

Multiple Agency Fiscal Note Summary

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses
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Estimated Cash Receipts

NONE

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

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Office of Public Defense	Fiscal note not available											
Office of Attorney General	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	Fiscal note not available											
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Criminal Justice Training Commission	3.0	2,125,000	2,125,000	2,125,000	3.0	2,080,000	2,080,000	2,080,000	3.0	2,080,000	2,080,000	2,080,000
Department of Labor and Industries	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	Fiscal note not available											
University of Washington	Fiscal note not available											
Washington State University	Fiscal note not available											
Eastern Washington University	Fiscal note not available											
Central Washington University	.0	25,000	25,000	25,000	.0	25,000	25,000	25,000	.0	0	0	0
The Evergreen State College	.0	5,852	5,852	5,852	.0	5,852	5,852	5,852	.0	0	0	0
Western Washington University	.0	22,500	22,500	22,500	.0	22,500	22,500	22,500	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	3.0	2,178,352	2,178,352	2,178,352	3.0	2,133,352	2,133,352	2,133,352	3.0	2,080,000	2,080,000	2,080,000

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other			1,835,944			1,835,944			1,835,944
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			1,835,944			1,835,944			1,835,944

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of Public Defense	Fiscal note not available								
Office of Attorney General	Fiscal note not available								
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	Fiscal note not available								
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Criminal Justice Training Commission	.0	0	0	.0	0	0	.0	0	0
Department of Labor and Industries	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	Fiscal note not available								
University of Washington	Fiscal note not available								
Washington State University	Fiscal note not available								
Eastern Washington University	Fiscal note not available								
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.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	Fiscal note not available								
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

NONE

Prepared by: Cynthia Hollimon, OFM	Phone: (360) 810-1979	Date Published: Preliminary 3/29/2023
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Individual State Agency Fiscal Note

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 101-Caseload Forecast Council
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 03/28/2023
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 03/28/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/29/2023

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.

2SHB 1028 S2359.3
SUPPORTING CRIME VICTIMS AND WITNESSES
101 – Caseload Forecast Council
March 27, 2023

SUMMARY

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

Section 7 Amends RCW 43.43.754 by requiring collection of DNA for juveniles adjudicated of an offense if committed by an adult would be a felony offense. Additionally requires collection of DNA for individuals requiring collection that do not serve a term of confinement at the Department of Corrections (DOC) or Department of Children, Youth, and Families (DCYF) facilities that are serving a term of confinement in a city or county jail to have the collection taken by the jail prior to release from confinement. Additionally establishes notification procedures for DOC, DCYF, and jails if a person requiring DNA collection is released without it occurring. Additionally establishes requirements for the court to implement biological sample collection protocol and requirements for persons convicted of any offense listed in subsection (1)(a).

Section 8 Amends RCW 9A.04.080 by extending the statute of limitations for sex offenses that applies to suspect identification from DNA testing or photograph from two to four years.

Section 13 States that if specific funding for the Act is not provided by June 30, 2023, this act is null and void.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Extends the statute of limitations for sex offenses that applies to suspect identification from DNA testing or photograph from two to four years and increases the number of individuals who are required to submit DNA.

Impact on prison, jail, and local detention and Juvenile Rehabilitation (JR) beds – Statute of Limitations.

The Caseload Forecast Council (CFC) has no data concerning the length of time between the commission or discovery of offenses and the commencing of prosecution, and, therefore, cannot reliably predict bed impacts resulting from the bill. However, with the bill increasing the statute of limitations for sex offenses, there is the possibility that more sex offenses may be prosecuted, resulting in more convictions, which would increase the need for jail beds, prison beds, local detention, and JR beds.

Impact on prison, jail, and local detention and Juvenile Rehabilitation (JR) beds – DNA Collection.

Regarding the changes to collection of DNA, the CFC does not collect data regarding the entity responsible for collection of DNA or when the collection occurs. As such, the Caseload Forecast Council has no information with which to estimate the impacts of this bill. However, the bill increases the number of individuals required to have DNA collected. Refusal to provide a biological sample is a gross misdemeanor categorized as a Category D on the Juvenile Offense Grid and is punishable by Local Sanctions (0-30 days in local juvenile detention) for juveniles adjudicated for the offense. Therefore, any increased incidences of this offense under this provision of the bill would likely impact only local juvenile detention beds.

