

Multiple Agency Fiscal Note Summary

Bill Number: 2076 S HB	Title: 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	1.7	0	0	289,266	.0	0	0	0	.0	0	0	0
Office of Attorney General	.6	185,000	185,000	185,000	1.2	370,000	370,000	370,000	1.2	370,000	370,000	370,000
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	Fiscal note not available											
Criminal Justice Training Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	3,000	3,000	3,000	.0	0	0	0	.0	0	0	0
Superintendent of Public Instruction	Fiscal note not available											
Total \$	2.3	188,000	188,000	477,266	1.2	370,000	370,000	370,000	1.2	370,000	370,000	370,000

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	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	Fiscal note not available								
Criminal Justice Training Commission	.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
Superintendent of Public Instruction	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	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/ 3/2024
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Judicial Impact Fiscal Note

Bill Number: 2076 S HB	Title: Human trafficking crimes	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:

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

Bill Number: 2076 S HB	Title: Human trafficking crimes	Agency: 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

Bill Number: 2076 S HB	Title: Human trafficking crimes	Agency: 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.

Individual State Agency Fiscal Note

Bill Number: 2076 S HB	Title: Human trafficking crimes	Agency: 095-Office of State Auditor
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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	1.7	1.7	1.7	0.0	0.0
Account					
Performance Audits of Government Account-Non-Appropriated 553 -6	144,633	144,633	289,266	0	0
Total \$	144,633	144,633	289,266	0	0

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: Charleen Patten	Phone: 564-999-0941	Date: 02/02/2024
Agency Approval: Janel Roper	Phone: 564-999-0820	Date: 02/02/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/02/2024

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.

Original house bill 2076 Section 2 required the State Auditor to conduct accountability and financial audits of each superior court, county, city, and town in Washington. In substitute house bill 2076, Section 2 now requires the State Auditor to conduct a performance audit of the collection and use of mandatory fees assessed pursuant to RCW 9A.40.100.

Section 2(1)(a-d) establishes measures to be audited along with other measures set by the State Auditor. This performance audit will focus on how the fees are assessed, examine the use of the revenue collected, and of that revenue collected verify that 50% is used on prevention and rehabilitative services. In addition, if fees are not being assessed or used as required, the audit will outline recommendations for corrective action.

Section 2(2) Allows the State Auditor to use a sampling of jurisdictions as needed.

The State Auditor will publish its final audit report no later than December 31, 2025. This is a one-time audit as outlined in the proposed legislation.

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.

This work would be funded through the Performance Audits of Government Account which relies on a dedicated portion of sales tax revenue. Therefore, no cash receipts are estimated.

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.

Projected expenditures reflect our management team's best estimate of work to be performed based on the requirements outlined in the bill. This effort is in addition to the current human trafficking performance audit SAO is currently working on. Due to the current audit in progress the completion of the additional requirements is expedited.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
553-6	Performance Audits of Government Account	Non-Appropriated	144,633	144,633	289,266	0	0
Total \$			144,633	144,633	289,266	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	1.7	1.7	1.7		
A-Salaries and Wages	102,758	102,758	205,516		
B-Employee Benefits	30,375	30,375	60,750		
C-Professional Service Contracts					
E-Goods and Other Services	11,500	11,500	23,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	144,633	144,633	289,266	0	0

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
Admn/Overhead	101,985	0.3	0.3	0.3		
Principal Performance Auditor	138,185	0.1	0.1	0.1		
Senior Performance Auditor	124,453	1.3	1.3	1.3		
Total FTEs		1.7	1.7	1.7		0.0

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

Bill Number: 2076 S HB	Title: Human trafficking crimes	Agency: 100-Office of Attorney General
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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	1.2	0.6	1.2	1.2
Account					
General Fund-State 001-1	0	185,000	185,000	370,000	370,000
Total \$	0	185,000	185,000	370,000	370,000

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: Amy Flanigan	Phone: 509-456-3123	Date: 02/02/2024
Agency Approval: Edd Giger	Phone: 360-586-2104	Date: 02/02/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 02/03/2024

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 - Amends RCW 9A.40.100. Modifies the elements of the crimes of trafficking in the first degree and trafficking in the second degree. Specifies that, for victims that are minors, force, fraud, or coercion are not necessary elements and consent is not a defense; defining “coercion”, “commercial sex act”, “kidnapping”, “maintain”, “sexual motivation” and “sexually explicit act”; specifying that the \$10,000 fee assessed for these crimes shall not be reduced or waived absent a finding of inability to pay. Specifies what the revenue from fees imposed will be used for.

