

Multiple Agency Fiscal Note Summary

Bill Number: 1125 S HB	Title: Sentence modification
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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	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Office of Public Defense	2.0	2,240,000	2,240,000	2,240,000	2.0	3,750,000	3,750,000	3,750,000	2.0	4,815,000	4,815,000	4,815,000
Office of Public Defense	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Office of Attorney General	.0	0	0	0	.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 Commerce	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	4.9	1,385,000	1,385,000	1,385,000	6.4	1,722,000	1,722,000	1,722,000	7.4	1,700,000	1,700,000	1,700,000
Department of Corrections	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Total \$	6.9	3,625,000	3,625,000	3,625,000	8.4	5,472,000	5,472,000	5,472,000	9.4	6,515,000	6,515,000	6,515,000

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other			2,025,540			3,336,840			4,324,500
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			2,025,540			3,336,840			4,324,500

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
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Commerce	.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	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Revised 3/ 9/2025
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Judicial Impact Fiscal Note

Bill Number: 1125 S HB	Title: Sentence modification	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

☐ No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

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

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Corey Patton	Phone: 360-786-7388	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

201,696.00

Form FN (Rev 1/00)

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Request # 172-1

Bill # 1125 S HB

Part II: Narrative Explanation

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

This substitute bill adds a new section that details additional sentencing requirements.

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

Impact is Indeterminate but significant for both the Administrative Office of the Courts and the Superior Courts (Counties)

All of the data below is based on the following assumptions.

- 1. Eligible Cases are mentioned in the year they become eligible starting in FY27 going through FY33
- 2. Numbers assume 100% utilization (high) and 33% utilization (low)
- 3. Resentencing Hearings take an estimated time of 4 hours (240min)
- 4. Costs to the AOC and Superior Court are based upon Standard Costs for Judicial Officers and the Staff needed to support their work.
 - a. AOC bears the cost of 50% of Superior court Judges Salaries and 100% of their benefits

ADMINISTRATIVE OFFICE OF THE COURTS:

Section 3 allows for minors who are serving a term of total confinement may be eligible for resentencing if they qualify under subsections A-H. These costs cannot be determined as utilization of resentencing cannot be known. As such the impact to the AOC will be presented as a range over the course of Fiscal Years 27-32.

The Total Costs for this period could be as high as \$2,159,691 or as low as \$711,894 with the total hearings being 3328 (High) or 1097 (low).

The Costs and cases spread out by Fiscal Year are as follows with the High Value first and Low Value Second:

FY27: \$86,310/133Hearings, \$28,554/44Hearings
FY28: \$258,929/399Hearings, \$85,012/131Hearings
FY29: \$299,813/462Hearings, \$98,640/152Hearings
FY30: \$317,334/489Hearings, \$104,480/161Hearings
FY31: \$396,506/611Hearings, \$131,087/202Hearings
FY32: \$430,900/664Hearings, \$142,119/219Hearings
FY33: \$369,899/570Hearings, \$122,002/188Hearings

COUNTIES:

Section 3 allows for minors who are serving a term of total confinement may be eligible for resentencing if they qualify under subsections A-H. These costs cannot be determined as utilization of resentencing cannot be known. As such the impact to the AOC will be presented as a range over the course of Fiscal Years 27-32.

The Total Costs for this period could be as high as \$10,629,652 or as low as \$3,503,824 with the total hearings being 3328 (High) or 1097 (low).

The Costs and cases spread out by Fiscal Year are as follows with the High Value first and Low Value Second:

FY27: \$424,8803/133Hearings, \$140,536/44Hearings
FY28: \$1,274,408/399Hearings, \$418,415/131Hearings
FY29: \$1,475,631/462Hearings, \$485,489/152Hearings
FY30: \$1,561,869/489Hearings, \$514,235/161Hearings
FY31: \$1,951,538/611Hearings, \$645,189/202Hearings
FY32: \$2,120,820/664Hearings, \$699,487/219Hearings
FY33: \$1,820,583/570Hearings, \$600,473/188Hearings

201,696.00

Form FN (Rev 1/00)

Part III: Expenditure Detail

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

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

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

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

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

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

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

None

Individual State Agency Fiscal Note

Revised

Bill Number: 1125 S HB	Title: Sentence modification	Agency: 056-Office of Public Defense
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Part I: Estimates

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No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	2.0	2.0	2.0	2.0	2.0
Account					
General Fund-State 001-1	801,000	1,439,000	2,240,000	3,750,000	4,815,000
Total \$	801,000	1,439,000	2,240,000	3,750,000	4,815,000

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.

Legislative Contact: Corey Patton	Phone: 360-786-7388	Date: 02/06/2025
Agency Preparation: Shoshana Kehoe-Ehlers	Phone: 3605863164 110	Date: 02/21/2025
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 02/21/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 02/24/2025

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 3 of SHB 1125 adds a new section to Chapter 9.94A RCW that provides:

Subsection (1). Individuals who are sentenced to felonies, excluding those imposed under RCW 9.94A.570 and 10.05.030, or murder in the first degree (and served less than 20 years) and confined at the Department of Corrections may petition the sentencing court for a sentence modification if the sentence no longer serves the interests of justice and the person meets any of the following criteria in a given year:

- a. Beginning July 1, 2026, a person who committed an offense:
 - (i) at age 17 or younger, and served at least seven years; or
 - (ii) is terminally ill or has a permanent or degenerative medical condition.
- b. Beginning July 1, 2027, a person who meets criteria in (a)(i) or (ii) of subsection (1), or if the person committed an offense at age 18-24, and served at least 20 years.
- c. Beginning July 1, 2028, a person may petition if they meet criteria in (a)(i) or (ii) of subsection (1), or if the individual committed an offense at age 18-24, and served at least 13 years.
- d. Beginning July 1, 2029, a person may petition if they meet criteria in (a)(i) or (ii) of subsection (1), or if:
 - (i) they committed an offense at age 18-24, and served at least 13 years; or
 - (ii) they committed an offense at age 25 or older, and served at least 20 years.
- e. Beginning July 1, 2030, a person may petition if they meet criteria in (a)(i) or (ii) of subsection (1), or if:
 - (i) they committed an offense at age 18-24, and served at least 10 years; or
 - (ii) they committed an offense at age 25 or older, and served at least 17 years.
- f. Beginning July 1, 2031, a person may petition if they meet criteria in (a)(i) or (ii) of subsection (1), or if:
 - (i) they committed an offense at age 18-24, and served at least 10 years;
 - (ii) they committed an offense at age 25 or older, and served at least 13 years; or
- g. Beginning July 1, 2032, a person may petition if they meet criteria in (a)(i) or (ii) of subsection (1), or if they committed an offense at age 18 or older, and served at least 10 years.
- h. If the person meets none of the criteria of (1) a.-g., the person may petition the court with the prosecutor's permission.

Subsection (2). The petition must be filed with the court that imposed the sentence and be served upon the prosecuting attorney. The petition may include supporting documents and must include a statement and documentation that the petitioner meets one or more of the following:

- (a) Has demonstrated behavior that indicates substantial rehabilitation; or
- (b) Demonstrates a minimal risk of re-offense, including, but not limited to, medical frailty.

Subsection (3) The Washington Department of Corrections shall assist a petitioner by compiling records relating to discipline and rehabilitation at no cost to the petitioner.

Subsection (4) The court shall grant a hearing within 120 days if the petitioner shows by a preponderance of the evidence that they meet one or more of the criteria under subsection (1). The hearing date may be continued for good cause.

Subsection (5)(a) At the hearing, petitioner is entitled to de novo review. The court may modify the sentence to a shorter time period if the sentence no longer advances the interests of justice, provided that a new shorter sentence is subject to the following:

- (5)(a)(i) If the original sentence is indeterminate imposed under RCW 9.94A.507, the court may modify the minimum term but not the maximum term required by law.
- (5)(a)(ii) The minimum term may not be modified if the sentence includes a mandatory minimum term imposed under RCW 9.94A.540.
- (5)(a)(iii) The earliest possible release date is at least six months after the hearing date.
- (5)(b) The court may consider mitigating factors from RCW 9.94A.535(a) in addition to:
 - (5)(b)(i) The petitioner's records regarding discipline and rehabilitation;
 - (5)(b)(ii) Evidence that reflects whether age, time served and diminished physical condition reduce the risk of recidivism;
 - (5)(b)(iii) Evidence of the petitioner's circumstances at the time of the offense, or the petitioner's level of culpability for the

offense;

(5)(b)(iv) Evidence of the petitioner's changed circumstances since being sentenced, including whether the sentence continues to serve the interests of justice; and

(5)(b)(v) Demonstration of the extraordinary impact early release has on the victim or survivor's family. Special consideration will be given to sex offenses or domestic violence offenses.

