

Individual State Agency Fiscal Note

Bill Number: 5219 S SB	Title: Partial confinement	Agency: 310-Department of Corrections
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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
Account					
General Fund-State 001-1	60,000	(382,000)	(322,000)	(764,000)	(764,000)
Total \$	60,000	(382,000)	(322,000)	(764,000)	(764,000)

In addition to the estimates above, there are additional indeterminate costs 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.

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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 partial confinement eligibility and alignment; amending RCW 9.94A.030, 9.94A.6551, 9.94A.733, 9.94A.728 and 72.65.210; creating a new section; providing an effective date; and providing an expiration date.

SSB 5219 differs from the original bill in the following way:

Section 3(2)(e)(iii) adds caregiver and reinstates the requirement that the relationship had to exist at the time of the offense. This broadens who can be considered as parenting a minor child but no longer expands eligibility to parenting incarcerated individuals (IIs) who became parents after their offenses were committed and allow greater access to the services that Community Parenting Alternative (CPA) offers.

Section 3(7) was added stating the Department of Corrections (DOC) may not transfer an II to participate in the parenting program until the department has a clinically appropriate evaluation for substance use disorder. If the II is diagnosed to have a substance use disorder, the department shall assist the II in enrolling in substance use disorder treatment services at the level deemed clinically appropriate. IIs transferred to participate in the parenting program, and diagnosed with a substance use disorder, must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the evaluation, access to medication-assisted treatment and counseling programs. Upon transfer to the parenting program, when clinically appropriate, IIs must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

Section 4(4)(b) changes DOC's responsibility in SSB 5219 for an II who is diagnosed with a substance use disorder, from accessing substance use disorder treatment services, to enrolling the II in substance use disorder treatment services at the level deemed clinically appropriate. SSB adds back in language stating IIs diagnosed with a substance use disorder, must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the evaluation, access to medication-assisted treatment and counseling programs.

Section 5(1)(e) states no more than the final 18 months of the II's term of confinement may be served in partial confinement for aiding the II with: Finding work as part of the work release program under chapter 72.65 RCW; reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729 (5) (d);

Section 6(3) state DOC may not transfer an II to participate in a work release program until DOC has a clinically appropriate evaluation for substance use disorder. If the II is diagnosed to have a substance use disorder, DOC shall assist the II in enrolling in substance use disorder treatment services at the level deemed clinically appropriate. IIs transferred to participate in a work release program, and diagnosed with a substance use disorder, must begin receiving substance use disorder treatment services as soon as practicable after transfer to avoid any delays in treatment. Substance use disorder treatment services shall include, as deemed necessary by the evaluation, access to medication-assisted treatment and counseling programs. Upon transfer to a work release program, when clinically appropriate, IIs must be provided with access to self-administered fentanyl testing supplies and medications designed to reverse the effects of opioid overdose.

Section 7, previously section 6, changes restrictions on the community parenting alternative and partial confinement under sections 1-6 of this act instead of sections 1-4.

Section 7, reassigned as Section 8, continues to state section 1 of this act expires January 1, 2026.

Section 8, reassigned as Section 9, continues to state section 2 of this act takes effect January 1, 2026.

The following impacts remain unchanged from the previous bill version, SB 5219:

Section 1(35) of this bill amends RCW 9.94A.030 updating the definition of "Partial confinement" from no more than one year to now 18 months in a facility or institution operated or utilized under contract by the state or any other unit of government including home detention, electronic home monitoring (EHM), parenting program or the graduated reentry program (GRE).

Section 2(36) of this bill amends RCW 9.94A.030 updating the definition of "Partial confinement" to confinement up to 18 months in a facility or institution operated or utilized under contract by the state or any other unit of government including home detention, electronic monitoring, parenting program, or the graduated reentry program.

Section 3(1) of this bill amends RCW 9.94A.6551 to allow an II no more than the final 18 months of the term of confinement to be served in partial confinement as home detention as part of the parenting program developed by Department of Corrections (DOC).

Section 4(1)(a) amends RCW 9.94A.733 to state except as provided in (b) of this subsection, an II may not participate in the graduated reentry program under this subsection unless he or she has served at least three months in total confinement in a state correctional facility.

Section 4(1)(a)(i) states an II subject to (a) of this subsection may serve no more than the final nine months of the II's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by DOC.

Section 4(1)(b) states for IIs who meet the requirements of (b)(iii) of this subsection, an II may not participate in the graduated reentry program unless he or she has served at least three months in total confinement in a state correctional facility.

Section 5(1)(e) amends RCW 9.94A.728 to state no more than the final 18 months of the II's term of confinement may be served in partial confinement for aiding the II with: Finding work as part of the work release program under chapter 72.65 RCW; reestablishing himself or herself in the community as part of the parenting program in RCW 9.94A.6551; or participating in outpatient behavioral health treatment.

Section 5(1)(f)(i) states no more than the final nine months of the II's term of confinement may be served in partial confinement as home detention as part of the graduated reentry program developed by DOC under RCW 9.94A.733 (1) (a);

Section 5(1)(f)(ii) states for eligible IIs under RCW 219.94A.733(1)(b), after serving at least three months in total confinement in a state correctional facility, an II may serve no more than the final 18 months of the II's term of confinement in partial confinement as home detention as part of the graduated reentry program developed by DOC;

Section 6 was added to state the changes to restrictions on the community parenting alternative and partial confinement under sections 1, 2, 3, and 4 of this act apply prospectively and retroactively to persons currently serving a sentence in any facility or institution either operated by the state or utilized under contract.

