

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1104 S HB	<b>Title:</b> Deferred prosecutions
-------------------------------	-------------------------------------

## 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
Department of Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
<b>Total \$</b>	0	0	0	0	0	0	0	0	0

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	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	.0	8,000	8,000	8,000	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	Fiscal note not available											
Washington State Health Care Authority	Fiscal note not available											
Department of Licensing	.8	0	0	262,000	1.0	0	0	206,000	1.0	0	0	206,000
Department of Social and Health Services	Fiscal note not available											
Department of Health	Fiscal note not available											
Department of Children, Youth, and Families	Fiscal note not available											
<b>Total \$</b>	<b>0.8</b>	<b>8,000</b>	<b>8,000</b>	<b>270,000</b>	<b>1.0</b>	<b>0</b>	<b>0</b>	<b>206,000</b>	<b>1.0</b>	<b>0</b>	<b>0</b>	<b>206,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	Fiscal note not available								
Washington State Health Care Authority	Fiscal note not available								
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	Fiscal note not available								
Department of Health	Fiscal note not available								
Department of Children, Youth, and Families	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Preliminary 3/ 8/2023
---------------------------------------	---------------------------------	---

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1104 S HB	<b>Title:</b> Deferred prosecutions	<b>Agency:</b> 055-Administrative Office of the Courts
-------------------------------	-------------------------------------	--

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years					
<b>Account</b>					
General Fund-State 001-1	8,000		8,000		
State Subtotal \$	8,000		8,000		
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
<b>Account</b>					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
<b>Account</b>					
Local - Cities					
Cities Subtotal \$					

**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: 03/04/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 03/07/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/07/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/08/2023

185,816.00

Request # 233-1

## Part II: Narrative Explanation

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

The substitute would have the same fiscal impact as the original bill.

The proposed legislation would change the eligibility and requirements for deferred prosecutions. The Administrative Office of the Courts would have to update court forms to address changes made by the bill.

### II. B - Cash Receipts Impact

### II. C - Expenditures

Minimal Fiscal Impact. The form changes are estimated to take 80 hours and cost less than \$8,000.

## Part III: Expenditure Detail

### Part III: Expenditure Detail

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

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
Salaries and Wages	4,600		4,600		
Employee Benefits	1,500		1,500		
Professional Service Contracts					
Goods and Other Services	200		200		
Travel	100		100		
Capital Outlays	100		100		
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements	1,500		1,500		
<b>Total \$</b>	<b>8,000</b>		<b>8,000</b>		

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

NONE

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

NONE

#### III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Legal Services Senior Analyst	114,400	0.0		0.0		
<b>Total FTEs</b>		<b>0.0</b>		<b>0.0</b>		<b>0.0</b>

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

185,816.00

Form FN (Rev 1/00)

**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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1104 S HB	<b>Title:</b> Deferred prosecutions	<b>Agency:</b> 240-Department of Licensing
-------------------------------	-------------------------------------	--

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

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

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	1.0	0.8	1.0	1.0
<b>Account</b>					
Highway Safety Account-State 106 -1	159,000	103,000	262,000	206,000	206,000
<b>Total \$</b>	159,000	103,000	262,000	206,000	206,000

### 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: 03/04/2023
Agency Preparation: Ellie Gochenouer	Phone: 360-901-0114	Date: 03/06/2023
Agency Approval: Gerrit Eades	Phone: (360)902-3863	Date: 03/06/2023
OFM Review: Kyle Siefering	Phone: (360) 995-3825	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.

Please see attached fiscal note.

### 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.

Please see attached fiscal note.

