

Multiple Agency Fiscal Note Summary

Bill Number: 2217 HB	Title: Juvenile criminal offenses
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Estimated Cash Receipts

NONE

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

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	Fiscal note not available											
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

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

Estimated Capital Budget Expenditures

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

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

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Preliminary 1/24/2024
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Individual State Agency Fiscal Note

Bill Number: 2217 HB	Title: Juvenile criminal offenses	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: Omeara Harrington	Phone: 360-786-7136	Date: 01/11/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/19/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/19/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/24/2024

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 2217

AUTHORITY OVER INDIVIDUALS FOUND GUILTY OF OR ACCUSED OF CRIMINAL OFFENSES COMMITTED UNDER THE AGE OF 18

**101 – Caseload Forecast Council
January 17, 2024**

SUMMARY

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

- Section 1 Amends RCW 13.40.300, allowing commitment by the juvenile court to the Department of Children, Youth, and Families (DCYF) for placement in a juvenile facility up to the juvenile's 23rd birthday for adjudications of Murder in the First or Second Degree committed at age 14 or 15, or for Rape in the First Degree committed at age 15.
- Section 1 Additionally extends the authority of juvenile court jurisdiction to any individual under the age of 21 accused of committing a criminal offense that occurred when under the age of 18.
- Section 2 Amends RCW 13.40.110 by changing the age requirement at the time of proceedings to the time of the alleged offense.
- Section 3 Adds a new section stating the changes to RCW 13.40.300(2)(b), 28 (3)(b)(ii), and (3)(c) and to RCW 13.40.110 in this act apply retroactively to all charges that are pending on the effective date of this section and those that are filed after the effective date of this section which are based on conduct that occurred before the effective date of this section.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Allows juvenile courts to retain jurisdiction for individuals under the age of 21 that committed the offense under age 18; and,
- Allows commitment to DCYF up to a juvenile's 23rd birthday by a juvenile court for adjudications of Murder in the First or Second Degree committed at age 14 or 15, and for Rape in the First Degree when committed at age 15.

The provisions in this bill are both prospective and retrospective in nature. The Caseload Forecast Council (CFC) is equipped to supply only prospective analyses and, as such, defers to the Department of Corrections (DOC) for the retrospective provisions of the bill.

The CFC has no information concerning how many of the eligible adjudications will be retained by the juvenile court, nor the sentences that would be imposed under juvenile sentencing. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

Impact on prison beds and Juvenile Rehabilitation (JR) beds.

For sentences of individuals with an offense committed under age 18 that are currently declined to adult court and would be eligible to be retained by the juvenile court under the provisions of the bill, there would likely be prison bed savings. Currently, juveniles sentenced as an adult presumptively serve their confinement at a DCYF facility, or until age 25 if the confinement extends beyond the individual's 25th birthday at which time they would be transferred to DOC to serve the remaining sentence. Under the provisions of the bill, any youth retained in juvenile court jurisdiction would serve their entire sentence at a DCYF facility, resulting in savings to prison beds. In addition, the sentence imposed under the juvenile system may be shorter than the sentence imposed in the adult system (and served at JR until age 25 or release), resulting in potential JR bed savings.

While the impacts are indeterminate, the following is provided for informational purposes: In Fiscal Year 2023, there were 131 sentences of youth sentenced as an adult for an offense committed prior to age 18. Of the 131 sentences, 49 were sentenced prior to the person's 21st birthday.

Impact on Supervision.

For any youth retained in the juvenile system, there would be a reduction to the DOC community custody population if the offense was one in which supervision would have been required by the adult court. There could be additional resources needed for JR probation after release from a JR facility for individuals retained by the juvenile court.

Impact on jail beds.

No impact.

Impact on local detention beds.

No impact.

Individual State Agency Fiscal Note

Bill Number: 2217 HB	Title: Juvenile criminal offenses	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: Omeara Harrington	Phone: 360-786-7136	Date: 01/11/2024
Agency Preparation: Katherine Anderson	Phone: (360) 790-9033	Date: 01/22/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 01/22/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/24/2024

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 1 (2)(b) A juvenile offender adjudicated of a murder in the first or second degree offense committed at age 14 or 15 or a juvenile offender adjudicated of a rape in the first degree offense committed at age 15 may be committed by the juvenile court to the department of children, youth, and families (DCYF) for placement in a juvenile rehabilitation (JR) facility up to the juvenile offender's 23rd birthday, but not beyond.

