

Multiple Agency Fiscal Note Summary

Bill Number: 5299 E S SB	Title: Law enf. officer protection
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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						
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 Attorney General	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Lottery	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Gambling Commission	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Insurance Commissioner	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.0	0	0	0	.0	0	0	0	.0	0	0	0
Utilities and Transportation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	1,621	1,621	7,047	.0	0	0	0	.0	0	0	0
Washington State Patrol	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	17,000	17,000	17,000	.0	0	0	0	.0	0	0	0
University of Washington	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Eastern Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
Central Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
The Evergreen State College	.0	0	0	0	.0	0	0	0	.0	0	0	0
Western Washington University	.0	0	0	0	.0	0	0	0	.0	0	0	0
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	18,621	18,621	24,047	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			316,933						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			316,933						

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 Attorney General	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
State Lottery	.0	0	0	.0	0	0	.0	0	0
Washington State Gambling Commission	.0	0	0	.0	0	0	.0	0	0
Office of Insurance Commissioner	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Utilities and Transportation Commission	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.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
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
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: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Final 2/ 5/2024
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Judicial Impact Fiscal Note

Bill Number: 5299 E S SB	Title: Law enf. officer protection	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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
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

192,879.00

Request # 161-1

Form FN (Rev 1/00)

1

Bill # 5299 E S SB

Part II: Narrative Explanation

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

The bill would create a new Class C Felony, a new gross misdemeanor, and a civil action:

- * Amends RCW 9A.36.031 (3rd degree assault) to include off-duty law enforcement officers, but the assault was committed with the intent to specifically target the person due to being a law enforcement officer.
- * Adds a new section to RCW 9.61 regarding Doxing (publishing private or identifying information on the internet). Doxing is a gross misdemeanor except in the case of a previous conviction of Doxing would be a class C felony.
- * Creates a civil action for victims of Doxing.
- * Amends use of force reporting requirements for law enforcement incidents where physical harm occurred by a citizen while performing duties.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts and the courts. There could be additional court filings, but assumed to be minimal.

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

192,879.00

Form FN (Rev 1/00)

2

Request # 161-1

Bill # 5299 E S SB

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: 5299 E S SB	Title: Law enf. officer protection	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:

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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Cassandra Jones	Phone: 360-709-6028	Date: 02/01/2024
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 02/01/2024
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.

The Attorney General's Office (AGO) Public Lands & Conservation Division (PLC) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Fish and Wildlife (DFW), the Department of Natural Resources (DNR), and State Parks & Recreation (Parks). The enactment of this bill will not impact the provision of legal services to DNR, DFW, and Parks. Section 3(4) contains a reporting requirement for law enforcement agencies to report incidents where officers are harmed by a citizen while performing work related duties, however PLC assumes this will not require legal support. Therefore, no costs are included in this request.

The AGO Administration Division (ADM) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

The AGO University of Washington (UOW) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

The AGO Education Division (EDU) has reviewed this bill and determined it will not increase or decrease the division's workload in representing Eastern Washington University (EWU), Central Washington University (CWU), Western Washington University (WWU), and The Evergreen State College (TESC). The enactment of this bill will not impact the provision of legal services to TESC, WWU, CWU, and EWU because the bill requirements, including the reporting obligations in Section 3, are not anticipated to require legal advice. Therefore, no costs are included in this request.

The AGO Criminal Justice Division (CRJ) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Washington State Patrol (WSP). The bill makes small adjustments to the Assault 3 statute, which includes assault of a police officer. The amendments are minimal and CRJ assumes this will not generate requests for advice when WSP investigates. The bill also requires police agencies, including WSP, to report assaults on police officers to the statewide Use of Force Data program. This amendment places a new data reporting requirement on WSP. New legal services are nominal and costs are not included in this request.

The AGO Washington State University Division (WSU) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

The AGO Corrections Division (COR) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Corrections (DOC). The bill classifies assault of an off-duty law enforcement officer as Assault 3, modifies the enhancement for assaulting a law enforcement office to include assaults with a "deadly weapon" rather than "firearm," and requires law enforcement agencies to report when officers are physically harmed by citizens while performing duties. Therefore, no costs are included in this request.

The AGO Utilities and Transportation Division (AGO-UTC) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Utilities and Transportation Commission (UTC). UTC is a limited authority law enforcement agency under chapter 10.93 RCW. UTC does not currently employ law enforcement officers, nor does UTC have plans to do so in the future. This bill thus imposes no duties on UTC and creates no work for AGO-UTC. Therefore, no costs are included in this request.

