

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1798 HB	<b>Title:</b> Concerning allowed earned release time for certain offenses and enhancements.
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## Estimated Cash Receipts

NONE

## 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
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	10.5	(97,000)	(97,000)	(97,000)	20.3	1,715,000	1,715,000	1,715,000	5.0	(9,563,000)	(9,563,000)	(9,563,000)
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>10.5</b>	<b>(97,000)</b>	<b>(97,000)</b>	<b>(97,000)</b>	<b>20.3</b>	<b>1,715,000</b>	<b>1,715,000</b>	<b>1,715,000</b>	<b>5.0</b>	<b>(9,563,000)</b>	<b>(9,563,000)</b>	<b>(9,563,000)</b>

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Caseload Forecast Council	.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>

## Estimated Capital Budget Breakout

NONE

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Final 1/23/2024
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1798 HB	<b>Title:</b> Concerning allowed earned release time for certain offenses and enhancements.	<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: Lena Langer	Phone: 360-786-7192	Date: 01/04/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/12/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/12/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/19/2024

## 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.*

## 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 1798

## ALLOWANCE OF EARNED TIME FOR CERTAIN OFFENSES AND ENHANCMENTS

101 – Caseload Forecast Council  
January 12, 2024

### SUMMARY

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

- Section 1 Amends RCW 9.94A.729 by removing the restriction of the ability to earn good time credits for time imposed for a firearm or other deadly weapon enhancement, or impaired driving or minor child, or both.
- Section 1 Additionally amends RCW 9.94A.729 by increasing the maximum amount of earned release from 15% to 33% for individuals in prison who are convicted of an offense classified as a Serious Violent offense or an offense classified as a Class A Sex offense committed on or after July 1, 1990, and before July 1, 2003.
- Section 1 Additionally amends RCW 9.94A.729 by increasing the maximum amount of earned release from 10% to 33% for individuals in prison who are convicted of an offense classified as a Serious Violent offense or an offense classified as a Class A Sex offense committed on or after July 1, 2003.
- Section 1 Additionally amends RCW 9.94A.729 by removing language allowing up to 50% earned release time for certain individuals convicted on or before July 1, 2010, and adds language that anyone qualified to earn up to 50% earned release time under RCW 9.94A.729 shall not lose that accrued before July 1, 2023.
- Section 1 Additionally amends RCW 9.94A.729 by removing language requiring individuals who would be supervised by the Department of Corrections (DOC) to be transferred to community custody in lieu of earned release time.
- Section 1 Additionally amends RCW 9.94A.729 by removing language that allows DOC to deny transfer to community custody in lieu of earned release time if DOC determines the person’s proposed release plan does not meet certain conditions.
- Section 1 Additionally amends RCW 9.94A.729 by removing language regarding transfer to partial confinement for a period of not to exceed three months and language regarding rental vouchers.
- Section 1 Additionally amends RCW 9.94A.729 by adding a list of sentence types that are ineligible for earned release time.
- Section 2 Establishes a new section directing DOC to recalculate the earned release date for individuals currently serving a term in a DOC facility, regardless of the date of offense but excludes terms already completed prior to July 1, 2023.
- Section 4 States the recalculation of earned time pursuant to the act do not create any entitlement or creates any liberty interest.

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

Given the above provisions:

Prospective impacts (apply to individuals sentenced on or after the effective date of the act):

- Individuals sentenced to prison who received firearm or other deadly weapon enhancements or impaired driving enhancements, or both, are eligible for earned time credits, and as a result, may spend less time in confinement.
- Individuals sentenced for an offense classified as a Class A Sex or Serious Violent offense may have their maximum allowed earned time percent increased from 10% or 15% (amount depending on the date of offense) to 33%, and, as a result, may spend less time in confinement under the provisions of the bill.

Retrospective impacts (apply to individuals sentenced before the effective date of the act):

- Individuals currently serving a sentence on the effective day of the act shall have their earned release date recalculated by DOC pursuant to the changes regarding earned release credits for sentencing enhancements and for earned time percent increase, which may result in a lesser term of confinement.

