

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2076 S HB	<b>Title:</b> Human trafficking crimes
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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	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
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	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Public Defense	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of the Governor	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of State Auditor	Fiscal note not available											
Office of Attorney General	Fiscal note not available											
Caseload Forecast Council	Fiscal note not available											
Department of Commerce	Fiscal note not available											
Criminal Justice Training Commission	Fiscal note not available											
Department of Children, Youth, and Families	Fiscal note not available											
Department of Corrections	Fiscal note not available											
Superintendent of Public Instruction	Fiscal note not available											
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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	.0	0	0	.0	0	0	.0	0	0
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of the Governor	.0	0	0	.0	0	0	.0	0	0
Office of State Auditor	Fiscal note not available								
Office of Attorney General	Fiscal note not available								
Caseload Forecast Council	Fiscal note not available								
Department of Commerce	Fiscal note not available								
Criminal Justice Training Commission	Fiscal note not available								
Department of Children, Youth, and Families	Fiscal note not available								
Department of Corrections	Fiscal note not available								
Superintendent of Public Instruction	Fiscal note not available								
<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>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
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:** Val Terre, OFM

**Phone:**  
(360) 280-3973

**Date Published:**  
Preliminary 2/ 1/2024

# Judicial Impact Fiscal Note

<b>Bill Number:</b> 2076 S HB	<b>Title:</b> Human trafficking crimes	<b>Agency:</b> 055-Administrative Office of the Courts
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**Part I: Estimates**

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**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: Michelle Rusk	Phone: 360-786-7153	Date: 01/30/2024
Agency Preparation: Chris Conn	Phone: 360-704-5512	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: 01/31/2024

192,892.00

Request # 168-1

## Part II: Narrative Explanation

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

The substitute would not make any changes affecting the fiscal impact to the Administrative Office of the Courts or the courts.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No or minimal fiscal impact to the Administrative Office of the Courts as there would be no changes to AOC or court processes.

## Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

### III. D - FTE Detail

NONE

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

NONE

## 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

<b>Bill Number:</b> 2076 S HB	<b>Title:</b> Human trafficking crimes	<b>Agency:</b> 056-Office of Public Defense
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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: Michelle Rusk	Phone: 360-786-7153	Date: 01/30/2024
Agency Preparation: Elizabeth Mustin	Phone: 360-586-3164 1	Date: 01/30/2024
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 01/30/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/30/2024

## 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.*

OPD does not anticipate a fiscal impact from SHB 2076.

Section 1 of SHB 2076 makes legal changes to RCW 9A.40.100 that could affect costs of criminal public defense services at the trial level, but these are a county responsibility. Washington State OPD does not administer trial level criminal public defense.

Section 3 of SHB 2076 establishes the commercially sexually exploited children statewide coordinating committee and directs that membership include the director of the Office of Public Defense or their designee. OPD would absorb the cost of participating in the state committee.

### 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.*

## 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.*



# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2076 S HB	<b>Title:</b> Human trafficking crimes	<b>Agency:</b> 075-Office of the Governor
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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: Michelle Rusk	Phone: 360-786-7153	Date: 01/30/2024
Agency Preparation: Kathy Cody	Phone: (360) 480-7237	Date: 01/31/2024
Agency Approval: Jamie Langford	Phone: (360) 870-7766	Date: 01/31/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/01/2024

## 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.*

Changes made in the substitute bill did not impact sections pertaining to the Office of the Governor and therefore does not change the Office's previous fiscal note assumptions.

Section 3 of this bill, which is subject to the availability of funds appropriated, establishes the "Commercially Sexually Exploited Children Statewide Coordinating Committee." Per section 3(c), the committee will consist of a representative of the Governor's Office appointed by the Governor. Section 3 expires on June 30, 2030.

The Governor's Office believes that both the appointment of this committee member and the committee members' participation in this committee will have a minimal, if any, fiscal impact.

### 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.*

## 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.*

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

**Bill Number:** 2076 S HB

**Title:** Human trafficking crimes

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

Cities: Costs for law enforcement; costs for cities that are not currently on annual audit cycles

Counties: Costs for law enforcement, prosecutors, defense attorneys, and jails

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: Number of instances of crimes of human trafficking; time required for city staff to prepare and provide information for new audits; fees levied and collected by courts

### Estimated revenue impacts to:

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

### Estimated expenditure impacts to:

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

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/01/2024
Leg. Committee Contact: Michelle Rusk	Phone: 360-786-7153	Date: 01/30/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/01/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/01/2024

## **Part IV: Analysis**

### **A. SUMMARY OF BILL**

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

#### **CHANGES BETWEEN THIS VERSION AND PRIOR VERSION OF THE BILL:**

The substitute changes the dispersal of fees collected for trafficking offenses and the ways this revenue can be used. This change would result in a minimal increase in revenue for court clerks and corresponding decrease in revenue for the other activities for which these fees can be used, discussed below. Please see the fiscal note of the Administrative Office of the Courts for a discussion of fee revenue.

