

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1169 S HB PL	<b>Title:</b> Legal financial obligations
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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
Washington State Patrol	0	0	(964,000)	0	0	(964,000)	0	0	(964,000)
<b>Total \$</b>	<b>0</b>	<b>0</b>	<b>(964,000)</b>	<b>0</b>	<b>0</b>	<b>(964,000)</b>	<b>0</b>	<b>0</b>	<b>(964,000)</b>

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	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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 State Treasurer	Fiscal note not available											
Washington State Patrol	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</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>	<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	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 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 State Treasurer	Fiscal note not available								
Washington State Patrol	.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	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

<b>Prepared by:</b> Gaius Horton, OFM	<b>Phone:</b> (360) 819-3112	<b>Date Published:</b> Preliminary 5/10/2023
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1169 S HB PL	<b>Title:</b> Legal financial obligations	<b>Agency:</b> 225-Washington State Patrol
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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
DNA Data Base	(482,000)	(482,000)	(964,000)	(964,000)	(964,000)
Account-Non-Appropriated 515-6					
<b>Total \$</b>	(482,000)	(482,000)	(964,000)	(964,000)	(964,000)

### 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:	Phone:	Date: 05/08/2023
Agency Preparation: Yvonne Ellison	Phone: 360-596-4042	Date: 05/09/2023
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 05/09/2023
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 05/09/2023

## 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 passed legislation has a fiscal impact to the Washington State Patrol (WSP) for cash receipts, but does not have a fiscal impact to expenditures.

Section 3 states that the DNA Database Account (Account) will consist of receipts derived from RCW 43.43.7541, and from legislative appropriations. The legislative appropriations are a new source of funding to replace the revenue lost as Section 4 of the bill eliminates the receipts from RCW 43.43.7541.

Section 4 removes the \$100 fee to go along with a DNA sample submission for offenders found guilty of crimes specified in RCW 43.43.754. That fee is currently received 80% in favor of the Account and 20% in favor of the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754.

Section 26 declares that this act is null and void if not funded in the omnibus appropriations 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.*

The average annual revenue to the Account from the \$100 fee for submitting DNA samples under RCW 43.43.754 had been about \$482,000. The elimination of that fee will eliminate the funding source for the Account.

If the intent is to fully replace the eliminated fee without impacting the funding source for maintaining the DNA database, then there should be a \$482,000 annual appropriation to cover the foregone past revenue into the Account.

### 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 Account is subject to appropriation from the legislature for funding per Section 3, but Section 3 also says that "an appropriation is not required for expenditures." We assume that it is the intent of the Legislature to maintain a balance in this Account through legislative appropriation from another account to allow for us to continue to spend about \$482,000 annually to maintain the DNA database. If that does not happen, we would need to cut back by whatever shortfall there is. Currently we charge the equivalent of between one and two positions and \$200K+ annually for supplies and materials in support of maintenance and operations of the DNA Database.

## 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: 1169 S HB PL

Title: Legal financial obligations

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

### Legislation Impacts:

- Cities: Changes to how DNA collection conducted by law enforcement agencies is funded.
- Counties: Changes to how DNA collection conducted by law enforcement agencies is funded; changes to how crime victim and witness assistance programs are funded.
- 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: Administrative changes that cities and counties will need to make to receive new sources of funding and disperse it to crime victim and witness assistance programs, and for DNA collection activities.

### Estimated revenue impacts to:

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

### Estimated expenditure impacts to:

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

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 05/08/2023
Leg. Committee Contact:	Phone:	Date: 05/08/2023
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 05/08/2023
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 05/10/2023

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

This note compares the bill as passed by the Legislature to the striker version of ESHB 1169.

#### **CHANGES BETWEEN THIS VERSION AND PRIOR BILL VERSION:**

There were no changes to the bill that impact local government.

The legislation's changes do not affect the fiscal impacts discussed below.

