

Multiple Agency Fiscal Note Summary

Bill Number: 2055 S HB	Title: Gambling diversion court
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	1.1	693,900	693,900	693,900	1.0	967,200	967,200	967,200
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Fiscal note not available											
Total \$	0.0	0	0	0	1.1	693,900	693,900	693,900	1.0	967,200	967,200	967,200

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
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
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Preliminary 2/ 3/2024
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Judicial Impact Fiscal Note

Bill Number: 2055 S HB	Title: Gambling diversion court	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:

STATE	FY 2024	FY 2025	2023-25	2025-27	2027-29
State FTE Staff Years				1.1	1.0
Account					
General Fund-State 001-1				693,900	967,200
State Subtotal \$				693,900	967,200
COUNTY	FY 2024	FY 2025	2023-25	2025-27	2027-29
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal \$					
CITY	FY 2024	FY 2025	2023-25	2025-27	2027-29
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

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: Matt Sterling	Phone: 360-786-7289	Date: 01/30/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/02/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/02/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/02/2024

193,384.00

Request # 172-1

Part II: Narrative Explanation

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

The substitute bill would add a new section to Chapter 2.30 RCW creating a gambling treatment diversion court pilot program. It differs from the original by changing the pilot program from three in three counties, to one pilot in superior court.

Section 1(1) would require the Administrative Office of the Courts (AOC) to conduct a pilot program which has the purpose of treating persons determined to be affected by an addictive disorder related to gambling and who committed a crime for which they have pled guilty or been convicted in furtherance or as a result of the gambling. The pilot program would be established in a superior court and accept participants by July 1, 2026.

Section 1(2) would set requirements for the treatment program including terms and conditions for successful completion, requirements to pay restitution, provide progress reports, and that it be administered by a qualified mental health or substance use disorder (SUD) professional.

Section 1(3)(a) would require the court to hold a hearing before sentencing to determine whether or not the person committed the crime as a result of problem gambling. The prosecutor may present the court with any evidence and the advisability of permitting the person to enter the program.

Section 1(3)(b) would require the court to advise the person that sentencing will be postponed if the person submits to treatment and is accepted into the program, that the court may impose conditions, and that the person may be placed under supervision or care of a qualified mental health or SUD professional for a period of at least one year and not to exceed three years

Section 1(7) would allow the conviction to be discharged under RCW 9.94A.637 if the person satisfactorily completes the treatment program as determined by the court and would allow the person to apply for vacation.

II. B - Cash Receipts Impact

None

II. C - Expenditures

This bill would have fiscal impact on both the AOC and the courts as they implement the pilot.

IMPACT TO THE ADMINISTRATIVE OFFICE OF THE COURTS

AOC would require additional staff on its Behavioral Health team to develop the gambling treatment court program and offer training. The bill does not address the length of the pilot program. For the purposes of this judicial impact note, AOC assumes staff will begin in FY 2026 and the program would begin in FY 2027 and continue for three years.

TOTAL ESTIMATED COSTS: \$761,100 over four years

Court Program Analyst (1.0 FTE). Beginning July 1, 2026 and ongoing for four years, AOC would require salary, benefits, and associated standard costs for 1.0 FTE. Because these programs are rare, the staff would require additional training and travel costs of \$15,000.

Additionally, case management systems would need to be modified to document when someone is granted into a gambling treatment court.

The estimate included in the judicial impact note is \$22,000 based on 200 staff hours at an average of approximately \$103 per hour across multiple job classifications needed to complete the interface (Business Analyst, System Integrator, Senior System Integrator, IT Supervisor, and Manager).

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 30.59% of salaries.

Goods and Services are the agency average of \$3,600 per direct program FTE.

Travel is the agency average of \$2,000 per direct program FTE.

193,384.00

Form FN (Rev 1/00)

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Request # 172-1

Bill # 2055 S HB

Ongoing Equipment is the agency average of \$1,800 per direct program FTE.
 One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE.
 Agency Indirect is calculated at a rate of 25.86% of direct program salaries and benefits.

PASS-THROUGH TO PILOT COURTS

TOTAL ESTIMATED COSTS: \$900,000 over three years

The cost for the pilot is assumed to be \$300,000 per year beginning in FY 2027 and ongoing for three years. The gambling treatment diversion court would address felony level crimes. The costs are based on superior court drug court costs scaled down anticipating a smaller number of participants and fewer staff.

Part III: Expenditure Detail

Part III: Expenditure Detail

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

<i>State</i>	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years				1.1	1.0
Salaries and Wages				209,100	196,200
Employee Benefits				63,900	60,000
Professional Service Contracts					
Goods and Other Services				22,600	22,200
Travel				19,200	19,000
Capital Outlays				8,600	3,600
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services				300,000	600,000
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements				70,500	66,200
Total \$				693,900	967,200

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

NONE

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

NONE

III. D - FTE Detail

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Court Program Analyst	98,100				1.0	1.0
Project Manager	128,600				0.1	
Total FTEs					1.1	1.0

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

193,384.00

Form FN (Rev 1/00)

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: 2055 S HB	Title: Gambling diversion court	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: Matt Sterling	Phone: 360-786-7289	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: 02/01/2024

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.

