

Multiple Agency Fiscal Note Summary

Bill Number: 6246 SB 6246.E AMH CI H3329.2	Title: Firearm info./mental health
--	---

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Washington State Patrol	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Licensing	.0	0	0	0	.0	0	0	0	.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	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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
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
Washington State Patrol	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Final 3/ 1/2024
--	---------------------------------	---

Judicial Impact Fiscal Note

Bill Number: 6246 SB 6246.E AMH CRJ H3329.2	Title: Firearm info./mental health	Agency: 055-Administrative Office of the Courts
--	---	---

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Edie Adams	Phone: 360-786-7180	Date: 02/21/2024
Agency Preparation: Jackie Bailey-Johnson	Phone: 360-704-5545	Date: 02/29/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 02/29/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/29/2024

195,352.00

Request # 245-1

Part II: Narrative Explanation

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

The engrossed bill relates to the transmission of information relating to firearm prohibitions for person committed for mental health treatment.

This bill specifies that “a finding of not guilty by reason of insanity” shall be forwarded within 3 judicial days as part of the information sent to Department of Licensing (DOL) and Washington State Patrol (WSP) Firearms program as part of the information within RCW 9.41.047(1)(b).

This bill splits old 9.41.047(1)(b) into two parts and creates a new subsection c section starting at “by court order” in the current RCW and amends to add that the court shall forward within 3 judicial days (this new subsection is primarily addressing commitments). New c adds that DOL, and the criminal division of the county prosecutor in the county of commitment shall be forwarded information as well as WSP Firearms background check along with the information that is currently required to be sent under old b. Dismissal or charges based on 10.77.084 (stay of proceedings) and 10.77.086 (competency restore felony procedure) are added to new (c).

A dismissal of charges based on incompetency to stand trial under 10.77.084 (stay of proceedings treatment and restoration of competency) as well as 10.77.086 (competency restoration procedure in felony charges) DOL, WSP and the county in which the commitment to the prosecutor’s office of the criminal division of that county.

This bill adds that a person whose charges are dismissed based upon RCW 10.77.086 as a being eligible to petition the court for restoration of firearms.

This bill adds active extreme risk protection order (ERPO) as a prohibitor to petition for restoration of firearms.

This bill amends RCW 9.41.049 to add the criminal division of the county prosecutor in the county of Commitment as well as WSP firearms background check, a copy of the information within subsection.

This bill directs RCW 10.77.086 the court to issue an order if a dismissal occurs under subsection 7 that the defendant is prohibited from owning a firearm until a court restores their ability under 047, and that they must immediately surrender any firearms in possession and any concealed pistol license to local law enforcement agency (LEO). The court is to notify defendant both in writing and orally.

This bill adds similar language to RCW 10.77.088 for charges that are dismissed under subsection 1-7 within that RCW.

II. B - Cash Receipts Impact

None

II. C - Expenditures

This bill would have minor impact to the Administrative Office of the Courts by requiring this information to be included in court education and forms changes.

The total impact to courts is indeterminate.

The courts would experience additional fiscal impact because they would be required to send out additional notices to the Department of Licensing, the Washington State Patrol, and the county prosecutor criminal division in the county of commitment. The estimate per case is an additional 15 minutes for county clerks and an additional 3-5 minutes for the CLJ clerks to provide the notice.

Part III: Expenditure Detail

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

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

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

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

195,352.00

Form FN (Rev 1/00)

2

Request # 245-1

Bill # 6246 SB 6246.E AMH CRJ H3329.2

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

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

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

Individual State Agency Fiscal Note

Bill Number: 6246 SB 6246.E AMH CRJ H3329.2	Title: Firearm info./mental health	Agency: 101-Caseload Forecast Council
--	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Edie Adams	Phone: 360-786-7180	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 6246 (H3329.2)
FIREARM INFORMATION/MENTAL HEALTH
101 – Caseload Forecast Council
February 21, 2024

SUMMARY

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

Section 1 Amends RCW 9.41.047 by including charges that are dismissed based on incompetency to stand trial under RCW 10.77.086 to the requirement for courts to notify the person that they must immediately surrender all firearms and that they may not possess a firearm unless the person's right to do so is restored by the superior court that issued the order.

Section 1 Additionally adds no active extreme risk protections order or order to surrender and prohibit weapons entered against the petitioner to the list that prevents the restoration of firearm rights.

Section 3 Amends RCW 10.77.086 requiring the courts to issue an order prohibiting the defendant from possession firearms until a court restores his or her right to possess them under RCW 9.41.047.

Section 5 Amends RCW 9.41.040 by expanding the definition of Unlawful Possession of a Firearm in the Second Degree

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact on beds and supervision.

This bill:

- Expands the definition of a Class C felony offense ranked at Seriousness Level III.