The AGO Social and Health Services Division (SHO) has reviewed this bill and determined it will not increase or decrease the division's workload in representing the Department of Social and Health Services (DSHS). DSHS Office of Fraud and Accountability (OFA) is designated as a Limited Authority Washington Law Enforcement Agency, and while OFA would be required to follow the reporting requirements of this bill, it would be rare for OFA to find themselves using the provisions of this bill. New legal services are nominal and costs are not included in this request.

The AGO Government Compliance and Enforcement Division (GCE) has reviewed this bill and determined it will not increase or decrease the division's workload in representing WSP, Washington State Gambling Commission (GMB), Office of Insurance Commissioner (OIC), and Liquor and Cannabis Board (LCB). Section 3 of this bill would amend RCW 10.118.030 to expand the information required to be filed with the Use of Force Data program by each law enforcement agency, as defined in 10.118.020, to include incidents in which officers are physically harmed by citizens while performing their duties. GCE provides legal advice to GMB and OIC. This bill would require GCE client agencies to collect and report additional information to the Use of Force Data program. This requirement would not increase the need for legal advice and therefore would have no impact to GCE. GCE also provides litigation support to WSP and the LCB and does not provide general legal advice to these clients. Therefore, no costs are included in this request.

The AGO Solicitor General's Office (SGO) has reviewed this bill and determined it will not increase or decrease the division's workload. Therefore, no costs are included in this request.

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: 5299 E S SB	Title: Law enf. officer protection	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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 01/31/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 01/31/2024
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.

ESSB 5299

RELATING TO LAW ENFORCEMENT PROTECTION

101 – Caseload Forecast Council

January 30, 2024

SUMMARY

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

- Section 1 Amends RCW 9A.36.031 by expanding the definition of the existing ranked offense of Assault in the Third Degree (Seriousness Level III on the Adult Felony Sentencing Grid and Offense Category C+ on the Juvenile Offender Sentencing Grid) by expanding to include assaults against a law enforcement officer or other employee of a law enforcement agency who was off duty at the time of the assault, but the assault was committed with the intent to target the person due to their employment as a law enforcement professional.
- Section 2 Amends RCW 9.94A.831 by expanding the term “firearm” to “deadly weapon as defined in RCW 9A.04.110.”
- Section 3 Amends RCW 10.118.030 to expand reporting requirements of law enforcement agencies.
- Section 4 States if any provision of the act is held invalid, the remainder of the act is not affected.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

- Expands an existing Class C felony;

Impacts on Prison, Jail, and Juvenile Rehabilitation beds

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might actually be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However:

- As a Class C felony offense ranked at Seriousness Level III on the adult felony sentencing grid and at Offense Category C+ on the juvenile offender sentencing grid, Assault in the Third Degree is punishable by a standard range term of confinement of:
 - Between 1-3 months in jail and 51-60 months in prison for adults (limited to 60 months by the statutory maximum for the offense); and

- Local Sanctions (0-30 days in local juvenile detention) and 15-36 weeks in the Juvenile Rehabilitation for juveniles.

Given the above, any increased convictions for the offense, based on the provisions of this bill, may result in an increased need for local juvenile detention beds, Juvenile Rehabilitation beds, local jail beds, and prison beds.

Impact on Supervision Caseload.

The offense of Assault in the Third Degree is categorized as a Crime Against a Person in RCW 9.94A.411. As such, an individual assessed as high risk to reoffend in the community is required to be supervised by the Department of Corrections (DOC) upon release. For individuals releasing from a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required. Individuals on community custody may earn supervision compliance credit under 9.94A.717 and serve less time than the community custody term.

Any additional convictions for the offense based on the provisions of this bill by an individual assessed as high risk to reoffend would increase the DOC's Community Custody caseload.

Individual State Agency Fiscal Note

Bill Number: 5299 E S SB	Title: Law enf. officer protection	Agency: 116-State Lottery
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: John Iyall	Phone: 360-810-2870	Date: 01/30/2024
Agency Approval: Josh Johnston	Phone: 360-810-2878	Date: 01/30/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	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.

ESSB 5299 provides additional protections for law enforcement officers and other employees of a law enforcement agency. Section 1 makes assault of an off-duty law enforcement officer or other employee of a law enforcement agency assault in the third degree if the assault was committed with the intent to target the person due to their employment. Section 2 provides a deadly weapon special allegation. Section 3 amends RCW 10.118.030 to require each law enforcement agency to report when an officer is assaulted while performing their official duties, including the age, gender, race, and ethnicity of the assailant. There is no fiscal impact to Washington's Lottery.

