

Multiple Agency Fiscal Note Summary

Bill Number: 1815 E S HB	Title: Prison riot offenses
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Estimated Cash Receipts

Agency Name	2025-27			2027-29			2029-31		
	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total	GF-State	NGF-Outlook	Total
Department of Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Total \$	0	0	0	0	0	0	0	0	0

Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	.0	18,377	18,377	18,377	.0	0	0	0	.0	0	0	0
Office of Public Defense	.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 Children, Youth, and Families	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Corrections	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Total \$	0.0	18,377	18,377	18,377	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			90,446						
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Office of Public Defense	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	.0	0	0	.0	0	0	.0	0	0
Department of Children, Youth, and Families	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Final 3/18/2025
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Judicial Impact Fiscal Note

Bill Number: 1815 E S HB	Title: Prison riot offenses	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:

STATE	FY 2026	FY 2027	2025-27	2027-29	2029-31
State FTE Staff Years					
Account					
General Fund-State 001-1	18,377		18,377		
State Subtotal \$	18,377		18,377		
COUNTY	FY 2026	FY 2027	2025-27	2027-29	2029-31
County FTE Staff Years					
Account					
Local - Counties	90,446		90,446		
Counties Subtotal \$	90,446		90,446		
CITY	FY 2026	FY 2027	2025-27	2027-29	2029-31
City FTE Staff Years					
Account					
Local - Cities					
Cities Subtotal \$					

Estimated Capital Budget Impact:

NONE

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

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note 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: Will Trondsen	Phone: 360-786-7552	Date: 03/13/2025
Agency Preparation: Chris Conn	Phone: 360-704-5512	Date: 03/17/2025
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 03/17/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/18/2025

205,378.00

Request # 303-1

Part II: Narrative Explanation

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

The engrossed substitute requires that the Department of Children, Youth and Families (DCYF) establish rules for including prison riot behavior as an infraction that is managed through the internal behavioral management infraction system.

The original bill requires Prosecutors to bring a motion for relief on behalf of an offender who, in a criminal case, has been adjudicated or convicted of a prison riot offense in a DCYF facility, and that adjudication or conviction was used as the basis for the offender's sentence. Offenders may bring this motion. The sentencing court shall grant the motion for relief if it finds that a current or past conviction or adjudication for a prison riot offense in DCYF was used as basis for the offender's sentence and shall immediately set an expedited date for resentencing. Court shall sentence offender as if current or past conviction for a prison riot offense that occurred in DCYF did not occur. This bill applies retroactively.

II. B - Cash Receipts Impact

None

II. C - Expenditures

SUPERIOR COURT IMPACTS

Based on the public hearing, the retroactivity would apply to 94 convictions in Lewis County. This would have a total cost of \$108,823.

State annual cost = \$18,377 (50 percent of salary / 100 percent of benefits for judges' compensation)

Counties' annual cost = \$90,446

Part III: Expenditure Detail

Part III: Expenditure Detail

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

<i>State</i>	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
Salaries and Wages	11,485		11,485		
Employee Benefits	6,892		6,892		
Professional Service Contracts					
Goods and Other Services					
Travel					
Capital Outlays					
Inter Agency/Fund Transfers					
Grants, Benefits & Client Services					
Debt Service					
Interagency Reimbursements					
Intra-Agency Reimbursements					
Total \$	18,377		18,377		

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

<i>County</i>	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
Salaries and Benefits	90,446		90,446		
Capital					
Other					
Total \$	90,446		90,446		

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

<i>City</i>	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years					
Salaries and Benefits					
Capital					
Other					
Total \$					

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

NONE

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

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

NONE

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

NONE

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

NONE

IV. C - Capital Budget Breakout

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

NONE

None

Individual State Agency Fiscal Note

Bill Number: 1815 E S HB	Title: Prison riot offenses	Agency: 056-Office of Public Defense
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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: Will Trondsen	Phone: 360-786-7552	Date: 03/13/2025
Agency Preparation: Elizabeth Mustin	Phone: 360-586-3164 1	Date: 03/18/2025
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 03/18/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/18/2025

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.

ESHB 1815 amends the definition of "correctional institution" to exclude jails that primarily house inmates under the age of 18 (county juvenile detention facilities) in addition to facilities operated by Department of Children Youth and Families (DCYF) as it pertains to prison riot charges under RCW 9.94.010. All sections otherwise remain the same as the prior version. The change is reflected in Section 1(b).

