

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1396 S HB	<b>Title:</b> First degree murder/juvenile
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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
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Office of Financial Management	.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	Fiscal note not available											
<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
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Office of Financial Management	.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	Fiscal note not available								
<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> Preliminary 2/ 6/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 1396 S HB	<b>Title:</b> First degree murder/juvenile	<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: Corey Patton	Phone: 360-786-7388	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

192,887.00

Request # 166-1

## Part II: Narrative Explanation

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

Substitute bill amends current law so that Aggravated Murder in the first degree committed when the person is at least 18 years old but younger than 21 years old must be sentenced to a maximum term of Life imprisonment and a minimum term of confinement of no less than 30 years if the court determines that certain mitigating factors of youthfulness apply.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact to the Administrative Office of 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

### 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

192,887.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1396 S HB	<b>Title:</b> First degree murder/juvenile	<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: Corey Patton	Phone: 360-786-7388	Date: 01/29/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/01/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/01/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/01/2024

## Part II: Narrative Explanation

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

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

See attached.

### II. B - Cash receipts Impact

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

None.

### II. C - Expenditures

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

See attached.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# **SHB 1396**

## **AGGRAVATED MURDER COMMITTED BY PERSONS UNDER AGE 21**

**101 – Caseload Forecast Council  
January 30, 2024**

### **SUMMARY**

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

- Section 1 Amends RCW 9.94A.510, the adult felony sentencing grid, by amending the standard sentence for Seriousness Level XVI to refer to RCW 10.95.030 for punishment for this seriousness level (Aggravated Murder is the only offense currently at this level).
- Section 2 Amends RCW 9.94A.540 by changing the minimum term of 25 years for Aggravated Murder in the First Degree to apply to individuals who committed the offense prior to their 21<sup>st</sup> birthday, rather than their 18<sup>th</sup> birthday.
- Section 3 Amends RCW 9.94A.6332, sanctions imposed by the Indeterminate Sentence Review Board (Board), to include individuals under the provisions chapter 10.95 RCW established by Section 6 of this act.
- Section 4 Amends RCW 9.94A.729 by including individuals under the provisions chapter 10.95 RCW established by Section 6 of this act, to the prohibition of earning early release time during the minimum term of confinement imposed by the court, and the remaining portion not exceeding 10 percent of the sentence.
- Section 5 Amends RCW 10.95.030 by changing the punishment for any person convicted of Aggravated Murder in the First Degree committed when the person was at least 18 years of age but less than 21. The punishment shall be maximum of life and a minimum term of not less than 25 years, if the court determines that mitigating factors accounting for diminished culpability of youth justify a downward departure. If the court determines those factors do not justify a downward departure, then the person shall be sentenced to life without the possibility of release or parole.
- Section 6 Adds a new section to chapter 10.95 RCW that states a person who was sentenced prior to May 1, 2024, under this chapter or any prior law, to a term of life for offense committed when the person was at least 18 years old but less than 21, shall be returned to court for sentencing consistent with RCW 10.95.030.
- Section 7 Adds a new section to chapter 10.95 RCW that states Sections 1 – 6 of this act apply to all sentencing hearings conducted on or after May 1, 2024, regardless of the date of the underlying offense.
- Section 8 Adds a null and void clause.
- Section 9 States the act takes effect May 1, 2024.

### **EXPENDITURES**

#### **Assumptions.**

None.



### **Impact on the Caseload Forecast Council.**

None.

### **Impact Summary**

This bill:

- Amends life sentences for Aggravated Murder in the First Degree for individuals committing the offense when at least 18 years of age and prior to their 21<sup>st</sup> birthday, allowing for a maximum sentence of life and a minimum sentence of at least 25 years.

The provisions in this bill are both prospective and retrospective in nature. The Caseload Forecast Council (CFC) is equipped to supply only prospective analyses and, as such, defers to the Department of Corrections (DOC) for the retrospective provisions of the bill. Additionally, the CFC's prospective analyses estimate bed impacts for a 20-year period. Since the prospective provisions of the bill require individuals sentenced for Aggravated Murder in the First Degree committed between the ages of 18-21 to serve an absolute minimum term of 25 years in total confinement, any bed impact resulting from the bill is beyond the CFC's 20-year analysis period.

