

Multiple Agency Fiscal Note Summary

Bill Number: 5917 SB	Title: Bias-motivated defacement
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Estimated Cash Receipts

NONE

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

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	3,120	3,120	3,120	.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	3,120	3,120	3,120	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	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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
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	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: Final 1/18/2024
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Judicial Impact Fiscal Note

Bill Number: 5917 SB	Title: Bias-motivated defacement	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: Joe McKittrick	Phone: 3607867287	Date: 01/09/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/17/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/17/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/17/2024

190,302.00

Request # 057-1

Part II: Narrative Explanation

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

The bill would amend RCW 9A.36.080 (Hate crime offense—Definition and criminal penalty) adding the following language, “Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure, any real or personal property, or any public property unless the person has obtained the express permission of the owner or operator of the property” if maliciously and intentionally done because of his or her perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability as a hate crime.

II. B - Cash Receipts Impact

None

II. C - Expenditures

The bill would not have any Administrative Office of the Courts or court impact. The changes would only need to be informational to judges.

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

190,302.00

Form FN (Rev 1/00)

None

190,302.00

Form FN (Rev 1/00)

3

Request # 057-1

Bill # 5917 SB

Individual State Agency Fiscal Note

Bill Number: 5917 SB	Title: Bias-motivated defacement	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: Joe McKittrick	Phone: 3607867287	Date: 01/09/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/10/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/10/2024
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.

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 5917

BIAS-MOTIVATED DEFACEMENT OF PRIVATE OR PUBLIC PROPERTY

**101 – Caseload Forecast Council
January 9, 2024**

SUMMARY

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

- Section 1 Amends RCW 9A.36.080 by removing the term “victim” and replacing it with “another person” from the existing ranked offense of Hate Crime (Seriousness Level IV on the Adult Felony Sentencing Grid and Offense Category C on the Juvenile Offender Sentencing Grid).
- Section 1 Additionally amends RCW 9A.36.080 by expanding the definition of Hate Crime by including writing, painting, or drawing on any public or private building or structure unless the person has obtained permission from the owner of the property.

EXPENDITURES

Impact on the Caseload Forecast Council.

None.

Impact Summary

- Expands the definition of an existing Class C felony.

Impacts on Prison, Jail, and Juvenile Rehabilitation beds

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might actually be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However:

- As a Class C felony offense ranked at Seriousness Level IV on the adult felony sentencing grid and at Offense Category C on the juvenile offender sentencing grid, the offense of Hate Crime is punishable by a standard range term of confinement of:
 - Between 3-9 months in jail and 53-60 months in prison for adults (limited to 60 months by the statutory maximum for the offense); and
 - Local Sanctions (0-30 days in local juvenile detention) and 15-36 weeks in the Juvenile Rehabilitation for juvenile adjudications.

Given the above, any increased convictions for the offense, based on the provisions of this bill, may result in an increased need for local juvenile detention beds, Juvenile Rehabilitation beds, jail beds, and prison beds.

Impact on Supervision Caseload.

The offense of Hate Crime is categorized as a Crime Against a Person in RCW 9.94A.030. As such, individuals assessed as high risk to reoffend in the community are required to be supervised by DOC upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required. Individuals on community custody may earn Supervision Compliance Credit under 9.94A.717 and serve less time than the community custody term.

As the definition of the offense has been expanded, it is unknown how many additional individuals will be supervised as a result of the change, based on new convictions and the individuals' assessed risk to reoffend. As such, the CFC is unable to estimate the impacts to DOC's supervision caseload.

Individual State Agency Fiscal Note

Bill Number: 5917 SB	Title: Bias-motivated defacement	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:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Joe McKittrick	Phone: 3607867287	Date: 01/09/2024
Agency Preparation: Katherine Anderson	Phone: (360) 790-9033	Date: 01/12/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 01/12/2024
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.

This bill is expanding the definition of hate crimes to include writing, painting, or drawing on any public or private building or structure unless the person has obtained permission from the owner of the property. Due to this change in this bill, this could increase the number of incidents of felony offenses.

This bill has an indeterminate fiscal impact to Department of Children, Youth and Family (DCYF) Juvenile Rehabilitation (JR).

II. B - Cash receipts Impact

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

None

II. C - Expenditures

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

Fiscal impact is indeterminate.

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might actually be imposed. Therefore, the CFC cannot reliably predict JR bed impacts resulting from the bill.

