Multiple Agency Fiscal Note Summary

Bill Number: 1178 S HB	**Title:** Sentencing enhancements

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
Administrative Office of the Courts	.0	5,000	5,000	5,000	.0	0	0	0	.0	0	0	0
Caseload Forecast Council	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total $	**0.0**	**5,000**	**5,000**	**5,000**	**0.0**	**0**	**0**	**0**	**0.0**	**0**	**0**	**0**

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
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	.0	0	0	.0	0	0	.0	0	0
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
Total $	**0.0**	**0**	**0**	**0.0**	**0**	**0**	**0.0**	**0**	**0**

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
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 2/16/2025

Judicial Impact Fiscal Note

Bill Number: 1178 S HB	Title: Sentencing enhancements	Agency: 055-Administrative Office of the Courts

Part I: Estimates

☐ **No Fiscal Impact**

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

STATE	FY 2026	FY 2027	2025-27	2027-29	2029-31
State FTE Staff Years					
Account					
General Fund-State 001-1	5,000		5,000		
State Subtotal $	5,000		5,000		
COUNTY	**FY 2026**	**FY 2027**	**2025-27**	**2027-29**	**2029-31**
County FTE Staff Years					
Account					
Local - Counties					
Counties Subtotal $					
CITY	**FY 2026**	**FY 2027**	**2025-27**	**2027-29**	**2029-31**
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal $					

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 fo 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	Michelle Rusk	Phone: 360-786-7153	Date: 02/06/2025
Agency Preparation:	Chris Conn	Phone: 360-704-5512	Date: 02/11/2025
Agency Approval:	Chris Stanley	Phone: 360-357-2406	Date: 02/11/2025
OFM Review:	Gaius Horton	Phone: (360) 819-3112	Date: 02/11/2025

Part II: Narrative Explanation

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

The substitute bill reinserts stricken language from the original bill.

The substitute would not make any changes affecting the fiscal impact to the Administrative Office of the Courts or the courts.

II. B - Cash Receipts Impact

None

II. C - Expenditures

This bill would have minimal fiscal impact to the Administrative Office of the Courts.

ADMINISTRATIVE OFFICE OF THE COURTS
The bill would require 50 hours of forms updates, as well as 6 hours to update the law table. This is estimated to be $5,000 in FY 2026.

Part III: Expenditure Detail

Part III: Expenditure Detail

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

State	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
Salaries and Wages					
Employee Benefits					
Professional Service Contracts					
Goods and Other Services	5,000		5,000		
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total $	5,000		5,000		

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

NONE

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

None

Individual State Agency Fiscal Note

Bill Number: 1178 S HB	Title: Sentencing enhancements	Agency: 101-Caseload Forecast Council

Part I: Estimates

[X] **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	0	6,500	6,500	0	0
Total $	0	6,500	6,500	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:	Michelle Rusk	Phone: 360-786-7153	Date: 02/06/2025
Agency Preparation:	Clela Steelhammer	Phone: 360-664-9381	Date: 02/11/2025
Agency Approval:	Clela Steelhammer	Phone: 360-664-9381	Date: 02/11/2025
OFM Review:	Danya Clevenger	Phone: (360) 688-6413	Date: 02/16/2025

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	0	6,500	6,500	0	0
		Total $	0	6,500	6,500	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		6,500	6,500		
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-					
Total $	0	6,500	6,500	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.

SHB 1178
SENTENCING ENHANCEMENTS
101 – Caseload Forecast Council
February 7, 2025

SUMMARY

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

Section 1 Amends the definition of "Pattern of Criminal Street Gang Activity" in RCW 9.94A.030 by removing the felony convictions by a person 18 or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833.

Section 2 Amends the definition of "Pattern of Criminal Street Gang Activity" in RCW 9.94A.030 by removing the felony convictions by a person 18 or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833.

Section 3 Amends RCW 9.94A.533 by removing the requirements that firearm and other deadly weapon enhancements must be served in total confinement and must run consecutively. Additionally, it adds language allowing the courts discretion to run multiple firearm and other deadly weapon enhancements concurrently or consecutively. Additionally, language stating the portion of a sentence that is reduced with the combination of the enhancement and base sentence exceed the statutory maximum for the offense.

