

# Multiple Agency Fiscal Note Summary

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings
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## Estimated Cash Receipts

Agency Name	2011-13		2013-15		2015-17	
	GF- State	Total	GF- State	Total	GF- State	Total
Department of Corrections	0	1,751,081	0	2,821,206	0	3,099,541
<b>Total \$</b>	<b>0</b>	<b>1,751,081</b>	<b>0</b>	<b>2,821,206</b>	<b>0</b>	<b>3,099,541</b>

## Estimated Expenditures

Agency Name	2011-13			2013-15			2015-17		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Administrative Office of the Courts	Fiscal note not available								
Office of Attorney General	.0	0	0	.0	0	0	.0	0	0
Caseload Forecast Council	5.0	1,217,896	1,217,896	5.0	1,217,896	1,217,896	5.0	1,217,896	1,217,896
Office of Financial Management	1.0	210,000	210,000	1.0	210,000	210,000	1.0	210,000	210,000
Indeterminate Sentence Review Board	(17.2)	(3,812,000)	(3,812,000)	(17.2)	(3,812,000)	(3,812,000)	(17.2)	(3,812,000)	(3,812,000)
Department of Social and Health Services	.0	0	0	.0	0	0	.0	0	0
Department of Corrections	(69.2)	(6,106,541)	(7,187,498)	(81.5)	(8,941,242)	(9,317,046)	(81.5)	(8,941,242)	(9,317,046)
Sentencing Guidelines Commission	(8.7)	(1,904,000)	(1,904,000)	(8.7)	(1,904,000)	(1,904,000)	(8.7)	(1,904,000)	(1,904,000)
<b>Total</b>	<b>(89.1)</b>	<b>\$(10,394,645)</b>	<b>\$(11,475,602)</b>	<b>(101.4)</b>	<b>\$(13,229,346)</b>	<b>\$(13,605,150)</b>	<b>(101.4)</b>	<b>\$(13,229,346)</b>	<b>\$(13,605,150)</b>

Local Gov. Courts *	Fiscal note not available
Local Gov. Other **	Fiscal note not available
Local Gov. Total	

## Estimated Capital Budget Impact

NONE

<b>Prepared by:</b> Ryan Black, OFM	<b>Phone:</b> 360-902-0417	<b>Date Published:</b> Preliminary
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\* See Office of the Administrator for the Courts judicial fiscal note

\*\* See local government fiscal note

FNPID 30305

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings	<b>Agency:</b> 100-Office of Attorney General
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## Part I: Estimates

**No Fiscal Impact**

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

Check applicable boxes and follow corresponding instructions:

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

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Agency Preparation: Gretchen Leanderson	Phone: 253-597-4434	Date: 05/24/2011
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Request # 11-291-1

## Part II: Narrative Explanation

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

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

Section 1 amends RCW 9.94A.171.

Section 1 (1) is amended to state that a term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction.

Section 1 (3)(a) is amended. For offenders other than sex offenders serving a sentence for a sex offense as defined in RCW 9.94A.030, any period of community custody shall be tolled during any period of time the offender is in confinement for any reason unless the offender is detained pursuant to RCW 9.94A.740 or 9.94A.631 for the period of time prior to the hearing or for confinement pursuant to sanctions imposed for violation of sentence conditions, in which case, the period of community custody shall not toll. However, sanctions that result in the imposition of the remaining sentence or the original sentence will continue to toll the period of community custody. In addition, inpatient treatment ordered by the court in lieu of jail time shall not toll the period of community custody.

Section 1 (3)(b) is amended. For sex offenders serving a sentence for a sex offense as defined in RCW 9.94A.030, any period of community custody shall be tolled during any period of time the sex offender is in confinement for any reason.

Section 1 (5) is amended to define "tolling" as the period of time in which community custody or confinement time is paused and for which the offender does not receive credit towards the term ordered.

Section 2 amends RCW 9.94A.501 relating to the specified categories of offenders that the Department of Corrections (DOC) is required to supervise.

Section 2 (1) limits DOC supervision to up to one (1) year for every offender sentenced to probation in Superior Court pursuant to RCW 9.92.060, RCW 9.95.204, or RCW 9.95.210. The types of offenders this section relates to is amended to (a) a current conviction for a repetitive domestic violence offense where domestic violence has been plead and proven after August 1, 2011; and (b) a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011.

Section 2 (3) is amended and states that DOC shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

Section 2 (4) is amended to state that DOC shall supervise an offender sentenced to community custody regardless of the risk classification of the offender. Stipulations of the offender's crime are amended.

Section 2 (4)(a) is amended to include offenders who have a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701 or 9.94A.507.

Section 2 (4)(d) is amended to include offenders who have a current conviction for violating RCW 9A.44.132(1) (failure

to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701.

Section 2 (4)(e) is added which includes offenders who have a current conviction for a domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been plead and proven after August 1, 2011.

Section 2 (5) is amended and states that DOC is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or section 3 of this act.

Section 2 (6) is amended and states that DOC shall conduct risk assessment for every felony offender subject to community custody who may be subject to supervision under this section or section 3 of this act.

Section 3 is a new section added to RCW 9.94A requiring DOC to supervise every offender convicted prior to August 2, 2011 of certain identified misdemeanor and gross misdemeanor offenses. It also requires the Superior Court to order probation for offenders of certain delineated violent offenses, sex crimes, domestic violence, crimes against persons, and certain degrees of assault. This section has an expiration date of August 1, 2014.

Section 4 amends RCW 9.94A.729.

Section 4 (5)(a) is amended and states that a person eligible for earned release, as provided in this section, and who will be supervised by DOC pursuant to RCW 9.94A.501 shall be transferred to community custody in lieu of earned release time.

Section 5 amends RCW 9.92.060.

Section 5 (1) allows the Superior Court to stay or suspend sentence if the person is convicted of certain non-violent crimes, upon such terms as the Superior Court may determine. The sentenced person will be placed under the charge of identified authorities.

Section 5 (1)(a) is amended relating to a sentenced person being placed under the charge of a community corrections officer employed by DOC, if the person is subject to supervision under RCW 9.94A.501 or section 3 of this act.

Section 5 (1)(b) is amended relating to a sentenced person being placed under the charge of a probation officer employed or contracted for by the county, if the county has elected to assume responsibility for the supervision of Superior Court misdemeanant probationers.

Section 5 (5) strikes bill language that states, "The provisions of RCW 9.94A.501 apply to sentences imposed under this section."

Section 6 amends RCW 9.95.204.

Section 6 (6)(1) states that when a Superior Court places a defendant convicted of a misdemeanor or gross misdemeanor on probation and orders supervision under RCW 9.92.060 or 9.95.210, DOC has responsibility for the supervision of defendants pursuant to RCW 9.94A.501 and section 3 of this act.

Section 6 (6)(2) states that a county legislative authority may choose to assume responsibility for the supervision of defendants within its jurisdiction who have been convicted of a misdemeanor or gross misdemeanor and sentenced to probation by a Superior Court. If a county legislative authority chooses to assume responsibility for the defendants supervised by DOC, the assumption of responsibility shall be made by contract with the DOC on a biennial basis.

Section 6 (6)(3) through (6)(5) are stricken.

Section 6, new subsection (6)(3) (which was previously subsection (6)(6)), strikes the stipulation that, "This subsection applies regardless of whether the supervising entity is in compliance with the standards of supervision at the time of the misdemeanor probationer's actions."

Section 6, new subsection (6)(4) (which was previously subsection (6)(7)), is amended and states that the state of Washington, DOC and its employees, community corrections officers, any county providing supervision services pursuant to this section and its employees, probation officers, and volunteers who assist community corrections officers and probation officers in the Superior Court misdemeanor probation program are not liable for civil damages resulting from any act or omission in the rendering of Superior Court misdemeanor probation activities unless the act or omission constitutes gross negligence.

Section 6 (6)(8) is stricken.

Section 7 amends subsection RCW 9.95.210.

Section 7 (6) adds that "the provisions of RCW 9.94A.501 and section 3 of this act apply to sentences imposed under this section" pertaining to assessment for supervision of misdemeanor probationers.

Section 8 amends RCW 9.94A.030. The definition of "offender" in subsection (33) is amended and states that "offender" means a person who has committed a felony established by state law and is 18 years of age or older or is less than 18 years of age but whose case is under Superior Court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer ordered by a Superior Court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by DOC pursuant to RCW 9.94A.501 and section 3 of this act. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

Section 9 amends RCW 9.94A.650.

Section 9 (3) is amended and states that the court may impose up to six (6) months of community custody unless treatment is ordered, in which case the period of community custody may include up to the period of treatment, but shall not exceed one (1) year.

Section 10 amends RCW 9.94A.780.