## **EXPENDITURES**

### **Assumptions.**

- CFC = Caseload Forecast Council
- DOC = Department of Corrections
- DOSA = Drug Offender Sentencing Alternative
- FOSA = Family and Offender Sentencing Alternative
- FY = Fiscal Year
- DOSA = Drug Offender Sentencing Alternative
- Sentences are based on CFC Fiscal Year 2023 data and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, etc. (i.e., there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Exceptional sentences are included.
- Residential DOSA, Mentally Ill Offender Sentencing Alternative, and FOSA sentences, which have zero correctional confinement under the current policy, have no impact to confinement capacity and were excluded.
- Special Sex Offender Sentencing Alternative sentences were excluded.
- Sex offenses sentenced under RCW 9.94A.507 were excluded.
- Life sentences were excluded.
- Earned time is not allowed for the mandatory minimum term, if a mandatory minimum sentence is required. Sentences for offenses of Assault 1° and Assault of a Child 1° have mandatory minimum periods of five years where the offender used force or means likely to result in death or intended to kill the victim. The CFCs data does not contain the information to determine if a mandatory minimum term applies. CFC requested the information from DOC.
- For prison sentences with a change in earned time, the estimated length of stay in prison is based on the average percentage of earned time received from the maximum allowed (94.2%), based on DOC FY22 release data provided by DOC.
- For jail sentences with enhancements that are estimated to have a reduced length of stay, the average percent of sentence served estimated is 72%.
- No impacts are assumed for jail bed savings associated with the change of earned time allowed for non-enhancements. Earned time for non-enhancement confinement in non-prison facilities is governed by RCW 9.92.151.

- Bed impacts are not calculated with a phase-in factor as bill applies retroactively as well as prospectively.

**Impact on the Caseload Forecast Council.**

None.

**Prison and Jail Bed Impacts (Prospective).**

This bill:

- May shorten confinement time for sentences with the following enhancements: Firearm, Other Deadly Weapon, or Impaired Driving enhancements, by allowing earned release time for enhancements. Provisions of the bill also increases the maximum earned time allowed for sentences that are currently limited to 10% or 15%, and removes DOC’s authority to hold individuals past their earned release time if approved housing cannot be found.

The Average Daily Population (ADP) estimate is indeterminate, as under the provisions of the bill, DOC can no longer hold individuals past their earned release time for approved housing reasons. The Caseload Forecast Council does not have the necessary information to know when or for how long individuals are held past their earned release date for housing. The information below is provided to illustrate the impact for the change in earned time rate and for the allowance of earned time on enhancements not previously allowed earned time.

**Average Monthly Population Jail and Prison Impacts  
Allowing Earned Release Time for Certain Offenses and Enhancements  
Caseload Forecast Council  
January 11, 2024**

	Fiscal Year									
	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34
Jail AMP	-2	-4	-4	-4	-4	-4	-4	-4	-4	-4
Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Prison AMP (Non-DOSA)	-6	-22	-44	-76	-115	-166	-224	-282	-342	-413
Prison AMP (Total)	-6	-22	-44	-76	-115	-166	-224	-282	-342	-413

**Juvenile Rehabilitation Impacts**

Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result of provisions in the bill, certain individuals may have shorter lengths of stay in confinement. Of the total sentences impacted by the changes of the bill, there were 13 sentences for individuals that committed their offense under age 18 and are estimated to have a length of stay that would result in some bed savings to occur while the individual is serving a sentence at a JR facility.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1798 HB	<b>Title:</b> Concerning allowed earned release time for certain offenses and enhancements.	<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
FTE Staff Years	0.0	21.0	10.5	20.3	5.0
<b>Account</b>					
General Fund-State 001-1	0	(97,000)	(97,000)	1,715,000	(9,563,000)
<b>Total \$</b>	0	(97,000)	(97,000)	1,715,000	(9,563,000)

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: 01/04/2024
Agency Preparation: Jaymie Hall	Phone: (360) 725-8428	Date: 01/23/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/23/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/23/2024

## 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 1798 relates to allowed earned release time for certain offenses and enhancements and amends RCW 9.94A.729.

