

# Multiple Agency Fiscal Note Summary

|                                |   |
|--------------------------------|---|
| <b>Bill Number:</b> 5937 2S SB | <b>Title:</b> Crime victims & witnesses |
|--------------------------------|---|

## Estimated Cash Receipts

| Agency Name                        | 2023-25  |             |       | 2025-27  |             |       | 2027-29  |             |       |
|------------------------------------|--|-------------|-------|----------|-------------|-------|----------|-------------|-------|
|                                    | GF-State   | NGF-Outlook | Total | GF-State | NGF-Outlook | Total | GF-State | NGF-Outlook | Total |
| Department of Labor and Industries | Non-zero but indeterminate cost and/or savings. Please see discussion. |             |       |          |             |       |          |             |       |
| <b>Total \$</b>                    | 0  | 0           | 0     | 0        | 0           | 0     | 0        | 0           | 0     |

## 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         | Non-zero but indeterminate cost and/or savings. Please see discussion.   |                  |                  |                  |            |                  |                  |                  |            |                  |                  |                  |
| Caseload Forecast Council                   | .0   | 0                | 0                | 0                | .0         | 0                | 0                | 0                | .0         | 0                | 0                | 0                |
| Washington State Patrol                     | .0   | 0                | 0                | 0                | .0         | 0                | 0                | 0                | .0         | 0                | 0                | 0                |
| Department of Labor and Industries          | 1.9  | 600,000          | 600,000          | 600,000          | 3.2        | 1,092,000        | 1,092,000        | 1,092,000        | 3.2        | 1,179,000        | 1,179,000        | 1,179,000        |
| Department of Health                        | 2.2  | 972,000          | 972,000          | 972,000          | 4.3        | 1,368,000        | 1,368,000        | 1,368,000        | 4.3        | 1,368,000        | 1,368,000        | 1,368,000        |
| Department of Children, Youth, and Families | Non-zero but indeterminate cost and/or savings. Please see discussion.   |                  |                  |                  |            |                  |                  |                  |            |                  |                  |                  |
| Department of Corrections                   | .0   | 5,000            | 5,000            | 5,000            | .0         | 0                | 0                | 0                | .0         | 0                | 0                | 0                |
| Department of Corrections                   | In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note. |                  |                  |                  |            |                  |                  |                  |            |                  |                  |                  |
| <b>Total \$</b>                             | <b>4.1</b>   | <b>1,577,000</b> | <b>1,577,000</b> | <b>1,577,000</b> | <b>7.5</b> | <b>2,460,000</b> | <b>2,460,000</b> | <b>2,460,000</b> | <b>7.5</b> | <b>2,547,000</b> | <b>2,547,000</b> | <b>2,547,000</b> |

| Agency Name         | 2023-25  |          |         | 2025-27 |          |       | 2027-29 |          |       |
|---------------------|--|----------|---------|---------|----------|-------|---------|----------|-------|
|                     | FTEs   | GF-State | Total   | FTEs    | GF-State | Total | FTEs    | GF-State | Total |
| Local Gov. Courts   | Non-zero but indeterminate cost and/or savings. Please see discussion.   |          |         |         |          |       |         |          |       |
| Loc School dist-SPI |  |          |         |         |          |       |         |          |       |
| Local Gov. Other    |  |          | 158,466 |         |          |       |         |          |       |
| Local Gov. Other    | In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note. |          |         |         |          |       |         |          |       |
| Local Gov. Total    |  |          | 158,466 |         |          |       |         |          |       |

## 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        |
| Washington State Patrol                     | .0         | 0        | 0        | .0         | 0        | 0        | .0         | 0        | 0        |
| Department of Labor and Industries          | .0         | 0        | 0        | .0         | 0        | 0        | .0         | 0        | 0        |
| Department of Health                        | .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        |
| <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. Total    |  |          |       |         |          |       |         |          |       |
| Local Gov. Courts   | Non-zero but indeterminate cost and/or savings. Please see discussion. |          |       |         |          |       |         |          |       |
| Loc School dist-SPI |  |          |       |         |          |       |         |          |       |
| Local Gov. Other    | Non-zero but indeterminate cost and/or savings. Please see discussion. |          |       |         |          |       |         |          |       |

## Estimated Capital Budget Breakout

|  |                                 |   |
|--|---------------------------------|---|
| <b>Prepared by:</b> Danya Clevenger, OFM | <b>Phone:</b><br>(360) 688-6413 | <b>Date Published:</b><br>Final 2/13/2024 |
|--|---------------------------------|---|

# Judicial Impact Fiscal Note

|                                |   |  |
|--------------------------------|---|--|
| <b>Bill Number:</b> 5937 2S SB | <b>Title:</b> Crime victims & witnesses | <b>Agency:</b> 055-Administrative Office of the Courts |
|--------------------------------|---|--|

## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

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

**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: Monica Fontaine | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Preparation: Angie Wirkkala   | Phone: 360-704-5528   | Date: 02/13/2024 |
| Agency Approval: Chris Stanley       | Phone: 360-357-2406   | Date: 02/13/2024 |
| OFM Review: Gaius Horton             | Phone: (360) 819-3112 | Date: 02/13/2024 |

194,310.00

Request # 190-1

## Part II: Narrative Explanation

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

This bill relates to supporting crime victims and witnesses by promoting victim-centered, trauma-informed responses. This would take effect July 1, 2024.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

No fiscal impact to the Administrative Office of the Courts.

Section 9 may have moderate impact to Superior Court, but it is indeterminate because courts have varying ability to accommodate remote participation.

## Part III: Expenditure Detail

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

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

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

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

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

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

### 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.*

194,310.00

Form FN (Rev 1/00)

NONE

None

194,310.00

Form FN (Rev 1/00)

3

Request # 190-1

Bill # 5937 2S SB

# Individual State Agency Fiscal Note

|                                |   |  |
|--------------------------------|---|--|
| <b>Bill Number:</b> 5937 2S SB | <b>Title:</b> Crime victims & witnesses | <b>Agency:</b> 101-Caseload Forecast Council |
|--------------------------------|---|--|

## 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: Monica Fontaine  | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Preparation: Clela Steelhammer | Phone: 360-664-9381   | Date: 02/09/2024 |
| Agency Approval: Clela Steelhammer    | Phone: 360-664-9381   | Date: 02/09/2024 |
| OFM Review: Danya Clevenger           | Phone: (360) 688-6413 | Date: 02/09/2024 |

## 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.*



**2SSB 5937**  
**SUPPORTING CRIME VICTIMS AND WITNESSES BY**  
**PROMOTING VICTIM-CENTERED, TRAUMA-**  
**INFORMED RESPONSES IN THE LEGAL SYSTEM**  
**101 – Caseload Forecast Council**  
**February 6, 2024**

