

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1002 HB AMS LAW S2365.3	<b>Title:</b> Hazing penalty
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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	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	3,000	3,000	3,000	.0	0	0	0	.0	0	0	0
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
<b>Total \$</b>	<b>0.0</b>	<b>3,000</b>	<b>3,000</b>	<b>3,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			288,630						
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			288,630						

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

### Estimated Capital Budget Breakout

<b>Prepared by:</b> Cynthia Hollimon, OFM	<b>Phone:</b> (360) 810-1979	<b>Date Published:</b> Final 4/ 4/2023
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1002 HB AMS LAW S2365.3	<b>Title:</b> Hazing penalty	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

☒ No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Expenditures from:

NONE

### Estimated Capital Budget Impact:

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Ryan Giannini	Phone: 3607867285	Date: 03/28/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 03/30/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/30/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 04/03/2023

187,115.00

Request # 261-1

Part II: Narrative Explanation

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

The striking amendment would not change the original impacts of the bill.

The proposed legislation amends RCW 28B.10.901, 9.94A.411, and 9A.46.060 changing the penalty for hazing.

II. B - Cash Receipts Impact

II. C - Expenditures

No fiscal impact is expected to the Administrative Office of the Courts or the courts. The amendments change the seriousness of an existing crime.

Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1002 HB AMS LAW S2365.3	<b>Title:</b> Hazing penalty	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Ryan Giannini	<b>Phone:</b> 3607867285	<b>Date:</b> 03/28/2023
<b>Agency Preparation:</b> Clela Steelhammer	<b>Phone:</b> 360-664-9381	<b>Date:</b> 03/29/2023
<b>Agency Approval:</b> Clela Steelhammer	<b>Phone:</b> 360-664-9381	<b>Date:</b> 03/29/2023
<b>OFM Review:</b> Cynthia Hollimon	<b>Phone:</b> (360) 810-1979	<b>Date:</b> 04/04/2023

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.*

# **HB 1002 S-2365.3**

## **INCREASING THE PENALTY FOR HAZING**

### **101 – Caseload Forecast Council**

#### **March 29, 2023**

#### **SUMMARY**

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

- Section 1 Amends RCW 28B.10.901 by amending the current misdemeanor of Hazing to a gross misdemeanor and establishing the Class C felony offense of Hazing, when causing substantial bodily harm.
- Section 2 Amends RCW 9.94A.411 to include the felony offense of Hazing as an offense categorized as a Crime Against a Person.
- Section 3 Amend RCW 9.94A.515 by ranking the newly established Class C felony Hazing, Substantial Bodily Harm at Seriousness Level 3 on the adult felony sentencing grid.
- Section 4 Amends RCW 9A.46.060 by adding the felony offense of Hazing to the list of offenses may be considered as Harassment.
- Section 5 This act may be known and cited as the Sam Martinez stop hazing law.

#### **EXPENDITURES**

##### **Assumptions.**

None.

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

None.

##### **Impact on prison, jail, and Juvenile Rehabilitation beds.**

This bill:

- Establishes a Class C felony offense ranked at Seriousness Level 3 on the adult felony sentencing grid and categorizes it as a Crime Against a Person;
- A new Class C felony offense would be punished at Category C on the Juvenile Offense Grid; and
- Increases the classification of an existing misdemeanor offense to a gross misdemeanor offense.

The Class C felony offense of Hazing established under the bill is not currently a felony under Washington State law. As such, the Caseload Forecast Council (CFC) has no information about the expected incidence or the sentences that might actually be imposed. Therefore, the CFC cannot reliably predict correctional bed impacts resulting from the bill.

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



However, as a Class C felony offense ranked at Seriousness Level 3 on the adult felony sentencing grid, Hazing would be punishable by a standard range term of confinement of between 1-3 months in jail and 51-60 months in prison (limited to 60 months by the statutory maximum sentence for Class C felony), depending on the individual's prior history. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

Additionally, the offense of Hazing that was previously a misdemeanor offense is being raised to a gross misdemeanor offense under the provisions of the bill (when not causing substantial bodily harm). The CFC does not collect data on misdemeanor and gross misdemeanor offenses, and, therefore, cannot reliably estimate bed impacts resulting from the bill. However, since misdemeanor offenses are punishable by a term of confinement of 0-90 days in jail and gross misdemeanor offenses are punishable by a term of confinement of 0-364 days in jail, any impact from this change should manifest itself as an increased need for jail beds only.