Section 3 Additionally amends RCW 9.94A.533 by eliminating the sentencing enhancement for violations of a ranked offense involving a violation of chapter 69.50 RCW if the offense was also a violation of 69.50.435 (protected zones).

Section 3 Additionally amends RCW 9.94A.533 by eliminating the Criminal Street Gang-related Felony enhancement.

Section 3 Additionally amends RCW 9.94A.533 by removing the requirements that enhancements for minor child present in vehicle must be served in total confinement, unless the offender has two or more prior offenses (as defined in RCW 46.61.5055) or has been convicted in one or more Vehicular Homicide offense while under the influence (as defined in RCW 46.61.520(1)(a)), in which case all enhancements must be served in total confinement.

Section 4 Amends RCW 9.94A.599 by removing language stating the portion of a sentence that is reduced with the combination of the enhancement and base sentence exceed the statutory maximum for the offense.

Section 5 Amends RCW 9.94A.729 by removing the restriction of the ability to earn good time credits for time imposed for a firearm or other deadly weapon enhancement.

Section 6 Amends RCW 10.01.210, Offender Notification Warning, by eliminating language regarding the removal of good time for any and all deadly weapon enhancements.

Section 7 Amends RCW 72.01.410, making a technical correction to a reference to a subsection in RCW 9.94A.729.

Section 8 Repeals the following:

- RCW 9.94A.833 – Special allegations involving a minor in a felony offense.
- RCW 69.50.435 – Violations committed in or on certain public places or facilities.

Clela Steelhammer, Senior Caseload Forecaster (360) 664-9381
Washington State Caseload Forecast Council Clela.Steelhammer@cfc.wa.gov

Section 9 States Section 1 of the act expires on January 1, 2026.
Section 10 States Section 2 of the act takes effect on January 1, 2026.

A brief description of what the measure does that has fiscal impact.
Given the above provisions:
Prospective impacts (apply to individuals committing the offense on or after the effective date of the act):

- Individuals are eligible to serve a term of partial confinement during the period of enhancement for firearm and other deadly weapon enhancements.
- Earned time is allowed during the enhancement portion of the sentence for firearm or other deadly weapons.
- Individuals with multiple firearm or other deadly weapon enhancements may serve less time in prison if the enhancement terms are ran concurrently to one another, rather than consecutively.
- The protected zone enhancement is eliminated, resulting in less time in confinement.
- The Criminal Street Gang-related Felony enhancement is eliminated. There are no impacts associated with the elimination of Criminal Street Gang-related enhancement as there has not been any sentences with the enhancement in Fiscal Year 2024, or 10 years previous.

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 for weapon enhancement analysis and excluded for other impacts.
- 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.
- Sex offenses sentenced under RCW 9.94A.507 were excluded.
- Life sentences were excluded.
- For prison (non-DOSA) sentences with weapon enhancement(s), the estimated length of stay in prison for the enhancement portion of the sentence under the proposed policy is calculated assuming courts impose concurrent terms for all multiple weapon enhancements and changes associated with allowance of earned time is based on the average percentage of earned time received from the maximum allowed (91%), based on DOC FY24 release data provided by DOC.
- For prison (non-DOSA) sentences with sexual motivation enhancement(s), the estimated length of stay in prison for the enhancement portion of the sentence associated with

allowance of earned time under the proposed policy is calculated on the average percentage of earned time received from the maximum allowed (91%), based on DOC FY24 release data provided by DOC.

- For prison (non-DOSA) sentences with protected zone enhancement(s), the proposed length of stay in prison is calculated based on the same relative point in the current range as applied to the standard range without the enhancement, using figures for average percentage of sentence served in prison, which is based on DOC FY24 data, for non-DOSA offenders.
- Bed impacts are calculated with a phase-in factor and an effective date of January 1, 2026 and assumes all multiple weapon enhancements would run concurrently.

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 50 hours at a rate of $130 per hour for a total cost to the Caseload Forecast Council of $6,500.

Prison Impact (Prospective).
This bill:

- May shorten confinement time for sentences with the following enhancements: Firearm and Other Deadly Weapon, by allowing earned release time for enhancements. Additionally modifies the structure of multiple Firearm and Other Deadly Weapons enhancements to be run concurrently; and eliminates the Criminal Street Gang-related Felony and Protected Zone enhancements.