Section 10 (1) is amended and states that whenever a punishment imposed under this chapter requires supervision services to be provided, the offender shall pay to DOC the supervision intake fee, prescribed under subsection (2) of this section, which shall be considered as payment or partial payment of the cost of establishing supervision to the offender. DOC may exempt or defer a person from the payment of all or any part of the intake fee based upon factors that are identified. A reference to “assessment” is changed to “intake fee.”

Section 10 (2) is amended relating to DOC rule adoption. The supervision intake fee shall be imposed after the determination of eligibility for supervision has been completed. For offenders whose crime was committed on or after October 1, 2011, the intake fee prescribed shall be not less than \$400 or more than \$600, and shall be assessed for each judgment and sentence imposed by the Superior Court in which supervision by DOC is required.

Section 10 (3) is amended and states that for offenders whose offense date was before October 1, 2011, the monthly rate shall be converted to a one-time fee. The amount due shall be based upon the most recent monthly fee amount by the months of supervision left to serve, but in no case shall exceed \$600.

Section 10 (4) is amended and states that nothing in this act shall affect the amount or dates that payments are due for any prior balances owed by an offender for the cost of supervision.

Section 11 amends RCW 9.95.214 and states that whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or 9.95.210, and the defendant is supervised by a county probation department, and the county probation department may assess and collect from the defendant for the duration of the term of supervision of a monthly assessment not to exceed \$100 per month. Whenever a defendant convicted of a misdemeanor or gross misdemeanor is placed on probation under RCW 9.92.060 or RCW 9.95.210, and the defendant is supervised by the DOC, DOC may collect supervision intake fees pursuant to RCW 9.94A.780.

Section 12 amends RCW 72.04A.120.

Section 12 (1) is amended and states that any person placed on parole shall be required to pay the supervision intake fee, prescribed under RCW 9.94A.780(3).

Section 12 (2) is amended and states that DOC shall adopt a rule prescribing the amount of the assessment.

Section 12 (5) is stricken.

Section 13 amends RCW 72.11.040 to add that receipts from fee assessments made under RCW 9.94A.780, RCW 9.94.74504, and RCW 72.04A.120 shall be deposited into the newly created Supervision Fund which is in the custody of the State Treasurer. This version of the bill strikes language which authorized expenditures from the Supervision Fund for costs associated with DOC supervision of offenders in the community in the 2005-07 biennium.

Section 14 amends RCW 9.94A.74504.

Section 14 (2) is amended and states that DOC shall process applications for interstate transfers of felony and nonfelony offenders requesting transfer of supervision out-of-state pursuant to RCW 9.94A.745, for the interstate compact for adult offender supervision, and may charge offenders a reasonable fee for processing the application.

Section 14 (3) is amended and states that DOC shall adopt rules prescribing the amount of the interstate transfer application fees.

Section 15 amends RCW 9.95.003.

Section 15 (1) is amended and states that the Indeterminate Sentence Review Board (ISRB) is created under DOC and DOC is to provide it with both administrative and staff support.

Section 15 (2) adds that DOC shall provide administrative and staff support for ISRB. The Secretary of DOC may employ a senior administrative officer and other personnel as necessary to assist ISRB in carrying out its duties.

Section 15 (3) is amended and states that ISRB and staff assigned to ISRB shall not engage in any other business or profession, or hold any other public office without the prior approval of the Executive Ethics Board indicating compliance with RCW 42.52.020, RCW 42.52.030, RCW 42.52.040 and RCW 42.52.120; nor shall they, at the time of appointment or employment or during their incumbency, serve as the representative of any political party on an executive committee or other governing body thereof, or as an executive officer or employee of any political committee or association.

Section 16 is a new section that transfers the ISRB to DOC.

Section 17 amends RCW 9.95.005 and states that the superintendents of the different institutions shall provide suitable quarters for ISRB while in the discharge of their duties.

Section 18 amends RCW 9.95.007 changing the title of “chairman” to “chair”.

Section 19 amends RCW 9.95.140.

Section 19 (1) is amended and states that subject to information sharing provisions related to offenders with mental illness and the end of sentence review committee, ISRB may make rules as to the privacy of such records and their use by others than ISRB and DOC staff assigned to perform board-related duties. ISRB and DOC staff assigned to perform board-related duties shall be immune from liability for the release of information concerning sex offenders as provided in RCW 4.24.550. The superintendents of state correctional facilities and all officers and employees thereof and all other public officials shall at all times cooperate with ISRB and furnish to the board and staff assigned to perform board-related duties such information as may be necessary to enable it to perform its functions, and such superintendents and other employees shall at all times give the members of ISRB and staff assigned to perform board-related duties free access to all prisoners confined in the state correctional facilities.

Sections 20 and 21 amend RCW 9.95.280 and RCW 9.95.300 and provides additional authority to the Secretary of

DOC, upon recommendation by ISRB.

Section 22 amends RCW 9.96.050. Subsection (2) states that a copy of every signed certificate of discharge for offender sentences under the authority of DOC shall be placed in DOC's files.

Section 23 amends RCW 71.05.385. Subsection (2) is amended so that “personnel assigned to perform board-related duties” are include in the list of those authorized to obtain records from metal health service providers.

Section 24 amends RCW 72.09.585. RCW 71.34.225 is changed to RCW 71.34.345 in four places.

Section 24 (3) is amended and states that the decision to disclose or not shall not result in civil liability for the ISRB or staff assigned to perform board-related duties provided that the decision was reached in good faith and without gross negligence.

Section 25 decodifies RCW 4.24.5502.

Section 26 adds a new section to RCW 9.94A to provide limitations to the standard sentence ranges of total and partial confinement under this chapter.

Section 27 amends RCW 9.94A.480.

Section 27 (2) replaces the Sentencing Guideline Commission (SGC) with the Caseload Forecast Council (CFC) as a recipient of a completed copy of the judgment and sentence document upon conviction for each felony sentencing under subsection (1) of this section. All additional requirements are stricken from this section.

Section 27 (3) through subsection (5) are stricken.

Section 27, new subsection (3) (which was previously subsection (5), is amended and states that if any completed judgment and sentence document as defined in subsection (1) of this section is not sent to CFC as required in subsection (2) of this section, CFC shall have the authority and shall undertake reasonable and necessary steps to assure that all past, current, and future sentencing documents as defined in subsection (1) of this section are received by CFC.

Section 28 is a new section added to RCW 43.88C that states the responsibilities of CFC, which include maintaining a computerized adult and juvenile sentencing information system consisting of offender, offense, history and sentence information entered from judgment and sentence forms for all adult felons.

Section 29 is a new section added to RCW 43.88C that requires CFC to appoint a research staff of sufficient size and with sufficient resources to accomplish its duties. DOC may request from the Administrator of the Courts and from Department of Social and Health Services such data, information and data processing assistance as needed, but without cost to DOC.

Section 30 amends RCW 13.50.010.



Section 30 (8) is amended and states that the court shall release records needed for its research and data gathering functions to CFC.

Section 30 (9) is amended and states that juvenile detention facilities shall release records to CFC upon request. SGC shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

Section 31 amends RCW 9.94A.74501 providing technical amendments to replace SGC with the DOC as the entity to serve as the State Council for Interstate Adult Offender Supervision as required under article IV of RCW 9.94A.745, the Interstate Compact for Adult Offender Supervision.

Section 31 (2)(c) strikes the requirement to report to the legislature relating to the effectiveness of the state council and to submit recommendations for appropriate legislation.

Section 31 (3) is amended and states that the Secretary of DOC shall appoint an employee of DOC, or a subcommittee if formed for that purpose shall appoint one of its members, to represent the state at meetings of the Interstate Commission created under article III of RCW 9.94A.745 when the Compact Administrator cannot attend.

Section 32 amends RCW 10.98.140.

Section 32 (2) is stricken. New subsection (2) replaces SGC with CFC.

Sections 33 and 34 provide technical amendments to eliminate SGC from RCW 10.98.160 and 70.96A.350.

Section 35 amends RCW 72.66.016. Several technical amendments are made changing "he" to "he or she" or "his or her".

Section 35 (2) is amended and states that a person convicted and sentenced for a violent offense as defined in RCW 9.94A.030 is not eligible for furlough until the person has served at least one-half of the minimum term.

Section 36 amends RCW 9.94A.860.

Section 36 (1) is amended and states that SGC is created and located within the Office of Financial Management. SGC only has advisory responsibilities to the Governor and the legislature, except as provided by RCW 9.94A.875. SGC may meet as necessary to accomplish these purposes within appropriated funding.

Section 36 (2) is amended and states that SGC consists of 20 voting members, one of whom the Governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the Governor, or his or her designee, subject to confirmation by the senate.

Section 36 (6) states that SGC may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members may be reimbursed by their respective house as provided in RCW 44.04.120. Except for travel expenses, members shall not be compensated.