### 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.

Please see attached fiscal note.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
106-1	Highway Safety Account	State	159,000	103,000	262,000	206,000	206,000
<b>Total \$</b>			159,000	103,000	262,000	206,000	206,000

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

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.5	1.0	0.8	1.0	1.0
A-Salaries and Wages	23,000	47,000	70,000	94,000	94,000
B-Employee Benefits	11,000	22,000	33,000	44,000	44,000
C-Professional Service Contracts					
E-Goods and Other Services	121,000	34,000	155,000	68,000	68,000
G-Travel					
J-Capital Outlays	4,000		4,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	159,000	103,000	262,000	206,000	206,000

### 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
Customer Service Specialist 2	46,980	0.5	1.0	0.8	1.0	1.0
<b>Total FTEs</b>		0.5	1.0	0.8	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

Agency 240 – Department of Licensing

Bill Number: SHB 1104

Bill Title: Deferred Prosecutions

**Part 1: Estimates**

No Fiscal Impact

**Estimated Cash Receipts:**

INDETERMINATE, PLEASE SEE NARRATIVE

**Estimated Expenditures:**

		FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years		0.5	1.0	0.8	1.0	1.0
Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	159,000	103,000	262,000	206,000	206,000
<b>Account Totals</b>		<b>159,000</b>	<b>103,000</b>	<b>262,000</b>	<b>206,000</b>	<b>206,000</b>

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

Legislative Contact: Martha Wehling	Phone: (360) 786-7067	Date: 01/09/2023
Agency Preparation: Ellie Gochenouer	Phone: (360) 634-5082	Date: 01/11/2023
Agency Approval: Gerrit Eades	Phone: (360) 902-3931	Date:

Request #	1
Bill #	1104 SHB

## Part 2 – Explanation

The bill authorizes a person who participates in a deferred prosecution for a first-time gross misdemeanor Driving Under the Influence (DUI) or Physical Control of a Vehicle Under the Influence (PC) charge to participate in a second deferred prosecution for a subsequent gross misdemeanor DUI or PC charge, provided the person otherwise meets eligibility requirements.

### SHB 1104 compared to HB 1104:

- Stipulates that a person is eligible for a second deferred prosecution when the individual has been assessed and identified by an approved substance use disorder treatment program as having a substance use disorder in need of treatment.

This substitute has no additional impact to DOL.

### 2.A – Brief Description Of What The Measure Does That Has Fiscal Impact

**Sec. 1 amends RCW 10.05.010** to say that a person charged with a misdemeanor or gross misdemeanor is not eligible for deferred prosecution unless the court makes specific findings pursuant to RCW 10.05.020. A person who participates in a deferred prosecution for a first violation of RCW 46.61.502 or 46.61.504 is eligible to petition for a second deferred prosecution if they:

- Remain eligible
- Specific findings are made pursuant to RCW 10.05.020 Requirements of petition- Rights of petitioner- Court findings
- The person has no prior out-of-state convictions defined as “prior offenses” under RCW 46.61.5055 Alcohol violators- Additional fee- Distribution

A person may petition a court for a second deferred prosecution while still under the jurisdiction of a court for the first deferred prosecution if the first deferred prosecution will be revoked before the entry of the second deferred prosecution. A person may not be on two deferred prosecutions at the same time unless they are separate offenses that were committed within seven days of each other and the person petitions to consolidate them into a single deferred prosecution. A person charged with a misdemeanor or gross misdemeanor for a violation of RCW 46.61.502 or 46.61.504 who does not participate in a deferred prosecution for their first violation remains eligible to petition the court for a deferred prosecution, but they shall not be eligible for a deferred prosecution more than once.

**Sec. 7 amends RCW 10.05.060** to change the record retention period from the current ten years from the date of entry of the order granting deferred prosecution to consistent with the requirements of RCW 46.01.260 that say DOL must keep such records permanently on file.

**Sec. 11 amends RCW 10.05.140** to say that a condition for granting a deferred prosecution petition for a violation of RCW 46.61.502 or 46.61.504, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator’s license and proof of liability insurance. It also changes the wording from alcohol dependency-based case or alcoholism or drugs to substance use disorder.

**Sec. 15 amends RCW 10.05.170** to modify the court ordered supervision of the petitioner to require the supervisor to obtain a driving abstract every 3 months if the deferral is related to operation of a motor vehicle. It also requires the supervisor to review the petitioner’s criminal history every 90 days until the

end of the deferral period and report any known violations of supervision or law to the court within five business days or as soon as practicable.

**Sec. 16 amends RCW 9.9A.525** to change the offender score by adding one point for a deferred prosecution for a second or subsequent violation of RCW 46.61.502 *Driving under the influence* or an equivalent local ordinance.