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 2055

GAMBLING TREATMENT DIVERSION COURT PILOT PROGRAM

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

SUMMARY

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

Section 1 Adds a new section to chapter 2.30 RCW that requires the Administrative Office of the Courts to conduct a gambling treatment diversion pilot program.

Section 1 Additionally states the program shall be established in one superior court and outlines the requirements of the program. Additionally requires participants in the program by July 1, 2026.

Section 1 Additionally states if the court determines that the person is afflicted with a problem or disordered gambling, committed the crime in furtherance or as a result of problem or disordered gambling, is likely to be rehabilitated through treatment, and is a good candidate for treatment, the court may:

- order conditions of probation,
- defer sentencing, and
- place the person under supervision of a qualified mental health or substance use disorder professional for not less than one year or more than three years.

Section 1 Additionally states a person is not eligible for the program if:

- The crime is a crime against a person established in Title 7, 9, 9A, 10, 26, 28A, 46, or 74 RCW;
- The crime is a crime against a child listed in RCW 26A.400.322,
- The crime is an act which constitutes domestic violence as defined in RCW 10.99.020;
- The person has a record of two or more convictions of a crime or similar crime described above;
- The person is on probation or parole, or
- The person has previously been assigned by a court to a programs for the treatment of gambling.

Section 1 Additionally states if the person satisfactorily completes the treatment program, as determined by the court, the conviction may be discharged under RCW 9.94A.637. If not, the court may impose a sentence that could, or would, have been imposed originally for the offense for which the person pled guilty or was convicted.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None

Impact Summary

The provisions of this bill establish a pilot program for diversion. The Caseload Forecast Council (CFC) has no information regarding how many individuals would participate in the program or how many would successfully complete the program and have their sentenced discharged.

Prison and Jail Bed Impacts.

While the estimated bed savings cannot be determined, the provision of the bill would allow diversion from a felony (or felony charged in superior court) resulting in reduced need for prison and jail beds.

Impacts on DOC Community Custody population.

A person that successfully completes the diversion pilot program may have a community custody term that would also be discharged, resulting in a reduction to DOC's community corrections caseload.

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

No impact to local detention beds. It is assumed that juveniles with adjudications in the juvenile court would not be eligible to participate in this diversion pilot program, as successful completion results in convictions being discharged under RCW 9.94A.637 which applies to adult sentences.

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, it is possible that a juvenile sentenced as an adult may participate and successfully complete the pilot programs and have their sentence discharged. As less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any potential impacts to JR would be minimal.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2055 S HB

Title: Gambling diversion court

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

Legislation Impacts:

- Cities:
- Counties: Costs for prosecutors and court-appointed defense attorneys.
- Special Districts:
- Specific jurisdictions only: Pilot program will be instituted in one county
- 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 persons referred to gambling treatment diversion court

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/01/2024
Leg. Committee Contact: Matt Sterling	Phone: 360-786-7289	Date: 01/30/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/01/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	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 bill reduces the number of courts participating in the program from three to one. Indeterminate costs are discussed below.

SUMMARY OF BILL:

Sec. 1 adds a new section to chapter RCW 2.30. The Administrative Office of the Courts (AOC) shall conduct a gambling treatment diversion court pilot program for the treatment of persons who have committed a crime for which they have pled guilty or been convicted in furtherance or as a result of the gambling.

If the court has reason to believe that a person who has pled guilty to or has been convicted of a crime is afflicted with problem gambling or disordered gambling and the person committed the crime in furtherance of or because of problem gambling or disordered gambling, the court shall hold a hearing before it sentences the person. The prosecutor may present the court with any evidence concerning whether the person committed the crime in furtherance or as a result of problem gambling or disordered gambling and the advisability of permitting the person to enter the program.

A person who is placed under the supervision or care of a qualified mental health or substance use disorder professional shall pay the cost of the program of treatment to which the person is assigned and the cost of any additional supervision that may be required, to the extent of the financial resources of the person.

The court may order the person to perform supervised community service in lieu of paying the remainder of the costs relating to the person's treatment and supervision.

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 have indeterminate impacts on the county chosen to participate in the gambling treatment diversion court pilot program.

According to the Washington Association of Prosecuting Attorneys, the bill may increase the time a prosecutor would spend on a case, because there would be additional court hearings to determine whether a defendant was eligible for the gambling treatment diversion court. Court-appointed defense attorneys would also be required at these hearings. Additionally, prosecutors and court-appointed defense attorneys might spend time gathering evidence to make a determination about a defendant's problem gambling.

Because the number of defendants referred to the gambling treatment diversion court pilot program is not known, the total impacts are indeterminate.

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 have no revenue impacts for local government.

SOURCES:

Washington Association of Prosecuting Attorneys