

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1300 S HB	<b>Title:</b> Assisted reproduction fraud
-------------------------------	---

## 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						
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	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
Department of Health	1.2	289,000	289,000	311,000	.0	0	0	44,000	.0	0	0	44,000
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
<b>Total \$</b>	<b>1.2</b>	<b>289,000</b>	<b>289,000</b>	<b>311,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>44,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>44,000</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									
Local Gov. Other			144,315						
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			144,315						

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Health	.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									
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> Breann Boggs, OFM	<b>Phone:</b> (360) 485-5716	<b>Date Published:</b> Final 3/ 7/2023
---------------------------------------	---------------------------------	---

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1300 S HB	<b>Title:</b> Assisted reproduction fraud	<b>Agency:</b> 055-Administrative Office of the Courts
-------------------------------	---	--

## 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: Lily Smith	Phone: 360-786-7175	Date: 02/28/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/28/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/28/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/28/2023

185,239.00

Request # 227-1

## Part II: Narrative Explanation

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

The substitute does not make any changes to the fiscal impact of the original bill.

This bill amends RCW 9A.36.031 assault in the third degree statute to include Section 2 (1) (I) making it a class C felony to implant his or her gametes or reproductive material into a patient without written consent.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts. The amendment makes it a Class C felony. Because the bill would add to an existing list of felonies, it would not require court form, judicial resource, or case management system impacts.

## 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

185,239.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1300 S HB	<b>Title:</b> Assisted reproduction fraud	<b>Agency:</b> 101-Caseload Forecast Council
-------------------------------	---	--

## 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: Lily Smith	Phone: 360-786-7175	Date: 02/28/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 03/02/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 03/02/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/02/2023

## 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 1300**

## **CRIMES CONCERNING FRAUD IN ASSISTED REPRODUCTION**

**101 – Caseload Forecast Council**  
**March 2, 2023**

### **SUMMARY**

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

Section 2 Amends RCW 9A.36.031 by expanding the definition of Assault in the Third Degree to include a person implanting his or her gametes or reproductive material into a patient without the patient’s written consent. Additionally defines the terms of “Gamete” and “Reproductive Material.”

Section 4 Adds a new section requiring the Department of Health (DOH) to convene a workgroup by August 1, 2023, within existing resources, to evaluate the issue of fraud in assisted reproduction and lists the stakeholders that must be included in the workgroup.

Section 4 Additionally requires DOH to issue a final report with the workgroup’s findings and recommendations to the governor and appropriate committees of the legislature by October 1, 2024.

### **EXPENDITURES**

#### **Assumptions.**

None.

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

None.

#### **Impact Summary**

This bill:

- Expands the definition of Assault 3, ranked at Seriousness Level 3 on the adult felony sentencing grid and C+ on the juvenile sentencing grid.

#### **Impact on prison and jail beds.**

The bill additionally expands the definition of Assault in the Third Degree. The Caseload Forecast Council has no information concerning how many more incidents of the expanded felony offense may occur. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill.

However, as a Class C felony ranked at Seriousness Level III on the adult felony sentencing grid,



Assault in the Third Degree is punishable by a standard range term of confinement of between 1-3 months in jail and 51-60 months in prison (limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. Therefore, increased incidence of this offense would likely impact both jail beds and prison beds.

**Impact on local and Juvenile Rehabilitation jail beds.**

While the bill expands the definition of Assault in the Third Degree, a Category C+ offense on the Juvenile Offense Grid, it is assumed there would be no impact to local detention or JR beds as the expansion of the offense would most likely apply to health care providers who would be over the age of 18 (a person that implants his or her gametes or reproductive material).

**Impact on Supervision Caseload.**

Assault in the Third Degree is categorized as a Crimes Against Persons offense. As such, adult individuals convicted under the provisions of the bill would be eligible for up to 12 months of community supervision if assessed as high risk to reoffend in the community.

