

Multiple Agency Fiscal Note Summary

Bill Number: 1125 2S HB	Title: Sentence modification
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Estimated Cash Receipts

NONE

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

Estimated Operating Expenditures

Agency Name	2025-27				2027-29				2029-31			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Fiscal note not available											
Office of Public Defense	.0	0	0	0	.0	0	0	0	.0	0	0	0
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	.4	0	0	99,896	.4	0	0	99,896	.4	0	0	99,896
Department of Commerce	In addition to the estimate above,there are additional indeterminate costs and/or savings. Please see individual fiscal note.											
Department of Children, Youth, and Families	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Corrections	3.7	1,004,000	1,004,000	1,004,000	5.2	1,331,000	1,331,000	1,331,000	6.2	1,309,000	1,309,000	1,309,000
Total \$	4.1	1,004,000	1,004,000	1,103,896	5.6	1,331,000	1,331,000	1,430,896	6.6	1,309,000	1,309,000	1,408,896

Agency Name	2025-27			2027-29			2029-31		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2025-27			2027-29			2029-31		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	Fiscal note not available								
Office of 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	Fiscal note not available								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Danya Clevenger, OFM	Phone: (360) 688-6413	Date Published: Preliminary 3/19/2025
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Individual State Agency Fiscal Note

Bill Number: 1125 2S HB	Title: Sentence modification	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: Yvonne Walker	Phone: 360-786-7841	Date: 03/05/2025
Agency Preparation: Shoshana Kehoe-Ehlers	Phone: 3605863164 110	Date: 03/07/2025
Agency Approval: Sophia Byrd McSherry	Phone: 360-586-3164	Date: 03/07/2025
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 03/07/2025

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.

Previous versions of the proposed legislation included a right to counsel. The Second Substitute House Bill 1125 removes the right to counsel.

Because the right to counsel has been removed, there are no longer fiscal impacts to the Office of Public Defense requiring contracting and triaging services.

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.

The Second Substitute bill has no impact.

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 2S 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: Yvonne Walker	Phone: 360-786-7841	Date: 03/05/2025
Agency Preparation: Amy Flanigan	Phone: 509-456-3123	Date: 03/10/2025
Agency Approval: Joe Zawislak	Phone: 360-586-3003	Date: 03/10/2025
OFM Review: Val Terre	Phone: (360) 280-3073	Date: 03/11/2025

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) 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.
- 2. 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.
- 3. The 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.
- 4. The AGO Children, Youth and Families Division (CYF) has reviewed this bill and determined it will not significantly increase or decrease the division’s workload in representing the Department of Children, Youth, and Families. This bill would allow for resentencing of incarcerated individuals; however, the legal services associated with those resentencing proceedings would be handled by the county prosecutor. Although DCYF may have increased operational expenditures related to this bill, those would not require the provision of additional legal services from the five divisions that represent DCYF: Children, Youth, and Families (CYF), Tacoma (TAC), Social and Health Services - Seattle (SHS), Spokane (SPO), and Regional Services Division (RSD). New legal services are nominal, and costs are not included in this request.
- 5. The AGO Solicitor General’s Office Division (SGO) has reviewed this bill and determined it will not increase or decrease the division’s workload in advice or litigation. 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 2S 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: Yvonne Walker	Phone: 360-786-7841	Date: 03/05/2025
Agency Preparation: Clela Steelhammer	Phone: 360-664-9381	Date: 03/07/2025
Agency Approval: Clela Steelhammer	Phone: 360-664-9381	Date: 03/07/2025
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.

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.

2SHB 1125

PROVIDING JUDICIAL DISCRETION TO MODIFY SENTENCES IN THE INTEREST OF JUSTICE

101 – Caseload Forecast Council

March 6, 2025

SUMMARY

A brief description of what the new version of the bill changed regarding the summary below: The amount of community custody ordered was amended to state if the original sentence included a term of more than five years of community custody, the court may not amend that term. Still includes the requirement of five years of community custody if the original term was less than five years. Additionally, removes the new section that was added 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, and adds a null and void clause.