**SUMMARY**

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

- Section 1 Amends RCW 7.68.020 by amending the definition of “Criminal Act.”
- Section 2 Amends RCW 7.68.060 by amending restrictions on eligibility for benefits under the chapter.
- Section 3 Amends RCW 7.68.066 to clarify travel expenses are to be considered round-trip.
- Section 4 Amends RCW 7.68.080 to clarify transportation costs are to and from a reasonable location of the victim’s choice.
- Section 5 Amends RCW 7.68.094 to clarify travel expenses are to be considered reasonable round-trip.
- Section 6 Amends RCW 7.68.170 by including costs incurred by a hospital or other emergency medical facility in Washington for the examination of a victim of sexual assault cannot be billed or charged to the victim for an assault that occurred in or outside of Washington.
- Section 7 Amends RCW 7.68.803 by including costs incurred by a hospital or other emergency medical facility in Washington for the examination of a victim of domestic violence assault cannot be billed or charged to the victim for an assault that occurred in or outside of Washington.
- Section 8 A new section is added to chapter 7.68 RCW to define “other state” and “another state”. Requires the Director to attempt to enter into agreements with other states for reimbursement if a nonresident of Washington is a victim of a sexual or domestic violence assault involving nonfatal strangulation that occurred in another state and receives and examination in Washington.
- Section 9 Amends RCW 7.69.010 by adding language stating the intent of the legislature ensures that all victims and witnesses are afforded access to justice to participate in criminal justice proceedings.
- Section 10 Amends RCW 7.69.030 by expanding rights of victims, survivors of victims, and witnesses to certain civil commitment proceedings under chapter 10.77 RCW and includes the filing of charges to the information required to be provided.
- Section 11 Amends RCW 9A.04.080 by eliminating the statute of limitations for Rape in First, Second, or Third Degree, when the perpetrator is a first responder using his or her position to facilitate the commission of the offense.
- Section 12 Amends RCW 9A.44.020 by requiring a pretrial motion be made in advance of the trial date when the defense has an offer of proof of the relevancy of evidence of past sexual behavior of the of victim. Adds language stating the victim, the victim’s attorney, a lawful representative of the victim, or the prosecutor upon request of the victim, may assert and seek enforcement of this section’s procedures.

Section 13 Amends RCW 9A.44.040 by expanding the definition of Rape in the First Degree in the following ways:

- Amends RCW 9.94A.040(1)(a)(iv) to include where the sexual intercourse occurs.
- Adds sub-subsection (b) for when the perpetrator or accessory knowingly furnishes the victim with any food, drink, medicine, or other edible substance, or vapor product containing a substance to the victim, which renders the victim incapable of consent due to physically helplessness or mentally incapacitation.

Section 16 Amends RCW 13.40.210 by adding violation of any orders issued by the juvenile court pursuant to RCW 7.105 RCW (Civil Protection Orders) to the requirements juveniles must refrain from during the period of parole.

Section 17 Adds a new section to chapter 43.70 by establishing a statewide forensic nurse coordinator in the Department of Health, subject to appropriations.

Section 19 States if any provision of the act is invalid, the remainder of the act is not affected.

Section 20 States the act takes effect July 1, 2024.

## **EXPENDITURES**

### **Assumptions.**

None.

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

None.

### **Impact Summary**

This bill:

- Expands the definition for the Class A serious violent offense of Rape in the First Degree (Section 13); and
- Eliminates the statute of limitations for several sex offenses (Section 11).

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

The Caseload Forecast Council (CFC) has no data concerning the length of time between the commission or discovery of offenses and the commencing of prosecution, and, therefore, cannot reliably predict jail and prison bed impacts resulting from removing the statute of limitations for sex offenses. However, with the bill eliminating the statute of limitations for multiple sex offenses, there is the possibility that more sex offenses may be prosecuted, resulting in more convictions, which would increase the need for prison beds, jail beds, local and Juvenile Rehabilitation jail beds, and increased Supervision caseloads.

In addition, CFC has no information concerning how many more incidents of Rape in the First Degree may occur because of the expanded definition. As such, the CFC cannot reliably predict bed impacts resulting from the bill. However, as a Class A felony sex offense ranked at Seriousness Level XII on the Adult Felony Sentencing Grid, the punishment for this offense ranges from a standard range term of confinement of between 93-123 months in prison to 240-

318 months in prison, depending on the individual's prior history; and has a mandatory minimum term of five years (the mandatory term does not apply in sentencing of juveniles tried as adults). Sentencing for most Rape in the First Degree fall under RCW 9.94A.507 (determinate-plus sentencing for sex offenders). The CFC has no information regarding the actual release of individuals by the Indeterminate Sentence Review Board (Board) sentenced for this offense after they have served their minimum terms. However, increased sentences for this offense would impact the need for prison beds. Also, any additional sentences of the offense under the expanded definition in the bill would also result in an increased need for local beds because of confinement time spent in local jails prior to sentencing.

### **DOC Supervision population.**

In addition, individuals convicted of felony sex offenses are supervised by the Department of Corrections for 36 months upon release from confinement or up to the statutory maximum for the offense if sentenced under RCW 9.94A.507, regardless of risk to reoffend classification, therefore any increased sentences for these offenses would likely increase the community corrections population.

### **Impacts on local and Juvenile Rehabilitation jail beds.**

The expanded definition of the Class A sex offense of Rape in the First Degree, ranked at Category A on the Juvenile Sentencing Grid, may result in increased incidences of the offense.

The offense would be punishable by a standard range term of 103-129 weeks in Juvenile Rehabilitation (depending on the number of prior adjudications) for juveniles adjudicated for the offense. Therefore, incidences of this offense would likely only impact Juvenile Rehabilitation beds.

In addition, there may also be an increased need for Juvenile Rehabilitation (JR) beds. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve to their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result, any increased sentences under the provisions of the bill committed by someone under the age of 18 and sentenced as an adult, may increase the need for JR beds. However, of the 11 sentences imposed in Fiscal Year 2023 for Rape in the First Degree, none were for a juvenile adjudicated as an adult.

# Individual State Agency Fiscal Note

|                                |   |  |
|--------------------------------|---|--|
| <b>Bill Number:</b> 5937 2S SB | <b>Title:</b> Crime victims & witnesses | <b>Agency:</b> 225-Washington State Patrol |
|--------------------------------|---|--|

## 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: Monica Fontaine | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Preparation: Yvonne Ellison   | Phone: 360-596-4042   | Date: 02/07/2024 |
| Agency Approval: Mario Buono         | Phone: (360) 596-4046 | Date: 02/07/2024 |
| OFM Review: Tiffany West             | Phone: (360) 890-2653 | Date: 02/07/2024 |

## Part II: Narrative Explanation

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

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

There is no fiscal impact to the Washington State Patrol (WSP) from the proposed legislation as it does not add to, remove, or otherwise change any duty or responsibility of the WSP.

New Section 17 of the previous versions of the proposed legislation required the prosecuting attorney of each county to establish a multidisciplinary team to address adult sexual assault or coordinate with other local jurisdictions to ensure resources are available to adult victims of sexual assault and identified the required members.

New Section 17(3)(f) of the previous versions allowed the prosecuting attorney to include any other person who would advance the purpose of the multidisciplinary team in the membership. The Second Substitute version removes the language of the Section 17 present in the previous versions in its entirety, removing potential fiscal impact to the WSP.

