

Multiple Agency Fiscal Note Summary

Bill Number: 5635 E 2S SB AMH CSJ H3306.2	Title: Victims' rights
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Estimated Cash Receipts

NONE

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

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Commerce	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	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 Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
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: Cheri Keller, OFM	Phone: (360) 584-2207	Date Published: Final 2/26/2024
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Judicial Impact Fiscal Note

Bill Number: 5635 E 2S SB AMH CSJR H3306.2	Title: Victims' rights	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: Jessica Van Horne	Phone: 360-786-7288	Date: 02/21/2024
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/23/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/23/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/23/2024

195,348.00

Request # 243-1

Part II: Narrative Explanation

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

This bill relates to refining victim's rights in all cases, not just felony and domestic violence cases.

This engrossed bill makes the following changes:

Section 1(1)

The language adds that victim rights apply in any adult or juvenile criminal proceeding and any civil commitment proceeding under 71.09.

Section 1(1)(h)

Civil commitment process added to this section.

Section 1(l)

Language added with respect to victims in addition to felony cases, that victims of any case involving DV, or any final determination under 71.09 (civil commitment) are to be informed of trial and hearings.

Section 1(n)

Any case involving domestic violence language restored in engrossed bill.

Section 1 (2)

Added to provide if applicable victim, survivor of a victim, or witness of crime is denied a right under this section, the person may seek an order directing compliance in superior court where the crime occurred. The court shall expedite consideration of this petition.

II. B - Cash Receipts Impact

None

II. C - Expenditures

The expedited consideration may increase judicial workload, but increase is likely minimal. No JIS system impacts.

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

195,348.00

Form FN (Rev 1/00)

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Request # 243-1

Bill # 5635 E 2S SB AMH CSJR H3306.2

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

Individual State Agency Fiscal Note

Bill Number: 5635 E 2S SB AMH CSJR H3306.2	Title: Victims' rights	Agency: 103-Department of Commerce
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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: Jessica Van Horne	Phone: 360-786-7288	Date: 02/21/2024
Agency Preparation: Kate Labelle	Phone: 3607252753	Date: 02/26/2024
Agency Approval: Kate Labelle	Phone: 3607252753	Date: 02/26/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/26/2024

Part II: Narrative Explanation

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

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

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

II. B - Cash receipts Impact

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

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.

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

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

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

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

Com Spec 5: 0.05 FTE

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

Com Spec 3: 0.10 FTE

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

Com Spec 1: 0.10 FTE

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

MA 3: 0.10 FTE

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

Pass Through: \$1,250,000

For illustrative purposes:

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 5635 E 2S SB AMH CSJR H3306.2	Title: Victims' rights	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/21/2024
Agency Preparation: Buffy Hatcher	Phone: (360) 725-8428	Date: 02/22/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/22/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/26/2024

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.

Engrossed Second Substitute Senate Bill (E2SSB) 5635 is an Act related to enhancing victims' rights.

The following impact from E2SB 5635 remains unchanged with the newest version, 5635 E2S SB AMH CSJR H3306.2:

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

The effective date is assumed to be 90 days after the adjournment of the session in which this bill is passed.

II. B - Cash receipts Impact

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

None. All impacts are General Fund-State.

II. C - Expenditures

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

We assume this bill will have no fiscal impact to DOC as we currently have a Victim Witness Notification Program and staff that execute these processes to accomplish the requirements in Section 1(Q).

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

None

Part V: New Rule Making Required

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

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5635 E 2S SB AMH CSJR H3306.2	Title: Victims' rights
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Part I: Jurisdiction

Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: City prosecutor's offices would experience indeterminate expenditure impacts due to expanding victim services
- Counties: County prosecutor's offices would experience expenditure impacts totaling approximately \$1,250,000 per year due to expanding victim services and offsetting budget shortfalls if federal funding for victim witness programs is reduced, as anticipated.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: The number of victims and survivors that may be impacted by crimes in the future; the number of advocates cities and counties will hire as a result of expanding victim services; the total annual cost of employing the victim advocates; and the budget shortfalls that counties could face if federal funding for the victim witness program is reduced, as anticipated.