Individual State Agency Fiscal Note

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 225-Washington State Patrol
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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: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: Yvonne Ellison	Phone: 360-596-4042	Date: 03/27/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 03/27/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 03/28/2023

Part II: Narrative Explanation

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

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

The proposed legislation will have a small, indeterminate fiscal impact on the Washington State Patrol (WSP).

The amended second substitute version makes changes to RCW 43.43.754 regarding the collection of biological samples for the purpose of DNA identification analysis that will impact the WSP.

The sections with fiscal impact are as follows:

New Section 1 creates the Sexual Assault Forensic Examination Best Practices Advisory Group and identifies the WSP as a required member.

New Section 3 requires the Criminal Justice Training Commission (CJTC), subject to the availability of funding appropriated for the purpose, to include other gender-based violence in the victim-centered, trauma-informed training provided to persons responsible for investigating sexual assault, and also requires the training be provided to the highest ranking supervisors and commanders overseeing sexual assault and gender-based violence investigations.

Section 4 requires the CJTC, subject to the availability of funding appropriated for the purpose, to include gender-based violence in the victim-centered, trauma-informed training provided to peace officers, and requires that all peace officers receive this training at least once every three years.

Section 7 requires the collection of a biological sample from juveniles adjudicated of an offense that would be a felony if committed by an adult.

New Section 12 makes Section 4 effective July 1, 2024.

New Section 13 makes the act null and void if specific funding is not provided for the purposes of the act.

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 requirement of Section 1 to participate in the Sexual Assault Forensic Examination Best Practices Advisory Group is not expected to have a fiscal impact as it formalizes the existing advisory group that we currently participate in.

The training requirements of Sections 3 and 4 are expected to have a minimal fiscal impact to the WSP. Once the current training is updated by the CJTC, it will be incorporated into our existing Trooper Basic and Trimester Trainings.

The addition of language in Section 7 specific to the collection of DNA from juveniles adjudicated of an offense that would be a felony if committed by an adult clarifies the intent of existing legislation. This does not create a new fiscal impact to the WSP, but it will allow us to resume the processing and entering of these samples into the Combined DNA Index System

(CODIS) database that has been paused since June 2022 due to a court decision.

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.

Individual State Agency Fiscal Note

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 227-Criminal Justice Training Commission
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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	3.0	3.0	3.0	3.0	3.0
Account					
General Fund-State 001-1	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000
Total \$	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000

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: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: Brian Elliott	Phone: 206-835-7337	Date: 03/27/2023
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 03/27/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/29/2023

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 identifies both the Washington Association of Sheriffs and Police Chiefs and the Criminal Justice Training Commission as a member of the sexual assault forensic examination best practices advisory group.

Section 2 requires the Washington State Criminal Justice Training Commission to administer a grant program for establishing a statewide resource prosecutor for sexual assault cases. The grant recipient must be a statewide organization or association representing prosecuting attorneys.

Section 3 amends RCW 43.101.272 to include the highest-ranking supervisors and commanders overseeing sexual assault and other gender-based violence investigations as attending the training.

Section 4 amends RCW 43.101.276.

Section 4(3) requires all peace officers to complete the training under this section at least once every three years.

Section 5 amends RCW 43.101.278 to require a comparison of cases involving prosecutors who have participated in the training described in section 6 of this act to cases involving prosecutors who have not participated in such training. The fiscal impact of this change is the commission will need to pay prosecuting attorneys to review cases for the program.

Section 6 requires the Washington State Criminal Justice Training Commission, in partnership with the special resource prosecutor under section 6 of this act, develop and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult victims. The Criminal Justice Training Commission will contract with an organization or association representing prosecuting attorneys to provide this training.

II. B - Cash receipts Impact

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

This bill has no cash receipt impact on the Washington State Criminal Justice Training Commission.