Section 37 amends RCW 9.94A.8673.

Section 37 (1) is amended and states that SGC shall establish and maintain a Sex Offender Policy Board (SOPB).

Section 37 (2) states that the SOPB shall serve to advise the Governor and legislature on issues relating to sex offender management. Upon request of the Governor or a legislative committee of jurisdiction, SOPB shall undertake projects to assist policymakers in making informed judgments about issues relating to sex offender policy; and (b) Conduct case reviews of sex offense incidents to understand performance of Washington's sex offender prevention and response systems.

Section 37 (3) is amended and states that SOPB shall consist of 13 voting members appointed by the Governor, one of whom the governor shall designate as chair. The voting membership shall consist of the following:

- (a) A representative of the Washington Association of Sheriffs and Police Chiefs.
- (b) A representative of the Washington Association of Prosecuting Attorneys.
- (c) A representative of the Washington Association of Criminal Defense Lawyers.
- (d) The Chair of ISRB or his or her designee.
- (e) A representative of the Washington Association for the Treatment of Sex Abusers.
- (f) The Secretary of DOC or his or her designee.
- (g) A representative of the Washington State Superior Court Judge's Association.
- (h) The Assistant Secretary of the Juvenile Rehabilitation Administration or his or her designee.
- (i) The office of Crime Victims Advocacy in the Department of Commerce.
- (j) A representative of the Washington State Association of Counties.
- (k) A representative of the Association of Washington Cities.
- (l) A representative of the Washington Association of Sexual Assault Programs.
- (m) The Director of the Special Commitment Center or his or her designee.

Section 37 (5) is amended and states that, as appropriate, the SOPB shall consult with the Criminal Justice Division in the Attorney General's Office and the Washington Institute for Public Policy.

Section 37 (6) is added and states that members of SOPB shall receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and RCW 43.03.060.

Section 38 amends RCW 9A.52.025. Subsection (2) states that residential burglary is a class B felony. In establishing sentencing guidelines and disposition standards, residential burglary is to be considered a more serious offense than second degree burglary.

Section 39 repeals numerous acts or parts of acts.

Section 40 amends RCW 9.95.011 to state that the court shall attempt to set minimum terms consistent with RCW chapter 9.94A of the Sentencing Reform Act.

Section 41 amends RCW 9.95.009. Board consideration for the purpose, standards, and sentencing ranges is defined in

RCW 9.94A of the Sentencing Reform Act.

Section 42 is a new section. This section relates to the application of provisions for persons convicted before, on, or after the effective date of this section.

Section 42 (2) states that by January 1, 2012, consistent with RCW 9.94A.171, 9.94A.501, and section 3 of this act, DOC shall recalculate the term of community custody for offenders currently in confinement or serving a term of community custody. DOC shall reset the date that community custody will end for those offenders. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject.

Section 42 (3) states that by January 1, 2012, consistent with the provisions of RCW 2 9.94A.650, DOC shall recalculate the term of community custody for each offender sentenced to a first-time offender waiver under RCW 9.94A.650 and currently in confinement or serving a term of community custody. DOC shall reset the date that community custody will end for those offenders. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject.

Section 43 is a new section that repeals 2011 c 96 s 11.

Section 44 is a new section that provides that sections 1 through section 9 and section 42 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

Section 45 is a new section that provides that that section 43 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

This bill has an emergency clause and sections 1 through 9 and sections 42 and 43 are assumed to be effective immediately. Sections 10 through 41 and sections 44 and 45 are assumed to be effective on July 1, 2011.

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

None.

## **II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

None.

## **Part III: Expenditure Detail**

## **Part IV: Capital Budget Impact**

NONE

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

None.

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings	<b>Agency:</b> 101-Caseload Forecast Council
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**Part I: Estimates**

**No Fiscal Impact**

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	5.0	5.0	5.0	5.0	5.0
<b>Account</b>					
General Fund-State      001-1	608,948	608,948	1,217,896	1,217,896	1,217,896
<b>Total \$</b>	608,948	608,948	1,217,896	1,217,896	1,217,896

**Estimated Capital Budget Impact:**

NONE

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

Check applicable boxes and follow corresponding instructions:

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

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Agency Approval: John Steiger	Phone: 360-586-0303	Date: 05/20/2011
OFM Review: Heather Matthews	Phone: (360) 902-0543	Date: 05/23/2011

Request # 11-5-2

## Part II: Narrative Explanation

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

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

This legislation restructures and reduces in size the Sentencing Guidelines Commission (SGC). The SGC, currently an independent state agency, is moved to the Office of Financial Management (OFM). The Sex Offender Policy Board (SOPB) is also moved to OFM.

This legislation impacts the Caseload Forecast Council workload by transferring from the Sentencing Guidelines Commission (SGC) responsibility for maintaining the SGC's computerized juvenile and adult sentencing information system and data bases, as well as related functions including publishing of annual juvenile and adult sentencing manuals, and annual statistical reports. The CFC will serve as a clearinghouse for and information center on juvenile and adult sentencing.

The CFC is directed to a research staff of sufficient size with sufficient resources to accomplish these tasks.

These functions are currently performed by the Sentencing Guidelines Commission.

### II. B - Cash receipts Impact

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

### II. C - Expenditures

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

Currently, the SGC employs five staff to maintain the juvenile and adult data bases, sentencing manuals, and produce annual reports. The projected expenditures mirror the current SGC expenses which it is assumed will continue for at least the first year of transition. The data base and manual functions will be reviewed during that period with the possibility of revised procedures which may permit a reduction in expenses.

Salary calculated based on current SGC staffing.

Benefits are calculated 24% of salaries based on OFM budget office estimates.

Travel cost is calculated at FTE times \$1,320 per employee. This is higher than the standard CFC rate of \$742 per employee and reflects additional travel by staff to county superior court locations.

Ownership and possession of SGC computer equipment, software licenses, files, furniture, records and other office supplies related to these functions will need to be transferred to the CFC.

### Part III: Expenditure Detail

#### III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	5.0	5.0	5.0	5.0	5.0
A-Salaries and Wages	275,684	275,684	551,368	551,368	551,368
B-Employee Benefits	66,164	66,164	132,328	132,328	132,328
C-Personal Service Contracts	29,000	29,000	58,000	58,000	58,000
E-Goods and Services	231,500	231,500	463,000	463,000	463,000
G-Travel	6,600	6,600	13,200	13,200	13,200
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total:</b>	\$608,948	\$608,948	\$1,217,896	\$1,217,896	\$1,217,896

#### III. B - 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 2012	FY 2013	2011-13	2013-15	2015-17
Administrative Assistant 4	45,828	1.0	1.0	1.0	1.0	1.0
Data Compiler 2	38,135	1.0	1.0	1.0	1.0	1.0
Data, Planning and Research	78,840	1.0	1.0	1.0	1.0	1.0
Administrator						
Research Analyst 1	43,125	1.0	1.0	1.0	1.0	1.0
Research Investigator 3	69,756	1.0	1.0	1.0	1.0	1.0
<b>Total FTE's</b>	275,684	5.0	5.0	5.0	5.0	5.0

### Part IV: Capital Budget Impact

NONE

### Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings	<b>Agency:</b> 105-Office of Financial Management
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## Part I: Estimates

No Fiscal Impact

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
<b>Account</b>					
General Fund-State      001-1	105,000	105,000	210,000	210,000	210,000
<b>Total \$</b>	105,000	105,000	210,000	210,000	210,000

**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: Alex MacBain	Phone: 360-786-7288	Date: 05/19/2011
Agency Preparation: Stephanie Lidren	Phone: 360-902-3056	Date: 05/20/2011
Agency Approval: Aaron Butcher	Phone: 360-902-0406	Date: 05/20/2011
OFM Review: Tristan Wise	Phone: (360) 902-0538	Date: 05/20/2011

Request # 198-1



## Part II: Narrative Explanation

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

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

Section 36 (1) The sentencing guidelines commission is hereby created, located within the office of financial management. Except as provided in RCW 9.94A.875, the commission shall serve to advise the governor and the legislature as necessary on issues relating to adult and juvenile sentencing. The commission may meet, as necessary, to accomplish these purposes within funds appropriated.