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1300 S HB	<b>Title:</b> Assisted reproduction fraud	<b>Agency:</b> 303-Department of Health
-------------------------------	---	---

## 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	1.5	0.8	1.2	0.0	0.0
<b>Account</b>					
General Fund-State 001-1	193,000	96,000	289,000	0	0
Health Professions Account-State 02G-1	0	22,000	22,000	44,000	44,000
<b>Total \$</b>	193,000	118,000	311,000	44,000	44,000

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lily Smith	Phone: 360-786-7175	Date: 02/28/2023
Agency Preparation: Donna Compton	Phone: 360-236-4538	Date: 03/07/2023
Agency Approval: Kristin Bettridge	Phone: 3607911657	Date: 03/07/2023
OFM Review: Breann Boggs	Phone: (360) 485-5716	Date: 03/07/2023

## Part II: Narrative Explanation

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

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

This version of the bill does not change the fiscal impact from the fiscal note provided for HB 1300. This substitute requires the department to use existing resources for work identified in the original bill to convene a work group to evaluate and make recommendations to the Governor and the legislature for addressing fraud in assisted reproduction.

Section 2: Amends RCW 9A.36.031 (Assault in the third degree.) to make implanting gametes or reproductive material into a patient without written consent assault in the third degree.

Section 3: Amends RCW 18.130.180 (Unprofessional conduct.) to include as unprofessional conduct under the Uniform Disciplinary Act (UDA) committing the crime of assault in the third degree by implanting the license holder's own gametes or reproductive material into a patient without the patient's written consent.

Section 4: By August 1, 2023, and within existing resources, the Department of Health (department) must convene a work group of stakeholders to evaluate the issue of fraud in assisted reproduction in Washington and make recommendations to the governor and the appropriate committees of the legislature for addressing fraud in assisted reproduction. After being convened, the work group must continue to meet at least once every two months. The department must issue a final report by October 1, 2024. This section expires January 1, 2025.

### 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.*

Sections 2 & 3: Current law RCW 43.70.250 (License fees for professions, occupations, and businesses) requires the department to charge a fee to generate sufficient revenue to fully support the costs of administering its health profession licensing and regulatory activities. As of July 1, 2022, the Washington Medical Commission has sufficient fund balance to cover the estimated increased discipline costs resulting from this bill. The department does not anticipate the need to increase physician and physician assistant licensing fees to support the estimated increase in discipline costs resulting from this bill. The department will monitor all program fund balances and adjust fees over a six (6) year period to ensure that fees are sufficient to cover all program expenditures.

Section 4: Because the costs to convene a work group and make recommendations on the issue of fraud in assisted reproduction are not expenses incurred in carrying out the health professions licensing activities, in accordance with the RCW 43.70.320 (Health professions account—Fees credited—Requirements for biennial budget request—Unappropriated funds.), the department assumes it will not utilize existing 02G Health Professions Account fund balance for this work.

The availability of existing resources to accomplish this work is not identified.

### 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.*

#### Work Group and Report

Section 4: Due to the complexity of the topic of fraud in assisted reproduction in Washington, as well as the wide variety of interested parties which must be engaged through the work group, the department does not identify the October 1, 2024 deadline for issuance of the final report as feasible. The earliest the department anticipates it will be able to produce the report is December 31, 2024.

This bill does not state a specific number of participants for the work group, therefore, the department assumes a total of twenty (20) participants. This estimate is based on the interested parties groups called out in the bill which must be represented in the work group and the department's existing COVID-19 Vaccine Implementation Collaborative structure which includes 20 members for its "steering group" or "thought partner" structure. The department anticipates ten (10) work group participants will be community representatives who would not otherwise be compensated for their participation. Per RCW 43.03.220 (Compensation of members of part-time boards and commissions—Class one groups.), the department will make available stipends of \$200 per meeting to these representatives to ensure participation of community members whose experiences are representative of Washington's diverse communities. The bill requires the work group convene at least once every two months beginning August 1, 2023, and the bill sets an expiration date of January 1, 2025. Therefore, the department assumes the work group will have 6 meetings in fiscal year (FY) 2024 and 3 meetings in FY 2025, all held virtually. Costs for work group meetings will also include ASL and Spanish interpretation and translation services.