II. C - Expenditures

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

Section 2 requires the commission to administer a grant program for establishing a statewide resource prosecutor for sexual assault cases. Grant program expenses are:

A Grant Administer to manage the grant program - salary = \$90,000 and benefits = \$30,000 for \$120,000 annual total.

Resource prosecutor salary and benefits = \$215,000 annually.

Travel, training, equipment, other misc. expenses, = \$20,000 annually.

Grant recipient administrative expense = \$40,000 annually.

Sections 3 and 4 expand the topics to include in the training, requires highest ranking supervisors and commanders who oversee investigations to complete training, and requires all peace officers at least once every three years to complete the training.

Three classes will be needed for the additional students and an online training course will be created to provide the required training to all law enforcement officers in the state. A Program Specialist will assist the program manager with the design,

delivery, and coordination of the in-person, virtual, and online training. The Program Specialist will assist in identifying instructors, actors, facility, and interview facilitator resources for the trainings.

An additional duty of the Program Specialist will be to assist the Program Manager in the content, coordination, and report writing for the annual case reviews described in section 11.

Administrative Assistant 3 is needed to manage registration and training records.

Program Specialist 3 salary = \$70,000 annually.

Program Specialist 3 benefits = \$26,000 annually.

Administrative Assistant 3 salary = \$53,000 annually.

Administrative Assistant 3 benefits = \$26,000 annually.

Program Manager salary adjustment for additional duties = \$20,000 annually.

Equipment for staff = \$10,000 in fiscal year 2024.

Training expenses for per class:

Instructors/actors = \$43,000 per class.

Training materials = \$2,000 per class.

Travel = \$10,000 per class.

Training facilities = \$5,000 per class.

Total per class = \$60,000 per class.

Cost for three additional classes annually = \$180,000.

Curricula development and creation of online training course for training for all peace officers is \$50,000 in fiscal year 2024. Annual updates to online training course is \$15,000 annually starting in fiscal year 2025.

Section 5 includes review of prosecutors in the case review program.

Legal consultant and expert expenses is \$75,000 annually.

Section 6 requires the development and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult victims. The Washington State Criminal Justice Training Commission will contract with an organization to conduct this training.

Estimated annual expense for this training for prosecuting attorneys is \$180,000.

Total Expenses:

Fiscal year 2024 = \$1,085,000

Fiscal year 2025 and each year after = \$1,040,000.

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	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000
Total \$			1,085,000	1,040,000	2,125,000	2,080,000	2,080,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	3.0	3.0	3.0	3.0	3.0
A-Salaries and Wages	233,000	233,000	466,000	466,000	466,000
B-Employee Benefits	82,000	82,000	164,000	164,000	164,000
C-Professional Service Contracts					
E-Goods and Other Services	455,000	420,000	875,000	840,000	840,000
G-Travel	30,000	30,000	60,000	60,000	60,000
J-Capital Outlays	10,000		10,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	275,000	275,000	550,000	550,000	550,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	1,085,000	1,040,000	2,125,000	2,080,000	2,080,000

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 Assistant 3	53,000	1.0	1.0	1.0	1.0	1.0
Grant Administrator	90,000	1.0	1.0	1.0	1.0	1.0
Program Specialis 3	70,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		3.0	3.0	3.0	3.0	3.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 235-Department of Labor and Industries
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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: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: Shana J Snellgrove	Phone: 360-902-6408	Date: 03/28/2023
Agency Approval: Trent Howard	Phone: 360-902-6698	Date: 03/28/2023
OFM Review: Anna Minor	Phone: (360) 790-2951	Date: 03/28/2023

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.

This bill does several things related to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system.

The bill sections that impacted Chapter 7.68 RCW and L&I's Crime Victims Compensation Program were removed in the 2SHB version and are still removed in the 2SHB AMS LAW S2359.3 version. Because of this, there is no fiscal impact to L&I.

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.

None.

