

Multiple Agency Fiscal Note Summary

Bill Number: 1325 HB	Title: Long sentences review
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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											
Office of the Governor	.5	160,000	160,000	160,000	1.0	310,000	310,000	310,000	1.0	310,000	310,000	310,000
Office of the Governor	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Office of Attorney General	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	7.1	523,000	523,000	523,000	40.2	13,449,000	13,449,000	13,449,000	33.7	9,573,000	9,573,000	9,573,000
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	7.6	683,000	683,000	683,000	41.2	13,759,000	13,759,000	13,759,000	34.7	9,883,000	9,883,000	9,883,000

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								
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	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									
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Preliminary 1/22/2024
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Individual State Agency Fiscal Note

Bill Number: 1325 HB	Title: Long sentences review	Agency: 075-Office of the Governor
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	1.0	0.5	1.0	1.0
Account					
General Fund-State 001-1	0	160,000	160,000	310,000	310,000
Total \$	0	160,000	160,000	310,000	310,000

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/08/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/19/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/19/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/22/2024

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. RCW 9.94A.540 and 2014 c 130 s 2 are each amended to read as follows:

(1)(e) An offender convicted of the crime of aggravated first-degree murder for a murder that was committed prior to the offender's 25th birthday shall be sentenced to a term of total confinement not less than 25 years.

(2) During such minimum terms of total confinement, no offender subject to the provisions of this section is eligible for community custody, earned release time, furlough, home detention, partial confinement, work crew, work release, or any other form of early release authorized under RCW 9.94A.728, or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer. The provisions of this subsection shall not apply:

(a) In the case of an offender in need of emergency medical treatment; (b) for the purpose of commitment to an inpatient treatment facility in the case of an offender convicted of the crime of rape in the first degree; (c) for an extraordinary medical placement when authorized under RCW 17 9.94A.728 (1)(c); or (d) for release approved by the board under RCW 9.94A.730.

Section 3. RCW 9.94A.570 and 2000 c 28 s 6 are each amended to read as follows:

(3) A persistent offender may be released from confinement by the board under RCW 9.94A.730 or 10.95.030(3).

Section 4. RCW 9.94A.728 and 2021 c 311 s 19 and 2021 c 266 s 2 are each reenacted and amended to read as follows:

(k) Any person convicted of one or more crimes committed prior to the person's 25th birthday may be released from confinement pursuant to RCW 9.94A.730.

Section 7. A new section is added to chapter 10.95 RCW to read as follows:

(1) A person, who was sentenced prior to the effective date of this section, under this chapter or any prior law, to a term of life without the possibility of parole for an offense committed on or after his or her 16th birthday and prior to his or her 25th birthday, shall be returned to the sentencing court or the sentencing court's successor for sentencing consistent with RCW 10.95.030. Release and supervision of a person resentenced under this section is governed by RCW 10.95.030.21

(2) The court shall provide an opportunity for victims and survivors of victims of any crimes for which the offender has been convicted to present a statement personally or by representation.

(3) The court's order setting a minimum term is subject to review to the same extent as a minimum term decision by the parole board before July 1, 1986.

(4) A resentencing under this section shall not reopen the defendant's conviction to challenges that would otherwise be barred 30 by RCW 10.73.090, 10.73.100, 10.73.140, or other procedural barriers.

Section 8. This act applies retroactively to persons incarcerated on the effective date of this section, regardless of the date of the offense or conviction.

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.

To implement this bill, the Office of the Corrections Ombuds (OCO) requests the following:

Early Resolution Ombuds 1 (1.0 FTE) \$55,000.00/year. Duties will include resolving concerns related to:

- Indeterminate Sentence Review Board decisions - release approved by the board under RCW 9.94A.730
- Disciplinary history – disqualifying serious infractions
- Resentencing timeline –monitoring retroactive resentencing
- Additional Intake for cases related to persons serving long sentences committed prior to reaching 25 years of age.

Goods and services: Based on average employee costs, the Office requests ongoing funding for supplies and materials, communications and telecommunications services, lease space, training, software licensing and maintenance at \$3,000 per year, per FTE.