Department staff will consist of a facilitator to lead the policy research and facilitation of the work group and support. Activities will include recruiting work group participants, planning, coordinating, and convening work group meetings, data collection and research, documentation gathering, keeping meeting notes, and drafting of the final report to the governor and legislature.

Estimated costs include staff, associated costs (goods and services, intra-agency and indirect charges), stipends for work group participants in the amount of \$18,000, and vendor costs for interpretation and translation services in the amount of \$9,000.

Because this version of the bill requires the department accomplish this work within existing resources, the department's existing staff will prioritize staffing of this work group and drafting of the report over work on sunrise reviews and responding to legislative requests. Additionally, this work will draw existing staff away from the department's health care licensing and discipline activities.

Costs in FY 2024 will be 1.5 FTE and \$193,000 (GF-S).

Costs in FY 2025 will be 0.8 FTE and \$96,000 (GF-S).

### Discipline

Sections 2 & 3: To date, the Washington Medical Commission has not received any complaints regarding fraud in assisted reproduction in its recorded history. However, with the growing popularity of DNA genetic testing services and characterization of this conduct as a crime and UDA violation may encourage victims to come forward. The department assumes any discipline cases resulting from this bill will be based on a conviction in a court of law. The department also assumes any professions with potential discipline cases resulting from this bill will be those with a scope of practice allowing implanting of gametes or reproductive material. For the purpose of this fiscal note, the department estimates one discipline case per year beginning in FY 2025.

The complaint response process includes five steps: 1) intake, 2) assessment, 3) investigation, 4) case disposition, and 5) adjudication. Staff review the complaint, identify the history of the person complained about, and help assess whether an investigation is needed. In more than half the cases, investigation is needed. The investigator obtains information about the complaint and the respondent and prepares a report detailing the findings. After investigation, the disciplining authority decides whether to pursue legal action. Staff attorneys, paralegals, assistant attorney general and other staff work to develop the legal documents and charge the violation. Most cases are settled, and the staff attorney manages that process. If the respondent asks for a hearing, staff must schedule the hearing, and the health law judge considers all legal motions, presides over the hearing, and drafts the final order. Also, the Office of the Attorney General will represent the department at hearing and may provide advice throughout the disciplinary process.

Cost estimates for the complaint response process associated with this bill were calculated using the department's Disciplinary Workload Model. Estimated discipline costs include staff, associated costs (goods and services, intra-agency and indirect charges), and Office of Attorney General support in the amount of \$8,000 each year.

Starting in FY 2024 and ongoing, costs will be 0.1 FTE and \$22,000 (02G Health Professions Account) each year.

**TOTAL COSTS TO IMPLEMENT THIS BILL:**

FY 2024: 1.5 FTE and \$193,000 (GF-S)

FY 2025: 0.9 FTE and \$118,000 (GF-S: \$96,000; 02G: \$22,000)

FY 2026 and ongoing: 0.1 FTE and \$22,000 (02G)

**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	193,000	96,000	289,000	0	0
02G-1	Health Professions Account	State	0	22,000	22,000	44,000	44,000
<b>Total \$</b>			193,000	118,000	311,000	44,000	44,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.5	0.8	1.2		
A-Salaries and Wages	113,000	67,000	180,000	18,000	18,000
B-Employee Benefits	44,000	25,000	69,000	6,000	6,000
C-Professional Service Contracts	6,000	3,000	9,000		
E-Goods and Other Services	19,000	18,000	37,000	18,000	18,000
J-Capital Outlays	3,000		3,000		
T-Intra-Agency Reimbursements	8,000	5,000	13,000	2,000	2,000
<b>Total \$</b>	193,000	118,000	311,000	44,000	44,000