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

Revised

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 375-Central Washington University
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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
Account					
General Fund-State 001-1	25,000	0	25,000	25,000	0
Total \$	25,000	0	25,000	25,000	0

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: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: Erin Sargent	Phone: 509-963-2395	Date: 03/29/2023
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 03/29/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/29/2023

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 establishes the sexual assault forensic examination best practices advisory group within the office of the AG, provides guidance regarding the makeup of the group, assigns duties, and establishes policies and requirements for the group.

Section 2 authorizes the group to administer a grant program for establishing a statewide resource prosecutor for sexual assault cases.

Section 3 expands the commission's training requirements to include the highest-ranking supervisors and commanders, overseeing those investigations.

Section 4 requires all peace officers to complete the training once every three years.

Section 5 requires an annual case review to be conducted by the commission.

Section 6 requires the commission to develop and conduct specific training for persons responsible for prosecuting sexual assault cases.

Section 7 expands the requirements related to the collection of biological samples for the purposes of DNA analysis related to certain adjudications, and requires jail and prison facilities to collect samples prior to release.

Section 8 expands the time limit a person may be prosecuted for a sex offense from two years to four years.

Section 9 relates to the disclosure of information by healthcare providers to law enforcement for the purposes of gathering evidence.

Section 10 expands guidance related to evidence of the victim's past sexual behavior and what would be considered inadmissible.

Section 11 expands the rights of victims, survivors or victims, and witnesses of crimes, and provides guidance related to the denial of these rights.

Section 12 states that section 4 takes effect on July 1, 2024.

Section 13 notes that if funding is not provided by June 30, 2023, the 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.

Section 4 requires all peace officers to receive training once every three years. While it is difficult to assess the financial impact, the initial costs will be approximately \$25k to get compliant and another 25k every three years to send everyone to the training every three years.

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	25,000	0	25,000	25,000	0
Total \$			25,000	0	25,000	25,000	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	25,000		25,000	25,000	
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	25,000	0	25,000	25,000	0

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

Revised

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 376-The Evergreen State College
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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
Account					
General Fund-State 001-1	5,852	0	5,852	5,852	0
Total \$	5,852	0	5,852	5,852	0

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: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 03/27/2023
Agency Approval: Dane Apalategui	Phone: 360-867-6517	Date: 03/27/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/29/2023

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.

HB 1028 relates to supporting crime victims and witnesses by promoting victim-centered, trauma informed responses in the legal system.

This bill inserts a New Section 7 requiring the collection of DNA samples.

Section 8 is the previous Section 7

Section 9 is the previous Section 8

Inserts Section 10 which speaks to victim sexual mores admissibility in court.

Inserts Section 11 which speaks to victim rights.

Section 12 is the previous Section 9

Section 13 is the previous Section 10

HB 1028 relates to supporting crime victims and witnesses by promoting victim-centered, trauma informed responses in the legal system.

The previous sections 1 (rationale), 2 (requirements for law enforcement agencies receiving a sexual assault kit) and 3 are deleted.

New section 1 establishes the sexual assault forensic examination best practices advisory group.

New section 2 establishes the grant program for a statewide resource prosecutor.

Section 3 is the previous section 7; section 4 is the previous section 8; section 5 is the previous section 9; section 6 is the previous section 10; sections 11 and 12 are deleted; the new section 7 lists new statutes of limitation for a series of offenses.

Sections 14, 15, 16 and 17 are deleted.

Section 10 (new) states that if specific funding for this bill is not provided by June 30, 2023, the act will be null and void.

HB 1028 is a bill related to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses in the legal system.

Section 1 states that each report of sexual assault should be investigated at the local level, regardless of the status of any sexual assault kit. The legislature intends to expand efforts to improve investigations and prosecutions by requiring timely of sexual assault cases with CODIS hits, and requiring regular reporting on the status of those cases.

Section 2 (4) states that when forensic analysis of a sexual assault kit generates a hit in the combined DNA Index system, the applicable law enforcement agency shall conduct a criminal investigation of any report connected to the kit within 90 days.

Section 6 establishes the sexual assault forensic examination best practices advisory group.

Section 6 (1) establishes the membership requirements for the group.

Section 6 (2) establishes the duties of the group.

