

Multiple Agency Fiscal Note Summary

Bill Number: 1189 2S HB	Title: Total confinement release
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Estimated Cash Receipts

Agency Name	2023-25			2025-27			2027-29		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Office of Attorney General	0	0	96,000	0	0	96,000	0	0	96,000
Total \$	0	0	96,000	0	0	96,000	0	0	96,000

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	No fiscal impact					
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
Office of the Governor	5.5	2,122,000	2,122,000	2,122,000	5.5	2,062,000	2,062,000	2,062,000	5.5	2,062,000	2,062,000	2,062,000
Office of Attorney General	(.7)	(238,000)	(238,000)	(142,000)	(.7)	(238,000)	(238,000)	(142,000)	(.7)	(238,000)	(238,000)	(142,000)
Office of Financial Management	.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.											
Total \$	4.8	1,884,000	1,884,000	1,980,000	4.8	1,824,000	1,824,000	1,920,000	4.8	1,824,000	1,824,000	1,920,000

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	No fiscal impact								
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	.0	0	0	.0	0	0	.0	0	0
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
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	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	No fiscal impact								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Cheri Keller, OFM	Phone: (360) 584-2207	Date Published: Revised 3/ 7/2023
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Judicial Impact Fiscal Note

Bill Number: 1189 2S HB	Title: Total confinement release	Agency: 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: 02/27/2023
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

185,206.00

Form FN (Rev 1/00)

Request # 223-1

Bill # 1189 2S HB

Part II: Narrative Explanation

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

There are no impacts associated with the second substitute to the Administrative Office of the Courts or the courts.

The bill amends the Sentencing Reform Act of 1981 (RCW 9.94A). It changes when a petition for clemency or pardon can be filed.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts or the courts.

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

None

185,206.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Revised

Bill Number: 1189 2S HB	Title: Total confinement release	Agency: 075-Office of the Governor
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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	5.5	5.5	5.5	5.5	5.5
Account					
General Fund-State 001-1	1,091,000	1,031,000	2,122,000	2,062,000	2,062,000
Total \$	1,091,000	1,031,000	2,122,000	2,062,000	2,062,000

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: Yvonne Walker	Phone: 360-786-7841	Date: 02/27/2023
Agency Preparation: Tracy Sayre	Phone: 360-890-5279	Date: 03/07/2023
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 03/07/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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.

The second substitute bill changes the appointment membership requirements to ensure the Governor takes into consideration membership that includes:

- Racial
- Ethnic
- Geographic
- Gender
- Sexual identity, and
- Age diversity

The second substitute also changed the compensation for the Clemency and Pardons Board members to comply with RCW 43.03.250, unless waived by the member. This equates to \$100 per day. The CPB shall receive travel expenses incurred for their official duties in accordance with RCW 43.03.050 and 43.03.060. The substitute continues to allow funds for personnel to implement and maintain functional operations such as support, records management, and disclosure, victim liaisons, and information technology in Section 5(7).

This bill has the following impacts:

- Expands the membership of the Clemency and Pardons Board (CPB) from 5 to 10 members. In making appointments to the board, the governor shall strive to ensure racial, ethnic, geographic, gender, sexual identity, and age diversity. Removes the requirement for the attorney general (AGO) to provide staffing for the CPB.
- Members of the board may serve up to two terms of five years and may continue to serve until their successors are appointed and confirmed. Initial terms shall be staggered, so that no more than three members are up for appointment in a given year.
- CPB each receives compensation in accordance with the provisions of RCW 43.03.250, unless waived by the member. The CPB shall receive travel expenses incurred for their official duties in accordance with RCW 43.03.050 and 43.03.060.
- The AGO shall provide legal counsel to the CPB. The CPB shall be funded with adequate personnel to implement and maintain functional operations such as support, records, victim liaisons, and information technology.
- Authorizes persons to petition for conditional commutation after serving 20 years of total confinement. Release takes the form of a conditional commutation that includes a period of law-abiding behavior in the community of at least 10 years or until the death of the offender.
- Charges the CPB with hearing petitions for conditional commutation and making recommendations to the Governor.
- Expands the number of confirmed that would be eligible for conditional commutation after serving 15, 20, or 25 years of total confinement depending on the person's underlying conviction.

If specific funding for the purposes of this act is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.

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.

Salaries and Wages:

Clemency and Pardons Board - 10 members @ \$100/per day. This fiscal note assumes 16 meetings per year x \$100/day x 10 board members= \$16,000/year.

