

Multiple Agency Fiscal Note Summary

Bill Number: 1189 E 2S HB 1189-S2.E AMS HS S2430.1	Title: Total confinement release
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Estimated Cash Receipts

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

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

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of the Governor	5.5	2,122,000	2,122,000	2,122,000	5.5	2,062,000	2,062,000	2,062,000	5.5	2,062,000	2,062,000	2,062,000
Office of Attorney General	(.7)	(238,000)	(238,000)	(142,000)	(.7)	(238,000)	(238,000)	(142,000)	(.7)	(238,000)	(238,000)	(142,000)
Office of Financial Management	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	1.0	467,000	467,000	467,000	1.0	462,000	462,000	462,000	1.0	462,000	462,000	462,000
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	5.8	2,351,000	2,351,000	2,447,000	5.8	2,286,000	2,286,000	2,382,000	5.8	2,286,000	2,286,000	2,382,000

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

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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

Estimated Capital Budget Breakout

Prepared by: Cheri Keller, OFM	Phone: (360) 584-2207	Date Published: Final 4/ 5/2023
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Judicial Impact Fiscal Note

Bill Number: 1189 E 2S HB 1189-S2.E AMS HS S2430.1	Title: Total confinement release	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Sarian Scott	Phone: 360-786-7729	Date: 03/21/2023
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 03/22/2023
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/22/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/22/2023

186,699.00

Request # 257-1

Part II: Narrative Explanation

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

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

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

II. B - Cash Receipts Impact

None

II. C - Expenditures

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

Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

None

186,699.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Revised

Bill Number: 1189 E 2S HB 1189-S2.E AMS HS S2430.1	Title: Total confinement release	Agency: 075-Office of the Governor
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	5.5	5.5	5.5	5.5	5.5
Account					
General Fund-State 001-1	1,091,000	1,031,000	2,122,000	2,062,000	2,062,000
Total \$	1,091,000	1,031,000	2,122,000	2,062,000	2,062,000

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Sarian Scott	Phone: 360-786-7729	Date: 03/21/2023
Agency Preparation: Tracy Sayre	Phone: 360-890-5279	Date: 03/22/2023
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 03/22/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/22/2023

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.

1189 E2S HB 1189-S2.E AMS HS S2430.1 clarifies that this bill does not limit the governor's power to grant a pardon or clemency to any individual not in total confinement, or impose conditions in addition to or other than those recommended by Clemency and Pardons Board (CPB). This clarification does not change fiscal assumptions from the previous FN submitted for E2SHB 1189.

The engrossed second substitute bill requires the board to provide written notification to any victims, survivors of victims, or witnesses who participate in the hearing or provide written testimony about the Department of Correction's Victim Notification Program and the victim information and notification everyday service administered by the Washington Association of Sheriffs and Police Chiefs.

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

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

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

This bill has the following impacts:

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

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

null and void.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Salaries and Wages:

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

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

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

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

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

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

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	1,091,000	1,031,000	2,122,000	2,062,000	2,062,000
Total \$			1,091,000	1,031,000	2,122,000	2,062,000	2,062,000

III. B - Expenditures by Object Or Purpose

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

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

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

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1189 E 2S HB 1189-S2.E AMS HS S2430.1	Title: Total confinement release	Agency: 100-Office of Attorney General
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

Estimated Operating Expenditures from:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Sarian Scott	Phone: 360-786-7729	Date: 03/21/2023
Agency Preparation: Dave Merchant	Phone: 360-753-1620	Date: 03/23/2023
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 03/23/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/23/2023

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 – Department of Corrections (DOC) shall supervise individuals who receive recommendation for commutation from Clemency and Pardons Board (CPB), granted commutation by governor, and have conditions of community custody imposed.

Section 2 – Section (3) added clarifying the bill does not change or alter Governor’s power of pardon and clemency.

Section 3 – Section (2)(h) modified to clarify sanctions on individuals under community custody.

Section 5 – The CPB make-up is modified. Removed retired judge and member of agency representing crime victims and added person with lived experience related to being a crime victim or working with crime victims.