Section 2 - New section. Requires the State Auditor’s Office (SAO) to conduct performance audit of collection and use fees assessed pursuant to RCW 9A.40.100. Specifies the requirements of the audits, requiring the audits and reports to be completed by December 31, 2025. Adds an expiration clause to this section of January 31, 2026.

Section 3 - New section. Adds to RCW 7.68. Subject to funding, this section establishes the Commercially Sexually Exploited Children Statewide Coordinating Committee (CSECSCC) to facilitate a statewide response to the commercial sexual exploitation of children. The Office of the Attorney General (AGO) is required to convene the committee with the assistance of the Department of Commerce (Commerce). Specifies how members of the committee will be appointed. Committee members include, among several others, the Attorney General (AG) or his or her designee, the Secretary of the Department of Children, Youth, and Families (DCYF), the Superintendent of Public Instruction, and the Executive Director of the Criminal Justice Training Commission (CJTC). Specifies the duties of the committee and requiring the committee to meet at least annually. Requires the committee to report its recommendations to the Legislature. Adds an expiration clause to this section of June 30, 2030.

This bill is assumed effective 90 days after the end of the 2024 legislative session.

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.

Attorney General’s Office (AGO) Administrative Division (ADM) activities are funded with General Fund-State (GF-S) dollars. No cash receipt impact. There is no client agency to bill for legal services.

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.

Attorney General’s Office (AGO) Agency Assumptions:

This bill is assumed effective 90 days after the end of the 2024 legislative session.

Location of staffing is assumed to be in a King County office building.

Total workload impact in this request includes standard assumption costs for goods & services, travel, and capital outlays for all FTE identified.

Agency administration support FTE are included in the tables. The Management Analyst 5 FTE (MA), is used as a representative classification. An example ratio is for every 1.0 Assistant Attorney General FTE (AAG), the AGO includes 0.5 Paralegal 1 FTE (PL1) and 0.4 MA.

1. Assumptions for the AGO Administrative Division’s (ADM) Legal Services:

Senior Policy Analyst FTE (PA) will be required for facilitating appointments, organizing meetings, developing and publishing meeting agendas, performing research, staffing and facilitating meetings and subcommittee meetings, outreach and engagement with experts and other additional participants as needed, and drafting the annual report. Assuming four meetings per year for Commercially Sexually Exploited Children Coordinating Committee (CSECSCC), consistent with all task forces AGO run, and a max of \$200 per person, two possible people eligible with the current appointees in the bill. \$1,600 in stipends would also be required. AGO ADM activities are funded with General Fund-State (GF-S) dollars. There is no appropriate client agency to bill for legal services.

ADM: Total King County workload impact:

FY 2025 and in each FY thereafter: \$185,000 for 1.0 PA, which includes \$1,600 in stipends

2. The AGO Government Compliance & Enforcement Division (GCE) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the State Auditor’s Office (SAO) or the Criminal Justice Training Commission (CJTC). Section 2 of this bill requires SAO to conduct, and complete by December 31, 2025, one performance audit with explicit authority to use a sample of jurisdictions. GCE does not anticipate it would need to provide legal advice to SAO to conduct this limited in scope audit. Section 3 of this bill would establish a statewide coordinating committee relating to the commercial sexual exploitation of children and the Executive Director of CJTC is a named member of the committee in the bill. Therefore, no costs are included in this request.

3. The AGO Education Division (EDU) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Office of the Superintendent of Public Instruction (OSPI). The Superintendent of Public Instruction, or designee, is a single member of the CSECSCC established in Section 3 of the bill. Therefore, no costs are included in this request.

4. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division’s workload representing the Department of Commerce (Commerce). Section 3 is requiring Commerce to provide agenda planning and administrative and clerical support. New legal services are nominal and costs are not included in this request.

5. The AGO Children, Youth, and Families Division (CYF) has reviewed this bill and determined it will not increase or decrease the division’s workload in representing the Department of Children, Youth, and Family (DCYF). DCYF will be required to participate in a committee and make policy and legislative recommendations to improve the collective response to child sexual exploitation.

6. The AGO Criminal Justice Division (CRJ) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload. New legal services are nominal and costs are not included in this request.

