

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti
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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 State Treasurer	.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
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	4,000	4,000	4,000	.0	0	0	0	.0	0	0	0
Department of Transportation	Non-zero but indeterminate cost and/or savings. Please see discussion.											
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>4,000</b>	<b>4,000</b>	<b>4,000</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of State Treasurer	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	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

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Final 2/ 5/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

*The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.*

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/31/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 02/02/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/02/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/02/2024

193,345.00

Form FN (Rev 1/00)

Request # 173-1

Bill # 1800 S HB

## Part II: Narrative Explanation

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

The substitute bill would not change the fiscal impact analysis of the original bill.

The bill would permit a court to order community restitution in addition to other penalties or in lieu of incarceration when an offender is convicted of malicious mischief in the third degree or criminal street gang tagging and graffiti.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

The bill would have no fiscal impact to the Administrative Office of the Courts and could have some, but limited court impact for potentially longer hearings needed in some of these cases.

## Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

### III. D - FTE Detail

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

### IV. B1 - Expenditures by Object Or Purpose (State)

NONE

### IV. B2 - Expenditures by Object Or Purpose (County)

NONE

### IV. B3 - Expenditures by Object Or Purpose (City)

NONE

### IV. C - Capital Budget Breakout

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

NONE

None

193,345.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti	<b>Agency:</b> 090-Office of State Treasurer
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/31/2024
Agency Preparation: Mandy Kaplan	Phone: (360) 902-8977	Date: 01/31/2024
Agency Approval: Dan Mason	Phone: (360) 902-8990	Date: 01/31/2024
OFM Review: Amy Hatfield	Phone: (360) 280-7584	Date: 02/03/2024

## Part II: Narrative Explanation

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

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

SHB 1800 relates to criminal penalties and restitution for graffiti.

Under sections 4(2)(b) and 4(2)(c), restitution payments shall be forwarded to the state treasurer. The restitution payments will be deposited into the appropriate agency and funds / accounts based on the office of the state treasurer (OST) conversing with the department of corrections, department of ecology, and the Washington association of sheriffs and police chiefs. There is some de-minimis administrative and technical work for OST that can be completed within current practices and resources. Therefore, 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

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti	<b>Agency:</b> 101-Caseload Forecast Council
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/31/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/05/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/05/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	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.*

See attached.

### II. B - Cash receipts Impact

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

None.

### II. C - Expenditures

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

See attached.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# **SHB 1800**

## **GRAFFITI PENALTIES**

### **101 – Caseload Forecast Council**

#### **January 31, 2024**

#### **SUMMARY**

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

- Section 1 States the legislative intent of the act is to discourage graffiti and other malicious mischief crimes by including community service hours or actual damage cleanup as a court-issued punishment.
- Section 2 Adds a new section to chapter 9A.48 RCW that states for offenders convicted of Malicious Mischief in the Third Degree (9A.48.090) or Criminal Street Gang Tagging and Graffiti (9A.48.105), the court may order the offender to perform at least 24 hours of community restitution in addition to other penalties.
- Section 3 Amends RCW 9A.04.110 by adding a definition for “Graffiti”.
- Section 4 Amends RCW 9A.20.030 by adding language that states if a person commits Malicious Mischief in the Third Degree or Criminal Street Gang Tagging and Graffiti, in addition to the community restitution authorized in 9.94A.680, the court has discretion to order community or clean-up restitution, in lieu of part, or all, of the incarceration sentence.
- Section 5 Adds a new section stating 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**

This bill:

- Allows courts to order community service hours or actual damage cleanup for certain offenses.

##### **Impact on prison beds and Juvenile Rehabilitation (JR) beds.**

No bed impact.

##### **Impact on Supervision.**

No impact.

**Impact on jail beds.**

There may be a decreased need for jail beds if courts use the option to order community or clean-up restitution, in lieu of part, or all, of the incarceration sentence.

**Impact on local detention beds.**

There may be a decreased need for local detention beds if courts use the option to order community or clean-up restitution, in lieu of part, or all, of the incarceration sentence.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti	<b>Agency:</b> 307-Department of Children, Youth, and Families
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/31/2024
Agency Preparation: Katherine Anderson	Phone: (360) 790-9033	Date: 02/05/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 02/05/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	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.*

SHB1800

The court may order a person convicted of Malicious Mischief in the third degree or Criminal Street Gang Tagging and Graffiti to:

perform at least 24 hours of community restitution in addition to other penalties, using any community restitution program available; and

comply with community or cleanup restitution, instead of part or all of the incarceration sentence.

Moves the provision authorizing the court to order a person who is convicted of Malicious Mischief in the third degree or Criminal Street Gang Tagging and Graffiti to perform at least 24 hours of community restitution to a new section of the chapter concerning Arson, Reckless Burning, and Malicious Mischief;

Provides that the 24 or more hours of community restitution may be ordered regardless of the location of the offense, rather than providing that the restitution may be ordered for offenses occurring on state property;

Removes language providing that the 24 or more hours of community restitution may be imposed in lieu of incarceration; and

Removes a specific reference to the community restitution for littering in state parks program, but otherwise retains language allowing the court to use any available community restitution program.

