

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 2390 S HB	<b>Title:</b> Eluding & resisting arrest
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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	Fiscal note not available					
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	Fiscal note not available											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	1,260	1,260	33,592	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	6,000	6,000	6,000	3.5	815,000	815,000	815,000	6.5	1,525,000	1,525,000	1,525,000
Department of Corrections	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>7,260</b>	<b>7,260</b>	<b>39,592</b>	<b>3.5</b>	<b>815,000</b>	<b>815,000</b>	<b>815,000</b>	<b>6.5</b>	<b>1,525,000</b>	<b>1,525,000</b>	<b>1,525,000</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
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	Fiscal note not available								
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.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
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
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

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Preliminary 2/ 5/2024
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2390 S HB	<b>Title:</b> Eluding & resisting arrest	<b>Agency:</b> 101-Caseload Forecast Council
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
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 2390**

## **CONCERNING PENALTIES RELATED TO ELUDING POLICE AND RESISTING ARREST**

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

### **SUMMARY**

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

- Section 5 Adds a new section to chapter 10.21 RCW allowing the court to place any person charged with Attempting to Elude a Police Vehicle or Resisting Arrest to be placed on electronic monitoring (EM) when released from custody at arraignment or trial, on bail, or personal recognizance.
- Section 6 Amends RCW 13.40.040 by allowing the court to order any juvenile charged with Attempting to Elude a Police Vehicle or Resisting Arrest and who is released under Subsection (5) to submit to EM upon release pending disposition of the charge.
- Section 7 Amends RCW 9.94A.501 by adding Attempting to Elude a Police Vehicle to list of offenses the Department of Corrections (DOC) is required to supervise an individual for, regardless of risk.
- Section 8 Amends RCW 9.94A.701 by requiring courts to order one year of community custody for individuals convicted of Attempting to Elude a Police Vehicle when a person is sentenced to the custody of DOC.
- Section 9 Amends RCW 9.94A.703 by adding a special condition of community custody allowing the court to order anyone sentenced for Attempting to Elude a Police Vehicle to be placed on EM for the term of community custody.
- Section 10 Amends RCW 13.40.210 by adding Attempting to Elude a Police Vehicle to the list of offenses in which parole is mandatorily required for any juvenile released from residential commitment. Additionally directs the Department of Children, Youth, and Families (DCYF) to require any juvenile adjudicated for Attempting to Elude a Police Vehicle to submit to EM for the duration of the term of parole.

### **EXPENDITURES**

#### **Assumptions.**

The bed impacts for this bill were calculated under the following assumptions.

- CFC = Caseload Forecast Council
- DOC = Department of Corrections
- FY = Fiscal Year
- DOSA = Drug Offender Sentencing Alternative
- Sentences are based on CFC FY23 data and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Exceptional sentences are included.
- Sentences to alternatives are excluded.

- Proposed policy sentences all receive the maximum term of supervision of 12 months.
- For prison (non-DOSA) sentences, length of stay in prison is calculated using figures for average percentage of sentence served in prison, which is based on DOC FY23 data for non-DOSA offenders for the appropriate DOC Crime Category and are calculated by CFC.
- Bed impacts for prison sentences are calculated with a discount factor (prison sentences versus actual prison admissions), which is based on CFC FY23 data.
- Bed impacts are calculated with a phase-in factor calculated by the CFC.

**Impact on the Caseload Forecast Council.**

None.

**Impact Summary.**

This bill requires DOC supervision for any offender sentenced to community custody for the offense of Attempting to Elude a Police Vehicle sentenced to DOC confinement.

**Impacts on Prison or Jail beds.**

While the bill does not change confinement terms, it is possible there may be an increased need to prison or jail beds if any individual on DOC community custody violates conditions of community custody that results in violation confinement.

**Impacts on DOC Community Corrections Population.**

This bill requires 12 months of community custody after release from confinement for individuals committed to DOC.

The CFC does not have the information necessary to provide determinate estimates of the Average Daily Population (ADP) changes to community corrections under the provisions of the bill. In 2020, SHB 2393 passed, allowing for supervision compliance credits (RCW 9.94A.717).