The Average Daily Population (ADP) estimate is indeterminate, as under the provisions of the bill, the courts are allowed to run multiple weapon enhancements consecutively. The Caseload Forecast Council does not have the necessary information to know when the terms will be concurrent or consecutive. The information below is provided to illustrate the impact if multiple weapon enhancements **were all to be run concurrently**.

Potential Maximum Impacts – Assumes All Multiple Enhancements Run Concurrent

Average Monthly Population Jail and Prison Impacts
SHB 1178 - Sentencing Enhancements - Prospective
Caseload Forecast Council
February 7, 2025

	Fiscal Year									
	FY26	FY27	FY28	FY29	FY30	FY31	FY32	FY33	FY34	FY35
Jail AMP	0	-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)	0	-3	-11	-26	-47	-69	-91	-111	-129	-145
Prison AMP (Total)	0	-3	-11	-26	-47	-69	-91	-111	-129	-145

Note: This analysis is provided to illustrate the impacts if all multiple weapon enhancements were to run concurrent to one another. Under the provisions of the bill, the court has the

authority to run such enhancements consecutively which would decrease the bed savings provided in this estimate.

Juvenile Rehabilitation Impacts

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 less than 1% of all sentences in the adult system are committed by those less than age 18 and sentences with enhancements, it assumed any impacts to JR would be minimal.

Individual State Agency Fiscal Note

Bill Number: 1178 S HB	Title: Sentencing enhancements	Agency: 307-Department of Children, Youth, and Families

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:	Michelle Rusk	Phone: 360-786-7153	Date: 02/06/2025
Agency Preparation:	Jay Treat	Phone: 360-556-6313	Date: 02/07/2025
Agency Approval:	Crystal Lester	Phone: 360-628-3960	Date: 02/07/2025
OFM Review:	Danya Clevenger	Phone: (360) 688-6413	Date: 02/16/2025

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.

Comparison of 1178-SHB to 1178-HB:

Section 3(4)(e)(i) amends RCW 9.94A.533 by allowing the courts discretion to run multiple firearm and other deadly weapon enhancements concurrently or consecutively.

Sections 3(7) and 3(12) amend RCW 9.94A.533 by changing multiple firearm or deadly weapon enhancements from "shall run consecutively" to "may order the enhancements to run consecutively or concurrently".

Section 5(2)9b) amends RCW 9.94A.729 by reinstating the restriction of the ability to earn good time credits for time imposed for a firearm or other deadly weapon enhancement.

New Section 8 repeals RCW 9.94A.833 Special allegations involving a minor in a felonly offense.

New Section 9 repeals RCW 58.50.435 Violations committed in or on certain public places or facilities.

New Section 9 provides that Section 1 of this act expires January 1, 2026.

New Section 10 provides that Section 2 of this act takes effect January 1, 2026.

1178-HB

Sections1(36)(a)(x) and 2(37)(a)(x) remove any felony conviction by a person 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833 from the "pattern of criminal street gang activity" will have an impact by those effected.

Section 3(3)(e) and 3(4)(e) amends RCW 9.94A.533 by removing the requirement that firearm and other deadly weapon enhancements must be served in total confinement and must run consecutively. For any person sentenced to multiple firearm or deadly weapon enhancements on or after the effective date of this section, the court may order the enhancement to run consecutively.

Section 3(3)(g) and 3(4)(g) removes language that if the addition of a firearm enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

Section 3(4)(6) removes the requirement that all firearm enhancements must run consecutively for all offenses under this chapter.

Section 3(6) removes the requirement that all enhancement under this subsection shall run consecutively to all other sentending provisions, for all offenses sentenced under this chapter.

Section 3(7) removed the requirement that all impaired driving enhancements under this subsection be served in total confinement. An addtiontal to this section allows the offender to have two or more prior offenses before all impaired driving enhancementw must be served in total confinement. If the offender has been convicted of one or more vehicular homicide offenses while under the influence of intoxicating liquor or other drug, all enhancements must be served in total

confinement.

Section 3(8)(b) removes the requirement that all sexual enhancements under this subsection be served in total confinement.

Section 3(8)(d) removes the provision that a sexual motivation enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced. Also, the portion of the total confinement sentence which the offender must serve under shall be calculated before any earned early release time is credited to the offender.

Section 3(10) eliminates the Criminal Street Gang related felony enhancement.