**New Sec. 17** adds an effective date of 01/01/2024

**2.B - Cash receipts Impact**

Cash receipts impacts are indeterminate. Section 1 of the bill amends RCW 10.05.010 enabling the participation in a second deferred prosecution for a subsequent gross misdemeanor DUI or PC, provided the person otherwise remains eligible while still under the jurisdiction of a court for the first deferred prosecution. Participation in a second deferred prosecution by these individuals could decrease the number of DUI hearing requests for DOL. It is not known how many individuals may be eligible and subsequently participate in a second deferred prosecution. The DUI Hearing fee is \$375 and is distributed to the Highway Safety Fund (106).

**2.C – Expenditures**

DOL will add one Customer Service Specialist 2 (CSS2) to manage the increased workload for processing requests for Notice of intent to seek deferred prosecution. With the ability to add an additional deferred prosecution and the anticipated increase in requests for first time admin per se, the workload would see an immediate impact after the effective date of the bill.

This bill may have an impact on DOL's Hearing Unit, however at this time the impact cannot be quantified. Any significant changes in the unit's workload will be addressed in a future budget cycle.

**Information Services:**

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 22,620	24,900	-	-	-	-	-	24,900
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 16,530	5,000	-	-	-	-	-	5,000
PROJECT MANAGER	Manage schedule and contracts	\$ 28,710	8,600	-	-	-	-	-	8,600
QUALITY ASSURANCE	Plan and carry out activities to assure project deliverables; e.g. preventative defect activities, align quality measures and business objectives.	\$ 37,410	-	-	-	-	-	-	-
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 16,530	3,300	-	-	-	-	-	3,300
SERVER & NETWORK SUPPORT	Services such as network infrastructure, cloud infrastructure, firewall and load balancing. Installations, maintenance, troubleshooting of server systems, and management of Windows-based systems to ensure reliability for clients.	\$ 16,530	-	-	-	-	-	-	-
DEVELOPERS	Modify programming and coding to all major systems	\$ 19,140	-	-	-	-	-	-	-
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	44,700	-	-	-	-	-	44,700
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 22,620	6,800	-	-	-	-	-	6,800
Organizational Change Management	Prepares stakeholders for the change and develops strategies to ensure the changes are fully adopted.	\$ 37,410	-	-	-	-	-	-	-
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 25,474	9,300	-	-	-	-	-	9,300
<b>Totals</b>			<b>102,600</b>	-	-	-	-	-	<b>102,600</b>

### What DOL will implement:

1. Modify logic for when a user needs to review multiple deferred prosecutions added to the record.
2. Letter changes for changes in rules for deferred prosecution.

### Support Services:

Agency Administrative Overhead is included at a rate of 23.4 percent of the direct program costs. This funding received covers agency-wide functions such as vendor payments, contract administration, financial management, mail processing, equipment management, help desk support, and technical assistance to DOL employees.

## Part 3 – Expenditure Detail

### 3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	159,000	103,000	262,000	206,000	206,000
<b>Account Totals</b>		<b>159,000</b>	<b>103,000</b>	<b>262,000</b>	<b>206,000</b>	<b>206,000</b>

### 3.B – Expenditures by Object or Purpose

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
FTE Staff Years	0.5	1.0	0.8	1.0	1.0
Salaries and Wages	23,000	47,000	70,000	94,000	94,000
Employee Benefits	11,000	22,000	33,000	44,000	44,000
Goods and Services	121,000	34,000	155,000	68,000	68,000
Equipment	4,000	-	4,000	-	-
<b>Total By Object Type</b>	<b>159,000</b>	<b>103,000</b>	<b>262,000</b>	<b>206,000</b>	<b>206,000</b>

**3.C – FTE Detail**

<b>Staffing</b>	<b>Salary</b>	<b>FY 24</b>	<b>FY 25</b>	<b>23-25 Total</b>	<b>25-27 Total</b>	<b>27-29 Total</b>
Customer Service Specialist 2	46,980	0.5	1.0	0.8	1.0	1.0
	<b>Total FTE</b>	<b>0.5</b>	<b>1.0</b>	<b>0.8</b>	<b>1.0</b>	<b>1.0</b>

**Part 4 – Capital Budget Impact**

None.

**Part 5 – New Rule Making Required**

None.