As eligible individuals may reduce a portion of the supervision term based on programming, the CFC is unable to calculate an estimated length of stay for community custody. The CFC is providing an indeterminate ADP as an estimate of the impacts assuming no supervision compliance credits (SCC) were allowed.

**Average Monthly Population Supervision Impacts**

**HB 2390 - Attempting to Elude Penalties**

**Caseload Forecast Council**

**January 18, 2024**

	Fiscal Year									
	FY25	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34
Supervision AMP	2	44	100	117	122	124	124	124	124	124

**Impacts on local detention and Juvenile Rehabilitation (JR) beds,**

None.

### **Impacts on JR Parole Population**

The bill requires DCYF to have mandatory parole for any juvenile adjudicated for Attempting to Elude a Police Vehicle and released from a JR facility. The CFC does not have information regarding who may have been placed on parole prior to the mandatory requirement for parole, or how long a youth would serve in a parole program. The following information is provided for information purposes:

In Fiscal Year 2023, there were 4 juveniles adjudicated for the crime of Attempting to Elude a Police Vehicle placed in a JR facility.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2390 S HB	<b>Title:</b> Eluding & resisting arrest	<b>Agency:</b> 225-Washington State Patrol
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	0	1,260	1,260	0	0
State Patrol Highway Account-State 081-1	0	32,332	32,332	0	0
<b>Total \$</b>	0	33,592	33,592	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: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Preparation: Thomas Bohon	Phone: (360) 596-4044	Date: 01/31/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 01/31/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/05/2024

## 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 substitute version of the proposed legislation does not change our fiscal impact.

There is a fiscal impact to the Washington State Patrol (WSP).

Sections 1 through 4 provide circumstances under which a vehicle can be seized by law enforcement when used in an attempt to elude a police vehicle, and provide for regulations for that process.

Sections 5 through 7 provide for electronic monitoring of a person, including juveniles, when released from custody if charged with attempting to elude a police vehicle or resisting arrest. The substitute version changes the electric monitoring from mandated to optional.

Sections 8 and 9 requires one year of community custody, including electronic monitoring, in addition to other terms of a sentence when an adult person is convicted of attempting to elude a police vehicle. Again, the substitute version changes the electric monitoring from mandated to optional.

Previously, section 10 required a juvenile convicted of eluding a police vehicle to be subject to electronic monitoring. This is no longer in the substitute version.

### 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.*

We have no projected cash receipts from the sale of additional seized vehicles due to the proposed legislation. Seizure is a discretionary action on our part, and the availability of secured storage space and costs to maintain vehicles in good order until a person is convicted of the crime of eluding a police vehicle could well exceed the fiscal benefits from the proceeds from vehicle sales.

### 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 proposed legislation would require training to be developed and given to our commissioned officers and cadets, regarding new seizure provisions. We estimate that it would take 46 hours to research, develop, and review new training and policies. We also estimate that it would take five academy staff about 22 total hours to deliver the training to all commissioned officers. Each person receiving the training would need an estimated 15 minutes to complete it. We are authorized 1,125 employees who would need the training, bringing the total amount of hours needed to receive the training to 281 hours. The total estimated cost to research, develop, review, give, and receive the training required from this proposed legislation is \$33,592.

Sections 1 through 4 provide circumstances under which a vehicle can be seized by law enforcement when used in an attempt to elude a police vehicle. This is a discretionary act that we would likely not do, due to the limited availability of a secure space to maintain the vehicle until the person is convicted of the crime that results in legal forfeiture.

We base our estimate for agency indirect costs on the approved federal indirect cost rate of 33.41 percent. We apply this indirect cost rate percentage to all categories of expenditure with only two exceptions: capital equipment and expenditures after \$25,000 of each projected contract. Indirect costs include, but are not limited to, computer and telecommunications

support, payroll processing, vendor payments, general accounting, procurement administration, inventory control, and human resource management.

