

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1798 S HB	<b>Title:</b> Earned release time
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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 Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	(1,000)	(1,000)	(1,000)	.0	(275,000)	(275,000)	(275,000)	.0	(908,000)	(908,000)	(908,000)
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>0.0</b>	<b>(1,000)</b>	<b>(1,000)</b>	<b>(1,000)</b>	<b>0.0</b>	<b>(275,000)</b>	<b>(275,000)</b>	<b>(275,000)</b>	<b>0.0</b>	<b>(908,000)</b>	<b>(908,000)</b>	<b>(908,000)</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 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
<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

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Final 1/31/2024
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1798 S HB	<b>Title:</b> Earned release time	<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: 01/18/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/23/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	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.*

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.*

# **SHB 1798**

## **ALLOWANCE OF EARNED TIME FOR CERTAIN OFFENSES AND ENHANCMENTS**

**101 – Caseload Forecast Council  
January 19, 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 for offenses committed on or after July 1, 2024.

Section 1 Additionally amends RCW 9.94A.729 by increasing the maximum amount of earned release time to 33.33% for all sentences, including sentence enhancements, for an offense committed on or after July 1, 2024.

Section 1 Additionally amends RCW 9.94A.729 by adding a list of sentence types that are ineligible for earned release time.

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

Given the above provisions:

- Individuals sentenced for an offense committed on or after July 1, 2024, who receive 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 to prison for an offense committed on or after July 1, 2024, that is 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 33.33%, and, as a result, may spend less time in confinement under the provisions of the bill.

### **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 include a phase-in factor as the bill applies prospectively.

**Impact on the Caseload Forecast Council.**

None.

**Prison and Jail Bed Impacts.**

This bill:

- May shorten confinement time for sentences with the following enhancements: Firearm, or 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%.

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 based on the average time earned of eligible time (94.2%) provided by the Department of Corrections.

**Average Monthly Population Jail and Prison Impacts**

**SHB 1798 Earned Time  
Caseload Forecast Council  
January 19, 2024**

	Fiscal Year									
	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34
<b>Jail AMP</b>	-1	-3	-4	-4	-4	-4	-4	-4	-4	-4
<b>Prison AMP (DOSA)</b>	0	0	0	0	0	0	0	0	0	0
<b>Prison AMP (Non-DOSA)</b>	-1	-11	-25	-46	-73	-106	-147	-194	-242	-292
<b>Prison AMP (Total)</b>	-1	-11	-25	-46	-73	-106	-147	-194	-242	-292

### **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 S HB	<b>Title:</b> Earned release time	<b>Agency:</b> 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: Lena Langer	Phone: 360-786-7192	Date: 01/18/2024
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 01/24/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 01/24/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/26/2024



## 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.*

Comparison of 1798 HB to 1798 SHB:

Section 1(7) modifies earned release time eligibility for individuals who are convicted of offenses committed on or after July 1, 2024, to allow earned release time of up to 33.33% of the total sentence for all categories that qualify, including certain sentencing enhancement.

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1798 SHB

Section (1)(2)(a) & (b) specifies that certain felonies and sentencing enhancements committed before July 1, 2024 shall not receive any good time credits or earned release time from the felony or enhancements.

Section 1(7) amends RCW 9.94A.729 by modifying earned release time eligibility for individuals who are convicted of offenses committed on or after July 1, 2024, to allow earned release time of up to 33.33% of the total sentence for all categories that qualify, including certain sentencing enhancement.

### 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.

With the modification of earned release time, the bill may potentially result in a decrease in Average Daily Population (ADP) and indeterminate savings to DCYF.

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 reduced length of stay that would result in some bed savings at a JR facility. Future impacts are unknown, therefore, the caseload forecast and per capita adjustments are unknown at this time.

DCYF assumes the impact will result when the 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.
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**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.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1798 S HB	<b>Title:</b> Earned release time	<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
<b>Account</b>					
General Fund-State 001-1	0	(1,000)	(1,000)	(275,000)	(908,000)
<b>Total \$</b>	0	(1,000)	(1,000)	(275,000)	(908,000)

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: 01/18/2024
Agency Preparation: Jaymie Hall	Phone: (360) 725-8428	Date: 01/30/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/30/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 01/31/2024

## 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.*

1798 SHB differs from the original bill in the following ways:

Section 1(1)(a) states that the Department of Corrections (DOC) may calculate but shall not credit incarcerated individual with earned release credits in advance of the incarcerated individual earning the credits.

