

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 1276 HB	<b>Title:</b> Organized retail theft
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## Estimated Cash Receipts

NONE

Agency Name	2025-27		2027-29		2029-31	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts	Fiscal note not available					
Loc School dist-SPI						
Local Gov. Other						
Local Gov. Total						

## 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
Administrative Office of the Courts	Fiscal note not available											
Office of Attorney General	Fiscal note not available											
Caseload Forecast Council	.0	1,300	1,300	1,300	.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.											
<b>Total \$</b>	<b>0.0</b>	<b>1,300</b>	<b>1,300</b>	<b>1,300</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	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
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	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of Attorney General	Fiscal note not available								
Caseload Forecast Council	.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
<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	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
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

NONE

<b>Prepared by:</b> Danya Clevenger, OFM	<b>Phone:</b> (360) 688-6413	<b>Date Published:</b> Preliminary 2/12/2025
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1276 HB	<b>Title:</b> Organized retail theft	<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:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
<b>Account</b>					
General Fund-State 001-1	1,300	0	1,300	0	0
<b>Total \$</b>	1,300	0	1,300	0	0

### 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: 02/05/2025
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 02/10/2025
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 02/10/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/12/2025

## 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 attachment.

### 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 attachment.

## Part III: Expenditure Detail

### III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	1,300	0	1,300	0	0
<b>Total \$</b>			1,300	0	1,300	0	0

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

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts	1,300		1,300		
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total \$</b>	1,300	0	1,300	0	0

**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 1276

## ORGANIZED RETAIL THEFT

### 101 – Caseload Forecast Council

### February 6, 2025

#### SUMMARY

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

Section 1 Amends RCW 9.94A.533 (Adjustments to standard sentences *Effective April 1, 2025*) by adding a new enhancement related to Organized Retail Theft (ORT). If a person commits ORT and the property stolen or possessed has a value of \$20,000 or more, an additional 12 months shall be added to the standard sentence range. If the value is \$50,000 or more, then 24 months shall be added.

#### 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 \$130 per hour for a total cost to the Caseload Forecast Council of \$1,300.

**Impacts on beds and supervision.**

This bill:

- Establishes a new enhancement of 12 or 24 months.

The Caseload Forecast Council has no information regarding how many sentences for ORT occur in which the value of the stolen property exceeds \$20,000, and, therefore, cannot predict how often the new enhancement will be imposed. As such, the Caseload Forecast Council cannot reliably predict bed impacts resulting from the bill.

**Prison and Jail Bed Impacts**

However, as the offense of ORT in the First Degree is a seriousness level (SL) 3 on the adult felony grid and the offense of ORT in the Second Degree is a SL 2, the sentences for the offenses can be either presumptive prison or jail sentences, based on the individual’s prior history. The additional 12 or 24 month enhancement time added to a sentence range may impact prison and jail beds. The addition of the enhancement to jail sentences will shift those sentences from jail to prison and it will increase the length of confinement for prison sentences with 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 2024, there were a total of 17 prison sentences and 9 jail sentences for ORT in the First Degree and 28 prison sentences and 48 jail sentences for ORT in the Second Degree. These are total sentences and not just sentences where ORT in the First degree or Second Degree is the most serious offense of the sentencing. There were an additional 23 sentences for an individual sentenced for ORT that received zero confinement through a sentencing alternative or the individual received a First-time Offender Waiver sentence.

### **Juvenile Rehabilitation Bed Impacts**

In addition, there may also be an increased need for Juvenile Rehabilitation (JR) beds for certain sentences that shift from a presumptive jail sentence to a prison sentence. 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 ORT in the First or Second Degree that includes 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 is assumed any impacts to JR would be minimal.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 1276 HB	<b>Title:</b> Organized retail theft	<b>Agency:</b> 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: 02/05/2025
Agency Preparation: Wendy Polzin	Phone: 2066702667	Date: 02/11/2025
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 02/11/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/12/2025



## 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.*

Section 1 amends RCW 9.94A.533 to add that additional time shall be added to the standard sentence ranges if a person committed the offense of organized retail theft, based on value of the theft. Twelve months will be added if the property stolen or possessed has a value of \$20,000 or more, and twenty-four months if the property stolen or possessed has a value of \$50,000 or more.

### 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 changes in this proposal would not impact the Department of Children, Youth, and Families. The sentencing enhancements in the bill do not apply to juvenile sentencing and would not impact the Juvenile Rehabilitation caseload.