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 if the original sentence included less than five years and if the original sentence included more than five years, the court may not modify the amount. 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 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 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 5 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 6 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 7 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 8 States Section 7 of the act expires January 1, 2026.

Section 9 States Section 8 of the act takes effect January 1, 2026.

Section 10 Adds a null and void clause.

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 2S 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:

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	0.4	0.4	0.4	0.4	0.4
Account					
Office of Crime Victims Advocacy-Stat NEW-1	49,948	49,948	99,896	99,896	99,896
Total \$	49,948	49,948	99,896	99,896	99,896

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: Yvonne Walker	Phone: 360-786-7841	Date: 03/05/2025
Agency Preparation: Kate Labelle	Phone: 3607252753	Date: 03/11/2025
Agency Approval: Kate Labelle	Phone: 3607252753	Date: 03/11/2025
OFM Review: Marie Davis	Phone: (360) 890-1163	Date: 03/17/2025

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 substitute SHB 1125 and second substitute HB 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. The Department has revised its fiscal assumptions to include an overlooked administrative cost crucial for implementation. Additionally, the Department has incorporated new data and research that could impact estimates for victim assistance costs.

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. The needs for each victim is also unknown. For the purposes of this estimate, the Department assumes one victim for each case eligible for petition.

Estimated support model:

The Pass-Through Totals for fiscal year 2026: \$500,400, which was estimated based on the assumptions included below.

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

\$2,000 average per case x 107 cases \$200,000 for Victim Witness staffing in the Prosecuting Attorney's offices:

\$21,400 for administrative expenses for a contractor to manage and distribute relocation and emergency financial assistance

\$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: \$1,554,200 per year which was estimated based on the assumptions included below.

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

\$2,000 average per case 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.

Additional considerations

There is an indeterminate number of cases and the needs of each victim will be unique and nuanced. The current projections are based on where the initial case was heard, which may not be reflective of where victims are currently living. The Department accessed new data and research that may inform victim assistance cost ranges.

Assistance could include help with improving safety features in a home, providing increased access to therapy, and helping with transportation. Some victims may choose to relocate, and relocation costs may include moving costs, housing (up to first and last month's rent), and first month of utilities.

According to a 2022 report from the Alliance for Safety and Justice Crime Survivors, about half of crime victims wanted to relocate after the crime, and only about half of those who want to relocate are able to. That means that out of 100 victims/survivors, there may be up to 25 who may need relocation assistance. This report was not specific to resentencing, and the Department anticipates relocation needs after resentencing may be lower.

Costs for relocation assistance vary, depending on a variety of factors including moving distance, housing availability and needs, region, and economic/employment status of the victim/household. This is a new program and service model. The Department would need flexibility to assess the needs of each of individual case. Absent more specific data or a related model, the Department estimates the average cost estimate of \$2000 per victim (see estimated support model above), recognizing that some victims would need less financial assistance and some would need more. Below are example ranges for assistance that some victims may need.

Moving: \$500 – \$5,000, based on self-move rental truck estimates and data from the Human Trafficking Rental Assistance Program.

Housing: According to the 2024 State of Washington Housing Report, the average rent in Washington in quarter 3 of 2024 was \$1,833. This would vary greatly by region and by victim's needs. For example, some victims may need one month of housing assistance, and some may need first and last month's rent.

Lost wages (if victim doesn't qualify for unemployment): \$3,986 per month, based on living wage definition of \$23/hour in RCW 84.25.030: Definitions.

Utilities: For 2-bedroom, \$285/month based on utility estimates from the Seattle Housing Authority. Utility costs will also vary by region.

There are 39 victim witness programs in the state; located in each county's prosecuting attorney's office – each will be impacted differently. While these are smaller case number projections, time and effort to locate victims from crimes committed approximately 10 years ago will take significant effort, and the victim service needs are often complex.