ESHB 1815 would create minimal fiscal impact on the Office of Public Defense.

Section 1 amends RCW 9.94.049 to redefine what is considered a "correctional institution" under RCW 9.94.010, when charging an individual with causing a riot within a correctional institution. The term "correctional institution" does not include facilities run by the department of children, youth, and family (hereinafter DCYF) services and county detention facilities that primarily house individuals under age 18 (juvenile detention centers).

Section 2 amends RCW 9.94A.640 to provide that every individual convicted of a prison riot offense under RCW 9.94.010, who was incarcerated in a facility operated by DCYF or a county juvenile detention facility at the time of the offense, may request that the sentencing court vacate the individual's record of adjudication or conviction. If the individual qualifies, the court shall vacate the adjudication or conviction.

Section 3 adds a new section to RCW 9.94A to provide that anytime an individual has been sentenced for a criminal offense where a conviction or adjudication for a prison riot offense that occurs at a facility operated by DCYF or a county was used as a basis for the sentence, the prosecutor shall, or the individual may move the sentencing court for relief if it finds that a current or past adjudication was used as a basis for the individual's sentence. If the court finds that an adjudication or conviction for a prison riot offense at a DCYF facility or county juvenile detention facility was used as a basis for the individual's current sentence, the court shall immediately set an expedited hearing to resentence the individual.

Section 4 adds a new section to RCW 13.40 to provide that any juvenile offender case where an individual received a disposition for a criminal offense where an adjudication for a prison riot offense occurred at a facility operated by DCYF or a county, and was used as a basis for the current disposition, the prosecutor shall, or the individual may move the sentencing court for relief if it finds that a current or past adjudication was used as a basis for the individual's sentence. If the court finds that an adjudication or conviction for a prison riot offense at a DCYF facility or county juvenile detention facility was used as a basis for the individual's current adjudication, the court shall immediately set an expedited hearing to impose a new disposition.

Section 5 directs DCYF to establish rules and respond to prison riot behavior using its internal behavior management infraction system.

Section 6 adds a new section that section 1 of this act applies retroactively.

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.

To implement ESHB 1815, the Office of Public Defense (OPD) assumes a small number of individuals would require representation for resentencing under RCW 2.70.020(3) which 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."

The representation required would be a minimal cost to the agency. Between 60 and 80 individuals are estimated to need representation in a vacate and/or resentencing proceeding. Under ESHB 1815 (as compared to HB 1815), based on available data, fewer than 5 cases would be added for resentencing or vacate (it cannot be determined which) based on the small number of convictions that appear to have been obtained on prison riot charges in counties that do not house DYCF facilities. Due to the small number of additional cases OPD's cost estimates remain unchanged.

Vacates: OPD assumes the average cost of vacates will be:

70 clients X 2 hours per case X \$165 per hour for contracted counsel = \$23,100

Resentencing: OPD assumes of the individuals with convictions, only 5 – 10 will require a resentencing. Those costs will range between:

5 clients X 6 hours per case X \$165 per hour for contracted counsel = \$4,950

10 clients X 6 hours per case X \$165 per hour for contracted counsel= \$9,900

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: 1815 E S HB	Title: Prison riot offenses	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: Will Trondsen	Phone: 360-786-7552	Date: 03/13/2025
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 03/18/2025
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 03/18/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/18/2025

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.

ESHB 1815

PRISON RIOT OFFENSE

101 – Caseload Forecast Council

March 14, 2025

SUMMARY

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

- Section 1 Amends RCW 9.94.049 (Prison riot—Penalty) by removing facilities operated by the Department of Children, Youth, and Families (DCYF) or county juvenile detention facilities from the definition of “Correctional Institution” for the purposes of the offense of prison riot.
- Section 2 Amends RCW 9.94A.640 (Vacation of offender's record of conviction) by adding a new subsection (5) stating every person convicted of a prison riot offense who was incarcerated in a DCYF facility at the time of the offense, may apply for the offense to be vacated and requires the court to vacate the record if the applicant qualifies under this subsection.
- Section 3 Adds a new section to chapter 9.94A RCW by requiring the prosecuting attorney to make a motion for relief from the sentence of the original sentencing court when an offender sentenced for an offense where a conviction or adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender’s sentence. Additionally states that if court finds that a current or past conviction or adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender’s sentence, the court shall immediately set an expedited date for resentencing and resentence the offender as if the current or past such conviction did not occur.
- Section 4 Adds a new section to chapter 13.40 RCW by requiring, in any juvenile offender case, the prosecuting attorney to make a motion for relief from the sentence of the original sentencing court when an offender sentenced for an offense where a conviction or adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender’s sentence. Additionally states that if the court finds that a current or past adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender’s disposition, the court shall immediately set an expedited date for resentencing and resentence the offender as if the current or past such adjudication did not occur.
- Section 5 Adds a new section to chapter 13.40 RCW requiring DCYF to establish rules for including prison riot behavior as an infraction that is managed through the internal management infraction system.
- Section 6 States Section 1 of the act applies retroactively to all prison riot convictions or adjudications and prison riot offenses that have been charged.
- Section 7 States the act takes effect August 1, 2025.