Section 1(1)(c) adds new subsection that states any time upon the transfer of an incarcerated individual to DOC, and any time the incarcerated individual earned release time credits are recalculated, DOC must notify the victims and survivors of victims of any crimes in which the incarcerated individual has been convicted of the earned release date.

Sections 1(2)(a-b) 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 for offenses committed on or after July 1, 2024.

Section 1(7)(a) amends RCW 9.94A.729 by increasing the maximum amount of earned release time to 33.33% for all sentences, including sentence enhancements, for an offense committed on or after July 1, 2024.

Section 1(7)(c) removes subsection stating an incarcerated individual qualified to earn up to 50 percent earned release time under RCW 9.94A.729 shall not lose earned release time accrued before July 1st, 2023. Additionally amends RCW 9.94A.729 by adding a list of sentence types that are ineligible for earned release time.

Section 2 and section 3 requiring earned time retroactivity calculation is removed from the bill.

Effective date is assumed 90 days after adjournment of session in which this bill is passed.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

The fiscal impact of this bill is indeterminate, assumed to be greater than \$50,000 per Fiscal Year (FY).

It is required the DOC notify victims and survivors of victims of any crimes in which the incarcerated individual has been convicted of the earned release date. It is unknown how often earned time would be recalculated. However, these new notifications would be required for all incarcerated individuals and could significantly increase the work for DOC Victims Services, both in locating victim/witness contact information and in issuing notifications.

As of July 1st, 2024, certain sentence enhancements would be allowed to start earning earned time. There is concern with this implementation date due to the lack of time and resources needed to perform system updates. Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation to accrue earned time at a rate of 33.33% and to implement a notification to the victim witness personnel to alert them when an earned release date (ERD) has been changed so that they can contact victims. Due to the complexity of completing 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.525 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$185 per hour x 20 hours = \$3,700  
IT Quality Assurance| \$185 per hour x 10 hours = \$1,850  
IT Business Analyst| \$185 per hour x 10 hours = \$1,850  
Total One-Time Costs in FY2025: \$7,000 (rounded to nearest thousand)

Individuals sentenced to prison for an offense committed after the July 1, 2024, who receive 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 to prison for an offense committed after the July 1, 2024, that is 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 33.33%, and, as a result, may spend less time in confinement under the provisions of the bill.

Prison and Jail Bed Impacts.

This bill:

- May shorten confinement time for sentences with the following enhancements: Firearm, or 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%.

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 based on the average time earned of eligible time (94.2%) provided by DOC.

ADP Impacts (rounded to nearest thousand)

- FY2025: -1 ADP X \$7,630 DVC = -\$8,000
- FY2026: -11 ADP X \$7,630 DVC = -\$84,000
- FY2027: -25 ADP X \$7,630 DVC = -\$191,000
- FY2028: -46 ADP X \$7,630 DVC = -\$351,000
- FY2029: -73 ADP X \$7,630 DVC = -\$557,000

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. 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	(1,000)	(1,000)	(275,000)	(908,000)
<b>Total \$</b>			0	(1,000)	(1,000)	(275,000)	(908,000)

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						
A-Salaries and Wages						
B-Employee Benefits						
C-Professional Service Contracts		7,000	7,000			
E-Goods and Other Services		(6,000)	(6,000)	(206,000)	(681,000)	
G-Travel						
J-Capital Outlays						
M-Inter Agency/Fund Transfers						
N-Grants, Benefits & Client Services		(2,000)	(2,000)	(69,000)	(227,000)	
P-Debt Service						
S-Interagency Reimbursements						
T-Intra-Agency Reimbursements						
9-						
<b>Total \$</b>		0	(1,000)	(1,000)	(275,000)	(908,000)

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

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

NONE

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29	
Administration & Support Services (100)		7,000	7,000			
Correctional Operations (200)		(4,000)	(4,000)	(134,000)	(442,000)	
Health Services (500)		(4,000)	(4,000)	(141,000)	(466,000)	
<b>Total \$</b>			(1,000)	(1,000)	(275,000)	(908,000)

## 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.*