Travel: The Office requests ongoing funding for travel associated with these positions at \$6,000 per year, per FTE. OCO has unique needs because the population served is incarcerated. This accommodates frequent overnight travel to prisons and reentry centers around the state.

Capital Outlays: The Office requests one-time funding for purchasing equipment at \$5,000 per FTE.

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

In addition to staffing, OCO also requests:

1. Records retention and records request administrative and software costs associated with the implementation of this bill is estimated at \$23,000.00.
2. OCO assumes additional legal services from the Attorney General's Office (AGO) will be required as a result of this bill. OCO assumes this bill may increase the volume of subpoena of records related to litigation against the Department of Corrections from incarcerated individuals and/or their family members that the OCO will receive. This would increase the amount of AGO hours needed to defend the OCO’s confidentiality statute. The impact of such litigations is unknown as the number and complexity of cases filed cannot be predicted. Predicting the frequency and complexity of these requests with accuracy is difficult, but we assume the need for additional legal services will average 5 hours monthly (60 hours annually) and will be ongoing. Estimate of \$12,500.00.

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	160,000	160,000	310,000	310,000
Total \$			0	160,000	160,000	310,000	310,000

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.0	0.5	1.0	1.0
A-Salaries and Wages		55,000	55,000	110,000	110,000
B-Employee Benefits		25,000	25,000	50,000	50,000
C-Professional Service Contracts					
E-Goods and Other Services		39,000	39,000	78,000	78,000
G-Travel		6,000	6,000	12,000	12,000
J-Capital Outlays		5,000	5,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		30,000	30,000	60,000	60,000
9-					
Total \$	0	160,000	160,000	310,000	310,000

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

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Early Resolution Ombuds, 1	55,000		1.0	0.5	1.0	1.0
Total FTEs			1.0	0.5	1.0	1.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1325 HB	Title: Long sentences review	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: Lena Langer	Phone: 360-786-7192	Date: 01/08/2024
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: 01/12/2024

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.

HB 1325

LONG SENTENCE REVIEW

101 – Caseload Forecast Council

January 9, 2024

SUMMARY

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

- Section 1 Amends RCW 9.94A.510, Serious Level XVI of the adult felony sentencing grid, by specifying that the mandatory life without parole/death penalty applies to offenders at or over the age of 25 and a standard range term of confinement of 25 years to life applies for offenders under the age of 25.
- Section 2 Amends RCW 9.94A.540, Mandatory Minimum Terms, by amending the mandatory minimum term of confinement of 25 years for aggravated first degree murder to apply to offenses committed by a person prior to his/her 25th birthday, rather than their 18th birthday.
- Section 3 Amends RCW 9.94A.570, Persistent Offenders, by allowing release of persistent offenders by the Board, if qualified under RCW 9.94A.730 or 10.95.030(3).
- Section 4 Amends RCW 9.94A.728, Release Prior to Expiration of Sentence, by amending the age that a person may be released under RCW 9.94A.730, to crimes committed prior to the person's 25th birthday.
- Section 5 Amends RCW 9.94A.730 by changing the eligibility for potential release by the Board from persons convicted of one or more crimes committed prior to the person's 18th birthday and have served at least 20 years, to persons convicted of one or more crimes committed prior to the person's 25th birthday and have served at least 15 years.
- Section 6 Amends RCW 10.95.030, Sentences for Aggravated First Degree Murder, by amending the standard range term of confinement of 25 years to life for persons under the age of 16 at the time of the offense, to persons under the age of 25; and removes sentencing requirements for individuals that are 16 or 17 years of age.
- Section 7 Adds a new section to chapter 10.95 RCW, Capital Punishment – Aggravated First Degree Murder, that requires a person sentenced prior to the effective date of this section for an offense under this chapter committed on or after the person's 16th birthday and prior to 25th birthday, to be returned to the sentencing court for sentencing consistent with RCW 10.95.030.
- Section 8 Adds a new section that states the act applies retroactively to persons incarcerated on the effective date of the act, regardless of the date of offense or conviction.
- Section 9 Adds a new section that states the act does not create any right or entitlement for release.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Modifies sentencing for aggravated first degree murder committed by individuals under 25 years of age at the time of the offense; and
- Amends procedures for the petition for release of certain individuals by raising the age of eligibility to under age 25 and reduces the time of confinement that must be served prior to early release to a minimum of 15 years.