### 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.*

NONE

## 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> 5937 2S SB | <b>Title:</b> Crime victims & witnesses | <b>Agency:</b> 235-Department of Labor and Industries |
|--------------------------------|---|---|

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

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

### Estimated Operating Expenditures from:

|                          | FY 2024 | FY 2025 | 2023-25 | 2025-27   | 2027-29   |
|--------------------------|---------|---------|---------|-----------|-----------|
| FTE Staff Years          | 0.5     | 3.2     | 1.9     | 3.2       | 3.2       |
| <b>Account</b>           |         |         |         |           |           |
| General Fund-State 001-1 | 79,000  | 521,000 | 600,000 | 1,092,000 | 1,179,000 |
| <b>Total \$</b>          | 79,000  | 521,000 | 600,000 | 1,092,000 | 1,179,000 |

### 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: Monica Fontaine  | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Preparation: Crystal Van Boven | Phone: 360-902-6982   | Date: 02/09/2024 |
| Agency Approval: Trent Howard         | Phone: 360-902-6698   | Date: 02/09/2024 |
| OFM Review: Anna Minor                | Phone: (360) 790-2951 | Date: 02/12/2024 |

## 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.

See attached.

### 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

| Account         | Account Title | Type  | FY 2024 | FY 2025 | 2023-25 | 2025-27   | 2027-29   |
|-----------------|---------------|-------|---------|---------|---------|-----------|-----------|
| 001-1           | General Fund  | State | 79,000  | 521,000 | 600,000 | 1,092,000 | 1,179,000 |
| <b>Total \$</b> |               |       | 79,000  | 521,000 | 600,000 | 1,092,000 | 1,179,000 |

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

|                                      | FY 2024 | FY 2025 | 2023-25 | 2025-27   | 2027-29   |
|--------------------------------------|---------|---------|---------|-----------|-----------|
| FTE Staff Years                      | 0.5     | 3.2     | 1.9     | 3.2       | 3.2       |
| A-Salaries and Wages                 | 29,000  | 169,000 | 198,000 | 338,000   | 338,000   |
| B-Employee Benefits                  | 13,000  | 77,000  | 90,000  | 154,000   | 154,000   |
| C-Professional Service Contracts     |         |         |         |           |           |
| E-Goods and Other Services           | 7,000   | 32,000  | 39,000  | 64,000    | 64,000    |
| G-Travel                             |         | 1,000   | 1,000   | 2,000     | 2,000     |
| J-Capital Outlays                    | 30,000  |         | 30,000  |           |           |
| M-Inter Agency/Fund Transfers        |         |         |         |           |           |
| N-Grants, Benefits & Client Services |         | 242,000 | 242,000 | 534,000   | 621,000   |
| P-Debt Service                       |         |         |         |           |           |
| S-Interagency Reimbursements         |         |         |         |           |           |
| T-Intra-Agency Reimbursements        |         |         |         |           |           |
| 9-                                   |         |         |         |           |           |
| <b>Total \$</b>                      | 79,000  | 521,000 | 600,000 | 1,092,000 | 1,179,000 |

### III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

| Job Classification              | Salary | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|---------------------------------|--------|---------|---------|---------|---------|---------|
| Fiscal Analyst 5                | 60,633 |         | 0.2     | 0.1     | 0.2     | 0.2     |
| Medical Treatment Adjudicator 2 | 55,224 | 0.2     | 1.0     | 0.6     | 1.0     | 1.0     |
| Office Assistant 3              | 56,676 | 0.2     | 1.0     | 0.6     | 1.0     | 1.0     |
| Program Specialist 2            | 45,552 | 0.2     | 1.0     | 0.6     | 1.0     | 1.0     |
| <b>Total FTEs</b>               |        | 0.5     | 3.2     | 1.9     | 3.2     | 3.2     |



**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.*

See attached

## Part II: Explanation

The bill changes eligibility criteria for Crime Victims Comp Program (CVCP).

- Adds exception language to the cooperation with law enforcement (LE) eligibility for allowing a claim.
- Requires CVCP to cover travel in circumstances it does not currently.
- Requires L&I CVCP to pay for sexual assault exams and domestic violence near fatal strangulation exams of a nonresident of the state of Washington.
- Requires L&I CVCP to enter into agreements with other states and local jurisdictions to reimburse for the costs of forensic exams for non-residents whose assaults occur out of state.

2SSB 5937 is different from SSB 5937 in that it:

- Section 2 does not remove the criteria for victims to report to LE but makes exceptions to the criteria for victims who may have safety, language barrier, age or other factors may impact a victim's ability to cooperate.

### II. A – Brief Description of What the Measure Does that Has Fiscal Impact

Section 1 amended 7.68.020 by adding to the definition of criminal act that includes the already established definition by adding "unless otherwise provided in this chapter".

Section 2 amends RCW 7.68.060 by adding exception language to the cooperation with law enforcement (LE) as a piece of eligibility criteria for allowing a CVC claim. This exception is for those victims whose age, physical condition, psychological state, cultural or linguistic barriers or other health or safety concerns.

Section 4 amends RCW 7.68.080 and require CVC to cover travel from the place of injury to the place of treatment, if injury to the victim is serious enough to require it.

Section 6 amends RCW 7.68.170 and requires CVC to pay for sexual assault (SA) examinations for all exams conducted in WA regardless of where the assault took place.

Section 7 amends RCW 7.68.803 and requires CVC to pay for the examination for victims of domestic violence assault involving near fatal strangulation regardless of where the assault took place.

Section 8 requires CVC to attempt to enter agreements with other states for reimbursement of payment for exams if the victims are non-WA residents and the assault occurred in another state to the crime victims' compensation fund.

## **II. B – Cash Receipt Impact**

This bill will have an impact to federal revenue received in the General Fund. However, due to the following, L&I cannot estimate the amount at this time:

- The federal funding formula provides funding at 75 percent for state spending from the fiscal year three years prior.
  - This can also be adjusted if federal funding is reduced at the federal level.
- As federal funding increases, federal expenditures also increase which in turn reduces the amount of state spending, which reduces the amount of federal funding.
- The formula is based on a Federal Fiscal Year.
- The federal formula also requires recovery costs, actual salary and benefit costs, for staff who work in collections.

Section 8 will have an impact to the Crime Victims Compensation Account. This section directs the department to enter into agreements with any other state for reimbursement to the crime victims' compensation fund if a non-resident of the state of Washington who is a victim of a sexual assault or domestic violence involving nonfatal strangulation that occurred in another state receives an examination. Currently only 29 states cover SA exams through the state CVC program. Each of those 29 states cover the exam in a variety of ways and have different requirements for what timeframes will be covered. In Oregon, for example, exams are not covered if more than 120 hours have passed since the assault. The other states cover exams at local levels, law enforcement, prosecutors, special offices set up by the state, but not CVC, etc.

Due to these difference from state-to-state, the department cannot estimate if or how these agreements would be put in place and when these reimbursements would be made making this section indeterminate at this time.

## **II. C – Expenditures**

### **Appropriated – Operating Costs**

This bill increases expenditures to the General Fund, fund 001. The following assumptions were used to estimate the resources requested to implement this bill.

#### **Staffing**

1 FTE, Program Specialist 2, permanent, starting 5/1/2024. Duties include: Coordination of benefits between WA CVC and other states or local jurisdiction in other states and keep current on the requirements and contact information on all state or local jurisdictions who cover the payment of SA exams for their state. This will require constant monitoring and working with staff in other states to coordinate the agreements.

1 FTE, Medical Treatment Adjudicator 2, permanent, starting 5/1/2024. Duties include processing payments for bills.

- It is estimated that this bill will produce an additional 1200 new bills per year.