Subsection (6) When modifying a sentence under this section, (a) The court may impose an exceptional sentence below the standard range based on rehabilitation evidence or other applicable factors; and (b) The court may impose a sentence below the mandatory minimum enhancement term imposed under RCW 9.94A.533.

Subsection (7) If the court denies a petition, declines to set a hearing, or declines to modify a sentence at a hearing, the petitioner may file a new petition after three years unless the court authorizes a shorter interim time period. The court must state the basis for their denial on the record. The petitioner may appeal the denial.

Subsection (8) The prosecutor shall make reasonable efforts to notify victims and survivors.

Subsection (9) The Office of Crime Victim Advocacy shall create a flexible fund to serve victims and survivors.

Subsection (10) The court shall provide an opportunity for victims and survivors to present a statement.

Subsection (11) The court shall not permit petitioners to waive their right to petition under this section.

Subsection (12) Collateral attack timelines do not apply.

Subsection (13) Incarcerated individuals who are eligible to petition for a sentence modification and unable to afford counsel shall have counsel appointed, unless the right to counsel is expressly waived.

Subsection (14) If a person petitions the court pro se and subsequently is appointed counsel, they may amend the petition at least once.

Subsection (15) The Washington Department of Corrections shall provide notice of this section to incarcerated individuals sentenced to more than 10 years, the sentencing court, prosecution, and public defense within the following time frames:

(15)(a) For any incarcerated individual serving a felony sentence at 18 years or older, written notice shall be provided 180 days before the first day of their 10th year of confinement; and

(15)(b) For any incarcerated individual serving a sentence for a felony committed at 17 years or younger, notice shall be provided 180 days before the first day of their 11th year of confinement.

(16) DOC shall provide information about their accountability letter bank to any individuals serving a sentence of no less than seven years.

(17) DOC must prepare an individual reentry plan and provide resources within six months of release for any person granted a modified sentence.

(18) An individual may not petition for resentencing under this section if the original sentence was imposed under RCW 9.94.570 (Persistent Offender) or RCW 10.95.030 (Aggravated Murder).

(19) An individual may not petition for resentencing if serving a sentence for a murder on the first degree, unless the individual has served at least 20 years of their in addition to meeting the criteria under subsection (1).

Section 4 adds a new section to Chapter 2.70 RCW and provides that within available resources, the Office of Public Defense (OPD) shall provide counsel to any eligible petitioner. OPD shall prioritize representation based on the eligibility criteria and timelines in Section 3(1).

Section 5 amends RCW 10.73.100 to reflect that a petition for a modification of a sentence pursuant to section 3 is not time barred.

Section 6 amends RCW 9.94A.535 to allow the court to impose a sentence outside the standard range. This section lists mitigating and aggravating circumstances and factors to be considered when changing the original sentence.

Section 7, subsection (10) amends RCW 9.94A.701 to provide that if the court grants a sentence modification pursuant to Section 3 of this Act, it shall impose five years of community custody.

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.

OPD TO PROVIDE COUNSEL TO ELIGIBLE PETITIONERS

It is assumed that the Office of Public Defense (OPD) will provide public defense statewide under SHB 1125. Section 4 of the bill directs that, within available resources, OPD shall provide counsel to any eligible petitioner. OPD shall prioritize representation based on the eligibility criteria and timelines laid out in Section 3(1). In addition, RCW 2.70.020(3) provides that "The director shall... Subject to the availability of funds appropriated for this specific purpose, appoint counsel to petition the sentencing court if the legislature creates an ability to petition the sentencing court, or appoint counsel to challenge a conviction or sentence if the final decision of an appeal court creates the ability to challenge a conviction or sentence."

It is assumed that 2,188 incarcerated individuals could potentially be eligible for resentencing under SHB 1125 based on their sentences and time served. Nonetheless, there is still an indeterminate number of individuals from this group who may qualify for resentencing and assistance of counsel.

The financial calculations below assume that OPD will provide representation to incarcerated individuals in Fiscal Year 2026 while the program is in its new development phase. **NOTE ON CASES PER YEAR AND EXPENDITURE TIMELINE:** The number of cases per year is broken down by the number of individuals eligible in the following year. However, attorneys will need to start work well in advance of the individuals being eligible to petition for the hearing. These hours are also included. Hours per year are classified as either preparation or litigation.

OPD will engage in a triage process, as defined by this bill, to review individuals' applications for representation, and use a tiered approach for prioritizing assignment to counsel based on the criteria of Section 3(1)(a-h).

STAFFING ASSUMPTIONS

Beginning July 1, 2025 (FY26) and ongoing, OPD requires salary, benefits, and associated standard costs for 2.0 FTEs to identify individuals who are eligible for resentencing, contract with public defense counsel to represent eligible individuals, analyze data provided by multiple sources to track program progress, and communicate with impacted incarcerated communities to ensure awareness of available services and manage expectations. This staffing includes:

- Managing Attorney, 1.0 FTE. Oversee case triage efforts. Triage includes analysis of each individual's application and supporting documentation to identify eligibility for resentencing, and assigning priority for representation based on a community-informed tiering system. The position will also recruit, contract with, train, and monitor attorney, mitigation expert, and investigator contractors to represent the eligible individuals for resentencing under SHB 1125.
- Paralegal, 1.0 FTE. Support the work of the triage efforts.

NON-STANDARD COSTS

Object G - Travel

Other non-standard travel costs will be needed both for OPD staff and for contractors.

OPD Staff: OPD staff will travel within Washington for purposes of: (1) visiting DOC facilities to help communicate about the program to incarcerated individuals; and (2) visiting with and observing contract attorneys for purposes of monitoring performance. Travel costs for OPD employees in FY 2026 will average \$600 per quarter, or \$2,400 over the year. Travel costs for OPD employees in FY 2027 and beyond will average \$1,000 per quarter, or \$4,000 per year.

OPD Contractors: OPD will enter into contracts with attorneys, mitigation experts, and investigators who will provide

representation under SHB 1125 in multi-county regions. By contracting with fewer attorneys, mitigation experts and investigators who represent larger regions, OPD can better streamline and centralize its recruitment, training, and contracting efforts. Contractors will need reimbursement for travel expenses (pursuant to OFM SAAM guidelines) for activities such as witness interviews, court hearings, meeting clients in DOC facilities, and other case-related purposes. Travel costs for OPD contractors in FY 2026 will average \$2,000 per quarter, or \$8,000 over the full year. Travel costs for OPD contractors in FY 2027 and beyond will be approximately \$6,000 per quarter, or \$24,000 per year.

Object N - Client Services

OPD will enter into contracts with attorneys, mitigation experts, and investigators in order to provide effective representation under SHB 1125. OPD will also pay for expert witness costs.

- **Contract Attorneys:** Contracted attorneys may be individual attorneys, multi-attorney firms, non-profit public defense agencies, and/or county public defense agencies. Contract attorneys may be assigned to multi-county regions of the state to ensure effective, trained, representation for individuals regardless of their sentencing county. It is assumed that a contracted attorney will spend on average, 16 hours per resentencing case on 90% of the cases. (It is assumed that 10 percent of eligible individuals will opt to not use the services of a public defense attorney.) It is further anticipated that OPD will pay an average of \$165 per hour for contracted attorneys.

It is expected that OPD will provide attorney representation to the following number of individuals per year:

FY26 (startup year): $126 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$187,110

FY27: $126 \times 90.00\% \times 6$ attorney litigation hours/case \times \$165/hour = \$112,266

FY27: $237 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$351,945

FY28: $237 \times 90.00\% \times 6$ attorney litigation hours/case \times \$165/hour = \$211,167

FY28: $225 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$334,125

FY29: $225 \times 90.00\% \times 6$ attorney litigation hours/case \times \$165/hour = \$200,475

FY29: $373 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$553,905

FY30: $373 \times 90.00\% \times 6$ attorney litigation hours/case \times \$165/hour = \$332,343

FY30: $308 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$457,380

FY31: $308 \times 90.00\% \times 6$ attorney litigation hours/case \times \$165/hour = \$274,428

FY31: $467 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$693,495

FY32: $467 \times 90.00\% \times 6$ attorney litigation hours/case \times \$165/hour = \$416,097

FY32: $452 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$671,220

FY33: $452 \times 90.00\% \times 6$ attorney litigation hours/case \times \$165/hour = \$402,732

FY33: $0 \times 90.00\% \times 10$ attorney preparation hours/case \times \$165/hour = \$0

- **Contract Mitigation Experts and Investigators:** Contracted mitigation experts and investigators may be solo practitioners or employees in organizations. Contractors may be assigned to multi-county regions of the state to ensure effective, trained, representation for individuals regardless of their sentencing county. It is assumed that 60% of the cases will require an average of 32 hours of combined mitigation expert and investigator time. It is anticipated that mitigation experts and investigators will be contracted at \$100 per hour.

