

Section 1: language regarding Black, Hispanic, and American Indian individuals being overly represented in the population of registered juvenile sex offenders in Washington state is removed.

Section 3: changes the definition of a certified sex offender treatment provider.

SHB 1394

This bill amends existing law and creates a developmentally appropriate response to youth who commit sexual offenses.

Section 1 is amended to remove language that states Black, Hispanic, and American Indian individuals being overly represented in the population of registered juvenile sex offenders in Washington state is removed.

Section 2(1) requires the Department of Children, Youth, and Families (DCYF), subject to availability of appropriated funds, to develop and implement a grant program that allows defense attorneys and counties to apply for funding for sex offender evaluation and treatment programs.

Section 2(2) requires DCYF to provide funding to counties for process mapping, site assessment, and training for additional sex offender treatment modalities such as multisystemic therapy-problem sexual behavior or problematic sexual behavior-cognitive behavioral therapy, subject to availability of appropriated funding.

Section 3 is amended to change the definition of a certified sex offender treatment provider to exclude licensed mental health counselor associate, licensed independent clinical social worker associate, licensed advanced social worker associate, and licensed marriage and family therapist associate.

### 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.*

Fiscal impact is INDETERMINATE.

DCYF is unable to estimate to total fiscal impact of this bill at this moment. The amount of the grant funding made available will greatly impact how much work goes into developing criteria for applications, reviewing and awarding grant funding to the applicants, and monitoring expenditure. There may also be considerable work to do in order to set up process mapping, site assessment, and training for counties to be able to offer other sex offender treatment modalities.

Impacts on Prison, Jail, local detention and Juvenile Rehabilitation (JR) beds:

This bill removes the obligation for certain juveniles to register as a sex offender. For non-adults that are required to register, the period of registration is limited to 2 or 3 years. As the requirement to register for certain youth has been extinguished or limited in time, there may be a reduction in future adult and juvenile Fail to Register as a Sex Offender offenses (FTRSO). The Caseload Forecast Council (CFC) does not have the data needed to determine if the underlying sex offense that resulted in a FTRSO conviction was an offense that would no longer require sex offender registration, and as such, the CFC cannot determine the bed impacts of the bill.

Impact on local detention and Juvenile Rehabilitation beds:

The elimination of registration for certain juveniles or reduced term of registration for those that are required to register, may result in fewer juvenile adjudications of FTRSO. While the impacts are indeterminate, the following is provided as information. Based on Fiscal Year 2022 Caseload Forecast Council (CFC) juvenile disposition data, there were less than 10 dispositions with adjudications for the offense of FTRSO, with two receiving a commitment to JR. It is unknown how many of the offenses had an underlying offense that would no longer require registration.

### 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

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> 1394 S HB	<b>Title:</b> Sexual offenses by youth	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	18,000	0	18,000	0	0
<b>Total \$</b>	18,000	0	18,000	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: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 02/13/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 02/13/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/13/2023

## Part II: Narrative Explanation

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

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

1394 S HB differs from 1394 HB, as it extends the period required for registration as a sex offender by one year (from two years to three years) for non-adults who commit a Class A sex offense at the age of 15, 16, or 17, instead of 16 or 17. By extending the registration period, there may be additional convictions of FTRSO over the original bill.

1394 S HB amends the following section in the substitute bill:

Section 5(1)(b) includes persons who committed rape in the first and the second degree when age 15 to register.

Section 7(4) extends the time required for registration as a sex offender for 3 years from last date of release from confinement or entry of disposition for a Class A offense committed at age 15, 16 or 17.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

The fiscal impact of this bill is indeterminate, assumed to be greater than \$50,000 per Fiscal Year (FY).

#### Impact Summary

- Removes the duty to register as a sex offender for some non-adults and for non-adults required to register, limits the period of registration to 2 or 3 years.

