

Multiple Agency Fiscal Note Summary

Bill Number: 6133 SB 6133 AMH CSJ H3312.1	Title: Cannabis retail robberies
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Estimated Cash Receipts

NONE

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

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	0	0	0	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Liquor and Cannabis Board	.3	93,493	93,493	93,493	.5	134,196	134,196	134,196	.5	134,196	134,196	134,196
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
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 \$	0.3	93,493	93,493	93,493	0.5	134,196	134,196	134,196	0.5	134,196	134,196	134,196

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

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Liquor and Cannabis Board	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.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: Val Terre, OFM	Phone: (360) 280-3073	Date Published: Final 2/28/2024
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Judicial Impact Fiscal Note

Bill Number: 6133 SB 6133 AMH CSJR H3312.1	Title: Cannabis retail robberies	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: Lena Langer	Phone: 360-786-7192	Date: 02/21/2024
Agency Preparation: Chris Conn	Phone: 360-704-5512	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

195,380.00

Request # 241-1

Part II: Narrative Explanation

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

The substitute would not make any changes affecting the fiscal impact to the Administrative Office of the Courts or the courts.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No or minimal fiscal impact to the Administrative Office of the Courts.

Part III: Expenditure Detail

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

NONE

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

None

195,380.00

Form FN (Rev 1/00)

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Request # 241-1

Bill # 6133 SB 6133 AMH CSJR H3312.1

Individual State Agency Fiscal Note

Bill Number: 6133 SB 6133 AMH CSJR H3312.1	Title: Cannabis retail robberies	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: Lena Langer	Phone: 360-786-7192	Date: 02/21/2024
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/26/2024
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/26/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/27/2024

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.

SB 6133 H-3312.1

CONCERNING THE SAFETY AND SECURITY OF RETAIL CANNABIS OUTLETS

**101 – Caseload Forecast Council
February 21, 2024**

SUMMARY

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

- Section 1 Adds a new section to chapter 69.50 RCW, requiring retail outlets to report any attempt or incident of Robbery in the First or Second Degree at the retail outlet.
- Section 2 Amends RCW 9.94A.832 by expanding the special allegation for Robbery in the First or Second Degree of a Pharmacy to include Robbery in the First or Second Degree of a Cannabis retail outlet in a specified manner, resulting in a 12-month sentencing enhancement.
- Section 3 Amends RCW 9.94A.533(14) to include a 12-month sentence enhancement to the standard range for violations of the special allegation established in Section 2.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

The provisions of this bill will require modifications to the Caseload Forecast Council's adult felony sentencing database. This will require work from a contractor of an estimated 10 hours at a rate of \$125 per hour for a total cost to the Caseload Forecast Council of \$1,250.

Impacts on beds and supervision.

This bill:

- Expands the scope of an existing 12-month sentence enhancement.

The Caseload Forecast Council has no information regarding how many sentences for Robbery in the First Degree and Robbery in the Second Degree concern robbery of a Cannabis retail outlet by use of a vehicle, and, therefore, cannot predict how often the expanded sentence enhancement will be imposed. As such, the Caseload Forecast Council cannot reliably predict jail and prison bed impacts resulting from the bill.

Prison and Jail Bed Impacts

However, as all non-exceptional sentences for Robbery in the First Degree are prison sentences, the additional 12-month enhancement time added to sentence will impact prison beds only. Further, non-exceptional sentences for Robbery in the Second Degree can be either presumptive

prison or jail sentences, based on the individual's prior history. The addition of the enhancement to jail sentences will shift those sentences from jail to prison and it will increase the length of sentences that would have been to prison without the enhancement. As such, there is the potential for some jail bed savings and an increased need for prison beds.

Juvenile Rehabilitation Bed Impacts

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 adult conviction for Robbery in the First or Second Degree that includes a finding for the new enhancement and was committed by someone under the age of 18, would increase the need for JR beds. However, 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.

Adult Data

The following is provided as background information. In Fiscal Year 2023, there were a total of 441 sentences for Robbery in the First Degree and Robbery in the Second Degree (these are total sentences and not just sentences where Robbery in the First degree or Robbery in the Second Degree is the most serious offense on the judgment and sentence form.) Of these, the pharmacy enhancement was never included in the sentence.