The Lottery is a limited authority law enforcement agency pursuant to RCW 67.70.330. Due to the nature of Lottery employees' duties, it is exceedingly rare for an assault to occur. If it did occur, the new reporting requirements in Section 3 could be accomplished within existing resources.

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 117-Washington State Gambling Commission
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/05/2024
Agency Approval: Kriscinda Hansen	Phone: 360-486-3489	Date: 02/05/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	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.

Section 1 adds that a person is guilty of assault in the third degree of a law enforcement officer who is off duty at the time of the assault but the assault was committed specifically because of their employment as a law enforcement professional. Section 3(4) requires each law enforcement agency in the state to report each incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties within the scope of their employment.

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.

Section 3(4) requires each law enforcement agency in the state to report each incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties within the scope of their employment.

This bill creates an indeterminate impact to the Gambling Commission due to increased reporting requirements. The Gambling Commission was not able to determine costs because the bill requires reporting each incident where a law enforcement officer is physically harmed, but the term "physically harmed" is not defined.

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

Bill Number: 5299 E S SB	Title: Law enf. officer protection	Agency: 160-Office of Insurance Commissioner
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Michael Walker	Phone: 360-725-7036	Date: 01/30/2024
Agency Approval: Bryon Welch	Phone: 360-725-7037	Date: 01/30/2024
OFM Review: Jason Brown	Phone: (360) 742-7277	Date: 01/31/2024

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 3(4) requires each law enforcement agency in the state to report incidents where law enforcement officers employed by the agency are physically harmed by citizens while performing their duties. The report must include details regarding the physical harm committed and the means of committing the harm, whether or not charges were filed against the citizen, disposition information of any related cases, the reason(s) if charges were not filed, and the age, gender, race, and ethnicity of the individual who assaulted the officer.

The new reporting requirement will require the Office of Insurance Commissioner (OIC) to update the agency's Use of Force Reporting policy. The impact of updating the policy is considered minor in nature and can be absorbed through the normal course of OIC business.

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 195-Liquor and Cannabis Board
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 01/29/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 01/29/2024
OFM Review: Val Terre	Phone: (360) 280-3973	Date: 01/29/2024

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(1): A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(h) Assaults a law enforcement officer or other employee of a law enforcement agency who was off duty at the time of the assault, but the assault was committed with the intent to specifically target the person due to their employment as a law enforcement professional;

Section 2:

(1) A person is guilty of doxing if:

- (a) The person intentionally posts another person's personally identifiable information without his or her consent;
- (b) The person knows that posting the personally identifiable information is reasonably likely to cause the person whose information is posted to experience harassment, bodily injury, or death; and
- (c) The posting of the personally identifiable information causes the person whose information is posted to experience a substantial life disruption, harassment, bodily injury, or death.

(2) It is not an offense under this section for a person to:

- (a) Provide another person's personally identifiable information when reporting unlawful activity or when providing such information in response to, or in connection with, an investigation conducted by a government agency or employer; or
- (b) Provide a person's personally identifiable information in connection with lawful and constitutionally protected activities.

(3) (a) Except as provided in (b) of this subsection, doxing is a gross misdemeanor.

(b) A person who commits cyber harassment is guilty of a class C felony if the person has previously been convicted of doxing.

(4) Doxing may be committed in more than one location. The offense is deemed to have been committed in any location in which any element of the offense occurred or in the location in which the person whose personally identifiable information resides.

(6) Adds definitions for a number of terms mentioned in this chapter.

Section 3:

(1) A person who is a victim of an offense under section 2 of this act (doxing) may bring a civil action against the person who committed the offense or against any person who knowingly benefits from the offense.

Section 5(4) Each law enforcement agency in the state must also report each incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties within the scope of their employment including:

- (a) Details regarding the physical harm committed and the means of committing the physical harm;
- (b) Whether or not subsequent charges were filed against the citizen;
- (c) If charges were filed, the ultimate disposition of the case; and
- (d) Reasoning if charges were not filed.

CHANGES MADE BY THE FLOOR AMENDMENT 1/17/24:

The floor amendment clarifies data protection requirements when a person assaults a law enforcement officer, to add in

Section 3(4e), “the age, gender, race, and ethnicity of the individual who assaulted the officer.”

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.

No fiscal impact to the agency.