The Caseload Forecast Council has no information to indicate how expanding the Class C felony offense of Unlawful Possession of a Firearm in the Second Degree will impact the number of incidents of the offense, nor does the Caseload Forecast Council have any information to indicate the sentences that might actually be imposed. Therefore, the Caseload Forecast Council cannot reliably predict correctional bed impacts resulting from the bill.

However, as a Class C felony offense ranked at Seriousness Level III on the adult felony sentencing grid, the expanded Class C felony offense is punishable by a standard range term of

confinement of between 1-3 months in jail and 51-60 months in prison (limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

Impact on Supervision.

No impact.

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

No impact.

Individual State Agency Fiscal Note

Bill Number: 6246 SB 6246.E AMH CRJ H3329.2	Title: Firearm info./mental health	Agency: 225-Washington State Patrol
--	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Edie Adams	Phone: 360-786-7180	Date: 02/21/2024
Agency Preparation: Thomas Bohon	Phone: (360) 596-4044	Date: 02/22/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/22/2024
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.

There is no fiscal impact to the Washington State Patrol (WSP).

The proposed legislation adds additional language and requirements to court reporting surrounding firearms, concealed pistol licenses, and mental health.

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.

The proposed legislation adds additional reporting requirements for the courts on firearms, but ultimately does not change our workload or how we operate in our Firearms Background Division.

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: 6246 SB 6246.E AMH CRJ H3329.2	Title: Firearm info./mental health	Agency: 240-Department of Licensing
--	---	--

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: Edie Adams	Phone: 360-786-7180	Date: 02/21/2024
Agency Preparation: Gina Rogers	Phone: 360-634-5036	Date: 02/28/2024
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 02/28/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 02/28/2024

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.

Sets new requirements for courts related to information that is transmitted relating to firearm prohibitions for individuals that are committed for mental health treatment.

This bill expands situations where an individual would be ineligible to possess a firearm (ITPF), which increases the order processing procedures for the Department of Licensing (DOL). Based on the data DOL received from the Administrative Office of the courts, this could be accomplished within existing resources and therefore has no fiscal impacts for DOL.

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.

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: 6246 SB 6246.E AMH CRJ H3329.2	Title: Firearm info./mental health	Agency: 307-Department of Children, Youth, and Families
--	---	---

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: Edie Adams	Phone: 360-786-7180	Date: 02/21/2024
Agency Preparation: Katherine Anderson	Phone: (360) 790-9033	Date: 02/27/2024
Agency Approval: Crystal Lester	Phone: 360-628-3960	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.

6246 SB 6246.E AMH CRJ H3329.2:

This bill covers the eligibility of firearm licensing when a person is convicted or found not guilty by reasons of insanity.

This bill has no fiscal impact to DCYF Juvenile Rehabilitation

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.

This bill only affects firearm licensing.

This bill has no fiscal impact to DCYF Juvenile Rehabilitation.

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: 6246 SB 6246.E AMH CRJ H3329.2	Title: Firearm info./mental health	Agency: 310-Department of Corrections
--	---	---

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: Edie Adams	Phone: 360-786-7180	Date: 02/21/2024
Agency Preparation: Jaysanna Wang	Phone: (360) 725-8428	Date: 02/28/2024
Agency Approval: Michael Steenhout	Phone: (360) 789-0480	Date: 02/28/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/28/2024

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 Substitute Senate Bill (ESSB) 6246.E AMH CRJ H3329.2 is an act related to the transmission of information to firearm prohibitions for persons committed for mental health treatment.

Section 1 amends RCW 9.41.047 by including charges that are dismissed based on incompetency to stand trial under RCW 10.77.086 to the requirement for courts to notify the person that they must immediately surrender all firearms and that they may not possess a firearm unless the person's right to do so is restored by the superior court that issued the order.

Section 1(3)(c)(v) adds no active extreme risk protections order or order to surrender and prohibit weapons entered against the petitioner to the list that prevents the restoration of firearm rights.

Section 3(9) amends RCW 10.77.086 requiring the courts to issue an order prohibiting the defendant from possession firearms until a court restores his or her right to possess them under RCW 9.41.047.

Section 5 amends RCW 9.41.040 by expanding the definition of Unlawful Possession of a Firearm in the Second Degree

Effective date is assumed 90 days after 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.

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

This bill expands the definition of a Class C felony offense ranked at Seriousness Level III.

The Caseload Forecast Council has no information to indicate how expanding the Class C felony offense of Unlawful Possession of a Firearm in the Second Degree will impact the number of incidents of the offense, nor does the Caseload Forecast Council have any information to indicate the sentences that might actually be imposed. Therefore, the Caseload Forecast Council cannot reliably predict correctional bed impacts resulting from the bill.