Section 3(12) removes the requirement that enhancements for minor child present in vehicle must be served in total confinement, unless the offender has two or more prior offenses, or convicted of one or more vehicular homicide offenses while under the influence of intoxicationg liquor or other drug, in which case all enhancement must be served in total confinement.

Section 4 amends RCW 9.94A.599 by removing language stating if the addition of a firearm or deadly weapon enhancement increases the sentence so that it would exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement may not be reduced.

Section 5 amends RCW 9.94A.729 by removing the restriction of the ability to earn good time credits for time imposed for a deadly weapon enhancement, impaired driving or minor child enhancement, or both.

Section 6 amends RCW 10.01.210 by eliminating language regarding removal of good time for any and all deadly weapon enhancements.

New Section 8 amends RCW 9.94A.833 and 69.50.435 by repealing these sections.

New Section 9 provides an expiry date of January 1, 2026 for Section 1 of this act.

New Section 10 provides an effective date of 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.

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.

Fiscal impact is indeterminate.

The changes in statute could potentially impact Juvenile Rehabilitation (JR) beds.

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. Per the Caseload Forecast Council (CFC), the CFC does not does not have the necessary information to know when the terms of confinement will be concurrent or consecutive, therefore, the CFC cannot estimate the bed impact of the bill. Impacts to JR would be minimal since less than 1% of all sentences in the adult system are committed by youth less that age 18.

The bill may potentially result in a change in Average Daily Population (ADP) and indeterminate costs to the Department of Children, Youth, and Families (DCYF). It is unknown at this time how many youth will be impacted; therefore the caseload forecast and per capita adjustments are unknown at this time.

DCYF assumes the impact will result when the ADP caseload changes in the JR residential facilities forecast. The impact would be reflected in the forecasted maintenance level budget step. DCYF will true up our fiscal impact in subsequent budget submittals if the legislation is enacted into 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.

Individual State Agency Fiscal Note

Bill Number: 1178 S HB	Title: Sentencing enhancements	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:	Michelle Rusk	Phone: 360-786-7153	Date: 02/06/2025
Agency Preparation:	Aimie Bown	Phone: 360-791-0201	Date: 02/11/2025
Agency Approval:	Wendi Gunther	Phone: 360-725-8428	Date: 02/11/2025
OFM Review:	Danya Clevenger	Phone: (360) 688-6413	Date: 02/16/2025

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 sentencing enhancements; amending RCW 9.94A.030, 9.94A.533, 9.94A.599, 9.94A.729, 10.01.210, and 72.01.410; repealing RCW 9.94A.833 and 69.50.436; providing an effective date, and an expiration date.

1178 SHB differs from the original bill in the following way:

Section 3(3)(e)(i) removes the stipulation from RCW 9.94A.533 that firearm enhancements shall be served in total confinement except for multiple firearm and deadly weapon enhancements. This section adds that for any person sentenced to multiple firearm or deadly weapon enhancements on or after the effective date of this section, the court may order the enhancements to run consecutively or concurrently.

Section 3(4)(e)(i) removes the stipulation from RCW 9.94A.533 that deadly weapon enhancements shall be served in total confinement except for multiple firearm and deadly weapon enhancements. This section adds that for any person sentenced to multiple firearm or deadly weapon enhancements on or after the effective date of this section, the court may order the enhancements to run consecutively or concurrently.

Section 3(7) removes that all impaired driving enhancements shall be served in total confinement and if the offender has been convicted of two or more prior offenses as defined in RCW 46.61.5055 or has been convicted of one or more vehicular homicide offenses while under the influence the sentence must be served in total confinement.

Section 3(12) amends RCW 9.94A.533 by adding the requirement to serve in total confinement for 12 months if driving under the influence with a child in the vehicle for each child passenger. If the addition of a minor child enhancement increases to sentence to exceed the statutory maximum for the offense, the portion of the sentence representing the enhancement shall be mandatory, served in total confinement, and run consecutively to all other sentencing provisions.

The remainder of the summary section remains unchanged from the previous bill version, 1178 HB.

Section 1(36)(a)(x) amends the criteria for the definition of “Pattern of Criminal Street Gang Activity” in RCW 9.94A.030 by removing any felony conviction by a person 18 years or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833

Section 2(37)(a)(x) amends the criteria for the definition of “Pattern of Criminal Street Gang Activity” in RCW 9.94A.030 by removing any felony conviction by a person 18 years or older involving a juvenile in a felony offense under RCW 9.94A.833

Section 3(3)(g) removes the stipulation in RCW 9.94A.533 that if the addition of a firearm enhancement increases the sentence to exceed the statutory maximum (SM) for the offense, the portion of the sentence representing the enhancement may not be reduced.