Section 1(1) (a-b) amends RCW 9.94A.729 and removes the stipulation that the Department of Correction (DOC) shall not credit offenders with earned release credits in advance of the offender earning the credits.

Section 1(2) amends RCW 9.94A.729 and states any term of confinement set to be completed on or after July 1, 2023, an offender may accrue earned release time up to 33.33% of the total sentence. The following sentences are ineligible for earned release time: a federal or out-of-state sentence served at the DOC, a juvenile sentence under Title 13 , a less restrictive alternative under chapter 71.05, a civil commitment under chapter 10.77, a mandatory minimum sentence under RCW 9.94.540, a persistent offender sentence under RCW 9.94A.570, a special sex offender alternative under RCW 9.94A.670, or an aggravated first degree murder sentence under RCW 10.95.030, or juveniles sentenced under RCW 10.95.030 or 10.95.035.

Section 1(2)(c) adds that an offender qualified to earn up to 50 percent earned release time under RCW 9.94A.729 shall not lose earned release time accrued before July 1, 2023.

Section 2 adds the DOC shall recalculate the earned release date for any offender serving a term of confinement with the DOC. The earned release recalculation includes offenders currently serving sentences and those sentenced after July 01, 2023, regardless of the date of the underlying offense.

Section 3 adds the DOC has the authority to recalculate earned release time in a reasonable time frame and includes the expectation that the recalculations may not be revised prior to July 1, 2024.

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.*

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

Customization of the Offender Management Network Information (OMNI) programming updates are required to change the default earned release times (ERT) percentages if this legislation is passed. Due to the complexity to complete the development, testing and implementation of the statutory changes, contracted services are necessary in FY2025. To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.729 for technical corrections.

Cost Calculation Estimate:

IT Quality Assurance| \$185 per hour x 40 hours = \$7,400

IT Business Analyst| \$185 per hour x 30 hours = \$7,400

The One-Time cost in FY2025 is \$14,800, total of the above-mentioned IT costs.

This bill may shorten confinement time for sentences with the following enhancements: Firearm, Other Deadly Weapon, Sexual Motivation, or Impaired Driving enhancements, by allowing earned release time for enhancements. Provisions of the bill also increase the maximum earned time allowed for certain sentences and removes DOC's authority to hold individuals past their earned release time if approved housing cannot be found.

Prospectively, the Average Daily Population (ADP) estimate is indeterminate, as under the provisions of the bill, DOC can no longer hold individuals past their earned release time for approved housing reasons. The Caseload Forecast Council does not have the necessary information to know when or for how long individuals are held past their earned release date for housing. The information below is provided to illustrate the impact for the change in earned time rate and for the allowance of earned time on enhancements not previously allowed earned time.

- FY 2025: -6 ADP X \$7,630 DVC = -\$45,780
- FY 2026: -22 ADP X \$7,630 DVC = -\$167,860
- FY 2027: -44 ADP X \$7,630 DVC = -\$335,720
- FY 2028: -76 ADP X \$7,630 DVC = -\$579,880
- FY 2029: -115 ADP X \$7,630 DVC = -\$877,450
- FY 2030: -166 ADP X \$7,630 DVC = -\$1,266,580

Retrospectively, the Average Daily Population (ADP) estimate is indeterminate, as it is unknown how many incarcerated individuals will qualify for the maximum allowed earned time. The information below illustrates the impact if a 33.33% earned release rate is applied to all current and estimated future sentence elements, including enhancements, except for mandatory minimums and those sentences specifically excluded in Section 2 of the proposed legislation.

