

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 6063 SB	<b>Title:</b> Persistent offenders
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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	.3	57,000	57,000	58,000	.5	106,000	106,000	108,000	.5	106,000	106,000	108,000
Department of Corrections	.0	22,560	22,560	22,560	.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>0.3</b>	<b>79,560</b>	<b>79,560</b>	<b>80,560</b>	<b>0.5</b>	<b>106,000</b>	<b>106,000</b>	<b>108,000</b>	<b>0.5</b>	<b>106,000</b>	<b>106,000</b>	<b>108,000</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									
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
<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									
Local Gov. Total									

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Preliminary 1/16/2024
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6063 SB	<b>Title:</b> Persistent offenders	<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.

Legislative Contact: Kelsey-anne Fung	Phone: 360-786-7479	Date: 01/09/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/11/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/11/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/12/2024

## 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.*

# **SB 6063**

## **MODIFYING DEFINITION OF PERSISTENT OFFENDER**

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

#### **January 9, 2024**

#### **SUMMARY**

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

Section 1 Adds a new section to chapter 9.94A RCW that would require a resentencing hearing for offenders sentenced as a persistent offender if a conviction for an offense that occurred when the offender was under the age of 18 was used as a basis for the finding of persistent offender. Additionally states an offense occurring when the offender was under the age of 18 shall not be considered a most serious offense regardless of the date of the offense.

Section 2 Amends the definition of a “Persistent Offender” in RCW 9.94A.030.

#### **EXPENDITURES**

##### **Assumptions.**

None.

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

None

##### **Impact Summary**

This bill:

- Retroactively allows resentencing for any person serving a life without parole sentence as a persistent offender.
- Prospectively requires any offense that is a basis for a persistent offender sentence to be committed by a person age 18 years or older.

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

The Caseload Forecast Council (CFC) has no information concerning the age of an individual at the time of the offenses in the criminal history. As such, the CFC cannot reliably predict bed prospective impacts resulting from the bill.

However, a persistent offender sentence is currently served in prison as life without parole (LWOP). By removing most serious offenses by individuals under the age of 18, some LWOP sentences may not fit the definition of a persistent offender and result in a standard range sentence, reducing the need for prison beds.

**Impacts on DOC supervision population.**

Individuals no longer meeting the definition of a persistent offender may be released to community custody, increasing the DOC Supervision population.

**Impact on local detention and Juvenile Rehabilitation (JR) beds.**

None.

The following is provided for informational purposes:

The total number of sentences for Persistent Offender by the last two fiscal years:

<b>FY</b>	<b>3-strike</b>	<b>2-strike</b>	<b>Total</b>
FY23	5	1	6
FY22	9	2	11

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6063 SB	<b>Title:</b> Persistent offenders	<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:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.5	0.3	0.5	0.5
<b>Account</b>					
General Fund-State 001-1	0	57,000	57,000	106,000	106,000
General Fund-Federal 001-2	0	1,000	1,000	2,000	2,000
<b>Total \$</b>	0	58,000	58,000	108,000	108,000

### 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: Kelsey-anne Fung	Phone: 360-786-7479	Date: 01/09/2024
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/16/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 01/16/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/16/2024



## 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.

Section 2(37) modifies the definition of persistent offender to exclude convictions for offenses committed by an individual under the age of 18, and providing for resentencing.

### 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 Department of Children, Youth and Families estimates \$58,000 (\$57,000 GFS and \$1,000 GFF) and 0.50 Full time Equivalent Staff (FTEs) in the 2024 Supplemental. Costs begin July 1, 2024 and are on-going. These costs include the standard FTE costs.

0.50 FTE Correctional Records Technician (CRS). The CRS will provide records request, communication with legal counsel regarding treatment and behavioral progress, and arrangement and supervision for meeting with legal counsel and paralegals in preparation for these petition activities.

Also there are potential indeterminate costs related to caseloads.

Individuals DCYF/JR custody that are considered "Persistent Offenders" would have been as a result of juvenile offenses. If they petition the courts, they could have their sentences reduced.

The bill may potentially result in a decrease in Average Daily Population (ADP) and indeterminate costs to DCYF. DCYF does not have data regarding how many individuals will be impacted, therefore, the caseload forecast and per capita adjustments are unknown at this time.