### II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

### II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

1 FTE, Policy Advisor, 72,000/year plus benefits, travel, and miscellaneous goods and services to administer Sentencing Guidelines Commission meetings and advise the governor and legislature.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	1.0	1.0	1.0	1.0	1.0
A-Salaries and Wages	72,000	72,000	144,000	144,000	144,000
B-Employee Benefits	18,000	18,000	36,000	36,000	36,000
C-Personal Service Contracts					
E-Goods and Services	10,000	10,000	20,000	20,000	20,000
G-Travel	5,000	5,000	10,000	10,000	10,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total:</b>	\$105,000	\$105,000	\$210,000	\$210,000	\$210,000

### III. B - 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 2012	FY 2013	2011-13	2013-15	2015-17
Policy Advisor	72,000	1.0	1.0	1.0	1.0	1.0
<b>Total FTE's</b>	72,000	1.0	1.0	1.0	1.0	1.0

## Part IV: Capital Budget Impact

NONE

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings	<b>Agency:</b> 250-Indeterminate Sentence Review Board
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## Part I: Estimates

No Fiscal Impact

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	(17.2)	(17.2)	(17.2)	(17.2)	(17.2)
<b>Account</b>					
General Fund-State      001-1	(1,907,000)	(1,905,000)	(3,812,000)	(3,812,000)	(3,812,000)
<b>Total \$</b>	(1,907,000)	(1,905,000)	(3,812,000)	(3,812,000)	(3,812,000)

**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: Alex MacBain	Phone: 360-786-7288	Date: 05/19/2011
Agency Preparation: Dianna Wilks	Phone: (360) 664-7666	Date: 05/20/2011
Agency Approval: Lynne DeLano	Phone: 360-493-9270	Date: 05/20/2011
OFM Review: Ryan Black	Phone: 360-902-0417	Date: 05/23/2011

Request # 5891 ESSB-1

## Part II: Narrative Explanation

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

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

This bill transfers the staff and Board members to the Department of Corrections.

### II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

### II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	(17.2)	(17.2)	(17.2)	(17.2)	(17.2)
A-Salaries and Wages	(1,040,628)	(1,040,628)	(2,081,256)	(2,081,256)	(2,081,256)
B-Employee Benefits	(249,751)	(249,751)	(499,502)	(499,502)	(499,502)
C-Personal Service Contracts	(21,575)	(21,575)	(43,150)	(43,150)	(43,150)
E-Goods and Services	(541,618)	(539,618)	(1,081,236)	(1,081,236)	(1,083,236)
G-Travel	(41,624)	(41,624)	(83,248)	(83,248)	(83,248)
J-Capital Outlays	(11,804)	(11,804)	(23,608)	(23,608)	(23,608)
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total:</b>	<b>\$(1,907,000)</b>	<b>\$(1,905,000)</b>	<b>\$(3,812,000)</b>	<b>\$(3,812,000)</b>	<b>\$(3,814,000)</b>

### III. B - 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 2012	FY 2013	2011-13	2013-15	2015-17
Administrative Assistant 3	31,176	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Administrative Assistant 5	50,568	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Board Members	81,910	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
Chair	90,000	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Correctional Records Technician 1	40,844	(3.0)	(3.0)	(3.0)	(3.0)	(3.0)
Correctional Records Technician 2	45,828	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Hearings Examiner 3	78,900	(2.0)	(2.0)	(2.0)	(2.0)	(2.0)
Information Technology Specialist 3	64,740	(0.2)	(0.2)	(0.2)	(0.2)	(0.2)
Investigator 3	60,876	(2.0)	(2.0)	(2.0)	(2.0)	(2.0)
Program Specialist 5	66,420	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
WMS Band 2	47,304	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
WMS Band 3	81,780	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
<b>Total FTE's</b>	<b>740,346</b>	<b>(17.2)</b>	<b>(17.2)</b>	<b>(17.2)</b>	<b>(17.2)</b>	<b>(17.2)</b>

Request # 5891 ESSB-1

**Part IV: Capital Budget Impact**

NONE

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings	<b>Agency:</b> 300-Dept of Social and Health Services
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**Part I: Estimates**

**No Fiscal Impact**

*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: Alex MacBain	Phone: 360-786-7288	Date: 05/19/2011
Agency Preparation: Ken Brown	Phone: 360-902-7583	Date: 05/20/2011
Agency Approval: Ken Brown	Phone: 360-902-7583	Date: 05/20/2011
OFM Review: Ryan Black	Phone: 360-902-0417	Date: 05/23/2011

Request # 11ESSB5891-1

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

## **Part IV: Capital Budget Impact**

NONE

# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings	<b>Agency:</b> 310-Department of Corrections
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## Part I: Estimates

No Fiscal Impact

### Estimated Cash Receipts to:

ACCOUNT	FY 2012	FY 2013	2011-13	2013-15	2015-17
Cost of Supervision Account-Non-Appropriated 206-6	604,115	1,146,966	1,751,081	2,821,206	3,099,541
<b>Total \$</b>	604,115	1,146,966	1,751,081	2,821,206	3,099,541

### Estimated Expenditures from:

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	(56.8)	(81.5)	(69.2)	(81.5)	(81.5)
<b>Account</b>					
General Fund-State 001-1	(1,635,920)	(4,470,621)	(6,106,541)	(8,941,242)	(8,941,242)
Cost of Supervision Account-Non-Appropriated 206-6	(893,055)	(187,902)	(1,080,957)	(375,804)	(375,804)
<b>Total \$</b>	(2,528,975)	(4,658,523)	(7,187,498)	(9,317,046)	(9,317,046)

### 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: Alex MacBain	Phone: 360-786-7288	Date: 05/19/2011
Agency Preparation: Susan Lucas	Phone: (360) 725-8277	Date: 05/24/2011
Agency Approval: Susan Lucas	Phone: (360) 725-8277	Date: 05/24/2011
OFM Review: Ryan Black	Phone: 360-902-0417	Date: 05/25/2011

Request # 198-1



## Part II: Narrative Explanation

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

*Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.*

#### Section 1 – Tolling Supervision

Changes the tolling requirements for offenders on community custody for a non-sex offense so that time spent in confinement for a violation does not toll the term of supervision, unless the confinement sanction was the imposition of the remaining or original sentence.

#### Section 2 – Offender Supervision

##### Supervision of Misdemeanant Offenders:

Removes the authority for DOC to supervise misdemeanor or gross misdemeanor offenders that are sentenced to a term of probation in superior court for the following offenses:

Sexual Misconduct with a Minor 2, or

Custodial Sexual Misconduct 2, or

Communication with a Minor for immoral purposes, or

Failure to Register as a Sex Offender, misdemeanor, or

Assault 4 or Violation of Domestic Violence Court Order and have a prior conviction for one or more of the following offenses: a violent, sex, crime against a person, Assault 4 or Violation of Domestic Violence Court Order.

Adds up to 12 months of supervision for misdemeanor offenders that are sentenced in superior court for a Repetitive Domestic Violence offense that have a prior conviction for either a repetitive domestic violence offense or a domestic violence felony offense (both the current and prior must have been plead and proven after August 1, 2011).

##### Supervision of Felony offenders:

Adds the requirement of supervision for offenders sentenced to community custody and who have been sentenced for a domestic violence felony offense that have a prior conviction for either a repetitive domestic violence offense or domestic violence felony offense (both the current and prior must have been plead and proven after August 1, 2011).

Removes the requirement of supervision for non-prison offenders convicted of sex or serious violent offense who are not classified at a high risk to reoffend.

Also removes the requirement of supervision for non-prison offenders convicted of felony Failure to Register as a Sex Offender who are not classified at a high risk to reoffend.

#### Section 3 –Addresses supervision of certain offenders convicted prior to August 2, 2011

##### Supervision of Misdemeanant offenders:

Requires the Department to supervise every offender convicted prior to August 2, 2011 of a misdemeanor or gross misdemeanor that has been sentenced to probation in superior court for a Assault 4 or Violation of a Domestic Violence Court Order and has a prior conviction for any one of the following offenses: a violent, sex, crime against a person, Assault 4 or Violation of Domestic Violence Court Violation. This section expires August 1, 2014.

Section 4 – Requires that offenders released pursuant to earned release time be supervised according to this legislation.

Sections 5-6 –Amends the statutes governing supervision of misdemeanor or pre-SRA offenders to clarify that counties have the authority to supervise offenders sentenced in superior court that the DOC will no longer supervise, if they choose to do so.

Section 7 – Amends the statute governing probation of misdemeanants to include a reference to the new section created in this legislation that will govern supervision of offenders convicted prior to August 2, 2011.

Section 8 – Amends the definition of “offender” in the Sentencing Reform Act to include reference to the new section created in this legislation.

Section 9 – Changes requirements for the length of supervision for First-time Offender Waiver (FTOW) offenders from up to 24 months to up to 12 months (for those with treatment requirements) and from 12 to 6 months for those without treatment.

Sections 10-14 – Changes the current cost of Supervision monthly assessment offenders pay to help offset the cost of supervision to a one-time “intake fee”. The offender will still be able to pay on a monthly schedule, but this will allow the Department to impose a set fee that will not change as the offender’s risk level does. The legislation adds language that allows DOC to charge an application fee to offenders that have supervision requirements and are requesting a transfer of supervision out of state.

Sections 15-25 – Amends the statute governing the Indeterminate Sentence Review Board (ISRB) to place the board within DOC.