- FY 2025: -673 ADP X \$7,630 DVC = -\$5,134,363
- FY 2026: -668 ADP X \$7,630 DVC = -\$5,098,711
- FY 2027: -706 ADP X \$7,630 DVC = -\$5,390,083
- FY 2028: -746 ADP X \$7,630 DVC = -\$5,693,665
- FY 2029: -743 ADP X \$7,630 DVC = -\$5,669,365
- FY 2030: -730 ADP X \$7,630 DVC = -\$5,573,170

#### 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:

FY 2026: 154 ADP, 8.0 FTEs and \$975,000  
FY 2027: 126 ADP, 7.0 FTEs and \$800,000  
FY 2028: 70 ADP, 4.0 FTEs and \$457,000

There will be approximately 673 incarcerated individuals released from prison in FY2025 as a result of this legislation. Due to the influx of releases, project-based staff are necessary to assist in the release process.

Staffing totals below include an initial one-time cost of \$7,150 per FTE and an ongoing cost of \$7,393 per FTE. One-time costs include workstation and chair while on-going costs include staff training, office supplies, durable goods, leased personal computers, travel, IT equipment and software.

Four Management Analyst 3's (MA3) will complete records reviews, create the OnBase documentation, and maintain the data related to the legislation. Manual reviews will need to be completed on approximately 4,000 incarcerated individuals.

FY 2025: 4.0 FTEs and \$472,824  
FY 2026: 4.0 FTEs and \$444,224

A Management Analyst 4 (MA4) will act as project lead and supervise the MA3's.

FY 2025: 1.0 FTE and \$132,470

FY 2026: 1.0 FTE and \$125,320

An Office Assistant 3 (OA3) will perform a variety of complex clerical projects and assignments within records such as preparing reports, preparing, reviewing, verifying and processing fiscal documents and/or financial records, composing correspondence such as transmittals and responses to frequent requests for information, establishing manual or electronic recordkeeping/filing systems and/or data base files, and responding to inquiries requiring substantive knowledge of office/departmental policies and procedures.

FY 2025: 1.0 FTE and \$97,609

FY 2026: 1.0 FTE and \$90,459

A Corrections Specialist 3 (CP3) Health Services Reentry Lead will attend the Resentencing Reentry Navigators and assist individuals with health insurance, release medical equipment, release medications, and any other medical/mental health needs.

FY 2025: 1.0 FTE and \$128,347

FY 2026: 0.5 FTE and \$72,905

Two FTE for Corrections Specialist 3 (CS3) Resentencing Reentry Navigators (RRN) will track court movement to identify those needing pre-release programming and reentry planning support. The RRNs work closely with classification counselors and health services staff to determine reentry needs of the individual and prioritize services and resources for those without support upon release. These staff lead Reentry Team Meetings (RTMs) with the individual, a classification counselor, and any other staff involved in the individual's reentry plan. Conduct post-release follow-up with impacted individuals to ensure continuity of services and help with connections to organizations that can assist individuals with long-term goals such as education or career development.

FY 2025: 2.0 FTEs and \$295,400

FY 2026: 1.0 FTE and \$140,550

A Program Specialist 2 (PS2) is needed for the Victim Services Program to complete victim witness notifications related to resentenced individuals.

FY 2025: 1.0 FTE and \$95,109

FY 2026: 0.5 FTE and \$54,668

Four FTE for Classification Counselor 2's (CC2) that will assist in the release planning for incarcerated individuals. Composes office correspondence such as requests for documentation and responses to requests for information; devises, evaluates, and revises forms for internal use.

FY 2025: 4.0 FTEs and \$555,770

FY 2026: 0.5 FTE and \$76,585

#### Indeterminate Sentence Review Board (ISRB) Staffing

Currently, ISRB processes approximately 350 hearings per year. It is estimated that 559 incarcerated individuals will be eligible in August for hearings, resulting in the need for additional staff for ISRB to prepare and conduct additional hearings. We assumed a staffing phase-in of six months in FY 2025 due to hiring, training, and hearing preparation with the exception of Board Members. 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.

Board Members: 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.

FY 2025: 0 FTEs and \$0

FY 2026: 3.0 FTEs and \$547,864

FY 2027: 3.0 FTEs and \$526,414

FY 2028: 2.0 FTEs and \$350,942

Office Assistant 3's: Admin staff are responsible for logging correspondence and ensuring timelines are met, providing public disclosure, assisting Correctional Records Technicians (CRT's) with admin work, and assisting with Teams Hearings

FY 2025: 1.0 FTEs and \$97,609

FY 2026: 2.0 FTEs and \$180,919

FY 2027: 2.0 FTEs and \$180,919

FY 2028: 1.0 FTEs and \$90,459

Program Specialist 3's 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.