Individual State Agency Fiscal Note

Bill Number: 6133 SB 6133 AMH CSJR H3312.1	Title: Cannabis retail robberies	Agency: 195-Liquor and Cannabis Board
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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	0.5	0.3	0.5	0.5
Account					
General Fund-State 001-1	0	93,493	93,493	134,196	134,196
Total \$	0	93,493	93,493	134,196	134,196

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: Lena Langer	Phone: 360-786-7192	Date: 02/21/2024
Agency Preparation: Colin O Neill	Phone: (360) 664-4552	Date: 02/22/2024
Agency Approval: Aaron Hanson	Phone: 360-664-1701	Date: 02/22/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/23/2024

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(1): Each retail outlet must report any attempt or incident of robbery in the first or second degree at the retail outlet to the board within 10 days of the attempt or incident.

Section 1(2): The board's chief enforcement officer must regularly consult with the Washington state patrol to provide details of attempts or incidents of robbery in the first or second degree of a retail outlet and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

Section 2(2) adds a special allegation category of using a vehicle to damage or gain access to the retail outlet.

CHANGES MADE BY THE STRIKING AMENDMENT TO THE UNDERLYING SB:

Section 2(3) Removes language establishing a special allegation for robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet in concert with another individual or individuals.

Section 3(14b) (NEW): Makes discretionary the 12-month sentencing enhancement for the special allegation for robbery in the first or second degree of a licensed cannabis retail outlet.

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.

ENFORCEMENT DIVISION:

The bill would require the division to have a subject matter expert (LEO2) involved in the process who has law enforcement experience/background to review and analyze the information for "patterns." This would require enforcement officials to gain further details of the incident and conducting premises checks to review the information/incidents.

The workload impact of this is expected to be 0.5 FTE LCB Enforcement Officer 2 (LEO2) per year ongoing. Please see the attached "6133 SB 6133 AMH CSJR H3312.1 Cannabis retail robberies - Enforcement Field Increment Calculator.pdf" for the workload calculations.

0.5 FTE LCB Enforcement Officer 2 - \$67,098/yr (\$59,168 salary/benefits, \$7,930 in associated costs). Onetime costs in FY25 of \$26,395 for equipment purchases.

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	93,493	93,493	134,196	134,196
Total \$			0	93,493	93,493	134,196	134,196

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.5	0.3	0.5	0.5
A-Salaries and Wages		43,356	43,356	86,712	86,712
B-Employee Benefits		15,812	15,812	31,624	31,624
C-Professional Service Contracts					
E-Goods and Other Services		15,095	15,095	4,360	4,360
G-Travel		9,580	9,580	11,160	11,160
J-Capital Outlays		9,650	9,650	340	340
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	93,493	93,493	134,196	134,196

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
LCB Enforcement Officer 2	86,712		0.5	0.3	0.5	0.5
Total FTEs			0.5	0.3	0.5	0.5

III. D - Expenditures By Program (optional)

Program	FY 2024	FY 2025	2023-25	2025-27	2027-29
Enforcement Division (060)		93,493	93,493	134,196	134,196
Total \$		93,493	93,493	134,196	134,196

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.

Enforcement Field Increment (FI) Calculator

6133 SB 6133 AMH CSJR H3312.1 "Cannabis retail robberies"

	Number of events	Time Factor	Staffing Factor	FI Total	Officer	Consultant
Reported Cannabis Robberies	100	20	1	2,000	2,000	

Total FI's	2,000	2,000	0
Total Field Increments per FTE	4,220	4,220	4,220
FTE's required	0.47	0.47	0.00
Round	0.48	0.50	0.00

<u>Factors</u>	<u>Values</u>
Reported Cannabis Robberies	100

Individual State Agency Fiscal Note

Bill Number: 6133 SB 6133 AMH CSJR H3312.1	Title: Cannabis retail robberies	Agency: 225-Washington State Patrol
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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: Lena Langer	Phone: 360-786-7192	Date: 02/21/2024
Agency Preparation: Allison Plant	Phone: 360-596-4080	Date: 02/21/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/21/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/22/2024

Part II: Narrative Explanation

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

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

This version of the legislation removes the special allegation if a defendant committed a robbery of a licensed cannabis retail outlet in concert with another individual or individuals. It also amends RCW 9.94A.533 to allow for a 12-month sentencing enhancement for the special allegation for robbery in the first or second degree of a licensed cannabis retail outlet.