Retains the Governor as appointing authority for the chair of the board and the chair retains authority to appoint members.

The legislation includes language directing that all employees, equipment, reports, files, etc. shall be transferred to DOC.

Sections 26-39 – Transfers the functions of the Sentencing Guidelines Commission (SGC) to the Caseload Forecast Council. Language is included that clarifies the Council's role with respect to sentencing information, data and reporting. The Legislation mandates that DOC serve as the state council for interstate adult offender supervision under the Interstate Compact for Adult Offender Supervision.

The legislation creates the SGC within the Office of Financial Management. The SGC shall advise the Governor or Legislature as deemed necessary by either entity. The legislation requires that the SGC establish and maintain a sex offender policy board that would advise the Governor and Legislature on issues relating to sex offender management.

Sections 40-41 - Technical changes

Sections 42-45 – Effective Dates and Retroactivity

## **II. B - Cash receipts Impact**

*Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.*

This legislation proposes changing the Cost of Supervision monthly fee to a one-time fee, changing the amount of the fee and instituting a new fee for interstate offenders supervised in Washington who apply for residence in another state.

Currently the Cost of Supervision (COS) fee structure consists of a small fee assessed every month that an offender is on supervision. The fee amount varies depending on the risk level of the supervised offender, the supervision type (felony or

misdemeanor), the length of their supervision term and whether intake is complete for the cause being assessed. The total amount of the fee (assessed monthly) can vary from a low of \$36 to amounts not identifiable due to the length of supervision for some offenders (some supervision terms are for life). The fee amount is a fraction of the cost to supervise an offender. At the most, the fee covers a portion of the offender's setup in the supervision system. As a result, the COS fund that receives the fee revenue and pays for certain offender supervision activities is nearly out of funds. It is expected that the fund will move to a negative fund balance sometime in the 2011 – 2013 Biennium without additional revenue, either in the form of a transfer from General Fund – State or higher fees.

This proposed legislation changes the structure of the COS fee, from a monthly assessment to a one-time supervision intake fee for each cause attributed to the offender that goes on supervision. When an offender is placed on supervision they will be charged a fee for the process of setting up each cause of their case and beginning the supervision process. The one-time fee shall not be less than \$400 or more than \$600. The department shall adopt a rule prescribing the amount of the supervision intake fee. The Department estimates this fee to be \$475 per cause per offender, effective October 1, 2011. It will be charged at the time the offender enters supervision but it can be paid at any time after that date.

For those offenders who committed a crime prior to the legislative implementation date for the new fee structure, legal requirements mandate that a separately calculated fee be assessed. This fee will be calculated as follows: the most recent monthly fee amount multiplied by the number of months' supervision left to serve on the offender's cause, up to a total of the established fee amount, estimated to be \$475 effective October 1, 2011. Any outstanding fee balances from prior conviction causes will continue to be collected by the Department.

This proposed legislation also adds a one-time application fee, to be determined, for offenders being supervised on an interstate agreement. For this analysis, the fee is assumed to be \$80 (same as the current county fee for transfer applications). This is a new fee authorized by RCW 9.94A.74504. The fee for interstate supervision cases would be assessed to those offenders who apply for residence in another state.

Please see attached the detailed worksheet of the revenue projection for this proposed legislation.

## **II. C - Expenditures**

*Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.*

### **Change in Supervision of Jail Offenders:**

Changes are made to which offenders are supervised in the community, reducing the Community Corrections ADP by 574 in FY 12, and thereafter. The ADP reduction results in staff and other cost savings starting in FY12, totalling (\$793,380) in FY12 and (\$1,161,684) each year thereafter. A total of 30 FTEs are reduced from Community Corrections. A phase-in of approximately four months is required, to allow for the review and identification of offenders whose supervision will end. These offenders must have their supervision terminated. Staff layoffs will be implemented as offenders leave caseload; this requires approximately two months to complete. A total of 18.5 FTEs will be reduced from the Community Corrections Division after phase-in of the legislation.

### **First Time Offender Waiver (FTOW) Supervision changes:**

This legislation reduces the community custody length for FTOW's and requires the department to recalculate the existing

term of community custody for all offenders sentenced with this alternative currently in confinement or serving a term of community custody.

This legislation would reduce the amount of time FTOW sentenced offenders will spend under the Department of Corrections' supervision and thereby result in an average daily population (ADP) reduction of 832 offenders resulting in a savings of (\$1,218,173) in fiscal year 2012 and an ADP reduction of 881 offenders and resulting in a savings of (\$1,903,817) in fiscal year 2013 and each year thereafter. The calculated savings allows for a phase in period for implementation in fiscal year 2012. The cost savings is based on the Community Corrections Division's workload model.

**Eliminate Tolling:**

The legislation eliminates tolling of supervision for offenders in custody while they are on community supervision. Tolling continues for sex offenders and for those who abscond. These changes will reduce the Community Corrections ADP by 845 offenders. Savings total (\$2,055,864) in FY 12, (\$3,006,464) in FY 13 and each year thereafter. A total of 45.4 FTEs are reduced from Community Corrections. The same phase-in assumptions applied to FTOW changes and jail supervision changes are applied with tolling.

While it is possible that violations for offenders on community supervision may be reduced by eliminating tolling, offenders remaining on supervision are high risk to reoffend and these offenders are those who tend to violate. Many offenders whose community supervision sentences are tolling are also offenders who are frequently violated, spending time in county jails. Due to these conflicting factors it is not possible to estimate how the violator population will be affected by a change as significant as the elimination of tolling. Any change in violations will be reflected in future forecasts of the violator population.

**Cost of Supervision:**

The additional revenue received with this proposal is projected to maintain the COS fund at a solvent level in future biennia, however for the 11-13 biennium, a one-time cash infusion is needed or the fund will experience a deficit in the fund balance during the 2011 – 2013 Biennium. New fee revenue is not retroactive, so only new causes will be assessed at the new fee amounts. Due to this shortfall, a one-time infusion of cash totaling \$750,000 into the COS fund is necessary to avoid a negative fund balance.

OMNI programming costs are estimated at \$125,000 as a one-time cost in FY12.

**FY12 Total Costs:**

General Fund – 001-1	- \$750,000+\$125,000	= \$875,000
COS Fund - 206-1	- (\$750,000)	= \$(750,000)
Total all funds		= \$125,000

**ISRB Move to DOC:**

The assumptions used to calculate the cost to the Department for assuming administrative and staffing functions of the Indeterminate Sentence Review Board (ISRB) are based on personnel necessary to assist the ISRB in carrying out its duties. The Department assumes personnel and associated costs as follows:

FY12 – FTEs 12.5	\$1,413,000
FY13 – FTEs 12.5	\$1,413,000

FY14 – FTEs 12.5 \$1,413,000  
 FY15 – FTEs 12.5 \$1,413,000  
 FY16 – FTEs 12.5 \$1,413,000  
 FY17 – FTEs 12.5 \$1,413,000

These costs to the Department, along with the reductions for the ISRB achieve a net savings of (4.7) FTEs in both FY12 and FY13 and beyond. The savings for salary, benefits and other associated costs are (\$472,000) in FY12, (\$465,000) in FY13 and continued forward.

SGC Move to CFC (and DOC assumption of interstate compact responsibility):

The Department assumes no fiscal impact to serve as the state council for Interstate Adult Offender Supervision or to be on call to the Governor with regards to overcrowding in state residential correctional facilities.

**Part III: Expenditure Detail**

**III. A - Expenditures by Object Or Purpose**

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	(56.8)	(81.5)	(69.2)	(81.5)	(81.5)
A-Salaries and Wages	(2,250,381)	(3,338,538)	(5,588,919)	(6,677,076)	(6,677,076)
B-Employee Benefits	(435,485)	(1,235,268)	(1,670,753)	(2,470,536)	(2,470,536)
C-Personal Service Contracts	118,261	118,261	236,522	236,522	236,522
E-Goods and Services	145,622	(40,252)	105,370	(80,504)	(80,504)
G-Travel	4,434	(3,036)	1,398	(6,072)	(6,072)
J-Capital Outlays	25,000	25,000	50,000	50,000	50,000
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	(136,426)	(184,690)	(321,116)	(369,380)	(369,380)
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total:</b>	<b>\$(2,528,975)</b>	<b>\$(4,658,523)</b>	<b>\$(7,187,498)</b>	<b>\$(9,317,046)</b>	<b>\$(9,317,046)</b>

**III. B - 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 2012	FY 2013	2011-13	2013-15	2015-17
Administration - various		12.5	12.5	12.5	12.5	12.5
Community Corrections - various		(69.3)	(94.0)	(81.7)	(94.0)	(94.0)
<b>Total FTE's</b>		<b>(56.8)</b>	<b>(81.5)</b>	<b>(69.2)</b>	<b>(81.5)</b>	<b>(81.5)</b>