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
ADMINISTRATIVE ASST 3	50,592	0.1	0.1	0.1		
Fiscal Analyst 2	53,000	0.3	0.1	0.2		
HEALTH SERVICES CONSULTANT 4	82,896	1.0	0.5	0.8		
Health Svcs Conslt 1	53,000	0.1	0.1	0.1		
<b>Total FTEs</b>		1.5	0.8	1.2		0.0

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

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

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

# Individual State Agency Fiscal Note

Revised

<b>Bill Number:</b> 1300 S HB	<b>Title:</b> Assisted reproduction fraud	<b>Agency:</b> 307-Department of Children, Youth, and Families
-------------------------------	---	--

## 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.

<b>Legislative Contact:</b> Lily Smith	<b>Phone:</b> 360-786-7175	<b>Date:</b> 02/28/2023
<b>Agency Preparation:</b> Jay Treat	<b>Phone:</b> 360-556-6313	<b>Date:</b> 03/02/2023
<b>Agency Approval:</b> James Smith	<b>Phone:</b> 360-764-9492	<b>Date:</b> 03/02/2023
<b>OFM Review:</b> Cynthia Hollimon	<b>Phone:</b> (360) 810-1979	<b>Date:</b> 03/02/2023

## 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 1300 HB to 1300 SHB:

New Section four adds that the Department of Health (DOH) must convene a workgroup "within existing resources".

---

SHB 1300

Section two amends RCW 9A.36.031 by expanding the definition of assault in the third degree to include a person that implants his or her gametes or reproductive material into a patient without the patient's written consent.

New Section four requires the DOH to convene a workgroup, within existing resources, to evaluate the issue of fraud in assisted reproduction and lists the stakeholders that must be included in the workgroup. The Department of Children, Youth, and Families is not listed.

### II. B - Cash receipts Impact

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

None

### II. C - Expenditures

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

No fiscal impact.

The bill amends RCW 9A.36.031 by expanding the definition of assault in the third degree, however, there would be no impact to JR beds because the expansion of the offense would most likely apply to health care providers who would be over the age of 18.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE



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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

None

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1300 S HB	<b>Title:</b> Assisted reproduction fraud	<b>Agency:</b> 310-Department of Corrections
-------------------------------	---	--

## 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: Lily Smith	Phone: 360-786-7175	Date: 02/28/2023
Agency Preparation: Jaysanna Wang	Phone: (360) 725-8428	Date: 03/02/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 03/02/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/06/2023

## 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.*

House Bill 1300 expands the definition of Assault in the Third Degree to include Fraud in Assisted Reproduction, which would result in a Class C felony.

Section 2(1)(l) amends RCW 9A.36.031 and 2013 c 256 s 1 by expanding the definition of Assault in the Third Degree to include a person implanting his or her gametes or reproductive material into a patient without the patient's written consent.

Effective date is assumed to be 90 days after adjournment of session in which this bill is passed.

### II. B - Cash receipts Impact

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

None.

### II. C - Expenditures

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

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

This bill expands the definition of Assault 3, ranked at Seriousness Level 3 on the adult felony sentencing grid and C+ on the juvenile sentencing grid.

Impact on prison and jail beds:

The Caseload Forecast Council (CFC) has no information concerning how many more incidents of the expanded felony offense may occur. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

However, as a Class C felony ranked at Seriousness Level III on the adult felony sentencing grid, Assault in the Third Degree is punishable by a standard range term of confinement of between 1-3 months in jail and 51-60 months in prison (limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. Therefore, increased incidence of this offense would likely impact both jail beds and prison beds

Impact on Supervision Caseload:

Assault in the Third Degree is categorized as a Crimes Against Persons offense. As such, adult individuals convicted under the provisions of the bill would be eligible for up to 12 months of community supervision if assessed as high risk to reoffend in the community.

The Department of Corrections (DOC) assumes this bill would likely result in an Average Daily Population (ADP) increase, although the impact cannot be reliably estimated. Therefore, the fiscal impact is indeterminate, assumed to be less than \$50,000 per FY.