Section 7 states section 1 of this act expires January 1, 2026.

Section 8 states section 2 of this act takes effect January 1, 2026.

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 updated bill language from SB 5219 to SSB 5219 does not change the previous fiscal impact assumptions to the DOC.

The DOC assumes this bill will have a savings in fiscal impact greater than \$50,000 per Fiscal Year (FY).

This bill is proposing legislation that would align all partial confinement programs to 18 months as well as remove several barriers to program participation.

This proposal would require RCW 9.94A.733 and RCW 9.94A.655 to be amended along with WAC 137-56 to reflect these proposed changes.

DOC DETERMINATE COSTS

The DOC assumes a Direct Variable Cost (DVC) of \$7,808 per II per FY to facilitate cost discussions during legislative session for bills. This cost estimate includes prison and health services' direct variable costs (DVCs). 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.

The DOC assumes additional impacts will result when average daily population (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.

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 purposes, 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.

Reentry Centers currently house and average 330 IIs for FY25. If all 330 are eligible for expanded duration and that population number remains stable in future fiscal years, DOC assumes the following:

Align all partial confinement programs from 12 months to 18 months which allows for six months of savings.

Prison DVC per FY: \$7,808

Community Supervision Cost per FY: \$6,072

Calculated savings: $(\$7,808 - \$6,072) \times 165 \text{ ADP } (330 \text{ ADP} / 6 \text{ months}) = (\$286,000) \text{ rounded savings per FY.}$

Assumed annual savings for aligning all partial confinement programs from 12 to 18 months:

FY2026: \$0

FY2027: (\$286,000) Rounded

FY2028: (\$286,000) Rounded

FY2029: (\$286,000) Rounded

FY2030: (\$286,000) Rounded

FY2031: (\$286,000) Rounded

Prison DVC per FY: \$7,808

Less - Community Supervision ADP Cost per FY: \$6,072

Difference = $\$1,736 / 12 \text{ months} = \$144.67 \text{ per month savings per II.}$

The DOC cannot accurately estimate who would be eligible in the future for the GRE alignment changes. However, if 50 IIs qualify, this would be the savings generated per FY based on the number of additional months participated seen below regarding each new proposal:

Example of calculation for monthly savings per II $\$144.67 \times 50 \text{ IIs} = (\$7,233) \text{ per month}$

Section 4(a) savings per II: 6 months to 3 months = 3 months $\times \$7,233 = (\$21,700)$

Section 4(a)(i) savings per II: 5 months to 9 months = 4 months $\times \$7,233 = (\$28,933)$

Section 5(1)(f)(i) savings per II: 5 months to 9 months = 4 months $\times \$7,233 = (\$28,933)$

Section 4(1)(b) savings per II: 4 months to 3 months = 1 month $\times \$7,233 = (\$7,233)$

Section 5(1)(f)(ii) savings per II: 4 months to 3 months = 1 month $\times \$7,233 = (\$7,233)$

FY2026: \$0

FY2027: (\$96,000) Rounded

FY2028: (\$96,000) Rounded

FY2029: (\$96,000) Rounded

FY2030: (\$96,000) Rounded

FY2031: (\$96,000) Rounded

If enacted, the following (OMNI) updates would be required for functionality. The Transfer Order screen would need an update to the GRE options where EHM box appears to add a new Track 3. The new custody level would need to be added to the Assigned Custody in the CFP. Lastly, the logic would have to be defined/added for the new custody level.

To make these updates in OMNI, IT would incur the following determinant one-time costs totaling: \$59,570.

IT Application & Report Development – 200 hours @ \$185/hour = \$37,000

IT Quality Assurance – 80 hours @ \$185 = \$14,800

IT Business Analyst – 42 hours @ \$185 = \$7,770

Overall, total cost and savings for this bill are the following:

FY2026: \$60,000 Rounded

FY2027: (\$382,000) Rounded

FY2028: (\$382,000) Rounded

FY2029: (\$382,000) Rounded

FY2030: (\$382,000) Rounded

FY2031: (\$382,000) Rounded

The DOC currently has capacity in its partial confinement programs to accommodate an increase in caseload based on the illustrative estimates. However, we assume 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.

The Caseload Forecast Council (CFC) cannot provide determinate ADP impacts for this legislation. The prospective impacts in this fiscal note are based on current experienced estimates by DOC assumed to be the same in future fiscal years. As this does not align with CFC's forecasting model, DOC will be required to make adjustments in future caseload decision packages that may affect the estimated financial impacts of this fiscal note.

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	60,000	(382,000)	(322,000)	(764,000)	(764,000)
Total \$			60,000	(382,000)	(322,000)	(764,000)	(764,000)

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
A-Salaries and Wages		328,000	328,000	656,000	656,000
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services	60,000	(710,000)	(650,000)	(1,420,000)	(1,420,000)
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-					
Total \$	60,000	(382,000)	(322,000)	(764,000)	(764,000)

In addition to the estimates above, there are additional indeterminate costs 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)

Program	FY 2026	FY 2027	2025-27	2027-29	2029-31
Correctional Operations (200)	60,000	(710,000)	(650,000)	(1,420,000)	(1,420,000)
Community Supervision (300)		328,000	328,000	656,000	656,000
Total \$	60,000	(382,000)	(322,000)	(764,000)	(764,000)

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.