Section 3 gives the officer the ability to bring a civil suit against someone for doxing. These events have happened in the past, but the agency is not providing the legal means to bring the suit. This is the officer's choice to do so and they would have to fund legal representation.

Section 5 (4) will require the agency to report incidents of physical harm to law enforcement. This reporting is estimated to be an isolated event and not a cost intensive effort. This can be accomplished with existing resources.

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 215-Utilities and Transportation 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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Kim Anderson	Phone: 360-664-1153	Date: 01/29/2024
Agency Approval: Kim Anderson	Phone: 360-664-1153	Date: 01/29/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	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.

UTC assumes there is no fiscal impact resulting from this legislation. The UTC is a limited law enforcement agency but does not commission employees as peace officers, nor does it enforce criminal law. UTC employees do not receive certification as criminal justice personnel. While the employees have badges for identification purposes, the employee do not detain individuals of the public.

Section 1 of this bill makes an amendment to the law and adds specific language to make certain assaults a third degree assault when criteria is met. Section 2 changes the word firearm to deadly weapon. Section 3 adds language requiring law enforcement agencies to report when law enforcement officer is injured, including details.

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.

UTC assumes no cash receipts will go to UTC as a result of this legislation.

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.

UTC assumes it will not have any expenditures as a result of this legislation.

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.

UTC assumes it will not be required to conduct a rulemaking as a result of this legislation.

Individual State Agency Fiscal Note

Bill Number: 5299 E S SB	Title: Law enf. officer protection	Agency: 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
Account					
General Fund-State 001-1	0	1,621	1,621	0	0
State Patrol Highway Account-State 081-1	0	5,426	5,426	0	0
Total \$	0	7,047	7,047	0	0

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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Allison Plant	Phone: 360-596-4080	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: 01/31/2024

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The proposed legislation creates an indeterminate fiscal impact to the Washington State Patrol (WSP) due to increased reporting requirements.

Section 1 adds that a person is guilty of assault in the third degree of a law enforcement officer or other employee of a law enforcement agency who was off duty at the time of the assault but the assault was committed specifically because of their employment as a law enforcement professional.

Section 3(4) requires each law enforcement agency in the state to report each incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties within the scope of their employment.

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.

We report injuries on a Fleet, Loss/Damage to Equipment, Use of Force, and Pursuit (FLUP) form through our content management system. Section 1(1)(h) will require us to update the FLUP to include off-duty assaults. We anticipate reprogramming changes will take 60 hours in FY2025 by an IT-System Administration, Journey Level.

Once the content management system is updated, we estimate the collection and submission of data for compliance in Section 1(1)(h) and Section 3(4) will not require a significant amount of personnel time, and can be done within current job duties.

Information from Section 3(4) is to be submitted to the statewide use of force data program. This program has not yet been established, and we are unable to determine a fiscal impact. A fiscal impact may occur if there is a required technology access fee or a change in our current technology to interface with the new system.

The proposed legislation may result in increased public disclosure requests. We are unable to determine the increased workload at this time.

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.

We base estimated salary expenditures on current levels for the positions requested per published salary schedules, plus any applicable incentive or assignment pay. We compute estimated benefits expenditures based on federal or state mandated rates plus state provided amounts for health insurance and workers' compensation insurance. We assume that any increases in these rates or amounts will be covered by legislation establishing the increase.

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.

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	1,621	1,621	0	0
081-1	State Patrol Highway Account	State	0	5,426	5,426	0	0
Total \$			0	7,047	7,047	0	0

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

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages		3,234	3,234		
B-Employee Benefits		2,048	2,048		
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		1,765	1,765		
Total \$	0	7,047	7,047	0	0

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

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

NONE

III. D - Expenditures By Program (optional)

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 300-Department of Social and Health Services
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Douglas Hoffer	Phone: 360-902-8187	Date: 01/31/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 01/31/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	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.

There is no fiscal impact to the Department of Social and Health Services (DSHS). This bill classifies assault of an off-duty law enforcement officer as a class C felony; modifies the sentencing enhancement for assaulting a law enforcement officer with a firearm to include assaulting a law enforcement officer with a deadly weapon; and requires law enforcement agencies to report any incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties. There is a potential that the incident reporting provision of this bill could impact DSHS but those costs can be accomplished within existing resources.

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: 5299 E S SB	Title: Law enf. officer protection	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:

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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Katherine Anderson	Phone: (360) 790-9033	Date: 01/31/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 01/31/2024
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.