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	185,000	185,000	370,000	370,000
Total \$			0	185,000	185,000	370,000	370,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		1.2	0.6	1.2	1.2
A-Salaries and Wages		129,000	129,000	258,000	258,000
B-Employee Benefits		38,000	38,000	76,000	76,000
E-Goods and Other Services		18,000	18,000	36,000	36,000
Total \$	0	185,000	185,000	370,000	370,000

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
Management Analyst 5	95,184		0.2	0.1	0.2	0.2
Policy Analyst - ADM	110,000		1.0	0.5	1.0	1.0
Total FTEs			1.2	0.6	1.2	1.2

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Headquarters Administration (GFS) (POL)		185,000	185,000	370,000	370,000
Total \$		185,000	185,000	370,000	370,000

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.

Individual State Agency Fiscal Note

Bill Number: 2076 S HB	Title: Human trafficking crimes	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: Michelle Rusk	Phone: 360-786-7153	Date: 01/30/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/01/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/01/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/02/2024

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 2076

ADDRESSING CRIMES INVOLVING HUMAN TRAFFICKING OR SEXUAL EXPLOITATION

**101 – Caseload Forecast Council
January 31, 2024**

SUMMARY

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

- Section 1 Amends RCW 9A.40.100 by expanding the definitions of the existing ranked offenses of Trafficking in the First Degree (Seriousness Level 14) and Trafficking in the Second Degree (Seriousness Level 12) on the Adult Felony Sentencing Grid.
- Section 1 Additionally adds a definition for “Coercion” for the purposes of Section 1.
- Section 2 Adds a new section requiring the State Auditor to conduct a performance audit of the collection and use of mandatory fees assessed pursuant to RCW 9A.40.100.
- Section 3 Adds a new section to chapter 7.68 RCW that establishes the Commercially Sexually Exploited Children Statewide Coordinating Committee, subject to appropriations. This section expires June 30, 2030.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

- Expands the definition of two existing Class A felonies.

Impacts on Prison and Jail beds

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offenses may occur or the sentences that might be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However, as a Class A felony offense ranked at Seriousness Level 14 on the adult felony sentencing grid, Trafficking in the First Degree is punishable by a standard range term of confinement of between 123-220 months and 298-397 months in prison, depending on the individual’s criminal history. The Class A felony offense of Trafficking in the Second Degree is punishable by a standard range term of confinement of between 93-123 months and 240-318 months in prison. Therefore, any increased convictions for the offense based on the provisions of this bill may result in an increased need for

prison beds. In addition, any increased convictions under the provisions of the bill would result in the need for additional jail beds due to presentence confinement.

While the impacts of expanding the definitions of these offenses are unknown, under the current definitions of the offenses the number of convictions in the last three years is provided for informational purposes:

	Traffcking 1	Trafficking 2
FY 23	1	4
FY 22	2	2
FY 21	0	6

Impacts on DOC Supervision Population.

The offenses of Trafficking in the First and Second Degree are defined as Violent offenses. As such, an individual assessed as high risk to reoffend in the community is required to be supervised by the Department of Corrections upon release. For individuals releasing from prison, one year of community custody is required.

Given the above, any additional convictions for the offenses based on the provisions of this bill by an individual assessed as high risk to reoffend may increase of the DOC’s Community Custody caseload.

Impacts on local detention and Juvenile Rehabilitation beds

The expanded felony offenses would be considered as Category A offenses on the Juvenile Sentencing Grid (Other Offense Equivalent to an Adult Class A Felony). The offenses would be punishable by a standard range term of between 103-129 weeks in Juvenile Rehabilitation (depending on the number of prior adjudications) for juveniles adjudicated for the offense. Therefore, increased incidences of this offense under the provisions of the bill would likely only impact Juvenile Rehabilitation beds. There have been no juvenile adjudications for these offenses in the last three fiscal years.

In addition, there may also be an increased need for Juvenile Rehabilitation (JR) beds. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any impacts to JR would be minimal.

Individual State Agency Fiscal Note

Bill Number: 2076 S HB	Title: Human trafficking crimes	Agency: 227-Criminal Justice Training Commission
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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: Brian Elliott	Phone: 206-835-7337	Date: 01/31/2024
Agency Approval: Brian Elliott	Phone: 206-835-7337	Date: 01/31/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/02/2024

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.

There is no fiscal impact to the Criminal Justice Training Commission or the Washington Association of Sheriffs and Police Chiefs to be members of the commercially sexually exploited children statewide coordinating committee described in section 3.

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.

