

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5635 2S SB	<b>Title:</b> Victims' rights
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## Estimated Cash Receipts

NONE

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

## Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
<b>Total \$</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>	<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
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.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> Cheri Keller, OFM	<b>Phone:</b> (360) 584-2207	<b>Date Published:</b> Final 2/ 6/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5635 2S SB	<b>Title:</b> Victims' rights	<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: William Bridges	Phone: 360-786-7367	Date: 01/29/2024
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	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: 02/03/2024

193,379.00

Request # 160-1

## Part II: Narrative Explanation

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

This bill relates to refining victim's rights in all cases, not just felony and domestic violence cases. This bill adds 3 provisions that shall be considered with reasonable effort related to victims, survivors of victims, and witnesses of crimes in any criminal or juvenile proceeding:

#### Section 1(15):

The victim's safety is to be considered during bail determinations.

#### Section 1(16):

The court may consider written input of the victim or the family of the victim when the court is setting the trial date so long as the input does not impair the right of state to put on effective prosecution or defense to present effective defense. If a trial cannot be set in a reasonable time frame, the court shall provide explanation for the delay.

#### Section 1(17):

The victims are to be informed of victim notification services that may be available.

#### Section 2:

The legislature intends to provide funding to Office of Crime Victims Advocacy to support crime victims and prosecutors.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No impact to the Administrative Office of the Courts or the courts.

## 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

193,379.00

Form FN (Rev 1/00)

**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

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5635 2S SB	<b>Title:</b> Victims' rights	<b>Agency:</b> 103-Department of Commerce
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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: William Bridges	Phone: 360-786-7367	Date: 01/29/2024
Agency Preparation: Bret Skipworth	Phone: 360-725-3042	Date: 02/01/2024
Agency Approval: Bret Skipworth	Phone: 360-725-3042	Date: 02/01/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	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.*

Sec. 2. The legislature intends to provide funding to the office of crime victims advocacy in an amount sufficient to support crime victim advocates and prosecutors in their work to ensure the rights granted to victims, survivors of victims, and witnesses of crimes in RCW 7.69.030 are protected.

### 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. Section 2 of the bill states an intent to provide OCVA sufficient funding to support victim advocates and prosecutors in their work, including the new work outlined in section 1.

The activities of Sec. 2 of the bill are currently supported by the victim witness grant program at the office of crime victims advocacy. This is resourced by both state and federal Victims of Crime Act funds. The amount of federal funding does fluctuate year to year, and we anticipate a reduction to impact providers in SFY 2026.

The changes in Sec. 1 do expand the required services of the victim witness programs, and the Department recognizes that the current funding levels are not enough to maintain the 1.0 FTE at each county's prosecuting attorney office.

Assuming this legislation is funded, to support these services the Department recommends the following for each state fiscal year:

Com Spec 5: 0.05 FTE

- Provides supervision and oversight to staff
- Provides supervision and oversight regarding the administrative budget and pass through allocations
- Participates in planning and implementation meetings re: victim witness services, resource needs, and infrastructure
- Develops grant templates, and additional tools for the state administrative role

Com Spec 3: 0.10 FTE

- Manages the Victim Witness grant program; this includes RFP development, obligation processes, data tracking and review, information sharing and technical assistance, monitoring pass through budget
- Manages individual victim witness grants; this includes application reviews, invoice reviews, invoice payment, data reviews, risk assessments, monitoring plans, technical assistance
- Maintains relationships with grantees and the Washington Association of Prosecuting Attorneys, represents OCVA as needed in stakeholder meetings and connections

Com Spec 1: 0.10 FTE

- Enters grants into Contract Management System, routes grants for signature
- Pulls reports, maintains records, assists in compliance and monitoring tasks
- Supports all centralized grant administration tasks

MA 3: 0.10 FTE

- Maintains and updates InfoNet, the statewide data collection system where services and activities are reported
- Provides InfoNet technical assistance, pulls customized reports
- Website supports; includes posting RFPs, as well as any additional information and resources about the program, etc.