Staffing of the board to implement and maintain functional operations such as support, records management, compiling information, victim liaisons, scheduling of public hearings, and the issuing of decisions, are as follows:

- 1.0 FTE Program Manager at \$138,000 for salaries and benefits.
- 1.0 FTE Executive Assistant at \$102,000 for salaries and benefits
- 1.0 FTE Administrative Assistant at \$81,000 for salaries and benefits.
- 1.0 FTE Program Analyst/Specialist at \$112,000
- 1.0 FTE Assistant Director at \$154,000 salaries and benefits.
- 0.5 FTE Paralegal at \$61,000 salaries and benefits (prorated).

Goods and services: Based on average employee costs, the Office requests ongoing funding for supplies and materials, communications and telecommunications services, lease space, training, software licensing, and maintenance at \$4,000 per year, per FTE. Also included are legal services provided by the AGO estimated to be \$119,000 annually.

Travel: Based on average employee travel, the Office requests ongoing funding for travel associated with this position at \$4,000 per year, per FTE and board member.

Capital Outlays: The Office requests one-time funding for adding a new workspace at \$10,000 per FTE. This includes a workstation, furniture, and computer. There is an assumption that existing board members would require new workspaces and computers since the staffing model changes from volunteer to employee.

Indirect: The Office of Financial Management provides administrative support for the Office of Financial Management, Office of the Governor, and Office of Independent Investigations. These services include IT support, budget and accounting services, facilities support, and human resource assistance. To fund these shared services, each budgeted FTE is assessed an ongoing cost of \$30,000 and 0.22 of an FTE. Based on the average salary for those providing these services, we estimate the cost for a new FTE at \$140,000 per year including salary, benefits, equipment, and support costs.

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	1,091,000	1,031,000	2,122,000	2,062,000	2,062,000
Total \$			1,091,000	1,031,000	2,122,000	2,062,000	2,062,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	5.5	5.5	5.5	5.5	5.5
A-Salaries and Wages	492,000	492,000	984,000	984,000	984,000
B-Employee Benefits	171,000	171,000	342,000	342,000	342,000
C-Professional Service Contracts					
E-Goods and Other Services	141,000	141,000	282,000	282,000	282,000
G-Travel	62,000	62,000	124,000	124,000	124,000
J-Capital Outlays	60,000		60,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	165,000	165,000	330,000	330,000	330,000
9-					
Total \$	1,091,000	1,031,000	2,122,000	2,062,000	2,062,000

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Admin Assistant	55,000	1.0	1.0	1.0	1.0	1.0
Assistant Director	119,000	1.0	1.0	1.0	1.0	1.0
Executive Assistant	74,000	1.0	1.0	1.0	1.0	1.0
Paralegal	81,000	0.5	0.5	0.5	0.5	0.5
Program Analyst/Specialist	82,000	1.0	1.0	1.0	1.0	1.0
Program Manager	105,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		5.5	5.5	5.5	5.5	5.5

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: 1189 2S HB	Title: Total confinement release	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

ACCOUNT	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Revolving Account-State 405-1	48,000	48,000	96,000	96,000	96,000
Total \$	48,000	48,000	96,000	96,000	96,000

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	(0.7)	(0.7)	(0.7)	(0.7)	(0.7)
Account					
General Fund-State 001-1	(119,000)	(119,000)	(238,000)	(238,000)	(238,000)
Legal Services Revolving Account-State 405-1	48,000	48,000	96,000	96,000	96,000
Total \$	(71,000)	(71,000)	(142,000)	(142,000)	(142,000)

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: Yvonne Walker	Phone: 360-786-7841	Date: 02/27/2023
Agency Preparation: Cam Comfort	Phone: (360) 664-9429	Date: 03/02/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 03/02/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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.

Section 1 amends RCW 9.94A.501 to require the Department of Corrections (DOC) to supervise any individual granted conditional commutation pursuant to RCW 9.94A.885.

Section 3 amends RCW 9.94A.633 regarding the transfer of an individual granted conditional commutation pursuant to RCW 9.94A.885 to a more restrictive confinement status.

Section 4 amends RCW 9.94A.728 regarding waiving the requirement for electronic monitoring.

Section 5 amends RCW 9.94A.880 regarding membership of the Clemency and Pardons Board (Board) and to require the Governor, in making appointments to the Board, to strive to ensure racial, ethnic, geographic, gender, sexual identity, and age diversity. Board members must attend training on principles of racial equity, racism and mass incarceration, or restorative justice at least on an annual basis. At least five board members, selected by board staff by random drawing, shall review each petition for commutation or pardon.

