Multiple Agency Fiscal Note Summary

Bill Number: 1239 HB	**Title:** Successful reentry

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	Fiscal note not available											
Total $	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	Fiscal note not available								
Total $	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

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FNPID 71901

FNS029 Multi Agency rollup

Individual State Agency Fiscal Note

Bill Number: 1239 HB	Title: Successful reentry	Agency: 101-Caseload Forecast Council

Part I: Estimates

[X] **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.

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Agency Preparation:	Clela Steelhammer	Phone: 360-664-9381	Date: 01/15/2025
Agency Approval:	Clela Steelhammer	Phone: 360-664-9381	Date: 01/15/2025
OFM Review:	Danya Clevenger	Phone: (360) 688-6413	Date: 01/27/2025

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.

HB 1239
PREPARING INCARCERATED PEOPLE FOR SUCCESSFUL REENTRY
101 – Caseload Forecast Council
January 13, 2025

SUMMARY

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

Section 1 States the legislative intent of the bill.

Section 2 Amends RCW 9.94A.729 by removing the restriction of the ability to earn good time credits for confinement imposed for a firearm enhancement, other deadly weapon enhancement, impaired driving enhancement or minor child enhancements.

Section 2 Additionally amends RCW 9.94A.729 by eliminating existing subsections concerning the rate of earned time allowed and adds that for any term of confinement set to be completed on or after July 1, 2025, earned release time is to be up to 33.33% of the total sentence.

Section 2 Additionally amends RCW 9.94A.729 by stating the following are ineligible for earned release time:

- A federal sentence served in the Department of Corrections' (DOC) custody;
- An out-of-state sentenced served in DOC;
- A juvenile sentence under Title 13 RCW;
- A less restrictive alternative under chapter 71.05 RCW;
- A civil commitment under chapter 71.05 RCW;
- A mandatory minimum sentence under RCW 9.94A.540;
- A persistent offender sentence under RCW 9.94A.570;
- A Special Sex Offender Sentencing Alternative under RCW 9.94A.670; and
- An Aggravated Murder in the First Degree imposed on an adult under RCW 10.95.030

Additionally states anyone qualified to earn up to 50% under RCW 9.94A.729 shall not lose earned time accrued prior to July 1, 2025.

Section 3 Adds a new section stating that DOC shall recalculate the earned release date for any offender currently serving a term of confinement in a facility operated or contracted by the state of Washington, pursuant to RCW 9.94A.729. Also states that the act applies to any term of confinement set to be completed on or after July 1, 2025, regardless of the date of the underlying offense.

Section 4 States DOCs' recalculations of earned release time to not create any expectations that the percentage of earned release time will be revised before July 1, 2026, and there is no reason to conclude that the maximum percentage of earned release time is an entitlement or creates any liberty interest.

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Section 4 Additionally states DOC is authorized to take the time reasonably necessary to complete the recalculations of earned release time after the effective date of this section.

Section 5 Amends RCW 9.94A.728 to include language allowing eligible incarcerated individuals under RCW 9.94A.733(1)(c) that have served at least 13 years in total confinement in a state correctional facility, to serve no more than the final 18 months of the individual's sentence in partial confinement in a work release facility with up to the final six months in partial confinement as home detention in DOC's graduated reentry program.

Section 6 Amends RCW 9.94A.733

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

Given the above provisions:

- Individuals serving confinement or entering confinement on or after July 1, 2025, who received firearm or other deadly weapon enhancements or impaired driving enhancements, or both, are eligible for earned release time credits, and as a result, may spend less time in confinement.
- Individuals serving confinement or entering confinement at a DOC facility on or after July 1, 2025, that is classified as a Class A Sex or Serious Violent offense may have their maximum allowed earned release time percent increased from 10% or 15% (amount depending on the date of offense) to 33.33%, and, as a result, may spend less time in confinement under the provisions of the bill.
- For individuals whose offense was committed prior to the effective date of Section 3 and that are eligible for earned release time reduction, the bill requires DOC to recalculate earned release time under the provisions of the bill any term of confinement set to be completed on or after July 1, 2025.

EXPENDITURES

Assumptions.

- CFC = Caseload Forecast Council
- DOC = Department of Corrections
- DOSA = Drug Offender Sentencing Alternative
- FOSA = Family and Offender Sentencing Alternative
- FY = Fiscal Year
- DOSA = Drug Offender Sentencing Alternative
- Sentences are based on CFC Fiscal Year 2024 data and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, etc. (i.e., there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Exceptional sentences are included.
- Residential DOSA, Mentally Ill Offender Sentencing Alternative, and FOSA sentences, which have zero correctional confinement under the current policy, have no impact to confinement capacity and were excluded.
- Special Sex Offender Sentencing Alternative sentences were excluded.
- First-time Offender Waiver sentences were excluded.
- Sex offenses sentenced under RCW 9.94A.507 were excluded.
- Life sentences were excluded.

- Earned time is not allowed for the mandatory minimum term if a mandatory minimum sentence is required. Sentences for offenses of Assault 1˚ and Assault of a Child 1˚ have mandatory minimum periods of five years where the offender used force or means likely to result in death or intended to kill the victim. The CFCs data does not contain the information to determine if a mandatory minimum term applies. CFC requested the information from DOC.
- For prison sentences with a change in earned time, the estimated length of stay in prison is based on the average percentage of earned time received from the maximum allowed (91.0%), based on DOC FY24 release data provided by DOC.
- For jail sentences with enhancements that are estimated to have a reduced length of stay, the average percent of sentence served estimated is 72%.
- No impacts are assumed for jail bed savings associated with the change of earned time allowed for non-enhancements. Earned time for non-enhancement confinement in non-prison facilities is governed by RCW 9.92.151.
- Bed impacts are calculated with no phase-in factor as the bill includes retrospective application.
- Bed impacts are prospectively only. CFC does not have the necessary information to calculate the retrospective impacts, which would need to be calculated by DOC.

Impact on the Caseload Forecast Council.
None.

Prison and Jail Bed Impacts.
This bill:

- May shorten confinement time for sentences with the following enhancements: Firearm, or Other Deadly Weapon, or Impaired Driving enhancements, by allowing earned release time for enhancements. Provisions of the bill also increase the maximum earned time allowed for sentences that are currently limited to 10% or 15% to 33.33%.

The information below is provided to illustrate the prospective impact for the change in earned time rate and for the allowance of earned release time on enhancements not previously allowed earned release time based on the average time earned of eligible time (91%) provided by the Department of Corrections.

Average Monthly Population Jail and Prison Impacts - Prospective

HB 1239 - Sucessful Reentry
Caseload Forecast Council
January 15, 2025

	Fiscal Year									
	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35
Jail AMP	-1	-1	-1	-1	-1	-1	-1	-1	-1	-1
Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Prison AMP (Non-DOSA)	-3	-13	-28	-53	-81	-121	-167	-214	-262	-322
Prison AMP (Total)	-3	-13	-28	-53	-81	-121	-167	-214	-262	-322

Juvenile Rehabilitation Impacts

Current statutes require individuals sentenced in adult court for an offense committed before the age of 18 to serve their confinement at a JR facility until age 25, or until release if occurring prior to age 25. As a result of provisions in the bill, certain individuals may have shorter lengths of stay in confinement. Of the total sentences impacted by the changes of the bill, there were 26 sentences for individuals that committed their offense under age 18 and are estimated to have a length of stay that would result in some bed savings to occur while the individual is serving a sentence at a JR facility.