

Multiple Agency Fiscal Note Summary

Bill Number: 1492 2S HB	Title: State v. Blake relief
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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	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other	Fiscal note not available					
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	Fiscal note not available											
Office of Public Defense	6.0	0	0	11,932,841	6.0	0	0	11,961,371	6.0	0	0	11,969,122
Office of Civil Legal Aid	1.0	252,337	252,337	252,337	1.0	268,089	268,089	268,089	1.0	284,741	284,741	284,741
Office of Attorney General	Fiscal note not available											
Caseload Forecast Council	Fiscal note not available											
Department of Enterprise Services	Fiscal note not available											
Washington State Patrol	12.0	3,011,187	3,011,187	3,011,187	10.0	2,415,308	2,415,308	2,415,308	10.0	2,415,308	2,415,308	2,415,308
Department of Licensing	Fiscal note not available											
Department of Corrections	Fiscal note not available											
Total \$	19.0	3,263,524	3,263,524	15,196,365	17.0	2,683,397	2,683,397	14,644,768	17.0	2,700,049	2,700,049	14,669,171

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of Civil Legal Aid	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	Fiscal note not available								
Caseload Forecast Council	Fiscal note not available								
Department of Enterprise Services	Fiscal note not available								
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	Fiscal note not available								
Department of Corrections	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Fiscal note not available								
Local Gov. Total									

Estimated Capital Budget Breakout

NONE

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Preliminary 3/ 1/2023
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Individual State Agency Fiscal Note

Bill Number: 1492 2S HB	Title: State v. Blake relief	Agency: 056-Office of Public Defense
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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	6.0	6.0	6.0	6.0	6.0
Account					
Judicial Stabilization Trust Account-State 16A-1	5,963,400	5,969,441	11,932,841	11,961,371	11,969,122
Total \$	5,963,400	5,969,441	11,932,841	11,961,371	11,969,122

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: 02/27/2023
Agency Preparation: Katrin Johnson	Phone: 360-586-3164 1	Date: 02/28/2023
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/28/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/01/2023

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 sections of 2SHB 1492 that will have a fiscal impact on the Washington State Office of Public Defense (OPD) include:

Sec. 3(1)(a)(ii): Requires prosecutors to notify the OPD when a person who is eligible for vacation of a qualifying conviction is currently serving a sentence under the supervision of the Department of Corrections, as those individuals may become eligible for resentencing under section 6 of the bill.

Sec. 6(1): Provides the right to assistance of counsel for persons who may file a motion to be resentenced where the vacation of a qualifying conviction affects a sentence for separate conviction.

Sec. 8(1): Provides affected persons with the right to challenge a court-ordered refund amount resulting from a prosecutor-filed motion to vacate a qualifying conviction or nonconviction, and provides the affected person with the right to amend the refund amount to include document-verified collateral costs paid as a result of the qualifying conviction or nonconviction.

Sec. 8(2): Provides that if the person is indigent, the person may request the services of counsel, which will be coordinated by state OPD subject to appropriated funding. The services of counsel would include both reviewing the basis for the individual's challenge, and representing the person on a motion to amend the reimbursement order. These hearings will be held in Superior, District, and Municipal Courts.

Sec. 10(3): Requires the Administrative Office of the Courts (AOC) to provide installment reports of qualifying convictions and nonconvictions to the OPD. The OPD may share these reports with local public defense organizations or their contractors providing legal representation to those impacted by State v. Blake.

Sec. 12(4): Requires AOC to notify individuals who have obtained a refund of their right to challenge the refund amount with the assistance of counsel as described in Section 8(2) within a three year time frame. The notice must include information about how to contact OPD to request assistance of counsel to challenge a refund amount.

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.