Section 6 amends RCW 9.94A.885 regarding the duties of the Board, including requiring the Board to consider statements of victims and survivors of victims, as well as statements of the law enforcement agency or agencies that conducted the investigation. In addition, DOC is required to monitor the released individual's compliance with conditions of community custody imposed by the Governor.

Section 7 adds a new section to RCW 9.94A to authorize the Board to take certain listed actions regarding petitions filed by incarcerated individuals. The Board is authorized to adopt rules setting out the criteria and procedures for reviewing petitions.

Section 8 adds a new section to RCW 9.94A requiring the Board to report to the Governor and Legislature as often as required by the Governor.

Section 9 is a new section requiring specific funding by June 30, 2023, or this act is null and void.

II. B - Cash receipts Impact

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

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

The client agencies are the Department of Corrections (DOC) and the Clemency & Pardons Board (CPB). The Attorney General's Office (AGO) will bill all clients for legal services rendered.

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

AGO AGENCY ASSUMPTIONS:

DOC will be billed for non-Seattle rates:

FY 2024 and in each FY thereafter: \$24,000 for 0.1 Assistant Attorney General FTE (AAG) and 0.05 Legal Assistant 3 FTE (LA).

CPB will be billed for non-Seattle rates:
FY 2024 and in each FY thereafter: \$24,000 for 0.1 AAG and 0.05 LA.

II. C - Expenditures

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

Attorney General's Office (AGO) Agency Assumptions:

Location of staffing housed is assumed to be in a non-Seattle office building.

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

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

Assumptions for the AGO Correction Division's (COR) Legal Services for the Department of Corrections (DOC):

It is anticipated that this bill will increase DOC's need for legal services, including advice concerning the DOC's supervision of individuals released on conditional commutations, including regarding violation proceedings. COR also expects to defend DOC in approximately two personal restraint litigation matters annually challenging decisions to impose sanctions up to revocation of conditional commutations.

180 hours annually for advice and litigation.

COR: Total non-Seattle workload impact:

FY 2024 and in each FY thereafter: \$24,000 for 0.1 AAG and 0.05 LA.

Assumptions for the AGO COR Division's Legal Services for the Clemency & Pardons Board (CPB):

It is anticipated that this bill will increase the amount of legal advice required by CPB. This work will include review of petitions for legal issues and sufficiency; legal advice concerning appropriate commutation conditions and other matters requested by CPB members, staff, and the Governor's Office; legal advice related to public records disclosure; and AAG attendance at staff and CPB meetings and CPB hearings (we assume an increase from 8 hearing days per year to 16).

180 hours annually on an ongoing basis.

COR assumes the current General Fund-State (GF-S) money appropriated to the AGO for the 1.0 FTE for the CPB Paralegal (PL) and expenses will be transferred to the Governor's Office, as the AGO no longer will be required to provide staffing for CPB.

COR: Total workload savings (GF-S, Fund 001):

FY 2024 and in each FY thereafter: \$-119,000 for -1.0 PL.

COR: Total non-Seattle workload impact (LSRA):

FY 2024 and in each FY thereafter: \$24,000 for 0.1 AAG and 0.05 LA.

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	(119,000)	(119,000)	(238,000)	(238,000)	(238,000)
405-1	Legal Services Revolving Account	State	48,000	48,000	96,000	96,000	96,000
Total \$			(71,000)	(71,000)	(142,000)	(142,000)	(142,000)

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	(0.7)	(0.7)	(0.7)	(0.7)	(0.7)
A-Salaries and Wages	(40,000)	(40,000)	(80,000)	(80,000)	(80,000)
B-Employee Benefits	(17,000)	(17,000)	(34,000)	(34,000)	(34,000)
C-Professional Service Contracts					
E-Goods and Other Services	(13,000)	(13,000)	(26,000)	(26,000)	(26,000)
G-Travel	(1,000)	(1,000)	(2,000)	(2,000)	(2,000)
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	(71,000)	(71,000)	(142,000)	(142,000)	(142,000)

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
Assistant Attorney General	118,700	0.2	0.2	0.2	0.2	0.2
Legal Assistant 3	55,872	0.1	0.1	0.1	0.1	0.1
Management Analyst 5	91,524	0.0	0.0	0.0	0.0	0.0
Paralegal 2	71,520	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Total FTEs		(0.7)	(0.7)	(0.7)	(0.7)	(0.7)

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Corrections Division (COR)	48,000	48,000	96,000	96,000	96,000
Clemency & Pardon Board - GFS (CPB)	(119,000)	(119,000)	(238,000)	(238,000)	(238,000)
Total \$	(71,000)	(71,000)	(142,000)	(142,000)	(142,000)

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1189 2S HB	Title: Total confinement release	Agency: 105-Office of Financial Management
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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: 02/27/2023
Agency Preparation: Keith Thunstedt	Phone: 360-810-1271	Date: 02/28/2023
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 02/28/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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.