In Fiscal Year 2023, there were six sentence for Aggravated Murder in the First Degree in which the individual was between 18 and 21 at the time of the offense. Therefore, any impact would most likely be a savings of prison beds.

### **Impact on prison and jail beds.**

This bill has no impact on jail beds.

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

This bill has no impact on local detention or JR beds.

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

Anyone released by the Board under the provisions of this bill could be supervised for life. The Board has authority to set the period of time an individual released by Board shall be supervised by the Department of Corrections. While CFC has no information about how many individuals would be released by the Board under the provisions of the bill, any releases would result in an increased need for DOC community supervision resources.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1396 S HB	<b>Title:</b> First degree murder/juvenile	<b>Agency:</b> 105-Office of Financial Management
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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: Corey Patton	Phone: 360-786-7388	Date: 01/29/2024
Agency Preparation: Keith Thunstedt	Phone: 360-810-1271	Date: 02/02/2024
Agency Approval: Jamie Langford	Phone: 360-902-0422	Date: 02/02/2024
OFM Review: Val Terre	Phone: (360) 280-3973	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.*

The changes included in the substitute version did not change OFM's fiscal impact assumptions from the previous version.

S HB 1396:

This bill makes several updates to sentencing guidelines relating to persons sentenced for aggravated first degree murder. These changes would have a de minimis workload for OFM, and therefore does not have a 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> 1396 S HB	<b>Title:</b> First degree murder/juvenile	<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: Corey Patton	Phone: 360-786-7388	Date: 01/29/2024
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 02/01/2024
Agency Approval: Sarah Emmans	Phone: 360-628-1524	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.*

This bill relates to persons sentenced for aggravated first degree murder committed prior to reaching 21 years of age.

Section 5 amends RCW 10.95.030 to change the age of a person convicted of the crime of aggravated first degree murder for an offence committed when the person is at least 18 years old but less than 21 years old (changed from less than 18) shall be sentenced to a maximum term of life imprisonment and a minimum term of total confinement of no less than 25 years if the court determines that the mitigating factors that account for the diminished culpability of youth, as described in (b) of this subsection, justify a downward departure; however, if the court determines that those mitigating factors do not justify a downward departure, the person shall instead be sentenced to life imprisonment without the possibility of release or parole.

New Section 6 adds to RCW 10.95 by specifying that a person, who was sentenced prior to July 1, 2023, under this chapter or any prior law, to a term of life without the possibility of parole for an offense committed when the person is at least 18 years old but less than 21 years old, shall be returned to the sentencing court or the sentencing court's successor for sentencing consistent with RCW 10.95.030. Release and supervision of a person who receives a minimum term of less than life will be governed by RCW10.95.030.

New section 9 provides an effective date of May 1, 2024.

### 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 fiscal impact

Per the Caseload Forecast Council (CFC), there were six sentences for aggravated murder in the first degree in which the individual was between the ages of 18 and 21 at the time of the offense. Any impact would be minimal savings in prison beds and no impact on Department of Children, Youth and Families (DCYF)/Juvenile Rehabilitation (JR) beds.

## 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:** 1396 S HB

**Title:** First degree murder/juvenile

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

### Legislation Impacts:

- Cities:
- Counties: Indeterminate expenditure impact on prosecutors, public defenders resulting from participating in required resentencing hearings
- 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 resentencing hearings that will be necessary; prosecution and public defense costs of participating in a given resentencing hearing

### 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: Kate Fernald	Phone: 564-200-3519	Date: 02/06/2024
Leg. Committee Contact: Corey Patton	Phone: 360-786-7388	Date: 01/29/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/06/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/06/2024



## **Part IV: Analysis**

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

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

The proposed legislation would change the sentencing requirements for people convicted of aggravated murder in the first degree between the ages of 18 and 21, and would require resentencing of people who have been convicted of that offense for a murder they committed when they were between the ages of 18 and 20.