### II. B - Cash receipts Impact

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

None

### II. C - Expenditures

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

No impact to the Department of Children, Youth and Families (DCFY) Juvenile Rehabilitation (JR).

This bill would establish that a court can order person convicted of Malicious Mischief in the third degree or Criminal Street Gang Tagging and Graffiti to preform at least 24 hours community restitution in lieu of incarceration. This would not increase the caseload in the JR facilities.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
<b>Account</b>					
General Fund-State 001-1	0	4,000	4,000	0	0
<b>Total \$</b>	0	4,000	4,000	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: Lena Langer	Phone: 360-786-7192	Date: 01/31/2024
Agency Preparation: Scherry Sinclair	Phone: (360) 725-8428	Date: 02/02/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/02/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/02/2024



## Part II: Narrative Explanation

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

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

SHB 1800 relates to criminal penalties and restitution for graffiti. Amends RCW 9A.20.030; reenacting and amending RCW 9A.04.110; adding a new section to chapter 9A.48 RCW; creating a new section and prescribing new penalties.

Section 1 states that the intent of this act is to offer community service hours or actual damage cleanup as a court-issued punishment to discourage graffiti and other malicious mischief crimes.

Section 2 adds for individuals convicted of Malicious Mischief in the Third Degree, or criminal street gang tagging and graffiti, the court may order the individual to perform at least 24 hours of community restitution in addition to other penalties.

Section 3(10) amends RCW 9A.04.110 by adding a definition for "Graffiti".

Section 4(2)(a) amends RCW 9A.20.030 by adding if a person commits malicious mischief in the third degree or criminal street gang tagging and graffiti, in addition to the community restitution the court has discretion to order community or clean-up restitution in lieu of part or all of the incarceration sentence.

Section 5 adds if any provision of the act is held invalid, the remainder of the act is not affected.

The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

We assume this bill will have a fiscal impact to DOC less than \$50,000 per Fiscal Year (FY).

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity of completing the development, testing, and implementation of the statutory changes, contracted services are necessary in FY2024.

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

Cost Calculation Estimate:

IT Application Developer| \$185 per hour x 10 hours = \$1,850

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

IT Business Analyst| \$185 per hour x 5 hours = \$925

Total One-Time Costs IN FY2024 \$4,000 (rounded to nearest thousand)

### 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	4,000	4,000	0	0
<b>Total \$</b>			0	4,000	4,000	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		4,000	4,000		
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-					
<b>Total \$</b>	0	4,000	4,000	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)		4,000	4,000		
<b>Total \$</b>		4,000	4,000		

### Part IV: Capital Budget Impact

#### IV. A - Capital Budget Expenditures

NONE

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

NONE

#### IV. C - Capital Budget Breakout

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

NONE

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

NONE

### Part V: New Rule Making Required

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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti	<b>Agency:</b> 405-Department of Transportation
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

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

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	Date: 01/31/2024
Agency Preparation: Nicole Knudson	Phone: 360-705-7293	Date: 02/05/2024
Agency Approval: Pasco Bakotich	Phone: 360-705-7231	Date: 02/05/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	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.*

See attached fiscal note.

### 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

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: SHB 1800 Title: Graffiti

Agency: 405-Department of Transportation

## Part I: Estimates

Check applicable boxes and follow corresponding instructions, use the fiscal template table provided to show fiscal impact by account, object, and program (if necessary), **add rows if needed**. If no fiscal impact, check the box below, skip fiscal template table, and go to Part II to explain briefly, why the program believes there will be no fiscal impact to the department.

- No Fiscal Impact (Explain required in section II. A)
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Partially Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)
- Partially Indeterminate Expenditure Impact (Explain in section II. C)

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

## Agency Assumptions

N/A

## Agency Contacts:

Preparer: Nicole Knudson	Phone: +1 360-705-7293	Date: 2/2/2024
Approval: Pasco Bakotich	Phone: +1 360-705-7855	Date: 2/5/2024
Budget Manager: Siri Olson	Phone: +1 360-705-7542	Date: 2/5/2024

## Part II: Narrative Explanation

### II. A - Brief description of what the measure does that has fiscal impact.

HB 1800, section 2 supplies a way for the court to order the offender to perform at least 24 hours community restitution in addition to other penalties and community restitution programs including but not limited to RCW 72.09.260.

SHB 1800, section 4 (b) clarifies restitution under section 2 will be sent to the state treasurer to be distributed to the program for which the restitution is performed. The court may select the litter cleanup program under RCW 72.09.260, or the waste reduction, recycling, and litter control account created under RCW 70A.200.140. Additionally, section 4 (c) further clarifies if the court does not order restitution under section 2, the restitution payment shall go to the state treasurer to be deposited to the graffiti and tagging abatement program in RCW 36.28A.210, to be used solely for graffiti abatement and cleanup.

# Individual State Agency Fiscal Note

## II. B – Cash Receipts Impact

N/A

## II. C - Expenditures

The indeterminate expenditure impact is still unchanged for SHB 1800.