The provisions in this bill are both prospective and retrospective in nature. The Caseload Forecast Council is equipped to supply only prospective analyses and, as such, defers to the Department of Corrections for the retrospective provisions of the bill. Additionally, the Caseload Forecast Council's prospective analyses estimate bed impacts for a 20-year period. Since the prospective provisions of the bill require individuals sentenced for aggravated first degree murder committed under the age of 25 to serve an absolute minimum term of 25 years in total confinement, and individuals sentenced for one or more crimes committed under the age of 25 to serve an absolute minimum term of 15 years in total confinement, any bed impact resulting from the bill is beyond the Caseload Forecast Council's analysis period.

Impact on prison and jail beds.

In Fiscal Year 2023, were 4 sentences for aggravated first degree murder where the person was 18-24 years of age at the time of the offense and the person received a life without parole sentence. There were 62 sentences (56 regular prison sentences and 6 determinate-plus sentences) of 15 years or greater for individuals who were 18-24 years of age at the time of the offense. Some individuals may release prior to serving 15 years, depending on the amount of earned time awarded and the sentence length. Any early release under the provisions of the bill would reduce average daily population of prison beds.

This bill has no impact on jail beds.

Impact on local and Juvenile Rehabilitation (JR) beds.

This bill has no impact on local detention or JR beds.

Impact on Supervision Caseload.

Anyone released by the Board under the provisions of this bill could be supervised for life. The Board has authority to set the period of time an individual released by Board shall be supervised by the Department of Corrections. While CFC has no information about how many individuals would be released by the Board under the provisions of the bill, any releases may result in an increased need for DOC community supervision resources.

Individual State Agency Fiscal Note

Bill Number: 1325 HB	Title: Long sentences review	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:

- 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: Lena Langer	Phone: 360-786-7192	Date: 01/08/2024
Agency Preparation: Jay Treat	Phone: 360-556-6313	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: 01/12/2024

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.

This bill modifies sentencing for aggravated first degree murder committed by individuals under age 25 at the time of the offense, and amends procedures for the petition for release by raising the age of eligibility to under age 25 and reduces the time of confinement that must be served prior to early release to a minimum of 15 years.

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.

No impact to the Department of Children, Youth, and Families. Impact will be to Department of Corrections (DOC). Any reduced sentences would only affect DOC since the sentences for these crimes are served at DOC.

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: 1325 HB	Title: Long sentences review	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	14.1	7.1	40.2	33.7
Account					
General Fund-State 001-1	0	523,000	523,000	13,449,000	9,573,000
Total \$	0	523,000	523,000	13,449,000	9,573,000

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/08/2024
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 01/22/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/22/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/22/2024

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 1325 is an act relating to allowing qualifying persons serving long sentences committed prior to reaching 25 years of age to seek review for possible release from incarceration.

Section 1 amends RCW 9.94A.510, Serious Level XVI of the adult felony sentencing grid, by specifying that the mandatory life without parole/death penalty applies to offenders at or over the age of 25 and a standard range term of confinement of 25 years to life applies for offenders under the age of 25.

Section 2 amends RCW 9.94A.540, Mandatory Minimum Terms, by amending the mandatory minimum term of confinement of 25 years for aggravated first degree murder to apply to offenses committed by a person prior to his/her 25th birthday, rather than their 18th birthday.

Section 3 amends RCW 9.94A.570, Persistent Offenders, by allowing release of persistent offenders by the Board, if qualified under RCW 9.94A.730 or 10.95.030(3).

Section 4 amends RCW 9.94A.728, Release Prior to Expiration of Sentence, by amending the age that a person may be released under RCW 9.94A.730, to crimes committed prior to the person's 25th birthday.

Section 5 amends RCW 9.94A.730 by changing the eligibility for potential release by the Board from persons convicted of one or more crimes committed prior to the person's 18th birthday and have served at least 20 years, to persons convicted of one or more crimes committed prior to the person's 25th birthday and have served at least 15 years.