EXPENDITURES

Impact on the Caseload Forecast Council.

None.

Impact Summary

- Contracts the definition of an existing Class B unranked felony.

The bill removes offenses that occur in a DCFY facility from the offense of Prison Riot. The Caseload Forecast Council (CFC) has no information about how many less incidents of the felony offense of prison riot may result under the provisions of the bill. Therefore, the CFC cannot reliably predict bed impacts resulting from the bill.

Impacts on Prison and Jail beds

As the offense is an unranked felony offense with a minimum term of not less than one year in a state correctional facility, any reductions in the offense would likely result in prison savings for such offenses occurring in a DCYF facility by a person age 18 or older at the time of the offense.

Additionally, the bill requires relief from the sentence of the original sentencing court when an offender sentenced for an offense where a conviction or adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender's sentence; and, if the court finds that a current or past conviction or adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender's sentence, the court shall immediately set an expedited date for resentencing and resentence the offender as if the current or past such conviction did not occur. This could result in prison and jail bed savings.

From the data available, CFC can't determine where the offense occurred, and as such, the impacts are indeterminate. The following is provided for informational purposes and includes all prison riot offenses, regardless of the location of where the offense occurred:

In Fiscal Year 2024 there were 58 adult sentences imposed on 39 individuals in which Prison Riot was the most serious offense:

County	Jail	Prison	Total
Franklin	2		2
Grant		1	1
Lewis	5	47	52
Skagit	2		2
Walla Walla		1	1
Total	9	49	58

In Fiscal Year 2024, there were 32 adult sentences in which there were one or more offenses of Prison Riot contained in an individual's criminal history.

Impact on Supervision Caseload.

None, the offense of Prison Riot is not an offense that has supervision requirements.

Impacts on Juvenile Rehabilitation beds

In Fiscal Year 2024, there were 28 adjudications for prison riot.

Individual State Agency Fiscal Note

Bill Number: 1815 E S HB	Title: Prison riot offenses	Agency: 307-Department of Children, Youth, and Families
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

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

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: Will Trondsen	Phone: 360-786-7552	Date: 03/13/2025
Agency Preparation: Joe Cushman	Phone: 3607906422	Date: 03/18/2025
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 03/18/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/18/2025

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.

This bill seeks to alter the penalty cause by riot offenses within correctional institutions.

Engrossed substitute:

Section 1(b) is a new section that defines correctional institution as any place designated by law primarily for the keeping of persons age 18 or older held in custody.

Section 5(1) is a new section stating that the Department of Youth, Children, and Families (DCYF) shall establish rules for including prison riot behavior as an infraction that is managed through the internal behavioral management system.

Section 5(2) is a new section that states that by August 1, 2025, DCYF shall respond to prison riot behaviors that occur in an institution using the internal behavior management infraction system.

Section 5(3) is a new section that states that DCYF may impose an infraction using the internal behavioral management infraction system for offenses that were vacated under section 2 of this act when appropriate.

Original Bill:

Section 2(5) states that every person convicted of a prison riot offense while incarcerated in a facility operated by DCYF may apply to the sentencing court for a vacation of the applicant's record or adjudication or conviction of the offense. If the applicant qualifies, the court shall vacate the record.

Section 3(1) is a new section that states that if a prison riot offense was used as a basis for an offender's conviction, the prosecutor shall, or the offender may, make a motion for relief from sentence to the original sentencing court.

Section 3(2) is a new section that states that the sentencing court shall grant the motion of relief set forth in section 3(1).