The estimated support model projects staffing costs based on projected cases. However, logistically, there are implementation concerns among Prosecuting Attorney Offices as the projected caseload may warrant part of an FTE, but it is not possible to hire part of an FTE to accomplish this work or absorb into current resources. Another model would allow for the hiring of up to 1.0 FTE in up to 39 victim witness programs.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2026	FY 2027	2025-27	2027-29	2029-31
NEW-1	Office of Crime Victims Advocacy	State	49,948	49,948	99,896	99,896	99,896
Total \$			49,948	49,948	99,896	99,896	99,896

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	0.4	0.4	0.4	0.4	0.4
A-Salaries and Wages	27,304	27,304	54,608	54,608	54,608
B-Employee Benefits	9,753	9,753	19,506	19,506	19,506
C-Professional Service Contracts					
E-Goods and Other Services	350	350	700	700	700
G-Travel	350	350	700	700	700
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	12,191	12,191	24,382	24,382	24,382
9-					
Total \$	49,948	49,948	99,896	99,896	99,896

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
Commerce Specialist 1	62,888	0.1	0.1	0.1	0.1	0.1
Commerce Specialist 3	84,518	0.1	0.1	0.1	0.1	0.1
Commerce Specialist 5	98,040	0.1	0.1	0.1	0.1	0.1
Management Analyst 3	76,607	0.1	0.1	0.1	0.1	0.1
Total FTEs		0.4	0.4	0.4	0.4	0.4

III. D - Expenditures By Program (optional)

Program	FY 2026	FY 2027	2025-27	2027-29	2029-31
Community Services Division (300)	49,948	49,948	99,896	99,896	99,896
Total \$	49,948	49,948	99,896	99,896	99,896

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 2S 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: Yvonne Walker	Phone: 360-786-7841	Date: 03/05/2025
Agency Preparation: Jay Treat	Phone: 360-556-6313	Date: 03/10/2025
Agency Approval: Crystal Lester	Phone: 360-628-3960	Date: 03/10/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/10/2025

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 2SHB to 1125 SHB:

This substitute bill eliminates the provisions requiring the Department of Corrections (DOC) to assist with compiling disciplinary records and records of rehabilitation at no cost to petitioners; to provide notice of the petition process and information about the Accountability Letter Bank to specified persons; and make an individual reentry plan and the resources necessary to complete the plan available to incarcerated petitioners.

It also eliminates the provisions of the underlying bill entitling petitioners to appointed counsel and requiring the Office of Public Defense (OPD) to provide representation within existing resources.

These changes are aimed specifically at adult offenders and DOC. They do not impact the Department of Children, Youth, and Families (DCYF)/Juvenile Rehabilitation (JR).

1125-SHB

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 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 Corrections. The changes in the Second 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 2S 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	2.9	4.4	3.7	5.2	6.2
Account					
General Fund-State 001-1	443,000	561,000	1,004,000	1,331,000	1,309,000
Total \$	443,000	561,000	1,004,000	1,331,000	1,309,000

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: Yvonne Walker	Phone: 360-786-7841	Date: 03/05/2025
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.

2SHB 1125 differs from SHB 1125 in the following way:

Amends Section 3 removing the requirement, in subsection 3, that upon request by the petitioner or the petitioner's counsel, DOC must assist in compiling the petitioners disciplinary record and record of rehabilitation at no cost to the petitioner.

Amends Section 3 removing participation in the Accountability Letter Bank (Bank) from the list of factors that the court may consider when determining whether to modify the petitioner's sentence and removing other notification requirements related to the Bank and resentencing eligibility.

Amends Section 6, previously 7, and specifies that the court must impose five years of community custody when modifying a petitioner's sentence that originally included less than five years of community custody.

Amends Section 7, previously 8, and specifies that the court must impose five years of community custody when modifying a petitioner's sentence that originally included less than five years of community custody.

Section 8 states Section 6 of this act expires January 1, 2026.

Section 9 states Section 7 of this act takes effect January 1, 2026

Adds a new section, Section 10, making the bill null and void subject to appropriation.

