

Multiple Agency Fiscal Note Summary

Bill Number: 2048 HB	Title: Domestic violence/sentencing
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Estimated Cash Receipts

NONE

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

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	2,000	2,000	2,000	.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.											
Total \$	0.0	2,000	2,000	2,000	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget 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								
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
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Preliminary 1/10/2024
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Individual State Agency Fiscal Note

Bill Number: 2048 HB	Title: Domestic violence/sentencing	Agency: 101-Caseload Forecast Council
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Michelle Rusk	Phone: 360-786-7153	Date: 01/03/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/05/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/05/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/10/2024

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 2048

CONCERNING SUPERVISION OF DOMESTIC VIOLENCE IN CRIMINAL SENTENCING

**101 – Caseload Forecast Council
January 4, 2024**

SUMMARY

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

- Section 1 Amends RCW 9.94A.030 by changing the definition of “Recidivist offense” by removing the terms “where domestic violence is plead and proven” and changing Assault to Domestic Violence Assault.
- Section 2 Amends RCW 9.94A.500 by removing the terms “where domestic violence is plead and proven” and adding domestic violence.
- Section 3 Amends RCW 9.94A.501, the statute that governs the Department of Corrections’ authority to supervise individuals, by removing the terms “where domestic violence is plead and proven.”
- Section 5 Amends RCW 9.94A.525, offender scoring rules, by removing the terms “where domestic violence is plead and proven.”

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Removes language that Domestic Violence must be proven and plead in supervision requirements and offender scoring.

Impact on prison beds and jail beds.

Under the provisions of the bill, the increased scoring for prior convictions of domestic violence when the current offense is for a felony offense for domestic violence will apply to individuals with a finding of domestic violence rather than restricted to offenses that are plead and proven as domestic violence.

The Caseload Forecast Council does not have collect whether an offense had a finding of Domestic Violence or whether the offense is plead and proven as domestic violence. Therefore,

the CFC cannot reliably predict supervision impacts resulting from the bill. However, under the provisions of the bill, it is likely more individuals will have a higher offender score if their current offense involves domestic violence and they have a history of domestic violence and may receive a longer sentence, impacting both jail and prison beds.

Impact on local and Juvenile Rehabilitation beds.

None.

Impact on DOC Supervision population

The Caseload Forecast Council does not have collect whether an offense had a finding of Domestic Violence or whether the offense is plead and proven as domestic violence. Therefore, the CFC cannot reliably predict supervision impacts resulting from the bill. However, under the provisions of the bill, it is likely more individuals will be supervised by the Department of Corrections.

Individual State Agency Fiscal Note

Bill Number: 2048 HB	Title: Domestic violence/sentencing	Agency: 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:

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:

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- 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: Michelle Rusk	Phone: 360-786-7153	Date: 01/03/2024
Agency Preparation: Katherine Anderson	Phone: (360) 790-9033	Date: 01/08/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 01/08/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/10/2024

Part II: Narrative Explanation

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

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

This bill removes language that Domestic Violence must be proven and pleaded in supervision requirements and offender scoring. There is no fiscal impact to Department of Youth, Children and Families (DCYF)

II. B - Cash receipts Impact

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

None

II. C - Expenditures

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

None

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

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: 2048 HB	Title: Domestic violence/sentencing	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
Account					
General Fund-State 001-1	0	2,000	2,000	0	0
Total \$	0	2,000	2,000	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/03/2024
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 01/09/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/09/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/10/2024

Part II: Narrative Explanation

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

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

HB 2048 removes the stipulation that the domestic violence must be pleaded and proven in supervision requirements and offender scoring.

Section 1 amends RCW 9.94A.030 by changing the definition of “Recidivist offense” by removing the terms “where domestic violence is plead and proven” and changing Assault to Domestic Violence Assault.

Section 2 amends RCW 9.94A.500 by removing the terms “where domestic violence has been pleaded and proven” and adding domestic violence.

Section 3 amends RCW 9.94A.501, the statute that governs the Department of Corrections’ (DOC) authority to supervise individuals, by removing the terms “where domestic violence has been pleaded and proven.”

Section 5 amends RCW 9.94A.525, offender scoring rules, by removing the terms “where domestic violence was pleaded and proven.”

Effective date is assumed 90 days after adjournment of the 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.

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 greater than \$50,000 per Fiscal Year (FY).