It is expected that OPD will provide mitigation expert/investigator services to the following number of individuals per year:

FY26 (start-up year): $126 \times 60.00\% \times 20$ mitigation expert/investigator prep. hours/case \times \$100/hour = \$151,200

FY27: $126 \times 60.00\% \times 12$ mitigation expert/investigator litigate. hours/case \times \$100/hour = \$90,720

FY27: $237 \times 60.00\% \times 20$ mitigation expert/investigator prep. hours/case \times \$100/hour = \$284,400

FY28: $237 \times 60.00\% \times 12$ mitigation expert/investigator litigate hours/case \times \$100/hour = \$170,640

FY28: $225 \times 60.00\% \times 20$ mitigation expert/investigator prep. hours/case \times \$100/hour = \$270,000

FY29: $225 \times 60.00\% \times 12$ mitigation expert/investigator litigate hours/case \times \$100/hour = \$162,000

FY29: $373 \times 60.00\% \times 20$ mitigation expert/investigator prep. hours/case \times \$100/hour = \$447,600

FY30: $373 \times 60.00\% \times 12$ mitigation expert/investigator litigate. hours/case \times \$100/hour = \$268,560

FY30: $308 \times 60.00\% \times 20$ mitigation expert/investigator prep. hours/case \times \$100/hour = \$369,600

FY31: $308 \times 60.00\% \times 12$ mitigation expert/investigator litigate. hours/case \times \$100/hour = \$221,760

FY31: $467 \times 60.00\% \times 20$ mitigation expert/investigator prep. hours/case $\times \$100/\text{hour} = \$560,400$
 FY32: $467 \times 60.00\% \times 12$ mitigation expert/investigator litigate. hours/case $\times \$100/\text{hour} = \$336,240$
 FY32: $452 \times 60.00\% \times 20$ mitigation expert/investigator prep. hours/case $\times \$100/\text{hour} = \$542,400$
 FY33: $452 \times 60.00\% \times 12$ mitigation expert/investigator litigate. hours/case $\times \$100/\text{hour} = \$325,440$
 FY33: $0 \times 60.00\% \times 0$ mitigation expert/investigator prep. hours/case $\times \$100/\text{hour} = \0

• **Contract Expert Witnesses:** It is anticipated that approximately 20% of the cases litigated under SHB 1125 will require the assistance of expert witnesses. Experts will provide, for example, evaluation, consultation, and in-court testimony related to medical conditions, forensic psychology, and other technical areas outside the scope of OPD contractors' expertise. The expert may use actuarial or risk assessment tools to determine risk level of the petitioner in the community. It is anticipated that the average expert cost per case where the service is needed, will be \$6,000. This calculation includes: \$300 expert hourly rate $\times 20$ hours per case = \$6,000

FY26 (start-up year): $126 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$75,600
 FY27: $126 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness litigate. base rate = \$75,600
 FY27: $237 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$142,200
 FY28: $237 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness litigate. base rate = \$142,200
 FY28: $225 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$135,000
 FY29: $225 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness litigate. base rate = \$135,000
 FY29: $373 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$223,800
 FY30: $373 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness litigate. base rate = \$223,800
 FY30: $308 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$184,800
 FY31: $308 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness litigate. base rate = \$184,800
 FY31: $467 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$280,200
 FY32: $467 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness litigate. base rate = \$280,200
 FY32: $452 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$271,200
 FY33: $452 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness litigate base rate = \$271,200
 FY33: $0 \text{ individuals} \times 20.00\% \times \$3,000$ expert witness prep. base rate = \$0

INDETERMINATE COSTS

Appeals: SHB 1125 gives the right to appeal for petitioners for whom the court declined to set a hearing, or grants a hearing but declines to modify the petitioner's sentence. OPD provides representation to indigent individuals who have the right to appeal in the appellate courts. It is unknown at this time how many appeals will be filed, and therefore this cost is indeterminate. However, it is projected that the average cost per appeal in FY 2026, which is likely the earliest that an appeal would be filed, is \$6,304 per case.

Total client service costs:

FY 2026 (startup year) = \$413,910
 FY 2027 = \$1,057,131
 FY 2028 = \$1,263,132
 FY 2029 = \$1,722,780
 FY 2030 = \$1,836,483
 FY 2031 = \$2,215,083
 FY 2032 = \$2,517,357
 FY 2033 = \$999,372

EXPLANATION OF STANDARD COSTS BY OBJECT

A - Salary estimates are current biennium actual rates at Step M.
 B - Benefits are the agency average of 29.58% of salaries.
 E - Goods and Services are the agency average of \$3,300 per direct program FTE.

G - Travel is the agency average of \$4,000 per direct program FTE.
 J – Ongoing Equipment is the agency average of \$1,500 per direct program FTE.
 J – One-time IT Equipment is \$11,000 for the first fiscal year per direct program FTE.
 T – Direct Program Support for direct supervision and direct financial/contracting support is \$13,700 per direct program FTE.
 T – Agency Indirect is a de minimus rate of 10% of direct program salaries and benefits.

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	801,000	1,439,000	2,240,000	3,750,000	4,815,000
Total \$			801,000	1,439,000	2,240,000	3,750,000	4,815,000

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	2.0	2.0	2.0	2.0	2.0
A-Salaries and Wages	216,000	216,000	432,000	432,000	432,000
B-Employee Benefits	64,000	64,000	128,000	128,000	128,000
C-Professional Service Contracts					
E-Goods and Other Services	6,000	6,000	12,000	12,000	12,000
G-Travel	19,000	36,000	55,000	72,000	72,000
J-Capital Outlays	26,000	4,000	30,000	8,000	8,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	414,000	1,057,000	1,471,000	2,986,000	4,051,000
P-Debt Service					
S-Interagency Reimbursements		56,000	56,000	112,000	112,000
T-Intra-Agency Reimbursements	56,000		56,000		
9-					
Total \$	801,000	1,439,000	2,240,000	3,750,000	4,815,000

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

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
Managing Attorney	129,000	1.0	1.0	1.0	1.0	1.0
Paralegal	87,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		2.0	2.0	2.0	2.0	2.0

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: 1125 S HB	Title: Sentence modification	Agency: 100-Office of Attorney General
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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: Corey Patton	Phone: 360-786-7388	Date: 02/06/2025
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 02/10/2025
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 02/10/2025
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 02/11/2025

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.

- 1. The Attorney General’s Office (AGO) Revenue Division (REV) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Caseload Forecast Council (Council). New legal services are nominal, and costs are not included in this request.
- 2. The AGO Correction Division (COR) has reviewed this bill and determined it will not increase or decrease the division’s workload. Therefore, no costs are included in this request.
- 3. The AGO Agriculture & Health Division (AHD) has reviewed this bill and determined it will not increase or decrease the division’s workload. Therefore, no costs are included in this request.
- 4. The AGO Solicitor General’s Office (SGO) has reviewed this bill and determined it will not increase or decrease the division’s workload. Therefore, no costs are included in this request.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1125 S HB	Title: Sentence modification	Agency: 101-Caseload Forecast Council
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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: Corey Patton	Phone: 360-786-7388	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

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.

SHB 1125

PROVIDING JUDICIAL DISCRETION TO MODIFY SENTENCES IN THE INTEREST OF JUSTICE

101 – Caseload Forecast Council
February 7, 2025

SUMMARY

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

Section 1 States the act shall be known as the judicial discretion act.

Section 2 States the legislative intent is to authorize sentencing courts to review lengthy sentences upon a showing a person's original sentence no longer serves the interests of justice.

Section 3 Adds a new section to chapter 9.94A RCW by establishing a process for any person under a term of total confinement for a felony conviction to petition the sentencing court if the original sentence no longer serves the interest of justice and the person meets the following criteria:

Beginning July 1, 2026, the person may petition the court if:

- If serving a sentence for a felony committed at 17 years of age or younger, the person can petition after serving at least 7 years; or
- The person is terminally ill or experiences a permanent or degenerative medical condition that the person does not pose a threat to public safety.