The following impacts remain unchanged from the previous bill version, SHB 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,

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 (8)(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.

Effective data 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 SHB 1125 to 2SHB 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, if a person's original sentence included less than five years community custody.

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 2SHB 1125. The ongoing State v. Blake response in addition to the workload from 2SHB 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:

1.0 FTE - Communication Consultant 3 (Teamster):

The second substitute bill removes the requirement that DOC 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. However, petitioners are still required to demonstrate positive, engaged and productive behavior while in DOC custody to the court and petitions may include prison records. DOC will still receive requests for pertinent records and would need to provide them in accordance with the Public Records Act. These positions would still be required to deal with the anticipated workload increase driven by petitioner eligibility and court deadlines. Work would consist of gathering responsive records, reviewing and redacting the

records and providing them to the requestor.

FY2026: 1.0 FTEs and \$145,000
FY2027: 1.0 FTEs and \$150,000
FY2028: 1.0 FTEs and \$155,000
FY2029: 1.0 FTEs and \$155,000
FY2030: 1.0 FTEs and \$155,000
FY2031: 1.0 FTEs and \$155,000

An additional \$68,000 will be needed for one-time and ongoing costs in FY2026, to include office furniture, equipment, and supplies. Another \$69,000 will be required in FY2027, \$62,000 in FY2028, \$84,000 in FY2029, \$77,000 in FY2030 and \$100,000 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 0.4 FTEs and \$41,000 in FY2026, 0.6 FTEs and \$60,000 in FY2027 and FY2028, 0.8 FTEs and \$86,000 in FY2029, 0.6 FTEs and \$64,000 in FY2030, 0.7 FTEs and \$73,000 in FY2031, and requests funding for interagency costs of \$10,000 in FY2026 and \$14,000 in FY2027 and FY2028, \$17,000 in FY2029 and FY2030 and \$21,000 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: 2.9 FTEs and \$443,000 Total Expenditures
FY2027: 4.4 FTEs and \$561,000 Total Expenditures
FY2028: 4.2 FTEs and \$553,000 Total Expenditures
FY2029: 6.2 FTEs and \$778,000 Total Expenditures
FY2030: 5.2 FTEs and \$608,000 Total Expenditures
FY2031: 7.2 FTEs and \$701,000 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: 1.0 FTE – Program Specialist 2 (PS2) to 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	443,000	561,000	1,004,000	1,331,000	1,309,000
Total \$			443,000	561,000	1,004,000	1,331,000	1,309,000

III. B - Expenditures by Object Or Purpose

	FY 2026	FY 2027	2025-27	2027-29	2029-31
FTE Staff Years	2.9	4.4	3.7	5.2	6.2
A-Salaries and Wages	210,000	308,000	518,000	739,000	669,000
B-Employee Benefits	79,000	110,000	189,000	270,000	289,000
C-Professional Service Contracts	35,000		35,000		
E-Goods and Other Services	25,000	34,000	59,000	76,000	92,000
G-Travel	29,000	38,000	67,000	86,000	106,000
J-Capital Outlays	24,000	11,000	35,000	14,000	16,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements	41,000	60,000	101,000	146,000	137,000
9-					
Total \$	443,000	561,000	1,004,000	1,331,000	1,309,000

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	99,197	1.5	2.8	2.2	3.5	4.6
COMMUNICATIONS CONSULTANT 3	111,159	1.0	1.0	1.0	1.0	1.0
MANAGEMENT ANALYST 5	117,960	0.4	0.6	0.5	0.7	0.7
Total FTEs		2.9	4.4	3.7	5.2	6.2

III. D - Expenditures By Program (optional)

Program	FY 2026	FY 2027	2025-27	2027-29	2029-31
ADMINISTRATION & SUPPORT SVCS (100)	243,000	225,000	468,000	485,000	477,000
CORRECTIONAL OPERATIONS (200)	190,000	322,000	512,000	815,000	794,000
INTERAGENCY PAYMENTS (600)	10,000	14,000	24,000	31,000	38,000
Total \$	443,000	561,000	1,004,000	1,331,000	1,309,000

