

Multiple Agency Fiscal Note Summary

Bill Number: 1493 S HB AMH GOOD LANG 061	Title: Impaired driving
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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 Licensing	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	No fiscal impact					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	49,000	.0	0	0	123,000	.0	0	0	0
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	0	0	49,000	0.0	0	0	123,000	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	No fiscal impact								
Loc School dist-SPI									
Local Gov. Other			635,100			1,905,300			1,905,300
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			635,100			1,905,300			1,905,300

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
Department of Licensing	.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
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

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

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Final 2/15/2024
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Judicial Impact Fiscal Note

Bill Number: 1493 S HB AMH GOOD LANG 06	Title: Impaired driving	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/12/2024
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

194,506.00

Request # 218-1

Part II: Narrative Explanation

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

The substitute bill would change the number of days on the notice the Department of Licensing (DOL) has to issue advising the deferred prosecution petitioner that they must apply for a probationary license. It would also change the number of years that DOL must maintain the record for deferred prosecution from 10 years to "consistent with the requirements of RCW 46.01.260." Neither change has an impact to the Administrative Office of the Courts or the courts.

II. B - Cash Receipts Impact

None

II. C - Expenditures

None

Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

None

194,506.00

Form FN (Rev 1/00)

Individual State Agency Fiscal Note

Bill Number: 1493 S HB AMH GOOD LANG 06	Title: Impaired driving	Agency: 101-Caseload Forecast Council
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/12/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/15/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/15/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/15/2024

Part II: Narrative Explanation

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

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

See attached.

II. B - Cash receipts Impact

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

None.

II. C - Expenditures

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

See attached.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

SHB 1493 (AMH GOOD LANG 061)

RELATING TO IMPAIRED DRIVING

101 – Caseload Forecast Council

February 13, 2024

SUMMARY

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

Section 1 Amends RCW 9.94A.030 by adding certain offenses of negligent driving and reckless endangerment to the definition of serious traffic offenses.

Section 8 States if any provisions of the act is held invalid, the remainder of the act is not affected.

Section 9 States the act takes effect January 1, 2026.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill:

- Expands the definition of serious traffic offense.

Impact on prison and jail beds

Scoring rules (RCW 9.94A.525(11)) for current convictions of felony traffic offenses include scoring for non-felony offenses defined as a serious traffic offense. By expanding what is considered a serious traffic offense, individuals with prior convictions for the offenses added under the provision of the bill will have an increased offender score, with one point added for each prior adult conviction. Higher offender scores are likely to result in longer terms of confinement.

The Caseload Forecast Council has no information concerning how many of the sentences for felony traffic offenses have a prior conviction for one or more of the offenses added to the offender score. As such, the Caseload Forecast Council cannot reliably estimate bed impacts resulting from these provisions of the bill. Offenses defined as a felony traffic offense range from Seriousness Level I to Seriousness Level XI. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

In addition, higher offender scores could result in a shift for individuals with a presumptive jail sentence to a presumptive prison sentence, resulting in a decreased need for jail beds and an increased need for prison beds.

Impact on Juvenile Rehabilitation and local beds

There may also be an additional 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. For anyone committing an offense while under the age of 18 and sentenced as an adult for a felony traffic offense who has a prior conviction for a specified Negligent Driving or Reckless Endangerment offense may serve a longer sentence under the provisions of the bill. As less than 1% of all sentences in the adult system are committed by those less than age 18, it assumed any impacts to JR would be minimal.

Individual State Agency Fiscal Note

Bill Number: 1493 S HB AMH GOOD LANG 06	Title: Impaired driving	Agency: 240-Department of Licensing
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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
Account					
Highway Safety Account-State 106 -1	0	49,000	49,000	123,000	0
Total \$	0	49,000	49,000	123,000	0

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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- 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: Michael Hirsch	Phone: 360-786-7195	Date: 02/12/2024
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 02/15/2024
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 02/15/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/15/2024

Part II: Narrative Explanation

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

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

Section 1 amends RCW 9.94A.030 to include “Negligent Driving,” “Reckless Endangerment,” “Nonfelony actual physical control while under the influence of intoxicating liquor or any drug” under the definition of “Serious Traffic Offense” in subsection (45). This section also clarifies that “Serious Traffic Offense” applies to personal driver licenses (PDLs) and not violations related to a commercial motor vehicle under RCW 46.25.090.