## 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

<b>Bill Number:</b> 1276 HB	<b>Title:</b> Organized retail theft	<b>Agency:</b> 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: 02/05/2025
Agency Preparation: Leslie OConnor	Phone: 3607910201	Date: 02/07/2025
Agency Approval: Wendi Gunther	Phone: 360-725-8428	Date: 02/07/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/12/2025

## 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.*

An act relating to Organized Retail Theft; and amending RCW 9.94.533.

Section 1(16)(a)(b) amends RCW 9.94A.533 and 2024 c 301 s 28 by adding the following times to the sentences of those that commit Organized Retail Theft (ORT): 12 months if the property stolen or possessed is valued at \$20,000 or more and 24 months if the property stolen or possessed is valued at \$50,000 or more.

Effective date is assumed to be 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.*

### 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 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 FY.

This bill establishes a new enhancement of 12 or 24 months, depending on the value of the stolen or possessed property: 12 months if the value is \$20,000 or more, and 24 months if the value is \$50,000 or more.

The Caseload Forecast Council has no information regarding how many sentences for ORT will occur, in which the value of the stolen property exceeds \$20,000, and, therefore, cannot predict how often the new enhancement will be imposed. As such, the CFC cannot reliably predict bed impacts resulting from the bill.

### DOC INDETERMINATE COSTS

As the offense of ORT in the First Degree is a seriousness level (SL) 3 on the adult felony grid and the offense of ORT in the Second Degree is a SL 2, the sentences for the offenses can be either presumptive prison or jail sentences, based on the individual's prior history. The additional 12 or 24 month enhancement time added to a sentence range may impact prison and jail beds. The addition of the enhancement to jail sentences will shift those sentences from jail to prison and it will increase the length of confinement for prison sentences with the enhancement. As such, there is the potential for some jail bed savings and an increased need for prison beds.

For illustrative purposes only, in Fiscal Year 2024, there were a total of 17 prison sentences and 9 jail sentences for ORT in the First Degree and 28 prison sentences and 48 jail sentences for ORT in the Second Degree. These are total sentences and not just sentences where ORT in the First Degree or Second Degree is the most serious offense of the sentencing. There were an additional 23 sentences for an individual sentenced for ORT that received zero confinement through a sentencing alternative, or the individual received a First-Time Offender Waiver sentence.

### DOC STANDARD ASSUMPTIONS

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

The DOC assumes a Direct Variable Cost (DVC) of \$7,808 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.

For illustrative purposes only, the average annual Community Supervision caseload model is \$6,072 per ADP (not including startup costs), regardless of the supervised risk level based on the workload model. If ADP impacts are applicable to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records, and Training, that are directly affected by supervision population changes. The estimate will vary based on the risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent, 27.3% high non-violent, 21% moderate, 7.9% low, and 1.0% unclassified. (June – November 2017).

The DOC assumes that any increase in community supervision caseload will result in an increased need for violator beds. For illustrative, the FY2024 average percentage of supervised individuals who served jail time and were billed by the local jurisdictions for violating their conditions of supervision was a rate of 2.0%. The current average daily cost for jail beds is \$123.24 per day, inclusive of all risk levels and healthcare costs. The rate is an average, and actual rates vary by local correctional facilities.

The DOC assumes additional impacts will result when ADP caseload changes in either prison or community and resources will be necessary. The DOC will evaluate the fiscal impacts and may submit future budget requests to cover these costs 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:** 1276 HB

**Title:** Organized retail theft

## Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

### Legislation Impacts:

- Cities:
- Counties: Savings to jails as a result of shifting sentences from jails to prisons
- 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: Decrease in jail sentences

### 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: Alice Zillah	Phone: 360-725-5035	Date: 02/06/2025
Leg. Committee Contact: Lena Langer	Phone: 360-786-7192	Date: 02/05/2025
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 02/06/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/12/2025

## **Part IV: Analysis**

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

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

Sec. 1 amends RCW 9.94A.533. The following additional times shall be added to the standard sentence range if a person committed the offense of organized retail theft as defined by RCW 9A.56.350 and the property stolen or possessed has a value of the following:

- Twelve months if the property stolen or possessed has a value of \$20,000 or more; and
- Twenty-four months if the property stolen or possessed has a value of \$50,000 or more.

### **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 legislation would result in savings for counties due to shifting sentences currently served in county jails to prisons.

The Caseload Forecast Council indicates that the additional 12 to 24 month sentence enhancement for charges of organized retail theft would result in those sentences being served in prisons rather than jails. Information about the number of sentences that would meet the thresholds established by the bill is not available, so the total impacts are indeterminate.

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

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

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

The legislation would have no revenue impacts for local government.

#### **SOURCES:**

Local Government Fiscal Note SB 5160, 2023

Caseload Forecast Council

Local Government Fiscal Note Program criminal justice cost model