These changes do not change our assumptions stated in our prior fiscal note.

The proposed legislation is expected to have an indeterminate fiscal impact to the Washington State Patrol (WSP).

New Section 1(1) requires a licensed cannabis retail outlet to report any attempt or incident of robbery in the first or second degree at the retail outlet to the Washington State Liquor and Cannabis Board (LCB) within 10 days of the attempt or incident.

New Section 1(2) requires the LCB's chief enforcement officer to regularly consult with the WSP to provide details of attempts or incidents of robbery in the first or second degree of licensed cannabis retail outlets and to discuss any evidence that indicates a pattern of, or coordinated effort by, a criminal enterprise.

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 proposed legislation requires the LCB's chief enforcement officer to regularly consult with the WSP regarding both attempted and successful incidents of robbery in the first or second degree of licensed cannabis retail outlets. We are currently unable to estimate the potential fiscal impact of this as it is not yet known what frequency or level of involvement will be needed for the WSP to satisfy this requirement.

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: 6133 SB 6133 AMH CSJR H3312.1	Title: Cannabis retail robberies	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:

- 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: Lena Langer	Phone: 360-786-7192	Date: 02/21/2024
Agency Preparation: Wendy Polzin	Phone: 2066702667	Date: 02/22/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	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.

ESSB 6133 compared to SB 6133

Removes language establishing a special allegation for robbery in the first or second degree where the perpetrator commits a robbery of licensed cannabis retail outlet in concert with another individual or individuals. The 12-month sentencing enhancement for the special allegation for robbery in the first or second degree of a licensed cannabis retail outlet is made discretionary.

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 changes proposed in this bill will not have a 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: 6133 SB 6133 AMH CSJR H3312.1	Title: Cannabis retail robberies	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: Lena Langer	Phone: 360-786-7192	Date: 02/21/2024
Agency Preparation: Buffy Hatcher	Phone: (360) 725-8428	Date: 02/27/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/27/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/27/2024

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.

Senate Bill 6133 AMH CSJR H3312.1 is an act that addresses the topic of notification within ten days from retail outlets reporting attempts or incidents of robbery in the first or second degree and imposes standard sentencing ranges determined by RCW 9.94A.510 or 9.94A.517.

Sections that have been added or changed since the previous version:

Section 2(3) removes that the individual commits the robbery in concert with one or more other persons.

Section 3(14)(b) states that an additional 12 months may be added to the standard sentencing range for an offense that is also a violation of RCW 9.94A.832(2).

The following impact from Senate Bill 6133 remains unchanged with the newest version, 6133 SB AMH CSJR H3312.1:

Section 1(1) adds a new section to chapter 69.50 RCW, requiring retail outlets to report any attempt or incident of robbery in the First or Second Degree at the retail outlet within 10 days of the attempted robbery or incident.

Section 2 amends RCW 9.94A.832 by expanding the special allegation for Robbery in the First or Second Degree of a Pharmacy to include Robbery in the First or Second Degree of a Cannabis retail outlet in a specified manner.

Section 2(2) The specific manner is outlined as the cannabis retail outlet is licensed according to state law, and an individual used a vehicle to damage or gain access to the retail outlet.

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.

The fiscal impact of this bill is indeterminate, assumed to be less than \$50,000 per Fiscal Year (FY). This bill:

- Expands the scope of an existing 12-month sentence enhancement.

The Caseload Forecast Council has no information regarding how many sentences for Robbery in the First Degree and Robbery in the Second Degree concern robbery of a Cannabis retail outlet by use of a vehicle, and, therefore, cannot predict how often the expanded sentence enhancement will be imposed. As such, the Caseload Forecast Council cannot reliably predict jail and prison bed impacts resulting from the bill.

However, as all non-exceptional sentences for Robbery in the First Degree are prison sentences, the additional 12-month

enhancement time added to the sentence will impact prison beds only. Further, non-exceptional sentences for Robbery in the Second Degree can be either presumptive prison or jail sentences based on the individual's prior history. The addition of the enhancement to jail sentences will shift those sentences from jail to prison and it will increase the length of sentences that would have been to prison without the enhancement. As such, there is the potential for some jail bed savings and an increased need for prison beds.