Section 2 amends RCW 10.05.060 to add that the department must send notice 45 days after receipt of the “abstract of the docket” that the petitioner must apply for a probationary license in accordance with RCW 46.20.355 and clarifies that the department shall maintain record consistent with the requirements of RCW 46.01.260.

Section 3 amends RCW 46.20.355 to include that the department must issue notice 45 days after receipt of an abstract (indicating deferred prosecution or conviction) that the person must apply for a probationary license.

Section 4 amends RCW 46.20.385 to include that a person who has had their license suspended, revoked, or denied under 46.61.5055(11)(c)(i) may submit to the department an application for an ignition interlock license.

Section 5 amends RCW 46.20.720 to clarify that for the purposes of determining a period of restriction under subsection (d) of this section, a restriction based on a deferred prosecution under subsection (1)(c) of this section arising out of the same incident is not considered a prior restriction for purposes of this subsection.

- Allows drivers with incidents and restriction start dates prior to June 9, 2016 to apply to waive the restriction by applying for a determination from the department that the person is unable to operate an ignition interlock device (IID) due to a physical disability.
- Adds under the “Employer exemption” (subsection 6) that the exemption does not apply to a person who is self-employed unless the person’s vehicle is used exclusively for the person’s employment.

Section 6 amends RCW 46.20.740 to add that it’s an affirmative defense, which the defendant must prove by a preponderance of evidence, that the employer exemption applies to them.

Section 7 amends RCW 46.61.5055 to add that a person may apply for an ignition interlock driver’s license under RCW 46.20.385 during the suspension period. Additionally, adds a new subsection under “conditions of probation” to state that for “each incident involving a violation of RCW 46.20.342(1)(c), the court has discretion not to impose a suspension when the person provides the court with proof that the violation has been cured within 30 days. The court is not required to notify the department of the violation unless it is not cured within 30 days.”

Section 8: New section which stipulates that if any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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.

Please see attached fiscal note.

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.

Please see attached fiscal note.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
106-1	Highway Safety Account	State	0	49,000	49,000	123,000	0
Total \$			0	49,000	49,000	123,000	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		49,000	49,000	123,000	
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	49,000	49,000	123,000	0

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

NONE

III. D - Expenditures By Program (optional)

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

Agency 240 – Department of Licensing

Bill Number: 1493 SHB AMH Bill Title: Impaired driving
GOOD LANG 061

Part 1: Estimates

No Fiscal Impact

Estimated Cash Receipts:

INDETERMINATE; PLEASE SEE NARRATIVE

Estimated Expenditures:

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	-	49,000	49,000	123,000	-
Account Totals		-	49,000	49,000	123,000	-

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

Legislative Contact: Michael Hirsch	Phone: (360) 786-7195	Date: 2/12/2024
Agency Preparation: Don Arlow	Phone: (360) 902-3736	Date: 2/15/2024
Agency Approval: Collin Ashley	Phone: (360) 634-5384	Date: 2/15/2024

Request #	1
Bill #	1493 SHB AMH GOOD LANG 061

Part 2 – Explanation

The bill amends the definition of serious traffic offense, modifies provisions related to ignition interlock licenses, and provides a new effective date.

Differences from 1493 SHB AMS LAW S2680.1 (2023 Legislative session) to 1493 SHB AMH GOOD LANG 061: The extended effective date distributes systems programming costs across FY 2025 and FY 2026. Eligibility for a second deferred prosecution for certain offenders is removed; this change removes one FTE from the fiscal note.

2.A – Brief Description Of What The Measure Does That Has Fiscal Impact

Section 1 amends RCW 9.94A.030 to include “Negligent Driving,” “Reckless Endangerment,” “Nonfelony actual physical control while under the influence of intoxicating liquor or any drug” under the definition of “Serious Traffic Offense” in subsection (45). This section also clarifies that “Serious Traffic Offense” applies to personal driver licenses (PDLs) and not violations related to a commercial motor vehicle under RCW 46.25.090.