Beginning July 1, 2027, the person may petition the court if:

- The person meets the criteria in (a)(i) or (ii) of this subsection; or
- The person has served at least 20 years of their sentence for an offense committed when the person was at least 18 years old but less than 25 years old.

Beginning July 1, 2028, the person may petition the court if:

- The person meets the criteria in (a)(i) or (ii) of this subsection; or
- The person has served at least 13 years of their sentence for an offense committed when the person was at least 18 years old but less than 25 years old.

Beginning July 1, 2029, the person may petition the court if:

- The person meets the criteria in (a)(i) or (ii) of this subsection; or
- The person has served at least 13 years of their sentence for an offense committed when the person was at least 18 years old but less than 25 years old; or

- The person has served at least 20 years of their sentence for an offense committed at age 25 or older.

Beginning July 1, 2030, the person may petition the court if:

- The person meets the criteria in (a)(i) or (ii) of this subsection; or
- The person has served at least 10 years of their sentence for an offense committed when the person was at least 18 years old but less than 25 years old; or
- The person has served at least 17 years of their sentence for an offense committed at age 25 or older.

Beginning July 1, 2031, the person may petition the court if:

- The person meets the criteria in (a)(i) or (ii) of this subsection; or
- The person has served at least 10 years of their sentence for an offense committed when the person was at least 18 years old but less than 25 years old; or
- The person has served at least 13 years of their sentence for an offense committed at age 25 or older.

Beginning July 1, 2032, the person may petition the court if:

- The person meets the criteria in (a)(i) or (ii) of this subsection; or
- The person has served at least 10 years of their sentence for an offense committed at age 18 or older.

If the person does not meet any of the criteria above, the person may petition the court at any time with the consent of the prosecuting attorney.

Additionally: establishes the criteria for the petition and states the person must meet one or more of the specified requirements for a hearing, sets court requirements for responding to a petition and lists factors to consider when reviewing the petition. States the petitioner is entitled to de novo review of the petitioner's original sentence and adds the following restrictions: if the petitioner's original sentence is an indeterminate sentence imposed under RCW 9.94A.507, the court may modify the minimum term not the maximum term; if the original sentence includes a mandatory minimum term, the court may not modify the sentence below the mandatory minimum term; the soonest allowable release date from total confinement for any petitioner resentenced pursuant to this section may be no sooner than six months after the date of the hearing to consider the petition; and the court must impose five years of community custody. Allows the court to impose an exceptional sentence below the standard range based on specified criteria and allows the court to impose a sentence below the mandatory minimum enhancement term, if one applies.

Requires the prosecuting attorney to make reasonable efforts to notify victims and survivor of victims of any hearing or modification filed under this section.

Any incarcerated individual who is eligible to file a petition and is who is unable to afford counsel shall be entitled to have counsel appointed pursuant to Section 4 of the act at no cost to the individual;

Outlines the Department of Corrections' (DOC) notification requirements to any incarcerated individuals, sentencing courts, prosecuting attorney, and public defense agency for the judicial district in which the individual was sentenced.

Individuals are not allowed to petition for a modification if the person's original sentence was imposed under RCW 9.94A.570 or 10.95.030 .

Restricts a petition from being filed for a sentence modification for a Murder in the First Degree Conviction until after the person has served 20 years of the original sentence and meets eligibility criteria of the bill.

Section 4 Adds a new section to chapter 2.70 RCW stating the office of public defense shall provide representation for persons eligible to file a petition under this act, subject to available resources.

Section 5 Amends RCW 10.73.100 (Collateral attack—When one year limit not applicable) to include a petition for a modification of sentence pursuant to Section 3 of this act.

Section 6 Amends RCW 9.94A.535 (Departures from the guidelines) by adding a mitigated circumstance for the court to consider when imposing a sentence below the standard range.

Section 7 Amends RCW 9.94A.701 (Community custody—Offenders sentenced to the custody of the department *Effective until January 1, 2026*) by adding a new subsection (10) requiring the court to impose five years of community custody for a person who was granted a modification of sentence.

Section 8 Amends RCW 9.94A.701 (Community custody—Offenders sentenced to the custody of the department. *Effective January 1, 2026*) by adding a new subsection (10) requiring the court to impose five years of community custody for a person who was granted a modification of sentence.

Section 9 States Section 7 of the act expires January 1, 2026.

Section 10 States Section 8 of the act takes effect January 1, 2026.

EXPENDITURES

Assumptions.

None.

Impact on the Caseload Forecast Council.

None.

Impact Summary

This bill allows individuals to petition the court for a sentencing modification if they meet the specified criteria.

Impact on prison and jail beds.

The bill allows individuals to petition the sentencing court for a sentence modification after meeting certain criteria. A sentence modification cannot result in a longer sentence, so any modifications made would likely decrease the need for prison beds.

This bill has no impact on jail beds.

Impact on local and Juvenile Rehabilitation (JR) beds.

This bill has no impact on local detention or JR beds.

Impact on Community Corrections Caseload.

The bill requires the court to order five years of community custody for an individual granted a sentence modification under the provisions of the bill. It is unknown how many individuals will petition, and receive, a sentence modification. As such, the impact cannot be estimated but any release due to a sentence modification for an individual assessed as high risk will increase the Department of Corrections' community corrections caseload. It is assumed DOC will only have authority to supervise individuals assessed as high risk to reoffend as RCW 9.94A.501 was not amended by the bill.

Individual State Agency Fiscal Note

Bill Number: 1125 S HB	Title: Sentence modification	Agency: 103-Department of Commerce
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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: Corey Patton	Phone: 360-786-7388	Date: 02/06/2025
Agency Preparation: Kate Labelle	Phone: 3607252753	Date: 02/11/2025
Agency Approval: Kate Labelle	Phone: 3607252753	Date: 02/11/2025
OFM Review: Marie Davis	Phone: (360) 890-1163	Date: 02/15/2025

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.

The changes between the original House Bill 1125 and the substitute SHB 1125 do not impact the Department of Commerce (Department).

Section 3(9)(a) adds a new chapter to RCW 9.94A, Sentencing Reform Act of 1981, that requires the Office of Crime Victims Advocacy (OCVA) within the Department to create a flexible fund to serve victims and survivors of victims impacted by this act. The office may contract for the administration of this fund.

Section 3(9)(b) requires the Department to contract with prosecuting attorney’s offices to offer victim advocacy services for victims impacted by this act.

Section 3(9)(c) requires the Department to contract with an entity with expertise in victim services to provide training for victim advocates in prosecuting attorney’s offices.

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.

Indeterminate fiscal impact.

Section 3(9) of this bill adds a new chapter to RCW 9.94A, that requires the OCVA within the Department of Commerce (Department) to create a flexible fund to serve victims and survivors of victims impacted by this act, to contract with prosecuting attorney’s offices to offer victim advocacy services for victims impacted by this act, and to contract with an entity with expertise in victim services to provide training for victim advocates in prosecuting attorney’s offices.

Administrative impacts:

The associated work requires the following FTEs:

Commerce Specialist 5: 0.05 FTE

Commerce Specialist 3: 0.10 FTE

Commerce Specialist 1: 0.10 FTE

Management Analyst 3: 0.10 FTE

The Department anticipates administrative costs of \$49,948 per fiscal year. The Department plans to utilize the new funding to support the work, but the tasks will be carried out by existing staff.

Grant-related impacts:

Using an estimate of approximately 107 cases in Year 1 and 366 cases in Year 2, and each year following, per the Sentencing Guidelines Commission Meeting on January 17, 2025. The number of victims for each case is unknown. For the purposes of this estimate, the Department assumes one victim for each case eligible for petition.

The Pass-Through Totals for fiscal year 2026: \$479,000, which was estimated based on the assumptions included below.

\$214,000 for relocation assistance, emergency financial assistance:

\$2,000 per case (\$1,500 for one month of rent, \$500 for other health, safety and relocation expenses) x 107 cases

\$200,000 for Victim Witness staffing in the Prosecuting Attorney’s offices:

\$33,000 per county (average) for six counties
\$65,000 for the training program:

Using the current Victim Witness Training and Technical Assistance program as a cost baseline, which is \$90,000 per year, the program includes one 3-day training session and ongoing in-person, and virtual training sessions as needed to address emerging issues. The training program for this bill is similar in scope but is specifically focused on this topic and type of support, reducing the overall anticipated cost associated with it. This will involve the development of new training materials, technical assistance tools, and fact sheets, as well as efforts to build capacity with victim-witness staff across the state.