Expenditures are indeterminate because WSDOT has not been involved in coordinating and supervising community service, nor has the data to determine how much time WSDOT staff may be involved in this activity. Additionally, WSDOT does not have personnel trained and qualified to coordinate and supervise community service activities on department property and active rights-of-way. For example, community service for litter crew is coordinated and supervised by Department of Ecology, although work does take place on WSDOT property and rights-of-way.

Additionally, it is unclear how restitution would be coordinated with WSDOT, as this is determined by the courts.

## Part III: Expenditure Detail

### III. A - Expenditures by Object or Purpose

N/A

## Part IV: Capital Budget Impact

N/A

## Part V: New Rule Making Required

N/A

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1800 S HB	<b>Title:</b> Graffiti	<b>Agency:</b> 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.

<b>Legislative Contact:</b> Lena Langer	<b>Phone:</b> 360-786-7192	<b>Date:</b> 01/31/2024
<b>Agency Preparation:</b> Chris Holm	<b>Phone:</b> (360) 902-0933	<b>Date:</b> 02/01/2024
<b>Agency Approval:</b> Frank Gillis	<b>Phone:</b> (360) 902-8538	<b>Date:</b> 02/01/2024
<b>OFM Review:</b> Matthew Hunter	<b>Phone:</b> (360) 529-7078	<b>Date:</b> 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.*

Substitute House Bill 1800 proposes adding community restitution sentencing options for graffiti and defacement of public and private property violations, in addition to the established restitution options for littering violations.

Section 4(2) allows courts to order community or clean-up restitution in lieu of incarceration. The court may order the person to clean up the damage in the location where the violation occurred. Section 4(2) also establishes how restitution payments are to be handled, including providing those funds to the impacted agency managing the property.

Although this legislation provides the possibility of additional community service opportunities within parks, it is still limited by existing RCW 79A.05.050, which makes it optional for a park to participate in the community restitution program.

State Parks assumes no fiscal impacts as any additional participation in the community service program at a park could be absorbed within the existing workload.

### 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.*

State Parks assumes no fiscal impacts as any additional participation in the community service program at a park could be absorbed within the existing workload.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

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: 1800 S HB

Title: Graffiti

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

### Legislation Impacts:

- Cities: Costs for community restitution programs
- Counties: Costs for community restitution programs; potential decreased need for jail and juvenile detention beds
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

## Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Number of offenders ordered to perform community restitution

### Estimated revenue impacts to:

None

### Estimated expenditure impacts to:

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

## Part III: Preparation and Approval

Fiscal Note Analyst: Alice Zillah	Phone: 360-725-5035	Date: 02/05/2024
Leg. Committee Contact: Lena Langer	Phone: 360-786-7192	Date: 01/31/2024
Agency Approval: Allan Johnson	Phone: 360-725-5033	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.*

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

The substitute bill provides that the 24 or more hours of community restitution may be ordered regardless of the location of the offense, rather than only those that occur on state property. It also removes language providing that the 24 or more hours of community restitution may be imposed in lieu of incarceration. These changes do not affect the indeterminate costs discussed below.

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

Sec. 2 adds a new section to RCW 9A.48. For offenders convicted of malicious mischief in the third degree or criminal street gang tagging and graffiti located on state property, the court may order the offender to perform at least 24 hours of community restitution in addition to other penalties or in lieu of incarceration. The court may use any community restitution program available.

Sec. 3 amends RCW 9A.04.110. "Graffiti" means defacing, damaging, or destroying public or private buildings, structures, facilities, natural features, or places by writing, painting, spraying, marking, or drawing with paint, ink, dye, or other substances.

Sec. 4 amends RCW 9A.20.030. If a person commits malicious mischief in the third degree or criminal street gang tagging and graffiti, in addition to the community restitution authorized in section 2, the court has discretion to order community or clean-up restitution, in lieu of part or all of the incarceration sentence. The court may order the person to clean up the damage, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may select either the litter cleanup programs created under RCW 72.09.260 or the waste reduction, recycling, and litter control account created under RCW 70A.200.140.

### **B. SUMMARY OF EXPENDITURE IMPACTS**

*Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.*

The legislation would have indeterminate impacts on city and county law enforcement agencies. By allowing for more referrals to community restitution programs, the bill would create costs for the law enforcement offices, jails, and courts that manage these programs. Because of the variety of ways these programs are managed, it is not possible to assess the potential costs.

According to the Caseload Forecast Council, the bill may result in a decreased need for jail beds if courts use the option to order community or clean-up restitution, in lieu of part, or all, of the incarceration sentence. Additionally, there may be a decreased need for local detention beds if courts use the option to order community or clean-up restitution, in lieu of part, or all, of the incarceration sentence.

### **C. SUMMARY OF REVENUE IMPACTS**

*Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.*

The legislation would have no revenue impacts for local government.

#### **SOURCES:**

Administrative Office of the Courts

Local Government Fiscal Note Program criminal justice cost model

Caseload Forecast Council