Section 7, subject to the availability of funds appropriated for this purpose, creates a grant program for establishing a statewide resource prosecutor for sexual assault cases.

Section 8, subject to the availability of funds appropriated for this purpose, establishes a Department of Commerce competitive grant program to support regional multidisciplinary community response teams engaged in seeking a just resolution to sexual assault cases.

Section 9, subject to the availability of funds appropriated for this purpose, states that the commission shall provide training for persons investigating sexual assault and the highest-ranking supervisors overseeing sexual assault and other gender-based violence investigations.

Section 9 (4) states that the officers and highest-ranking supervisors shall complete the training within one year of being assigned.

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.

Our officers would be required to participate in training every three years. Because of our very small police force, we would be required to pay overtime to cover officers while in training sessions. Overtime is estimated at \$4,947 for each year of training. Benefits are estimated at \$905 for each year of training. We used a benefit rate of 18.30%.

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	5,852	0	5,852	5,852	0
Total \$			5,852	0	5,852	5,852	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages	4,947		4,947	4,947	
B-Employee Benefits	905		905	905	
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	5,852	0	5,852	5,852	0

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

Revised

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 380-Western Washington University
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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
Account					
General Fund-State 001-1	22,500	0	22,500	22,500	0
Total \$	22,500	0	22,500	22,500	0

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: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: Gena Mikkelsen	Phone: 3606507412	Date: 03/28/2023
Agency Approval: Faye Gallant	Phone: 3606504762	Date: 03/28/2023
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 03/29/2023

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 new additions in Section 7, 10 and 11 will not have any new fiscal impact on Western Washington University under the assumption that the collection of DNA will primarily be done in a corrections facility.

Every officers will still need to obtain training to meet the requirements of this bill.

This bill still impacts the department in manpower due to the requirements assigned to the investigation, record keeping/notifications, and training.

WWU would then need to train all officers to perform investigations since we do not have an investigator like our other higher education counterparts, to be responsible to address all the requirements/deadlines/investigation of the incident.

Additional training cost –

Fifteen officers and evidence collecting/record keeping for civilian employee.

Sec. 3. (1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault and other gender-based violence involving adult victims, and the highest ranking supervisors and commanders overseeing sexual assault and other gender-based violence investigations. The training must be based on a victim-centered, trauma-informed approach to responding to sexual assault. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(4) Officers assigned to regularly investigate sexual assault and other gender-based violence involving adult victims and the highest ranking supervisors and commanders overseeing those investigations shall complete the training within one year of being assigned.

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.

WWU does not currently have an investigator in the department unlike other counterparts in Higher Education. This would require WWUPD to meet the training requirement for all officers.

Pursuant to Section 3, additional training would be required for all officers and is reflected at \$22,500 every three years as specified in Section 4 (3) for 15 officers and 1 records person.

This cost includes \$1,500 per officer and 1 records person, for training where rooms would be provided at no cost at the Washington Training Center and potentially virtual training for records specialist.

Just to note, if WWUPD could add an investigator instead, the cost is reflected below and not above:

We would add one full time investigator starting at \$91,501 and 30% benefits starting at \$27,450.

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	22,500	0	22,500	22,500	0
Total \$			22,500	0	22,500	22,500	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services					
G-Travel	22,500		22,500	22,500	
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 \$	22,500	0	22,500	22,500	0

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: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses	Agency: 477-Department of Fish and Wildlife
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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: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 03/27/2023
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 03/27/2023
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 03/27/2023

Part II: Narrative Explanation

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

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

NO CHANGE FROM PREVIOUS NOTE – The changes in the proposed legislation do not create a fiscal impact to WDFW.

Section 7 directs city and county jail facilities to adopt policies for collecting biological samples from persons convicted of an offense listed in subsection (1)(a) of section 7. WDFW does not operate city or county jail facilities and does not lead investigations into sexual assault and other gender-based violence cases.