1 FTE, Office Assistant 3, permanent, starting 5/1/2024. Duties include data entry of medical bills.

#### **Crime Victims Compensation Benefits**

Section 2 amends RCW 7.68.060 by adding exception language to the cooperation with law enforcement (LE) as a piece of eligibility criteria for allowing a CVC claim. This exception is for those victims whose age, physical condition, psychological state, cultural or linguistic barriers or other health or safety concerns. As noted in SB 5937, L&I assumes the number of claims denied for no cooperation with LE, 110 claims for FY 22 and 23, are consistent with the exceptions noted, victims whose age, physical condition, psychological state, cultural or linguistic barriers or other health or safety concerns, and are using those assumptions to determine the cost of this section.

In FY 22 and 23 a combined 110 claims were denied for no cooperation with LE. The average cost per claim in those years was \$2,658. We expect medical cost to increase approximately 5% and the claims to increase a modest 2%, making the average numbers of claims now allowed 58 per FY. The average cost per claim \$3,085 for a total cost per FY \$178,907. This is an expected cost of \$902,662 over the next five fiscal years.

| <b>FY</b>                 | <b>Claims increased<br/>2% each year from<br/>55</b> | <b>Avg Cost increased 5%<br/>each year from 2658</b> | <b>Average amount paid</b> |
|---------------------------|--|--|----------------------------|
| <b>2025</b>               | <b>56</b>  | <b>\$ 2,791.00</b>                                   | <b>\$ 156,296</b>          |
| <b>2026</b>               | <b>57</b>  | <b>\$ 2,931.00</b>                                   | <b>\$ 167,067</b>          |
| <b>2027</b>               | <b>58</b>  | <b>\$ 3,077.00</b>                                   | <b>\$ 178,466</b>          |
| <b>2028</b>               | <b>60</b>  | <b>\$ 3,231.00</b>                                   | <b>\$ 193,860</b>          |
| <b>2029</b>               | <b>61</b>  | <b>\$ 3,393.00</b>                                   | <b>\$ 206,973</b>          |
| <b>Total</b>              | <b>292</b>   | <b>\$ 15,423.00</b>                                  | <b>\$ 902,662</b>          |
| <b>Average of 5 years</b> | <b>58</b>  | <b>\$ 3,084.60</b>                                   | <b>\$ 178,907</b>          |

Section 4 amends RCW 7.68.080 and requires CVC to cover travel from the place of injury to the place of treatment, if injury to the victim is serious enough to require it. In FY 22 and 23 approximately \$261,000 was spent on emergency transportation on about 266 claims (section 5). That would have been a one-way trip, which is current practice. Current practice would generally be by ambulance as the injury is of a serious nature. A return trip would be covered by commercial transport or client reimbursement.

In FY 22 and 23 approximately \$2,500 was paid in commercial transport or client reimbursement on 15 claims. Starting with the FY 23 number of claims for emergency transportation, 122, and with a slight increase of 2% in the number of claims needing these services and a modest 5% increase in the cost of medical services we anticipate an average of 129 claims per FY year at an average cost of approximately \$301 for a FY total of \$38,924 or a cost of \$195,000 over the next 5 fiscal years.

| FY                        | Claims increased 2% each year from 122 | Avg Cost increased 5% each year from 259 | Average amount paid |
|---------------------------|--|--|---------------------|
| 2025                      | 124                                    | \$ 272.00                                | \$ 33,728           |
| 2026                      | 127                                    | \$ 286.00                                | \$ 36,322           |
| 2027                      | 129                                    | \$ 300.00                                | \$ 38,700           |
| 2028                      | 132                                    | \$ 315.00                                | \$ 41,580           |
| 2029                      | 135                                    | \$ 331.00                                | \$ 44,685           |
| <b>Total</b>              | <b>647</b>                             | <b>\$ 1,504.00</b>                       | <b>\$ 195,015</b>   |
| <b>Average of 5 years</b> | <b>129</b>                             | <b>\$ 300.80</b>                         | <b>\$ 38,924</b>    |

Section 6 amends RCW 7.68.170 and requires CVC to pay for sexual assault (SA) examinations for all exams conducted in WA regardless of where the assault took place. In FY 22 and 23 combined there were seven sexual assault exams with the crimes occurring out of state. The assumption is that this is low number, as many stakeholders are aware this is not a current benefit and therefore not billing. In FY 23 the average cost per exam was \$1,450. Assuming 20 claims per FY for out of state exams and a 5% increase in medical cost, we anticipate an average cost of \$1,683 per exam and approximately 21 exams, totaling \$35,675, or \$ 178,784 over the next five FY.

| FY                       | Claims increased 2% each year from 20 | Avg Cost increased 5% each year from 1450 | Average amount paid |
|--------------------------|---------------------------------------|---|---------------------|
| 2025                     | 21                                    | \$ 1,599.00                               | \$ 33,579           |
| 2026                     | 21                                    | \$ 1,679.00                               | \$ 35,259           |
| 2027                     | 22                                    | \$ 1,762.00                               | \$ 38,764           |
| 2028                     | 22                                    | \$ 1,851.00                               | \$ 40,722           |
| 2029                     | 23                                    | \$ 1,943.00                               | \$ 44,689           |
| <b>Total</b>             | <b>106</b>                            | <b>\$ 8,414.00</b>                        | <b>\$ 178,784</b>   |
| <b>Average of 5 year</b> | <b>21</b>                             | <b>\$ 1,682.80</b>                        | <b>\$ 35,675</b>    |

Section 7 amends RCW 7.68.803 and requires CVC to pay for the examination for victims of domestic violence assault involving near fatal strangulation. In FY 22 and 23 combined there were no DV strangulation exams with the crimes occurring out of state. We are making the assumption that no exams were billed to the department, as many stakeholders are aware this is not a current benefit and therefore not billing. In FY 23 the average cost per exam was \$1,704. Assuming 10 claims per FY for out-of-state exams and a 5% increase in medical cost, we

anticipate 11 claims averaging a cost of \$1,977, or \$20,960 per FY, or \$105,089 over the next five FY.

| FY                        | Claims increased 2%<br>each year from 20 | Avg Cost increased 5%<br>each year from 1704 | Average amount paid |
|---------------------------|--|--|---------------------|
| 2025                      | 10                                       | \$ 1,789.00                                  | \$ 17,890           |
| 2026                      | 10                                       | \$ 1,879.00                                  | \$ 18,790           |
| 2027                      | 11                                       | \$ 1,973.00                                  | \$ 21,703           |
| 2028                      | 11                                       | \$ 2,071.00                                  | \$ 22,781           |
| 2029                      | 11                                       | \$ 2,175.00                                  | \$ 23,925           |
| <b>Total</b>              | <b>53</b>                                | <b>\$ 9,887.00</b>                           | <b>\$ 105,089</b>   |
| <b>Average of 5 years</b> | <b>11</b>                                | <b>\$ 1,977.40</b>                           | <b>\$ 20,960</b>    |

**Indirect Costs**

The amount included in this fiscal note for indirect is:

| Fund Name        | FY 2024        | FY 2025         | FY 2026         | FY 2027         | FY 2028         | FY 2029         |
|------------------|----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 001 General Fund | 3,000          | 19,000          | 19,000          | 19,000          | 19,000          | 19,000          |
| <b>Total:</b>    | <b>\$3,000</b> | <b>\$19,000</b> | <b>\$19,000</b> | <b>\$19,000</b> | <b>\$19,000</b> | <b>\$19,000</b> |

The department assesses an indirect rate to cover agency-wide administrative costs. Labor and Industries’ indirect rate is applied on salaries, benefits, and standard costs. For fiscal note purposes, the total indirect amount is converted into salary and benefits for partial or full indirect FTEs. Salary and benefits costs are based on a Fiscal Analyst 5 (Range 59, Step G).