Section 4(1) is a new section that states that if a prison riot offense was used as a basis for an offender's conviction, the prosecutor shall, or the offender may, make a motion for relief from disposition to the original court that imposed the disposition.

Section 4(2) is a new section that states that the court that imposed the disposition shall grant the motion of relief set forth in section 4(1).

Section 6 is a new section that states that section 1 of this act applies retroactively.

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.

Indeterminate.

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.

DCYF considers this bill indeterminate.

There are currently 18 individuals in residence at a Juvenile Rehabilitation (JR) facility with one or more prison riot charge. If a student receives a prison riot charge at a JR facility while over the age of 18, they receive a Department of Corrections (DOC) charge, and those charges are no longer under JR jurisdiction and DCYF will receive no data on them.

The vacation of prison riot sentences and possible reduction of subsequent sentence may have the effect of a decrease in Average Daily Population (ADP). DCYF does not have data regarding the full effect of this bill on ADP, therefore the caseload forecast, and per capita adjustment are unknown at this time.

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

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

Individual State Agency Fiscal Note

Bill Number: 1815 E S HB	Title: Prison riot offenses	Agency: 310-Department of Corrections
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

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

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

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

Legislative Contact: Will Trondsen	Phone: 360-786-7552	Date: 03/13/2025
Agency Preparation: Jaysanna Wang	Phone: 360-791-0201	Date: 03/17/2025
Agency Approval: Wendi Gunther	Phone: 360-789-4001	Date: 03/17/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/18/2025

Part II: Narrative Explanation

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

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

An act relating to prison riot offenses; amending RCW 9.94.049 and 9.94A.640; adding a new section to chapter 9.94A RCW; adding a new section to chapter 13.40 RCW; and creating a new section; and providing an effective date.

ESHB 1815 differs from the original bill in the following ways:

The engrossed substitute expands the bill to additionally exclude offenses that occurred at county juvenile detention facilities.

Section 5 is a new section under chapter 13.49 RCW to require the Department of Children, Youth, and Families (DCYF) to establish rules to include prison riot behavior as an infraction that is managed through the internal behavioral management infraction system.

Section 7 is a new section for the act to take effect August 1, 2025, should the bill pass.

The following impacts remain unchanged from the original:

Section 1(1)(b) is a new subsection for RCW 9.94.049 which defines “correctional institution” to exclude facilities operated by DCYF for the purposes of RCW 9.94.010.

Section 2(1) was amended to provide subsection 2(5) as an exclusion to the provisions already in Section 2.

Section 2(5) is a new subsection that states that every person convicted of a prison riot offense under RCW 9.94.010 who was incarcerated at a DCYF operated facility or a county juvenile detention facility, may apply to the sentencing court for a vacation of the applicant’s record of adjudication or conviction of the offense and that, if the applicant qualifies under this subsection, the court shall vacate the record.

Section 3 is a new section to add to RCW 9.94A that states that an offender may motion for relief from a sentence if a conviction or adjudication for a prison riot offense that occurred at a DCYF operated facility was used as a basis for the offender’s sentence. Additionally, it states that if it was used, the sentencing court shall grant the motion for relief of a prison riot offense and an expedited date should be set for resentencing, which the court shall sentence as if the prison riot offense at a DCYF operated facility did not occur.

Section 6 is a new section stating this act applies retroactively to all prison riot convictions or adjudications and prison riot offenses that have been charged.

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 1815 to ESHB1815 does not change the previous fiscal impact assumptions to the Department of Corrections (DOC). The Department of Corrections (DOC) assumes this bill will have an indeterminate

fiscal impact less than \$50,000 per Fiscal Year (FY).

This bill changes the definition of a correctional institution for a prison riot offense so that it does not include facilities operated by DCYF or other juvenile facilities. Then provides a process for individuals at DOC who have been sentenced based on being convicted or adjudicated of a prison riot offense at a DCYF operated facility to be resentenced as if it did not occur in the first place.

As the offense is an unranked felony offense with a minimum term of not less than one year in a state correctional facility, any reductions in the offense would likely result in prison savings for such offenses occurring in a DCYF facility by a person age 18 or older at the time of the offense.

Additionally, the bill requires relief from the sentence of the original sentencing court when an offender sentenced for an offense where a conviction or adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender's sentence; and, if the court finds that a current or past conviction or adjudication for a prison riot offense occurred in a DCYF facility was used as a basis for the offender's sentence, the court shall immediately set an expedited date for resentencing and resentence the offender as if the current or past such conviction did not occur. This could result in prison bed savings.