Section 6 amends RCW 10.95.030, Sentences for Aggravated First Degree Murder, by amending the standard range term of confinement of 25 years to life for persons under the age of 16 at the time of the offense, to persons under the age of 25; and removes sentencing requirements for individuals that are 16 or 17 years of age.

Section 7 adds a new section to chapter 10.95 RCW, Capital Punishment – Aggravated First Degree Murder, that requires a person sentenced prior to the effective date of this section for an offense under this chapter committed on or after the person's 16th birthday and prior to 25th birthday, to be returned to the sentencing court for sentencing consistent with RCW 10.95.030.

Section 8 adds a new section that states the act applies retroactively to persons incarcerated on the effective date of the act, regardless of the date of offense or conviction.

Section 9 adds a new section that states the act does not create any right or entitlement for release.

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.

None

II. C - Expenditures

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

We assume this bill will have a fiscal impact to Department of Corrections (DOC) greater than \$50,000 per Fiscal Year (FY).

HB 1325 modifies sentencing for aggravated first degree murder committed by individuals under 25 years of age at the time of the offense and amends procedures for the petition for release of certain individuals by raising the age of eligibility to under age 25 and reduces the time of confinement that must be served prior to early release to a minimum of 15 years.

Prospective Impact

The Caseload Forecast Council's prospective analyses estimate bed impacts for a 20-year period. Since the prospective provisions of the bill require individuals sentenced for aggravated first degree murder committed under the age of 25 to serve an absolute minimum term of 25 years in total confinement, and individuals sentenced for one or more crimes committed under the age of 25 to serve an absolute minimum term of 15 years in total confinement, any bed impact resulting from the bill is beyond the Caseload Forecast Council's analysis period.

In FY 2023, were 4 sentences for aggravated first degree murder where the person was 18-24 years of age at the time of the offense and the person received a life without parole sentence. There were 62 sentences (56 regular prison sentences and 6 determinate-plus sentences) of 15 years or greater for individuals who were 18-24 years of age at the time of the offense. Some individuals may release prior to serving 15 years, depending on the amount of earned time awarded and the sentence length. Any early release under the provisions of the bill would reduce average daily population of prison beds.

Anyone released by the Board under the provisions of this bill could be supervised for life. The Board has authority to set the period of time an individual released by Board shall be supervised by the Department of Corrections. While CFC has no information about how many individuals would be released by the Board under the provisions of the bill, any releases may result in an increased need for DOC community supervision resources.

Retrospective Impact

Retrospectively, the proposed legislation impacts DOC in two ways. First, there are currently 105 incarcerated individuals with an active or future count committed between the ages of 16 and 24 and a sentence of Life without the Possibility of Parole (LWOP). Under the proposed legislation these individuals would be eligible for resentencing. The DOC does not have the capability to predict how often or in what circumstances the courts would exercise their sentencing authority, therefore, the fiscal impact for this proposed legislation is indeterminate.

Secondly, the proposed legislation changes the eligibility for potential release by the Indeterminate Sentence Review Board (ISRB) from persons convicted of one or more crimes committed prior to the person's 18th birthday and have served at least 20 years, to persons convicted of one or more crimes committed prior to the person's 25th birthday and have served at least 15 years as well as persistent offenders. Currently, 534 incarcerated individuals would be eligible to petition ISRB for a hearing with an average of 80 individuals each consecutive year. These costs can be calculated and are as follows:

ISRB Staffing

Currently, the ISRB processes approximately 350 hearings per year. Adding an additional 534 hearings, with an average of 80 individuals each consecutive year, will significantly increase workload. The ISRB would require additional staffing to process the hearings:

- 1.0 Records Manager FTE – needed to supervise the Correctional Records Technicians.
- 4.0 Correctional Records Technicians FTEs - are needed to ensure the incarcerated individual have the ability to petition for length of time served, establish an electronic file, obtain records, and create a docket.