**III. C - Expenditures By Program (optional)**

Program	FY 2012	FY 2013	2011-13	2013-15	2015-17
Administration (100)	1,413,443	1,413,443	2,826,886	2,826,886	2,826,886
Community Corrections (300)	(3,942,418)	(6,071,966)	(10,014,384)	(12,143,932)	(12,143,932)
<b>Total \$</b>	<b>(2,528,975)</b>	<b>(4,658,523)</b>	<b>(7,187,498)</b>	<b>(9,317,046)</b>	<b>(9,317,046)</b>

**Part IV: Capital Budget Impact**

NONE

## Part V: New Rule Making Required

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

Department of Corrections  
 Summary Savings  
 Senate Savings Bill SB 5891

	FY12					FY13					Total				
	ADP	FTEs	Funds			ADP	FTEs	Funds			FTEs	Funds			
			GFS	COS	Total			GFS	COS	Total		GFS	COS	Total	
Supervision of Jail Offenders	(574)	(13.9)	(767,948)	(25,432)	(793,380)	(574)	(18.5)	(1,127,775)	(33,909)	(1,161,684)	(16.2)	(1,895,724)	(59,340)	(1,955,064)	
FTOW Supervision	(832)	(21.3)	(1,158,896)	(59,277)	(1,218,173)	(881)	(30.0)	(1,841,024)	(62,794)	(1,903,817)	(25.7)	(2,999,920)	(122,071)	(3,121,991)	
Eliminate Tolling for most offenders	(845)	(34.1)	(1,997,518)	(58,346)	(2,055,864)	(845)	(45.4)	(2,915,265)	(91,199)	(3,006,464)	(39.8)	(4,912,783)	(149,546)	(5,062,329)	
Cost of Supervision Fee			875,000	(750,000)	125,000			-	-	-	-	875,000	(750,000)	125,000	
ISRB Move to DOC		12.5	1,413,443		1,413,443		12.5	1,413,443		1,413,443	12.5	2,826,885	-	2,826,885	
Total Changes	(2,251)	(56.8)	(1,635,920)	(893,055)	(2,528,975)	(2,300)	(81.5)	(4,470,621)	(187,902)	(4,658,523)	(69.1)	(6,106,541)	(1,080,957)	(7,187,498)	
					-										
Program 100		12.5	1,413,443		1,413,443		12.5	1,413,443		1,413,443	12.5	2,826,885		2,826,885	
Program 300	(2,251)	(69.3)	(3,049,362)	(893,055)	(3,942,418)	(2,300)	(94.0)	(5,884,064)	(187,902)	(6,071,966)	(81.6)	(8,933,426)	(1,080,957)	(10,014,383)	
All	(2,251)	(56.8)	(1,635,920)	(893,055)	(2,528,975)	(2,300)	(81.5)	(4,470,621)	(187,902)	(4,658,523)	(69.1)	(6,106,541)	(1,080,957)	(7,187,498)	
Object Totals:															
A					(2,250,382)					(3,338,538)				(5,588,920)	
B					(435,485)					(1,235,268)				(1,670,753)	
C					118,261					118,261				236,522	
E					145,622					(40,252)				105,370	
G					4,434					(3,036)				1,398	
J					25,000					25,000				50,000	
N					(136,426)					(184,690)				(321,116)	
Total					(2,528,975)					(4,658,524)				(7,187,499)	





**Cost of Supervision Fund  
Revenue Projection with new Legislation**

FY10 projected avg assessment rate for one year	187									
New one-time Intake Fee	475									
	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Projected Beginning Fund Balance	1,277,921	1,076,036	667,003	467,371	376,209	350,257	363,749	402,079	461,619	536,508
One-time influx of funding to maintain balance	750,000									
Avg # of yearly CCD causes (based on Aug 09 thru Jul 1	14,967	14,967	14,967	14,967	14,967	14,967	14,967	14,967	14,967	14,967
Percentage of actual causes assessed a fee	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Number of causes assessed a fee per year	14,219	14,219	14,219	14,219	14,219	14,219	14,219	14,219	14,219	14,219
Percentage of causes assumed with offense date prior to	76.8%	38.9%	23.9%	16.1%	11.4%	8.5%	6.8%	5.2%	4.1%	3.2%
Percentage of causes assumed with offense date after 7	23.2%	61.1%	76.1%	83.9%	88.6%	91.5%	93.2%	94.8%	95.9%	96.8%
Total amount in dollars available for collection per year	3,609,668	5,161,360	5,777,249	6,096,274	6,288,073	6,404,082	6,477,135	6,539,517	6,584,662	6,623,241
Percentage of collection	34%	34%	34%	34%	34%	34%	34%	34%	34%	34%
Projected collection/revenue	1,227,287	1,754,862	1,964,265	2,072,733	2,137,945	2,177,388	2,202,226	2,223,436	2,238,785	2,251,902
COS collected in Prison via TAS (\$291,000 based on FY	291,000	291,000	291,000	291,000	291,000	291,000	291,000	291,000	291,000	291,000
Total Revenue per fiscal year	1,518,287	2,045,862	2,255,265	2,363,733	2,428,945	2,468,388	2,493,226	2,514,436	2,529,785	2,542,902
New Out-of-State application transfer fee	45,828	61,104	61,104	61,104	61,104	61,104	61,104	61,104	61,104	61,104
Total all Revenue sources for proposed legislation	1,564,115	2,106,966	2,316,369	2,424,837	2,490,049	2,529,492	2,554,330	2,575,540	2,590,889	2,604,006

Maintenance level expenditure allocation	(2,516,000)	(2,516,000)	(2,516,000)	(2,516,000)	(2,516,000)	(2,516,000)	(2,516,000)	(2,516,000)	(2,516,000)	(2,516,000)
Projected Ending Fund Balance	1,076,036	667,003	467,371	376,209	350,257	363,749	402,079	461,619	536,508	624,514
Needed Reserve (two months of maintenance level exp	419,333	419,333	419,333	419,333	419,333	419,333	419,333	419,333	419,333	419,333

Average yearly causes incorporates closures within 30 days of the admit date  
 Don't Assess insanity equital, Parole (PAR), supervised appeal (SAP) by policy  
 Percentage of actual assessments factors in court waivers and CCD program administration and policy decisions  
 Note: Percentage of collection assumes a combination of amount received from current year assessments and previous year still on supervision  
 This projection assumes, balance due collections for offenders prior to the passing of this bill, is only collected when serving a new sentence  
 In actuality some of the prior year(s) assessment fee may be collected while on current community supervision

FY11 Projected Balance	Updated Projection	
	8/11/2010	
FY10 Bal	2,833,921	
FY11 Rev	960,000	
FY11 Exp	(2,516,000)	209,667
<b>FY11 projected ending Balance</b>	<b>1,277,921</b>	<b>419,333</b>

11-13 projected revenue (assumes current practice)	1,920,000	Two year total
11-13 maintenance level expenditures	(5,032,000)	Two year total
Fund Balance projected as of June 30, 2013	(1,834,079)	assumes current practice

Projected additional revenue receipts	604,115	1,146,966	1,356,369	1,464,837	1,530,049	1,569,492	1,594,330	1,615,540	1,630,889	1,644,006
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# Individual State Agency Fiscal Note

<b>Bill Number:</b> 5891 E S SB	<b>Title:</b> Criminal justice savings	<b>Agency:</b> 325-Sentencing Guidelines Commission
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## Part I: Estimates

No Fiscal Impact

**Estimated Cash Receipts to:**

NONE

**Estimated Expenditures from:**

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	(8.7)	(8.7)	(8.7)	(8.7)	(8.7)
<b>Account</b>					
General Fund-State      001-1	(957,000)	(947,000)	(1,904,000)	(1,904,000)	(1,904,000)
<b>Total \$</b>	(957,000)	(947,000)	(1,904,000)	(1,904,000)	(1,904,000)

**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: Alex MacBain	Phone: 360-786-7288	Date: 05/19/2011
Agency Preparation: Keri-Anne Jetzer	Phone: 360-407-1070	Date: 05/23/2011
Agency Approval: Duc Luu	Phone: 360-407-1075	Date: 05/23/2011
OFM Review: Ryan Black	Phone: 360-902-0417	Date: 05/23/2011

Request # 325-11-096-1

## Part II: Narrative Explanation

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

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

Elimination of the SGC as an agency would create costs not currently budgeted in FY 11 as detailed below. The SGC assumes that the agencies absorbing the functions of the SGC will be responsible for these expenses.

### II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

none

### II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Elimination of the SGC as an agency would create costs not currently budgeted in FY 11 as detailed below. The SGC assumes that the agencies absorbing the functions of the SGC will be responsible for these expenses.