Assumptions:

CONTINUATION OF CURRENT BLAKE DEFENSE FUNDING

1. Pursuant to Engrossed Substitute Senate Bill 5693, Chapter 297, Laws of 2022, Section 115 (5), OPD currently receives funding to support Blake defense efforts in counties, and to provide state-level management and oversight of Blake defense efforts statewide. These funds will expire June 30, 2023. OPD submitted a 2023-2025 Decision Package (entitled AE – Blake Response – Continuation) which is included in the Governor's Budget, to continue these efforts. The costs associated with 2SHB 1492, as reflected in this fiscal note, correspond to expenditures identified in that Decision Package. In addition, the Department of Commerce's Local Government Fiscal Note for 2SHB 1492 appears to rely on a continuation of this funding to OPD for local government support.

FUNDING FOR LOCAL GOVERNMENT PUBLIC DEFENSE SERVICES

2. Expenditure Object Code N – Grants, Benefits & Client Services: OPD currently receives \$5.1 million to support county governments in (1) resentencing individuals whose current sentences may be reduced due to Blake, and (2) filing motions to vacate convictions for individuals who are no longer serving sentences, but have a criminal history which includes simple drug possession. OPD does not receive funding for Blake defense in municipalities.

2.a. It is assumed that OPD will continue allocating funds for defense in County Superior Courts to persons eligible for resentencing under State v. Blake. (See Local Government Fiscal Note.)

2.b. For individuals no longer serving Blake-affected sentences, 2SHB 1492 requires prosecutors to proactively vacate historic Blake convictions without the involvement of defense counsel. Therefore, it is anticipated that OPD will fund fewer public defense motions to vacate Blake convictions in FY '23 - '25.

2.c. However, 2SHB 1492 requires OPD to provide public defense services to individuals seeking to challenge their ordered reimbursement amount in Superior, District, and Municipal Courts. Defense counsel would screen individuals' challenges, and provide representation in non-frivolous cases. Given the wide number and variety of county and city jurisdictions associated with these reimbursement challenges, OPD assumes that it will not enter into grant agreements with all cities and counties for this level of representation. OPD assumes that in many instances it will enter into contracts directly with public defense organizations and law offices to provide defense representation. Each defense organization or law office will be responsible for screening and representing individuals with non-frivolous Blake reimbursement challenges in the courts within a given geographic area or court jurisdiction.

2.d. It is assumed that the potential vacature cost savings associated with 2.b. above will be absorbed by the added services to challenge reimbursement amounts as described in 2.c. above.

FUNDING FOR OPD STATE-LEVEL MANAGEMENT AND OVERSIGHT

3. Pursuant to Engrossed Substitute Senate Bill 5693, Chapter 297, laws of 2022, Section 115 (5) – (6), and OPD's '23-'25 Blake Response Decision Package, it is assumed that OPD will continue to receive state funding for statewide management of Blake defense efforts. OPD management duties would be expanded under 2SHB 1492, and additional duties will be absorbed by OPD staff and associated costs as included in OPD's '23-'25 Blake Response Decision Package. Those costs include:

3.a. As identified at Expenditure Object Code A, Salaries and Wages in the amount of \$510,000 in FY24 (and higher amounts in subsequent years consistent with the state salary schedule, and as identified in Expenditure Object Code B, Employee Benefits in the amount of \$133,400 for FY24. Salaries and benefits increase in subsequent years pursuant to OPD's salary schedule. These costs are based on the following staffing:

2.0 FTE Managing attorneys. One will oversee all grant funds and state-contracted attorneys for Blake defense services. One will manage triage efforts, analyzing data from various resources to identify and prioritize individuals eligible for Blake defense services, and track completion of Blake activities. Annual salary per attorney \$115,000 and benefits \$26,450.

2.0 FTE Paralegals to support the efforts of the Managing Attorneys. In FY 24 annual salary per paralegal \$70,000 and benefits \$16,100. Those amounts increase per salary schedule in subsequent years.

1.0 FTE Community Outreach Specialist to develop and implement a communication plan to inform impacted community members of available services for Blake relief. Much of the public is still unaware of their eligibility to vacate convictions and receive LFO reimbursements. In FY 24 annual salary \$70,000 and benefits \$16,100. Those amounts increase per salary schedule in subsequent years.