#### Impacts on Prison, Jail, local detention, and Juvenile Rehabilitation (JR) beds

This bill removes the obligation for certain juveniles to register as a sex offender. For non-adults that are required to register, the period of registration is limited to 2 or 3 years. As the requirement to register for certain youth has been extinguished or limited in time, there may be a reduction in future adult and juvenile Fail to Register as a Sex Offender offenses (FTRSO). The Caseload Forecast Council (CFC) does not have the data needed to determine if the underlying sex offense that resulted in a FTRSO conviction was an offense that would no longer require sex offender registration, and as such, the CFC cannot determine the bed impacts of the bill.

#### Impacts on DOC Supervision Population.

The elimination of registration for certain juveniles or reduced term of registration for those that are required to register, may result in fewer juvenile adjudications of FTRSO. While the impacts are indeterminate, the following is provided as information. Based on Fiscal Year 2022 Caseload Forecast Council (CFC) juvenile disposition data, there were less than 10 dispositions with adjudications for the offense of FTRSO, with two receiving a commitment to JR. It is unknown how many of the offenses had an underlying offense that would no longer require registration.

This bill will impact DOC by reducing the supervision population. However, the number of people on supervision affected by it, is indeterminate.

#### Additional Impacts

Reductions of felony juvenile adjudications and adult convictions for FTRSO may result in lower criminal history scores for

subsequent felony convictions. The CFC does not have the information necessary to recalculate scores, however, lower criminal history scores could result in jail and prison bed reductions for future sentences of individuals no longer required to register under the provisions of the bill.

#### INFORMATION TECHNOLOGY IMPACTS

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity to complete the development, testing and implementation of the statutory changes, contracted services are necessary in FY2024.

To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.525 for technical corrections.

#### Cost Calculation Estimate:

IT Application Developer| \$120 per hour x 80 hours = \$9,600

IT Quality Assurance| \$120 per hour x 40 hours = \$4,800

IT Business Analyst| \$120 per hour x 30 hours = \$3,600

The One-Time cost in FY2024 is \$18,000, total of the above-mentioned costs.

#### Assumptions.

- 1) The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
- 2) We assume Direct Variable Cost (DVC) of \$6,980 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with Office of Financial Management, Senate, and House staff each legislative session.
- 3) For illustration purposes only, the average annual, Community Supervision caseload model is \$5,318 per ADP (not including startup costs), regardless of supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records and Training that are directly affected by supervision population changes. The estimate will vary based on risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent; 27.3% high non-violent; 21% moderate; 7.9% low; and 1.0% unclassified. (June – November 2017).
- 4) The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2022 average percentage of supervised individuals that served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$112.07 per day, inclusive of all risk levels and healthcare costs. The rate is an average and actual rates vary by local correctional facilities.
- 5) We assume a phase in will be necessary to successfully achieve the reductions/additions needed based on this legislation.
- 6) We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	18,000	0	18,000	0	0
<b>Total \$</b>			18,000	0	18,000	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					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	18,000		18,000		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	18,000	0	18,000	0	0

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

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 1394 S HB	<b>Title:</b> Sexual offenses by youth
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**Part I: Jurisdiction**-Location, type or status of political subdivision defines range of fiscal impacts.

**Legislation Impacts:**

- Cities:
- Counties: Sheriff offices could incur additional staffing costs in the first year ranging from \$489,265 to \$1,005,265 to monitor, review and remove sex offenders' registrations. Each year thereafter sheriffs' costs could be \$129,000 to \$645,000. Prosecuting attorneys would experience indeterminate costs resulting from filing motions to extend sex offenders' registration periods.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to: The information that will or will not be available for each registered sex offender; the number of registered offenders that will need to be removed.

**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: The time required to find each registered sex offender's release date and registration expiration dates; the additional number of registered sex offenders that will require monitoring in the future; the number of motions prosecutors will file to extend sex offenders' registration periods.