Section 2 amends RCW 10.05.060 to add that the department must send notice 45 days after receipt of the “abstract of the docket” that the petitioner must apply for a probationary license in accordance with RCW 46.20.355 and clarifies that the department shall maintain record consistent with the requirements of RCW 46.01.260.

Section 3 amends RCW 46.20.355 to include that the department must issue notice 45 days after receipt of an abstract (indicating deferred prosecution or conviction) that the person must apply for a probationary license.

Section 4 amends RCW 46.20.385 to include that a person who has had their license suspended, revoked, or denied under 46.61.5055(11)(c)(i) may submit to the department an application for an ignition interlock license.

Section 5 amends RCW 46.20.720 to clarify that for the purposes of determining a period of restriction under subsection (d) of this section, a restriction based on a deferred prosecution under subsection (1)(c) of this section arising out of the same incident is not considered a prior restriction for purposes of this subsection.

- Allows drivers with incidents and restriction start dates prior to June 9, 2016 to apply to waive the restriction by applying for a determination from the department that the person is unable to operate an ignition interlock device (IID) due to a physical disability.
- Adds under the “Employer exemption” (subsection 6) that the exemption does not apply to a person who is self-employed unless the person’s vehicle is used exclusively for the person’s employment.

Section 6 amends RCW 46.20.740 to add that it’s an affirmative defense, which the defendant must prove by a preponderance of evidence, that the employer exemption applies to them.

Section 7 amends RCW 46.61.5055 to add that a person may apply for an ignition interlock driver’s license under RCW 46.20.385 during the suspension period. Additionally, adds a new subsection under “conditions of probation” to state that for “each incident involving a violation of RCW 46.20.342(1)(c), the court has discretion not to impose a suspension when the person provides the court with proof that the violation has been cured within 30 days. The court is not required to notify the department of the violation unless it is not cured within 30 days.”

Section 8: New section which stipulates that if any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Section 9 establishes an effective date of January 1, 2026.

2.B - Cash receipts Impact

Cash receipts impacts are indeterminate but not expected to be significant. The bill updates the process as it relates to notification and the issuance of driver probationary licenses. There are no anticipated changes to revenue or workload for probationary licenses. However, the bill expands the potential for restricted licenses. The impact is not known but is not anticipated to result in many new restricted license applications overall. For demonstration purposes only a scenario estimate of 10 additional restricted license applications per month based on the November 2022 forecast is provided below.

FY	RL Applications Nov-2023 Fcst	RL Revenue 106-02-54-000005 Nov-2023 Fcst	Probation Violations (PV) Estimate	Probation Violations (PV) w Proposed Leg Est	RL Applications w Proposed Leg Est	RL Revenue 106-02-54-000005 w Proposed Leg Est	Proposed Leg Revenue Scenario Impact @10 per Mo
FY 2025	8,651	\$865,100	684	744	8,711	\$871,100	\$6,000
FY 2026	9,158	\$915,800	727	847	9,278	\$927,800	\$12,000
FY 2027	9,322	\$932,200	739	859	9,442	\$944,200	\$12,000
FY 2028	9,680	\$968,000	766	886	9,800	\$980,000	\$12,000
FY 2029	9,719	\$971,900	770	890	9,839	\$983,900	\$12,000

2.C – Expenditures

This bill will have an impact on the Driver and Vehicle Records unit, due to the expanded potential for ignition interlock license applications. This bill may also have an impact on the department’s Hearing unit, however at this time the impacts to these units cannot be quantified. Workloads are expected to be manageable within existing appropriated resources. Any significant changes in the department’s workload will be monitored and addressed in a future budget cycle.