The Pass-Through Totals for fiscal year 2027 and each year following: \$1,481,000 per year which was estimated based on the assumptions included below.

\$732,000 for relocation assistance, emergency financial assistance:

\$2,000 per case (\$1,500 for one month of rent, \$500 for other health, safety and relocation expenses) x 366 cases

\$684,000 for Victim Witness staffing in the Prosecuting Attorney's offices:

It is anticipated there will be an increase of 242% cases in year two. With the support of the initial cases in year one, and the additional cases in year two, the Department anticipates \$684,000 in these expenditures.

\$65,000 for the training program:

Training cost estimates for future years are the same as year one.

Case projections in future years continue to range from 256-604 annually. Due to the range of case projects, the final costs associated with SHB 1125 are indeterminate.

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: 1125 S HB	Title: Sentence modification	Agency: 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: Corey Patton	Phone: 360-786-7388	Date: 02/06/2025
Agency Preparation: Jay Treat	Phone: 360-556-6313	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: 02/16/2025

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 1125-SHB to 1125-HB:

Section 3(19) restricts a petition for a sentence modification for a felony conviction from being filed for a sentence modification for a Murder in the First Degree conviction until after the person has served 20 years of the original sentence and meets eligibility criteria of the bill.

Sections 7 and 8 amend RCW 9.94A.701 by adding new subsection 10 requiring the court to impose five years of community custody for a person who was granted a modification of sentence.

These changes relate to the Department of Corrections (DOC).

1125-HB

This bill provides judicial discretion to modify lengthy sentences when an individual’s original sentence no longer serves the interests of justice and record of rehabilitation during their period of confinement in a Department of Children, Youth, and Families (DCYF) institutional setting.

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.

No fiscal impact to DCYF. The bill refers to “The Department”, which is the Department of Correction. The changes in the Substitute version do not impact DCYF.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 1125 S HB	Title: Sentence modification	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
FTE Staff Years	4.1	5.6	4.9	6.4	7.4
Account					
General Fund-State 001-1	635,000	750,000	1,385,000	1,722,000	1,700,000
Total \$	635,000	750,000	1,385,000	1,722,000	1,700,000

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.

Legislative Contact: Corey Patton	Phone: 360-786-7388	Date: 02/06/2025
Agency Preparation: Scherry Sinclair	Phone: 360-791-0201	Date: 03/08/2025
Agency Approval: Wendi Gunther	Phone: 360-789-4001	Date: 03/08/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/09/2025

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 related to providing judicial discretion to modify sentences in the interest of justice; amending RCW 10.73.100, 9.94A.535, and 9.94A.701 adding a new section to chapter 9.94A RCW; adding a new section to chapter 2.70 RCW; creating new sections, providing an effective date, and providing an expiration date.

SHB 1125 differs from the original bill in the following way:

Section 3(1) changes subsections added to chapter 9.94A RCW exception from subsection (17) to subsections (18) and (19).

Section 3(5)(a)(iv) adds the court must impose five years of community custody in addition to any other terms of the modified sentence.

Section 5(a) removes the word restrictions from “subject to the following restrictions”.

Section 5(b)(vi) adds special consideration will be made when the petitioner participated in the department’s accountability letter bank, provided that a victim or survivor of a victim of the crime for which the petitioner is presently incarcerated has enrolled to receive notification of accountability letters.

Section 5(10) adds the court must take any such statements into consideration. Victims and survivors of victims are encouraged to articulate what outcome would make them feel safe as part of any such statements presented to the court.

Section 5(16) adds a new section stating that the department shall provide information about the department’s accountability letter bank to any incarcerated individuals sentenced to a term of confinement of more than seven years, and to any victims or survivors of victims who inquire with the department’s victim services program about options for victim notifications or other services.

Section 5(19) adds a person may not petition for a modification of sentence pursuant to this section if the person is serving a term of confinement for a murder in the first-degree conviction unless the person has served at least 20 years of the original sentence in addition to meeting eligibility criteria under subsection (1) of this section.

Section 7(10) amends RCW 9.94A.701 if an offender is granted a sentence modification pursuant to section 3 of this act, the court shall impose five years of community custody as part of the modified sentence.

Section 8(10) amends RCW 9.94A.701 if an offender is granted a sentence modification pursuant to section 3 of this act, the court shall impose five years of community custody as part of the modified sentence.

Section 9 states Section 7 of this act expires January 1, 2026.

Section 10 states Section 8 of this act takes effect January 1, 2026.

The following impacts remain unchanged from the previous bill version, HB 1125:

Section 2 is a new section that states the legislature intends to authorize sentencing courts to review lengthy sentences upon a showing that a person’s original sentence no longer serves the interest of justice.

Section 3 is added to chapter 9.94A RCW establishing criteria for petitioning, states the person must meet one or more of

the specified requirements for a hearing, sets court requirements for responding to a petition, requires the prosecuting attorney to make reasonable efforts to notify victims and survivor of victims of any petition filed pursuant to this section and the date of the hearing, states any incarcerated individual who is eligible to file a petition and who is unable to afford counsel shall be entitled to have counsel appointed at no cost to the individual; and outlines DOC's notification requirements to the incarcerated individual, sentencing court, prosecuting attorney, and public defense agency for the judicial district in which the individual was sentenced.

If the person does not meet any of the outlined criteria, the person may petition the court at any time with the consent of the prosecuting attorney.

Section 3 (3) states that the DOC shall assist the petitioner or the petitioner's counsel in compiling the petitioner's disciplinary record and record of rehabilitation at no cost to the petitioner.

Section 3 (9)(a)(i)(ii)(iii) outlines the creation of a flexible fund to serve victims and survivors or victims impacted by this act. The flexible fund may be used for the purpose of relocation assistance, travel for resentencing hearings and out-of-pocket expense for psychotherapy associated with the committed offense or resentencing.

Section 3(13) states any incarcerated individual who is eligible to file a petition and unable to afford counsel shall be entitled to have counsel appointed at no cost to the individual.

3(15) outlines DOC's notification requirements to any incarcerated individual, sentencing court, prosecuting attorney, and public defense agency for the judicial district in which the individual was sentenced.

Section 3(17) states individuals may not petition for a modification of sentence pursuant to this section if the person's original sentence was imposed under RCW 9.94A.570 or 10.95.030.

Section 4 adds a new section to chapter 2.70 RCW stating the office of public defense shall provide representation for persons eligible to file a petition under this act, subject to available resources.

Section 5 RCW 10.73.100 and 2024 c 118 s 8 are each amended. The time limit in RCW 10.73.090 does not apply to a petition or motion that is based solely on one or more specified outlined grounds.

Section 6 RCW 9.94A.535 and 2019 c 219 s 1 are each amended to outline that the court may impose a sentence outside the standard sentence range for an offense if it finds that there are substantial and compelling reasons justifying an exceptional sentence range.

Effective date is assumed 90 days after adjournment of the session in which this bill is passed.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

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 HB 1125 to SHB 1125 does change the previous fiscal impact assumptions to the Department of Corrections (DOC).

The fiscal impact of this bill is indeterminate, assumed to be greater than \$50,000 per Fiscal Year (FY).

The department can determine estimated resources needed to facilitate virtual hearings and information governance. There are also indeterminate fiscal impacts related to victim services and reentry work for those whose resentencing results in expedited or immediate release.

This bill allows individuals to petition the sentencing court for a sentence modification after meeting certain criteria. A sentence modification would result in a shorter sentence, so any modification made would likely decrease the need for prison beds. This bill also adds that the court must impose five years of community custody in addition to any other terms of the modified sentence.

Based on the criteria outlined in the bill, DOC believes that at least 2,188 individuals will be eligible to petition the court for resentencing by 2032. Below is a break down by year. DOC is unable to determine the number of individuals who would meet the eligibility criteria outlined in the below table of individuals who are terminally ill or has a permanent or degenerative medical condition. It is unknown how many individuals will petition the court for resentencing, the rate at which the courts will accept/deny petitions nor the outcomes from any of those resentencing hearings.

Implementation Date, Eligibility criteria to Petition and Impacted Individuals

July 1st, 2026

- Committed offense at age 17 or younger and served at least seven years.