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1028 2S HB AMS LAW S2359.3	Title: Crime victims & witnesses
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Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** Police departments could incur annual training expenses totaling \$687,456. City jails could incur indeterminate expenses for DNA collection.
- Counties:** Sheriff’s offices could incur annual training expenses totaling \$230,516. County jails could incur indeterminate expenses due to DNA collection. Prosecuting attorney offices could experience indeterminate increases in staff work due to expanding who qualifies for victim services.
- 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:** The number city and the number of county law enforcement officers that will attend each training. The number of incarcerated people who will refuse to provide required DNA; the number of victims that will qualify for victim services.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	687,456	687,456	1,374,912	1,374,912	1,374,912
County	230,516	230,516	461,032	461,032	461,032
TOTAL \$	917,972	917,972	1,835,944	1,835,944	1,835,944
GRAND TOTAL \$					5,507,832

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 03/29/2023
Leg. Committee Contact: Ryan Giannini	Phone: 3607867285	Date: 03/24/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/29/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 03/29/2023

Part IV: Analysis

A. SUMMARY OF BILL

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

This fiscal note compares the striker bill to 2SHB 1028.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The striker bill would make amendments to required DNA collection for people convicted of particular offenses, and it would expand who qualifies for victim services.

SUMMARY OF CURRENT BILL:

Sec. 1 would create a new section in RCW 43.10. The sexual assault forensic examination best practices advisory group is established within the Office of the Attorney General. Its membership includes a member who is a sexual assault nurse examiner; two members who are law enforcement officers, one from a rural area and one from an urban area of the state; and one member who is a prosecuting attorney serving in a county in a rural area of the state. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. The advisory group must meet no less than twice annually. This section expires July 1, 2026.

Sec. 2 would create a new statewide resource prosecuting attorney for sexual assault cases if funds are appropriated. The resource prosecutor could provide technical and research assistance, training, consultations with commissions and law enforcement agencies, and gather feedback to improve outcomes of sexual assault cases.

Sec. 3 would amend RCW 43.101.272 to provide that the Criminal Justice Training Commission shall develop and conduct specialized, intensive, and integrative training for persons responsible for investigating sexual assault and other gender-based violence cases subject to the availability of amounts appropriated for this specific purpose. Officers assigned to investigate sexual assault or other gender-based violence and the highest ranking supervisors and commanders overseeing those investigations shall complete the training within one year of being assigned to such investigations.

Sec. 4 would amend RCW 43.101.276. Subject to the availability of amounts appropriated for this specific purpose, the commission shall develop peace officer training on a victim-centered, trauma-informed approach to interacting with victims and responding to calls involving gender-based violence. All peace officers shall complete the training under this section at least once every three years. Previously, the requirement was for law enforcement agencies to host the training every year.

Sec. 6 would add a new section to RCW 43.101. Subject to the availability of amounts appropriated for this specific purpose, the Criminal Justice Training Commission shall develop and conduct specialized, intensive, and integrative training for persons responsible for prosecuting sexual assault cases involving adult victims. The training should be offered at least once per calendar year and be deployed in different locations across the state, or through some other broadly accessible means, in order to improve access to the training for prosecutors serving in small offices or rural areas.

Sec. 7 would amend RCW 43.43.754.

Sec. 7 (1) (a) would require DNA collection for juveniles adjudicated of an offense that would have been a felony offense if committed by an adult.

Sec. 7 (5) (a) (i) (A) specifies that city and county jails would be required to collect DNA prior to releasing a person from confinement for a person convicted of any offense listed in subsection (1)(a) of this section or adjudicated guilty of an equivalent juvenile offense.

Sec. 7 (5) (a) (i) (B) would require each city and county jail facility to adopt and implement a policy that collects biological samples from persons convicted of an offense listed in subsection (1)(a) of this section as soon as practicable during the

person's term of confinement.

Sec. 7 (5) (a) (i) (B) (ii) would establish a notification procedure for city and county jails that do not collect a required DNA sample prior to releasing a person from confinement whose DNA collection is required. The responsible city or county jail facility would be required to notify the sentencing court within three business days of the person's release that it has released the person without collecting the person's biological sample, and provide the reason for releasing the person without collecting a biological sample. Within 10 days of receiving notice of the person's release, the sentencing court shall schedule a compliance hearing. The jail shall serve or cause to be served notice to the person of the compliance hearing and shall file proof of service with the sentencing court. A representative of the jail shall attend the compliance hearing and obtain the person's biological sample at the hearing. The court may, in its discretion, require the jail to pay attorneys' fees and court costs associated with scheduling and attending the compliance hearing.