Information Services:

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

What DOL will implement:

1. Modify logic to no longer take immediate withdrawal action when deferred prosecution is added, change to 45 days to get a probationary license.
2. Modify the notification letter for the 45 days to get a probationary license.
3. Modify logic to allow a code to be issued ignition interlock license only, changes the restricted license to allow mandatory court probation.
4. Modify logic to no longer count ignition interlock device restrictions as priors on a deferred prosecution when a violation of deferred prosecution is received. Allow submission of medical waivers no matter the incident.
5. Modify logic to no longer allow an employer exemption for self-employed drivers.
6. Modify logic to provide an assessment abstract driving record (ADR) to display a full driving record and alcohol related offenses.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 27,144	-	4,600	41,500	-	-	-	46,100
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 19,836	-	6,900	3,000	-	-	-	9,900
PROJECT MANAGER	Manage schedule and contracts	\$ 34,452	-	6,900	6,900	-	-	-	13,800
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 19,836	-	3,000	3,000	-	-	-	6,000
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	-	20,100	46,900	-	-	-	67,000
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 27,144	-	2,700	10,900	-	-	-	13,600
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 29,824	-	4,400	11,200	-	-	-	15,600
Totals			-	48,600	123,400	-	-	-	172,000

Part 3 – Expenditure Detail

3.A – Operating Budget Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Highway Safety	106	-	49,000	49,000	123,000	-
Account Totals		-	49,000	49,000	123,000	-

3.B – Expenditures by Object or Purpose

Object E - Description	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
ER - Application Programmers	-	48,600	48,600	123,400	-
Total Goods & Services	-	49,000	49,000	123,000	-

3.C – FTE Detail

None.

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 1493 S HB AMH GOOD LANG 06	Title: Impaired driving	Agency: 307-Department of Children, Youth, and Families
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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:

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- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/12/2024
Agency Preparation: Wendy Polzin	Phone: 2066702667	Date: 02/14/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 02/14/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/15/2024

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 bill proposes to make changes related to impaired driving, and ignition interlock devices.

II. B - Cash receipts Impact

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

None.

II. C - Expenditures

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

The bill as written has no fiscal impact on the Department of Children, Youth and Families.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1493 S HB AMH GOOD LANG 06	Title: Impaired driving	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/12/2024
Agency Preparation: Malika Feroz-Ali	Phone: (360) 725-8428	Date: 02/15/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/15/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/15/2024

Part II: Narrative Explanation

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

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

SHB 1493 886 differs from previous versions of the bill by expanding the definition of serious traffic offense. Additionally, it makes a technical correction by removing section 7 of the underlying bill that was previously enacted in separate legislation in 2023 and includes an effective date.

Section 1 amends RCW 9.94A.030 by adding certain offenses of negligent driving and reckless endangerment to the definition of serious traffic offenses.

Section 8 states if any provisions of the act are held invalid, the remainder of the act is not affected.

Section 9 states the act takes effect January 1, 2026.

II. B - Cash receipts Impact

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

II. C - Expenditures

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

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

Scoring rules (RCW 9.94A.525(11)) for current convictions of felony traffic offenses include scoring for non-felony offenses defined as a serious traffic offense. By expanding what is considered a serious traffic offense, individuals with prior convictions for the offenses added under the provision of the bill will have an increased offender score, with one point added for each prior adult conviction. Higher offender scores are likely to result in longer terms of confinement.

The Caseload Forecast Council has no information concerning how many of the sentences for felony traffic offenses have a prior conviction for one or more of the offenses added to the offender score. As such, the Caseload Forecast Council cannot reliably estimate bed impacts resulting from these provisions of the bill. Offenses defined as a felony traffic offense range from Seriousness Level I to Seriousness Level XI. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

In addition, higher offender scores could result in a shift for individuals with a presumptive jail sentence to a presumptive prison sentence, resulting in a decreased need for jail beds and an increased need for prison beds.

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

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1493 S HB AMH GOOD LANG 06	Title: Impaired driving
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities:** Indeterminate expenditure impact as a result of change in demand for jail beds due to deferred prosecution, DOSA DUI, serious traffic offense changes; indeterminate increased law enforcement costs as a result of processing additional felony-level DUI and physical control of a vehicle cases.
- Counties:** Approximately \$4,445,700 in additional expenditures as a result of increased demand for jail beds due to increased lookback period; indeterminate expenditure impact as a result of change in demand for jail beds due to deferred prosecution, DOSA DUI, serious traffic offense changes; indeterminate expenditure impact on prosecutors and public defenders from processing DOSA DUI cases and potential increase in accepted pleas; indeterminate expenditure impact on behavioral health administrative service organizations as result of potential sentences of involuntary treatment at secure detox level; indeterminate increased law enforcement, prosecution and public defense expenditures as a result of increased lookback period; likely de minimis expenditure impact on probation departments.
- Special Districts:**
- Specific jurisdictions only:**
- Variance occurs due to:**