Section 1 (3) Except as provided under RCW 13.04.030 and 13.40.110, a juvenile court has jurisdiction and may place an individual under the authority of the DCYF for any individual under the age of 21 who is accused of committing a criminal offense that occurred when under the age of 18.

Section 2 Amends RCW 13.40.110 by changing the age requirement at the time of proceedings to the time of the alleged offense.

Section 3 is a new section that amends RCW 13.40.300 and RCW 13.40.110 to apply retroactively to all charges that are pending on the effective date of this section and those that are filed after the effective date of this section which are based on conduct that occurred before the effective date of this section

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.

This bill requires any youth under juvenile court jurisdiction will serve their entire sentence at a Department of Children, Youth and Families (DCYF) facility. With this change juveniles could receive shorter sentences in the juvenile systems compared to the adult system, resulting in a potential in Juvenile Rehabilitation (JR) bed savings.

DCYF does not have data regarding how many individuals will be impacted, therefore, the caseload forecast and per capita adjustments are unknown at this time.

DCYF assumes the impact will result when the 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

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: 2217 HB	Title: Juvenile criminal offenses
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Part I: Jurisdiction—Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Indeterminate impacts due to expanding juvenile court's jurisdiction.
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: The number of cases that will seek juvenile court jurisdiction, and the number of cases that will receive court approval for juvenile court jurisdiction.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/17/2024
Leg. Committee Contact: Omeara Harrington	Phone: 360-786-7136	Date: 01/11/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/17/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/17/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

Sec. 1(2)(b) would amend RCW 13.40.300 to allow the following juvenile offenders to be committed by the juvenile court to the Department of Children, Youth, and Families for placement in a juvenile rehabilitation facility up to the juvenile offender's 23rd birthday, but not beyond:

- a juvenile offender adjudicated of a murder in the first or second degree offense committed at age 14 or 15; or
- a juvenile offender adjudicated of a rape in the first degree offense committed at age 15.

Sec. 1(3) would amend when a juvenile court has jurisdiction, and when the juvenile court may place an individual under the authority of the Department of Children, Youth and Families (DCYF).

Sec. 3 would add a new section clarifying the take effect dates. The changes in subsections (2)(b), (3)(b)(ii), and (3)(c), and to RCW 13.40.110 in this act would apply retroactively to all charges that are pending on the effective date of this section and those that are filed after the effective date of this section which are based on conduct that occurred before the effective date of this section.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

The proposed legislation would have an indeterminate impact on counties because the number of cases that will seek juvenile court jurisdiction is unknown, and the number of cases that will receive court approval for juvenile court jurisdiction cannot be predicted in advance. Please see discussion below.

BACKGROUND:

Juvenile courts are a division of the state's superior court system. In general, juvenile courts only have jurisdiction over criminal matters concerning persons who are under the age of 18 through the point of adjudication (a juvenile conviction).

If criminal proceedings commence after a person's eighteenth birthday for an offense committed prior to the person's eighteenth birthday, the proceedings must be held in adult court and the person is subject to adult sentencing.

PROPOSED LEGISLATION AND COUNTIES:

According to the Caseload Forecast Council, the bill has the potential to impact approximately 49 currently incarcerated individuals who were under age 18 at the date of offense and under age 21 at the date of sentencing. However, the language of the bill is conditional. All parties seeking juvenile court jurisdiction have to receive the court's approval. Because the number of cases that will receive court approval cannot be predicted in advance, there is no way to determine the impact on counties', county prosecutors', or county clerks' time and staffing needed to accommodate this process. Therefore, the legislation's impact to counties is indeterminate.

Department of Corrections, the Caseload Forecast Council, the Department of Children, Youth and Families, the Superior Court Judges Association, and Washington Association of Sheriffs and Police Chiefs agree that jails would not be impacted by the legislation.

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 not impact local governments' revenue.

SOURCES:

Caseload Forecast Council

Department of Children, Youth and Families
Department of Corrections
Superior Court Judges Association
Washington Association of County Officials
Washington Association of Prosecuting Attorneys
Washington Association of Sheriffs and Police Chiefs
Washington State Association of Counties
Washington State Association of County Clerks