**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
County	747,265	387,000	1,134,265	774,000	774,000
<b>TOTAL \$</b>	747,265	387,000	1,134,265	774,000	774,000
<b>GRAND TOTAL \$</b>					<b>2,682,265</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: 02/14/2023
Leg. Committee Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/14/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 02/15/2023

## **Part IV: Analysis**

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

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

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

The substitute legislation expands the circumstances in which youth must register as a sex offender to include:

- a person who committed Rape in the first degree when the person was age 15;
  
- a person who committed Rape in the second degree when the person was age 15 and the person did not receive a special sex offender disposition alternative; and
  
- a person age 15 to 17 on the offense date, committed multiple offenses with two or more victims, presents a serious threat to public safety following release, and requires registration to lessen the public safety threat.

The substitute also adds one year to the original bill's required amount of time that a youth must register from two to three years when the person is required to register for a class A offense committed at age 15, 16, or 17.

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

Sec. 2 adds a new section that would create two new funding streams for counties, subject to funds appropriated for the purposes.

Sec. 2 (1) DCYF shall implement a new grant program that would allow counties and defense attorneys to apply for funding for sex offender evaluation and treatment programs.

Sec. 2 (2) establishes that DCYF shall provide funding to counties. Subject to funds appropriated for this purpose, DCYF shall provide funding to counties for process mapping; site assessment; or training for additional sex offender treatment modalities.

Sec. 5 (1) (b) adds a subsection to RCW 9A.44.130 that limits juvenile sex offender registration to juveniles (where the offense was committed while under age 18 and not sentenced for an offense in adult court due to decline of juvenile court jurisdiction) who:

- committed a class A or class B sex offense when the person was age 16 or 17 or a Rape in the second degree offense at age 15 and did not receive a special sex offender disposition alternative;
  
- committed a sex offense and, on the offense date, the juvenile had a prior conviction for a sex offense or had a deferred disposition for a sex offense;
  
- has a special sex offender disposition alternative revoked for: a class A or class B sex offense that was committed when the person was age 16 or 17; or
  
- a Rape in the second degree offense when the person was age 15;
  
- following a court finding based on clear, cogent, and convincing evidence that the person: is age 15 to 17 and was adjudicated of multiple sex offenses involving two or more victims, presents a serious threat to public safety following release, and registration is required to lessen that threat;
  
- has an out-of-state, tribal, or federal conviction for a sex offense; or
  
- committed a kidnapping offense.

Sec. 6 amends RCW 9A.44.132 to reduce the crime of failing to register as a sex offender from a felony to a Class C Misdemeanor if the person has a duty to register under RCW 9A.44.130 (1)(b).

Sec. 7 (4) adds a new subsection to RCW 9A.44.140 to limit registration requirements.

Sec. 7 (4) (a) A person required to register under RCW 9A.44.130 (1) (b) will only be required to register for three years after their release from confinement if the court does not extend the registration period. Prosecuting attorneys can file a motion to extend the required registration period up to an additional two years if clear and convincing evidence is present that the person could pose a danger to society.

Sec. 7 (4) (b) makes an exception. A person required to register under RCW 9A.44.130 (1) (b) but does not meet the description in (4) (a) of this section shall only be required to register for two years after the last date of release from confinement.

Sec. 9 (1) adds a new section to chapter 9A.44 “Sex Offenses.” Any juvenile currently required to register as a sex offender would no longer be required to do so beginning November 1, 2023.

Sec. 9 (2) establishes that sex offenders required to register under RCW 9A.44.130 (1) (b) would only be required to register for two or three years after their release date unless the court extends their registration period.

Sec. 9 (3) establishes that by December 1, 2023, each registering agency shall conduct an individual review and remove all people who have been required to register based on an offense committed while the person was under the age of 18, unless a person is legally required to register under subsection (2) of this section.

Sec. 11 adds a new section that states Sec. 9 of this act takes effect November 1, 2023.