Sec. 7 (5) (d) would allow courts another option to collect a DNA sample from a person convicted of any offense listed in subsection 10 (1) (a) of this section, or adjudicated guilty of an equivalent juvenile offense, who will not serve a term of confinement. Currently, if the local police department or sheriff's office has a protocol for collecting the biological sample in the courtroom, the court may order the person to immediately provide the biological sample to the local police department or sheriff's office before leaving the presence of the court. This section would create a new option for courts to administratively book the convicted person at a city or county jail facility for the sole purpose of providing a biological sample.

Sec. 8 would amend RCW 9A.04.080 by extending the statute of limitations for sex offenses that applies to suspect identification from DNA testing or photograph from two to four years.

Sec. 9 would add a new section to chapter RCW 70.02 to specify that a disclosure authorization to a health care provider or health care facility authorizing disclosure of information to law enforcement regarding a forensic examination performed for the purposes of gathering evidence for possible prosecution of a criminal offense must be valid until the end of all related criminal proceedings or a later event selected by the provider, facility, patient, or patient's representative, unless the patient or patient's representative requests a different expiration date or event for the disclosure authorization.

Sec. 11 would modify the statutory rights of crime victims, survivors, and witnesses to apply to any adult or juvenile criminal proceeding and any sexually violent predator commitment proceeding. It also provides that if a victim, survivor of a victim, or witness of a crime is denied a right, that person may seek an order directing compliance by the relevant party. Provides that compliance with the right is the sole available remedy.

Sec. 13 states that if specific funding for the Act is not provided by June 30, 2023, this act is null and void.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

CHANGES IN EXPENDITURE IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The current version of the bill could increase jail staff time and could increase prosecuting attorney time. These potential expenditure increases are indeterminate.

EXPENDITURE IMPACTS OF CURRENT BILL:

The striker could cause prosecuting attorney's offices to incur additional indeterminate expenses due to expanding who qualifies for victim services. Additionally, city and county jails could experience increased indeterminate expenditures related to DNA collection. City police departments could incur \$687,456, and county sheriff's offices could incur \$230,516 annually to attend the new required trainings that the legislation would establish. Costs that could be estimated are entered into the expenditure grid.

ASSUMPTIONS:

According to the 2021 Crime in Washington Report from Washington Association of Sheriffs and Police Chiefs,

approximately 75% of Washington's commissioned officers are in city police departments, and approximately 25% are in county sheriff's offices. Therefore, for the purposes of this fiscal note, we will assume 75% of each training is attended by city detectives and commanders, and 25% of each training is attended by county investigators and highest-ranking supervisors, per the legislation's requirements.

TRAINING:

The Criminal Justice Training Council (CJTC) anticipates offering the bill's proposed training virtually, but the training's total number of hours could vary based on course content, which is currently in development. Likewise, the number of trainings offered per year could vary based on training experts' availability. Currently, CJTC estimates a maximum of 25 detectives and 10 commanders could attend each training, and each training would require 31 hours, but those estimates are subject to change.

POLICE DEPARTMENTS' TRAINING COSTS:

A total of 25 detectives may attend each training. Assuming 75% of those detectives are from the city, approximately 19 city detectives would attend each training. According to the 2022 Association of Washington Cities (AWC) Salary Survey, the mid-point hourly salary for police detectives is \$72.

A total of 10 commanders may attend each training. Assuming 75% of those commanders are from the city, approximately eight city commanders would attend each training. According to the 2022 AWC Salary Survey, the mid-point hourly salary for police commanders is \$81.

Based on the assumptions of this fiscal note, cities would incur \$687,456 in annual expenditures for the bill's proposed training costs if 75% of the training spots were filled with city detectives and commanders.