Section 3(4)(g) removes the stipulation in RCW 9.94A.533 that if the addition of a deadly weapon enhancement increases the sentence to exceed the statutory maximum (SM) for the offense, the portion of the sentence representing the enhancement may not be reduced.

Section 3(6) removes the stipulation from RCW 9.94A.533 that all enhancements under this subsection shall run consecutively to all other sentencing provisions, for all offenses sentenced under this chapter.

Section 3(8)(b) removes the stipulation from RCW 9.94A.533 that all sexual motivation enhancements shall be served in

total confinement.

Section 3(8)(d) removes the stipulation from RCW 9.94A.533 that if the addition of a sexual motivation enhancement increases the sentence to exceed the statutory maximum the portion of the sentence representing the enhancement may not be reduced.

Section 3(8)(e) removes the stipulation from RCW 9.94A.533 that the portion of the total confinement sentence which the offender must serve under this subsection shall be calculated before any earned early release time is credited to the offender.

Section 3(10) amends RCW 9.94A.533 by eliminating the Criminal Street Gang-related Felony enhancement.

Section 4 removes the language that if a firearm or deadly weapon enhancement increases the sentence to exceed the statutory maximum for the offense the portion representing the enhancement may not be reduced.

Section 5(2) removes language from 9.94A.599 that felonies including applicable deadly weapons or impaired driving or minor child enhancements cannot receive good time credits or earned release time for that portion of their sentence.

Section 6(5) removes the ability to take away good time for any deadly weapon enhancement from RCW 10.01.210.

New Section 8 Repeals RCW 9.94A.833 Special allegation involving minor in felony offense and RCW 69.50.435 violations committed in or on certain public places or facilities.

New Section 9 states Section 1 expires January 1, 2026.

New Section 10 states Section 2 takes effect January 1,2026.

Effective date is assumed to be 90 days after the 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 fiscal impact of this bill is indeterminate, assumed to be greater than $50,000 per Fiscal Year (FY)

SHB 1178 modifies sentencing by stating individuals are eligible to serve a term of partial confinement during the period of enhancement for firearm and other deadly weapon enhancements. Earned time is allowed during the enhancement portion of the sentence for firearm or other deadly weapons. Individuals with multiple firearm or other deadly weapon enhancements may serve less time in prison if the enhancement terms are run concurrently to one another rather than consecutively.

This bill has prospective impacts that may shorten confinement time for sentences with the following enhancements: firearm and other deadly weapon, by allowing earned release time for enhancements. Additionally modifies the structure of multiple firearm and other deadly weapons enhancements to be run concurrently; and eliminates the criminal street gang-related felony and protected zone enhancements.

Prospectively, The Average Daily Population (ADP) estimate is indeterminate, as under the provisions of the bill, the courts

are allowed to run multiple weapon enhancements consecutively. The Caseload Forecast Council does not have the necessary information to know when the terms will be concurrent or consecutive. The information below is provided to illustrate the impact if multiple weapon enhancements were all to be run concurrently.

DOC Indeterminate Costs

Prison Daily Variable Cost (DVC) Impact:
For illustrative purposes:
The bill may result in a maximum Prison Non-Drug Offender Sentencing Alternative bed impact of -156 beds by 2031 where all multiple weapon enhancements run concurrently.

FY2025: 0 ADP x $7,808 DVC = $0
FY2026: 0 ADP x $7,808 DVC = $0
FY2027: (3) ADP x $7,808 DVC = $(23,000)
FY2028: (11) ADP x $7,808 DVC = $(86,000)
FY2029: (26) ADP x $7,808 DVC = $(203,000)
FY2030: (47) ADP x $7,808 DVC = $(367,000)
FY2031: (69) ADP x $7,808 DVC = $(539,000)

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: 1178 S HB	Title: Sentencing enhancements

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

Legislation Impacts:

- [ ] Cities:
- [X] Counties: Indeterminate but likely minimal impact on jail expenditures
- [ ] Special Districts:
- [ ] Specific jurisdictions only:
- [ ] Variance occurs due to:

Part II: Estimates

- [ ] No fiscal impacts.
- [ ] Expenditures represent one-time costs:
- [ ] Legislation provides local option:
- [X] Key variables cannot be estimated with certainty at this time: How many future multiple weapon enhancements may run concurrently versus consecutively

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: 02/13/2025
Leg. Committee Contact: Michelle Rusk	Phone: 360-786-7153	Date: 02/06/2025
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 02/13/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 02/16/2025

Part IV: Analysis

A. SUMMARY OF BILL

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

This fiscal note analyzes the local government impact of SHB 1178, comparing it to the impact of HB 1178.