The following is provided as background information. In Fiscal Year 2023, there were a total of 441 sentences for Robbery in the First Degree and Robbery in the Second Degree (these are total sentences and not just sentences where Robbery in the First Degree or Robbery in the Second Degree is the most serious offense on the judgment and sentence form.) Of these, the pharmacy enhancement was never included in the sentence.

The estimated ADP impact to DOC prison facilities/institutions and/or community supervision/violator caseloads is based on projections from CFC.

We assume a Direct Variable Cost (DVC) of \$7,630 per incarcerated individual per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services' direct variable costs. It does not include staffing or dollars necessary for staffing needed at the facility outside of the living/housing units. The DVC is calculated by DOC and reviewed and approved with the Office of Financial Management, Senate, and House staff each legislative session.

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

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: 6133 SB 6133 AMH CSJR H3312.1	Title: Cannabis retail robberies
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Potential increase in law enforcement staff time to create reports; possible indeterminate jail bed impacts.
- Counties: Same as above.
- 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: If the legislation would increase the number of retail outlets that would report any attempt or incident of Robbery in the First or Second Degree; how often the expanded sentence enhancement would be imposed for Robbery in the First Degree and Robbery in the Second Degree concerning robbery of a cannabis retail outlet.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 02/28/2024
Leg. Committee Contact: Lena Langer	Phone: 360-786-7192	Date: 02/21/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/28/2024
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/28/2024

Part IV: Analysis

A. SUMMARY OF BILL

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

This fiscal note compares 6133 SB 6133 AMH CSJR H3312.1 to SB 6133.

CHANGES BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

6133 SB 6133 AMH CSJR H3312.1 would remove language establishing a special allegation for robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet in concert with another individual(s), but would retain language establishing a special allegation for robbery in the first or second degree where the perpetrator commits a robbery of a licensed cannabis retail outlet by using a vehicle to damage or gain access to the retail outlet.

These amendments would not change the local government impacts discussed below.

SUMMARY OF CURRENT BILL:

Sec. 1 would add a new section to chapter 69.50 RCW, requiring retail outlets to report any attempt or incident of Robbery in the First or Second Degree at the retail outlet.

Sec. 2 would amend RCW 9.94A.832 by expanding the special allegation for Robbery in the First or Second Degree of a Pharmacy to include Robbery in the First or Second Degree of a Cannabis retail outlet in a specified manner.

Sec. 3 would amend RCW 9.94A.533(14) to allow a 12-month sentence enhancement to the standard range for violations of the special allegation established in Section 2.

B. SUMMARY OF EXPENDITURE IMPACTS

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

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

Local law enforcement could experience increased costs if more retail outlets report any attempt or incident of Robbery in the First or Second Degree at the retail outlets. However, it is unknown how many such incidents may occur. Therefore the potentially increased demand for law enforcements' time to create such reports and the subsequent expenditure impact on local law enforcement agencies is indeterminate.

Additionally, the Caseload Forecast Council (CFC) cannot predict how often the expanded sentence enhancement will be imposed for Robbery in the First Degree and Robbery in the Second Degree concerning robbery of a Cannabis retail outlet. As such, the Caseload Forecast Council cannot reliably predict jail bed impacts that would result from the bill making the proposed legislation's impact on local governments indeterminate.

BACKGROUND:

According to the CFC, all non-exceptional sentences for Robbery in the First Degree are prison sentences, so the additional 12-month enhancement time added to sentence will impact prison beds only. Further, non-exceptional sentences for Robbery in the Second Degree can be either presumptive prison or jail sentences, based on the individual's prior history. The addition of the enhancement to jail sentences will shift those sentences from jail to prison and it will increase the length of sentences that would have been to prison without the enhancement. As such, there is the potential for some jail bed savings and an increased need for prison beds.

JUVENILE REHABILITATION BED IMPACTS:

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 adult conviction for Robbery in the First or Second Degree that includes a finding for the new enhancement and was committed by someone under the age of 18, would increase the need for JR beds. However, 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.

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 not impact local governments' revenue.

SOURCES:

Caseload Forecast Council

Washington Association of Sheriffs and Police Chiefs