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time:** Change in length of presumptive sentences for felony traffic offenses in the cases of people with prior convictions for negligent driving or reckless endangerment that would qualify as serious traffic offenses as a result of the proposed legislation; number of DOSA sentences handed down in felony DUI/physical control cases; number of potential involuntary treatment sentences; number of additional deferred prosecutions that may be granted; number of petitioners ordered to be supervised by probation departments.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
County		635,100	635,100	1,905,300	1,905,300
TOTAL \$		635,100	635,100	1,905,300	1,905,300
GRAND TOTAL \$					4,445,700

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: Kate Fernald	Phone: 564-200-3519	Date: 02/14/2024
Leg. Committee Contact: Michael Hirsch	Phone: 360-786-7195	Date: 02/12/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/14/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/15/2024

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 1493 SHB AMS LAW S2680.1, comparing it to the impact of SHB 1493.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The amendment to SHB 1493 would add provisions providing a drug offender sentencing alternative (DOSA) for people convicted of driving while under the influence (DUI) or actual physical control of a vehicle while intoxicated (APC) at the felony level, would allow people to take a second deferred prosecution for DUI or APC at the gross misdemeanor level, and would increase the lookback period for felony DUI from ten to 15 years.

SUMMARY OF CURRENT BILL:

The proposed legislation would add certain offenses to the definition of serious traffic offenses, in addition to making changes related to driving and license restrictions, and DUI and APC offenses.

Section 1 would add a new section to chapter 9.94A RCW, establishing DOSA DUI. People would be eligible for DOSA DUI if they have no prior convictions for vehicular homicide, vehicular assault, felony DUI, or felony physical control while intoxicated, and are convicted of felony DUI or physical control.

If the sentencing court was to determine that the offender is eligible for DOSA DUI and the alternative sentence is appropriate, the court would waive the imposition of a sentence in the standard range and impose a sentence equivalent to a prison-based alternative (RCW 9.94A.662) if the low end of the standard sentence range is greater than 24 months. If the low end of the standard sentence range is 24 months or less, the court would impose a sentence consisting of a residential treatment-based alternative.

Subsection 1 (5) provides sentencing details for offenders eligible for a residential treatment-based alternative, who shall be sentenced as follows:

- (a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility.
- (b) Treatment in a residential substance use disorder treatment program for a period set by the court up to six months;
- (c) Twenty-four months of partial confinement to consist of 12 months of work release followed by 12 months of home detention with electronic monitoring; and
- (d) Twelve months of community custody.

Section 2 would amend RCW 9.94A.030, adding negligent driving and reckless endangerment convictions resulting from certain originally filed charges to the list of serious traffic offenses, and adding a definition for DOSA DUI.

Section 3 would amend RCW 9.94A.190, adding the requirement that a confinement term resulting from a sentence imposed under DOSA DUI which has a standard sentence range of over one year, regardless of length, shall be served in a state facility.

Section 6 would amend RCW 9.94A.525, adding a provision counting one point toward the offender score of a person convicted of a felony traffic offense for a deferred prosecution granted under chapter 10.05 RCW for a second or subsequent driving or physical control while intoxicated offense.

Section 11 would amend RCW 10.05.010, specifying that a person who petitions the court for the deferred prosecution and participates in the deferred prosecution under this chapter for their first violation of RCW 46.61.502 or 46.61.504 (DUI or physical control while intoxicated) is eligible to petition the court for a second deferred prosecution for their next DUI or physical control offense when the person has no other prior convictions defined as a prior offense under RCW 46.61.5055.