Changes in this second substitute version as compared to the first substitute: This second substitute version makes some modifications to the board membership requirements. Additionally, this version changes the compensation for board members from the fixed salaries proposed in the first substitute bill, to a per-day compensation. These changes had no effect on the fiscal impact assumptions for OFM.

Second Substitute version:

Section 5 expands the membership of the Clemency and Pardons Board (CPB) from 5 to 10 members, increases their term from 4 years to 5 years, and provides member compensation, travel expenses and staffing for the CPB. OFM may provide some administrative support for the board, but assumes support staffing and related expenses will be incurred by the Office of the Governor. There is no fiscal impact to OFM.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1189 2S HB	Title: Total confinement release	Agency: 310-Department of Corrections
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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: 02/27/2023
Agency Preparation: James Cerna	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: 03/02/2023

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.

Proposed 1189 2S HB revises the following from the substitute 1189 S HB:

Section 6(4)(a) reinstates, the prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing.

Section 6(5)(b) revises this paragraph to read, “The department shall monitor the released individual's compliance with conditions of community custody imposed by the governor.” First substitute language specified community custody imposed by the court or recommended by the board.

Section 9 is a new section which reads, “If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void.”

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.

We assume this bill will have an indeterminate fiscal impact to the DOC of \$50,000 or more per fiscal year.

This bill adds additional rules to those pardoned or given commutation by the Clemency and Pardon’s board, to include mandatory community supervision for those released from prison through this method and additional workload on assessing an incarcerated individual’s readiness for release.

However, DOC is unable to determine how many pardons and commutations would be given as a result of this bill. Any impacts to caseload or workload as a result of this bill would be “trued-up” through the caseload model and/or subsequent budget submittals.

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

No Impact

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: 1189 2S HB

Title: Total confinement release

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

Legislation Impacts:

- Cities:
 Counties:
 Special Districts:
 Specific jurisdictions only:
 Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
 Expenditures represent one-time costs:
 Legislation provides local option:
 Key variables cannot be estimated with certainty at this time:

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 03/06/2023
Leg. Committee Contact: Yvonne Walker	Phone: 360-786-7841	Date: 02/27/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/06/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	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 second substitute bill would change the required composition of the clemency and pardons board specified in RCW 9.94A.880, and would add two new sections. These new sections would specify that the clemency and pardons board must submit regular reports to the Governor and Legislature describing its work, and that if specific funding for this act is not provided by June 30, 2023, the act is null and void.

The second substitute bill would also add a provision to RCW 9.94A.885 that previous bill versions would have struck, requiring prosecuting attorneys to “make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing” concerning a person's petition to the clemency and pardons board.

These changes do not affect the expenditure or revenue impacts below.

SUMMARY OF CURRENT BILL:

The proposed legislation would amend several RCW sections and add a new section to chapter 9.94A RCW, all related to the release of people who are incarcerated from total confinement before their sentence expires.

Section 6 would amend RCW 9.94A.885, requiring that county prosecutors be notified that a petition has been filed with the clemency and pardons board, and informed of the date and location of a scheduled hearing at least 90 days before that hearing takes place. The current requirement is for notification at least 30 days before a hearing takes place.

Additionally, the amendments to this section would include a new subsection that would require that county prosecutors “make reasonable efforts to ensure that any victim impact statements and known contact information for victims of record and survivors of victims are forwarded as part of the judgment and sentence.” If no victim or survivor of victim can be found, prosecutors’ offices would be required to have “reasonable time” to confirm to the board that they have “exhausted all reasonable efforts” in trying to find and provide contact information.

This new subsection would supplement the current requirement for county prosecutors to “make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing.” The proposed legislation would maintain this requirement, while previous bill versions would have struck it.

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 Washington Association of Prosecuting Attorneys anticipates that the legislation and its modified requirements for prosecutors will have no impact on local government expenditures.

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 legislation would have no impact on local government revenues.

SOURCES:

Washington Association of Prosecuting Attorneys