**Part IV: Capital Budget Impact**

None.

**Part V: New Rule Making Required**

This legislation would result in rule changes to:

- RCW 7.68
- WAC 296.30

# Individual State Agency Fiscal Note

|                                |   |   |
|--------------------------------|---|---|
| <b>Bill Number:</b> 5937 2S SB | <b>Title:</b> Crime victims & witnesses | <b>Agency:</b> 303-Department of Health |
|--------------------------------|---|---|

## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

|                               | FY 2024 | FY 2025 | 2023-25 | 2025-27   | 2027-29   |
|-------------------------------|---------|---------|---------|-----------|-----------|
| FTE Staff Years               | 0.0     | 4.4     | 2.2     | 4.3       | 4.3       |
| <b>Account</b>                |         |         |         |           |           |
| General Fund-State      001-1 | 0       | 972,000 | 972,000 | 1,368,000 | 1,368,000 |
| <b>Total \$</b>               | 0       | 972,000 | 972,000 | 1,368,000 | 1,368,000 |

### 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: Monica Fontaine | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Preparation: Damian Howard    | Phone: 3602363000     | Date: 02/07/2024 |
| Agency Approval: Kristin Bettridge   | Phone: 3607911657     | Date: 02/07/2024 |
| OFM Review: Breann Boggs             | Phone: (360) 485-5716 | Date: 02/09/2024 |



## 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 in the second substitute bill were made to sections that do not impact the Department of Health (DOH), so there was no change in fiscal impact to DOH. Section 17 has been deleted, so what was section 18 is now section 17. The content of that section that applies to DOH has not been changed.

Section 17 creates a new statewide forensic nurse coordination program at DOH and directs the new position to provide technical assistance to adult, adolescent, and pediatric sexual assault nurse examiner (SANE) and forensic nurse examiner programs across the state (SANE programs).

Section 17 details the responsibilities of the new statewide forensic nurse coordinator to:

- 2 (a) provide technical assistance to SANE programs across the state.
- 2 (b) Identify and alleviate barriers faced by hospitals creating, operating and maintaining the SANE programs
- 2 (c) Conduct statewide needs assessments of the SANE programs
- 2 (d) Provide and maintain centralized resources for the SANE programs
- 2 (e) Oversee the supply, distribution and content of WA standardized sexual assault kits
- 2 (f) Develop and update standards of care for forensic exams and documentation
- 2 (g) Assess and maintain standards for forensic nurse training
  - 2 (g)(i) provide technical assistance to promote consistent trainings across the state
  - 2 (g)(ii) Provide information on trauma-informed and cultural competency standards
  - 2(g)(iii) Facilitate surveys and other mechanisms to provide forensic exam patients the ability to give feedback on the patient's experiences that can be used to improve standards
- 2 (h) Coordinate statewide forensic nurse trainings
- 2 (i) Develop standardized forensic nurse training videos for hospitals, and perform on-site training at hospitals
- 2 (j) Develop plans to ensure statewide coverage and availability of SANE program examiners
- 2 (k) Maintain and collect data on availability of SANE program examiners
- 2 (l) Coordinate with victim advocacy services
- 2 (m) Provide organizational and capacity building support to SANE programs
- 2 (n) Integrate resources for victims of sexual assault into existing local or state referral hotlines

### II. B - Cash receipts Impact

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

### II. C - Expenditures

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

Section 17 of the bill creates a new statewide forensic nurse coordinator at DOH, however the new work requirements described in section 17 (2) (a-m) require more than one FTE. In order to complete the work as outlined, DOH requires the following positions:

#### 2.0 FTE Public Health Nurse Consultants

These positions will provide subject matter expertise for implementing the requirements in Sections 17 (2) (a, b, c, f, g, i, j, l, & m.) of this bill, uniformly across the state.

- Provide technical assistance to SANEs serving all ages of victims (Section 17(2)(a).
- Identify and alleviate barriers faced by hospitals creating, operating and maintaining the SANE programs (Section 17(2)

(b))

- Lead and manage one-time contract to create and conduct statewide needs assessment of all SANEs and SANE programs including information gathering, analysis and synthesis of results (Section 17(2)(c)).
- Develop and update standards of care for forensic exams and documentation (Section 17(2)(f)).
- Assess and maintain standards of program training to include trauma informed and cultural competency standards and improvement feedback surveys, consistently across the state (section 17 (2)(g)(I-iii)).
- Develop standardized forensic nurse training videos for hospitals and perform on-site training at hospitals (Section 17(2)(i)).
- Provide statewide coverage plans and track availability of SANE services for adults, adolescents, and children in designated geographic areas (Section 17(2)(j)).
- Lead coordination with victim advocacy services (Section 17(2)(l)).
- Provide organizational and capacity building support to SANE programs (Section 17(2)(m)).

#### 1.0 Health Services Consultant 4, Program Supervisor

This position will manage and coordinate the requirements for this bill as listed in Sections 17 (2)(b, d, e, h, j, l, & n).

- Lead contract management with hospitals for barrier of entry assessments to SANE programs (Section 17(2)(b)).
- Create and maintain comprehensive centralized resources for adult, adolescent and pediatric SANEs, and work with IT Application Development Journeyman position (Section 17(2)(d)).
- Oversee supply, distribution, and content of standardized sexual assault kits (SAK) for Washington through a statewide contract with a SAK distributor (Section 17(2)(e)).
- Coordinate access to statewide forensic nurse trainings (Section 17(2)(h)).
- Provide statewide coverage plans and track availability of SANE services for adults, adolescents, and children in designated geographic areas (Section 17(2)(j)).
- Support coordination with victim advocacy services (Section 17(2)(l)).
- Integrate resources for victims of sexual assault into existing local or state referral hotlines (Section 17(2)(n)).

#### 0.10 I.T. Application Development – Journeyman

This position is necessary to maintain centralized resources as directed in Section 17 (2)(d).

#### CONTRACTS

One time contract costs in FY25: \$269,000

\$75,000 to identify barriers faced by hospitals to creating and operating SANE program.

\$80,000 to conduct statewide needs assessment of adult, adolescent and pediatric SANE programs.

\$100,000 to create a standardized forensic nurse training video.

\$14,000 to develop and conduct surveys and other mechanisms to gather and analyze SANE patient feedback and identify strategies to incorporate feedback into enhanced SANE practices.

On going contracts beginning in FY25: \$75,000

\$75,000 – Washington standardized sexual assault kits.

Cost estimate is based on current information from Washington State Patrol

- \$37.50 per kit x 2,000 kits = \$75,000 \*Based on 2021 report: 2,088 completed kits collected. Includes shipping and handling to ensure a consistent supply.

Travel costs: \$5,000 in FY25 and ongoing

Estimated amount for subscriptions to access specialized medical journals, training videos, professional medical resources, etc. for SANEs statewide - FY25 and ongoing: \$6,000

Total Costs to Implement this Bill:

SFY25: 4.4 FTE and 972,000 (GF-S)

SFY26 and ongoing: 4.3 FTE and 684,000 (GF-S)

Total FY costs and FTE can include staff and associated expenses, including goods and services, travel, intra-agency, and indirect/overhead personnel/costs.