Section 11 would also add the following subsections to RCW 10.05.010:

1. A person may petition a court for a second deferred prosecution while still under the jurisdiction of a court for the person's first deferred prosecution; however, the first deferred prosecution shall be revoked prior to the entry of the second deferred prosecution.
2. A person may not be on two deferred prosecutions at the same time unless separate offenses are committed within seven days of each other and the person petitions to consolidate each offense into a single deferred prosecution.
3. A person charged with a misdemeanor or gross misdemeanor for a violation of RCW 46.61.502 or 46.61.504 who does not participate in a deferred prosecution for his or her first violation of RCW 46.61.502 or 46.61.504 remains eligible to petition the court for a deferred prosecution pursuant to the terms of this section and specific findings made under RCW 10.05.020. Such person shall not be eligible for a deferred prosecution more than once.

Section 13 would amend RCW 10.05.020, specifying that, depending on the stated cause of the wrongful conduct, petitions for deferred prosecution must contain a written assessment prepared by an approved behavioral health agency, approved for mental health services or substance use disorder services.

Section 14 would amend RCW 10.05.030, specifying that an approved behavioral health agency, approved for mental health services and/or substance use disorder services shall conduct diagnostic investigations and evaluations when necessary, depending on the details of the petition.

Section 15 would amend RCW 10.05.040, creating a definition for “amenable to treatment” that programs that petitioners are referred to for investigation and evaluation must use in the course of their assessment. Being amenable to treatment would be demonstrated by completing a specified number and type of treatment sessions.

Section 22 would amend RCW 10.05.150, updating the treatment requirements for petitioners who are granted deferred prosecutions.

Section 25 would amend RCW 10.05.170, modifying the requirements a probation department must meet if supervision of a petitioner is ordered by the court, including requesting an abstract of the petitioner’s driving record twice as often as is currently required, and reviewing the petitioner’s criminal history a minimum of every 90 days.

Section 31 would amend RCW 46.61.502, increasing the lookback period for counting prior DUI convictions towards a DUI conviction at the felony level from 10 to 15 years.

Section 32 would amend RCW 46.61.5055, updating the penalties for driving or control of a vehicle while under the influence to include the increased lookback period of 15 years.

Section 33 would amend RCW 46.61.504, increasing the lookback period for counting prior physical control of a vehicle while under the influence convictions towards a conviction for this offense at the felony level from 10 to 15 years.

Section 35 specifies that this act would take effect on February 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.

CHANGES IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The amendment to SHB 1493 would add approximately \$4,445,700 in determinate local government expenditures through fiscal year 2029, as well as additional indeterminate expenditures. These additional expenditures, detailed below, would result from the provisions of the amendment creating a drug offender sentencing alternative (DOSA) for people convicted of felony driving while under the influence (DUI) or actual physical control of a vehicle while intoxicated (APC), increasing the lookback period for felony DUI and APC, and allowing for a second deferred prosecution for DUI or APC.

EXPENDITURE IMPACT OF CURRENT BILL:

The proposed legislation would have both indeterminate and determinate impacts on local government expenditures.

IMPACT OF NEW SERIOUS TRAFFIC OFFENSES:

According to the Caseload Forecast Council's (CFC) fiscal note for this bill, expanding the definition of what qualifies as a serious traffic offense would result in increased criminal history scores for people convicted of felony traffic offenses who have prior convictions for negligent driving or reckless endangerment under the circumstances that the bill specifies. Qualifying adult convictions would count as one additional point, while qualifying juvenile adjudications would count as an additional half point.

Generally, higher criminal history scores would result in longer standard sentence ranges and longer resulting terms of confinement. According to CFC, this could increase demand for jail beds in some cases, but in other cases, a presumptive sentence may shift from jail to prison as a result of a higher criminal history score, reducing demand for jail beds.

CFC does not, however, have any information on how many sentences for felony traffic offenses have a prior conviction for negligent driving or reckless endangerment under the conditions the bill would specify, so it cannot predict what jail bed impacts may result from the proposed legislation. Accordingly, the expenditure impacts on local governments stemming from a change in demand for jail beds as a result of this bill's provisions is indeterminate.

The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily rate for a jail bed is approximately \$145.

IMPACT OF INCREASED LOOKBACK PERIOD:

For the assumptions used to create the average daily population (ADP) data used in this note's calculation, please refer to the fiscal note completed by the Washington State Caseload Forecast Council (CFC) for this bill.