#### **SUMMARY OF BILL:**

Sec. 1 amends RCW 9A.40.100 to modify the definition of trafficking in the first degree. Fees collected for trafficking offenses must be allocated as follows:

-- 45% to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town, and which must be spent on services for victims of trafficking crimes in that jurisdiction.

-- 45% to the treasurer of the county where the offense occurred for deposit in the county general fund, except in cases in which the offense occurred in a city or town that provides for its own law enforcement, in which case these amounts shall be remitted to the treasurer of the city or town for deposit in the general fund of the city or town, and which must be spent on: (A) Local efforts to reduce the commercial sale of sex, including but not limited to increasing enforcement of commercial sex laws; (B) prevention, including education programs for offenders, such as programs to educate and divert persons from soliciting commercial sexual services; and (C) rehabilitative services, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.

-- 10% must be retained by the clerks of the courts for their official services.

Sec. 2 creates a new section. The State Auditor must conduct an accountability and financial audit of each superior court, county, city, and town in the state, with respect to the collection and use of mandatory fees assessed pursuant to RCW 9A.40.100.

Sec. 3 adds a new section to RCW 7.68. Subject to the availability of funds appropriated for this purpose, the Commercially Sexually Exploited Children Statewide Coordinating Committee is established to address the issue of children who are commercially sexually exploited, to examine the practices of local and regional entities involved in addressing sexually exploited children, and to make recommendations on statewide laws and practices. The committee includes a representative of the Washington Association of Prosecuting Attorneys.

### **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 legislation would result in indeterminate costs for cities and counties.

#### **AUDIT COSTS:**

The bill's requirements for the State Auditor's Office (SAO) to conduct an accountability and financial audit of each county and city with respect to the collection and use of mandatory fees assessed pursuant to RCW 9A.40.100 would add indeterminate costs for local governments. According to the Washington Association of County Officials, the SAO already conducts an annual audit of counties. If the audit regarding collection and use of mandatory fees was conducted at the same time, there would be no additional costs for counties.

According to the SAO, some cities are not audited on an annual cycle, and thus there would be a new requirement to

conduct an audit of those cities during either fiscal year 2025 or 2026. There was no information immediately available on the proportion of cities that are not on annual audit cycles.

The Local Government Fiscal Note Program assumes that these cities would see staff costs associated with preparing and providing information for the audit. These costs are indeterminate.

#### LAW ENFORCEMENT, PROSECUTION AND DEFENSE COSTS:

The average cost to investigate, prosecute and defend a comparable felony is \$35,269, according to the Local Government Fiscal Note (LGFN) program criminal justice cost model. Thus any new instances of the crime of human trafficking would result in costs for city and county law enforcement, county prosecutors, and court-appointed defense attorneys.

#### JAIL COSTS:

There is no information to predict how many more incidents of the expanded felony offense may occur or the sentences that might be imposed. The average cost for a jail bed is \$145 per day, according to the LGFN criminal justice cost model

### **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 change the dispersal of fees collected for human trafficking crimes. Under current law, 50% of the fees collected must be used by the jurisdiction in which the offense occurred for efforts to decrease the commercial sale of sex, and 50% must be used for prevention. Under the proposed bill, 45% of the collected fees must be spent on victim services, and 45% on local efforts to decrease the commercial sale of sex, prevention, and rehabilitative services. The remaining 10% would be retained by court clerks for their official services.

The number of convictions for the crime of trafficking for the last five years is as follows, from the Department of Commerce reports "Criminal Penalty Fees Related to Sexual Exploitation Crimes" 2019-2023:

FY 2019 - 1 conviction  
FY 2020 - 7 convictions  
FY 2021 - 9 convictions  
FY 2022 - 0 convictions  
FY 2023 - 2 convictions

The penalty for a conviction of human trafficking includes a fee of \$10,000. Information about the fees levied and collected by courts is not available. As an example, if a court collected \$20,000 in fees from offenders convicted of human trafficking crimes, currently the full amount would be used by the local jurisdiction on efforts to decrease the commercial sale of sex and prevention. Under the proposed bill, this amount would change to \$18,000, and a greater proportion of it would be allocated to victim services. Ten percent, or \$2,000, would be retained by the county clerk.

Please see the fiscal note of the Administrative Office of the Courts for a discussion of revenue impacts related to the proposed change in fee dispersal.

#### SOURCES:

Office of the State Auditor  
Washington Association of County Officials  
Department of Commerce, "Criminal Penalty Fees Related to Sexual Exploitation Crimes Report," 2019-2023