### 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       | 972,000 | 972,000 | 1,368,000 | 1,368,000 |
| <b>Total \$</b> |               |       | 0       | 972,000 | 972,000 | 1,368,000 | 1,368,000 |

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

|                                  | FY 2024 | FY 2025 | 2023-25 | 2025-27   | 2027-29   |
|----------------------------------|---------|---------|---------|-----------|-----------|
| FTE Staff Years                  |         | 4.4     | 2.2     | 4.3       | 4.3       |
| A-Salaries and Wages             |         | 397,000 | 397,000 | 782,000   | 782,000   |
| B-Employee Benefits              |         | 141,000 | 141,000 | 278,000   | 278,000   |
| C-Professional Service Contracts |         | 344,000 | 344,000 | 150,000   | 150,000   |
| E-Goods and Other Services       |         | 37,000  | 37,000  | 82,000    | 82,000    |
| G-Travel                         |         | 5,000   | 5,000   | 10,000    | 10,000    |
| J-Capital Outlays                |         | 19,000  | 19,000  | 8,000     | 8,000     |
| T-Intra-Agency Reimbursements    |         | 29,000  | 29,000  | 58,000    | 58,000    |
| <b>Total \$</b>                  | 0       | 972,000 | 972,000 | 1,368,000 | 1,368,000 |

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

| Job Classification                 | Salary  | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|------------------------------------|---------|---------|---------|---------|---------|---------|
| Fiscal Analyst 2                   | 53,000  |         | 0.9     | 0.5     | 0.8     | 0.8     |
| HEALTH SERVICES CONSULTANT 4       | 86,208  |         | 1.0     | 0.5     | 1.0     | 1.0     |
| Health Svcs Conslt 1               | 53,000  |         | 0.4     | 0.2     | 0.4     | 0.4     |
| IT APPLICATION DEVELOPMENT JOURNEY | 104,028 |         | 0.1     | 0.1     | 0.1     | 0.1     |
| NURSING CONSULTANT, PUBLIC HEALTH  | 111,156 |         | 2.0     | 1.0     | 2.0     | 2.0     |
| <b>Total FTEs</b>                  |         |         | 4.4     | 2.2     | 4.3     | 4.3     |

#### 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> 5937 2S SB | <b>Title:</b> Crime victims & witnesses | <b>Agency:</b> 307-Department of Children, Youth, and Families |
|--------------------------------|---|--|

## 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: Monica Fontaine | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Preparation: Jay Treat        | Phone: 360-556-6313   | Date: 02/07/2024 |
| Agency Approval: Crystal Lester      | Phone: 360-628-3960   | Date: 02/07/2024 |
| OFM Review: Danya Clevenger          | Phone: (360) 688-6413 | Date: 02/08/2024 |

## 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.*

Comparison of 5937 SSB to 5937 2SSB

Section 13 Expands the definition of Rape in the first degree to clarify that a person is guilty of rape in the first degree when the person engages in sexual intercourse with another person when the perpetrator or an accessory knowingly furnishes a victim with any edible substance or vapor product which contains a substance, or which has a substance added to it, which renders the victim incapable of consent due to physical helplessness or mental incapacitation.

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5937 SSB

Section 11 amends RCW 9A.04.080 to eliminate the statute of limitations for Rape in the First, Second, or Third Degree when the perpetrator is a first responder and used his or her position to facilitate the commission of the offense.

Section 13 Expands the definition of Rape in the first degree to Clarify that a person is guilty of rape in the first degree when the person engages in sexual intercourse with another person when the perpetrator or an accessory knowingly furnishes a victim with any edible substance or vapor product which contains a substance, or which has a substance added to it, which renders the victim incapable of consent due to physical helplessness or mental incapacitation.

### II. B - Cash receipts Impact

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

None

### II. C - Expenditures

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

Fiscal impact is indeterminate.

With the elimination of the the statute of limitations for multiple sex offenses and expanded definition of Rape in the first degree, the bill may potentially result in an increase in Average Daily Population (ADP) and indeterminate costs to the Department of Children, Youth and Families (DCYF). DCYF does not have data regarding how many individuals will be impacted, therefore, the caseload forecast and per capita adjustments are unknown at this time.

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

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

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

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

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

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

NONE

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# Individual State Agency Fiscal Note

|                                |   |  |
|--------------------------------|---|--|
| <b>Bill Number:</b> 5937 2S SB | <b>Title:</b> Crime victims & witnesses | <b>Agency:</b> 310-Department of Corrections |
|--------------------------------|---|--|

## Part I: Estimates

**No Fiscal Impact**

### Estimated Cash Receipts to:

NONE

### Estimated Operating Expenditures from:

|                          | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------|---------|---------|---------|---------|---------|
| <b>Account</b>           |         |         |         |         |         |
| General Fund-State 001-1 | 0       | 5,000   | 5,000   | 0       | 0       |
| <b>Total \$</b>          | 0       | 5,000   | 5,000   | 0       | 0       |

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

### Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

|                                      |                       |                  |
|--------------------------------------|-----------------------|------------------|
| Legislative Contact: Monica Fontaine | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Preparation: John Ching       | Phone: (360) 725-8428 | Date: 02/13/2024 |
| Agency Approval: Michael Steenhout   | Phone: (360) 789-0480 | Date: 02/13/2024 |
| OFM Review: Danya Clevenger          | Phone: (360) 688-6413 | Date: 02/13/2024 |



## 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.*

New bill language with impacts:

Section 11 amends RCW 9A.04.080 by eliminating the statute of limitations for Rape in the First, Second, or Third Degree when the perpetrator is a first responder using his or her position to facilitate the commission of the offense.

Section 13 amends RCW 9A.44.040 by expanding the definition of Rape in the First Degree in the following ways:

- o Amends RCW 9.94A.040(1)(a)(iv) to include where the sexual intercourse occurs.
- o Adds sub-subsection (b) for when the perpetrator or accessory knowingly furnishes the victim with any food, drink, medicine, or other edible substance or vapor product containing a substance to the victim, which renders the victim incapable of consent due to physical helplessness or mentally incapacitation.

Previous bill language:

Section 1 amends RCW 7.68.020 by amending the definition of “Criminal Act.”

Section 2 amends RCW 7.68.060 by amending restrictions on eligibility for benefits under the chapter.

Section 3 amends RCW 7.68.066 to clarify travel expenses are to be considered round-trip.

Section 4 amends RCW 7.68.080 to clarify transportation costs are to and from a reasonable location of the victim’s choice.

Section 5 amends RCW 7.68.094 to clarify travel expenses are to be considered reasonable round-trip.

Section 6 amends RCW 7.68.170 by including costs incurred by a hospital or other emergency medical facility in Washington for the examination of a victim of sexual assault cannot be billed or charged to the victim for an assault that occurred in or outside of Washington.

Section 7 amends RCW 7.68.803 by including costs incurred by a hospital or other emergency medical facility in Washington for the examination of a victim of domestic violence assault cannot be billed or charged to the victim for an assault that occurred in or outside of Washington.

Section 8 adds a new chapter, 7.68 RCW, to define “other state” and “another state.” Requires the Director to attempt to enter into agreements with other states for reimbursement if a nonresident of Washington is a victim of a sexual or domestic violence assault involving nonfatal strangulation that occurred in another state and receives an examination in Washington.