Section 1 Amends RCW 9A.36.031 by expanding the definition of the existing ranked offense of Assault in the Third Degree (Seriousness Level III on the Adult Felony Sentencing Grid and Offense Category C+ on the Juvenile Offender Sentencing Grid) by expanding to include assaults against a law enforcement officer or other employee of a law enforcement agency who was off duty at the time of the assault, but the assault was committed with the intent to target the person due to their employment as a law enforcement professional.

II. B - Cash receipts Impact

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

None

II. C - Expenditures

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

Fiscal impact is indeterminate.

This bill would establish a Class C felony to the juvenile sentencing grid, which if convicted of this offence would punishable by standard term between 15-36 weeks in Juvenile Rehabilitation facility. This would likely increase the impact on JR beds

DCYF assumes the impact will result when the ADP caseload changes in the JR residential facilities forecast. The impact would be reflected in the forecasted maintenance level budget step. DCYF will true up our fiscal impact in subsequent budget submittals if the legislation is enacted into law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

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

Bill Number: 5299 E S SB	Title: Law enf. officer protection	Agency: 310-Department of Corrections
---------------------------------	---	--

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	17,000	17,000	0	0
Total \$	0	17,000	17,000	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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Ellen Hafer	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.

Engrossed Substitute Senate Bill (ESSB) 5299 is an act relating to law enforcement officer protection.

Section 1(1) amends RCW 9A.36.031 by expanding the definition of the existing ranked offense of Assault in the Third Degree (Seriousness Level III on the Adult Felony Sentencing Grid) to include assaults against a law enforcement officer or other employee of a law enforcement agency who was off duty at the time of the assault, but the assault was committed with the intent to specifically target the person due to being employed as a law enforcement professional.

Section 3(4) amends RCW 10.118.030 to require law enforcement agencies to report each incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties within the scope of the officer's employment.

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

Section 1(1) expands the definition of an existing Class C felony, while Section 3(4) expands reporting requirements for law enforcement agencies.

Impact on Prison and Jail Beds:

The Caseload Forecast Council (CFC) has no information about how many more incidents of the expanded felony offense may occur or the sentences that might actually be imposed. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill. However, as a Class C felony offense ranked at Seriousness Level III on the adult felony sentencing grid, Assault in the Third Degree is punishable by a standard range term of confinement of:

- Between 1-3 months in jail and 51-60 months in prison for adults (limited to 60 months by the statutory maximum for the offense).

Given the above, any increased convictions for the offense, based on the provisions of this bill, may result in an increased need for prison beds.

Impact on Supervision Caseload.

The offense of Assault in the Third Degree is categorized as a Crime Against a Person in RCW 9.94A.411. 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 a non-prison sentence, the community custody term may be up to one year; and for those releasing from prison, one year is required. Individuals on community custody may earn supervision compliance credit under

9.94A.717 and serve less time than the community custody term.

Any additional convictions for the offense based on the provisions of this bill by an individual assessed as high risk to reoffend would increase DOC's Community Custody caseload.

Information Technology Impacts:

Customization of the Offender Management Network Information (OMNI) system and Incident Management Reporting System (IMRS) 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.

OMNI data tables need to be updated per RCW 9A.36.031 for technical corrections. Additionally, the existing OMNI/IMRS functional area needs to be enhanced to implement the new reporting requirements required by Section 3(4) of this bill.

Cost Calculation Estimate:

IT Application Developer| \$185 per hour x 30 hours = \$5,550

IT Quality Assurance| \$185 per hour x 30 hours = \$5,550

IT Business Analyst| \$185 per hour x 30 hours = \$5,550

Total One-Time Costs in FY 2025: \$17,000 (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	17,000	17,000	0	0
Total \$			0	17,000	17,000	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		17,000	17,000		
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	17,000	17,000	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)		17,000	17,000		
Total \$		17,000	17,000		

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.

Individual State Agency Fiscal Note

Bill Number: 5299 E S SB	Title: Law enf. officer protection	Agency: 360-University of Washington
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Michael Lantz	Phone: 2065437466	Date: 02/01/2024
Agency Approval: Jed Bradley	Phone: 2066164684	Date: 02/01/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	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.

Engrossed Substitute Senate Bill 5299 relates to law enforcement officer protection.

Section 1(1)(h) makes assault on an off-duty law enforcement officer or employee who was specifically targeted due to their employment a Class C felony.

Section 2 modifies the sentencing enhancement for assaulting a law enforcement officer with a firearm to include assaulting that officer with a deadly weapon.

Section 3(4) requires law enforcement agencies to report each incident where a law enforcement officer is harmed by a citizen while performing duties within their scope of employment.

