

Multiple Agency Fiscal Note Summary

Bill Number: 2178 HB	Title: Sex offenses/comm. custody
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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
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Caseload Forecast Council	.0	0	0	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	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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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 1/31/2024
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Judicial Impact Fiscal Note

Bill Number: 2178 HB	Title: Sex offenses/comm. custody	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

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

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/08/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/30/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/30/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2024

192,624.00

Request # 049-1

Part II: Narrative Explanation

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

This would amend and add section to Chapter 9.94A RCW (Sentencing Reform Act of 1981) relating to establishing a pathway off lifetime community custody for individuals with sex offense convictions.

Section 1 would add a new section directing that sex offenders who are risk level I upon release from confinement shall be discharged after 5 years from community custody if they meet eligibility requirements and have not committed a disqualifying event. If individual is determined to not meet the criteria to be discharged from community custody, the Department of Corrections (DOC) shall refer to the Indeterminate Sentencing Board (IDSB) 90 days prior to discharge from community custody. Individuals who are risk level II may be discharged after 10 years if they meet eligibility requirements and do not commit a disqualifying event. The IDSB must review the file of a risk level II individual submitted by DOC to determine if individual qualifies for relief and hold a review hearing at least 120 days prior to the end of the supervision period. Individuals who are risk level III may be eligible for discharge from community custody 15 years after their return to the community. The IDSB must review the file of risk level III individuals submitted by DOC to determine if an individual qualifies for relief and hold a review hearing at least 120 days prior to the end of the supervision period. The section also adds a definition of disqualifying events and conditions for risk level II and III offenders if they commit a disqualifying event occurs within the last 5 years of their release from confinement.

Section 3 amends RCW 9.94A.670 (Special Sex Offender Sentencing Alternative) and directs the court to hold a supervision termination hearing within the presumed expiration hearing of community custody to determine if the individual should be released from community custody.

II. B - Cash Receipts Impact

None

II. C - Expenditures

This bill would have minimal impact to the Administrative Office of the Courts for forms updates required by the bill.

There would be an indeterminate impact to the courts. According to DOC, there are 693 Special Sex Offender Sentencing Alternative (SSOSA) cases. Not all would be up for immediate evaluation under the bill. The supervision termination hearing is meant to be held within 60 days of the presumed termination date of community custody. AOC does not have statistics on when each of the 693 current SSOSA cases will require review. Each, individual hearing is estimated to last approximately 60 minutes and would cost about \$900 per hearing.

STATE: \$200 per hearing, state share of superior court judge (50% salary, 100% benefits)

COUNTY: \$700 per hearing

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

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

III. B - Expenditure By Object or Purpose (County)

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

III. C - Expenditure By Object or Purpose (City)

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

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

192,624.00

Form FN (Rev 1/00)

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

IV. C - Capital Budget Breakout

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

NONE

None

Individual State Agency Fiscal Note

Bill Number: 2178 HB	Title: Sex offenses/comm. custody	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: 01/15/2024

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 2178
ESTABLISHING A PATHWAY OFF LIFETIME
COMMUNITY CUSTODY FOR INDIVIDUALS WITH
SEX OFFENSE CONVICTIONS
101 – Caseload Forecast Council
January 9, 2024

SUMMARY

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

Section 1 Adds a new section to chapter 9.94A RCW that allow individuals who are recommended by the Department of Corrections (DOC) End-of-Sentence Review Committee (ESRC) and are recommended as Risk Level I upon release from confinement to be discharged from community custody after five years if they met the conditions of eligibility required by the bill. Additionally, states for Risk Level II, they may be discharged after 10 years, and for Risk Level III, 15 years.

Section 1 Additionally requires DOC to submit an annual report detailing the number of individuals eligible for discharged from lifetime supervision; those granted discharge; and the number who, after discharge, are investigated for a recent overt act or a new sex offense.

Section 2 Amends RCW 9.94A.507 to include a reference to the new section 1.

Section 3 Amends RCW 9.94A.670, Special Sex Offender Sentencing Alternative, by removing the length of the maximum term required for the term of community custody and adds that a supervision termination hearing shall be scheduled with the court within the last 60 days of the presumed expiration of community custody.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None

Impact Summary

This bill:

- Allows certain individuals to be discharged from community custody.

Impacts on prison and jail beds.

None.

Impacts on DOC supervision population.

The Caseload Forecast Council (CFC) has no information how many individuals would be eligible for discharge, who would be discharged, and what the risk level ESRC's would assign. However, given that the bill allows for discharge from community custody, there would be reductions to DOC's supervised population.

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

None.