Impacted Individuals 126

July 1st, 2027

- Committed offense at age 17 or younger and served at least seven years.
- Committed offense at age 18-24, and service at least 20 years.

Impacted Individuals 237

July 1st, 2028

- Committed offense at age 17 or younger and served at least seven years.
- Committed offense at age 18-24 and served at least 13 years.

Impacted Individuals 225

July 1st, 2029

- Committed offense at age 17 or younger and served at least seven years.
- Committed offense at age 18-24 and served at least 13 years.
- Committed offense at age 25 or older and served at least 20 years.

Impacted Individuals 373

July 1st, 2030

- Committed offense at age 17 or younger and serviced at least seven years.
- Committed offense at age 18-24 and served at least 10 years.
- Committed offense at age 25 or older and served at least 17 years.

Impacted Individuals 308

July 1st, 2031

- Committed offense at age 17 or younger and served at least seven years.
- Committed offense at age 18-24 and served at least 10 years.
- Committed offense at age 25 or older and served at least 13 years.

Impacted Individuals 467

July 1st, 2032

- Committed offense at age 17 or younger and served at least seven years.
- Committed offense at age 18 or older and served at least 10 years.

Impacted Individuals 452

Total Impacted 2,188

DOC DETERMINATE COSTS:

Customization of the Offender Management Network Information (OMNI) system is needed to meet the requirements of this legislation. Due to the complexity of completing the development, testing, and implementation of the statutory changes, contracted services are necessary in FY2026.

To implement this legislation, OMNI data tables need to be updated to RCW 9.94A.525 for technical corrections.

Cost Calculation Estimate:

IT Application Development| \$185 per hour x 120 hours = \$22,200

IT Quality Assurance| \$185 per hour x 60 hours = \$11,100

IT Business Analyst| \$185 per hour x 8 hours = \$1,480

Total One-Time Costs in FY2026 \$35,000 (Rounded)

Prisons Division - Virtual Hearings

The DOC assumes that all resentencing hearings will be completed virtually as it's the most cost-effective method for the state and the least disruptive method to the incarcerated individual. DOC does not have control over court schedules/dockets and assumes that virtual resentencing hearings could be held at any point during normal court working hours, Monday-Friday 8:30am – 4:00pm, in each of the states 32 Superior Courts and at each of our 11 prison facilities.

The DOC assumes each petitioner will have an estimated four (4) hearings based on the department's data on the eligible population* and recent resentencing experience. This may be conservative as it does not include additional hearings for potential denials, continuances, and re-filings.

Individual hearings are estimated at 60 minutes. The staff and incarcerated individual must be present and ready to be called on, which often takes several hours depending on the number of cases scheduled by the court on any given day.** Incarcerated individuals cannot have unsupervised access to the computers used for virtual hearings, so the staff facilitating the virtual hearings must be present for the duration of any resentencing hearing. The most cost-effective position to provide the coordination and oversight of virtual hearings is an Administrative Assistant 2 (AA2), who the department estimates will spend five (5) hours per hearing.

Based on the above assumptions, DOC anticipates the following virtual hearings fiscal impact:

- FY 2026: 1.5 FTE AA2 (126 x 4 hearings x 5 hours / 1,707 hours per FY); \$145,000;
- FY 2027: 2.8 FTE AA2 (237 x 4 hearings x 5 hours / 1,707 hours per FY); \$268,000;
- FY 2028: 2.6 FTE AA2 (225 x 4 hearings x 5 hours / 1,707 hours per FY); \$263,000;
- FY 2029: 4.4 FTE AA2 (373 x 4 hearings x 5 hours / 1,707 hours per FY); \$437,000;
- FY 2030: 3.6 FTE AA2 (308 x 4 hearings x 5 hours / 1,707 hours per FY); \$296,000;
- FY 2031: 5.5 FTE AA2 (467 x 4 hearings x 5 hours / 1,707 hours per FY); \$353,000

Administrative Assistant 2 (AA2): Responsible for physically facilitating each hearing, including all prior scheduling and communication and any necessary communication post hearing. This entails logging onto a staff computer to the appropriate virtual platform, entering the login information, notifying the court that the DOC individual is waiting and ready for the hearing, and ensuring that technology (sound and visibility) is working correctly, and supervising the incarcerated individual's use of the computer throughout waiting periods and hearing.

As DOC prison facilities are dispersed throughout the state, the department is not funded with a virtual hearing FTE at each facility, and since this bill does not drive enough workload for a full position at each facility, DOC assumes AA2 positions will have significant travel costs in order to facilitate the virtual hearings. Those costs are indeterminate but would include motor pool vehicle cost and additional AA2 FTE to compensate for travel time.

For example, travel times (not accounting for traffic and inclement weather) are conservatively estimated at:

- 6 hours, and 290 miles, round trip from Stafford Creek Corrections Center to Clallam Bay Corrections Center;

- 5.5 hours, and 298 miles, round trip from Airway Heights Corrections Center to the Washington State Penitentiary;
- 2.5 hours, and 160 miles, round trip from the Washington State Penitentiary to Coyote Ridge Corrections Center; and
- 2 hours, and 86 miles, round trip from the Washington Corrections Center to the Washington Corrections Center for Women.

*According to DOC records, the average eligible petitioner is serving on more than one current cause with an average of less than 2 causes per person. Some of the individuals serving on multiple current causes, have causes in multiple counties/jurisdictions that will need to be addressed independently as judges only have the authority to resentence/vacate convictions from their own home jurisdiction. The average eligible petitioner has approximately eight historical causes that may have to be reviewed by the courts. One in ten eligible petitioners have State v. Blake offenses, with an average of three offenses each in their criminal history which adds more complexity for the courts and DOC to process amended orders and criminal history under SHB 1125. The ongoing State v. Blake response in addition to the workload from SHB 1125 will subsequently trigger additional legal financial obligation refund hearing(s).

**DOC must make individuals available to the courts when requested. The department has previously appeared before the Grays Harbor Superior Court for not abiding by its orders/requests to make criminal defendants available on a virtual platform on certain days and times. The judge in that case made it very clear that the department's inconvenience or operational challenges do not supersede criminal defendants' rights to speedy trial and to be present at their hearings. DOC was told that if the Court believes virtual hearings are too difficult to manage, then they will order all defendants to be transported, and the department would subject to a \$5,000 fee, and contempt charge with a show cause hearing being set once they do not appear. The risk of fines and contempt charges becomes much more likely if DOC does not have staff available at each facility.

If incarcerated individuals need to attend a court hearing in person, which was commonplace prior to the COVID-19 pandemic, DOC will assign custody transportation teams to transport the individual from prison to local jail for the duration of the resentencing hearing at a cost of \$139 per hour, per team. The total cost will vary significantly subject to locations and travel time.

Information Governance Unit:

2.0 FTE - Communication Consultant 3 (Teamster):

The bill requires DOC to assist the petitioner or the petitioner's counsel in compiling the petitioner's disciplinary record and record of rehabilitation at no cost to the petitioner. These positions would deal with the anticipated workload increase driven by court deadlines. Work would consist of gathering responsive records, reviewing and redacting the records and providing them to the requestor.

Administrative costs associated with responding to requests, petitions, and proceedings relating to this bill are expected, which include but are not limited to: Providing notice to the incarcerated individuals, sentencing court, prosecutor, and defense agency; Law Library material to petition for consideration of sentence modification; and DOC records to support the petition for consideration.

FY2026: 2.0 FTEs and \$289,000

FY2027: 2.0 FTEs and \$299,000

FY2028: 2.0 FTEs and \$309,000

FY2029: 2.0 FTEs and \$309,000

FY2030: 2.0 FTEs and \$309,000

FY2031: 2.0 FTEs and \$309,000

An additional \$90,000 will be needed for one-time and ongoing costs in FY2026, to include office furniture, equipment, and supplies. Another \$84,000 will be required in FY2027, \$77,000 in FY2028, \$100,000 in FY2029, \$92,000 in FY2030 and

\$115,000 in FY2031 for one-time and ongoing costs related to office supplies, staff travel, and training, etc.

The DOC requests funding for the indirect costs of agency administration, which includes 0.6 FTEs and \$62,000 in FY2026, 0.8 FTEs and \$81,000 in FY2027 and FY2028, 1.04 FTEs and \$108,000 in FY2029, 0.8 FTEs and \$87,000 in FY2030, 0.9 FTEs and \$94,000 in FY2031, and requests funding for interagency costs of \$14,000 in FY2026 and \$17,000 in FY2027 and FY2028, \$21,000 in FY2029 and FY2030 and \$24,000 in FY2031 for the purpose of supporting Payroll, Human Resources, Information Technology, and other expenses associated with the hiring and employment of staff to implement this legislation. The approved agency indirect rate and associated cost of administration are calculated based on the salaries and benefits of staff conducting back office administrative functions, divided by all remaining salaries and benefits.