Pass Through: \$1,250,000

For illustrative purposes:

- There are 39 victim witness programs in the state; located in each county’s prosecuting attorney’s office.
- The current Victim Witness Grant Program distributes 2.5 million per year. This is distributed with a formula that includes a baseline and a population component.
  - The intent was for this to fund a baseline of about \$60,000 for each program, supporting 1.0 FTE
  - Current funding is not adequate to maintain a full FTE in each office due to cost of living adjustments
  - The proposed bill will increase the required work of the victim witness programs.
- Using the existing \$2.5 million as an approximate level for 1.0 FTE for each program, about half of this amount (\$1.25 million) would result in an approximate 0.5 additional FTE at each program.

**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> 5635 2S SB	<b>Title:</b> Victims' rights	<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:**

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: William Bridges	Phone: 360-786-7367	Date: 01/29/2024
Agency Preparation: Buffy Hatcher	Phone: (360) 725-8428	Date: 02/05/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	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.*

An Act related to enhancing victims' rights and amends RCW 7.69.030.

5635 2S SB, the following section pertains to DOC:

Section 1(17) states information may need to be provided to courts on the Department of Corrections (DOC) Victim Witness Notification Program so they can meet the requirements to notify victims/survivors and witnesses of available notification programs and information such as offenders place of incarceration, release from confinement and of any escape.

The effective date is assumed to be 90 days after the 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. All impacts are General Fund-State.

### 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 no fiscal impact to DOC as we currently have a Victim Witness Notification Program and staff that execute these processes to accomplish the requirements in Section 1(17).

If DOC experiences a workload increase or other unanticipated costs, we will true-up costs in a future budget request.

## 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: 5635 2S SB

Title: Victims' rights

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

### Legislation Impacts:

- Cities: Could incur additional costs to hire additional municipal prosecutors and victim advocates.
- Counties: County prosecuting attorney offices could incur potentially significant increased costs due to the legislation allowing all victims and survivors to receive the victim services county prosecutor offices provide. Currently, all felonies and gross misdemeanor domestic violence cases may receive victim services from prosecuting attorney offices.
- 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: The number of victims and survivors that may be impacted by crimes in the future; the increased workload that city victim advocates and county prosecuting attorney offices could experience if all victims and survivors are allowed to receive victim services.

### Estimated revenue impacts to:

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

### Estimated expenditure impacts to:

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

## Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/31/2024
Leg. Committee Contact: William Bridges	Phone: 360-786-7367	Date: 01/29/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/31/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 01/31/2024

## **Part IV: Analysis**

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

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

Sec. 1. would amend RCW 7.69.030.

Sec. 1 (12) expands the rights of victims and survivors by removing current qualifiers. The legislation would allow all victims and survivors of victims to be informed by the prosecuting attorney of the date, time, and place of the trial and of the sentencing hearing upon request by a victim or survivor. The change removes a limitation that those rights are only for a felony case or case involving domestic violence.

Sec. 1 (14) expands victims' and survivors' rights at a sentencing hearing by removing current qualifiers. The legislation would allow all victims and survivors of victims to present a statement, personally or by representation, at the sentencing hearing. The change removes a limitation that those rights are only for a felony case or case involving domestic violence.

Sec. 1 also provides that victims and survivors of victims would be allowed to:

- (15) have the victim's safety considered in bail determinations; and
- (16) be heard when the court sets a date for trial. A court when setting a trial date may take into consideration the input of the victim or family of a victim. However, the right of a victim to be heard on the scheduling of a trial date cannot impair the right of the state to present an effective prosecution or the right of the defendant to present an effective defense. If a trial cannot be provided in a reasonable time frame, the court shall provide an explanation for the delay; and
- (17) be informed of victim notification services which may be available, and which can provide notification regarding the offender's place of incarceration, release from confinement, and of any escape.