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

The newly established Class C felony offense would be ranked at Category C on the Juvenile Sentencing Grid. The offense would be punishable by a standard range term of between Local Sanctions (0-30 days in local juvenile detention) and 15-36 weeks in Juvenile Rehabilitation (depending on the number of prior adjudications) for juveniles adjudicated for the offense. Therefore, incidences of this offense would likely impact both local juvenile detention and Juvenile Rehabilitation beds.

In addition, there may also be an increased need for Juvenile Rehabilitation (JR) beds. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any impacts to JR would be minimal.

**Impacts on DOC Supervision Population.**

The offense of Hazing was added to the list of offenses categorized as a Crime Against a Person. As such, an individual assessed as high risk to reoffend in the community may be required to be supervised by the Department of Corrections upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required.

Given the above, any convictions for the new offense based on the provisions of this bill by an individual assessed as high risk to reoffend may increase of the DOC's Community Custody caseload.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1002 HB AMS LAW S2365.3	<b>Title:</b> Hazing penalty	<b>Agency:</b> 307-Department of Children, Youth, and Families
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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.

<b>Legislative Contact:</b> Ryan Giannini	<b>Phone:</b> 3607867285	<b>Date:</b> 03/28/2023
<b>Agency Preparation:</b> Jay Treat	<b>Phone:</b> 360-556-6313	<b>Date:</b> 03/31/2023
<b>Agency Approval:</b> James Smith	<b>Phone:</b> 360-764-9492	<b>Date:</b> 03/31/2023
<b>OFM Review:</b> Cynthia Hollimon	<b>Phone:</b> (360) 810-1979	<b>Date:</b> 04/04/2023

Part II: Narrative Explanation

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

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

Comparison of 1002 HB to 1002 AMS LAW S2365.3

Section 1(1) clarifies that a student or other person is guilty of hazing if they intentionally haze another.

Section one no longer contains the crime of conspiracy to engage in hazing, and aligns the crime with other conspiracy offenses, also removed is the provision allowing any person to be prosecuted for any other crime committed while in the commission of a hazing offense.

Section 1(3) clarifies that any student organization, association , or student living group that permits hazing is strictly liable for damages cause to persons or property resulting from hazing.

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1002 AMS LAW S2365.3

Section 1(2)(a) amends RCW 28B.10.901 to elevate the offense of Hazing from a misdemeanor to a gross misdemeanor .

Section 1(2)(b) establishes that Hazing that causes substantial bodily harm, as defined in RCW 9A.04.110, to another person is a class C felony.

Section 2 amends RCW 9.94A.411 to include the felony offense of Hazing.

Section 3 amends RCW 9.94A.515 by ranking the newly established Class C felony of Hazing, Substantial Bodily Harm at Seriousness Level 3 on the adult felony sentencing grid.

Section 4 amends RCW 9A.46.060 by adding the felony offense of Hazing to the list of offenses that may be considered as Harassment.

New Section 5 states that this act may be known and cited as the Sam Martinez stop hazing law.

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.

Fiscal impact is indeterminate

Section 1

The elevated penalty for this offense of Hazing would likely increase the number of individuals committed to the Department of Children, Youth and Families/Juvenile Rehabilitation (DCYF/JR) for this offense since a commitment of

Hazing that causes substantial bodily harm would be a Class C Felony ranked at Category C on the Juvenile Sentencing Grid.

Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve their confinement at a JR facility until age 25, or until release if occurring prior to age 25. Per the Caseload Forecast Council (CFC), the class C felony offense of Hazing under this bill is not currently a felony under Washington State Law. Therefore, the CFC has no information about the expected incidence or the sentences that might be imposed. The CFC cannot reliably predict bed impact resulting from the bill.

The bill may potentially result in an increase in Average Daily Population (ADP) and indeterminate costs to DCYF. It is unknown at this time how many youth will be impacted; therefore the caseload forecast and per capita adjustments are unknown at this time.

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

None

Part V: New Rule Making Required

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1002 HB AMS LAW S2365.3	<b>Title:</b> Hazing penalty	<b>Agency:</b> 310-Department of Corrections
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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
<b>Account</b>					
General Fund-State 001-1	3,000	0	3,000	0	0
<b>Total \$</b>	3,000	0	3,000	0	0

In addition to the estimates above, there are additional indeterminate costs 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: 03/28/2023
Agency Preparation: James Killough	Phone: (360) 725-8428	Date: 04/04/2023
Agency Approval: Ronell Witt	Phone: (360) 725-8428	Date: 04/04/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/04/2023

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.