0.5 FTE Data Analyst to merge, sort, and organize Blake-related data from state, county and city sources. Annual salary \$45,000 and benefits \$20,700.

0.5 FTE Administrative Assistant to support the above-mentioned positions. Annual salary \$25,000 and benefits \$11,500. Those amounts increase per salary schedule in subsequent years.

4. As identified in Expenditure Object Code C – Professional Service Contracts, OPD assumes it will enter into contracts in the amount of \$200,000 per fiscal year. Contracts would be with service providers for additional technical service such as data analysis, and technical consultation for defense attorneys on complex legal issues beyond the scope of OPD staff

experience.

5. As identified in Expenditure Object Code E – Goods and Other Services, OPD assumes it will spend \$10,000 per fiscal year for software, training, and other related resources associated with state-level management and oversight of Blake defense.

6. As identified in Expenditure Object Code G – Travel, OPD assumes it will spend \$10,000 per fiscal year for travel costs associated with state-level management and oversight of Blake defense.

FUND SHIFT TO THE JUDICIAL STABILIZATON TRUST ACCOUNT FOR STATE V. BLAKE DEFENSE SERVICES

7. The speed and pace of Blake work is unpredictable, and many defense functions under 2SHB 1492 cannot begin until after prosecutors, courts, and the AOC have completed certain new tasks. Given the uncertain timeline for the Blake defense services required by 2SHB 1492, and to ensure timely assistance for Blake public defense under these circumstances, OPD assumes a funding shift from the State General Fund into the Judicial Stabilization Trust Account (JSTA) to provide for the fiscal year flexibility allowed within the biennialized JSTA fund.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
16A-1	Judicial Stabilization Trust Account	State	5,963,400	5,969,441	11,932,841	11,961,371	11,969,122
Total \$			5,963,400	5,969,441	11,932,841	11,961,371	11,969,122

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	6.0	6.0	6.0	6.0	6.0
A-Salaries and Wages	510,000	514,856	1,024,856	1,047,640	1,053,828
B-Employee Benefits	133,400	134,585	267,985	273,731	275,294
C-Professional Service Contracts	200,000	200,000	400,000	400,000	400,000
E-Goods and Other Services	10,000	10,000	20,000	20,000	20,000
G-Travel	10,000	10,000	20,000	20,000	20,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	5,100,000	5,100,000	10,200,000	10,200,000	10,200,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	5,963,400	5,969,441	11,932,841	11,961,371	11,969,122

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
Community Outreach Specialist (1.0 FTE)	70,000	1.0	1.0	1.0	1.0	1.0
Data Analyst (0.5 FTE)	90,000	0.5	0.5	0.5	0.5	0.5
Managing Attorney (2.0 FTE)	115,000	2.0	2.0	2.0	2.0	2.0
Paralegal (2.0 FTE)	70,000	2.0	2.0	2.0	2.0	2.0
Program Assistant (0.5 FTE)	50,000	0.5	0.5	0.5	0.5	0.5
Total FTEs		6.0	6.0	6.0	6.0	6.0

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

Bill Number: 1492 2S HB	Title: State v. Blake relief	Agency: 057-Office of Civil Legal Aid
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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
Account					
General Fund-State 001-1	124,254	128,083	252,337	268,089	284,741
Total \$	124,254	128,083	252,337	268,089	284,741

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: 02/27/2023
Agency Preparation: Jim Bamberger	Phone: (360) 704-4135	Date: 02/27/2023
Agency Approval: Jim Bamberger	Phone: (360) 704-4135	Date: 02/27/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/28/2023

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.

2SHB 1492 outlines the procedures that will govern refund of legal financial obligations (LFOs) for individuals entitled to relief following the Supreme Court's ruling in *State v. Blake*. The Office of Civil Legal Aid (OCLA) currently administers legislatively appropriated funds and contracts with non-profit civil legal aid organizations that provide legal information, assistance, and representation to individuals seeking refund of LFOs and related civil relief to which they may be entitled.