This bill has no cash receipt impact.

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.

This bill has no expenditure impact.

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

Bill Number: 2076 S HB	Title: Human trafficking crimes	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:

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: Saydee Wilson	Phone: 5098221418	Date: 02/02/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	Date: 02/02/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/02/2024

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 SHB 2076 to HB 2076:

Section 1(6)(a)(iiii) and (vii) and (xiii) Expands the definition of "coercion" used to describe a manner of committing the offense of trafficking in the first or second degrees

Section 8(a)(i) through (iii) modifies how fees assessed for violations of trafficking in the first or second degrees are distributed and for what purposes

Section 2 requires the state auditor to conduct a performance audit instead of an accountability and financial audit on fees collected for violations of trafficking crimes, and permits the state auditor to conduct an audit at a sample of jurisdictions as needed

Section 3 modifies the purpose, committee membership, and duties, of the Commercially Sexually Exploited Children Statewide Coordinating Committee

HB 2076 addresses crimes involving human trafficking or sexual exploitation. It adds definitions to the current crimes of Trafficking 1st degree and 2nd degree. It also requires the State Auditor to conduct audits of each superior court, county, city and town with respect to the collection and use of mandatory fees assessed. Additionally, it establishes the Commercially Sexually Exploited Children Statewide Coordinating Committee convened by the Office of the Attorney General. The secretary of the Department of Children, Youth and Families or a designee is named as a member of the 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.

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.

No fiscal impact to Department of Children, Youth and Families. Work is minimal and can absorbed into current workload.

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

Bill Number: 2076 S HB	Title: Human trafficking crimes	Agency: 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
Account					
General Fund-State 001-1	0	3,000	3,000	0	0
Total \$	0	3,000	3,000	0	0

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: Ellen Hafer	Phone: (360) 725-8428	Date: 01/31/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 01/31/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/02/2024

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.

The following impacts from the original bill remain unchanged in the substitute version of this bill:

Section 1 amends RCW 9A.40.100 by expanding the definitions of the existing ranked offenses of Trafficking in the First Degree (Seriousness Level 14) and Trafficking in the Second Degree (Seriousness Level 12) on the Adult Felony Sentencing Grid.

The effective date is assumed to be 90 days after adjournment of the 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.

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.

The updated bill language from the Substitute House Bill 2076 to House Bill 2076 does not change the previous fiscal impact assumptions to the Department of Corrections (DOC).

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

Impacts on Prison and Jail Beds:

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offenses may occur or the sentences that might be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However, as a Class A felony offense ranked at Seriousness Level 14 on the adult felony sentencing grid, Trafficking in the First Degree is punishable by a standard range term of confinement of between 123-220 months and 298-397 months in prison, depending on the individual's criminal history. The Class A felony offense of Trafficking in the Second Degree is punishable by a standard range term of confinement of between 93-123 months and 240-318 months in prison. Therefore, any increased convictions for the offense based on the provisions of this bill may result in an increased need for prison beds. While the impacts of expanding the definitions of these offenses are unknown, under the current definitions of the offenses the number of convictions in the last three years is provided for informational purposes:

FY	Trafficking 1	Trafficking 2
FY 23	1	4
FY 22	2	2
FY 21	0	6

Impacts on DOC Supervision Population:

The offenses of Trafficking in the First and Second Degree are defined as Violent offenses. As such, an individual assessed as high risk to reoffend in the community is required to be supervised by DOC upon release. For individuals releasing from prison, one year of community custody is required.

Given the above, any additional convictions for the offenses based on the provisions of this bill by an individual assessed as

high risk to reoffend may increase of the DOC’s Community Custody caseload.

Information Technology Impacts:

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity of completing the development, testing, and implementation of the statutory changes, contracted services are necessary in FY 2025.

To implement this legislation, OMNI data tables need to be updated per RCW 9A.40.100 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$185 per hour x 4 hours = \$740

IT Quality Assurance| \$185 per hour x 8 hours = \$1,480

IT Business Analyst| \$185 per hour x 2 hours = \$370

Total One-Time Costs in FY 2025: \$3,000 (rounded to the nearest thousand)

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.

6) We assume a phase-in will be necessary to successfully achieve the reductions/additions needed based on this legislation.

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	3,000	3,000	0	0
Total \$			0	3,000	3,000	0	0

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		3,000	3,000		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	3,000	3,000	0	0

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)		3,000	3,000		
Total \$		3,000	3,000		

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

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