DOC Indeterminate Costs

As this bill is retroactive, the DOC has identified 21 incarcerated individuals who would be eligible to be resentenced. As it is a case-by-case basis on how this would affect individual sentencing terms, the DOC cannot reliably predict how this would affect the population.

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 apply to this fiscal note, the calculated rate per community supervision ADP includes direct supervision and ancillary units, such as Hearings, Records, and Training, that are directly affected by supervision population changes. The estimate will vary based on the risk level of the supervised individuals, which requires different staffing levels. The population trend data used is based on the Risk Level Classification tool and provides a risk level of 42.8% high violent, 27.3% high non-violent, 21% moderate, 7.9% low, and 1.0% unclassified. (June – November 2017).

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

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

should the legislation be enacted into session law.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

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

III. B - Expenditures by Object Or Purpose

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

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

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

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

NONE

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

NONE

Part V: New Rule Making Required

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

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 1815 E S HB

Title: Prison riot offenses

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

Legislation Impacts:

- Cities:
- Counties: Indeterminate prosecutor expenditures as a result of identifying cases where motion for sentence relief required, participating in resentencing and conviction vacation hearings; indeterminate impact on local law enforcement, prosecution, public defense, jail expenditures as a result of any decrease in incidents of prison riot offenses or sentence modifications
- 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: Prosecutor time required to identify cases where motion for sentence relief required, participate in resentencing and conviction vacation hearings; how many people may be eligible for resentencing or conviction vacation under the bill's provisions and may be granted hearings; change in number of incidents of prison riot offenses as a result of the bill's provisions; sentence modifications that may result from bill's provisions and resulting impact on demand for jail beds

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

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

Part III: Preparation and Approval

Fiscal Note Analyst: James Vogl	Phone: 360-480-9429	Date: 03/18/2025
Leg. Committee Contact: Will Trondsen	Phone: 360-786-7552	Date: 03/13/2025
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/18/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/18/2025

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 ESHB 1815, comparing it to the local impact of HB 1815.

CHANGES BETWEEN THIS BILL VERSION AND PREVIOUS BILL VERSION:

The engrossed substitute bill would additionally exclude county juvenile detention facilities from the definition of “correctional institution” for the purposes of prison riot offenses. Every person convicted of a prison riot offense under RCW 9.94.010 who was incarcerated in a county juvenile detention facility at the time of the offense would be able to apply to the sentencing court for a vacation of their record of adjudication or conviction for the offense. Finally, prosecuting attorneys would be required to, or applicants would be able to, make a motion for relief from sentence to the original sentencing court in any criminal case where a person has been sentenced for an offense where a conviction or adjudication for a prison riot offense that occurred in a county juvenile detention facility was used as a basis for the person's sentence.

SUMMARY OF CURRENT BILL:

Section 1 would amend RCW 9.94.049, specifying that for the purposes of RCW 9.94.010, the term “correctional institution” would mean any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, county and local jails, juvenile detention centers, and other facilities operated by the Department of Corrections, or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction or adjudication of a criminal offense. For the purposes of RCW 9.94.010, this term would not include facilities operated by the Department of Children, Youth and Families (DCYF) or county juvenile detention facilities.

Section 2 would amend RCW 9.94A.640, specifying that every person convicted of a prison riot offense under RCW 9.94.010 who was incarcerated in a facility operated by DCYF or a county juvenile detention facility at the time of the offense would be able to apply to the sentencing court for a vacation of the applicant's record of adjudication or conviction for the offense.

Section 3 would add a new section to chapter 9.94A RCW, specifying that in any criminal case where a person has been sentenced for an offense where a conviction or adjudication for a prison riot offense that occurred in a facility operated by DCYF or a county juvenile detention facility was used as a basis for the person's sentence, the prosecuting attorney would be required to, or the person could, make a motion for relief from sentence to the original sentencing court.

The sentencing court would be required to grant the motion for relief if it finds that a current or past conviction or adjudication for a prison riot offense that occurred in a facility operated by DCYF or a county juvenile detention facility was used as a basis for the person's sentence and shall immediately set an expedited date for resentencing. At resentencing, the court would be required to sentence the person as if the current or past conviction for a prison riot offense that occurred in a facility operated by DCYF or a county juvenile detention facility did not occur.