CHANGES BETWEEN THIS BILL VERSION AND PREVIOUS BILL VERSION:
The substitute would make the following changes from the previous bill version:
-Would specify that all firearm enhancements shall run consecutively to all other sentencing provisions, except for multiple firearm and deadly weapon enhancements, which may be run consecutively or concurrently
-Would not replace the requirement that impaired driving enhancements be served in total confinement with the requirement that if a person has certain prior convictions then these enhancements must be served in total confinement
-Would not remove the requirement that all sexual motivation enhancements be served in total confinement
-Would not replace the requirement that minor child enhancements be served in total confinement with the requirement that if a person has certain prior convictions then these enhancements must be served in total confinement
-Would not remove the requirement that if the addition of an enhancement increases a person's sentence beyond the statutory maximum for an offense, the portion of the sentence representing the enhancements may not be reduced for sexual motivation enhancements

These changes would not change the local government expenditure or revenue impacts below.

SUMMARY OF CURRENT BILL:
Sections 1 and 2 of the proposed legislation would each amend RCW 9.94A.030, correcting subsection references and modifying the definition of "pattern of criminal street gang activity" by removing felony convictions by people 18 or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833.

Section 3 would amend RCW 9.94A.533, making the following changes to various sentencing enhancements:
-Adds the judicial option of having multiple firearm and deadly weapon enhancements run consecutively or concurrently
-Removes the formula in RCW 9.94A.533 (10) for calculating the standard sentence range for a criminal street gang-related felony offense in which a person involved a minor
-Removes the requirement that if the addition of an enhancement increases a person's sentence beyond the statutory maximum for an offense, the portion of the sentence representing the enhancements may not be reduced for firearm and deadly weapon enhancements

Section 4 would amend RCW 9.94A.599, removing the requirement that if the addition of a firearm or deadly weapon enhancement increases a person's sentence beyond the statutory maximum for an offense, the portion of the sentence representing the enhancements may not be reduced.

Section 5 would amend RCW 9.94A.729, removing the requirement that people whose sentences include any deadly weapon, impaired driving or minor child enhancements shall not receive any good time credits or earned release time for the portion of their sentence that results from the enhancements.

Section 6 would amend RCW 10.01.210, modifying the list of sentencing enhancement topics about which law enforcement and corrections personnel may give either written or oral notice.

Section 8 would add a new section, repealing RCW 9.94A.833 and RCW 69.50.435.

Sections 9 and 10 would add new sections, respectively specifying that section 1 of the proposed legislation would expire January 1, 2026 and that section 2 would take effect on the same date.

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, but likely minimal impact on local government expenditures.

According to the Washington State Caseload Forecast Council's (CFC) fiscal note for this bill, the impacts that the proposed legislation might have on average daily population (ADP) in jails and prisons are indeterminate, because the bill gives courts the option to run multiple weapon enhancements consecutively, as at present, or concurrently. If future enhancements were ordered to run concurrently, there could be ADP decreases and associated cost savings, but it is unknown how many future enhancements may be ordered to run consecutively and how many may be ordered to run concurrently.

By way of illustration, the CFC estimates that if all future multiple weapon enhancements were run concurrently, jail ADP would decrease by 1 for each fiscal year starting in 2027. The 2025 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily bed rate for jails is $145. As an illustrative example, local governments could incur the following cost savings if all future multiple weapon enhancements were run concurrently:

Single fiscal year:
(-1) ADP annually X 365 days per year X $145 average daily bed rate = (-$52,925)

Total over fiscal years 2027-2031:
(-$52,925) per fiscal year X 5 fiscal years = (-$264,625)

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 Program Criminal Justice Cost Model, 2025
Washington State Caseload Forecast Council