The University of Washington (UW) evaluated previous versions of this bill last session. As with the prior versions, the University of Washington Police Department (UWPD) does not anticipate fiscal impacts from ESSB 5299. If this bill were to pass, the UWPD would likely revise their policy under LEOSA, which could be absorbed within existing roles and resources. The UWPD already has an accreditation standard that requires them to report assaults on sworn officers, which would need to be amended to include off-duty injury occurrences prescribed by this bill. However, this could be absorbed within existing roles and resources and would have no 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: 5299 E S SB	Title: Law enf. officer protection	Agency: 365-Washington State University
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Anne-Lise Brooks	Phone: 509-335-8815	Date: 02/01/2024
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 02/01/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	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.

ESSB 5299 states that a person is guilty of 3rd degree assault if they assault a law enforcement officer or other employee of a law enforcement agency who was off duty at the time of the assault, but the assault was committed with the intent to specifically target the person due to their employment as a law enforcement professional.

Section 4 outlines the requirement for a law enforcement agency to report every incident where a law enforcement officer has been physically harmed.

Washington State University does not expect a fiscal impact due to this bill and any reporting requirements can be accomplished with existing resources.

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 370-Eastern Washington University
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Tammy Felicijan	Phone: (509) 359-7364	Date: 02/01/2024
Agency Approval: Tammy Felicijan	Phone: (509) 359-7364	Date: 02/01/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	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.

ESSB 5299 amends RCW 9A.36.031, 9.94A.831, and 10.118.030, making provisions for assault in the 3rd degree of a law enforcement officer, reporting of incidents, and prescribed penalties. This bill is similar to SB5299 but excludes the provisions for doxing. EWU anticipates no fiscal impact related to this bill.

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 375-Central Washington University
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Alexa Orcutt	Phone: 5099632955	Date: 01/30/2024
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 01/30/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/31/2024

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Engrossed substitute SB 5299 is proposed to substitute SB 5299, which was brought up in the 2023 session. ES-SB 5299 section 2 is amending RCW 9.94A.831 and 2009 c 141 s 1 with (2) Replaces “firearm” with “deadly weapon as defined in RCW 9A.04.110” rather than adding a new chapter 9.61 RCW.

ES-SB 5299 section 3 is amending RCW 10.118.030 and 2021 c 326 s 4 rather than adding a chapter to 4.24 RCW. The amendment inserts: (4) Each law enforcement agency in the state must also report each incident where an agency employed law enforcement officer is physically harmed by a citizen while performing duties within scope including items described in (a-e).

ES-SB 5299 no longer has section 4 and 5 from the original SB 5299.

Section 6 from SB 5299 is now section 4 in ES-SB 5299.

CWU does not estimate any fiscal impact based on the language of this substitute bill.

Original summary from 5299 SB is below:

Section 1 is amended to add (1)(h) language that includes assaults where an off-duty officer is knowingly targeted, to those assaults identified as third-degree assaults.

Section 2: New Section – (1) provides guidance related to doxing, including actions that are considered doxing, as well as (2-4) guidance as to what is not an offense, gross misdemeanor classification, and how the location of the offense will be determined. (6) provides definitions related to the chapter.

Section 3: new Section – Provides remedies for victims of doxing and guidance related to court action.

Section 4: Amended section - (2) replaces “firearm” with “deadly weapon as defined in RCW 9A.04.110.

Section 5: adds reporting requirements for agencies to report each incident where a law enforcement officer is physically harmed by a citizen.

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 376-The Evergreen State College
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 01/30/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 564-233-1577	Date: 01/30/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/31/2024

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

ESSB 5299 relates to law enforcement officer protection.

Section 3(4) states that each law enforcement agency must report each incident where a law enforcement officer is physically harmed by a citizen while performing duties within the scope of their employment. This includes:

Section 3(4)(a) details regarding the physical harm suffered and the means used to commit the harm;

Section 3(4)(b) whether or not charges were filed against the citizen;

Section 3(4)(c) if charges were filed against the citizen, the ultimate disposition of the case;

Section 3(4)(d) reasoning if charges were not filed against the citizen;

Section 3(4)(e) the age, gender and ethnicity of the individual who assaulted the officer.

The requirements of section 3 can be met using existing resources. There is no fiscal impact to the college.