Under the provisions of the bill, the increased scoring for prior convictions of domestic violence when the current offense is for a felony offense for domestic violence, will apply to individuals with a finding of domestic violence rather than restricted to offenses that are plead and proven as domestic violence.

The Caseload Forecast Council (CFC) does not collect whether an offense had a finding of domestic violence or whether the offense is plead and proven as domestic violence. Therefore, the CFC cannot reliably predict supervision impacts resulting from the bill. However, under the provisions of the bill, it is likely more individuals will have a higher offender score if their current offense involves domestic violence and they have a history of domestic violence and may receive a longer sentence, impacting both jail and prison beds.

The Caseload Forecast Council does not collect whether an offense had a finding of domestic violence or whether the offense is plead and proven as domestic violence. Therefore, the CFC cannot reliably predict supervision impacts resulting from the bill. However, under the provisions of the bill, it is likely more individuals will be supervised by DOC.

The DOC assumes this bill would likely result in an Average Daily Population (ADP) increase, although the impact cannot be reliably estimated. This increase in ADP under supervision will create the need for additional funding towards case management services, records, community custody and violator caseloads. The DOC cannot provide exact workload metrics for the staff requested; it is assumed that DOC will “true-up” the needs requested in this fiscal note in a future decision package should this legislation be signed into session law.

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity of completing the development, testing, and implementation of the statutory changes, contracted services are necessary in FY2024.

To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.525 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$120 per hour x 4 hours = \$480

IT Quality Assurance| \$120 per hour x 8 hours = \$960

IT Business Analyst| \$120 per hour x 2 hours = \$240

Total One-Time Costs IN FY2024 \$2,000 (Rounded it up to the nearest thousand)

Assumptions.

The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.

We assume a Direct Variable Cost (DVC) of \$7,630 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.

For illustration purposes only, the average annual Community Supervision caseload model is \$6,101 per ADP (not including startup costs), regardless of the 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 the 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 FY2023 average percentage of supervised individuals who served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$114.43 per day, inclusive of all risk levels and healthcare costs. The rate is an average, and actual rates vary by local correctional facilities.

We assume additional impacts will result when ADP caseload changes in either prison or community and resources will be necessary.

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	0	2,000	2,000	0	0
Total \$			0	2,000	2,000	0	0

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					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts		2,000	2,000		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	2,000	2,000	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 & Support Svcs (100)		2,000	2,000		
Total \$		2,000	2,000		

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2048 HB

Title: Domestic violence/sentencing

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

Legislation Impacts:

- Cities: Potential costs due to potentially longer sentences that would increase demand for jail beds
- Counties: Same as above.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The number of offenses that will have a finding of domestic violence; whether more individuals will have a higher offender score if their current offense involves domestic violence and they have a history of domestic violence; and how much longer individual's sentences may be as a result of the legislation

Estimated revenue impacts to:

None

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: 01/09/2024
Leg. Committee Contact: Michelle Rusk	Phone: 360-786-7153	Date: 01/03/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/09/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/10/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Sec. 1 amends RCW 9.94A.030 by changing the definition of “Recidivist offense” by removing the terms “where domestic violence is plead and proven” and changing Assault to Domestic Violence Assault.

Sec. 2 amends RCW 9.94A.500 by removing the terms “where domestic violence is plead and proven” and adding domestic violence.

Sec. 3 amends RCW 9.94A.501 by removing the terms “where domestic violence is plead and proven” from the statute that governs the Department of Corrections’ authority to supervise individuals.

Sec. 5 amends RCW 9.94A.525 by removing the terms “where domestic violence is plead and proven” from offender scoring rules.

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 result in indeterminate impacts for jails. The costs cannot be estimated at this time because the Caseload Forecast Council lacks the necessary offender score and criminal history data to reliably estimate how much longer sentences would be under this legislation. Therefore, the need for jail beds and the subsequent expenditure impact on local governments is indeterminate.

However, according to the Caseload Forecast Council, under the provisions of the bill, it is likely that more individuals will have a higher offender score if their current offense involves domestic violence and they have a history of domestic violence. In those cases individuals may receive a longer sentence, impacting both jail and prison beds.

The Local Government Fiscal Note Program’s 2024 Criminal Justice Cost Model estimates that the average daily jail bed cost is \$145 per day.

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 not impact local governments’ revenue.

SOURCES:

Caseload Forecast Council

Washington Association of Prosecuting Attorneys