- 19 police detectives x \$72 x 31 hours of training = \$42,408
- 8 police commanders x \$81 x 31 hours of training = \$20,088
- Cities total cost per training: \$62,496.
- Cities' annual cost for 11 trainings: \$687,456 (\$62,496 cost per training x 11 trainings)

SHERIFF'S OFFICES' TRAINING COSTS:

A total of 25 detectives may attend each training. Assuming 25% of those detectives are from the county, approximately six county detectives would attend each training. According to the 2022 ACW Salary Survey, the mid-point hourly salary for detectives is \$72.

A total of 10 commanders or highest-ranking supervisors may attend each training. Assuming 25% of those commanders are from the county, approximately two county undersheriffs would attend each training. According to the AWC Salary Survey, the mid-point hourly salary for an undersheriff is \$122.

Based on the assumptions of this fiscal note, counties could incur \$230,516 in annual expenditures for the bill's proposed training costs if 25% of the training spots were filled with deputy sheriffs and undersheriffs.

- 6 detectives x \$72 x 31 hours of training = \$13,392
- 2 undersheriffs x \$122 x 31 hours of training = \$7,564
- Counties' total cost per training: \$20,956
- Counties' annual cost for 11 trainings: \$230,516 (\$20,956 cost per training x 11 trainings)

JAIL'S DNA COLLECTION:

Requiring jails to collect DNA before releasing incarcerated people could result in indeterminate increased expenditures for city and county jails.

When an incarcerated person is required to provide a DNA sample, and the person complies with the DNA collection procedure, there would not be a fiscal impact. Where there is not immediate compliance, a jail could petition for a drag order. A drag order means the court holds the person in contempt, they get a gross misdemeanor, and the jail is empowered to collect the evidence. Petitioning for a drag order involves some amount of staff time and resources. In situations where a person refuses to comply with DNA collection, and jails cannot get a drag order before releasing a person, then additional staff resources would be required to follow up. However, the frequency with which people will be non-compliant, and the total staff time required to address it cannot be anticipated in advance. Therefore the cost impact of DNA collection is indeterminate.

PROSECUTING ATTORNEY OFFICES:

According to Washington Association of Prosecuting Attorneys (WAPA), county prosecutor offices are currently required to handle victim notifications on all felonies, and gross misdemeanor domestic violence cases. The legislation expands who qualifies for victim services. WAPA anticipates this would increase the work prosecuting attorney offices would do to provide victim services.

While the actual cost impacts are indeterminate because the future number of victims and survivors who may receive victim services cannot be predicted, WAPA shared Fiscal Year 2022 numbers for illustrative purposes. Note that county prosecutors' victim services expenditures were not available, but WAPA was able to provide two revenue sources that partially fund county prosecutors' victim services program.

In Fiscal Year 2022, federal grants authorized by the Violence Against Women Act awarded Washington's county prosecuting attorney offices a total of \$2,493,433 to support prosecutors' work to provide victim services. County prosecuting attorney offices also receive over \$4 million per year from Victim Impact Assessments (or criminal legal financial obligations), and counties contribute additional funds.

Based on these revenue streams that fund prosecutors' costs to provide victim services, WAPA conservatively estimates prosecuting attorney offices spend approximately \$6,000,000 per year to provide victim services under current law. If the number of victims and survivors receiving victim services from county prosecutor offices increases as a result of the legislation, then WAPA anticipates an increased workload. However, it is not possible to predict the number of crimes that may be committed and the number of victims and survivors that may be impacted by such crimes. As such, it is not possible to calculate the exact cost impact county prosecutors may experience as a result of the legislation that increases the victims and survivors that would qualify for prosecutors' victim services.

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.

CHANGES FROM PREVIOUS BILL VERSION:

The striker would not impact local government revenue.

SUMMARY OF CURRENT BILL VERSION:

The legislation would not impact local government revenue.

SOURCES:

2022 Association of Washington Cities' Salary and Benefits Survey
Criminal Justice Training Center
Washington Association of Prosecuting Attorneys
Washington Association of Sheriffs and Police Chiefs
Washington State Patrol
Washington State Patrol Crime Laboratory Division