- 2.0 Office Assistant 3 FTE - is needed to assist the record unit. To provide records to prosecutors, courts and victims upon requests, and public disclosure requests when requested. There are several functions that are various administrative required to be done by an Office Assistant 3.
- 2.0 Program Specialist 3 FTE - will notify victims/survivors of the person's eligibility to petition which may require intensive work related to trauma surrounding complex cases, and meeting with the victims/survivors.
- 1.0 Investigator Supervisor FTE - to supervise the investigators.
- 4.0 Investigator 3 FTEs - will review the eligibility by reviewing DOC databases, responding to inquiries about eligibility from incarcerated individuals, family members, and attorneys, while completing the analysis of the case for the Board Members review prior to the hearing.
- 3.0 Board Member FTEs - will be responsible for holding release hearings and determining whether someone is releasable from prison. In addition, they preside over violation hearings for people under community custody to determine if they should be returned to prison. They also apply conditions of supervision, are on appeal panels for revocation sanctions, approve release plans and respond to administrative actions that have to do with individuals in prison and in the community. They complete approximately 400 release hearings a year and 175 violation hearings a year.

We assumed a staffing phase-in of six months in FY 2025 due to hiring, training, and hearing preparation. Staffing cost includes startup costs (workstation and chair) and ongoing costs (staff training, office supplies, durable goods, leased vehicles, cell phones and leased personal computers.

We assumed a hearing phase-in of approximately 12 months will be needed for staff implementation, notification, psychological assessments, and scheduling of hearings.

Health Services Psychological Evaluations

Two additional Psychologist 4's will be needed for preparation of psychological evaluations if 534 individuals meet eligibility requirements. Those individuals are required to have a psychological evaluation per statute completed by DOC. Currently DOC uses DOC psychologists to complete those evaluations. An Office Assistant 3 is needed to schedule and facilitate the coordination of the psychological evaluations.

- 2.0 Psychologist 4 FTE's
 - o Salary \$358,000 and benefits \$67,000 = \$425,000
 - o Ongoing costs total \$9,000
 - o One-time costs total \$1,000
- 1.0 Office Assistant 3 FTE
 - o Salary \$59,000 and benefits \$19,000 = \$78,000
 - o Ongoing costs total \$5,000
 - o One-time costs total \$500

FOR ILLUSTRATION PURPOSES:

Additional Workload for Psychological Evaluations:

Additional resources may be required to perform psychological evaluations if the Psychologist 4's are not able to maintain the demand of the needed evaluations. A Psychologist 4 can complete no more than 40 evaluations per year. The estimated amount of time it takes to prepare a psychological evaluation report is 30 hours per evaluation, and the cost for each hour is \$300. Currently if a Juvenile Board Case (JUVBRD) is found not releasable, and then allowed to re-petition, an additional evaluation would be needed. We assume that 50% will be found releasable, 50% will carry over into future years when they are once again eligible to petition. Therefore, additional contract costs for psychological evaluations may be needed which will require additional funding. A psychological exam will need to be performed for each participant's ISRB hearing.

FY2026: 294 psychologist evaluations x 30 hours per evaluation x \$300 per hour = \$2,643,000
FY2027: 289 psychological evaluations x 30 hours per evaluation x \$300 per hour = \$2,604,000
FY2028: 181 psychological evaluations x 30 hours per evaluation x \$300 per hour = \$1,625,000
FY2029: 54 psychological evaluations x 30 hours per evaluation x \$300 per hour = \$488,000

Prison Daily Variable Rate (DVC) Impact:

It is estimated that 50% of those that petition the Board for release are successful and leave the prison system. The DOC estimates the following DVC savings:

FY2025: (147) Average Daily Population (ADP) x \$7,630 DVC = \$(1,533,630)
FY2026: (145) ADP x \$7,630 DVC = \$(1,808,310)
FY2027: (91) ADP x \$7,630 DVC = \$(564,620)
FY2028: (28) ADP x \$7,630 DVC = \$(534,100)
FY2029: (28) ADP x \$7,630 DVC = \$(526,470)

Community Supervision Caseload Impacts:

Those incarcerated individuals who are successful in their petitions to the Board will leave prison custody and enter community supervision for approximately three years resulting in the following impacts:

FY2026: 147 ADP, 8.0 FTEs and \$1,033,000
FY2027: 292 ADP, 16.0 FTEs and \$1,909,000
FY2028: 383 ADP, 21.0 FTEs and \$2,408,000
FY2029: 264 ADP, 14.0 FTEs and \$1,633,000

IT Cost Calculation Estimate:

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. The proposed legislation would require a new Finding Type or repurpose of existing Finding Types in Sentence Information, update to Juvenile Offender Information section of the General Status screen, and update to any policy that references Juvenile Board individuals. Due to the complexity of completing the development, testing, and implementation of the statutory changes, contracted services are necessary in FY2025.

FY2025 IT Expense

IT Application Development | \$185 per hour x 20 hours = \$3,700
IT Quality Assurance | \$185 per hour x 16 hours = \$2,960
IT Business Analyst | \$185 per hour x 5 hours = \$925
Total One-Time Costs in FY2024 = \$8,000 (Rounded to nearest thousand)

The DOC requests funding for the indirect costs of agency administration (FY2025 4.1 FTE's and \$472,542, FY2026 7.9 FTE's and \$925,253) and requests funding for interagency costs of (FY2025 \$73,730 and FY2026 \$137,893), for the purpose of implementing this legislation. The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

Agency Wide Impact:

The determinate DOC fiscal impact (rounded to the thousands) is as follows:

FY2025: 0 ADP, 14.1 FTEs and \$523,000
FY2026: 0 ADP, 35.9 FTEs and \$5,654,000
FY2027: 147 ADP, 44.5 FTEs and \$7,795,000
FY2028: 292 ADP, 41.2 FTEs and \$6,258,000
FY2029: 236 ADP, 26.1 FTEs and \$3,315,000

Assumptions:

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

2) 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.

3) 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)

4) 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.

5) 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	523,000	523,000	13,449,000	9,573,000
Total \$			0	523,000	523,000	13,449,000	9,573,000

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		14.1	7.1	40.2	33.7
A-Salaries and Wages		1,035,000	1,035,000	5,864,000	4,931,000
B-Employee Benefits		289,000	289,000	1,904,000	1,670,000
C-Professional Service Contracts		8,000	8,000	5,247,000	2,113,000
E-Goods and Other Services		(1,040,000)	(1,040,000)	(1,097,000)	(268,000)
G-Travel		7,000	7,000	89,000	57,000
J-Capital Outlays		133,000	133,000	55,000	19,000
M-Inter Agency/Fund Transfers		(382,000)	(382,000)	(525,000)	(156,000)
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		473,000	473,000	1,912,000	1,207,000
9-					
Total \$	0	523,000	523,000	13,449,000	9,573,000

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

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

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative Assistant 2	50,000				2.0	2.5
Board Member	131,000				3.0	1.5
Community Corrections Officer 2	74,000				6.0	8.5
Community Corrections Officer 3	79,000				2.5	3.5
Correctional Hearing Officer 3	90,000				0.5	1.0
Correctional Records Technicians	72,000		2.0	1.0	4.0	2.0
Field Supervisor	97,000				1.0	1.5
Investigator 3	112,000		2.0	1.0	4.0	1.5
Investigator Supervisor	103,000		0.5	0.3	1.0	0.5
Management Analyst 5	98,000		4.1	2.1	8.2	5.2
Office Assistant 3	59,000		2.0	1.0	3.0	2.5
Program Specialist 3	88,000		1.0	0.5	2.0	1.0
Psychologist 4	179,000		2.0	1.0	2.0	2.0
Records Manager	103,000		0.5	0.3	1.0	0.5
Total FTEs			14.1	7.1	40.2	33.7

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administration & Support Svcs (100)		1,343,000	1,343,000	6,441,000	3,305,000
Correctional Operations (200)		(747,000)	(747,000)	(1,156,000)	(494,000)
Community Supervision (300)				2,813,000	3,997,000
Healthcare Services (500)		(147,000)	(147,000)	5,064,000	2,625,000
Interagency Payments (600)		74,000	74,000	287,000	140,000
Total \$		523,000	523,000	13,449,000	9,573,000

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.