## **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 IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute bill would have an indeterminate but likely minimal impact on counties’ expenditures due to adding more qualifiers for youth that may need to register as sex offenders, and requiring youth offenders to register for three years instead of two years if the youth was required to register for a class A offense committed at age 15, 16 or 17. The number of youth to whom this will apply cannot be predicted in advance, so the county cost impact is indeterminate.

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

Local governments would experience indeterminate increased expenditures as a result of changing youth sex offender registration requirements. Costs that could be estimated are entered into the expenditure grid.

Counties will see increased staffing costs for sheriffs’ offices, some of which can be estimated and some which are indeterminate. Additional staffing costs would be due to the legislation’s requirement to review, remove and monitoring sex offenders in the first year. First year costs could range from \$489,265 (\$360,265 reviewing and removing + \$129,000 additional monitoring) to \$1,005,265 (\$360,265 reviewing and removing + \$645,000 additional monitoring). Each year after the first year, annual costs could range from \$129,000 to \$645,000 to monitor additional sex offenders’ registrations. The number of registrants that will require additional research for information, the amount of time that research will take, and the number of registrants that will need to be removed cannot be predicted in advance, so the costs are ultimately indeterminate. However, costs that could be estimated are provided below, and the midpoints in the range of cost estimates are entered into the expenditure grid.

Prosecuting attorneys would experience indeterminate costs due to the legislation requiring prosecuting attorneys to file a motion to extend a sex offender’s registration period if clear and convincing evidence is present that the person could pose a danger to society. The number of registrants for whom such evidence will be present, and the number of motions that will be filed is not known. Therefore, the impacts to prosecuting attorneys are indeterminate.

## REDUCING REGISTRATION REQUIREMENTS

Law enforcement agencies would experience indeterminate but likely minimal impacts from Sec. 5 (1) (b) that could potentially decrease the number of people registering as sex offenders at sheriffs' offices. The number of offenders that will need to register cannot be predicted. However, in 2021, Washington Association of Sheriffs and Police Chiefs (WASPC) provided data to the Office of Financial Management (OFM). At that time, there were approximately 3,400 individuals registered with adjudications that occurred when the person was a juvenile and had a birthdate on or after 1990. This did not include the approximately 700 records where the registration status was inactive/expired, inactive/deceased, or individuals with sealed records. So, the overall impact to total registrants will not greatly impact most registering agencies.

## REVIEWING AND REMOVING OFFENDERS

County law enforcement agencies could incur \$360,265 in staff expenditures to review and remove registered sex offenders' information.

Sec. 9 (3) would require each registering agency to conduct an individual review and remove all people who have been required to register based on an offense committed while the person was under the age of 18, unless a person is legally required to register under subsection (2) of this section by December 1, 2023.

There are currently 20,135 registered sex offenders with active registrations in Washington state, according to WASPC. Law enforcement agencies anticipate registered sex offender coordinators would do a review of all sex offender registered persons to confirm if their date of adjudication/conviction occurred when the person was a juvenile, which would require at least a 10 minute review. According to the 2022 Association of Washington Cities' Salary and Benefits Survey (AWCSBS), clerks' average salary is \$43/hour.

$20,135 \text{ offenders} \times 10 \text{ minutes each} = 3,355 \text{ hours. } \$43/\text{hour clerk time} \times 3,355 \text{ hours} = \$144,265.$

According to law enforcement agencies, registered sex offenders with juvenile offenses would require a more extensive review that would take at least one hour. In 2021, WASPC identified approximately 3,000 people who were currently registered with an offense that occurred when they were a juvenile.

$3,000 \text{ offenders} \times 60 \text{ minutes each} = 3,000 \text{ hours. } \$72/\text{hour detective time} \times 3,000 \text{ hours} = \$216,000.$

Law enforcement agencies could incur \$360,265 in staff expenditures to review and remove applicable sex offenders. This number is reflected in the expenditure grid's Fiscal Year 2024 county column, in addition to the annual monitoring costs of \$387,000 which will be discussed below. ( $\$387,000 + \$360,265 = \$747,265$ )

## MONITORING SEX OFFENDER REGISTRATIONS

Sheriff's offices could experience an annual increase in staffing expenditures ranging from \$129,000 to \$645,000 in order to monitor additional sex offenders.