Increasing the lookback period for felony DUI and physical control offenses would increase the number of convictions for these offenses, leading to an increased need for jail beds in terms of ADP. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost for a jail bed is \$145. Given the increased jail ADP estimates provided by CFC, the local government expenditures due to increasing the lookback period for felony DUI and physical control convictions are estimated to be \$4,445,700 through fiscal year 2029.

Fiscal year 2025:

12 ADP Increase X 365 days X \$145 average daily bed rate = \$635,100

Fiscal year 2026:

18 ADP Increase X 365 days X \$145 average daily bed rate = \$952,650

Fiscal year 2027:

18 ADP Increase X 365 days X \$145 average daily bed rate = \$952,650

Fiscal year 2028:

18 ADP Increase X 365 days X \$145 average daily bed rate = \$952,650

Fiscal year 2029:

18 ADP Increase X 365 days X \$145 average daily bed rate = \$952,650

Total:

$\$635,100 + (\$952,650 \times 4 \text{ years}) = \$4,445,700$

Per the CFC fiscal note for this bill, however, these cost estimates for additional jail beds do not account for any bed impacts that may result from a drug offender sentencing alternative for felony driving or physical control of a vehicle while under the influence, since it is unknown how many people might be sentenced under DOSA DUI. As noted below, if some people who would have received non-prison sentences are instead sentenced under DOSA DUI, local jurisdictions may see a reduction in the demand for jail beds, so the potential ADP impacts detailed here may overestimate the costs of increasing the lookback period for felony driving or physical control while under the influence.

According to the 2023 Local Government Fiscal Note Program Criminal Justice Cost Model, the law enforcement, prosecution and defense costs related to processing a gross misdemeanor DUI can often be similar to those related to processing felonies, so there would not necessarily be cost increases from increasing the number of felony DUI and physical control offenses. It is unknown, however, how many such incidents may occur or what the costs in a given case may be, so impacts to law enforcement, prosecution and defense costs are indeterminate.

IMPACT OF DOSA DUI:

The creation of a drug offender sentencing alternative for people convicted of felony-level driving or physical control while under the influence would have indeterminate impacts on local government expenditures. These impacts, however, have the potential to affect a wide range of local government entities.

According to the 2022 Washington State Adult Sentencing Guidelines Manual, the minimum sentence for someone convicted of felony DUI or physical control who meets the requirements for DOSA DUI is 13 months, a confinement term required by statute to be served in a state facility. In combination with the requirement laid out in section 3 of the proposed bill, these sentencing guidelines suggest that all people sentenced under DOSA DUI would be in the custody of the Department of Corrections.

However, the CFC fiscal note for this bill identifies that 56% of felony DUI sentences and 67% of felony physical control sentences were served in jails in fiscal year 2022, and that these non-prison sentences may be the result of an alternative sentence, a mitigated exceptional sentence, or other factor. If some people who would have received non-prison sentences are instead sentenced under DOSA DUI, local jurisdictions may see a reduction in the number of people occupying jail beds while serving sentences for felony DUI or physical control, and an associated cost savings.

It is unknown, however, how many people may be sentenced under DOSA DUI as opposed to receiving a non-prison sentence. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates the average daily cost of a jail bed is \$145.

Both the Washington Association of Prosecuting Attorneys (WAPA) and the Washington Defender Association (WDA) anticipate no additional costs for prosecutors and public defenders to process a DOSA DUI compared to a felony DUI case. WAPA indicates, however that there may be additional costs incurred if a case has follow up issues or if a person fails to comply with the terms of their sentence.

WDA indicates that there may be cost savings from having a sentencing alternative, as people are more likely to accept a plea when they have such an alternative, eliminating the labor hours required of prosecutors and public defenders to take a case to trial. It is unknown, however, how many people may accept a plea as a result of an available sentencing alternative who would have otherwise decided to go to trial, or how many people may fail to comply with the terms of their DOSA DUI sentence, so any cost impacts resulting from these factors are indeterminate.