The funding allocation for this estimate is based on the results of the Joint Legislative Audit and Review Committee cost allocation model approved by both the Transportation and the Omnibus Budget Committees in the 2022 Supplemental Budget. The model analyzes costs and relevant activities (hours, transactions, type of enforcement, etc.) of Washington State Patrol (WSP) organizations funded by two or more sources to ensure a consistent and fair use of state resources.

**Part III: Expenditure Detail**

**III. A - Operating Budget Expenditures**

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	1,260	1,260	0	0
081-1	State Patrol Highway Account	State	0	32,332	32,332	0	0
<b>Total \$</b>			0	33,592	33,592	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		18,940	18,940		
B-Employee Benefits		6,532	6,532		
C-Professional Service Contracts					
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-Indirect Costs		8,120	8,120		
<b>Total \$</b>	0	33,592	33,592	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)**

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> 2390 S HB	<b>Title:</b> Eluding & resisting arrest	<b>Agency:</b> 307-Department of Children, Youth, and Families
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

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

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Preparation: Wendy Polzin	Phone: 2066702667	Date: 02/01/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	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.*

The substitute bill continues to require mandatory parole for youths committed to a Juvenile Rehabilitation (JR) facility, but removes the requirement for electronic home monitoring. Electronic home monitoring may still be required, subject to judicial discretion.

### 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.*

Indeterminate

The proposed mandatory parole and possible electronic home monitoring could increase costs for Juvenile Rehabilitation (JR) in the Department of Children, Youth, and Families (DCYF) but cost is indeterminate. Under current law these youth may not always receive parole.

Estimated costs: Estimated costs: Parole for these youth would last 26 weeks, and costs \$98.33 per day. Parole costs for each youth would be \$17,896 (\$98.33 x 7 days x 26 weeks).

The cost for electronic home monitoring is about \$10 per day. Cost per youth for a 26-week period is approximately \$1,800 for electronic home monitoring (\$10 x 7 days X 26 weeks). It is unknown how often a court would order electronic home monitoring for a youth or for how long.

A Juvenile Rehabilitation Counselor 2 (JRC2) oversees youth on parole. The JRC2 ratio is 1 counselor to 20 youth. Depending on number of youths receiving parole under this bill, there may be an increased need for JRC2 FTE. The cost of a JRC2 in the first year is \$130,590 (\$128,178 GF-State), and \$127,518 (\$125,023 GF-State).

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

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

### III. B - Expenditures by Object Or Purpose

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

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

NONE

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

**IV. B - Expenditures by Object Or Purpose**

NONE

**IV. C - Capital Budget Breakout**

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

NONE

**IV. D - Capital FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

**Part V: New Rule Making Required**

*Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 2390 S HB	<b>Title:</b> Eluding & resisting arrest	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.0	0.0	3.5	6.5
<b>Account</b>					
General Fund-State 001-1	0	6,000	6,000	815,000	1,525,000
<b>Total \$</b>	0	6,000	6,000	815,000	1,525,000

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

### Estimated Capital Budget Impact:

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Preparation: Jaymie Hall	Phone: (360) 725-8428	Date: 02/01/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	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.*

An act relating to penalties related to eluding police vehicles and resisting arrest; amending RCW 46.55.113, 46.55.360, 46.55.370, 13.40.040, 9.94A.501, 9.94A.701, 9.94A.703, and 13.40.210; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 10.21 RCW.

2390 S HB differs from the original bill in the following ways:

Section 5 revises language that the court “may require” as a condition of release, to place any person charged with Attempting to Elude a Police Vehicle or Resisting Arrest to be placed on electronic monitoring (EM) when released from custody at arraignment or trial, on bail, or personal recognizance.

Section 6(6) revises language that the court “may require” any juvenile charged with Attempting to Elude a Police Vehicle or Resisting Arrest and who is released under Subsection (5) to submit to EM upon release pending disposition of the charge.

Section 9(1)(e) is removed from the bill but reinstated under section 9(4)(c), changing its status from a mandatory condition to a special condition.