DCYF assumes the impact will result when the Average Daily Population (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

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

III. B - Expenditures by Object Or Purpose

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

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

None

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 5917 SB	Title: Bias-motivated defacement	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	3,120	0	3,120	0	0
Total \$	3,120	0	3,120	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: Joe McKittrick	Phone: 3607867287	Date: 01/09/2024
Agency Preparation: Jaymie Hall	Phone: (360) 725-8428	Date: 01/16/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	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.

An ACT Relating to criminal penalties for bias-motivated defacement of private or public property; and amending RCW 9A.36.080.

Section 1(1) amends RCW 9A.36.080 by removing the term “victim” and replacing it with “another person” from the existing ranked offense of Hate Crime (Seriousness Level IV on the Adult Felony Sentencing Grid and Offense Category C on the Juvenile Offender Sentencing Grid).

Section 1(1)(c) amends RCW 9A.36.080 by expanding the definition of Hate Crime to include writing, painting, or drawing on any public or private building, structure, or property unless the person has obtained permission from the owner of the property.

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.

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).

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 9A.36.080 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$120 per hour x 10 hours = \$1,200

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

IT Business Analyst| \$120 per hour x 8 hours = \$960

Total One-Time Costs in FY2024 = \$3,120

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However:

- As a Class C felony offense ranked at Seriousness Level IV on the adult felony sentencing grid and at Offense Category C on the juvenile offender sentencing grid, the offense of Hate Crime is punishable by a standard range term of confinement of:
- Between 3-9 months in jail and 53-60 months in prison for adults (limited to 60 months by the statutory maximum for the offense)

Given the above, any increased convictions for the offense, based on the provisions of this bill, may result in an increased need for prison beds.

Impact on Supervision Caseload:

The offense of Hate Crime is categorized as a Crime Against a Person in RCW 9.94A.030. As such, individuals assessed as high risk to reoffend in the community are required to be supervised by DOC upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required. Individuals on community custody may earn Supervision Compliance Credit under 9.94A.717 and serve less time than the community custody term.

As the definition of the offense has been expanded, it is unknown how many additional individuals will be supervised as a result of the change, based on new convictions and the individuals’ assessed risk to reoffend. As such, the CFC is unable to estimate the impacts to DOC’s supervision caseload.

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

ASSUMPTIONS

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. For illustration purposes only, the average annual Community Supervision caseload model is \$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	3,120	0	3,120	0	0
Total \$			3,120	0	3,120	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	3,120		3,120		
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 \$	3,120	0	3,120	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
Administrative Support Services (100)	3,120		3,120		
Total \$	3,120		3,120		

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: 5917 SB

Title: Bias-motivated defacement

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

Legislation Impacts:

- Cities: Costs for law enforcement
- Counties: Costs for law enforcement, prosecutors, defense attorneys, and jails
- 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: Number of violations of expanded hate crime offense.

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: Alice Zillah	Phone: 360-725-5035	Date: 01/16/2024
Leg. Committee Contact: Joe McKittrick	Phone: 3607867287	Date: 01/09/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/16/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/16/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Sec. 1 modifies RCW 9A.36.080. A person is guilty of a hate crime offense if he or she maliciously and intentionally writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure, any real or personal property, or any public property unless the person has obtained the express permission of the owner or operator of the property, because of his or her perception of another person's race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression or identity, or mental, physical, or sensory disability.

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 legislation would result in indeterminate costs for cities and counties.

LAW ENFORCEMENT, PROSECUTION AND DEFENSE COSTS:

The average cost to investigate, prosecute and defend a comparable felony is \$4,887, according to the Local Government Fiscal Note (LGFN) program criminal justice cost model. Thus any new instances of the crime would result in costs for city and county law enforcement, county prosecutors, and court-appointed defense attorneys.

JAIL COSTS:

There is no information to predict how many more incidents of the expanded felony offense may occur or the sentences that might be imposed. According to the Caseload Forecast Council (CFC), as a Class C felony offense ranked at Seriousness Level IV on the adult felony sentencing grid and at Offense Category C on the juvenile offender sentencing grid, the offense of Hate Crime is punishable by a standard range term of confinement of:

- Between 3-9 months in jail and 53-60 months in prison for adults (limited to 60 months by the statutory maximum for the offense); and
- Local Sanctions (0-30 days in local juvenile detention) and 15-36 weeks in the Juvenile Rehabilitation for juvenile adjudications.

Given the above, any increased convictions for the offense may result in an increased need for local juvenile detention beds and jail beds. The average cost for a jail bed is \$145 per day, according to the LGFN criminal justice cost model.

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 revenue impacts for local governments.

SOURCES:

Caseload Forecast Council
Local Government Fiscal Note Program criminal justice cost model