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 380-Western Washington University
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Gena Mikkelsen	Phone: 3606507412	Date: 01/31/2024
Agency Approval: Faye Gallant	Phone: 3606504762	Date: 01/31/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 01/31/2024

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1: The bill suggests amendments to RCW 9A.36.031, expanding circumstances for charging third-degree assault. This includes offenses against law enforcement officers, transit operators, school bus drivers, firefighters, health care providers, and others, defining it as a class C felony.

Section 2: Amendments to RCW 9.94A.831 focus on cases involving assault of law enforcement officers with deadly weapons. The court is mandated to make specific findings if the assault was intentionally committed with what appears to be a deadly weapon.

No fiscal impact, as existing resources will cover any potential legal proceedings.

Section 3: The bill proposes changes to RCW 10.118.030, requiring law enforcement agencies to report force incidents, especially those resulting in fatalities or significant harm. Specific details must be included in the reports, establishing reporting requirements for incidents where officers are harmed.

No fiscal impact, as existing resources will cover data collection and reporting infrastructure.

Section 4: A provision ensures that if any part of the act is deemed invalid, it doesn't affect the remaining portions or its application.

No fiscal impact, as existing resources will cover potential legal considerations.

The implementation, enforcement, and data reporting requirements will be covered with existing resources, eliminating any potential 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: 5299 E S SB	Title: Law enf. officer protection	Agency: 465-State Parks and Recreation 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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Chris Holm	Phone: (360) 902-0933	Date: 02/01/2024
Agency Approval: Frank Gillis	Phone: (360) 902-8538	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.

Engrossed Substitute Senate Bill 5299 relates to protections from assault provided to law enforcement officers in Washington State.

Section 1(h) enhances charges and sentencing for assaults on off-duty law enforcement officers or other law enforcement employees if the assault is committed to specifically target the person due to their employment in the law enforcement profession. There is no anticipated fiscal impacts to State Parks for this enhancement of victim protections.

Section 4 adds additional agency reporting requirements to include reporting about assaults on officers. Since this type of information is already collected in State Park' existing law enforcement incident reporting database, including this information, along with the already-required "use of force" reporting, there is no anticipated fiscal impact to State Parks for reporting about assaults on Park Rangers.

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.

There is no anticipated fiscal impact to State Parks resulting from this legislation.

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

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: 5299 E S SB	Title: Law enf. officer protection	Agency: 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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 01/31/2024
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 01/31/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/31/2024

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 Classifies assault of an off-duty law enforcement officer as a class C felony.

Section 2 Modifies the sentencing enhancement for assaulting a law enforcement officer with a firearm to include assaulting a law enforcement officer with a deadly weapon.

Section 3 Requires law enforcement agencies to report any incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties.

The reporting requirements identified is not expected to create a significant change to the workload for WDFW ENF. There is no 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: 5299 E S SB	Title: Law enf. officer protection	Agency: 490-Department of Natural Resources
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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: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
Agency Preparation: Andrew Hills	Phone: /	Date: 01/31/2024
Agency Approval: Angela Konen	Phone: 360-902-2165	Date: 01/31/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	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.

Engrossed substitute bill 5299 amends RCW's 9A.36.031, 9.94A.831, and 10.118.030 to now include additional circumstances where Assault can be charged. Added is a new section that covers when "Doxing" can be charged, the bill additionally adds a new section for civil remedies in the form a litigation for victims of Doxing. Lastly there is added a requirement that law enforcement agencies report when an officer is the victim of an assault (on or off duty), if the suspect was charged and if charged the disposition of the case, it also requires law enforcement notification when charges are not filed.

If the Department of Natural Resources (DNR) Law Enforcement Officers (LEO)s are assaulted, the assault is investigated, and reports are filed by the local Sheriff's Office. DNR LEOs will assist in the investigation however, they are not the lead investigatory agency. DNR LEOs do not investigate assaults on other LEOs. Therefore there is no fiscal impact to DNR.

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: 5299 E S SB	Title: Law enf. officer protection
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** Approximately \$235,969 for local law enforcement training on modified criminal offense; indeterminate increased law enforcement costs due to new reporting requirement; indeterminate increased law enforcement costs as a result of processing additional incidents of expanded class C felony offense; indeterminate expenditure impact as a result of increased demand for jail beds
- Counties:** Approximately \$80,964 for local law enforcement training on modified criminal offense; indeterminate increased law enforcement costs due to new reporting requirement; indeterminate expenditure impact on law enforcement, prosecutors and public defenders as a result of processing additional incidents of expanded class C felony offense; indeterminate expenditure impact due to increased demand for jail, juvenile detention beds
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:** Approximately \$316,933 to provide training to local law enforcement officers on modified criminal offenses
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:** Number of incidents of expanded class C felony offense that may occur; number of future assaults on local law enforcement officers that may occur

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City	235,969		235,969		
County	80,964		80,964		
TOTAL \$	316,933		316,933		
GRAND TOTAL \$					316,933

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

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 02/05/2024
Leg. Committee Contact: Joe McKittrick	Phone: 3607867287	Date: 01/29/2024
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.