Section 1 Amends RCW 9.94A.510, the adult felony sentencing grid, by amending the standard sentence for Seriousness Level XVI to refer to RCW 10.95.030 for punishment for this seriousness level (Aggravated Murder is the only offense currently at this level).

Section 2 Amends RCW 9.94A.540 by changing the minimum term of 25 years for Aggravated Murder in the First Degree to apply to individuals who committed the offense prior to their 21st birthday, rather than their 18th birthday.

Section 3 Amends RCW 9.94A.6332, sanctions imposed by the Indeterminate Sentence Review Board (Board), to include individuals under the provisions chapter 10.95 RCW established by Section 6 of this act.

Section 4 Amends RCW 9.94A.729 by including individuals under the provisions chapter 10.95 RCW established by Section 6 of this act, to the prohibition of earning early release time during the minimum term of confinement imposed by the court, and the remaining portion not exceeding 10 percent of the sentence.

Section 5 Amends RCW 10.95.030 by changing the punishment for any person convicted of Aggravated Murder in the First Degree committed when the person was at least 18 years of age but less than 21. The punishment shall be maximum of life and a minimum term of not less than 25 years, if the court determines that mitigating factors accounting for diminished culpability of youth justify a downward departure. If the court determines those factors do not justify a downward departure, then the person shall be sentenced to life without the possibility of release or parole.

Section 6 Adds a new section to chapter 10.95 RCW that states a person who was sentenced prior to May 1, 2024, under this chapter or any prior law, to a term of life for offense committed when the person was at least 18 years old but less than 21, shall be returned to court for sentencing consistent with RCW 10.95.030.

Section 7 Adds a new section to chapter 10.95 RCW that states Sections 1 – 6 of this act apply to all sentencing hearings conducted on or after May 1, 2024, regardless of the date of the underlying offense.

Section 8 Adds a null and void clause.

Section 9 States the act takes effect May 1, 2024.

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

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

The proposed legislation would have an indeterminate impact on local government expenditures.

The resentencing hearings that could result from section 6 of the bill would require the participation of prosecutors, and in some cases, public defenders. According to the Washington Association of Prosecuting Attorneys (WAPA), most of these hearings would require one or more expert witnesses and numerous lay witnesses, adding to the prosecutor time each case would require. WAPA estimates that the amount of prosecutor time a given case would require could range from three to five days, to 10-15 days, depending on the complexity of the case. Some cases could also require two prosecutors, depending on the level of experts and witnesses a case demands.

Using these time estimates as well as the average hourly salary and benefit estimate for a prosecutor from the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, it is possible to sketch out a range of cost scenarios for prosecutor time for a single hearing, detailed below.

Three-day, single prosecutor scenario:

24 hours X \$82 average hourly salary plus benefits and overhead = \$1,968

15-day, double prosecutor scenario:

120 hours X \$82 average hourly salary plus benefits and overhead X 2 prosecutors = \$19,680

According to the Washington Defender Association (WDA), defense costs in cases where public defenders are necessary to represent people being resentenced under Section 6 of the proposed legislation could range from \$5,000 to \$20,000 per case. WDA indicates that costs in a given case would vary depending on the experts that may need to be retained and whether outcomes are agreed upon by prosecutors.

Per the Washington State Caseload Forecast Council's fiscal note for this bill, there was one sentence for aggravated first degree murder in fiscal year 2022 and six sentences for aggravated first degree murder in fiscal year 2023 where the person sentenced was between 18 and 21 at the time they committed the offense.

However, the total number of people who would be required to be resentenced by the provisions of Section 6 of the proposed legislation and have not been resentenced under existing legislation or court rulings is unknown, as is the amount of attorney time a given resentencing hearing would require from prosecutors and public defenders. Accordingly, the expenditure impact these resentencing hearings could have on local governments 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:**

Local Government Fiscal Note Program Unit Cost Model, 2023  
Washington Association of Prosecuting Attorneys  
Washington Defender Association  
Washington State Caseload Forecast Council