The Thurston Mason Behavioral Health Administrative Service Organization (TMBH-ASO) and the King County

Behavioral Health and Recovery Division indicate that the sentencing option detailed in subsection 1 (5) (a) of this bill may result in people being sentenced to involuntary treatment at the secure detox level, which would result in increased costs for behavioral health administrative services organizations (BH-ASOs). Some of these administrative service organizations are run by counties or associations of counties, and others are privately operated.

BH-ASOs are required to reimburse Involuntary Treatment Act (ITA) courts for the costs of each filing, which average around \$1,600 per filing, according to TMBH-ASO. In addition, a bed at the secure detox level of care costs BH-ASOs \$663 per day. It is unknown, however, how many people may be sentenced to this option under DOSA DUI or if such sentences may involve ITA courts, so the fiscal impact to BH-ASOs is indeterminate.

IMPACT OF AVAILABILITY OF SECOND DEFERRED PROSECUTION FOR DUI/APC:

According to the Washington State Caseload Forecast Council's (CFC) fiscal note for this bill, the ability of an individual to receive a second deferred prosecution for DUI or physical control could reduce the number of people convicted of gross misdemeanors for these offenses, in turn reducing demand for jail beds. It is unknown, however, how many people who would have been convicted of these offenses at the gross misdemeanor level, punishable by a confinement term of up to 364 days in jail, would be granted deferred prosecutions instead, and CFC does not collect data on gross misdemeanors or deferred prosecutions. Therefore the cost savings of any decreased demand for jail beds is also indeterminate. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily jail bed rate is \$145 per day.

Sections 15 and 22 of this bill would create some new requirements for approved behavioral health agencies, including requiring petitioners to complete a specified number and type of treatment sessions before being granted a deferred prosecution.

The Department of Health's list of approved behavioral health agencies contains mostly privately run programs, but includes some county programs, although the Administrative Office of the Courts (AOC) indicates that the approved agency a petitioner is actually referred to may vary. Furthermore, per RCW 10.05.020, petitioners are required to agree to pay the costs of diagnosis and treatment if financially able to do so, and AOC indicates that many people who are unable to pay these costs would likely be covered by Medicaid at eligible facilities. Behavioral health agencies may absorb some costs, however, if a petitioner stops paying for diagnosis or treatment per their agreement with the court.

Given those considerations, there is likely to be little to no impact on local government expenditures as a result of the provisions in sections 15 and 22 of this bill.

While the provisions of section 25 of this bill may introduce additional costs for county probation departments supervising petitioners, the new requirements would likely require little additional staff time, and per RCW 10.64.120, the court may order petitioners to pay a monthly fee to be collected by the probation department.

It is unknown how many additional petitioners may be granted deferred prosecution, then ordered to be supervised by probation departments, however, so the expenditure impact of the provisions in section 25 is indeterminate, but likely de minimis.

There may be a savings in prosecution and public defense costs as a result of this bill due to fewer DUI or physical control cases proceeding to trial. The Washington Defender Association indicates that many gross misdemeanor DUI cases currently go to trial, which can require a significant amount of attorney time from both prosecutors and defenders. The 2023 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the combined law enforcement, prosecution and public defense costs of an alcohol-related gross misdemeanor offense are approximately \$6,470.

It is unknown, however, how many people may be granted a second deferred prosecution, or how much attorney time may be saved by avoiding a trial in a particular case, so the total cost savings of fewer cases proceeding to trial as a result of the availability of a second deferred prosecution for DUI or physical control is indeterminate.

C. SUMMARY OF REVENUE IMPACTS

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

CHANGES IN REVENUE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The amendment to SHB 1493 would not change the local government revenue impact below.

REVENUE IMPACT OF CURRENT BILL:

The proposed legislation would have no impact on local government revenues.

SOURCES:

Local Government Fiscal Note Program Criminal Justice Cost Model, 2023

King County Behavioral Health and Recovery Division

Local government fiscal note for SB 5032, 2023

Local government fiscal note for SHB 1104, 2023

Thurston Mason Behavioral Health Administrative Service Organization

Washington Adult Sentencing Guidelines Manual, 2022

Washington Association of Prosecuting Attorneys

Washington Defender Association

Washington State Administrative Office of the Courts

Washington State Caseload Forecast Council