Total DOC Determinate Costs (Rounded)

FY2026: 4.1 FTEs and \$635,000 Total Expenditures

FY2027: 5.6 FTEs and \$750,000 Total Expenditures

FY2028: 5.4 FTEs and \$748,000 Total Expenditures

FY2029: 7.4 FTEs and \$974,000 Total Expenditures

FY2030: 6.4 FTEs and \$804,000 Total Expenditures

FY2031: 8.4 FTEs and \$896,000 Total Expenditures

If the staffing requirement is not funded, DOC will not be able to carry out the requirements of this legislation.

DOC INDETERMINATE COSTS:

For illustrative purposes, below outlines the potential indeterminate staffing impacts:

Resentencing Unit:

Using DOC's experience with resentencing work from the passing of Senate Bill 6164 Resentencing – Prosecutorial Discretion (during 66th Legislative Session), the DOC assumes the below FTE resources will spend on average 25.5 hours for each eligible resentencing individual to ensure their rights to the hearings are maintained and any reentry work is completed.

- Corrections Specialist 3 (CS3): Primary contact for persons undergoing resentencing, with a caseload of 50 of clients at a given time. These staff coordinate with prison facility staff and incarcerated individuals, track case status, and, as applicable, coordinate accelerated reentry planning and services.
- Corrections Specialist 4 (CS4 – Resentencing Navigator): Management and coordination for the work of resentencing. This position coordinates with virtual hearing staff for resentencing hearings, communicates with court officials (for example, defense and prosecuting attorneys) for expected outcome and updated sentence, is responsible for the overall tracking and status of resentencing individuals for DOC leadership, and serves as lead staff to CS3s.
- Records Unit Management Analyst 4 (MA4): Responsible for updates in the electronic database, maintains the data and conducts quality assurance reviews for court orders related to vacates and resentencing, answers calculation questions from attorneys for upcoming resentencing hearings, conducts second review of amended sentences and updated sentence calculations.

Expedited/Immediate Reentry:

The below impact is provided for illustrative purposes due to an unknown number of incarcerated individuals that will be eligible for expedited or immediate release after they are resentenced.

- Health Services Division (HSD): 1.0 FTE – CS3 and 1.0 FTE – Psychiatric Social Worker to coordinate healthcare related reentry needs and case management required by the CMS 1115 Medicaid Waiver.
- Community Corrections Division (CCD) / Victim Services: 2.0 FTE – Program Specialist 2 (PS2) to complete the Accountability Letter Bank requirements set forth in Section 3 and provide victim witness notifications related to resentenced individuals. Additionally, this position will respond to inquiries from concerned victims/witnesses relating to

these sentence modifications and provide wrap-around safety planning.

- Reentry Division: 1.0 FTE – CS4 Housing Specialist and 1.0 FTE – CS3 Reentry Navigator to provide pre-release reentry planning and housing placement, acquisition of essential needs, and support to meet reentry goals for 90 days post release. May also lead to increased need in the housing voucher program, \$700 per month housing voucher for up to six months.

Though DOC is funded for reentry services, many reentry planning efforts don't kick off until 6 months pre-release so interruptions to that timeline drive additional resources to navigate individuals through on an accelerated timeline. Many steps are not completed until shortly before release like notifying victims, victim safety-planning, providing identification cards, applying for federal/state benefits, approving a release address and referrals to community-based resources/providers.

Indeterminate Bed Savings and Supervision Costs:

The Caseload Forecast Council (CFC) has no information concerning how many individuals will petition the court for a sentencing modification if they meet the criteria. As such, the CFC cannot reliably predict the likely reduced need for prison beds from the sentencing modifications nor the increased impact to community corrections supervision. DOC is also unable to estimate fiscal impacts of these reductions since we do not know how many eligible individuals will successfully petition, what the judge will determine for reduced sentence length, or when these individuals would be released.

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 populations 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, 13.0% moderate, 7.9% low, and 1.0% unclassified (June – November 2024)

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.

The DOC assumes additional impacts will result when ADP caseload changes in either prison or community and resources will be necessary. 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

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
001-1	General Fund	State	635,000	750,000	1,385,000	1,722,000	1,700,000
Total \$			635,000	750,000	1,385,000	1,722,000	1,700,000

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	4.1	5.6	4.9	6.4	7.4
A-Salaries and Wages	322,000	424,000	746,000	979,000	909,000
B-Employee Benefits	112,000	144,000	256,000	340,000	358,000
C-Professional Service Contracts	35,000		35,000		
E-Goods and Other Services	34,000	42,000	76,000	92,000	109,000
G-Travel	38,000	48,000	86,000	106,000	125,000
J-Capital Outlays	32,000	11,000	43,000	16,000	18,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	62,000	81,000	143,000	189,000	181,000
9-					
Total \$	635,000	750,000	1,385,000	1,722,000	1,700,000

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

III. C - Operating FTE Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2026	FY 2027	2025-27	2027-29	2029-31
ADMINISTRATIVE ASSISTANT 2		1.5	2.8	2.2	3.5	4.6
MANAGEMENT ANALYST 5		0.6	0.8	0.7	0.9	0.9
PROGRAM SPECIALIST 2		2.0	2.0	2.0	2.0	2.0
Total FTEs		4.1	5.6	4.9	6.4	7.4

III. D - Expenditures By Program (optional)

Program	FY 2026	FY 2027	2025-27	2027-29	2029-31
Administration & Support Svcs (100)	431,000	411,000	842,000	869,000	861,000
Correctional Operations (200)	190,000	322,000	512,000	815,000	794,000
Community Supervision (300)					
Interagency Payments (600)	14,000	17,000	31,000	38,000	45,000
Total \$	635,000	750,000	1,385,000	1,722,000	1,700,000

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.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1125 S HB	Title: Sentence modification
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Estimated \$10 million in prosecutor costs through fiscal year 2031 for sentence modification proceedings for people currently in DOC custody; indeterminate appeal-related prosecutor costs
- ☐ Special Districts:
- ☐ Specific jurisdictions only:
- ☐ Variance occurs due to:

Part II: Estimates

- ☐ No fiscal impacts.
- ☐ Expenditures represent one-time costs:
- ☐ Legislation provides local option:
- ☒ Key variables cannot be estimated with certainty at this time: Number of appeals that may be filed under bill's provisions; number of people not currently sentenced who would receive sentence of a sufficient length to become eligible for sentence modification at some point in future

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2026	FY 2027	2025-27	2027-29	2029-31
County	703,080	1,322,460	2,025,540	3,336,840	4,324,500
TOTAL \$	703,080	1,322,460	2,025,540	3,336,840	4,324,500
GRAND TOTAL \$					9,686,880

In addition to the estimates above, there are additional indeterminate costs 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: Corey Patton	Phone: 360-786-7388	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 1125, comparing it to the impact of HB 1125.

CHANGES BETWEEN THIS BILL VERSION AND PREVIOUS BILL VERSION:

The substitute bill would:

- Add an illustrative factor courts could consider when deciding whether to modify a person's sentence under section 3
- Require courts to take into consideration the statements of victims or survivors of victims when deciding whether to modify a person's sentence under section 3
- Specify that a person may not petition for sentence modification under section 3 if they are serving a term of confinement for first degree murder unless they have served at least 20 years of their original sentence in addition to meeting the other eligibility criteria of subsection 3 (1)
- Require courts to impose five years of community custody when modifying a person's sentence under section 3

SUMMARY OF CURRENT BILL:

Section 3 of the proposed legislation would add a new section to chapter 9.94A RCW. This section would specify that a person under a term of total confinement for a felony conviction could petition for a modification of their sentence if it no longer serves the interests of justice and the person meets certain conditions.