FY 2025: 1.0 FTE and \$131,085

FY 2026: 2.0 FTEs and \$247,869

FY 2027: 2.0 FTEs and \$247,869

FY 2028: 1.0 FTE and \$211,177

Correctional Records Technician's: These records positions help staff gather all the records needed for the hearings. They determine if someone is eligible for a hearing and complete the sentence structure in the hearing review sheet and process all decisions, ORP's, etc. related to the cases.

FY 2025: 2.0 FTEs and \$225,477

FY 2026: 4.0 FTEs and \$422,352

FY 2027: 3.0 FTEs and \$316,764

FY 2028: 2.0 FTEs and \$211,177

Records Manager to manage Correctional Records Technician's.

FY 2025: 0.5 FTE and \$74,874

FY 2026: 1.0 FTE and \$142,595

FY 2027: 1.0 FTE and \$142,595

FY 2028: 1.0 FTE and \$142,595

Chief Investigator to manage the investigators.

FY 2025: 0.5 FTE and \$74,874

FY 2026: 1.0 FTE and \$142,595

FY 2027: 1.0 FTE and \$142,595

FY 2028: 1.0 FTE and \$142,595

Investigator 3's: Investigators complete the case analysis for each case, communicate with classification counselors, CCD, attorneys to get the case ready for a hearing. After a hearing if someone is found releasable, they complete an analysis on the Offender Release Plan by recommending conditions of supervision. In addition, they respond to inmate correspondence as well as from individuals under supervision. They determine probable cause if someone is arrested and determine if someone will be held for a hearing.

FY 2025: 2.0 FTEs and \$319,528

FY 2026: 4.0 FTEs and \$610,453

FY 2027: 3.0 FTEs and \$457,840

FY 2028: 2.0 FTEs and \$305,228

Staffing Totals (rounded):

FY 2025: 21.0 FTEs | \$2,701,000  
FY 2026: 23.5 FTEs | \$4,184,000  
FY 2027: 22.0 FTEs | \$2,815,000  
FY 2028: 14.0 FTEs | \$1,824,000  
FY 2029: 0 FTEs | \$0

**Additional Workload for Psychological Evaluations:**

Additional resources may be required to perform psychological evaluations. Each Psych evaluation cost \$300 per hour for an average of 30 hours resulting in a total of \$9,000 per evaluation. 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. psychological exam will need to be performed for each participant's ISRB hearing.

FY2026: 307 hearings x \$9,000 cost per evaluation = \$2,767,050

FY2027: 252 hearings x \$9,000 cost per evaluation = \$2,263,950

FY2028: 140 hearings x \$9,000 cost per evaluation = \$1,257,750

Those impacted by resentencing, and immediately released, one-time funding for resources is needed. Reentry Support is assumed for FY2025 only. After the first fiscal year impact will be incorporated and trued-up within caseload.

Release Funds: \$300 in release funds are provided to immediate releases to assist with the cost of food and other minor expenses post-release.

673 Releases x 300 per release = \$201,900

Disposable cell phones: Released individuals are provided a cell phone with three months of free service.

673 Releases x Cell Phone (at \$23 per month for 3 months) \$69 = \$46,437 cost to DOC.

Backpacks: Released individuals are provided a gender specific backpack that has various hygiene items such as soap, a towel, a washcloth, shampoo, a brush, toothpaste and a toothbrush, a razor, a blanket, and female hygiene product (if applicable). In addition, there are other practical items included such as a notebook, pens, and a wallet.

673 Releases x \$65 per backpack = \$43,745 cost to DOC.

Other Support Resources: Used for clothing, employment expenses, treatment, identification, etc. upon release.

673 Releases x \$500 resources = \$336,500 cost to DOC.

Housing Voucher: Three-month housing voucher at \$700 per month average 3 months per incarcerated individual.