## Part III: Expenditure Detail

### III. A - Expenditures by Object Or Purpose

	FY 2012	FY 2013	2011-13	2013-15	2015-17
FTE Staff Years	(8.7)	(8.7)	(8.7)	(8.7)	(8.7)
A-Salaries and Wages	(527,609)	(527,609)	(1,055,218)	(1,055,218)	(1,055,218)
B-Employee Benefits	(162,413)	(162,413)	(324,826)	(324,826)	(324,826)
C-Personal Service Contracts					
E-Goods and Services	(220,380)	(210,380)	(430,760)	(430,760)	(430,760)
G-Travel	(44,598)	(44,598)	(89,196)	(89,196)	(89,196)
J-Capital Outlays	(2,000)	(2,000)	(4,000)	(4,000)	(4,000)
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
<b>Total:</b>	<b>\$(957,000)</b>	<b>\$(947,000)</b>	<b>\$(1,904,000)</b>	<b>\$(1,904,000)</b>	<b>\$(1,904,000)</b>

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

<b>Job Classification</b>	<b>Salary</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>2011-13</b>	<b>2013-15</b>	<b>2015-17</b>
Administrative Assistant	45,828	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Data Compiler	35,928	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Deputy Director	75,748	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Executive Director	100,000	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Office Trainee	29,112	(0.4)	(0.4)	(0.4)	(0.4)	(0.4)
Policy Counsel	67,795	(0.6)	(0.6)	(0.6)	(0.6)	(0.6)
Research Analyst A	41,508	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
Research Analyst B	41,508	(0.8)	(0.8)	(0.8)	(0.8)	(0.8)
Research Investigator	69,756	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
SOPB Director	73,244	(1.0)	(1.0)	(1.0)	(1.0)	(1.0)
<b>Total FTE's</b>	<b>580,427</b>	<b>(8.7)</b>	<b>(8.7)</b>	<b>(8.7)</b>	<b>(8.7)</b>	<b>(8.7)</b>

**Part IV: Capital Budget Impact**

Elimination of the SGC as an agency would create costs not currently budgeted in FY 11 as detailed below. The SGC assumes that the agencies absorbing the functions of the SGC will be responsible for these expenses.

**Part V: New Rule Making Required**

*Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.*

**ESSB 5891**  
**CRIMINAL JUSTICE COST SAVINGS**  
**325 – Sentencing Guidelines Commission**  
**May 23, 2011**

**SUMMARY**

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

- Section 1 Amends RCW 9.94A.171 to remove tolling on partial confinement for time offender spends in total confinement prior to a hearing for violation of a condition of supervision, for a sanction imposed for a violation of a condition or for inpatient treatment ordered by the court in lieu of jail time. Sanctions resulting in the imposition of the remaining sentence or the original sentence will continue to toll the period of community custody. Sex offenders will be tolled for any period of time they are in total confinement for any reason. Defines tolling as the period of time in which community custody or confinement time is paused and for which the offender does not receive credit towards the term ordered.
- Section 2 Amends RCW 9.94A.501 to eliminate supervision for jail and court offenders with the exception of offenders with a history of committing domestic violence offenses, assessed at a high risk to reoffend, or sentenced to an alternative sentence. Jail sex or serious violent offenses with community custody sentenced under 9.94A.702 who are not classified as high risk to reoffend will no longer be supervised by DOC.
- Section 3 Adds a new section to chapter 9.94A RCW mandating supervision for offenders convicted prior to August 2, 2011, who have a conviction of assault or violation of a domestic violence court order and a prior conviction for a violent offense, a sex offense, a crime against a person, a fourth degree assault, or a domestic violence court order. This section expires August 1, 2014.
- Section 4 Amends RCW 9.94A.729 to eliminate DOC discretion to hold an offender past his or her earned early release date if the offender has less than one year to serve of his or her sentenced term of confinement. DOC may deny transfer to community custody if the offender has more than one year to serve or if it appears that the offender may meet the criteria of a sexually violent predator and has been referred to the End of Sentence Review Board.
- Section 5 Amends RCW 9.92.060 to add language regarding probation officers employed or contracted for by the county.
- Section 6 Amends RCW 9.95.204 to change language regarding county supervision services.
- Section 7 Amends RCW 9.95.210 to add reference to section three of this act.
- Section 8 Amends RCW 9.94A.030 to add reference to RCW 9.94A.501 and section 3 of this act.
- Section 9 Amends RCW 9.94A.650 to modify the amount of community custody the court may impose to 6 months or 12 months if treatment is ordered.

- Section 10-14 Relates to cost of supervision and does not affect criminal sentencing.
- Section 15-25 Relates to the Indeterminate Sentence Review Board and does not affect criminal sentencing.
- Section 26 Adds a section to chapter 9.94A RCW stating that the standard sentencing ranges of total or partial confinement under this chapter, except as provided in the drug grid, are subject to the limitations that were formerly listed 9.94A.850(4).
- Section 27 Amends RCW 9.94A.480 to change references to sentencing guidelines commission to caseload forecast council. This section governs who maintains and retains felony judgment and sentencing records and related documents across the state. It removes the requirement of the annual cumulative judges' sentencing practice reports, the requirement of the maintenance of comparative records of individual judge's sentencing practices, and the requirement of additional notations regarding sentences outside the presumptive range or alternative sentencing options.
- Section 28 Adds a new section to chapter 43.88C RCW establishing that caseload forecast council will maintain the adult and juvenile sentencing databases previously maintained by SGC and publish an annual statistical summary for both juvenile dispositions and adult felony sentencing. The caseload forecast council shall also publish and maintain an adult felony and juvenile sentencing manuals and shall not be liable for errors or omissions in these manuals or inappropriately calculated sentences resulting from any errors or omissions. These published materials shall be available on the caseload forecast council's website and they may charge a reasonable cost for producing and distributing hard copies of any materials.
- Section 29 Adds a new section to chapter 43.88C RCW stating that the caseload forecast council shall appoint a research staff of sufficient size and with sufficient resources to accomplish its duties and may request data, information, and data processing assistance as needed and without cost from AOC and DSHS.
- Section 30 Amends RCW 13.50.010, changing references to SGC to caseload forecast council in regards to juvenile data and records.
- Section 31 Amends RCW 9.94A.74501, changing references to SGC to DOC in regards to the state council for interstate adult offender supervision.
- Section 32 Amends RCW 10.98.140, changing references to SGC to caseload forecast council in regards to keeping records of all sentences outside the standard range. It also removes the requirement of the Office of Financial Management to be the official state agency for the sentenced felon jail forecast.
- Section 33 Amends RCW 10.98.160 to remove a reference to SGC.
- Section 34 Amends RCW 70.96A.350 to remove a reference to SGC.
- Section 35 Amends RCW 72.66.016 to include references to both genders and remove a reference to the Board of Prison Terms and Paroles and SGC.
- Section 36 Amends RCW 9.94A.860 to create the SGC and locate it within the OFM as an advisory-only commission that may, except as provided in RCW 9.94A.875, advise the Governor and the Legislature as deemed necessary. The SGC may meet as necessary to accomplish

purposes within funds appropriated. Members may be reimbursed for travel expenses but may not be compensated for their participation.

- Section 37 Amends RCW 9.94A.8673 to mandate that the Sentencing Guidelines Commission establish and maintain a sex offender policy board (SOPB), within funds appropriated for this purpose, to advise the Governor and the legislature. As requested by the Governor or a legislative committee of jurisdiction, the SOPB may convene to undertake projects to assist policymakers and conduct case reviews. The SOPB will consist of thirteen voting members designated by the organizations they represent. As appropriate, the SOPB shall consult with the criminal justice division in the attorney general's office and WSIPP. Members of the SOPB shall not be compensated but may be reimbursed for travel.
- Section 38 Amends RCW 9A.52.025 to remove references to SGC and the Juvenile Disposition Standards Commission in regard to the guidelines and standards relating to residential burglary.
- Section 39 Repeals additional RCWs related to the SGC and SOPB.
- Section 40 Amends RCW 9.95.011 to redirect the statute reference of the purposes, standards and sentencing ranges to chapter 9.94A RCW.
- Section 41 Amends RCW 9.95.009 to redirect the statute reference of the purposes, standards and sentencing ranges to chapter 9.94A RCW.
- Section 42 Outlines effective dates by which DOC shall recalculate terms of community custody.
- Section 43 New section that repeals 2011 c 96 s 11.
- Section 44 Sections 1 through 9 and 42 of this act take effect immediately.
- Section 42 Section 43 of this act takes effect July 1, 2011.

## **EXPENDITURES**

### **Impact on the Sentencing Guidelines Commission**

Elimination of the SGC as an agency would create costs not currently budgeted in FY 11 as detailed below. The SGC assumes that the agencies absorbing the functions of the SGC will be responsible for these expenses.