The sections of the 2SHB 1492 that will have a fiscal impact on OCLA include:

Section 4 establishes a right to file a motion with the sentencing court for a vacation of a qualifying conviction or non-conviction and a refund of legal financial obligations and related costs.

Section 8 provides that a person may challenge the amount of any LFO obligation or collection cost refund ordered by the court under sections 5 or 7 if the order resulted from a motion brought by the prosecuting attorney under section 3. Section 8(2) provides that indigent persons bringing such a challenge may request the services of counsel, subject to funding appropriated for this specific purpose to the office of civil legal aid or the office of public defense. The standard for indigency shall be that set forth in RCW 10.101.010.

Section 10(1) requires AOC, in coordination with the clerks of the superior, district, and municipal courts, to produce reports for each court of all persons with qualifying convictions and qualifying non-convictions. Section 10(3) requires AOC to provide completed installments of these reports to, among other entities, the office of civil legal aid and the office of public defense. The office of civil legal aid and the office of public defense may provide the reports to local public defense or their contractors providing legal representation to those impacted by *State v. Blake*.

Section 12(4)(b) requires the AOC to include in notices sent from the refund bureau to persons determined to be eligible for a refund of LFOs information on the process to bring a motion to amend the refund amount and how to contact the office of public defense and the office of civil legal aid if the person is indigent and wishes to obtain the assistance of an attorney.

OCLA will be required to hire a full-time Blake LFO Relief Administrator to:

1. Receive, review, analyze, and coordinate sharing of reports received from AOC under section 10(3).
2. Coordinate legal assistance for Blake affected people entitled to seek civil relief under section 4, challenge determinations under section 8, and refer individuals seeking legal assistance to OCLA-contracted civil legal aid providers who respond to notices provided from the refund bureau under section 12(4).
3. Coordinate day-to-day data analysis, allocation of functions, and referral systems with OPD's Blake team.

OCLA assumes that staffing will be required throughout the life of the Blake LFO relief program which is assumed to run through FY 29. Should the civil relief program be completed before the end of FY 29, the OCLA program will be terminated.

OCLA assumes 3% increase in expenses across all operating expense line items.

OCLA assigns an 18% indirect administrative cost rate to direct expenses.

OCLA assumes that all contracted civil legal aid expenses for services under sections 4 and 8 will be covered by existing levels of appropriations (adjusted 3% annually) for its Blake Civil Relief Contract Program as outlined in OCLA decision package AG Biennial Funding for *State v. Blake*:

https://www.courts.wa.gov/content/Financial%20Services/documents/2023_2025/Combined%20Branch%20PDF/94%20AG%20Biennial%20Funding%20for%20State%20v.%20Blake.pdf

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	124,254	128,083	252,337	268,089	284,741
Total \$			124,254	128,083	252,337	268,089	284,741

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	75,000	77,250	152,250	161,523	171,359
B-Employee Benefits	24,000	24,720	48,720	51,687	54,835
C-Professional Service Contracts					
E-Goods and Other Services	3,800	4,000	7,800	8,600	9,400
G-Travel	2,500	2,575	5,075	5,384	5,712
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	18,954	19,538	38,492	40,895	43,435
9-					
Total \$	124,254	128,083	252,337	268,089	284,741

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
Blake LFO Relief Administrator	75,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		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

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

Bill Number: 1492 2S HB	Title: State v. Blake relief	Agency: 225-Washington State Patrol
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	12.0	12.0	12.0	10.0	10.0
Account					
General Fund-State 001-1	1,570,873	1,440,314	3,011,187	2,415,308	2,415,308
Total \$	1,570,873	1,440,314	3,011,187	2,415,308	2,415,308

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: 02/27/2023
Agency Preparation: Michael Middleton	Phone: (360) 596-4072	Date: 02/28/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/28/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/28/2023

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 second substitute bill continues to have a fiscal impact for the Washington State Patrol (WSP). Newly proposed language does not affect the work we would undertake as a result of the bill.