1002 HB S-2365.3 is the newest version of 1002 HB and alters some of the penalties and offenses prescribed in the original version of this bill.

Section 1 has been updated to clarify that a student or other person is guilty of hazing if they intentionally haze another person. The crime of conspiracy to engage in hazing has been removed and aligns the crime with other conspiracy offenses. The section no longer allows a person to be prosecuted for any other crime committed while in the commission of a hazing offense. It also clarifies that any student organization, association, or student living group that permits hazing is strictly liable for damages caused to persons or property resulting from hazing.

The Following Remains Unchanged from the Previous Version of the Bill:  
Section 2 amends RCW 9.94A.411 to include the felony offense of Hazing as an offense categorized as a Crime Against a Person.

Section 3 amends RCW 9.94A.515 by ranking the newly established Class C felony Hazing, Substantial Bodily Harm at Seriousness Level 3 on the adult felony sentencing grid.

Section 4 amends RCW 9A.46.060 by adding the felony offense of Hazing to the list of offenses may be considered as Harassment.

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

II. B - Cash receipts Impact

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

None.

II. C - Expenditures

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

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

The Class C felony offense of Hazing established under the bill is not currently a felony under Washington State law. As such, the Caseload Forecast Council (CFC) has no information about the expected incidence or the sentences that might be imposed. Therefore, the CFC cannot reliably predict correctional bed impacts resulting from the bill. However, this will require Department of Corrections (DOC) Information Technology (IT) staff to make updates to the Revised Code of Washington (RCW) detail table in Offender Management Network Information (OMNI).

Impact to DOC IT:

The one-time estimated IT staff hours and costs to complete these updates are identified below:

IT Application Development | \$120 per hour x 10 hours = \$1,200  
IT Quality Assurance | \$120 per hour x 10 hours = \$1,200

IT Business Analyst | \$120 per hour x 5 hours = \$600  
 Total One-Time IT Staff Costs in FY2023 = \$3,000

Impact on prison and jail beds:

As a Class C felony offense ranked at Seriousness Level 3 on the adult felony sentencing grid, Hazing would be punishable by a standard range term of confinement of between 1-3 months in jail and 51-60 months in prison (limited to 60 months by the statutory maximum sentence for Class C felony), depending on the individual’s prior history. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

Impacts on DOC Supervision Population:

The offense of Hazing was added to the list of offenses categorized as a Crime Against a Person. As such, an individual assessed as high risk to reoffend in the community may be required to be supervised by DOC upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required.

Given the above, any convictions for the new offense based on the provisions of this bill by an individual assessed as high risk to reoffend may increase DOC’s Community Custody caseload.

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

Assumptions:

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. For illustration purposes only, the average annual, Community Supervision caseload model is \$5,318 per ADP (not including startup costs), regardless of supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records and Training that are directly affected by supervision population changes. The estimate will vary based on risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent; 27.3% high non-violent; 21% moderate; 7.9% low; and 1.0% unclassified (June – November 2017). The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2022 average percentage of supervised individuals that served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. We assume Direct Variable Cost (DVC) of \$6,980 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with the Office of Financial Management, Senate, and House staff each legislative session.
3. We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

### Part III: Expenditure Detail

#### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	3,000	0	3,000	0	0
Total \$			3,000	0	3,000	0	0

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.
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### 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	3,000		3,000		
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-					
<b>Total \$</b>	3,000	0	3,000	0	0

In addition to the estimates above, there are additional indeterminate costs 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)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administration and Support Services (100)	3,000		3,000		
<b>Total \$</b>	3,000		3,000		

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

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:** 1002 HB AMS  
LAW S2365.3

**Title:** Hazing penalty

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

### Legislation Impacts:

- ☒ Cities: Approximately \$221,430 to train law enforcement officers on new and upgraded criminal offenses; indeterminate expenditure impact due to higher demand for jail beds; indeterminate expenditure impact on law enforcement as a result of processing incidents of new class C felony offense, upgraded gross misdemeanor offense; indeterminate expenditure impact due to higher demand for jail beds
- ☒ Counties: Approximately \$67,200 to train law enforcement officers on new and upgraded criminal offenses; indeterminate expenditure impact on law enforcement, prosecutors and public defenders as a result of processing incidents of new class C felony offense, upgraded gross misdemeanor offense; indeterminate expenditure impact due to higher demand for jail, juvenile detention beds
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