Section 6 – Modified language regarding CPB review. Restores language from earlier version of bill related to prosecuting attorney notification of victims, survivors, etc.

Section 7 – Modified contents of information reviewed by CPB.

Section 8 – CPB report to governor language changed from “recidivism during previous calendar year” to “convictions during previous five years”.

Section 9 – Clarifies term limit for CPB member appointed to fill unexpired term.

II. B - Cash receipts Impact

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

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

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

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

AGO AGENCY ASSUMPTIONS:

DOC will be billed for non-Seattle rates:

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

CPB will be billed for non-Seattle rates:

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

II. C - Expenditures

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

Attorney General's Office (AGO) Agency Assumptions:

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

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

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

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

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

180 hours annually for advice and litigation.

COR: Total non-Seattle workload impact:

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

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

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

180 hours annually on an ongoing basis.

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

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

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

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

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	(0.7)	(0.7)	(0.7)	(0.7)	(0.7)
A-Salaries and Wages	(40,000)	(40,000)	(80,000)	(80,000)	(80,000)
B-Employee Benefits	(17,000)	(17,000)	(34,000)	(34,000)	(34,000)
E-Goods and Other Services	(13,000)	(13,000)	(26,000)	(26,000)	(26,000)
G-Travel	(1,000)	(1,000)	(2,000)	(2,000)	(2,000)
J-Capital Outlays					
Total \$	(71,000)	(71,000)	(142,000)	(142,000)	(142,000)

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Attorney General	118,700	0.2	0.2	0.2	0.2	0.2
Legal Assistant 3	55,872	0.1	0.1	0.1	0.1	0.1
Management Analyst 5	91,524	0.0	0.0	0.0	0.0	0.0
Paralegal 2	71,520	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Total FTEs		(0.7)	(0.7)	(0.7)	(0.7)	(0.7)

III. D - Expenditures By Program (optional)

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

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1189 E 2S HB 1189-S2.E AMS HS S2430.1	Title: Total confinement release	Agency: 105-Office of Financial Management
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Sarian Scott	Phone: 360-786-7729	Date: 03/21/2023
Agency Preparation: Keith Thunstedt	Phone: 360-810-1271	Date: 03/22/2023
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 03/22/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/22/2023

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.

There were no changes in this amended version that affected OFM's fiscal impact assumptions from the previous version.

Engrossed Second Substitute version:

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

II. B - Cash receipts Impact

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

II. C - Expenditures

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1189 E 2S HB 1189-S2.E AMS HS S2430.1	Title: Total confinement release	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
Account					
General Fund-State 001-1	236,000	231,000	467,000	462,000	462,000
Total \$	236,000	231,000	467,000	462,000	462,000

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: Sarian Scott	Phone: 360-786-7729	Date: 03/21/2023
Agency Preparation: James Cerna	Phone: (360) 725-8428	Date: 03/30/2023
Agency Approval: Ronell Witt	Phone: (360) 489-4417	Date: 03/30/2023
OFM Review: Cynthia Hollimon	Phone: (360) 810-1979	Date: 03/31/2023

Part II: Narrative Explanation

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

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

Proposed 1189 S2 E SBA HS 23 revises the following from the substitute 1189 E2S HB:

Section (1)(6) was deleted and read, "The department shall supervise any individual granted conditional commutation pursuant to RCW 9.94A.885."

Section (1)(6) now reads, "The department shall supervise any individual who:

(a) Receives a recommendation for commutation from the clemency and pardons board under RCW 9.94A.885; (b) Is granted a commutation by the governor; and c) Has conditions of community custody imposed as part of the commutation granted by the governor."

Section 2(3) is a new subsection and reads, "Nothing in this chapter shall be interpreted or construed to reduce or eliminate the power of the governor to grant a pardon or clemency to any individual not in total confinement or impose conditions on a commutation in addition to or other than any conditions recommended by the clemency and pardons board."