Section 9(4)(c) states in sentencing an offender convicted of attempting to elude a police vehicle under RCW 46.61.024, the court may require the offender to be placed on electronic monitoring (EM) as defined in RCW 9.94A.030 for the duration of the offender’s term of community custody.

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

Section 5 Adds a new section to chapter 10.21 RCW requiring the court to place any person charged with Attempting to Elude a Police Vehicle or Resisting Arrest to be placed on EM when released from custody at arraignment or trial, on bail, or personal recognizance.

Section 7(h) Amends RCW 9.94A.501 by adding Attempting to Elude a Police Vehicle to list of offenses the Department of Corrections (DOC) is required to supervise an individual for, regardless of risk.

Section 8(d) Amends RCW 9.94A.701 by requiring courts to order one year of community custody for individuals convicted of Attempting to Elude a Police Vehicle when a person is sentenced to the custody of DOC.

Section 10(3)(a) Amends RCW 13.40.210 by adding Attempting to Elude a Police Vehicle to the list of offenses in which parole is required for any juvenile released from residential commitment under subsection (2).

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

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

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

There is no change in agency expenditures in comparison to the original bill 2390 HB.

This bill requires DOC supervision for any incarcerated individuals sentenced to community custody for the offense of Attempting to Elude a Police Vehicle sentenced to DOC confinement.

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 FY2025. To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.525 for technical corrections.

Cost Calculation Estimate:

IT Application Developer| \$185 per hour x 12 hours = \$2,220

IT Quality Assurance| \$185 per hour x 10 hours = \$1,850

IT Business Analyst| \$185 per hour x 8 hours = \$1,480

Total One-Time Costs in FY 2025 (rounded to nearest thousand): \$6,000.

Impacts on Prison or Jail beds.

While the bill does not change confinement terms, it is possible there may be an increased need to prison or jail beds if any individual on DOC community custody violates conditions of community custody that results in violation confinement.

Impacts on DOC Community Corrections Population

This bill requires 12 months of community custody after release from confinement for individuals committed to DOC.

The CFC does not have the information necessary to provide determinate estimates of the Average Daily Population (ADP) changes to community corrections under the provisions of the bill. In 2020, SHB 2393 passed, allowing for supervision compliance credits (RCW 9.94A.717).

As eligible individuals may reduce a portion of the supervision term based on programming, the CFC is unable to calculate an estimated length of stay for community custody. The CFC is providing an indeterminate ADP as an estimate of the impacts assuming no supervision compliance credits (SCC) were allowed.

The DOC assumes this bill would likely result in an Average Daily Population (ADP) increase, although the impact cannot be reliably estimated. This increase in ADP under supervision may create the need for additional funding towards records staff. The DOC cannot provide exact workload metrics for the staff requested; it is assumed that DOC will “true-up” the needs requested in this fiscal note in a future decision package should this legislation be signed into session law.

Community Supervision Caseload Impacts:

FY2025: 2 ADP, 0 FTE and \$0

FY2026: 44 ADP, 2.0 FTE's and \$250,000

FY2027: 100 ADP, 5.0 FTE's and \$565,000

FY2028: 117 ADP, 6.0 FTE's and \$725,000

FY2029: 122 ADP, 7.0 FTE's and \$800,000

Total Agency Impact:

FY2025: 0 FTE and \$6,000

FY2026: 2.0 FTE's and \$250,000

FY2027: 5.0 FTE's and \$565,000

FY2028: 6.0 FTE's and \$725,000

FY2029: 7.0 FTE's and \$800,000

**Assumptions**

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. We assume a Direct Variable Cost (DVC) of \$7,630 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services' direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with the Office of Financial Management, Senate, and House staff each legislative session.
3. 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.