The proposed legislation would amend the definition of an existing class C felony offense, among other requirements.

Section 1 would amend RCW 9A.36.031, expanding the definition of the existing class C felony offense of assault in the third degree to include a person, under circumstances not amounting to assault in the first or second degree, assaulting a law enforcement officer or other employee of a law enforcement agency who was off duty at the time of the assault, where the assault was committed with the intent to specifically target the person due to their employment as a law enforcement professional.

Section 2 would amend RCW 9.94A.831, expanding the special allegation for someone convicted of assaulting a law enforcement officer performing their duties at the time of the assault from it being proven beyond a reasonable doubt that the person intentionally committed the assault with what appears to be a firearm, to a deadly weapon as defined in RCW 9A.04.110.

Section 3 would amend RCW 10.118.030, requiring law enforcement agencies to report each incident where a law enforcement officer employed by the agency is physically harmed by a citizen while performing duties within the scope of their employment. This section would specify details these reports would be required to include, and would require that these reports be submitted to the Attorney General's Office's use of force database.

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 both determinate and indeterminate impacts on local government expenditures.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the modifications this bill would make to an existing criminal offense. WASPC estimates that approximately 30 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$235,969 for cities and \$80,964 for counties, for a total one-time cost to local governments of \$316,933.

The 2022 Crime in Washington Report conducted by WASPC states that there are 6,647 commissioned officers in police departments and 2,249 commissioned officers in sheriff's departments, for a total of 8,896 commissioned law enforcement employees that would require training. The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$71, and the same figure for an officer employed by a county to be \$72. If every officer in Washington had to complete approximately 30 minutes of training, the cost to local governments would be:

Cities:

6,647 officers X 0.5 hours X \$71 = \$235,969

Counties:

2,249 officers X 0.5 hours X \$72 = \$80,964

Total:

\$235,969 + \$80,964 = \$316,933

Training materials and time required may differ among different departments, however.

Additionally, WASPC indicates that the reports that would be required by section 3 to be submitted to the use of force database of the Attorney General's Office would require approximately five minutes of officer time per report. It is unknown how many incidents of law enforcement officers being harmed by citizens while performing duties within the scope of their employment may occur in the future, however, so the magnitude of this expenditure impact is indeterminate

Per the 2022 Crime in Washington Report, there were 2,375 assaults on on-duty law enforcement officers in that year.

According to the Washington State Caseload Forecast Council's (CFC) fiscal note on this bill, expanding the definition of an existing class C felony offense could impact demand for jail beds. As a class C felony ranked at seriousness level III, assault in the third degree is punishable by a confinement term of between one to three months in jail or 51-60 months in prison, depending on a person's prior criminal history.

However, since it is unknown how many incidents of the new class C felony offense may occur, it cannot predict the jail bed impacts resulting from this bill, so the associated expenditure impact on local governments is indeterminate. The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145.

According to the CFC fiscal note for this bill, the expansion of an existing class C felony offense could also increase demand for county juvenile detention beds. As an offense ranked at C+ on the juvenile sentencing grid, assault in the third degree is punishable by between 0-30 days in juvenile detention and 15-36 weeks in juvenile rehabilitation. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed. Additionally, it is unknown how many juvenile incidents of the expanded class C felony offense of assault in the third degree may occur as a result of this bill's provisions, so the total increase in county juvenile detention expenditures is indeterminate.

In addition to bed impacts, the expansion of an existing class C felony offense could increase law enforcement, prosecution and public defense expenditures as a result of processing additional incidents of this offense. According to the 2024 Local Government Fiscal Note Program Criminal Justice Cost Model, the combined law enforcement, prosecution and public defense costs to process an incident of a class C felony simple assault offense are \$3,651

However, given that it is unknown how many additional incidents of the expanded offense may occur, the magnitude of the expenditure impacts on local governments from processing incidents of these offenses is 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 proposed legislation would have no impact on local government revenues.

SOURCES:

Crime in Washington Report, 2022

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Washington Association of Sheriffs and Police Chiefs

Washington State Caseload Forecast Council