

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5588 S SB 5588-S AMH CSJR H3372.1	<b>Title:</b> Mental health sentencing alt
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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
Department of Social and Health Services	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Fiscal note not available											
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

## Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
<b>Total \$</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0</b>

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

## Estimated Capital Budget Breakout

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Preliminary 2/29/2024
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# Judicial Impact Fiscal Note

<b>Bill Number:</b> 5588 S SB 5588-S AMH CSJR H3372.1	<b>Title:</b> Mental health sentencing alt	<b>Agency:</b> 055-Administrative Office of the Courts
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Lena Langer	Phone: 360-786-7192	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

195,339.00

Request # 240-1

## Part II: Narrative Explanation

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

This substitute bill retains the same court impacts as the original bill but adds no more.

This bill would amend RCW 9.94.695 relating to mental health sentencing alternative.

### II. B - Cash Receipts Impact

None

### II. C - Expenditures

There is minimal fiscal impact to the Administrative Office of the Courts for updating the Mental Health Sentencing Alternative Judgment and Sentence form and there is no impact to 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

195,339.00

Form FN (Rev 1/00)

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5588 S SB 5588-S AMH CSJR H3372.1	<b>Title:</b> Mental health sentencing alt	<b>Agency:</b> 101-Caseload Forecast Council
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## Part I: Estimates

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Operating Expenditures from:**

NONE

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: 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.*

# **SSB 5588 H-3372.1**

## **RELATING TO THE MENTAL HEALTH SENTENCING ALTERNATIVE**

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

#### **SUMMARY**

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

Section 1 Amends RCW 9.94A.695, the Mental Health Sentencing Alternative (MHSA), by allowing the court and correctional facility to delay a defendant's release from total confinement in order to facilitate adherence to the defendant's treatment plan and allows the court to waive the requirement of a written progress report prior to a progress hearing.

Section 1 Additionally requires the Health Care Authority (HCA) to directly reimburse behavioral health providers for conducting in-custody evaluations and developing treatment plans, and for monitoring the individual's compliance with the sentencing alternative.

Section 2 Adds a new section to chapter 71.24 RCW requiring HCA, beginning January 1, 2025, to require that any contract with a managed care organization to include prioritization for incarcerated individuals who are recommended for MHSA.

#### **EXPENDITURES**

##### **Assumptions.**

None.

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

None.

##### **Impact Summary**

This bill:

- Amends requirements for the MHSA.

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

This bill amends requirements under MHSA. Under the alternative, the court waives the term of confinement and imposes community custody of 12-24 months or 12-36, depending on the midpoint of the standard range sentence.

The Caseload Forecast Council (CFC) has no information if the provisions of the bill will result in increased usage of the alternative. If more MHSA sentences are imposed, it may result in decreased need for jail and prison beds.



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

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

**Impact on Supervision Caseload.**

While CFC has no information to know if more MHSA sentences would be imposed under the provisions of the bill, any additional MHSA sentences would result in an increased need for DOC community supervision resources.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5588 S SB 5588-S AMH CSJR H3372.1	<b>Title:</b> Mental health sentencing alt	<b>Agency:</b> 300-Department of Social and Health Services
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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: Sara Corbin	Phone: 360-902-8194	Date: 02/22/2024
Agency Approval: Dan Winkley	Phone: 360-902-8236	Date: 02/22/2024
OFM Review: Arnel Blancas	Phone: (360) 000-0000	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.*

Passage of this legislation will not impact the Department of Social and Health Services (DSHS) workload or client benefits. Therefore, there is no fiscal impact to DSHS from this bill. 5588 S SB 5588-S AMH CSJR H3372.1 amends several sections in 9.94A.695 RCW to allow the court or correctional facility an ability to delay the defendant's release from total confinement in order to facilitate adherence to the defendant's treatment plan; allows courts to waive a requirement for the Department of Corrections (DOC) and the treatment provider to provide written reports before a progress hearing; and requires the Health Care Authority (HCA) to directly reimburse behavioral health providers for conducting in-custody evaluations, developing treatment plans, and monitoring the individual's compliance with the sentencing alternative.

### II. B - Cash receipts Impact

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

None

### II. C - Expenditures

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

None

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

## Part IV: Capital Budget Impact

### IV. A - Capital Budget Expenditures

NONE

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

NONE

### IV. C - Capital Budget Breakout

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

NONE

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

NONE

None

## **Part V: New Rule Making Required**

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

# LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

<b>Bill Number:</b> 5588 S SB 5588-S AMH CSJR H3372.1	<b>Title:</b> Mental health sentencing alt
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## Part I: Jurisdiction

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

### Legislation Impacts:

- Cities:
- Counties: Indeterminate expenditure impact on jails, prosecutors and public defenders as a result of changes in usage of mental health sentencing alternative
- 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: Whether proposed legislation would affect number of people seeking mental health sentencing alternative, and what the magnitude of this change might be

### 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: James Vogl	Phone: 360-480-9429	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: Danya Clevenger	Phone: (360) 688-6413	Date: 02/29/2024

## **Part IV: Analysis**

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

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

Section 1 of the proposed legislation would amend RCW 9.94A.695, specifying that for a defendant participating in the mental health sentencing alternative under this section, the court and correctional facility may delay the defendant's release from total confinement in order to facilitate adherence to the defendant's treatment plan. The amendments in this section would also allow courts to waive the requirement that the Department of Corrections and a person's treatment provider each submit a treatment report before any progress hearing for a person participating in the mental health sentencing alternative. Finally, the amendments in this section would require the Washington Health Care Authority (HCA) to directly reimburse behavioral health providers for certain services related to the sentencing alternative described by this section.

Section 2 would add a new section to chapter 71.24 RCW, requiring that beginning January 1, 2025, HCA must ensure that any contract with a managed care organization includes a requirement that the managed care organization prioritize existing care coordination responsibilities for incarcerated people who are recommended for the mental health sentencing alternative under RCW 9.94A.695.

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

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

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

According to the Washington State Caseload Forecast Council fiscal note for this bill, the council has no information to predict whether the provisions of the bill would result in increased usage of the mental health sentencing alternative. If usage of this sentencing alternative does increase, there may be a decrease in demand for both jail and prison beds, and a resulting decrease in local government expenditures. It is unknown, however, if and how usage of the mental health sentencing alternative may change as a result of the provisions of the proposed legislation, so the impact on local government jail expenditures is indeterminate.

The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily cost to occupy a jail bed is \$145.

If there were an increase in usage of the mental health sentencing alternative, prosecutors and public defenders could incur additional costs as a result of the increased complexity of these cases, additional hearings and the involvement of victims. The Washington Association of Prosecuting Attorneys indicates that while the changes in the proposed legislation may likely make it easier for people to get treatment plans, it is unable to predict whether this may lead to an increase in the number of people who seek the mental health sentencing alternative. Since it is unknown if and how usage of the mental health sentencing alternative may change as a result of the provisions of the proposed legislation, and how much additional attorney time a given case with this sentencing alternative may require, the magnitude of any local government expenditure impact is indeterminate.

The 2024 Local Government Fiscal Note Program Unit Cost Model estimates that the average hourly salary plus benefits and overhead for a county prosecuting attorney is \$117.

### **C. SUMMARY OF REVENUE IMPACTS**

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

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

SOURCES:

Local government fiscal note for 2SSB 5293, 2021  
Local Government Fiscal Note Program Criminal Justice Cost Model, 2024  
Local Government Fiscal Note Program Unit Cost Model, 2024  
Washington Association of Prosecuting Attorneys  
Washington State Caseload Forecast Council