Section 9 amends RCW 7.69.010 by adding language stating the intent of the legislature ensures that all victims and witnesses are afforded access to justice to participate in criminal justice proceedings.

Section 10 amends RCW 7.69.030 by expanding the rights of victims, survivors of victims, and witnesses to certain civil commitment proceedings under Chapter 10.77 RCW and includes the filing of charges to the information required to be provided.

Section 12 amends RCW 9A.44.020 by requiring a pretrial motion be made in advance of the trial date when the defense has an offer of proof of the relevancy of evidence of past sexual behavior of the victim. Adds language stating the victim, the victim’s attorney, a lawful representative of the victim, or the prosecutor, upon request of the victim, may assert and seek enforcement of this section’s procedures.

Section 16 amends RCW 13.40.210 by adding violation of any orders issued by the juvenile court pursuant to RCW 7.105 RCW (Civil Protection Orders) to the requirements juveniles must refrain from during the period of parole.

Section 17 adds a new section to chapter 43.70 by establishing a statewide forensic nurse coordinator in the Department of Health, subject to appropriations.

Section 19 states if any provision of the act is invalid, the remainder of the act is not affected.

Section 20 states the act takes effect July 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.*

## **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 an indeterminate fiscal impact to Department of Corrections (DOC) of 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 FY2025.

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

### **Cost Calculation Estimate:**

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

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

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

Total One-Time Costs in FY2025 \$5,000 (rounded)

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

The Caseload Forecast Council (CFC) has no data concerning the length of time between the commission or discovery of offenses and the commencing of prosecution, and, therefore, cannot reliably predict jail and prison bed impacts resulting from removing the statute of limitations for sex offenses. However, with the bill eliminating the statute of limitations for multiple sex offenses, there is the possibility that more sex offenses may be prosecuted, resulting in more convictions, which would increase the need for prison beds, jail beds, local and Juvenile Rehabilitation jail beds, and increased Supervision caseloads.

In addition, CFC has no information concerning how many more incidents of Rape in the First Degree may occur because of the expanded definition. As such, the CFC cannot reliably predict bed impacts resulting from the bill. However, as a Class A felony sex offense ranked at Seriousness Level XII on the Adult Felony Sentencing Grid, the punishment for this offense ranges from a standard range term of confinement of between 93-123 months in prison to 240-318 months in prison, depending on the individual's prior history; and has a mandatory minimum term of five years (the mandatory term does not apply in sentencing of juveniles tried as adults). Sentencing for most Rape in the First Degree fall under RCW 9.94A.507 (determinate-plus sentencing for sex offenders). The CFC has no information regarding the actual release of individuals by the Indeterminate Sentence Review Board (Board) sentenced for this offense after they have served their minimum terms. However, increased sentences for this offense would impact the need for prison beds. Also, any additional sentences of the offense under the expanded definition in the bill would also result in an increased need for local beds because of

confinement time spent in local jails prior to sentencing.

DOC Supervision population.

In addition, individuals convicted of felony sex offenses are supervised by the Department of Corrections for 36 months upon release from confinement or up to the statutory maximum for the offense if sentenced under RCW 9.94A.507, regardless of the risk to re-offend classification. Therefore, any increased sentences for these offenses would likely increase the community corrections population.

Impacts on local and Juvenile Rehabilitation jail beds.

The expanded definition of the Class A sex offense of Rape in the First Degree, ranked at Category A on the Juvenile Sentencing Grid, may result in increased incidences of the offense.

The offense would be punishable by a standard range term of 103-129 weeks in Juvenile Rehabilitation (depending on the number of prior adjudications) for juveniles adjudicated for the offense. Therefore, incidences of this offense would likely only impact Juvenile Rehabilitation beds.

In addition, there may also be an increased need for Juvenile Rehabilitation (JR) beds. Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve their confinement at a JR facility until age 25 or until release if occurring prior to age 25. As a result, any increased sentences under the provisions of the bill committed by someone under the age of 18 and sentenced as an adult, may increase the need for JR beds. However, of the 11 sentences imposed in Fiscal Year 2023 for Rape in the First Degree, none were for a juvenile adjudicated as an adult.

ASSUMPTIONS

1. The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.
2. For illustration purposes only, the average annual Community Supervision caseload model is \$6,101 per ADP (not including startup costs), regardless of the supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records, and Training, that are directly affected by supervision population changes. The estimate will vary based on the risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent, 27.3% high non-violent, 21% moderate, 7.9% low, and 1.0% unclassified. (June – November 2017)
3. The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustration, the FY2023 average percentage of supervised individuals who served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$114.43 per day, inclusive of all risk levels and healthcare costs. The rate is an average, and actual rates vary by local correctional facilities.

The DOC assumes this bill would likely result in an Average Daily Population (ADP) increase, although the impact cannot be reliably estimated. Therefore, the fiscal impact is indeterminate, assumed to be less than \$50,000 per FY.

We assume additional impacts will result when ADP caseload changes in either prison or community, and resources will be necessary. The DOC will “true up” our fiscal impact in subsequent budget submittals should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

| Account         | Account Title | Type  | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|-----------------|---------------|-------|---------|---------|---------|---------|---------|
| 001-1           | General Fund  | State | 0       | 5,000   | 5,000   | 0       | 0       |
| <b>Total \$</b> |               |       | 0       | 5,000   | 5,000   | 0       | 0       |

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

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

|                                      | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29 |
|--------------------------------------|---------|---------|---------|---------|---------|
| FTE Staff Years                      |         |         |         |         |         |
| A-Salaries and Wages                 |         |         |         |         |         |
| B-Employee Benefits                  |         |         |         |         |         |
| C-Professional Service Contracts     |         | 5,000   | 5,000   |         |         |
| 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       | 5,000   | 5,000   | 0       | 0       |

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

**III. C - Operating FTE Detail:** *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*  
NONE

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

NONE

**Part IV: Capital Budget Impact**

**IV. A - Capital Budget Expenditures**

NONE

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

NONE

**IV. C - Capital Budget Breakout**

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

NONE

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

NONE

**Part V: New Rule Making Required**

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

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

|                                |   |
|--------------------------------|---|
| <b>Bill Number:</b> 5937 2S SB | <b>Title:</b> Crime victims & witnesses |
|--------------------------------|---|

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

**Legislation Impacts:**

- Cities:** Approximately \$117,984 to train local law enforcement officers on modified criminal offense; indeterminate expenditure impact from new notification requirements and eliminated statute of limitations; indeterminate expenditure impact as a result of increased demand for jail, juvenile detention beds
- Counties:** Approximately \$40,482 to train local law enforcement officers on modified criminal offense; indeterminate expenditure impact from new notification requirements and eliminated statute of limitations; indeterminate expenditure impact as a result of increased demand for jail, juvenile detention beds; indeterminate expenditure impact as a result of new prosecution requirements
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

**Part II: Estimates**

- No fiscal impacts.
- Expenditures represent one-time costs:** Approximately \$158,466 to train local law enforcement on modified criminal offense
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:** Additional sealing orders required; increased demand for jail, juvenile detention beds as a result of eliminating statute of limitations for certain sex offenses; staff time required for mandatory notifications; additional law enforcement time required in court as a result of eliminating statute of limitations on certain sex offenses