**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	6,000	6,000	815,000	1,525,000
<b>Total \$</b>			0	6,000	6,000	815,000	1,525,000

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

**III. B - Expenditures by Object Or Purpose**

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years				3.5	6.5
A-Salaries and Wages				504,000	970,000
B-Employee Benefits				205,000	380,000
C-Professional Service Contracts		6,000	6,000		
E-Goods and Other Services					
G-Travel				73,000	122,000
J-Capital Outlays				5,000	9,000
M-Inter Agency/Fund Transfers				7,000	9,000
N-Grants, Benefits & Client Services				21,000	35,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	0	6,000	6,000	815,000	1,525,000

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

**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
ADMINISTRATIVE ASSISTANT 2	50,269				0.5	1.0
COMMUNITY CORRECTIONS OFFICER 2 - WFSE	73,766				2.0	3.5
COMMUNITY CORRECTIONS OFFICER 3 - WFSE	79,415				1.0	1.0
FIELD SUPERVISOR	97,348					1.0
<b>Total FTEs</b>					3.5	6.5

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

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Administration & Support Services (100)		6,000	6,000		
Community Supervision (300)				815,000	1,525,000
<b>Total \$</b>		6,000	6,000	815,000	1,525,000

**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

<b>Bill Number:</b> 2390 S HB	<b>Title:</b> Eluding & resisting arrest	<b>Agency:</b> 477-Department of Fish and Wildlife
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 02/01/2024
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 02/01/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	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.*

NO FISCAL IMPACT The additions of punitive requirements in the bill does not create a significant change to WDFW Enforcement operations.

Section 1 Establishes procedures for the seizure, impoundment, redemption, and forfeiture of vehicles used in the crime of Attempting to Elude a Police Vehicle.

Section 8 Requires one year of community custody, supervised by the Department of Corrections, for a person convicted of Attempting to Elude a Police Vehicle as an adult.

Section 10 Requires 18 months of parole for a juvenile convicted of Attempting to Elude a Police Vehicle.

### 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: 2390 S HB

Title: Eluding & resisting arrest

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

### Legislation Impacts:

- Cities: Indeterminate expenditure impact as a result of increased electronic monitoring, increased demand for jail beds for people who violate community custody conditions; indeterminate revenue impact as a result of sales of forfeited vehicles.
- Counties: Same as above, but for counties.
- 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 people who may require electronic monitoring as a result of the bill's provisions, number of people that may violate the conditions of electronic monitoring, number of people that may violate conditions of community custody and be confined to a jail bed, number of additional vehicles that may be forfeited and what amount they may sell for.

### 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: Kate Fernald	Phone: 564-200-3519	Date: 02/05/2024
Leg. Committee Contact: Lena Langer	Phone: 360-786-7192	Date: 01/30/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/05/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/05/2024

## **Part IV: Analysis**

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

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

This fiscal note compares SHB 2390 to HB 2390.

#### **CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:**

The substitute bill would provide the court discretion on electronic monitoring and would remove the requirement for a juvenile adjudicated guilty of Attempting to Elude a Police Vehicle to submit to electronic monitoring for the duration of juvenile parole.

These modifications would not change the fiscal impacts discussed below.

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

Section 1 of the proposed legislation would add a new section to chapter 46.61 RCW. This section would specify that a vehicle used to commit the crime of attempting to elude a police vehicle is subject to impoundment, and if a driver previously had a vehicle impounded for attempting to elude a police vehicle, regardless of whether that incident resulted in a criminal charge or conviction, their vehicle would be subject to forfeiture. A vehicle would only be forfeited after the driver was convicted of the crime of attempting to elude a police vehicle and a finding was made that the driver used the vehicle to commit that crime.

This section would detail the forfeiture proceedings for vehicles used to commit the crime of attempting to elude a police vehicle.

After satisfying any court-ordered victim restitution, the seizing law enforcement agency could retain vehicles forfeited under this section for official use, or sell that which is not required by law to be destroyed or that which is not harmful to the public. Proceeds from such sales would be required to be used to fund personnel, programs, services, and equipment related to the enforcement and processing of attempt to elude a police vehicle violations, or to address and improve general traffic safety.

Section 2 would amend RCW 46.55.113, adding the arrest of a driver for attempting to elude a police vehicle and having probable cause to believe a vehicle was used to commit the crime of attempting to elude a police vehicle to the list of circumstances under which a police officer may take custody of a vehicle and provide for its prompt removal to a place of safety.