Sex offenders are currently required to register in person at the sheriff's office in their county of residence and are currently monitored. Additional monitoring would only apply to those individuals who were juveniles at the time of their adjudication/conviction and were not relieved per the bill. This would include new juveniles adjudicated/convicted. WASPC conservatively estimates approximately 3,000 offenders would require additional monitoring.

If the courts send the sheriff changes to offenders' information, the time commitment to update offender information would likely be one hour per person per update, resulting in an approximate \$129,000 increase to staffing expenditures. ( $3,000 \text{ offenders} \times 1 \text{ hour monitoring} \times \$43 \text{ records clerk hourly wage} = \$129,000 \text{ in staff expenses.}$ )

However, in more cases than not, law enforcement agencies do not get notified by the courts, prosecutors, defense attorneys or offenders (adults and juveniles) when offenders receive an Order Relief of Duty. Tracking down the required information will be the most time consuming step in monitoring registered sex offenders' release dates and registration expiration dates.

If local law enforcement agencies have to track down the information, finding the information will be more complex. If the offender lives in the same jurisdiction as the court overseeing the continuation of registration, law enforcement agencies estimate it would take two to three hours to find and update offenders' information. If multiple counties are involved, agencies estimate it could take three to five hours to find the requisite information. This could result in a \$645,000 increase in staff expenses in a worst case scenario. (3,000 offenders x 5 hours monitoring x \$43 records clerk hourly wage = \$645,000.)

Sheriffs' offices could experience an annual increase in staffing expenditures ranging from \$129,000 to \$645,000 as a result of the legislation's monitoring requirement. The midpoint between these two numbers is \$387,000, which is reflected in each year of the expenditure grid. Note that Fiscal Year 2024 also includes first year costs of \$360,265 in staff expenditures to review and remove applicable sex offenders, as discussed above.

## GRANTS

According to Sec. 2 (1), counties and defense attorneys would be allowed to apply for the Department of Children Youth and Families' (DCYF) grant funding for sex offender evaluation and treatment programs if funding is appropriated for that purpose. Currently DCYF uses a Fee For Service (pay first, be reimbursed after) model. If a grant is established, DCYF assumes it will follow a similar concept. One evaluation can cost between \$1,200 and \$1,500 per youth. In terms of treatment costs, currently when kids are in the Special Sex Offender Disposition Alternative (SSODA) program they see a provider for one hour per week. This can range from \$100 - \$120 dollars per hour depending on the provider. It would cost \$6,240 annually for a youth to attend weekly sessions at \$120 dollars per weekly session. Most kids see a provider for a maximum of 24 months. However, since applying for such a grant is a local option, the Local Government Fiscal Note (LGFN) program assumes no impact to expenditures due to the application process.

According to Sec. 2 (2), DCYF shall provide counties with funding for process mapping, site assessment, and training. However, DCYF does not know how much funding will be available and this will drive how many recipients are awarded meaningful amounts. Additionally, the actual cost of process mapping, site assessment and training is not known, nor is it known if DCYF's funding would cover the entirety of the expenses counties may incur for process mapping, site assessment and training. Therefore, the expenditure impact of county funding is indeterminate.

## C. SUMMARY OF REVENUE IMPACTS

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

### REVENUE IMPACTS OF CURRENT BILL:

This legislation would result in indeterminate revenues for counties if they receive funds from the Department of Children, Youth and Families (DCYF) to pay for process mapping, site assessment, or training on additional sex offender treatment modalities. The legislation does not define how much funding would be made available, nor how much funding would be given to counties. Therefore the county revenue impact is indeterminate.