Section 4 would add a new section to chapter 13.40 RCW, creating the same requirements as section 3, but for juveniles who have been sentenced for an offense where an adjudication for a prison riot offense that occurred in a facility operated by DCYF or a county juvenile detention facility was used as a basis for the juvenile's sentence.

Section 5 would add a new section specifying that section 1 of the proposed legislation would apply retroactively to all prison riot convictions or adjudications and prison riot offenses that have been charged.

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 BILL VERSION AND PREVIOUS BILL VERSION:

The engrossed substitute bill would include county juvenile detention facilities in the provisions of the original bill version that applied only to prison riot offenses in facilities operated by the Department of Children, Youth and Families (DCYF). This change would result in additional motions for sentencing relief and conviction vacation under the provisions of sections 2 through 4, and an associated increase in prosecution expenditures and potential decrease in jail expenditures. Additionally, this change could result in fewer convictions for prison riot offenses and an associated decrease in law enforcement, prosecution, public defense and jail expenditures.

It is unknown, however, how many additional motions for sentencing relief and conviction vacation, or how many fewer convictions for prison riot offenses may occur, so the magnitude of the associated local government expenditure impact is indeterminate.

EXPENDITURE IMPACT OF CURRENT BILL:

The proposed legislation would have an indeterminate impact on local government expenditures.

Sections 3 and 4 of the bill would require prosecutors to motion for relief from sentence in the case of adults or juveniles who have been sentenced for an offense where a conviction or adjudication for a prison riot offense that occurred in a facility operated by DCYF or a county juvenile detention facility was used as a basis for the person's sentence. If courts granted such a motion, a person would be resentenced as though the current or past conviction or adjudication for a prison riot offense that occurred in a DCYF facility or a county juvenile detention facility had not occurred.

It is difficult to estimate how much prosecutor 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, the Washington Association of Prosecuting Attorneys 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.

Section 2 of the proposed legislation would specify that every person convicted of a prison riot offense under RCW 9.94.010 who was incarcerated in a facility operated by DCYF or in a county juvenile detention facility at the time of the offense may apply to the sentencing court for a vacation of the applicant's record of adjudication or conviction for the offense. Prosecutors also participate in conviction vacation hearings, and while it is similarly difficult to estimate how much prosecutor time these hearings may require, they would be less time intensive than resentencing hearings.

It is unknown how much prosecutor time identifying cases where a motion for sentence relief would be required under sections 3 and 4, how many people may be eligible for resentencing or conviction vacation, how many people may be granted such hearings, or how much prosecutor time an average resentencing or vacation hearing under the bill's provisions may require. Accordingly, the magnitude of the expenditure impact on prosecutors as a result of the provisions of sections 2, 3 and 4 of the proposed legislation is indeterminate.

The Caseload Forecast Council (CFC) indicates that the provisions of sections 3 and 4 could also result in decreased demand for jail beds. According to the CFC, in fiscal year 2024 there were 58 adult sentences imposed on 39 individuals in which prison riot was the most serious offense. Nine of these sentences included a term of confinement in jail. It is unknown, however, how many future motions for sentence relief under sections 3 and 4 may be granted, or what the associated impact on jail sentences may be, so the magnitude of the expenditure impact of any resulting decreased demand for jail beds is indeterminate.

The 2025 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the average daily rate to

occupy a jail bed is approximately \$145.

Additionally, the definitional changes in section 1 could result in fewer future charges and convictions for prison riot offenses as a result of excluding DCYF facilities and county juvenile detention facilities from the definition of “correctional institution.” Fewer charges and convictions for prison riot offenses in DCYF facilities and county juvenile detention facilities would result in decreased law enforcement, prosecution and public defense expenditures, and could result in decreased demand for jail beds. It is unknown whether local law enforcement would be responsible for investigating these incidents in DCYF facilities.

It is unknown, however how many fewer incidents of prison riot offenses may result from the definitional changes in section 1, so the magnitude of any resulting reduction in local government expenditures is indeterminate. The 2025 Local Government Fiscal Note Program Criminal Justice Cost Model estimates that the combined prosecution and public defense costs of processing an incident of a felony assault offense range from between \$2,000 and \$10,000.

C. SUMMARY OF REVENUE IMPACTS

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

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

SOURCES:

Local Government Fiscal Note Program Criminal Justice Cost Model, 2025

Washington Association of Prosecuting Attorneys

Washington State Caseload Forecast Council