However, as a Class C felony offense ranked at Seriousness Level III on the adult felony sentencing grid, the expanded Class C felony offense is punishable by a standard range term of confinement of between 1-3 months in jail and 51-60 months in prison (limited to 60 months by the statutory maximum sentence for Class C felonies), depending on the individual's prior history. As such, any impact should manifest itself as an increased need for jail beds and an increased need for prison beds.

For illustration purposes only:

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 prison 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: 6246 SB 6246.E AMH CRJ H3329.2	Title: Firearm info./mental health
--	---

Part I: Jurisdiction

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

Legislation Impacts:

- Cities: Indeterminate expenditure impact on law enforcement as a result of processing additional incidents of expanded class C felony, additional firearm surrenders
- Counties: Indeterminate expenditure impact as a result of change in demand for jail beds, law enforcement, prosecutor and public defender time as a result of processing additional incidents of expanded class C felony offense; indeterminate expenditure impact on law enforcement as a result of additional firearm surrenders
- 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: Number of incidents of expanded class C felony that may occur; number of additional firearm surrenders that may occur

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: 02/27/2024
Leg. Committee Contact: Edie Adams	Phone: 360-786-7180	Date: 02/21/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/27/2024
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/27/2024

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 9.41.047, requiring that when a person has charges dismissed based on incompetency to stand trial under RCW 10.77.086, and a finding is made that the person has a history of one or more violent acts, that person must immediately surrender all firearms and any concealed pistol license to their local law enforcement agency.

Under the above circumstances, courts would also be required to forward a copy of a person's driver's license, or other identification or comparable information, along with the date of commitment or date charges are dismissed within three business days to the prosecutor in the county of commitment or the county where charges are dismissed.

Section 2 would amend RCW 9.41.049, requiring that when a designated crisis responder files a petition for initial detention on the grounds that the person presents a likelihood of serious harm, and the person is not subsequently committed for involuntary treatment, the court shall forward within three business days of the probable cause hearing a copy of the person's driver's license, or other identification or comparable information, along with the date of release from the facility, to the prosecutor in the county in which the petition was filed.

Section 3 would amend RCW 10.77.086, requiring that if at any time the court dismisses charges based on incompetency to stand trial under this section, the court shall issue an order prohibiting the defendant from the possession of firearms until a court restores this right. The defendant would be required to immediately surrender all firearms and any concealed pistol license to their local law enforcement agency.

Section 5 would amend RCW 9.41.040, specifying that a person would be guilty of unlawful possession of a firearm in the second degree if they own, access, have in their custody or control or possession, or receive any firearm after dismissal of criminal charges based on incompetency to stand trial under RCW 10.77.086.

Section 6 would amend RCW 70.02.260, requiring mental health services agencies to release certain specified information to city or county prosecuting attorneys when such information is requested during the course of business and for the purpose of carrying out the responsibilities of their office.

The amendments in this section would also specify that an appropriate purpose for requesting such information would be assessing the need for an extreme risk protection order, and that an approved person could request such information when they have reasonable suspicion that the person who is the subject of the information is exhibiting signs of a deterioration in mental functioning which is associated with a recent detention, or order of commitment or dismissal of charges under certain circumstances.

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 (CFC) fiscal note for this bill, expanding the definition of the existing class C felony offense of unlawful possession of a firearm in the second degree could increase demand for jail beds. As a class C felony ranked at seriousness level three on the adult felony sentencing grid, unlawful possession of a firearm in the second degree is punishable by a term of confinement of between one and three months in jail, and 51-60 months in prison, depending on a person's criminal history score.

It is unknown, however, how many additional instances of unlawful possession of a firearm in the second degree may occur as a result of the expanded definition in the proposed legislation, or what the associated sentences might be, so the

magnitude of the local government expenditure increase as a result of any increased demand for jail beds 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.

Local law enforcement, prosecutors and public defenders would also incur costs as a result of processing additional incidents of unlawful possession of a firearm in the second degree. It is unknown how many additional incidents of this offense may occur as a result of the expanded definition in the proposed legislation, however, so the magnitude of any resulting increase in local government expenditures is indeterminate. The 2024 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the combined law enforcement, prosecution and public defense costs to process an incidence of a weapons law violation are approximately \$8,133.

By adding a requirement that people surrender any firearms after having charges dismissed based on incompetency to stand trial under RCW 10.77.086, or being the subject of a petition for initial detention filed by a designated crisis responder under on the grounds that the person presents a likelihood of serious harm, but who are not subsequently committed for involuntary treatment, the proposed legislation could lead to an increase in firearm surrenders. It is unknown, however, how many additional surrender orders may result from the provisions of the proposed legislation, or how much law enforcement time these additional surrenders may require. Accordingly, the law enforcement expenditure impact of processing additional surrender orders 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.

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

SOURCES:

Local government fiscal note for HB 1902, 2024

Local Government Fiscal Note Program Criminal Justice Cost Model, 2024

Washington State Caseload Forecast Council