DCYF assumes the impact will result when the ADP caseload changes in the JR residential facilities forecast. The impact would be reflected in the forecasted maintenance level budget step. DCYF will true up our fiscal impact in subsequent budget submittals if the legislation is enacted into 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	0	57,000	57,000	106,000	106,000
001-2	General Fund	Federal	0	1,000	1,000	2,000	2,000
<b>Total \$</b>			0	58,000	58,000	108,000	108,000

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.5	0.3	0.5	0.5
A-Salaries and Wages		30,000	30,000	60,000	60,000
B-Employee Benefits		14,000	14,000	28,000	28,000
C-Professional Service Contracts					
E-Goods and Other Services		1,000	1,000	2,000	2,000
G-Travel		1,000	1,000	2,000	2,000
J-Capital Outlays		4,000	4,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		8,000	8,000	16,000	16,000
9-N/A					
<b>Total \$</b>	0	58,000	58,000	108,000	108,000

**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
Correctional Records Technician	30,000		0.5	0.3	0.5	0.5
<b>Total FTEs</b>			0.5	0.3	0.5	0.5

**III. D - Expenditures By Program (optional)**

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Juvenile Rehabilitaton (020)		50,000	50,000	92,000	92,000
Program Support (090)		8,000	8,000	16,000	16,000
<b>Total \$</b>		58,000	58,000	108,000	108,000

**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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 6063 SB	<b>Title:</b> Persistent offenders	<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	0	22,560	22,560	0	0
<b>Total \$</b>	0	22,560	22,560	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: Kelsey-anne Fung	Phone: 360-786-7479	Date: 01/09/2024
Agency Preparation: Matthew Friesen	Phone: (360) 725-8428	Date: 01/15/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/15/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/16/2024

## 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.*

An ACT Relating to modifying the definition of Persistent Offender to exclude convictions for offenses committed by someone under the age of 18 and providing for resentencing; amending RCW 9.94A.030; and adding a new section to chapter 9.94A RCW.

Section 1 adds a new section to chapter 9.94A RCW that would require a resentencing hearing for offenders sentenced as a Persistent Offender if a conviction for an offense that occurred when the offender was under the age of 18 was used as a basis for the finding of Persistent Offender. Additionally states an offense occurring when the offender was under the age of 18 shall not be considered a most serious offense, regardless of the date of the offense.

Section 2 Amends the definition of a “Persistent Offender” in RCW 9.94A.030.

Effective date is assumed 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 less than \$50,000 per Fiscal Year (FY).

The Caseload Forecast Council (CFC) has no information concerning the age of an individual at the time of the offenses in the criminal history. As such, the CFC cannot reliably predict bed prospective impacts resulting from the bill.

However, a persistent offender sentence is currently served in prison as life without parole (LWOP). By removing most serious offenses by individuals under the age of 18, some LWOP sentences may not fit the definition of a persistent offender and result in a standard range sentence, reducing the need for prison beds.

Individuals no longer meeting the definition of a persistent offender may be released to community custody, increasing the Department of Corrections (DOC) Supervision population, although the impact cannot be reliably estimated. For those incarcerated individuals impacted by resentencing, and immediately released, one-time funding for resources is needed. After the first fiscal year the impact will be incorporated and true-up within caseload. This increase in ADP under supervision will create the need for project-based staff in case management services, records, transportation, community custody and violator caseloads to assist in the release process. The DOC cannot provide exact workload metrics for the project staff as the ADP impact is unknown. 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. Therefore, the fiscal impact is indeterminate, assumed to be less than \$50,000 per FY.

## INFORMATION TECHNOLOGY IMPACTS

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 120 hours = \$14,400
- IT Quality Assurance| \$120 per hour x 60 hours = \$7,200
- IT Business Analyst| \$120 per hour x 8 hours = \$960
- Total One-Time Costs IN FY2025 \$22,560

**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 \$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).
- 3) 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.
- 4) 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	0	22,560	22,560	0	0
<b>Total \$</b>			0	22,560	22,560	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		22,560	22,560		
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-					
<b>Total \$</b>	0	22,560	22,560	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 Services (100)		22,560	22,560		
<b>Total \$</b>		22,560	22,560		

**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.*