Revised subsection 10(1) removes language allowing for the listing of individuals' name, birth date, and last known address in reports developed by the Administrative Office of the Courts and removes language referencing the confidentiality of the aforementioned reports.

Revised Section 11 removes subsection (1) referencing public disclosure exemption for all reports compiled, received and shared under this chapter.

Previous Section 14 is removed. The section addressed public disclosure exemption for reports compiled, received and shared under chapter 9.

New Section 18 adds a "null and void" clause should funding, specific to the bill purposes, not be appropriated by June 30, 2023.

Subsections 1(9)(a) through (e) list qualifying offenses that could be eligible for records vacating or the conditions under which the qualifying offense meets such eligibility. The substitute version removes some offenses that were previously identified as qualifying. This does not change our expected fiscal impact.

Section 5(3) of the proposed substitute retains language establishing a seven working-day turnaround on complying with vacate orders while amending language to make permissible the dissemination or disclosure of a record only with other criminal justice enforcement agencies.

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.

Our overall fiscal impact has increased slightly as a result of the recent change to our approved indirect cost rate which becomes effective July 1, 2023.

To fully meet the expected workload of the bill requires continuation and expansion of our Drug Conviction Correction Unit (DCCU) within the Criminal Records Division that is currently funded under a one-time budget proviso. We estimate a 25% monthly increase in records (from approximately 8,000 to 10,000) for vacation processing as a result of this bill, requiring a unit of 10.0 FTE: 1.0 Correctional Records Supervisor, 1.0 Correctional Records Technician Lead, and 8.0 Correctional Records Technicians. With the seven-day turnaround on processing introduced by subsection 5(3) and each CRT presently processing approximately 1,300 records a month the unit size provides a processing buffer to account for impacts from work absence or turnover. New staff require approximately 6-8 months of training to be fully skilled in the systems processing, so initial throughput of the added CRTs will be less than 1,300 records per month.

Note: The governor's budget proposal includes funding for 8 of the 10 FTE referenced in the paragraph above to continue the DCCU work.

Additionally, we expect that our existing backlog of vacate orders will be approximately 25,000 records by July 1, 2023, which will require an additional 2.0 Correctional Records Technicians for a period of two years, inclusive of training time, to clear the backlog and allow the DCCU to achieve and maintain the seven-day turnaround on processing.

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

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

We base our estimate for agency indirect costs on the federal indirect cost rate of 33.41 percent approved by the U.S. Department of Transportation on February 14, 2023. This rate is effective July 1, 2023, and is used on all estimates completed after the approval date. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,570,873	1,440,314	3,011,187	2,415,308	2,415,308
Total \$			1,570,873	1,440,314	3,011,187	2,415,308	2,415,308

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	12.0	12.0	12.0	10.0	10.0
A-Salaries and Wages	688,428	688,428	1,376,856	1,153,368	1,153,368
B-Employee Benefits	292,877	292,877	585,754	489,222	489,222
C-Professional Service Contracts					
E-Goods and Other Services	79,824	66,288	146,112	110,480	110,480
G-Travel	12,000	12,000	24,000	24,000	24,000
J-Capital Outlays	134,400	21,900	156,300	36,500	36,500
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-Indirect Costs	363,344	358,821	722,165	601,738	601,738
Total \$	1,570,873	1,440,314	3,011,187	2,415,308	2,415,308

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
Correctional Records Supervisor	68,076	1.0	1.0	1.0	1.0	1.0
Correctional Records Technician	55,872	10.0	10.0	10.0	8.0	8.0
Correctional Records Technician Lead	61,632	1.0	1.0	1.0	1.0	1.0
Total FTEs		12.0	12.0	12.0	10.0	10.0

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.