673 Releases x \$2,100 Three-month housing voucher = \$1,413,300 cost to DOC.

The One-Time cost for re-entry services in FY2025 is \$2,041,882, total of the above-mentioned costs to release.

The DOC requests funding for the indirect costs of agency administration, which includes 2.8 FTEs and \$325,976 in FY2025, 3.6 FTEs and \$418,905 in FY2026, 2.2 FTEs and \$258,784 in FY2027, 1.5 FTEs and \$175,792 in FY2028, and ongoing, for the purpose of supporting Payroll, Human Resources, Information Technology, and other expenses associated with the hiring and employment of staff to implement 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.

**Total Estimated Agency Impact (rounded)**

FY2025: -\$97,000 and 23.8 FTE

FY2026: \$2,103,000 and 37.1 FTE

FY2027: -\$388,000 and 24.2 FTE  
 FY2028: -\$3,016,000 and 15.5 FTE  
 FY2029: -\$6,547,000 and 0 FTE

The DOC assumes this bill would likely result in an Average Daily Population (ADP) decrease, although the impact cannot be reliably estimated. Therefore, the fiscal impact is indeterminate, assumed to be a savings of more 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) 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	(97,000)	(97,000)	1,715,000	(9,563,000)
<b>Total \$</b>			0	(97,000)	(97,000)	1,715,000	(9,563,000)

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		21.0	10.5	20.3	5.0
A-Salaries and Wages		1,785,000	1,785,000	4,810,000	1,261,000
B-Employee Benefits		610,000	610,000	1,654,000	423,000
C-Professional Service Contracts		15,000	15,000	5,031,000	1,258,000
E-Goods and Other Services		(1,668,000)	(1,668,000)	(7,935,000)	(9,528,000)
G-Travel		21,000	21,000	92,000	25,000
J-Capital Outlays		108,000	108,000	88,000	13,000
M-Inter Agency/Fund Transfers		(1,294,000)	(1,294,000)	(2,703,000)	(3,191,000)
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		326,000	326,000	678,000	176,000
9-					
<b>Total \$</b>	0	(97,000)	(97,000)	1,715,000	(9,563,000)

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
BOARD MEMBER	168,078				3.0	1.0
CHEIF INVESTIGATOR	103,440		0.5	0.3	1.0	0.5
CLASSIFICATION COUNSELOR 2 TEAMSTERS	94,222		4.0	2.0	0.3	
CORRECTIONAL RECORDS TECHNICIAN - TEAMSTERS	71,861		2.0	1.0	3.5	1.0
CORRECTIONS SPECIALIST 3	82,420		1.0	0.5	0.3	
CORRECTIONS SPECIALIST 3 - TEAMSTERS	98,934		2.0	1.0	0.5	
INVESTIGATOR 3 - TEAMSTERS	111,989		2.0	1.0	3.5	1.0
MANAGEMENT ANALYST 3	76,526		4.0	2.0	2.0	
MANAGEMENT ANALYST 4	88,699		1.0	0.5	0.5	
OFFICE ASSISTANT 3 - TEAMSTERS	58,951		2.0	1.0	2.5	0.5
PROGRAM SPECIALIST 2	56,817		1.0	0.5	0.3	
PROGRAMS PECIALIST 3	87,516		1.0	0.5	2.0	0.5
RECORDS MANAGER	103,440		0.5	0.3	1.0	0.5
<b>Total FTEs</b>			21.0	10.5	20.3	5.0

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administrative and Support Services (100)		1,264,000	1,264,000	4,980,000	1,543,000
Correctional Operations (200)		(1,821,000)	(1,821,000)	(4,695,000)	(6,245,000)
Community Supervision (300)				1,775,000	457,000
Healthcare Services (500)		(2,657,000)	(2,657,000)	(607,000)	(5,318,000)
Offender Change (700)		3,117,000	3,117,000	345,000	
<b>Total \$</b>		(97,000)	(97,000)	1,798,000	(9,563,000)

## 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.*