#### **SUMMARY OF CURRENT BILL:**

Sec. 1 amends RCW 7.68.035. Penalties for juveniles including fees and community restitution are removed, and a court must not impose the crime victim penalty assessment upon an adult defendant who is indigent at the time of sentencing. Additionally, upon motion by a defendant, the court shall waive any crime victim penalty assessment imposed prior to the effective date of this section if: (a) The person was a juvenile at the time the penalty assessment was imposed; or (b) The person does not have the ability to pay the penalty assessment. A person does not have the ability to pay if the person is indigent as defined in RCW 10.01.160(3).

Sec. 2 adds a new section to RCW 7.68. The state crime victim and witness assistance account is created in the State Treasury. The purpose of the account is to mitigate to fiscal impact from the elimination of the crime victim penalty assessment on juveniles and indigent adults in this act. The account shall consist of funds appropriated by the legislature for comprehensive crime victim and witness programs under RCW 7.68.035. Pursuant to appropriation, each quarter, the State Treasurer must distribute moneys deposited in the state crime victim and witness assistance account to counties on the basis of each county's distribution factor under RCW 82.14.310. Counties may expend moneys distributed under this section only for purposes specified in RCW 7.68.035.

Sec. 3 amends RCW 43.43.7532. The state DNA database account is created in the custody of the State Treasurer. The account shall consist of funds appropriated by the legislature for operation and maintenance of the DNA database. The chief of the Washington State Patrol or the chief's designee may authorize expenditures from the account. Expenditures from the account may be used only for creation, operation and maintenance of the DNA database under RCW 43.43.754.

Sec. 4 amends RCW 43.43.7541. Upon motion by the offender, the court shall waive any fee for the collection of the offender's DNA imposed prior to the effective date of this section.

Sec. 5 adds a new section. The Administrative Office of the Courts (AOC) must consult with county clerks to for the purpose of examining if the legal financial obligation (LFO) program is serving its intended purpose in light of the legislative changes to LFOs. AOC must report findings and recommendations to the Legislature by December 2023.

Sec. 14 adds a new section to chapter 13.40. No fine, fee, cost or surcharge may be imposed or collected by the court, or any agent of the court, against any juvenile, or parent or guardian of a juvenile, in connection with any juvenile offender proceeding including, but not limited to, fees for diversion, DNA sampling, or victim's penalty assessments.

Sec. 20 amends RCW 13.40.192. A judgement against a juvenile for any legal financial obligation, other than restitution, including but not limited to fines, penalty assessments, attorneys' fees, court costs and other administrative fees, is not enforceable after the effective date of this section. The Superior Court Clerk shall not accept payments from a respondent who was ordered to pay legal financial obligations after the effective date of this section.

Sec. 22 adds a new section. Nothing in this act requires a court to refund or reimburse amounts previously paid toward legal financial obligations, interests on legal financial obligations, or any other costs.

Sec. 25 adds a new section. Section 16 of this act expires when section 15 of this act expires.

Sec. 27 adds a new section. Except for section 15 of this act, this act is necessary for the immediate preservation of the public peace, health or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2023.

## **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.*

### **EXPENDITURE IMPACTS OF CURRENT BILL:**

The legislation would have an indeterminate impact on city and county expenditures. City and county law enforcement agencies would need to modify their administrative processes to receive funds from the State Treasury for DNA collection, instead of receiving funds from the county clerk. Counties would need to change their processes for receiving and allocating funding to crime victims and witnesses assistance programs. The impact of these changes and staff time required to implement them will differ between jurisdictions and cannot be estimated at this time.

County clerks would experience de minimis impacts as a result of consulting on whether the Legal Financial Obligations Program is accomplishing its intended purpose, according to the Washington Association of County Officials.

## **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.*

### **REVENUE IMPACTS OF CURRENT BILL:**

The legislation would have an indeterminate revenue impact for cities and counties. Counties receiving funding for crime victim and witness assistance programs would now receive that funding from the State Treasury after legislative appropriation. City and county law enforcement receiving funding for DNA collection would now receive funding from the Washington State Patrol after legislative appropriation.

Because the amount of legislative appropriations for these two accounts is not known at this time, the revenue impacts are indeterminate.

### **SOURCES:**

Administrative Office of the Courts  
Washington Association of County Officials  
Washington State Association of Counties