**Total shutdown costs: \$449,981-\$558,981 or more** (depending on IT issues with the databases).

**1. Unemployment benefits for SGC staff: \$94,172\***

**2. Vacation buyouts: \$42,897\***

\*These costs assume that all SGC staff would no longer be in state service.

**3. Lease penalties: \$175,762**

- a. Building lease (\$4,188/month), starting July 1, 2011, there are 38 months left on the lease contract, therefore, potential lease penalties will be \$159,144.
- b. Utilities (\$411/month), starting July 1, 2011, there are 38 months left on the lease contract, therefore, potential utilities cost will be \$15,618.
- c. Equipment lease (copier and misc) approx. \$1,000.

#### **4. Database migration: \$91,000\*\***

To migrate the databases and related technical environments to another location, we received a quote of \$91K from the consultant from Washington State Board for Community & Technical Colleges who conducted the beginning phases of a database assessment. This estimate assumed the following:

- a. Existing hardware and software moved as-is.
- b. Existing applications and databases will be moved as-is with no improvements in functionality.
- c. Existing supporting files and processes will be moved as-is with no improvements.
- d. OFM technical environment and infrastructure exists for SGC servers and equipment.

\*\*If our databases can not be supported in the new environment and must be upgraded, then costs could exceed \$200K according to the upgrade estimates we have received from former contractors.

Risks to moving the databases include:

- a. The source code is incomplete for the application that strips email attachments (judgment and sentencing forms) and places them in folders for processing.
- b. Potential service downtime
- c. Applications not functioning correctly after migration which could involve making changes to source code and re-deploying application. This risk is also associated to the software platform (Visual Basic 6.0) that is no longer supported by Microsoft.
- d. Damage to servers, workstations, or equipment during the move. The equipment is old.
- e. Technical environment (hardware and software) is out-of-date and difficult to rebuild or replace.
- f. Software applications are out-of-date and not supported by Microsoft. As such, they may not run on newer hardware.

#### **5. Department of Personnel charges: \$46,150**

In the fiscal note for HB 1371 (elimination of boards and commissions), DOP estimates that it requires 177.5 hours of contract labor at \$260 an hour to abolish an agency. This includes:

- a. Configuration changes to abolish the personnel area, sub areas, and tax company
- b. Review and modification of any time management related tables for quotas, absences, work schedules, time quota, wage types, compensation, and shared leave pool functionality for the abolished personnel.
- c. Area/Personnel Sub Area grouping
- d. Removal of Federal Employer's Identification Number and coordinate with OST and OFM on the EFTPS process
- e. Review and modify Labor and Industries (L&I) Firm Number and the associated L&I (medical aid) rates within the system.
- f. Review for impact of agency's retirement department numbers
- g. Review and modify the Employment Security firm number for unemployment insurance reporting
- h. Review and modify any financial reporting information as needed
- i. Turn off agency indicators for the Health Care Authority (HCA) insurance system
- j. Mainframe development to updates to the HCA insurance system, AFRSCODE, crosswalk tables, medical aide firm number, EOS distribution for reports, PERSTBLE for billing, Online Assist Help documentation, validation/testing
- k. Remove agency security from HRMS and HCA's insurance system and any security access needed to assign roles for the employees needing access to HRMS



- l. Remove all batch processing and variants
- m. Review for impact any reporting changes as needed
- n. System testing of the configuration changes

**Total Impact on community custody caseloads (see individual assumptions and impacts below)**  
 Analysis for the entire bill shows a caseload savings of 51 the first fiscal year and reaches maximum savings of 1,029 in the sixth fiscal year (FY17).

**Average Monthly Community Custody Caseload Impacts**  
**ESSB 5891 Criminal Justice Cost Savings**  
 Sentencing Guidelines Commission  
 May 23, 2011

	Fiscal Year									
	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Comm Cust from Jail AMP	-51	-556	-984	-1,013	-1,026	-1,029	-1,029	-1,029	-1,029	-1,029
Comm Cust from Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Cust from Prison AMP (Non-DOSA)	0	0	0	0	0	0	0	0	0	0
<b>Comm Custody Caseload AMP (Total)</b>	<b>-51</b>	<b>-556</b>	<b>-984</b>	<b>-1,013</b>	<b>-1,026</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>

  

	Fiscal Year									
	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
Comm Cust from Jail AMP	-1,029	-1,029	-1,029	-1,029	-1,029	-1,029	-1,029	-1,029	-1,029	-1,029
Comm Cust from Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Cust from Prison AMP (Non-DOSA)	0	0	0	0	0	0	0	0	0	0
<b>Comm Custody Caseload AMP (Total)</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>	<b>-1,029</b>

**Assumptions – Supervision Reduction**

The adult community custody caseload impacts for this bill were calculated under the following assumptions:

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2010 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, *etc.* (*i.e.*, there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Sentences are discounted by the ratio of sentences to jail or prison admissions.
- Length of stay in jail is calculated using a figure for average earned release, based on a survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- Length of stay in jail is included in the analysis to provide proper timing of active community custody supervision.
- Data excludes sentences with lifetime community custody terms, SSOSA, DOSA, and FTOW sentencing alternatives.
- Data includes sentences with a sex, serious violent or failure to register offense that were imposed a community custody term under 9.94A.702.
- The SGC is unable to predict which sentences will have a current and prior conviction for a domestic violence felony offense that has been plead and proven after August 1, 2011; therefore, these sentences are not considered in the analysis.

**Impact on community custody caseloads – Supervision Reduction**

In FY10, there were 130 jail sentences that were impacted by the change in community custody in this bill (0 serious violent, 1 failure to register and 129 sex offenses). These sentences translate into approximately 90 offenders. The current average sentence length imposed was 7.1 months and the current average length of stay was 5.1 months. The current average community custody term imposed was 22.0 months.

Analysis of the data shows a caseload savings of 20 offenders the first fiscal year, reaching maximum savings impact of 169 in the sixth fiscal year (FY17).

**Average Monthly Community Custody Caseload Impacts**  
**ESSB 5891 Criminal Justice Cost Savings**  
 Sentencing Guidelines Commission  
 May 23, 2011

	Fiscal Year									
	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Comm Cust from Jail AMP	-20	-88	-125	-152	-166	-169	-169	-169	-169	-169
Comm Cust from Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Cust from Prison AMP (Non-DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Custody Caseload AMP (Total)	-20	-88	-125	-152	-166	-169	-169	-169	-169	-169

	Fiscal Year									
	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
Comm Cust from Jail AMP	-169	-169	-169	-169	-169	-169	-169	-169	-169	-169
Comm Cust from Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Cust from Prison AMP (Non-DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Custody Caseload AMP (Total)	-169	-169	-169	-169	-169	-169	-169	-169	-169	-169

**Assumptions - FTOW**

The adult jail and prison bed impacts for this bill were calculated under the following assumptions:

- Sentences are based on Sentencing Guidelines Commission Fiscal Year 2010 adult felony sentencing data, and assume no changes in crime rates, filings, plea agreement practices or sentencing volumes, etc. (i.e., there will be an identical number of sentences each year).
- Sentences are distributed evenly by month.
- Sentences are discounted by the ratio of sentences to jail or prison admissions.
- Length of stay in jail is calculated using a figure for average earned release, based on a survey of local jails by the Sentencing Guidelines Commission, the Office of Community Development and the Washington State Association of Counties.
- Bed impacts are calculated without a phase-in factor as the act is effective immediately.

**Impact on community custody caseloads – FTOW**

In FY10, there was a total of 1,471 FTOW sentences. Of these, 93 received no community custody term, 356 received a 12-month term and 1,022 received a 24-month term. Only 1,377 would be affected by this proposal (those with a 12- or 24-month term).

Analysis shows a community custody caseload savings of 31 in the first fiscal year and maximum savings of 860 by the fourth fiscal year (FY16).

**Average Monthly Community Custody Caseload Impacts**  
**ESSB 5891 - Criminal Justice Cost Savings**  
**Sentencing Guidelines Commission**  
**May 23, 2011**

	Fiscal Year									
	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Comm Cust from Jail AMP	-31	-468	-858	-860	-860	-860	-860	-860	-860	-860
Comm Cust from Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Cust from Prison AMP (Non-DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Custody Caseload AMP (Total)	-31	-468	-858	-860	-860	-860	-860	-860	-860	-860

	Fiscal Year									
	FY22	FY23	FY24	FY25	FY26	FY27	FY28	FY29	FY30	FY31
Comm Cust from Jail AMP	-860	-860	-860	-860	-860	-860	-860	-860	-860	-860
Comm Cust from Prison AMP (DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Cust from Prison AMP (Non-DOSA)	0	0	0	0	0	0	0	0	0	0
Comm Custody Caseload AMP (Total)	-860	-860	-860	-860	-860	-860	-860	-860	-860	-860