Estimated revenue impacts to:

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

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/26/2024
Leg. Committee Contact: Jessica Van Horne	Phone: 360-786-7288	Date: 02/21/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/26/2024
OFM Review: Cheri Keller	Phone: (360) 584-2207	Date: 02/26/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

This fiscal note compares 5635-S2.E AMH CSJR H3306.2, which retains the impacts of the Dhingra floor amendment, 5635-S2 AMS DHIN S4856.1, to 2SSB 5635.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

By retaining the impacts of 5635-S2 AMS DHIN S4856.1, 5635-S2.E AMH CSJR H3306.2 would no longer expand the number of victims and survivors served by victim witness programs and would add that the Legislature intends to provide sufficient funding to support crime victim advocates' work to ensure rights are granted to victims, survivors and witnesses of crimes.

SUMMARY OF CURRENT BILL:

Sec. 1 (1) (o) requires a reasonable effort to be made to ensure that the victim's safety is considered not only in bail determinations - but in any determinations of whether to impose other conditions of pretrial release, rather than only in bail determinations.

Sec. 1 (2) would provide victims and survivors the right to seek an order of compliance in the superior court in the county in which the crime occurred. Compliance with victim rights would be the sole remedy.

Sec. 2 would define the Legislature's intent. The legislature intends to provide funding 2 to the Office of Crime Victims Advocacy in an amount sufficient to support crime victim advocates and prosecutors in their work to ensure the rights granted to victims, survivors of victims, and witnesses of crimes in RCW 7.69.030 are protected.

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 IMPACTS BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

5635-S2.E AMH CSJR H3306.2 would retain the impacts of the Dhingra floor amendment, which would no longer expand the number of victims and survivors that victim witness programs serve, but it would expand the services cities and counties provide to victims and survivors. Counties' associated cost reductions are expected to be offset by anticipated funding reductions and workload increases discussed below. As such, counties' \$1,250,000 cost impact is not expected to change as a result of the amendment. Cities' costs are expected to be significantly less than the \$8 million previously estimated, but the exact expenditure impact is indeterminate.

Accordingly, counties' total expenditure impacts of \$1,250,000 would not change and cities' would be indeterminate but significantly less than \$8 million.

EXPENDITURE IMPACTS OF CURRENT BILL:

Counties would experience expenditure impacts totaling approximately \$1,250,000 per year due to expanding victim services and having to offset budget shortfalls if federal funding for victim witness programs is reduced, as anticipated. Cities' cost impacts would be indeterminate and would vary by jurisdiction based on staff capacity, but city expenditures are anticipated to be far less than \$8,000,000, according to the Association of Washington Cities (AWC).

COUNTIES:

Washington Association of Prosecuting Attorneys (WAPA) reports that the amendment would not change counties' total cost estimates because new information has become available since the last fiscal note was published. While the amendment would reduce the bill's scope (returning services to felony and DV cases only), any associated cost savings would be offset by two new impacts: the need to supplement anticipated budget shortfalls, and the need to hire additional

staff so that counties can provide the bill's expanded services, resulting in a total fiscal impact of approximately \$1,250,000 to counties.

The Office of Crime Victims Advocacy anticipates a reduction in federal funding for victim witness programs in State Fiscal Year 2026 (SFY26), which would create a budget shortfall. WAPA reports that already current funding is not adequate to meet the current need. Staff are currently at capacity. As such, counties could not absorb the budget reduction.

Because actual changes to services and future budget shortfalls cannot be predicted in advance, WAPA and OCVA calculated counties' additional funding needed to add a 0.5 FTE victim advocate at each county prosecutor's office, which would total approximately \$1,250,000.

Please note that based on WAPA's experience with hiring in the past, 0.5 FTE openings tend to go unfilled. WAPA would advocate for a 1.0 FTE increase for counties to realistically achieve the staff necessary to ensure crime victims' rights are protected.

CITIES:

Cities would experience indeterminate cost impacts as a result of the amendment that would increase victim services but would no longer expand the number of victims and survivors that victim witness programs serve.

According to AWC, in some jurisdictions, the costs of expanding victim services are expected to be absorbed within the existing staffing. Other jurisdictions anticipate needing to hire additional staff for this work. AWC cannot predict at this time which jurisdictions will need to hire more staff and at what cost. Another challenge cities may face is that expanding victim services adds a fractional FTE amount of work, but jurisdictions rarely hire a 0.25 or even 0.5 FTE. Accordingly, cities' expenditure impacts resulting from expanding victim services is indeterminate, but because the amendment would no longer increase the number of victims and survivors served, the cost impact is expected to be significantly less than the \$8,000,000 previously estimated, according to AWC.

C. SUMMARY OF REVENUE IMPACTS

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

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

SOURCES:

Association of Washington Cities
City of Forks
City of Olympia
City of Yakima
Washington Association of Prosecuting Attorneys