### ASSUMPTIONS

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. 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) 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%. 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. 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

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

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

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

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

NONE

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

NONE

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

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

NONE

#### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1300 S HB

Title: Assisted reproduction fraud

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

### Legislation Impacts:

- Cities: Approximately \$110,715 to provide training to law enforcement officers on expanded criminal offense; indeterminate expenditure impact on law enforcement as a result of processing additional incidents of expanded class C felony offense; indeterminate expenditure impact due to increased demand for jail beds
- Counties: Approximately \$33,600 to provide training to law enforcement officers on expanded criminal offense; indeterminate expenditure impact on law enforcement, prosecutors, and public defenders as a result of processing additional incidents of expanded class C felony offense; indeterminate expenditure impact due to increased demand for jail beds
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Approximately \$144,315 to provide training to local law enforcement officers on expanded criminal offense
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of additional incidents of expanded class C felony offense that may occur

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	110,715		110,715		
County	33,600		33,600		
<b>TOTAL \$</b>	144,315		144,315		
<b>GRAND TOTAL \$</b>					<b>144,315</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: James Vogl	Phone: 360-480-9429	Date: 03/06/2023
Leg. Committee Contact: Lily Smith	Phone: 360-786-7175	Date: 02/28/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/06/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/06/2023

## 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 bill would amend section 4, specifying that the Department of Health would be required to convene the workgroup described in that section within existing resources.

This change would not affect the local government expenditure or revenue impacts below.

#### SUMMARY OF CURRENT BILL:

The proposed legislation would expand the existing class C felony offense of assault in the third degree.

Section 2 would amend RCW 9A.36.031, expanding the definition of assault in the third degree to include a person implanting “his or her gametes or reproductive material into a patient without the patient's written consent.” This section would also provide definitions for gamete and reproductive material.

### 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.*

The proposed legislation would have both determinate and indeterminate impacts on local government expenditures.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the modifications this bill would make to an existing criminal offense. WASPC estimates that approximately 15 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$110,715 for cities and \$33,600 for counties, for a total one-time cost to local governments of \$144,315.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in police departments and 2,240 commissioned officers in sheriff’s departments, for a total of 8,950 commissioned law enforcement employees that would require training. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$66, and the same figure for an officer employed by a county to be \$60. If every officer in Washington had to complete approximately 15 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.25 hours X \$66 = \$110,715

Counties:

2,240 officers X 0.25 hours X \$60 = \$33,600

Total:

\$110,715 + \$33,600 = \$144,315

Training materials and time required may differ among different departments, however.

According to the Washington State Caseload Forecast Council’s (CFC) fiscal note on this bill, expanding the definition of the existing offense of assault in the third degree could impact demand for jail beds. As a class C felony ranked at seriousness level III, assault in the third degree is punishable by a confinement term of between 1-3 months in jail and 51-60 months in prison, depending on a person’s prior criminal history. However, since it is unknown how many incidents of the expanded class C felony offense may occur, the associated expenditure impact on local governments is

indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145.

According to the CFC fiscal note for this bill, the expansion of an existing class C felony offense, ranked at category C+ on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention and 15-36 weeks in juvenile rehabilitation, could also increase demand for county juvenile detention beds. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. The language of the bill makes it clear the expanded section of assault in the third degree pertains to medical providers and their patients, so additional juvenile incidents of this offense would be unlikely to occur. Accordingly, any resulting impact on county juvenile detention expenditures is indeterminate, but likely negligible.

In addition to bed impacts, the expansion of an existing class C felony offense could increase law enforcement, prosecution and public defense expenditures as a result of processing additional incidents of the offense. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a class C felony simple assault offense are \$3,533. However, given that it is unknown how many additional incidents of assault in the third degree may occur, the magnitude of the expenditure impacts on local governments from processing additional incidents of this offense 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.*

The proposed legislation would have no impact on local government revenues.

#### **SOURCES:**

Crime in Washington Report, 2021

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council