Sec. 2 adds a new section that requires the state to provide funding to support crime victim advocates and prosecutors in their work to ensure the rights granted to victims, survivors of victims, and witnesses of crimes are protected.

### **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 could cause cities to hire additional victim advocates and prosecuting attorney offices to incur indeterminate expenditure increases due to expanding the victims and survivors that would qualify for victim services. The number of crimes that may be committed, and the impacted victims and survivors that will qualify for victim services cannot be predicted in advance, so the legislation's expenditure impact is indeterminate.

#### **PROSECUTING ATTORNEYS**

According to Washington Association of Prosecuting Attorneys (WAPA), county prosecutor offices are currently required to handle victim notifications on all felonies, and gross misdemeanor domestic violence cases. The legislation expands who qualifies for victim notification services by making them available to all victims and survivors. WAPA anticipates this would include a larger number of misdemeanor cases, and would increase the work prosecuting attorney offices would do to provide for victim services.

While the actual cost impacts are indeterminate because the future number of victims and survivors who may receive victim services cannot be predicted, WAPA shared Fiscal Year 2022 numbers for illustrative purposes. Note that county prosecutors' victim services expenditures were not available, but WAPA was able to provide two revenue sources that partially fund county prosecutors' victim services program. In Fiscal Year 2022, federal grants authorized by the Violence Against Women Act awarded Washington's county prosecuting attorney offices a total of \$2,493,433 to support prosecutors' work to provide victim services. County prosecuting attorney offices also receive over \$4 million per year from Victim Impact Assessments (or criminal legal financial obligations), and counties contribute additional funds.

Based on these revenue streams that fund prosecutors' costs to provide victim services, WAPA conservatively estimates

prosecuting attorney offices spend approximately \$6,000,000 per year to provide victim services under current law. If the number of victims and survivors receiving victim services from county prosecutor offices increases by 50% as a result of the legislation, then WAPA estimates that could cost prosecuting attorney offices at least an additional \$3,000,000 per year. If the legislation doubles the number of victims and survivors receiving prosecutors' victim services, then WAPA estimates that could cost county prosecutors at least an additional \$6,000,000 per year. However, it is not possible to predict the number of crimes that may be committed and the number of victims and survivors that may be impacted by such crimes. As such, it is not possible to calculate the exact cost impact county prosecutors may experience as a result of the legislation that increases the victims and survivors that would qualify for prosecutors' victim services.

#### VICTIM ADVOCATES

Cities could incur indeterminate expenditures if they need to hire additional victim advocates to serve the legislation's expanded victims and survivors that qualify for victim services. While exact costs cannot be calculated because the number of victims and survivors that will qualify for victim services is not known, three cities offered illustrative cost examples.

The city of Yakima anticipates it would cost them approximately \$91,000 to train and hire one full-time victim advocate.

The city of Olympia already expanded their advocates' work to include victims and survivors of non-domestic-violence-related crimes of violence. The expanded services required the city to hire one additional advocate, costing approximately \$91,000. If victim services were provided to all victims and survivors of any crimes, then the city anticipates it would require an additional 1.5 FTE, resulting in a cost impact of approximately \$136,500 (\$91,000 + \$45,500).

One city with a population fewer than 5,000 residents reported that staff in smaller jurisdictions are already overburdened with current victim services requirements. They are concerned that they will not have the resources available to serve additional victims and survivors, and that legal ramifications could result if they fail to provide services to a qualifying victim.

### 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 could indeterminately increase revenue for cities and counties because the legislation states it is the intention of the Legislature to provide funding to the Office of Crime Victims Advocacy to support prosecutors and victim advocates work to expand and protect victim and survivor services. However, the amount of funds the Legislature may provide is not known. Additionally, there is no information available to predict how much funding may be specified for victim advocates and how much may be specified for prosecutors, so the city and county revenue impact is indeterminate.

#### SOURCES:

Association of Washington Cities

City of Forks

City of Olympia

City of Yakima

Washington Association of Prosecuting Attorneys