**Estimated revenue impacts to:**

None

**Estimated expenditure impacts to:**

| Jurisdiction          | FY 2024 | FY 2025 | 2023-25 | 2025-27 | 2027-29        |
|-----------------------|---------|---------|---------|---------|----------------|
| City                  |         | 117,984 | 117,984 |         |                |
| County                |         | 40,482  | 40,482  |         |                |
| <b>TOTAL \$</b>       |         | 158,466 | 158,466 |         |                |
| <b>GRAND TOTAL \$</b> |         |         |         |         | <b>158,466</b> |

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

**Part III: Preparation and Approval**

|   |                       |                  |
|---|-----------------------|------------------|
| Fiscal Note Analyst: James Vogl         | Phone: 360-480-9429   | Date: 02/13/2024 |
| Leg. Committee Contact: Monica Fontaine | Phone: 3607867341     | Date: 02/05/2024 |
| Agency Approval: Alice Zillah           | Phone: 360-725-5035   | Date: 02/13/2024 |
| OFM Review: Danya Clevenger             | Phone: (360) 688-6413 | Date: 02/13/2024 |

## **Part IV: Analysis**

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

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

This fiscal note analyzes the impact of 2SSB 5937, comparing it with the impact of SSB 5937.

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

Section 10 of the proposed second substitute would specify that only victims of violent offenses, domestic violence, or sex offenses would have a right to be informed by local law enforcement agencies or prosecutors that charges have been filed, or that a defendant has been found not competent to stand trial and has been referred for restoration services.

Section 13 would modify the definition of rape in the first degree.

The proposed second substitute would also remove the requirement included in previous bill versions that prosecuting attorneys in each county coordinate the establishment of a multidisciplinary team to address adult sexual assault, or coordinate with other local jurisdictions to ensure that resources are available to adult victims of sexual assault.

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

Section 10 of the proposed legislation would amend RCW 7.69.030, extending the rights of victims, survivors of victims and witnesses of crimes to civil commitment proceedings under chapter 10.77 RCW. The amendments in this section would also add that victims of violent offenses, domestic violence, or sex offenses would have a right to be informed by local law enforcement agencies or prosecutors that charges have been filed, or that a defendant has been found not competent to stand trial and has been referred for restoration services.

Section 11 would amend RCW 9A.04.080, removing the statute of limitations on rape in the first through third degree if the perpetrator is a first responder who used their position as a first responder to facilitate committing the offense.

Section 13 would amend RCW 9A.44.040, expanding the definition of the existing class A felony offense of rape in the first degree.

The amendments would add the condition that a person would be guilty of this offense if they engage in sexual intercourse with another person when the perpetrator or an accessory knowingly furnishes the victim with any food, drink, medicine, other edible substance, or vapor product which contains a substance, or which has a substance added to it, which renders the victim incapable of consent due to physical helplessness or mental incapacitation.

A person would additionally be guilty of this offense if they engage in sexual intercourse with another person by forcible compulsion where the person or an accessory feloniously enters into the building or vehicle where the sexual intercourse occurs.

Section 15 would add a new section to chapter 9A.44 RCW, requiring prosecutors to seek an order sealing depictions of a victim or a victim's genitals that were created during a sexual assault medical forensic examination and marked as an exhibit in a criminal proceeding at the close of the trial. This section would also detail the process by which clerks of the court retain and eventually destroy these sealed exhibits.

Section 20 would state that the proposed legislation would take effect July 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.*

#### **CHANGE IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSIONS:**

By removing the requirement for prosecutors to establish multidisciplinary teams to address adult sexual assault or

coordinate with other local jurisdictions to ensure that resources are available to adult victims of sexual assault, the proposed second substitute bill would eliminate the associated indeterminate expenditure impact from establishing and staffing such teams in counties that do not already have them.

#### EXPENDITURE IMPACT OF CURRENT BILL:

The proposed legislation would require approximately \$158,466 in one-time local government expenditures, in addition to other indeterminate expenditure impacts.

According to the Washington State Caseload Forecast Council (CFC) for this bill, eliminating the statute of limitations for multiple sex offenses could increase demand for jail beds and local juvenile detention beds, as well as prison beds. Additionally, CFC indicates that any additional sentences that result from expanding the definition of rape in the first degree would result in additional demand for jail beds for confinement prior to sentencing. CFC does not have the data to reliably predict exactly what this increased demand for jail and local juvenile detention beds might be, however, so the resulting expenditure impact on local governments is indeterminate.

The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost of occupying a jail bed is \$145. The Local Government Fiscal Note Program does not have detailed information on the costs of juvenile detention, however the average daily rate for juvenile detention beds is generally higher than the same figure for a jail bed.

According to the Washington Association of Sheriffs and Police Chiefs (WASPC), all local law enforcement officers would need to go through training regarding the changes this bill would make to the existing class A felony offense of rape in the first degree. WASPC estimates that approximately 15 minutes of training would be required per law enforcement officer. This training would require a one-time cost of \$117,984 for cities and \$40,482 for counties, for a total one-time cost to local governments of \$158,466.

The 2022 Crime in Washington Report conducted by WASPC states that there are 6,647 commissioned officers in police departments and 2,249 commissioned officers in sheriff's departments, for a total of 8,896 commissioned law enforcement employees that would require training. The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average hourly salary (including benefits and overhead) for an officer employed by a city to be \$71, and the same figure for an officer employed by a county to be \$72. If every officer in Washington had to complete approximately 15 minutes of training, the cost to local governments would be:

#### Cities:

6,647 officers X 0.25 hours X \$71 average hourly salary plus benefits and overhead = \$117,984

#### Counties:

2,249 officers X 0.25 hours X \$72 average hourly salary plus benefits and overhead = \$40,482

#### Total:

\$117,984 + \$40,482 = \$158,466

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

WASPC also indicates that the requirement in section 11 of the bill that local law enforcement agencies or prosecutors notify victims of certain offenses that charges in a case have been filed or that a defendant has been found not competent to stand trial and has been referred for restoration services could create the need for additional law enforcement staff time, but that the cost impact of this additional time would likely be minimal. In addition, WASPC indicates that removing

the statute of limitations on rape involving a first responder in the first through third degree could require additional officer time in court for arresting or investigating agencies, although this cost impact would also likely be minimal.

The Washington Association of Prosecuting Attorneys (WAPA) indicates that section 15 would create indeterminate expenditure increases for prosecutors. The requirement in section 15 that prosecutors seek orders sealing certain kinds of exhibits would require additional prosecutor time. However, WAPA indicates that the use of the specified exhibits at trial is limited, and that in some jurisdictions seeking these orders may already be in practice.

It is unknown, however, how many future trials may involve the use of exhibits that prosecutors would be required to seek sealed, or how many new sealing orders prosecutors might seek. Accordingly the expenditure impact on prosecutors as a result of the provisions of section 15 of the proposed legislation is indeterminate. The 2024 Local Government Fiscal Note Program Unit Cost Model estimates that the average hourly salary, plus benefits and overhead, for a county prosecuting attorney is \$117.

### **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:**

- Association of Washington Cities Salary and Benefits Survey, 2023
- Crime in Washington Report, 2022
- Local Government Fiscal Note Program Criminal Justice Cost Model, 2024
- Local Government Fiscal Note Program Unit Cost Model, 2024
- Washington Association of Prosecuting Attorneys
- Washington Association of Sheriffs and Police Chiefs
- Washington State Caseload Forecast Council