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 2S HB

Title: Sentence modification

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

Legislation Impacts:

- ☐ Cities:
- ☒ Counties: Indeterminate but potentially significant prosecutor expenditures 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 people who may petition for sentence modification under the bill's provisions; 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:

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: 03/12/2025
Leg. Committee Contact: Yvonne Walker	Phone: 360-786-7841	Date: 03/05/2025
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 03/12/2025
OFM Review: Danya Clevenger	Phone: (360) 688-6413	Date: 03/12/2025

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 2SHB 1125, comparing it to the impact of SHB 1125.

CHANGES BETWEEN THIS BILL VERSION AND PREVIOUS BILL VERSION:

The second substitute bill would make the following changes compared to the first substitute bill:

- Remove an illustrative factor that courts could consider when deciding whether to modify a person's sentence under section 3
- Remove the subsection from section 3 that would have specified that people eligible to petition for sentence modification under section 3 who are unable to afford counsel would be entitled to have counsel appointed at no cost
- Remove the section of the bill that would have required the Office of Public Defense to provide representation for people who are eligible to file a petition pursuant to section 3
- Require courts to impose five years of community custody when modifying a person's sentence under section 3 if the person's original sentence included less than five years of community custody

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 that person's original sentence included less than five years of community custody.

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 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 5 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 BILL VERSION AND PREVIOUS BILL VERSION:

The second substitute bill would not include any provision specifying that people who cannot afford counsel would have a right to have counsel appointed at no cost, and the Office of Public Defense (OPD) indicates that this means neither the state nor local public defenders would be required to represent people petitioning under section 3 of the bill. Under the provisions of the first substitute bill, OPD assumed that there were 2,188 incarcerated people who could potentially be

eligible for resentencing, but without the right to appointed counsel for indigent petitioners, it is unknown if the same number of people petition for sentence modification under the provisions of section 3.

Under the provisions of the first substitute bill, which included the same eligibility criteria for petitions under section 3 of the proposed legislation as the second substitute bill, the Local Government Fiscal Note Program estimated that prosecutors would incur additional expenditures of approximately \$10 million through fiscal year 2031, in addition to other indeterminate costs related to appeals. If fewer people petitioned for sentencing modification as a result of the removal of the right to appointed counsel for indigent petitioners, the expenditure impact on prosecutors from participating in sentencing modification proceedings would decrease, but it is unknown how many fewer people may petition for sentence modification, if any. Accordingly, the local government expenditure impact of the second substitute bill is indeterminate but potentially significant.

EXPENDITURE IMPACT OF CURRENT BILL:

The proposed legislation would have an indeterminate but potentially significant impact on local government 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. The proposed legislation does not specify that people who cannot afford counsel would have a right to have counsel appointed at no cost, and the Office of Public Defense (OPD) indicates that this means neither the state nor local public defenders would be required to represent people petitioning under section 3 of the bill.

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

In its fiscal note for the first substitute bill, which included the same eligibility criteria for petitions under section 3 of the proposed legislation as the second substitute bill, OPD assumed that there were 2,188 incarcerated people who could potentially be eligible for resentencing under the bill's provisions. It is unknown how many of these people may petition for sentence modification under the provisions of the second substitute bill, however, so the resulting expenditure impact on prosecutors from participating in these proceedings is indeterminate, but as demonstrated below, could be significant.

For illustrative purposes only, if the same number of people petitioned annually under the provisions of the second substitute bill as OPD assumed would have petitioned under the provisions of the first substitute bill, prosecutors would incur additional costs of approximately \$10 million through fiscal year 2031.

OPD's specific assumptions for the annual number of people that would petition for sentence modification under the provisions of the first substitute bill were:

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 estimated that each case for which it provided representation under the first substitute bill's provisions would have required an average of 32 attorney hours and 40 hours of contracted mitigation expert and investigator time, and that approximately 25% of cases would have required 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