Section 3 would amend RCW 46.55.360, adding references to attempting to elude a police vehicle to the regulations in this section concerning the impounding and retaining of vehicles.

Section 4 would amend RCW 46.55.370, adding references to attempting to elude a police vehicle to the specifications in this section exempting governments and police officers from damages for the loss of use of a vehicle impounded under certain circumstances.

Section 5 would add a new section to chapter 10.21 RCW, specifying that any person charged with attempting to elude a police vehicle or resisting arrest who is released from custody on bail or personal recognizance is required to submit to electronic monitoring.

Section 6 would amend RCW 13.40.040, specifying that the court shall require any juvenile charged with attempting to elude a police vehicle or resisting arrest, who is released under RCW 13.40.040 (5), to submit to electronic monitoring pending disposition of the charge.

Section 7 would amend RCW 9.94A.501, requiring that the Department of Corrections (DOC) supervise a person sentenced to community custody for a conviction for attempting to elude a police vehicle.

Section 8 would amend RCW 9.94A.701, requiring that courts sentence a person to one year of community custody in addition to the other terms of their sentence when sentencing a person to the custody of DOC for a violation of attempting to elude a police vehicle.

## **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 proposed legislation would have an indeterminate impact on local government expenditures as a result of an increase in the number of people required to submit to electronic monitoring, and the potential for an increase in demand for jail beds for people who violate the conditions of Department of Corrections (DOC) community custody.

Sections 5 and 6 of the proposed legislation would require that adults and juveniles who are charged with attempting to elude a police vehicle or resisting arrest who are released from custody submit to electronic monitoring.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), an increase in the number of people subject to electronic monitoring could increase local government costs related to both monitoring and responding to violations of monitoring conditions. WASPC indicates that while people subject to electronic monitoring are typically charged for the costs of that monitoring, in the cases of people without an ability to pay for monitoring, local governments could incur additional costs. Additionally, in some cases where a person violates the conditions of electronic monitoring, law enforcement officers are required to respond.

However, it is unknown how many additional people may be subject to electronic monitoring as a result of the provisions of the proposed legislation, how many of those people may be unable to pay the costs of their monitoring or how many people may violate the conditions of their monitoring, so the associated local government expenditure impact is indeterminate.

According to the Washington State Caseload Forecast Council fiscal note for this bill, there could be an increased need for jail beds if people in DOC community custody violate the conditions of that custody. It is unknown how many people may be sentenced to community custody for attempting to elude a police vehicle, or how many of those people may violate the conditions of that custody and be confined to a jail bed, however, so the associated local government expenditure impact is indeterminate.

The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost to occupy a jail bed is \$145.

WASPC indicates that the provisions of section 1 of the proposed legislation represent an expansion of existing seizure and forfeiture provisions to additional circumstances, and accordingly would not require additional training for law enforcement officers.

## **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 proposed legislation would have an indeterminate impact on local government revenues.

Section 1 would subject vehicles used to commit the crime of attempting to elude a police vehicle, and where the driver has previously had a vehicle impounded for attempting to elude a police vehicle, to forfeiture. After satisfying any court-ordered victim restitution, a law enforcement agency would be allowed to sell that which is not required to be destroyed by law and which is not harmful to the public, with the proceeds required to be used to fund personnel, programs, services, and equipment related to the enforcement and processing of attempt to elude a police vehicle violations, or to address and improve general traffic safety.

While the sale of forfeited vehicles could create additional revenue for local law enforcement agencies, it is unknown how many vehicles may be forfeited under section 1 of the proposed legislation, how many seized vehicles may be retained after the 60-day period where an owner or person with a right to possession may petition for the return of a vehicle, or what amount forfeited vehicles may be sold for. Accordingly, the local government revenue impact of subjecting vehicles used to commit the crime of attempting to elude a police vehicle under certain conditions to forfeiture is indeterminate.

**SOURCES:**

Local government fiscal note for SB 5606, 2023

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council