Such a person would be eligible to petition beginning July 1, 2026 if they are:

- Serving a felony sentence for an offense committed at 17 years of age or younger, and have served at least seven years of their sentence.
- Terminally ill or experiencing a permanent or degenerative medical condition to such a degree that they do not presently and likely will not in the future pose a threat to public safety

Such a person would be eligible to petition beginning July 1, 2027 if they:

- Meet the criteria to petition beginning July 1, 2026
- Have served at least 20 years of their sentence for an offense committed when the person was between 18 and 24 years old

Such a person would be eligible to petition beginning July 1, 2028 if they:

- Meet the criteria to petition beginning July 1, 2026
- Have served at least 13 years of their sentence for an offense committed when the person was between 18 and 24 years old

Such a person would be eligible to petition beginning July 1, 2029 if they:

- Meet the criteria to petition beginning July 1, 2026
- Have served at least 13 years of their sentence for an offense committed when the person was between 18 and 24 years old
- Have served at least 20 years of their sentence for an offense committed at age 25 or older

Such a person would be eligible to petition beginning July 1, 2030 if they:

- Meet the criteria to petition beginning July 1, 2026
- Have served at least 10 years of their sentence for an offense committed when the person was between 18 and 24 years old
- Have served at least 17 years of their sentence for an offense committed at age 25 or older

Such a person would be eligible to petition beginning July 1, 2031 if they:

- Meet the criteria to petition beginning July 1, 2026
- Have served at least 10 years of their sentence for an offense committed when the person was between 18 and 24 years

old

-Have served at least 13 years of their sentence for an offense committed at age 25 or older

Such a person would be eligible to petition beginning July 1, 2032 if they:

-Have served at least 10 years of their sentence for an offense committed at age 18 or older

If a person did not meet any of the conditions above, they could petition the court at any time with the consent of the prosecuting attorney. A person would not be able to petition for sentence modification under section 3 if they were serving a term of confinement for first degree murder unless they have served at least 20 years of their original sentence in addition to meeting the other eligibility criteria of subsection 3 (1).

Petitioners would be required to include a statement with their petition and supporting documents demonstrating that they meet one or more specified requirements, and if there is a substantial showing that a petitioner meets one or more of these requirements, the court would be required to grant a hearing and hold it within 120 days. Courts may decline petitions that do not meet one of the time- or sentence-related criteria above.

If during a hearing, the court finds that a person's original sentence no longer advances the interests of justice, the court may modify the person's sentence, subject to certain conditions. No person resentenced under section 3 would be allowed to be released from total confinement sooner than six months after the date of the hearing to consider their petition, and courts would be required to impose five years of community custody when modifying a person's sentence.

If the court denies a petition filed pursuant to section 3, the petitioner may, upon a showing of a change in circumstances, file a new petition no earlier than three years after the date the previous petition was denied. If a court denies a petition under this section or does not modify a person's sentence, it must state on the record its basis for doing so. Petitioners would be able to appeal the denial of a petition or the order pursuant to a sentence modification hearing.

Prosecuting attorneys would be required to make reasonable efforts to notify victims and survivors of victims, and victims of any sex offense or domestic violence offense committed against an intimate partner victim for which the petitioner was previously convicted, of any petition for sentence modification and the date of any associated hearing. The Office of Crime Victims Advocacy would be required to contract with prosecuting attorney's offices to offer victim advocacy services for victims impacted by this act.

People sentenced as persistent offenders or for aggravated first degree murder would not be eligible to petition under the provisions of section 3.

Section 4 would add a new section to chapter 2.70 RCW, requiring the Office of Public Defense (OPD) to provide representation for people who are eligible to file a petition under the provisions of section 3. OPD would be required to prioritize representation based on the eligibility criteria and timelines in subsection 3 (1).

Section 5 would amend RCW 10.73.100, specifying that the time limit in RCW 10.73.090 does not apply to a petition for sentence modification pursuant to section 3 of the proposed legislation.

Section 6 would amend RCW 9.94A.535, adding petitions and hearings under section 3 of the proposed legislation to the illustrative list of mitigating circumstances for courts to consider before imposing an exceptional sentence below the standard range.

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.

CHANGE IN EXPENDITURE IMPACT BETWEEN THIS VERSION AND PREVIOUS BILL VERSION:

The substitute bill would add the restriction that people serving a term of confinement for murder in the first degree would not be able to petition for sentence modification under section 3 of the bill unless the person has served at least 20 years of

their original sentence, in addition to meeting the criteria of subsection 3 (1). This additional requirement would change the estimated number of people that the Office of Public Defense (OPD) would provide representation for annually under the bill's provisions, and the corresponding number of resentencing hearings prosecutors would be required to participate in.

Using OPD's updated estimates for annual cases under the provisions of the substitute bill, the Local Government Fiscal Note Program estimates that prosecutor expenditures to participate in resentencing hearings would total approximately \$10 million for fiscal years 2026 through 2031. The assumptions and calculations to arrive at this estimate are detailed below. Under the provisions of the previous bill version, total prosecutor expenditures to participate in additional resentencing hearings were estimated to total approximately \$14 million.

EXPENDITURE IMPACT OF CURRENT BILL:

The proposed legislation would require approximately \$10 million in local government expenditures through fiscal year 2031, in addition to other indeterminate expenditures.

Section 3 of the proposed legislation would allow people who are incarcerated as a result of a felony conviction who meet certain requirements to petition for a modification of their sentence. Considering petitions would require additional court staff and judicial officer time, and hearings would require court time, and prosecuting and defense attorney time.

Please note that judicial and court costs are assessed by the Administrative Office of the Courts.

The Office of Public Defense (OPD) would provide defense counsel for sentence modification petitions and proceedings under the provisions of the proposed legislation. OPD assumes that there are 2,188 incarcerated people who could potentially be eligible for resentencing under the bill's provisions. OPD's specific assumptions for the number of people it will provide representation for under the provisions of the proposed legislation are:

Fiscal year 2026: 126 people
Fiscal year 2027: 237 people
Fiscal year 2028: 225 people
Fiscal year 2029: 373 people
Fiscal year 2030: 308 people
Fiscal year 2031: 467 people

OPD additionally estimates that each case for which it provides representation under the bill's provisions would require an average of 32 attorney hours and 40 hours of contracted mitigation expert and investigator time, and that approximately 25% of cases would require the additional assistance of expert witnesses.

The Washington Association of Prosecuting Attorneys (WAPA) indicates that it is difficult to estimate how much time a given resentencing proceeding may require, as cases can vary greatly in complexity. In a 2021 analysis related to resentencing hearings resulting from the Blake decision, WAPA estimated the range of total prosecutorial costs for resentencing hearings of different complexities. These costs ranged between \$375 and \$645 for simple hearings with victim witness, and between \$4,950 and \$8,610 for the most complex one-week hearings, requiring two attorneys and two victim witnesses.

WAPA indicates that, based on OPD's estimates for necessary attorney, and expert and investigator time, average prosecutor costs for proceedings under the bill's provisions would likely fall within a range between complex one-week resentencing proceedings with one attorney (\$2,550-\$4,410) and complex one-week resentencing proceedings with two attorneys and two victim witnesses (\$4,950-\$8,610). Taking the midpoint of this range (\$2,550-\$8,610) gives an average per-case cost of \$5,580 for prosecutors. Using that per-case average and OPD's estimates for the number of

resentencing proceedings for each fiscal year beginning in fiscal year 2026, total prosecutors costs through fiscal year 2031 can be approximated as follows:

Fiscal year 2026: 126 cases X \$5,580 per case = \$703,080
Fiscal year 2027: 237 cases X \$5,580 per case = \$1,322,460
Fiscal year 2028: 225 cases X \$5,580 per case = \$1,255,500
Fiscal year 2029: 373 cases X \$5,580 per case = \$2,081,340
Fiscal year 2030: 308 cases X \$5,580 per case = \$1,718,640
Fiscal year 2031: 467 cases X \$5,580 per case = \$2,605,860

Total estimated prosecutor costs for fiscal years 2026 through 2031: \$9,686,880

The true prosecutor costs for proceedings under the provisions of the proposed legislation could vary depending on the complexity of sentence modification proceedings. The above estimate also does not account for cases where a person appeals the denial of a petition or an order entered pursuant to a sentence modification hearing, as it is unknown how many such appeals may occur. Prosecutor costs related to appeals under the provisions of the proposed legislation are accordingly indeterminate.

Finally, in addition to the people under DOC custody who could be eligible to petition under the bill's provisions, there would be people sentenced after the effective date of the bill who would become eligible to petition for a sentence modification at some point in the future. The associated costs for prosecutors are indeterminate, however, since it is unknown how many people may be given future sentences of a qualifying length and choose to petition for sentence modification.

C. SUMMARY OF REVENUE IMPACTS

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

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

SOURCES:
Local government fiscal note for 2SHB 2001, 2024
Washington Association of Prosecuting Attorneys
Washington State Office of Public Defense