According to Sec. 2 (1), counties and defense attorneys would be allowed to apply for DCYF's grant funding for sex offender evaluation and treatment programs if funding is appropriated for that purpose. However, this is a local option so there is no impact to local governments' revenue.

According to Sec. 2 (2), DCYF shall provide counties with funding for process mapping, site assessment, and training if funding is appropriated for this purpose. However, it is unknown how much funding would be made available for counties; how much funding would be allowed for each expense; and the actual amount counties would receive from DCYF to pay for process mapping, site assessment and training. Therefore, counties' revenue impact resulting from the legislation is

indeterminate.

**SOURCES:**

Department of Children, Youth and Families

Washington Association of Prosecuting Attorneys

Washington Association of Sheriffs and Police Chiefs

Washington State Association of Counties

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1394 S HB	<b>Title:</b> Sexual offenses by youth	<b>Agency:</b> SDF-School District Fiscal Note - SPI
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/07/2023
Agency Preparation: Troy Klein	Phone: 360 725-6294	Date: 02/27/2023
Agency Approval: TJ Kelly	Phone: (360) 725-6301	Date: 02/27/2023
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/27/2023

## Part II: Narrative Explanation

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

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

SHB 1394 changes from HB 1394:

Section 1 of the bill removes some intent language.

Section 3 restores current law requirements for certified sex offender treatment providers.

Section 5 of the bill expands the circumstances in which a person who is not an adult must register as a sex offender.

Section 7 of the bill increases the length of time that a person who is not an adult is required to register from two years to three years when the person is required to register for a class A offense committed at age 15, 16, or 17.

Section 9 of the bill eliminates the ability for a court to extend the registration period following a motion to extend registration.

Section 1 is a finding and intent section of the bill.

Section 2 – Adds a new section to RCW 13.40, subject to available funds. This section directs juvenile courts under Title 13 to develop and implement a grant program allowing defense attorneys and courts to apply for funding of evaluation and treatment. It would also provide funding to counties for mapping, assessments, and training for additional sex offender treatment modalities such as multisystemic therapy-problem sexual behavior or problematic sexual behavior-cognitive behavioral therapy.

Section 3 – Amends RCW 18.155.020 by adding to the approved list of affiliate providers who can examine and treat sexual offenders to included licensed associates for social workers, family and marriage therapists, and mental health counseling.

Section 4 – Amends RCW 9A.44.128 by adding a definition for “adult” and clarifying that youth are under 18 for these purposes.

Section 5 – amends 9A.44.130 to remove the word “juvenile” from the original registration requirement language and adds new language for registration requirements for non-adults based on class offense and age at the time of the offense.

Section 6 – RCW 9A.44.132 is amended to include clarifying language regarding punishment for lack of registering if they “have a duty to register” to do so in alignment with new sex offender registration requirements.

Section 7 – RCW 9A.44.140 is amended to increase the length of time that a person who is not an adult is required to register from two years to three years when the person is required to register for a class A offense committed at age 15, 16, or 17.

Section 8 – Amends RCW 13.40.162 to remove language regarding removal based on numerous factors to alleviate the process of extinguishment of registration requirement.

Section 9 – A new section is added to RCW 9A.44 creating an end date for those who have already met registration requirements under this bill. This section will go into effect as of November 1, 2023. Those who have not met the requirements yet will be required to remain registered until 2 or 3 years past the last date of confinement or treatment. It requires registering agencies to review and remove offenders under 18 by December 1, 2023, unless they are still obligated to be registered.

Section 10 - RCW 9A.44.145 amends notification requirements from the state patrol to include extinguishment of requirement to register including new language to notify designees at the school or school district when a student is no longer required to be registered.

## **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 would have no cash receipt impact on school districts.

## **II. C - Expenditures**

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

This bill would have no expenditure impact on school districts. It does not change any school requirements but does require notification to schools regarding youth who are no longer required to register.

## **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

This bill would have no capital expenditure impact on school districts.

**Part V: New Rule Making Required**

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