## Part II: Estimates

- ☐ No fiscal impacts.
- ☒ Expenditures represent one-time costs: Approximately \$288,630 to provide training to local law enforcement officers on new and upgraded criminal offenses
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Number of incidents of new class C felony offense, upgraded gross misdemeanor offense

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	221,430		221,430		
County	67,200		67,200		
<b>TOTAL \$</b>	288,630		288,630		
<b>GRAND TOTAL \$</b>					
					288,630

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

## Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 03/30/2023
Leg. Committee Contact: Ryan Giannini	Phone: 3607867285	Date: 03/28/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/30/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 04/04/2023

## Part IV: Analysis

### A. SUMMARY OF BILL

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

This fiscal note analyzes the impact of 1002 HB AMS LAW S2365.3, comparing it to the impact of HB 1002.

#### CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The amendment to HB 1002 would remove conspiracy to commit hazing from the definition of gross misdemeanor hazing under RCW 28B.10.901, specify that a person would have to intentionally haze another person to be guilty of this offense and would remove the provision included in the original bill that would have allowed for a person to be prosecuted separately for each crime they may commit while engaging in hazing.

These changes would not affect the local government expenditure and revenue impacts below.

#### SUMMARY OF CURRENT BILL:

The proposed legislation would amend an RCW related to hazing and create a new class C felony offense.

Section 1 would amend RCW 28B.10.901, specifying that any student, or other person in attendance at any public or private institution of higher education, or any other postsecondary educational institution, who intentionally hazes another person is guilty of a gross misdemeanor. Hazing is currently classified as a misdemeanor offense.

Additionally, this section would create a new class C felony offense. A person would be guilty of this offense if they meet the above requirements for gross misdemeanor hazing and they cause substantial bodily harm, as defined in RCW 9A.04.110, to their victim.

### B. SUMMARY OF EXPENDITURE IMPACTS

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

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

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the modification this bill would make to an existing criminal offense and the new offense this bill would create. WASPC estimates that approximately 30 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$221,430 for cities and \$67,200 for counties, for a total one-time cost to local governments of \$288,630.

The 2021 Crime in Washington Report conducted by WASPC states that there are 6,710 commissioned officers in police departments and 2,240 commissioned officers in sheriff's departments, for a total of 8,950 commissioned law enforcement employees that would require training. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$66, and the same figure for an officer employed by a county to be \$60. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,710 officers X 0.5 hours X \$66 = \$221,430

Counties:

2,240 officers X 0.5 hours X \$60 = \$67,200

Total:

\$221,430 + \$67,200 = \$288,630

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

According to the Washington State Caseload Forecast Council's (CFC) fiscal note on this bill, both upgrading hazing from a misdemeanor to a gross misdemeanor and creating a new class C felony offense of hazing that causes substantial bodily harm could impact demand for jail beds. As a class C felony ranked at seriousness level III, hazing that causes substantial bodily harm could be punishable by a confinement term in jail or prison, depending on a person's prior criminal history. Gross misdemeanors are punishable by a term of confinement of 0-364 days in jail, while misdemeanors are punishable by a term of confinement of 0-90 days in jail.

However, since it is unknown how many incidents of the new class C felony offense may occur, and CFC does not collect data on misdemeanor and gross misdemeanor offenses, it cannot predict the jail bed impacts resulting from this bill, so the associated expenditure impact on local governments is indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145.

According to the CFC fiscal note for this bill, the creation of a new class C felony offense, ranked at category C on the juvenile sentencing grid, and punishable by a standard range term of between 0-30 days in local juvenile detention and 15-36 weeks in juvenile rehabilitation, could also increase demand for county juvenile detention beds. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. Additionally, it is unknown how many juvenile incidents of the new class C felony offense of hazing that causes substantial bodily harm may occur as a result of this bill's provisions, so the total increase in county juvenile detention expenditures is indeterminate.

In addition to bed impacts, the creation of a new class C felony offense could increase law enforcement, prosecution and public defense expenditures as a result of processing incidents of the new offense. Upgrading hazing from a misdemeanor to a gross misdemeanor could also increase these costs. According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a misdemeanor, a gross misdemeanor, and a class C felony simple assault offense are as follows:

Misdemeanor: \$2,073

Gross misdemeanor: \$5,660

Class C felony for simple assault: \$3,533

However, given that it is unknown how many incidents of the new and upgraded offenses may occur, the magnitude of the expenditure impacts on local governments from processing incidents of these offenses is indeterminate.

## **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

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

### **SOURCES:**

Crime in Washington Report, 2021

Local government fiscal note for HB 1758, 2022

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council