Section 7(2)(m) deleted language statements of correctional staff, program supervisors, and volunteer facilitators regarding the incarcerated individual. Such statements shall be voluntary and withheld as confidential. New language reads as follows, "Information from the department provided in the form of a case analysis regarding the incarcerated individual which includes the individual's disciplinary record, risk-level classification history, program participation, work history, behavioral observations, and community concerns. The department will also provide recommendations on potential release conditions that the individual must comply with. The board shall not publicly identify the content of the department's case analysis;"

Section 10 is new and reads as follows, "If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2023, in the omnibus appropriations act, this act is null and void."

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

Note: Section 7(2)(k) was a new section in the original bill which read, "A risk assessment and psychological evaluation provided by the department." Although it was included in the Narrative in the original fiscal note, the Department of Corrections overlooked that this section was going to require additional resources. The additional resources are included in the Expenditure section of this fiscal note.

II. B - Cash receipts Impact

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

None

II. C - Expenditures

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

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

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

Section (7)(k) requires DOC submit a risk assessment and psychological evaluation to the board. It is estimated there will be 40 to 60 individuals required to be assessed/evaluated annually, requiring 40 hours per individual to complete the assessment/evaluation. This will require one Psychologist 4 FTE.

Anticipated costs in FY2024: 1.0 FTE and \$198,000 inclusive of all FTE costs
 Anticipated costs in FY2025: and each fiscal year thereafter: 1.0 FTE and \$198,000.

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

Indirect FTE impact

The DOC requests funding for the indirect costs of agency administration which includes \$22,000 in FY2024, and \$22,000 in FY2025, and ongoing, for the purpose of implementing this legislation. The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

Total Known Agency Impact:

Agency total cost FY2024: \$236,000 and 1.0 FTE, inclusive of \$5,000 one-time costs.
 Ongoing Agency total cost: \$231,000 and 1.0 FTE

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	236,000	231,000	467,000	462,000	462,000
Total \$			236,000	231,000	467,000	462,000	462,000

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	151,000	151,000	302,000	302,000	302,000
B-Employee Benefits	47,000	47,000	94,000	94,000	94,000
C-Professional Service Contracts					
E-Goods and Other Services	4,000	4,000	8,000	8,000	8,000
G-Travel	7,000	7,000	14,000	14,000	14,000
J-Capital Outlays	5,000		5,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	22,000	22,000	44,000	44,000	44,000
9-9-					
Total \$	236,000	231,000	467,000	462,000	462,000

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

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
General Fund 001	151,183	1.0	1.0	1.0	1.0	1.0
Total FTEs		1.0	1.0	1.0	1.0	1.0

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administration & Support Svcs (100)	22,000	22,000	44,000	44,000	44,000
Healthcare Services (500)	212,000	207,000	419,000	414,000	414,000
Interagency Payments (600)	2,000	2,000	4,000	4,000	4,000
Total \$	236,000	231,000	467,000	462,000	462,000

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

No Impact

Part V: New Rule Making Required

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

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1189 E 2S HB 1189-S2.E AMS HS S2430.1	Title: Total confinement release
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

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

Part II: Estimates

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

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 03/27/2023
Leg. Committee Contact: Sarian Scott	Phone: 360-786-7729	Date: 03/21/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/27/2023
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 03/27/2023

Part IV: Analysis

A. SUMMARY OF BILL

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

This fiscal note is for the striking amendment adopted by the Human Services Committee on March 21, and compares that bill version to E2SHB 1189.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The striking amendment would make changes to the clemency and pardons board procedures and requirements detailed in RCW 9.94A.880 and RCW 9.94A.885, and the new sections that sections 7 and 8 of the bill would add to chapter 9.94A RCW. The change to RCW 9.94A.885 would remove the requirement for county prosecutors to “make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing.”

This bill version would also add language to RCW 9.94A.501, 9.94A.565 and 9.94A.663, and would add a new section specifying membership eligibility for people sitting on the clemency and pardons board on the effective date of the bill.

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

SUMMARY OF CURRENT BILL:

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

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

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

B. SUMMARY OF EXPENDITURE IMPACTS

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

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

C. SUMMARY OF REVENUE IMPACTS

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

The legislation would have no impact on local government revenues.

SOURCES:

Washington Association of Prosecuting Attorneys